

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=607></url>

LEGISLATIVE COUNCIL. Wednesday, 18th September, 1901. First Readings-Second Reading-Third Reading -Napier Maori Club Reserve-Physical Drill in Public and Native Schools-Cigarette-smoking by Youths Prohibition Bill-Gaming and Lot-teries Bill Law - Amendment Bill-The late President McKinley. The Hon. the SPEAKER took the chair at half-past two o'clock. PRAYERS. #cc-zero FIRST READINGS. Arbitration Court President Validation Bill, Education Boards Election Bill. SECOND READING. Arbitration Court President Validation Bill. THIRD READING. Arbitration Court President Validation Bill. NAPIER MAORI CLUB RESERVE. The Hon. Mr. TOMOANA asked the Minister of Education, Whether the Government will ascertain by what authority Section No. 555, Town of Napier, has been sold, this section having been provided by the Government as a site for a Maori club? He was under the impression that the land could not be sold, but he had now heard that the section had been sold. Many years ago the Natives asked the Government to let them have a site for a building which the Natives could use when attending the sittings of the Native Land Court in Napier, and the Government had given them that piece of land. He had been so convinced at the time that this was a reserve for the Natives that he himself had erected a building on it for the use of his people, and had paid £340 for it out of his own pocket. He was accompanied by Captain Hill, a tenant of his, when he paid the money. Karaitiana, his fellow chief, was absent on the West Coast attending the Court dealing with the purchase of the Manawatu Block, and when Karaitiana returned he (Tomoana) had paid the money. He had never been aware who was appointed trustee for the section; all he knew was that it was to be a permanent reserve as a site for a Maori club. The Hon. Mr. W. C. WALKER asked in what year the honourable gentleman had spent the money. The Hon. Mr. TOMOANA could not give the exact date, but it was the year when the Manawatu Block was before the Court, when the late Sir William Fox was acting on behalf of the Government. The Hon. Mr. W. C. WALKER said he had asked the question because he wanted as far as possible to get the proper history of the section. By referring to the statute-book of 1877 the honourable member would see that this block was specially dealt with amongst other sections. The Act was a local one, authorising the Governor to complete certain unfulfilled engagements relating to land, and for that purpose to issue Crown grants in certain cases. The Act provided :- "The contracts, promises, or engagements severally enumerated in the Schedule to this Act are hereby ratified and confirmed, and it shall be lawful for the Governor to do all things that may be necessary for or towards the fulfilment or completion of any of the aforesaid contracts, promises, or engagements respectively; and every Crown grant made and issued in any such case shall be deemed to be legally made and issued." The Schedule stated as follows :- "Promises to Natives -(2.) Karaitiana Tamoana : The promise of a grant to him inalienably of Section 555, in the Town of Napier, containing } acre." He did not know whether the honourable gentleman was in Parliament in those days and knew what was going on. At all events, apparently in the year 1877-that was ten years after the date on which his honourable friend said that he had advanced the money for building the Maori club - the section was inalienably conveyed to Karaitiana in consequence of a promise that had been given to him. That was done under the authority of the Act which he had just quoted. On his death his son succeeded to his father's interest in the section, and in 1896 or 1897 it was sold to raise funds to pay his debts. He had tried to find a connection between this section and the erection of a Maori club. Unfortunately, the office stated that some of the early files of Native Office records relating to this grant could not now be found; but there was no doubt that the section had been dealt with under the Act he had quoted, but the department had no documents to connect in any shape or form this section with the erection of a Maori club. If the honourable gentleman

<https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=608>

his statement, and to assist in establishing a specific connection between this section and the erection of a Maori club, he would be only too glad to go into the question with him with the view of seeing what could be done. It was evidently a very old story. If the money was advanced as far back as 1867, or even before that, and the land was made inalienable in 1877, it was quite clear that it would be very hard to set the matters right.

PHYSICAL DRILL IN PUBLIC AND NATIVE SCHOOLS. The Hon. Colonel PITT .- I beg to move, That this Bill be now read the third time. The Hon. Mr. T. KELLY .- Although this Bill has been amended by the Statutes Revision Committee, I think it ought to be further amended before it is sent to the House, to make it consistent with itself. The last three words of clause 2 appear to me to be unnecessary. The clause reads as follows : "It shall be the duty of the Board in each district to cause physical drill to be taught to all boys and girls over the age of eight years attending the public schools in the district." Now, I think the words "in the district " are superfluous. I think the words "boys and girls" are unnecessary. These should be deleted and substituted by " children," because in clause 5 we use the word "children." In clause 6 the words " boy or girl" should be deleted, and the word "child" inserted in their place. The Bill would be in line with the Act of 1877 and consistent with itself. I hope the honourable gentleman in charge of the Bill will make these alterations in it. The Hon. Colonel PITT .- I think it is rather late for the honourable gentleman to call attention to these points. He should have done so in Committee. After all, the difference between the words pointed out is immaterial. It does not make much difference whether " boys and girls " or " children " is used, and I do not think the proposed alteration is sufficiently important to necessitate the recommitment of the Bill. I move the third reading. The Hon. Mr. T. KELLY .- I did call the honourable gentleman's attention to the matter when the Bill was in Committee. My function then was to move the amendments made by the Statutes Revision Committee. Bill read the third time.

CIGARETTE - SMOKING BY YOUTHS PROHIBITION BILL. ADJOURNED DEBATE. The Hon. Mr. W. C. SMITH .-- I have much pleasure in supporting the second reading of this Bill, the principle of which is a very good one, and I am sorry it was not in force many years ago. There is no doubt that cigarette-smoking is a great drawback to the youth of the colony, and if we can make some small alteration in the Bill in Committee I think it will be a good one. The Hon. Mr. SCOTLAND .- I never like to vote for turning out a Bill unceremoniously. If Hon. Mr. W. C. Walker as to make it a Bill prohibiting the manufacture and sale of cigarettes in the colony altogether I should be very well pleased, and I think there might be a chance of it becoming law. I therefore will not vote for the amendment. The Hon. Mr. REEVES .- I would only point out that it is quite possible for members to make certain alterations when the Bill goes into Committee. I think that is the right thing, and I shall therefore vote for the Bill. The Hon. Mr. BOWEN .- I think much the same as the honourable gentleman who last spoke, and I shall vote for the second reading. In its present shape I do not think the Bill is workable. To my mind. a great deal more can be done by administration, than by legislation of this sort. If a little authority was given to schoolmasters and others to check this practice among children, good would result. I know it. can be checked, because I know that in my young days smoking was a very serious offence at an English public school, and it was pretty well put down. There are several ways in which it might be put down. I know how an Inspector of Police in this colony, who was a very good hand with young people, managed to throw ridicule on juvenile smoking, and without asking for legal authority often knocked the pipes out of the mouths of small boys in the streets ; the result was that they were very shy of exhibiting their newly acquired accomplishment when they thought he might appear on the scene, and his action had a very good effect. If some system of administration was adopted, giving power to the police to prevent young people smoking in the streets, it would be a practicable reform. In its present shape I fear the Bill will not be very effective, but I shall vote for the second reading. The Hon. Mr. T. KELLY .- I have heard nothing said by members during the debate on this Bill which would justify its existence. If passed it will remain on the statute-book a

dead-letter. It will be one of those Bills passed in a kind of virtuous panic of trying to do what is practically impossible. Such a Bill as this could never be put into force in most places in the colony, and I think it is a mistake. Smoking by boys, as every person knows, is not a new thing ; every man in this Council knows that from his own experience as a boy. The best cure of the evil of boys smoking is for men to set a good example. If it was confined to stop the smoking of cigarettes, or even pipes, in public places I could see some benefit to the community in it, but to try and prevent boys smoking cigarettes all over the country is, if honourable members will only reflect, absurd. It might be operative in large towns where the police are about, but outside of such places the Bill will be practically inoperative. But, to apply it to the colony generally, I am certain it will be found that the Act will be a failure. The law would never be observed beyond the range of the policeman's eye, because it could be so easily evaded. And the effect on the boys would be bad for their moral character, as it would tend to evasion

<page>589</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=609></url>

and untruth. I would like to see cigarette-smoking stopped in public places when indulged in by boys of fourteen years of age and under, but the attempt is, in my opinion, of an impracticable character. The Hon. Colonel PITT.-I feel very thankful to many members who have spoken in support of this measure, and to honourable members generally for the kind reception the Bill has received. No one who has spoken upon the Bill, probably with the exception of the honourable gentleman who moved the amendment, has condemned the principle which I contend for in the Bill. It is not a Bill put forward by me to improve the morals of boys, but it is put forward to protect the health of the boys and help their physical development. Two classes of objections have been made to the measure. One is that the Bill does not go far enough. Some honourable members would like to see the manufacture and sale of cigarettes prohibited in the colony. I have no hope myself of that being done, and I have not attempted it. On the other hand, some members say that this Bill goes too far, inasmuch as the provisions of the Bill are too drastic, and exception has been taken to a Magistrate being given discretion to order a boy to be whipped for a third offence, it being said that that is tyrannical, and something that ought not to be encouraged. When I moved the second reading of the Bill I said its provisions were merely a suggestion, and therefore liable to be altered and improved in Committee; but one honourable gentleman seemed to think that every boy convicted under this Act would be seventeen years of age, and did not appear to give a Magistrate any credit as to exercising a discretion as to the age of a boy he might order to be whipped. There was one feature of the debate I did not like. The Hon. Mr Jones, in discussing this question of whipping, said it was wrong, that it took the pride and self-dignity out of the boy. Now, Sir, we ought to be fair in all these matters. I am afraid we are apt, as remarked the other day by the Hon. Mr. Bowen, to view these questions as they affect ourselves. It is provided in the Industrial Schools Act that if one of the waifs committed there runs away from an industrial school a Magistrate has power to order him to be privately whipped if under the age of fifteen years. Now, Sir, why should these unfortunate children be liable to be whipped, whilst a son of a member of this Council detected in surreptitious cigarette-smoking is not to be whipped. Sir, if birching is wrong let us eliminate it from the statute book altogether. That is the proper course to adopt. However, if the members of the Council are against the Magistrate having power to order a boy to be whipped, by all means strike it out of the Bill, and reduce the age if you like. Another objection taken to the Bill is that it will be quite impossible to enforce it. I venture to say there is nothing whatever in that argument. If that is '50, if we cannot stop these offences by legislation, what is the use of legislation at all? You cannot stop the crime of murder, or stealing, or any of the crimes that are legislated against in our Criminal Code. You might as well say you cannot stop Sunday trading under the Licensing Act, or that you cannot prevent the use of obscene or profane language. All these matters are legislated against in one form or another, and, if you cannot absolutely prevent such offences you can

very materially reduce them, and I venture to say that provision for the infliction of a fine for the offence of smoking will make a parent pretty careful to see that his boys do not offend. It may be said that the lads will not do it openly, but will do it clandestinely. I am inclined to think, if you prevent them from doing it openly, that in itself will in a great measure prevent them doing it at all, because I think that most boys do it merely in the spirit of showing off, and if they have to go out of the way to do it all the attraction of smoking will be taken away. I do not think it necessary to occupy the time of the Council further, because all the objections raised to the Bill are such as can be dealt with in Committee. I am prepared to accept any reasonable amendment, but the principle of the Bill, I think, has been very generally approved by the Council, and I trust, in Committee, we shall be able to make it a workable measure. The Hon. Mr. JONES .- I am surprised that a gentleman who can use such sound arguments why the principle of the Bill should be adopted, should be guilty of such an indiscretion as to advocate whipping in connection with the offence of juvenile smoking, and I am still more surprised that he adduced such weak arguments why a boy should be whipped for smoking. Notwithstanding this blemish, I believe the measure is a good one, and in Committee we shall be able to eliminate any of those objections which have been pointed out by members who are honestly desirous of doing good in this matter. I was also surprised at the doleful dirge uttered by the Hon. Mr. Kelly. He admitted juvenile smoking was an evil, but said it would always exist, do what we might. That was a very hopeless position to take up in regard to this question, which, it must be admitted, is not only a very serious social question, but also a physical one, involving the soundness of our future men and women. If we were not to attempt to surmount difficulties nothing good would be achieved in the world ; we should never know what existed beyond the horizon or over the hill. New Zealand might never have been discovered, and we should not have been here, and what a loss that would have been to us, if not to the world. I am very pleased to find that so many approve of the principles of the Bill. This is social legislation, and the men who vote for this are men with ideals, and unless men have ideals they are only one remove from barbarians. The Hon. Mr. LOUISSON .- I shall support the second reading of the Bill, although I hope to see it very much altered in Committee. The principle is correct, of preventing children from injuring their health by smoking. But I think when we speak about whipping boys of seven-teen for such a very slight offence-for it is a

<page>590</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=610></url>

slight offence-we are going rather too far. There are boys of seventeen who are comparatively men, and in the ordinary walks of life are earning their own living. I think this part . of the Bill will have to be altered. As I understand, the honourable gentleman who brought the Bill forward has done it with the idea of preventing children injuring their health by smoking. Why, then, is it confined to cigarettes? If we are going to prevent smoking, why does it not include pipes or cigars ? The Hon. Mr. JENKINSON .- They do not smoke pipes. The Hon. Mr. LOUISSON .- I beg to differ from the honourable gentleman. I say they do smoke pipes. I have frequently seen them ; I have seen small boys of ten or twelve smoking pipes in this country. This being so, I do not see why the Bill should not apply to all-round smoking. I should like to inform my honourable friend Mr. Jenkinson that he might, if he kept his eyes about, see boys in the street of ten or twelve years pick up the end of a cigar and smoke it. These are matters, however, that can be discussed in Committee. There is no doubt the real object of the Bill is to prevent children of tender years smoking. There must be a certain limit of age, and whether that should be seventeen, or more or less, can be discussed in Committee. The principle of preventing children smoking is a good one. With regard to the argument that it is impossible to carry out an Act to prevent it, of course, it is impossible to prevent any offence. But that is no reason why we should not punish the offence, and if the effect of the Bill is to reduce the practice very much we shall have achieved something good. We may not be able to absolutely prevent children smoking, but if we reduce the practice we shall have done a very

great deal. The Hon. Mr. L. WALKER .- I shall support the second reading of the Bill, although it will have to be altered in Committee, because, although the Act prevents any tobacconist selling cigarettes to boys, it does not prevent him selling any amount of tobacco to make them with. In clause 2 the word "cigarettes " should be struck out, and "tobacco in any form " inserted, in order to make it workable. As to boys of fifteen and sixteen not smoking pipes, that is all nonsense. I have boys of that age constantly ploughing for me, and at their dinner-time it is quite a pleasure to see them lying on the grass and smoking their pipes. Amendment negatived, and Bill read the second time. GAMING AND LOTTERIES BILL. The Hon. Mr. REEVES .- In bringing this Bill forward I desire to say a few words. Every one knows that gambling is one of those things that cannot be put down. It is found to exist in every English-speaking community. Consequently, if it cannot be put down it is only right to make certain regulations to safeguard the public. This is what the Bill aims at. Section 2 provides that "No lottery or sweepstakes shall be conducted except pursuant to Hon. Mr. Louisson a license granted, in his discretion, by the Colonial Secretary in writing." It is further provided that the applicant for every such license shall pay a fee of £25 before it is issued. Subsection (3) of clause 2 is as follows : - " For the purpose of guaranteeing that the proposed lottery or sweepstakes shall be honestly conducted, every applicant for a license shall, before the issue thereof, deposit with the Public Trustee a bond, in the prescribed form, by some bank, assurance company, or responsible person, to be first approved of by the Public Trustee, in a sum equal to the total amount of such lottery or sweepstakes." This is done to conserve the rights of the public, and to prevent swindling going on. Subsection (4) of clause 2 reads as follows : - "Each separate contribution or stake shall be five shillings, ten shillings, or twenty shillings ; and every ticket or receipt therefor shall be stamped, under ' The Stamp Act, 1882 ' (which for such purpose shall be read with this Act), with an impressed stamp according to the following scale :- " Each five-shilling ticket or receipt, with a penny stamp ; " Each ten-shilling ticket or receipt, with a twopenny stamp : " Each twenty-shilling ticket or receipt, with a fourpenny stamp." Subsection (6) safeguards the public against any loss by malpractice :- "Each license shall apply only to the one lottery or sweepstakes mentioned therein." The remaining clauses are :- "3. All license-fees and stamp-fees received under this Act shall be applied to such purposes of public charity or utility as the Governor in Council determines. "4. The Governor in Council may from time to time make regulations prescribing,- " (1.) The forms of licenses, bonds, and other documents under this Act : "(2.) The conditions subject to which every license shall be granted, issued, and held ; " (3.) The penalties, including, if he thinks fit so to prescribe, the forfeiture of the license, for the breach of any such regulation ; "(4.) All such other matters as he thinks necessary for the purposes of this Act." Now, Sir, I think we must all admit that gambling of some sort or another cannot be put a stop to, and that we have already legalised it in the form of the totalisator. I contend that we are only doing our duty to the public by bringing forward a Bill of this kind. I am quite convinced that if this Bill were in force a very large revenue would accrue. The purpose for which this revenue is to be devoted is a very good one. It is to be applied to such purposes of public charity or utility as the Governor in Council determines. I do not intend to occupy the time of the Council in speaking much longer on the second reading. I have no doubt some honourable members will have comments to make upon the Bill, some of

<page>591</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=611></url>

them, perhaps, of an adverse nature. I would point out that in France they have got institutions similar to what is proposed here, from which they derive a very large revenue. Even theatre tickets have to be stamped, and the revenue is used for charitable purposes. I beg to move the second reading of the Bill. The Hon. Mr. W. C. WALKER .- I am sorry that I cannot support this Bill. I think it is a decided mistake for the State to legitimatise and recognise gambling in any shape or form. If I had to vote on the totalisator question, from one point of view I would certainly vote against it. The question may be a very difficult one

to deal with, but at the same time I am not prepared to assist in any shape or form proposals for State gambling, because I have seen so much of the gambling by means of the totalisator. So long as gambling was restricted to "hawks " and "pigeons," the "hawks" plied their avocations no doubt, and the "pigeons " had to look after themselves, but when the totalisator was legalised, and a sort of stamp of a paternal Government was put on the whole transaction, many other people besides the "pigeons " entered into these transactions, with very much hurt to themselves, and also to the hurt of the general moral sense of the community. Therefore I am very sorry indeed to see any further recognition in a public way of gambling in any shape or form. At the present time all this spare gambling money goes over to Tasmania ; but, as far as I have read the news, one of the first effects of the federalisation of the Post Office in the Commonwealth has been that that place of transacting business has been closed to the lottery-promoter, and that the Commonwealth will have no place in her borders open to this class of traffic, and therefore it will be swept out of the whole of the Southern Ocean. There is no reason for us being afraid of money being sent away from here. As I said before, Sir, I cannot support this Bill. The Hon. Mr. McLEAN .- I think I can speak on this, not being a gambler myself. My nature would not allow me to be a gambler if I wanted to, so perhaps it is no thanks to myself that I am not one. Sir, there is a good deal to be said for this Bill. In other countries a large amount of the revenue of the State is made out of lotteries. Take, for instance, Italy. There there is a Government lottery, out of which a large amount of revenue comes. It keeps the money in the country ; and we never hear any outcry against it. It enables people to speculate a little, and they can put in 9d. a week and have the chance of getting something. My honourable friend says that the Commonwealth is not going to have this. It is not quite settled yet; and I do not know whether the Commonwealth's proposed action will do much good, because Tattersall's will be removed to another place. A large amount of benefit could be got from this measure, and it would prevent a very large amount of money going out from this colony every year. Some £100,000 or more goes out of this colony to these lotteries, and it might be very well kept in the colony and do no great amount of harm. With regard to what my honourable friend said about the totalisator, when the totalisator was in Adelaide they thought it was increasing gambling and they did away with it. How long had they done away with it before they were wanting it back ? Those who in the first place were most anxious to get it out of the country were the first to move to get it back. Would my honourable friend like to see the state of things back again that existed when Christchurch was practically the headquarters of the bookmakers ? An Hon. MEMBER .- Squash them. The Hon. Mr. McLEAN .- Everybody tried to squash them, but they have not been able to do so yet. The money, instead of going into the bookmakers' pockets and being wasted, goes to the support of all the people who like to go out to the races for their holidays. The extra money that was paid at Christchurch in the attempt to get the better of the "tote" bettors was money simply transferred from the bookmakers' pockets to the totalisator. I do not know that there was any more gambling in it. Whatever goes on the totalisator is seen, and no one borrows money and gets himself into trouble over it. A person must have the hard cash or he cannot gamble. It is not like the old system, when the bookmakers used to make a round of the offices and banks, and had a large number of the employés in their power. That is all done away with, and I hope never to see that sort of thing back again. How does the gambling on the totalisator compare with the gambling done in dredging shares? I question if the people have lost as much money through the totalisator as they have done through dredging shares. Everything is gambling. If you buy goods to make a profit out of them that is gambling. An Hon. MEMBER .- No, no. The Hon. Mr. McLEAN .- The honourable member says "No, no "; but if you lose money by dredging you may as well lose it by the totalisator. I hope, myself, that this Bill will get its second reading at all events, and that the clauses will be fairly discussed in Committee, so as to see if anything can be made out of it. The Hon. Mr. JONES .- I do not think that the honourable gentleman who introduced this Bill could have been serious, and I feel perfectly certain that he does not hope to get it through this Council. Sir, gambling is

admittedly an evil, and a growing evil, and it is deplored by all right-thinking persons in this colony. The honourable gentleman tells us that as we cannot put down gambling, that gambling still exists, and that money goes outside the colony in connection with sweeps on horse-races, the State ought to foster gambling. The same might be said about other evils. The State might just as well say to all evil-doers, "We cannot make you conduct yourselves in accordance with the laws, so we will fashion the laws in accordance with your conduct ; the law must be obeyed." I do not think any honourable member of this Council, whatever may be his views on the question of gambling, could

<page>592</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=612></url>

gentleman excused his introduction of this measure on the ground that the State had I admit already instituted the totalisator. that the totalisator is vicious in its operation, and, indeed, that that is so is admitted by a large number of persons in this colony ; but if it be vicious it is our duty to abolish it, and not to aggravate the evil by instituting other means of gambling. Another thought in connection with this measure is that it is a very dangerous thing that the State should give its imprimatur to anything wrong and detrimental to society; and that gambling is detrimental to the interests of society admits of no dispute. The excuse that a large revenue would accrue and be available for philanthropic and charitable purposes is weak in the extreme. If that theory be a correct one on which to base our action and as a test of propriety there are plenty of other vices that exist which might be licensed in order to acquire revenue for purposes of public good ; but I do not think we should do evil that good may come. The Hon. Mr. McLean mentioned that this sort of thing existed in Italy. Well, plenty of things exist there which we should not like to exist here. He said it kept money in the country. It does not seem to have kept much money in Italy ; it is one of the poorest countries in the world, and . the people are the most miserable, and I do not know any country where this sort of evil exists where the people are happy and prosperous. The honourable gentleman scarcely adduced a single argument in favour of the adoption of the Bill which was not really an argument against it. Amongst other things he said there was a chance of people getting something for their money ; but I say they would have a greater chance of getting nothing. I do not know from personal experience, but I have heard others say that gambling creates great unrest and disappointment, and incapacitates a man from performing his duties. I can quite understand honourable gentlemen who are more or less mixed up in horse-racing advocating the totalisator as against the bookmaker. The bookmaker was a terrible curse, and ought to have been put down ; and I think that if an honest attempt had been made to get rid of the evil he would have been put down by the punishment of imprisonment. But to say that the totalisator is an advantage to the public is to state that which cannot be based on any grounds of propriety, truth, or righteousness, or public policy. The totalisator is a benefit to those who embark in horse-racing. An Hon. MEMBER. - Not always. The Hon. Mr. JONES. - Well, it is supposed to be ; it is supported by the horse-racing fraternity. I shall oppose the Bill. The Hon. Mr. LOUISSON. - I am afraid I cannot support the second reading of the Bill. I deprecate the spirit of gambling up to a certain point, but it is impossible to eradicate it from the human constitution. I think at present the facilities in New Zealand for betting given by the totalisator are quite sufficient. I should Hon. Mr. Jones because I think, if what is considered by many an evil can be improved, the totalisator has improved, at any rate, the style of betting. It is very much better than the ordinary betting with bookmakers. At any rate, it has to be all done in open day. And I cannot agree with the remarks that have fallen from the Hon. Mr. Jones, to the effect that a little gambling is so very dreadful, and is deteriorating to those who are guilty of it. The Hon. Mr. JONES. - I did not say a little gambling ; I said gambling was a national evil. The Hon. Mr. LOUISSON. - If any one goes to any of the principal race - meetings, and sees the class of men who are not afraid or ashamed to put their pound on a race, they will come to the conclusion that they are not the worst class of men in the community, but are up to the average intellec-

tually, physically, and morally. But the honourable gentlemen who have spoken seem to have forgotten one very important point- that the profit derived from the totalisator goes to provide sport for the public, and to improve the breed of horses. An Hon. MEMBER .- NO. The Hon. Mr. LOUISSON .- Well, that is a matter of opinion. I think it does. It encourages the improvement of horses, and promotes legitimate, and, as I consider, necessary, sport for that portion of the public that enjoys it. If this Bill were passed, however, and lotteries permitted to be carried on, what would become of the large profits ? They would go to private We know at present there are individuals. men in the colonies who have made enormous fortunes out of carrying on these sweeps; and why we should legalise betting in the direction of allowing fortunes to be made out of what some call the weaknesses of mankind I do not see. In regard to the lotteries referred to as taking place on the Continent, I believe they are State lotteries, and the profit goes to the Government, and there is therefore no analogy at all between them and the lotteries proposed under this Bill. I am quite certain it is impossible to stop gambling in any country, but I think the attempt to regulate it under the present law in New Zealand has been fairly successful. That, however, is no reason why we should provide further means of gambling, and what I object to particularly about these lotteries is that they are not to be carried on openly. The Hon. Mr. REEVES .- The Bill provides for it. The Hon. Mr. LOUISSON .- It cannot be carried on openly. The applications for tickets on the totalisator, on the contrary, are made openly, and the whole transaction is done in the light of day. With these lotteries it would be a very But the very fact that the different thing. enormous profits to be made out of these lotteries are going to private individuals is sufficient in itself to prevent honourable gentlemen from supporting the Bill. We do not want to provide means by which a few individuals may make a profit out of the gambling propensities of the people. I think that is quite sufficient rea-

<page>593</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=613></url>

son in itself for opposing the Bill. Why should we legislate to provide certain individuals with means of making fabulous fortunes out of the weakness of humanity ? I do not think there is any likelihood of the Bill passing this honour- able Council. I think it goes in the wrong direction, and I shall therefore vote against the second reading. The Hon. Mr. BOWEN .- I shall oppose this Bill also, because it would introduce an additional source of gambling, which would spread very quickly. It is a matter of notoriety in Italy that there is hardly a woman or a child in the country that does not put money into the public lotteries, and they often beg for money for that purpose. After all, it is very difficult to define what gambling really is. Gambling enters into almost everything - every human transaction-and we may make a great mistake if we try to draw the line too finely. We degenerate into cant-mongers when we put a rubber of whist on the same footing as unlimited loo. The totalisator has been spoken of as the same thing practically as a public lottery. It differs very much ; and for practical reasons I am prepared to support the totalisator. It has practically put an end to the bookmakers, who are a curse to any country. They entice young men and people generally to gamble secretly, and to commit themselves to engagements which they cannot fulfil if they lose. That is a very dangerous and immoral system of betting, and I am glad to think that the totalisator has pretty well put an end to it. Totalisator betting is, at any rate, straightforward business, open and above-board, and the money risked is put down at once. It is absurd to talk about putting down gambling altogether. That is an impossibility. There is a gambling disposition all through human nature which finds vent in one way or another, from the boy playing marbles to the purchaser of mining shares. We cannot define what is legitimate or what is illegitimate risk ; we can only judge by our own common- sense, which, after all, must be our guide as to what is really legitimate amusement and what is downright vicious gambling. I shall vote against this Bill, because I think if it were passed it would encourage a large class of people who at present do not gamble to be always in a fever of speculative excitement. The Hon. Colonel PITT .- If I thought that the effect of passing this Bill would be to promote

the practice of gambling in the colony I should certainly oppose it, but I do not think that the Bill as presented to us has any tendency in that direction. Moreover, I do not think that it will alter the law in that respect at all. The totalisator is at present legalised, and so are art unions. Before an art union can be held one has to get a license from the Colonial Secretary to do so. That is all that this Bill provides. It provides that no lottery or sweepstakes shall be conducted except in pursuance of a license granted by the Colonial Secretary in his discretion. It also provides that no license shall be granted by the Colonial Secretary unless the scheme and conditions of the proposed lottery or sweepstakes are approved by him as fair and proper. Well, now, surely the Colonial Secretary would not grant a license for an improper object. Therefore this Bill is not introducing any new element of gambling at all. There are one or two points in the Bill that I would like to call the attention of the honourable the mover to. I do not know whether he has fully considered the effects of the Bill ; and, if the Hon. Mr. McLean takes the same view as I do of section 2 of the Bill, I am not so sure that he would support it as heartily as he has done. I do not know what "sweepstakes " means under this Bill. Does it mean that the stewards of any racing-club which advertises a sweepstake on their racing programme will have to apply for a license to do so ? If it does, then the honourable gentleman will see that the stewards of every racing-club, in respect to every race that is to be run, will have to take out a license for it and pay \$25 to the Colonial Secretary if there is a sweepstakes in the matter. If this is the correct view to be taken, then it has probably not presented itself to the mind of the honourable gentleman. Probably when this Bill goes into Committee it will be necessary to consider whether the 4th subsection of section 2 is one that we can enact in this Council. There is no doubt whatever that it is practically a new Stamp Act. The member who introduced the Bill will see that it imposes taxation of 1d., 2d., and 4d. upon the tickets or receipts that are to be issued. Of course, it will be for you, Sir, or the Chairman of Committees, to say, when this clause comes under consideration, whether this Council is in a position to enact such a law as that, being a money Bill. Of course, it may be eliminated and the rest of the Bill passed. So far as the Bill itself is concerned, I do not think, myself, that it can be fairly and honestly said that it will encourage gambling any more than the present law does ; but the point as to whether sweepstakes would be held to include a race on a racing-club's programme is a matter which the honourable gentleman will have to seriously consider. I do not see any objection to the Bill being read a second time. The Hon. Mr. REEVES .- I quite agree with what has fallen from the Hon. Colonel Pitt with regard to the word "sweepstakes. ' That is a matter that can be rectified when we get into Committee on the Bill. With regard to subsection (4) of clause 2, that is also a matter that will have to be considered in Committee. The arguments I have heard against this Bill are not very convincing to my mind. All honourable members admit that gambling has existed ever since the earliest Christian era, and even long before that. One of the oldest gambling institutions, and one of the most respectable in the world, is Lloyd's, in London. Say, for instance, that I am the owner of a cargo that is to be sent to Australia. I go to Lloyd's and there take out an insurance policy on it. Those giving the policy take a certain risk. And what is a dredging boom in Otago or other places but gambling of the very worst character ?

