

LEGISLATIVE COUNCIL. Thursday, 15th August, 1901. Library Recess Committee Report-Land for Settle- ments Bill-Shops and Offices Bill. The Hon. the SPEAKER took the chair at half-past two o'clock.

PRAYERS. LIBRARY RECESS COMMITTEE REPORT. The Hon. Mr. FELDWICK asked the Chair- man of the Joint Library Committee (Hon. Mr. Rigg), When the report of the Library Recess Committee will be laid on the table of the Council ? He was aware that the honour- able gentleman had just anticipated him by placing the report on the table. However, as he (Mr. Feldwick) had placed the question on the Order Paper, he would ask the question all the same, so as to enable the Chairman of the Library Committee, in reply, to offer any state- ment he might see fit to make. The Hon. Mr. RIGG said the report which he had laid on the table that day was the one referred to in the question of the honourable gentleman. There had been a little delay in the matter so far as the Council was concerned. He understood the report was laid on the table of the other House two days ago. The reason for the delay was simply this : that there had been an oversight on the part of the Librarian. It was only right he should say that that officer had been exceedingly busy since he had received his appointment, had done a great deal of good work, and therefore some allowance must be made for a small oversight of this kind. LAND FOR SETTLEMENTS BILL. The Hon. Mr. W. C. WALKER. - Sir, in moving the third reading of this Bill, I desire to answer a question put to me yesterday by the Hon. Colonel Pitt as regards the operation of the Bill

<page>385</page>

informed that the operation of the Bill will be to prevent mortgaging within a period of five years. I read the Bill wrongly myself yester- day, and I am informed that is the effect of the Bill, and it is the intention of the framer. The Hon. Colonel PITT .- That being so, I shall move, by way of amendment, That the Bill be recommitted for the purpose of re- considering clause 11. It was quite evident to me yesterday that what the Minister has now stated was the effect of clause 11, and I can see no other construction which can be put upon it. Then, section 60 of the original Act pro- vides that a person who has a lease under the Act is not allowed to transfer it, or deal with it in any way, within a period of five years, unless upon the recommendation of the Land Board and with the consent of the Minister. Now, it appears to me that is quite a sufficient restriction upon alienation, and quite a suffi- cient protection to prevent any improper aliena- tion of the lease. As I said yesterday upon the second reading, I ask members to con- sider whether they cannot conceive that very great injustice indeed may be done to small settlers by their being prevented from raising money by way of a mortgage upon their lease-holdings. A man may have enough money to stock his land, and to fence it, but he may not have sufficient money to put a house upon it.

Very well ; a judicious loan at that time upon the security of his property may make all the difference whether that man is to be a successful man in life or not. Of course, I quite understand that the object of this clause is to prevent dummyism; but, if the Land Board or the Minister thinks there is anything of that nature in the proposed alienation of the lease, it is perfectly competent for the Board or the Minister to say that the lessee shall not be allowed to deal with it. I submit that is ample protection, and I now ask the Council, before they agree to this clause being passed in the form it now stands in, to consider whether they are not attempting to protect the system at the expense of the small settlers. I shall test the feeling of the Council upon the matter, because I think it is a mistake in the policy of the Bill. I move, That the Bill be recommitted for the purpose of reconsidering clause 11. The Hon. Mr. REEVES .- I would point out - and I think I am not mistaken in what I say - that it is provided by the Advances to Settlers Act that any man who has been on his farm for three or four years can get an advance under that Act. That being the case, why should we demand that a man should be five years on his farm before he is capable of getting a loan ? The Hon. Mr. SHRIMSKI .- It is my intention to vote against the amendment, for the reason that it seems to me, if carried, it would be the means of opening the door again to dummyism. If the power is given for money to be advanced upon a man's property as soon as he gets possession of it, it will be opening the door for dummyism, which is the very thing this Bill seeks to prevent. The honourable gentleman who moved the amendment VOL. CXVII .- 24. have the power of raising money from some source, and it follows that the money-lender, or whoever advances the money, would come into possession of the property shortly afterwards. The Hon. Mr. JONES .- Sir, the Hon. Mr. Shrimski is quite right in what he has stated. The idea of this Act has all along been that those who go on the land should remain there, if they are capable of doing so with benefit to themselves and the colony ; but, unfortunately, there are always evil influences at work. When a man gets on the land he is surrounded by all sorts of counsellors, by money-lenders, and other people of that kind, who exercise every effort to get from him what little he possesses. We should remember that this land is purchased at very great cost by the State, and often the money which was paid for it is, in my opinion, greatly in advance of what should be paid for it, and the settler therefore has to pay a very high rent for his holding. When a person comes before the Board and applies for a section under the Land for Settlements Act he is asked what his financial position is, what prospects he has, what is his capacity to engage in the industry, and what is his knowledge of the cultivation of the soil ; and if he cannot show that there is a reasonable prospect of his succeeding he is rejected as an applicant, or is supposed to be rejected, by the Board. I admit that there are sometimes cases in which a man may have but little money ; but he may have knowledge of the industry, and indomitable courage to make up for his lack in this respect. I have even known men who have had no money go on land and pull through successfully, with advantage to themselves and the colony ; but, Sir, these cases are few and far between, and we are not legislating now for isolated cases, but we are legislating, I take it, in order that on broad principles we may really help those who desire to become settlers in this country. There is one thing, however, I should like to see done, and that is: where a man finds, after he has made certain improvements, that he has not quite sufficient money to enable him to remain on his section with advantage to himself and the country, he should be able to go to the Government and ask them for a little help. An Hon. MEMBER. - He can do so. The Hon. Mr. JONES .- The honourable gentleman says, " He can do so " ; but his only recourse is to the Advances to Settlers Department, and, Sir, that department is not under Government control at all. It is worked on strictly business principles. The administrators of the department have no hearts, and they are not supposed to exercise their judgment, save with regard to the financial position. Now, if the Government had power - if the Land Board or the Minister had power -- to make advances to struggling settlers who are deserving of such advances, and who are really in such a position that they can pay the interest and the capital when due, I think it would be a very good thing indeed ; and I believe the time is coming when the Government

will make

<page>386</page>

tion, because, if the money is advanced to improve the property, as the Government are the owners of the property, the State is benefited in every way. I entirely disapprove, as may be conjectured from my remarks, of the ideas propounded by the Hon. Colonel Pitt, because I think it would open the door to speculation. The Hon. Mr. T. KELLY .- I intend to vote against the amendment, for this reason : that this clause 11 which forbids the mortgage, I am informed, only takes effect after the passing of this Act, and does not affect any person who holds a lease now under the principal Act. He can still obtain a mortgage. It simply stops the mortgaging of a lessee's interest who becomes a lessee after the passing of this Bill ; it stops it for the future ; and, that being so, it is a very good proposal, and really in the interest of the lessee. It is not an advantage to the lessee or the colony to give facilities for borrowing by way of mortgage, for if a person cannot go on land and cultivate it without a mortgage he would be better without it. In the event of financial impossibility to carry on the work of the section, the tenant can surrender under clause 12, and any improvements made by him will be valued, and he will receive the benefit from the incoming tenant. Well, I think that will enable the tenant who is not financially able to hold the land to receive the value of improvements. It is very evident that if a man is financially unable to farm his land properly he has no business to be there, and the sooner he goes and gives place to some one who can pay his way the better, and clause 12 enables him to do so without loss. The Hon. Mr. A. LEE SMITH .- Sir, I think the paramount object of any legislation providing land for the people should be the proper settlement of that land-of giving opportunities to those who so desire to settle on the land ; and therefore I consider there should be the greatest care taken to insure that they do stay on the land-that is, a limit of time should be provided within which each person who goes on that land should not part with it, and clause 11 effects this. If you fail to do that you will find a repetition of the many cases which have taken place, I believe, in the past, of speculators and dummies taking up land for the express purpose of making a quick profit out of it by sale of their interest in it. Now, the supposed severity of this clause, as the Hon. Mr. Shrimski has pointed out, is very much modified by clause 12, which will enable a settler who is in difficulties to go to the Board and represent to them the circumstances of the case. It will then lie in the discretion of the Board whether the circumstances are such as to warrant a breach of this clause 11, and I do not think you can have a better protection for your Bill than to get it in the position which this Bill provides for : that is to say, that there shall be no going in for leasing a section merely for the purpose of speculation ; but in cases where men who are in difficulties, or for some family reason, such as illness, or anything like that, wish to be relieved of their holdings, then Hon. Mr. Jones of getting out of their sections by the means which section 12 provides. The Hon. Mr. W. C. WALKER .- I would like to point out that dealings with these classes of land acquired under the Land for Settlements Act have been specially safeguarded already in many ways. Any one who will turn up the Act passed last year will find that the dealing with this land to individuals is specially hedged round with provisions which absolutely prevent any one going on the land who is not able to cultivate it with advantage to himself and to the State. Special provisions have been made enabling the Land Board to inquire into the circumstances of the applicants, and to see whether they are suitable or not for going on the land, because the blocks of land acquired under the Land for Settlements Act have got to bear their own burdens. It is not intended that they should be either rack-rented on the one hand, or that they should be occupied by tenants who are not able to pay their way, because each estate, as purchased, has got its own burden to carry; and hitherto there has been no default made in any one of them. They have been able to pay their way, and the land, so to speak, has cost nothing to the State. The tenants pay their interest and their sinking fund annually, and at no cost to the State, except the bare fact that the State borrowed the money and was able to acquire the lands. But after that the provisions of the leases have been such as to absolutely take

away from the State any liability whatever, excepting the very remote one of the whole country becoming insolvent, which, of course, is a contingency we need not consider. We know very well that these tenants in their early days may have struggles, and may require assistance until events improve : but we have also to consider the difficulty of whether, if too great facilities are given for mortgages, we are not defeating the original intention of the Act. I admit that when I answered the question of the Hon. Colonel Pitt yesterday I was not very clear in my own mind as to what was the intention of the clause referred to. I believed its operation would not be so stringent as it is, and as it is intended to be; but I only beg to assure the Council that it is the deliberate result of experience that it is most desirable to prevent any dealing with these lands by mortgages in the initial years of the lease. It may seem hard in some cases, but still in the long-run it will be found that the State will secure a more permanent class of settler on the land and a more satisfactory kind of close settlement. It is very difficult indeed to confine the advances to be given to settlers only to the Advances to Settlers Board. There might be less objection, perhaps, if the advances were limited only to that Board ; but still at the same time I do not see how it could be done. It would be restricting settlers in their negotiations for financial assistance. In fact, I know that many institutions are willing to meet settlers on very liberal terms now, and I should be sorry to appear to prevent the settlers

<page>387</page>

from getting the advantages of the money- market. But still we must all admit that it is very often by means of these borrowings from private individuals that settlers are led into eventual trouble. The borrowings from the Advances to Settlers Office are not so objectionable, and never can be, because every year sees a certain portion of the principal repaid, and the settlers' money, which pays the interest and sinking fund, is really reducing the loan each year. The Hon. Mr. JONES .- The difficulty is to get the advances. The Hon. Mr. W. C. WALKER .- Well, of course, on a leasehold property the advances are limited by the amount of interest the tenant possesses in the lease ; he cannot get advances on anything else. But, of course, he has improvements he can get advances on, and if he has got a good bit of land at a low rent he has got an additional interest in the lease, which is an interest on which he can raise money. But after discussing the matter with the Minister I have come to the conclusion that he is quite right to endeavour to absolutely prohibit dealing with the lands as a matter of mortgage in the early years of the lease. It may seem hard, and it may make it more difficult for struggling settlers to start their new homes when they go on the land; but still it is in their interest in the long-run, inasmuch as the Land Board has got so much power in the first instance that before they accept an applicant they are able to ascertain that they have the knowledge and capabilities to make a good use of the land for which they are applying, and that they also have enough financial power at their back to enable them to treat the land well. I think there need be no trouble in dealing with land of this kind, because nine men out of every ten who are approved by the Land Board ought to be able to carry on for five years without money. I therefore trust that the honourable member's amendment will be rejected, and that the third reading will be agreed to. The Hon. Mr. TWOMEY .- I shall vote for the amendment of the Hon. Colonel Pitt, not because I am disposed to promote dummyism, but I am disposed to give more time to consider the point raised by him. The crowning glory of the land-for-settlements policy in the first years was that men who were almost penniless were settled on the land and made a living on it, and are settled, to my knowledge, there ever since. Now, avowedly, the intention of this clause, and the declared intention of the Minister, is that no such man shall go on the land. I regret that, as to my certain knowledge men who went on the land with very little or nothing are there still, and making a comfortable living, and getting into a position of comparative opulence. An Hon. MEMBER .- With the help of the money-lender. The Hon. Mr. TWOMEY .- Helped by friends, more likely. But even if money-lenders help to put men in a position of comfort and affluence I do not think they can be regarded as enemies. The money-lender is not a great friend in many

respects, but if he puts a poor man on the land, and that poor man makes a living and succeeds on it, he is then the friend and benefactor of that man. Why I want this clause postponed and reconsidered is this: I think it can be so framed that the same object will be gained, while at the same time the settler will have the opportunity of borrowing money. Somebody said that there should be a limit. Very well, why not make a limit like this-and I am certain that the Hon. Colonel Pitt will be able to draft a clause that will suit it: Why not put in a clause that would enable the Advances to Settlers Department to make advances to these settlers? My idea is this: Why not open to the Advances to Settlers Department the means of advancing to these men if they possess sufficient security? That is the point. Why not allow the Advances to Settlers Department to advance to them. The land belongs to the Government, and the money of the Advances to Settlers Department belongs to the Government, and why could not the Government advance on their own land and to their own tenant a little money to enable him to tide over difficulties? That is the ground on which I shall vote, and on which I would ask honourable gentlemen to reconsider the position- whether it would not be to the advantage of the settler and to the advantage of land-settlement if the Advances to Settlers Department could advance to him a sufficient sum to enable him to tide over a difficulty until he gets on his feet. That is the reason why I will vote with Colonel Pitt, with the view that some clause like that may be drafted, for such a clause would have a better effect on the prevention of dummyism than anything else. If you make it so that only the Advances to Settlers Department can advance, then dummyism is dead, and at the same time the tenant will have a chance of borrowing money to enable him to tide over difficulties. The Hon. Mr. W. KELLY .- I intend to vote for the recommitment of the Bill. I can see no good object to be obtained in preventing a man taking up land from borrowing on his improvements. In the district I come from there are numbers of small settlers, and on many occasions they have applied to the Advances to Settlers Department for loans on their leaseholds, but to those tenants the department refuse to advance altogether. They have practically boycotted them, and refuse to lend to them on any conditions. Several complaints have been made to the Government in consequence of that. My honourable friend Mr. Twomey wants to have this business handed over to the Advances to Settlers Department. My opinion is that if this is done the Advances to Settlers Department will refuse to lend on these small sections. I cannot see why there should be any objection to this Bill being re-committed. It appears to me that we should endeavour, as sensible men, to assist the farmers throughout the colony to get money on the best terms they possibly can; and if those

tenants can borrow on their improvements, it is our duty to give them every assistance we can to enable them to get the money on the best possible terms. An Hon. MEMBER .- Where can they get the money from? The Hon. Mr. W. KELLY .- From the people living in the district. They do not need to go to the large cities to get it. There is plenty of money in the districts to lend to the small settlers. I know settlers who have applied to the Advances to Settlers Department and have been refused, and have got the money from people in the district. I intend to support the Hon. Colonel Pitt in his proposition to have this Bill re-committed, so that the clause may be altered; and I hope honourable gentlemen will think well over it, and give the small settlers an opportunity of getting money on the most reasonable terms. The Hon. Mr. LOUISSON. - I think we should be very careful, and that every restriction should be placed in this Act against any trafficking in this land. The principle of obtaining land by the Government to sell in small sections is a very good one. and has been found to work admirably in the past; and the Government or Parliament has surrounded the Act with certain safeguards to prevent those people who have obtained the land from parting with it very easily, and I think it is only right that that principle should be continued. I am not aware, Sir, that there is any alteration of the present law involved in this Bill. Clause 11 seems very drastic at first, but it is considerably modified by the second portion of the clause, which provides that "on the death of a lessee, or on the happening of any extraordinary event which. in the opinion of

the Land Board of the district in which the land is situated, renders a transfer necessary or expedient. a transfer of the lease may, with the sanction of the Board and the Minister of Lands, be made." That leaves a great deal of power in the hands of the Land Board, which up to the present time, I believe. they have used very carefully and very legitimately ; and there is no reason to believe that if any particular circumstances occurred which they thought would entitle the holder of the land to transfer they would put any technical objections in the way. If a lessee, after having been on the land a certain time and having made certain improvements, finds that he is not in a financial position to carry on, he can go to the Land Board, and he can surrender his lease and get value for his improvements. What can be fairer than that ? It seems to me, Sir, that if a man goes on to a section of land with the idea of his ability in the first instance to carry through, and he finds afterwards that he is not in a position to carry on without going to the money-lenders, I think the very best thing he can do is to surrender his lease, and get a return of the amount he has laid out in improvements, and let some other man try if he can carry out the lease successfully. In the first instance, the Land Board, I understand, Hon. Mr. W. Kelly takes every precaution to see that the applicant is in a fairly good position to carry out the conditions of the lease; and I suppose it would only be in exceptional instances where their opinion will prove erroneous, and the man will not be in a position to carry out the conditions of his lease. But if you relax any of the restrictions which now surround the principle of the Bill, I think you will open the way to a lot of trafficking in these sections which was never intended when this principle was first adopted in the Acts that are already in force. Then, as regards this Bill itself, there is nothing in the measure which absolutely prevents a man borrowing money on his lease. It simply says that he shall not transfer his lease. There are many ways of borrowing money on a lease without absolutely transferring the lease. An Hon. MEMBER .- The Government do not want him to transfer his lease. The Hon. Mr. LOUISSON .- Exactly. This clause simply says that he shall not transfer. Unless you are going, in the proposed new clause, to empower the lessee to borrow money, I do not see that it affects this clause any more than any other clause. I think the best policy would be to adhere to the principle upon which these Acts were passed in the first instance. I think the principle was that the holders of these leases should not be allowed to part with them very easily, except through the Land Boards themselves. The machinery has been provided that where a lessee finds himself in difficulties the Land Board may deal with the matter ; they can take over his lease on the most liberal terms-that is, give him full value for his improvements. Now, I will ask honourable members whether the lessee is likely to get such liberal treatment as that from a mortgagee or money-lender. Supposing the lessee borrows, and goes on for another twelve months, and then finds himself in further difficulties, is it at all likely that he would receive the same liberal treatment from the lender of money as is held out to him under the Bill ? I think not, Sir. I think the result would be that he would lose his land and his improvements also. Apart from that, I think. if you once introduce the principle of allowing lessees to deal with leases outside the Land Board, you are simply introducing the principle of trafficking in the land, which was never intended. I shall certainly oppose the recommitment of the Bill if it is for the purpose of introducing any means of allowing lessees to deal with the leases outside the Land Boards. \- The Council divided on the question, "That the words proposed to be omitted stand part of the question." AYES, 19. Kelly, T. Shrimski Arkwright Smith, A. L. Parnicoat Kerr Bolt Smith, W. C. Louisson Feldwick Pinkerton Swanson Reeves Jenkinson Tomoana Walker, W. C. Jennings Rigg Jones

<page>389</page>

Taiaroa Baillie Montgomery Twomey Gourley Pitt Scotland Williams. Johnston Kelly, W. Majority for, 9. Amendment negatived, and Bill read the third time. On the question, "That the Bill do pass," The Hon. Colonel PITT said-After the vote which has been taken, I do not propose to delay the passage of the Bill, excepting to say that I am surprised at the arguments which have been used against the recommitment of the Bill in the debate just concluded. In reply to those honourable members who discussed the clause in

question and opposed the recommitment, I desire to point out to them that they do not appreciate the position one iota. Section 60 of "The Land for Settlements Act, 1900," says,- "Except on the recommendation of the Land Board and with the approval of the Minister, it shall not be lawful for any lessee to transfer, sublet, or in any way part with, mortgage, or charge his lease, or any portion of his interest therein, until the expiration of the fifth year of the term of his lease." Before the lessee can attempt to mortgage his lease he must have the recommendation of the Board and he must have the approval of the Minister. Now, I would like to ask honourable members, are they not prepared to trust the Board, and are they not prepared to trust the Minister? I am; and I venture to say that this is ample protection to the lessee in the matter, and ample protection, too, to the State, against what appears to be feared by honourable gentlemen-namely, dummyism. The clause #cc-zero that has just received the approval of the Council-clause 11-I think will be found to be harsh in its operation, and it will not be many years before Parliament will be called upon to repeal it. Bill passed. SHOPS AND OFFICES BILL. On the question, "That this Bill be committed," The Hon. Mr. SHRIMSKI.- I would ask the Minister to allow the Bill to stand over until some honourable members who have taken a deep interest in the matter have returned. They are now absent, and, as this is one of the most important Bills of the session, I would ask that it be postponed until to-morrow. The Hon. Mr. W. C. WALKER.- I do not think it is necessary to postpone this Bill. It has been on the Order Paper for two or three days past, and although I extremely regret that any member of the Council should be absent on an occasion of this kind, I do not think the business of the Council should be postponed on account of the absence of any honourable member. If the debate goes on until a late hour I shall not object to adjourn it, and thus give time to the Hon. Mr. Shrimski to look up his absent forces; but I cannot do more than that. I have not pressed the matter until the Council meets, and I hope I am not asking too much of the Council in asking it to proceed with the Bill now. The Council is in possession of the evidence, and will be able to see what has been brought up this year that is new matter on the subject. I do not think that members will find a great deal of novelty in the evidence. Of course, there is the old rock against which previous labour proposals have had to stand the risk of being wrecked, and that is that people do not like what is new; but still it is astonishing after a year or two how people get along with what they do not like at first, and I have no doubt that if the Council in its wisdom passes this Bill it will find, five years hence, that the shop-assistants and the office clerks will be only too glad to acknowledge the service the Council and Parliament have done them by securing them payment for overtime. A few years ago Parliament dealt with the question of a weekly half-holiday, and, as far as I remember, every one in business looked upon it as a terrible attack upon the liberties of the subject, and it was generally resisted up and down the country-especially by employers-and even the employés were not quite certain how to take it; but now you will find that they would sooner give up their Sunday than lose their weekly half-holiday, and I believe the same thing will occur with regard to this Bill. I refer to the payment of overtime, because that really is the only new departure which the Bill contains. Everything else in the Bill, excepting the matter of detail, is pretty well affirmed already, and can almost be said to be at the present time an established law or custom. But it has not yet been established that in shops or in offices the services of clerks or shop-assistants, if required after hours, should be paid for at a reasonable rate of overtime. Well, Sir, I must say that I think it is only fair to both sides that there should be a payment for overtime. I am not sure exactly, as regards Parliament, if this Chamber would gain much if it was extended to us, because we, as a rule, do not sit very late; but I am quite certain that the other Chamber might with advantage have something of the sort applied to them. At the present time the evidence of the witnesses is very instructive, because, apparently, if the witnesses are to be relied upon as thoroughly representing the classes they come from, they are perfectly satisfied with the present conditions, which, I must say, astonished me, because I have been used in my nightly walks to notice with a considerable amount of concern that certain establishments kept their lights going very late, and I presumed, of course,

that that meant that a certain number of young people were destroying their health. An Hon. MEMBER .- Are you referring to the Government Buildings, or the Government Printing Office ? The Hon. Mr. W. C. WALKER. - No, we do not do that there; and in the Printing Office they are paid overtime. However, I admit that the evidence, unless you read between the lines, goes to show that the clerks do not want much

<page>390</page>

read between the lines, and I do not believe that the evidence, so far as it has come before us, is satisfactory on that point. I do not believe for one minute, if you look at other parts of the evidence, but that what is necessary, both in the interests of employers as well as employed, is that they should be compelled to do their work very much more than they do in office-hours. We have got evidence which tells us that in certain offices, if the clerk and the manager are on good terms, and the clerk wants to get out to a football match, or a cricket match, or a tennis game, or something of that sort, he can always get off on the understanding that he comes back at night and does his work. I say that is not good for anybody. The Hon. Mr. JENNINGS .- There is no harm in that. The Hon. Mr. W. C. WALKER .- I say there is a great deal of harm in it. That is how half the irregularities in business occur - when a single man gets back to office alone at night. The Hon. Mr. JENNINGS .- Not at all. The Hon. Mr. W. C. WALKER .- Yes, excuse me; I am only stating what I think. I say that, in my opinion, office-work ought to be done in office-hours, and especially clerks should not be allowed to come back to the office in the evening unless it is absolutely necessary. Therefore I say that, in the interests of all concerned, this sort of free-and-easy business which certain of the evidence indicates points to this fact : that if overtime is required to be paid for it will make both sides very much more businesslike-it will make clerks very particular in claiming payment, and it will also make the employers more chary in getting clerks back in the evening. Of course, the evidence has to be read in many ways. In none of the banks does it appear that over- time is now practised to any serious extent. All classes of employers that gave evidence were almost unanimous in saying, " We do not sin at all in this respect " ; and therefore, if they are as innocent as they claim, this Bill, which refers to these establishments, will not pinch them very hard. There was a certain amount of sentiment brought into the question. They affirmed-and, of course, the Council knows this by the number of petitions laid before it on the subject - that the existing relations are cordial and harmonious in many of the different institutions, mercantile and otherwise. Well, that is as it should be; and I have no doubt that they are. I do not wish for one minute to suggest but what all decent employers are on very good terms with their staff. They try to get the best men they can about them, and when they have got good men they treat them well. I think both sides are to be congratulated upon being on such good terms one with the other. But when the clerks tell a Select Committee of this Council, "If you make them pay us overtime you are going to destroy all these harmonious relations which have been built up with years of good understanding," I, for one, am not such an absolute idiot as to believe any word of that, because a Hon. Mr. W. C. Walker able a business commodity to be questioned, even if the price to be paid for it is a little overtime. Businesses are built up, as all of us know, on a proper understanding between the chief and his staff, and, if the staff is a good staff, he will not mind paying a few shillings a week for overtime ; and certainly he will not wreck the good relations he has built up with very much care between himself and his staff. Therefore I think we may throw to the winds absolutely the absurd contention that one and all of the different institutions that came before us tried to establish-namely, that if this Bill is carried it will absolutely destroy all the harmonious relations existing between these institutions and their employés. My honourable friend on the left has suggested that it is going to reduce salaries. I have been told that in some banks it would be very hard to reduce salaries; they are low enough at the present time. But even then we could not get any bank clerk to tell us whether that was the case or not. The nearest they got to it was that they said a few years ago they were terribly hard-worked; but they would not admit that they

were hard-worked now or did too much evening work. Therefore I must ask the Council to take it absolutely on the ground of common-sense. A certain amount of this evidence must be taken with a great deal of salt ; and from their own knowledge of the circumstances members must judge as to whether it is right or not to pay for overtime. I believe, myself, it is the right thing to do. I believe it will be good for the employer, as I said before, and it will also be good for the employed ; but certainly it must be good for certain offices where, apparently, the work is so light that a clerk can be let out in the afternoon to play a game or take a little diversion, and come back, if he chooses, at night. That cannot be good for any one ; it is demoralising morally, and I believe also it is demoralising from a commercial point of view. It does not help the offices, and therefore I feel quite certain it will be in the interests of all concerned if such a practice is checked by a Bill of this nature. The Committee, I think, have dealt with the Bill in a very consistent and tolerably fair way. I must say I was out-voted on one question which I do think I ought to have been successful in maintaining. Certainly it was against logic and cool reason that warehouses should be excluded from this Bill. I see no reason why overtime in warehouses should not be paid for, if it is paid in other establishments. It may be quite true that, like Caesar's wife, they should be above suspicion ; but also from another play I remember a quotation, " Methinks the lady protests too much." I am sure the latter quotation, more than the former, applies to warehouses, as well as to banks and other institutions of that kind. I shall ask the Council, therefore, to affirm the principle that warehouses, like every other institution, should " toe the mark " and pay for their overtime if they require it. Of course, they said they did not require it ; they did not overwork their people ; they let

<page>391</page>

as they come back when they want them. But still I do not see why, if they should want them back at the time when they ought to be cultivating the domestic virtues at home, they should not pay them for it. It will also be noticed that the Committee has extended the hours of work by enabling the work to begin at half-past six in the morning. I propose to verbally amend clause 2A-that is a new clause which says that all shops shall be closed at six in the evening. That means absolutely that all shops, big and little, are to close at the specified hour. I propose to alter the word to " not later than," so that they can close earlier if they like. We do not want to keep people working too long. There are one or two alterations in clause 3. In paragraph (c) we have altered " four " to "five" hours continuous employment, because we found that in large shops, if the maximum was kept at four hours, it would prevent the shop being kept open during the dinner-hour. In order that half the employes may go away whilst the other half keep the shop open, we have altered the hours of employment to five hours. Then, shop-assistants shall not be employed at any time between the hours of six o'clock in the evening and half-past six o'clock in the morning. The reason for that was: we found that in this country butchers particularly required to be early at work, but they cannot work later than a certain hour, and they cannot work more than a certain number of hours in the week. Therefore butchers are just as much protected as any one else. I think, Sir, I have touched upon most of the important matters dealt with in this Bill; but really, after all, the new and important question is that overtime is to be universally paid for. That is the real new contention of the Bill. If that contention is right, then I submit there should be no exceptions from it, and that in every case overtime should be paid for. I believe it will be found to be sound in principle and sensible in its operation. I think childish objections have been taken to this question of overtime. Overtime is to be calculated at so-much per hour on the ordinary salary. Well, absolutely some of the witnesses came before us, and assured us that because they were paid at so-much per annum it would be derogatory to their sense of professional dignity that this salary should be calculated at so-much per hour. If that is one of the strongest contentions against the proposal there is not much in the contentions. I beg to move, Sir, That you do leave the chair. The Hon. Mr. JENNINGS .- Sir, before the Council goes into Committee on this Bill I have a few words to say in connection with it. I may say that the Labour Bills Committee, to whom this Bill was

referred, has paid a great deal of attention to it indeed, and have been sitting for nearly four or five weeks considering it. I can- not agree with what the Hon. the Minister has said with regard to some of the evidence given before that Committee, and I say it is not right - and honourable members will agree with me, if they have read the evidence and followed it carefully-to put before the Council the case saying that they could get out from the bank at any time-it is not right that this should be put before the Council as an argument in favour of the inclusion of bank officials. Other witnesses representing bank officials said such was not a general practice. The position, as far as bank officials are concerned, is that, out of a total of 1,003 employed throughout this colony, 967 have signed a petition against being included in this Bill. I ask honourable members in this Council to realise that bank officials can- not be considered non-intelligent members of the community. They are men well educated, belong to good families, and outwardly do not show signs of being "sweated." Will any one in this Council say that they did not know what they were doing when signing the numerous petitions praying that they did not want to come under the operation of this Bill ? The whole position, so far as the warehousemen and the bank officials are concerned, is this : The warehouseman or the bank official is not placed in the same category as the man who works in a printing-office, or in a boot-factory, or other industry. The work is not so continuous and regular. Their objection with regard to the overtime clauses -- and honourable members will see that the evidence bears out what I am saying-is that they have many advantages given them as a quid pro quo which far outweighs payment for overtime. Why, Sir, one person engaged in a warehouse gave evidence to the effect that an employé had received sick-pay for twelve months while away from business ; and the evidence of warehousemen right through was that their pay had never been stopped on account of their being away owing to illness ; besides this, they had a fortnight's holiday every year on full pay, and other advantages. Is there any other artisan or mechanic placed in the same position ? I have worked in many places, and, as a rule, my pay has been stopped when I have been away through illness. Sometimes I have struck a good employer, and my pay has gone on ; but, as a general rule, when any mechanic or artisan is away from work through illness or any other cause his wages are deducted. In regard to the bank officials, seeing that they have themselves petitioned against inclusion, is it wise for the Council to include them ? I beg the Council to consider that point. If the representatives of the people in another Chamber affirmed the principle of this Bill-and they are more qualified to speak than we are-then it is for us to adopt it after careful revision. I say that this Council may place itself in a wrong position by going against the expressed convictions of these witnesses, who, I claim, before the Labour Bills Committee, fairly represented the opinions of warehousemen and bank officials throughout the colony. Yet, notwithstanding that fact, the Minister has asked the Council to include them ; and even goes further, for, though the Committee struck out warehousemen, he will ask the Council to make them "toe the mark" too. Sir, I am appalled at such a state of affairs as this.

