

LEGISLATIVE COUNCIL. Wednesday, 24th July, 1901. Third Reading - Training ships --- Victoria Colles-

Site-Colonial Bank Liquidation .- Law Ament ment Bill -- Young Persons Protection B.1- Ace dents

Compensation Bill -- Cemetery Trus tees Validation Bill. The Hon. the SPEAKER took the chair at

half-past two o'clock. PRAYERS. THIRD READING. Public Health Bill.

<page>577</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=605></url>

TRAINING-SHIPS. The Hon. Mr. REEVES asked the Minister of Education, If it is the intention of Govern-
ment to establish one or more training-ships in the colony ? He did not think he need say anything upon
this at the present time, as a motion was coming before the Council on the same subject very shortly. He
would ask the question. The Hon. Mr. W. C. WALKER said he took the opportunity when he was on "the
other side " to go and see the training-ship at Sydney, and he was very pleased indeed with what he saw
there. He was unable to say to- day what was the intention of the Government, but he could assure the
honourable gentleman who asked the question that he was very favour- ably impressed indeed with the
beneficial effect of such a training-ship, and he would be very glad indeed if we could establish something
of the same sort in our harbour. VICTORIA COLLEGE SITE. The Hon. Mr. REEVES asked the Minister of
Education, If any step has been taken to locate Victoria College on a permanent site? He pre- sumed he
might be allowed to say a few words on the question. It was now four years since the passing of the
Victoria College Act. Since then there had been repeated squabbling and repeated divergence of opinion
amongst the people in Wellington as to where the college should be erected. It would be in the recollec-
tion of the Council that last session he had moved a resolution to the effect that in consequence of the
large want of business capacity on the part of the Governors of the College, and others interested in it, in
not housing it in a proper way, the College should be established in Nelson. Of course, it went without
saying that that was the proper place for it. Time, however, had passed by ; offers had been made to the
Government of very suitable sites at a very small cost ; but no reply had been received, and he presumed
the matter was in abeyance. The Government had taken no steps whatever to make the Governors select
a proper site, and it was only a right and proper thing that on behalf of the Governors of the College they
should at once i have been for some time watching the proceed- ings in connection with the liquidation,
and determine where the institution was to be : housed. It was now in a most unsatisfactory position,
being a sort of a peripatetic affair. i bring the question before Parliament, because having no location - or
home, which was alto- gether unsatisfactory to the people of the colony and the province which was
interested in the University. The Hon. Mr. W. C. WALKER said, All would no doubt admit that there had
been a i certain amount of difficulty in connection with . cerned in the bank, to enable them to get a this
matter during the last three years, chiefly, , grasp of what the situation really is and has he thought,
because of the unreasonable nature of the demands made on the Government by the College Council.
From several points of view, it was impossible to grant what they wanted -- namely, the Mount Cook site.
In the first place it was wanted for another purpose ; and in the second place the site would have been a
white elephant to the Council if they had got it. Out of kindness, therefore, to them, it was better that the
Government should stand fast as they did, and tell them they could not have it. He thought the Council
were learning wisdom, and probably very shortly proposals would be made to the Government which the
Government would be glad to fall in with. He desired to see the college established on a permanent site
on such conditions as would enable them to have a local habitation and a home, which was very
desirable. The Government would be only too glad to help in the matter; they had made certain offers,

and he trusted the governing body were beginning to see that it was better to be reasonable and accept what they could get, than -like the infant in the Pears' soap advertisement -- be always wanting to get some- thing else. COLONIAL BANK LIQUIDATION. The Hon. Mr. A. LEE SMITH .-- I move, That the Government be requested to take steps to ascertain the present position of the Colonial Bank liquidation, and to lay on the table of the Council at an early date such information as may be available. Sir, this motion is in sub- stitution of the question I put on the Order Paper the other day, but which I deemed it advisable to withdraw in order that I might by this process elaborate the question with which I intend to deal. It will be remembered that last session I put a question to the Minister on this subject, and received from him a reply which was shortly to the effect that the Govern- ment had no power of getting information -that they had nothing to do with the liquidating of the bank, and therefore it was not a matter which concerned them. Now, if it is said that I am somewhat too persistent in renewing the subject, I would ask leave to state in the first place that I have no personal interest what- ever in the liquidation. I have no shares. I have no immediate friends who have any, and therefore my position is one entirely of an independent nature, and I might say that it is not at all on my own initiative that I have brought the subject forward. But there are a large number of shareholders who some few of them have approached me from time to time with a view to inducing me to its present position is considered to be somewhat of a commercial scandal, if not somewhat of a Court scandal, inasmuch as there has been up to the present time no full or satisfactory ac- count given to the shareholders, and those con- been. Let me remind the Council that this is no small matter, but that a very large property is involved. something like from \$300,000 to \$400,000, which property appears in the eyes of a great many people to be left regardless of its fate in the hands of the Court. This seems to be somewhat inconceivable. I do not know in my own experience that there has ever been a