<page>594</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=614></url>

there can be no stop to gambling, and it will continue for all time to come. Now, Sir, look at it from a practical point of view. About £100,000 goes out of this colony every year to Australia, and it is perfectly certain that out of that £100,000 not 10 per cent. comes back, and consequently the rest of the money is lost to the colony. It was said that the Commonwealth Government are contemplating laws to prevent these sweeps. But even this cannot stop it, for in a very short time the cable will be laid to New Caledonia, and they can go down to New Caledonia and have the consultations there. We should take the most sensible view of the matter, and endeavour to do the best we can for the colony. Every man of ordinary

sense must admit that the totalisator has been a great improvement on the "bookie," because with the totalisator, as my honourable friends Mr. Louisson and Mr. McLean pointed out, the thing is worked fair and square, and there is nothing wrong about it. Then, the Government receive £12,000 a year out of it, but they lose about 25 per cent. through the "tote " bettors. Allusion has been made to the Federal Government bringing in a Bill to attempt to stop it in Tasmania, but if you read the Tasmanian files you will see that they are all up in arms about it. It will mean a loss of fully £50,000 a year to Tasmania, and a good deal of that money comes from New Zealand. The postal revenue has increased to a marvellous degree in consequence of these consultations, and our postal revenue would also increase. I am not one of those who uphold or go in for gambling at all in the ordinary sense, but I do say that if we are to have gambling in the country-and it will live for all time-we should have it conducted in the best interests of the people. But, as far as this particular Bill is concerned, I trust the Council will allow it to go into Committee, and if there are objectionable clauses, let them there be struck out : and, if it is necessary, this money clause which has been mentioned by the Hon. Colonel Pitt can be struck out, and no doubt when the Bill goes to another place it can be reinserted if deemed necessary. I am willing to accept any reasonable amendment, and I only ask the Council to allow it to go into Committee. The Council divided on the question, "That the Bill be now read the second time." AYES, 13. Smith, A. L. Baillie Pitt Barnicoat Reeves Swanson Gourley Rigg Taiaroa Shrimski Jennings Tomoana. McLean NOES, 17. Arkwright Jones Morris Bolt Kelly, T. Scotland Kelly, W. Bowen Walker, L. Harris Walker, W. C. Kenny Jenkinson Louisson Williams. Johnston Montgomery Majority against, 4. Motion for second reading negatived. Hon. Mr. Reeves The Hon. Mr. BOLT .- When this Bill came on for the second reading it was thought advisable to send it without debate to the Statutes Revision Committee. I took no exception to that, thinking it was the proper course to adopt. The Bill, as honourable gentlemen will see, is of a highly technical character, and I trust the Council will give me credit for sincerity when I say that it is of such a technical character that had it not been before the Council on a former occasion I should not have had the assurance to introduce such a measure. It was introduced, as honourable members will remember, by the Hon. Mr. MacGregor, and on that occasion I believe the Bill was considered by the Council as being a useful and highly desirable measure. It deals with several, I might say, pitfalls of the English law, because in several of the sections dealt with the English language under the present law does not bear out the meaning which it is popularly understood to mean. Clause 2 is a case in point, and is to this effect :- "Any acknowledgment in writing by & creditor, or by any person authorised by him in writing in that behalf, of the receipt of & part of his debt in satisfaction of the whole debt shall operate as a discharge of the debt, any rule of law notwithstanding." It was certainly a new thing to a great number of members to be told that if a man is owing £10 to another, and the creditor agrees to accept £8 in full satisfaction of the claim. and gives a receipt to that effect, the creditor can still sue for the remaining £2. It is proposed by this clause to do away with that, and if the creditor gives a receipt in full satisfaction it shall hold good, notwithstanding any provision in the English law to the contrary. Then, in clause 3- " A judgment against one or more of several persons jointly liable shall not operate as a bar or defence to an action or other proceeding against those of such persons against whom judgment has not been recovered, except to the extent to which the judgment has been satisfied, any rule of law notwithstanding." It would appear, if two or three are jointly liable for a debt, and one is sued and judgment recorded, if the creditor fails to recover against that one there could be no further procedure against the others. It is held that should not be. The Hon. Mr. W. C. WALKER .- That is not. what the clause says. The Hon. Mr. BOLT .- The clause is quite clear : if three persons, say, are jointly liable for a debt, and one has been proceeded against and fails to comply with the order of the Court, or is unable to comply, no action can lie against the other two. Then, with regard to clause 4. that has been struck out by the Statutes Revision Committee, for what reason I really cannot conjecture. It refers to revocation of an acceptance of a contract made at a distance. For

instance, if a man in Auckland wished to sell sugar to a man in Wellington at a certain

<page>595</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=615></url>

price, the man in Wellington agrees to accept | it their duty to legislate on lines which lie so. it at that price and posts a letter to that effect. Within an hour or two he changes his mind and sends a wire to the merchant in Auckland to say that he does not want the sugar ; the revocation of the order arrives in Auckland a week before the actual order; in that case it is manifest no injury has been done to the Auckland merchant. Clause 5 relates to covenants in a lease rendering an executor personally liable for certain covenants entered into by the testator. The proposal is to relieve him of such liability. Clause 6 refers to trustees being registered as the holder of shares in an estate in which they are trustees. Under the law as it stood in England some short time ago, a trustee, if he registered himself as the holder, became personally liable for the whole of the calls on such shares. I understand that in the case of the Glasgow Bank a large number of persons were ruined in consequence of this provision in the law. Trustees were made personally liable for the whole of the calls on the shares in proper- ties they were simply administering. I may tell honourable gentlemen that the alternative here proposed has now been made in the English law. Clause 7 has been struck out. It pro- vided for the limitation to one year with re- gard to civil wrongs, excepting in a case where titles to real estate were concerned. Clause 8, " Damage for breach of promise of marriage" : I see the Committee has altered the amount of damages recoverable from \$500 to €550, I be- lieve in order to enable such cases to be taken into the Supreme Court. I have no objection to that proposal. Then, clause 9, " Jurisdic- tion as to costs in administration suits ": I see the Committee has struck that out also. I am sorry they have done so, because I think it a very important and useful clause. If the Coun- cil will bear with me for a moment or two I will read a short paragraph from the Hon. Mr. MacGregor's speech in reference to that clause. He said,- " Clause 9 is one of the most important of all, because it deals with the powers of the Supreme Court to allow costs in administering estates. This subject of solicitors' costs in administra- tion actions is one that has brought more op- probrium on the legal profession than any other. We know that sometimes an estate is brought into Court to be administered by the Court when there is really no cause or justifi- cation for it. And yet because of that doctrine of the Court of Chancery any beneficiary or any executor has the right at any time by simply asking for it to have an estate administered by the Court. The result is that very often not merely two sets of costs-plaintiff's and de- fendant's-but several sets of costs have to be paid out of the estate, and often in this way estates of considerable amount have been frit- tered away in legal expenses without the slightest advantage to any living being except the law- yers." I think such a clause as this should not have been struck out by the Statutes Revision Com- mittee, and I can only express my regret that men of the legal profession should so often find apparently in their own interests. Clause 10- has reference to the limitation of time within. which wills may be impeached. Clause 11 empowers the Supreme Court to grant special. relief in cases of encroachment by building. According to the present law, if a man inad- vertently has built upon his neighbour's land, perhaps at considerable expense, the Court can order the removal of the building. This clause gives power to the Court to assess the damage-that is, if in the opinion of the Court it was not intentionally done. The Court can either assess the damage or make such reasonable arrangements with the owner of the land as it may think proper. Clause 12, which deals with voluntary conveyances, is of such a technical character that I will not ven- ture to explain it to the Council ; but I am told. that what is herein provided is already the. English law. I believe that it is the law in New South Wales also. The Committee has. put in a new clause referring to forfeitures of agreement for a tenancy, giving the Court power to grant relief in certain cases. I hope. that will also commend itself to the good judg- ment of the Council. I do not know that I need say more with regard to the Bill. I think that most of its provisions will commend them- selves to the good judgment of the Council, and. that the Bill will be

allowed to go into Committee. The Hon. Mr. T. KELLY .- I am very glad to be able to support this Bill. It was first introduced into this Chamber by the Hon. John MacGregor. I think it is of advantage, not only to Parliament but also to the community generally, when legal gentlemen strive to set at rest some of the uncertainties of the law. This Bill is of a highly technical character, and that accounts, I suppose, for the absence of members during this debate. It has been before the Statutes Revision Committee on several occasions, and it has commended itself to that Committee, which consists not only of qualified laymen, but also of a number of lawyers who have a good knowledge of technical law. In the first place, I might remind members of the Council that when the Bill first went to the Statutes Revision Committee, two years ago, most of the clauses were agreed to. On the last occasion, however, several were struck out. It was thought that their provisions were too advanced, or in some respects dangerous. It was unfortunate that no person was present to clearly explain the technicalities of the Bill to the members of the Committee. Some of the clauses struck out by the Committee were not struck out unanimously. In some cases the divisions were very small. They all agreed that amendments in the law were necessary, but that the clauses which were struck out required further consideration. On the other hand, the Committee inserted a new clause which provided for the Supreme Court giving relief to persons in case of a forfeiture of an agreement for a tenancy, or for a breach of covenant by a tenant in possession, and in other cases when the law does not now provide a suffi -

<page>596</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=616></url>

the defects now existing, and the Courts of the colony can give redress. The Hon. Mr. W. C. WALKER .- I admit there is a great deal of useful work in this Bill. The Bill has been virtually approved by the Council on a previous occasion, but it is not a good thing to deal piecemeal with law. I do not think there is much to say, except in Committee, when each clause can be dealt with on its merits. There is a great deal of absurdity in the law that has come down to us. I do not mean the law that we make, because the law we make is up to date; but I mean the law that has been handed down to us, and which an ancient authority described as "being a hass." There is plenty of that in the old law, and there are plenty of reasons why much of it should be altered or eliminated. But it is a very difficult thing to deal with a Bill of this nature as a matter of principle, because it is an agglomeration of all sorts of eccentricities which, in the experience of one able practitioner, is reason for the law being amended or repealed. This is my opinion, deliberately speaking, on this Bill. Now, I am quite prepared to deal with each clause seriatim, but I cannot say more than that we should be very careful in dealing with the law in this disjointed way. And I do not think it is exactly fair to bring down upon us the opinions of one who introduced this Bill three years ago, because, for all we know, that same gentleman, with three years' more practice and experience, might have changed his mind completely as to the theoretical force and efficacy of many of the clauses we are now dealing with. It is a very difficult question indeed, speaking with a sense of responsibility, and I feel certain that the Council will give the honourable gentleman in charge of the Bill every consideration and every help ; but, nevertheless, the Council ought to be very careful in dealing even with old law in this sort of hotchpotch way. The Hon. Mr. JONES .- It is quite true that this is a sort of Special Powers and Contracts Bill, but I do not know that the honourable gentleman should have any objection to the Bill on that account, especially as he is a Minister of the Crown, because it has been our custom to have such a measure before us year after year, and the Special Powers and Contracts Bills which we have had before us have been much more hotchpotch than this Bill is, whilst, I think I may say, they often did not possess the virtues of this measure. It is no detriment to this measure that it should have been introduced by Mr. MacGregor. He was a very useful man as a Councillor, and I much regret he is not in the Council now. I think we are indebted to him for introducing this measure. The Statutes Revision Committee, which has considered it on several occasions, generally approved of it. It seems to me that it is not right

that the representative of the Government should say that possibly the author of this Bill, if he were in the Council now, might not approve of some of the clauses of the Bill in consequence of his Hon. Mr. T. Kelly lengthened experience would have inclined him to introduce more clauses into it where he saw there were anachronisms in the law that demanded amendment. As to the manner in which the Hon. Mr. Bolt introduced the Bill, I think he performed his duties very well indeed. It is not given to all to understand the mazy depths of legal phraseology. I confess that very often I do not understand it myself, but I must say the honourable gentleman introduced the Bill in a very creditable way. The Hon. Mr. BOLT .- I have to reply to a few remarks made by the honourable gentleman. I do not know on what grounds he said I was following the lead of the Hon. Mr. MacGregor in introducing this Bill. I introduced it because I thought it was a measure that should be passed by Parliament ; and it has nothing to do with the question whether Mr. MacGregor has or has not changed his opinion regarding these clauses. They have been before the Council and before the Statutes Revision Committee, and I think we are able to bring the same judgment to bear on this measure as if Mr. MacGregor was with us. The Bill is a technical one no doubt, and one clause is certainly of a recondite character, but, with regard to the other clauses, I claim to have laid them fairly before the Council. Bill committed, and progress reported. THE LATE PRESIDENT MCKINLEY. The Hon. Mr W. C. WALKER, in moving the adjournment of the Council, desired to say that it was thought proper that Parliament should adjourn to-morrow afternoon to enable those honourable members desirous of attending the commemorative funeral ceremony of the late President McKinley to do so. As it had been said that it would probably be more convenient for the Council to adjourn until Friday, he begged to move the adjournment until Friday afternoon. Motion agreed to. The Council adjourned at thirteen minutes to five o'clock p.m. # HOUSE OF REPRESENTATIVES. Wednesday, 18th September, 1901. First Reading - Third Readings - Christchurch- Lyttelton Railway-Earnsclough Run-Foreign Companies: Payment of Stamp-tax - Income- tax. 1901 Stud Animals imported from Britain- Wellington Gaols: Escaped Prisoners - Arbitration Court President Validation Bill- Old- age Pensions - Unopposed Returns - Dunedin Evening Star - "General Orders," New Zealand Forces-Orderlies at Parliament Hon-Mangonui Mounted Infantry-Storage Accommodation for Magazine Rifles and Carbines -Military Pensions Act - Workers' Compensation for Accidents Act-Members' Election Expenses-"Shorthand Reporters Act. 190J "-Judgments of High Court of Rarotonga-Government Loans to Local Bodies Act-Old-age Pensions- Commandant of the Forces-Married Men in Permanent Forces - Auckland-Manukau Canal - Ministers' Travelling - allowances - Liquor Licenses in King-country - Fiji - Co-operative

<page>597</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=617></url>

Workmen - Workers' Compensation for Accident- Act-Rates on Crown Leases by County Councils-Southland Volunteers-Newtown Park -Physical Drill in Public and Native Schools Bill School Attendance Bill (No. 2)-Shops and Shop-assistants Bill-Eight Hours Bill-Cycle Boards Bill. Mr. DEPUTY-SPEAKER took the chair at half- past two o'clock. PRAYERS. FIRST READING. Stamp Act Amendment Bill. # THIRD READINGS. Counties Bill, Statutes Compilation Bill, Miners' Rights Fee Reduction Bill, Rabbit Nuisance Bill. # CHRISTCHURCH-LYTTTELTON RAIL- WAY. On the motion of Mr. G. J. SMITH (Christ- church City), it was ordered, That there be laid before this House a return showing the cost of construction of the Christchurch-Lyttelton Railway, and the net revenue earned during each of the past five years. # EARNSCLEUGH RUN. On the motion of Mr. W. FRASER (Waka- tipu), it was ordered, That there be laid before this House a return of the annual cost incurred by the Department of Agriculture in destroying rabbits on the Earnsclough Run, from the date such run was resumed possession of by the Government to the 31st March, 1901. OF FOREIGN COMPANIES: PAYMENT STAMP-TAX. On the motion of Mr. FOWLDS (Auckland City), it was ordered, That there be laid be- fore

this House a return showing the number and names of foreign companies trading in New Zealand who have paid the stamp-tax of 1s. per £100 of their capital as provided in " The Stamp Act, 1882." ## INCOME-TAX, 1901. On the motion of Mr. FOWLDS (Auckland City), it was ordered, That there be laid before this House a return showing, separately, the total amount of income-tax paid for the year ended 31st March, 1901, by residents in the North and South Islands of New Zealand. # STUD ANIMALS IMPORTED FROM BRITAIN. On the motion of Mr. MASSEY (Franklin), it was ordered, That there be laid before this House a return showing the total cost to the colony of the stud animals recently imported from Britain by the Agricultural Department ; and also giving the price paid for each animal, the pedigree of each animal, and the name and address of the breeder or former owner in each case. ## WELLINGTON GAOLS: ESCAPED PRISONERS. On the motion of Mr. HUTCHESON (Wellington City), it was ordered, That there be laid before this House a return showing, in detail,-(1) How many prisoners have escaped from Wellington gaols during the past five years; (2) what authority has inquired into the relation of prison officers thereto ; and (3) what punishments, if any, have been inflicted on prison officers in connection therewith. # ARBITRATION COURT PRESIDENT VALIDATION BILL. On the question, That this Bill be read a first time, Mr. SEDDON (Premier) said. It is my intention to ask the House to pass this Bill through all its stages as a matter of urgency, because I found out three days ago that the appointment. of Mr. Justice Cooper as President of the Arbitration Court had not been made. He had been appointed as Judge of the Supreme Court all right, and probably it might have been presumed the one appointment carried the other. We find that it requires a separate appointment for the position of President of the Arbitration Court under the Industrial Conciliation and Arbitration Act. An Hon. MEMBER .- Was that done in Judge Martin's case ? Mr. SEDDON .- It was not necessary in Judge Martin's case ; it was not required, seeing he only filled in a term. Of course, I have to take the responsibility of the oversight. There was not a separate appointment in Judge Martin's case, because he filled up the gap which was left. Mr. Justice Williams was appointed for three years, and Mr. Justice Edwards acted for a portion of the time. It is provided that a Judge may be appointed to fill a part of an unexpired term. Mr. Justice Martin filled another part of an unexpired term. However, as another vacancy had come round, it wanted another appointment before the matter was in order. It was an oversight, and this Bill is necessary to rectify it. Mr. HUTCHESON (Wellington City) .- Perhaps it may not be out of place to ask the Premier whether he still intends to proceed with the payment of fees to the Judge of the Arbitration Court ? Mr. SEDDON .- This Bill has nothing to do with the question of fees. Mr. HUTCHESON .- Oh, yes, it has to do with the question of fees ; and the Premier will hear more about it before we have done with this Bill. I consider the payment of these fees is a highly unconstitutional thing. Bill read a first time. Mr. SEDDON (Premier) .- Sir, I move the second reading of the Bill. Mr. HERRIES (Bay of Plenty) .- Will it not be necessary for the Premier to move for the suspension of the Standing Orders ? Mr. DEPUTY - SPEAKER .- No; it is a matter of urgency. Mr. HERRIES. - Sir, I think we want more explanation from the Premier about this matter.

<page>598</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=618></url>

For myself, I have not heard sufficient explanation from the Premier as to how this error was made. The same thing has happened in another measure with which we had to push through this session-namely, the Rotorua Validation Bill. These errors of the Under-Secretaries or departmental officers seem to be getting more frequent, and yet on the estimates we are asked to increase their salaries. Is it the fault of the Under-Secretary of Labour or of the Under-Secretary of the Colonial Secretary's Department ? Evidently a grave fault has been committed. It is not only the second time this session, but a similar fault has been committed before this. I consider the Premier should more fully explain the position. Mr. SEDDON .- I did fully explain it. I do not think you were in the House. Mr. HERRIES .- Yes; I heard the honourable gentleman's explanation, but I did not think it very clear. I understood the Premier to say

there was a technical fault-that Judge .Cooper was wrongly gazetted, or was not gazetted at all. I understand he was not .gazetted at all. Well, every one knows the Act provides that the Judge ought to have been gazetted, and I cannot understand the omission to do so. The Bill, of course, natu- rally raises the question of the fees as well ; but the honourable member for Wellington City will deal with that. Mr. SEDDON .- He was not gazetted. An Hon. MEMBER .- Was he gazetted a Judge "of the Supreme Court ? Mr. SEDDON .- Yes ; the appointment as a Judge of the Supreme Court is quite in order, but he ought also to have been appointed by the Governor, and gazetted as President of the Arbitration Court. Mr. HERRIES .- Who is responsible for it ? Mr. SEDDON .- I am taking the responsi- bility. Mr. HUTCHESON (Wellington City) .- The right honourable gentleman has taken more re- sponsibility than that in his time and come through it all right, but I must say there has been a muddling in connection with the posi- tion of President of the Arbitration Court from start to finish. In 1899 the member for Christ- church City (Mr. Lewis) drew attention to the impropriety of paying the President of the Arbitration Court fees as part of his salary. The Premier, as has already been pointed out, pleaded that it was only a temporary expedient, and that it would not occur again. He said he would fix the matter permanently by statute .early next year-that is, last year (1900)-but that has not been done. A special Judge was appointed for the work, and evidently, through a blunder, his appointment as President of the .Court has not been properly made. I think this is an opportune time for me to draw atten- tion to the continued irregularity in the matter of the payment of the fees. In reply to the member for Patea the honourable gentleman said this,- "Mr. SEDDON said, Yes, he was to be paid by fees. But he (Mr. Seddon) wanted the matter Mr. Herries to pay the President (Mr. Justice Edwards) for the incoming year, and also for the eighteen months that had elapsed. The question had never been definitely settled. After seeing the way in which the work had been carried out in the past, and from what he gathered, it was thought there would be no necessity for making any other appointment. The .Government therefore decided to go on with the work until next session, and see how the thing worked out. The delay that had arisen was owing to the fact of the Supreme Court work taking Mr. Justice Edwards away from his Presidential work. He expected that the Judge would be able to pro- ceed south about the third week in November, and would then take the Court work down south. He hoped the delay that was happening now would not recur, because it was bringing the whole working of the Act into disrepute. "Mr. G. HUTCHISON (Patea) said it was entirely contrary to the spirit of our law that Judges should be dependent upon a vote of Parliament for any part of their salaries. The Judges' salaries are fixed by Act, but here was an amount of something like \$500 a year for the Judge who acted as President of the Arbi- tration Court-a payment subject to annual appropriation. "Mr. SEDDON said the position was very unsatisfactory, and this must be looked upon as merely a temporary arrangement pending legislation, which could be brought in next ses- sion. An Act should be passed next session fixing the fees payable to the Judge of the Arbitration Court, and that was understood by Judge Edwards when he undertook the work." Although I am not permitted to refer to a previous debate, I may say that earlier this session the right honourable gentleman assured the House, in reply to a statement of mine, that he had ample power in the consolidated Con- ciliation and Arbitration Act of 1900 to provide fees. On that occasion I read the particular section of the Act which prohibits the right honourable gentleman from gazetting fees. I will again read section 112, subsection (8). It says,- "The Governor from time to time may make regulations for any of the following pur- posos : -- "(8.) Prescribing what respective fees shall be paid to the members of the Court (other than the President) and to the members of the Board." There is no statutory power that I am able to discover whereby the right honourable gentle- man was authorised to gazette fees to the President of the Arbitration Court. Apart alto- gether from the absolute impropriety of making a Judge of the Supreme Court dependent for any part of his emoluments on the pleasure of Ministers or the good-will of Parliament, I say it is absolutely in violation of the law, and it could only have been made possible by a know- ledge of the special and far-reaching powers be- stowed by this House

on the honourable gentleman in the Public Revenues Act, or the right honourable gentleman even would not have

<page>599</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=619></url>

dared to do it. I say it must be repugnant to the good-sense and judgment of every member of this House that a Judge of the Supreme Court should be thus tempted to propitiate the favour of the Ministry of the day or a majority of the members of this House in his judgments. I say those who have power to reward also have power to punish, and if the Ministry of the day can by their good-will, and for no other reason whatever, put a sum upon the estimates to supplement the salaries of our Judges, and have it voted under the powers of the Public Revenues Act, it augurs very badly indeed for the impartiality of the judicial Bench of New Zealand. Now, to go a little further, by reason of these fees, the President of the Arbitration Court may, and I have no doubt will, receive an annual emolument equal, perhaps, to 30 or 40 per cent. over the Chief Justice of the colony. Now, the President of this Arbitration Court is engaged in the solution of an exceedingly interesting social problem, but can the nature of his work or the severity of the mental strain involved in the prosecution of this work be considered then as of greater importance than that of a Judge presiding over the sittings of the Criminal Court? I should say not. Apart from that, I certainly take exception to thus making a Judge of the Supreme Court dependent for any part of his emoluments upon the good-will of Ministers. The Right Hon. the Premier, on nine different occasions in these two pages of Hansard, said most emphatically and clearly that the system should not be longer continued; and if this House has agreed to the permanent appointment of an extra Judge of the Supreme Court, and also allocated his salary equal to the other Judges, I consider it has done all that is necessary. If in the face of that fact the Premier, in spite of statute law, gazettes fees for a Judge of the Supreme Court, I say the House is doing badly if it encourages or even supports the Premier further in this matter. Mr. SEDDON.- That has nothing whatever to do with this matter. Mr. HUTCHESON.- Perhaps not; but this is about the most appropriate time, I submit, for honourable members, whose opportunities are exceedingly limited, to raise their voices in protest against this violation of the law. From what I have heard of Mr. Justice Cooper I do not believe for one moment that he would be a party to such a thing. I do not believe it is done by his wish; but that this is a wrong thing and a vicious principle I think every member of this House will readily agree. While reading in a newspaper the other day an account of the state of affairs in Venezuela I was struck by an incident related by one who was familiar with the inner workings of the politics of that country. President Castro caused a Judge of the Supreme Court to be arrested when he was leaving the judicial bench. Without any cause being assigned, he was committed to prison for fourteen days. At the end of that time, without any cause for his release being given, he was again released, and the first person he met was Dictator Castro. Dictator Castro said, "Oh, Judge, you have been travelling; I have not seen you about these last eleven or twelve days?" The Judge said, casually, "Yes; I have been travelling." "I hope you have gained in health," said the Dictator. "Yes, I have gained in health," replied the Judge. "I hope you have gained experience," said the Dictator. "Yes, I have gained experience," replied the Judge. "Do you know now who is master here?" asked the Dictator. "Yes, I know now who is master here," replied the Judge. "You can go back and sit on your bench," concluded the Dictator. And that is exactly on all-fours with the action of our present Premier. Mr. FISHER.- He was a dictator. Mr. HUTCHESON.- Yes; and we have a parallel here, and not a small dictator at that. But the only difference, which is one of degree, is this: Instead of inflicting punishment it will be the withholding of rewards. And, as has been shown already, if this Judge should incur the displeasure of the right honourable gentleman by any of his decisions he would easily be made amenable to the will of the Premier or his emoluments would be curtailed. Now, here is a principle which this House should not for one moment sanction. This President has been given the status of a Supreme

Court Judge; he is there for life, subject to good behaviour and a proper discharge of his high functions, and he is equally provided for by statute law in the matter of salary as any other of his brother Judges. Having done that, Parliament has done the right thing, and I submit we ought to draw the line, and stay there. The payment of irregular fees annually on the supplementary estimates, perhaps by the goodwill of Parliament, is a blow struck right at the heart of the administration of justice in this colony. I trust the House will, if no other means are open to it, should that sum come before it for review, without the slightest feeling or hesitation, strike it off the estimates. Positively there is no defence for the right honourable gentleman at all in violating statute law and setting the will of Parliament at defiance. His actions are due entirely to the knowledge of the powers he possesses in the Public Revenues Act. Mr. J. ALLEN (Bruce) .- I would like the Premier, in reply, to explain exactly what the position is, because I do not understand it. I understand by law that, in the case of resignation, clause 66 of the Act provides,- " If any member of the Court resigns by letter to the Governor, or, in the case of the President, if he ceases to be a Judge of the Supreme Court, his office as member or President of the Court shall thereby become vacant, and the vacancy shall be deemed to be a casual vacancy." Now, provision is made in the Act for a casual vacancy by clause 68,- " Every casual vacancy in the membership of the Court shall be supplied in the same manner as in the case of the original appointment ; but every person appointed to fill a casual vacancy

