

LEGISLATIVE COUNCIL. Wednesday, 16th October, 1901. Third Readings-Shops and Shop-assistants

Bill- Disorder in Committee - Miners' Rights Fee Reduction Bill-Money-lenders Bill. The Hon. the

SPEAKER took the chair at half-past two o'clock. PRAYERS. THIRD READINGS. Shops and

Shop-assistants Bill, Rabbit Nuisance Bill. SHOPS AND SHOP-ASSISTANTS BILL. IN COMMITTEE.

Progress reported. DISORDER IN COMMITTEE. The Hon. Captain BAILLIE (Chairman of Committees). -

Mr. Speaker, I have been directed by the Committee to report progress in order to bring under your notice

the fact that the Hon. Mr. Shrimski has used the following words in reference to the Hon. Mr. Jones :

That " the Hon. Mr. Jones is one of the worst ' sweaters ' in this country." I asked the honourable

gentleman to withdraw the words, and he declined to do so. The Hon. the SPEAKER .- I think the words

are unparliamentary, and the honourable gentleman must withdraw them. The Hon. Mr. SHRIMSKI .- I

beg your pardon, Sir, but I wish to explain the position. The honourable gentleman used certain terms in

regard to myself. He told the Council, after I had spoken, that I had no heart, and that I wished to keep

people's noses to the grindstone : and I say that I have just as much humanity --- in my composition as

the honourable gentleman has; and I said, if ever there was a ' sweater ' he was, and I decline to

withdraw the expression. The Hon. Mr. W. C. WALKER .- I am sorry at the present position. We, of

course, have only the one desire-namely, to support the dignity of the Chair and the dignity of the Council.

When matters get to this pitch it is necessary that some steps should be taken. Standing Order No. 150

says, " No member may use offensive or unbecoming words in reference to

<page>479</page>

whether the words taken down are not offensive. They certainly seem to me to be so. It does not help any argument or befit the position or the proceedings of this Council that honourable members should use such words, and therefore it is quite right that the honourable gentleman should be called to order and be asked to withdraw them ; and I would now appeal to the honourable gentleman, and ask him what is more dignified, what is more fitting and right-minded, on the part of a member of this Council than that he should withdraw words which have been pointed out to him to be words which are not fitting to be used. We do not want to punish the honourable member, but I think the proper course is to ask the honourable member to withdraw, and then to suspend him for the rest of the sitting. The Hon. the SPEAKER .- If the honourable gentleman declines to withdraw the words I have no alternative but to follow the usual

course, and that is to request him to withdraw from the Council while the Council considers the position. I therefore request the honourable member to withdraw. The Hon. Mr. SHRIMSKI then withdrew from the Chamber. The Hon. Mr. W. C. WALKER .- No doubt every member of the Council feels oppressed at this very unnecessary position, as I regard it. I can only call it an exhibition of short temper, because the honourable gentleman was given an opportunity to withdraw the words which he used towards another honourable member, and he refused to do so. Still, the order and proceedings of this Council must be maintained, and I think some notice must be taken of this contumacy. I beg to move, That, the Hon. Mr. Shrimski having refused to withdraw words used by him in debate when directed to do so by the Hon. the Speaker, the said member be censured, and suspended for the remainder of the sitting. The Hon. Mr. JOHNSTON. - Would it not be more reasonable to give the honourable member an opportunity of submitting himself again to the Chair ? The Hon. Mr. W. C. WALKER. - The honourable gentleman will be called in to hear the decision of the Council, and then he will have an opportunity of withdrawing the words if he thinks fit to do so. The Hon. Mr. REEVES .- What a farce it is to suspend the honourable gentleman for the rest of this day's sitting! He will come back to-morrow, and will gloat over the matter. The honourable member was sufficiently warned on four different occasions that he must withdraw the words, and the Speaker also gave him an opportunity to withdraw them, and he refused to do so, and he refused to do so in the most insulting manner. I say that there ought to be something more done than simply to suspend the honourable gentleman for the rest of this day's sitting. The Hon. Mr. PINKERTON .- After all is said and done, I think the Council only wants to express its dissent from the conduct of the it will satisfy the Council and will satisfy the country. I would be satisfied with even less than what has been proposed by the Minister ; but, if necessary, I shall support the honourable gentleman. If the Hon. Mr. Shrimski when he comes back is informed of the decision of the Council, that the Council regards his words as unparliamentary, I do not think that it will be necessary to suspend him for the rest of the day's sitting ; but if the leader of the Council insists on it I shall vote for his motion. I think that all the Council wishes to do is to maintain its dignity, and to let the honourable member know that this sort of thing cannot be passed over. The Hon. Mr. BONAR .- Would it not be possible, Sir, to ask the honourable gentleman to return to the Chamber and apologize to the Chair ? Hon. MEMBERS .- NO. The Hon. Mr. McLEAN .- It is a pity that such things should take place here, and I am sure that every member of the Council must deplore them. I do not know what it is, but those two honourable members come from the same place, and they appear to be antagonistic in some respects. The Hon. Mr. Shrimski, no doubt, ought to have submitted to the ruling of the Chairman; but the Hon. Mr. Shrimski had very severe provocation in the words used by the Hon. Mr. Jones; and I think the punishment that is now proposed is more than is necessary, because when one honourable member gives provocation to another honourable member the Chairman as a rule stops him. If he does not do so, the words used arouse the ill temper of the other member, and I think it is wise that the use of such words should be checked. But I think that in meting out punishment it is necessary to consider the provocation given, and in my opinion the Hon. Mr. Jones should have been stopped at the time when he was referring to the Hon. Mr. Shrimski, and when he called him a " heartless man." The Hon. Mr. JONES .- I did not say anything of the sort- The Hon. the SPEAKER .- The honourable member must resume his seat, and if he wishes to explain, an opportunity will be given him of doing so, The Hon. Mr. McLEAN .- I was going to say- The Hon. Mr. JONES .- I rise to a point of order. I shall not allow these things to be said of me in this Council without protest. I said nothing of the sort. All I said was this: I recounted what the Hon. Mr. Shrimski had said in regard to the young men-the chemists' assistants. He said they did not care what took place-whether people were taken ill, or even if they died-so long as they got their holiday. I replied that that was a heartless thing to say of these young men-that these young men necessarily wanted their proper rest as well as other people in the community. The Hon. Mr. PINKERTON .- Those are the words which the

