

LEGISLATIVE COUNCIL. Thursday, 1st August, 1901. Training-ships-Referendum Bill. The Hon. the SPEAKER took the chair at half- past two o'clock. PRAYERS. TRAINING-SHIPS. ADJOURNED DEBATE. The Hon. Mr. MONTGOMERY .-- I under- stand that the object of the motion is to obtain the establishment of a training-ship for boys of good character, rather than a reformatory. . I would not vote for the establishment of a training-ship as a reformatory, because I hold the opinion that a reformatory is better man- aged ashore. But as the intention which my respected friend the Hon. Mr. Jennings has in view is a training-ship for boys of good character who want to qualify themselves as seamen, and as the Legislature has twice ex- pressed itself in favour of it, I think it should I consider the Government be given effect to. should now proceed to take action in this matter, with a view of carrying out the wishes of the Legislature. As I said before, I shall vote for the motion for the reasons I have indicated ; but I would not vote for it if the training-ship were for anything else than for lads of good character, and was in any sense a reformatory for boys who had committed a crime and had been in the hands of the police. The Hon. Mr. REEVES .- I am very sorry, Sir, that the honourable gentleman who has just sat down takes such a narrow view of the matter. If a boy in his early youth has com- mitted some petty crime and is committed to a training-ship, the opportunity of acquiring a training for a seafaring occupation should not be debarred to him. Many a hoy has been led into temptation at an early age, and has after- wards turned out, through proper training and looking after, to be a good man ; and I trust that such a thing will not influence the Govern- ment, if they do intend to establish a training- ship, to preclude boys who have committed some offence from being admitted to it. Yes- terday, I think it was, or it may have been the' day before, the Hon. the Minister who is leading shore. The Hon. Mr. W. C. WALKER. -- I said there was no reason why it should not be. The Hon. Mr. REEVES. - I misunderstood him, then. There is a wonderful difference between training on board ship and training on land. I think there is no reason why a certain discretion should not be used. At all events, an institution on land would no doubt be produc- tive of much good ; but

not one of them can compare, for the training of youths, with a training on board ship. They are subjected there to better discipline, they are well looked after, they are carefully trained, and they obtain all the exercise that they need, and everything is calculated to bring out good and true men in the long-run.

This thing has been tried not only in New South Wales. but we know it, has been tried in the Mother-country to a very large extent, and any one who likes to read up the subject will find that immense benefits arise from training-ships in the Old Country. Those benefits are almost incalculable. Boys have gone in there who have perhaps been led into crime, inasmuch as they have been committed for some petty offence, and those boys, in scores of instances, when they reach the age of fourteen or fifteen, turn out to be really good and useful boys in the Royal navy. I am sorry my honourable friend the Minister of Education made the remark that no boy who had been tainted with crime could be admitted into the Royal navy. If that is the case-and I cannot contradict the honourable gentleman's statement - it seems to me to be a very drastic measure ; because, as I have already mentioned, a boy who happens to be committed to a training-ship for some venial offence should not be debarred from taking his position in the world afterwards. Most honourable members who have spoken are quite in accord with the motion of the Hon. Mr. Jennings, and I personally have always been so. When I was a member of another place, I always expressed myself in favour of the establishment of a training-ship in the colony, and I think the time has now come when we must go into the matter seriously. New Zealand eventually will be a great maritime nation. as our insular position places us pretty well in the same position as Great Britain, and the time is coming when we shall be a great sea-going people. I trust the Government will take the matter up ; and I am surprised beyond measure that, with an enlightened Government such as we have now, a Government that is in the van of progress. they have not already taken the initiative in regard to this very important question. I trust the feeling of this Council and of the other House will be so strongly marked this session that the Government will see their way clear to establish such an institution. As the Hon. Mr.

Jennings has said, there is no doubt the Home Government would be only too glad to turn over some of their old obsolete ships to the New Zealand Government at a very small price, if anything at all, because it must be recognised, as it is now recognised in the Old

<page>158</page>

sailing-vessel or steamer coming here ? Will you find all British sailors on board ? No; you will generally find that many of them are foreigners, and it behoves us as a young nation to look after ourselves in the future. I do not intend to detain the Council with any further remarks on the subject, but I shall support, as far as I can, the honourable gentleman's motion. The Hon. Mr. BOLT .- Sir, this is a very important subject to my mind, and, I believe, to the minds generally of members of the Council. Now, the Hon. the Minister has asked, If you could get such good results from training on board a ship, why not get the same results on shore ? I think honourable members will see, as my honourable friend who preceded me pointed out, that the conditions are quite different. On board a ship a boy naturally takes to habits of order, cleanliness, industry, and a sense of freedom accompanies all his actions, which is not the case on shore. The life of a boy in such an institution on shore is rather monotonous ; but a boy on board a ship cultivates not only those feelings I have mentioned, but he cultivates a cheerful respect for those in authority over him. He feels he belongs to a seafaring race, and the traditions of that race have become established in him, and he unconsciously takes part in the history of the people of that race. That, I think, is perhaps the main thing which distinguishes this training from training on shore. Again, Sir, in regard to training on board a ship, we know very well that people who have been inured to a seafaring life have the greatest enjoyment wherever there is a slight element of danger. One never has any real enjoyment unless there is some small element of danger. #cc-zero and although one would scarcely say there was danger on a training-ship, yet when a boy is on anything afloat it brings that sense to his mind. He has a sense of freedom also, and if there is an element of danger it gives him a spirit of enterprise and initiative which cannot be brought out in shore life. Now, with regard to what has been said on the question of turning out sailors, I do not think this training will bring out good sailors -- I mean the sailor of the old school, such as the Hon. Mr. Scotland alluded to yesterday. The truth is we shall never see that sailor again. He is an extinct species, belonging to a different class of seafaring life. The sailor of the present day does not live the same life that the old sailor did. He has not got to lie aloft furling clouds of flying canvas over his head. He has not the same resource. He relies purely upon the machinery in the engine-room, and that machinery to a great extent has undermined the character of the old sailor. But, while it is doing that, it is making a class of sailor which we can to a great extent improve by training of this sort. The training which now goes on in training-ships goes a long way, I contend, in the direction of making a sailor such as is required at the present time. Hon. Mr. Reeves was said yesterday : that the necessity for this kind of training-ship is the result of our past legislation, and that had it not been for our labour legislation we should not have required this training-ship at all. I do not think we should have this thrown in our faces, that in consequence of our past legislation contingencies like this have arisen. In every country where there is labour legislation, or where there is none, you must provide for contingencies such as this. The question is, Can we, if we have these training-ships, turn out stronger boys and more honourable and better men than we can by a shore training ? I think we can. The Hon. Mr. FELDWICK .- I think there is one thing that requires to be alluded to before we come to a decision on this subject. A "red-herring " has been drawn across the scent, not -intentionally probably, but accident- ally. This is owing to the fact that, when the honourable gentleman who was the parent of the motion two years ago had a Committee set up, and evidence was taken from a captain in the Royal navy, his evidence was led in such a way that he

was induced to believe that what we wanted to have was a ship to be a school for the navy. This created a great complication. A large section of the members of the Council merely wish to see the boys trained for the sea, and the navy is no consideration whatever. The captain informed us that if we had a training-ship, and if any of the boys among the inmates of that ship had any criminal taint upon them, no one trained on the ship would be admissible into the Royal navy - that is to say, that they would start with a bad mark for life. This complication ought to be got rid of. Let us have a training - ship for the mercantile marine, and leave the Royal navy entirely out of the question. This is the view I take on the subject. It is very awkward for Parliament to deal with a question where there is any kind of complication. We do not want a ship for training for the navy; we want a ship on which boys shall be trained as sailors, and we should prefer that, after their training, if possible, they should take to land pursuits -- ! be the "handy man " on shore. That is the case with the boys trained on the "Sobraon," of Sydney, of which we have heard so much. A ship like that would suit us, and attached to it a sea-going craft. on which, as the Hon. Mr. Bolt said, the boys could now and then go and face "the dangers of the sea "-go on "active service." so to speak. I think it is most desirable, and I really do think a resolution like this ought not to have been necessary at present. I believe such a ship ought to have been established many years ago. It has been a very mistaken policy that it was not done. The boys who are at present in our industrial schools -otherwise, "reformatories," for they are re- formatories in this country-take Caversham or Burnham for instance - are badly branded through some of them having been more or less mixed up with criminal children-children who

<page>159</page>

the boys would be far better on a training-ship ; for when a boy comes off a training-ship we all know that among British people a sailor is welcomed everywhere -- every one is favourable to the sailor boy. Therefore I think it would be a great deal better that we should be without these land institutions, and have a training-ship instead. I intend most cordially to support the motion, and I am very pleased with the honour- able gentleman's persistence year after year ; and I do not regret the time that has been devoted to this discussion in the Council, because it has attracted and must attract attention in the country. The Hon. Mr. TWOMEY .- Sir, if the Order Paper were bigger I should not have taken up the time of the Council, as I do not profess to have any special knowledge on this subject, but there is one point that has been raised on which I wish to express an opinion. This point was raised by the Hon. Mr. Montgomery. I can understand the honourable gentleman's desire to maintain the high reputation of the British sailor ; he has. I understand, occupied a distinguished position in the mercantile marine himself at one time, and consequently may be : pardoned if he has a partiality for that profession. But I think, like the Hon. Mr. Reeves, he is taking a very narrow view of it, and I was astonished to find that the British navy would not allow into the service any boy who had any taint of criminality. I do not know, ' when we look back at the British sailor, that ! he is of such an extraordinarily exemplary character that we need be so timid about the admission of a person who may be guilty of a very innocent and harmless trick in his early youth. I do not think he would suffer by that. { cording to the statement of the Hon. Colonel There is a great difference between people: there are two classes of people-people who are found out, and people who are not. These children may be in their early age guilty of a little indiscretion which their after conduct might well atone for, and I do not see that they should be ! branded for ever because they happened to do some little thing of a criminal character, probably very innocently. That is the point I wished to speak on. While I do not think I would go altogether so far as the Hon. Mr. Feldwick, I do not think these ships should be shut altogether to persons who have been guilty of indiscretions. I, of course, have no knowledge on this subject. but I realise that a good work would be done by training these boys to a means of earning a livelihood. I think, too, that the assertion that the necessity for these training-ships is traceable to our legislation is a rather extravagant statement. I think it is altogether

contrary to fact. I have a distinct recollection of a time previous to the introduction of this legislation, and if such a statement had been made then, having regard to the condition of the workers at that time, it might be said that something of the kind was necessary to provide for the unemployed in those days. At the time every street-corner was constituted a meeting-place for the unemployed. Our destitution from end to end of the land. Now the position has changed, and you might travel for miles, and days, without meeting a swagger. You would not find one, and you do not hear of an "unemployed" meeting. Everybody has plenty of employment -- in fact, it is difficult to find workers; and that is the change that has come about contemporaneously with the currency of those laws which the honourable gentleman deprecated, and which he said resulted in a training-ship becoming a necessity. I do not think that the honourable gentleman could support that statement by any system of reasoning, and I do not think it is capable of being substantiated by a single fact. What I state is the absolute truth as it is presented to us now by our social conditions, and I think the honourable gentleman made a mistake in making the statement, which anybody can see is at variance with facts. The Hon. Mr. FELDWICK. -- I would like to say, as a matter of personal explanation, that I did not state that children of criminal taint should not be admitted to a training-ship, but that we should have only the one object in view, irrespective of training boys for the Royal navy-that of training them to a sea life. The Hon. Mr. GOURLEY. - I have a misunderstanding on this question. If the motion is to establish a training-ship such as has been described by the Hon. Mr. Jennings-namely, the "Sobraon," which is moored in Sydney Harbour -- then I am opposed to it, because I consider that that ship is nothing more nor less than what the Minister of Education said yesterday-a floating prison. Then, according to Pitt, these boys are taught the goose-step, to know how to stand at ease, to touch their hats to their officers, to wheel to their right and left, and otherwise to do what they are told ; but they have no freedom of action. The only good thing I see about that ship is that she has a schoolmaster on board, and that is the only good thing about it. Just imagine for one minute a vessel moored in Sydney Harbour, which is one of the prettiest harbours in the world, and those children are cooped up on board that vessel, and can only look at their beautiful surroundings, while they know that other children of their own age are allowed some freedom of action for at least two or three hours in the day for the ordinary recreation which youth requires. Does anybody tell me that such a ship is the place for young children ? I say, No; and I say again that the industrial school on land is far better than a floating prison. If you want to establish a training-ship pure and simple I am with you -- that is, if it is to be a ship to train boys for the sea, as I understood from the Minister of Education yesterday that that was his idea. That is all right, and by all means have a training-ship, and provide that no boy on board shall be under fourteen years of age, and keep him there until he is sixteen, by which time, if he gets &

<page>160</page>

fit to take a position on a vessel and be employed by any shipping company in the world. That is the sort of ship I would vote for, but not for a floating prison. Some speakers in this debate have referred to the fact that boys guilty of petty larceny would not be allowed on board a man-of war. I come from a place called Belfast, which is surrounded by beautiful gardens, and I venture to say that if those gardens could speak they could tell tales that would make some men ashamed of themselves for talking so much about petty larceny. What is petty larceny ? One boy goes along the street and he sees some apples in a garden. There is not the least necessity for him to steal those apples because he has plenty at home; but the apples tempt him -they have tempted others before him. Yet that boy is let off with a caution, because his parents are respectable. The other boy, as he walks along the street, and perhaps has not had a good meal for weeks, sees a loaf of bread in a shop-window. That tempts him ; and I say he has more justification for his larceny than the boy who takes the apples. Yet he is convicted of petty larceny, and branded for all time; and if we keep these boys out of the public service I say that the punishment is too severe for the offence. I say by all means have a training-ship pure and simple, but I agree with the

Minister of Education that, in regard to such a thing as the "Sobraon," we should have none of it. The Hon. Mr. W. C. WALKER. - I would like to say a few words in order to clear up one point. The point I referred to in connection with the "Sobraon," and which has also been referred to by other speakers in the course of this debate, was as to the eligibility of boys from a ship like that to get into the navy. It is a very important point, because if they are eligible, then, of course, one advantage possibly to be derived from a training-ship is clear. I have here the evidence which was submitted to the Committee of the Council a few years ago. When Captain Leah. of the "Mildura," was being examined he was asked by the Chairman this question :-- " Under any conditions whatever do you take boys from reformatory ships, such as, for instance, the 'Sobraon,' in Sydney ? . No; we take no boys unless they bear a thoroughly good character." Then I asked these questions :-- " You say that, as far as the navy is concerned, boys are not taken from reformatory ships : that is an actual fact, is it ? - Yes. " Are you acquainted with the different kinds of training-ships at Home - I mean in the Old Country? No: I am only acquainted with our own. " How many have you, more than one ? . . Yes ; four or five. " And they take the boys, do they ?--- The boys are recruited by recruiting parties. These Hon. Mr. Gourley where about the ages of fourteen or fifteen. " Only boys of a thoroughly good character, of course ?---- Yes. "And their training then commences ?- Yes ; the boys go through a training course of from eighteen months to two years in a training- ship. " And that is the way Her Majesty's ships are manned ?- Yes: very few are taken from the merchant service. " In addition to these training ships there are others, like the 'Worcester': do you know anything of that class? - No, nothing whatever ; they are purely for the merchant service. " With regard to reformatory ships : do you know anything of that class ? No, nothing. " Do you know anything of the 'Sobraon' in Sydney ?--- >0." Then, the Inspector-General of Schools gave evidence to the effect that "the navy is practically closed to reformatory or industrial- school boys, though it is open to boys who have been trained for bands." Then, here is the report of the Inspector of Reformatory and Industrial Schools of Great Britain, for the year 1896. He states, -- "The fact that the boys from industrial- school ships -- except band boys -- though not excluded from the navy, are not welcomed there because of their antecedents a serious matter, for it means that the most powerful stimulus to stir the imagination of a boy on one of the industrial training-ships-namely, the hope of one day entering the Royal navy, which is to boys the highest embodiment of sea life is of small avail." And in a letter to the Minister, which was copied in 1836 but was written in 1895. in reply to a letter from the master of the Burnham School, Captain Baker, of H.M.S. " Katoomba," said that " no boys could be received on board Her Majesty's ships from establishments of a reformatory nature." I do not think I need go further, but I have shown that I was quite within the mark when I stated that the boys from the "Sobraon " would not be welcomed into the Royal navy. There is only one other remark that I desire to be permitted to make, and that is that I should feel obliged if the honourable gentleman would agree to strike out the word " unanimous " from his motion. I do not think it is altogether a fair way of putting a resolution to this Council, because, although there may not have been a division upon the question, yet it does not follow by any means that the vote was unanimous. For instance as far as I can remember, although I did not support the honourable gentleman's resolution last year, I had so much sympathy with his object and aim that I did not in any shape or form force the matter to a vote. I allowed the matter to go on the voices, and I do not think I should afterwards be brought into it by having the word " unanimous " put into a motion of this kind. I will not divide the Council on this

<page>161</page>

shell be obliged if the honourable gentleman will strike out the word " unanimous." Tho Hon. Mr.

JENNINGS. - I am quite willing that the word should be withdrawn. The Hon. Mr. T. KELLY .- I may say that I am placed in a difficulty with regard to this. I do not think it has at all been unanimous. The Hon. Mr. JENNINGS. -- I have just stated that I am willing that the word " unanimous " should be excised. The

Hon. Mr. T. KELLY. - Of course, it is a very desirable thing, if we could by any possible means effect it, that the lads who are inclined for a seafaring life should get the necessary training for it. But, Sir, the difficulty at present is that, although there is a great demand for boys in the country districts, it is impossible to get them to leave the towns, and therefore I would ask, What boys are we to put in the training-ships ? Are they to be the boys who are sent there by the Magistrates, or are they to be volunteers. Then, I ask again, What is to be the age for admission ? I do not think that any boy under the age of sixteen years is fit to go to sea in a training-ship. Well, then, boys who are sixteen years of age will get far better wages on shore than they can possibly get on any ship or steamer or training-vessel, and they would be far better treated. In any case, the life on a coasting boat is a very wretched one, and unless the boys prefer a seafaring life to a life on shore, then I do not think the training-ships as now conducted are of any use to the boys who wish to adopt the sea as a life work. Now, supposing that there is a training-vessel, as my honourable friend suggested, which is simply to be anchored in the harbour, how are the boys, under such circumstances, to have the opportunity of obtaining the training that will make them efficient sailors? I contend that they cannot be taught seamanship under such conditions, and that the only way to make them good sailors, and be taught practical seamanship, is to send them on a voyage. That is the proper training for sailors, to my mind, and in the absence of such training I fear my honourable friend's aspirations will not be realised. I do not object at all to the establishment of a training-ship for boys, either as sailors or in any other way, but I think we will not get the boys to volunteer for these ships. I quite agree that boys should not have a stigma attached to them because they may have committed some offence which has brought them into the hands of the police and before the Court. I think these boys ought to have another chance in life when they have committed some minor offence, and that they should not be treated through life as criminals. I am afraid that this training ship will not realise all the anticipations of my honourable friend.

The Hon. Mr. PINKERTON. - Most of this debate has turned on the question of boys ; but, Sir, boys become men after the lapse of a few years, and we have to consider this matter from that point of view as well. I quite agree VOL. CXVII. - 10. should be the thing. I also would like to say that, because a boy may have stolen an apple or a piece of bread, it would be unjust to have him branded as a criminal, and not allowed to earn his own living at sea or anywhere else. Of course, we cannot alter the rules of the British navy, but surely it is a very hard thing that, because some unfortunate boy may have been badly brought up and got a sentence for some minor offence, he cannot enter the British navy, no matter how exemplary a youth he may turn out to be. I say such a thing would be very absurd. and if the law is as has been stated, then the sooner it is altered the better. There is one thing I wish to point out, and that is this: Boys, in the natural order of things, become men in a very few years. Supposing, then, a boy, no matter how he has got into the training-ship, becomes a respectable man and leads an entirely respectable life, why should he not be allowed to join the Navy ? He is a man, and is doing well, and surely there is nothing that should prevent that man joining a ship because at some time of his life he had a little black mark against his name. If a lad goes on board a training-ship, and receives there the advantage of the valuable training which I understand the Hon. Mr. Jennings has in view, and is able afterwards to take his part in the British navy, or in the mercantile marine, or in any other way, there should, and I presume there will, be nothing to prevent him joining any ship. But the argument has been, seemingly, that these lads must be drafted from the training-ship to the navy, and that because a lad has a little black mark against his name, according to the evidence of some, he must not be taken there - that he is on a prison-ship, as the Hon. Mr. Gourley said, and therefore must not be allowed to join the navy. Now, I think that it is altogether a mistake, as I have said before, that because a young lad has stolen an apple he should be branded all his life as a criminal. He may become a very good man - and these lads very often become good men - and as such they would have all the privileges of citizenship.