<page>392</page>

Hon. MEMBERS .- Oh ! The Hon. Mr. JENNINGS .- Yes, I am- honestly. I would rather retire from political life to-morrow than make myself one of a party who wish to force down the throats of people what they do not want. I say it is not right. If a printers' union or a carpenters' union make representations to the honourable gentleman, or to the Labour Department, those representations are very properly listened to. Now, in the face of the numbers of persons affected by this Bill saying that they do not want it. I ask, is it right or wise to thrust it upon them ? I say this Bill should have come from the other Chamber, and this Council may find itself in a false position if it is going to include in the Bill those clauses which the people concerned object to. I would rather the department had brought down a Bill similar to the South Australian Shop-hours Act. That Act has worked fairly satisfactorily, and I believe it would suit the peculiarities of this colony. Again, why not allow shopkeepers and those employed in offices to adopt the local option principle ? It has been adopted throughout the colony in regard to shopkeepers fixing the day for the

half-holiday. The municipal authorities call a meeting of those interested for the purpose of deciding what day will suit the majority. Why should not that option principle be extended a bit further ? I would give power to those affected by this Bill to meet in a similar manner, and would say, "Meet amongst yourselves and decide as to the hours you are going to close, and so forth, and arrange what would suit the majority." It is not right in these smaller matters to be continually having one portion of the people at loggerheads with the other, and thus causing irritation. I have received innumerable letters objecting to certain provisions in this Bill. There is one, for instance, from a number of chemists objecting to being included. I think it would be better to put off the Bill for another six months, so that further consideration may be given to the new provisions of the measure ; and if any honourable gentleman is prepared to move in that direction I shall be prepared to support him. The Hon. Mr. A. LEE SMITH .- As one who has been intrusted with something like a hundred and fifty petitions from members of the staffs of various banks in the colony, I feel that I ought to make some remarks upon the question of the application of this Bill to such institutions. I am very sorry to see that proper consideration has not been given to the representations of these gentlemen. Deputations representing the whole of the banks in Wellington waited upon the Labour Bills Committee, and those gentlemen pointed out the great difficulties which would arise from the operation of this Bill. Now, I will give some of my own observations. I regard the staff of a bank as altogether on a different footing from that on which the staff of a warehouse or any other similar institution stands. First of all, let us look at it in this way: Supposing you provide that the officers must leave the bank within half an hour of the ordinary time of closing on Saturday, or on other days, and a large quantity of money has been paid in in the way of country cheques, or cheques from places at a distance-we know that it is necessary according to law to get those cheques away that night for clearance by the country banks-then if you only allow the officers half an hour in which to do the work the thing would be absolutely impossible. Then, take the 4th of the month, or the 20th of the month : it is usual for merchants to make their bills payable on the 4th or the 20th of the month - mostly on the 4th. An enormous amount of additional work has therefore to be done on those two days, and if the officers were only to work during the hours now proposed it would mean that a very much larger staff would have to be engaged. The staff of these institutions is regulated according to the usual business transacted, and if on the 4th of the month you closed the bank at one o'clock or five o'clock, as the case may be, the officers would have no possible chance of getting through with their work. They necessarily have to work longer on those days. The only consideration you can give to them is to allow them overtime. That is a very small matter compared with the great necessity there is for these great institutions being able to carry on their work properly, for there is no possible chance of their putting off their work, as in the case of an ordinary mercantile house or warehouse-the work in which houses may sometimes be put off till next day. Therefore, the application of this Bill to the banks will result in their having to employ very much larger staffs to cope with this extra work only, or else the work will be badly done, and great mistakes may occur. I quite agree with what the Hon. Mr. Jennings has said-that the Council ought to give consideration to the representations of the petitioners. My sympathies are with those who have been overworked in the past, and there is no doubt that the staffs of banks have been worked very much longer than they ought to have been worked. There is no doubt about that ; but the thing is quite different now. I believe those institutions have taken warning from remarks made in this Council, and the warning held over them on the introduction of this Bill last year, and therefore they have altered their ways. I think the Council would do well to give much consideration to the provisions of this Bill, and to pause before it imposes on these institutions a system which I am quite certain will be unworkable. The Hon. Mr. BOLT. - There was one matter which came before the Committee, and as to which evidence was taken, and that was: it was shown that the conditions of labour in both warehouses and banks had improved very much With during the past two or three years. regard to warehouses, if honourable members will look at the

evidence they will see that there is uniform testimony as to the friendly feelings and the good conditions which exist in ware- houses at the present time. Wherever there is

<page>393</page>

an exception to that rule it was shown to exist in warehouses which carry on partly wholesale and partly retail trade ; but as to bona fide wholesale dealers there was no departure from the testimony I have alluded to. With regard to the offices and banks, this Bill does not provide anything which is not now the law. As a matter of fact, the whole of the provisions of the Bill as they affect banks are now included in the existing law, with the exception of clause 25, and new clause 22A, which reads, - " Payment of wages or salaries shall be made in full at weekly or other intervals as agreed on, being in no case longer than fortnightly inter- vals." The other new matter affecting banks is found in clause 25, which is a new provision put in by the Committee. Clause 25 pro- vides, - " (1.) The occupier of an office shall at all times keep a record-book, called the ' Extra- time Book,' wherein shall be entered a cor- rect record showing, in the case of each office- assistant who is employed under the last pre- ceding section, the name of the assistant, and the respective dates, periods, and purposes of such employment. "(2.) The extra-time book shall at all times be open to the inspection of the office-assistants and of the Inspector. " (3.) The Inspector may at any time require the occupier to verify the entries in the extra- time book by statutory declaration in such form as may be prescribed by regulations." With the exception of these two clauses, the whole of the provisions of the Bill are now law, and have been law for some time. I am satis- fied, however, as some honourable members have already stated, that the introduction of this Bill, and the discussion which has taken place on it, more especially as it affects those working in offices, will have a beneficial effect ; and therefore I would have no objection to striking out the whole of the clauses with re- gard to banks, with the exception of the clause rendering it necessary for employers to keep an " extra-time book," which should be retained. I think it is a proper thing that a book such as is provided for in the clause should be kept, not only in banks, but in warehouses also. The Labour Bills Committee were of that opinion, and they kept the clause in, so that by-and-by it could be seen to what extent extra hours are worked in these institutions. There is one point I wish to correct the Minister on, and that is when he made the statement that this system of clerks getting away on an afternoon and going back at night to make up for the time so lost was in vogue in the warehouses. As a matter of fact, no warehouse allows it, and it did not come out in evidence that such was the case in connection with the warehouses, but that it was the case in connection with the banks; and I look upon it as being a very im- proper course of conduct to take place in con- nection with any institution. I think that the clerks and others who have to conduct the business of such institutions should do so within the ordinary working-hours. To do otherwise leads to laxity of life and unsteadiness of conduct. You cannot allow young fellows to loiter about the streets during the time they should be at work, and then permit them to go back at night to make up for it, without undermining their perseverance and sense of the responsibilities of life's duties. I do not know that I need say anything more with regard to warehouses. I have heard it has been lately noticed that warehouses have been work- ing late. I am very glad that that statement came to my notice, because I can offer some explana- tion of it. There are two seasons in the year, and only two, in which the warehouses have to work late. That is on the 1st August and the 1st February. During the months of January and July the stock-stocking is going on, and at the end of the stock-taking -which is at the end of those months-the new season's shipments come to hand, and they have to be opened up at once. That duplicates the work of the warehouses for about a fortnight; in each of these two half-years the work is no doubt very heavy and the hours long, but, with the exception of those two seasons, there are no late hours to speak of. In connection with this, I made it my business to call on the store- man of Bing, Harris, and Co., and I asked him what number of hours he had had to work in the way of overtime during the last twelve months; and after carefully considering the matter he said he was certain he had not worked fifty

hours' overtime during the whole twelve months ; and that, of course, includes the two busy seasons I have just referred to. I therefore think there is not the slightest necessity for keeping warehouses in the Bill; and, if unnecessary, why have them in it? If we look around we shall see that this is certainly a very inopportune time to introduce legislation having an irritating or vexatious tendency. We should, I think, rather do the reverse. I may say, if the Council thinks it desirable to strike out all the clauses relating to offices, as has been done by the Labour Bills Committee with regard to warehouses, I shall have no objections, and shall vote for this to be done, provided that the clause enacting that the extra-time book shall be kept is retained. I think that would be a very proper check on the overtime system, as I believe the system hitherto in vogue in banks of allowing their young men to get away for two or three hours in the daytime should be stopped whenever it involves night-work. The Hon. Mr. PINKERTON .- I had not the opportunity of being present at the last two meetings of the Labour Bills Committee. I have attended as regularly as possible-and I endeavour to attend Committees as far as I can -but I have read the evidence given before the Committee on this Bill, and, in my opinion, the Bill is not wanted at all. I do not know what the Bill is brought down for. We are told that the relations existing between employers and employed in the cases of banks, warehouses, and offices are of such a nature that they desire to be left alone : and, if they desire to be left alone, why should we interfere with them by

<page>394</page>

consider to be beneficent conditions-benefits that they do not want ? They have told us that they do not want them. The Minister says that we must read within the lines. I say that we have a right to read the evidence, but certainly no evidence has come before us to warrant us passing such a Bill as this. It has been said already by the Hon. Mr. Lee Smith that he presented a number of petitions against the proposed operation of this Bill, wherein the petitioners asked for relief from the operation of the Bill. I have also presented a number of petitions-not so many as the honourable gentleman-but in every instance these petitions were signed largely by the employés, who prayed to be left alone ; they stated that they were very well contented with the present conditions, and said, " Leave us alone." As a very old trade-unionist, and one who has taken a lively interest in all measures for the amelioration of the workers, I have always done my level best to procure what benefits I could for all concerned-in fact, I have made it the one rule that any union desiring to be affiliated with a central body, and to obtain the benefits of that central body, should be manly and straightforward enough to say what they wanted. I think the bank clerks and the officers in warehouses are manly enough and firm enough to say what they want. They have done so; and they have told us in their petitions that they want to be left alone ; and if they want to be left alone, and are manly enough to adhere to that request, I think this Council should leave them alone. Why should we endeavour to destroy the relations now existing between the employers and employés so long as both parties are satisfied? If one party represented to us that they were not satisfied, then I, for one, would stretch a point to relieve them from the disabilities they were suffering under; but, as I have said, surely these men know best what they want, and it is not for us to say what they want. We must read the evidence, and go upon the evidence which is put before us. In respect to some cases we may have different information, but reading between the lines it does not appear that there are conditions existing in this particular branch of employment that should not exist. I have heard, and I dare say other honourable members have heard, some complaints that have come to them from clerks in offices; but those men have never come forward or formulated their complaints in any way, and, as they have said what they wanted, I think it is wrong for us to endeavour to force any conditions on them, or to seek to alter their conditions from what they are at present. I do not see what the Bill is wanted for. I shall not oppose it going into Committee, but there are certain clauses which very likely I shall oppose. With regard to warehouses, I cannot imagine why warehouses should be exempted and other institutions kept in. On going round the town, as most of us do in the evening, we often see lighted

windows in warehouses until a very late hour. I was in Hon. Mr. Pinkerton streets at night just to see where the lights were, and I saw a great many lights in the windows of the warehouses, not only in the offices, but also in the other departments of the warehouses. I could name some of them, but I suppose that would not be fair ; and I say that, if the warehouses are to be struck out, surely the banks should be struck out also. The Shops and Shop-assistants Act is working very well, and I think we are going to do a great deal of mischief to our workers by agitating in the way we are doing, and stretching the Act to an extent that was never intended, unless we can show some good cause for it. The Hon. Mr. LOUISSON. - Sir, I must confess I do not like this Bill at all, and my dislike to it has been very much strengthened by the opinions of people I have spoken to. Nearly every person you converse with in connection with politics at all will tell you how very much he dislikes this particular Bill, and how unnecessary he thinks it is. There seems to be a general consensus of opinion outside Parliament that this Bill is not required, that things are working very well at the present time, and that there is an excellent feeling between employers and employés, and that it would be injudicious to have any further enactments which are likely to destroy these relations. Now, with regard to the petitions that have been presented from time to time to this Council against this Bill, the figures given by my honourable friend Mr. Jennings are most extraordinary. He tells us that out of 1,003 bank clerks in the colony, 967 have petitioned against this Bill. Why, Sir, we may say that it is a unanimous vote of the whole staff of the bank officials of this colony. I believe the present policy of the Government, and the policy of all well-wishers of the country, is "Trust the people." Well, here, in round numbers, are a thousand officials-the whole of them -- who tell us exactly what they want ; and are we to turn round and say, "No, we will not trust you. You do not know what you want. We know what you want better than you do." Now, Sir, I could understand that position if there was no unanimity amongst these officials-if there was a small majority of them against the Bill. But I take these figures to mean an absolutely unanimous vote and expression of opinion of the whole of the bank clerks of the colony. Out of all the bank clerks and officials in the colony there are thirty-six who did not sign these petitions, and we may reasonably take it for granted that these thirty-six were either away or incapacitated from signing. At any rate, if it was absolutely necessary to get a unanimous opinion from any section of the people on a particular subject, I do not think you could go very much nearer than you have done here, where you have a vote of 967 out of 1,003. That same argument, I think, refers to the warehouses, because although the petitions have not come in so numerously from these persons, still, I believe they are practically unanimous. I really think it would be unwise to force legislation of this.

<page>395</page>

candidly that they do not want it, and that they are very well satisfied with the present conditions. I think legislation is intended to improve the present condition of the people, or any particular class of the people ; it is not intended to legislate in a direction which the people interested say they do not require for their benefit, but which we in our superior wisdom think they do require. I think it is quite time to initiate legislation on these particular subjects as soon as we find that there is something very wrong in the arrangements between employers and employés. If there are any great hardships existing, now is the time we should hear of them. There has been a great deal of agitation outside about this particular Bill, and a great deal of discussion, and I think if there were any hardships that require to be remedied, now is the time they would have come to the knowledge of this House ; and, although I do not propose to move any resolution on the subject, I should certainly like to see the Bill withdrawn for the present, until it was apparent there was a great necessity for legislation in that direction. The Hon. Mr. JENKINSON. - I am afraid there is a very great deal of misapprehension about this Bill, because it is to a great extent only a consolidating measure. There is not a great deal of new material in it, and, considering we have had it before the Council on previous occasions-last year, and the session before that, I think, it was before the Council- it appears to me that honourable members have not read the Bill, and have not studied what is

the present law. The Hon. Mr. PINKERTON. - Why alter the present law ; it is working well enough ? The Hon. Mr. JENKINSON .- It is well to consolidate the law in some cases. The Hon. Mr. PINKERTON .- We have no objection to consolidation; it is the new matter. The Hon. Mr. JENKINSON .- Not only do members of the Council seem to be ignorant of the provisions of the law, but a certain number of witnesses who came before the Labour Bills Committee took the greatest exception to what had already been the law for years. The Hon. Mr. A. LEE SMITH. - It is broken almost every day in the banks. The Hon. Mr. JENKINSON .- Oh, I think not. I do not know that it is necessary to break the law ; the law is sufficiently elastic in the matter of banks closing to allow sufficient latitude, and there is, therefore, no occasion for breaches. Now, the greatest exception was taken by some people who gave evidence to this provision : that to close banks and offices at five o'clock on five days a week and twelve o'clock on Saturday. They said it would be a very hard provision if this was enacted, and that they did not want it at all, and that it was going to disturb the harmonious relations existing between employers and workers, which have been referred to several times during this debate -this provision which has been the law for six years, and which is to be re-enacted and put knowledge affected them. Now, that is just on a par with the misapprehension that a great number of the members of this Council seem to have regarding this Bill. An Hon. MEMBER .- There are too many black lines in the Bill. The Hon. Mr. JENKINSON .- I admit there is a certain number of black lines in the Bill. A good number of these good amendments were made in the Committee, and I think the Bill as it has emerged from the Labour Bills. Committee is a most comprehensive measure, and a measure that, as the Minister of Education said, will a few years hence cause shopkeepers and shop-assistants and clerks to rise, not in their wrath, but in gladness, and to bless us. I want to point out just one or two of the new provisions of this Bill. The Hon. the Minister, I think, said that one of the chief proposals, and one of the most drastic proposals, was the payment for overtime. Now, Sir, I think the most drastic proposal in this Bill is the attempt to curtail the hours of adult labour. I think this is the first time that Parliament has ever touched on the matter of curtailing the hours of adult labour. We hear reports that Eight Hours Bills are coming forward-in shoals almost-in another place, and I am not sure but what an Eight Hours Bill did not at one time get through one House of the Legislature. However, this is the first time any Legislature has made any decided attempt to curtail the hours of adult labour, and as to whether it is wise or not I am not exactly sure ; so much so that I intend to vote against the clauses curtailing the hours in banks and warehouses. I think any overtime worked should be paid for, but whether we should curtail the hours of office and bank clerks I am not at all sure about at present. If we were going to have a comprehensive Eight Hours Bill, meting out eight hours for all and sundry, then, I think, would be the time to enact this provision ; but to bring it into this Bill, and say that shop-assistants and bank clerks shall not work more than a certain number of hours a week-rather more than eight hours a day, fifty-two hours per week-and shall not be allowed to work overtime beyond some three hours a day upon thirty days in a year, be that overtime paid for or not, and allow a labourer or artisan to work much longer hours-that is a proposal that requires very great consideration ; and I think what has happened in the Conciliation Boards and through the decisions of the Arbitration Court will bear me out in what I am saying, that the workmen of the colony are not ripe for such a proposal. I do not know that in any case that has come before the Conciliation Board the overtime has been entirely stopped, nor has it been asked for by any union. They fix a certain graduated payment for overtime ; but I do not think they ever curtailed the number of hours and said that forty-four, forty-five, or forty-eight hours should constitute a week's work, and that the men must be absolutely debarred from working overtime. And I.

<page>396</page>

regard to shop-assistants any different. That is the most drastic proposal we have in this Bill-the fact that we, for the first time, interfere with the hours of adult labour. There is another new phase in this Bill-that which gives hotel-servants a half-holiday. That is a very good thing, and I do not think there should be any

difficulty in getting that. I hope that portion of the Bill will become law, and that the hotel-servants will have a half-holiday every week. An Hon. MEMBER .- They get more than that now. The Hon. Mr. JENKINSON .- That is the honourable gentleman's opinion, of course, and perhaps his servants do ; but we have the evidence of a good number of witnesses, and we have our own opinions about it, which tell us that the honourable member is quite wrong as regards the usual rule. Then, we have another proposal that payments of wages and salaries should be made weekly, and in no case longer than fortnightly. A few sessions ago we passed a Bill called the " Limitation of Imprisonment for Debt Bill," and in consequence of that the fact has been brought home pretty forcibly to traders that monthly payments go a long way towards encouraging credit and keeping it up. I think that one and all of the traders who came before us, and I think every trader you may ask on the matter, will tell you that the payment of monthly salaries prompts and encourages credit ; and I think if you enact in this Bill that all shop-assistants, and all bank clerks, and all warehouse assistants-and Government officers too-shall be paid weekly or fortnightly, you would do a great deal to eradicate this credit system that is in vogue at present. Then, there is another phase in this Bill by which we are interfering with adult labour in a way that I do not think we should do, and that is that payment for the half-holiday shall be enacted. It is quite true that, generally speaking, the half-holiday is paid for in the same way now as the other holidays are paid for. and all shop-assistants get paid for their half-holiday and for the other holidays ; but in this Bill, as it came to the Council, it was provided that it should be enacted by law that they should be paid for the half-holiday. I do not know that we should go so far as to affirm that. I think if anything will tend to disturb friendly relations between man and master this would, and in some instances it might act harshly on the employer, and we ought to consider the employer as well as the employé. I shall vote against stating by Act that holidays must be paid for. There are several holidays mentioned in the Bill for guidance in reference to the statutory half-holiday. It also says that wherever the Government think fit to proclaim a holiday such holiday may also be taken as a guide for the half holiday. Now, Sir, a clause has been put in by the Committee that those holidays shall be paid for. As a matter of fact, they are paid for already; but I am altogether opposed to its being laid down in the Bill Hon. Mr. Jenkinson may seem inconsistent on my part, but I cannot help that, and I will oppose that clause when it comes up. If it passes into law we must also enact that these holidays are to be strictly observed, or else the employer will in some cases compel his assistants to work on these days, and so far the law will not prevent him doing so. There is another proposal which, so far, is not in the Bill, but which I would like to see and will try to get in the Bill, and that is that it shall apply to Government offices. That is the only point I wanted in the Bill to make it acceptable to the whole community, and I hope all honourable members will vote for that clause going in. I am not quite sure that the Minister did not have those very Government buildings in his mind's eye when he talked about some buildings in town being lit up almost every night. Whether that is the case or not, it is a fact that those buildings are lit up almost every night. Members will bear me out in saying the Government are the greatest sinners in this respect. And it is not the underpaid clerks who suffer in this matter. It is the higher-paid officers. An Hon. MEMBER. -- The overpaid officers. The Hon. Mr. JENKINSON .- No, not the overpaid officers. I do not think there are any overpaid Government officers, nor overpaid members either. Almost every night you will find a light in the office of the heads of the departments up till two or three in the morning. An Hon. MEMBER .- During the session. The Hon. Mr. JENKINSON. - And during the recess too. All we want is to get this grand proposal of mine in the Bill and I am sure the Bill will pass both Houses without trouble. If honourable members will study the effect of this Bill I think they will find that it will do a great deal to bring about uniformity-at any rate, in the hours of employment-and so prevent the great amount of time that is spent by the Conciliation Boards in dealing with the question of hours of employment. I am quite sure that if this Bill passes, and also other Bills in the same direction for making the hours of labour uniform, it will go a long way towards keeping a number of cases from the Boards and

from the Arbitration Court. The question of wages I do not know that we can deal with in the Legislature, but the question of hours can be laid down, and not be a sore and constantly recurring point of dispute to masters and men. There is a good deal to talk about in the Bill if one went through it : but I am quite sure that if this debate is held over till to-morrow, and honourable members take the Bill home and read it carefully, they will find that there is not much new matter in it. I think they will find that the Labour Bills Committee dealt with the Bill as they have dealt with the warehouses-namely, on pretty fair and reasonable lines, with the exception that the Govern. ment offices should be included. As I said before, the antagonism to the Bill simply arises from the fact that a great number of the members do not know that the bulk of the Bill is already law.

<page>397</page>

The Hon. Mr. SHRIMSKI .- No doubt the honourable gentleman who has just sat down has some personal experience of this matter, because he is a member of the Labour Bills Committee, and consequently he is in a better position to argue points with reference to this measure than a number of other honourable members. I may say that I think this Bill, as it is a consolidation Bill, should have been introduced into the other Chamber and then have been sent to this Council as the revising Chamber. Instead of that being done, the Bill has been introduced into the Council and the other House is the revising Chamber. I entirely disapprove of that. Had it been an ordinary Bill it would have been a different matter, but as it is a consolidation measure I think it should have been introduced into the other Chamber and then have come up here for revision. It has been very gratifying and pleasant to me to hear the speeches of certain honourable gentlemen this afternoon. I refer particularly to the speeches of the Hon. Mr. Bolt, the Hon. Mr. Jennings, the Hon. Mr. Pinkerton, the Hon. Mr. Jenkinson, and one or two others. Sir. I was surprised to see the conversion of some of those honourable members, and their advocacy of the bankers, merchants, wholesale houses, and the employés in wholesale houses. It is interesting to compare the position they have taken up to-day with that taken up by them in the past. I have no objection to including banks, nor do I wish to see warehousemen excluded. But what struck me more particularly was the interest which those honourable gentlemen took in these lofty institutions. An Hon. MEMBER .- Hundreds of petitions. The Hon. Mr. SHRIMSKI .- I will come to the petitions directly. It is because those institutions are wealthy and have means at their command, and can afford to send petitions and influence those honourable gentlemen to advocate their interests ; but not a solitary member has stood up in defence of the interests of those who will mostly be injured by this Bill. Read clause 2A. What do we find there ? That every shop is to be closed at six o'clock in the evening. What about the poor unfortunate man who, in his humble way, keeps a little bit of a shop, and who only gets any business after the larger houses are closed? Not one of those gentlemen, who have in the past taken such an interest in the poor people of this country have spoken on behalf of these people on this occasion. I am opposed to this Bill. as I have always been opposed to our labour legislation and to any interference with the privileges and liberties of the people. I do not believe in it. Some honourable gentlemen have said that we are going rather far, and that we might run the ship ashore-that the result will be to cause strong feeling against this legislation. Well, I believe the day is not far distant when we shall see a revulsion of feeling against what has been taking place. For some time past it has constantly been boasted that this country is prospering; but there is no doubt there are rocks ahead, and that before long this legislation instead of benefiting the working-man will be doing him an injury. We must remember that what we do does not only affect the present generation, but it also affects those who are growing up, and our legislation may have the effect of preventing many of them getting employment. The Minister said that officers in banks and warehouses should be paid overtime. There is no doubt that such a thing may take place, but it will certainly be at the cost of a reduction of the salaries of these officers, because I believe that there are large numbers of clerks and assistants in warehouses who desire work. I say that

any one advertising now for a confidential clerk will to-morrow morning have hundreds of men at his doors wanting the position. There are plenty of them to choose from, and consequently if overtime is paid it will come out of the general wages. As I have stated before, whatever you do to restrict trade means placing heavy burdens upon the \- masses of the people, because they have to pay for it. It is the consumer who has to pay for these things, and the consumer means the mass of the people. I shall oppose this Bill.

Debate adjourned. The Council adjourned at twenty minutes to five o'clock p.m. # HOUSE OF REPRESENTATIVES. Thursday, 15th August, 1901. First Readings-Order of Business-Public Health Bill - Mortgages of Land Bill -Hospital Nur-es Registration Bill-Promissory Oaths Bill-Young Persons Protection Bul-Money-lenders Bill- Companies Bill. Mr. SPEAKER took the chair at half-past two. o'clock p.m. PRAYERS. FIRST READINGS. Hokitika Harbour Board Empowering Act Amendment Bill, Charitable Gifts Bill. ORDER OF BUSINESS. Mr. SEDDON (Premier) asked that Ministers be relieved from answering questions to-day. Captain RUSSELL (Hawke's Bay) asked the Premier when members would be placed in possession of the paper B .- 1, and particulars regarding unauthorised expenditure, and also when the customary quarterly returns, up to 30th June, which should be published in the Giazette, would be available. He hoped that these would be at the disposal of honourable + members, so that they might be the better able to understand the tables of the Financial State- ment. Mr. SEDDON thought members would give the Government that credit to which they were entitled for the manner in which they had supplied returns this year. There was scarcely a return desired by honourable members that had not been agreed to. Mr. MASSEY .- We have not seen them yet.

<page>398</page>

Mr. SEDDON said the Government was not going to put an army of clerks on to that work. It would be unfair to saddle the colony with that enormous additional expense. Captain RUSSELL .- I am only asking for those that are authorised by law. Mr. SEDDON said they had extra clerks engaged preparing returns for the House, but some of the returns that had been asked for would cost a tremendous amount of money, and it was unreasonable to expect the Govern- ment to incur that extra expense. As regards returns that had to be supplied according to Act of Parliament, he thought the Government had fairly complied with the law. Hon. MEMBERS .- No, no ; you have not. Mr. SEDDON said it would be impossible for him to supply anything that would satisfy honourable members on the Opposition benches -- it was intended that it should be so. With regard to the Financial Statement, he could assure them that he mtended to make it as clear as possible, but if after they got it any further information was required to make it plainer, he would do his best to meet the wishes of honourable members. He thought honourable members would like to have the B .- 1 paper; but he could not do impossibilities. He had known sessions pass by without it being given at all. The un- authorised expenditure must, of course, be given. Captain RUSSELL .- When are we to get it ? Mr. SEDDON said honourable members would get it before the financial debate took place. He wanted to push on the business of the country, and he believed that by giving what information he could it would facilitate He would meet the wishes of business. honourable members in the matter as far as he could. # PUBLIC HEALTH BILL. Interrupted debate on the question, "That the amendments of the Legislative Council be agreed to." Mr. MASSEY (Franklin) said he was speak- ing when the debate was interrupted. On that occasion he was not speaking on the amend- ments themselves, but he was protesting that members were being asked to agree to amend- ments that they had not seen, and there- fore could not understand, and he suggested that the amendments should be printed. Since then that had been done, and he found that two important amendments had been made. According to new subclause (2) goods imported contrary to the provisions of Orders in Council, and which in the opinion of some official might be likely to convey infectious diseases, might be dealt with under "The Customs Laws Consolidation Act. 1882"-that was to say, that they might be destroyed or otherwise disposed of at the option of the Minister in charge of that department. The other clause was even more

important. It referred to the vaccination clauses in the Public Health Act, under which, he believed, persons who objected to compulsory vaccination might have exemptions granted them by a Stipendiary Magistrate, or & Registrar of Births, Deaths, and Marriages; but according to the new amendment "Registrar" was struck out, and people would have to go to the Magistrate- probably in the open Court. The arrangement would, in his opinion, not be nearly so convenient, for while many people objected to going before a Magistrate, there was no such objection to going to a Registrar. He did not feel very strongly about either amendment, but there were members in the House who held strong opinions on the vaccination question ; and the importance of these amendments justified their contention that the House should not agree to amendments made in another place without having them printed and circulated, so that they might be thoroughly understood. Mr. FOWLDS (Auckland City) said he desired to enter his protest against the alteration with regard to vaccination. He did not think that the door should be narrowed to get the exemptions. It was the opinion of many medical men that vaccination was not merely useless, but exceedingly dangerous. The alterations meant that no one could get an exemption except from a Magistrate, while formerly the order could be signed by a Registrar of Births, Deaths, and Marriages, or by a Magistrate. He thought the proposed limitation was altogether wrong, and he would vote against it. Mr. COLLINS (Christchurch City) wished to add his protest against this alteration being made. He thought it infinitely better that the law should remain as it was than that people should have to get an exemption from a Magistrate. As had been pointed out, many people who would strongly object to having to apply to a Magistrate would not object to applying to a Registrar. This was a matter of very considerable importance, and had given rise to a great deal of agitation in almost every part of the world. There was a difference of opinion regarding it, and a great deal of medical evidence could be produced in favour of both sides. He felt sure it would be far better to leave the law as it was at present. Mr. HALL (Waipawa) had very much pleasure in supporting what other members had said. In this matter we were far behind the English law, where no difficulties were put in the way of parents who desired to have their children exempted from vaccination. Those who were opposed to vaccination were supported by a large amount of medical testimony. There were many cases in which vaccination had been the means of producing in children disease that remained with them throughout the whole of their lives. If people were against vaccination, if they had conscientious objections to it, those objections ought to be given effect to without the people being dragged before a Magistrate and questioned, probably by a gentleman who was prejudiced very strongly in favour of vaccination. He had therefore great pleasure in supporting what previous speakers had said upon this subject. Mr. R. THOMPSON (Marsden) also wished to lodge his protest against the amendment,

<page>399</page>

and hoped the Minister would not accept it. He knew there was a very strong feeling amongst country settlers on the question of vaccination. There were many country districts that were not visited by a Magistrate, or only once in every three months, and he did not think they ought to put people to the trouble of travelling twenty or thirty miles in order to meet a Magistrate to get exemption. So far as he knew the feelings of the country settlers, they would resent this alteration of the law. refuse to comply with it, and nothing but trouble would be caused throughout the country. It would, he considered, be better for the House to put down its foot and refuse to accept this amendment, leaving the law as at present. If the House did not do that it would only create a great deal of trouble. Mr. FLATMAN (Geraldine) also wished, on behalf of the country districts, to enter the same protest as the last speaker. It would be very inconvenient in many cases for people who wished to have exemption to go to a Stipendiary Magistrate. The last speaker had expressed his opinion upon the matter, but he considered it right to rise in order to indorse what had been said. He trusted the House would not accept the amendment. Mr. LAURENSEN (Lyttelton) desired to join in the chorus that had been raised in protest against the alteration of the law

introduced in this Bill. Other speakers had expressed his sentiments, and so what he wished now simply to do was to draw the attention of the Govern- ment to a very remarkable decision that had been given in his district. There it had been de- cided-by whom, he did not know-that certifi- cates of exemption would not be granted unless the parent produced a certificate signed by a doctor stating that the child was not fit for vaccination. The decision that had been come to by Parliament last year was that if a parent had conscientious objections to vaccination that parent on making a declaration before the Registrar could have his children exempted. He trusted the House would not budge one iota from the decision it had come to last year, that exemption should be granted upon parents making a simple declaration before a Registrar that they had conscientious objections to vac- cination. Mr. BUDDO (Kaiapoi) said that after the strong objections already made to this parti- cular clause it was hardly necessary to say a word, but he wished to join in the vigorous protest against any legislation of this sort being forced upon the country. He admitted it was a debatable subject : but medical testi- mony was to the effect that after a period of seven years vaccination was absolutely value- less. Now, there had been no epidemic of small-pox in this colony, and if small-pox came here the sanitary conditions had been so much improved that he thought there was little chance of the disease making headway. That being so, why should they force upon parents who had a strong objection to it the neces- sity of inflicting upon their children a painful operation, that was in many cases also a dangerous one ? The present law was more - suited to country settlers, and was sufficient to meet the necessities of the case, and if an epidemic came there were already enacted stringent laws to meet the circumstances. And vaccination should not be performed except from pure calf-lymph. He did not think the House should for a moment entertain the proposal to adopt this clause. He took it that if the House voted against the motion that would be sufficient to throw out the proposal, but would like to know if it was necessary to move an amendment. Mr. SPEAKER said the honourable member might move an amendment to agree to all the amendments of the Legislative Council except the new clause 2A. Mr. BUDDO then moved, To add to the original motion the words "except the new clause 24, to which this House disagrees." Sir J. G. WARD (Minister of Public Health) only desired to explain to honourable members what the position really was. Personally he had no objection whatever to a Conference upon the particular clause in question if honourable members so desired it. The amendment was not the Government's, but was made in another place, and he understood the reason for the alteration was that, as would be found, in con- sequence of the terms of the original Act, either Magistrate or Registrar, in addition to having to take a statutory declaration of the person desiring exemption, was required to take evi- dence. Now, many of the Registrars in New Zealand were in receipt of \$5. \$10, or \$20 per annum, and it was found that these people could not give the time that was necessary in order to allow the provisions of the Act to be carried out without seriously interfering with their private affairs. It was not fair to ask that these officials should do this. If honourable members wanted a new department set up, or could suggest any better official to deal with this matter than the Magistrate, he was willing to consider the suggestion. Honourable members were aware that exception was taken to the inclusion of "Registrars " when that official was included in the Bill, and if they were going to occupy the time of Registrars in this matter they should make provision for the payment to them of something like adequate salaries, since they were required to take not only statutory declarations, but also evidence in support of such declarations. An Hon. MEMBER .- Add " Postmaster." Sir J. G. WARD said that Postmasters could not give the necessary time to this matter, and, as he had said, the Registrars could not do it. The principle of the right of people who had conscientious objections to vaccination to obtain exemption had been affirmed, and was now the law of the land, and the question was how could they best make provision to give effect to that. If honourable members insisted upon the inclusion of "Registrars" in that particular clause, it was still his duty to point out why it was proposed that this amendment should be made. The person