honourable gentleman used ; those were the words used also by the Hon.

<page>480</page>

words the honourable member used. I quite believe what the Hon. Mr. Jones has said now, that he used those words; but they gave certain offence to the Hon. Mr. Shrimski, and the Hon. Mr. Shrimski made use of words -perhaps wrongly, I admit-and he had no right to refuse to withdraw those words when he was asked to do so. The Hon. Mr. McLEAN .- I was going on to say when interrupted that, sitting here, the impression on my mind was that irritation was caused by the honourable gentleman's words : and I am of the same opinion still. As to the words he used, I am not going to split straws about them ; but, to my mind, the words used implied that the honourable member (Mr. Shrimski) was a heartless man. The Hon. Mr. JONES .- I did not say any- thing of the sort. The Hon. Mr. McLEAN .- That was my view, sitting here and listening. I am not saying anything to justify the honourable gentleman who has retired from the Chamber. I say that no man should decline to obey the direction of Mr. Speaker, and that a certain amount of punishment should be awarded; but I also think it will be necessary for the Chairman of Committees and for Mr. Speaker to draw a stricter line when members who are addressing the House make remarks that are irritating to other members. The two honourable members concerned constantly gead each other, and one is just like a red rag to a bull to the other. I think one is just as bad as the other. The Hon. Mr. JONES .- Sir, I rise to a point of order. I object to the honourable gentle- man attributing to me remarks which I did not make. The Hon. the SPEAKER .- The question we are dealing with is that the honourable gentle- man has defied the Chair. The Hon. Mr. McLEAN .- Well, Sir, I am only asking that for the future strict discipline should be observed, and I hope that yet we may get over this difficulty. By this time the honourable member has no doubt cooled down considerably, and it may be that he will ex- press regret for not obeying the Chair. I think we should give him an opportunity of with- drawing from the position he has taken up. To do that would smooth matters over very well. The Hon. Mr. A. LEE SMITH .- I quite dis- agree with the remarks made by the honour- able gentleman as to this punishment being too severe. I regard it in this way : that it is an offence against the Speaker to defy his ruling, . and it is also an offence against the dignity of Parliament when a member is ordered by the Speaker to withdraw and says he will not do so, and therefore there should be adequate punish- ment. Only the other day I was reading some of the debates in the House of Commons of last ses- sion, and I found that there an honourable mem- ber refused to withdraw certain words when ordered to do so by the Chair. The Speaker was then brought in, just as has been done to-day, and the member absolutely refused to withdraw the Hon. Mr. Pinkerton I think it was for a fortnight, but at least it was for a week. I think that suspension for the remainder of the sitting is a very mild punish- ment, as the conduct of the honourable gentle- man is an insult to the dignity of the Council and of its Speaker. The Hon. Mr. RIGG. - Sir, I am under the impression that the Minister is not taking the right course on this occasion. If he will look at Standing Orders Nos. 239 and 240 he will see there what the course of action should be. It is provided in Standing Order No. 239 that,- " Any member who shall wilfully disobey any lawful order of the Council, and any member who shall wilfully or vexatiously interrupt the orderly conduct of the business of the Council, shall be held guilty of contempt." And Standing Order No. 240 says, -- "Any member adjudged by the Council, for any of the causes mentioned in any of these standing rules and orders, guilty of contempt, shall, upon motion made with notice, be cen- sured by the Speaker, and such censure shall be entered on the Journals of the Council ; and such member may be fined in a penalty, at the discretion of the Council, not exceeding £50, and in default of payment shall be com- mitted by the warrant of the Speaker to the custody of such person or persons as the Speaker shall appoint, for a period not exceed- ing fourteen days ; and it shall be lawful for the said person or persons to detain the said member in custody for the period directed by the Council, unless discharged by order of the Council, or unless the amount of fine shall be paid." Now, I have no desire to see the honourable gentleman taken into custody this afternoon, but I would point out,