The Hon. Mr. JENNINGS. -- Sir, a few minutes will suffice me for reply, and I shall deal with some of the

objections raised by my honourable friend Mr. Scotland first. A question has been raised about boys of criminal taint not being admitted to the navy. I never urged that they should be : I endeavoured to prove to honourable members that many boys in industrial homes were neglected children, truants, and absconders from work, but they were not criminals. Why, no less a personage than Captain Cook, who is revered as one of the world's greatest navigators, has been instanced by the Hon. Mr. Scotland as one who had run away from home, and was a sort of absconder. The Hon. Mr. BOWEN. - . Not an absconder. The Hon. Mr. JENNINGS.- Well, he ran away ; he shipped without the permission of his family. Sir, if any boy in this country were to do the same thing the chances are that he

<page>162</page>

be put in one of the industrial homes. Now, in regard to the question of petty larceny, and so forth, which has been imported into this debate, is there one honourable gentleman in this Council who at one time or another in boyhood's happy days has not been guilty of pilfering an apple or some other fruit, for which under the laws of the country he might have been convicted of petty larceny ? I am really astonished that the question of petty larceny by immature boys should have been trotted out in this Council to-day. In regard to the Kohimarama training-schooner, which the Hon. Mr. Scotland referred to. Sir, that training-schooner, though mismanaged, and though irregularities occurred-not altogether solely on the part of the boys-was productive of a large amount of good. Here is a return presented to the Government, signed by Mr. W. T. Glasgow, showing that, out of sixty-five boys placed on that schooner, no less than thirty-eight were apprenticed to the sea. And, Sir, when I was recently in Auckland one of those boys, now a bearded manly fellow, came up to me and said, " Mr. Jennings, I hope you will go on with that training-ship proposal. My experience of the Kohimarama training was such that all of us boys who took to the sea are in fairly good positions. I myself am in command of a large vessel "-giving me the name. That is one instance of the good that has been done by the training received on such a vessel as I advocate, and it is worth all the boxing about the compass that has taken place here to-day. Another point raised is : Are the opportunities sufficient to enable the boys to follow a seafaring pursuit in New Zealand at the present time? I shall give a statement made by Captain Allman, who at the time was attached to the Marine Department :- # " Marine Department, Wellington, 14th October, 1895. "It has been urged that the effect of this measure [the Shipping and Seamen's Act] is to shut out from all chance of following a seafaring life the many young lads who, in a country having the large seaboard of New Zealand, naturally have an inclination to follow this calling, and that in consequence our mercantile marine now and in the future must inevitably be manned solely by 'foreign' labour-that is, by men who do not claim New Zealand as their home. The contention is, undoubtedly, a sound one, and would be serious to cause concern were there no way out of the difficulty." His way out of the difficulty was that each ship should be obliged by law to carry a certain number of apprentices according to the tonnage ; but at present our shipmasters and ship-owners have no inducement to carry lads in addition to the number of able seamen they are compelled by New Zealand law to carry. He further says, - "Unless some action is taken, therefore, a seafaring career must be beyond all boys who Hon. Mr. Jennings Captain Allman's suggested solution was that the Government should pay a bonus of \$12 per head for every lad carried by the master or owner of any ship registered or owned in New Zealand. There is the opinion of a captain who was attached to the Marine Department of this colony, bearing out what has been said here, that the opportunities presented to our boys of following the sea are extremely limited. Sir, in regard to the question raised by the Hon. the Minister as to why there should not be equal advantages in the training of boys in shore institutions as compared with that on a training-ship, as I said last year, a boy is full of ideals, he is full of freedom, and is constantly wondering what this world is, and what it all means. He wishes to wander abroad, and, finding the daily routine work in the shore institutions too dull for him, he becomes dissatisfied, and the very first opportunity he has he "clears out "; and it is then that he gets into



trouble, as he has to suffer additional confinement and harder terms, because of his running away. On the other hand, a boy on a training-ship has more varied occupation. If a training-ship was in Wellington, for instance, he could go about the harbour, across to Day's Bay with the other boys in the ship's boats, under proper control ; he could indulge in agricultural or gardening pursuits as taste so dictated ; he could go in for fishing. Further, the boys have to go through their drill. All these things, with their own band, and wearing of a uniform, tend to turn the boy's mind in a direction that makes him a thinking and useful boy, amenable to discipline and obedience, and therefore better able to go through life and its stern battling. I have received a letter from Major Loveday, and, with the permission of the Council, I shall read portions of it which bear on the teaching of the boys, and I shall ask that the whole of the letter be published in Hansard. The letter is from Captain Mason, the gentleman who has produced such marvellous results on the reformatory training-ship " Sobraon " :- "Nautical Ship 'Sobraon,' Sydney, N.S. W. " Major Loveday, Wellington, N.Z. " MANY thanks for Hansard containing such an interesting account of your Council's debate upon the training-ship project. Whenever you can have a talk with that level-headed member the Hon. Jennings, M.L.C., do not fail to impress upon him that he could not render the rising generation of his fellow-colonists a more far-reaching and permanent benefit than by bringing about the inauguration of a training-ship for youngsters such as I deal with. All members of our community benefit by catching and curing the budding criminal young. Let him make no mistake about a ship, when the supervision is thorough, being far preferable to even a semi-marine shore institution. There need be no jealousy about where the ship is anchored ; that should be Wellington, which holds the

<page>163</page>

adjunct (which I have for years fought for here, and not yet got) -viz .. a small square-rigged brig or schooner - would regularly visit all your fine ports in turn. Let me have reasonable freedom in framing and starting your system, and I will not only guarantee its success by promise, but I will lodge \$1,000, to be forfeited towards expense incurred, if I fail at the end of, say, three years to satisfy an impartially constructed committee. "I have not spent twenty-five years in daily hard work, living for but one object - that of elevating the condition applying to neglected youngsters -- without knowing my subject thoroughly. I like the work and know its value. If your people, after satisfying themselves of my ability to help them, care to avail themselves of my services. I am not only willing to serve them, but, as I stated before, will, as far as my limited means permit, give tangible evidence of my confidence in my undertaking. "W. H. MASON." It makes one's heart glad to read how these thousands of waifs and strays have been enabled by this humanising agency to attain to prosperous and honourable positions in the world. Now, as to the question of the admissibility of boys to the Royal navy, will any reasonable honourable member of this Council for one moment say that there are boys who have been at one time in their life in a reformatory training-ship, not a criminal reformatory ship, precluded from getting into the Royal navy ? An Hon. MEMBER. - I do not think so. The Hon. Mr. JENNINGS. - I have it on the authority of a naval officer, who, I may say with all deference, is quite as good an authority on such matters as the honourable gentleman. " Why," he said, " in times of war do you think if a young man came along with all the necessary physical powers and good health, and proved qualifications as a seaman, he would be excluded because he had been in one of those institutions which are not criminal ? It would be absurd. Some of the best men I have seen were men who have been in a little bit. of trouble in their younger days." And, Sir, the history of every regiment will tell you that there are men in those regiments-some of the best men in the army- who at one time or another. if their career was searched, would possibly have come under the ban of excommunication that is set up by some honourable members in this Council, and would not have been able to get in either the army or navy. In regard to this marine reformatory vessel, if honourable gentlemen had closely followed me yesterday they would have learned that I would not put in any boys who were criminally tainted. Those who are found to be badly tainted with crime, perhaps through heredity, should

be kept in an industrial home on shore. But as to a boy who merely for refractory conduct, for a little bit of larrikinism, or for not following his duties as an apprentice, or being a neglected child without any taint of criminality - those are the boys I would put on a training ship, and they could be drafted from the larger and discipline. I would then transfer them to the auxiliary schooner, which would go about our ports from time to time, and they would thereby learn practical seamanship. I have come across men in the Taranaki Province who have been trained as seamen. They have this advantage over the shore-trained youngster : they soon become very handy men ; they can do anything on a farm. Hon. MEMBERS. NO. The Hon. Mr. JENNINGS .- Well, then, they can do a lot on a farm ; they are handier than a great many in my own trade, for instance. Our products, such as butter, cheese, wool, and frozen meat, will always be in demand in the Mother-land ; we have more than we can consume, and our surplusage we are willing to sell to those beyond our was. Sir, we are twelve hundred miles from any other point of land ; we have all the natural advantages to make our people attached to the sea for transporting our great products. It is unwise on our part, with these advantages, not to endeavour to train our boys in the direction indicated by my motion. If carried out, the historian of the future may be able to say that New Zealand forms the maritime Power of Australasia. I thank honourable members for the very kind manner in which they have accepted and supported my motion, and I trust, sooner or later, success will attend the efforts of those who believe like myself, that a training-ship should be established in New Zealand. The Hon. Mr. BOWEN .- With the permission of the Council, I should like to explain a little matter that has been referred to once or twice during this debate. I do not want honourable members to run away with the idea that Captain Cook, of whom we are all so proud, went to sea because he got into any trouble ashore. I have just turned up a notice of his life in the National Biographical Dictionary, and it will be seen that not only this was not the case, but that he did not run away to sea. I quote the words of this authority :- "He was, at the age of twelve, bound apprentice to the shopkeeper at Staithes, a fishing village about ten miles north of Whitby. After some disagreement with his master his indentures were cancelled, and he was bound anew to Messrs. Walker, shipowners, of Whitby, with whom he served for several years in the Newcastle, Norway, and Baltic trades." Motion agreed to. # REFERENDUM BILL. ADJOURNED DEBATE. The Hon. the SPEAKER was understood to say that the honourable gentleman who moved the adjournment (the Hon. Mr. W. C. Walker) had forfeited his right of reply. The Hon. Mr. W. C. WALKER .- My reading of the Standing Orders is that I can speak either now or later on. I am, of course, not so familiar with the Standing Orders as you, Sir, because as a rule we are not contentious in the Council. I can only state from my experience in another place, if an honourable member

<page>164</page>

done it frequently - his right of speaking at a subsequent stage of the debate is never challenged. So I claim my right to speak at any period of the debate, though I don't & device to exercise it at this moment. I hope you will rule so, Sir. The Hon. the SPEAKER. - The honourable gentleman has the right to speak now if he pleases. The Hon. Mr. W. C. WALKER. - But at no other time? I should like to know whether you rule that I am within my rights in either speaking now or later on if I think fit? The Hon. the SPEAKER .-- The honourable gentleman has the right to speak now. I have no doubt that if he wishes to speak later on the Council will not object. The Hon. Mr. W. C. WALKER. - I do not wish to ask a favour of the Council ; I wish to ask an interpretation of the Standing Orders. I can only say what I know it to be in another place. No member forfeits the right to speak because of having moved the adjournment, and not speaking on the resumption of the debate. The Hon. Mr. McLEAN .- That is, if his motion for the adjournment is carried. The Hon. the SPEAKER .- I did not rule that. The Hon. Mr. W. C. WALKER. - I hope you will not imagine that in any shape or form I desired to raise a contentious question, because in the same way, I think, as you have challenged me you might have challenged an honourable member who is not in his place, I regret to say, owing to ill health. He moved the adjournment of the debate on the first occasion : he has

been laid up since, and if he had recovered and had been able to take his place in the Council his right to speak would also have been challenged : and I contend, with all respect to you. Sir, that whatever may have been the custom in this Council, and whatever the ruling in the past, the rights of members who move the adjournment of a debate are undoubted. The Hon. Mr. Mearns drew attention with perfect accuracy to the one saving clause. that if an honourable gentleman moves the adjournment and his motion is not carried he undoubtedly loses his right to speak again in the debate. That is a rule, I think, absolutely sound. But as to the member who carries the motion for adjournment, it remains entirely with him as to whether he chooses to speak on the resumption of the debate or not. If he does not choose to speak and the debate continues he can speak when he chooses without any challenge from the Chair. And for this I claimed my privilege. As to this Bill. I am sorry that either my exposition of it when I moved the second reading was not sufficiently exhaustive, or else I presumed too much on the fact that honourable members would have been sufficiently acquainted with the mind of the country on the subject, and would therefore be up as much to date as myself and the Government on this matter. I may have erred, perhaps, on the side of taking too much for granted, but I maintain that it is Hon. Mr. W. C. Walker's matter. There is no one treating it as a matter which is not to be considered and dealt with, because it has been dealt with in a live way in other countries at the present time, and also it involves the question that this country has already adopted the principle in certainly one very notable instance, the question as to the alcoholic liquor trade. An Hon. Member. - - That is local option. The Hon. Mr. W. C. WALKER. - Call it local option or what you like, but the principle of that Act, referring it by referendum to the people, has been accepted with relief by the general mind of the country : that on a certain day every three years the public mind should speak on a subject on which no individual himself can come to a conclusion, on which no Government can absolutely come to a conclusion, but in regard to which at one particular time the great voice of the electors in every part of the country should be prepared to say whether they wish that system to continue for the next triennial period. If this is not the referendum I do not know what it is. And how long has that principle been in force in this country? And as long as it has been in force, who have objected to it? I know some pothouse politicians - the word " pothouse " does not convey exactly what I mean - I meant to say, small-minded politicians - An Hon. MEMBER .-- Pigmy politicians. The Hon. Mr. W. C. WALKER. - Many politicians object to it because they think that the local option vote very often extraneous the attention that ought to be paid to them, and to their claims on the electoral eve and ear. They say that two issues in the one day are placed before the electors, to the detriment of a candidate, who should be the cynosure of all eyes on the occasion. Well, I say that that man only says that because he is too small-minded to see that it is an advantage that the electors can vote at one time on more than one subject. He ought to be only too glad to think that his preferences can be measured without the disturbing element of whether it is to be " beer or no beer." This I consider one of the most beneficial enactments we ever passed - the fact that this vote can be taken in such a way as to eliminate the question of personality from politics, and also that the vote must be taken on such a day that you will get a convincing " Ave" or " No." I would not for anything in the world alter the provision of the Alcoholic Liquors Sale Control Act which prescribes the day on which that vote is to be taken; and any one who votes to change the poll from that day. I think, would be committing a grave error, as I am persuaded that the action of that referendum has been most salutary and in the interests of every one. I contend. Sir. also that there are other questions which might very well be submitted in the same way to the popular vote. I mentioned one when I was moving the second reading ; but there are others which are not policy questions - which are very often social questions - and side issues which do not enter into public usefulness : and, as far

<page>165</page>

views on such questions have very often been supported at the poll simply because of the general

usefulness of their career, in spite of the unpopular side which they have taken on some of these particular questions. But rather than that these questions should be put in front of the public, especially at election times - rather than that they should be traps to the unwary young politician when he is trying to cut his eye-teeth :- I would sooner see them dealt with in a straightforward way, and let the people say whether they want anything of the nature to which I have referred. Most of them are questions to which "Aye" or "No" can be given. Take the Bible-reading-in-schools question: Does any one say that every elector in the colony does not know what that means, or that he is not prepared to say "Aye" or "No" on that question? Well, I say there is a matter which might very well be referred to the electors of the colony, if the question is of the importance which some people seem to think it is. I have no doubt in my own mind that it was settled once and for all when the Education Act was passed in 1877, and I am not afraid of the question being brought up in any shape or form, now or afterwards. But I know this: that there are certain parts of the colony where the public mind is being disturbed by the constant reiteration of the cry that "we must have the Bible in schools." An Hon. MEMBER ... . That is a different thing to a poil. The Hon. Mr. W. C. WALKER .- I hope the honourable gentleman will not be in a hurry. That is one question. I will deal with that question as well. I wish to state the one thing first. An Hon. MEMBER .-- You are putting the cart before the horse. The Hon. Mr. W. C. WALKER .- No, I am not. I am starting absolutely in a logical way. I began, in the first place, showing that we have got the referendum in one shape in this country -- that is, in regard to the Alcoholic Liquors Act. Then I seek to point out that there are other questions which might fairly be settled in the same way, and I think that without any abrogation of legislative power the Legislature might very fairly remit such questions to the public, to be solved by the electors in the most direct way possible. I admit there is a difficulty of expense; but expense ought not to enter into the question of constitutional practice, because if the question is worth putting, and if the State requires the question to be solved, it ought, I think, to be prepared to pay the piper. But, still, I admit that it would cost a good deal of money, and therefore I should be sorry to see this question put too often. I would very much rather see New Zealand adopting the practice of the American States, and of the Federal Government, which, as far as possible, concentrate their efforts in the direction of obtaining an expression of the popular will one day in three years. If you put as many questions as you like to the electors on the one day public bodies on the same day as you can. The difficulty nowadays is that we have got so many local authorities-we have got so many days of election that the public mind is hardly equal to the distraction of what an old friend of mine used to call "reaming from poll to poll." It is a long way to travel- from pole to pole -- and the electors in the past have made complaint, and with reason, that there are too many of these local elections, which might very well be concentrated on one day in the year. You should elect your County Councils, your Borough Councils, your Road Boards, and your School Committees all on the one day, and the trouble of the year would be all over. Probably they would all be elected on very bannish principles, and you would have local bodies perhaps that would be more in harmony with each other than we have them now. However, that is merely by the way. But at the same time I believe in concentrating the exercise of the privilege of casting votes; and if the referendum was adopted in this country I should perhaps be inclined to restrict the referendum to being submitted, if possible, to such a time as the general election day. However, I have endeavoured to show we have got the referendum in one form already. We have got questions which might very well be solved by a reference from Parliament. But then comes the question of legislation-and those members of the Council who have spoken on the subject seem to me to have been extravagant, almost, in their denunciations of the proposals of this Bill. I do not know what is the opinion of this Council of these minds that have certainly erected the biggest legislative monument of patience and pertinacity over on the other side in the shape of the Commonwealth Act of Australia. I do not know what is the opinion of the Council as to the statesmen who have effected this great work; and it is a strange thing that if honourable members of

the Comeil will only read the Commonwealth Act, and study its provisions as regards this very question, they will find that nearly every provision we have got in this Bill is inserted there. And why is it inserted there ? Simply because the Commonwealth Act is the result of growing minds and living needs, and that the Act has been constructed so as to pro- vide the new Commonwealth of Australia with the latest methods of legislative machinery. They have got a Senate there. Some honour- able gentlemen were kind enough to say this Bill was an insidious attack on the privileges of this Council, and that it was absolutely a menace to their very existence. The Hon. Mr. SHRIMSKI .- Not here. The Hon. Mr. W. C. WAI KER .- It was said -- if not in those exact words, in words quite as strong; and, judging by the looks of the speaker, I should say that words were hardly sufficient to express exactly his sentiments on the ques- tion. But compare our condition with the Commonwealth of Australia. There they have got a Senate, which has been put in a command-

<page>166</page>

They have got more power in that direction than any other Upper House in the world. They have got every privilege that an Upper House is possessed of. They have got the big task of protecting the integrity of the privileges of each State on the basis of equal representa- tion. And certainly the last intention of the Commonwealth Act would be to endeavour, by a sidewind, to make it possible to belittle or destroy the Senate. And yet that Common- wealth Act has got provisions in it that are almost identical with the provisions of this Bill, which we have been told right and left in this Chamber are nothing more or less than an attack on the Council, and an attempt to make it possible to destroy it within a few years. The charge is so preposterous, Sir, that I hardly know how to meet it. Certainly I can sas this : that very few mem- bers of this Council have taken the trouble of reading the Commonwealth Act. And I should hope that they would have done it, because it ap- plies so pertinently to the present occasion. I hope the Council will excuse me if I quote just one or two points from the Commonwealth Act. because it is instructive to find how very similar the provisions of that Act are to the provisions of our Referendum Bill. I think I cannot em- phasize too much the point that this Common- wealth Act should be taken with the greatest amount of consideration : that it is the latest exponent of modern legislative machinery ; and that no one can accuse that Constitution of doing anything else except to erect two strong Houses : and if any fault can be found with the machinery, I think it has, if pos- sible, made the Senate a little too strong for the Lower House. But there it is with this strong Upper House. Still, there is here in its provisions a great deal that is very much the same in our Bill. The Constitution specifies two methods by which a proposed alteration may be allowed. In the first place, "it may be formulated, and passed on to the electors, by absolute majorities in both Houses of the Federal Parliament." Well, that is exactly one of our proposals in this Bill. When this Constitution was going through the Conventions and parlia- mentary discussions, when it was passed by the Parliaments of the different colomes, there was no one said then it was degrading to either Chamber that matters of this sort should be remitted to the electors. It was looked upon as a perfectly natural and logical way of getting the views of the electors on certain questions which were outside of ordinary politics -- questions that might be social, that might be more or less political in a certain sense, or, it might be, questions on which it was desirable to get a direct vote of the people as to what they wished and what was their will. And here we see that the Constitution Act of the Common- wealth of Australia begins by establishing that both Houses by resolution may remit certain questions to a vote of the people. In the second place,- Hon. Lr. W. C. Walker posed alteration, with or without any amend- ments agreed to by both Houses, may be sub- mitted to the electors." And this must be dono after an interval of three months. And that is a very different thing. "An interval of three months." I ought to emphasize that, because under this Bill, according to our usual eastem and accord- ing to our Standing Orders, we cannot bring up the same question twice in any one session after it has once been decided. In the Com- monwealth Act, on the other hand, it says after an interval of three months the matter can be

again proposed, which means, of course, in the same session, because the sessions there last a very much longer time than our sessions do here. Therefore it is quite possible for a question to be brought up at the beginning of a session, carried, rejected by the other House, and after three months again proposed in the House which rejected it, and sent again to the other House for reconsideration : and that is very much stronger than anything proposed in this Bill introduced by the Government, which, of course, provides that the proposal must be made in the following session. Then, No. 4 is : "The Governor-General may submit the proposed amendment to the electors in each State," showing that the procedure under the Commonwealth is very similar to what is proposed in this Bill, and is absolutely the result of the labour of the most mature minds in Australia in regard to its machinery. And, more than that, this Act has been subject to the criticism of all the great minds of the day. It has been subject to Press commentary. Every legal mind which has been dealing with the framing of constitutional laws in all the different law-schools of the Anglo-Saxon world has had this question under consideration, has commented upon it, and has noted where it differs from other Constitutions. All those authorities have expressed themselves strongly in approval of the new lines which have been herein laid down. Sir, I think I have said quite enough on this subject to show that the Australian Commonwealth Act has contained in it powers and opportunities for taking a popular vote of the electors in a broader sense, and at shorter intervals, than we are proposing in this Bill ; and yet I have been told in this Council that this is not only a Bill that is not required, but that it is a Bill which could only be intended as a constructive attack upon the privileges of this Chamber, and even upon its existence. Well, I think, Sir, I have demolished pretty well all those arguments. If this Bill is an attack upon the privileges of this Council, then, I say, the Australian Commonwealth Act contains within itself the seeds of early dissolution, as that Constitution would not hold very long if the two Houses got into antagonism one with another. The Hon. Mr. SCOTLAND .- Wait and see how it works.