3.0. matter, and whose duty it was to devote the necessary time to do so, and who was paid for it, was the Stipendiary Magistrate; and if honourable members, with that explanation before them, wanted to continue to have the Registrars, many of whom, as he had said, were in receipt of £5 a year, to do this class of work, which they never expected to have to do, then the Government would require to make independent provision for the Registrars throughout the length and breadth of the colony. An Hon. MEMBER .- What about the exemption of parents who have conscientious objections? Sir J. G. WARD said that according to the Act an application for exemption had to be "supported by a statutory declaration, and by such other evidence as the Magistrate or Registrar in each case thinks reasonable, and no fee shall be payable in respect of either the application or the certificate." If the Registrar or the Magistrate were not satisfied, supposing a case of small-pox was reported in a particular district, it was then their duty to take other evidence in that particular district to ascertain the wishes of the people who desired to be exempt from vaccination. An Hon. MEMBER .-- That is the duty of the Health Department. Sir J. G. WARD said no doubt it was; but the law as it now stood imposed duties on the Registrars, and it would mean the appointment of persons for this purpose all over the country. He admitted the force of the objections that were raised, and he would be glad to know of any better way of doing it. If it was the wish of the House to have a Conference on the subject with the other Chamber, in order to suggest that other persons should be set up and paid for this duty, well and good. He thought, himself, that to impose the duty on the Registrars, as at present paid, was not fair or practicable. Mr. R. THOMPSON said the Stipendiary Magistrates were not accessible in many places. Sir J. G. WARD said the declaration might be made, and sent to a Magistrate. It might be, and he ventured to suggest to the honourable member, and sent on to a Magistrate; and then, if he required evidence, it could be brought before him in New Zealand who had to deal with so many of them. An Hon. MEMBER .- And possibly they might have to travel a hundred miles. Sir J. G. WARD said, if small-pox were reported in a district a hundred miles away it : had to administer the old-age pensions, he was would be the duty of the Magistrate to find out whether it was desirable to have evidence taken, and whether it was desirable to allow any of them (Mr. Fraser) came from the Magistrate had exemptions during the time of a visitation of small-pox. Mr. FOWLDS said it was so rarely these emergencies arose that the Magistrates might attend to the matter without any trouble. Sir J. G. WARD said, personally he had no feeling in the matter. He would like to explain, regarding clause 2, which had been referred to by the honourable member for Franklin - that was the clause giving power to prohibit importations of this kind, surely it was not too great Sir J. G. Ward infectious diseases -- that at present, if the Health Department should have it reported to them that there was likely to be any infectious disease brought into the colony in any particular class of goods that was being imported, they had to go to the Customs Department and get that department to put into operation the power they had to prevent the landing of such goods, and, if necessary, to see to the destruction of them. As a matter of departmental convenience, it was desirable that this power should be under the control of, and be administered by, the Public Health Department. There was no change in the power itself; the clause in the Bill was simply for the purpose of enabling this power to be exercised by the Health Department. However, upon this matter of the Registrar he was quite prepared to take the feeling of the House. If members thought it was desirable to continue the Registrars, and wished to have a Conference set up in order to meet the gentlemen from another place, he had no objection. He simply put before them what the position was, and if they considered that public convenience would be better consulted in the way he had indicated, he was quite prepared to agree to it. Mr. WITHEFORD (Auckland City) said the only exception he would take to the alterations was with regard to the prohibition of the importation of goods which in the opinion of the Governor in Council were likely to introduce infectious diseases. He thought there was a tendency to place too much power in the hands of the Governor in Council. He was inclined to think that, instead

of leaving the power entirely in the hands of the Governor in Council, the local bodies ought to have some power in the matter. He thought it was unduly limiting the measure of local control to leave it entirely to the Wellington people to decide whether in Auckland there were infectious goods that should not be landed there. Mr. A. L. D. FRASER (Napier) said the Minister in charge of the Bill seemed to wish to put on the shoulders of the Magistrates a | great deal more work than they had at present, gentleman that there was no Government officer responsible duties as the Magistrates of the towns and country districts. The Magistrate had not only to deal with all civil and criminal matters coming under his jurisdiction, but he Chairman of the Licensing Bench, and he was the local Coroner. He knew that in the district to travel many hundreds of miles. It was the same on the East Coast, in the Hon. Mr. Carroll's district. The Minister had pointed out, as an objection to leaving these duties to the Registrars of Births, Deaths, and Marriages, that they were not over well paid, and that therefore it was too much to ask them to undertake the extra duty. Well, if a Registrar at \$5 a year were capable of investigating ques-

<page>401</page>

an ordeal to intrust to Justices of the Peace as well. And, again, if Justices of the Peace were included in the list of officers by whom this duty could be carried out, why not also include the officer in charge of the police in the district? It was evidently very simple, and there was nothing difficult or of a technical nature about it. All these officials might be intrusted with the power to take the evidence and to grant the certificate. On the general question, however, of vaccination he had a most decided opinion. He spoke as a parent of children, and had not the slightest diffidence in declaring that he had never had any of his children vaccinated, and never would. He was not speaking so much from medical authority in taking this stand, but from very sad experiences that had come under his notice. Although Government officers so far had not thought fit to prosecute him for non-compliance with the law in this respect, they were at liberty now to do so if they chose. To demonstrate his strength of conviction he had freely confessed that none of his children were vaccinated ; and he would go further, and say that if the Almighty blest him with others hereafter he would take good care that they should not undergo an operation that was so questionable in its benefits. Mr. GRAHAM (Nelson City) was very pleased to hear these protests from all sides of the House in reference to any attempt to alter the law in regard to the exemption from vaccination. He sincerely hoped that those members who protested would carry their protests further, if necessary, by their votes in the House. Last year they had a new Public Health Act, and many members who, like himself, had conscientious objections to compulsory vaccination worked very hard to get the modified exemption which was ultimately given by that Act. They never knew where they were; there seemed to be no finality. The Government were continually introducing into amending Acts of Parliament something that would undo what had been done in a previous session, and it was wrong that that should be done. Last year's legislation provided that children could be exempted from vaccination if their parents or guardians had conscientious objections to it, and made known those objections to a Magistrate or any Registrar, and people were just getting to know and to understand the facilities that existed to enable them to claim such exemption. After the Act was passed last year numbers of people waited on him - probably they waited on other members as well- and asked him what they should do. They had waited on a Magistrate, and the Magistrate, notwithstanding the exemption clause, said they would have to pay a fee of half a crown. He (Mr. Graham) saw one of the parents who refused to pay the half a crown, and sent that parent back to the Magistrate with a note that no fee could be charged, and it was then found that no half a crown needed to be paid at all. However, all who had paid the half a crown-and many poor people had done VOL. OXVII .- 25. so-did not get it back again once it had found its way into the Government chest. It was now proposed to confine the power to the Magistrate alone, and to take it out of the hands of the Registrars. Well, people now had to go to the Registrars to register births, deaths, and marriages, and marriages were also frequently solemnised by the same officer ; and if he did all

these various analogous duties, surely he might be allowed to carry out the duties with reference to conscientious objections to vaccination. The law ought at least to be allowed to remain as it was. It already gave a minimum of concession in return for a maximum of trouble. Those members of the House who themselves held conscientious scruples against vaccination had no little amount of trouble last year to get the concessions made, and the Government should not now try to further limit the already limited opportunities that people possessed in the way of exemption. Like the honourable member for Napier, he also had a large family, now grown-up, and they were as healthy as he was himself, and not one of them had been vaccinated. He had many notices served on him—ordinary notices and peremptory notices—but he took no notice of them; and when he told the Registrar of that time that he had conscientious objections to vaccination the officer said he held a like opinion, and that if he had children himself he would do the same thing. He (Mr. Graham) trusted the House would not only strongly protest against the proposed alteration, but that they would also support that protest by their votes, so that the large number of parents opposed who had conscientious objections might give effect to them without being put to needless trouble. Exemption from vaccination had to be claimed now within four months of the birth of a child, otherwise it could not be obtained; and, as a matter of fact, many country and back-block settlers had not the opportunity during that time of going into a town where they could see a Magistrate. He knew from personal experience of mothers who would sooner go anywhere or before any one other than before a Magistrate, and he knew also that Magistrates were not willing in all cases to be obliging in the performance of these duties after they had been forced upon them. They looked on the duty as one that was being thrust upon them—one they ought not to have added to their numerous other duties—and, taking all the circumstances into consideration, he was firmly of the opinion that if the law was to be altered at all it should be in the direction of extending the opportunities that already existed. He would like to see a provision put into the Bill giving the people the right to make declarations before any police officer or any Justice of the Peace, in addition to Magistrates and Registrars. It was certainly not fair that parents should be compelled to have poisonous virus injected into the systems of their children, and he hoped the House would strongly oppose the inclusion of the clause in the Bill.

<page>402</page>

what had already been said by previous speakers. He considered the greatest facility should be afforded parents to protest against their children being vaccinated. Many people believed that the true remedy for small-pox was inoculation, and that it was a sufficient remedy; but he was sorry to say he had seen diseases that had resulted to young children from the effects of vaccination. He did not consider it was fair to cast the duty on Magistrates of taking evidence and making declarations. They were already overworked. It was also unfair to ask that parents should have to travel a long distance, as they would have to do in many cases, to see a Magistrate. A simple declaration by a parent before a Justice of the Peace that the parent was unwilling to have his children vaccinated should be quite sufficient. It would answer all purposes, it would give little trouble to anybody, and it would give satisfaction to the public. Mr. T. MACKENZIE (Waihemo) hoped the Minister would carry the restrictive clause. This was a maudlin age, and anything in the shape of restrictions were irksome to certain people. They all knew the enormous benefit that vaccination had been to the world. Hon. MEMBERS.—Question. Mr. T. MACKENZIE said it was all very well for honourable gentlemen to say "Question," but it was beyond dispute that vaccination had been of vast advantage to humanity. Yet now there were a lot of sentimentalists who wanted to extend every facility of evading what had been proved to be of great use to humanity. The whole of the arguments they had used had been directed rather against impure lymph that might have been introduced than against the Act; but it appeared to him that if proper precautions were taken, such as one might expect would be taken by the Health Officer the colony now possessed—Dr. Mason, a gentleman who was painstaking in every respect—the result would be to the advantage of the people,

and not to their disadvantage, and at the same time a very useful Act would not be evaded. The honourable member for Nelson City said he had seven children, and that they were grown-up and exceedingly healthy, although they had not been vaccinated. Well, he (Mr. Mackenzie) also had seven children, all vaccinated, and he ventured to say they were as healthy as the honourable member's, or any honourable member's who were vaccinated. It seemed to him that the result of any laxity would be that, if small-pox should unfortunately come to the colony, those persons who were supposed to be more considerate to their children than those who believed in vaccination would be the very ones who would spread the disease throughout the length and breadth of the colony. He ventured to say that if they were going to extend the facilities as suggested by the honourable member for Wanganui and the honourable member for Nelson City, it would be better to wipe the Act out of existence altogether. He saw no reason why a minority of the people maintain the health of the country when four-fifths were allowed to escape. The view he held on the matter was that if people wanted exemption, and had conscientious scruples, they should go to a Magistrate. That was done in England ; and he knew that such an extension of facilities as honourable members were urging now had led to very considerable alarm in Great Britain, and, owing to the vast number who now escaped from vaccination, it was feared that if an epidemic broke out to any extent it would have a much more extensive field for operation than would be the case if all these people had been vaccinated. He thought insistence on the purity of the lymph and the way in which it was used should occupy the attention of the Government rather than an extension of facilities for exemption from vaccination. Mr. MONK (Waitemata) said he would support the opposition to the provision, introduced in another place, that only Magistrates should have power to exempt parents from the obligation to have their children vaccinated. He felt amused at the alacrity with which honourable members had taken the opportunity of advertising their contributions to the birth-rate. He was not going to record the self-praise he might adduce in this respect but he had been particularly impressed with the silence that had been observed by the Minister of Justice on this subject. Science had taught them enough to convince them that every parent ought to be very careful indeed over having his children vaccinated. The remark made by the honourable member for Waihemo -- that the fact that the Medical Superintendent of the colony was an able man would be a sufficient guarantee that the lymph would in all cases be pure -- was sheer nonsense. It was not possible for any medical man to be able to say there might not be bacterial germs lurking in the veins of any individual which might be inimical to the health of an infant who was vaccinated from such a person's arm. Belief in the matter -- and he thought it was also pretty well the consensus of medical testimony -- was that it would be advisable for the Government not to allow any child to be vaccinated except with lymph from heifers. There would be a certainty of immunity from disease which was known to lurk in the human subject, even from generation to generation, and he hoped the Government would accept the suggestions made by the honourable member for Napier, by rather enlarging the opportunities for parents to be exempted. He could not but think that members who devised the restrictive forms of interference with the personal convenience of citizens must have an experience that had been limited to city life, for they seemed quite oblivious to the difficulties which existed in some parts of the colony in getting access to Magistrates. In some parts of his electorate it would be a serious task to have to reach a Magistrate to obtain an exemption. These were matters that required attention, and the Minister should feel rather pleased that members had afforded him,

<page>403</page>

from their different points of view, an opportunity of judging of the merits or demerits of the amendment before them. He spoke as the representative of a very sparsely populated district, and he knew this would inflict hardships on many if they were compelled to go before a Magistrate ; they would have far enough to go to reach a Registrar or Justice of the Peace. He did not think, however, that honourable members need be under any very great apprehension as to the large amount of work there would be imposed on

country Registrars. Babies did not come in a deluge, but were nicely distributed over the roll of time. He did not think, speaking from his knowledge of his own district, any officials were so hardly worked as the Stipendiary Magistrates in this colony, looking at the distances they had to travel, and the many places at which they had to sit. Summing up his personal opinion on the matter, it was that the Government should make it penal for any child to be vaccinated from a human subject or arm-to-arm ; and, further, that in the interests of good health they should make it a special duty to see that lymph from the cow be provided, and none other. He did not think the proposed amendment was at all necessary, and he felt it his duty to vote against it. Mr. HOUSTON (Bay of Islands) said the difficulty in this matter arose altogether from the clause in the Act of 1900. He contended that vaccination should be made compulsory on one condition - that the Government should supply pure lymph imported from Germany. He had conscientious objections to arm-to-arm Vaccination as performed by medical men. He had vaccinated all his own children, to the number of ten, and he got his lymph direct from Germany, and he considered the Government would be wanting in their duty in not providing pure lymph and making vaccination compulsory. All this difficulty about lymph would have been avoided if that had been done instead of inserting the clause in the Act of 1900. In regard to the clause under consideration, he thought it would be imposing too much. And in his own district there were cases in which a parent would have to travel ninety or a hundred miles to reach one, and this was an unfair penalty to impose on any parent. Even in the case of Registrars they would have to travel forty or fifty miles. Major STEWARD (Waitaki) said there were two sets of facts to be taken into consideration in connection with this question : one of these proved that vaccination administered carefully under proper conditions resulted in a large immunity from small-pox, and even in the case of persons being attacked it reduced the death-rate very much indeed. This fact was not to be disputed. But there was also another set of facts which caused an agitation against vaccination, and which showed that in consequence of arm-to-arm vaccination there had been transmitted to numbers of individuals diseases not of the nature of small-pox, against which vaccination was used as a preventive, but diseases of an almost equally deadly nature. It was therefore not surprising that there should have been an agitation against the arm-to-arm transference. The honourable member for Waitemata and the honourable member for the Bay of Islands had hit the mark. If our legislation made it penal for any operator to vaccinate by transference from arm to arm, and then provided that every person should have his children vaccinated by pure calf-lymph, he did not think there would be any further conscientious objection taken, and we should have our population almost immune from small-pox. He was old enough to remember that, say, some forty and odd years ago, in England it was the most natural thing in the world to notice the scars of small-pox in the faces of persons whom one met. It was scarcely possible to get a domestic servant in the country who was not more or less pitted. Then, there were dreadful cases of blindness caused by this disease, and a large number of deaths, besides various other bodily ailments which small-pox frequently left behind it. Any person who travelled through the same districts in England now would scarcely meet with a single individual who was pitted with small-pox. Now, that change had been brought about by the adoption of the system of vaccination. Only a few years ago, in the City of Glasgow, where the practice of vaccination had fallen into desuetude, they were confronted with an outbreak of small-pox which came from outside the city. Attacking only a few cases at first, it spread with almost inconceivable rapidity over a population which had not secured immunity by vaccination. The result was, there was an enormous death-rate, which ran into a percentage of, he thought, something like 80 among those attacked. Efforts were then made to vaccinate the population. Thousands and thousands of people were vaccinated, and eventually the disease was stamped out. The experience gained on that occasion plainly showed the benefits of vaccination. It was shown that vaccinated persons were comparatively immune from attacks of small-pox, and that the most recently vaccinated persons were the most immune. Therefore the case for vaccination was absolutely

complete. He was strongly in favour of vaccination, but he would not have it compulsory, unless only pure calf-lymph was used. Amendment agreed to, and motion as amended agreed to. Sir J. G. WARD moved, That Mr. Buddo, Mr. A. L. D. Fraser, and the mover be appointed a Committee to draw up reasons for disagreeing to new clause 2A. Motion agreed to. MORTGAGES OF LAND BILL. Sir J. G. WARD (Colonial Secretary) .- Sir, this Bill has been introduced by the honourable member for Waitaki, and passed through the House upon two or three former occasions. It has also been before the Statutes Revision Committee, and in that respect the necessary conditions have been met. I think it will be agreed on all sides that if anything can be done to

<page>404</page>

facilitate mortgages of land, or the transfer or redemption of mortgages, it is a desirable thing to effect. The main proposal in this Bill is to have a schedule with proper covenants implying the requisite mortgage conditions printed, so that they could be used with a view of either having mortgages effected, or reduced, or relieved altogether. An Hon. MEMBER .- Will it reduce the cost ? Sir J. G. WARD .- Yes, I think it will, and it certainly will add to the convenience of people who have to do with mortgages. If anything can be done to facilitate the transfer of land in the colony, I think it ought to commend itself to the consideration of honourable members. The schedules attached to the Bill contain the requisite covenants for a mortgage. I beg to move the second reading of the Bill. Mr. McNAB (Mataura) .- I am not going to oppose the Bill. In fact, I intend to support it. When this Bill was in the hands of the honourable member for Waitaki I supported it on each occasion on which it came before the House. But what I want to call the honourable gentleman's attention to for a moment is this: If he looks at the Second Schedule he will find set out there the covenants which are to be implied in the mortgage, and the covenant under the head " Secondly " is a covenant that the mortgagor shall insure against loss by fire the property and buildings on the land. Now, since this Bill went through the Statutes Revision Committee, there has been introduced into our law the liability on the holder of land to have recovered against him, at any time that an accident may take place, damages arising through injury resulting to any employé on his property, under the Workers' Compensation for Accidents Act of last year, and it will have the effect of necessitating from now onwards a practice amongst the legal profession to put in mortgages a covenant not only to insure against fire, but to keep all the employés working on the property insured against liability under this Act of 1900 ; and I would suggest that the honourable gentleman get the Law Officer to bring down a clause to be added to the Second Schedule, providing that the mortgagor will also insure and keep himself insured against that liability. It can be done by extending the operation of the Second Schedule to insure not only against fire, but against the liability under the Act of last year. Otherwise you will find that mortgages executed on this form will not protect the mortgagee in some cases of an employee recovering damages against an employer. If the contractor is not able to meet the claim it will come back upon the landowner, and if he in turn cannot pay it will come back upon the mortgagee. That is the only alteration that I consider necessary on account of the legislation passed by this House since the measure was before the Statutes Revision Committee. Mr. J. ALLEN (Bruce) .-- Before the question is put I would like to say that the point raised by the honourable member for Mataura is one that requires the careful consideration of this House. I would like the Minister in charge of Sir J. G. Ward the Bill to say what he has found to be the practice already with regard to mortgages. Now that an accident is a first charge on a property, I believe it is already the practice for the mortgagee himself to insure, so that the suggestion of the honourable member for Mataura may not be in the direction of making it easier for the mortgagor. At present I understand that the mortgagee himself insures his mortgage. Mr. McNAB .- He cannot deduct it unless the mortgage allows him. Mr. J. ALLEN .- He pays it out of his own pocket at present ; but if provision is made in the Bill, as the honourable member for Mataura suggests, it will come out of the pocket of the mortgagor. There is another part of the schedule which I think the

honourable member in charge of the Bill should have amended.] notice that in the second part of the Second Schedule it is provided that the mortgagor will insure and will keep insured all buildings and erections for the time being on the land. That is to be done in the name of the mortgagee. I do not know whether that is the common practice now in New Zealand. Mr. McNAB .- It is almost the universal practice. Mr. J. ALLEN .- It is not universal. If the insurance were to be done jointly in the name of both the mortgagee and mortgagor it would give the mortgagor some interest in his buildings as well, and I hope the Minister will see his way to do this. If the alteration is made, some amendment of the 5th section of the Second Schedule will be necessary. At present it provides that, in the event of the buildings being burnt, the mortgagee may elect for himself whether the moneys shall be applied towards the payment of the principal, interest, and other moneys covered by the security, or towards rebuilding or repairing the buildings or erections so destroyed or damaged. I hold that the mortgagor ought to have something to say as to the disposal of the money in a case like that. If the money has been spent in buildings on the ground, the security remains, just as it would have been if the mortgagee had accepted payment of that part of his capital. I certainly think that the mortgagor has a right to be joined in the insurance, and, in the second place, he has a right to have a say in the disposal of the money after the buildings have been burnt down and the money paid over by the insurance companies. These points should receive careful consideration in Committee. As to the general principle of the Bill, I do not think it will cheapen mortgages to the extent of one penny. The provisions of clauses 5, 6, 7, and 8 may be convenient for the increase or decrease of mortgages, and for transfers. I believe a practice of indorsing mortgages similar to that proposed prevails at present, when a certain amount has been paid off, or even when it has been increased. I do not know whether the expenses are heavier than under this Bill-probably they are not. Although it may appear that we are to get some conveniences under this Bill,

<page>405</page>

process will be cheapened at all. Major STEWARD (Waitaki) .- I would like to draw the last speaker's attention to the provisions of subsection (2) of section 3, in connection with his suggestion that the terms of one or two covenants in the Second Schedule need some alteration. The honourable member will see it there stated :- "In every mortgage executed under this Act there shall be implied all the covenants and conditions set forth in the Second Schedule hereto, except in so far as is otherwise expressed in such mortgage." . So that the person who wants a mortgage to contain covenants different from those given in the schedule will not use the form therein set out, but where both parties to the mortgage accept the ordinary conditions as therein set out they can use the form as given in the Schedule. I would point out that the provisions of this Bill are not new to New Zealand, for under "The Government Advances to Settlers Act, 1894," the precisely the same system is followed. Third Schedule of that Act contains a form almost identical with that in the First Schedule of this Bill, and the Fourth Schedule of that Act also, mutatis mutandis, corresponds with the Second Schedule of the present Bill. The honourable member for Bruce just now referred to the proposal under this Bill that the insurance policy shall be effected in the name of the mortgagee. Mr. J. ALLEN .- I want it to be done jointly. Major STEWARD .- Yes; the honourable member takes exception to the policy being in the name of the mortgagee only, and thinks it should be in the joint names of the mortgagor and the mortgagee. With regard to all the mortgages made under the Advances to Settlers Act, this Bill really proposes to follow on the same lines, as under that Act all insurances must be in the name of the mortgagee. I do not express any strong opinion on the question raised by the honourable gentleman, but I think that if he gets his way in Committee he will do away, to a considerable extent, with the willingness of mortgagees to use the simple form provided by the Bill. I believe that a large number of persons will be found willing to adopt a simple form of this kind. This Bill, if passed, will, I think, afford relief to a very considerable number of persons. will turn to the return dealing with mortgages, to be found in the Appendices

to the Journals of last session, they will find that last year, that is, from the 31st March, 1899, to the 31st March, 1900, there were registered in New Zealand no fewer than 11,814 mortgages, so that there are at least twenty-three thousand people, mortgagees and mortgagors, interested in these transactions. If only one-fourth of these persons should be willing to come under a Bill of this kind, something like five thousand people would each save a certain sum of money every year. Now, the amount of money dealt with by way of mortgage is also interestingly stated in the return referred to. I find that the total amount of money represented by the mortgages of last year was no less than small means are interested in this matter I need only point to the fact that, of the total 11,814 mortgages registered, there were no less than 9,160 that were for sums under and up to \$500, so that the matter of saving even a few shillings on nine thousand mortgages by persons who are not too well off in the world is an item for consideration. Then, as a similar system to that proposed in this Bill has been in operation since 1894 in regard to Government mortgages, I can see no earthly reason why it should not work equally well with regard to private mortgages. Seeing that the Bill is purely optional, and that no person, unless so disposed, need use the form prescribed under the Bill, and that that form will only be used when both mortgagor and mortgagee are so disposed, it appears to me that no honourable member should object to its becoming law. I hope the honourable gentleman will succeed in securing the passing of the Bill. Mr. R. THOMPSON (Marsden). - I fail to see what good this Bill can do if it is passed. It is, as the last speaker has said, optional ; and if the honourable gentleman thinks that the passing of a Bill of this kind is going to bring about an alteration all over the colony of the way in which the legal profession conduct this business, or that it will affect the conduct of those who lend money on mortgage, my conclusion is that the honourable gentleman knows very little about the business he is speaking of. I know that he himself is the author of the Bill: he has brought it forward several times, and no doubt would like to see it pass ; but I am afraid that his practical knowledge of this question must be very trifling. I venture to say that if the Bill passes it will have no effect on the mortgaging business of the colony. I would point out to the Minister in charge of the Bill that the Government now are the principal mortgagees in the colony. They do the largest business ; and I ask, is it going to affect their system of dealing with the question ? Not a bit. I do not think it will do the borrower any good whatever, and I am quite satisfied that the members of the legal profession will not be influenced in any way by it. I certainly think it would be just as well if the Government left things as they are, for this is only a waste of time. I think this should be left to the honourable member for Waitaki. Personally, I do not care whether the Bill passes or not, because I am satisfied it will have no effect whatever. As to the question of insurance, of course the lender will always dictate his terms as to how the buildings are to be insured. I know it has often been the case, even in respect of trust property, that the buildings have not been sufficiently insured to enable them to be rebuilt when they have been destroyed by fire, and the result has been that the mortgagor has had to find money to pay in part for their rebuilding, supplementing the amount of the insurance before the buildings could be reinstated. I know several cases in which trust properties that have been burned down have not been sufficiently insured to re-

<page>406</page>

about any alteration whatever in that respect. Though I have no doubt it would please the honourable member who is the father of this Bill to see it pass, for he has brought it forward for two or three sessions, I do not think it would really do anybody any harm or any good. Mr. HOGG (Masterton). - I differ slightly from the last speaker with regard to the merits of the Bill. In past years I have supported a somewhat similar measure which was brought up by the honourable member for Waitaki. I believe the object of the Bill is a good one : it is simply to reduce the cost that mortgagors have to contend with when they borrow money privately. I think that is a very good object. We know that a very large number of enterprising people in this colony, as in all new countries, require the aid of capital, and they ought to be

assisted in every possible way, by having the forms they have to comply with simplified as much as possible and made inexpensive. Now, the whole object and scope of this Bill, as far as I can see, is to simplify these processes and reduce the expenses attached to them. In the past borrowers have had to pay somewhat heavy charges in connection with mortgages. Now, we have a simple form of mortgage prescribed under this Bill. Under present conditions the various Land Boards have a great deal of trouble examining every mortgage that comes before them. The provisions of the Land Act of 1892 require Crown tenants to submit their deeds of mortgage to the Land Boards and obtain the permission of the Boards before they are allowed to mortgage their properties. Now, inasmuch as each solicitor who prepares these deeds inserts his own terms and conditions, it requires a great deal of time and trouble on the part of the Commissioners and members of the Boards before they are able sufficiently to overhaul and examine the documents, and see whether the terms are of a reasonable character or not. This Bill aims at uniformity, and at protecting the mortgagor as well as the mortgagee. Both will be protected by having some uniform form of mortgage prescribed. Why, Sir, this should have been done years ago, instead of being left to the present time. There are a great many mortgages executed in the country every year, and it is very desirable that the necessary deeds should not be rendered too expensive. With regard to the registration of covenants, conditions, and other processes, everything should be simplified. If the parties are agreed and attach their names, that indorsement should be sufficient. The Bill before us provides that the mortgage can be altered or its terms extended by a process exceedingly simple, and at the same time inexpensive. There is one thing, however, that has been omitted, and probably when it goes into Committee I will endeavour to get the omission filled in. That is, in connection with mortgages for a specified term. In cases where they have been running over three years, or as soon as a term of three years is up, the mortgagor should have an opportunity, Mr. R. Thompson mortgage. As now happens, a mortgagor may have to wait for a number of years, although the rate of interest has altered very materially, before he is allowed to redeem his mortgage. Now, I think that is unfair. There ought to be a provision for redemption on reasonable notice in every mortgage, and, in cases where no proviso of the kind is made, it ought to be made mandatory that if a man chooses to say, "I am going to redeem my mortgage and pay up the debt," by giving six months' notice he should have the opportunity of doing so. I hope members of the House will support me in getting such a proviso as I have indicated inserted in the Bill. Mr. SYMES (Egmont). - This is a lovely lawyers' Bill, and I am certain the last speaker has never read the Bill, or he would have understood it better than to speak of its effect as he did. He talks about the difference in the mortgages of Crown tenants. Why, they are all the same; they are all under the Land Transfer Act. Mr. HOGG. - I was referring to private mortgages. Mr. SYMES. - They are not Crown tenants. Private mortgages cannot possibly come before the Land Board. Mr. HOGG. - But they do. Mr. SYMES. - It is utterly impossible, because they must all be under the Land Transfer Act, and they are all on the usual form. I notice that not one single lawyer has spoken on the Bill, showing- Mr. GRAHAM. - They all want it to pass. Mr. SYMES. - Of course they do. Now, it is utterly impossible to carry this into effect. The Bill says in the Second Schedule :- "Secondly, that the mortgagor will forthwith insure, and, so long as any money remains owing on the security, will keep insured, all buildings and erections for the time being situate on the said land against loss or damage by fire, in the name of the mortgagee, to their full insurable value, in some insurance office in New Zealand to be approved by the mortgagee, and will duly and punctually pay all premiums and sums of money necessary for the purpose of keeping every such insurance on foot. And will, not later than the forenoon of the day on which any premium falls due, deliver or cause to be delivered the receipt therefor to the mortgagee, who shall also be entitled to the exclusive custody of all policies of insurance." Why, Sir, the thing is an absurdity. It may happen that on this particular day on which the premium falls due the mortgagor and the mortgagee may be thousands of miles distant from each other, and, under these circumstances, how is it possible to deliver this receipt

? There may not be a post-office within reach to get the receipt delivered in time. Anyway, a permissive thing of this kind could never be of any use. It is very clear to my mind, at any rate, that the father of this Bill has never had anything to do with mortgages. An Hon. MEMBER .- Lucky man. Mr. SYMES .- I do not think that neces -.