first of all, that nothing can be done until notice is given, and when notice has been given it is the duty of the Speaker to censure the offending member. After that there may be further punishment by way of fine, if the Council so desires. Personally. I am not inclined to see the honourable gentleman treated with unnecessary harshness; but I do agree with the Hon. Mr. Lee Smith that this is a time when the strong hand is required, and, as generally happens in moments of this kind, those upon whom the responsibility is thrown weaken down, and Parliament loses a certain amount of dignity. I say that what we have to consider is that the honourable gentleman defied the Chairman of Committees, and that when the Minister in charge of the Council requested him to withdraw the words he refused to do so; and, further, that, being asked by the Speaker of this Council to withdraw the expression he had used, he persisted in his conduct. The Hon. Mr. W. KELLY .- Sir, it appears to me that the Standing Orders the honourable gentleman has called attention to do not bear upon the subject, but apply when there is a call of the Council. If he will read clause 237 he will find that I am right. If in the case of a call of the Council an honourable member does

<page>481</page>

and " any member not attending in compliance with the order of a call of the Council without reasonable excuse shall be held guilty of contempt, and may be dealt with in accordance with Rule 240." Motion agreed to. The Hon. Mr. SHRIMSKI was sent for, and, the honourable gentleman having re entered the Chamber, The Hon. the SPEAKER said, -I have to inform the honourable gentleman that the following resolution has been passed : "That, the honourable gentleman having refused to withdraw the words used by him in debate when asked to do so by the Speaker, the said member be censured and suspended for the sitting." I can only express my great regret that such a thing as this should have happened in this Council. I am sure that every facility -so far as I know, at any rate-was given to the honourable gentleman for reconsidering the position in which he had placed himself; and his long parliamentary experience must have convinced him that the words used by him were provocative of disorder, and that no honourable gentleman can be permitted to use language of that kind at any time. I trust the honourable gentleman will see fit, even yet, to express his regret for what has happened. In the meantime, the honourable gentleman is suspended for the remainder of this sitting. The Hon. Mr. SHRIMSKI then withdrew. # MINERS' RIGHTS FEE REDUCTION BILL. On the motion to commit this Bill, The Hon. Mr. BONAR wished to say, before the Speaker left the chair, that, while he did not want to oppose any reduction of the miners' rights fee, he still felt it was doing a great wrong to many bodies which were receiving these fees as part of their revenue. He spoke now from a Harbour Board point of view, and if they reduced the fee from 10s. to 5s. they were reducing the revenue of the Harbour Boards on the West Coast from that source by one-half. Already Parliament had thought proper to reduce rents in mining properties from 10s. to 2s. 6d. for the first year, 5s. for the second year, and 7s. 6d. for the third year. This gave these bodies so much less money to spend and to pay their liabilities with, and on that account he simply wished to say that he entered his protest now to this reduction of their revenue. He did not intend to move any hostile motion, because he was quite willing to see people get miners' rights at the cheapest rates possible, but at the same time the Council should know that in reducing these fees they were reducing the powers of certain local bodies to pay that which they owed. The Hon. Mr. REEVES merely wished to say that to a great extent he sympathized with the Hon. Mr. Bonar in this matter. At the same time, they must recognise the fact that it was an unheard-of thing in almost any other country to impose these fees on gold-miners, and in 1885 the license fee was only 5s. Since VOL. CXIX .- 30. seem much in itself, it was a great hardship to men who were working hard for their daily bread. The whole difference it would make to the various local bodies would only be about \$1,400 in the twelve months. Further than that, he believed a large number of miners who at present did not take out miners' rights because they could not afford to pay the 10s. would do so when the fee was reduced, and the increased