<page>167</page>

anything that is not recommended by very good doctors. If doctors generally waited to see how their prescriptions operated no one would care about their prescriptions. I prefer to be in the position of the prescribing doctor, not of the Coroner ; but I am astonished at the amount of diffidence which apparently is in the minds of most honourable gentlemen who have spoken on this question. I should have thought, from the persistent way in which this question has been kept before the public for a good many years, that now most honourable gentlemen in this Council would have recognised it not as a new question-not as a question which they were afraid to touch or afraid to debate - but as a question which has grown on the public mind, and which the public mind is perfectly willing to accept as a legitimate development of modern Liberalism. I see nothing in the Bill which offends against my ideas of true Liberalism or strikes a blow at the proper responsibilities of Parliament. If I thought that Parliament was going to shelter itself behind the referendum and get away from its true responsibilities I should be very sorry to uphold it. But I do not think that Parliament ever has given up its birthright in any way whatever. At any rate, this Council has never been afraid to state its mind or to perform its functions when it felt that it was in the right. It has always done its duty to the country in the face of those people who are ready to condemn it, and even at the risk of offending some of its friends. I do not see, therefore, why in a Chamber of this independent nature, a charge should be brought against the Bill that it is a method of enabling the revising Chamber to divest itself of its proper responsibilities. I do not think it is a method of doing anything of the kind. I recognise, and the Government recognise, that there are many questions that do not fit into current politics-that many friends and many enemies take views on certain questions which cannot be held to be in the ordinary ebb and flow of current politics; and these questions, because they are so intermingled between friendships and enmities of political life, might very well be settled in a method which would keep them apart from current politics, and allow the electors to help the country to

come to a conclusion. I have not referred to Switzerland and its history. I have not referred even to America. I believe a good many wild statements have been made about both countries. Certainly I have not the latest information before me, because I found on going to the library that a member of the Council had been there before me, and I was unable to refresh my memory. But, if my memory is correct, I believe that those honourable gentlemen who quoted most largely were out in some of their facts, as the referendum is an integral part of most of the American Constitutions and certainly of several. But I think we have an authority now beyond dispute, now that I have cited the new Constitution of the infancy ; it is only putting its armour on, and it is not possible to say what the result will be of any of its legislative machinery ; but, still, I think the state of the Commonwealth is such that it is certain to struggle through all its trials with success. It has, at all events, been equipped with exactly the same machinery, as near as possible, as this Bill proposes in order to prevent trouble in future as regards differences between the two Houses. I have not quoted the whole machinery; it was not necessary. Deadlocks are provided for, but deadlocks are the least part of the trouble. I have quoted what I thought was appropriate and fitted in with our conditions, and I quoted enough to show that Australian minds have devised the same expedients as we have in this Bill in order to get the mind of the people on certain subjects. I feel certain the Australian legislative machinery, supported as it is by the public mind there, and the result of the most intelligent minds in that big Commonwealth, will work well, and convince, probably, by its practice those who are not convinced now that New Zealand had better also adopt the referendum in some shape or form. I am sorry my efforts have failed if all those who have spoken stand to their professions and are likely to vote against the Bill. I can only say, if the Bill is thrown out on this occasion, when it appears again I trust those who now reject it will have taken the opportunity during the interval between this session and the next to study the question afresh, and perhaps with the example of Australia before them they will endeavour to see some merits in the proposals of the Bill. The Hon Mr. BOLT moved, That the debate be adjourned. The Council divided. AYES, 18. Barnicoat Kelly, W. Smith, A. L. Bolt Swanson Kerr Feldwick Louisson Tomoana Harris Twomey Pitt Walker, L. Jenkinson Reeves Walker, W. C. Jennings Rigg NOES, 13. Shrimski Baillio McLean Bowen Stevens Montgomery Gourlay Taiaroa Pinkerton Scotland Johnston Williams. Kelly, T. Majority for, 27. Debate adjourned. The Council adjourned at twenty minutes past four o'clock p.m.

<page>168</page>

Thursday, 1st August, 1901. First Reading -- Third Readings-Colonial Scale of Staffs and Salaries for Public-school Teachers - Patea Harbour Board Bul Dunedin Quay and Suburban Tramways Bill - Remuera Waterseria Empowering Bill - Templeton Logiaian Board Empowering Bill-Wentton City Recreation-ground Bill -Elective Executive Bill -- Label Bill (No. 11- Eight Hours Bill-Cycle Boards Bill - Rabbit Nuisance Bill. Mr. Speaker took the chair at half past two o'clock p.m. PRAYERS. FIRST READING. New Zealand Pasign Bill. THIRD READINGS. Wellington Harbour Board Bill, State-school Children Compulsory Drill Bill. COLONIAL SCALE OF STAFFS AND FOR PUBLIC - SCHOOL SALARIES TEACHERS. Mr. SEDDON ( Premier). - Sir, I have the report of the Commission to inquire into a colonial scale of staffs and salaries for public-school teachers, and I move, That it do lie on the table and be printed. Mr. HERRIES (Bay of Plenty) .- - Is the evidence that was taken to be laid on the table and printed as well ? Mr. SEDDON. - The evidence is rather bulky and will take some little time to print, but when printed it will be laid on the table. Mr. PALMER (Ohinemari) .- Sir, while this Commission was collecting their evidence I think it is a pity they did not also prepare a report on the education systems of the whole of the Australian Colonies. I consider it would tend towards federation if we were to bring our educational how into conformity with that of Australia. I only throw out the hint to the Premier, because I hope that very soon we will ; assist with surveys. I would therefore urge have a Commission set up to inquire into the education > system of the colony, so that it might be brought into conformity with the whole.

of the Australian Colonies. Mr. MASSEY ( Franklin). - Sit. I would like to take this opportunity of asking the Premier whether he intends to introduce a Bill to give effect to the report of the Commission ? Mr. T. MACKENZIE (Waihomo). - Sir, with regard to the suggestion of the hon. member for Chinemuri, that the Commission should have considered the various education systems obtaining in the Australian Colonies, I wish to say that we had before our Commission the most copious evidence on the systems prevailing there, and also the personal experience of some of the members of the Commission who had formerly been connected with the Victorian educational system. Regarding the question of bringing our system into conformity with the systems prevailing in the other colonies, I would point out that this colony is peculiarly circumstanced, and therefore what we have done, from the other colonies those portions of their systems which we consider would be of service to us. That, I think, you will find has been done in this report. With regard to the remark that emanated from the member for Franklin, I would say it is sincerely hoped the Government will see their way to adopt the alternative proposal. The limit the Commissioners were confined to was a £1 capitation grant. We have submitted a scheme in keeping with that amount, and no doubt in many parts of the colony that will be a great improvement ; but if the smaller education districts in New Zealand are to get that justice which we venture to hope the colony will extend to the smaller education districts, then, after the most careful investigation and extremest care, the Commissioners have reported that they consider it is necessary to extend and make what we might consider a nearly perfect system of education for the colony. The £1 capitation grant, if given under the old system to each district, was very inequitable. because the larger districts, having a number of large schools in their districts, had a surplus provided for the benefit of the smaller schools within their territory, whereas the smaller districts, such as Marlborough, Grey-mouth . --- An Hon. MEMBER. - Are you not anticipating the report ? Mr. PIRANI .-- He is anticipating another Bill. Mr. T. MACKENZIE .- The member for Palmerston is generally right, but on this occasion he is wrong. We have adjusted our educational differences, and we have been met in a very proper manner. I am simply replying to the remarks that were raised by one or two members, and I was just about to close by saying that the smaller districts obtaining the same grant would be materially handicapped because of their having so few large schools in the colony, with all the power I possess, to adopt the £24 capitation scale. Mr. PIRANI (Palmerston .-- I hardly think it is fair to the rest of us in the House that one of the Royal Commissioners should discuss the report before we have had an opportunity of reading it. In connection with the question put to the Premier, as to giving effect to the report, I would like to ask the honourable gentleman whether, when considering the advisability of bringing in a Bill of the kind, he will also consider the question of the extension of the powers of Education Boards in regard to the removal and transfer of teachers from one school to another, according to the abilities of the various teachers? Unless some provision such as that is put in a measure dealing with salaries it will militate against the advantage of having a colonial scale of salaries. Mr. SEDDON (Premier) .- Sir, I do not think it is advisable for us to debate this large question so early on the receipt of the report of the Royal Commission. All members should be

<page>169</page>

an opportunity of perusing the evidence, they will be in a better position to discuss it and to give their conclusions thereupon. The member for Chinemuri suggests that the Commission should have been extended to enable the Commissioners to proceed to the other colonies to take evidence there as to their respective educational systems. Well, it must be admitted that in the honourable member's case the suggestion comes from the best possible motive and without the slightest tinge of selfishness. At all events, if it had been decided to extend the powers of the Commission to that extent, I do not know that there is any one else in the House who would have been better fitted for the work than the honourable gentleman himself. Mr. G. W. RUSSELL. - Why did you not put him on the Commission ?



Mr. SEDDON .-- Because the gentlemen we selected were immediately connected with Pau- cation Boards and with the education question. However, as an old Victorian, and as one who has some knowledge of the working of the educa- tion system there, I may say that I much prefer what we have here in our own colony. There they have what is known as the central sus- tem. The teachers and schools are directly under the Government and Governinent in-pec- tion, and I do not think the system works nearly so well as the system we have in vogue in New Zealand. Its cost is, I believe, greater relatively to the education that is given. am one of those who do not believe too much in having the whole system uniform. In my opinion, diver-ity really improves and perfects education, and I consider that by having our Boards in the different provincial dis- triets we secure a more complete education in the colony than is given in any of the Australian Colonies. Therefore I do not think we have anything to loin from Australia in respect to education. The next question I was asked was as to whether the Government intend to give effect to the recommendations of the Commission. I have not had time to peruse the report. The question, therefore, is premature. Unless the honourable member has been in the secret of the Commission and know- what the report is, he should not ask me the question. He should find out for himself, first of all, whether it would be desirable to give effect to the recommendations : and then, when he has himself come to a conclusion, he might put the question to me, and be better pleased by the reply, whichever way it may be. My reply at the present moment is that the Govern- ment will carefully consider the report. We will do whatever we believe to be best in the interests of the teachers and our schools and education generally in the colony. am, at all events, pleased so far to find that the Commission do not see any great difficulties in the way, and that they have propounded a scheme keeping within the 41 capitation. And they have another scheme outside that : that with an increase of 2s. Od. they have re- complete scheme for the small difference of 2& Cd., I am, when circumstances permit, in favour of effect being given to that rocom- mendation. However, the best thing I can do is. I think, to allow the report to lie on the table, and get the evidence printed. If we decide then that something is to be done, and if it requires logi-lation, I will bring down proposals, and then let the House debate the proposals and the report at the same time. I think that is the best course to adopt, and 1 indicate that as generally the course which will be followed. I move the motion stealing Motion agreed to. PATRA HARBOUR BOARD BILL. # IN COMMITTEE. Clause 3. Power to borrow. Mr. SEDDON (Premier) moved to add the following words : " But no money shall be bor- rowed under the authority of this det which shall produce to the lender a higher rate of in- terest than four pounds ten shillings per centum per annum." Amendment agreed to. Bill reported. # DUNEDIN CITY AND SUBURBAN TRAM- WAYS BILL. INTERRUPTED DEBATE. Mr. T. MACKENZIE .-- When I was inter- I rupted by the adjournment of the House on Tuesday night, I was dealing with the City of Dunedin Tramways Bill, but since then, Lam glad to say, a conference has been hold with the Mavor, and Mr. Frederick Chapman, and Mr. Milan -- representatives of the City of Dun- edin - and other members of this House, and ! am glad to say that I was enabled to accept con- ditions on behalf of the objretors, which are satisfactory. We are now to be privileged for all tim: in having secured the whole of the Botani- cal Gardens as far back as the Opoho and Cone- tory Roads free from tramway construction. 1 am glad to say this, on behalf of the gentlemen representing the City of Dunedin : that we were met in an excedingly fair spirit, and I vonfare to say that after all is over the public will find that the best for all parties has been done. Mr. MILLAR (City of Dunedin). - Sir, in reply to some of the objections that have been made to this Bill, I think the principal ones were raised by the honouradde member for Wailemo, and the honourable member for Caversham - namely, the proposal or supposed idea that the tramways were to go through the Botanical Gardens. I am pleased to say that we have been able to come to a settle- ment on the matter, and I think the amend- I ment I shall move in Committee will got over the trouble. But it is only fair to the City Council, in view of the strictures that have been passed, that I should say this: that the City Council were acting on the advice of the best known experts on electrical haulage, and their

control of a work that is going to cost close on a quarter of a million, deemed it their duty to take the line through the district that was going to give the best results. That was the only object in taking it through the Gardens. honourable members only saw the line which the tramway will now have to follow, they will find that there was a great deal of force in the contention that it should be kept in as straight and level a line as possible, because, in order to obviate the necessity of taking the tramway through the Gardens the line will have to be taken at two right angles and join, because in an electrical tramway you must have a continuous circuit. That was the only object, and it is only fair to the City Council to say so. They had no desire in any shape or form to spoil the Gardens or to infringe on the right of the public in connection with the Gardens, but, in view of the position taken up, and because their desire is to get the work started as soon as possible, they have agreed to put in a proviso that the present Botanical Gardens shall be exempt, and that the tramway-line will not go through them. In the proposed line there is another reserve which will be of some use in the future. On the other side of the road to the Gardens there is a piece of land which for some time has been wanted for a reserve, but the Council have not been able to take it because there has been a road running through it for forty years -not a surveyed road, but one which by use has come to be a public road. Under the new proposal this difficulty will be got over, because the objectors to that road being closed will likewise be met. The only other clauses to which objection was taken were clauses 17, 18, and 19, with the exception of the objection of the honourable member for the Taieri. But, Sir, there is no force in his objection, because if, as the honourable member for Bruce pointed out, that was carried to its logical conclusion there could not be any such thing as a waterworks or reservoir in any part of the colony, and there could be no such thing as a dam site granted by the Warden's Court anywhere, because the risk of a dam breaking away and flooding will always exist, and I think ample precaution has been taken. When honourable members read that the proposed dam is to be 30 ft. at the base, they must admit that it is going to be a substantial structure, and that there will be very little risk. But without any dam at all the district which the honourable member represents is sometimes flooded. It is not so very long ago since it was a sheet of water all over the plain, and no greater force of water can come down with the dam than if there was no dam there. I think the House will agree that, so far as the honourable gentleman's objection is concerned, we cannot give it much weight. Now, Sir, to refer to what was said by my friend the honourable member for Caversham. In his speech he said that he would always endeavour to give me every assistance in the passage of the Bill. I Mr. Millar will withdraw it altogether-I will move to have it struck out. There was no idea on the part of the Council to take any advantage of any of the suburban boroughs. It was intended to deal with the tramways as a whole. There are about eighteen miles of tramway in the proposed scheme, of which two miles and a half run through the Borough of Caversham, and the rest runs through the city and other boroughs. It was thought it was only fair that the City Council being the promoters, and being the ones who were taking the risk of the whole thing, that it should be treated as if two-thirds of the length of the tramway were in the City of Dunedin. I will, however, in Committee move to strike out clause 19. Then, with regard to clause 17, the honourable member spoke on that under a misapprehension I think ; but, seeing that likewise there has been some feeling in connection with that, I am prepared to withdraw the clause. But I will show the House that that clause has nothing to do with suburban districts at all. It was simply to enable the City of Dunedin to extend the tramways without taking a poll. The reason for that was that technically, by the Bill, a vote has to be taken for every extension. But the poll has already been taken. A poll was taken on the proposal to borrow \$200,000 as stated in the Preamble, - " For the purpose of completing the said purchase, and for other purposes mentioned in the proposal submitted to the said electors, the said Council has raised the sum of fifty thousand pounds, part of the said sum of two hundred thousand pounds, by means of debentures in the form set forth in the Second Schedule hereto, and contemplates

raising the further sum of one hundred and fifty thousand pounds authorised by the said Act and sanctioned by the said vote, either in New Zealand or the United Kingdom, or elsewhere : And whereas further sums may be from time to time required for the completion or extension of the said system of tramways and for other purposes connected therewith, and with the use and enjoyment of the said mining privileges," et cetera. An Hon. MEMBER .- Subject to the Act of 1884. Mr. MILLAR .- This poll was taken under the Dunedin City and Suburban Tramways Act of 1900. An Hon. MEMBER .- Subject to the general Act. Mr. MILLAR .- Yes ; but the object of putting this clause in here was that the citizens of Dunedin, having had the opportunity of voting on the whole of the proposal, and having carried that poll. it should be unnecessary again to ask the citizens to reaffirm their previous decision. I could not accept the proviso that was inserted by the Committee. The new line along George Street has been sanctioned, and is recognised as the route, yet it has not been sanctioned according to the

<page>171</page>

been sanctioned by them. There was no attempt in any shape or form to infringe any of the rights of the suburban boroughs. But, Sir, seeing that the suburban boroughs imagine it would, and that as it stands at present it is valueless, because they have to take a poll, it is just as well to knock the thing out altogether and let them take another poll. It is simply adding the expense of taking another poll on to the citizens of Dunedin, and adding to the cost of the tramways, but they are prepared to do so rather than have any trouble over the Bill. Sir, I think that, having conceded these points, the whole of the objections to the Bill have been met, and I trust that when the Bill gets into Committee there will be no further trouble. If there are any further amendments of a nature that I can reasonably accept I will be prepared to do so at the hands of any honourable member, but I think, so far, I have met the whole of the objections. I beg to move the second reading. Bill read a second time. # REMUERA WATERWORKS EMPOWERING BILL. Mr. LAWRY (Parnell) .- Sir, in moving the second reading of this Bill on behalf of yourself, I would like to point out to honourable members that the Bill has been before the Local Bills Committee, and I see it has been returned with only slight amendment proposed by yourself. I do not see that there can be any single objection to this Bill. One clause in the Bill provides for borrowing £15,000, and any person who knows the Remuera district as I know it, and as you know it, and as the honourable member for Franklin knows it, will know that there cannot be a single doubt as to the district being well able to provide ample security for the money proposed to be borrowed. When the Bill gets into Committee perhaps I shall have something to say in the same direction as was argued by honourable members re the rate of interest ; but that is a Committee objection which you, Sir, will be fully capable of dealing with. The ratepayers have, by what I might term an overwhelming majority, indorsed fully the proposal contained in this Bill of borrowing £15,000 to furnish their district with a copious supply of water. On the 2nd May, a poll was taken on the proposal contained in the Bill of borrowing the money, and the result of the poll was 274 in favour and 83 against. I remember, Sir, in the year 1888, there was an amendment to the Road Boards Act which empowered two districts now represented by myself-namely, the Eden Terrace and the Mount Eden Road Boards, to borrow money under the conditions prescribed under that Act, which further enacted that the provisions of that Act should apply to any other Road Boards to which they may be declared to apply by any Act of the General Assembly. The Remuera Road Board for the same purpose. I do not think, Sir, that it is necessary for me to detain the House at present with any further comment on the Bill. The Bill is very plain and very simple, and I do not think there is any honourable gentleman who knows anything about the local requirements of the district between the Waitemata and the Manukau, who would not be prepared to indorse and support the proposal contained in this measure of establishing a good supply of water for the important and thriving district of Remuera. Bill read a second time. # TEMPLETON DOMAIN BOARD EMPOWERING BILL. Mr. G. W. RUSSELL (Riccarton) .- Sir, this is a very short Bill of a purely local character, and it has passed the Local Bills

Committee. In the early days of Canterbury a number of domain reserves were set apart for the recreation of the people, and amongst them was one called the Templeton Domain. It is a somewhat valuable endowment, from which a sum has accrued by way of rentals, amounting to something about +300 or \$400. But in the meantime two or three townships have sprung up, and as they are without recreation-grounds the Templeton Domain Board wisely desired power to spend its accrued capital in providing recreation grounds in other parts of its district. It therefore asks the power to do so, selecting at this juncture the townships of Templeton, Yaldhurst, and Hornby, and such other places as may be fixed upon. The necessary safeguard is inserted that the Minister of Lands shall in each case be satisfied that the position of the land is suitable and the price reasonable. I may say, in further explanation, that the substantial parts of this Bill were included in the annual washing-up Bill last session, and received the imprimatur of the Lands Department ; but unfortunately, honourable members will remember, that Bill went by the board at the close of the session, and I therefore had to wait another year, and the proposition has been introduced in the shape of a local Bill. I have much pleasure in moving the second reading. Bill read a second time. WELLINGTON CITY RECREATION- GROUND BILL. Mr. J. HUTCHESON ( Wellington City ) .- Sir, it has been felt by the citizens of Wellington, who feel the necessity for an extension of the area of our city, in addition to providing additional breathing-spaces and recreation-grounds, that this area should be acquired, subject to the approval of the citizens being first obtained by a poll, as provided by the First Schedule to the Municipal Corporations Act. The Bill is purely a machinery Bill, and forms the basis for the proposals to be submitted to the electors. I do not know that there is anything in connection with the Bill that honourable members require to have explained to them. It merely provides

<page>172</page>

any further explanation I shall have great pleasure in giving it in my report. Mr. WILFORD (Wellington Suburbs). - Sir. I should like to have something to say in regard to this Wellington City Recreation-ground Bill. It is really a Bill to enable the Council to purchase for the City of Wellington 1,800 acres of land situated at Miramar. The Bill is called the City Recreation-ground Bill, and honourable members will imagine that it is a Bill to enable the city to purchase an area of land, say, of 100 or 200 acres, as the case may be. for the purpose of a recreation-ground. But it is a Bill to enable the Mayor and Council of the city to purchase a block of land to the extent of 1,500 acres. Now, it is well known, without my going into any details at all, that, so far as the Wellington City Council are concerned, and so far as the finances of the Council are concerned, that they are in such a state at the present time that it is absolutely impossible for them, apart from the clauses of this Bill, to enter into any speculation at all. The streets of Wellington are a disgrace to the City of Wellington ; they are the worst-kept streets in the colony. It is impossible on a wet night for any man to walk, even on the pavement, without stepping into holes and into large quagmires of mud, even on the main footpaths. Mr. PIRANI .- It is very evident you have not been to Auckland. Mr. WILFORD. - Yes, I have been to Auckland ; but I do not think Auckland is quite as bad. We might, perhaps, say that in a race for supremacy there would be a dead heat ; but I give the palm to Wellington from what I know. Sir. this Bill places a very large power in the hands of the Councillors, and I may tell honourable members that the citizens of Wellington are very much divided in opinion as to whether or not the City Council should be empowered to purchase this land for such a huge sum as 575,000. Had the Bill simply been a Bill which gave an opportunity to the Council of purchasing an area for recreation purposes close to the city. all would have supported it, especially if the price to be paid was to be determined by arbitration. But what is this going to lead the City of Wellington into? In the first place it is suggested that the purchasing price of the property -- 1,500 acres --- is 475,000. The real value is about \$40,000. That is put down as the sum for which the Council may secure the property from Messrs. Crawford Brothers, who own the area in question on the Miramar Peninsula. Honourable

members will understand that before that land can be made easy of access to the city there must be an electric tramway provided, either by a tunnel through Kilbirnie Hill or round via Oriental Bay, or a line of steamers running every hour must be provided. Again, what has to be contemplated in a matter of the kind by the City Council is the expense of reading the estate, if it is purchased. Roading, lighting, access, and cutting - up would be expensive items. I notice there are provisions enabling Mr. Hutcheson introduced for the purpose of getting over the decision of the Court of Appeal in the case of the Canterbury Racecourse Trust action that came before the Court recently. Evidently the intention of the Council under this clause is to make a racecourse of Miramar. Whether or not that is correct I do not know, but, at any rate, I am putting it forward so that the honourable member in charge of the Bill may tell me whether or not that is the intention of the Council. I do not know whether clause 4 of the Fourth Schedule of the Bill has been wound up in the Local Bills Committee. but it should have been. I would like to know from the honourable member in charge whether that optional clause is still in the Bill. An Hon. Member: - NO. Mr. WILFORD. - Then, the position is that the City Council desire power under the Bill to purchase 1,500 acres at 175,000. and they reserve to themselves the power to borrow the money required under "The Municipal Corporations Act, 1900." Now, to my mind, if Miramar could be got on advantageous terms, and if the City Council could be intrusted to carry out a business deal successfully, it might be well that this Bill should pass : but I say -- and I am sure I know what I am speaking about -- that the present constitution of the City Council is not such a constitution that the citizens of Wellington believe they could carry out a business deal like this to the advantage of the citizens. Mr. HUTCHESON. --- The citizens put you out of it, anyhow. Mr. WILFORD. - The honourable member is hitting at me because I was beaten by Mr. Aitken in the Mavora contest. Well, as far as that is concerned, I would not have thought much of Mr. Aitken if he had not beaten me. I would have thought the citizens held him in poor esteem indeed if he had not beaten me. an untried man. He is a tried servant, a man of undoubted standing, and an able citizen, and if he had not beaten me I would not have thought much of him. For myself, I did not expect that I would beat him, and, Sir, I can take a beating, which is more than the honourable member can do. However, what to say now is that, under its present constitution, the Council is unfit to carry on dealings like this, and I will give only one instance to prove the absolute inability of the Council to tackle such a matter. Local members will be well acquainted with the facts I am about to relate, but other members will not be. Some time ago the City Council, under the Public Works Act, acquired a block of land at the corner of Willis Street, on which were situated premises known as the "Beko." The buildings were valued for the City Council rating purposes at, say, \$13,000 in the first instance. After the Council had taken over the property the owners put in a claim, through their solicitors, for \$25,000 for the land. Now, here I may tell honourable members in confidence. -