<page>600</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=620></url>

shall hold office only for the residue of the term of his predecessor." Now, I understand the Premier to have stated that when Mr. Justice Williams resigned his place was filled by Mr. Justice Edwards as a casual vacancy ; and when Mr. Justice Edwards resigned his place was filled by Mr. Justice Martin, also as a casual vacancy. Now, I want to know if, when Mr. Justice Martin resigned, the whole period was up or not ? Mr. SEDDON .- It was partly up, so far as I can recollect. Mr. J. ALLEN .- Then, I understand, Mr. Justice Cooper also took up the position as a casual vacancy for a time. Mr. SEDDON .- No, Mr. Justice Cooper's would be a new appointment. Mr. J. ALLEN .- Now, we are getting at the facts. I did not understand that. I understand now that the Premier says that when Mr. Justice Martin resigned the whole term was not up ; but before the appointment of Mr. Justice Cooper the term had been fulfilled, and that Mr. Justice Cooper's appointment was not therefore to fill a casual vacancy, but was a new appointment ; and that, by some error, although he was gazetted a Judge of the Supreme Court, he was not gazetted President of the Arbitration Court. That, of course, is an error on the part of somebody or other who is to blame. Possibly it was an oversight, and there may be no reason for our raising any serious objection to this Bill. But, Sir, I want to say a word or two with regard to the position put forward by the honourable member for Wellington City (Mr. Hutcheson) ; and I hope, Sir, that the Premier and the House will insist this session that this matter shall be placed upon a satisfactory footing. It is not now on a satisfactory footing-that a President of the Arbitration Court should be allowed to receive fees which are gazetted, and not fixed by statute law. Mr. PIRANI .- Does he receive them ? Mr. J. ALLEN .- Yes ; he may receive them now. They are fixed by Gazette. Mr. PIRANI .- We have not been told so. Mr. J. ALLEN .- I understand this is so ; or, at any rate, that there is a Gazette notice with regard to the fees that the President of the Arbitration Court may receive-the fees mentioned in subsection (8) of clause 112, namely :- " Prescribing what respective fees shall be paid to the members of the Court (other than the President) and to the members of the Board." I say these ought to be fixed by statute so far as the President is concerned, and gazetting them is not in accordance with law. Then with regard to travelling-expenses : If by 3.0. Gazette notice you can gazette one scale of travelling-expenses, by Gazette notice you can gazette another scale, and that is not a satisfactory position. That ought to be fixed by Parliament, and the Government should not be open to the possible accusation of raising or diminishing

those allowances or the fees. Mr. SEDDON .- You want a change in the regulations respecting the Judges. Mr. J. Allen Mr. SEDDON .- No, they are fixed by regulation and by the Government, as provided by the Civil Service Act. Mr. J. ALLEN .- I understood they were fixed by statute. Anyhow, there is one point. I should like the Premier to refer to in reply. What I want to ask the Premier is this-and I desire that he should consider it with a view, if possible, of amending the Act this year, so as to put the matter upon a more satisfactory footing : I am informed that there is sitting on the Conciliation Board of one district a gentleman who is also the secretary of one of the labour unions. An Hon. MEMBER .- What district ? Mr. J. ALLEN .-- I will read the whole paragraph of the letter,- " As you are no doubt aware, there is at present sitting on the Conciliation Board here " -- I do not make any accusation against him, and I may as well give the name-the name is Mr. R. Ferguson-"who is also secretary for one of the labour unions-the Mill Employes, Otago and Southland ; he may be acting in the same capacity for other unions of which we have no knowledge, but we can speak with certainty in connection with the millers' union." I think that is the Flour Millers' Union; and they go on to say : "We fail to see how any employer can expect to obtain justice in a Court which allows a man to be both a judge and a servant of one of the parties interested in the case before him." Now, I do not say they would not get justice. I make no accusation ; but it is evidently open to the suggestion that the employers will not get justice in a Court one of the members of which may be a judge, and at the same time a servant of one of the parties before the Court ; and that objection ought to be removed by Parliament. It is surely a fair objection, and in any amendment of the statute, I think, there would be no harm in saying that nobody who is officially connected with a union, or an employer whose particular industry is under consideration, ought to be at the same time a judge, and a servant of either body that is before the Court. It is evident that the employers feel that they may not get justice. and it would be wise to remove from the statute the possibility of an interpretation such as has been placed upon the meaning of the statute by the gentleman who writes to me with regard to. this. I hope this suggestion will be taken in the spirit in which I give it, as I am simply trying to make the Act more workable, and to remove any suspicion of unfairness to either employers or employes who may be seeking justice from this Court. Mr. ATKINSON (Wellington City) .- I think the Premier, in reply, might give us a little more information with regard to this extraordinary blot that we have been asked to remedy by this Bill. Was an appointment ever made of any kind with regard to Judge Cooper ? The words of the preamble are,- " Whereas his appointment as President was not formally made and gazetted in manner pre-

<page>601</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=621></url>

scribed by that Act, and it is expedient to remedy such defect." I do not know if there is any point at all in the words " formally made." Was the appointment made in any fashion whatever ? I do not know what the reverse of " formally" would be- whether it would be " materially " or de facto, or what ? I would like to know whether it was made informally, or in any way whatever ? Was it entirely overlooked ? That is what we ought to know. Then, this Bill, though it is to give Mr. Justice Cooper proper status in the Arbitration Court, inflicts a curious indignity upon him by referring to him as " Mr. Theophilus Cooper." I never yet heard anybody but a "bush-lawyer " refer to a Judge of the Supreme Court with simply "Mr." and then the Christian name. It appears to me that we should need another Validation Bill in order to . rectify such a gross informality. "Mr. Justice Cooper " is surely the ordinary and correct and courteous term. Mr. SEDDON .- I am advised that you must put in the full name. Mr. ATKINSON. - And omit the official title ? Mr. SEDDON .- No. Mr. ATKINSON .- What is to prevent us inserting the word " Justice " as well as the full name ? Mr. SEDDON. - I suppose the draftsman thought that by putting in the words "his Honour " that would cover everything. Mr. ATKINSON .- The Bill draftsman probably thought as much about it as did the other official, and that was nothing at all. Mr. SEDDON .- I think we should do justice in Committee

by putting " Justice" in. Mr. ATKINSON .- As the honourable member for Bruce has said, it is an unfortunate position for the President of the Arbitration Court to be in at the present time, to be dependent upon the will of the Government for fixing part of his emolument. Section 112 of " The Industrial Conciliation and Arbitration Act, 1900," expressly states that the travelling-expenses of members of the Court, including the President, may be fixed by regulation, but that other fees shall be fixed with regard to all members of the Court except the President. The member for Bruce has referred to the unsatisfactory position in which the President of the Court is placed in having his travelling-expenses fixed by regulation instead of by Act. To that the Premier, I understand, has made reply that the Judges of the Supreme Court are in the same position. I agree with the honourable member for Bruce that, notwithstanding the Supreme Court Judges may be in the same position, it is still a highly unsatisfactory one. But there is another respect in which the President of the Arbitration Court stands in a much more unsatisfactory position than the other Judges of the Supreme Court, and that is with regard to a matter for which we have made express provision in subsection (8) of section 112 of the Industrial Conciliation and Arbitration Act of last session. We there provided, or thought we provided, that VOL. CXVIII .- 39. the President's fees, apart from his travelling-expenses, should not be dependent upon the will of the Ministry of the day. Mr. J. ALLEN .- Are there other fees ? Mr. ATKINSON .- There are other fees. There are no other legal fees- that is impossible. No regulations for payments to the President, except those made possible by subsection (9) of section 112, can be legal under the Industrial Conciliation and Arbitration Act of last session. Mr. PIRANI .- They are gazetted. Mr. ATKINSON .- They are actually gazetted, and I have the Gazette here, and I propose to read the paragraph. It is in the Gazette of the 14th March last, under the heading " Regulations under 'The Industrial Conciliation and Arbitration Act, 1900,' " which repeal the regulations made on the 5th November, 1900, and are substituted therefor. Well, then, paragraph 49 in the new and substituted regulations reads as follows, under the heading, " Fees and Travelling-expenses " :- "The fees payable to the President and other members of the Court of Arbitration shall be as follows : For every day actually engaged on the business of the Court, or in travelling to and from the place of sitting - President, #2 2s. ; each other member present, £1 10s." Thus, express provisions is made by which subsection (8) of section 112 is not to have effect with regard to the President ; he is put on the same footing with the other members of the Court. That is absolutely illegal and ultra vires at the present time, but it is one of those violations of statute which can be validated by the simple vote of the House on the supplementary estimates since we passed the Public Revenues Act last session. As the matter stands at present, these payments are absolutely illegal ; and here we have the President of one of the highest Courts in the land dependent upon a snatch vote of the House at the end of the session- dependent in the first instance upon the will of the Ministry of the day-for payment or part payment for work he will have rendered for a period terminating when that vote is taken. Then, with paragraph 49, not only are these travelling-expenses provided for, but in addition to that two guineas, which is of the nature of fees, as mentioned in subsection (s) of section 112. Travelling-expenses are dealt with as follows in the concluding part of paragraph 49 :- " In addition to the foregoing fees, the President shall be paid all expenses actually incurred by him while absent from home on the business of the Court ; and each other member shall be paid twelve shillings for expenses for each day," et cetera. Then, paragraph 50 goes on to say,- "The fees payable to the Chairman and each member of the Board of Conciliation shall be as follows :- " For each day's sitting of the Board in the town in which he resides, £1 1s." That is a most unsatisfactory mode of fixing payments when there is added to that the fact, to which the honourable member for Bruce has referred, that partisans are not excluded from the Conciliation Board, and it seems that some

<page>602</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=622></url>

positions in an organization which has for its object agitation with the view of influencing the Conciliation Board. I say, when this kind of payment is looked at in the light of such a fact as that, it really makes the financial position of the Board positively monstrous. First of all, you put a partisan on the Board, and, secondly, you say to him, " You will get a guinea for every day during which you can protract any litigation that comes before you. If it only lasts one day you will receive a guinea, but if, by quarrelling, and lengthy cross-examination, and adjournments, and what not, you can prolong it to three days, then your remuneration will, of course, be three guineas instead of one, and if you should be ingenious enough to prolong it for a week or a fortnight, then your pay will be proportionately increased." Is not that a monstrous position in which to place a man that should be a judicial or quasi-judicial officer ? And the weakness is the work not of the Act, but of the regulations, and therefore curable by regulation also. But the blot with which we are more immediately concerned is the anomalous position-the dependent position-in which the President of the Arbitration Court is placed, dependent to some extent by virtue of sub- section (9) of section 112 of the principal Act, but still more dependent by virtue of the illegal, ultra vires action of the Government gazetted fees for the payment of the President, which by the Act they are expressly debarred from doing. Mr. MILLAR (Dunedin City) .- I do not rise for the purpose of speaking at any length on the subject of the Bill, because, as a matter of fact, it requires very little explanation. But I want more particularly to refer to a statement that was made by the honourable member for Bruce just now, in which he said there are paid servants of the union acting on the Conciliation Board in Dunedin. Mr. J. ALLEN. - I say I was informed so. Mr. MILLAR .- Well, it is perfectly true. There is one such person. But what pay does he receive? He is a man who was formerly a bootmaker, but gave up the trade, and now lives in the North-East Valley, and receives the large sum of \$25 per annum, I think, for acting as corresponding secretary of the Flourmillers' Union. He has been on the Board for the last five years, and will any one say that he has done anything unfair while acting in that capacity ? There are on the Boards men representing the employers who are also members of industrial associations and employers' unions : they have been elected by the employers, and they have absolute confidence in them. And, if it is wrong for the trades-unions to appoint one of their paid servants to the Board because he may be interested in a case, then it is equally wrong for an employer to act on the Board, because he may have an interest in a case that comes before the Board. Then, if that objection is to prevail, how are you to get men with practical knowledge to sit on the Board, if you debar both the employé and the employer ? Mr. Atkinson employers' representatives have occupied some position in an industrial association or an employers' union. They may not receive any direct pay, but they have a more direct and greater interest in the decision of the Board, from a pecuniary point of view, than could the secretary of a trades-union. I do not believe in the whole of New Zealand there are six secretaries of trades-unions who get paid \$50 per annum. There are only three unions that have paid secretaries who have nothing else to do but to attend to the work of the union. Those men who are selected as secretaries are generally the best men in the trade- men with practical knowledge - and if you are going to debar these men from acting on the Conciliation Board, and put on none but laymen. how are they going to deal with questions where expert knowledge is required? I think myself if you leave the constitution as it is at the present time, and allow both sides to elect their own representatives, the best work will be done. I have never heard any one in the colony object to the right of either party to elect their own representative on the Board. It is quite true that there have been what might be called mistakes made by some of the Conciliation Boards in the colony ; but because there have been one or two mistakes are you going to condemn the whole system ? As to the result of the working of the Conciliation Boards, I believe both the workers and the majority of the employers will express their opinion in no uncertain tones that they thoroughly approve of the work that is being done. Mr. PIRANI (Palmerston) .- I expected, when I heard this Bill introduced in the House, that the Premier was going to settle this question of the payment of fees to the Judge of the Arbitration

Court, and I cannot understand why he did not take the opportunity, in introducing a Bill of this sort. Mr. SEDDON .- It must come in the Act itself. Mr. PIRANI .- It could have been done in this Bill just as easily as the validation can be done. But the only conclusion I could come to as to the reason why it has not been done is because the Premier has the Public Revenues Act of last session as an alternative. If these fees for the Judge of the Arbitration Court were to be disallowed by the Auditor-General, all the Premier would need to do would be to get the Solicitor-General to read in the Arbitration Court Act, after the words " the President." the words, " who shall receive two guineas a day." et cetera, and then say that with those words read in the payment was legal. Then, if the Governor issued an Order in Council superseding the Auditor-General, the money could be paid. That is exactly the procedure that has been adopted in regard to other breaches of the law, and it would be just as easy for the Solicitor-General to read those words in the Act as to read certain words in the Bank of New Zealand Act, about which we have had a dispute before. I think it would be much fairer, both to the Judge of the Arbitration

<page>603</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=623></url>

Court and to the House, if the Premier by a specific Act stated the fees that the President of the Arbitration Court should be allowed. Mr. J. HUTCHESON .- Why should he receive any ? Mr. PIRANI .- Well, he has got a very good salary, and as he is relieved of the very heavy duties of a Judge of the Supreme Court in order to take up the duties of President of the Arbitration Court, it is a question whether he should receive any fees at all. Surely, if the salary of £1,500 a year is considered sufficient for a Judge of the Supreme Court, it is sufficient for a Judge of the Arbitration Court. I do not wish to belittle the duties or the powers of the Judge of the Arbitration Court, and in regard to Mr. Justice Cooper I think every one will admit that we have the right man in the right place as the President of the Arbitration Court ; but I do not think it is right that the Judge of the Arbitration Court should be placed in the position of being dragged on to the floor of the House, as he will be, year after year, under the present circumstances. Now, it has been assumed by some honourable members that Mr. Justice Cooper has already received fees as a Judge of the Arbitration Court ; in fact, the Premier told us earlier in the session that no objection had been made by the Audit Department to the payment of those fees. Mr. SEDDON. - When did I tell you that ? He was to receive fees; but I cannot say whether he has received them. Mr. PIRANI. - Early in the session, in reply to the honourable member for Wellington City (Mr. Hutcheson). It struck me, when I saw that a Judge had not been legally appointed, that it must be a very peculiar thing for the Audit Office to pass such payments, in contravention of the Industrial Conciliation and Arbitration Act ; and not only that, but to pass them in favour of a person who had never been legally appointed. From the tone of the Premier just now-I do not know whether the assumption he led us to make is wrong, that those fees have been drawn by Mr. Justice Cooper ; but, at all events, we had been under the impression that the fees had been paid and passed. If it is not so, then I think it does not need any further argument; but if they have been paid, despite this law, and the fact that no appointment had been legally made, I think there must be something wrong in connection with the auditing of these fees. If no fees have been paid, and if Mr. Justice Cooper has not attempted to draw any fees although he has been acting for six months as President of the Arbitration Court, he must have had some idea that there was something illegal in the regulations contained in the Government Gazette as to the fees payable to the President. I do not know whether the Government submit regulations of this sort to the Crown Law Officer, but if they do, and if this is the sort of thing we get from the Solicitor-General- fees actually fixed in contravention of the law - what reliance can be placed on any legal opinion that he gives to the Government ? Of course, if these regulations have been drawn up without reference to the Crown Law Officer, that seems to be as peculiar a position as the other. But I trust the Premier will, this session, bring down some legislation to definitely fix the position of the President of the Arbitration Court. Mr.

BARCLAY (Dunedin) .- I desire to add a word or two to what has been said by my col- league (Mr. Millar) in reply to the honourable member for Bruce. The honourable member for Bruce asked whether any justice could be obtained in a Court where a person acted as a judge who was a servant of a body interested. I should like to point out to the honourable member that that is not quite a fair way of putting matters. It is a fallacy to regard a member of the Conciliation Board as a judge. Members of the Conciliation Board are not judges, they are conciliators. The Conciliation Board has no power. as the honourable member knows perfectly well, to make anything it says or does binding on the parties coming before it, without the consent of those parties. Mr. J. ALLEN .- Their award has some effect on the Arbitration Court, has it not ? Mr. BARCLAY .- It has no more effect on the Arbitration Court than the effect it may produce by its intrinsic justice or good-sense. It is wrong to imagine that any person on a Conciliation Board is a Judge. He is simply there to conciliate, and, that being so, it is right and proper that the most representative persons should be on that Board, in order that the cases may be thoroughly threshed out and an agreement come to by persons who know what they are talking about, who have some authority, and whose action is likely to be ac- ceptable to the parties concerned. I do not see, therefore, why an officer of a union should not be a member of the Board, as, from his know- ledge and experience, he is likely to be able to afford valuable information on the questions he is dealing with. Nor do I see any reason why a president of an industrial or employers' asso- ciation should not be a member of the Board. I am sorry the honourable member for Welling- ton City (Mr. Atkinson) should think it possible that persons who are appointed to honourable positions on those Boards should be capable of endeavouring to prolong the agony in order to put another paltry guinea a day into their pockets. I can hardly believe that such a thing could be true. He might as well sug- gest that the members of this House would endeavour to curtail the length of the session in order that they might profit all the more by their honoraria. I do not believe they would. I should like to say that the Concilia- 3.30. tion Board in Dunedin has been a con- spicuous success. Of course, Mr. Millar could not say that to the House, because he himself was a member of the Board ; but the fact is so. I do not wish to compare it with other Boards in the colony ; but there is no doubt that splendid work has been done by the Dun- edin Board ; and the gentleman whose name has been mentioned, Mr. Ferguson, has been a member of that Board for the bulk of the time it has been in existence.

<page>604</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=624></url>

gaged in a miller's case until now. Mr. BARCLAY .- That may be ; but I have never heard a word against his ability or suit- ableness for the position. It is generally agreed that Mr. Ferguson has always been one of the most level-headed, sensible, fair, and moderate members of the Board. I do not think that the mere fact of his being secretary of a union in any way unfits him for doing his duty as a conciliator, although possibly it might be un- desirable in one occupying the position of a Judge. Mr. MASSEY (Franklin) .- Sir, it appears to me that we have got into a most extraordinary position with this matter, and that a stupid mistake has been made in connection with the appointment of Mr. Justice Cooper as Judge of the Arbitration Court. Of course, it is our duty, as the Parliament of the country, to validate his appointment, because if we do not the whole of his decisions so far will be null and void. I think there will be very little op- position to the Bill before the House. It is all very well for the Premier to say that he takes the responsibility on his own shoulders. course, there is no doubt he is partly respon- sible in his capacity as Minister of Labour; but it is a divided responsibility. There is some one else responsible as well, and I think we ought to know who it is. The Act of last year, with regard to the gazetting of the appoint- ment, is quite clear. Subsection (4) of section 63 says this :- " As soon as practicable after a full Court has been appointed by the Governor, the names of the members of the Court shall be notified in the Gazette, and such notification shall be final and conclusive for all purposes." That has not been done, and some one is

directly responsible for it, and I hope the Premier in his reply will tell the House who it is. I consider that the payment of fees to a Judge of the Supreme Court, in addition to his salary, is altogether contrary to the spirit of the Act of last year, which provides that the salary of a Judge of the Supreme Court shall be \$1,500 per annum. There is not a word in that Act about fees. And not only that, I consider that it is contrary to the principle on which British Judges are appointed --- that their salaries shall in no way be dependent on the Government of the day. Mr. SEDDON .- Hear, hear. Mr. MA -SEY .- I hold strong opinions on that point. I am also strongly of opinion that there is no statutory authority for the payment of such fees, unless we get the authority from the iniquitous Public Revenues Act of last year. If that is the case-and I believe it to be the case - then members have the remedy in their own hands. The amount of the fees will have to be voted on the supplementary estimates, and I hope when the supplementary estimates come down that members will refuse to repeat the wrong of last year, but will promptly strike out the item referred to. Mr. T. MACKENZIE (Waihemo) .- It seems to me that a most awkward mistake has been proper appointment of Mr. Justice Cooper as Judge of the Arbitration Court. It is an omission which might have been fraught with the most serious consequences had the discovery not been made when Parliament was in session. Fortunately it was made when Parliament is in session. The Premier is taking the whole responsibility of that omission, and he is going to correct it. I rise chiefly for the purpose of giving my opinion with regard to the payment of fees to Judges in addition to their fixed salaries. I think that is a most improper course to pursue. If \$1,500 a year is not sufficient salary to pay Mr. Justice Cooper, then let the salary be raised to what amount may be regarded as sufficient emolument for his services. But to have supplementary fees added because he may be employed for a part of his time in a special class of work is, I think, a highly reprehensible course to take. I suppose it is quite correct that a certain Judge occupying that position received from \$500 to \$600 a year in addition to his ordinary salary as a Judge of the Supreme Court -making his emoluments considerably higher than those of the Chief Justice. My own opinion is that the Chief Justice should be better paid than he is at present ; but I do think it is wrong that a Judge, by means of fees, should receive a higher salary than the Chief Justice. Of course the Premier says that the correct place to insert such a provision is in another Act ; but will the Premier give us his promise that he will insert that provision in another Act this session. The Premier is silent. I hope that, in his reply, he will indicate the course he intends to pursue. Coming to the question of the paid secretary of a union being also a member of a Conciliation Board, I think, of course, it would be better to have a man not directly connected with a trades-union sitting on a Conciliation Board. I am glad to hear -- and I believe it is strictly true -that Mr. Ferguson is a very excellent man. and that he has been a very good member of the Board. I think it was suggested on this side of the House that conciliation is not the main end of members of those Boards. The member for Dunedin City (Mr. Barclay) said that this gentleman was not a Judge, but a conciliator. But it is human nature to suppose an extra day or two would not be against his wishes. But, as the Premier indicated some time ago, this gentleman may be one of those who are running the conciliation business too hard, and that the colony is becoming tired of it. For my own part, I believe it would be better to have men appointed to the position who are not connected with unions or with the employers. That would clear the ground considerably. Mr. SEDDON (Premier) .- Sir, in introducing the Bill I little thought that a long debate would follow. What has most amused me has been the assumed virtue of the member for Wellington City (Mr. Hutcheson) and his ignorance of the law. The member for Wellington City must know-if not, I will tell him now-

<page>605</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=625></url>

that the travelling - allowances for Judges of , certainly entitled to an extra allowance for it. . the Supreme Court are fixed by Ministers, and He may have to sit for a hundred days, and for not by Act at all. If members will look at the Civil Service Act of 1886, and at the regulations of 1873, they will see that the

power is in the hands of Ministers. Here is what you have : - " Ministers and Judges of the Supreme Court to receive travelling-allowance at the rate of two guineas per diem. Transport by land or sea to be provided by the Government. At sea, an allowance of five shillings only per diem will be sanctioned." The Legislature in the year 1888 took the matter of the payment of Ministers' allowances out of the hands of the Ministry and fixed it in I did not think, belonging to the profession you the Act ; but in respect to the Judges it is still left in the hands of the Ministry of the day. Why, then, all this virtue about not letting the Government fix the allowances for the Judge of the Arbitration Court? I say that we can either give the Judges 5d. or \$5 per day. This has been the Act since 1866, and there has been no word about it on the floor of the House. An Hon. MEMBER. - What regulations ? Mr. SEDDON. . That is the regulation made in the Civil Service Act on the 18th January, 1873. The Premier at that time was Mr. G. M. Waterhouse. Mr. HUTCHESON .- You are mixing things up Mr. SEDDON .- No, I am not mixing things up. The honourable member said the Ministry should not have anything to do with anything that was to be paid to the Judges of the Supreme Court or the Judge of the Arbitration Court, either as allowances, fees, or anything else, and used that as an argument. Now, I say it should not be fees at all ; it should be an allowance. If the word "allowance " had been put in instead of "fees," then it would be in accordance with the regulations that applies to Judges. That is the complete answer to all that the member for Wellington City (Mr. Hutcheson) has been saying. I wish now to say that I made a promise, and I actually passed an Act providing for the payment of fees to the members of the Arbitration Court other than the President, and then I find I am upbraided with a breach of all I have promised, and am told that I have done something terrible because the Judge of the Arbitration Court is put in a position that will entitle him to receive more than his brother Judges. Well, I do not like to say anything about the matter, for I wish to keep the Judges off the floor of the House as much as possible. Sir, members have taken the opportunity at a strange time indeed to make comparisons between the Premier's salary and the salary of the Chief Justice, and the salaries for those officers in the other Australasian colonies. It has also been said that by giving fees for the time the President of the Arbitration Court is doing his duty he may draw more than the Chief Justice, and that on that ground he should not have any allowance at all. Well, I say it is monstrous. If he is called on to do his duties in different parts of the colony, and is away from his home, he is that term he would get two hundred guineas, and I say he is entitled to it. From January to March is the Supreme Court vacation, and if during that time the Judge of the Arbitration Court is sitting and working, surely he is entitled to something : and yet it is proposed by the member for Wellington City (Mr Hutcheson) and the member for Bruce (Mr. Allen) that he is to get nothing for it. Mr. ATKINSON .- Limit it to payment for the vacation. Mr. SEDDON .- Well, you may do that ; but do, you would have suggested that. In this respect I may say I have in the past had difficulty in the way of satisfying the employers and the employés. There has been derangement of business and delay in dealing with the cases, and, as members know, there was a good deal of difficulty in getting a Judge for the position of President of the Arbitration Court. Then, the moment I get a Judge for the position and he is doing the work well, adverse criticism in respect to the fees payable takes place in the House. Now, Sir, what is underlying the whole thing? I know what it is, but I do not want to bring it on the floor of the House. I have said before-you will find it in Hansard - that the Judges of the Supreme Court are underpaid ; but that is no reason why, when you have the case of the Judge of the Arbitration Court before you, the other question should be brought up. In good time it will be for us to deal with the matter, but to have the Government attacked in the financial debate, and on this question, and at other times, I say it is irksome and nauseating, and cannot be pleasing to the Supreme Court Bench, and it is not to the advantage of the cause for members to take the course they have adopted. At all events, I have met the matter fairly by saying that under the Act as we passed it I do not think fees can be paid. On the other hand, whether you call it fees or allowances, something extra must be paid to the Judge while he is doing the Arbitration Court work. It is unreasonable to expect him to do

that work and not receive some extra allowance, or whatever you like to call it. If you say it should be given by statute law, then pass an Act dealing with all allowances to the Supreme Court Judges as well as the Judge of the Arbitration Court. An Hon. MEMBER. - It is for you to do that. Mr. SEDDON. - It is not for me ; it is for the Legislature. Then, Sir, I come to the question of the appointment. It has been said that I have not made the matter very clear. I think I made it as clear as I possibly could. An oversight occurred, and I have taken the responsibility of it, and I am not going to name anybody else, or to put the blame on anybody else. The Act which was quoted by the member for Bruce says that in the case of a vacancy caused by death or resignation the Judge who takes the place fills for the remaining time the office in the Arbitration Court. There have been two vacancies caused by resignation, and, taking it

<page>606</page>
<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=626></url>

no formal appointment was made. You appoint an appointment as a Judge of the Supreme Court. You notify the Judge to act as President of the Court. The term is looked up, and it is found that the full term of the President's appointment, which it limited to three years, had expired in the interim. Then, there is practically no appointment at all, and no President of the Arbitration Court ; and, whilst the judgments and awards of the person acting in that capacity have been given in good faith and have not been questioned, at the same time it is right for us to rectify, at the earliest possible moment, the error that has been committed. As soon as that error was made known to me I said, "Nothing but a validation Act will put the matter right, and the sooner that is done the better, because it is no use allowing the matter to drift until awards are questioned and you have litigation and trouble." The wisest course is to admit a fault has been made and face it and go through with the remedy, and that is my position this afternoon. I am going through with it, and this question which has been raised is outside the matter altogether. When we come to deal with the question of fees or allowances, I shall deal with it in a manner that will give satisfaction to the House. I think there is one of two things to do—we either have to pay an extra allowance during the time he is sitting, whether the Supreme Court is in vacation or not, or else put a clause in the Act and say there shall be paid to the President of the Arbitration Court a sum per annum in addition to salary—whatever you think is a fair remuneration for the extra service he has to perform in that position. Now, I do not altogether believe in paying fees. I altered the law on purpose ; but at the same time I have #cc-zero to pay, and I have full power to pay, the extra amount to this Judge of the Supreme Court, although acting as President of the Arbitration Court, and if I do that neither the Auditor-General or anybody else can question it. As to the oversight, when my attention was drawn to it by the honourable member for Wellington City (Mr. Hutcheson) I looked it up for myself. It seemed to me that the regulation had been drafted and passed without the alteration in the Act having been noticed ; but I cannot rectify it until I get my Conciliation and Arbitration Bill before the House. When that Bill comes before the House I do not think there will be any reason to complain as to the action of the Premier. Mr. HUTCHESON (Wellington City). - I wish to say a word in personal explanation. It was hardly fair of the Premier to accuse me of ignorance of the law, or perversity, in view of the statement he has finally wound up with. He actually proved my contention, that he has no authority to pay fees to the President of the Arbitration Court. Now, I say that I was perfectly right in my contention, and the Premier admitted that there was no power to provide fees, but that there was power to prescribe travelling-allowance. Now, will the Mr. Seddon of the Arbitration Court is travelling on Arbitration Court business he shall be for the time being construed to be in the discharge of the duties of a Supreme Court Judge, and be put on the same footing exactly?" I did not misrepresent the right honourable gentleman. and I was very gratified at the very straightforward manner in which he said, " A mistake has been made and I am the man to shoulder it." Mr. DEPUTY-SPEAKER. - The honourable gentleman is now going beyond a personal explanation. Mr. SEDDON. - I never questioned the honourable member ; and, to show the honourable member that

what I said was not put forward simply in accordance with this debate. I will read to him an extract-the answer I have here to his question as it stands on the Order Paper, -- " There appears to be an oversight, both by this office and the Crown Law Office, in not noticing that by the Act of 1900 the power was given to fix fees for the members of the Board other than the President, but there is nothing to prevent payment of whatever travel- ling-allowance may be fixed." Mr. J. ALLEN .- Travelling-allowance. Mr. SEDDON .- It is a daily allowance, pay- able when absent from home travelling, and the honourable gentleman makes a mistake if he thinks otherwise. The regulation reads, "Ministers and Judges of the Supreme Court shall receive a travelling-allowance at the rate of two guineas a day." It is something to compensate them when away from home. because otherwise they are living in hotels, and it costs them more than when living at home. The point I complained about was the comparison drawn by the honourable member for Wellington City, who said, " Why not put them in the same position as Judges of the Supreme Court and not allow them to be at the will of Ministers in the matter of fixing their allowances or fees?" Both terms were mentioned. The honourable member said the payments ought to be fixed by Act of Parlia- ment and not be at the will of Ministers. Now, I suppose the honourable member will confess he was ignorant of the fact that it was Ministers who fixed the allowances of Supreme Court Judges by regulation. Mr. HUTCHESON. I had that before me at the moment, and knew it. Mr. SEDDON. - The honourable member had not seen the regulations of 1873 until a few moments ago, and he never heard of these regulations in his life before. Bill read a second and a third time. OLD-AGE PENSIONS. Mr. DEPUTY-SPEAKER .- I have received a communication from the Controller and Auditor-General as follows :- " Audit Office, 18th September, 1901. "The Hon. the Speaker of the House of Representatives. "THE Controller and Auditor-General has the honour most respectfully to submit to the