number of rights taken out might make up a large portion of the revenue which it was feared would be lost. Bill committed, and subsequently reported, and read the third time. MONEY-LENDERS BILL. The Hon. Mr. W. C. WALKER. I beg to move, That the order for the third reading be discharged, and that the Bill be recommitted for the purpose of considering certain clauses. The Government are anxious that this Bill should pass, and I am sure the Council is equally anxious the Bill should pass, in as good a shape as possible, and there are one or two things that are required to make the Bill read with itself. An Hon. MEMBER. - What is wrong with it ? The Hon. Mr. W. C. WALKER -I will tell you if you give me time. In the first place, in clause 2 I propose to add, after the word "interest " in the 4th subclause, the same proviso that we put into the 3rd clause, that "interest " should include any payment or deduction by way of premium, fine, or foregift. The Hon. Mr. McLEAN .- Where do you put that ? The Hon. Mr. W. C. WALKER .- In the fourth line of subclause (4) of clause 2. Then, I promised to consider the matter of bottomry, and I propose to add an amendment to the end of that clause exempting dealers in bottomry bonds, whatever that trade is. In clause 3 I propose to take in as a proviso to that clause the new subclause (SA) on the third page of the amended Bill : "No person is entitled to apply to the Court to reopen any transaction unless application is made within one year of such transaction being closed." That ought to go in as a subclause to clause 3, as part of the conditions on which transactions can be reopened by the Court. I think that virtually covers all the amendments I propose, so that I would ask the Council to agree to the recommitment of the Bill for the purpose of reconsidering clauses 2 and 3, and this new clause, which I shall call 6A. The Hon. Mr. RIGG .- That requires notice of motion. The Hon. Mr. W. C. WALKER .- What I was going to propose is this : to discharge this order and recommit the Bill, and report progress as soon as we get into it, and then I will put the amendments on the Order Paper. The Hon. Mr. REEVES .- I should like to ask the Minister if he would in the meantime, between now and our further dealing with the Bill, take into consideration the advisability of exempting mining companies and dredging

<page>482</page>

companies. Dredging companies are in the] same category. pretty well. as bottomry bonds. The Hon. Mr. W. C. WALKER .- They have got pontoons. Tue Hon. Mr. REEVES .- Yes, they have floating pontoons, and I think these companies should be exempted from the ordinary course of this Act, inasmuch as most honourable members know perfectly well that if a mining company or dredging company gets into difficulties and wants a few hundred pounds, or a thousand or two, they cannot get the money at the ordinary rate of interest. Therefore I think they should be exempted, and perhaps a judicious loan of \$500 or \$1,000 may save a company from going to wreck. For these reasons I ask the Minister if he will take that into consideration, and, in drafting his new clauses to morrow, whether he will make an exemption in that respect. If not, I will have to do it myself. The Hon. Mr. A. LEE SMITH .-- I do not think it is desirable to make any exemptions in this Bill, for this reason : If you once open the door to exemptions, on the application of these holders of bottomry bonds, and then also to mining companies, the limitation to them, being exceptional, would tend to shut out the consideration of other cases with equal claims. It would almost be an instruction to the Court to disregard every other application upon money lent which is based on a speculative transaction. Now, there are any number of things which you can conceive would come under the category of risky speculations, just the same as bottomry bonds and mining companies. For instance, there is no greater risk than lending money on crops ; but that is done all over the South Island at times, and I cannot call to mind any business that is more risky than lending money on such security. First of all, there is the danger of the crop being a failure, from drought, hail- storm, fire, or from some other form. Then, a crop is still more dangerous, because it often happens that the lender is called upon to advance more money than he did in the first instance, and he may have to reap the crop. The borrower may fall short of money, and it may then happen that the lender practically becomes the owner of the crop-perhaps to his loss. So here is as good a case for exemption as that of a bottomry-bond

security. Therefore I think it is unwise to introduce the element of exemption. We have already made certain safeguards against the risk of transactions being opened excepting over 10 per cent. Before I moved my amendment in clause 3 transactions in money-lending could be allowed to down as low as 5 or 6 per cent., but that has been altered. Having got that. I do not think we should go any further by bringing in exemptions. Of course, there are certain things on which it is necessary that the lender should charge a high rate of interest-for instance, bridge-build- ing, wharf-building, and mole- and dock-build- ing. I remember a case many years ago where there was a large speculative contra t in Lyttelton Harbour, and in that case a large profit was eventually made out of it. I remem- Hon. Mr. Reeves ber that the contractors at one time became pinched for money, and they had to give high rates in order to obtain it. That was a legiti- mate transaction, and it paid both the lender and borrower. That is one of the transactions that would be put aside altogether if you put in any suggestions such as the honourable gentleman suggests. It is a mistake to put any exemptions in this Bill. The circum- stances should be left to the discretion of the Court. I believe there are several other honour- able members who have knowledge of trans- actions of that kind that will lead them to a similar conclusion to that at which I have arrived. Bill recommitted, and progress reported. The Council adjourned at a quarter to four o'clock p.m. #