<page>173</page>

than the applicants really believe the land to be worth. Well, the owners of this land put in an application for \$25,000 for land that was worth \$11,000 or \$12,000, or \$13,000 at the most. What happened? It was the duty of the Council, under the Public Works Act, to reply to that application, and to say within six days whether they accepted the price the claimants required for the property or not. The City Council actually had sixty days in which to write back and say, " We accept at the price you state, and we are prepared to pay "; or to say, on the other hand, " We contest your claim." But if they do not deny -- if they do not contest the amount the owners are claiming-- they are deemed under the statute to admit it. Well, the sixty days passed, and this City Council, to which it is now proposed to give power to expend \$75,000, had not replied. They had forgotten to reply. Eighty days passed and they had not replied. After the ninetieth day had passed, the City Council awakened, like Rip Van Winkle, from their sleep, and became aware of the fact that the owners had entered up judgment against them in the Court for \$25,000, or, rather, for three-fourths on a basis of \$25,000. At any rate, judgment was entered up for that

amount, and the City Council, awaking from their apathy, called to their assistance Mr. Martin, who is admitted to be an adept at municipal law. Their solicitor engaged the most eminent counsel that New Zealand has known, who applied to the Court of Appeal, and, in the words of leading counsel applied admission to the Court, and asked for legal forgiveness for their carelessness and inadvertence, and trusted that the mistake which they had made would be overlooked, and that they should be allowed to question the amount, and to set up a Compensation Court : because, according to the affidavits of the leading officers, the amount they had to pay was far in excess of the amount the land was worth. What did the Court do ? By a majority of four to one they said " How are you going to override the statute law ? " And, after the expense of the Court of Appeal had been incurred, judgment was entered up against the City Council for the amount claimed without any deduction whatever. To-day that is the judgment against the Council, and the Council, with a disregard of the public purse, and knowing that they have only got the ratepayers' money to deal with, have taken the matter to the Privy Council. The Court of Appeal simply stated in their decision -- the decision was a lengthy one, but it came to this in a few words : " where any claim is not denied or contested in sixty days, it is deemed to be admitted." The result is that the City Council, by the order of the Court of Appeal, have to pay to the claimants thousands of pounds of the ratepayers' money more than the property is worth. Well, now, is that the kind of Council that should have placed in their hands the power of borrowing \$75,000 for the purchase of land? Let me They started give you another instance. signed the Chairman of the Streets Widening Committee because he does not believe the Committee is carrying out the work in a proper manner. They started the work of widening Adelaide Road by buying the land on the right hand side of the road, and after they had gone some distance up the road they skipped to the other side of the road to start on that side, and, instead of buying the land on one side of the road right through, they bought a bit here and there; and when the owners of land saw the Council coming their way they raised their prices accordingly. This fixed the standard so high that when the street-widening process is completed the City Council will find that they have a big bill to foot. But, however, I suppose the long-suffering ratepayer will pay the piper. I may say that I am speaking not only as a member, but also as a ratepayer. I would ask: Is that a body of men that we can repose confidence in to enter into negotiations in a deal of this kind? We have already agreed to electric tramways, and to having the streets paved with wood. I would ask members of the House to look at the state of the streets to-day. I do not consider that the Council as at present constituted is such a Council as should be given these powers of dealing with the ratepayers' money in the way suggested. The member in charge of the Bill seems to think that if I had been elected I would have carried on the business better. Well, all I have got to say is this : that when a man makes terrible mistakes he has to run the consequences, and the present Council have made mistakes which can never possibly be redeemed. An honourable member says I have made mistakes. Undoubtedly, I have ; and I believe the honourable member in charge of the Bill, Mr. Hutcheson, is the only man who is immaculate in this House according to his own idea. Mr. ATKINSON. - What about me ? Mr. WILFORD .- The honourable member is next door to the most immaculate man in the House. I may inform members that the purchase of Miramar for \$75,000 is not mutually consented to by the citizens of Wellington to-day. Numbers believe that it should be acquired, and numbers believe that it should not be acquired at the price stated. If Miramar were easy of access to the city, if it could be cut up into land for workmen's homes, if workmen could get to and from there quickly. I think some good would be done in acquiring the land, even at a big price. But I believe at the present time it would be inimical to the interests of the City of Wellington to give the Council as at present constituted power to acquire Miramar at the enormous cost of \$75,000. If the Bill is postponed the price will soon be reduced. To \$75,000 has to be added the cost of roads, and some engineering scheme will have to be evolved for the purpose of getting access to the property. I therefore shall vote against the second reading of the Bill for acquiring the Miramar Estate, because I

believe that in the present state of the city's

<page>174</page>

think the price is altogether beyond the value of the land. That is my real objection to the Bill. Had we left the price to be determined by a Compensation Court, I should have viewed this Bill differently. Mr.

BARCLAY (Dunedin City) .- I have listened with considerable interest to the discussion which has taken place, and I must confess I am becoming exceedingly interested- and, I suppose, a good many other members are also-in the affairs of the City of Wellington, because they appear on the floor of this House so often. I was considerably impressed by what fell from the honourable member for Wellington Suburbs, in whose constituency, I understand, the property is. I do not observe in this Bill any provision for taking a vote of the ratepayers. An Hon. MEMBER .- Read clause 5. Mr. BARCLAY .- I suppose the contention of the honourable member is that under "The Municipal Corporations Act, 1900," a poll would be necessary. I think, however, some time ought to be given us to look into this matter, and, therefore, I move, That this debate be adjourned for a week. Mr. FISHER (Wellington City). - I appeal most earnestly to members of this House to consent to the adjournment of this debate. The proper legal notices, I suppose, have been given of the intention to introduce the Bill, and it has passed through the usual examination by the Local Bills Committee ; still there has not been afforded to the people of the city, nor to one of the members representing the City, such information as we ought to possess before passing a Bill of such importance. I have not had time to master the Bill, although I know sufficiently of its contents to justify me in opposing its further progress at this stage. I am aware that there is a very strong feeling on the part of the majority of the people of this city that this Bill should not pass, and we are anxious to have an adjournment of the debate in order that we shall be fully armed with the opinions of those opposed to it, and with the fullest information before it goes to the second reading. I ask honourable members to pay some deference to the opinion of the member for Wellington Suburbs and myself, who represent the majority of the citizens of Wellington. I personally am aware that there is a very strong feeling against the Bill, and I stand here this afternoon to appeal to members who cannot possibly be familiar with the whole circumstances surrounding this Bill, and the purchase of that land, to give us time, to get all the information we desire to have before it goes to the second reading. I am making this appeal to honourable members because I know it to be the wish of the great majority of the citizens of Wellington that the Bill should be allowed to stand over in order that full expression may be given to their views in regard to this proposed purchase of Miramar. An Hon. MEMBER .- They can express that at the poll. Mr. Wilford proposal was before the House on a former occasion. Of course, if members in their wisdom decline to give us further time to consider the contents of the Bill, we must leave the decision to them ; but I do seriously hope that the House will agree to the motion for an adjournment, on the ground that we feel that we have not had time to consider all its provisions, and also that we may be able to consult the people themselves, who maintain that they have not yet had the proposal fully placed before them. Mr. HUTCHESON (Wellington City) .- As to this question of the adjournment of the debate, I say that, if the citizens of Wellington declare that they are not in favour of the acquisition of Miramar, this Bill, if passed into law, will be no better than waste-paper. Here in the Bill is a definite proposal, "Will you give us power to borrow money to do that? " Everything is bound down hard and fast, so that there can possibly be no evasion or malversation. That being so, I would ask, Is there any necessity for delay to get further information for honourable members? I would further point out that the whole thing is dominated by a poll of the citizens. Can anything be fairer than that ? I could enlighten honourable members of the scheming and the plotting and the intriguing of wealthy syndicates and landed interests of this city to militate against the scheme. I can do that later on. There is a foul conspiracy of landed proprietors to prevent the citizens getting this property, so that they will be the better able to sell their own land ; but I will content myself by simply making that statement at present. It will be well for some of those gentlemen

if they do not push their intrigues too far. This is a democratic measure, and in accordance with all our municipal legislation. There is no necessity for further inquiry. The Bill simply sets out how the land shall be dealt with after a poll of the citizens says that it is to be acquired, and if honourable members will take an unbiassed view of the case they will not vote for the adjournment. Mr. MEREDITH .- Has the question been before the public ? Mr. HUTCHESON .- Yes, it has, and is now ; and the public is taking the liveliest interest in it. Mr. COLLINS (Christchurch City) .- For obvious reasons I rise to support the suggestion that the debate be adjourned for a week. In dealing with local Bills members not immediately affected by local considerations must be more or less at the mercy of those local members who are acquainted with the facts. In this case we find the honourable member for Wellington Suburbs and one of the members for Wellington City-the one opposing the Bill, and the other asking for an adjournment. I admit that it is difficult for me to at once express an opinion in regard to this measure, and, if I should be called upon to do so now, I could scarcely give an intelligent vote on the matter.

<page>175</page>

for the purposes of a recreation - ground, and I shall want a good deal more information on this point than the Bill affords before I can vote for it. I fully admit that, before effect can be given to the provisions of the Bill, an expression of opinion must be obtained from the people themselves, but that does not absolve us from a careful discharge of our duty ; and since there is divided opinion amongst those who should be possessed of the facts of the case, further time should be given for consideration of the matter. I do not wish now to discuss the Bill, but to simply give reasons why the debate should be adjourned. The honourable member for Wellington Suburbs maintained that the Council should not have the control of the expenditure of a large sum of money, because they had already shown themselves incapable of looking after the proper interests of the city. I would like honourable members to pay particular attention to the condition of the Wellington streets, over which they have to travel every day, and, if they do so, they will come to the conclusion that they are a disgrace to the Empire City of New Zealand. Mr. HUTCHESON .- Poor old Wellington ! Mr. COLLINS .- It is all very well for the honourable member to say " Poor old Wellington," but I can say that I know of no town in New Zealand which can compare with it in the matter of its disreputable streets. This must reflect upon the City Council, and gives strength to the argument of the honourable gentleman who represents the Suburbs. 32106019788246 Mr. SPEAKER .- You are getting away from the question of adjournment. Mr. COLLINS .- I think this matter should be borne in mind during the week, which, if this motion to adjourn the debate be carried, will intervene, so that members themselves will recognise the strength of the argument with regard to the incapacity of the City Council. I should like to support the honourable member's Bill, but, since the local authorities are divided, we should have more time to consider it. Mr. NAPIER (Auckland City) .- I have not heard any cogent reason why this debate should be adjourned, and I would point out that the Order Paper gives each member notice of the business that is to be brought on; and if an honourable member does not make himself acquainted with the Bills that are to come up for discussion, then it is clearly his own fault. I submit that this Bill, coming to us as it does with the imprimatur of the local governing body, and having passed through the Local Bills Committee, which has devoted careful attention to it, we ought to hesitate before we refuse to pass the second reading, which merely affirms the principle of the measure. If there are objections to details, of course, they can be attended to in Committee ; but it seems to me that, unless we are to deprive the citizens of Wellington of local self-government, we ought to pass this Bill. That the Wellington City Council has not provided good streets has nothing whatever to confidence of the citizens-which under our law we must assume it possesses-comes forward and asks us to pass a Bill. What to do ? To enable it to submit a proposal for the betterment of the city to the electors. The Bill is not to enable the Council to purchase property or to pay money away, but to enable it to ask the individual citizens, "Aye" or "Nay," " Is it desirable to purchase this property for a recreation-ground for the



people?" It is merely to enable the Council to submit this question to the referendum, and holding as I do that the people are the final arbiters, and this being a permissive measure to submit the question to the citizens, I would ask honourable members to agree to the second reading to-day, and as to the Committee stage, that can be fixed for some future time. Mr. HALL- JONES (Minister for Public Works) .- Sir, I must confess the amendment moved has put me in a somewhat difficult position. As the member in charge of the Bill knows, I have looked upon this Bill with a good deal of suspicion, but if the position is made clear then I wish the Bill to proceed. With regard to the acquisition of a recreation-ground for the City of Wellington, I am entirely at one with any man in Wellington in desiring to see recreation-grounds; but it is the terms under which the proposed recreation-ground is to be acquired that I am not at all clear about. I am not a lawyer, and, unfortunately, I was engaged in the House for a great portion of the time while the Local Bills Committee were discussing this question ; and after they had got through the Bill-I was only there while some of the latter clauses were being discussed -I learned that there was something beyond the Bill, and that was the contract between certain persons and the Corporation. Indeed, I was informed that the contract would be laid upon the table of this House. May I ask if that has been done ? Mr. SPEAKER .- There has been no contract laid on the table. Mr. HALL-JONES .- Well, if that has not been done, I think it ought to have been. I think the contract should be printed in its entirety, and that every member of the House should have a copy of it. I repeat that I am as anxious as any one to see any number of recreation-grounds provided for Wellington ; but from what I read of the Bill yesterday in the Local Bills Committee-room it struck me that the Corporation could acquire the estate without going to the ratepayers. An Hon. MEMBER .- Oh, no. Mr. HALL-JONES .-- Well, it struck me that they could acquire that property without going to the ratepayers, because, if what I hear of the contract is correct, they have to pay no money down, they have to raise no loan for some years ; and hence the provision of section 4 would not come into operation. Mr. SPEAKER .- You cannot discuss the Bill.

<page>176</page>

' and desired to refer to the matter that there is a prevailing opinion that something is behind this Bill ; and I submit that members ought to be apprised of the terms of the contract-they ought to know every clause of it. To the sticitor in charge of the Bill who accompanied Mr. Hatcheson, I pointed out that one of the dances, the only one I have seen in the con- trici, would have been better embodied in the Bill. As I said before I am no lawyer, and there may be nothing in it, but it struck me that the Corporation could acquire the estate without taking a vote of the ratepayers, because they are only to pay interest upon the capital sum at 23 per cent. That being so, my inclina- tion is to support the adjournment. I think the honourable member for Wellington City (Mr. Hutcheson), might agree to that, and we could have the contract laid upon the table and printed at the Government Printing Office. It would then be a public document, and if printed and circulated amongst members it will be seen what the contract is, and the Bill can then be dealt with next week. There need be no objection to the delay, because two months can elapse after the close of the session before the Corporation need come to a decision to take the property. I am not clear on the matter. This is the first I have heard of any influence at work to prevent the Bill passing : but I have heard of some influence being brought to bear to secure its passing, though I absolve the member in charge of the Bill from any connection with the influences I have heard of. For these reasons I think it would be well for honorable members to have the opportunity of knowing not only what is in the Bill, but also of knowing what the contract is under which the estate is to be acquired. Mr. ATKINSON (Wellington City). - I wish to say a word upon the question of the adjourn- ment. It is surely a most extraordinary motion, and has been supported by most extraordinary arguments. The proposal is that the debate shall be adjourned for one week. Why? Be- cause certain members -certain local members who are opposed to the Bill - want during that week to pick up sufficient information to oppose the Bill, though during all the months and years the matter has been under discussion in the City of Wellington they have been unable apparently to acquire

sufficient information for that purpose. I am sorry the honourable member for Christchurch City (Mr. Collins) has left, but I will undertake to say that any argument that may be advanced now for adjourning this Bill for a week would apply equally to adjourning any other local Bill for six months. Supposing the Bill affected the City of Christchurch, what would be gained by adjourning it for a week, or for six weeks? The honourable member wants members to see how dirty the streets are, and from that to obtain a means of judicially determining this question. Mr. HALL-JONES .- That is apart from the question. Mr. ATKINSON. -- That was an argument. Of course, he has not yet spoken upon the Bill itself. Now, it appears to me that, according to the views of honourable members-including, I regret to say, one honourable member for the City of Wellington and one for the constituency next the City-every city and locality in this colony is competent to manage its own affairs except the City of Wellington. Why, actually the member for Christchurch City (Mr. Collins), who is a firm believer in democracy, said that as the local authorities were divided with regard to the Bill, therefore this House should take a week to think over it-to think over the matter of giving the right to take a poll of the citizens. This matter has been one of public discussion for years, and there was not a single candidate at the last municipal election but was asked about it, and expressed an opinion about it. In fact, there were some who expressed two opinions about it during the same campaign. That will show that it was really a burning question. I admit that the Minister for Public Works has put something more like a case for the adjournment, and it is clear that it is not merely for the sake of hostility to the Bill. As far as the question of the contract is concerned, I simply turn upon him the argument which I used previously against the honourable member for Christchurch City (Mr. Collins). This is only an empowering Bill. It empowers the City Council to make terms, and it empowers the citizens to say whether the terms made by the Council are to be approved. If the city is competent to manage its own affairs, I fail to see why it shall not be competent to make this contract. That is my answer to the Hon. the Minister for Public Works. Mr. HALL-JONES .- We ought to have the contract before us. Mr. ATKINSON .-- The Minister is candid in his attitude to the Bill : it is quite a fair attitude ; but I would suggest that this Parliament, if it chose, might appoint Commissioners to administer the affairs of any city, and it would have precedent for it in the State of Pennsylvania. Because there the Mayors of four of the second-class cities, about the size of Wellington, did not give satisfaction to the powers that be -- because they were of the wrong " colour " -- the Parliament of that State passed a special Act dismissing those Mayors during their terms of office, and empowering the Governor to appoint Mayors of the right " colour " to administer the affairs of those cities for the remainder of the term. This Parliament is quite capable of doing that, although I do not think it is anxious to do it ; but I would point out to the Minister that, unless we are going to adopt that attitude-if there is nothing immoral in the Bill, if it is simply an empowering Bill-we ought to pass it. But if the Parliament thinks it is more competent to administer the affairs of the city let it do so. Of course, I know that the Minister would not go the length I have suggested, but I put it to him that, that being so,

<page>177</page>

and there being no question of a surprise being sprung on the city or the citizens, he should let the city decide the matter. I said that if there was any argument at all for the adjournment of this Bill for a week it would apply to adjourning any other local Bill for six months. Let me point out to honourable members that if there was any strong section of malcontents to this Bill the House would be flooded with petitions and deputations. It would be a perfectly easy matter for any constituency to do, and far easier with regard to this constituency than any other in the colony. We know that the minority have remained apparently in acquiescence. It may be that there is a majority of the city which is acquiescent, for the simple reason that it knows it has got the power in its own hand, even if the Bill were passed, to say " Yes " or " No." The last consideration I will urge is this : Three months ago the mayoral and municipal elections were held, and by a very large majority, a record majority in the case of the Mayor- and we have the unsuccessful

candidate re-peating almost verbatim a part of one of his election speeches on that occasion - and by large majorities, in some cases by two to one, almost the whole of the old Councillors were re-elected. The Mayor and Council so elected ask us for this Bill. There is no local question affecting any part of the colony on which the people interested are better informed than are the people of Wellington on the subject-matter of this Bill. I therefore urge upon the House that this unusual motion of the honourable member for Dunedin City (Mr. Barclay) should not be adopted, and that we should go through with the Bill. Mr. HALL-JONES (Minister for Public Works). - Before the honourable gentleman sits down I would like him to point out in what way the position will be prejudiced if the Bill were adjourned for a week, and the contract printed and circulated among the members, so that the House and the whole of the citizens of Wellington could know the terms of the contract. Mr. ELL (Christchurch City). - We have four large centres in the colony, but I venture this opinion : that there is not a city where there is more interference with local matters than with the City of Wellington. Ever since I have been in this House, whenever anything crops up with regard to Wellington there seems to be a storm raised and an attack made upon some one. Now, Sir, this Bill has been pointed out as being purely permissive. Mr. SPEAKER. - The honourable member cannot discuss the Bill just now. Mr. ELL. - I refer to the discussion I have just now listened to by the honourable member for Wellington City (Mr. Fisher) and the Minister for Public Works, in favour of postponing the second reading of this Bill. Now, Sir, I remember the reports in the Christchurch papers, and also those in the Wellington papers, at the time of the municipal elections in this city. I take an interest in municipal elections, and I know this question cropped up frequently. The Wellington electors, it seems to me, are being treated with scant courtesy, and their intelligence is being discounted by the proposal which is being made. Surely the Wellington electors are sufficiently intelligent and alive to their own interests to determine on a question like this. An Hon. MEMBER. - Let them know the contract. Mr. ELL. - There is ample provision in the Municipal Corporations Act to protect the rights of the public, and the Minister knows it perfectly well. Before the loan can be submitted a public meeting must be held, which must be advertised for four consecutive weeks, and at that meeting any ratepayer can question the Councillors or the Mayor as to the proposal. They have to be enlightened on every point ; and yet we have the honourable member rising up here, in the face of all the safeguards in the Bill, and saying that a permissive measure like this shall not pass. I have heard remarks hinting that this was a job, and that a little light would be shed on it. It occurs to me that the steps now proposed to be taken are with a view of shedding a little daylight on what is reputed to be a job. I have not heard anything that would lead me to suppose it is a job. I have not heard anything that would justify me in suggesting that the electors are not capable of deciding this question for themselves. We all know this Bill was coming before the House, and, as the honourable member for Wellington City has pointed out, if there had been any strong suspicion in the minds of the local electors we should have had plenty of deputations to members, and we should have had numerous petitions. Local public opinion is very much alive in Wellington. But, Sir, instead of the opposition, and 4.30. instead of the suspicion being amongst the local electors, it seems to me it is simply centred in two local members. That is where the suspicion is, and there only. It is certainly not in the minds of the local electors. Now, a short time ago they voted upon a proposal to spend a very considerable sum of money in this city for the purpose of tramways and other improvements, and the question now to be submitted to them is for their benefit. It has been a long time before them, and I venture to say that they will be quite capable of casting an intelligent vote upon it. They know all about it, and they can know all they desire to know about the proposal before they cast their votes. I shall not support the proposal to adjourn this debate for a week. Mr. J. ALLEN (Bruce). - Sir, I do not think sufficient argument has been adduced for the adjournment of the debate. I submit that it would very likely jeopardize the Bill, because if the second reading is not taken to-day it will be postponed for a week. I presume the Financial Statement will come

down in a fortnight's time, and the opportunity for the committal of the Bill will then be lost. Now, Sir, strong argument ought to have been adduced to induce honourable members to vote for postponing the debate. Sir, the Hon. the Minister for Public Works asked a question of the member in