<page>607</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=627></url>

the provisions of section 9 of 'The Public Revenues Acts Amendment Act, 1900,' a copy of the correspondence in a case under that section of a difference of opinion between the Audit Office and the Treasury on the question whether certain payments of old-age pension instalments, made subsequently to the period of one month after the due date, without the Colonial Treasurer having first extended such period, were chargeable as payments authorised by section 6 of 'The Old-age Pensions Act Amendment Act, 1900.' "J. K. Warburton, Controller and Auditor-General." Mr. SEDDON (Colonial Treasurer) .- I will move, That these papers be referred to the Public Accounts Committee. The matter in- volved, of course, as far as that is concerned, is mere machinery. It is a question of the law upon the point. The position is this: By the Act of last session we agreed that, where the old pensioners fell sick and could not come in for their instalments, the Colonial Treasurer should extend the time for payment, otherwise the old people would forfeit them. The imprest moneys are sent to the Postmasters, and in some cases in far-off districts payment was made extending over the month, and then the Postmaster has asked for my approval. I may not give ap- proval after the month is up. That is the question-whether I have retroactive power. Mr. J. ALLEN .- Not " retroactive" ; retro- spective. Mr. SEDDON .- Well, put it that way if you like. And because the Postmaster has paid the money during the month, and it has not come to me until the end of the month, and I say I approve of it, the Auditor-General says I cannot say that when it must be after the end of the month. The Solicitor-General says I can ; and that is the difference of opinion that is referred to the House. I move, That the papers be referred to the Public Accounts Com- mittee. I want the country to understand this : It would appear-probably that is the conclusion many have arrived at-that these are the only differences that arise between the Premier and the Audit Department. It is no- thing of the sort. Any amount of differences arise where our reading does not agree, and we give way. The House does not hear of these cases. It is only where the Government are supported by the Solicitor-General as to the law that any difference arises. At all events, this is a case which clearly means that, if I had not this

power, any one of these payments to old people could not be made at all. They would have to go without their month's instalment. That is exactly what is the matter. And, as I say, when the lawyers are against us we give way. But in this case, where both the lawyers and the law are with us, I could not give way to what was contended by the Auditor-General. Mr. HERRIES (Bay of Plenty) .- I wanted to ask the Premier if he would add to his motion "I hope he will-" and that the papers be printed." Mr. HERRIES .- I hope, also, he will take steps to bring in a clause to amend the Act in the way he indicated. Mr. PIRANI (Palmerston) .- There is more in these papers than the Premier seems to think. I notice a long letter from the Governor, in which he says, " He desires to point out that the Solicitor-General, in his opinion, states that the point is not free from doubt." That does not say that is the law as to the Government, at any rate : "The Governor feels it was the intention of the Legislature that all payments of this nature under the old-age pensions should come within the vote named." Mr. FISHER .- And he is reading in ? Mr. PIRANI .- He is reading in our intention, following the lead of the Solicitor - General. There is one point in which the Premier is wrong also ; and, I hope, if there is to be any legislation, as suggested by the honourable member for the Bay of Plenty, it will not be in the direction the Premier stated. There is no objection to the Premier assenting to these pension payments after the month. The objection is that the Premier did not assent to the pensions until after the payments had been made. That is very different. Mr. SEDDON .- That is what I told the House. Mr. PIRANI .- Not so ; the only point is this : that, instead, as stated here, of the Registrar of Old-age Pensions assenting to the extension of the time, the Colonial Treasurer ought to do it. That is the only difference. It is a very simple thing. A wrong course has been adopted. The Registrar of Old-age Pensions has instructed the Postmasters to pay in the extended period, whereas the law says the Colonial Treasurer shall do so. There are many disputes on which the Treasury give way, and it seems to me that in nearly every dispute we have before the House it would be a very easy thing, and the proper thing, for the Treasury to give way. Now, take this case : All that the Treasury had to do was to pay these amounts out of the "Unauthorised," and they would then come before the House in due course and be passed. That is the whole point, and all this time and trouble that is wasted in getting up this correspondence, in obtaining the opinions of the Solicitor-General, in hunting up the Governor and getting him to interfere in the administration, and these disputes before the House - the whole of the humbug carried on by the Government could be settled by putting a few pounds on to " Unauthorised " and passing the item in the ordinary course. The total amount involved in this case is only £113 in one list and £137 in the other. I do not think the Premier seriously desires all this fuss and publicity over these matters, but he goes the wrong way to work to prevent that. Surely any private company or any one in business would simply follow the instructions of their auditor ; and I would suggest to the Premier that in future, instead of wasting his time and brains and patience in getting up correspondence and legal opinions and orders from the

<page>608</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=628></url>

voucher, "Pay out of ' Unauthorised,'" and , the payment is actually made." there would be an end of it. Mr. J. ALLEN (Bruce) .- I should like to ask when the Public Accounts Committee is going to meet. Some papers have already been referred to that Committee three weeks ago. Mr. SEDDON (Premier) .- I think now that we have done away with the morning sittings the Committees will be able to sit more regularly. The honourable member for Palmerston has not put these matters clearly at all. There is no fault whatever so far as the Treasury is concerned ; and, if what is done is within the law why should I submit the matter to Parliament? Coming under the head of " Unauthorised," the amount might be challenged, and it would look upon the face of it as if the Government were doing something wrong. The honourable member knows that any sum charged to " Unauthorised " has to come before the review of the House ; and, if what we have done is within the law, why should I bring it under debate in this House, or why

should I ask to have the law altered when the law gives me the necessary power already, simply because a certain layman official is "pernickety"? The Auditor-General says it is not the law, and the only word to apply in a case of that sort is "pernickety." The time and the money of the country and the time of the Treasury is being wasted, and, in fact, we are sometimes quite concerned. When honourable members see me appear before the House in a perturbed state they say there is something coming before the Speaker from the Controller and Auditor-General shortly. Now, as long as I am on the Treasury benches I will not have the Controller and Auditor-General interfering with the administration. The responsibility of administration must rest with the Ministers of the day, and, I may say, troubles frequently arise from a desire on his part to interfere in the administration. I say it is taking control from the people's representatives if you allow officials to interfere with your administration. I would not allow His Excellency the Governor, let alone the Auditor-General, to take from the people their rights of self-government. Now, the honourable gentleman did not do justice when he was reading that memorandum. He should have read the whole of the Solicitor-General's opinion. He just read what pleased him. It goes on to say, - "The Amendment Act repeals the provisions as to waiver of forfeiture, and in lieu of them empowers the Colonial Treasurer to extend the period within which the instalment may be paid. If the power of extension is duly exercised, the payment is properly chargeable to the permanent appropriation under the Act. The power is given in general terms, and may therefore be exercised in such manner as the Colonial Treasurer thinks fit. Then, his approval of a payment, or authority to make a payment, would, I think, be a valid exercise of the power, without his specifying a definite period of time. The Audit Office holds, however, Mr. Pirani Now, the honourable gentleman says the point is that the Registrar had sent a notice to do it, and if the Treasurer had done it it would have been all right. But, though the Registrar sent a notice, the Solicitor-General says clearly I can do it either before or after payment : "The point, however, is not free from doubt, but, on the whole, I am of opinion that his power is not thus limited." That is his opinion-that the Controller and Auditor-General is not to be blamed for raising the question, because it is open to doubt; but, though he has raised it, the Solicitor-General is of opinion that I had the power to do it before or after. Then he says,- "The question can only arise in cases where by inadvertency or otherwise a local Postmaster pays an instalment more than a month after its statutory due date without the previous authority of the Colonial Treasurer. It may be that the Postmaster does this by mistake, or because, having regard to the age or health of the pensioner, or other special circumstances of the case, he feels satisfied that the Colonial Treasurer would give the authority if applied to, and therefore makes the payment at his own risk. To hold that the conduct of the Postmaster in making the payment in such a case would deprive the Colonial Treasurer of the power given him by the Act seems to me to be unreasonable, especially as the effect would be that the payment could not be charged to the permanent appropriation. If the payment is made but the Colonial Treasurer declines to approve it, then the question of surcharging the Postmaster arises. If this view of the position be correct, then the vote for forfeited instalments will, as indicated by the Audit Office, be confined to forfeitures occurring prior to the passing of the Amendment Act, and I understand from the department that, as a matter of fact, it was put on the estimates for that purpose." I think, as we got that opinion from the Solicitor-General, a graceful act on the part of the Auditor-General would have been to withdraw his objection, seeing that the amount involved was small. And the Solicitor-General, although admitting it was open to doubt, definitely advised that the Colonial Treasurer could give his consent to the extension of the time for payment before or after the payments were made. If he had withdrawn his objections we should not have had our debates interfered with, we should not have had all these papers printed, and the matter would not have had to go before the Public Accounts Committee. The whole thing is a storm in a teacup. His Excellency the Governor in his memorandum for the Premier says,- " In view of the Solicitor-General's opinion that clause 6 of Act No. 28, 1900, may be retrospective, and the statement that the Colonial Treasurer has extended the

period, the Governor has signed the instrument under section 9 of 'The Public Revenues Acts Amendment Act, 1900,' directing that the expenditure

<page>609</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=629></url>

charged as therein stated. He desires to point out that the Solicitor-General, in his opinion, states that 'the point is not free from doubt'; but the Governor, in giving his decision, feels that it was the intention of the Legislature that all payments of this nature under the old-age pensions should come within the vote named, and the powers conferred on the Colonial Treasurer by section 6 are manifestly given with a view to prevent hardships arising through illness, distance from place of receipt of pension, and other causes; and it is evident that in some cases it may be impossible for the pensioner to obtain the Colonial Treasurer's extension of time prior to the month of grace having elapsed. The Governor therefore considers it must have been the intention of the Legislature that this clause should be retrospective where occasion needed. "The payments made in the schedule have been done so at payer's risk, should the Colonial Treasurer have refused the extension; but it would be unreasonable to make these old people possibly travel in a long distance a second time to receive their money, and many might have been in the interval in distress. "RANFURLY." The honourable member for Palmerston did not put on record what the whole of the views of His Excellency were; but I now have the opportunity of doing so, and in that way of showing to the House and to the country that when His Excellency is called on to exercise his powers he looks into these matters for himself, and when he has the information before him he does not hesitate to express his opinion. The Governor's memorandum in this instance is a clearly expressed disapproval of the course taken by the Controller and Auditor-General. Motion agreed to. # UNOPPOSED RETURNS. Mr. SEDDON (Premier) said motion No. 40 was unopposed -namely, That a return be furnished giving the burgess-rolls and valuations of each borough and county in the colony, showing respectively the names and valuation of each ratepayer, amount payable under the capital and annual value, and the amount payable presuming the rating was on the unimproved value. Mr. PIRANI said he objected to that return being taken as unopposed. Mr. SEDDON said, If in the case of an ordinary return like this he was to be treated differently from other members, then he would not agree to any unopposed returns being laid on the table. Mr. PIRANI said he would withdraw his objection if the Premier would grant his returns with respect to expenditure of \$7,000 under the Civil List for Native purposes, and with respect to expenses connected with Cook and other islands. Mr. SEDDON said he would not make any compromise, and would grant no more unopposed returns. Mr. ARNOLD (Dunedin City) asked the Chairman of the Library Committee, If he will provide an extra fifty copies of the Dunedin Evening Star, as, in consequence of the full and correct parliamentary reports appearing in that paper, the few copies received are at once commandeered, and numbers of members who wish to see the paper are disappointed? Considerable inconvenience was felt by some members in consequence of the few copies of this paper being commandeered almost immediately they were laid on the table the reason being, no doubt, the full and correct reports that usually appeared in that paper. He might state that this question had no connection with the recent breach-of-privilege case in connection with this newspaper. Copies of this paper were, no doubt, often taken for the purpose of taking cuttings from them. Personally, it did not affect him, because when he was in Dunedin he would not be without his copy of the paper, and arrangements had been made whereby while he was in Wellington he would be supplied with a copy of the paper. He trusted that the Committee, if it could not see its way to have fifty extra copies supplied, would, at any rate, increase the number of copies at present sent to the library. Mr. DEPUTY-SPEAKER said the question had been brought before the Joint Library Committee, and the Committee decided that, as a similar number of copies of this newspaper were supplied to the library as were supplied of other newspapers, it was not necessary to increase the supply of copies of the

Dunedin Evening Star. He was therefore compelled to answer the question in the negative. # "GENERAL ORDERS," NEW ZEALAND FORCES. Mr. RHODES (Ellesmere) asked the Minister of Defence, If he will have copies of "General Orders," as issued from headquarters, New Zealand Forces, filed in the library for the information of members? Looking to the fact that there were 155 questions on the Order Paper and only three-quarters of an hour in which to answer them, he would be as brief in his remarks in asking this question as possible. He would merely point out that at the present time, when so many of our fellow-colonists were in South Africa, there was much information in the "Orders " as to the movements of the contingents, promotions, and so on, which was of interest to all members of the House. He would like the Minister of Defence to accede to the request in his question, and, if possible, to have past " Orders " hled as well. Mr. SEDDON .- Yes. ORDERLIES AT PARLIAMENT HOUSE. Mr. HORNSBY (Wairarapa) asked the Minister of Defence, If it is a fact that the orderlies on duty at the entrance of Parliament House failed to salute Captain Napier, member for Auckland City, and that the orderlies have been punished for dereliction of duty ; and will he (Minister of Defence) state what was the

<page>610</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=630></url>

the orderlies ? Mr. SEDDON (Minister of Defence) said the orderlies were reported, but the Commandant did not think there had been a neglect of duty. MANGONUI MOUNTED INFANTRY. Mr. HOUSTON (Bay of Islands) asked the Minister of Defence, If he will take the necessary steps to recoup the members of the Mangonui Mounted Infantry, who suffered severely through the fire that occurred in the Plague Hospital at Auckland, where they were camped at the time of the Royal visit' to Auckland ? Nearly all the clothes and accoutrements of these men were destroyed by fire through no fault of the men themselves. The troop suffered to the extent of some £250. He hoped the Government would accede to the request to recoup the men for their loss. These men gave their time, and at great inconvenience attended the celebrations in Auckland, and it would be most unfair that they should be asked to bear this heavy loss. Mr. SEDDON (Minister of Defence) said he would make inquiries into the matter. STORAGE ACCOMMODATION FOR MAGAZINE RIFLES AND CARBINES. Mr. WILFORD (Wellington Suburbs) asked the Minister of Defence,-(1.) What storage accommodation will be provided for the magazine rifles and carbines lately imported into the colony ? (2.) Whether these arms are now stored in a drill-shed at Mount Cook ? (3.) Whether the fact of these arms being left in that shed will not interfere with the training of the following troops : Permanent Artillery, Wellington Navals, D Battery, and Wellington Engineers? (4.) Whether the Minister will give instructions for these #cc-zero arms to be removed elsewhere at an early date ? He might say that the storage of these rifles in the place mentioned was absolutely dangerous to the men carrying on their big-gun and other drill. He was informed that the corps mentioned were put to very serious inconvenience owing to the limited space now at their command. It was desirable that some alteration should be made before any serious accident took place. It was generally admitted by all the officers that the rifles were in the road at present. He hoped the Minister would take the earliest opportunity to have the rifles removed. Mr. SEDDON (Minister of Defence) said that every precaution would be taken to prevent anything occurring such as the honourable member feared. The Government would take steps to have the rifles stored in the proper place. Mr. WILFORD .- Where is the proper place ? Mr. SEDDON .- I will let the honourable gentleman know later on. MILITARY PENSIONS ACT. Mr. J. ALLEN (Bruce) asked the Minister of Defence, If he will introduce an amendment of the Military Pensions Act to extend the operation of the Act to Mr. Hornsby injury has resulted from sickness, disease, or other causes than those now provided for ? He understood that under the Act of 1866 provision was only made for military pensions being given to men who had been actually wounded. The provisions of the Imperial Act were much wider than ours, and they provided, both in the case of officers and men, that disabilities caused by climatic disease and exposure in the field should be a ground for receiving a pension. The Imperial

regulations further provided, " In cases of disability contracted in the service, but not caused by the service, may award a temporary pension for a period not exceeding three years." And by a further regulation this pension may be renewed. Pensions and gratuities under the Imperial law were also provided for widows, children, mothers, and sisters under certain conditions. A great many of our returned troopers were suffering not so much from their wounds as from injuries received through climatic troubles, and no provision had been made for them at all in the Military Pensions Act, while the Home authorities had made such provision ; and he thought we ought to be at least as generous in respect to these men who had served their country, and who had been disabled by disease. as they were at Home. Now, he was informed on good authority that many of these men, owing to the effects of climate, were rendered incapable of working for a good many years. and some of them perhaps for ever, and he wished to know whether the Premier, considering the services these men had rendered to their country, would amend the Act so that some provision might be made for them, as was done at Home. Mr. SEDDON (Minister of Defence) said an amending Act was under consideration. There was one direction, at all events, in which it required alteration - namely, a member of one of our contingents might be wounded and incapacitated while keeping his father and mother, his father being an invalid, and because the father was alive he could not get a pension. An amending Act would be introduced. # WORKERS' COMPENSATION FOR ACCIDENTS ACT. Mr. O'MEARA (Pahiatua) asked the Premier, Whether, as insurance offices decline to insure trainers and jockeys on race-days against loss under the Workers' Compensation for Accidents Act, he will have the Act altered so as to exclude racing-clubs from the provisions of the statute ? Mr. SEDDON (Premier) said. Yes. the Government did not see its way to do that. MEMBERS' ELECTION EXPENSES. Mr. FISHER (Wellington City) asked the Government, Why the return relating to the certified election expenses of members at the last general election, ordered by the House of the 24th July, 1900, has not been laid on the table ?

<page>611</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=631></url>

Mr. SEDDON (Premier) said he understood it was not complete yet. "SHORTHAND REPORTERS ACT, 1900." Mr. FISHER (Wellington City) asked the Government, Whether they will take such steps as may be necessary to give effect to the Shorthand Reporters Act of last session ? He did not know why there had been such a delay in giving effect to the Act passed last year. Two Judges of the Supreme Court had given opinions in favour of bringing into operation the provisions of this Act. These Judges were Mr. Justice Williams and Mr. Justice Denniston. Regulations had been framed in accordance with the provisions of the Act, and examiners, he understood, had been appointed, and it only remained for the Government to say that the Act should be put into operation. Mr. SEDDON (Premier) said the only thing that remained to be done was to appoint examiners to conduct the examination of candidates under the Act. # JUDGMENTS OF HIGH COURT OF RAROTONGA. Mr. HERRIES (Bay of Plenty) asked the Government, Whether it is their intention to introduce legislation to provide for an appeal to the New Zealand Court of Appeal from judgments of the High Court of Rarotonga ? This matter occasioned some correspondence between His Excellency the Governor and Mr. Chamberlain. Lord Ranfurly wrote on the 15th January, 1900, and Mr. Chamberlain replied on the 6th April saying it was desirable that a Court of Appeal should be established. Since then this colony had annexed the islands, and, if this High Court of Rarotonga was a valid Court now, which he considered very doubtful, he thought it was very desirable there should be an appeal to the Appeal Court of New Zealand. Mr. SEDDON (Premier) said, now that the Islands were part of New Zealand, no doubt our Courts had jurisdiction there. The only question at the present time was whether we should appoint Colonel Gudgeon to be a District Court Judge. # GOVERNMENT LOANS TO LOCAL BODIES ACT. Mr. HOGG (Masterton) asked the Government, If they will amend " The Government Loans to Local Bodies Act Amendment Act, 1899," so as to enable

settlers to capitalise existing loans, and extend the period of repayment to forty-one years ; also, to enable holders of sections whose lands are loaded on account of the expenditure on roads to take advantage of the Act referred to ? This was an important question to the settlers of the country. Under " The Government Loans to Local Bodies Act Amendment Act, 1899," the rate of interest on money borrowed for public works by settlers was reduced 8 per cent. for the ordinary term of twenty six years, and at the same time the settlers were allowed the option of spreading the loan over a longer period of years, the rate of interest being accordingly reduced. A good many intended to take advantage of the Act, but they found that, instead of the loans being capitalised, and instead of their being called upon to pay only the reduced interest on the balance of the loan, they would really be in a worse position, and have more money to pay, in cases where the loan had been in existence for a considerable time, than if they took no advantage of the Act at all. He would illustrate his point : Assuming £100 had been borrowed for twenty-six years at the old rate of 5 per cent., the total amount that would have to be paid would be £130. At the reduced rate of 4 per cent. the amount would be £117. But supposing the loan had been in existence for eighteen years when the Act came into operation, and 5 per cent. had been paid, the amount paid by the settlers up to that time would be £90; and for the remaining twenty-three years, if they extended the loan for forty-one years at the reduced amount of repayment-namely, 3 per cent. per annum- the further amount would come to £80 10s., or equal to a sum of £170 10s., as compared with the £130 they would have to pay under the original agreement. On the other hand, if the loan was capitalised, seeing that £90 had been paid, there would only be a balance of £40, and that, extended over the twenty-three years at 3 per cent., would make £32 4s. ; so that, instead of having to pay the larger amount of £170 10s., they would have a decided advantage. He thought this was only fair to the settlers, who had been led to believe that the Act would give them a considerable amount of relief, whereas, as a matter of fact, they had not been able, except in a few instances where the loans were recently contracted, to take advantage of the Act at all. With regard to roads, settlers were now required to pay, under the lease in perpetuity, 4 per cent. on the surcharge made for roads generally amounting to 58. per acre. This interest was added to the rent, and was a permanent charge for 999 years. These settlers had an obvious grievance, for, instead of being allowed the same opportunities as other settlers, who, under the provisions of " The Government Loans to Local Bodies Act, 1899," were allowed to repay the money they borrowed for roads and bridges by instalments extending over thirty-two years at 4 per cent., they were required to pay that rate of interest as an addition to their rental for all time. Mr. SEDDON (Premier) thought it was undesirable to introduce legislation to enable the Government Loans to Local Bodies Act to be extended as suggested. There would be a general amending Act. The Government Loans to Local Bodies Act provided for the granting of money to local authorities for works of public utility, and the demands under the existing law were so numerous and the amount required so large that it would, in his opinion, be unwise to further extend the borrowing facilities .. Knowing the payments already this year, he could say that, if the payments were extended in the way mentioned by the honourable gentleman, it would probably lead to an increase of

<page>612</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=632></url>

had the Advances to Settlers Act for the assistance of settlers, and if they loaded the Loans to Local Bodies to too large an extent he did not know where they were going to end. # OLD-AGE PENSIONS. Mr. HERRIES (Bay of Plenty) asked, When the Committee on the old-age pension regulations is to be called together ? The Committee had been set up in the early part of the session, but had not yet been called together, and no doubt the Premier had overlooked it. Unfortunately, it had also been overlooked last session, the Committee having never met. What had occurred that afternoon with regard to the regulations of the Industrial and Arbitration Act had shown the necessity for having the regulations made

under all Acts carefully revised. Mr. SEDDON (Premier) said he would ask that the Committee should be called together on the following day. COMMANDANT OF THE FORCES. Mr. PIRANI (Palmerston) asked the Minister of Defence, Whether, in view of the refusal of Colonel Henry of the position as Commandant of the Forces, the Government will give the House an opportunity of deciding whether a colonial officer should be appointed instead of importing another Imperial officer ? He would merely point out to the Premier that the most efficient heads of departments in this colony were New-Zealanders, and if the same system of appointment were adopted with regard to defence it would probably be found just as successful. Mr. SEDDON (Minister of Defence) said, After the report that had been laid on the table that day as to the camp at Newtown Park during the Royal visit, his confidence in colonial officers had been considerably shaken. Mr. PIRANI said, in reference to the Newtown Park matter, he might point out that the Commandant was Colonel Penton. Mr. SEDDON said the Commandant had given it as his opinion that Newtown Park was not a proper place for the camp, and the other shortcomings were not reported to him. He knew nothing about it, and was not to blame. # MARRIED MEN IN PERMANENT FORCES. Mr. BOLLARD (Eden) asked the Minister of Defence, If he will grant a reasonable house allowance to married men in the Permanent Forces of the colony ? This was a matter respecting which there was a substantial grievance. Considering what had been done of late years in connection with the Police Force, he hoped the Defence Minister would see his way to grant married men in the Permanent Forces a reasonable house allowance. He believed that some time ago Colonel Penton had recommended the construction of something like barracks for married men in the Permanent Force. That might be very good for military towns in the Old Country, but it would not do Mr. Seddon able reply. Mr. SEDDON (Minister of Defence) said this opened up a wide question, he supposed, in the direction of removing from the colony the reproach arising from the reduction in the birth-rate. There were 118 married men in the Permanent Force, and if they got \$50 a year more than single men the probability was they would soon have a much larger number of them in the Force. Mr. BOLLARD .- How could it cost \$50 a year more ? Mr. SEDDON said that would represent house allowance of £1 per week. Mr. BOLLARD .- 1s. a day would be sufficient. Mr. SEDDON could not see why married men should receive 1s. a day more than the other men who performed the same work and duties. AUCKLAND-MANUKAU CANAL. Mr. BOLLARD (Eden) asked the Government, If they will support a Bill to give the necessary legislation to empower a private company to construct a canal between the Auckland and Manukau Harbours ? This was a matter of great importance to the City of Auckland. He had several times brought it before the Government, and they had always pooh-poohed it, saying that the expense was too great. The Harbour Board was the proper authority to take this matter up. and that body had made a feint now and again, but had then done nothing. He had been communicated with by a company that was contemplating moving in this matter, and he would like to know if the Government, before the company proceeded further, would grant the necessary legislation if it was applied for to enable the work to be undertaken and the canal constructed. He hoped that this time he would be able to get a favourable reply from the Minister. Mr. SEDDON (Premier) said the Government had had no proposal submitted to them, and it was the duty of those who proposed to undertake a great work, and one of national importance, to, at all events, approach the Government in a proper way, with a statement of the proposal, and evidence that they were not simply syndicators or floaters of companies desirous of getting a privilege from Parliament and then selling it to somebody else. The Government, he thought, ought to know who the company were and what their proposals were. The question could not be dealt with until definite information was obtained. Mr. BOLLARD .- Suppose you are satisfied of the genuineness of the company and the bona fides of those concerned, will you give the necessary legislation ? Mr. SEDDON might say that this had been a dream of his for many long years. He had discussed many years ago this question of cutting across the narrow neck of land between Auckland and the Manukau with Sir George Grey. If the

question was, " Was he in favour of cutting a channel through this neck of land ? " his answer was in the affirmative.