<page>578</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=606></url>

liquidation either voluntarily or under the Court that has been left even for a small amount in the position this liquidation has been left. It may be said that the shareholders are the proper parties to take this matter in hand ; but I would point out to honourable gentlemen that the Colonial Bank had a very large and widely- distributed proprietary. It will be seen at once that it will be a very difficult thing to get any kind of cohesion amongst these gentlemen so as to bring about an application to the Court for the information required. We all know that if you get into the hands of the lawyers in a case of this kind there is a very large amount of expense involved. There are shareholders here, in Australia, South Africa, Great Britain, and many parts of the Continent, and very difficult it would be to get these gentlemen to come to a resolution about the matter, and it would also be a very expensive process. Well, under these circumstances it appears to many of the gentle- men who have spoken to me on the matter that an application to Parliament is the only recourse. It may be said by the Government, " What have we to do with this : it is no concern of ours ?" That is practically the essence of the answer of the Hon. the Minister last year; but I say that is not the proper view to take of it, when the Government must see that a very large interest like this is being delayed and dealt with in this perfunctory manner. and I think, in the interests not only of the shareholders, but for the sake of the general credit of the commercial community, and also of our Courts, they should take some action whereby the proper intimation can be got as to how the liquidation stands. Let me give the Council a short history of this very peculiar case. Honourable. members will remember that on the passing of the Bank of New Zealand Act of 1895 it was deemed advis- able that that bank should have the opportunity of purchasing the interest, business, and assets of any other bank. Of course, it was known at that time that there had been a move to pur- chase the Colonial Bank and its assets, but the Act previously passed prevented that, and when the Bank of New Zealand was assisted by the Act of 1895 it was thought desirable to provide that it could purchase the

business of another bank, and power was given whereby the Bank of New Zealand should be allowed to purchase any other bank, thereby affording it an opportunity of carrying out what it had been suggested was its object the year before -- namely, the purchase of the Colonial Bank. In pursuance of that Act an agreement was entered into between the Bank of New Zealand and the Colonial Bank. It was approved by the directors on each side, and also by Parliament. Then, there was an Act based upon that, and reference was made to the Colonial Bank, and one clause said that application should be at once made to the Court to liquidate and wind up voluntarily, or under the Court, as circumstances might decide. Therefore, in that case, the Government have undertaken, as I think, a certain responsibility in removing from the shareholders altogether the power of dealing with their property, as the Act existed at the time when an account might be represented by press statements that the liquidators shall apply to the Court without reference to any resolution by the shareholders whatever, and that also is a reason why the Government, I think, should have a certain amount of responsibility in the matter. In course of time liquidators were appointed--I forget exactly the circumstances under which they were appointed, but I know that the late Hon. Mr. Larnach was one--and they proceeded to do. The assets were extremely large. certain things On the one side there was an asset of \$2,043,000. and the liabilities were £2,509,000. There were four accounts, or lists. the A, B, C. and D) lists : but the difference between the liabilities and the assets was to be paid at once in cash, and it involved a payment by the Bank of New Zealand to the Colonial Bank of \$133,000. That was the basis of and the first transaction in connection with the proceedings. Then, there was a list prepared - the A list -- which included, it was supposed, all the first-class accounts of the bank, and which, by mutual agreement between the Bank of New Zealand and the Colonial Bank, it was determined should be passed over at par value and given credit for on that basis. And now come what I might say is the crux -- the kernel of the whole difficulty which has arisen, and as I proceed I shall endeavour to show that in regard to the B accounts there has been great deal of what I consider to be no very astute treatment. The B list represented \$604,000. The C list represented 950. And then there was the D list ; but we can throw that D list of accounts entirely out of consideration, because the Bank of New Zealand determined to have nothing to do with them, and the Colonial Bank agreed to take them and wind them up in their own way and on their own account. The B list represented £604,000, and there was placed against it as security for the full value being realised of the amount standing against the debtors' names in that account and the C account the sum of £327,000, of which it was generally understood--and, I believe, understood with some basis of reality--that £55,000 was to be at once credited to the C account in the margin of the accounts and written off at once : and thereby was left a sum of about £270,000 odd, which was to be altogether appropriated for adding to the security of the B list. Well now, Sir, about that time I remember I had a discussion with the late Hon. Mr. Larnach about this matter, and he did me the compliment to ask my opinion about it, and I said. " Well, in my opinion, the Colonial Bank has made a very good sale, inasmuch as the whole of the money which is supposed to be realised will be above the par value of the shares. so in the circumstances of these times I consider : that a very fair realisation." Mr. Larnach himself thought so, and then we discussed how " this money should be got. I said. " Well, in my view. the Colonial Bank liquidators have got a good opportunity to make good terms" By a certain clause in this agreement they had power to go to the Bank of New Zealand and