<page>178</page>

charge of the Bill in respect to the agreement, { in permitting the second reading to-day, and I understand that he was already in possession of an amendment suggested by the honourable member in charge of the Bill which would have removed his objection altogether. The honourable member in charge of the Bill submitted to the Minister for Public Works the draft of a clause which perhaps I may be permitted to read, as it bears on the question of the adjournment of the debate. It is as follows : "This Act shall not be deemed to authorise the Corporation to purchase or take the said land unless either a special loan shall have been first authorised under this section to provide the purchase-money or estimated compensation, or an epitome of the leading provisions of the contract for purchase shall have been submitted to a poll of the burgesses or ratepayers of the city and shall have been approved of by a majority of the votes cast : Provided, however, that a full copy of any contract for purchase and a tracing of every plan drawn thereon or annexed thereto shall be deposited at the City Council Office, and shall there be open to public inspection for at least seven days before the taking of the poll." So that the honourable gentleman in charge of the Bill has met all that the Minister for Public Works desires. The Minister for Public Works desires that the contract between the sellers and the Corporation should be printed in full. Well, I submit it would not be fair to ask that to be done at the present time, for this reason : that it may disclose business at the present moment which it would not be right nor fair to the sellers to disclose; and if an epitome of the whole contract is to be circulated broadcast before any poll is taken, and if the full contract is to be deposited in the City Council seven days before the poll is taken, what in the world is there to take objection to ? Even apart altogether from that, what reason is there for the adjournment of this debate ? This matter, according to our own Standing Orders, has been before the residents in the city for at least three weeks publicly ; plans have been deposited in the Stipendiary Magistrate's Court ; the whole thing has been advertised for three successive weeks; the matter has been before our own Local Bills Committee, and an opportunity was there afforded to anybody who had an objection to the Bill to appear. I understand that not a soul has turned up to raise an objection, and I understand that for two years or more the whole question has been before the ratepayers of this city in one form or another. Mr. WILFORD. - There was a petition of 531 ratepayers against it before. Mr. J. ALLEN. - There has been no petition against the Bill this time, and the Local Bills Committee did not hear one word against the Bill ; and I submit that it is unfair to attempt to kill the Bill in this way, and therefore I myself shall not support the adjournment of the debate. I think honourable members will be dealing fairly with the member in charge of this Bill, and only fairly with this city, Mr. J. Allen because the Committee stage cannot come on until next Thursday; and between now and next Thursday, if there is anything further to be said against the Bill, there is plenty of time to produce it, and it is not too late even at the Committee stage to stop the Bill. Nor is it too late even at the third-reading stage to stop the Bill if there is anything in it that is not proper. A poll of the citizens, according to the Bill, will have to be taken. A special poll has to be taken, and all the matters therein set forth are to be detailed, and there can be no doubt in the minds of the citizens as to the question they are voting upon. I submit it is not fair to this city that we should deprive them of an opportunity such as this to provide for themselves recreation grounds, which this House, I am quite certain, desire the larger cities should obtain. The House divided on the question, "That the debate be adjourned." AYES, 26. Allen, E. G. Hall Palmer Bennet Hall-Jones Parata Carneross Houston Seddon Carroll Lawry Stevens Colvin McGowan Symes Wilford. McLachlan Duncan Fisher McNab Tellers. Mills Barclay Fraser Flatman. Guinness O'Meara NOES, 26. Smith, G. J. Allen, J. Lang Arnold Laurensen Steward Lethbridge Bollard Tanner Ell Thompson, R. Massey Meredith Thomson, J. W. Graham Monk

Willis. Hanan Hardy Napier Tellers. Haselden Rhodes Atkinson Russell, G. W. Hutcheson. Herries . Mr. SPEAKER .- It appears to me that as the critical stage of the Bill-that of committal -cannot come on for another week, and if there is any amendment made then the third reading cannot come on for another week, the citizens of Wellington have at least a fortnight to bring before the House any objections they may have to the passing of the Bill. I do not think I should interpose an extra week's delay in the progress of the measure. I therefore give my casting-vote with the " Noes." Motion negatived. Mr. HALL-JONES (Minister for Public Works) .- Sir, I would ask the mover, in his reply, if he will carry out a provision which, I understand was made before the Local Bills Committee, that the contract should be laid before the House, and if he is prepared to lay it before us. Mr. FISHER (Wellington City) .- Of all the daring attempts to hoodwink and baffle the people of this city this is the most daring. Mr. HUTCHESON. - The attempt to adjourn the debate. Mr. FISHER .- Sir, I believe the honourable

<page>179</page>

gentleman in charge of the Bill claimed your protection in the early part of the session against the interjections of another honour- able member. I now claim your protection, Sir, against the interjections of the honourable gentleman. Mr. SPEAKER .- I did not hear any interjec- tion. Mr. FISHER .- Sir, I now repeat that of all the daring attempts to hoodwink and baffle the people of Wellington this is the most daring of them all. The honourable gentleman who moved the second reading of the Bill, in speaking to the motion for the adjournment, referred to certain schemers who were opposing this Bill because they wished to work a swindle of their own. You will observe, Sir, that the word "swindle" was used and not objected to. Now, I declare that of the two this is far and away the greater swindle. Mr. HUTCHESON .- I deny that I used the word " swindle." Mr. FISHER .- I heard the honourable gentleman apply the word "swindle " to what he called an opposing scheme. Now, I say that such a disgraceful proposal as this was never before submitted to this Parliament. I have watched the history of this purchase from its very inception. When the Bill, which in- cluded some other proposals, was placed before this House in 1897 I presented a petition to the House, signed by 584 burgesses of the City of Wellington, protesting against the purchase of this Miramar Estate. But the House, in its wisdom, as it does to-day, pretended to know more about the matter than the members who represent the city, and so it passed the clause sanctioning the purchase of the Miramar Estate. Sir, I will not call the proposed purchase a swindle. I will not apply to the proposed purchase any term which you, Sir, will not allow to be used ; but the term which correctly characterises it is in common use among the burgesses of this city. When the proposal was first submitted to the burgesses at a meeting in this city by Mr. H. D. Bell, who was then Mayor, he bound himself to sub- mit to the motion, whatever it might be, carried by the citizens in regard to the purchase of this property. The Evening Post of the 23rd July, 1897, contains this report :- ## " The Purchase of Miramar. "The Mayor suggested that the Council should defer consideration of his proposal for the purchase of the Miramar Estate until the public meeting had given its views on the subject. "The Mayor pointed out that the Council would be governed by the feeling of the public meeting." The public meeting, convened officially by the Mavor, was held at the Skating Rink on the 24th August, 1897, and was distinctly adverse to the Mayor's proposals. There were twenty- two votes in favour of the purchase and eighty- five against it, and the leading article in the Evening Post - Mr. Bell's claqueur-showed that the meeting was decidedly adverse to the pro- posals. And I say that, in the face of such a deci- sion on the part of a large and representative meeting of the burgesses of the City of Wellin- ton, it was nothing short of monstrous that Mr. Bell should ask Parliament to fly in the face of the citizens, by whose decision he pledged himself to be bound. Yet we have gentlemen in this House who, by their speeches to- day, profess to know all about the matter. Well, what was the consequence? In spite of the decision of that meeting, and in spite of the petition of 584 burgesses of the City of Wellington against the Bill, it was smuggled through this House by the votes of members who will persist that they know all about our

affairs, while we who live on the spot, and who have investigated this matter thoroughly, are not allowed to give any advice upon the matter. I say that these long continued efforts to foist this estate upon the city show what persistent efforts are being made by the schemers who are at the bottom of the pro-posal. Now, five years ago the Miramar Estate was valued for property-tax purposes at £24,000. At the next valuation, when it was proposed to shunt the estate on to the Corporation, a convenient and obliging valuer was found, and the valuation was put up to \$75,000. So that the Corporation was to be bled for the difference between £24,000 and \$75,000. And I want to know why the people of this city should be asked to pay \$51,000 more than the owners of the property valued it at a few years previously. Then, why is the amount of the purchase-money not stated in the Bill ? Why should the city be asked to buy a pig in a poke ? I come now to a point which has already been dealt with by several honourable members, but which cannot be dealt with too frequently or too seriously. Clause 3 of the Bill says, - " Subject to the provisions of section five hereof, it shall be lawful for the Corporation to purchase the land comprised in the First Schedule, or any part thereof, in pursuance of the contract existing before the passing of this Act or of one to be made thereafter." Where is that contract ? Was such a thing ever heard of before ? The city is to be bound by a contract of which we know nothing, " or of one to be made thereafter !" Do we dream ? Can such things be ? There is a secret understanding, a secret compact, entered into between the Corporation and Messrs. Crawford Brothers, the owners of the property aided by the powerful influence of Mr. H. D. Bell, their solicitor, or trustee for some one connected with the estate. Then, the property is to be purchased " subject to any roads or rights of road or any easements through or over the same or any part thereof." Roads, rights of road, and easements are reserved to give value to all other parts of the estate, and all at the expense of the Corporation. " And subject also to any leases or tenancies of or affecting any parts of such land." Why not make the proprietors of the estate a present of \$50,000 and be done with it ? That would be a far more straightforward transaction, and one that the citizens could casier understand. Now, let me go back one stage in the history

<page>180</page>

of this now famous estate, and call attention to the action of another branch of the Legislature in regard to it. After all our efforts in this House to prevent the passing of the Bill of 1897, the measure went to the Upper House, and there the iniquitous character of the pro-posal was discovered and made plain to the members of that Chamber. The part of the Bill relating to the purchase of Miramar was expunged. But the promoters of this scheme-I must not use the word " swindle "-are unceasing in their efforts ; the passing-away of years does not discourage them. It rears its head, and flaunts itself as boldly as ever. Now, I ask, with the member for Wellington Suburbs, Is the Wellington Corporation composed of men fit to be intrusted with the management of such a large estate, in addition to the management of our ordinary municipal affairs ? Those honourable members who profess to know all about this Bill surely know something of the condition of our streets and footpaths. I have heard many of them express themselves very freely upon this subject when there is no proposal to purchase Miramar on the board. And a Corporation which so sadly neglects its primary duty, and makes plain the fact that it is incapable of carrying out the ordinary duties of a City Council, quite gaily proposes to take over the management of an estate comprising nearly fifteen hundred acres. I am now going to refer to what may be called a trifling matter, but it is a matter to which the New Zealand Times has frequently called attention-namely, that it is never possible to get the annual balance-sheet of the Corporation in anything like decent or reasonable time. I applied to-day at the offices of the Corporation for a copy of the annual balance-sheet, and the latest copy I could get is dated the 31st March, 1900. What would happen at our Public Accounts Committee if the annual accounts of the colony were produced a year and a half after their due date? I wonder what the member for Bruce and the member for Wakitupu would say at the meetings of the Public Accounts Committee if the accounts of the colony were so delayed. Accusations would be made

against the Government that they were endeavouring to conceal the state of the finances of the country. Now, I wish to show from this balance-sheet how the City of Wellington is already indebted, and how it is proposed to still further burden the already over burdened ratepayers. This is the "Statement of the Public Debt of the City of Wellington," as published in this balance-sheet :-

8\.	1\.	Consolidated Loan	..	200,000
0	2\.	City Improvements Loan	..	100,000
0	3\.	Wainni Waterworks Loan		130,000
0	4\.	Sanitation Loan No. 1		165,000
0	..	5\.	Sanitation Loan No. 2	33,000
0	..	6\.	Private Drains Loan	8,600
0	..	7\.	Te Aro Reclamation Loan	25,000
0	8\.	Loan under clause 189 of the Municipal Corporations Act	..	9,500
0	0	9\.	Cemetery Loan	7,500
..		Mr. Fisher	£ s. d.	
10\.		Pahiatua Loan	324	17
0		11\.	Loan for urgent works and payment of overdraft under "The City Empowering Act, 1897"	51,000
0	0	12\.	Fire Brigade Station Loan	5,000
£734,924	17	0	Then, we have to add-	
13\.		Electric-tram service	300,000	0
0	0	14\.	Wood-blocks for tram-road	50,000
0	0	15\.	Town Hall	50,000
16\.		Sanitation (authorised by Acts of 1892 and 1894)	50,000	0
0	0	..	17.	Miramar
75,000	0	0	..	€1,259,924
17	0			

Now, contrast that enormous indebtedness and the rates of the city with the indebtedness and the rates of the other large cities of the colony. These are the latest figures I have been able to obtain, for the House has refused to allow time for inquiry and verification :- Rates in Public Debt. the Pound B. d. £ Auckland 449,900 2 10} .. Christchurch 66,000 2 4 Dunedin 603,300 2 8} Wellington .. 670,000 3 6 Our present rates amount to 3s. 6d. in 5.0. the pound, with an indebtedness of £734,924. Will those members of this House who profess to know so much about our municipal affairs kindly tell us what our rates will be when our indebtedness is raised to £1,259,924 ? Do they wish us, as in the case of Oamaru, to be driven out of the city by burdensome and excessive rates ? When all these loans are raised, at the very least one-fourth of the property of every person in this city will belong to the Corporation . one-fourth of the income of every man or woman who has invested in city property will have to be paid to the Corporation in the shape of rates every year. No sum is set down in the Bill for the purchase of Miramar, but we must assume-for we have not this secret contract before us-that it will be \$75,000, the original price asked. When the city was first asked \$75,000 for this property the seaside part was attached to it, but all this seaside portion has been sold by the proprietors for seaside residences and summer resorts, but all that part of the estate is gone, and the Corporation is now asked to pay \$75,000 for what is really the refuse of the estate, the outer fringe or more valuable part having been turned into cash. Parliamentary d. usage, Sir, would not allow me to characterize this proposed purchase as a swindle; I am therefore debarred from using the word. I must therefore leave my opinion entirely to the imagination. What, now, in reality, is the object for which the city is asked to purchase the remainder of this estate? It is this : The agitation to purchase the Miramar Estate comes not from the citizens of Wellington, but from the owners of the estate, who bring to their aid and assistance the influence

<page>181</page>

of the members of certain aristocratic clubs. Before touching upon that point I would like to ask who paid for the circulation of the maps. such as those contained in a particular issue of the Evening Post, announcing that this was the Miramar Estate, which the Corporation proposed to purchase. In the first place, I assumed that the Corporation authorised the printing and circulation of those maps, but, on reflection, I came to the conclusion that it must have been done by the vendors, for surely the Corporation would not be guilty of such an illegal and reprehensible act. But, then, did the pressure to purchase this property come from the people of Wellington ? No. It came from people who have little concern in the municipal affairs of Wellington-people who are not called upon to face the rate-collector and the Magistrate if the rates are in arrear. The land is to be purchased to provide golf grounds, polo grounds, hockey grounds, and a racecourse. Now, I ask, Sir, does the working-man, the small ratepayer, of Wellington want a golf ground ? Does he want a hockey ground ? Does he keep polo ponies? Does he want a polo ground ? Does he want a racecourse of his own ? I certainly think the members of the

Wellington City Corporation would be a splendid body to manage a racecourse. And these are the pressing reasons why we are asked to purchase this estate. I would not so much object to the purchase by the Corporation if it were not for the rates we shall be called upon to face, and I ask, with such a prospect before us, can we afford to indulge in such a luxury? It is purely a rate-payers' question. I repeat the question, Do the members of this House wish to impose an indebtedness of \$1,259,924 upon a small city like this? It is really too much to ask us to bear. And, then, why did not the honourable member who moved the second reading of the Bill give the House some information in regard to its contents? Why move the second reading without saying a single word? It would have been just as easy for him to have told the House what the designs and projects of the Bill were as to leave that for other members to do. I undertake to say that the career of the Bill of 1897 will be repeated. The Bill may pass this House, which pays such little attention to proposals of this kind, but I sincerely hope the Legislative Council will reject it. I fervently hope the Legislative Council will take the wise and judicious step it took in 1897 in regard to this same proposed purchase. I would ask those members who really understand anything of the question whether we have not enough parks for the City of Wellington already. Mr. PIRANI .-- No. Mr. FISHER .- Again the member for Palmerston knows all about the matter. We know nothing. We have the Basin Reserve. An Hon. MEMBER .- Too small. Mr. FISHER .- Oh! That is too small. Well, we have the Athletic Park. Mr. HUTCHESON .- Which is private property. Mr. FISHER .- Oh! That is private property, is it? Well, then, we have the Newtown Park. Mr. PIRANI .- Which is a Government camp. Mr. FISHER .- The honourable member calls it a Government camp. It is the very best recreation-ground in this city. But the most important consideration of all, which has not as yet been touched upon, is this: that the Public Reserves Acts, passed in many Parliaments from the year 1881 onwards, distinctly declare that all public reserves shall be reserved for the exclusive use and benefit of the public, and that they shall be open to the public at all times without fee or charge. Now, we are asked- Mr. HUTCHESON .- There are exceptions on a certain number of days each year. Mr. FISHER .- There are no exceptions of any kind whatsoever in the Public Reserves Acts. There is no bar to the public. The reserves are the property of the public. But under this Bill these croquet clubs, hockey clubs, and golf clubs are to be allowed to pick out the choice parts of this ground under lease which excludes the public. The estate is to be purchased with the money of the people of Wellington, and these clubs are to have the right to lease the land for their purposes at a peppercorn rent, and to exclude the public from the use of the land. The public of Wellington are in reality to purchase land for these clubs. If these are not grounds sufficient to induce the great mass of the people to move in this matter I should like to know what would be? Then, some honourable members have said, as the honourable member for Auckland City (Mr. Napier) has said, that the people themselves are to decide the matter-that a poll is to be taken. I ask any member to read the Bill and point out to me one word relating to a poll of the people. An Hon. MEMBER .- Clause 5. Mr. FISHER .- Clause 5 says,- "The Corporation may raise, under the provisions of 'The Municipal Corporations Act, 1900,' any special loan or special loans for the purpose of providing the whole or any part of the purchase-money or compensation to be paid by the Corporation for or in respect of acquisition of the said land or any part thereof ; and also for providing funds for constructing roads and drains upon or under the said land or any part thereof, and for developing and improving such land." Where is there any mention of a poll ? Mr. PIRANI .- Provision is made in the Municipal Corporations Act. Mr. FISHER .- Why is it not to be found in the Bill? I have the Municipal Corporations Act of 1900 before me. I have read all the provisions relating to special loans. and I am extremely doubtful whether under those clauses the Corporation are compelled to take a poll. I undertake to say that if this clause is not altered no poll will be taken, and the ratepayers will find themselves burdened with this estate whether they like it or not.