<page>407</page>

thing to do with mortgages are the men that keep the place going. I do not mean the Shylocks, of course, but those men who borrow and invest the money in various enterprises, for they are the people who find useful outlets for the capital of men who would not do anything with it themselves. I say this is only a permissive Bill, and could not possibly be carried out, and to think that its provisions and conditions may be agreed to is very unlikely. Did you ever hear of a mortgagee giving the mortgagor the chance to dictate the terms of the mortgage ? All I can say is that the author of this Bill must be very simple if he thinks so. I have had a good deal to do with both mortgagors and mortgagees, and seeing other people's mortgages carried into effect. I know well that the mortgagee every time dictates the terms where, when, and how it shall be done. Now, under the Land Transfer Act-and all the Crown lands in this country are under it- you get the same form at 1s. What would be the effect of this on the Land Transfer Act, and what would be the effect of this in connection with Government lands and Government mortgages in this country? I think, before we should be asked to pass a Bill of this kind, at any rate the Minister in charge should have explained how this measure would affect us, and whether it would clash with any other form of mortgage in use in the colony. At any rate, Sir, I, as a member of this House, am not going to swallow a Bill of this sort until it is thoroughly explained. I shall certainly vote against the second reading of the Bill. Mr. G. J. SMITH (Christchurch City) .- I think that this Bill is a very harmless piece of legislation, and I hardly think it is worth the while of a Minister of the Crown to father it. It will need a much better Bill than this, which is really one belonging to the honourable member for Waitaki, to effect the purpose he has in view. The honourable member for Waitaki, year after year, brings forward in this House a number of small Bills, with the object of which we all sympathize, but he seems to lack the expert knowledge necessary to put his measures forward in the best way. Now, so far as this Bill is concerned, it is entirely optional in its provisions. The terms suggested in it may or may not be accepted by the mortgagee. I think the probabilities are they would not be accepted. The mortgagee himself will say upon what terms he chooses to lend his money, and if the mortgagor does not choose to accept those terms, then he would have to seek elsewhere for the money he needed. Another thing I would like to point out is that the Bill professes to reduce the cost of mortgages. It will do nothing of the kind. The present position is this : The legal practitioner who prepares the documents, say, under the Land Transfer Act, is paid by a scale according to the amount of the mortgage-money. If this form of mortgage is adopted we are doing three-fourths of the work for the legal practitioner, and at the same time we allow him to charge the same fee as before for the preparation of the mortgage. Waitaki has not acquired greater knowledge on these points before assisting to introduce such a Bill as this into Parliament. It seems to me that, as the Bill is evidently optional, it will not matter much whether it is put on the statute-book or not ; but if it will satisfy the honourable member for Waitaki, and in any way effect its object, then by all means let it be placed on the statute-book. I was astonished to find the honourable member for Masterton getting up just now and saying he proposed in Committee to insert a provision that at the expiration of three years he would give the right to the mortgagor, upon six months' previous notice, to pay off the mortgage. I presume, therefore, from the same point of view, he would give the mortgagee the right to notify the mortgagor after three years had gone by, that, as the current rate of interest had risen since the agreement was entered into, he proposed to call in the mortgage-money or charge a higher rate of interest. So far as the provisions of the Bill with reference to insurance and the proposal that the policy of the insurance should be in the joint name of the mortgagor and mortgagee, I agree with the honourable member for Maitāura

that the policy of insurance ought to be in the name of the mortgagee. If the buildings are of great value, and the amount advanced on them is comparatively small, no doubt the mortgagee would agree that the mortgagor's name should appear on the policy. If the honourable member wants to carry out his ideas and reduce the cost of mortgages, he should put a scale of charges in the form of a schedule to the Bill, and insert a provision that his form of mortgages should compulsorily apply to all lands in New Zealand.

Mr. WILFORD (Wellington Suburbs) .- Sir, I shall not detain the House for more than one minute. I think I may say I am voicing the opinion of the whole of the lawyers of the House when I say this Bill will have their unanimous support. Last session, when the Bill was introduced by the member for Waitaki, every legal practitioner in the House got up and explained that his view was that the measure was a good one for somebody. The chief disadvantage is that the deed of mortgage under this Bill will not tell the mortgagor the conditions of his contract, because the plain mortgage itself does not in any way set out the conditions under which money is borrowed ; and, if the mortgagee exercises the power he is granted by the statute and the mortgagor feels aggrieved, the mortgagee will say, " Well, that is the law. It is part of an Act of Parliament, and if you want to find out what the mortgagee can do you had better go and look up the statute, and you will find the powers therein set out." If the mortgagor says, " Why not have it in my deed as formerly ?" he will be told the Act says it is not necessary, and that if he wants to know anything about it he will have to look up the statute. I may say that, as far as the implied covenants are concerned, the Schedule is in a way a copy of the Chattels Transfer Act.

<page>408</page>

nants are implied and set out in that Schedule, and the honourable member who made the statement was in error in saying it was uncommon for the buildings on any premises that are mortgaged to be insured in the name of the mortgagor and the mortgagee. I believe that in every mortgage where part of the security is the building it is always required by the mortgagee that the property shall be insured in the joint name of the mortgagor and the mortgagee ; and it is right that it should be, otherwise there are ways open to fraud that the House should not connive at. Well, Sir, I intend to support the Bill, not from the point of view that it will enrich myself-for as a matter of fact, it will do nothing of the kind - but from the point of view that the measure will do no harm and may help some. I may say that at present Land Transfer mortgage-forms are obtainable at the Land Transfer Office on payment of 1s. The form says on the face of it what is required to be filled in. On the third page there is set out the power of sale, which is also set out in this Bill. I believe that, as the member for Christchurch City has said, the Bill is perfectly harmless, and if the Minister in charge really desires that the Bill should be put through I shall support him, for the reasons I before stated. The mortgagee may be inconvenienced, but no real harm will be done to him. I do not believe that many mortgagees will use this power, for, as the mortgagor has to "pay the piper," the lender will, no doubt, conduct his business as of yore.

Mr. ATKINSON (Wellington City) .- Sir, I agree with the last speaker, and with the member for Christchurch City (Mr. Smith), that this is a fairly harmless Bill. I also agree with the member for Christchurch City that it was hardly worthy of the dignity of a Minister of the Crown to introduce it ; but I cannot agree in the amiable view of the same honourable gentleman that because it is a harmless Bill there is no reason why it should not be put on the statute-book. I think, however, that we are entitled to criticize somewhat severely the action of the Minister who has introduced this Bill in putting it before us in such a thoroughly perfunctory fashion. There was no explanation of the Bill clause by clause, and not even in general words was there any exposition of the policy that dictated, or may be presumed to have dictated, the introduction of the measure. Of course, we know that the real author of the Bill is the honourable member for Waitaki. On previous occasions that honourable gentleman has made it plain enough, as he did this afternoon, why he had been promoting the measure. He said it was with a view to assist the mortgagor, and to reduce the cost of preparing mortgages. Well, there is no doubt whatever that on that particular matter the

interests of the legal profession and the interests of the public are antagonistic. No doubt the legal profession is a great burden on the community. There are far too many lawyers, and their charges are Mr. Wilford might do in this House as a member of the House to reduce that burden I am in duty bound to do. But, so far as this Bill is concerned, I feel no conflict whatever between my professional interest and my duties as a member of this House. I quite agree with the member for Egmont and the member for Marsden, and, in fact, with the majority of the members who have spoken, that the practical effect of the Bill must be very slight indeed -hardly appreciable at all-notwithstanding the benevolent intentions of the member for Waitaki in originally promoting the Bill. Of course, the theory of the honourable member for Waitaki is really this : that the measure, if passed, will enable mortgagees to make their own mortgages, and therefore to dispense with professional assistance in the preparation of them. Unless that be the effect of it, then the Bill is going to have no effect, as far as I can see, except for the subsidiary matter of the last three Unless that is so the main or four clauses. provisions of the Bill will be practically inoperative. Mr. WILFORD .- The mortgagee would never take the trouble on himself for nothing. Mr. ATKINSON .- No; of course, the mortgagee would never take the trouble on himself for nothing. It would be for nothing, because at present the professional work costs the mortgagee nothing, being always paid for by the mortgagor. But, speaking from the standpoint of the legal profession, one is reminded that the most popular toast with the profession is " The jolly testator who makes his own will "; and if this Bill should be passed, another equally popular toast might be "The jolly mortgagee who makes his own mortgage." "Mortgagor " might well be substituted without detracting from the popularity of the toast. Mr. HERRIES .- You might mention the House of Representatives. Mr. ATKINSON .- Yes ; the House of Representatives is no doubt the greatest benefactor the legal profession have had in this colony during the last few years. But, Sir, from the standpoint of public policy, assuming that the Bill is going to have some practical effect, I wish to take strong exception to it. I regret very much that the Hon. the Minister in charge of the measure is not in the House at present, and I regret also that, though this point to which I take exception was expressly raised by me in the House last year when the Bill had been taken over by the Post-master-General, and he admitted there was something in it, he has paid absolutely no heed to it in the present debate. The main objection I see to the Bill is that it is setting up a sort of hybrid registration system between the two systems that exist now. There is the old system under the Deeds Registration Act, and the new system under the Land Transfer Act : A mortgage executed under this Bill will have the covenants mentioned in the Second Schedule, and may be registered under either system. There is, I see, some work for the lawyers in the first operative clause. What, I would ask, is the

<page>409</page>

Act "? Of course, at present a mortgage that is executed at all is, ipso facto, executed under either the Deeds Registration Act or the Land Transfer Act ; but, seemingly, the meaning of the words "executed under this Act " must mean "executed in the form contained in the First Schedule of this Act." Well, assuming that a mortgage were so executed, I ask, Is it a desirable thing, the Land Transfer system being simplicity itself, to introduce a hybrid system? Is it desirable to establish, in the interests of public policy, such a system ? I have spoken of the Legislature as being during recent years the great benefactor of the legal profession in the colony ; but there is no doubt, in passing the Land Transfer Act, the Legislature benented the .community at large enormously at the expense of the legal profession : The profits which the profession drew from the complications of the old system were greatly reduced by the very simple procedure and the security of title given by the Land Transfer system. One of the inducements which at the present time induce a wise owner of land to bring it under the Land Transfer Act is the lessened cost of dealing with land under the Act. If this Bill is going to have any effect at all it will be to reduce the cost of mortgages outside the Land Transfer Act, not to make the costs under the two systems equal ; and this distinction calls attention to another fallacy in the argument of the promoter of the Bill, for the mere

cost of preparing the deed is-I will not say a small part-but it is by no means the whole of the costs in connection with the preparation of the mortgage ; the investigation of the title outside the Land Transfer Act is often a very long, and therefore costly, business. But, speaking generally, the -cost of preparation of the deeds under the old system is considerably more than under the new. Now, if this Bill passes it will equalise the cost under the two systems so far as the mere preparation of the deeds is concerned. Is that desirable in the interests of public policy ? I submit it is not. It is in the interests of the community that all land should as fast as possible be brought under the provisions of the Land Transfer Act, and, if that is so, you will by passing this Bill be taking a retrograde step ; we shall be removing one of the inducements at present existing to have land brought under the Land Transfer Act. Instead of tending to make one system you will have created an extra one, and have given the more ancient one a greater chance of prominence than it appears to enjoy at present. I have here the Land Transfer Amendment Bill introduced by Sir Patrick Buckley in 1892, and members who turn to clauses 14 and 15 of that Bill will find that they provide practically for the compulsory bringing under the Land Transfer Act of all transactions subsequent to the Bill becoming law : - " And whereas it is expedient that all lands within the Colony of New Zealand shall as speedily as possible be brought under the operation of the principal Act, and that, until land can be fully brought under the provisions with regard to dealings with such land and the evidence of title thereto shall be assimilated as nearly as possible to that prescribed by the said Act, but without guarantee of title : Be it therefore further enacted as follows :- "Except as hereinafter mentioned, no instrument executed after the coming into operation of this Act for the purpose of creating, transferring, encumbering, or otherwise dealing with any estate in land shall be registered under 'The Deeds Registration Act, 1868,' if the person or any one of the persons executing such instrument for the purpose aforesaid was at the date of such execution entitled to maintain in his own name or in his own right an application to have the land brought under the operation of this Act." The very first conveyance of land executed after the passing of this Bill, if it had passed, would have given the purchaser a sort of provisional certificate of title under the Land Transfer Act, which in course of time would have matured into a certificate of title in the ordinary form. I will read a few words from Sir Patrick Buckley's speech in the Council in introducing the Bill,- " With regard to the second portion of the Bill, it was explained in the last portion of clause 14 that it was expedient that all lands in the colony should as speedily as possible be brought under the operation of the Land Transfer Act. It was proposed that when the Act came into operation there should be no further registration except under the provisions of the Act. Any person who had a title to land might adopt the simple mode prescribed in the Bill of going to the Registrar, and if the Registrar was satisfied that he had a title he would give him a provisional certificate. After the lapse of a certain time -- twelve years -he might then obtain a certificate of title granted under the Land Transfer Act." Though this may have been considered by the Council at that time too drastic, I would submit to the Minister that it is not in the interests of public policy that any inducement that at present exists to have the operation of the Land Transfer Act widened-to have more land brought under that system-should be removed ; and if this Bill is to have any effect at all it will be to lessen to a considerable extent one of the main inducements. I should like the Minister to explain whether the Government have considered this aspect of the question. Having considered the Bill a good deal last session, and this session again, this appears to me to be far the most important question of public policy touched by the Bill. In regard to the Schedule itself, no doubt the covenants set out in it approach much more nearly to those ordinarily in use than the covenants implied by the Property Law Act or the Land Transfer Act ; and in that respect perhaps the Bill may be considered to effect an improvement. But I would suggest that if the Government are satisfied that the covenants implied by virtue of the Land Transfer Act are now so out of date as to be obsolete,

3.30. of all, to leave the old system alone entirely with its present disadvantages, so that the owners of land might still have the present inducements to come under the Land Transfer Act ; and, secondly, to amend the Schedule of the Land Transfer Act, so as to make the implied covenants under the Land Transfer system agree with those ordinarily inserted in mortgages at the present time. If that were done, instead of adding a third system you would heighten the inducements to the owners of land to bring their land under the Land Transfer system as quickly as possible. With regard to clauses 5 and 6, I think they are distinctly an advantage. They provide for the amount of a mortgage being increased or reduced by indorsement on the mortgage ; also for the renewal or extension of the currency of a mortgage. Clauses 5 and 6 are really very valuable alterations in the present law, because a mere indorsement will effect what might otherwise be required to be done by a new deed. An Hon. MEMBER. - The same thing is done now. Mr. ATKINSON. - Certainly the same thing is constantly done. But, speaking technically, greater security will be given to transactions of the kind by this clause than they enjoy at the present time. As to clause 7. I think that will only improve the position of a man who has not brought his property under the Land Transfer Act, and therefore, on the grounds I have before mentioned, I shall oppose that clause. As the honourable member for Mataura has pointed out, the risk under the Workers' Compensation Act is certainly a risk which should be covered by the implied covenants in this Bill; but I think the better plan would be to abolish the risk altogether, and remove what seems to me to be the greatest blot on our statute-book of 1900 -- that is, the risk to which owners of land and the mortgagees of land are exposed under the Workers' Compensation for Accidents Act. However, until that is done it is desirable that we should guard against that risk, and that we should have some implied covenant with regard to that risk inserted in the Second Schedule, as well as the covenant for insurance against fire. Sir J. G. WARD. -- Sir, regarding the statement of the last speaker, that in introducing this Bill a detailed explanation was not given of the various clauses, I should like to say that when the honourable member has had a considerably larger experience of the House than he has at the present time he will find it is not a bad thing when introducing a Bill in this House to be as brief as you can. And, generally speaking, when a Bill has been circulated for a considerable time, and has been in the hands of honourable members, it is natural to suppose that each member has read the clauses of the Bill, and understands the intentions and purport of the measure just as well as the introducer of the Bill himself. My object when introducing Bills in this House has always been, while explaining their main objects and Mr. Atkinson's planations of the various clauses, and to, as far as possible, do this in Committee. Occasionally I have found it necessary to go fully into the details of each clause of a Bill, but my experience, when I have done that, has been that I have been met more especially in the case of some honourable members opposite by the statement that they found I was giving the details of clauses of a Bill which they already thoroughly understood, and that my explanations were altogether unnecessary and were more for Committee. This is a short Bill, and I can assure honourable members that it was not from any want of courtesy that I did not go more fully into it. On the contrary, I knew the House had already passed the Bill two or three times, and that it had been before the Statutes Revision Committee, and I contented myself with putting on record shortly and tersely what was intended to be brought about by this measure. I should like to say, generally speaking, I think the aim of honourable members ought to be to simplify as far as possible the system of mortgaging the land, and if the proposals in the Schedule of this Bill are not sufficiently full or clear to meet what is desired, I shall be quite prepared to accept any reasonable suggestions in Committee, with a view of having them made more explicit. Now, I do not believe if this Bill were placed on the statute-book it would clash with the ordinary Land Transfer system at all; and, in reply to the argument adduced by some honourable members that this being not compulsory it will not be much availed of, all I can say is that there is a great deal more competition now in the matter of lending money than there has been in former years. And those honourable members who think the mortgagor has to go

on his bended knees in order to induce the mortgagee to make any terms the mortgagee thinks fit are mistaken. A mortgagor can now go to a great many people to obtain money. And if a system more inexpensive, and not so difficult as the old one, can be placed at the option of mortgagors and mortgagees, there surely can be no harm done in having a simple, but adequate, schedule placed upon the statute-book as suggested in the Bill. Regarding that portion alluded to by the honourable member for Mataura, I see the point clearly, and I quite recognise that under the Workers' Compensation for Accidents Act there would be a clashing in the direction indicated by the honourable member ; but I think probably he would have heard the head of the Government state in this House that it never was intended that the clauses of the Workers' Compensation Act should apply to the farmers of this country. Mr. McNAB .- It might be a carpenter working on a building. Sir J. G. WARD .- All I can say is that the clashing ought to be avoided so far as the Second Schedule of the Bill is concerned ; and when the Bill has passed its second reading I will have the matter looked into with a view of seeing in what way the difficulty, under ordinary circumstances, can be overcome. I have no doubt.

<page>411</page>

tional implied covenant being put in the Schedule. As to the point raised by the honourable member for Bruce, regarding a joint insurance by the mortgagee and mortgagor, the honourable gentleman will see that there is a clause in this Bill where the option is given to a person to contract outside the terms of the Schedule entirely, and in that case a joint insurance by the mortgagee and mortgagor can be effected if they so desire. But I may say the almost universal practice now is for the insurance to be in the name of the mortgagee, and it is the best one. But if there are people who have an interest in properties such as the honourable member refers to, and who desire to insure in the joint names of the mortgagor and mortgagee, there is nothing in the Bill to prevent them from doing it. On the contrary, subclause (2) of clause 3 makes provision for it exactly as the honourable member desires. Sir, while honourable members have treated this Bill with fairness, and have given every credit to the honourable member for Waitaki, who was its author, I am surprised to find some of them seem to dissent from the Government having taken up a Bill which had already been passed in this House two or three times on former occasions, and which had been before the Statutes Revision Committee. I think it is the duty of the Government of the day, when private members have been successful in getting measures through the House more than once, to assist those members in getting their measures placed on the statute-book, as a member in his private capacity has not the same facilities for doing it as the Government itself has. If, Sir, as suggested-jocularly, I think-by the honourable member for Christchurch City (Mr. Smith) it is undignified for the Government to take up private members' Bills, then all I can say is that other honourable members may some day find themselves in the position of having passed a measure two or three times through this House and yet not having succeeded in getting it on the statute-book. They will, under these circumstances, no doubt be glad to avail themselves of what assistance the Government may be able to give them. In Committee I shall be very glad to give careful consideration to any suggestions honourable members may have to make. Bill read a second time. # HOSPITAL NURSES REGISTRATION BILL. Mr. HALL - JONES (Minister for Public Works) .- I think, Sir, that this Bill will commend itself to honourable members. It has seemed strange that while we insist upon people in other callings having the necessary qualifications and experience, nothing has been done in the direction in which this measure goes. We insist that no man shall work as a surveyor until he has been licensed, nor can others engage in a seafaring life until they are proved to be competent, and so in several other professions until they can procure portants matter of attending to the sick, however, no means are at present provided by the State to enable those engaged in this profession to produce evidence of their ability to carry out their important duties. The object of this Bill is to provide for the registration of those who at present possess the necessary qualifications and of those who may hereafter become qualified.

Each year those registered would have their names published in the Gazette, and any one requiring the services of a nurse could make sure of getting a competent nurse by a reference to this list. The Bill is not a lengthy one, and the clauses explain themselves. Its one object is to provide for the registration of hospital-trained nurses in New Zealand. There is no intention to interfere with any competent person at present acting as a nurse. The Bill provides that hospital-trained nurses now qualified may become registered upon producing evidence of their fitness. Clause 2 defines "hospital" as a public hospital within the meaning of "The Hospitals and Charitable Institutions Act 1885 Amendment Act, 1886." Section 3 provides for the registration of nurses, and that a copy of the register shall be published in the Gazette annually in the 1 month of January. Subclause (1) of clause 4 deals with the case of those who have been trained in the larger hospitals that issue certificates, and provides for their registration under certain conditions; subclause (2) provides for the examination of those who have served in the smaller hospitals, but who produce a certificate of four years' training; and subclause (3) deals with the cases that may arise after the passing of the Act. Those whom it affects will require to have three years' training as a nurse in a hospital, together with systematic instruction in theoretical and practical nursing, and must pass an examination from time to time held by examiners appointed under the Act. Subclause (4) provides for the registration, under certain conditions, of certificated nurses coming from other places. The remaining clauses are the machinery clauses required to give effect to the provisions of the Bill. I beg to move the second reading of the Bill. Mr. J. ALLEN (Bruce). - I do not know exactly what the object of this Bill is. One object of registration nowadays is to protect the public, and when I read the title of this Bill I assumed that its object was to provide that the public should be secured against bad nursing; that nobody should be placed in the hands of incompetent nurses. But, in my opinion, it does not protect the public at all, and is useless, and is as so much waste-paper. In fact, it is rather worse than that, because it imposes certain conditions upon those who expect to become good nurses, which conditions may or may not be fulfilled. If they complied with its provisions they would certainly be able to wear their badge; but if the Minister desires to better the condition of those who are at present hospital nurses he ought to go a step.

<page>412</page>

qualified be allowed to nurse. The Bill would then have some effect. The Bill provides for an examination and for registration. In one case it provides that every person who has had four years' training as a nurse in a hospital, and has passed an examination in theoretical and practical nursing by examiners appointed by the Governor under this Act, is entitled to registration. And then we come to the curious case of those who, after the 1st January, 1902, hold a certificate as having had three years' training as nurse in a hospital - these may also be registered, but without examination. Perhaps the Minister may say that the certificate gained in this case is equal to the examination. I do not know that it would be. I am referring to section 4, which provides that nurses may be registered without examination; while in the other case although a nurse may have served four years she has to pass an examination. Hold that if the examination is good in the one case it is good in the other. The Bill does not provide that although a nurse may be registered either she or the public is to receive any benefit. Of course, the Minister may argue that the fact of the nurse being registered would be sufficient inducement for the public to employ her. That may or may not be so. If the Minister wishes to do any real good he ought to go further. Although in two cases those desiring to be registered have to pass an examination, the Bill goes on to say that a certificate given after the passing of the Act by the medical officer of any hospital shall not entitle the holder thereof to registration unless a course of at least twenty-five lectures have been delivered in that hospital. I go further, and say there ought to be some kind of reward, and yet there is no reward in the Bill. What are these twenty-five lectures to be? I dare say the regulations will provide for that; but who is to deliver them, and will they be paid for delivering them? All these things, no doubt, are Committee

objections, but at least they deserve consideration. And when the nurse gets on the register what does she get? She gets a certificate, and the privilege of wearing a badge on her arm. But what is the good of it? I do not see the good of it at all; and I hope the Minister will go further with his Bill, and say that no nurse whatever shall serve the public as a nurse unless she has a badge on her arm, and a certificate in her pocket, and then we shall understand where we are. But, as it is, this Bill means nothing. It says there shall be a register of nurses, that the registered nurse is to be subject to certain penalties if she does not do certain things; but the nurse who is not registered, I suppose, is free to do as she pleases. What are these penalties? "Any registered nurse who is convicted of any indictable offence, or is proved to be guilty of misconduct, is liable to have her name erased from the register by order of the Governor in Council." Poor nurse. And then, I suppose, she becomes a common nurse, and not a registered nurse. Of course, there is the usual provision at the end Mr. J. Allen nurses are to be paid into the Consolidated Fund. I do not know whether this is another means of assisting the Consolidated Fund, but I do not think it will assist it. It is a worthless piece of legislation and not worth going to a second reading, and it is a matter of no consequence whether it goes on the statute-book or not. But for a Government that talks about having the power of initiation to bring down a Bill of this sort, to my mind, is absurd. Mr. PIRANI (Palmerston). - It is a satisfactory thing to find that the Ministry is recognising the necessity of providing some means for the examination and registration of nurses. While there is a great deal in what the honourable member for Bruce said against the Bill, I think the measure can be easily improved so as to make it a useful Act. In the first place, the provisions about what I may call the service certificates are not very clear. It is evident, by subclause (1) of clause 4, that it is the intention to issue certificates to nurses who have served a certain time in public hospitals when they can get a certificate of competency from the head-nurse or the matron. It is not very clear from the wording whether they would have to pass an examination as well, and I think the Minister might amend the Bill by making that plain. He might go a step further - not as far as the member for Bruce says, but, still, a little further than he has gone by providing, in the first place, that the authorities of public hospitals in the colony shall give preference of employment to registered nurses. It would give some inducement to nurses to qualify for examination and registration, and by assuring them that, at any rate, they would have the preference of public employment over nurses who are not qualified in the same way. If the Minister would consider these two points he would improve the Bill very much, and it would be of some use. I certainly think there should be some system by which the public could be satisfied that all nurses are fully qualified; but I doubt whether any member of the House is prepared to go to the length of saying that any nurse who has not passed the examination or got the certificate provided for in the Bill shall not be employed. Mr. BOLLARD (Eden). - I think this is a very useful Bill, and one that should have been placed on the statute-book years ago. The Bill will provide for a long-felt want if it is passed into law, inasmuch as there will be a register of properly qualified nurses, and when persons require the services of a nurse to attend any ailing member of their family they will be able to go to the register or to the Gazette and find out who are duly qualified and who are not. Now, there is a great difference in the examinations passed by nurses in this colony. In the hospitals of the four large centres the training provided for the nurses is very much superior to the training obtainable in the hospitals of the smaller boroughs throughout the colony. The four larger hospitals are affiliated, or the training there is affiliated, to the British Nurses' Association, and these are the only hospitals in

<page>413</page>

the colony that are in this position, so far as I know. In the Auckland Hospital, for instance, the nurses undergo a three years' course of training, and at the end of each year they have to pass an examination before a Board of doctors, and at the end of the third year they have to pass a very severe examination before a Board of doctors. And if they succeed in passing they get a certificate of competency signed by

the whole of the honorary medical staff, and by the Hospital Board, and by the matron or head-nurse, as mentioned by the honourable member for Palmerston. Now, Sir, the nurses who go through the four large hospitals are in a very much better position with regard to their certificate as nurse than the nurses in the smaller hospitals. The nurse who goes through the Auckland Hospital, for instance, obtains a certificate that gives her a status in any of the British dominions as a duly qualified nurse. The nurses trained at the Thames or the Waikato Hospital, for instance, are not in the same position. Mr. McGOWAN .- They may be much superior nurses. Mr. BOLLARD .- It does not matter. You take the case of a man who is supposed to be a veterinary surgeon. Unless he has got the necessary diploma he has no standing. You know that very well. Consequently, the nurses who are trained in the smaller hospitals have not the same chance with the medical profession and with the British Nurses' Association as those who are trained in the four larger hospitals that I have mentioned. This Bill provides that nurses trained at the smaller hospitals will have to undergo an examination before a Board of doctors, I presume, and if they succeed in passing that examination, then the Bill provides they should be placed in exactly the same position as nurses who have gone through the larger hospitals. I think it is a very useful measure, and one that will be of very great value to the public, inasmuch as the public will be in the position to know, if they unfortunately require nurses for the members of their families, where they may get duly qualified nurses. Such a provision is not made at present, and the public therefore cannot tell who are qualified and who are not qualified as nurses. It is a very good Bill, and I intend to support it. Mr. GRAHAM (Nelson City) .- I just want to say a word or two on this Bill. I think it is a very good Bill, and that it is going in the right direction. It will inspire increased confidence in the minds of people who have to place themselves in the hands of nurses, which many unfortunate people have to do. With reference to subclause (1) of clause 4, if there is any doubt, as suggested by the honourable member for Palmerston, as to whether the nurses who already hold certificates and have received systematic instruction in theoretical and practical nursing will have to pass another examination to entitle them to registration, I think that should be made clear, if it is not already clear. It appears to me that 5.0. the nurses do not have to undergo another examination. It is provided that they have to prove "that during her training she received systematic instruction in theoretical and practical nursing from the medical officer and matron." Mr. PIRANI .- How will they prove it? Mr. GRAHAM .- They can prove it by producing a certificate from the medical officer or the matron, or from the Hospital records. Another subclause dealing with the same thing under different conditions says, "and passes an examination." It appears to me, therefore, that it is not intended that they should pass another examination in the case mentioned in subclause (1). At any rate, I am of opinion that the point should be made clear as to whether that is the intention of the Bill as it now stands. With reference to subclause (1), I desire also, Sir, to say something about the time allowed to nurses to register. Nurses are to be enabled to register under this clause on payment of a fee of 10s., provided they make application to the Registrar on or before the 30th June, 1902; and I wish to point out that unless that provision is amended it will do an injustice to a considerable number of New Zealand nurses who may not be able to make application on account of their absence from the colony. They are absent, I may say, on a national duty. As the Minister himself knows, a number of trained nurses, who served for years in some of the principal hospitals of the colony, went in their official capacity to South Africa. They are, of course, gaining further experience there, and on their return to New Zealand, which may happen to be after the 30th June next, they will, unless the Bill is amended, be required to undergo all the unnecessary trouble of passing another theoretical as well as practical examination. I consider that would not, under the circumstances, be fair to them. I know several nurses from my own district who are now on duty in South Africa. One is the daughter of one of the Government "Whips" of this House. She is an excellently trained nurse. I know several other experienced and competent nurses in the same position, who have also had a long course of training. Now, I wish to point out to the Minister that this Bill, as drawn, would really prevent those

nurses from registering under the conditions of subclause (1). I know they do not intend to come back to New Zealand until their services are no longer required in South Africa. That may mean that they will return to the colony after the 30th of June next. I want to ask the Minister whether he will agree to an amendment of the Bill to enable these nurses to take advantage of subclause (1) just the same as if they were in New Zealand now. With that exception, I see nothing at all in the Bill to disagree with. I consider it is a step in the right direction, and it is one that, I am sure, will be appreciated by the public, and lead to a considerable amount of public confidence in nurses who are registered as compared with those who are unregistered. Mr. McGOWAN (Minister of Justice) .- Sir, I

<page>414</page>

would like to say a word or two to correct a wrong impression that might arise from the remarks of the honourable member for Eden in regard to the registration of the nurses of the larger hospitals which are affiliated with those of Great Britain. What the honourable gentleman says is quite true, but it might be thought from the honourable gentleman's statement that the nurses in these hospitals were superior to those in the smaller institutions. Now, such is the smaller institutions not the fact at all. also have examinations, carried out periodically, and it is by no means proved that the nurse is any the better because she is trained in one of the large institutions. The large hospitals produce a large number of nurses, and the likelihood is that after they have served three years they go to some other institution ; they do not remain long in one position, as they do in smaller institutions. In the smaller hospitals of the colony the same nurses have been engaged for years. They could hold a position in any hospital in the colony, and yet they have not a certificate that will enable them to practise their profession in the Old Country, as they have not served in institutions that are affiliated with the older hospitals. The result is that these nurses undergo an examination that is often more severe than that carried out in the larger hospitals. A number of people attend the larger hospitals for the purpose of receiving certificates, while they attend the smaller ones for the purpose of obtaining a livelihood. Some of the very best nurses in the colony are so employed. I simply wished to make these few remarks, Sir, to correct an impression that I thought might get abroad on account of the remarks made by the honourable member for Eden. Mr. BOLLARD (Eden). - Sir, I wish to make a personal explanation. It was not my intention to speak in any way disrespectfully of the nurses who are trained in the smaller hospitals. I wished to point out that in a hospital that is affiliated, such as the Auckland Hospital and as the other hospitals of the large centres are, the nurses have the "hall mark " on them when they get their certificates, and they do not require to undergo any extra examination. But in the smaller hospitals they will have to undergo an examination before they can be registered. I do not mean to say they are not equal. As I pointed out, a person may be very clever in her profession, but if she has not the necessary diploma she has no standing. Take, for instance, the nurses of the Thames Hospital : they may wish to get into the Auckland Hospital, but, notwithstanding that they may be very clever, they would have to commence at the lowest rung of the ladder and go through the whole course before they would be duly qualified. I do not wish to in any way disparage the nurses of the smaller hospitals. Mr. LAURENSEN (Lyttelton). - I wish to express my satisfaction with the Bill which the Minister has introduced, and I trust it will become law this session. As things are now, any woman can set herself up as a nurse, and she then assumes to herself the same status as Mr. McGowan a woman who may possess qualifications that entitle her to rank almost as a doctor. We know, of course, that a thoroughly trained woman, who has had experience and theoretical training, is in many cases better than a doctor. I was struck with some remarks made by the member for Bruce. He said the Bill was a small one, and not worthy of the Government. Sir, I consider it is the small things of life that are in most cases the most important things and the cause of the most far-reaching effects, and I hope the Government will not be discouraged in introducing measures of this nature simply because remarks of that kind are made by honourable members. It shows to what straits our old friends

Betsy Prig and Sairey Gamp have been reduced when their only champion in the House is the member for Bruce. For myself, I sincerely trust that the day when the nurse made her appearance in a plaid shawl, with a bottle of gin under her arm, has passed and gone for ever, and that we have come once for all to the days when nurses shall be thoroughly trained women, who shall hold diplomas, and be paid in proportion. The suggestion by the honourable member for Palmerston is an excellent one, that when, for the future, nurses are appointed to our hospitals they shall be, with the exception of a small number of probationers-which number can be defined later on-in every case women holding diplomas under this Act. There are certain clauses I should like to see altered, but these can be altered in Committee. I am pleased to see the Bill brought in, and I hope it will go through without a division. Mr. T. MACKENZIE (Waibemo) .- Sir, the last speaker was rather unjust to the member for Bruce. He did not in any way rise up to advocate the old system of nursing which caused so much pain and suffering to past generations ; he merely stated that he did not recognise any necessity for the Bill in its present form. He did not advocate, as the honourable member for Lyttelton said, nurses of the style of Sairey Gamp and Betsy Prig. I do not, however, agree with the honourable member for Bruce in the statement that the Bill is not necessary. I think it is highly necessary, and had the honourable gentleman studied the very able report of Dr. MacGregor on the development of nursing he would see that the time has quite arrived for some system of training and classification in order to secure proper nurses in our hospitals and for private nursing. He makes this clear. He refers to the old Sairey Gamp, but he goes on to say that already the lady style of nurse has passed away, and that women who go in for nursing now do so purely as a question of wage-earning, and how they can make a living. He states that a number of them are becoming mechanical and are growing hard, and not giving that attention to the minor details of nursing that is necessary. I am glad to think the Inspector has taken this view, because I know in some hospitals in this country patients do not receive the attention they ought to receive from the nurses. Although the old Sairey Gamp type may have