<page>613</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=633></url>

MINISTERS' TRAVELLING - ALLOW- ANCES. Mr. PIRANI (Palmerston) asked the Colonial Treasurer, Under what authority the amount of £77 10s. has been paid to the Right Hon. R. J. Seddon for visit to Cook Islands, under the heading of travelling allowances and expenses, when the Ministers' Salaries and Allowances Act confines such allowances to those incurred while travelling within the colony on public business ? He would like to point out that, including this \$77 10s., expenditure to the extent of £582 had been incurred, according to the estimates, in connection with the trip to Cook Islands, apart altogether from the working- expenses of the steamer, some £1,100. He did not see any authority for this specific allowance to the Premier, and would like to know from the Premier under what authority the payment had been made. Mr. SEDDON (Colonial Treasurer) said he knew the honourable member intended by this question to give him (Mr. Seddon) an oppor- tunity of putting himself right. It had been suggested in the question asked, " Had he (Mr. Seddon) received \$4,000 a year." Another member inserted in a table that last year he had received £1,600 as salary and £485 as allowances and expenses. These statements were absolutely devoid of foundation in fact. In the first place, he had only received £1,375 16s. 1d. as salary last year. That was all he had received - not £1,600, and certainly not £4,000. And what was more, and what he complained of particularly, was the gross ignor- ance of members ; either that, or else they maliciously desired to put a false statement before the country. In B .- 3, the very paper that would be found on the table, they would find set forth the full amount paid to every Minister ; and, when members would put it about and state it in the House that it was a larger amount, he could only come to the con- clusion that they did it wilfully and mali- ciously. In B .- 3 it would be found he had only received as salary last year £1,375 16s. 1d. As regarded the allowances, all that he re- ceived under that head last year was £485 5s., and of that amount he had got a return, which was laid on the table of the House, showing that the allowances received by him when travelling in the colony were only #259 10s. That was all he received. Then, there was in addition to that an amount of £225, the allow- ance for his trip to Australia to represent this colony at the Commonwealth celebration. Now, he said the House intended that he should represent the colony at the Commonwealth celebration. It was understood last session that he should do so, and when he went to \- represent the colony on such an occasion all he simply received or claimed in the way of allowance was \$225 15s. He therefore said that, if they put that £225 15s. to the amount that he received by way of allowance, \$259 10s., they would have everything-\$485 5s. ; and he said it was grossly unfair for a member of the 1 House in this respect to state to the House, or put on the records of the House, that he (Mr. Seddon) cost the colony for salary last year £1,600, when he only drew £1,375 16s. 1d., and that he drew £485 5s. for allowances, not distinguishing that £225 of that amount was for his representation of this colony at the Commonwealth celebration. However, taking the whole lot together, lock, stock, and barrel, all that he received last year was £1,861 1s. 1d. That was all, including allowances and salary -under \$2,000. Now, the allowance for the trip that he made to the Cook Islands was £52 10s., and the expenses were £15. For the inauguration of the Commonwealth £225 15s., and the expenses £25, so that they got #240 15s. as his total expenses whilst representing the colony in Australia. Whilst it was annoying to have these misrepresentations, he asked honourable members, What good turn did it serve? Here was the return showing how much he got ; and, surely, when members had this return, and had B .- 3, he might ask, Why continue to compile tables and put in figures as to the cost which were incorrect and mislead- ing? It had been stated he had received ±200 house allowance last year. He had not re- ceived twopence as house allowance last year. It was to him incomprehensible, and more particularly when it came from gentlemen who said they were friends of the Premier. He was

accused of having received house allowance last year ; he had never received twopence of house allowance last year. Mr. PIRANI said the question he had put. on the Order Paper, and to which he wanted a reply, was, "Under what authority the amount of \$77 10s. has been paid to the Right Hon. R. J. Seddon for visit to Cook Islands, under the heading of travelling allowances and expenses, when the Ministers' Salaries and Allowances Act confines such allowance to those incurred while travelling within the colony on public business ? " Mr. SEDDON said the honourable member was in error regarding the case, and, at any rate, his interpretation as to the \$52 not being payable was wrong. LIQUOR LICENSES IN KING-COUNTRY. Mr. LAWRY (Parnell) asked the Govern- ment, Whether it is likely that people residing in the southern districts of New Zealand are possessed of correct information as to the desirability or otherwise of issuing licenses autho- rising the sale of alcoholic liquor in the King- country (Rohe-potae) ? In asking this question he might point out that a very large number of petitions had been presented to the House this session on the above question. Now, the bulk of these petitions-nearly the whole of them- asked the Government to enforce, so far as the King-country was concerned, clause 33 of the Alcoholic Liquors Sales Control Act of 1895. It appeared to him that the signatures to all these petitions had been obtained under false pre- tences, because the particular clause of the Act that he referred to-namely, clause 33-could only apply where a poll had been taken. Now, any person with a knowledge of the course of events, and who knew anything about the

<page>614</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=634></url>

clause 33 of the Act in question could not apply to the King-country (Rohe-potae), because a poll had never been taken there, and these petitioners were apparently determined that the residents should not be allowed to have a poll taken. He hoped the honourable gentleman would give a decisive answer, and show to these petitioners they were endeavouring to induce the House to ask the Government to break the law of the country. Mr. SEDDON (Premier) said this was cer- tainly a very large and important question, and had created a considerable amount of dis- cussion throughout the colony. It was the duty of the Government to see there was a due observance of the law, and he could not understand why those who were always saying they were willing to trust the people refused to allow them within these boundaries to have a say on these matters, in the same way as people had in other parts of the colony. Mr. FOWLDS .- You do not allow the same people to deal with their land. Mr. SEDDON said, At all events, those who contended for the principle he referred to should allow the white people within the boundaries to decide the question. As mat- ters stood, it did not matter whether they were white people or Maoris. They were allowed no say on the question, simply because there were a number of people who had come to the con- clusion that the sale of liquor in the King- country would be inimical to the best in- terests of the Maoris. While he appreciated their motives in connection with the existing state of affairs, if those who were agitating against any change were made fully acquainted with the true position of affairs, he doubted very much whether they would take the same action they were doing. Mr. LAWRY said the honourable gentleman missed the point. The point really was that there were petitions before this House asking the Government to enforce clause 33 of the Alcoholic Liquors Sales Control Act of 1895. Now, if the Government were to enforce that clause as requested by the petitioners, the Go- vernment would be absolutely breaking the laws which were now on the statute-book. Mr. SEDDON said the honourable member's interpretation of the law was quite correct. Section 33 was not applicable to the King- country at all. The existing conditions were such that he could not say anything more than that. As these petitions had not yet been dealt with by the Committees, he would probably be brought up for breach of privilege if he did so. # FIJI. Mr. HERRIES (Bay of Plenty) asked the Colonial Treasurer, Whether the long cablegram appearing in the London Times of the 20th July with reference to the Ordinance passed by the Government of Fiji is to be paid for out of the vote on the estimates of \$300 for Reuter's telegrams? The

telegram he alluded to had appeared in the Times on the date mentioned, and was stated to have been received through Mr. Lawry to the cablegram, although he thought it a little too lengthy, but he wanted to know whether this \$300 that was on the estimates was to be used for supplying information to the newspapers or whether it was meant for supplying information to the Agent-General. He asked whether this cablegram was going to be paid for out of this \$300 vote. Mr. SEDDON (Premier) said he would make inquiries into the matter. # CO-OPERATIVE WORKMEN. Mr. R. MCKENZIE (Motueka) asked the Government, If the co-operative workmen in Government employment are insured against accident under the Workers' Compensation for Accidents Act ; if not, will they arrange or undertake to pay compensation for accidents on co-operative works equal to that provided by the above-mentioned Act to be paid for accidents by private employers ? This was a question of considerable moment to a large number of men working on the co operative works. Of course, the Government might have or might not have taken the steps he had indicated, but, at any rate, he hoped steps would be taken as soon as possible in that direction. Mr. SEDDON (Premier) said, so far as the co-operative workmen employed on roads and railways construction were concerned, they were not insured, but inquiries were being made in respect to the matter. His own opinion was that the State, if in the same position as private employers, should do its own insurance. # WORKERS' COMPENSATION FOR ACCIDENTS ACT. Mr. LETHBRIDGE (Rangitikei) asked the Government, Whether the lending departments of the colony are seeing that their investments on mortgage are protected under the Workers' Compensation for Accidents Act of last session ? He understood there was no doubt the agricultural labourers and others did come under the Act, and in many cases the land was not worth what a labourer would get in the event of an accident happening. He thought the department should see that they were insured. Mr. SEDDON (Premier) said it was the case in regard to the Public Trust Department, and also the Advances to Settlers Department. ## RATES ON CROWN LEASES BY COUNTY COUNCILS. Mr. O'MEARA (Pahiatua) asked the Premier. If he will consider the advisability of preventing the levying of rates on Crown leases County Councils when such Councils do nothing in the way of road-making or in any way relieve the necessities of back-block settlers ? This was a question which affected nearly every newly settled district in the colony. Local bodies had levied rates on land settled by the Government when, so far as those settlements were concerned, those local bodies had not spent one penny in their construction or maintenance. He did not think it was fair, and he hoped the Premier would at once adopt

<page>615</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=635></url>

some means or other to prevent those settlers from being loaded with the rates struck by the various local bodies in the districts of the colony. At the present time many of the settlers were heavily rated for the construction and maintenance of roads, and he hoped the Premier would prevent heavier burdens being imposed upon them unfairly. Mr. SEDDON (Premier) said in all probability there would be an amendment of the Rating Act this session. The levying of rates such as the honourable member had described was practically levying blackmail on the back-block settlers. He knew a case in point where a local body-it was in the case of the Hatuma Estate -got a valuation from the Commissioner of the Valuation Department, and while the land was actually Crown land, and while the Crown was making all the roads, they struck a rate for it. It was, of course, discovered in time, and they had to withdraw it. Then it was said that, the rate being once struck, it could not be withdrawn. He thought there ought to be some power given under the Rating Act to the local body to exempt settlers from rating under these circumstances, and if the local body refused to grant such exemption there ought to be the right of appeal to some tribunal-probably the Stipendiary Magistrate. He knew of districts in which these rates were collected from the unfortunate settlers when they had not seen the sign of a road for four or five years. He thought some alteration should be made in the law. # SOUTHLAND VOLUNTEERS. Mr. HANAN (Invercargill) asked the Minister

of Defence, If, considering the large number of Volunteer companies in the Southland Sub- district, he will consider the advisability of declaring Southland a Volunteer and Militia district, with independent control, and Invercargill as a centre and headquarters ? Mr. SEDDON (Minister of Defence) said he had considered the matter, and he saw no reason at present for altering the existing condition of things. # NEWTOWN PARK. Mr. FISHER (Wellington City) asked the Government, When they intend to perform their undertaking to put Newtown Park in a proper state of repair after the damage done by camping the various contingents there ? He took a fatherly interest in Newtown Park, as he had it laid off very many years ago, when Mayor of the city. It was a recreation-ground of extreme value to the people of Wellington, and it had also proved to be a great convenience to the Government during the formation of the contingents which had been sent to South Africa during the past two years. The Corporation had offered the Government every facility, had offered no objection to the use of the park, and the Government entered into an undertaking to leave the ground in a state of proper repair when the contingents had done with it. A most voluminous correspondence had taken place between the Government and the Corporation, but it had had no effect in inducing the Government to do its duty. unsatisfactory to the city, because if the Government had made the repairs at first, when they could have been made, the work could have been done for about £200; but, owing to the delay of the Government in not standing by their undertaking, it was now estimated by the City Engineer that it would take £614 to put the park in a state of repair. If the work was not done soon a whole season would be lost, and the park would remain in the condition it was in now. Whatever settlement was arrived at, it should be arrived at at once. He hoped the honourable gentleman would impose upon the Corporation no further delay in the matter, because, however much he might desire to adhere to his own views in the matter, surely he would not allow his tenacity to cause the city to lose the use of that park for an entire season. When he (Mr. Fisher) first had the ground laid out there was a sub-soil pipe-drainage system carried out, which alone cost \$600. He hoped the honourable gentleman would undertake that there should be no further delay in carrying out the agreement with the Government. Mr. SEDDON said, if they wanted anything done in the way of business they should have nothing to do with the military, otherwise there would be a mess made of it. In respect to this matter a very wide undertaking was given, and he might say that just after the Seventh Contingent went away the amount of claim made upon the colony for damage to the park was £140-that was to say, after seven contingents had camped on Newtown Park £140 was considered a reasonable amount. An Hon. MEMBER. - Did you pay it ? Mr. SEDDON said he had offered to do so. Then, when the park had been used for one week by the Volunteers recently the bill suddenly came to over \$600. The thing, of course, was absurd. What they had done was to estimate what it would cost to put the park, which was in a flooded condition, in a state of repair. Mr. FISHER. - No. Mr. SEDDON said the honourable member did not know anything about it. Mr. FISHER. - I do not know anything about it ! Mr. SEDDON challenged the honourable member to mention a single item of that \$600. The City Council were going to turf all the slopes, and were going to do a good deal of work which did not concern the Government at all. He reckoned he had made a liberal offer to the Mayor : that was, that, as they had only charged £140 for the contingents, he would give £160 for the one week, making a total of £250 altogether. They could have that cheque to-morrow, but beyond that he would not give a single shilling. PHYSICAL DRILL IN PUBLIC AND NATIVE SCHOOLS BILL. A message was received from the Legislative Council stating that the Council had passed this Bill with certain amendments.

<page>616</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=636></url>

were purely technical, and did not alter the intention of the measure as it had passed through the House. He moved, That the amendments be agreed to. Motion agreed to. SCHOOL ATTENDANCE BILL (No. 2).

IN COMMITTEE. Clause 3 .- " For the purposes of this Act, ' public schools' shall include any day-school attendance at which is considered sufficient compliance with section four of this Act, and the provisions of Part I. shall apply to any Maori or half-caste children attending public schools. "' Attendance ' shall mean a period of at least two hours' instruction at a public school within the school district in which the child resides, unless exempted under section four hereof. "'Parent ' includes guardian, and the house- holder in whose family a child resides." Mr. PIRANI (Palmerston) moved the inser- tion of the following further definition : - "' Public conveyance ' includes any coach or ferry, or other means of public conveyance by which a child may obtain free transit for the purpose of attending school." Words added, and clause as amended agreed to. Clause 4 .- " Subject to the provisions of the principal Act, every child between the age of seven years and the age of fifteen years is hereby required to attend some public school : " Provided that the parent of any child de- siring exemption may apply for and receive a certificate from the School Committee of the district, under the hand of the Chairman or Secretary thereof, or from the head-teacher of any public school, in which such child re- sides exempting such child from attendance #cc-zero in whole or in part at school, upon satisfying the School Committee of the existence of any one of the following grounds, namely :- "(1.) That the residence of the parent or guardian of the child is more than four miles from the nearest public school, the distance being estimated by the nearest road, and that the child cannot conveniently reach school by railway without travelling more than four miles, computing the dis- tance between such residence and such railway and such railway and the school, inclusive : " (2.) That the child is under efficient and regular instruction elsewhere : "(3.) That the child is unable to attend school by reason of sickness, danger of in- fection, temporary or permanent in- firmity, or other unavoidable cause : "(4.) That the road between the child's resi- dence and the school is not suf- ficiently passable : "(5.) That one of the Inspectors or the head- master of any public school has, by writing under his hand, certified that the child has reached a standard of education prescribed by any regula- standard of exemption : "And every such certificate of exemption shall state the ground of exemption, shall be on a form to be supplied by the Education De- partment, and shall be in force for a period of one year, or for a shorter period, as may be named in such certificate ; and during the period named in such certificate the holder thereof shall be freed from the operation of the provisions of this Act in respect of the child named therein : "Provided always that any parent dissatis- fied with the decision of a Committee or head- teacher in refusing to grant an exemption certificate may appeal to the Education Board against such decision, and the Board may over- rule or confirm such decision." Mr. PIRANI (Palmerston) moved the excision of the word "fifteen," with a view to sub- stituting the word " fourteen " in lieu thereof. Amendment agreed to. Mr. MASSEY (Franklin) moved, before the words "School Committee," the insertion of the words "Chairman or Secretary of the," and the excision of the words "under the hand of the Chairman or Secretary thereof." Amendment agreed to. Mr. MASSEY moved, after the word " satis- fying," the insertion of the words " the Chair- man or." Words added. Mr. PIRANI (Palmerston) moved, in sub- section (1), the excision of the word " four." Word struck out. Mr. PIRANI moved, the insertion in lieu thereof of the word " three." Word inserted. Mr. PIRANI moved to insert, after the words "public school," the words " if the child is ten years of age or over, and two miles if the child is under ten years of age." The Committee divided. AYES, 29. Fowlds McNab Allen, E. G. Arnold Pirani Guinness Rhodes Hall-Jones Atkinson Russell, G. W. Barclay Hardy Haselden Tanner Bennet Thomson, J. W. Heke Carneross Hutcheson Ward. Carroll Laurenson Collins Tellers. Buddo Colvin McGowan Mckenzie, R. Hornsby. ELL NOES, 11. Bollard Willis. Massey Tellers. McGuire Fisher Meredith Herries Monk Thompson, R. Lang Parata Majority for, 18. Words inserted, and clause agreed to. Clause 5 .- " If any child required by this Act to attend a public school does not attend such school, the Truant Inspector, or, in the event of there being no such officer, the School Com- mittee. of the district in which such child re- sides shall give the parent of such child notice

<page>617</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=637></url>

in writing, in the form or to the effect of the Schedule hereto, calling upon such parent to send such child to school ; and if such parent, after receiving such notice, refuses or neglects to send such child to school within seven days of such notice being given, such parent shall be summoned before any Stipendiary Magistrate, or any two Justices of the Peace, and shall be liable to a penalty not exceeding forty shillings, and the payment of such penalty shall be no bar to further proceedings in case of further neglect." Mr. PIRANI (Palmerston) moved to insert, after the word " Peace," the following words : " or may be summoned before any Justice of the Peace at the school at which such attendance is compulsory." Words added, and clause as amended agreed to. Clause 7. Mr. PIRANI moved to insert, after the words " Justices of the Peace Act, 1882," " " Pro- vided that the cases may be heard before one Justice of the Peace at the school at which such attendance is compulsory." Amendment agreed to. Clause 8. On the motion of Mr. BARCLAY (Dunedin City), the words " on behalf of any Education Board," at the end of the clause, were omitted ; and "Truant Inspectors " was inserted in lieu of " Truant Officers." On the motion of Mr. PIRANI (Palmerston), clauses 11 and 12, relative to compulsory attendance at Native schools, were struck out. On the motion of Mr. PIRANI, the following new clause was added :- "(1.) The Minister of Education may from time to time make regulations for the attendance at school of Maori or half-caste children, and of children in the Chatham Islands. " (2.) Subject to any such regulations, such children shall be subject to all the provisions of this Act." Mr. PIRANI moved to add the following new clause : - "No child shall attend a public school under the control of an Education Board in any district other than the school district in which his parents or guardians reside, unless the Chairman of the School Committee or the head-teacher of a school in the district in which his parents or guardians reside, or the Chairman of the Education Board of the district, has given a certificate under his hand consenting to such attendance." Subsequently, Mr. PIRANI moved to withdraw the proposed clause. Agreed to. Mr. MEREDITH (Ashley) moved the addition of the following new clause :- "That Truant Inspectors under the provisions of this Act shall include the members of the Police Force of the colony." The Committee divided. AYES, 14. Fisher Bennet Hall Guinness Laurenson Ell VOL. CXVIII .- 40. Parata Tanner Tellers. Pirani Thompson, R. Buddo Smith, G. J. Thomson, J. W. Meredith. NOES, 31. Allen, E. G. Hardy Monk Haselden Allen, J. O'Meara Arnold Rhodes Heke Russell, G. W. . Atkinson Herries Barclay Hutcheson Symes Bollard Ward Lang Willis. Carroll Massey Colvin McGowan Fowlds McGuire Tellers. Fraser, A. L. D. McKenzie, R. Collins Hall-Jones McNab Hornsby. Majority against, 17. New clause negatived. Mr. BARCLAY (Dunedin City) moved the addition of the following new clause :- "Any person convicted of an offence under this Act may be ordered to pay the costs of proceedings." New clause negatived. Schedule amended. Bill reported. SHOPS AND SHOP-ASSISTANTS BILL. Mr. BARCLAY (Dunedin City) moved, That the amendments made in this Bill be agreed to. Sir J. G. WARD (Colonial Secretary) asked if the honourable member would kindly state what the amendments were. Mr. BARCLAY said the effect of the amendments was simply this : that a half-holiday was given in the week to chemists. An Hon. MEMBER. - What about domestic servants ? Mr. BARCLAY regretted to say that the Bill had been shorn of some of its fair proportions. His first-born had not attained, unfortunately, to its full stature. Domestic servants had been taken out of the Bill, much against his will, and they would have to wait for a happier day. Mr. PIRANI (Palmerston) would like to ask the honourable member what he intended to do about the clause which he (Mr. Pirani) thought was necessary to enable chemists to open in the evening of the half-holiday, or to supply urgent requirements. The Bill, so far as he could see, had no effect whatever in that direction. Section 3 of the Bill as it formerly stood provided for the re-enactment of subsections (2) That and (3) of section 4 of the Act of 1894. section had been struck out, but the subsections had not been re-enacted. He thought it would be safer to reject the Bill unless there was some understanding about re-enacting

these subsections. He would move, as an amendment, That the Bill be recommitted for the purpose of considering the new clause. Mr. BARCLAY might explain, in connection with the matter, that his impression was, he had proposed a clause instead of subsections (2) and (3), which clause had been carried on the voices, but somehow, it did not so appear on record. To the best of his recollection the clause had been passed on the voices. How-

<page>618</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=638></url>

he should be glad if the House would allow the honourable gentleman's proposal to recommit the Bill to be carried. Motion negatived. On the question, That the Bill be recommitted to consider a new clause, Mr. MEREDITH (Ashley) thought the honourable gentleman should explain the provisions of the new clause. The honourable member in charge of the Bill was entitled to fair - play, and the consideration usually extended to honourable members. The Bill had been shorn of its main provision, and he would . recommend the honourable member to withdraw it until public opinion had been created upon the subject. There was nothing now in the Bill except a mongrel clause that no one could understand. He did not think it would reflect credit on the honourable member, and believed that the better course would be that he should ask leave to withdraw the measure. Mr. BARCLAY said that the only provision in the clause which was now introduced was that the chemists might open from seven to nine in the evening of the half-holiday. Bill recommitted to consider a new clause. # IN COMMITTEE. Mr. BARCLAY (Dunedin City) moved, That the following be added as a new clause :- " All chemists' shops may be opened for the supply of medicines and surgical appliances only between the hours of seven and nine o'clock in the evening, but not longer, on the day appointed for the closing of shops ; and any chemist may, at any time in the afternoon of a day appointed for the closing of shops, supply any medical or surgical appliance which is urgently required, but he shall then open his shop only for such purpose." Clause added. Bill reported, and read a third time. # EIGHT HOURS BILL. IN COMMITTEE. Clause 3 .- " All persons engaged in domestic service, or as servants in hotels, boarding- houses, or in any similar form of service or occupation, shall be exempted from the provisions of the preceding sections, but such persons shall be, under the provisions of this Act, entitled to a holiday from twelve noon on one week-day in each week, and from two post- meridian on each alternate Sunday. No such persons shall be required to work longer than twelve hours in any one day, and shall be entitled to reasonable rests for meals, being not less than one half-hour for breakfast and tea and one whole hour for dinner." Mr. G. W. RUSSELL'S (Riccarton) amendment under consideration, That, after the word " engaged," the words " in employment on any farm, run. or sheep-station," be inserted. Amendment agreed to. Mr. MASSEY (Franklin) moved to strike out all the words after " preceding sections." Amendment agreed to. Mr. Barciay the Chairman do leave the chair. The Committee divided, AYES, 21. Allen, E. G. Pirani Lang Rhodes Allen, J. Lethbridge Symes Bennet Massey Thomson, J. W. McGuire Hall Hardy Monk Tellers. Haselden Hornsby O'Meara McNab. Heke Parata Herricks NOES, 18. Russell, G. W. Bollard Guinness Thompson, R. Buddo Hall-Jones Willis. Collins Kaihau Tellers. Laurenson Colvin Ell Arnold McGowan Tanner. Fisher Napier Fowlds PAIRS. For. Against. Hanan Carnecross Gilfedder Houston Mackenzie, T. Lawry Smith, G. J. Meredith. Majority for, 3. Motion agreed to, and the Chairman left the chair. CYCLE BOARDS BILL. IN COMMITTEE. Clause 2 .- Interpretation. Mr. G. W. RUSSELL (Riccarton) moved. That progress be reported. The Committee divided. AYES, 16. Buddo Herries Tanner Hornsby Willis. Carnecross Carroll Lethbridge Tellers. McGowan Guinness Mackenzie, T. Bennet Hall Meredith Thompson, R. Hall-Jones NOES, 15. Smith, G. J. Allen, E. G. Hardy Heke Ward. Arnold Laurenson Tellers. Bollard Ell Collins Massey Rhodes Napier. Field Fowlds PAIRS. For. Against. Lawry Houston Palmer. O'Meara. Majority for, 1. Progress reported. The House adjourned at a quarter past twelve o'clock a.m.

<page>619</page>

<https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=639>

HOUSE OF REPRESENTATIVES Thursday, 19th September, 1901. Mackenzie and Geraldine Counties Boundaries Alteration Bill -- Settlement in Kawhia County- Cost of Visit of Imperial and Indian Troops and Royal Visit -- Australian Chamber of Commerce- Maria Findt - Chatham Islands Local Govern. ment . Carbines for Cadet Corps -- Early Record of the Colony -- Adjournment .-- Maori Carvings and Curios-Public Loans Return-Queen's Birth- day -- North Canterbury Volunteer Corps-Alcohol- hohe Liquor Sale-Return. d Troopers from South Africa -- Gibson Appointment to Upper House-New Zealand Products in London Market-Morven Trains and Mails-Waitaki River Anglers -- Ellerslie Railway - station . - Railway Classification - Carriage of Wool between Oxford and Christchurch --- Mussel Bay Railway - crossing - Woodville Post - office - Hector Fraser --- Post office at Devonport -- Hutt Railway - line - Railway Servants Superannuation and Classification \\e's -- Workers' Weekly Railway - tickets - Second-class Railway-carriages - Crown Grants in Deeds Registry Offices-Railway Charges-Mail Trains : Obchunga and Auch- land - Railway Operatives' Plebiscite - Public Health Inspectors-Privilege Ticket -- Postal Arrangements at Kaituna-Subsidies for Promotion of Athletics --- Railway-siding. Otago Central Railway-Railway - crossings-Railway Superannuation Sebe-me-Tree planting along Railway-lines -Auckland Varnish Company -Rateon Sulphuric Acid - Railway Classification-Tadmor Valley Co-operative Works - Engineers' Certificates- Firemen's Certificates - Election of School Committees and Education Boards - Mr. Lee. late Inspector of Schools, Wellington-Teachers' Payment for Technical Education - Windsor- Livingstone Railway - Rifle Clubs -- Hansard- Charitable Gifts Bill-Mortgages of Lani Bill- Promissory Oaths Bill. Mr. SPEAKER took the chair at half-past two o'clock. PRAYERS. MACKENZIE AND GERALDINE COUNTIES BOUNDARIES TIES' ALTERATION BILL. Mr. GRAHAM (Nelson City) brought up the report of the Local Bills Committee on this Bill, with a recommendation that the Bill be not allowed to proceed. He moved, That the report do lie on the table. Mr. FLATMAN (Geraldine) said, As member in charge of the Bill, he did not wish to find fault with the action taken by the Local Bills Committee. When he introduced the Bill he was given to understand that there would be no objection to its passing. Objections were, however, raised afterwards by the neighbouring local bodies, which had been represented before the Committee on each side by counsel. After hearing counsel's address, the Committee decided that the Bill should not be allowed to proceed. In view of all the circumstances, he could see no other course than to accept the decision of the Committee. Mr. GRAHAM did not think it was necessary to say anything further on the matter. The honourable member's statement was quite correct. The Committee had arrived at its decision after going exhaustively into the matter. Mr. PIRANI (Palmerston) rose to a point of order. He said that the House should be given an opportunity of expressing an opinion on the report. That course had already been followed this session in regard to a Bill brought down by the Commissioner of Trade and Customs. The House immediately coincided with the Committee in its report, and the Bill was not put on the Order Paper. Mr. SEDDON .- You cannot stop it. Mr. PIRANI said, That was done by Sir Maurice O'Rorke, and they would find that the Bill was not on the Order Paper. Mr. SEDDON .- The Committee cannot do that. Mr. PIRANI .- No: but the House can. Mr. DEPUTY - SPEAKER. - It is for the House to decide whether the Bill shall proceed. It will be set down for second reading. SETTLEMENT IN KAWHIA COUNTY. Mr. LANG (Waikato) asked the Government, Whether, in view of the large blocks of land that they intend to open up for settlement in Kawhia County, they will give facilities to members of Parliament and others to visit that district during the recess? Many members had made inquiries concerning this district, and he had been glad to give them all possible information, but he had suggested to those members that a visit to the district would well repay them for their trouble. He would urge on the Government that they should give facilities to honourable members and others who wished to visit this district, in view of the large amount of land that was likely to be opened up there. By this means the district would become known throughout the length and breadth of the

colony, and would, therefore, promote the settlement of the land. Kawhia had a great future before it, as any one must admit who had the opportunity of seeing the harbour and surrounding country. Mr. SEDDON (Premier) said that the Government were giving every facility to members to visit this part of the colony by making them good roads. COST OF VISIT OF IMPERIAL AND INDIAN TROOPS AND ROYAL VISIT. Mr. BARCLAY (Dunedin City) asked the Premier, When the return of the cost of (1) the visit of Imperial and Indian troops, and (2) the Royal visit, will be laid on the table? He thought that by this time it should be possible to have the returns of the cost of the visits of the Imperial and Indian troops, at any rate. Mr. SEDDON (Premier) said he had given orders to the department that preference was to be given over all other work so as to get the payments of the money due to returned troopers completed. The full staff were at work late and early on that, trying to get it done, and as soon as it was done he would get the payments made. AUSTRALASIAN CHAMBER OF COMMERCE. Mr. FIELD (Otaki) asked the Government,- (1) Whether their attention has been drawn to the formation of an Australasian Chamber of Commerce in London ; (2) whether it is true,