Now, Sir. I have said all I wish to say in regard to the Bill. Of course, the quidnunes who know all about the affairs of the City of Wellington - and it is really astonishing to me how little we know about our own affairs-can tell us all about it. The next time I want to find out anything about the affairs of the Corporation of the City of Wellington I will take a trip over to Nelson to see the honourable member for Nelson City, Mr. Graham, and I am sure he will be able to tell us what we ought to do. Sir, I denounce this proposed purchase of Miramar as an iniquitous proposal ; it is a proposal that ought never to have been submitted to the Legislature until the ratepayers of the city had been fully consulted in regard to it. I have shown from public records that a few years ago the burgesses, in public meeting assembled, declared themselves strongly against the pro- posal, and I saw now distinctly that the Bill has been smuggled into the Legislature without the knowledge of the general body of the people of Wellington. I shall vote against the second reading of the Bill. Mr. PIRANI (Palmerston) .- I intend to sup- port the second reading, on the ground that it is right in matters of local government to trust the people. So far as the tirade of the honour- able member for Wellington City (Mr. Fisher) against the Bill is concerned, nearly every Wellington Bill that has been introduced into the House has evolved the same opposi- tion, except that he usually supports the second reading. He is going to oppose the second reading of this Bill. The honourable member's game usually is to box the compass by opposing the measure in words and sup- porting it by vote. For the first time in his political history, so far as it relates to local government, he is going to be consistent, and he is going to oppose this Bill by vote as well as by voice. But I would point out that the House ought to take into consideration not so much what are the merits of the proposal contained in the Bill, but what the people who have to pay the rates and practically provide the money think of the proposal; and I say, if the House is not prepared to trust the people with this measure of local self-government, it is time the House had a rest till it came to its senses. But the mem- ber for Wellington City (Mr. Fisher), strange to say, seeing that he takes this role in the House year after year, is never heard objecting to these proposals on the public platform. He is not inclined to trust the people. Mr. FISHER .- No, they trust me. Mr. PIRANI .- Well, not often ; and, when they do, perhaps they find out their great mis- take. But he comes to the House, where he has the right of saying what he pleases under the sacred cover of privilege, and attacks men whom I am sorry to hear him attacking, when all the circumstances surrounding himself are taken into consideration. But he would not dare to attack them on the public platform, and I think it is an abuse of the privilege of meinbers that this sort of thing should be encouraged on every local Bill in reference to the City of Wellington. If the provisions as to Mr. Fisher the taking of a poll are not sufficiently stringent, make them as stringent as you like. But who has widened the powers of the ratepayers of the colony in regard to the taking of polls for rais- ing loans? The Government which the honour- able gentleman supports so strenuously through thick and thin have abolished every safeguard in regard to the taking of polls for loans. At one time it was necessary that there should be a certain proportion of ratepayers as a majority in order to insure a loan ; that has been abo- lished now to a bare majority. Mr. FISHER .- Mr. Bell introduced that. Mr. PIRANI. - The present Government have introduced it year after year in their general enactments. If Mr. Bell did initiate it, ho was certainly doing what the Government the honourable gentleman so strenuously supports is doing in general enactment. I think it right that those who take an interest in these matters, and who take the trouble to go to the poll and vote, should decide, and that dead men and absentees should not be allowed to rule those who are most interested in the development of the city. The honourable gentleman has told us that Wellington has suthcient public parks. I should like to know where they are? The honourable gentleman has been largely con- cerned himself in the local government of Wel- lington ; what has he ever done in the direction of providing places of recreation for tho people of Wellington ? Talk about finding polo grounds and golf grounds! Does ho not know a little more about the athletic doings of the young people of the city than to think those are the amusements their energies are confined to? He ought to know what is the best

safeguard for the young people, and what is in their best interests-to provide for them sufficient places of recreation and sufficient outlets, so that they should not be confined to the slums of the city. There is no place in the whole colony so poorly off for places of recreation as Wellington. You have the Basin Reserve in the centre of the congested population, and Newtown Park at the same end of the city ; but beyond that there is nothing in the city so far as recreation places are concerned. And if this alone provided for better recreation-grounds for the people of Wellington, that would entitle it to the support of honourable members. But there are other proposals in connection with the land to be purchased under the Bill that ought to meet with support. I am always prepared, and I believe the majority of members are prepared, to give to the people the right to say what they should do in their own interests. When we cannot do this it is simply because the choice of the people of their representatives in the House wants to be considerably altered. Mr. J. HUTCHESON (Wellington City) .- I should like to approach this question as calmly as it is possible for a citizen of Wellington to do ; but, after the amount of misrepresentation and abuse that has been heaped upon the city, its institutions, and people this afternoon, I might be pardoned for exhibiting some little ! heat. What do we find here now ? The Empire

<page>183</page>

City of a young colony with its whole future before it; the port of this colony that is destined in the near future to become the Liverpool of New Zealand ; and the total area within the city boundaries for all purposes at the present time is not much over a thousand acres. Now, it must be perfectly obvious to the most casual observer in the city that there is no room for the ordinary extension even of business premises that will be necessary in the growth of the city in the next twenty-five years. The meaning of the proposals in this Bill is first to provide adequate recreation grounds for the people, and also a proposal, almost of equal importance-in fact, of greater importance-to secure an area of 1,100 acres-in addition to this 400 acres of recreation-ground-to provide for the future expansion of the City of Wellington. Now, I ask those members of the House who are concerned in the question of the housing of the poor, whether every day there is not fresh evidence of the encroachment of business premises on the localities formerly exclusively devoted to workmen's residences ? Now, what is to become of a city like Wellington, confined as it is by the everlasting hills, with an area of something like a little over a thousand acres, how are we to provide for future expansion unless by choosing the line of least resistance, and purchasing that beautiful area of flat land, with its surrounding low hills - a total area of some fifteen hundred acres-known as Miramar. That is the proposal that has been denounced as a hole-and-corner scheme; and many other unhandsome things have been said about it. The Minister asked me if there was not a deed of contract. There is a deed of contract, and the Minister knows it, and has seen it. #cc-zero Mr. HALL-JONES .-. Seen one clause. Mr. HUTCHESON. - I want to be perfectly just to the honourable gentleman. He just got a glance at it, and, although he has seen the instrument, he is not conversant with all its contents. But he has handled it, and he has also seen, and has now in his possession, a clause which was drafted at my instance by the City Solicitor in order to remove what were reasonable and honest doubts on the part of the honourable gentleman, that the Bill did not really provide for the absolute necessity of taking the people of Wellington into the fullest confidence of the City Council. Now, this is the clause that I suggested the honourable gentleman might permit me to put in the Bill in Committee : Instead of the words " Subject to the provisions of section five hereof," introduced at the beginning of clause 3, to insert the following words at the end of clause 5 :- " This Act shall not be deemed to authorise the Corporation to purchase or take the said land unless either a special loan shall have been first authorised under this section to provide the purchase-money or estimated compensation, or an epitome of the leading provisions of the contract for purchase shall have been submitted to a poll of the burgesses or rate-payers of the city, and shall have been approved of by a majority of the votes cast : Provided, however, that a full copy of any contract for purchase and a tracing of every plan drawn thereon

or annexed thereto shall be deposited at the City Council Office, and shall there lie open to public inspection for at least seven days before the taking of the poll." The Wellington City Corporation have, under provisional memorandum of contract and deed of agreement, a right to purchase this estate of 1,500 acres for two months after the rising of this present session of Parliament. \$75,000 is the sum agreed upon between the parties. There is a mortgage of \$10,000 on the land at present, and the condition of the deed of contract-the main condition-is that the City Corporation discharge or take over the liability of this \$10,000 on mortgage, and pay on the balance of the purchase-money 23 per cent. per annum. There will be a saving to the citizens of Wellington of at least 11 or 2 per cent. on the whole of the purchase-money. As was suggested by Mr. Speaker in giving his reasons for voting against the adjournment of this Bill, there is ample time after the second reading of the Bill to learn the fullest information on the subject, and I am willing to take every member of this House into the fullest confidence, and to let him see from start to finish every agreement, provision, and undertaking between the parties. There is absolutely nothing to hide ; but it will be ponderous and impracticable to put any such deed of agreement into an Act of Parliament when the only bearing it possibly could have on the subject only concerns the citizens of Wellington in casting their votes for or against it, or for or against the alternative proposal of a loan. Mr. HALL-JONES .- It was not suggested that the contract should go in the Bill. Mr. HUTCHESON. - I understood the honourable gentleman to say, "Why not lay the contract on the table, and get it printed and put in the Bill ?" Now, I can assure the honourable gentleman I have not had time to study fully this deed of contract ; but it is only an alternative, and has been drafted and agreed to by the most popular City Council that has ever sat on the municipal benches, if we are to draw any deduction from the result of the recent elections. Just three or four days before the last general municipal election the Mayor and Councillors, the great majority of whom are now back in their seats in the Council, submitted proposals to the City of Wellington which involved raising loans for expenditure amounting in the aggregate to \$330,000. For electric tramways there are £225,000; for the erection of a Town Hall, \$50,000 ; for the blocking of certain of our principal streets, so as to remove from Wellington the stigma of having badly paved streets, \$55,000-that is, for blocking on the most modern system the arterial streets of Wellington from one end to the other. And yet those gentlemen who oppose great reforms, and stand up in their place as iconoclasts, to smash up that which they had no hand in building, declare against the wicked, the profligate, proposal to spend £55,000 to remedy that which they declaim against. They want us to make bricks without straw. Now, I think

<page>184</page>

it is only proper that I should refer to 7.30. some of the objections raised to the Bill, by those honourable members who, one might well believe, ought to be more friendly disposed towards the Bill. The member for the Suburbs, Mr. Wilford, gave as one of the reasons for his opposition to the Bill the astounding statement that the citizens of Wellington had no confidence in the City Council as at present constituted for the carrying out of this great work. In the face of the fact that we have had the first municipal election under the new Municipal Corporations Act, and that practically meant the granting of an opportunity to the citizens of Wellington of sweeping out the whole City Council - the Mayor and Councillors included- and to clean out, in fact, the Augean stable, and to restore it to cleanliness and order! Yet what did the citizens of Wellington do? Not only did they return the former occupant of the mayoral chair in opposition to the member for the Suburbs, but they practically returned, with one or two exceptions, the whole personnel of the Council. Now, the honourable gentleman instanced as a case of municipal muddlement the unfortunate oversight in connection with the acquisition of the Willis Street corner for municipal purposes, and held that up as proof positive that the present Council was incompetent to discharge its duties. Now, the honourable gentleman himself, as a candidate for the mayoral chair of this city, lost no opportunity of fully apprising the citizens in a letter of the municipal shortcomings. to the daily Press prior to the election

he re-viewed the whole case in all its aspects, and he informed the citizens what the inevitable consequences would be, and wound up the letter by asking, among other questions, what share did the Mayor and Councillors intend to take of the blame - did they intend to shelter themselves behind their officials? Well, it is human to err, and the particular official in question, the Town Clerk, anticipated the queries by giving a public statement accepting the whole of the blame. Now, many sins of omission followed by grave effects have occurred in all the ranks of life throughout all time. Was it not the most careful captain of the Union Steamship Company, the late Captain McIntosh, who perpetrated the greatest marine disaster we have ever had in our colony? Was it not the most reliable, the most careful, the most competent shipmaster in the employ of the Union Steamship Company that was blameworthy for the sad "Wairarapa" disaster. Why, Sir, if the successful revolution of this world on its axis was dependent, for instance, upon the infallible regularity of the emptying of the ash-barrel in the back-yard, which service was performed by the most reliable of human mortals, one fine morning we should inevitably wake up and find ourselves whirling through space because the emptier of the ash-barrel had failed in his duty. Now, even the honourable member for the Suburbs himself is not infallible, and here I quote an instance to you, an exactly parallel case of the "act of inadvertence and neglect" with which he has charged the Wellington City Council.

Mr. WILFORD .- Two blacks do not make a white.

Mr. HUTCHESON .- No, Sir; and those who live in glass houses ought not to throw stones, and those who commit similar errors to these ought not to be the first to point the finger of scorn in cases like this. The very day succeeding the honourable gentleman's exposition of the shortcomings of the then Mayor of Wellington, such exposition being written with the full intent to damn the said Mayor's chances of re-election.

Mr. WILFORD .- What nonsense.

Mr. HUTCHESON .- There can be nothing clearer than that to any unbiassed mind - there appeared the following counterblast in the columns of the Evening Post in reply. It says :- "Mr. Wilford appeared for that well-known and popular metalician Mr. Sol. Lewis, who was charged with laying 'tote odds.' The Magistrate convicted Mr. Sol. Lewis, and sentenced him to three months' imprisonment. Notice of appeal was given, and pending the prosecution of the appeal Mr. Sol. Lewis was admitted to bail. Now, here comes the rub : Mr. Tom Wilford neglected to prosecute the appeal within the statutory time allowed by law, and it was only after his client had been arrested and lodged in the Terrace Gaol that Mr. Wilford discovered that his neglect was likely to deprive the Willis Street public of the pleasure of Mr. Sol. Lewis's society for the This threatened period of three months. calamity was, however, averted by an act of grace on the part of the Crown and the Magistrate in consenting to proceedings being taken de novo, so that Mr. Wilford could prosecute the appeal, Mr. Sol. Lewis being released from durance vile in the meanwhile. No doubt Mr. Wilford's failure in the first instance to prosecute the appeal was accidental and due to inadvertence." I ask honourable members to recollect that that is a quotation in the precise phrases used by the honourable member in reference to the laxity and laches of the City Council. He said, magnanimously enough, no doubt, it was accidental and due to inadvertence ; but still, if the honourable gentleman will permit me to point out, he only succeeded in rectifying his inadvertence and neglect by "an act of grace" on the part of the Crown and Magistrate, and no such "act of grace" was extended to the City Council by the hard-hearted property-owners, who demanded their pound of flesh.

Mr. WILFORD .- Buncombe, buncombe.

Mr. SPEAKER .- The honourable gentleman must not make these interruptions.

Mr. HUTCHESON .- These are the very questionable tactics so familiar to the honourable gentleman. In refuting his statements I can easily show that he is condemned out of his own mouth. Now, to show the House that no blame could really attach to the present Mayor in connection with this unfortunate question, it is only necessary to remind honourable gentle-

<page>185</page>

men that in filling an honorary office like that of Mayor it is absolutely impossible that one can attend to

the routine of the daily business, which must naturally be left to the executive officers. The honourable gentleman said, "Look at the streets." Well, I say there, again, is another proof that the citizens have confidence in their present Council, because there is practically the same Council as when they submitted the question of raising a loan of \$55,000 to block the streets of the city to the citizens, and the citizens responded ; prior to the election. Sir, I made an interjection this afternoon when the honourable gentleman was speaking, that we had proof positive that the citizens had confidence in the Council. He assumed that I was making a personal reference to his connection with the election. It was not so intended. I meant to convey the idea that the citizens had confidence in their Council as a whole. Of course, his candidature was never seriously taken. I refer to the election for the Mayor of the city. It was never seriously entertained, and the citizens of Wellington recorded their views on the matter by returning his opponent by a two-to-one majority, with 337 votes to spare. A friend of mine overheard a conversation between two working-men subsequently to the declaration of the poll, and it was something like this : One man said to the other, " What do you think of Wilford's candidature ? " His friend said, " I did not think he ever had a chance." "Oh, no," said the other, " he is all right for Parliament, but he is hardly the thing for Mayor," which is a striking commentary on several things. But that expression adequately describes the general view held of the honourable gentleman's candidature by the citizens of Wellington when he aspired to the position of Mayor. Now, the honourable gentleman asked the question in his speech, " Why did not Wellington seek to acquire a hundred acres for recreation-grounds only ? " Mr. WILFORD .- Two hundred acres. Mr. HUTCHESON .- "Two hundred acres." Very well. This Bill that I have the honour now to be in charge of is a most striking proof of the bona fides of the City of Wellington, inasmuch as it defines clearly and succinctly the proposal it is afterwards sought to submit to the people. They have here a definite proposal which cannot be deviated from, and upon which they are compelled to directly appeal to the ratepayers of this city ; and I say that if there was not anything further that could be adduced in proof of bona fides it is the very presence of this Bill. Now, I would like to take notice of one or two things which my colleague, Mr. Fisher, said in the course of his speech, which, of course, was laden with denunciation of the City Council and the Mayor. This honourable House and the citizens of Wellington can judge for themselves the reasons for the honourable gentleman's peculiar action in connection with so many of our local Bills. He told the House that he called at the City Council Chambers and was unable to procure this year's balance-sheet. He explained to this House that a copy of the balance-sheet for the year 1900 was the most recent reliable record he could get. Mr. FISHER. - March, 1900. Mr. HUTCHESON .- Sir, it is only right that I should inform this House that the balance-sheet of the Wellington City Corporation for the year ending the 31st March, 1901. was prepared and ready for public audit in the first week in April, but that feat was only accomplished at the sacrifice of the services of every member of the municipal staff. It meant working night and day to get the accounts balanced; and the reason that a properly certified and audited balance-sheet was not available to the public admits of the simplest explanation. I unhesitatingly affirm that the balance-sheet was prepared and ready for the public auditor in the first week in April; and that fact was intimated to the Controller and Auditor-General, and the reply received was that the officer whose duty it was to do this. service had received leave of absence for two months. That, in short, is the reason. But at the same time let me inform the House that a synopsis of the position of the city's affairs was available, and printed and ready for distribution amongst the citizens at that date. There was no attempt at concealment, nor yet any laxity in the preparation of the balance-sheet. Now, Mr. Fisher also repeated that dreary invective against unfortunate Wellington-" Look at the streets." Sir, surely it is simple logic to say that the present bad state of the streets. cannot be charged to the present City Council. It is surely owing to the neglect of past Councils ; and the honourable gentleman has in the past been intimately connected with the affairs of this city, and I ask him what has he done in the capacity of

Mayor or Councillor to improve the streets of the City of Wellington ? There can be no record found of any attempt of his to deal with this question of the improvement of our streets. This present Council, for the first time in the history of the city, has submitted to a successful poll of the people a large, and comprehensive, and scientific proposal for the improvement of the streets of the City of Wellington. But this I do say : that had the City Council in the past had a little more starch they would have " chanced the ducks," and said to the owners of property abutting the streets, " We shall pave your half of the pavement and charge it to you," and not leave it at the option of private-property owners. That is the principal cause of the foot- paths of the City of Wellington being in their present state of disrepair. Now, I will pass with very little comment to the ungenerous reference made by the honourable member (Mr. Fisher) to Mr. H. D. Bell, and his connection with the public affairs of this city. I say, Sir, of my own personal knowledge, that there is scarcely any other man in the whole City of Wellington who has more unostentatiously and more self-sacrificingly given his best thoughts, and his best knowledge, and his best services to the City of Wellington than Mr. H. D. Bell. To Mr. Bell, in the first instance, must be

<page>186</page>

attributed whatever credit may be due for the satisfactory settlement between the two local governing bodies in this city as set forth specifically in the deed of agreement embodied in the Bill called the Wellington Harbour Board and City of Wellington Empowering Act, which enabled that interchange of endowments, and enabled the sweeping-away of the slums, and enabled a satisfactory solution of what was really a difficult problem. I say to Mr. H. D. Bell belongs the credit wholly and solely for the initiative idea embodied in these enactments. These and many other services of a solid character of which the public are scarcely cognisant, and for which he has never got public credit, Mr. H. D. Bell is the author. And, above all other members of this House, I think it comes with ill grace indeed for my colleague the honourable member for Wellington City (Mr. Fisher) to malign in any way Mr. H. D. Bell. Now, Sir, as to the Bill, all I have time to say is that a proposal must be submitted to the people. If it is not a proposal to raise a straight-out loan of \$75,000, then it is an alternative proposal that the City Council be empowered to raise, under this deed of agreement, a present loan to redeem the mortgage of ¥10,000, which the Corporation will require to liquidate at once, the balance of the purchase-money, amounting to £65,000, to remain till the 1st day of January, 1905, at a rate of interest of \$2 10s. per centum per annum ; so that by that time the City Council may be deriving some revenue from the leasing of a portion of the recreation-ground, and be in a better position to raise the necessary loan to discharge the liability. I say, Sir, that in the 400) acres now at the disposal of the citizens of Wellington, we have the least advantage that will accrue from the passing of this Bill, and we have 1,100 acres that will be available as building - sites for the working - people of this town, so that under municipal control we may arrive at a solution of the question of the housing of the poor of the city. Not only will it not impose a single penny of taxation or rates on the people of Wellington, but in the immediate vicinity of the city we will have a glorious recreation-ground, over every inch of which, with the exception of fifteen days in the year, the people of Wellington will be able to roam at will. Sir, I submit the Bill with every confidence to the House, and now move the second reading. Mr. WILFORD (Wellington Suburbs) .- Sir, may I be allowed to trespass on the time of the House for a moment to make a personal explanation ? The honourable member for Wellington City (Mr. Hutcheson) produced from a file of a newspaper a letter in which he charged me with a certain mistake, which he alleged was made by myself. I often make mistakes- I admit it-but this particular mistake with which he charges me I never made. I believe the letter was written by himself. I am credibly informed that he wrote it. and signed it over a nom de plume, and I understand it was written by him to help Mr. Aitken against me. Furthermore, the honourable member's inventive genius is well known, as is his personal animus Mr. Hutcheson to myself; but I feel certain that when he cackles against me in the future he will have to roost a little higher, when he will be out of the wet. Mr.

HUTCHESON. - Sir, I think I should be allowed to disclaim the authorship of the letter, portion of which I read just now. I know nothing at all of the authorship of it, and, as for the honourable member's covert threat, I simply treat it with contempt, as it deserves. Mr. WILFORD. - Sir, may I be allowed to say -- Mr. SPEAKER. - No ; I cannot hear any more personal explanations. The House divided. AYES, 37. Rhodes Arnold Houston Lang Russell, G. W. Barclay Bollard Laurenson Smith, G. J. Buddo Lethbridge Stevens Carneross Steward Massey Mackenzie, T. Tanner Duncan Ell Meredith Thompson, R. Fraser, A. L. D. Millar Thomson, J. W. Willis. Graham Mills Hanan Monk Hardy Morrison Tellers. Napier Hogg Atkinson Hornsby Pirani Hutcheson. NOES, 10. Allen, E. G. McGowan Tellers. Carroll Mckenzie, R. Fisher Guinness McNab Wilford. Lawry Parata. Majority for, 27. Bill read a second time. ELECTIVE EXECUTIVE BILL. Adjourned debate on the question, "That the Bill be now read a second time." and the amendment proposed thereto, "To omit the word ' now,' with a view of inserting the words ' this day six months.' " The House divided on the question, "That the word ' now ' be retained." AYES, 22. Steward Atkinson Lethbridge Tanner Buddo Mackenzie, T. Collins McNab Thompson, R. Graham Meredith Thomson, J. W. Guinness Monk Hornsby Pirani Tellers. Russell, G. W. Ell Hutcheson Lang Laurenson. Smith, G. J. NOES, 31. Allen, E. G. Hall-Jones Napier Parata Hanan Arnold Hardy Barclay Rhodes Russell, W. R. Bennet Hogg Bollard Houston Stevens Carneross Lawry Symes Wilford. Carroll McGowan Mckenzie, R. Duncan Tellers. Fisher Millar Palmer Flatman Mills Fraser, A. L. D. Morrison Willis.