<page>579</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=607></url>

the Bank of New Zealand to be in a dangerous : only the initial but also the immediate cause position and say, " You wind it up." Well, of the bank getting into the position in which what does that mean? It means that, as the : it was, of having to sell or go into the Court. Bank of New Zealand was just entering on a ! Now, assuming that there have been losses new and, it was hoped, a successful career, I in these two accounts of \$120,000 or \$130,000, if it had been called upon,--as it would you will see that, with the

\$100,000 they have have been called upon, under the circum- stances I have described, -- to wind up these accounts, Mr. Larnach's view and my view for over \$460.000, the question is, Where has was that the Bank of New Zealand, sooner the large difference gone to ? No one knows ; than incur the odium which would have at- you cannot get any information whatever on tached to the immediate realisation of these this subject, and therefore there is a further accounts, would have come to terms with the reason why the Government should take some Colonial Bank, and have given them a good steps to let the public know how this is, because proportion of that marginal sum of \$272,000 in if it is admitted that we can have big trans- order to get the whole thing swept away, and actions like this in the Courts without anybody thus preserve the prestige of the bank and the being a bit the wiser, I say it is a very bad state interests of many of their own clients, who might of things. Now. dealing with this particular ac- possibly be creditors of those who had been count which I have mentioned, there was a special clients of the Colonial Bank. But, Sir. that advance to the account of \$20,000. I believe, upon special security placed in a special warehouse, was not adopted. In the first instance, the C list was handed back to the Colonial Bank, and and for which warrants were given to the bank for the Colonial Bank proceeded to liquidate the heaviest accounts in it ; and I am informed on it is understood, handed over to the debtor this very good authority-an authority to the asser- asset, so members will see that there were two tions of which I can almost give full credence positions. First of all, there was the general -that the realisation of these accounts has account, involving \$40,000 or \$50,000, and been far more than was anticipated. I know, then there was a Special Advance Account, in- myself-and I was engaged in one particularly volving, we will say, 920.000. Now, you would large account in connection with the C list -- think that any liquidators dealing with a . that I made an offer, in conjunction with position like that, where there is a general another gentleman, for the assets, and I under. account with a very large advance, and which stand that my offer has been very largely exceeded in the realisation, and which amount very intangible and rambling sort of things, is reducible also by the enormous expenses that would have kept their fingers closely on the have been incurred in the liquidation owing to the long delay that has taken place. Well. Sir, told, and I believe it is a fact -if it is not so the next thing was that, owing to a suggestion which was thrown out by his Honour Mr. that I am saying a very serious thing-I am Justice Williams that no public intimation told that that twenty thousand pounds' worth of grain was dribbled out to this debtor in small should be given to the public as to what was being done in the matter of compromises, parcels until it altogether disappeared and be- several of the debtors of the old Colonial Bank, came merged in the General Advance Account, as was only natural, went to the bank and for which there was no tangible security. There sought relief, and, as I believe, got it in a very was a loss there of \$20,000. The question is, How did it arise? How was it done ? Who al- large number of cases. Therefore, as time lowed it ? Was it a business transaction ? Would went on, little by little the asset represented by this \$272,000 of marginal accounts was any commercial men, knowing they were dealing with a special security as attached to an ac- reduced, and, as it were, disappeared : and. count like that, have done that ? I say, No; and consequently in the course of time-I do not ! know how long ago-the balance of that whole therefore that is one of the things which I £272,000, so I am credibly informed, and I be- think should also urge upon the Government to make some inquiry. I believe the time is lieve it will prove to be true-was handed over to the Bank of New Zealand for the magnificent coming when the people will demand an inquiry sum of between €4,000 and \$5,000. Hence, into the whole circumstances. I have pointed the apparent asset of over \$400,000 as disclosed out the gradual dissipation of this money. It is generally understood that, in addition to by the valuations which took place when the the 10s. already paid, there will be another two banks were amalgamated, has been dis- sipated to an amount representing a dividend final dividend of a shilling. The liquidators received \$133,000 in the first cash payment. of only something like 10s. or 11s. in the pound. Now. Sir, I think that will be con- They are going to pay another ls., it is gene- rally anticipated-we may be