<page>620</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=640></url>

colony is holding aloof from the organization pending instructions from the Government; and (3) whether it is the intention of the Government to co-operate with the rest of Australasia in this movement ? He was induced to ask this question by a newspaper report to the effect that the New Zealand Government were not combining with the other Governments in the formation of an Australasian Chamber of Commerce. He would say as to such a Chamber of Commerce, if established on right lines- that is to say, if it was formed with a view to furthering the interests of producers of the various colonies-that we could not have a better organization for the purpose of putting our markets on a proper basis. That should be the main object. He trusted, if it was proved to be such an organization, the New Zealand Government would cordially join with the other colonies in rendering the Chamber a real benefit to the producers of these colonies. By combination such as that proposed the Australasian Colonies would be of enormous assistance to one another. Mr. SEDDON (Premier) said he had seen something in the paper about this, and he had every confidence in the Agent-General that any course taken would be in the best interests of the colony. Pending further information, however, no action would be taken. Members were doubtless aware that both the Agent-General and the Produce Commissioner were very much alive to the colony's interests, and the Government were prepared to do their best to promote the commerce of the colony. # MARIA FINDT. Mr. COLVIN (Buller) asked the Government, If they will give effect to the recommendation of the Public Petitions A to L Committee of last year on the petition (No. 29) of Maria Findt -namely, "The Committee recommend the Government to place on the estimates a sum of £132 11s. 10d. to be paid to the petitioner." He would point out that the late Wilhelm Haack was known in the Buller district as a brother of Mrs. Findt's, but it seemed he was only a foster-brother, and he came out from Germany to her and lived with the family most of the time he was in the district. He worked for some time at Denniston, and met with an accident while working in the mine there, and after the accident he lived with the Findt family for some time, and this woman attended him like a mother. He had taken out a life insurance policy for \$200, and after paying all his debts there was a balance of #132 11s. 10d. in the hands of the Public Trustee. The Committee who inquired into the case had evidence to prove that the man had taken out the policy for the benefit of Mrs. Findt, and he hoped the Government would give a favourable reply. Mr. SEDDON (Premier) said the reply was as follows: Maria Findt was a foster-sister of a man named Wilhelm Haack, who was illegitimate, and died intestate. The sum mentioned was paid into the Consolidated Fund in March last. It could be claimed up to 1905 Mr. Field side. After the 31st March, 1905, the money reverted to the Crown absolutely. It seemed to him, therefore, that it would not be prudent to pay it away before that date in view of the possibility of kindred making a claim. After the date

mentioned, the application for payment to Maria Findt might be renewed. # CHATHAM ISLANDS LOCAL GOVERNMENT. Mr. LAURENSEN (Lyttelton) asked the Premier, Whether the Government will this session introduce legislation which will provide some simple system of local government for the inhabitants of the Chatham Islands ? Mr. SEDDON (Premier) said the answer was in the affirmative. # CARBINES FOR CADET CORPS. Mr. G. J. SMITH (Christchurch City) asked the Minister of Defence, Upon what terms will the Government issue carbines to the principal public schools of the colony in order to assist in the formation of cadet corps ? It was desirable to have cadet corps in connection with our public schools, and to do this carbines should be issued. Many of the cadet corps in existence had no carbines. There was a strong desire to assist the Premier in carrying out the intention he announced at the time of the Royal visit, and he hoped all cadet corps would be provided not with toy carbines, but the genuine article. with which they could learn shooting and drill. Mr. SEDDON (Minister of Defence) said he did not think it was necessary to go to the expense sufficient to provide whole schools with carbines ; but it was right that a limited number might be supplied. They had already in stock a number of Snider carbines, and these were being issued in limited numbers to cadet corps on their giving an undertaking to keep them in order and return them when called upon to do so. EARLY RECORDS OF THE COLONY. Mr. MONK (Waitemata) asked the Premier, If he will negotiate with the Government of the State of New South Wales. and also the Colonial Office of the parent State. in order to make arrangements that the early records of this colony now in their possession may be collected and transferred to the custody of the New Zealand Government ? This was a matter in which he had felt much interest for many years, and in 1888, he thought it was, he pressed the Government to see to such records as were mentioned in his question. He could not find, however, that anything had been done. Many valuable records of the colony were in the archives of New South Wales, and, as it was likely that the people there did not take the interest in them that the people of this colony did, the Premier should make it his business to have every possible record of the early doings in New Zealand, and of the association between New Zealand and New South Wales in the beginning of the century, gathered together and

<page>621</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=641></url>

arranged in their proper place among the records which formed the history of New Zealand. They might not be of very great interest at present, but in the course of a few centuries they would be much thought of. No doubt the interesting incidents that took place in the early history of the country would be very much prized, and would form a reference for the future historian of New Zealand. Mr. SEDDON (Premier) said, All the colony could expect to get of the early records now in the possession of New South Wales were copies. He did not think New South Wales would be inclined to give up the records. Of course, it was possible they would not take the interest in them that New Zealand people did ; but if they demurred to handing them back to this colony the Government might be justified in going to the expense of having them copied if they were valuable. He would look into the matter. It was important that the history of the colony should be made as complete as possible. Mr. MONK asked what progress was being made with the collating of the early documents of the colony. Mr. SEDDON said it was now, he thought, well up in the fifties. # ADJOURNMENT. Mr. SEDDON (Premier) .- Sir, I move, That the House do now adjourn for one hour. Mr. DEPUTY-SPEAKER .- I understand it is the general wish of members that I should leave the chair for one hour, as the funeral of the late President McKinley takes place to-day. At three minutes past three o'clock p.m. the House adjourned, and resumed at four o'clock p.m. # MAORI CARVINGS AND CURIOS. Mr. ELL (Christchurch City) asked the Premier, Will the Government take steps to secure for the colony the valuable ancient Maori carvings discovered in a cave at Tokatea, in the Hokianga district? He was informed by the honourable member for Waitemata, who had some knowledge of the history of the district, that the caves in which these very ancient and valuable Maori

carvings were discovered were on the Wairoa River, in the Kaipara district. It seemed to him that we should do all we possibly could to preserve any of these mementos of the early history of the Maoris in New Zealand. He should imagine that the expenditure would not be very great, and the money would be well spent in a direction like this. Mr. SEDDON (Premier) said it was the intention of the Government to place a vote on the supplementary estimates, and, subject to its being passed by Parliament, to utilise the money in acquiring relics and mementos of early Maori history. It would be a good thing for the future as well as for ourselves to have these curios retained in the colony. He thought, also, we should pass legislation forcing the owners desiring to dispose of these things to give the first refusal to the Government. He thought it ought to be made known throughout the country that the Government were prepared to acquire these articles for museums, and for the benefit of the people. But he also wanted the public to understand this : that if they came and asked the Government for £20 for an article they would sell to a private individual for £10 they would not get it. Mr. ELL asked if the Government would take steps to acquire the articles he had mentioned. Mr. SEDDON said they would come under this category. # PUBLIC LOANS RETURN. Mr. ELL (Christchurch City) asked the Premier, When the return which was ordered on the 10th August, 1898, showing, - (1) Nominal amount of each public loan raised since 1870, and by what Government raised ; (2) the actual amount received by the Treasury for each such nominal loan ; (3) the cost of raising each loan ; and (4) who received the difference between the nominal amount of each loan and the actual net cash value of same, will be furnished ? Mr. SEDDON (Premier) said this information was in course of preparation. # QUEEN'S BIRTHDAY. Mr. LANG (Waikato) asked the Government, If they intend to gazette 1st December, the birthday of Queen Alexandra, a public holiday ? Mr. SEDDON (Premier) said it was not the intention of the Government to do so at present. # NORTH CANTERBURY VOLUNTEER CORPS. Mr. BUDDO (Kaiapoi) asked the Minister of Defence, When it is intended to provide the North Canterbury Volunteer corps with the new service rifle ? It was rather disheartening to our Volunteer corps to have to wait so long for these rifles, and he trusted the Minister would be able to give an affirmative answer to the question. Mr. SEDDON (Minister of Defence) said the rifles had come to hand, but at the present time the artificers and armourers were marking them. When the rifles were marked they would be sent to the various companies. Mr. BUDDO . - How long will that be ? Mr. SEDDON . - It will not be any longer than can possibly be avoided. # ALCOHOLIC LIQUOR SALE. Mr. ELL (Christchurch City) asked the Premier, Whether - in view of the grave consequences arising from drunkenness, as shown by the Police Commissioner's report of 1900, wherein the Commissioner states, " Drunkenness is always reflected in the number of such offences as manslaughter, abusive and threatening language, breaches of the peace, disorderly and riotous conduct, indecent exposure and behaviour, obscene and profane language and

<page>622</page>

<url>https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=642</url>

obstructing and resisting the police "; and in | am situated. We are now back from South view of the increases of this vice amongst the people, as shown by the Police Commissioner's report of 1901, wherein he states, " During the year the number of charges of drunkenness was 7,299, being an increase of 1,010 on the figures of the preceding year : this increase far exceeds that of any previous year so far as the records show "-he will introduce legislation placing further restrictions on the sale of alcoholic liquor as a beverage ? Mr. SEDDON (Premier) said that, anticipating this question, he had intimated that he intended to bring in an amendment of the licensing law. ## RETURNED TROOPERS FROM SOUTH AFRICA. Mr. J. ALLEN (Bruce) asked the Premier, Why there is still delay in paying the troopers returned from South Africa ? The information in his possession was as follows: that one returned trooper, who was helpless, had \$50 due to him, which he could not obtain. He was financed by two friends of his He was informed in Dunedin lately that several members of the First Contingent had not, up to a few weeks ago,

been paid. On his way from Dun-edin lately he was informed at Oamaru that five men of the Fourth and Fifth Contingents at that place had not been paid. He asked them if it was so, and they replied in the affirmative. Unfortunately, owing to the train moving on he was unable to ascertain their names. He could not understand why there should be such delay. He thought the whole matter had been fixed up. Mr. SEDDON (Minister of Defence) said no one regretted more than he did that there should be any delay, but he could not, of course, get over impossibilities. The paysheets of the men must be made out. The trouble seemed to have arisen in South Africa ; the paysheets had not been made out there. Mr. J. ALLEN. - Does that apply to all the contingents? Mr. SEDDON said it applied to all. For instance, money was sent to Captain Jackson, and he brought it back with him from South Africa and paid his men here. He (Mr. Sed- don) had told the Under-Secretary for Defence to have advances made up to the full amount, and he could easily make the accounts out and get the vouchers completed afterwards. He knew of one case where advances had been made, and it turned out that the man had got more than he was entitled to, and yet he was one of the men who was pressing for a settle- ment. The difficulty was in getting the officers in command to make out the accounts and submit them to the department. The staff had been increased by the appointment of three extra men, and he had told the Under-Secre- tary to keep the men working overtime and get these accounts out of the way. Here was one letter :- "Owing to my position at present I am forced to write to you to let you know exactly how I Mr. Ell Africa for two months, and have drawn a paltry £10, leaving a balance of close on \$40. And while waiting for the balance, which we are daily expecting, we are contracting other ac- counts, and at the present time if I were to get my money I have simply to pay it away again." Then he went on further complaining. He (Mr. Seddon) had felt annoyed at this man's treatment, as mentioned in the letter, but this was the upshot :- "This is one of Captain Jackson's squadron. Captain Jackson brought Imperial money to pay his own men, and from notice received in this office Captain Jackson appears to have already overpaid the trooper who writes the letter." That memorandum was from the Under- Secretary, Sir Arthur Douglas. At all events, he was not responsible. Respecting the pay of a lot of the men, the officers had brought money from South Africa, and if the men were not paid it was not his (Mr. Seddon's) fault. He might mention that in his zeal to meet these men he had had several overpayments. That, of course, was not right, but it was no fault of the officers of the Defence Department that the men remained unpaid. There was a heavy staff at the present time doing nothing else but attending to these matters ; but it seemed that there were no paysheets, that no accounts had been kept, and with men going all over South Africa it was natural enough matters of this sort should have fallen into arrears. And they had to make up two years' pay, and when there were three thousand men concerned, and the work had to start de moto. and they had to trace matters from the time the men left the colony up to their return and make up the accounts, finding out what had been drawn, it took some time; but they were getting through the work as quickly as possible, and he would be very glad to see the work accomplished. If a man had money coming to him and could get it he could then make some use of it ; but if he was kept hanging on, well, then he wanted to go back to South Africa. He was as much annoyed at the delay as was any member of the House, but he could not be responsible for what had happened in South Africa. The accounts ought to have been so kept that they could be completed as soon as the men came back. It should also be understood that the colony only paid the difference between Imperial and colonial pay. Mr. HERRIES. - Is there any reason why the First Contingent should not be paid ; they have been back twelve months ? Mr. SEDDON said that, when speaking to the Under-Secretary for Defence on the subject, that official said that the department had sent vouchers in some cases and could not get any replies. These were isolated cases. The men had shifted, and he (Mr. Seddon) had directed that inquiries should be made at the original address - that the men should be followed up, and vouchers sent to the nearest post-office.

<https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=643>

GISBORNE APPOINTMENT TO UPPER HOUSE. Mr. ELL (Christchurch City) asked the Premier, If it is true, as reported in the Auckland Star of the 2nd September, that the Premier intimated to the local (Gisborne) Chamber of Commerce that if the district would select a man the Government would appoint him to the Upper House ? Mr. SEDDON (Premier) said, No. # NEW ZEALAND PRODUCTS IN LONDON MARKET. Mr. HOGG (Masterton) asked the Premier, If he will ascertain the cost of obtaining regularly, through the Agent-General or from some other reliable and disinterested source, cable messages giving accurate information respecting the price of New Zealand products, such as wool, meat, and flax, in the London market ; and, if the expense is not too great, will he cause such cablegrams to be despatched and published? He thought it would be admitted that the question of obtaining by cable regular and reliable information concerning the value of our principal products in the London markets would be of considerable interest as well as of considerable benefit to the colony. It would be quite as interesting, he was satisfied, as some of the cable news that was now received and published in the daily papers, stating, for instance, where the Chinese Court would in future be located, how Russia was getting along with Manchuria, in what direction a defalcating lay-reader had travelled, and whether Prince Chun should rub his nose in the dust to propitiate the Kaiser. Mr. SEDDON (Premier) said a cable was now being received every week giving the quotations for meat and flax, also dairy produce. It required a great deal of Mr. Cameron's time to obtain the necessary information to enable him to base his quotation, therefore he did not think it would be wise to burden him further. He might say, with respect to the cable messages that appeared in the papers, that he quite agreed with the honourable gentleman that there was a lot of rubbish that was of no good to the colony or to the papers that paid for it. But the Government had no say in the matter ; it lay with the news-purveyors who sent this stuff to us MORVEN TRAINS AND MAILS. Major STEWARD (Waitaki) asked the Minister for Railways, -- (1.) Whether he will arrange for the stoppage of the express trains at Morven ? (2.) Whether, as Postmaster-General, he will arrange for mails to be made up for despatch by the said express ? This had become a very important station, being the outlet for the settlement of Waikakahi. During the last grain season there had been forwarded from that station alone no less than 55,000 bags of grain. There was consequently a good deal of business transacted there, and it was necessary that the settlers should have better facilities than they enjoyed at present. The express train did not stop there, and therefore there was no opportunity of sending away letters to connect with the ordinary mails. Sir J. G. WARD (Minister for Railways) was exceedingly sorry he could not give the honourable member a favourable answer. The stopping of the express train at this station would necessitate its stopping at a number of other stations where there was a much greater volume of work, and this would prevent the time-table being adhered to. If he could have seen his way to have given effect to the honourable gentleman's request he would have been glad to do so. # WAITAKI RIVER ANGLERS. Major STEWARD (Waitaki) asked the Postmaster-General, Whether, as in previous years, he will cause the state of the Waitaki River to be telegraphed to certain stations every morning during the fishing season for the benefit of anglers? In previous years the honourable gentleman had, for the benefit of anglers, many of whom were tourists, arranged that the morning state of the Waitaki River should be telegraphed to certain stations. He was asking now, on behalf of the Acclimatisation Society, whether the Minister could see his way clear to issue similar instructions this year. Sir J. G. WARD (Postmaster-General) said, Yes, he would do so. # ELLERSLIE RAILWAY-STATION. Mr. LAWRY (Parnell) asked the Minister for Railways, If he will, at the earliest possible date, take steps to erect a verandah in front of the Ellerslie Railway-station, as requested by a large number of residents in that important district? He regretted this question could not be asked when the honourable member for Manukau was in his place. He thought the Minister would recognise that Ellerslie was one of the most important passenger-stations between Auckland and Onehunga. He had on many occasions seen the

station crowded, and there was no room for the passengers to screen themselves from the rain or from inclement weather. Sir J. G. WARD (Minister for Railways) said this was one of the works on the list to be given effect to, provided sufficient means were available for this and other works throughout the colony. # RAILWAY CLASSIFICATION. Mr. BOLLARD (Eden) asked the Minister for Railways, When he intends to bring down the Railway Classification Bill promised by him last session? This matter had been exercising the minds of the railway officers from one end of the colony to the other, and some of them seemed to be under the impression that the Minister did not intend to bring down a Bill this session. Sir J. G. WARD (Minister for Railways) said this was a very difficult matter, but he had had both a superannuation and a classification scheme prepared for some time past. Part of the classification scheme was already given effect to by the House by the Government

<page>624</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=644></url>

placing on the estimates last session a portion of the increases. He had an amended classification in hand now, but as to when they could submit it for consideration of the House ' he was unable at the moment to tell the honourable member ; it depended upon the final decision of Cabinet. An Hon. MEMBER .- This session ? Sir J. G. WARD .- As I have just said, I am unable to say. CARRIAGE OF WOOL BETWEEN OXFORD AND CHRISTCHURCH. Mr. BUDDO (Kaiapoi) asked the Minister for Railways, If he will favourably consider the application of Oxford settlers to have their wool carried to Christchurch at the same rate as wool from Sheffield to Christchurch, on the Springfield line, the distance being the same-forty miles ? This question had been on the Order Paper a considerable time, and since putting the question he had received a reply from the Minister in writing. He would, however, like the honourable gentleman to give a similar reply now, as the matter was really a public grievance at Oxford. Sir J. G. WARD (Minister for Railways) said the rates from Sheffield and certain other stations on the Springfield line were made for competitive purposes, to induce wool carted by road to come to the railway. They had not, however, led to any considerable increase of traffic; and it was not proposed to make such special rates the basis of the charges for conveyance of wool over lines where there was no competition. The wool rates throughout the colony were now being revised, and it was proposed to make reductions in the classified rates only, leaving the competitive rates as at present. MUSSEL BAY RAILWAY-CROSSING. Mr. E. G. ALLEN (Waikouaiti) asked the Minister for Railways, If he will, in order to lessen the liability to accidents, erect gates at the railway-crossing at Mussel Bay, Port Chalmers ? This crossing was situated at the entrance to Port Chalmers. A portion of the line at this crossing was obscured by a high bank, and the people coming down the road were unable to see trains leaving Port Chalmers until they were right upon them. Several accidents had occurred at this crossing, and the erection of gates would minimise the risk of accidents. The gates originally standing there some twenty years ago were knocked down by a passing train, and no steps had been taken to have them re-erected. A crossing-keeper was stationed there, it was true, but as one child had been killed and another knocked over very recently and seriously injured it seemed that some further precaution was necessary in order to protect children and others. He hoped the Minister would see his way to have gates erected. The only further expense to the department that would be incurred would be the cost of providing the gates. A crossing-keeper would have to be employed whether gates were provided or not. Sir J. G. Ward Sir J. G. WARD (Minister for Railways) said he was advised that the traffic over this crossing was exceedingly small. The crossing was protected by a crossing-keeper, who resided near the crossing, and it was considered that this amply met the requirements of the place. Gates would not afford any better protection than now existed. WOODVILLE POST-OFFICE. Mr. O'MEARA (Pahiatua) asked the Postmaster-General, If it is the intention of his department to erect a new post-office at Woodville, or again place a patch on the present unsightly structure ? He did not think it was necessary for him to tell the

Postmaster-General that that was not the first time he had brought the matter under his notice. The present structure was unsuitable, unsightly, and, in his opinion, insanitary. He felt sure, if the Minister were to send his Health Officer to the district, he would condemn the building and have it removed. Since the building was first erected it had been almost patched out of existence. The original building was of tin or iron, and was at first used as a telephone-office. It was afterwards converted into a Postmaster's residence, and still remained as such. The Minister had promised to visit Woodville and see the building himself, but so far that visit had not taken place. He hoped that after the session the Minister would find time to inspect many of the buildings that were being used as post-offices. The unanimous opinion of several honourable members who visited Woodville last session was that the post-office there was unsuitable for that purpose. The quicker it was removed the better. He hoped the Postmaster-General would not consent to have another patch put on it, and thus make the building an eyesore and a disgrace.

Sir J. G. WARD (Postmaster-General) said it was his intention to go to Napier by Saturday's express, and he would then take the opportunity to carry out his promise to examine the building. He had been told that the building was not in the disreputable state represented. He should be pleased to have the honourable member with him; and, as Minister of Public Health, he would also see that the sanitary part received attention.

HECTOR FRASER. Mr. MONK (Waitemata) asked the Minister for Railways, If he will accede to the prayer of Mr. Hector Fraser, asking for a free pass on the railways for himself and wife? The question would, no doubt, interest the Minister very much. He believed that he had received a letter from Mr. Fraser asking for a free pass. He desired to inform the House that Mr. and Mrs. Fraser were the father and mother of eighteen living children. They had had twenty-one. Not one of them had a mark of any description against his character. If the whole population of the colony were composed of such worthy persons they should not require any policemen, nor a great deal of the machinery of government that now costs so

<page>625</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=645></url>

much. Charitable aid, except for instances of affliction, would not be necessary, and they would not require very much expenditure on old-age pensions. They were not rich, but they were industrious people, with individualism and self-reliance. They were living about twenty-eight miles from Auckland, and the nature of Mr. Fraser's avocation necessitated his travelling a great deal. He therefore asked the Minister for a railway-pass. Mr. MEREDITH.- On what grounds? Mr. MONK said he asked for the concession on the ground that, as the parents of eighteen children without a fault, Mr. and Mrs. Fraser were model and special citizens. No complaints about the falling-off in birth-rate there. If all the families of New Zealand had a record like that they would not require policemen, gaols, and lunatic asylums, and a great deal of wasteful expense would be avoided. The gentleman and his family were determined to obtain their livelihood if industry could do it, and, in view of the desire of the Government for an increase in the population of the country, he asked for a free railway-pass for himself and his lady as a return for distinguished public services.

Sir J. G. WARD (Minister for Railways) said he was very glad that the honourable member thought the Railway Department was able to meet exceptional cases of this kind. He might tell him that only a few weeks ago a gentleman waited on him and wanted a large increase in salary because of extraordinary increases in his family. The case was a most deserving one. In that case the applicant's mother-in-law was the mother of twenty-eight children, and there had been five sets of twins running. He was not at present able to meet that request, and the honourable member would see that, when he could not grant a request under those circumstances, he could hardly agree to the one just put forward. He could assure the honourable member that he should be very glad in a case of the kind mentioned to give assistance, but he could not agree with the way suggested. Once such a request was granted applications would become universal throughout the colony.

Mr. MONK.- How many families

of twenty- eight are there in New Zealand ? Sir J. G. WARD said there were plenty of families of twelve and fourteen ; and, if they were to give rewards to fathers and mothers of eighteen or twenty-eight, there was no reason also why such rewards should not be given to the parents of five or six. If the House thought proper to put a vote on the estimates for the free carriage of these people, no one would be more glad than he to see it put into effect. POST-OFFICE AT DEVONPORT. Mr. BOLLARD (Eden) asked the Postmaster- General, If he will place a sum on the public- works estimates for the purpose of erecting a post-office and telephone exchange in the Borough of Devonport, Auckland District ? This was a very important suburb of Auckland, there being something like six thousand people there now. It was two miles distant from the Chief Post-office, Auckland, and he might tell the Minister that in that borough not one shilling of public money had been spent on buildings since it was established. He thought the Minister should make inquiries as to whether the time had not now arrived when a post-office and telephone exchange should be erected. There was no difficulty about the site, for he believed that the Borough Council would be willing to give a portion of a reserve which was in a suitable position. In that connection, he might say that it was, some time ago, the intention of the Borough Council to themselves build on that reserve, but owing to the state of the money-market the question was postponed. Sir J. G. WARD (Postmaster-General) said, When he was last in Auckland this matter was brought under his notice, and then the Council told him that they contemplated build- ing a town hall, and they told him that they would inform him as to whether suitable accom- modation could also be found in the building for the post-office. He had had no word from them since then, except that in conversation with a representative from there the other day he was told that they had abandoned the town-hall proposal. As a matter of procedure in the colony, recreation reserves could not be used for building purposes. He had intimated that to the Mayor of Devonport the other day, and told him that he could not favourably entertain any such proposals. In the mean- time, the existing state of affairs would con- tinue until they knew whether there was any necessity for acquiring a site for a post-office there. So far there had been no general pres- sure brought to bear on the department. # HUTT RAILWAY-LINE. Mr. FIELD (Otaki) asked the Minister for Railways, Whether it is true, as reported, that the total cost of straightening and duplicating the Hutt Railway - line would be less than £100,000 ; and whether it is also true, as re- ported, that the value of the land reclaimed, after allowing for the road, would exceed the above amount ; and, if the above reports are correct, on what grounds does the delay in pro- ceeding with this most urgently needed work become justifiable? This question had been before the Minister for Railways several times this session - the much - vexed question of straightening and duplicating the railway-line and the question of the improvement of the Hutt Road. It was quite impossible to improve the road materially till the Government did some- thing towards straightening the railway-line. It was believed that plans had been made pro- viding for the duplication and straightening of the line, and no doubt these would show the extent of the land to be reclaimed. It was also alleged that the land that would be reclaimed would exceed in value the cost of straightening and doubling the line ; and, if this were so, there was no reason why the Government should not go on with the work. If the reclaimed land would yield in the way of rents a revenue equivalent to the interest at current rates on

<page>626</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=646></url>

no reason for the longer delay of this most urgent work. He was satisfied that the proximity of the land to the City of Wel- lington, and the long road and railway front- age, and the fact that there were abundant and permanent streams flowing from the hills would render the land very valuable for manufactur- ing and other purposes. Sir J. G. WARD (Minister for Railways) said there appeared to be some misconception about the matter, and he would like to make the Last session he had actual position clear. given an indication to the House, or to a depu- tation, of what was the estimated cost of doubling the line to the

Hutt, independent of any general reclamation-works which those concerned desired to, be carried out independent of the line. The estimate of the department did not in any way cover the reclamation referred to by the honourable gentleman, excepting those necessary small portions to enable some of the present curves to be straightened. The department had gone into the cost of doubling and straightening certain portions of the line to meet the requirements of the Railway service, and that was estimated to be approximately about £100,000. But it was quite a wrong impression to consider that this covered the cost of general reclamation-works sufficient to enable sales of land to be made to meet the cost of the whole work. This was not so. The Railway Department had not contemplated large reclamation-works; that was not their business. The business of the department was to ascertain what it would cost to straighten and double certain portions of the line to provide for the largely increased traffic between the City of Wellington and the Hutt; but if general reclamation-works were carried out to provide land so that its sale would reimburse the cost of the whole works it would require not \$100,000, but probably \$200,000 or \$250,000. This was an impression that ought to be removed from the minds of the people that the Government could reclaim land and double the line for \$100,000, and that sufficient land would be left to sell or lease so as to cover the cost of the total improvement of the line. If the Government could do that it would, of course, be very easy, and, as a matter of business, it would clearly be their duty to take the matter in hand immediately: but they could not. And while he recognised that the work was a most desirable one, both in the interests of the public and to meet the requirements of the growing traffic between Wellington and the Hutt, it was not a work he could at present place in the category of the necessitous works of the colony, there being other urgent works requiring attention and that must demand priority. There were places where people had no railways at all. There were railways to be finished before they could set aside such a large amount of money as was required for this work, even though he admitted the work was important and should be taken in hand as soon as it was possible to do so. It was idle to hold out a prospect of the work being commenced at an Mr. Field more urgent works had been undertaken. He would also like to say that, even if the line as proposed now under the Railway Department were straightened, it would not meet or provide for the road requirements. That work would need to be done outside the Railway Department. Under existing conditions the Railway Department would, when it took the work in hand, do what was required in the interests of the railway; but the money required for the making of the road, and the authority to do the work, would have to be given by the local bodies, who had certain powers conferred on them to enable them to make a road of the character required.

RAILWAY SERVANTS SUPERANNUATION AND CLASSIFICATION ACTS. Mr. BARCLAY (Dunedin City) asked the Government, When the Government Railway Servants Superannuation and Classification Acts may be expected to be circulated? This was a matter that was of great interest to a large number of people, and he trusted the Minister would be able to give him a satisfactory reply. Sir J. G. WARD (Minister for Railways) said the superannuation scheme had been prepared for some time. It was very comprehensive, and he could say, without, he hoped, being egotistical, an excellent scheme, though necessarily a difficult one to introduce. At the present time the financial portions of it were undergoing examination by the actuary of the Government Insurance Department. When it was returned to the Government from that officer he would again submit it to the Cabinet, and it was for Cabinet to say whether the proposals in connection with it were acceptable, and if they agreed he would be very pleased to submit it to Parliament this session.

WORKERS' WEEKLY RAILWAY-TICKETS. Mr. E. G. ALLEN (Waikouaiti) asked the Minister for Railways, If he will make workers' weekly tickets on suburban lines available for girls travelling by train between the hours of eight a.m. and nine a.m., providing that the girls so travelling present to the Stationmaster a certificate signed by their employer to the effect that the applicant is a bona fide worker in his employment? The concessions made to workers were much appreciated by them, but it must be remembered that these workers' trains generally left about seven

a.m., which was too early an hour for those girls, who started work at nine o'clock. If they travelled by the early train they would have to wait an hour in the cities until their workrooms opened. He did not think that the concession that he asked for the girls would lead to any abuse of the privilege if the application for a ticket was in all cases certified to by the person for whom the applicant was working. and it would be a great boon to the girls. He understood that unless the tickets were safe-guarded as he indicated large numbers of

<page>627</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=647></url>

women who were not workers would travel by | he did not see how they could consistently be trains starting after eight o'clock. Sir J. G. WARD (Minister for Railways) said workers' tickets were issued for the purpose of inducing the working-classes to live outside the crowded cities, and, following the universal railway practice, their use on the outward journey was confined to what were known as workmen's trains-that was, trains arriving at destination before eight a.m., and which were patronised by the bulk of the workers. The department could not take up a position such as suggested by Mr. Allen. It must either maintain its present defensible position, or abandon the principle laid down when workers' tickets were inaugurated and issue such tickets to any person who chose to apply for them. If one section of passengers travelling by trains reaching towns between eight a.m. and nine a.m. were permitted to ride with 2s. tickets, while others in same trains were compelled to pay higher rates, dissatisfaction would inevitably ensue. The department would be bound to remove the cause; and, as fares could not be increased, cheap tickets would require to be issued to all passengers, resulting in serious loss of revenue. The public generally resented the imposition of restrictions, however necessary, and long railway experience had convinced him that the certificate system suggested by Mr. Allen would not only be looked upon as a nuisance by the public, but would be unworkable when a large number of persons were concerned. He was not able to give effect to its general application, and to have two sets of people travelling in the one train would necessarily bring about a great deal of dissatisfaction to those paying the higher rate, with the inevitable result that the honourable member would find himself in the position of having to come to the Government and ask them to make the rates general on the trains between Port Chalmers and Dunedin. He believed, if the proposal of the honourable gentleman were given effect to, that the issuing of certificates would be looked upon soon as a nuisance by those to whom such tickets were issued. He could assure the honourable gentleman that the whole theory of these workers' trains was based upon the fact that those who required the benefit of the 2s. tickets must arrive at their destination before a certain hour. If the department abolished that, then it would have to reduce the rate for tickets between Port Chalmers and Dunedin, and in connection with the other centres, to the lower level of the workers' tickets, and this would mean too serious a loss of revenue for him to face. They could not have two sets of fares running on the same train. He might point out that the workers' tickets were not for the workers only ; professional men or business-men, or a man occupying the highest position, had just as much right to use them as the workers, provided he travelled by the trains set aside for their use. If they agreed to the proposal to extend the hours between eight and nine a.m., immediately ordinary people who had no certificates entitling them to workers' tickets would demand the same privilege, and refused. Mr. E. G. ALLEN would like to point out that at the present time there were two classes of travellers in these trains ; there were workers, and those who paid the ordinary fare. Sir J. G. WARD said they could all travel at the 2s. fare if they liked. Mr. E. G. ALLEN questioned whether people who were not legitimate workers should have the privilege of travelling on workers' tickets, but by presenting certificates signed by employers any abuse that could possibly creep in would be obviated. Sir J. G. WARD said he did not want to debate the matter with the honourable member, but he could assure him that if such a system was attempted to be brought into practice there would before long be a universal outcry against it.