<page>187</page>

PAIRS. For. Against. Hall Colvin Withford Fowlds O'Meara Gilfedder Field Herries Ward Massey Smith, E. M. McGuire Fraser, W. McLachlan. Motion for second reading negatived. Bill ordered to be read a second time this day six months. LIBEL BILL (No. 1). Mr. FISHER (Wellington City). - In moving the second reading of this Bill I did intend, in my introductory remarks, to call attention to the extraordinary state of the law of libel as disclosed in the decision of the Court of Appeal in the Mabin case. I am glad to see that the Government has undertaken to make good the defect of the law in respect to the protection of the citizens of this country from injury resulting from libellous statements made by private persons or by newspapers. Formerly the newspapers of the country were held in check not so much by the fear of civil proceedings, but by the dread of their editors or proprietors being prosecuted criminally for offences of this kind. The right to prosecute criminally is to be restored, and the action of the Government in that regard will be applauded by all respectable people in this country. Sir, I come now to deal with the Bill which I have introduced for the purpose of amending the law of libel in the direction of affording greater protection to the citizens of New Zealand. Under the existing law ample protection is afforded to the proprietors of newspapers, but sufficient protection is not afforded to the citizens of the State. And yet attempts are made year after year to strengthen the power of the Press by giving increased facilities for attacking reputable citizens and securing to them an immunity from all punishment. In politics the policy of the journals of this country is shaped by the monetary power and the social influence of the persons who support them. In other respects they are, as the late Judge Richmond once described them—referring more particularly to the Wellington newspapers—merely advertising sheets. I remember him saying on one occasion, from the Supreme Court bench, that if one wished to see how his character was portrayed by the Wellington newspapers he had only to look into the concave side of a tablespoon. If this be the opinion of an eminent jurist, such as the late Judge Richmond unquestionably was, may not the lesser lights be entitled to entertain similar opinions. One would not so much object to what the Press did or said if our journalism was of such a high standard as that of England or Australia. In those countries editorial comment is argumentative and respectful. But we have no such standard of journalism in New Zealand ; at least, I qualify that by saying that we have no such standard in the City of Wellington. Now, this Bill is extremely simple in its provisions, and that man will be hard to please who finds fault with what it contains. The honourable member for the Taieri, who introduces annually the Bill presented to

Parliament in the interests of the newspaper Press of the colony, says the existing law in New Zealand is thirteen years behind the libel law of England. The answer to this is simple. In the first place, the libel law of England is a law which is not satisfactory to the people of England. It was passed in the English House of Commons in 1888- thirteen years ago, under great pressure brought to bear from journalistic and other sources. It really was a London Metropolitan Libel Bill. In the annals of the House of Commons such pressure was never known to be exercised in regard to any measure ever passed by that illustrious body. But soon after the Bill became law the English people discovered what a terrible power had been placed in the hands of the Press. So strong was the revulsion of feeling on the part of the people that year after year efforts have been made, in every session of the House of Commons since the year 1890, to secure the repeal of that Act. The first Bill to repeal the Act was moved by Sir A. Borthwick, an eminent member of the House of Commons. The next attempt, in the succeeding year, was made by Sir Albert Rollitt, solicitor to the Provincial Newspaper Association, which represents upwards of six hundred of the provincial journals of Great Britain. And repeal Bills have been introduced in every succeeding year, as the English Hansard, which is to be found in our own library, shows. And if the repeal of the English libel law is moved for by such eminent men as Sir A. Borthwick and Sir A. Rollitt, is it reasonable that attempts should be made to introduce into this country a law the abrogation of which is so strongly desired by the great mass of the English people ? I think that very conclusively disposes of the argument that we are thirteen years behind the libel law of England. Now, Sir, the Bill introduced last year, by the member for the Taieri, was defeated on division by twenty-three votes to twenty. There was a full and exhaustive discussion on the Bill, as there had been the previous year, and that division conveys the deliberate opinion of the House in regard to Mr. Carncross's Bill. In introducing the Bill last year Mr. Carncross said :- "It may not be generally known to some members that a newspaper proprietor may in all good faith send his reporter to report the proceedings of the Supreme Court or Magistrate's Court, and the reporter in all good faith takes down of what is uttered there an accurate and fair account of the proceedings of the Court, and yet the newspaper proprietor is liable to an action for libel, although his report is fair and accurate. I say this is an injustice under which the Press of New Zealand should not be allowed to labour." There is something to be said in favour of the contention that a newspaper proprietor should

<page>188</page>

not be punished for publishing an accurate and fair account of the proceedings of the Court ; but suppose in place of an accurate and fair account of the proceedings of the Court, a newspaper publishes a garbled and distorted account of the proceedings of any Court, what is to happen then ? Suppose a newspaper publishes a mangled report of the proceedings in some case which would be highly injurious to a private person, and, in the case of a public man, would wholly damm his future career. What is to be the remedy in such a case? This Bill provides a speedy and simple remedy. Now, here is a case in which I myself was concerned. It was heard in the Magistrate's Court at Wellington, and in a telegraphed account of the case which appeared in the Christchurch Press next day is contained the statement, given as part of the evidence, that I had given my member's railway-pass to a woman of immoral character. An Hon. MEMBER .- What ? . Mr. FISHER .- The Christchurch Press of the 27th February, in a telegraphed report of a case in which I was concerned in the Stipendiary Magistrate's Court in Wellington, contains a statement, purporting to be part of the evidence given in the case, that I had given my member's railway-pass to a woman of immoral character. The local papers, in their report of the case, contained no such statement, and one may be assured that it would have appeared there if such a statement had been made. I also asked the Magistrate and the Court officials if they remembered such a statement having been made, but none of them remembered any such statement having been made. Now, I stand on the floor of this House and ask this question : If a member of this House were proved guilty of such an act what punishment ought to be awarded to him ? Again I say, if a person were proved guilty of printing and



circulating such an abominable statement what punishment ought to be awarded to him? On the face of it the statement is absurd, for what woman, moral or immoral, could make use of a member's pass? Now, this paper, the Christchurch Press, is, next to the Evening Post of Wellington, the paper which clamours loudest for an amendment of the law of libel in the direction of affording them greater protection. Could the farce of impudence any further go? Sir, it may be asked why I did not bring an action for libel against the Christchurch Press. This is my answer: I have said in this House on many occasions, - not only in connection with Libel Bills, but in connection with questions of privilege which have been brought up in the House, -- that nothing would induce me to become a party to a libel suit, for the uniform experience of libel actions is that the next to being the loser is to be the winner. On the 3rd July, 1891, speaking on a question of privilege in this House, I said, -- "If I had chosen to take proceedings against newspapers which have attacked me, as many of them have done, in a most ruffainly and blackguard manner, I should have some of the Wellington editors before the bar every week. Mr. Fisher If I had chosen I might have had many of them in prison for criminal libel. But, Sir, the best way is to treat them with silent contempt, and leave them to the reprobation of all honest men. That is my own course. I would never go to law with a newspaper, no matter what it said - and I have had some rough things said of me; and it is because that is the course I have adopted in my own case that I recommend the House to adopt it now." I have spoken of the attempts made by Sir A. Borthwick and Sir Albert Rollitt to repeal the libel law of England. What force is there, then, in the statement of the honourable member for the Taieri that his Bill is a transcript of the English Act? I repeat that if it be a transcript of the English Act it is a transcript of an Act which the people of England have made repeated attempts to repeal. And, in the face of these persistent and consistent attempts in the House of Commons to repeal that Act, why should we pass a law through our Parliament in order that we may have the pleasure of following the course of the House of Commons as to its repeal? Let us take the precaution of not putting the Act on our statute-book. Then we shall be safe. I have shown that the newspapers of this colony require no protection beyond the protection they already have; and that protection is undoubtedly great. I showed last year what enormous profits are made by these particular newspapers which rave and crave for a new libel law. But, supposing they lost one libel action a year, could not either of these newspapers - these two champions of journalistic freedom, the Christchurch Press and the Wellington Evening Post - well afford to pay a thousand pounds a year? I have referred to one case of libel in which I myself was concerned. Undoubtedly, in the case of the Christchurch Press I could have prosecuted the editor of that paper criminally, but I have given the House the reason why I took no action in the matter. But here is a case which strikes this Parliament nearer home. It strikes not at the individual, but at the very root of the honour and the independence of the Parliament itself. This House prorogued on the 20th of October last year, and within five days of the prorogation there appeared in nearly all the newspapers of the colony this scandalous article. To show how widespread has been the dissemination of this nauseous news, I take this version of the article from the Dunedin Evening Star, published on the 25th October, 1900. The Star introduces the matter in this way: "The Manawatu Standard, edited by Mr. F. Pirani, M.H.R., contains the following editorial statements in a recent issue" :- "Those who feel any respect for representative institutions cannot but regard the result of the session of Parliament just concluded with loathing and disgust. It is well to speak plainly, and therefore we can say with truth that a depth of degradation has been sounded which is unrivalled in the annals of New Zealand, and both Chambers are equally blameworthy," --- Formerly the Evening Post confined its attacks

<page>189</page>

to this Chamber, but this article from the Manawatu Standard boldly slanders both Chambers - "although the most flagrant instances were exhibited in the Lower Chamber. Drunkenness was always in evidence, and was not looked upon as any offence by the majority of members, while in one case at least

it was openly encouraged by the Premier." Now, that is slander of a personal character. The allegation affects only the conduct of individual members of the House. But what pain it must give to members of this honourable Assembly, Sir, over which you have presided for such a great number of years with such honour to yourself and to the Parliament, to have statements such as these sown broadcast throughout this country, and carried on the wings of the wind to countries far and near. It is deplorable that such a stigma should be applied to members of this House without refutation, and adequate punishment being applied. But the article goes further, and becomes more serious still. It proceeds, -- "This was bad enough, in all conscience, but what we regard as a good deal worse was the open manner in which persuasion was used and bribes offered to facilitate the passage of objectionable legislation." This, I hold, is a wilful and deliberate libel upon the Parliament as a whole, and the Parliament, as a Parliament, will not be true to itself if it does not deal with the author of this article in some manner befitting the seriousness of the offence. Then, the article goes on to say, - "The bribe we refer to was the voting of £40 each extra for members as sessional expenses, conditional upon the extra salaries to the Governor and the Ministers being voted, and the Public Revenues Bill, which is a menace to representative government, being placed upon the statute-book. The persuasion was utilised to get members out of the way who were against Government subsidies to private industrial schools, so that the final vote would be in favour of the Government. This was particularly marked in the Lower House, but much more so in the Legislative Council, where members, some of whom are usually opposed to the Government, actually remained outside of the Chamber, so that their votes should not be cast in the direction they had been given twice previously during the week. We have only touched on the fringe of the degradation of our parliamentary institutions, but that small peep at political methods is surely enough to make honourable men recoil from the spectacle with disgust." Will any member of this House tell me--will any member of this House tell you, Sir--will any member of this House tell the people of this country -- that he approves of such slanderous statements being circulated throughout the country, Sir, with the palpable object of sullying the good name and fair fame of this Parliament? It is greatly to be regretted that the Government do not themselves move in the matter, for the honour of the House is in their keeping; and it is demanded that members of this House should in some manner be protected from such infamous slanders. There were Parliaments in 1830. past days which dealt with this scurrilous literature and with the blackguards who wrote it in the way in which I hold this Parliament should deal with it now. I will give the House an illustration of what a former Parliament did in the case of a member who had cast disgraceful aspersions on the character of his brother members, and on the character of the House as a whole. On the 26th September, 1876, an article similar in character to that which appeared in the Manawatu Standard, and written on these very same identical subjects, was printed in the Timaru Herald. Mr. Larnach brought the matter before the House on the 29th September as a question of privilege. This is the extract from Hansard, Vol. 22 :- "The CLERK then read the following extracts from the Timaru Herald :- "When the present session of Parliament opened, we congratulated the colony on the high character of the new House, as exemplified by the ability and independence of the members. At the same time, we deprecated too great confidence in the permanency of that satisfactory state of things, pointing out that every evil influence would be brought to bear in order to render the House, if not corrupt, at least corruptible. The results have justified our caution only too completely; for we find that, after a sitting of three months, a large proportion of the members are not to be relied on to act with rectitude in any matter involving their personal interests. We fear that we should not be overstating the fact were we to state that at this moment a majority of the House might easily be purchased. The paltry conduct of members in voting themselves free passes on the railways, and compelling the Government to increase the honorarium. cannot but have shaken the public confidence in their integrity, and seriously damaged the reputation of the Legislature. Men who could not agree on any one of the large political

questions which are now convulsing the colony, who never once made a real attempt, by mutual concessions, to further the public business, yet banded themselves together with the greatest cordiality in order to satisfy their selfish greed."". Again,- "" It appears that, long before even a rumour got abroad of any intention to demand an increase of the honorarium, a ring had been formed among the meanest and most contemptible members, who, working steadily and secretly in all directions, making all sort of promises, and offering all sorts of threats, contrived, before the "plant " was " blown on," as professional thieves would say, to secure the support of a very formidable section of the House. They then appealed to some of the leaders, and gave it out that they had a majority, which, of course, made the matter a party question ; and finally they got a wealthy and independent member, who could not be suspected of any personal interest in the matter, to bring down a resolution to the House containing their unworthy proposal.""

<page>190</page>

Again,- " The most dangerous feature of the compromise is that it encourages an unscrupulous ring to carry on similar enterprises in the future ; for they will doubtless recognise that by demanding more than they expected to get, they have, at all events, got more than was their due. It is indeed to be regretted that the first session of the new Parliament should have been disgraced by this scandalous affair ; and we trust that those members who have a respect not only for themselves but also for the institutions of the country will nerve themselves to resist, by every means in their power, a repetition of such practices. We publish elsewhere a list of the members who pledged themselves to support the increase to \$300; and our readers will probably agree with us that politics bring men into strange company." " That article was by vote of the House declared to be a breach of privilege. Mr. SEDDON .- The House was sitting when that occurred. Mr. FISHER .- Yes, it was. The present Government are therefore in this case absolved to that extent ; but, still, I hold that the publication of this article constitutes a breach of privilege, and the Government, in all honour, should move Again, at a later stage the in the matter. Clerk read another extract in connection with another charge against the member for Geraldine (Mr. E. Wakefield), the author of the article This is part of the second article :- ". The other evening Mr. Joyce,-whom without any disrespect we may class among the very lowest members of the House, - in the course of the debate on the report of the Rabbit Nuisance Committee, made an extraordinary and very brutal statement. He said that he regarded the rabbits as the greatest blessing in the country, because they were ruining the squatters! The ignorant, prejudiced ruffian probably did not recognise that the ruin of the squatters meant the depreciation of the value of property, and a general depression in trade, including his own, which, we understand, is that of a publican. A coarse boor like Mr. Joyce might be excused for such a sentiment, for he knew not what he did." That article also was declared to be a breach of the privileges of the House, and then came later in the day the abject apology of Mr. Wakefield (Hansard, Volume 22, p. 623), who had written of his brother members in this disgraceful strain ; but I will not read the whole of the apology-in fact, I need not read any part of it. It was described in a subsequent debate by a namesake of mine, Mr. J. T. Fisher, a member of the House, in a peculiar phrase, which, I confess, is not too refined. He said he had never seen such a revolting scene as when Mr. Wakefield crawled along the floor of the House on his belly. After the resolution concerning Mr. Wakefield had been arrived at, Mr. Speaker Fitzherbert, addressing Mr. Wakefield after he was called in, said :- "I have to inform you that the House, having taken into its consideration the explanation, apology, and retraction which you have Mr. Fisher made, regard them as ample, and, in a spirit of generosity which appears to me to do this House infinite credit, accepts your apology, and finally disposes of the question." Then this hypocrite, who had so lampooned and caricatured and reviled his brother members, used this canting language: - "Mr. WAKEFIELD .- In a spirit of the very fullest consideration for the position I hold in this House, I desire to express my sincere thanks for the great consideration which this House has accorded me. No one could

be in a more difficult position than I was as a journalist and at the same time a member of this House." What does it matter whether he was a member of the House or not ? The question is, Is a member of the House justified in slandering his fellow-members in this manner, and is the author of this article in the Vanaratu Standard justified in slandering his fellow-members in the language I have read to the House ? Mr. Wakefield continued, - "I did my best to-night to express my high respect for the position I hold as a member of this House, and which every member holds as a member of this House, and I can only say the treatment I have received is such as to place this House in the highest possible place in the opinion and credit of the public of the colony. I desire to offer my sincere thanks to you, Sir, and to every member of this House, for the extremely considerate and impartial manner in which they have treated me in regard to this matter." And so the episode ended. Now, I claim, as one member of this House, that it is time the Government stepped in and took some steps to put an end to this disgraceful form of criticism of the Parliament and its members. I will now briefly review the clauses of the Bill. When giving evidence in the House of Commons on the English Libel Bill-which the honourable member for the Taieri wishes us to adopt-Sir Albert Rollit was asked this question :- "Can you suggest any means of protecting or compensating a person who might feel himself aggrieved by the introduction of any matter in a newspaper report ?- I think there ought to be protective provision, and that he ought to have the right, as speedily as possible, to have inserted, in a prominent part of the paper (quite as prominent as that in which the attack upon him occurred) an explanation or contradiction, without the addition of any unfair editorial note or comment." Now, Sir, I have literally followed the direction of Sir Albert Rollit. His exact language is followed in this clause :- Clause 3. " (1.) Wherever there is published in any newspaper any statement which injuriously affects the character, reputation, or commercial interests of any person, the proprietor of such newspaper shall, on the request of the person so injuriously affected, within two days after such request, or, if such paper is not issued daily, then in the next succeeding issue of such newspaper, publish in such newspaper such reasonable answer, denial, or explanation as the person so affected demands.

<page>191</page>

"(2.) Such answer, denial, or explanation shall be published in a part of such newspaper as prominent and in type as conspicuous as that in which the statement complained of appeared. "(3.) If the proprietor of such newspaper refuses or neglects to publish any such answer, denial, or explanation within the time and in the manner herein specified, he shall be liable to a penalty of not less than ten pounds and not more than fifty pounds." Clause 4 of the Bill relates to reports of proceedings in camera-and we had some criticism of a very opposite kind upon this very point during the discussion on the Divorce Bill last evening. The clause is as follows :- "4. (1.) Whenever in the public interests any proceedings in any Court are ordered by the Court to be heard in camera, it shall not be lawful for the proprietor of any newspaper to publish any report or comment on such proceedings other than the fact or to the effect that such proceedings were so heard in camera." Subsection (2) says,- " The proprietor of any newspaper contravening the provisions of this section shall be liable to a penalty not exceeding fifty pounds." Then there is another clause, clause 5, which is the last clause of the Bill. It relates to the disclosing of the name of the writer of any defamatory letter. Clause 5 says,- " In any action against the proprietor of a newspaper in respect of the publication of a libel contained in or purporting to be contained in a letter from a correspondent to such newspaper, the defendant, or each of the defendants, if there be more than one, shall, on application to the Court in that behalf, disclose on affidavit the true name and address of such correspondent, whereupon such defendant shall be freed from all liability in respect of such libel other than the liability to pay such costs of action as may be awarded against him by the Court." I would like to ask in the most dispassionate way whether any member of the House sees anything to object to in that clause ? In fact, my remarks apply to the whole Bill. I ask if any honourable member sees anything in

the whole Bill to object to? I have read the whole of the Bill to the House. It is contained in clauses 3, 4, and 5. Sir, the chief merit of the Bill is this : it puts an end to all actions for libel. If the proprietor or editor of a news- paper refuses to publish an explanation of any defamatory or injurious statement made in the columns of his paper, then he is liable to the penalty which is prescribed in this Bill. The case is heard before a Magistrate ; there is no writ issued ; there are lawyers employed ; there is no waiting for three months for the sitting of the Supreme Court ; no jurors are summoned ; there is no commotion of any kind ; no anxiety of mind on the part of the suitor or suitors. There is the simple hearing before the Magistrate, and the defendant is fined or he is not fined, and there is an end of the matter. If this Bill was passed with these three simple clauses there would be no such thing in this country as an action for libel. A case could be | I am as certain of a seat in this House as any brought in the simplest possible form before any Magistrate in the country. The case is heard as an ordinary case is heard in the Stipendiary Magistrate's Court, and there is an end of the business. There are no large lawyer's fees to pay ; there is no long string of witnesses ; the plaintiff, or the defendant, is not subject to three months' anxiety of mind in waiting for the sitting of the Court ; there is no raking up of evidence in all parts of the country ; there is no diving into the history of this or that witness. The whole thing is determined in one sitting, and no more is heard of the action, and so the newspapers would be free from the dread of blackmail being levied on them. The plaintiff against a newspaper would have a speedy remedy at small cost. I do not know that any person, however litigious, however his desire to dabble in law, could desire anything more than the simple provisions contained in this Bill. Sir, I deplore that public men should be attacked in this way. I deplore that the Parliament of the country should be attacked in this way ; but I say there is a simple remedy. But where an individual member of the House is powerless to move, the Government is not powerless. It is open to them, if they think fit, to pass an Act to put an end to this species of attack on members of Parliament, or on the Parliament as a whole. There was a summary means adopted in past years in this House which made the gentlemen in the Press gallery extremely careful of their professional conduct. I remember three instances when I was engaged in that gallery in which the Speaker, in the exercise of his unquestioned authority, gave an order, on separate occasions, that three reporters, who had written scurrilous reports, should not be allowed within the precincts of the Parliamentary Buildings I need not give their names. I worked with them all. The penalty meted out to them was well deserved. It was a penalty that ought to have been meted out to every man who so misuses his position in that gallery as to give way to his feelings of pique, his feelings of resentment, envy, and hatred, toward men who occupy positions in this House. A reporter has no right to slander members in the public journals of the country. Of course, our characters amongst our constituents are proof against such misrepresentations. For instance, the member for Ashburton was slandered, as he told us last session, by some villainous fellow connected with some journal in his district. But there is the simple answer that the honourable member is known to his constituents. What need he care what the newspapers say of him so long as his constituents, knowing his strength and his weaknesses, his virtues and his faults, are content Parliament after Parliament to return him to this House ? And so in the case of these two journals in Wellington -- which are considered by some to be all - powerful - what does it matter what they say of me? I am returned to this House election after election. time after time. Anything said by these papers has not the least effect upon me.