<page>415</page>

women who go in for this occupation and do not give that attention that patients are justified in expecting, nor what they would get from a homely elderly woman. I consider not only that they should receive a proper training, but in the selection of nurses suitable women of kind disposition should be selected. Dr. MacGregor says the staff have often not the opportunity of getting the best nurses. Very often members of the Hospital Boards insist on their friends being appointed, and this brings in the old wretched system that dominates everything in this country-the system of billet-hunting. This is not only prevalent in connection with Government departments, which, as every member knows, is the curse of the House-I venture to maintain that three-quarters of a member's correspondence is occupied by billet-hunters, and every kind of pressure is brought to bear on members to use influence with Ministers to get people into the Government service. I want to mention a case of indifferent nursing that has come under my notice in the Dunedin Hospital. An old man-a Highlander-went into the hospital and had an operation performed ; this occurred in the men's ward, and he received very kind treatment from the men nurses. After a time he became ill again, and was again admitted to the hospital, and, although he was not very ill, he, however, became worse. He told me he was not receiving proper attention ; he was suffering from an extremely painful bladder complaint, and he told me he was often neglected by the nurses. I thought he might have exaggerated a little ; he told me he suffered intense pain and sometimes at night groaned a little, and they threatened to turn him out, and on one occasion he said they struck him. He several times asked me if they could turn him out at night, and I assured them they could not. However, I was there one day when he was in great agony, and he told me they had removed all the conveniences such as ought to be there for a man in his painful condition. In consequence of this he had complained and received very severe treatment from the nurses. I became very indignant, and spoke

very strongly of such treatment when one considered what the institution cost the country. Two nurses were attending at the bed close by, and one of them came and said I ought not to listen to all he said. I replied that I had evidence of absolute neglect - that certain utensils ought to be there and were not there. The nurse then said the doctor objected to them being there during the daytime, and I said, " Surely when a man is suffering intense agony the doctor should know they ought to be there ?" The nurse then observed that we could not say she had been unkind to him, and on my asking her name she said, "Miss Smith." I at once remarked that he had always told me of her great kindness to him. It was the others he complained about, all except Miss Macdonald, and later on he pointed to another nurse who he said was good. As I had to go out of town I rang up a friend of mine who was acquainted attending this man, to tell him of the neglect and to see to several matters. In the meantime, however, the hospital nurses told their story to the doctor, and my friend told me that the doctor was very indignant that I should interfere, and wished to know who Tom Mackenzie was -he did not care for me nor for any one - and that I had no right to kick up a row in the hospital. My friend told him that he would see that Tom Mackenzie knew what he was about, and would see the patient got proper attention. The next time I saw this unfortunate patient he said the doctor had been there and that he had had a dreadful time. He had bullied him for complaining to me, and said that he cared nothing for Tom Mackenzie, et cetera. The man was reduced to a nervous condition. One could see that he would not recover. I wrote down his words, and I have corroboration for the statements I am making. He mentioned the names of the nurses who had been very kind to him-Miss Smith and Miss Macdonald. He was paying the cost of his own accommodation, and the indifferent attention he received was such as to be a very grave reflection on the conduct of the institution. You may wonder why I did not report the matter; I told him I would have the matter attended to at once, but he implored me not to do so now, as he was there under their power and he would only suffer more. I had arranged to take him away, but he was too ill to be removed, and I promised him I would not mention the matter before he died. I do not say he may not have exaggerated a little ; but I was there and saw that he did not get the conveniences that were necessary. When we reflect that this hospital costs €8,000 a year, and there are no more than a hundred patients in the institution, and the local bodies contribute enormously to it, I say the people of the country ought to get kind treatment in the institution. No doubt there are very many cases of kindness; but I have heard. although the case was not brought forward, there were cases in Wellington and other hospitals where elderly men suffering from painful diseases of a sometimes unpleasant nature are not receiving kind attention from some of the nurses. The patient I refer to in Dunedin was one of the kindest of men, and was one of nature's High- land gentlemen. I would not have it thought that anything like a majority of the nurses are indifferent to the patients. I believe the great majority of the nurses are extremely kind. But there are exceptions to this rule, and if Dr. MacGregor or Ministers succeeded in establishing a proper system of training for our nurses, and also inquire whether or not those nurses are naturally kind and of such disposition as to give attention to the patients, they will succeed in doing a very great kindness to the people of New Zealand. Mr. J. W. THOMSON (Clutha) .- Sir, the honourable gentleman who has just sat down has referred to the report of Dr. MacGregor on hospitals. There is a good deal in the report about the employment of women as nurses,

<page>416</page>

of the report that the Government have brought down this Bill. If so, they might have told us, because this might have had some weight with us in supporting the measure. The report is very interesting. It goes on to show that previous to the Crimean War though women acted as nurses yet they were not trained as nurses. Since that time, however, they have been trained, and that is due to a great extent to the influence of Florence Nightingale. It is only in recent times, therefore, that we have had trained nurses following nursing as a profession. It may be presumed that in nursing, as in other things, there are

degrees of ability. There are, no doubt, good nurses and bad nurses ; it is therefore very desirable, both in the interests of the general public and of the nurses themselves, that the capacity of each woman who follows nursing as a profession should be ascertained. In this way efficiency may be expected to reap its due reward. Training, however, is not everything in a nurse. She must have good sense, a kindly disposition, and many other virtues. Mr. G. W. RUSSELL (Riccanton) .- I think, Sir, this is capable of being made a good and useful measure. I think it is desirable that registration should be applied to nurses in order that the standard of the profession of nursing may be raised. What I do object to in this Bill is that it supplies registration only for one class of nurses, and that those whose lot has been cast in public hospitals will be placed in a superior position to other nurses, who may possibly have had an equally extensive experience of nursing, and who also may be thoroughly capable, but who would be pushed out in the race for occupation by those who happen to be registered. That, I think, is a blot upon the Bill. In the colony there are a number of nurses who, as I have said, have been following the profession of nursing for a number of years, and whom medical men employ from time to time. In many cases those nurses have attended the very excellent classes that are organized by the St. John Ambulance Society, have passed the examinations of that society, and have received certificates of proficiency. Apparently, unless they happen to have passed through a public hospital they are not entitled to register. Now, I sincerely hope, when the Bill is going through Committee, the Minister will be prepared to accept a new clause under which nurses who have not passed through hospitals, but who are able to pass any set examination that may be established under this Bill, and have had sufficient experience, shall be entitled to registration and to a certificate such as those nurses obtain who have passed through hospitals. I object very strongly to those parts of the Bill which levy a fee, in some cases of 10s. and in other cases of \$1, for registration. I cannot understand why the Ministry should feel it necessary to impose so large a sum on a young woman just starting in life as a nurse. If the Government were to charge some small sum, such as half a crown, it would be quite Mr. J. W. Thomson expense that will be involved ; because, having now a large Public Health Department, which employs a highly trained officer as its head, and district officers, who are medical men, it will be quite possible for the Government to obtain sets of examination-papers without paying large sums in the shape of fees to the examiners. I cannot therefore understand why the Government should demand so large a sum as £1 for registration. With regard to the general principle of improving the status of nurses, I think honourable members will agree that it is desirable, once this system of registration has been adopted, to extend the principle to some extent to the female attendants at lunatic asylums and other public institutions, because I find that in the Bill the word "Hospital" is defined as meaning only a public hospital. Now, I think the Hon. the Minister in charge of the Bill will know that there are a number of very excellent private hospitals of very high standing in Christchurch and Dunedin and other centres. Some of them, I believe, are in some respects superior to most of the public hospitals so far as their appointments are concerned, and I think it would be exceedingly unfair that women who have been employed as nurses in these private hospitals for years should not be entitled to register in the same way as those who have passed through public hospitals. Speaking generally, I think the underlying principle of registering nurses is a useful one. The introduction of this Bill may not be evidence of any great amount of Ministerial initiative, which the honourable member for Bruce deplored, but it evidences initiative in a certain direction, and it is possible, now that initiative has broken out in matters of social legislation, that it may grow, and we may have progressive developments of it. We have had a great deal of initiative in regard to land legislation, finance, and taxation, and a number of other things, and I welcome a further development in this direction. I shall support the second reading of the Bill, but I hope the Minister will agree to the registration-fee being reduced to 2s. 6d. I hope, also, he will agree that the advantages of registration shall be extended to those nurses who are outside the ordinary public hospitals. Mr. COLLINS (Christchurch City). - With the

honourable gentleman who has just sat down, I congratulate the Government on having introduced this Bill, and, with him. I regret that the present scope of the Bill will exclude a number of nurses who, perhaps, are quite as well qualified for the position of nurses as those who have passed through our public hospitals. Not that I have one word to say in disparagement of the nurses in our public hospitals, because I believe they will compare favourably with those doing similar work in any part of the world, but the interpretation clause distinctly excludes all private hospitals throughout the colony. Now, speaking of one of those institutions at any rate -- the one with which I am best acquainted, the Strathmore Private Hospital-I can say that it is a model of scientific perfection, and that the nurses

<page>417</page>

qualified for the work as are those nurses who are trained at the public institutions. This is proved by the fact that those nurses are in great demand amongst the medical faculty in the City of Christchurch. Then, of course, I know there are other well-conducted hospitals in the colony, but, in connection with this particular one, I would point out that for several years the operating room in this institution has been regarded as a model. I know that even in England operating rooms are being built and arranged on the model of that at Strathmore Hospital, in Christchurch. There is only one other matter to which I would like to refer, and it is the registration-fee - the proposal that those who are entitled shall be registered upon the payment of a fee of £1. I feel that this is a matter of some importance, and I should like to see the fee abolished altogether; but, at any rate, the amount of the fee should surely be considerably reduced. I cannot for the life of me imagine why the Government should wish to make revenue from the registering of nurses. The number may be considerable, and, if so, the amount might be considerable; but this registration will put the Government to no expense, it will not require any additional staff of officers, and, while acceding to the demand of their own Inspector-General for a standard of training among our hospital nurses, and for those who act as nurses generally, I cannot understand why the Government should impose such a registration-fee as to make it appear. . although I do not know that it is so --- that the Government desire to make revenue by this Bill. I hope the Government will see their way very materially to reduce the amount of the registration-fee: and if they will do that I feel quite sure the Bill itself will confer very great benefit not only on the nurses themselves, but upon the community which those nurses with so much benefit so ungrudgingly serve. I should like to say before I sit down that when the Bill gets into Committee I shall take the opportunity of moving such amendments as will give effect to the suggestions I have noted in my remarks. Mr. ARNOLD (Dunedin City) .- Sir. I wish in the first place to congratulate the Minister upon bringing down this Bill, which, I think, is in the right direction. It is well that we should encourage, especially in those who minister to the necessities of others, a spirit of emulation in that which tends to the welfare of the community; and I think if there is one calling more than another in which it is well that we should equal if not surpass other colonies and other countries it is in connection with the training of nurses. I think that the fact of nurses passing an examination and having registration certificates will cause them to study well, will cause them to practice well their noble calling, and will cause them to strive to rise higher and to excel to a greater degree than they would do otherwise. Therefore I am pleased that the Ministry has brought down this Bill, and I intend to vote for the second reading of it. Sir, it was VOL. CXVII .- 26. ment made by the honourable member for Waihemo, Mr. Mackenzie, this afternoon that I rose to speak at all. During the last two sessions that honourable gentleman has made one or two very strong and severe statements with regard to Dunedin and its surroundings. Last session we had what I call a very exaggerated statement with regard to the harbour, and I certainly expected that it would have been taken notice of by the Harbour Board before now ; and not many days ago, in this House, we had a severe statement made by him with regard to the Municipal Council in connection with their management of and the state of the Water of Leith. Such a statement should be treated with the contempt it deserves both by the Council and the members for the city. To-day

we had, however, a statement which we cannot deny, because it is impossible for us to disprove it, and it seems to have been made in all good faith. It is, however, so serious that I cannot let it pass unnoticed. We were told that in an institution which I am proud of, and which is one of the largest hospitals in the colony—we are proud of all our hospitals—I say we were told that in the Dunedin Hospital a man suffering very keenly was not only neglected by one of the trained nurses of that institution, but was also abused and punished by that nurse. Not only did the statement go that far, but we were told also that the doctor when spoken to upheld what had been done, and stated that an outsider—that is, the honourable member—had no right to interfere. If the statement be correct I can hardly find words to express my feelings with regard to it. I say, if it be true, an inquiry should have been held and an exposure made publicly. On the other hand, if it is not true, the statement should be denied publicly. We have had Royal Commissions to inquire into charges made against our public institutions of less importance than this. The honourable member says that he makes the statement on the authority of the patient himself. We know that there may be those in our hospitals who at times suffer keenly, and who imagine that the treatment they receive is not kind when it is the best they could receive under the circumstances. But the member himself says he saw that which pointed to neglect—that is to say, certain appliances or conveniences were not there which he himself knew should be there for the patient. Sir, that is going farther than a mere statement of the patient; but it seems to me that what is more serious still is the statement that, at the request of the patient, the honourable member promised that he would not mention the matter until the patient had passed away from this life, intending to show to this House that the treatment would be even more unkind if it were known that he had spoken to any outsider about the matter. I refer to this matter now so that I may in the first place lay emphasis upon the statement made by the member for Waihemo. If it is found that it is not correct, the authorities in Dunedin can note it, and, I hope, cause the member to be more careful in the future.

<page>418</page>

have had considerable experience myself of it, for the reason that I am continually meeting the nurses, the visitors, and patients that at different times have passed through the institution, and I can say this: that during my experience of some sixteen or seventeen years I have not come in contact with one patient who has been dismissed from that institution but that has spoken in the highest terms of the kindly treatment that they have received, and of the manner that they have been attended to I have heard very many say that they have been better attended to than they possibly could have been in their own homes. They have been thankful, though unwilling to enter the hospital in the first place, as some people are biased against such institutions—that they had entered that institution in their sickness. As I said in my opening remarks, although the member's statement will be circulated as a fact, yet I certainly think he must have been deceived by the statement made to him by the patient, and that the statement he made here this afternoon was either exaggerated by the person who communicated with him, or that he is now exaggerating for the purpose of speaking at all times against the city, which is next to the borough of which he is the Mayor. I think we might expect the honourable member to speak kindly of the City of Dunedin and its institutions, instead of, as he does, taking every opportunity of discrediting everything in connection with it. Sir, that was my chief reason for rising to speak this evening. But, coming back to the Bill, I think it is a good measure, and that it will result in the nurses being better trained, and, consequently, better able to follow their calling than they otherwise would be. Mr. FISHER (Wellington City).—I did not read the paper of Dr. MacGregor, spoken of by the honourable member for Waihemo, but experience teaches me that nurses, like poets, are born, not made. The setting-up of a nurses' guild such as is proposed by this Bill may increase the status of the nurses, but it cannot increase their ability. Then, there is the objection that the establishment of a nurses' guild may lead to the exclusion of very many experienced nurses who may not be able to pass some set cram test. There are many women in

this country - many within my own knowledge- who might not be able to pass a skilled professional examination, and yet I know them to be most efficient and capable nurses. The setting-up of a guild such as this would possibly exclude them. They are not of the "Sairey Gamp" class. They are women who have world wide experience of the ills not only of their own sex, but of the other sex. When the skilled aid of the physician has reached its limit and is of no further avail, then comes into play the natural talent of the skilled nurse. The nurse then in reality takes the place of the doctor. As to the exclusion of experienced women who would be barred by the setting-up of this institution of skilled nurses, I want to know how that objection is to be met. for in serious or critical cases the medical profession naturally Mr. Arnold nurses' guild, and on that list will not be found the names of very many women whose names I hold ought to be there. Then, a further possibility of exclusion is contained in the imposition of the fee. I agree with those members who ask, Why should there be a fee when the whole object is to aid and minimise the sufferings under which the hospital patient or any other patient labours? I have said that the tender care of a woman, her sympathy, her watchfulness in really dangerous cases of sickness. is frequently more to the patient than the aid of the physician himself. Could the tenderness and sympathy of a woman be better expressed than in the beautiful lines of Sir Walter Scott's "Marmion" ?-- "Ob. woman, in our hour of ease Uncertain, coy, and hard to please. And variable as the shade By the light quivering aspen made : When pain and anguish wring the brow A ministering angel thou." Sir, I do not, like Mr. Silas Wegg, drop into poetry in a mechanical way, but I recognise in those concluding lines the expression of a feeling which I, on very many occasions, have seen manifested by women who take an interest in their work as nurses, not for the payment they receive, but from the instinctive nature within them which prompts them to lend whatever aid they can to a suffering fellow-being in a willing and whole-hearted way. Well, Sir, I ask whether the honourable gentleman has considered the two classes-the claims of the trained, qualified, and certificated nurses who will have all the standing pertaining to the profession-for it will be raised to the dignity of a profession- and the claims of those who, on the other hand, will be equally qualified, but who will perhaps be barred from being called on in cases where their skill would be of the greatest use to the patient. I have known of guilds that have had conferred upon them powers of exclusion, where there were men excluded equally, and in many cases better qualified, than those who had become members of those guilds. I hardly see how that objection is to be met. I am glad to see there is no disqualification in the Bill. There is nothing which says that a person shall be barred from acting as a paid nurse notwithstanding that she is not possessed of a certificate from the institution. But I again call attention to the fact that it is a difficulty-a bar-in the case of those qualified women who may not be able to pass an examination, whose names will therefore not be on the certificated list, and whose names will therefore not be recommended by members of the medical profession, but who in many ways may be superior to some of those nurses who happen to have the badge and the attire of professional trained nurses. I do not wish to say one word in derogation of the professional nurses employed in our hospitals. While one may say a great deal in commendation of their services to the public of this country, it is not to be forgotten that many of them perform their duties in what one may

<page>419</page>

in the wards; but, as in the case of all other occupations, there are many extremely well qualified to occupy the position, whereas, on the other hand, there are many who are not. This is what may be called the mechanical view of the question. The honourable gentleman is entitled to all credit for having brought in the Bill. It is not marked by such a degree of perfection as I should like to see attach to a Bill of the kind, but, being designed in the best interests of those who suffer, nothing should be said in condemnation of it. Mr. HALL - JONES (Minister for Public Works) .- I have to thank honourable members for their remarks. With one exception, every member has expressed approval of the introduction of the Bill, and the one exception is the member for Bruce, who can see no good in the Bill, and no object in

its being introduced, and regards it as so much waste paper. But I think when he listened to the speech of the honourable member for Eden, who so fully understands the subject, in consequence of the position he occupies on the Board in Auckland, he must have recognised that he said a great deal that he had better have left unsaid. There are difficulties in connection with this as with every other measure introduced. One difficulty has been referred to by the last speaker ; but, as he pointed out, it is not compulsory for any nurse to register under this Bill, and, as to the question of the experienced nurses who might not be qualified or have the necessary *eram* or modern experience to enable them to obtain registration, the honourable gentleman, I think, supplied the answer. He said in some cases they were superior to the nurses who might have a certificate. The doctor would in most cases be the man who would have the selection of the nurse, and he would naturally recommend one who, in his opinion, was the best person to look after his patient. I think that is the solution that would present itself to any one. Mr. FISHER. - There are a few sick persons who believe in titles -- affixes and prefixes. Mr. HALL-JONES. - If that is so, then they could take their choice, the same as they would at the present time. When one considers that in many cases the doctor visits a patient but once each day, or every second day, and that the nurse is with the patient the whole time, it must be recognised there is necessity for the nurses being fully qualified to carry out the important duties they have to perform. With regard to the fees, I do not think they are too high. It is true, provision is made for the fees being paid into the Consolidated Fund : but the whole cost of the administration of the Act is to be paid out of the Consolidated Fund. An Hon. MEMBER. -- What expenses will there be ? Mr. HALL-JONES. - Fees have to be paid for examiners, and I may tell you that the fees indicated in the Bill will not be sufficient to meet these expenses ; and it must not be forgotten that every year the names of the regis- At the same time the matter is so urgent and the necessity for registration of qualified nurses is so apparent, as to warrant the expenditure under the provisions of the Bill. An Hon. MEMBER. - How many do you expect to register ? Mr. HALL-JONES. - Of course, one cannot say, but suppose at first there are fifty ; it will be necessary to have these fifty examined, and you cannot get examiners unless you pay them. An Hon. MEMBER. - There might be five hundred. Mr. HALL-JONES. - Suppose there are five hundred, you will require so many more examiners. It takes time, and you cannot get examiners unless they receive some fee. In some cases the staff of a hospital will be in a position to carry out the work of examination, but in other cases we shall have to appoint special examiners. The question raised by the honourable member for Christchurch City (Mr. Collins), the honourable member for Riccarton, and other members as to the position of the private hospitals is an important one, but the private hospitals do not come under inspection. If they came under inspection, and if the proprietors were prepared to conduct such establishments with properly qualified persons. I should see no objection to their coming under the provisions of the Bill ; but at the present time the private hospitals are not under inspection ---- An Hon. MEMBER. - They ought to be. Mr. HALL-JONES. - I believe they ought to be. I know that one in particular-at Christchurch-is one of the best hospitals in the colony- well built, well equipped, and well managed. But I will look into that matter before the Bill goes into Committee. The question was raised by the member for Palmerston that it should be compulsory for the Hospital Board to employ duly qualified nurses. These hospitals are under the control of the local bodies. That being the case, the representatives of the local bodies have a voice in their management; and I think it is better to leave the matter to the local representatives. If they think it desirable, they will insist on trained certificated nurses being employed. The Bill was understood by all honourable gentlemen with the exception of the member for Bruce. There is no doubt as to the meaning of the subclauses in clause 4. Mr. J. ALLEN. -- 1 was not doubtful. Mr. HALL-JONES. -- You did not give a proper interpretation of them. The 1st sub-clause of clause 4 provides that every person who holds a certificate of three years' training as a nurse in a hospital, and proves that she has received systematic instruction in theoretical and practical nursing- An Hon. MEMBER. - Without examination. Mr. HALL-JONES. - If they give the proof

they need not be examined. If they can produce evidence that they have the necessary theoretical and practical knowledge they need not pass an examination. Subclause (21) applies to the smaller hospitals, and not to the large

<page>420</page>

to the examinations to be held after the passing of the Act and for the coming year. Any reasonable suggestions made in Committee which will improve the Bill and make it a more useful measure I shall be only too pleased to consider. I beg to move the second reading. Mr. G. W. RUSSELL. - Will the 8.0. Minister explain what he proposes to do in regard to the point I raised as to allowing nurses who have not been in hospitals, but who are qualified, presenting themselves for examination, so as to obtain certificates and registration? Mr. HALL-JONES. - That is a large question, because one might pass the necessary examination and not have had any experience. If they could show experience, and also pass the examination, that would solve the question of private nurses as well as that of nurses in private hospitals. Bill read a second time. PROMISSORY OATHS BILL. Mr. McGOWAN (Minister of Justice). - Sir, this is a very short Bill, and a few words will enable me to show the reason for its being introduced. The object of this Bill is to remedy a defect which has been found to exist. As honourable gentlemen know, there is a large number of gentlemen in country places occupying the position of Justice of the Peace. The Commissions are regazetted with additions and alterations every two or three years, and this Bill is to provide that it shall not be necessary that these gentlemen should be resworn - that, having taken the oath once, it shall not be necessary to have to go a good many miles to a Stipendiary Magistrate to do so again. Clause 2 enables us to get over that particular difficulty. Mr. MASSEY. - Is it necessary now? Mr. McGOWAN. -- It is considered necessary now. There has 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 some other authorities do not consider it so necessary. However, I believe it is much better to set the matter at rest by having the position properly defined in the statute law of the colony, so as to obviate any difficulty or trouble. There are in the colony, I suppose, some 2,600 Justices of the Peace, and it is a very serious matter to re-swear all those gentlemen, as well as those who are ex-officio Justices of the Peace, such as Mayors of cities and boroughs, and so on. We find it would be necessary for them to be re-sworn; and when they have filled the position for a certain term I think it is unnecessary that they should be put to the trouble of being re-sworn, once having taken the oath. There is another difficulty - that is, under "The Justices of the Peace Act, 1882," a Justice cannot act unless he has taken the prescribed oaths, and it might lead to a good deal of trouble if, on the issue of a new Commission, no one whose name appeared thereon could legally act. Mr. Hall-Jones might lead to some very serious consequences; and, in order to put the question beyond doubt, I think it will be wise to pass this Bill. Members will see that in clause 3 we are simply bringing into law what has hitherto been the practice. It will be remembered that at the opening of the present session members were resworn, although some were of opinion that it was not necessary. Now, this simply makes what has hitherto been the practice the law: and the proviso says it shall not be necessary to call a special meeting of Parliament on the demise of the Crown. I think the Bill is exceedingly simple, and, as it is asserted to be necessary, I move the second reading. Mr. HERRIES (Bay of Plenty). -- The Minister has given very good reasons for the introduction of this Bill. It is quite conceivable, no doubt, that it is the advice of the honourable gentleman's legal advisers that the gentlemen holding Commissions of the Peace require to be resworn when a fresh Commission is issued. Apparently he is right, then, in bringing in this Bill, but I hope a fresh clause will be added by which all the acts of these Justices who have not been sworn when they ought to have been sworn should be validated. Because if the Minister is advised that they ought to have been sworn before they can act - and we all know that a fresh Commission was issued lately on account of the demise of the Crown - it follows if

they ought to have been resworn and they have not been resworn, and it is necessary to bring in an Act to rectify the omission, that there will have to be a clause put in validating all the acts of those Justices of the Peace who have not been sworn. I only call attention to this, because probably the very fact of this Bill being passed will create doubts in people's minds, and may give rise to legal actions as to the validity of the acts of these Justices. I hope the Minister will take the advice of the Law Officers on the matter, and see whether a validation clause is not necessary. I think, if you admit the principle that they ought to have been resworn, by bringing in a Bill, it will be quite arguable that they were never properly Justices of the Peace, and all acts done by them are illegal. Mr. G. W. RUSSELL (Riccarton). - Sir, I think the point raised by the honourable member for the Bay of Plenty is a very important one; but there is one other matter I wish to comment upon, and that is as to the constitution of the Commission of the Peace itself. I cannot help thinking that the preparation from time to time of the Commission of the Peace lists must be done in a most slipshod manner. I noticed it was stated in the Wanganui papers at the time the last Commission was issued that a number of persons who had been dead for years were reappointed to the Commission of the Peace. The same thing happened in the Province of Canterbury. A number of persons in that part of the colony who were appointed had been dead for a number of years when the last appointments were made. It does seem a surprising thing that when a Commission is

<page>421</page>

take steps to revise the lists, with the view of eliminating from it those persons who are incapable of fulfilling the duties. Another matter in the same connection that might be borne in mind is this : I believe it is the custom of the Government to hold over all recommendations that may be made in the way of Commissions of the Peace until some time, perhaps after a general election, and then a number of appointments are made : and this fact, coming after a general election, gives the appearance of these appointments being political, whereas I am sure in a very great number of cases they are not political at all. I think that if honourable members, or those who are qualified to recommend for the Commission of the Peace, were notified a month or two beforehand that the Government were going to issue - a Commission, they could supply the Government with lists of names of people they consider desirable. Speaking for my own district, I think it is necessary for perhaps five or six Justices of the Peace to be appointed in various parts of the electorate -- in fact, the public necessities require that this should be done. I was not aware that the Government were going to issue a new Commission after the general election, and consequently I missed the opportunity of sending in names I wished put on the Commission of the Peace. The appointments I desired made were absolutely necessary for the convenience of the public, and I propose at an early date to make certain suggestions of appointment to the Commission of the Peace. I think it is extremely undesirable that these appointments should be held over for two or three years before being completed. Mr. MASSEY (Franklin) .- Sir, the Minister told us that this was a Bill intended to remedy defects, and if there is any doubt as to whether Justices of the Peace should be resworn upon the issue of a new Commission it is necessary that the matter should be put right by legislation in the way that it is proposed to do in this Bill. But I want to tell the Minister of the peculiar experience of a Justice of the Peace in my electorate some few years ago. By a mistake on the part of the Justice Department his name was struck off the roll. I believe it was owing to the fact that a man of a similar name had died in the same district. However, this gentleman was struck off the roll, and he, in ignorance of the fact, went on performing the duties of a Justice of the Peace, sitting on the bench, and so forth. After the lapse of some two or three years the Justice Department discovered that a mistake had been made, and replaced his name on the roll. I want therefore to know from the Minister, when he is replying, whether it is necessary for that gentleman to be resworn-whether he should have been resworn when his name was placed on the roll the second time, and what is his position, and whether this Bill is intended to apply to such cases. I want to indorse what has been said by the member for Riccarton with

regard to the difficulty of getting suitable persons appointed as Justices of the Peace. So present time there are several large and important districts which are absolutely without Justices of the Peace residing therein, and the residents are in consequence put to inconvenience. I have made recommendations to the Minister, but without much effect. I have made a suggestion now across the floor of the House, and I hope the matter will be attended to at the earliest possible opportunity. Mr. W. FRASER (Wakatipu) .- I think this Bill is a necessary one, and I shall support it. I want, however, to say a word or two with regard to the delay that often arises in the appointment of Justices of the Peace. Great inconvenience arises from this fact : In districts where perhaps only one Justice resides, and that man happens to die, the district is then left entirely without the services of a Justice of the Peace. Unfortunately, when an application is made for a fresh appointment a delay sometimes extending to six months occurs. Why should this be so? I am not complaining of my requests for appointments being refused, but of the delay in giving effect thereto. In past years I remember that one or two persons used to be gazetted at a time. Nowadays you have to wait a considerable time until a new Commission is issued. Let me assure the Minister that this delay causes very great inconvenience indeed, and I hope he will take the matter into his consideration. There is no reason why a Justice of the Peace should not be gazetted at once, when such appointment has been shown to be necessary. I am sure my experience is that of many other members of the House. Mr. McGOWAN (Minister of Justice) .- I only wish to say, in regard to the case put by the honourable member for Franklin, of a gentleman who some two or three years ago was struck off the list because he was supposed to be dead, and when it turned out afterwards that he was not dead he continued to act, if his name was struck off the list his decisions would be questioned, as he was not a Justice duly sworn. If he was reappointed, I imagine he ought to be resworn ; and this Bill would apply to every case of that kind. Then, the general question of the appointment of Justices of the Peace has been raised, and the honourable member for Wakatipu complained that after the death of a Justice of the Peace his successor was not appointed speedily enough. Now, I remember some years ago there was a good deal of comment in this House upon the Justices of the Peace throughout New Zealand. They were set upon not only by members of this House, but also by the Press of the colony. Sir, the Justices of the Peace are a body of men who do a great deal of useful and important public service, and very often get little thanks for it. It has always been my aim that only men well qualified for the position should be appointed, and I am not going to take the responsibility of appointing gentlemen to take the position of one who has died immediately on the death occurring. It is my duty to make some inquiries first, because it is