deceived-which sidered by all honourable gentlemen as an will represent another €10,000, so what they unsatisfactory state of things. Now, there was will get as the final result of the dividend is one special account in that bank, apart from the €110,000 - namely, 11s. per share and which accounts which I have mentioned, involving ! leaves €23,000, out of the first payment which a very large advance of something like from they got in cash, to the good, to say nothing €10,000 to \$60,000-in fact, Sir, that particular of the €270,000 which was left pending the account and the accounts which were included in the C list were supposed to have been not ! realisation of the various debtor accounts in already paid off, that will only amount to \$230,000; and then, considering it was sold that advance. The Colonial Bank liquidators, was unsecured, and the assets of which were \$20.000. But what took place? Sir, I am I shall apologize at the proper time, seeing

<page>580</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=608></url>

the B list. And this brings to my mind the nature of the present Companies Act, and I will just say a few words upon this. I have looked through that Act and the amend- ing Act. and have been unable to discover any process by which any one can get any informa- tion or can bring about a closing-up of the winding-up. There is no process by which it can be done, either under a winding-up under the supervision of the Court or a winding-up by Therefore we have got into the Court itself. the position now that the liquidators, unless the Judge himself impresses on them that they must at once close or give satisfactory reasons why they do not, can go on for years until the thing gets out of memory, the shareholders die, and all public interest is lost ; but for all that such an unsatisfactory condition of matters can always be raked up. to the detriment of the credit of the commercial community. I think I have almost said all I have to say ; but I should like to impress on honourable members that many a poor private trader has got into difficulties to the extent of \$200 or \$300, and has been worried and forced through the Insolvency Court, and his affairs discussed and exposed ; and therefore we should not lightly leave a . great institution like this in the hands of gentlemen who are supposed to have had good commercial experience, who have long · been known -and favourably known -. without any kind of investigation whatever, when we see how unsatisfactory the whole position is. I say the circumstances of the case demand that the Government should, in the interests of the people of this colony, in the interests of the shareholders of the bank, in the interests of the State itself, and in the interests of the liquidators, demand that those who have now had the whole dealings of the bank in their hands for five years should be compelled to show that they have, in an expert manner and with commercial ability, gone into the affairs of the bank with zeal for the interests of shareholders by using all proper despatch in winding up the bank's assets ; or, on the other hand, suffer the consequences of lack of proper interest and proper supervision over the great charge they have had in their hands. The Hon. Mr. SCOTLAND .- Sir, in second- ing the motion I beg to convey my thanks to the honourable gentleman for the noble manner in which he has stood up in the Council to advo- cate the claims of the unfortunate shareholders of this bank. Of course. I am perfectly aware i tonished that the Supreme Court in Dunedin that legally the Minister of Education is per- ! should allow such delays as we have been fectionly justified in declining to give any other : informed about this afternoon to exist and answer to the honourable gentleman than the : accentuate. The Supreme Court in Punede one he did give. But, at the same time, con- sidering how intimately the Government is connected with the Bank of New Zealand, what , Court of conscience and equity in matters of authority it has over that bank, and the inti- mate business transactions and relations there were between the Bank of New Zealand and the Colonial Bank arising from the sale of the latter to the former. I do think the Government might strain a point and do something to assist the un- fortunate shareholders of the Colonial Bank, of whom I am one. I think, on the ground of public to say something on this matter. The arralat interest and public morality, the Government should do something in this matter. It would be useless for me, even were I able to do so. to