<page>192</page>

member who is here to-day. I am told at every election that I will not be elected, that I have no chance. The tale is somewhat musty. Always wait till the numbers go up, then there is consternation and grief among all my opponents. They are a sorrowing band, who would gladly like to see me rejected. But, Sir, I am of the people ; I have lived here for thirty-two years, and have spent all I have earned amongst them ; I am one of them, and they know it. And so I conclude my speech by saying, as I said in this House last

session, that as long as George Fisher has two legs to walk upon there is a seat for him in this Parliament. Mr. WILLIS (Wanganui) .- I think, Sir, it is necessary that a few words should be said regarding this Bill. I am one of those who decidedly dissent from newspapers being allowed in any possible way to use language against individuals which they are not justified in using. But, Sir, I do not consider that by passing this Bill is the way in which we are to overcome those difficulties. I will take, first, clause 3 of the Bill. It says, - " Wherever there is published in any newspaper any statement which injuriously affects the character, reputation, or commercial interests of any person." Et cetera. Now, in the first place, who is to be the judge of this? There is no mention in the Bill of who is to say whether the statement has injuriously affected the character or reputation of the person attacked, and I should say, myself, that that would be one of the most important points in the Bill. If the newspaper has made a statement there must be some means surely by which it can be decided whether that does injuriously affect the character of any person. Is it to be left to any individual who fancies he has been attacked? Is he to go to the newspaper and demand that immediately his reply shall be inserted, no matter what the reply may be, and the newspaper has got to insert it under a penalty of a sum not exceeding £50? Such a clause as this is simply absurd. The only thing that astonishes me is that the honourable member for Wellington City, with his experience, should ever have put such a clause in a Bill of this kind. Then, it says further on, in clause 3, "If the proprietor of such newspaper refuses or neglects to publish any such answer, denial, or explanation " he shall be liable to a penalty up to £50. Well, the inference is that any answer can be demanded to be put in that the person who imagines himself aggrieved chooses. It is left to the person who imagines that he is attacked to say whether it affects his character, his reputation, or his commercial interest. Then, there are those words " commercial interests." We shall find articles in papers that may in a variety of ways affect the commercial interests of people, and yet they are not libellous. Any one who is acquainted with the newspapers at all knows that no matter what trivial statements may be put in people will from time to time fancy they have a grievance. No matter how true or how justified the newspapers may have been in inserting those Mr Fisher statements, you will always find people who think they have good grounds for an action for libel against the proprietor ; and I know in many cases the people attacked have richly deserved what they got. Sir, this Bill actually provides that the person supposed to have been attacked has the right to say, " I have been attacked, and you must insert my answer in the same type as you have used in printing your leading article, otherwise you are liable to a penalty of £50." That is a bright specimen of legislation for this House to pass. Then, I will go a little further, and I say clause 5 is equally as bad as the other one. Clause 5 says, - "In any action against the proprietor of a newspaper in respect of the publication of a libel contained in or purporting to be contained in a letter from a correspondent to such newspaper, the defendant, or each of the defendants if there be more than one, shall, on application to the Court in that behalf, disclose on affidavit the true name and address of such correspondent, whereupon such defendant shall be freed from all liability in respect of such libel other than the liability to pay such costs of action as may be awarded against him by the Court." What does this mean ? Suppose some unscrupulous newspaper-I do not say that unscrupulous newspapers in this country are common, because, as a rule, I believe most of the newspapers are well regulated-but suppose there was such a case, where a newspaper published a scandalous attack upon some particular individual, and suppose the person who inserts the correspondence is worth nothing, all he has got to do is, by arrangement with the newspaper proprietor, to have a libellous letter inserted reflecting against some particular person or company, and when afterwards the aggrieved persons take action the newspaper proprietor coolly turns round and says, " You shall have the name of the writer," and then all he can be compelled to do is to be made liable for the costs of the Court, and the man who has been libelled comes back on the man who has supplied the libel, only to find that he is a man of straw. He therefore gets nothing. That will be the effect of clause 5. It is only right that there

should be some debate on this Bill, because I am quite satisfied it should not be allowed to pass. I cannot imagine for a moment the members of the House allowing a Bill of this kind to get on to the statute-book : The Bill wants altering. "lock, stock, and barrel." In fact, to be effective, a new measure is wanted of an entirely different character. All the clauses should be knocked out, and then the honourable member who introduced the Bill is welcome to what remains. Mr. T. MACKENZIE (Waihemo) .- There is no doubt that from time to time political men get hauled over the coals by the Press, and in the majority of instances they, in my opinion, deserve the severe treatment they receive, but not perhaps to the extent referred to by the honourable gentleman in his introductory remarks. On the whole, I consider that the Press of this colony are well conducted, but occasion-

<page>193</page>

ally one finds some scurrilous men who abuse their positions. I am not going to show why I consider this measure unworkable, and I am surprised that such a measure should have emanated from a member who is always making loud protestations of Liberalism. I maintain that the whole of the Press of the colony should not be put under an Act of this description because of the improper conduct of some of the smaller papers in the country districts. I suppose that when I first entered political life I was as roughly handled by the Press as any politician could possibly be, but in time we get used to that sort of thing, and do not mind it. After all, the public are the judges, and the Press has not that influence in forming public opinion that it had years ago when the population of the country was less educated than it is at present. I now come to the clauses that have been referred to by the honourable member for Wanganui, and he pointed out that if a newspaper published an article injurious to any individual or company it at once comes under the provisions of this Act. Now, in connection with the work I was engaged on in the Old Country, the newspapers of this colony are at present unable to place before the public information that they ought to have and which I gave in this House. That information would be injurious to the commercial interests of many individuals, but if it were published in the Press, as it ought to be, the best interests of the producer of this country would be served. It is much to be regretted that our newspapers do not now possess the right to publish this in the fullest manner possible. Mr. G. W. RUSSELL. - Will you guarantee its accuracy ? Mr. T. MACKENZIE. - It can easily be guaranteed, but the greater the truth the greater the libel. Does my honourable friend the professor of political economy and constitutional history deny that if a statement is published, however true it may be, the publisher is liable for damages if it is injurious to the interests of individuals ? Mr. BARCLAY .- Yes. 9.0. Mr. T. MACKENZIE .-- There you are : he acknowledges it. Mr. BARCLAY .- No. Mr. T. MACKENZIE .- Then what does the honourable gentleman mean ? He might be called, like Sir George Reid, of New South Wales, the "Yes-No" member. I think, in connection at any rate with commercial subjects, the Press ought to possess greater liberty than they do now. Then, we have this precious clause 5, where the writer to a paper must give his signature. I pity numbers of correspondents if their names were given. We should not have many valuable opinions of some of our friends' political actions nor the actions of Governments if names had to be given. Not only would they suffer from damages in Courts of law, but they would be dismissed from their situations, which is a much more serious thing than being merely brought before a Court for damages. Altogether, I consider the measure is not required, and I hope to see the House throw out its second reading. VOL. CXVII .- 12. Mr. COLLINS (Christchurch City) .- I do not intend to detain the House in discussing this matter, but I am bound to say I shall oppose the second reading of the Bill, because I think it would be an evil day for New Zealand if we were to attempt to muzzle the Press because any politician may feel himself aggrieved by the nature of the criticisms that have been levelled against him or the House. I recognise, as fully as the honourable gentleman who gave us his annual and eloquent speech, that very frequently the columns of the Press do contain criticisms, the nature of which every right-thinking person must deplore ; but it is infinitely better that these extravagant criticisms should appear than that we

should in any sense curtail the freedom of the Press and prevent it having the opportunity of freely criticizing those who claim to represent the public. I would remind the honourable gentleman that from his own standpoint he is scarcely logical in asking that such a Bill should be passed, for he has already assured us that he has in no sense suffered from the criticisms that have been levelled against him. Indeed, he tells us that whatever the papers may say, and in spite of all they have said, he continues to retain the general confidence of the people of the city he represents. That being so, why complain of the criticisms? They may be unfair or unjust ; but, granting all that, the public man who be- comes subject to them can come out of them un- touched and unscathed is all the better man for the fact of the criticisms ; and I undertake to say the average politician, however much he may regret being subjected to severe criticisms of this character-even to those of an unfair character-that he himself comes out strength- ened and purified from the criticism, for if his character be above reproach, if the criticisms are unfair, he simply draws public attention to the fact that they in no way impeach his cha- racter as a public representative. Apart from the public character of this Bill and the effect it would be likely to have on the public spirit of the people's representatives, as well as on the Press, the Bill would be inoperative if passed into law. Let me point out to the honourable gentleman that subsection (3) of clause 3 says,- " If the proprietor of such newspaper refuses or neglects to publish any such answer, denial, or explanation within the time and in the man- ner herein specified, he shall be liable to a pen- alty of not less than ten pounds and not more than fifty pounds." But, Sir, there is no means of recovering that. How are you going to get that £50? Would he ask the newspaper proprietor to hand over \$50? and if the newspaper proprietor refuses, how is he going to get it ? The honourable gentleman might be able to "take it out," but I could not. A clause of that kind would be surely quite inoperative. As a matter of fact, there is nothing in the Bill to give effect to its provisions. Even if we pass the Bill it will be absolutely and entirely inoperative. I do not, however, regret that a little time should be taken up in discuss- ing the Bill. I invariably listen to the honour-

<page>194</page>

He always rivets the attention of the House as he speaks upon any matter. I do not regret the time spent upon it, and particularly will I not regret it if, as a result of the discussions that take place from time to time on this question, it should call the attention of the Press itself to the necessity of at least criticizing public men in a fair, impartial, and just manner in the interests of the public and in the interests of public affairs. If that is so, then much good will be done ; and, as far as the individual is con- cerned, the honourable gentleman declares that he has not suffered-he has lost nothing, has suffered nothing ; and, that being so, I fail to understand why he should want this Bill passed into law. Mr. BARCLAY (Dunedin City) .- It was not my intention, Sir, to say anything when this Bill was introduced by the honourable member to-night, but some things that have fallen from the honourable member for Waihemo and the honourable member for Christchurch City in opposition to the Bill seem to me to require This seems to me such a Bill as some notice. the House would be very willing to accept and to carry. From the " Aves " that arose when the honourable member had finished his speech to-night, I took it for granted the Bill was going to be carried on the voices. Sir, it appears to me it is high time some steps were taken to re- strain to some extent the chartered libertinism of some of the newspapers of the colony. I be- lieve I am speaking the truth when I say that a very considerable number of the newspapers of this colony have for years fought against the rights of the people - the rights of the de- mocracy-and in favour of the privileges, the unrighteous privileges, of the classes - I was going to say of the aristocracy ; but "aristocracy," after all, is a good term ; it is a term which ought to be applied to the best people, and per- haps in such a connection as this I ought not to use it -- but I should say, as I have said, on behalf of the classes, and particularly of the wealthy capitalists. Sir, I am not surprised at the honourable member for Waihemo speaking strongly against this Bill, for surely he is the one of all men in this House who can least complain of being ill-treated by the Press. He seems to be the special pet and favourite-" the curly headed boy " .- of some



of the newspapers of the colony. And I can assure you that down our way the sayings and movements, however insignificant, of the honourable member for Waihemo are chronicled and blazoned forth in the columns of the newspapers with every sign and mark of approval. Does the honourable gentleman write a letter to a Minister : Forthwith there is a local in the news- paper to the effect that the honourable member for Waihemo-the indefatigable member -has written to the Minister so-and-so. and so-and-so, and a favourable answer may be expected shortly .. two or three inches of it. Does the honourable gentleman go to a cattle show, the report commences : "Amongst the distinguished guests was the honourable member for Waihemo." Does he send a telegram I audience, and they carried a vote of thanks to Mr. Collins railway journey for two or three miles : it is duly chronicled with a great flourish of trumpets in the papers. Does he make a little speech at some function or another : it does not matter who or what goes short the honourable member gets a long report. So it is easy to understand the honourable gentleman's partiality for the newspapers. It is not difficult to understand how it is that I am not quite so partial. Sir, I think I may claim the distinction-I do not know whether it is a "proud distinction "-but for one who has been in politics for so short a time as I have I have had more abuse levelled at me, and more libellous, if I might so call them, paragraphs in newspapers about me than almost any other member in the House. I confess, at one time, this sort of thing gave me a considerable amount of annoyance. When I was younger I used to think they had a great deal of influence, and that I would be regarded by people as if I was a black- sheep and a bad character generally, and that my friends would never look at me again. But as time went on I found that the people were not altered in the least, and that my constituents always welcomed me and shook hands with me all the same, and it did not seem to make a bit of difference. One of the latest examples of newspaper criticism that I came across was in a paper that I confess I never saw before-a paper published in Napier, I think, called the Telegraph. It refers to me as the "canting, posing Barclay," and it also alludes to me as the "sea-green incorruptible," which, as everybody knows, was Carlyle's synonym for the celebrated Robespierre. I ask you if it is fair criticism to refer to me-such an inoffensive, mild, harmless person as I am-as a modern Robespierre ? Sir, as far as the newspapers in my own district are concerned, I am bound to say that the Times is extremely well conducted, and although opposed to me in politics has always treated me very fairly in that respect. There is one column in that newspaper, however, which some nondescript and anonymous writers contribute to, headed "Passing Notes," and if it was not unparliamentary I would say it was a sort of sink for all the wretched worthless stuff that those unfortunate writers could produce. It used at one time to be a brilliant and humorous column, but of late years it has sunk very very far below its old level. There is another paper with which I seem to live in a sort of chronic state of awe, called the Evening Star, also published in Dunedin. This is the paper which shortly after my election published in its leading columns in large capitals that, "morally, Mr. Barclay does not represent the people of Dunedin "- in large capitals, mind you. Well, it made me quite uncomfortable for a little while. However, in due course I met my constituents on the public platform. and I expected to be greeted by a howling mob and to have it demonstrated to me that " morally I did not represent the people of Dunedin." but, to my astonishment, there was a large and orderly

<page>195</page>

Well, Sir, I began then to appreciate at its proper value what was stated in the newspapers. Quite lately they have prophesied again-at least, they have made exactly similar statements lately and prophesied great disaster in the future. I can only say that any political candidate can have the Press of the colony so long as I have the people ; and I think I may say that the majority of the newspapers do not represent the political views, at all events, of the mass of the people. I imagine that honourable members are probably quite tired of hearing the personal experiences of various members with their newspapers ; and, seriously speaking, I think the best thing would be for the Government to take the whole question of libel

into their consideration and formulate some legisla- tion on the matter. As it seems to have been lately decided that the law of criminal libel is not in force in this colony, it is necessary that the Government should do something in this matter. Probably the best thing would be to have a Bill on the subject of libel prepared, and deal with the whole question. I shall, however, vote for the second reading of the honourable gentleman's Bill, as being a Bill that is necessary, though no doubt incomplete. Mr. FISHER (Wellington City). - Sir, the honourable member for Waihemo is one of those driettante politicians who enjoy what is called a newspaper - made reputation. Once upon a time there was another politician in this House of the same type -Mr. Scobie Mac- kenzie-who also enjoyed a newspaper - made reputation. Mr. Scobie Mackenzie was a singu- lar compound. He was always a "coming" Minister of the Crown, with a newspaper-made reputation. He was always "coming," and would have been "coming" still if he had been here to-day on the strength of his news- paper-made reputation ; but he never became a Minister of the Crown, to the great disappoint- ment of the newspaper gentlemen who assisted in the making of the newspaper-made reputa- tion. So he became soured with politics, and politics became soured with him. Now, why did Mr. Scobie Mackenzie not become a Minis ter of the Crown ? He deluged this House year after year with his flippant persiflage. He was the most pawky and painful wit that ever ad- dressed this House, skilful in the use of seur- rilous and abusive language, and the scurrilous language used by Mr. Scobie Mackenzie, strange to say, was always allowed to pass muster, whereas the same language used by any other person was invariably objected to as being un- parliamentary. I have frequently remarked upon this in this House. I have heard this gentleman with his newspaper-made reputation use language with regard to gentlemen sitting on the Government benches which would dis- grace any public assemblage in this or any other country. Next we had another curled darling of the Press in the person of the member for Waihemo. When the member for Waihemo arrived from London in one of those bran-new stylish London tailor-made suits, we were as- sured by the Press that it was necessary imme- to be placed on the electoral roll with a view to his election to the House, so that he might place before the people of this country a statement of the iniquities that were perpetrated in the Lon- don market in regard to the sale of New Zea- land produce. In fact, it was hinted in the most confident and confidential way that if Mr. Thomas Mackenzie did not get into Parliament the heavens would probably fall. New Zealand produce would come down with a run ; the whole business would tumble about our ears. Still, we did not pass that amendment of the Electoral Act, and still the country went pro- sperously on. The sun rose every morning as usual ; the stars shone at night ; the tides ebbed and flowed ; the rivers ran to the sea ; and the world revolved on its own axis. And so it was with Mr. Scobie Mackenzie - that eminent gentleman -- that great litterateur-who dabbled in the belles lettres. He wished to come back to this Parliament : and why is he not here now ? He once prophesied, at the end of the last Parliament, and before the last general election. He said to a friend of my own that he was going back to his electorate to seek re-election. He said his seat was a certainty ; but he said to my friend, " I am sorry for poor Fisher, his chance is gone, he has no hope, ho is politically dead." Then came the result of the election. Fisher, the hopeless, is elected, and Scobie, the confident, is rejected! The man of newspaper-made reputation is left out as a dreary " has been." He is , on est. And the newspapers weep. They deplore the fas- tidious taste of the electors in electing Fisher and rejecting Scobie. But then the honourable member for Waihemo and those who vote and think as he votes, and thinks -- Mr. LAWRY .- He does not think. Mr. FISHER .- He thinks and votes in sup- port of the newspapers, who, in turn, so much support him. In that respect he is not singular. One goeod turn deserves another. His whole political career reminds me of a famous epitaph -- " He spent his life in going to the rescue of the strongest." And so it is with the news- papers. Certainly it is true of the two news- papers published in Wellington. They spend their lives "in going to the rescue of the strongest." They proceed upon the plan of a noted satirist who well understood the principle upon which a certain class of newspapers is conducted. Phil Fudge, in his celebrated letter

to his brother, says :- ### God knows I love, to ev'n excess, The sacred freedom of the Press ; My only aim's-to crush the writers. What is the true art of journalism ?- to crush the writers. Write to order. That is the art. You will find that to be the case in the conduct of most of the newspapers of this country. Especially is it the case in regard to the two newspapers in this town. They are subject to monetary and social influence, and any person who has not wealth behind him, any person who has not strong social relationships in this city, finds no space in the newspapers. I would

<page>196</page>

like to ask where the two eminent gentlemen who edit the two newspapers in Wellington got their newspaper education ? I have the history of both, but I need not weary the House by a re- cital of that history. One to-day is a democrat -a Radical of Radicals -- but he is one of those democrats, singular to say, who once was in an adjoining colony a Conservative of Con- servatives ; but, having failed as a Queensland land-grabber, he is now a New Zealand demo- crat. Indeed, a strange conversion. In regard to the member for Christchurch City (Mr. Collins), I fear the honourable gentleman fell into an error which is common in the case of many persons who discuss this question of the libel law. The honourable gentleman says, and truly says, that that man need not fear the criticism of any newspaper who can live with- out dread of the libel la v. But, then, he as- sumes that newspaper criticism applies only to public men. There is the error. It is not so much the public man who is injuriously affected by the newspaper criticism. A public man can defend himself on the public platform. He can defend himself in ordinary conversation with his constituents in the highways and by- ways-morning, noon, and night. It is the private person who is most injuriously affected by unjust newspaper criticism. It is the pri- vate person, who is given no opportunity to answer any slanderous misrepresentations which may appear in a newspaper, who suffers most. He is wholly at the mercy of the newspaper writer who guides the destinies of these penny rags. I have known great pain and misery inflicted through the insertion of anonymous and malignant statements. The person ma- ligned sends an explanatory letter to the newspaper, and he most probably gets an answer in the form of notice to correspondents in this form : "A. B., your letter is declined." What possible reparation is there for that person ? The editor is master of the situation ; and even if he deigns to publish your explana- tory letter he most likely appends to it some impertinent foot-note, as if he had the right to give you impertinence in addition to his slander. Sir, it is high time these gentlemen were put in their proper place. I wish the Legislature would relegate to me the duty of dealing with these gentlemen. The remedy, I assure the House, would be very effective. Then, the honourable member for Christ- church City refers to the amount of the penalty mentioned in the proviso to section 3, and says with a flourish, as if ridiculing the whole clause, " What is the use of it ? There is no means of enforcing the penalty prescribed in the clause." Does the honourable gentleman know so little of the law of the land in which he lives? Is there no such thing as a Justices of the Peace Act ? Of course there is, and there is means of enforcing the penalty. There is no diffi- culty in the matter whatever. I was a little astonished at the honourable gentleman, who is usually so accurate-and because he is so accurate and so studious -- I was rather sur- prised that he fell into that error. I now, Sir, leave the Bill in the hands of the House. I Mr. Fisher need not say I hope the House will carry the second reading. The proposals contained in the Bill are simple in the extreme. They do away, as I said in moving the second reading, with all possibility for the necessity for instituting a libel action. It would ease the minds of all persons who may otherwise be troubled with libel suits. They will have this simple 9.30. process of going to the Stipendiary Magistrate's Court and settling their difficulty in a summary way, instead of waiting, as they have to do under the existing law, for perhaps three months for the sitting of the Supreme Court, employing lawyers with large fees, calling hordes of witnesses and jurymen, all of which will be done away with if this Bill is passed. The House divided. AYES, 21. O'Meara Barclay Lawry Duncan McGowan Parata Ell Mckenzie, R. Seddon Flatman Millar Wilford. Fraser, A. L. D. Mills Tellers. Hall Morrison Fisher

Houston Napier Guinness. Laurenson NOES, 26. Arnold Russell, W. R. Hogg Atkinson Hornsby Stevens Bollard Hutcheson Steward Buddo Tanner Lang Carncross Massey Thompson, R. Meredith Collins Thomson, J. W. Hanan Monk Tellers. Hardy Palmer Mackenzie, T. Haselden Rhodes Willis. PAIRS. For. Against. McNab. Smith, G. J. Majority against, 5. Second reading negatived. EIGHT HOURS BILL. IN COMMITTEE. Clause 3 .- " All persons engaged in domestic service, or as servants in hotels, boardinghouses, or in any similar form of service or occupation, shall be exempted from the provisions of the preceding sections, but such persons shall be, under the provisions of this Act, entitled to a holiday from twelve noon on one week-day in each week, and from two post meridian on each alternate Sunday. No such persons shall be required to work longer than twelve hours in any one day, and shall be entitled to reasonable rests for meals, being not less than one half-hour for breakfast and tea, and one whole hour for dinner." Mr. G. W. RUSSELL (Riccarton) moved to insert, after the words " all persons engaged in," the following words: "employment on any farm, run, or sheep-station." Mr. PALMER (Ohinemuri) moved, That pro- gress be reported.

<page>197</page>

The Committee divided. AYES, 33. Parata Allen, E. G. Hornsby Houston Rhodes Bonnet Russell, W. R. Carneross Lang Stevens Carroll Lawry Lethbridge Symes Duncan Thompson, R. Flatman Massey Thomson, J. W. Fraser, A. L. D. McGowan Willis. McGuire Graham Mills Tellers. Hall Meredith Monk Hardy Palmer. Haselden O'Meara Hogg NOES, 19. Smith, G. J. Arnold Fisher Steward Laurenson Atkinson Mackenzie, T. Wilford. Barclay Bollard McKenzie, R. Tellers. Millar Buddo Ell Collins Napier Russell, G. W. Tanner. Colvin PAIR. For. Against. Hanan. McNab. Majority for, 14. Motion agreed to. Progress reported. CYCLE BOARDS BILL. IN COMMITTEE. Clause 2 .- Interpretation. Mr. WILFORD (Wellington Suburbs) moved, That progress be reported. Motion agreed to. Progress reported. RABBIT NUISANCE BILL. IN COMMITTEE. Clause 2 .- Repeal of section 9 of principal Act. Mr. NAPIER (Auckland City) moved, That progress be reported. Motion agreed to, and progress reported. The House adjourned at three minutes to twelve o'clock p.m.