<page>422</page>

only by inquiry that I am able to find gentlemen who will be a credit to the position and to themselves; and that is the only reason for the delay that takes place. In a young country there must always be these difficulties in regard to Justices of the Peace. In the first place, there are men whom the public are anxious should become Justices of the Peace, but who do not desire to fill the position. Those are generally the best men for the position. Then, there is another class of men who are anxious for the honour, which they should never get, and, unfortunately, those are the men who so often approach members of Parliament in order to get themselves appointed. Of course, a member of Parliament feels it his duty to speak to the Minister, and if he (the member) considers the applicant a fairly suitable man he recommends him for the position. It then becomes my duty to make inquiries, and if I find that the applicants are not satisfactory it is not my duty to appoint them. Mr. FISHER. - Who do you inquire through ? Mr. G. W. RUSSELL .- A policeman. Mr. McGOWAN. - The honourable gentleman, who is prepared to give a reply upon every question under the sun, has replied to the honourable member for Wellington City that I make inquiries from a policeman. I may tell him that I make inquiries from the proper source. If I did make inquiries from the wrong source, and if I make mistakes, members have every right

to complain, and I am quite prepared to take the responsibility and bear the blame. Bill read a second time. YOUNG PERSONS PROTECTION BILL. Mr. HALL - JONES (Minister for Public Works) .- Sir, some two years ago we had a Bill very similar to the one now before the House, and, while it is called a Young Persons Protection Bill, it actually means a Neglected Young Persons Protection Bill. Those who go through the streets of our cities and larger centres of population of an evening will have seen many cases of boys and girls of tender years prowling about the streets at unseemly hours. In many of these cases -- I venture to say, in most cases -the parents do not properly look after their children's welfare, and if the parents of these children neglect their duty we have a duty cast upon us, and that is to see that provision is made so that these children shall not be wandering about the streets getting into all sorts of trouble and mischief, and perhaps ruining their future lives. Sir, the Bill is very simple in its nature, and some of the objections which were made when the proposal was last before the House will not apply here, the matters objected to having been eliminated. This Bill has passed the Legislative Council, and comes to the House in almost a complete form. If the House were to accept the Bill as it is and pass it en bloc, I do not think it would go far wrong. Now, the simple provisions of the Bill are that a "young person" is defined as a boy or girl of fourteen years of age or under. I believe the last Bill fixed a Mr. McGowan higher age. The Bill only applies to certain districts where it is brought into operation by Order in Council, and the district must comprise a complete borough or a complete county, as the case might be. Then, the object of the Bill itself is contained in clause 5 : - "Where any Protection Officer finds any young person of either sex habitually loitering in the streets or out-of-the-way places at unseemly hours (meaning thereby between nine o'clock at night and five o'clock in the morning), and has reason to believe that such young person is there without proper control, or for immoral purposes, the following provision shall apply." Now, I venture to say there is not one member of this House who would suggest that a child under the age of fourteen years should be in the streets at these hours and without proper control, or there for immoral purposes, and not one but would try to save the children from that to which such conduct would lead. Well, in the event of a child being found there, the matter is one for the Protection Officer to deal with. These officers may be men or women. For a first offence a child is taken home to its parents, and the parents are made acquainted with the fact that the child was out at these late hours, or was doing something wrong. If when first questioned the child gives a satisfactory explanation, the child is allowed to go; but, if the Protection Officer is not satisfied, he then takes the child home and reports the matter to the parents. For a second offence a young person is taken to a place called a "shelter." It would be improper to take them to gaol, and a shelter would be a place provided for the purpose. It might be a building specially set apart, or a part of some building used for some other purpose, to allow of the children being lodged there until such times as other arrangements can be made. For the second offence, when the child is taken to the shelter, and if the person in charge of the shelter and the Protection Officer concur, the child may be detained there until it can be brought before a Magistrate. That would only be done in serious cases, or in cases where it would be wrong to allow the child to be taken to its home-for instance, where the parents were not well conducted and the child would not be properly looked after. Then the child would be retained at the shelter, and, according to the circumstances, dealt with by the Magistrate. For a second offence the officers might not deem it necessary to bring the child before a Magistrate; it might be taken home to its parents the same as for a first offence ; but for subsequent offences provision is made that a child taken to the shelter must be detained there until brought before a Magistrate. There are simple provisions in the Bill with regard to the "shelter" and the Protection Officers, the age of the children, and the offences for which they may be taken to the shelter or dealt with otherwise. Section 6 provides that any Protection Officer may search premises where he has reason to believe children are harboured for immoral purposes.

object to that provision. Clause 7 provides the procedure when young persons are detained in a shelter; and clause 8 provides that in aggravated cases not only is the child to be brought before a Magistrate, but the parent also is to be summoned to appear before the Magistrate, who is to deal with cases where the parent is responsible for the child having become uncontrollable, and, under this, parents will be liable to extreme penalties if they do not as far as lies in their power provide for the children under their control conducting themselves properly. Clause 11 provides power to search for boys apparently under seventeen years of age who frequent places known to be occupied by immoral persons and where gambling is carried on. They will be dealt with in a similar way to that adopted in the case of boys of tender years, with the exception that they will be brought before a Magistrate. That will happen only in the case of their being found in houses frequented by prostitutes or in gambling dens. Clause 12 provides that any parent or guardian of a girl under the age of eighteen years knowingly allowing her to visit for any immoral purpose any such premises as are referred to in section 6 shall be liable to a term of imprisonment not exceeding two years. The remaining clauses of the Bill are machinery clauses to give effect to the part of the Bill already referred to. Honourable members who have studied this question will recognise that there is necessity for something being done in this direction. If the matter is not taken in hand we shall, in the near future, see the bad effects on the youth of the colony as they advance in life. Mr. WILFORD (Wellington Suburbs) .- I agree with the principle of this Bill, but I object to certain of its provisions. One has only to look at the interpretation clause and clauses 4, 5, and 6 to see how loosely the measure has been drawn. I cannot understand how it happened that, in the debates on this Bill in the other Chamber, attention was not drawn to the drafting of, I might say, almost a third of the clauses. I propose referring firstly to those clauses which entitle women to act as policemen. I do not believe in policemen in petticoats. I do not think the power the policeman has under this Bill should be given to women, nor should it be proposed in any other measure to give such power to them. We admire and reverence women because they are women. When they put on the breeches we change our opinion. I feel that this particular clause will be viewed with a great deal of disfavour by women as well as by men; and just fancy the idea of having women who had been created policemen by virtue of this Act parading the town up till four and five o'clock in the morning looking after children in the slums. Just let the Hon. the Minister in charge of this Bill fancy that. The Hon. the Minister need not interject; he may annihilate me, and absolutely wither me up when he replies, if he is able. Just imagine women being appointed what are called in clause 5 "Pro- will be to take the steps provided by the sub-clauses of clause 5, where they find any young person of either sex "habitually loitering" in the streets or in out-of-the-way places at untimely hours, meaning thereby between nine o'clock at night and five o'clock in the morning. Now, it is all very well for ladies to be travelling the streets at afternoon-tea time, and up till nine o'clock; but when they start rampaging about at nine o'clock at night and keep going till five in the morning for the purpose of running in loitering children I think the whole thing is a farce. Then, we have no definition of what "habitually loitering" is. Let us now consider the interpretation clause. In clause 2, "young person" means a boy or girl "apparently" not over the age of fourteen years. Now, what is "apparently not over the age of fourteen years." It takes a very clever judge of character or age to tell the age of a child between thirteen and fifteen, and I would like to know how any "Protection Officer" appointed under this Act is going to decide for herself or himself whether a young boy or girl seen about in the streets is to be run in as only "apparently not over the age of fourteen years." Again, the gravamen of the offence is, according to the Bill, "the habitually loitering in the streets or out-of-the-way places." Now, what is the meaning of that? Is the "discreet woman" to have a circuit allowed her in out-of-the-way places? As far as the cities are concerned, out-of-the-way places are just the kind of places into which I hope no woman would venture after dark. The reason why these Protection Officers are required in a city is because there is, unfortunately, an absence of parental control. The reason that children are seen in the City of

Wellington at the early hours of the morning, as reported to the police officers, is because there is an absolute lack of home comfort and home control. If home is made pleasant to a child, or if parents exercise that influence over their children which they should exercise, there would be no wandering. But, so far as the City of Wellington is concerned, the history of the Courts show plainly that a Bill of this kind is required. In the present state of the galleries it is impossible to place on record the state of things that has been proved to exist. I need only refer to the hulk cases, and to other cases that have come before the Supreme Court within the last few years. I could convince any honourable gentleman who has qualms on the subject that there is a necessity for the Bill. There is the evidence on oath of the children themselves as to the state of things that exists. Sir, there are bands of children in this city who sally out at night ; they meet at different places by appointment, and then separate to meet again. There are children who travel round in the early morning or late at night and behave in a disgraceful manner, and there is evidence to show that the Police Force as it is at present constituted is unable to cope with it. There has been no way in the past of punishing the parents of these children, though in

<page>424</page>

nived at the wrongdoings. The fathers and mothers of the children -- there are cases of the kind on record -- have been proved in some instances to have shared the proceeds of the infamous way in which these young children have lived. I do not know what good could be done by suggesting that women should enter on this crusade for the purpose of remedying this social evil ; but I do say that if some power is given to the Protection Officer, he being a male, as is set out in the statute, then good may be expected to result. Subclause (1) of clause 5 provides that the Protection Officer may "question the young person as to his name, abode, parents, or guardians, and his reason for being abroad, and may in his discretion report the occurrence to the parents or guardians of the child." Again, " If the answers are not satisfactory the Protection Officer shall accompany the young person to his home and hand him over to the person in charge thereof, and report the occurrence to such person." That act, it seems to me, must be taken as a warning to the parent or guardian. When the Protection Officer reports the young person to his parent he is to be considered guilty of a first offence. and if he offends again, then the law will deal out the penalty to him. I may say that, in my opinion, the penalty is too heavy. Section 9 says, - "In every case where the Magistrate finds such young person to be not under proper control, each of his parents or guardians is severally liable to a penalty not exceeding ten pounds, or to imprisonment for any period not exceeding three months." I admit that when the statute says " not exceeding ten pounds " the fine may be limited to 1s., but I may tell the honourable gentleman in charge of the Bill that the presiding Magistrates or Justices look to the amount of the penalty which is the maximum in order to decide what penalty to inflict. If you find a penalty of £100 in the statute, it is absolutely impossible to get any Magistrate to fine anything like a small sum. They say that the Legislature has considered the offence a severe one, and that it must be met by a severe penalty, and consequently a large fine follows the conviction. Then, subclause (3) of clause 5 says, " If the young person has been previously dealt with under the last preceding subsection the Protection Officer shall forthwith take such young person to a shelter." That seems to be a good idea. It is an innovation, but I think it is the right one. It would, at any rate, have the effect of pointing out to the parents and to the children that the law has an eye upon them, and that the State intends to prevent habitual loitering at unreasonable hours. Sir, I could give heart-breaking instances to members of the House. I could introduce into this House instances of young girls -- I know of some in my own mind - who have come into the town from the country ; they have got into the Chinese dens and the opium dens ; they have got about the streets, and have gone to ruin. I cannot particularise on account of the state of the Mr. Wilford stand my position. At any rate, I say I could give instances to members to prove that something should be done to help these children from falling, for children they are. Of course, nobody outside has any idea of what is going on. I hear people

saying this kind of legislation is an absurdity. A sceptic will exclaim, " I have been in the city for so-many years : I have seen nothing of all this: I cannot believe such a canker -such a sore - exists." I always reply to gentlemen who talk in that way in these terms : " Your probable beat is from your house to your office and from your office to your house ; you do not go where you can see these things." How many people, for instance, going from Lambton Quay to Cuba Street at night-time, walk by way of the reclaimed land ? How many people go into the by-ways and streets known to be of low repute ? Very few; and that is where you see these sad sights; you do not expect to see them garlanded and festooned in the light of day. They live and flourish in darkness, where there is no brightness. I know the evil exists ; I know there is a necessity for some legislation to cope with this evil. Whether this Bill will have the effect of curing the evil I do not know; it is an experiment, and, like all experiments, has to be tried before we can guarantee a success. Turning again to the question of women Protection Officers, I do not believe the women of this colony desire that they should be placed in the position of being Protection Officers or Inspectors ; I do not think they themselves have asked for it ; and I think if any ladies or women - I think they prefer to be called women-have asked the Minister to introduce the clause to allow women to go round in this way, honourable members will be much astonished. I hope the Minister, when he replies, will tell us whether he has been urged as I suggest. I do not consider women should have that power. I am one of those who never had the opportunity of voting for the female franchise, but I know the benefits of it. My constituency never re- turned a Liberal member until women had the franchise, but when the ladies in my constituency had a vote everything was easy. I myself believe it has been a complete success. But I do not believe for a moment they desire this power should be given them, and in Committee I intend to vote for the elimination of the clause. The very hours mentioned in the Bill are, to my mind, prohibitive of women acting in this position. Again, how is the female Protection Officer to be distinguished ? Would she wear a uniform ? Would she have a badge with a number? Would she have some kind of cap with a gold rim, or how would she be distinguished ? She would be in ordinary dress and attire. If, then, she is in ordinary dress and attire, look at the door it would open to fraud. We know at the present time there are young girls straving about the streets with no one to look after them, and they are very often entrapped by scheming women - bad, low women. What a weapon this Bill would be in their hands if all they

<page>425</page>

streets till four or five in the morning and then say to some young girl, "I am a Protection Officer ; what is your name ? Where do you live ? "et cetera. Then they could invoke all their powers of persuasion, and the young girl in many cases would easily fall a victim. Look at the abuses to which it might lead. Let me say one thing more before I conclude, and that is this : Clause 12 is a very good clause indeed. I cannot read it for reasons that are obvious to honourable members, but I congratulate the Minister on introducing it ; it is necessary. As to clause 13, it is simply a machinery clause. Clause 14 I do not think need have been put in the Bill, because I believe the law as it at present stands is sufficiently comprehensive to meet all requirements as far as its machinery is concerned. I congratulate the Minister in charge on introducing the measure. I believe a great number of amendments will be moved in Committee in the way of amending the wording of clauses ; but I hope members will allow it to have a second reading, because I honestly and conscientiously believe it will do good. Mr. ELL (Christchurch City). - I have listened with very great pleasure to the remarks made by the Minister in introducing this Bill, and also to the remarks of the honourable member for Wellington Suburbs. I am glad to see that the honourable member for Wellington Suburbs is taking a decided interest in social as well as in economic questions, and that he is prepared to take an active and intelligent interest in questions of social reform, and I hope that will be the case with more young New Zealanders who may come into this Chamber. Though on many questions of social reform he and I differ, and he thinks that I am wrong, with regard to this question I entirely agree with him as to the necessity for a Bill of this description. But I differ from him

with regard to its being unseemly for women to take up this work, for this reason : that women have engaged in it in Christchurch. I do not know what has been the case in this town, but as far as Christchurch is concerned women have engaged in the work there, and with very good results indeed. Mr. GUINNESS .- Why interfere with them ? Mr. ELL .- Those connected with that work . have not the legal power, and that is what they feel very much indeed. Ladies have been engaged in this work, and have visited some undesirable resorts in Christchurch, and have assisted in taking young girls out of those places, and have assisted in setting them on a better road in life. They have carried on a most useful work, and without degrading themselves in any way by doing such work. Some people say that such work is undignified for ladies, and that the police should do it. An Hon. MEMBER .- That is what they are for. Mr. ELL. - Just so ; but, although there exists now in our law a power which enables a policeman without warrant to take charge of any child that he finds in a house of ill-fame, my experience has been this: I have been working on a Council of a society carrying on this work in Christchurch for some years now, and taking an active part in it, and I find the police are reluctant to take up this very necessary work. I know of one case where it took the society I speak of three months before we could get the police to take two children out of a house which was acknowledged to be anything but a desirable home for two girls, both of them being of school age - that is, under thirteen years. I know of another case where it was reported to the police that a poor little child was living with its mother, a woman of dissolute habits and a confirmed drunkard. I reported the case along with another member of the committee, but the police did not take action, although we ourselves had searched and tried to discover the whereabouts of the child ; but after some delay the police took up the work. We had frequently to bring cases under the notice of the police, but they said they had enough of other work to look after in the detection of other crimes, and they said they had no constable they could set apart for this particular work. We urged this-and I am sorry the Department of Justice did not agree with the society : that the department should appoint a mission constable to assist the society -there is a similar society in this city for the protection of women and children. But the department did not see its way to do that. I say it would be a material assistance to these societies, and I still think so. The evil does undoubtedly exist in the large cities, and there should be a constable who could be at liberty when the necessity arose to take up work of this description. I hope the Minister in charge of the department will take the matter into his earnest consideration, and see if it cannot be done. It may involve a little expenditure, but I do not think-in fact, I am certain that the public would not object to it. They would be rather glad that assistance was rendered in this way. That there is a necessity for the Bill I know, so far as my own town is concerned. Any one who passes through the streets of Christchurch at late hours at night will see girls of fourteen, fifteen, and sixteen hanging about in dark corners, and in the recesses of shop-windows and other parts, and they are gradually drifting into a life of crime. It is that age which is the most dangerous age; it is the age when some authority wants to be put into operation to check them on their downward path. It is all very well to say it is the duty of the parents. Granted, it is a responsibility that rests with the parents; but when the parents do not realise their responsibility, then, as the Minister says very rightly, it is the duty of the community to step in and say that through the neglect of their parents these children shall not drift into a life of crime and wrong-doing for the rest of their days. Unfortunately, we have too many parents who are careless of the whereabouts and of the goings and comings of their young people. I have seen them out at night at half-past ten

<page>426</page>

member for Bay of Plenty says, " Good gracious." Well, Sir, I hope that, seeing our Judges are complaining of the growth of crime amongst our young people, and that the Magistrates complain about the growth of crime among young people, and that the honourable member has taken up his residence in this country as a citizen, he is not going to treat lightly a question of this description, and laugh and

ridicule what are absolute and plain facts. I do not mind ridicule, because I am a little thick in the skin so far as ridicule is concerned. Now, Sir, I hope the Minister will agree to fix the age at sixteen years, and not fourteen. An Hon. MEMBER. - Make it fifteen years. Mr. ELL. -- I will accept fifteen years as a compromise, but I would prefer sixteen. Then, Sir, in regard to clause 11, which gives power to the police to enter and search any house or other premises occupied or frequented by prostitutes or gamblers, that applies only to boys ; but it should also apply to girls, and give the police authority to search in cases of girls drifting into places of ill-repute. There is just one matter I should like to refer to in regard to our young people. Perhaps it may be a little outside this, but it is just as well to touch upon the various phases of this question. I now wish to refer to the duty of our local bodies in this respect. Only last week at half-past one o'clock I was on one of the vessels in port when two little lads came up to sell papers. I asked one what his age was, and he said seven years and a half. "What standard are you in?" I asked, and he replied, "I do not know." "What class are you in?" I asked: "I do not know," was the response. I asked the other boy what his age was, and he said ten years and a half. "What standard are you in?" I asked. "The second," he said. "Have you been to school to-day?" I asked, and he said "No." I simply wish to mention this fact as showing that there is some necessity for the local authorities - either educational or city -- by establishing by-laws, as they have in many towns in the Home-country and as they now have in Christchurch, to exercise control over the street-trading children. Members must have remarked themselves that there are more small children-boys and girls -- selling papers on the streets here, and sometimes late at night, than in any other town in the colony. It does not reflect credit on the municipal authorities, and it is high time we had by-laws in operation here, as we have in Christchurch, to restrict trading by children. Unless they are decently clad and have had a decent schooling they ought not to be allowed to trade, and then only up to a reasonable hour at night, which can be definitely fixed. That will go a long way towards preventing many lads starting on a downward course. It is not the most desirable thing that young boys and girls should be running in and out of hotels, billiard-rooms, and theatres selling literature, some of which I do not consider very high class. I shall cordially support the second reading of the Bill, and I trust that in Committee the amendments will be made that I Mr ELL power to go into undesirable resorts and take out girls as well as boys whom they may find there, and also that the age may be raised to sixteen years from fourteen. Mr. FISHER (Wellington City) .- I think it about time we woke the House up, or we will soon all be dead. It is clear the Government is not ready with the business of the session, otherwise the honourable gentleman who introduced this Bill would not ask men of robust mind to waste their time discussing such flap-doodle as this. The last two evenings have been wasted discussing measures of no consequence whatever to the State. As I say, the clear reason is that the (Government is merely killing time because of its unpreparedness. Again, I ask, why is this Bill introduced? And that question brings me at once to the remarks of the honourable member for Wellington Suburbs, who says he deems this Bill to be a necessity. In consequence of what? In consequence, as he says, of the immoral condition of the juvenile population of Wellington. Now, Sir. the honourable gentleman displayed a surprising knowledge of the haunts and vices of the immoral and degraded classes of this city. I was surprised at the completeness of that knowledge. I would not care to have passed through such associations myself. But, Sir, I utterly deny the existence of such a condition of things as the honourable gentleman described, and I will give to the House the opinion of men whose duty it is to inquire into matters of this kind, and to probe them to the very bottom. In dealing with this branch of the subject, I leave out of consideration the persons belonging to the "social purity society" -- the poke-your-nose-into - other - people's - business society, or whatever you may choose to call it-for I deny the right of these people to invoke the aid of the State to carry out their whims and fads. Why do not these prudes content themselves by giving public expression to their views and intentions as members of a private association? Why should they be privileged to invoke the aid of the Legislature to give effect to

what they deem to be the proper method of managing the morals of the community ? I am quite aware that the Ministers' Association of Wellington and the ladies of the social purity society point to me as an ogre, a monster, a something to be shunned and avoided by the juvenile population of the city ; but all the others of the people of Wellington know that, like the late Professor Blackie, I have an inborn hatred of cant and humbug : and I go so far as to say that among the great bulk of the population of this city my opinions on the subject of the morals of the people carry as much weight as if they were expressed from the pulpit, or from the platform of the social purity society. Now, in 1897 a similar agitation was started in Wellington to What that which has been set afoot now. happened then ? The agitation was the result of six cases of indecent assault which were brought before the Supreme Court. These six cases were deemed by the social purity society sufficient to justify panic legislation. Represen-

<page>427</page>

liament. A Select Committee was set up, and a Young Persons Protection Bill was introduced. Absurd! Worse than absurd that the Parliament of this country should be asked to seriously discuss such a subject upon such grounds. Now, these were the cases which gave rise to the agitation in this city in 1897 :- Charles Cripps and Defiling children. Minnie Brown Verdict : Guilty of indecent assault. Sentence: Twelve calendar months. William Frederick Defiling a child. Morris Verdict : Guilty. Sentence: Two years' imprisonment. Alfred Percy West- Indecent assault. Verdict : Not guilty. Indecent assault. Verdict : Not guilty. Indecent assault. Verdict : Not guilty. Henry Hodgson Indecent assault. Nolle prosequi entered. There were two convictions and four acquittals. Now, here we have another agitation. And what is it based upon ? It is said that there is another eruption of indecent assault cases. I will quote a few of the cases to show that there is no necessity whatever for this panic legislation. At the Supreme Court, Wellington, in February last, a man named William Budd, of Masterton, was charged with having committed an offence upon his two daughters, twins, between the age of thirteen and fourteen. It was indubitably proved that these little fiends-you cannot call them anything else -- had conspired to make this charge against their father to get him out of the way-the mother being dead -in order that they might turn his house into a house of ill- fame. Such things seem positively incredible, I know; but that was the evidence given in Court, and upon that evidence the jury acquitted the accused. Here is a terrible state of things. These are the cases brought into the Courts of the country, and upon such cases, I am sorry to say, the member for Wellington Suburbs speaks in support of such a Bill as this. Mr. WILFORD .- I never mentioned those cases. Mr. FISHER .- No ; but I take care that they shall be mentioned, to expose the absurdity of this class of legislation. Here is an Invercargill case, tried on the 5th March : - "In a charge against H. C. Colyer of criminal assault on a girl, the complainant and her cousin, a boy of fifteen, admitted immorality before Colver entered the house, and the boy stated that the girl suggested putting the blame on Colyer. The Crown Prosecutor threw up the case, a course in which Mr. Justice Williams concurred, and the jury, without retiring, returned a verdict of Not guilty." "In Napier, on the 11th February, Charles Williams was charged with an indecent assault on two little girls, and was found Not guilty." land was placed on trial for the second time in the Supreme Court to-day on a charge of assaulting a child. The jury, after two hours' retirement, intimated that they were unable to agree ; but, by direction of the Judge, they retired again, and returned some time later with a verdict of Not guilty." Do not these cases show the danger of private associations making charges resulting in public prosecutions in the higher Courts of the colony, to the disgrace and the discredit of the people of New Zealand ? These cases should be left wholly to the police, who understand their duty. Of course. there is nothing personal in my reference to the honourable member for Wellington Suburbs. I hope that is understood, for he and I have always worked together so well. But he has made a statement affecting the moral status of the people of Wellington, and against that statement I quote the opinions of two persons of high authority in their respective spheres in this city. This

evidence was given before the Young Persons Protection Bill Committee, on Tuesday, the 26th October, 1897. That was a Select Committee of this House, of which Sir Robert Stout was Chairman. Mr. Pender, Inspector of Police, stationed in Wellington, was examined. He said, - " I see it is proposed in the Bill before Par- liament to authorise the lady Protection Officer to bring girls to a refuge. I think the better course would be to serve notice on them and their parents to all attend before a Magistrate in his private room, and then he should have power to make such order as was proper. The order might be made for maintenance against the parents. I do not believe in bringing girls to refuges or police-stations, et cetera. I would only serve the notice if the parents failed to do their duty after warning. I would do the same with boys if they were caught gambling, et cetera." "I am very strongly in favour of the Con- tagious Diseases Act. I believe it did a lot of good in keeping the girls off the street. It frightened them. Everything, of course, de- pended on the wise administration of the Act. Under my management of the Act in Christ- church, no one of the Police Force, save one sergeant, had anything to do in administering the Act, except to make a report. Women were not arrested. This sergeant who was em- ployed, if he became aware of any one being a prostitute, reported to me. I then went to the Magistrate and laid an information ; he issued an order, on a printed form, directing the person to appear at Addington for examina- tion. If she failed to appear the doctor re- ported accordingly, then the Magistrate issued a summons to her to appear in his private room to show cause ; if she failed to show cause he made an order. The policemen as a whole did not know what was being done. It could not occur that any respectable woman was arrested ; it never occurred. Several of the women of the town wished the Act to be in force." That is the opinion of the police officer. It will be said, of course, that the opinion of Mr. George Fisher is not worth serious considera-

<page>428</page>

opinion of Mr. Inspector Pender is not of much greater value, because he is a police officer. Then, I will give the opinion of the Rev. Mr. Paterson, Presbyterian minister of this city, and I ask whether his opinion is worth con- sidering ? What does he say? Examined on the same day, he says, -- " I have been a minister of the Presbyterian Church in Wellington for nearly thirty years. I do not think we can judge of juvenile de- pravity by merely the reports in the newspapers. I regret the publication of these cases in the papers. These reports have a most injurious effect on the minds of the youth. I do not think that juvenile depravity has increased more than the increase of the population. The immorality of Wellington is not to be compared with that of the large cities in Britain. I have had experience in Glasgow, Edinburgh, and Liverpool. Two or three years ago there was a charge of immorality against our public schools. The Education Board made strict inquiry, and found that the charge was groundless. I think gambling is far more prevalent amongst the boys than immorality. I think the Bill will serve a good purpose in checking the young people going on the public streets in the even- ing. I do not think the Bill will cure the evil. I think one of the evils of colonial life is a love of pleasure and of attending entertainments at late hours. There is not the same home-life as at Home. Where you get drunken parents you may get immorality, but there are exceptions to that. There is a little less parental control here than at Home. I would stop the Courts allowing these depravity cases to be made public. I think the putting-down of brothels has been beneficial." Now, there is the opinion of one of the oldest and most respected ministers of the Gospel in Wellington. Is that opinion to be believed ? Will any member in this House, will any person in this community, deny the truth, the perfect accuracy, of what the Rev. Mr. Paterson says. I accept his statement fully and implicitly, and I add to that statement much experience of my own. Now, the honourable member for Wellington Suburbs said that most men were concerned only with what came under their observation during their walk from their home to their office, and that they saw none of these immoral scenes. Now, it so happens that when Parliament is not sitting I cross the reclaimed land nearly every hour of the day and nearly every hour of the night, and I have not on any one occasion witnessed

any of those things which the honourable gentleman says he has so often witnessed. An Hon. MEMBER .- You are fortunate. Mr. FISHER .- I do not contest that point with my honourable friend, but I am concerned about the moral reputation of the people of the City of Wellington; and I say to the scoffers-some who sit on my right and some who sit on my left- I say to them, and I say it proudly, and with a feeling of dignity, that the morals of this city are as much in my keeping as they are in the keeping of Mr. Commissioner Tuubridge or the social purity Mr. Fisher is my answer. Why am I, without interruption, returned to this House, election after election ? That effectively answers every sneer. What use is it, then, for the Ministers' Association of Wellington, or anybody else, to point the finger of scorn at me? Some time ago I attended some anti-gambling meetings at St. John's Presbyterian Schoolroom, Wellington. Some parents there were who remarked to their offspring, with an awesome, gruesome feeling, " That Think of the s George Fisher." pity of it! Why should young children have such small-souled bigotry instilled into their minds? Think of the prejudice of parents being carried from one generation to another. I pray that some day their minds may be enlightened and enlarged. Here is another and a novel phase of the morality question : Among the evidence taken by the Young Persons Protection Bill Committee was a statement given by some ladies who occupy very high social positions in this city, and they are ladies in regard to whom it would be possible only to speak with feelings of the very highest respect, and yet they speak of subjects here which I would demand that no daughter of mine should either speak or read about. I am the father of a family, and I have daughters whose purity and chastity I would not volunteer to exchange for the purity and chastity of the ladies who sign this document. An Hon. MEMBER. - Whom are you referring to? Mr. FISHER .- I will not answer that. An Hon. MEMBER .- When was it ? Mr. FISHER .- I will not answer that. But, because of their social position, these ladies carry with them a great influence, and I regret that in this matter they exert such an influence, because these are subjects so repulsive-repulsive to me, a man of the world-that I wonder that any female, of whatever station, should touch them at all. But I suppose, for people who like this sort of thing, this is just the sort of thing those people like. What would be said, I wonder, of the lower classes of society if they unthinkingly touched such a subject-if they attached their names to statements such as these? These very people would say, "What can you expect from low, ignorant people such as they?" And have these people heard nothing of immorality among the higher classes in Wellington ? Strange, if they have not ! Sir, it is better that this whole subject should be attacked boldly by men of robust mind. Let the subject be dealt with openly by men who understand what the virtues and the weaknesses of human nature are. I do not claim to possess more or greater knowledge upon this subject than any other man, but I do know the regretful consequences of flaunting the subject before the public as we have done to-day, and as we did in 1897. What good comes of it ? Let the temperance people, let the people who wish to advocate moral purity and the elevation of the people to the higher grades of intelligence, give effect to their views in any way they please ; but I protest against them

<page>429</page>

of moral degradation. I detest this odious embodiment of pharisaism and cant. If any of us were in Melbourne, Sydney, London, Paris, Berlin, or Vienna, say, and heard any man give to the people of New Zealand such a character as was given to them here this evening, what would we say ? I ask any of those members who have spoken to-night what they would say to such a charge if made by a person belonging to any other country, I am sure they would deny it vigorously. Then, why themselves express such opinions on the floor of this House ? There is the testimony of a high police-officer, Inspector Pender. There is the testimony of a minister of the Gospel, the Rev. James Paterson. who occupies a high position in this city. That testimony is opposed to the statements made by gentlemen in this House this evening. Sir, we live in a hysterical period. It is one of those spasmodic ebullitions which come in cycles every four or five years. We are now at the eyelic period. As the Young Persons Protection Bill of 1897

was rejected by this Legislature, so I hope this Bill will meet a similar fate. have no care beyond that of any other man in regard to the moral elevation of the people of this country, but I claim to have a care equal to that of any other man. Why should it devolve upon me to speak so strongly and in this strain ? It is because I dislike the ways of the mischievous meddlers who will insist on poking their noses into other people's business, and who defame and traduce the people of this country. Those gentlemen who have spoken here this evening, and those who denounce the morals of the people of this country when speaking at public meetings, do more injury than really results from the actual existence of the evil of which they complain. Why cannot they learn to mind their own business? Why not leave the police and the municipal authorities to do their duty without interference ? Those bodies have already ample powers under the legislation of the colony. What do we want with "discreet " women and petticoated termagants who seem anxious to jostle with the midnight rabble? Sir, I do not regard them as ranking with the more respectable people of the colony. It is a man's duty which they wish to take upon themselves, and I do object to making a mockery of the thing and to have this country pointed at with the finger of ridicule by the people of all other nations. But what can be said after they read the speeches made to-night, beginning with the mild effort of the Minister for Public Works. What is to be thought of the people of New Zealand by the people of other countries and by the members of other Legislatures? Are they not entitled to assume that these statements, having been publicly made on the floor of this House, are true, and that the gentlemen who made them understand what they are speaking about? It will justly be concluded that they have studied the subject, and that, having given it their calm consideration, that is their deliberate opinion of the character of the people of New Zealand. I say it is not a just description of the people of New Zealand. I say it is a libel upon the national character; and I conclude by expressing the hope that this Bill will not pass. Mr. G. W. RUSSELL (Riccarton) . - Mr. Speaker, this is a very painful subject, but, as the member for Wellington City said just now, it is one that requires to be faced boldly and robustly. The honourable gentleman is always dramatic in his speeches, and, while one listens to him with pleasure and admires his eloquence and elocution, it is always desirable to pierce beneath the dramatic style of his speeches, and ascertain what the logical position is and what the actual facts are. Sir, like him, I am the father of a family, and I regard the growing tendency to juvenile immorality in this country as one of the most frightful developments of our modern life. No man who goes about the streets of our cities, whether it be Auckland, Wellington, Christchurch, or Dunedin-no man whose eyes are open to the facts that are sure to come under his notice-can deny that there is an awful amount of widespread juvenile depravity, which this Bill proposes to make an attempt to reach and cure. It may, as the honourable gentleman who has just sat down says, be patriotic not to mention these things, or to speak of them with bated breath ; but we have a duty to perform not only to the present population, but to future generations of this colony. I believe I should be correct if I say that, so far as the Stipendiary Magistrates' Courts of this colony are concerned, 75 per cent. of the business, outside of purely criminal and debt-collecting business, relates to affiliation cases. I make that statement with some sense of responsibility, and after making inquiries in one of the larger Courts. An Hon. MEMBER. - NO. Mr. G. W. RUSSELL . - Well, I am speaking within the mark, and if those honourable gentlemen who doubt my statement will do as I have had to do-visit on business the Courts of some of our large cities, and see the class of people that are coming there paying and receiving money - they will know I am correct in what I say. People have no idea of the enormous amount of this immorality that filters through the Courts of the colony. You go and ask any of the Magistrates in the large cities what proportion of their business arises out of this class of cases, and they will tell you an enormous amount of it does; and what comes before the Courts is, unfortunately, only a small part of what occurs. An Hon. MEMBER . - This Bill will not cure that. Mr. G. W. RUSSELL. - The honourable gentleman says this Bill will not cure it ; but what this Bill is intended to do is to reach those at

an earlier stage of their life who may, unfortunately, later on join the worst classes of the community : and so far as this Bill goes in the direction of compelling young people to go to their homes in the early hours of the

<page>430</page>

the natural thing is to say that our efforts in this direction ought to be confined to moral suasion, and we fully recognise the efforts that are made by women's societies, by the Salvation Army, and by other organizations that try to remove the children from our streets. But we all know they have not succeeded. It is a painful statement to make, but we all know they have not succeeded. The member for Wellington Suburbs has drawn a picture, and painted it in very dark colours indeed, of what goes on, and I do not think he has overstated it. The reply of the member for Wellington City (Mr. Fisher) is this: that certain cases have come before the Criminal Courts and that these cases were not successful so far as proving the guilt of the persons charged. That, Sir, is not the gravamen of the remarks made by the member for Wellington Suburbs. The member for Wellington Suburbs was dealing with the general question of immoral conduct as distinguished from criminal conduct : and I believe that that is the correct position to take up. Now, I regretted very much to hear the remarks made by the honourable member for Wellington City (Mr. Fisher) in regard to the influence of certain ladies in this city. I believe that those ladies are actuated by the highest humanitarian and philanthropic motives, and that they endeavour to raise public opinion on this subject. Let us take the quotations which he read from the evidence of Inspector Pender, and from the evidence of the Rev. James Paterson. In his evidence, Mr. Paterson made one remark - I do not know whether the honourable member intended to read it, though I will do him the credit of saying he read it deliberately - to the effect that the tendency of the Bill would be to require these young people to go home early in the evening. I understand that that remark from the witness the member for Wellington City put into the box, when he was delivering his speech just now, was a clear proof in the Rev. Mr. Paterson's mind that there is a necessity for some such Bill as this measure which is now before the House. And yet, while saying this regarding the Bill, I cannot help thinking it goes too far. My impression is that it would be better if we were to start legislation on this subject by having in cities-cities that should be proclaimed by the Governor by Order in Council-the ringing of the curfew bell at nine o'clock at night. An Hon. MEMBER. - For everybody ? Mr. G. W. RUSSELL. - No; I do not say for everybody. Will the honourable gentleman allow me to finish ? If at a certain hour every night a signal were given, by a bell or in some other way, that all young persons under the age of fifteen or sixteen years had to repair to their homes, and the responsibility were then laid on the police- for I would have no one but the man in uniform to administer the Act, or some other person in uniform-to warn any young person of the apparent age of under fifteen or sixteen years that they must at once proceed to their homes, it might be found that Mr. G. W. Russell be given a trial for a year, and if it did not succeed, or help to lessen the social cancer that undoubtedly exists, then let the House take the further step that is proposed in this Bill. Mr. FISHER. - Ring a bell for the fathers and mothers too. Mr. G. W. RUSSELL. -- I have known some fathers who would not go home if you rang twenty bells. A great deal depends upon the fathers and mothers. I am speaking now with regard to young people, and I say no one, unfortunately, who goes about our streets - especially in some of the more secluded portions-can fail to see on every hand evidence that some such proposal as underlies this Bill is absolutely necessary. I shall support the second reading of the Bill, because I believe it makes an attempt to reach what is undoubtedly, as I have said, a running sore upon the beds politic. In passing it I believe the House will be not publishing the shame of the colony, but taking some practical step towards preventing what will be a disastrous and sorrowful state of things in future years. Mr. J. ALLEN (Bruce). - I listened with a great deal of interest to the speech delivered by the honourable member for Wellington City (Mr. Fisher), and I cannot say I felt at all convinced by his arguments. I was rather astonished that he made the speech

he did, holding in his hand, as I knew he did, the report of the Young Persons Protection Bill Committee in 1897. I followed him when he was reading from that report, and I carefully noted that he picked out the passages which suited his own argument, and left out those which dealt with the position from another point of view. Mr. FISHER .- One usually does so. Mr. J. ALLEN .- I generally read both sides. Nevertheless, in quoting the evidence of the Rev. Mr. Paterson, by mistake he went on too far, and got into a sentence he did not mean to read : " I think the Bill will serve a good purpose in checking the young people going on the public street in the evening." Of course this is the pith of his evidence, no matter what he said in regard to other things. In Inspector Pender's evidence the member for Wellington City (Mr. Fisher) picked out the evidence which dealt with the question practically from his point of view, but did not give the material evidence given by Mr. Pender. I am aware that the honourable gentleman was doing what he naturally would do-attempting to protect his own city from any aspersions that might have been cast, in the course of the debate or previously, on the morality of his own particular place ; and it is quite right that he should. And I do not want to say that Wellington. or any other city, is more immoral than any other large city in any other country : but to ignore altogether the evidence we have had not only exposed in the Courts but also given before that Committee would be wrong. nor should we be doing our duty as legislator- if we did not attempt to at any rate view the question as placed before us publicly, but more particularly by the evidence in 1897.