Who was to say who was a worker and who was not? The railways were State property, and the rates should be universal and available to all who wished to avail themselves of them within the prescribed hours. # SECOND-CLASS RAILWAY-CARRIAGES. Mr. HARDY (Selwyn) asked the Minister for Railways, If he will take immediate steps to have cushions put in all the second-class carriages running between Springfield and Christchurch, Methven and Christchurch, and from White Cliffs to Darfield? Sir J. G. WARD said the fitting of second-class cars with cushions was being proceeded with as quickly as circumstances would permit. A large number of cars had already been so fitted, and placed on the trains running on important lines where passenger traffic was heaviest. Effect would be given to the request as soon as sufficient cushions were available, it being the intention of the department to cushion all second-class cars throughout the colony. # CROWN GRANTS IN DEEDS REGISTRY OFFICES. Mr. NAPIER (Auckland City) asked the Colonial Secretary, If he will consider the desirability of reducing the annual charge at present made on Crown grants in the Deeds Registry Offices? In the Deeds Registry Offices of the colony, and especially at Auckland, there were many Crown grants which had been there for twenty-five or thirty years, and in some instances the charges demanded for the delivery of the Crown grants were as much as the value of the land itself, and, consequently, the land was lying idle, and could not be disposed of. In many cases these lands were overgrown with sweetbriar and gorse, and were a nuisance to the neighbouring farmers. A charge of 3s. per annum was made for storing each Crown grant. He thought there ought to be a maximum charge-say, for three years-and that no charge should be made beyond that time. In many cases these Crown grants had been issued to old soldiers, and it was not until after their death that efforts were made by the next-of-kin to sell the land.

<page>628</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=648></url>

these fees were fixed by statute at the rate of 3d. per month, and unless there was an amendment of the statute the Government could not in any case make an exception. The question as to whether or not they should legislate to alter the system was one which he would be very glad to bring before his colleagues, and, if after inquiry it was deemed desirable to make a change, he would introduce fresh legislation. # RAILWAY CHARGES. Mr. NAPIER (Auckland City) asked the Minister for Railways, If it is a fact that in effecting reductions of the charges for the transit of goods on the New Zealand railways during the year ending the 31st March, 1900, there was an inequitable discrimination in favour of the South Island, so that the reductions made in the South Island amounted to £60,012, while the reductions made in the North Island only amounted to £15,009; and, further, if the reductions granted to Canterbury and Otago amounted to £57,775, while the reductions granted to Auckland only amounted to £2,727? He understood that the rates fixed in the year referred to were rates for the whole colony, but it so happened that the reductions were made on articles which were not largely produced in the Provincial District of Auckland or in the North Island. He wished to ask why the reductions were not spread over the commodities produced in both Islands, so that the result would be a fair reduction to each Island respectively. This was a matter in which the people of Auckland took a great interest-namely, the discrimination of charges as against their province and the North Island. Sir J. G. WARD (Minister for Railways) said he would be very glad to have that opportunity of answering this question. There could be nothing more unfounded than the statement which had appeared in the newspapers to the effect that the Government differentiated in favour of the South Island. In making reductions in rates the department did not differentiate in regard to the various provinces, but it followed that, when a reduction was made on articles produced in all parts of the colony, the province which did the largest traffic in that particular commodity received the greater benefit, for, while receiving the same benefit per ton, the aggregate amount involved was greater than in the case of the district in which the traffic was smaller. The amount saved in each case, however, was proportionate to the railage paid. Taking the reductions on grain as an example, this

was equal to about 20 per cent. on the rates previously in force, and the reduction was exactly the same in Auckland, Wellington, Napier, Taranaki, Canterbury, and Otago. If, therefore, the grain traffic in Auckland bore in volume the same relation to the other classes of traffic that it bore in Canterbury and Otago, and the distance carried was equal, then the reduction per ton enjoyed by Auckland must of necessity be exactly the same as Canterbury, Otago, and elsewhere, because the reduction was uniform the amount of grain-as was the case-carried in Auckland was small in relation to other classes of traffic as compared with elsewhere, then it followed that the reduction per ton in Auckland computed for all classes of traffic would not bear the same relation as the reduction per ton on the whole of the traffic in Canterbury and Otago did in consequence of the before-mentioned reduction of 20 per cent. on grain. The statements made by the honourable member did not take into account the classes of goods carried in the provinces alluded to. They were, he concluded, arrived at by dividing the tonnage carried in the respective districts into the amount of revenue received for goods, irrespective, as he had before stated, of the classes of goods carried and the distances. Such arguments, therefore, were useless, unless one was prepared to quote a universal rate for all distances and for all classes of goods. This, however, would be contrary to the general principle of rating as adopted by all railways throughout the world, and could not be justified. That was the answer to the whole statement. In the South Island the grain traffic was very heavy, but the grain rates applied to the whole colony. Some one in Auckland had taken the total reductions made, and, dividing the reduction, had brought it out as upon all classes of goods, irrespective of whether they were A, B, C, D, or E, and immediately stated that this was giving a preference to the South Island. As a man of business, the honourable member would see, as any person must see, that what had been done was entirely misleading-that the calculation had misled the person who made it and was likely to mislead the whole colony. The statement was foundationless. There had not been, and would not be, any attempt to differentiate between the rates in the North Island and the South Island so long as he had anything to do with the control of the railways.

MAIL TRAINS: ONEHUNGA AND AUCKLAND. Mr. NAPIER (Auckland City) asked the Minister for Railways, If he will confer with the Postmaster-General with a view of ascertaining if the speed of the Royal mail train between Onehunga and Auckland can consistently with the safety of the public, be increased to such an extent that the transit and delivery of the mails over the distance of seven miles can be accomplished in less than four hours and a half, as was the case on Saturday, the 17th August? The delay in delivering the southern mails in Auckland, on Saturdays especially, had long been a sore point with the mercantile community of that city. The steamer left New Plymouth at ten o'clock a. night, and ordinarily got to Onehunga about nine o'clock the next morning. Merchants' offices closed at one o'clock on Saturdays. and if letters were delivered before noon or at half-past eleven on Saturday morning the merchants could deliver the goods carried by that mail from Taranaki by the Sunday's or Monday's steamer from the Manukau.

<page>629</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=649></url>

That, however, was not the fact, because at present, and particularly on the date mentioned in the question, the letters were not delivered to the Auckland merchants until past at five minutes past nine a.m. It was this one o'clock, and, as the mails had been placed on the Onehunga Wharf at a quarter past eight a.m., nearly five hours elapsed before they reached the merchants' boxes. At that time the offices were closed, and so the goods ordered by traders in Taranaki from the Auckland merchants could assure the honourable member the facts that could not be supplied by Monday's steamer, and had to be delayed until Thursday's. In consequence of this, of course, the Auckland merchants were placed in an unfair position as compared with the Wellington merchants, in that it took five days practically for them to supply goods to Taranaki, owing to the laxity in one or other of the departments. He did not know which

department was to blame, but he wished to know, first, whether special trains could be made available to take these mails into Auckland from Onehunga, and, secondly, whether the letters could not be put into the post-boxes, say, at half-past nine or ten o'clock. This would be a great boon to the commercial community, and he trusted it would be granted. Sir J. G. WARD (Minister for Railways) said he was afraid the honourable gentleman had been misinformed upon the matter. He would read to him the position, and would then point out what probably had given rise to the inquiry the honourable gentleman had made. The Secretary of the Postal Department advised him, with reference to the question put by the honourable member, as follows :- "The statements are contrary to fact. So far from the letters not reaching Auckland until 12.30 p.m., they were actually ready for delivery at 10.35 a.m. Last Saturday was outward Frisco mail day, and the Auckland mails were brought on by special, leaving the Onehunga Wharf at 9.5 a.m. and arriving at Auckland at 9.47. The southern portions of the Frisco mails were sent on by the 11.5 a.m. train, and reached Auckland at 11.45 a.m. This train has probably been confounded with the special." The honourable gentleman would see that it was forty-seven minutes, instead of four hours and a half, as it was according to the information that had been placed before him. The letters were sorted and were available for delivery at twenty-five minutes to eleven, and it could not for a moment be contended that it was the fault of the Postal Department if people did not get the letters till the afternoon. The southern portion of the San Francisco mails were sent on by the five minutes past eleven a.m. train. That was not the Auckland portion at all. It was the southern portion of the 5.0. San Francisco mails which was held back at Onehunga, and that was done so as to get the Auckland portion away from Onehunga without delay; and, as he said, they went through by train, leaving Onehunga at five minutes past nine a.m. The sending of the southern portion by the five minutes past eleven a.m. train had evidently given rise to the impression that the whole of the mails had been held back. Auckland mails went through by special train fact of holding back the southern portion of the mails that had caused these gentlemen to imagine that they had a grievance against the department, and to assume there was some laxity on the part of the officials. He (Sir J. G. Ward) had stated were absolutely correct. And, in addition to that, he could say, from a considerable experience of what took place in the conveyance and carriage and delivery of the mails by the Postal and Railway Departments, that it was very seldom indeed that anything could be attachable to them in the way of blame. He had found that there had been the most extraordinary zeal on the part of all officers in connection with the handling of the mails to see that they reached their destination as soon as possible, and in this particular case the complaint was groundless, and he thought it was only due to the officers of the Postal and Railway Departments that that statement should be authoritatively made. He had given the honourable member the whole of the facts, and he was sure he would see that the information he had received was based on a misconception, that misconception being that the Auckland mails were held back until five minutes past eleven a.m., whereas it was the southern mails that were held back at Onehunga, and only held back so as to enable the Auckland mails to be sent through at once.

RAILWAY OPERATIVES' PLÉBISCITE. Mr. HOGG (Masterton) asked the Minister for Railways, If he will give instructions in taking a plebiscite from the railway operatives that the vote of the permanent and temporary employés shall be kept separate and distinct ? Sir J. G. WARD (Minister for Railways) was afraid this was asking a question after the event, which was well known now. However, he would give the answer : "A vote of workshops employés on 'The Industrial Conciliation and Arbitration Act, 1900,' was taken on the 21st instant. In taking the vote no employé, permanent or casual, with less than twelve months' continuous service was supplied with a voting-paper, and, as casual men who had been employed continuously for twelve months enjoyed the same privileges as permanent hands, there was no object, so far as the department was concerned, in keeping the vote separate, and this could not now be done unless a fresh vote was taken."

PUBLIC HEALTH INSPECTORS. Mr. FISHER (Wellington City) asked the Government, Whether they intend to

appoint local Inspectors under the Public Health Act? Sir J. G. WARD (Colonial Secretary) said that so far no Inspectors had been appointed. He had the matter now under consideration, and such Inspectors as were required would in due course be appointed.

<page>630</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=650></url>

Mr. G. W. RUSSELL (Riccarton) asked the Minister for Railways, If he will arrange that privilege tickets issued to the members of the Railway service shall be available by any train when such ticket is issued?

This was a question which he had been asked to bring before the Minister, and he hoped the honourable gentleman would be able to give him a satisfactory reply. It was rather disappointing to the employés of the Railway service when they obtained privilege tickets for their holidays to find themselves debarred from using these tickets, while others had the advantage of using He trusted the excursion trains, and so on. honourable gentleman would see his way to give him a satisfactory promise, on behalf of the railway servants, that when they got a ticket for the use of themselves or their families they would be able to use it like the rest of the public. Sir J. G. WARD (Minister for Railways) would be very glad to give all possible facilities to the railway employés. However, he would explain the position. Privilege tickets were available for use by any train except by the through passenger trains on the following days : The day before Christmas Day, Christmas Day, Boxing Day, the day before New Year's Day, New Year's Day, Good Friday, the Saturday before Easter Monday, Easter Monday, Queen's Birthday or the day upon which the Queen's Birthday holiday was held, and the Prince of Wales's Birthday or the day on which the Prince of Wales's Birthday was held. It was considered that this afforded ample facilities for the holders of privilege tickets, and, in view of the serious inconvenience caused a few years ago by holders of privilege tickets and free passes monopolizing a very large portion of the seating accommodation on through passenger trains during the holiday season, he could not recommend the removal of the existing restrictions, which, while protecting the interests of the general public, were not of such a stringent nature as to seriously interfere with or inflict hardship on the holders of privilege tickets. Privilege tickets were issued at one-fourth the ordinary rates. He had named the days on which the holders of these tickets could avail themselves of any train. He thought it would be recognised that where the department was carrying out general holiday excursion work they could not afford, with the accommodation available on the trains, to carry an undue proportion of people who had privilege or free tickets given to them to the exclusion of the general public. There must be some regulation, and, on the whole, he did not think the regulation which existed was a harsh one, considering the number of days on which there was no restriction imposed. There were a great number of these tickets issued, and if they did not have some regulation where a large concession of that kind was given there would be some difficulty in carrying on the ordinary traffic. POSTAL ARRANGEMENTS AT KAITUNA. Mr. RHODES (Ellesmere) asked the Postmaster-General, If he will confer with the one of the platelayers removed from Birdling's Flat to Kaituna, in order that the platelayer's wife may act as Postmistress at Kaituna, the postal arrangements at that place being altogether inadequate for present requirements ? He understood that when a previous application was made for a platelayer to be stationed at Kaituna there was a difficulty in regard to acquiring a site for a house, as the land in the vicinity was held in trust. Now that the estate had been cut up. and the owner of the land adjacent was willing to sell, he thought that difficulty would be overcome. Formerly a shepherd on the estate had acted as mailman, but the postal arrangements were anything but satisfactory, and now they were even worse. He had received a letter from one of the settlers, in which he said, - " Since our post-office has been shifted to a new office it is just next thing to useless. Our mails are now overcarried to Little River. and. instead of 10.30 a.m., are not distributed till the afternoon ; no chance whatever of replying to letters coming by the day's mail, nor for three days afterwards. Besides, the office is entirely out of the way for all hands." He hoped the Postmaster-General

would take into consideration the fact that settlement had increased in that locality, and would give a favourable reply. Sir J. G. WARD (Postmaster-General) was advised by the officers of the department as follows :- "No facilities are provided which would enable a platelayer to live at Kaituna, and the erection of a house would be necessary if it is decided to accede to the request. Platelayers are at present residing at the ends of the length, which is the most convenient arrangement for the Railway Department's purposes. I cannot recommend the department to incur the expenditure necessary to provide the cottage at Kaituna, as it is not, in my opinion, warranted." He was quite prepared to look into the matter, both in regard to postal and telephonic communication, and if some person was found to undertake the work for some small fixed consideration, so as not to impose a loss on the department, he would endeavour to give effect to what was asked. Mr. RHODES hoped it would be somebody in the vicinity of the station. # SUBSIDIES FOR PROMOTION OF ATHLETICS Mr. BARCLAY (Dunedin City) asked the Government, If they can see their way to agree to the suggestions as to granting small subsidies for certain purposes of athletics contained in circular letter of Messrs. Kesteven, Harley, and Boulton ? He presumed the circular referred to had been received or seen by members of the House. It was addressed to the Premier by representative men in connection with cycling, rowing, and athletics generally. It was pointed out that, unfortunately, the expense of holding the champion-

<page>631</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=651></url>

ship meetings at various places throughout the an injustice to the department. On such a colony was very considerable, and in recent years a loss had resulted. It had been suggested that some little assistance should be given by the Government for the purpose of encouraging athletics. The amount necessary for the object was £75 for rowing, £55 for figures which he formerly gave were absolutely cycling, and £120 for athletics, including \$40 reliable. In the present case they had not yet for a public-school championship meeting. It would be little else than a national misfortune if the athletic championships had to be discontinued in establishing the station or not. Later on he hoped to pay a visit to the Otago continued. No doubt it was wrong to overdo athletics, but he did not think it could be said that they had been overdone so far. As accommodation was required. the amount asked for was very small, he thought it would be a proper thing for the Government to place it on the estimates. ter for Railways, -- (1) What was the result of Sir J. G. WARD (Colonial Secretary) said he had not had the pleasure of receiving the circular referred to by the honourable member, but he understood the nature of it. While he was anxious to do what he could to assist railway-lines from noticing approaching trains ; athletics, he did not think the colony ought to be asked to contribute. They might just as well be asked to contribute to the funds of the Caledonian societies and the racing-clubs. If the British public wanted good sport they ought to do as he himself did, and that was, crossings this matter was one of some importance put their hands into their pockets and pay for it. # RAILWAY-SIDING, OTAGO CENTRAL RAILWAY. Mr. T. MACKENZIE (Waihemo) asked the Minister for Railways, Whether he will, in orderings which, he believed, it was necessary to have to extend a necessary convenience to settlers, put in a railway-siding at or about the 90-mile post on the Otago Central Railway? He had plantations might be valuable which had been not been successful in his application for necessary sidings on the Otago Central line, but he planted by the Railway Department, still there hoped that in this case the honourable gentleman ought to be a clearance made at all crossings man would see his way to accede to the request. Some time ago he tried to have a necessary an approaching train to persons when crossing siding put in at a point between Ranfurly and Wedderburn, but the department was not able to grant it. He hoped that when the Minister visited the locality himself he would see the necessity for it. He had a petition signed by obtained showing the whole of the crossings the following residents : William Beck, John White, Lachlan McLean, and others, pointing growing trees, and subsequently the District out the necessity for the railway-siding at or Engineer was instructed that all

such trees on about the 90-mile post. They said that the department contended that the grade was too steep at that particular point for a siding, but down or lop the trees as might be required to they declared that there was a terrace quite close to the place which was quite suitable, and improve the view, or allow this to be done at could be used for that purpose. A siding at that point would be of considerable value to trade with Naseby and other places. Between to be specially referred for consideration. 2,000 and 3,000 tons of coal would, he was advised, be despatched annually from there if the siding were established. He hoped that the very reasonable request of the residents would be complied with. They would have figures supplied by the department to capsize his He would make inquiries and let the honourable statement, but they knew how unreliable the able member know. figures regarding another siding that had been RAILWAY SUPERANNUATION SCHEME. asked for had proved to be. Sir J. G. WARD (Minister for Railways) said he thought the honourable member had done Minister for Railways, Whether the Government lovely afternoon as that was it was only natural that the honourable member, returning to that chamber after enjoying the invigorating air outside, should take a somewhat exaggerated view of things. The department's sufficient information to enable them to form a definite opinion as to whether they would be Central, and to see for himself whether the. # RAILWAY-CROSSINGS. , Mr. FLATMAN (Geraldine) asked the Minister the inquiry made by him relative to the danger existing through growing trees near railway-crossings, preventing persons when crossing and (2) whether any growing timber has been removed at such crossings since a question was put by the member for Geraldine to the Minister on this subject last session ? In consequence of the large number of accidents at railway-portance. When he put the question last year the Minister said he would inquire into the matter, and if he had not done so the responsibility must rest upon his shoulders. There was growing timber on some of the cross-removed, so that the travelling public might have a better chance of seeing approaching trains than they have at present. Although of anything that would prevent the view of the railway-line. Sir J. G. WARD (Minister for Railways) said that since the question was put last session by the member for Geraldine a return had been the view at which was in any way impaired by railway property were to be at once cut down. Where private property was affected he was to communicate with the owners, ask them to cut the expense of the department. In cases where owners claimed compensation the matter had Mr. FLATMAN asked the Minister to state specifically whether any timber had been removed since last session. Sir J. G. WARD would not like to say definitely without having information before him. Mr. FISHER (Wellington City) asked the

<page>632</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=652></url>

scheme and the amendment of the Classification Act this session ? Earlier in the day the honourable member for Dunedin City (Mr. Barclay) had asked a similar question, but the honourable gentleman in framing his question failed to touch the pith of the matter. He was sure the Minister for Railways, with his usual courtesy, would supply the information that was necessary. Sir J. G. WARD (Minister for Railways) said he could only give the same answer to the honourable member as he gave to Mr. Barclay. The scheme was now under examination by the Actuary of the Government Insurance Department, and until his report was received and the Cabinet had considered it he could not say whether the scheme could be brought down this session. ## TREE-PLANTING ALONG RAILWAY-LINES. Mr. COLVIN (Buller) asked the Government, If they will take into consideration the desirability of planting the land along the railway-line between Westport and Waimangaroa, and also a portion of the pakiki between Westport and Addison's, with wattle-trees ? He understood that the planting of wattle-trees in Auckland had been a great success. There was a large quantity of barren land in the vicinity of the railway between Westport and Waimangaroa, also between Westport and Addison's, which, he believed, could be profitably utilised if planted. Sir J. G. WARD (Minister for Railways) said that, from information he had received, it was

doubtful whether wattles would grow on the railway land between Westport and Waimanga-roa, and it did not appear right to expend railway funds in making experiments of this sort. # AUCKLAND VARNISH COMPANY. Mr. WITHEFORD (Auckland City) asked the Minister for Railways, If he will authorise a trial of the Auckland Varnish Company's varnish at the railway workshops ? Sir J. G. WARD (Minister for Railways) said authority had already been given for a trial of the Auckland Company's varnish, but the material, he understood, had not yet been manufactured. RATE ON SULPHURIC ACID. Mr. MILLAR (Dunedin City) asked the Minister for Railways, If, when making further reductions in the railway tariff, he will consider the advisability of reducing the rate on sulphuric acid ? The Hon. the Minister knew that the Orepuki Oil Company had been severely handicapped by the remission of the duty on kerosene, and they were also being handicapped by the fact that the railway rate for the carriage of sulphuric acid, which was an important factor to their work, was £15 a ton from Burnside to Orepuki. The company built the tanks themselves and filled them at the works at Burnside, and they were taken from there by the ordinary goods train. A truck of Mr. Fisher £1 10s. a ton. Sir J. G. WARD (Minister for Railways) said the honourable gentleman might not be aware that the rates on sulphuric acid had been reduced by 50 per cent. He did not know whether the honourable gentleman's remarks applied to the rates since the reduction had been made. He would, however, be glad to inquire as to whether the representations he now made required any further attention. # RAILWAY CLASSIFICATION. Mr. HUTCHESON (Wellington City) asked the Minister for Railways, Whether it is his intention this session to bring in a Bill amending the Classification Act now in force ? Sir J. G. WARD (Minister for Railways) could only give the same answer as he had given earlier in the day to other honourable members. # TADMOR VALLEY CO-OPERATIVE WORKS. Mr. GRAHAM (Nelson City) asked the Government, If they will make inquiry into the following complaints, which have been publicly made, in connection with co-operative work at the Tadmor Valley; and, if found to be correct, either wholly or in part, will they take the necessary steps to remove any cause for such complaints : (1) That, although the standard day's wage has been fixed at 7s. 6d., co-operative workers are obliged to sign for sections of work to be satisfactorily done without any price (per yard or otherwise) being set on the work; (2) that the co-operative workmen have no knowledge whatever as to the wages they are earning or will receive until they are called upon to sign for what the officer in charge may be pleased to allow them for their work; (3) that under these conditions two parties of able-bodied men on co-operative work have been paid the sum of 48. 6d. and 5s. per day respectively, the workmen having themselves to pay for the hire of horses and drays for the removal of earthwork; (4) that the men have to wait six or seven weeks before they are paid the wages they have earned ; (5) that, instead of the men being paid at the works, they have, in some cases, to walk eight miles to the post-office and wait till eight o'clock at night for their money, thus necessitating their return to camp very late at night? He asked the question because of complaints having been made into the correctness of which he had not been able to investigate ; but he asked the Minister to make prompt and complete inquiry into the matter. and, if he found there was cause for complaint -he felt sure it was without the Minister's knowledge-whether he would at once take steps to prevent the continuance of such an undesirable state of affairs. Mr. HALL - JONES (Minister for Public Works) said the matter was being inquired into. and the honourable gentleman was right in saying that if the statement indicated in the question was correct it would be at once remedied.

<page>633</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=653></url>

ENGINEERS' CERTIFICATES. .. Mr. MILLAR (Dunedin City) asked the charges which led to the compulsory retirement Minister of Marine, Why holders of river == certificates of competency as engineers are prohibited from taking charge of stationary engines on shore? He would like to know how it was that men holding river certificates, who were allowed to take charge of steamers with four : or

five hundred passengers on board, were de- barred from taking charge of stationary engines. Mr. HALL-JONES (Minister of Marine) said the position as indicated was an absurdity, and he hoped an amendment of the Act would be passed this session. ... # FIREMEN'S CERTIFICATES. Mr. MILLAR (Dunedin City) asked the Minister of Marine, Why the Marine Depart- ment refuses to allow firemen's time at sea to count as time for a certificate of competency for a stationary engine? A man might be twenty years at sea firing and taking charge of the engines, and yet this was not allowed to count by the department. He hoped the dis- ability would be removed. Mr. HALL-JONES (Minister of Marine) said service at sea as firemen had always been accepted to qualify a candidate for a second- class certificate of competency as stationary- engine driver, but to qualify for a first-class certificate the candidate, while in possession of a second-class certificate, must have had charge of an engine in terms of the Act. # ELECTION OF SCHOOL COMMITTEES AND EDUCATION BOARDS. Mr. LAURENSEN (Lyttelton) asked the Go- vernment, If they will alter the School Com- mittees Election Act so as to enable both parents to vote at School Committee elections ; also, if they will have the Board of Education Election Act amended so as to make that a more workable measure than it is at present ? The question explained itself. In some School Committees it had been ruled that the mother and father could both vote; in others it had been held that the mother could not vote under any circumstances. He would like to know whether some rule would be defined in the matter. In regard to the second part of the question, during the last election of members of the Education Board there was a great deal of confusion caused and delay brought about owing to the fact that the amending Act was not very clear as to the mode of collecting or counting votes cast for candidates; and, in addition to that, practically the principle of the secrecy of the ballot was not observed. Mr. HALL-JONES . Minister for Public Works) did not think it likely that an amend- ment of the School Committees Election Act would be brought down this session, but he hoped to bring in a Bill amending the Act under which Education Boards were elected. MR. LEE, LATE INSPECTOR OF SCHOOLS, WELLINGTON. Mr. FISHER (Wellington City) asked the Government, Whether the Education Depart- ! VOL. CXVIII. - 41. ment has power to order an inquiry into the of Mr. Lee, late Inspector of Schools, Welling- ton ? He was always averse to interfering unnecessarily, and he had no desire to do so in this case ; but it was said that Mr. Lee was the victim of an injustice, and therefore he wished to know whether the Government could suggest any remedy in this matter. Mr. HALL- JONES (Minister for Public Works) said he was of opinion that the depart- ment had no power to order an inquiry. # TEACHERS' PAYMENT FOR TECHNICAL EDUCATION. Mr. BARCLAY (Dunedin City) asked the Go- vernment, What Education Boards, if any, have distributed fees collected to the teachers in accordance with the circular of the 8th Janu- ary, last ? This question was founded on the fact that in a circular of the 8th January last it was intimated that certain fees connected with the teaching of technical subjects in dis- trict schools, together with the capitation granted by the Government for the same pur- pose, would be distributed to teachers engaged in the work. He understood that some of the Boards had acted in accordance with that cir- cular and paid over the money to the teachers, but that others had not done so. He put the question to the Minister to call his attention to that fact, and also in the hope that, under the circumstances, the honourable gentleman would say what was the proper course to pursue in the matter. Mr. HALL - JONES (Minister for Public Works) said he had a copy of the circular before him, and he saw in it no statement of the kind made by the honourable member. It said,- "That the whole of such allowances be paid as salaries to the teachers of secondary subjects, or as additions to salaries of the other teachers of the district high school, as the Board may determine." That was, the amount contributed by the State towards the cost. He was not aware of any case in which a teacher who had done the work had not been paid the amount he was entitled to receive. Mr. BARCLAY asked, Did he understand the Minister to say that, as far as he was aware, all the Boards had complied with the regula- tions ? Mr. HALL-JONES replied in the affirmative. WINDSOR-LIVINGSTONE RAILWAY. Major

STEWARD) (Waitaki) asked the Minister for Public Works, - (1) Whether provision will be made on the public-works estimates towards the extension of the Windsor-Livingstone Railway, being an authorised line, as far as the new bridge over the Maerewhenua at "Hutton's " ; and (2) whether he will cause a complete survey to be made with a view to ascertaining the best route and approximate cost of further extending the said line to the Township of Naseby, or to such point near to the said township as may be found most practicable and convenient ? The Windsor-Living-

<page>634</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=654></url>

stone line was an authorised line, and he would be glad if the Minister could see his way to put the work in hand for the extension to "Hutton's." As regarded the second part of the question, the honourable gentleman would remember that petitions on the subject were presented this session to the House by the member for Waihemo and himself (Major Steward), praying for the extension to Naseby. Those petitions were signed by nearly a thousand residents of Oamaru, Naseby, et cetera, and he hoped that a proper survey of the route would be made during the recess, with a view to ascertain the approximate cost of the work proposed. Mr. HALL - JONES (Minister for Public Works) said, in answer to the first part of the question, that, as there were some fourteen or fifteen railway-works in hand at the present, he could hold out no hope of any provision being made for this line this year. In regard to the second part of the question, the time was so remote when the railway through Danzie's Pass would be constructed, that, notwithstanding the petition that the railway should be constructed, he thought it would be unwise to spend any money on the surveys. A petition was presented, but it came largely from people living alongside the Otago Central Railway itself, and the construction of the second line to Naseby would certainly come into conflict with the earnings of the Otago Central Railway. # RIFLE CLUBS. Mr. SEDDON (Minister of Defence) said he wished to intimate for the information of honourable members that he had accepted the services of the following rifle clubs : The Waitahuna Defence Rifle Club, the Waiholo Defence Rifle Club, the Wairaki Defence Rifle Club, the Bunnythorpe Defence Rifle Club, the Maraekakaho Defence Rifle Club, the Petone Defence Rifle Club, the Pongaroa Defence Rifle Club, the Mauriceville Defence Rifle Club, the Hamua Defence Rifle Club, the Martinborough Defence Rifle Club, the Mangaweka Defence Rifle Club, the Waimarino Defence Rifle Club, the Upper Hutt Defence Rifle Club, the Tuhirangi Defence Rifle Club, the Kimbolton Defence Rifle Club, the Opaki Defence Rifle Club, the Kaiwairua Defence Rifle Club, the Shannon Defence Rifle Club. # HANSARD. Mr. SEDDON (Premier) moved, That 7.30. the authority of this House be given to the Deputy-Speaker and the Acting Chairman of Committees to go through the reports of the speeches of the member for Bruce, and also of all members' speeches in Hansard on the discussion which took place in the House when in Committee of Supply on the evening of the 13th September, and delete from the said reports any repetition of and all references to the words used by the honourable member for Bruce, and which said words were withdrawn by the said honourable member. ## Major Steward Mr. DEPUTY-SPEAKER said he would like to take the sense of the House on the question whether the present debate should be reported in Hansard. An Hon. MEMBER .- Why not ? Mr. DEPUTY-SPEAKER .- Because in the present debate they might have the same thing occurring which was objected to in Committee of Supply. Mr. SEDDON said he did not expect there would be any debate on what was practically agreed upon among members. Mr. J. ALLEN understood that the debate would be reported unless the House decided to the contrary. The House divided on the question, "Whether the debate on the motion before the House or any amendments thereof be reported in Hansard." AYES, 26. Allen, J. Haselden Rhodes Russell, G. W. Arnold Hutcheson Atkinson Lang Smith, G. J. Laurenson Bollard Tanner Collins Massey Thompson. R. Meredith Ell Thomson, J. W. Millar Fowlds Telier .. Graham Monk Herries Hardy Pirani Lethbridge. NOES, 30. Allen, E. G. Hanan O'Meara Barclay Palmer Hogg Bennet Hornsby Parata Buddo Houston Seddon Carncross

Kaihau Steward Lawry Carroll Ward Fisher McGowan Willis. McKenzie, R. Flatman Tellers. Fraser, A. L. D. McNab Colvin Hall Mills Wilford. Hall-Jones Majority against, 4. The DEPUTY-SPEAKER .- The debate is not to be reported. Mr. MASSEY (Franklin) moved, as an amend- ment, to strike out all the words after " Chair man of Committees," and to add the words "together with the particular member cor- cerned, to revise the speeches of members de- livered in Committee of Supply on the evening of the 13th September, and to delete from such speeches all repetitions, either in effect or other wise, of the words used by the member for Bruce, and which said words were afterwards withdrawn." Debate adjourned. # CHARITABLE GIFTS BILL. IN COMMITTEE. Clause 2 .- Interpretation. On the motion of Mr. CARROLL (Commis- sioner of Stamps) this clause was struck out. Clause 3 .- Gifts to public or public institu- tions free from duty. On the motion of Mr. CARROLL this clause was struck out. Clause 4 .- Repeal.