<page>431</page>

ground than the Bill covers. What the honourable member was referring more particularly to in the course of his speech was not those portions which deal with juvenile depravity so much as that portion which deals with that of an older age, and I was sorry he should have cast any aspersion, directly or indirectly, on any ladies in Wellington, and should have refused to give their names. Mr. FISHER .- You can give them. Mr. J. ALLEN .- Shall I give them ? I will give the names, but I will not say what their evidence was about. I will give the names so that the House may know whether the names are worthy of respect or not. Mr. FISHER .- You should read what they signed. I ask you to read the repulsive circular they signed. Mr. J. ALLEN .- I will show it to any member of the House who wants to see it, but I will not read what they did sign on this particular occasion. The names are Annie Habens, Ellen S. Greenwood, Stella M. Izard, M. Ashcroft, S. T. Stock, T. V. Morrah, M. Clere, M. Hall, and F. E FitzGerald -- members of the committee. I think the names are sufficient to justify any member of the House in believing that they would not have been placed on any document that was not worthy of our respect. Now, with regard to the evidence of Mr. Inspector Pender, the honourable member for Wellington City (Mr. Fisher) quoted a portion of Mr. Inspector Pender's evidence which partly bore upon the question. Certainly it did not bear upon the question dealt with in the Bill at all, but dealt with another question altogether. So far as the Bill is concerned, what did Mr. Inspector Pender say ? He says he has discovered during this year eleven girls of ages varying from twelve to sixteen years who were prostitutes in Wellington. I will not go on to read further what he says in respect to that, but he also says, "In my opinion a good deal of the trouble is caused by bad homes, the children being huddled together, and bad premises-no place to play." Now, with respect to there being no place to play, the honourable member for Wellington City (Mr. Fisher), who has just left the Chamber, if he really were desirous of improving the moral condition of Wellington, would take note of these words of Mr. Inspector Pender, that the Wellington people have no place to play in, and he would not be so strong an opponent of every effort that has been made by the authorities of the City of Wellington to provide more places for the people to play in. I hope he will take note of these words, and, when provision is attempted to be made by the authorities of Wellington to provide places for play, that, instead of being an opponent of those measures, he will be found supporting them. Then, Inspector Pender says, " I have been an Inspector four years and eight months in Wellington. I think the evil is greater now than when I came here." One could go through the whole of this evidence, and find many

and many an instance of similar facts being placed before us to those I and I do not want to particularise any more than I have done, especially as the member for Wellington City (Mr. Fisher) has left the Chamber. Some remarks have been made-I think by the honourable member for Wellington Suburbs-as to the position that women might take up under this Bill. I am not very much in favour of policemen in petticoats, and if there were any way of getting rid of the difficulty without employing policemen in petticoats I should be only too glad to see it done. But I cannot help acknowledging this fact : that women have been working in this city here and elsewhere with success. I think the Salvation Army have been doing this work, or the Salvation Army women have been doing it, and I know that the Salvation Army authorities- and the evidence is here also in this report- say that the women are best able to cope with this difficulty ; and if one has the evidence of those who have had experience such as Salvation Army officers have had, and they say that women are more capable of acting as Protection Officers, as well as in rescue homes, I think provision should be made in the Bill to employ women for such work. Although there are difficulties in respect to women doing the work -- and I can understand it would be a very serious thing for a woman in the street to have to take a boy of fourteen under her charge, and take him to his home or to a rescue home -- still. I believe there are occasions where women can do better work even than men can, and, if that is so, I cannot see why provision cannot be made in the Bill so that women may be appointed as well as men where necessity is shown for it. Sir, the honourable member for Wellington City (Mr. Fisher) was quoting cases which were brought before the Court, and, I suppose, in taking his quotation from Hansard he had forgotten to look up the report itself, and therefore fell into an error. The cases that were brought before the Court in Wellington were not six, but nine. Mr. WILFORD .- Nine cases, but about eighteen charges. Mr. J. ALLEN .- I do not know how many charges there were, but nine cases were recorded in the evidence given there. There are nine different individuals here recorded. Mr. WILFORD .- There were eight or nine witnesses -young girls - in nearly every case. Mr. J. ALLEN .- Very likely, and that makes it still worse : but, at any rate, the honourable member for Wellington City-I do not know whether intentionally ; probably not - was making the cases even lighter than they were. Then, coming to the question of the rescue of young persons, the Minister is proposing to remedy this evil in the Bill now before us. Sir, I shall support the second reading of the Bill ; not that I believe the Bill is going to do any very great good, but it may do good. I hope it will : but I am quite certain of this: that the evil exists. It may not be growing. I will not say it is. I will say this : that our evidence of the evil is growing, probably because the public conscience has been awakened to the

<page>432</page>

keen to search out for itself the evil where it exists. Probably, also, the records are better kept. At any rate, we know more about these cases than we need to, even if they are not increasing. But, whether they are increasing or whether they are not, there is sufficient for us, at any rate, to attempt to tackle the question ; and the Bill proposes to do so. Sir, I believe that the Bill may do some good, and therefore I shall support the second reading. I am not altogether in love with it. I am not altogether in love with the Protection Officer ; but something must be done, and if we do not have a Protection Officer, what are we to do ? Some honourable member has suggested it should be left to the police, and that only those who have a uniform on-meaning by that a police officer-should be authorised to deal with those who are unprotected persons under this Bill. Well, I think that the evidence disclosed in this report points to the fact that a police officer is not the best person to deal with such cases. He will not do it, nor can he do it as well, I believe, as a special person having special capabilities, either man or woman, appointed for the particular purpose, and therefore I think that the desire of the Bill to appoint a Protection Officer, either man or woman, would be an improvement on the appointment of a police officer in uniform. Sir, I feel that clause 9 is a very serious clause, and one that we shall have to consider with a great deal of care when in Committee. I know that a proviso is contained in clause 9 protecting the parents to a certain extent ; but it

does seem a very severe penalty that a parent may be called before a Magistrate, and fined \$10 and receive three months' imprisonment. Now, that imprisonment is not apart from the fine, but is included in the penalty. Mr. HALL-JONES. -. It is an alternative. Mr. J. ALLEN. - No : "such imprisonment being in addition to such penalty." They may be imprisoned as well as having the penalty imposed. Of course, it is right that severe measures should be taken to make parents take care of their children when they are not doing so. And, after all, I believe the greatest sinners in this matter are the parents, and not the children, and the State, if it is to do anything, ought to do something to put the blame on the right shoulders. If parents are neglecting their children, as is apparent, then, if the State is to step in at all it must step in and say, " You parents must do something more than you have done in the past to see how your children are going on." Although the penalty is severe, and may be too severe, that is a Committee objection, and the penalty may be modified when we get into Committee. I do not agree with the honourable member for Wellington City that it shows any want of robustness of mind to attempt to deal with a serious question of this kind, which is one that has troubled all of the more respectable in the community. It is not robust to sit down and say, " Oh, let things rip "; and I believe the more Mr. J. Allen matter, and is not afraid to come out into the open and publicly speak about it. I am quite convinced it is a bad thing to be spoken about, and that it does harm, but it is a much greater harm to let the evil exist and be silent about it, and, even by doing a temporary evil now, by making such things as this public we can eventually do a much greater good. However. I do not know that it is an easy matter to reform the morals of the community by Act of Parliament, and I never believed we could : but there are Acts of Parliament that have been passed that have done great good, perhaps not for the morals, but for the community apart from its morals, and I believe that by an attempt made by the Legislature to do something we shall be quickening the pulse of the public conscience, and helping that part of the public mind that is alive, and stimulating it to greater efforts. I do not know that Acts of Parliament will ever make us moral ; but, if Acts of Parliament induce particular individuals to think more about these things, and to induce people to try to keep their children in the more moral and straight course of life, I think Acts of Parliament ought to be passed. I, at any rate, will do my best to assist the Minister to pass this Bill, and make it a workable measure when we get into Committee. Mr. WITHEFORD (Auckland City). - I certainly think that no greater or nobler work can be engaged in than improving the social and moral condition of the people, and by commencing with the children we take a step in the right direction. The honourable member for Riccarton, in the course of his excellent remarks, referred to Auckland, and I feel called upon to say a word or two in respect to that city. As far as I am aware, Auckland does not need this Bill so much as Christchurch or Wellington, judging by the speeches made by the members representing those cities. I respect the motives which actuate the introducer of this Bill and those who support it. I believe that they are conscientious in believing that this Bill goes in the right direction - namely, that of improving the condition of our young people. But I would not like it to go forth that the children of this colony are any worse than children in any other part of the world. I have travelled through many countries. -- I have travelled, probably, as much as the average member of this House, and I am of opinion that the morality and behaviour of the children in this country are as good as those of the children in any other country in the world. And in saying that I may say that I have studied this subject. I think there exists a higher moral standard on the part of the young people in this colony-especially in the country districts - than exists in almost any other country. The comparatively small amount of evil that exists in the towns in New Zealand is certainly made the most of. I shall support the second reading of this Bill. At the same time, like many other measures of this nature-for instance, like the measure to stop

<page>433</page>

the drinking customs and to close the hotels- there is too much of a negative character, and too little of the practical element, in regard to this attempt at moral reform. If something is done in this direction in the

future I think it will be in providing counter-attractions, such as institutions where athletic exercises are encouraged, pastimes, and recreations ; and thus we may draw the young people away from their only promenades, or resorts which are now for a certain class restricted to the streets and hotels. I trust that this Bill may be so amended in Committee that if it passes it will have a good effect, and therefore I shall support the second reading. Mr. HANAN (Invercargill) .- I intend to support this Bill, believing as I do in the broad principle that the State has a perfect right to undertake the care of its children. I think it was Victor Hugo who said "that all the vagabondage in the world begins in neglected children." That, Sir, is, I think, in a great measure true. We know that there is frequently found incapacity on the part of parents to care for the mental and moral training of their children. The Government and the people should tender them the best helps. It has been said by the member for Wellington City (Mr. Fisher) that we are casting a stigma on the young people of this colony by passing such a Bill as this. I think that the Government of this colony is doing its duty in looking after neglected children. They know very well that there are parents who have become so degraded from one cause or another that they do not look after their children, who are, as a consequence, thrown upon the State, and become a menace to society. Every society necessarily reserves to itself the right to control the lives of those who endanger the common weal. It is the duty of the State to do all that is possible to insure our young people being trained to become good and useful citizens, upon the presence of which depends the future welfare of the country. It cannot be denied that frequently the evils which we have heard so much about this evening spring from the want of supervision in the home, from the absence of an exercise of parental control, and from the state of domestic religion. We have heard, Sir, from some members in this debate the old "gag " that you cannot make people sober or moral by Act of Parliament. They may as truly say that man cannot be made honest by such means. Both sayings have an equal modicum of truth. But Acts of Parliament, I contend, do lessen the number of men who steal, and can be made to lessen the number of young men who get drunk. do not believe that juvenile crime in this colony is so bad as has been stated by some speakers this evening. But, even supposing things are not so bad, and the condition of affairs now existing may not render the Bill at the present time actually necessary, there is no harm in putting on the statute-book of this colony a measure such as this, which may be brought into operation when our cities . have become more densely populated, and VOL. CXVII .- 27. when the condition of affairs may render the enforcement of its provisions absolutely necessary. This Bill goes in the direction of preventing juvenile vice, and minimising evil influences to which young children may be subject. To secure a salutary control over children of tender years, and whose parents are not alive to their parental responsibilities-to remove children from evil associations and bad environments-in other words, to improve socially and morally children whose proper bringing up was or is neglected, are objects of the highest commendation. Wherever juvenile depravity or vice exists to any extent, it must have the effect of sapping the very foundations of national life. Now, Sir, I should like to have seen some provision in the direction of suppressing juvenile smoking. I think there is sufficient power under the Municipal Corporations Act of last year to enable the Councils to pass by-laws dealing with this question, but so far no such highly desirable by-laws have been passed. An. Hon. MEMBER .- There is a Bill now before the House. Mr. HANAN .- Well, I think sufficient power is given under the Municipal Corporations Act, and it is a matter of regret that Councils do not take advantage of the power conferred. Now, Sir, if we look at the records of the Courts throughout the colony we cannot be blind to the fact that juvenile vice is increasing. One can hardly take up a newspaper and read the Police Court or Supreme Court proceedings without coming across cases relating to juvenile crime. These Press reports of criminal cases are very often read by young children, and a great deal of barm is consequently done to such young readers. Discretion should be exercised in the reporting of cases. No indelicate and disgusting details of cases should be allowed to be published. The honourable member for Wellington City (Mr. Fisher) referred to a number of cases brought by young

girls against men. But, Sir, those statements were really against his contention that there is no juvenile depravity in Wellington. His remarks also go to show that there are numbers of neglected children in the colony, and that they are loitering about the streets associating with bad companions, and having their minds seriously contaminated, and being in other ways degraded. If such young persons' sense of refinement, of self-respect, and dignified behaviour has been dulled in their childhood, what kind of men or women will they grow up? I have, myself, been called upon to defend men from charges brought by young girls, and in nearly all the cases the men were not convicted. The jury I disbelieved the girls' evidence, because when they were examined, and the case exhaustively gone into, it was found the children, owing to their lying propensities and bad character, were not to be believed. I do not believe in boys or girls being allowed to wander about the streets at all hours of the night without restriction. As to the proposal to appoint women Inspectors for the supervision or control of these children, I think it is a step in the right direction. And

<page>434</page>

who are prepared to undertake this duty of rescue work are deserving of the heartiest praise and every credit. It shows that they care for the welfare of neglected children, knowing that it is in the interests of such children, and in the interests of the colony as a whole, that the moral children should not be neglected, but should be cared for, so that any downward tendency on their part should be arrested, consequently thereby promoting individual and national moral progress. Now, we have heard something about the bringing-up of children in this colony and their behaviour, and I have no hesitation in contending that our boys and girls are as well behaved and as moral as any children in any part of the world. Well, so far as the general reputation of the colony is concerned for the morality and good behaviour of its children, I need only to allude to the general conspicuous good conduct shown by our boys who went to South Africa. Is it not a fact that the young men who went from New Zealand to fight for the Empire in the Transvaal established for themselves a character that was excelled by no others from any part of the world, either as regards morality, honour, manliness, or so far as courage and heroism were concerned? Mr. LAWRY.- By this Bill you want to say they are blackguards. Mr. HANAN.- This Bill does not affect them, or in any way reflect on their character. I say the creditable testimony I have mentioned in regard to our boys who went to South Africa is one we have every reason to be proud of. Now, this Bill is simply a preventive measure to check the growth of juvenile impurity and to suppress juvenile depravity where it existed. This should be the aim of all right-thinking citizens. Its object is to insure that neglected children shall not, as it were, be allowed to fall into crime, but that they shall have care and attention, so that they may grow up a credit to themselves and to the land of their birth. Mr. HERRIES (Bay of Plenty).-- 10.30. Sir, I should like to add my protest to that of the honourable member for Wellington City (Mr. Fisher) against the Government introducing Bills of the class of the one at present under discussion, apparently with the intention of wasting the time of the House. Sir, one has only got to look round this Chamber to see the small interest that is taken in this Bill. For the whole of this week we have simply been doing what soldiers call "marking time." Sir, I should like to know from the Minister in charge of this Bill how long this is to go on. When are we going to have Bills brought down that will be of some good to the country, and stop all this namby-pamby kind of stuff that we have been getting for the last week or so in this House? If the whole of the Bills we have been endeavouring to pass this session were thrown out, the country would be no sufferer. This Bill has no doubt been introduced with the most laudable intentions, but the country would not suffer if it was never passed. It has been before us ever since Mr. Hanan thinks the country is a bit the worse for its not being on the statute-book. The Bill is probably introduced with the intention of doing away with an evil which is lamented; but the question is whether the Bill would not be worse than the evil it is proposed to cure. It seems to me simply machinery for procuring billets for certain persons. Under this Bill "Protection Officers" will be appointed. The billets will be given to people of the proper

colour. It is quite certain that the presidents of Liberal leagues and ladies' societies that have returned certain members to the House on the right side would be appointed as Protection Officers. It does not matter whether they go out into the streets or not. The honourable member for the Suburbs was rather concerned about what would happen from the ladies being out at that time. He need not be the least bit afraid. These ladies will not go out into the streets. Why should they? They will be appointed; they will draw their salaries, and that is all they will be required to do. An Hon. MEMBER.- The salaries may be nothing. Mr. HERRIES.- There is no billet without a salary. The salaries may be small; fortunately the Government can get services for very little. Just as a J.P. ship perhaps gets a good many votes, so would a Protection Officer secure some for the Government. Perhaps they will be allowed to put "P.O."-Protection Officer-after their names - "Mrs. Smith, P.O." would sound well. Perhaps they would get no salary, but they will be allowed to put that after their names like J.P.s, and that would be as good as a salary. I quite believe that my friend the member for Christchurch City is in earnest about the Bill. I know there are many estimable people who are really endeavouring to purify the world, and who will always continue to do so. I say, all honour to them; let them continue, and I shall be quite willing to give them a certain amount of power. But what I see in this Bill is that power will be given to those who ought not to have it-that power will be given to Liberal supporters, who will not do the work, but will draw the pay. Coming to the question here of the mechanism of the Bill, it seems to me that the more we look at it the more unworkable it seems to be. Under the main provisions of this Bill it is supposed to deal with young boys and girls out in the streets in the evening, and the provisions read well as long as everything goes all right. The Protection Officer goes out and sees a boy or girl walking the street; he accosts them: if he or she does not see fit to answer properly he is to take them home. But, supposing the boy refuses to answer, or clears out, or says he is over fourteen years of age, no provision is made for dealing with a case of that kind, as being out at night is not an offence at law, nor is it made an offence under this Bill. My own idea is that the children will get to know the Protection Officers, and will clear out of their way when they see them coming. Mr. DUNCAN.- Will not that be a good thing?

<page>435</page>

Mr. HERRIES.- No; they will clear from { persons have in consequence of this sort of one street to another. The whole city will | behaviour been before the Court? - Yes, Sir; have to be studded with Protection Officers in order to catch the boys and girls. That, no doubt, will be a good thing for the Government, because it will make more billets. It seems to me that this Bill will have to be altered considerably in Committee before it can be made workable. I think it would be far better to leave the matter in the hands of the police. As, however, there are some good clauses in the Bill, such as clauses 11 and 12, and as the motive of the Bill is laudable, I will support the second reading of the Bill, and endeavour to have it made more workable in Committee. Mr. HALL - JONES (Minister for Public Works).- I must express my regret that there has been even one speech that has cast ridicule upon this Bill, and it is that of the honourable member for the Bay of Plenty; and I am glad to find that there was only one honourable member joining in the laughter of that honourable gentleman, and that was the member for Wellington City, Mr. John Hutcheson. I am obliged to members for the manner in which they have approached this subject-one which it is admitted on all hands is full of difficulties, but a question that must be grappled with; and I am gratified to find that honourable members are prepared to take their share of responsibility. The question is, Does the evil exist? Why, the member for Wellington City (Mr. Fisher) has shown it does exist, although he only mentioned cases which came before the Court, some of which failed. But what of the cases that do not come before any Court; and what about the evidence he produced to-night? He quoted from the evidence of two witnesses -- the Rev. Mr. Paterson and Inspector Pender. Why, the Rev. Mr. Paterson was one of the best witnesses we could produce to induce this House to pass the Bill. The member for Bruce has given some extracts from Inspector Pender's

evidence before the Committee of 1897. But there has been a later Committee dealing with this question than the Committee of 1897. In 1899 there was a Committee which sat in another place, and Inspector Pender there confirmed not only everything said before the Committee of 1897, but went even further ; and, while I carefully guarded myself against making any sensational statements, or giving any portion of the evidence which might be termed in the least degree offensive, that phase of the question has been touched upon by some honourable gentleman, and I will therefore let the honourable gentleman know what Inspector Pender, his chief witness, said in 1899. And what did he say? He said there were large numbers of these children about the streets at night ; and he was asked,- "6. Do you consider, then, that this kind of thing leads to immorality ?- Yes, I think it does undoubtedly ; young fellows and girls meet about street corners, and so forth. I see a good deal of it going on, and the language used at such times is often extremely bad. "7. Can you cite any instance where such we had several cases brought before the Court of young girls who were allowed to leave their homes at night, and wandering about the streets, ultimately ending in prostitution. We have had a number of young girls up before the Court at different times. "8. More or less, I suppose, under the age of sixteen years ?- Yes, Sir." Now, that is the chief witness brought forward by the honourable member for Wellington City (Mr. Fisher) ; and, mark you, this is not a case of New Zealand as compared with any other country at all. I honestly believe this evil exists in other countries, and in nearly every other country, and the only question is, Are we going to do our duty, as representatives of the people, by endeavouring to take some steps to prevent what we know to be going on ? If honourable members can suggest any other way of doing it, let them bring it forward in the shape of a Bill or any other proposal, and I, for one, shall be prepared to support them. The section 1 referred to, in moving the second reading of the Bill, summarises the whole position. I will again repeat it for the benefit of those honourable members who have been away this evening,- "Where any Protection Officer finds any young person of either sex habitually loitering in the streets or out-of-the-way places at untimely hours (meaning thereby between nine o'clock at night and five o'clock in the morning), and has reason to believe that such young person is there without proper control, or for immoral purposes, the following provisions shall apply." Now, Sir, what man who wishes well to our country can object to the provisions to meet such cases as are referred to in this 5th clause ? Mr. LAWRY .- What about the "discreet woman"? Mr. HALL-JONES .- It is not a question of the "discreet woman." It is a question of protecting young children ; and I hope my friend Mr. Lawry is at one with myself in wishing to see this done, and I look for his support in passing the Bill. Sir, the criticism of the Bill itself has been small. We have had the criticism of the member for Wellington City (Mr. Fisher) as to some reflections which were said to have been made with regard to Wellington. I hope that all the member for Wellington City says is true ; I sincerely hope so. If it is true, what it means is this: the Bill will not be brought into operation in any county or any borough except by Order in Council. If Wellington is as it is represented to be - and I do not say it is not - then the Bill will not be brought into operation in Wellington, and the honourable gentleman may rest satisfied. Mr. FISHER .- My remarks did not apply only to Wellington. I said that New Zealand is the most moral of all civilised countries. Mr. HALL-JONES. - Even so; take it that New Zealand is the most moral of all civilised countries on the face of the earth, and you can-

<page>436</page>

not get away from the evidence given before the Committee in 1897, and again in 1899. But let me warn honourable members what they are leading up to. Let them read the evidence of 1897 and 1899, and see what is the alternative suggested. It is the enforcement of an Act which a member of the House is now endeavouring to get repealed. I will not now go into the question of whether or not that should be done, but I say again that where parents are so negligent of the welfare of their children, and of their children's future, as to allow them to go about the streets to the injury of themselves and those they associate with, then it is the duty of the members of this House, as statesmen, to come to their rescue and see that they

are protected. The member for Wellington Suburbs objected to women being engaged as Protection Officers. Well, Sir, it seems to me it is wise to make provision for the appointment of women, even though no women might be appointed ; because, as has been pointed out by, I think, the member for Bruce, women in this work have done all that has been done through the medium of the various organizations that have taken the question up. I believe that good, motherly, women would have greater influence in dealing with young girls than would any man who might have to carry out the work provided for in the Bill. We had the evidence of Inspector Pender on this point. He says that women should be appointed. His evidence on this point was as follows :- "9. If you look at the Bill you will see that it provides for Protection Officers ?- Yes. " 10. And also that these officers may be persons of either sex. Now, I want to know your opinion in regard to the advisability of appointing women to discharge duties such as these ? - Well, sir, I do not think that the Act could be properly carried out otherwise." That is the opinion of Inspector Pender, and we know he is a man who has had large experience. He is about at all hours of the day and the night, and his opinion is certainly worthy of the consideration of members of this House. The suggestion by the member for Wellington Suburbs that women as officers must necessarily be about at four and five o'clock in the morning, or from nine o'clock in the evening to five o'clock in the morning, is absurd, because the greatest care would require to be exercised between the hours of nine p.m. and midnight, by which time the children would be in their respective homes. The member for Christchurch City (Mr. Ell) suggested that the age should be raised from fourteen years, as stated in the Bill, to sixteen years. Well, I would suggest to the honourable member that he should take the Bill as it is. It is a good Bill. It is a start in what a majority of us believe to be advisable, and I say we should, at any rate for the present, keep to fourteen years of age. The member for Riccarton suggested that instead of the provisions of the Bill there should be arrangements made, at any rate for one year, for the ringing of a bell at nine o'clock, so Mr. Hall. Jones that all children should know they were required to go home at that hour, and that if a policeman saw them out after that hour he should send them to their homes. That would mean that the bell would ring, and the policeman send the young people home, and then they would run away to some other part of the town and still be out till any hour. The curfew system would not work. I would ask honourable members, like the honourable member for the Bay of Plenty, not to treat the Bill with levity. I hope he was not serious in suggesting that this would lead to the appointment of people, as he called it, of the "right colour." I say the successful administration of the provisions of the Bill depends upon the appointment of proper persons as Protection Officers. Without this it would be of no use ; and those who would make appointments of persons to act as Protection Officers are responsible to this House, and could be dealt with if the House so thought fit. As regards the statement by the honourable member for Wellington City, and also the member for the Bay of Plenty, that the Bill is simply brought forward to waste the time of the House, I have only to point to the long list of Bills upon the Order Paper, and say I am prepared to stop here till daylight, or this time to-morrow night, to try and pass them. The House divided on the question, "That the Bill be read a second time." AYES, 47. Allen, E. G. Millar Fraser, W. Allen, J. Gilfedder Mills Hall Arnold O'Meara Atkinson Parata Hall-Jones Bennet Russell, G. W. Hanan Bollard Hardy Seddon Buddo Haselden Smith, G. J. Herries Carncross Stevens Hornsby Carroll Tanner Colvin Lang Thompson, R. Laurensen Duncan Thomson, J. W. Ell Massey Willis Field McGowan Witheford. Flatman McKenzie, R. Tellers. Fowlds McNab Lethbridge Fraser, A. L. D. Meredith Rhodes. NOES, 4. Tellers. Hutcheson Fisher Monk. Lawry. PAIR. For. Against. Wilford. Guinness. Majority for, 43. Bill read a second time. MONEY-LENDERS BILL. Mr. HALL - JONES (Minister for Public Works) .- Sir, I confess that the Bill now before the House deals with a difficult subject. and one which has been legislated for by other countries for ages past. I admit it is 11.0. a Bill dealing with a question that is full of difficulties ; and, Sir, while I say it has been before other countries for hundreds of

years, almost every country in the civilised world has endeavoured to deal by legislation with the question of usury. I would define the difference between usury and interest as follows : Money lent for a fair return I will call interest, and money lent for an unfair return I call usury. In the Old Country hundreds of years ago usury was prohibited many years ; after a maximum rate of interest was fixed by Act of Parliament; then, from various causes, in 1854 the usury laws of the Old Country were practically repealed. That was followed by a similar course taken in France, Denmark, Sweden, Holland, Switzerland, Norway, Saxony, Spain, Belgium, Prussia, and the greater part of Northern Germany ; but, as time went on, the evils were found to be so great that many of these laws were in some form re-enacted. In 1898 a Committee was set up in the Imperial Parliament to inquire as to the best means of dealing with this important question, and included in their report is the following :- " After carefully considering the evidence which has been given in regard to particular transactions, and the general expressions of opinion of persons so well qualified to form a judgment as Sir Henry Hawkins, Sir James Charles Mathew, Sir George Lewis, the Inspector-General in Bankruptcy, and the County Court Judges, your Committee have unhesitatingly come to the conclusion that the system of money-lending by professional money-lenders at high rates of interest is productive of crime, bankruptcy, unfair advantage over other creditors of the borrower, extortion from the borrower's family and friends, and other serious injuries to the community. And, although your Committee are satisfied that the system is sometimes honestly conducted, they are of opinion that only in rare cases is a person benefited by a loan obtained from a professional money-lender, and that the evil attendant upon the system far outweighs the good. They therefore consider that there is urgent need for the interposition of the Legislature with a view to removing the evil."

Sir, an attempt was made in the following year to introduce a Bill dealing with the question in the Old Country. It did not pass, but a Bill was passed last year in the Imperial Parliament almost exactly on the same lines as the Bill now before the House. That there is need for it in New Zealand I think cannot be disputed. We have had Usury Bills before the House on previous occasions. We had one in 1896 ; and let me say here that what appears to have been the weak point in most of the Acts dealing with usury was that there was fixed in the Act a maximum rate of interest from 10 per cent. down to 4 per cent. per annum. That there is need for it in New Zealand I think is evident to most honourable members. Those members who look through, for instance, the Mercantile and Bankruptcy Gazette will see in that paper the bills of sale which are registered. In quite a recent number of the Mercantile Gazette I noticed a bill of sale over furniture. The borrower was a woman. The amount borrowed was \$20, and the interest was 20 per cent. In another case £13 was borrowed on a horse, and the interest was 20 per cent. In another case \$18 was borrowed on furniture, and the interest again was 20 per cent. That is the interest that was charged ; but if you come to add on to that the charges made by the person from whom the money is borrowed you find that in these registered bills of sale the interest amounts to 30 or 40 per cent. But when you come to unregistered bills of sale, and similar documents, you will find that it demands that some safeguards should be provided for those people who, through necessitous or other causes, seek the assistance of the professional money-lender. Now, I had a case brought under my notice not long since which is, I hope, about as extreme as one could find. There was a loan of £5, and again the borrower was a woman-a respectable woman. Evidently she wished some money for a particular purpose, and this was the result : She borrowed \$5 at 5s. per week interest. At the end of the first year she was unable to keep up the whole of the payments, and had only paid £8 18s. 6d. in interest on the loan of \$5. At the end of the second year she had paid £21 8s., and still owed the \$5. Owing to the interest being in arrears the charge was raised to 7s. 6d. per week interest, but the loan ran on for over two years and a half. Her husband shortly afterwards happened to hear of it, and the matter was settled. The final settlement was: Interest paid, £31 18s. 6d. ; still claimed to be due by the money-lender, \$7 7s. : total, \$39 5s. 6d. Deducting the £5 originally borrowed gives £34 5s. 6d., or interest at the rate of 25 per cent. per annum.

That may be an extreme case ; but we have had many cases in this colony of people borrowing money at 40 and 60 per cent. interest. An Hon. MEMBER .- Was that bill of sale registered ? Mr. HALL-JONES .- No ; and it is the un- registered bills of sale, or promissory notes, where the highest interest is charged. The honest man suffers from this, because I have numerous instances of men who have got into financial difficulties in connection with their business. They have gone to a professional money-lender, and given a promissory note or some security, which is not registered unless the lender thinks there is some fear of losing what he has lent, and then he registers it to secure himself, and the honest man who is dealing with the debtor has to suffer. I could give you many instances of bankruptcy proceedings where you find secured creditors and unsecured creditors. The secured creditor is the man who has charged 30, 40, and 50 per cent. interest, and the unsecured creditor is the man who has to bear the brunt of the heavy charges made by the money-lender. Now, the Bill before the House is not a Bill fixing any rate of interest. It is a Bill which, in a few words, says that a Court may review any case brought before it, and if the Court is of opinion that the charges are excessive, unfair, or extortionate in any way it can enforce a readjustment of the accounts. In the 2nd clause a money-lender is defined thus :-

<page>438</page>

"Money-lender ' includes every person (whether an individual, a firm, a society, or a corporate body, whose business is that of money-lending, or who advertises or announces himself or holds himself out in any way as carrying on that business." The borrower can have the case reopened before a Court, leaving it to the Court to make a fair adjustment as between the parties. This is provided for in section 3. Section 4 provides that a money-lender must be registered, and that is a provision which I think should have been enacted long since. It also provides the penalty for a money-lender who fails to register, or who does not carry on his business in accordance with the provisions of this Bill. The following clauses are machinery clauses, to give effect to the main provisions of the Bill. Then, there is the penalty clause which is customary in such measures. The penal clause is the same as in the Imperial Act. The Bill itself is almost word for word that of the Imperial Act. The Bill can be objected to by no honest man, because it simply provides for an honest adjustment as between the borrower and the lender. I move the second reading of the Bill. Mr. HANAN (Invercargill) .- Mr. Speaker, I intend to support this Bill, because I believe in the principle it contains ; but at the same time I intend, in Committee, to endeavour to secure one or two amendments. As this Bill is drawn, Sir, I have no hesitation in saying that if it is carried it will be a complete nullity, and I intend to point out to the House and the Minister my reasons for making that statement. In clause 2 we have the definition of the term "money-lender " It goes on to say,- " But does not include- "(1.) Any duly licensed pawnbroker in respect of business carried on by him in accordance with the provisions of ' The Pawnbrokers Act, 1868'; or "(2.) Any society registered under 'The Building Societies Act, 1880' ; 'The " (3.) Any society registered under Friendly Societies Act, 1882'; "(4.) Any body corporate, incorporated or empowered (before the passing of this Act) by a special Act of Parliament to lend money in accordance with such special Act ; or " (5.) Any person bona fide carrying on the business of banking or insurance or any business not having for its primary object the lending of money, in the course of which and for the purposes whereof he lends money." Having regard to the concluding words of the definition in clause 5, it must be plain to honourable members that it is easy for a money-lender to combine with his business some other business. He may be a commission agent, a lawyer, or a shopkeeper. He may say that his business is that of a commission agent, and that that is his primary business. Well, under those circumstances, I have no hesitation in saying, without fear of being a useful provision, because, if a man be- Mr. Hall-Jones contradiction, that this Bill does not touch him at all. An Hon. MEMBER .- Why should it touch him ? Mr. HANAN .- I am speaking of the Bill as it is drawn now. I say it is a complete nullity, because it may be evaded in the direction I have indicated -- namely, that a man can combine another business with that of money-lending, and he may contend that the money-

lending is not his primary business. I think that is plain to any member of the House. What I should like to see in a Bill of this kind is the rate of interest fixed. That is to say, fix a limit of 10 per cent., and --- An Hon. MEMBER .- You cannot do it. Mr. HANAN .-- Allow me to proceed, and I will explain. In other countries a limit has been fixed. What I propose is that where interest over, say, 10 per cent. is charged. at the instance of the borrower, if he considers the amount excessive, application could be made to the Court, which should make inquiry into the transaction and decide what is a fair rate. Where the charge is 10 per cent., or under 10 per cent., there would be no right to apply to the Court. Thirty per cent. may be charged, and, being over 10 per cent., it would be open to the borrower to go to the Court and ask the Court to say whether the charge is fair and reasonable; and the Court, having regard to the transaction and to the risk, will then determine whether the charge is fair and reasonable. The Court may come to the conclusion that 30 per cent. is not too much in that case, and, if so. that amount will be awarded. I do not say there should be a maximum charge of interest fixed, but there should be the limit I have mentioned of 10 per cent. ; and in regard to any amount over the 10 per cent. application could be made to the Court to determine as to its fairness. Mr. HALL-JONES .- No matter who may lend it ? Mr. HANAN. - Yes ; because I cannot see any reason for a distinction. Every person who lends money as a business is a money-lender. At the same time I would not object to some of the exemptions that are made by this Bill. An Hon. MEMBER .- Suppose a couple of pounds is borrowed ? Mr. HANAN .- Well, if the charge is over 10 per cent., it should be open to the Court to inquire into the transaction at the request of the borrower, and say whether the rate of interest demanded is fair, and should be paid. What we want is that the present outrageous rates of interest charged by Shylocks should be diminished -in other words, to relieve necessitous borrowers from the heavy obligation to pay usurious interest. Now, this is an exceedingly difficult subject to deal with. Take, for instance, the definition of "interest ": The definition of "interest " should include fine. or renewal charge, otherwise there would be evasions of the Act. It is doubtful whether clause 3 covers that objection. Then, clause 4

<page>439</page>

comes a bankrupt, I think the same right to apply to the Court for investigation of interest-charges should be presented as in other cases. Then, I think the clause which makes it compulsory for the money-lender to supply a copy of any document relating to a loan or any security therefor, is also a very useful provision. I should like to see a clause in this Bill providing that the money-lender should, in any document relating to a transaction, state the real annual rate of interest to be charged. In Canada they have a clause in one of their Acts which makes it compulsory that the money-lender shall set forth the annual rate of interest ; and the reason for it is this : A person may go to a money-lender and ask him to lend money. He says, "Yes, I will," and the interest is 5 per cent. But when the instrument is drawn up, the ignorant or careless borrower finds that he is charged 5 per cent. for a week or a month, and that the annual rate is over 5 per cent. And therefore I say it is desirable, in the interests of the careless and indolent borrowers, that a sum should be fixed in every transaction as the annual rate to be allowed. There should be a clause inserted preventing any one from charging a borrower, in addition to interest, a sum of money for obtaining the money for the borrower from such money-lender. I agree with the penal clause as put in the Bill, but to put other penal clauses in the Bill would, I think, be a step in the wrong direction, because where you provide penalties it simply means that you are increasing the price of the loan. Moreover, many of the usury laws which have been passed in other countries have proved of little effect, because of the fact that they imposed penalties upon the lender. I may say that last session I urged the Premier to bring in a Usury Prevention Bill, and he promised to do so. I regret to say that this Bill is not satisfactory. We want to strike effectively at usurious interest. It is our duty as law-makers to prevent a money-lender taking grossly unreasonable advantages out of all proportion to the benefit he confers on the borrower. We find that in many countries Acts have been passed to limit the amount of

interest. In India the limit is fixed at 12 per cent. ; in Prussia, at 12 per cent. ; in Hungary, at 8 per cent. ; in many of the United States the rate has been fixed at 6 per cent. In Germany they have usury laws, but no rate of interest is fixed at all; that is left to the Judge to determine ; and if the Hon. the Minister will read the reports in connection with the usury law in Germany he will find that the usury laws in that country do not work satisfactorily, and that one of the main reasons given for that is that the rate of interest is not fixed. Another reason of the failure of the Act in Germany is that the Judges who have to administer the law are not, as a rule, conversant with the trade and business to appreciate the real nature of the transactions, into the usurious character of which they have to inquire. I think, as the Bill stands, the Hon. the Minister will agree with me that it is a complete nullity unless he strikes out the latter part of the clause which says, "or any business not having for its primary object the lending of money, in the course of which and for the purposes whereof he lends money." As I pointed out, the clause as it stands can be completely evaded by a man combining the business of money-lending with some other business, and make that other business his primary object. Consequently, a commission agent, or a lawyer, or an accountant might lend money ad libitum, and could charge what rates of interest he liked. Then, as regards the money-lender, there are various systems of money-lending. A man who backs How is this Bill a bill is a money-lender. going to deal with him ? I think the Bill should be so amended that, if the rate of interest is more than 10 per cent., the borrower, if he wishes, should be entitled to have the transactions openly investigated, and the Court should say, having regard to the circumstances, whether the charge is fair and reasonable. Of course, it must be remembered that an amount that would be usurious in one case might not be usurious in another. It is obvious, therefore, that you cannot possibly fix definitely a definition that would apply to all cases. The money-lender would be bound to get his principal and at least 10 per cent. He might get 50 per cent. if the Court thought it justifiable, having regard to the risk and other circumstances. I can now, Sir, only repeat my contention that this Bill will be a nullity unless something is done in the direction of making amendments of the nature I have indicated. Mr. LAURENSEN (Lyttelton). - I think this Bill is a fair attempt to grapple with a very difficult subject ; and, although the last speaker -Mr. Hanan-has pointed out that there are certain things in clause 2 that we must see would have such an effect that a man engaged in money-lending would escape the working of the Act, at the same time I think the clause can be altered so as to embrace all these people. I have in my mind's eye the case of a money-lender. pure and simple, who calls himself a banker, and who is a pure-bred extortionist and sharp, yet under clause 2 he would escape the provisions of this Act as a banker, if you please. The last speaker, I think, said that what is wanted is an Act that will define the legal rate of interest as 10 per cent., and that it would be unlawful to charge anything above that. Mr. HANAN. - No, not unlawful. What I did say was that, if over 10 per cent. was being charged, the borrower should have the opportunity of having the transaction investigated by the Court, which would say what would be fair. Mr. LAURENSEN. - Well, of course, that is a very different thing. What I want to point out is that even if you defined a certain rate as legal the money-lender could always get through that clause. For instance, I know of a money-lender who carries on business in this way : He agrees to give a man a loan of \$100 for twelve months on bills renewable every three months, with interest at 10 per cent. per annum. On receiving an indorsed promissory note for three months, the money-lender hands the

<page>440</page>

months' interest at 10 per cent. per annum, and 24 per cent. for what our Hebrew friend calls "gommission." At the end of the three months the bill is renewed again with interest, and another 2} per cent. for "gommission," and so on until the expiration of the twelve months, when we shall assume the loan is paid. Now, during that twelve months "Ikey Mo" has received \$20 for a loan of \$95, or just on 32 per cent. per annum ; and yet nominally the money-lender was letting him have that money all the time for 10 per cent., the rate he said he would charge. If we pass only two clauses of this Bill we shall go a long

way in the direction of clipping the wings of these people. I refer particularly to clause 3, in which power is given to the Court to review any bargain that may have been made, and if the rate is considered excessive the Court shall then set the agreement on one side, and give justice according to equity and fair-play. short time ago a case was before the Court in Christchurch, in which some 700 per cent., I think, was charged, and the Magistrate-Mr. Beetham -in giving judgment, ordered the man to meet his liability. The money-lender applied to the Court for an order for imprisonment, and the Magistrate ordered the borrower to pay the money or suffer imprisonment. He said that he had no power to set aside the agreement, but he could, however, say how long the borrower was to have to pay the money. He therefore ordered that the debt should be paid at the rate of 6d. a week, if I remember correctly, which would enable him to liquidate the debt in a few centuries. If this Bill is amended in Committee in the direction indicated by the honourable member for Invercargill, so as to embrace those gentlemen who would otherwise get clear of its operations, and even if we only get clause 3 through, I believe that we would be doing a good service to a sometimes cruelly used class of the community. It often happens that the best and most simple people are at times driven to the money-lender. It is then that they are taken advantage of and fleeced without mercy by human vultures. shall be glad to support the second reading of the Bill. Mr. HALL - JONES (Minister for Public Works) .- Sir, I have noted with interest the remarks of the honourable member for Invercargill. He has pointed out one weak point in the Bill, to which I will give attention. With regard to the question of fixing 11.30. a minimum rate of interest : that is what appears to have been the difficulty in all legislation affecting this subject. The experience of other countries where it has been tried is that they have always failed through fixing the rate of interest, and in nearly every instance these laws were repealed, but in several countries were, with modifications, re-enacted. I am aware that in some of the United States the rate of interest is limited, but it does not work out as was intended. As regards the matter of commission agents who may be carrying on this business, and also as to Mr. Laurenson the course of this debate, I shall bear them in mind ; and I hope that, with the assistance of honourable members, we shall get a workable measure on the statute-book that will be for the benefit of the poorest class of people, who are those who most need the protection that will be afforded by this legislation. Bill read a second time. COMPANIES BILL. Sir J. G. WARD (Minister for Railways) .- Sir, this Bill is intended to bring the companies law in this colony more into line with the English law as recently amended there, so as to enable the whole position of the companies in the colony to be put on a better footing. It is a somewhat comprehensive Bill, and it would appear to me that, while I would give a general explanation of the principles of the Bill itself, it might be more convenient to honourable members to have the clauses of the Bill in detail fully dealt with in Committee. But I will explain to honourable members the general purport of the Bill. For a considerable time past in this colony the whole law relating to companies has not been satisfactory. There have been many cases known to honourable members where the Companies Act has caused great injustice to be done to companies themselves, to shareholders, and very great difficulty to the people responsible for carrying on the business, who were anxious to comply with the law, but were frequently unable to do so in a way satisfactory to themselves or to the members of these companies ; and it is desirable that in the Companies Act of this colony the law should be more clearly defined, and consequently better understood by the people as well as by the shareholders of the companies-that we should make the position of directors and shareholders generally more defined. I think this Bill does that, or will do it if it is put on the statute-book, in a way that ought to commend itself to honourable members. The 1st clause of the Bill that requires any explanation from me is clause 3, relating to the certificate of incorporation. I think that if a statutory declaration is made by a solicitor of the Supreme Court engaged in the formation of the company, as set out in subsection (2), or by a person named in the articles of association as a director or secretary of the company, of compliance with all or any of the said requisitions, and is produced to the Registrar, that declaration

should be accepted by him as sufficient evidence of compliance with the law. Mr. MASSEY -- What about subclause (5) of clause 3 ? Sir J. G. WARD .- That subsection deals with a question of repealing, and it is necessary, if the amendment proposed by the clause is given effect to. If the amendment suggested in the clause is given effect to, it will be necessary to repeal section 259 of the principal Act, otherwise there would be an inconsistency in the law. The qualifications of directors are dealt with in clause 4. It is required that they should either sign or file with the Registrar a consent

<page>441</page>

should sign the memorandum of association for a number of shares, not less than the qualification, if any, or sign and file with the Registrar a contract in writing to take from the company and pay for the qualification shares, if any. If the list of persons who have consented to be directors contains the name of any person who has not given his consent, the person who hands in the list shall be liable to a fine of \$50. As members know, there have been cases in the colony in which the list of directors has contained the names of persons who have not given their consent to act in that capacity. They were never consulted about it, and they had never consented; and to prevent anything of the kind in the future it is advisable that a substantial penalty should be imposed. Sub-clause (3; of clause 4 provides that the section shall not apply to a company registered before the commencement of this Act, or to a company which does not issue any invitation to the public to subscribe for its shares, or to a prospectus issued by or on behalf of a company after the expiration of one year from the date at which the company is entitled to commence business. That, I think, is a necessary proviso to have in connection with the company law of the colony. Clause 5 provides that it shall be the duty of every director who is by the regulations of the company required to hold a specified share qualification, and is not already qualified, to obtain his qualification within two months after his appointment, or such shorter time as may be fixed by the regulations of the company. Judging by some matters that have been recently brought under the notice of honourable members in the House, a provision of the kind is certainly required. Regarding the allotment of share capital, there are several important provisos in the Bill dealing with the matter, both as to the restrictions and the allotment of capital. If members will read the clauses they will find the allotment is safeguarded in a way that should commend itself to the House, and I really do not think that any particular explanation is required from me with reference to these clauses. Sir, the Bill has been in the hands of honourable members for a considerable time past, and doubtless they are as familiar with the whole of the proposals as I am myself. Mr. PIRANI .- What about the audit ? Sir J. G. WARD .- Regarding the question of audit, I am inclined to think it would be a good thing to give the shareholders power if they so desired to have a State audit. Their right to elect private auditors should, of course, remain. Generally speaking, I may say that the Bill is intended to place the formation of companies in the colony on a better and safer footing than has existed hitherto, and if this can be done it would be a very good thing for the country itself, because there are cases in the country at present of important companies who have a great difficulty in carrying on their affairs in such a way as the people connected with them would desire ; and if the company law can be brought into line, to insure to share-be on the lines of the English Act, which is incorporated in the Bill, it will be a very desirable thing to do. Mr. GUINNESS (Grey) .- I heartily support the provisions of this Bill. At this late hour it is not to be expected that one should go into the very important amendments proposed in the Companies Act and the amendments thereof. The honourable member has no doubt attempted by this legislation to meet the cases of the formation of companies, especially for gold-mining purposes, which recently have been brought under the notice of the public within the last few months. He is attempting to make some reform or alteration of the law, and prevent some of the alleged frauds that have taken place. I am not going to take up the time of the House by going into the details of the measure, because I confess at once I have not studied it as carefully as the Minister has. But, with regard to the question of audit, he will no doubt remember that in this Bill he

proposes that the audit system shall continue pretty well the same as it is. It is only in cases of neglect to appoint auditors that a member of the company can apply to the Colonial Secretary to appoint an auditor. I think we ought to do in this Bill the same as in the Municipal Corporations Act, under which it is provided that the Audit Office shall be the auditor. The companies have to pay the cost of the audit, and whether they pay private individuals or a State officer makes very little difference to them. But I submit the appointment of the Audit Office as auditor of all companies will be of great benefit to the colony. If this had been the case many years ago we should not have had the misrepresentations and swindles which were perpetrated in Dunedin in regard to the Equitable Insurance Company, for instance. An Hon. MEMBER .- How about West Coast dredging companies ? Mr. GUINNESS .- Nothing has ever been charged against any of the companies floated on the West Coast, but charges have been made against some floated in Dunedin, and I dare say the same remark would apply to some floated in Christchurch. Now, I can say this : that there has not been a breath of suspicion of wrong dealing suggested with regard to the flotation of companies on the Coast. The ground is there ; but the process of floating companies and of gulling the public with regard to some of these claims has been perpetrated by the promoters of these companies in Dunedin, and not on the Coast. The Goldfields and Mines Committee is at the present time inquiring into some of these matters, and before that inquiry is concluded they will thoroughly go into the whole question of the manner in which this Companies Act is worked for the purpose of deceiving the public. I think the Minister would do wisely to agree to remit this Bill to the Goldfields and Mines Committee to go through it clause by clause. That Committee is not a small one-it is one of the largest in the House-and I think, if that were done, that Committee might make very

<page>442</page>

proposals. I can only say that I entirely support the principle of the measure-that is, to amend the Companies Act and its amendments with a view to safeguarding the public in the investment of capital in mining and other ventures; but I say that this amendment should be made with great caution, consideration, and deliberation, and the best way to do that is to refer it to some Committee. An Hon. MEMBER .- Why the Mines Committee ? Mr. GUINNESS. - I suggest the Mines Committee because they are now making an exhaustive inquiry into the working of this Act. There are more companies registered for gold-mining purposes under this Act than for any other particular purpose, and therefore it more particularly affects that industry. No honourable member can make any objection to sending this Bill to the Mines Committee, because, when the report of that Committee comes before the House, we shall have the benefit of that Committee's suggestions ; and then also members will have a knowledge of the other industries that are incorporated under the Companies Act, and take advantage of that Act, and in Committee of the Whole they will be able to give their experience, and make further amendments if required. Mr. McNAB (Mataura) .- Sir, I do not think the honourable member in charge of the Bill should follow out the advice given by the last speaker namely, to send this measure to the Goldfields Committee. And the reason I make that suggestion is this: that this is a Bill dealing with the company law generally ; and, granted that there is the necessity for introducing legislation to prevent a recurrence of the abuses in connection with company promoting that has occurred in the Otago District during the last twelve months, it is very questionable indeed - in fact, I think it is highly improper-that the legislation which we are bringing down to prevent a recurrence of that should penalise company promoting in other directions, and in regard to which it has never been suggested that these evils have occurred. While this Bill follows the English legislation, and, I think, makes some very important and useful changes in the law, I do not think that it will be found to meet the Otago difficulties and the West Coast difficulties that were referred to. What I think should be done is that, when the Goldfields Committee have done with the witnesses that they are examining at the present time, either the Minister of Mines or the honourable gentleman in charge of this Bill should introduce such legislation as the Committee recommends affecting those

companies registered under "The Companies Act, 1882," or "The Mining Companies Act, 1894," and which carry on gold-mining operations, and limit the restrictive legislation, which it has been shown ought to be passed by this House, purely to those companies that carry on gold-mining as an occupation. I do not think the law ought to impose upon all companies the restrictions which, as I have done in cases like that, in regard to gold-Mr. Guinness necessity to require in this colony. Coming to the Bill, however, there are one or two points I want to refer the honourable gentleman to, and one of them is contained in clause 10. That clause provides that certain commissions and discounts may be allowed to any person or company "in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company;" and then, in subsection (2) it goes on to state that payment only is to be made as warranted in subsection (1)-that is, that these payments and charges must be set out in the prospectus, otherwise they are not allowed to be made. But if the honourable gentleman will look at subsection (3) he will find this section will not affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay. Now, I understand that this section was introduced in this form on account of the English law and practice, which draws clear distinction between a broker and a commission agent, and where the two departments of company-floating are kept clear and distinct. In this colony the distinction between the two is lost sight of, and under the practice in this colony subsection (3) of section 10 would neutralise the other two subsections. It is different in England; but I am sure, owing to the want of that system in this colony, that would be its operation, and it will be necessary to strike out subsection (3). Then, referring to section 12, the question of promoters' shares comes up, and I want to point out to the honourable gentleman a difficulty that has arisen owing to last year's legislation in connection with this question of promoters' shares. Last year we imposed by the Companies Act Amendment Act certain limitations upon promoters' shares, and in section 2 of "The Companies Act Amendment Act, 1900," subsection (3), occurs the following: "Shares given in lieu of cash in payment of any property acquired by the company shall not be deemed to be promoters' shares within the meaning of this section." Now, here is what takes place: A man secures an option over a property for gold-mining, and a consideration of, say, £10 per acre is promised for the land. After he secures the option he sells that option to a company. The consideration for the purchase by the company is the payment of that £10 per acre to the vendor of the land, and the payment of shares in lieu of cash to the vendor of the option of, say, fifteen hundred fully paid-up shares. Not one of these shares will then come in under this definition of promoters' shares, because given in lieu of cash; and the result is that only in a case of bad draftsmanship by the lawyer who has to deal with it is there a single promoter's share. Therefore the restrictions in a company imposed by the Act of last year do not apply to proper promoters' shares, and they can be disposed of at once. What I think ought to

<page>443</page>

paying in cash or in fully paid up shares, if they exercise that option and pay in fully paid up shares, then those fully paid up shares should be considered promoters' shares, and the limitations on promoters' shares under the Act of last year ought to apply to them. Then, provision ought to be made to meet this case: In the amended Mining Companies Act of 1894, it is provided that every company registered under that Act, and every company registered under any other Act that is engaged in mining, has to file an account in the Gazette every year up to the 31st December, giving a number of particulars, and amongst the particulars that this company has to file are what are supposed to be full particulars about its debts. The 4th Schedule of the Act specifies that it has to show all the debts due to the company; debts which are considered good due to the company; and, thirdly, any contingent liabilities of the company to anybody else. And, strange to say, the Schedule does not provide that the debts of the company due to any outsider have to be specified at all. The result is that the company may be indebted to outsiders to

the extent of \$9,000 or £10,000, and that fact is not disclosed. If the company, however, has only got a contingent liability of \$1, that fact has got to be shown in its statement of accounts. The following is the extract from the Schedule to which I refer : " Debts : Showing the amount of debts directly due to the company ; the amount of debts considered good ; the amount of the contingent liabilities of the company (if any)." Now, it is scarcely conceivable that any of the companies have any contingent liabilities at all. They may have a great number of liabilities, but not contingent liabilities, and the important information that the public want is what is the indebtedness of the company on the 31st December; and there ought to be introduced into this Bill an addition to the Schedule of the Mining Companies Act of 1894, specifying that every company has, in addition to the other information, to specify the debts of the company due to any person. Just looking over the Bill, these are some of the points that struck me that legislation is necessary for ; and I think the honourable gentleman in charge of the Bill will do well to keep clear of a general Companies Bill in legislation which the experience of the last twelve months of gold-dredging in Otago has shown to be necessary for the gold-dredging companies of the colony, and to put on the statute-book of the colony this Bill, derived from the English Act, with the modifications that the New Zealand experience has shown to be necessary. Mr. PIRANI (Palmerston) .- Sir, before the Minister replies. there are just two points I want to make. One is in reference to the balance-sheets of companies. I do not think there is anything worse in connection with the Companies Act than the so-called balance-sheets issued to shareholders. I defy anybody not a director of the company to obtain a proper statement of the accounts of any limited liability company from the balance-sheet as published. Only the other day I was going into the balance-sheet of a company with a turnover of nearly \$100,000 a year, and in the balance-sheet the highest account showed a turnover of \$28,000. As a matter of fact, it did not give the gross expenditure or receipts in the balance-sheet, and it was impossible to judge from the balance-sheet without an inspection of the books what business the company was doing. The greatest safeguard against swindling in a company is a full statement of the receipts and expenditure of that company. No audit in the world is equal to a full statement of accounts. Take, for instance, our colony : If the Government had to put in the particulars of every single voucher in the returns to be laid before this House, showing what the money was paid for, and what the articles were required for, there would be such a sensation throughout the colony that we would very soon see a very great reduction in our annual expenditure. It is to a very great extent the same in connection with companies. I think, if companies were forced by legislation to publish the whole of their receipts and expenditure it would be very much better for the companies, and there would be fewer bogus companies that we hear so much about. Of course, it is urged that it would be a wrong thing to compel a company to expose all its business to the public. But my experience is this: that, unless a company has got something to conceal, no harm ever occurred to a public concern by the fact of its published accounts being made full and complete. In regard to the question of audit, the member for the Grey touched on a point that I wish the Minister to deal with. The member for the Grey told us that there have been no such unfair transactions on the West Coast as had occurred in Dunedin in connection with dredging companies. We know of one case which came before the Supreme Court. It was a case of "salting" on the West Coast, where a term of imprisonment was meted out in connection with the swindling of a company on the West Coast. There have been no such cases in Dunedin. An Hon. MEMBER .- That does not come under the Companies Act. Mr. PIRANI. - I do not know what it comes under, but it ought to come under some Act. It shows there have been concerns on the West Coast whose affairs were not carried on in accordance with honest dealing. So far as dredging companies there are concerned, I do not think the member for the Grey could tell us of any that has been able to pay a dividend. Mr. GUINNESS. - Yes, several. Mr. PIRANI .- Well, they have not come to my ears. I know very many companies that have not. An Hon. MEMBER .- Have you been in any of them ? Mr. PIRANI .- Unfortunately, I have been in one, and that is about enough for me; but friends of

mine have had some remarkable ex- periences with regard to dredging companies on the West Coast, so that I do not think that

<page>444</page>

Dunedin in that respect. As a matter of fact, the question of gambling comes into all mining companies, whether dredging or any other, and my opinion is that the man who loses his money in a mining concern proves the saying, that "a fool and his money are pretty soon parted." If a man goes into a mining speculation he ought to know that the chances are about, say, ninety-nine to one whether he will get his money out of it again. But I do think the Government ought to take into its own hands, as the member for the Grey urged, the question of the audit of companies' balance-sheets. Of course, that would necessitate the employment of very many more auditors, but we should get a very much better system than obtains at present. What is the present system ? That practically the directors of a company appoint the auditor to audit the directors' accounts. Of course, theoretically the shareholders appoint the auditor ; but in the majority of instances the auditor is selected by the directors, and the auditor would be a very great fool indeed if he went out of his way to injure his prospects of re-election. But, to my mind, the best cure in connection with companies would be to put them all on the principle of those mining companies where there is no liability- An Hon. MEMBER .- Bring them under the Mining Companies Act. Mr. PIRANI .- I would go further, and say that a man's liability shall cease in regard to a public company when he thinks he has paid enough. Yes ; it is all very well for the member for Wakatipu to smile at that. An Hon. MEMBER .- There is a class of companies. Mr. PIRANI .- Yes, there is a class of companies in existence at present. But I want to place all on the same footing, because I say that you do not hear tales of swindling in connection with these no-liability companies that you hear in connection with the ordinary limited liability companies. I know it is not a popular thing to advocate. I mooted it in this House once before, and I have no doubt that at the present time it would not receive much support. But, Sir, I believe the time will come when the greatest check upon this misrepresentation and swindling in regard to public companies would be to put them in such a position that the directors of the company should be the persons who would be liable in the case of the failure of the company to carry out the expectations formed or set forth in the issue of the prospectus. An Hon. MEMBER. - Then we should get no directors. Mr. PIRANI .- Well, you will always find directors if it is a genuine concern, no matter what the liability is. But you will get no directors for a number of these speculative concerns that are simply got up to sell shares and gull the public. I feel certain that if this principle were extended to the majority of companies they would be found to work very much better than at present; because, if the concern was Mr. Pirami those who take up shares, very good care will be taken that their shares will be paid up, so that if the affair does turn out all right they will be able to reap their reward. Then the directors would not enter into any liabilities beyond the cash that was in hand. There would be no prospective liabilities ; there would be no making large expenditure on the chance that they would in the future be able to call up further capital; and I am certain that would be one of the greatest benefits, at any rate in connection with dredging companies, that you could possibly have. I hope the Minister will give seine further attention in connection with the system of audit, because the present system is not working as satisfactorily as it ought ; and it is the duty of the House, while giving every encouragement to the formation of limited-liability companies, to offer every protection it can possibly afford to those who take up shares in these companies. Sir J. G. WARD (Minister for Railways). - Sir, as to the point raised by the honourable member for Mataura regarding the adjustment of brokerage, I think he is quite right there. It seems to me that the proper thing would be to eliminate subsection (3) altogether from the Bill, and then there would be what was originally intended as provided in subsection (2) of clause 10. Upon the question of keeping the mining companies entirely separate from the Companies Act I quite agree with the honourable member. It seems to me it is desirable that the Mining Companies Act should not be mixed up with the general Companies Act, and

that it would be necessary to have a special Act for mining alone, with certain provisions of a suitable character imposed regarding mining operations in the colony, which would not apply to companies generally. As to the point raised by the honourable member for Palmerston, I may say that, personally, I am in favour of Government audit. I think it would be a good thing to allow the shareholders to elect a Government auditor if they wished, and there is no reason why reputable private firms could not in some way be certificated Government auditors, and I should be quite prepared to take the sense of the House when this Bill is in Committee upon the question. I think a company should have the right to elect private or Government auditors by vote of the shareholders as the shareholders thought proper. I look upon it that the best safeguard for the companies and the shareholders, as well as for the people who are doing business for those companies, is to have a reliable audit, and I should be quite prepared to consider such a proposal, although, as I say, shareholders should not be deprived of their right, if they so desire, to elect an auditor or auditors. I should support giving the power for the shareholders to have Government audit upon proper lines. I do not think there has been any point raised in connection with the principles of the Bill itself to which I need reply. As I have said, it is intended to put the company law of the colony upon a better footing. The Bill is before the

<page>445</page>

there from another place ; and I have no doubt that, with the careful consideration it will receive there, and the revision the Bill will also undergo in Committee, every effort will be made to make the law as perfect as possible. Bill read a second time, and referred to the Statutes Revision Committee. The House adjourned at a quarter past twelve o'clock a.m.