<page>635</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=655></url>

On the motion of Mr. CARROLL this clause was struck out. Mr. CARROLL moved the addition of the following new clauses :-- "2. Where by deed or will any property is voluntarily conveyed, devised, bequeathed, or transferred to trustees in trust for the benefit of the public, such conveyance, devise, bequest, or transfer shall be exempt from all duties which, but for this Act, would be payable thereon. "3. The principal Act shall apply to any charitable bequest, whether or not the institu- tion in whose favour it is made is in existence at the time of the bequest. "4. This Act shall form part of and be read together with 'The Charitable Gifts Duties Exemption Act, 1885' (herein called ' the principal Act '). ' New clauses added. Mr. MONK (Waitemata) moved the addition of the following new clause :- " The provisions of this Act are hereby de- clared to apply to a deed dated the tenth day of June, one thousand nine hundred and one, and made between John Logan Campbell, of Kil- bryde, near Auckland, Esquire, and certain trustees therein named, being a transfer of a certain parcel of land known as ' Cornwall Park,' for the general benefit of the people of New Zea- land, as stated in that deed.' New clause, by leave, withdrawn. Bill reported. # MORTGAGES OF LAND BILL. IN COMMITTEE. Mr. HALL (Waipawa) moved the addition of the following new clause :- "(1.) On the application of a mortgagee or an intending mortgagee under this Act in the form of the Fifth Schedule hereto, and on pay- ment of a fee of five shillings, the District Land Registrar in the case of land under "The Land Transfer Act, 1885," and the Registrar of Deeds in any other case, shall cause a search to be made for encumbrances or other deeds regis- tered affecting the land included or intended to be included in any mortgage under this Act, and specified in the application. " (2.) The Registrar shall enter the result of such search on the form in the said Fifth Schedule, and shall forthwith return the same to the applicant." New clause, by leave, withdrawn. Mr. HOGG (Masterton) moved the addition of the following new clause :- " As to all present and future mortgages of land, whether already made or to be made, under the Property Law Consolidation Acts, or the Land Transfer Acts, or otherwise, which mortgages have already been, or shall be, in existence for three years or upwards, the mort- gator, his executors, administrators, or assigns shall be at liberty at any time to pay off the principal and interest then due, notwithstanding the time for payment of principal mentioned in the mortgage, or the date appointed for the redemption of the mortgage, may not have arrived, provided always that six clear months' written notice of an intention to pay the same shall be given ; and, upon payment or tender of the principal or interest then due as herein mentioned, the mortgagee, his executors, ad- ministrators, or assigns shall, at the request, cost, and charges of the mortgagor, his execu- tors, administrators, or assigns, return to him or them, or as he or they shall direct, the mortgage, having indorsed thereon or annexed thereto a receipt in the form or to the effect mentioned in section fifty of ' The Property Law Consolidation Act, 1883,' or in the form or to the effect provided by the Land Transfer Acts, in relation to the discharge or vacation of mortgages ; and such receipt shall be executed and have the effect mentioned in the provisions of the said Acts relating to the discharge or vacation of

mortgages. And the powers given to the Colonial Treasurer by section one hundred and nine of 'The Land Transfer Act, 1885, shall apply to and may be exercised in respect of all such mortgages as aforesaid, notwithstanding the date appointed for the redemption of any mortgage may not have arrived." New clause, by leave, withdrawn. Schedule amended. Bill reported and read a third time. # PROMISSORY OATHS BILL. IN COMMITTEE. Mr. NAPIER (Auckland City) moved the addition of the following new clause :-- " From and after the passing of this Act any oath prescribed by law may be duly taken without kissing the Bible or any sacred or other book." New clause negatived. Mr. BARCLAY (Dunedin City) moved the addition of the following new clause : -- "All judicial acts of any Justices of the Peace who have not heretofore taken the necessary oaths shall be as valid as if the said oaths had been duly taken." The Committee divided on the question, "That the clause be read a second time." AYES, 12. Smith, G. J. Atkinson McGowan Fowlds McNab Tellers. Millar Fraser, W. Barclay Lethbridge Rhodes Herries. Massey NOES, 23. Allen, E. G. Parata Heke Arnold Hornsby Seddon Carroll Ward Houston Colvin Wilford Lawry Eil McKenzie, R. Willis. Fraser, A. L. D. Mills Tellers. Hall Carncross Napier Hall-Jones Palmer Field. Majority against, 11. New clause negatived. Bill reported. On the question that the Bill be read a third time -- Mr. MASSEY (Franklin) .- I am sorry that the Minister in charge of the Bill has not con-

<page>636</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=656></url>

sented to set down the third reading for to-morrow, because in connection with it a very important point has been raised. We were told on the second reading of the Bill that it was introduced because " some of the highest legal authorities," quoting the words of the Minister of Justice, had expressed the opinion that it was necessary to introduce it on account of a new Commission of the Peace having been issued, and it being therefore doubtful whether it was necessary that the Justices of the Peace should be re-sworn. But this leads up to a still more important point : if it was necessary to introduce the Bill or to re-swear the Justices of the Peace, there still remains the doubt -- and I am sure that doubt exists in the minds of other honourable members besides myself- whether the Justices of the Peace could legally transact business between the issue of such Commission and the passing of this measure or the re-swearing of the Justices. I am strongly of opinion that they could not. The introduction of the Bill shows that the Minister of Justice was also of that opinion. He says now that he does not think anything of the sort, but we know that a great many of the authorities think it is the case, men whose opinions, perhaps, have as much weight as those of the Minister of Justice. Government have not seen fit to accept the amendment moved by the honourable member for Dunedin City (Mr. Barclay), which would have validated the action of the Justices between the issue of the last Commission of the Peace and the passing of this Act. Had the Government done so there would have been no further trouble, but, as it is, it appears to me that all sorts of complications may arise. I have not sufficient legal training to know exactly what the position is, but it appears to me that the refusal to insert this clause may lead to serious trouble. #cc-zero Mr. SEDDON (Premier) .- I did not consider that this was a subject that would evoke debate. I am positive, at the same time, that there is neither necessity for the Bill nor is there any necessity for any validation of what has been done by Justices of the Peace. The Government have been advised that it is not so. At the same time, there appear to be others who will make statements that it is necessary. Of course, it is quite possible that an eventuality may arise in connection with which opinions may differ as to this point ; but the Government have been advised that there is no necessity for any validation. Mr. MASSEY .- Your colleague has been advised that it is necessary. Mr. SEDDON .- I say the proper advisers do not advise in that direction. If my colleague made that statement it may be he considered there was a necessity ; but, according to those who are responsible for advising us, it appears there is no doubt whatever that the decision of a Justice of the Peace who has taken the oath and acted in good faith is as good as if he were sworn twenty times over. If we were to pass a Bill validating what has been done,

it would be an open admission that the Legislature con- clause being put in. Mr. Massey sidered it was necessary to validate their deci- sions. Mr. MASSEY .- The admission is there. Mr. SEDDON .-- No, it is not. The honour- able gentleman labours, like myself. under the want of legal training, but I am advised that it is not so. I may say that if it had been so, and my colleague had brought in a Bill which did not include what was wanted, it would have been self-condemnatory ; but he was advised by those responsible that this was all that was necessary. If that was so, why should the measure be loaded with a validation clause throwing a doubt on all the Justices have done? That is why I would not accept the clause. Mr. HERRIES (Bay of Plenty) .- Sir. I almost agree with the Premier that it is not necessary to have this Bill. When we have a Bill which throws a doubt on the status of Justices of the Peace, and when we have the second-reading speech of the Minister in charge of the agar- ment-and I hold he knows more about it than the Premier-and when he says, in reply to an interjection of the honourable memiwr for Franklin as to whether the Bill is necessary, "It is considered necessary now ; there bis been a difference of opinion about that very subject, but the Government has been advised that it is necessary : some of the highest legal authorities have considered it necessary, while I believe that some other authorities do not consider it necessary." The Minister, there- fore, practically says that the Government have been advised that it is necessary. Mr. SEDDON .- To introduce the Bill, not to validate what the Justices of the Peace have done. Mr. HERRIES .- That is so, as that ques. tion was not raised until I spoke on the second reading of the Bill. The Minister of Justice goes on to say, " We find it necessary that they should be resworn." Now, if the Minis- ter in charge says that, and brings in a Bill in order that they may be re-sworn, then, I say. it is pertinent to ask that the Acts they have done should also be validated. The Minister in charge made a promise - and that is what ! complain of-that that validating clause would be put in. An Hon. MEMBER .- He said he would make inquiries. Mr. HERRIES .- No. But the Minister. I must say, properly voted for the clause moved by the honourable member for Dunedin City Now the Premier comes !! (Mr. Barclay). and, I will not say influences his colleague - I do not think he would be influenced by the Premier -- but he influences the Hous in a way that he has no right to when he knows nothing of the subject he is talking about. He knows nothing about the Bill. He was absent the greater part of the time we were discussing it. The Minister in charge of the department knows more about it. The Minister in charge makes a promise that he would put in a validating clause, and the Premier influences the House to prevent that

<page>637</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=657></url>

seeing the House made no mistake. Mr. HERRIES .- Of course, the Premier is leader of the House and can do what he likes, and apparently he can get his followers to do what he likes. But if this Bill was introduced with the object of putting an end to a doubt- ful point, then a validating clause is a neces- sary corollary to it. In the case of Judge Cooper in the Arbitration Court there was a doubt about his appointment, and in getting that right we also validated all the acts he had done. It is the same in the case of Justices of the Peace, and their acts should be validated too, if there is any doubt about their appointment. Now, Sir, I complain about the Premier coming in and, know- ing nothing about the Bill, upsetting all that has been proposed. We trust his col- league the Minister of Justice, who knows more about it than the Premier does, and he should have been allowed to conduct the matter in the House. Mr. ATKINSON (Wellington City). - Sir, the Premier has just made the remark that he is within his rights in taking the very extraor- dinary course he has taken to-night. Well, it is quite possible he is within his rights. His rights, according to his own view, are commen- surate with his power. That is the only limit he recognises. But I would suggest that, out of consideration, at any rate, for the feelings of his colleagues, he might take the precaution to prevent the recurrence of such an indignity as he has inflicted on the Minister of Justice to- night. The Minister of Justice was in charge of the Bill, and he showed a firm but

concilia- tory spirit with regard to all amendments that were proposed, and one only he agreed to accept. That was in deference not to any expression of opinion on this side of the House, but to a general desire, apparently, on the other side, though the member for Christchurch City (Mr. Smith) was the only member who spoke to the point. The Minister of Justice, in reply to him, said that, owing to the general feeling of the Committee that such a validating clause should be inserted, he would insert it. Well, then, later on in comes the Premier, and he upsets and practically makes the Minister break the pro- mise he had given. I am not for a moment impeaching the honour of the Minister of Jus- tice, for whom I have great respect, and he honourably voted on behalf of Mr. Barclay's amendment when the division was taken ; but all the effective power that the Minister of Justice had in support of that amendment, and that lay behind his promise, the Premier very effectually took away by the extraordinary course he pursued. He called for a division against the motion ; he called for it with more than his usual ferocity, and he gave a very straight tip to the faithful that, notwithstand- ing the promise that the representative of the Ministry who was in charge of the Bill had given to the Committee, it was the duty of the faithful to go into the lobby against the pro- mise which the Minister had given. Now the right honourable gentleman says he is within other persons in this House who have rights. Surely his colleagues are some of those persons, and surely other members in the House are also in the same position. They also have some rights. Now, if the right honourable gentleman is not going to allow any one of his colleagues in charge of a Bill before the House relating to , the department of that particular Minister-if he is not going to allow any such colleague to give an effective promise with regard to any amendment proposed in Committee, what posi- tion does he place his colleagues in, and what position does he place the Committee in ? Simply there is, then, no force at all in any promise a Minister may make to the House or the Committee except the Premier himself. A promise so given, as honourable members know, often affects the whole course of procedure and the whole progress of the debate, because the discussion is dropped at a particular stage on the understanding that the Minister pro- mises to accept an amendment. The members who are urging this particular change stop their arguments when the Minister acquiesces, only to find, if he is some Minister other than the Premier, the whole thing probably upset by that lordly gentleman deigning to come back Well, I have no and take part in the debate. concern to speak for the Minister of Justice or any other of the Premier's colleagues; they must look after themselves. They take a con- tract, and I suppose they have to bear the burden as well as enjoy the benefit. But surely it is an indignity, which as a member of the House I am entitled to resent, that a Minister who is in charge of a Bill before the House should be insulted in the manner in which he has been insulted. Mr. DEPUTY-SPEAKER .- I do not think it is right to say any member has been insulted. Mr. ATKINSON .- I will withdraw, and say I regret that any Minister in charge of a Bill before the House should be subjected to the outrageous indignity which the Right Hon. the Premier inflicted upon his colleague by the course he has taken before the Committee on the Promissory Oaths Bill. Mr. SEDDON. - You are very much con- cerned when it suits yourselves ; leave us to look after ourselves, and you mind your own business. Mr. ATKINSON. - Yes ; but the point is whether or not a promise given personally by a member of the Ministry to the Committee is binding or not on the Ministry, and, as a member of the House, that is surely part of my business. This is the position I was en- deavouring to take up, as one jealous for the honour of the House, and for the proper con- duct of the business ; for how can the business go on ? What finality is there-what is the effect of any promise-if the Premier can at any time step in and say No? "I approve," were the words he used. "If any colleague of mine has given any promise to the House, I approve of keeping faith with the House, but." There is great virtue in a " but," and this is what it amounts to here: "I approve in general of

<page>638</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=658></url>

convenient that faith should not be kept with the House I do not approve of faith being so kept with the

House." The right honourable gentleman might argue as he likes, and talk as loud as he likes, but I fear that is the logic of his position, from which there is no escape. He told us he approved in general of faith being kept with the House when a Minister makes a promise ; but if that Minister is not himself, or if it is inconvenient that the promise should be kept, then let it be broken. It is simply to put this on record that I have risen at this late hour. Mr. WILFORD (Wellington Suburbs). - I regret the tone this debate has taken at this period of the evening, and it seems to me that the whole cause for the debate taking this form is the action of the leader of the Opposition, Mr. Massey. Mr. MASSEY .- I am not the leader of the Opposition. Mr. WILFORD .- Well, the director of the Opposition. The honourable member threatened the Hon. the Premier with what he would do because he (the Premier) would not agree to his (Mr. Massey's) anything but mild request, and the other members of the Opposition have followed his lead. In regard to the remarks of the honourable member for Wellington City (Mr. Atkinson), he is a gentleman who suffers from political biliousness. The honourable gentleman always makes personal speeches. One of these days the honourable member for Wellington City will no doubt make a policy speech. We will wait for it. At present the honourable member is suffering from what I may call political biliousness, but I hope he will have a speedy recovery. I feel sure the remarks he directed at the Premier were not directed with the view of raising the dignity of the House, but that they were actuated by a personal feeling, and when that is the case such remarks never go far. I feel certain the Premier will also survive. Then, the member for Wellington City stated in his speech that the action of the Premier in voting against his colleague was something really fearful. But what is the position logically ? The Minister in charge of the Bill gives a promise to the House that he will accede to the introduction of a particular clause. He does so. Now, just to show the absolute disingenuousness of the member for Wellington City, he says the Minister made a promise to put the clause in. Well, can a Minister promise to put it in if he had not the assistance of members ? No Minister could say more than that he would agree to the introduction of any proposal. That is what the Minister did. The Minister agreed to do so, and, I think, voted for the clause. Now, the Premier, I presume, had a perfect right to vote against that clause. The result of the voting was twelve to twenty-three. Those members who voted against the clause, of course, felt satisfied with the Premier's explanation. I am speaking for myself. Mr. HERRIES .- Which way did you vote ? Mr. WILFORD .- I voted " No," and I have to say this in regard to my vote: that I really Mr. Atkinson's member for Dunedin City was unnecessary. I think it would have been a good amendment if required. The wording and drafting were worthy of a professor of constitutional law. The clause was well drafted, but there was no necessity for it, and consequently I voted against it. The majority of members in the House also voted against it. Then, why this attack ? Just because there is the opening to attack, and, knowing that the whole of the Press is on their side and that nothing but their remarks against the Premier will be reported, they seized the opportunity. Any honourable member who is against the Premier has only to say " Boo" and the Opposition Press will quote that "Boo." It is the same old story, and no doubt it will be the same so long as the Opposition lasts. However, Sir, I hope that the debate will be conducted calmly, and, as I do not leave for Dunedin until five o'clock to-night, I say let us go one after another and discuss the matter fully. I hope I have succeeded in pouring oil on the troubled waters. Mr. W. FRASER (Wakatipu) .- The honourable gentleman who has just sat down talked about throwing oil on troubled waters, but I think he has thrown a little kerosene on the dying embers. That is what he has been trying to do, but I am not sure that he will succeed in his object after all. Sir, he talked about personal remarks having been made on this subject. Does he or any one in this House pretend to say that personalities are confined to this side of the House? It is absurd even for that honourable gentleman to make such a remark. Why did the twelve members vote for the new clause ? We did it because we believed that the thing was necessary. Now. I do not pretend to say that it is necessary to pass this Bill. I am not a lawyer, and therefore am prepared to be guided by the opinions of those who can speak with authority on the matter. But, Sir, all I can say is

this: that I can bring my common - sense to bear on the subject. I desire to be logical, and if this Bill was necessary I cannot help thinking that the proposed validating clause was necessary also. The Premier gave the real reason why he objected to it. He said it was intended to be a slap in the face to the Government. I can tell him that such an idea never entered my head. I do not think it entered the head of any member on this side of the House until the Premier mentioned it. It is the same old story we are constantly hearing, that any- thing we do or say is done or said, not with the view of remedying what is wrong, but in order to give a slap in the face to the Government. We who sit on this side of the House have be- come so accustomed to that piece of gag for the last eight or ten years that we pay very little attention to it now. Mr. SEDDON .- Who raised the question in the first instance? The member for Franklin raised it. Mr. MASSEY .- And I had a perfect right to do so. Mr. W. FRASER .- If the honourable mem-
<page>639</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=659></url>

the question, why should he not do it ? Let me tell the Premier this : he had good authority for sounding the note of doubt, because the Minister of Justice, who was in charge of the Bill, raised the doubt himself on the second reading. Mr. SEDDON .- No. Mr. W. FRASER .- I beg the honourable gentleman's pardon ; I will refer him to his speech in Hansard, if he wants it. Mr. SEDDON .- Only as to the necessity for the Bill. Mr. W. FRASER .- The right honourable gentleman is not the interpreter for the Minister of Justice. Mr. SEDDON. I know well what he said. Mr. W. FRASER .- So do I. I was here ; and I have read it since in Hansard. I say that I have no desire to raise an acrimonious debate, and I see no necessity for it. Those of us who are speaking on the third read- ing are doing so in order to enter our protest against what we think is an illogical and im- proper proceeding. The leader of the House has assumed the responsibility of refusing to allow the validating clause to be introduced into the Bill, and with him will lie the blame should he prove to be in error. We are putting our protest on record, so that if hereafter it should turn out that we are right and the Pre- mier is wrong we shall be able to turn to the records of the House to show that we did our duty. It is not always a pleasant task we have ; to perform, as often discreditable motives are attributed to us ; but let me say for myself, and for those members on this side of the House, that, unpleasant as the task may be, we shall still continue to perform it to the best of our ability. Mr. McGOWAN (Minister of Justice) .- I would like to say one or two words, and, un- like some of the honourable members who have spoken. I am not going to introduce anything personal at all. I at once say that the honour- able member for Bay of Plenty made the very most of some remarks which he says I made on the second reading, but which I have not looked up since. No doubt the honourable member has taken out that which suited the particular view he wanted to express. Mr. HERRIES .- There is some left, and I will give it to you if you like. Mr. McGOWAN .- There may be some left, but at any rate I do not want to take back any- thing I said then, and I do not want to take anything back I said when sitting at this table. The honourable member for Wellington City (Mr. Atkinson) seems to think I have broken a promise. Mr. ATKINSON .- Oh, no; not you. Mr. McGOWAN .- The honourable gentleman said so in his speech, and I interjected that he was wrong. What took place? It was this : My first statement in regard to this matter was that it was not necessary, but that I would make inquiries, and if I found it was necessary the matter could be rectified later on. That did not satisfy the honourable member for Franklin, who brought up a particular case for some years. Mr. MASSEY .- That is quite wrong. Mr. McGOWAN .- Well,. a Justice of the Peace that had been struck off the roll, and yet had sat; and that honourable gentleman said he had informed me of the fact across the floor of the House, and officially ; but I do not take that as official information, nor would I take the statement of any honourable gentle- man across the floor of the House as official information. Mr. MASSEY .- What do you call official information ? Mr. McGOWAN .- Information that can be put on record ; and the honourable gentleman cannot give me a single instance of neglect of official correspondence. Mr. MASSEY .- Yes, I can. How about the gentlemen who have been

recommended for the position of Justices of the Peace in country districts ? Mr. McGOWAN .- That is a different thing. If I agreed to appoint all the Justices that were recommended, every second man you met would be a Justice of the Peace. Now, we come back to the promise. When I made the state- ment that I would make further inquiry, it did not appear to satisfy members on both sides of the House. I made inquiries, and I was told that the clause was not required, but that it would do no harm. I made the statement that it was not necessary, but that it would do no harm, and that if the House wanted it I would not object. That was the promise, and I have kept it. Why, then, should there be an endeavour made to sow dissension between the Hon. the Premier and myself? All I have to say about the promise is that I have carried out all I promised the House that I would do. I do not wish to prolong the present discussion. We know the Bill is through, and the new clause is not added. The Premier mentions to me that if the amendment had been carried we should not have been able to' read the Bill a third time to-night. Well, I did not know that, and if I had known it I certainly would not have listened to the amendment. However, I thought the House wanted it, and, being advised it would do neither good nor ill, I did not object to it. But, to say, as the member for Wellington City (Mr. Atkinson) has said, that I promised to put the clause in the Bill is saying rather too much. Mr. MASSEY (Franklin) .- Sir, I wish to make a personal explanation. The last speaker told the House that I was one of those who was attempting to cause trouble between himself and the Premier. That statement is absolutely in- correct. I purposely refrained from making any reference to any trouble that has arisen between the Minister of Justice and the Premier. That is one point. Then the Minister challenged me to show any instance of neglect either on his part or on the part of his department. Well, the instance I was going to quote when I was stopped was this: Some time ago I recom- mended a gentleman living in a populous district for the position of Justice of the Peace

<page>640</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788253&seq=660></url>

Peace of the district had left. This gentleman was wired to by the Justice Department and asked if he would accept the position, and he wired back saying he would. This was nearly twelve months ago. He has not yet been appointed, though I had the promise of the Minister of Justice that he would be appointed. Mr. McGOWAN .- I would like to see the promise. Mr. MASSEY .- I am not quite sure that I still have it Mr. McGOWAN .- I say you cannot produce it. I say there is no member in the House who can say I gave a direct promise in regard to the appointment of any Justice of the Peace. Mr. MASSEY .- Does the Minister of Justice deny that he wired to the gentleman whom I have referred to? If he does not deny it, then my statement must be accepted. Mr. McGOWAN .- I have carried out every promise I have made. Mr. SEDDON (Premier). - Sir, after what has been said by the member for Wellington City, I think I may make a personal explana- tion. Mr. ATKINSON .- Sir, is the honourable gentleman in order in making a personal ex- planation, seeing that two speeches have come in since I addressed the House ? Mr. DEPUTY-SPEAKER .- It is not usual, but I will allow it. Mr. SEDDON .-- The honourable member misrepresented me. He said I was not here when this particular matter occurred. I was here .- I was only out of the House for a few minutes, and I was here when the honourable member for Franklin started it. 32106019788253 Mr. MASSEY .-- I did not start it. Mr. SEDDON .- You did start it. raised the question as to the validation of the acts of the Justices of the Peace. Mr. MASSEY .- No; I was not the first. Mr. SEDDON .- Sir, I say the honourable member .raised the question. Very well; I saw at once the position we were going to get into, and consequently, as the leader of the House and as one of the Ministry who agreed to the Bill as introduced, when I saw a de- parture that was likely to lead to trouble, I took the action I thought right, and, simply because it does not meet with the approval of members opposite, we have had a very long discussion on the subject. Mr. ATKINSON (Wellington City) .- I desire to make a personal explanation. The question I put to the Premier, with reference to his denial of my statement that he was here at the time, is this : If he was here, surely he should have interfered when the promise was

made ? But the chief point which I wish to make clear is with reference to the statement of the Minister of Justice that I had accused him of having broken a promise he had given with regard to the amendment subsequently moved by Mr. Barclay. I regret anything I have said should have given the honourable gentleman that impression. It was never in my thoughts for a moment, and I hoped I made it clear. I re- Mr. Massey evidence of the personal bona fides of the Minister of Justice, that he voted in favour of Mr. Barclay's amendment. But, Sir, my complaint was that the promise made by the Minister of Justice, to which he adhered personally, and which, in my opinion, should have been binding on his colleagues because he was the Minister in charge of the Bill, was rendered ineffective by the Right Hon. the Premier declining to be bound by it, and he took a majority of the House into the lobby against his colleague's promise. But, I repeat, I had not the slightest intention of impugning the bona fides of the Hon. the Minister of Justice in the matter, and I regret if any words I used could have borne that construction. Mr. SEDDON .-- I cannot allow the honourable member to misrepresent me; and I will tell him something further now. I did not hear what my colleague said, and I asked him whether he made a promise to insert the amendment into the Bill ; and he said, " No, he had not made a promise to put it into the Bill." Mr. ATKINSON .- You said you were here, and that you knew all about it. Mr. SEDDON .- I came here just immediately after the member for Christchurch City (Mr. Smith) made his remark, and I asked the question when it was said that a promise was made ; and my colleague made exactly the same reply as he did just now-namely, that he never made a promise to put it in the Bill. Mr. ATKINSON .- If you had heard what was said there was no need for you to ask. Bill read a third time. The House adjourned at half-past one o'clock a.m. (Friday). You #