go into figures in connection with this liquidation. Mr. Lee Smith seems to be completely conversant with them ; he has the whole thing at his fingers' ends, and I am only afraid all he told us on the subject is true, and possibly there may be even something worse in the background. I am in the same unfortunate position as many - indeed most - of the shareholders - that is, in absolute ignorance of what is going on. We are absolutely without the means of knowing what is going on. Mr. Lee Smith is a man of business, which I unfortunately am not. He has the advantage of living in the South Island I believe, in Dunedin - which I have not. Living in this Island, and not mixing with men of business, I am quite in the dark as to what is going on in reference to this liquidation. The other day, just before I came to Wellington. I saw in my newspaper that there would be a final dividend, as the result of the liquidation, of about 1s. per share. Even this I know nothing about. I do not know on whose authority it appeared in the paper ; it might have come from the liquidators or from the man in the street : but that is what I saw in the paper. There the matter stands so far as I am concerned : I am in perfect ignorance of how the liquidators are going on. It has been said that the Supreme Court might be moved in the matter. but that would be a most serious and difficult affair. Unless we can prove the liquidators are not doing their duty, unless we can prove malversation on their part, what is the use of taking the matter into the Supreme Court ? Then, there is the expense. and I suspect the lawyers have got enough of the shareholders' money out of this liquidation already. I could not do it single-handed. however much I might be inclined to join others in moving in the matter; but it would require a great deal of evidence in support of such a charge against the liquidators. So the matter stands. I think every member of the Council, whether he is a shareholder or not, ought to thank the Hon. Mr. Lee Smith for what he has told us to-day. The Hon. Mr. W. C. WALKER. - I am sorry to say I cannot say more than I did last year. It is a very difficult matter for the Government to pretend to take up a private question of this kind. At the same time I must say I am ashamed to assume a very high standard of commercial morality, and claims to be a special bankruptcy proceedings; and that it shall allow these transactions to be protracted is a matter of astonishment to me. But I am sorry to say the Government is quite unable to take action in the matter. The Hon. Mr. McLEAN. -- Sir. if the Council will bear with me a few moments I shall like

<page>581</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=609></url>

payments made with the Bank of New Zealand accounts, amounting to £104,000, which were made in such a way that this liquidation Bank of New Zealand refused to touch on any should have been completed at the end of two conditions whatever, realised, I think, some years. I may say it is unfortunate that everything like between 12s. 6d. or 15s. in the transaction took place. If it had not been paid. I am not sure which, but it will for the action of so many chicken-hearted show you that if the others had been handled shareholders, who saw what was going on in a proper way they might have realised Australia, and were frightened of the results, I a different amount. This is apparent when I am quite satisfied the bank would have been in the accounts in the hands of the liquidators a good position to-day. What ought to have been realised such an amount. been done was that this bank should have been I wish I had had the opportunity of getting the Bank of New Zealand, and the other bank the accounts in order to put them before the should have liquidated, for after investigation Council. There were also offers made in connection they have never been able to point out one connection with some of the principal accounts single dishonest transaction. The Supreme which ought not to have been rejected by the Court has been the cause of a good deal of this Supreme Court, and that rejection has been unnecessary delay. The Supreme Court, not the cause of the long delay in the winding-up of withstanding the votes of the shareholders, the affairs of the bank. I might say that there declared that one of the liquidators appointed are other accounts beside the one mentioned by the Hon. Mr. Lee Smith, which, in my opinion, -- the late Mr. Larnach, a man versed in banking business in every way - should be

were also disposed of at a sacrifice. However, I do not know what the position is now. I saw put out and another man appointed. I say nothing of the other man who was ap- in the paper the other day that the liquidators pointed. and who might have been an excellent were waiting for something to be settled, and man, but he had no knowledge of banking that the final dividend would be declared pre- affairs, and that was the first grand mistake sently ; but for a period of six years the share- that was made in connection with the liquida- holders and the old directors have not been dation. These three gentlemen, when they allowed to know what is going on in any shape were appointed, evidently took counsel together, or form. It is, of course, the place of the liqui- and they must have sworn secrecy to each dators to know what they are doing, and, in con- other, for not a soul has been consulted by nection with this debate, I might say that when the Companies Act was under discussion the them from that time until now. I think that that was not a proper position for them to take other day I said that I thought the share- holders of any company should be in a posi- up. as those best able to judge of these matters tion to put such a state of things as has oc- could have given them good advice in connec- curred in connection with the Colonial Bank tion with the liquidation of some of these accounts, and that advice would have proved right ; and, in fact, it shows that there is a of considerable benefit to all concerned. The necessity for amending the Companies Act in Hon. Mr. Lee Smith has referred to the B accounts. The accounts which were reserved am not saying a word against the liquidators. first were those in the A list. They were They are all respectable and good men, but taken over without any conditions at all. The they had not the experience required for the B accounts were taken over with certain position : and I dare say the first blunder oc- curred when the Judge of the Supreme Court, reserves against them. I could not say now what the amount was, but probably my honourable friend has looked it up and will holders in favour of one liquidator, removed be correct in the amount he has given. These decision has sprung the whole of the trouble, were handed over to the bank, and, instead of the liquidators doing their business and in my opinion. The Hon. Mr. Lee Smith liquidating these accounts-or dealing with asked, "Why should the Bank of New Zea- land be allowed to retain the accounts, and the Bank of New Zealand as they should have done in regard to the liquidation of these proceed from time to time to deal with them and liquidate them in their own sweet way?" accounts instead of letting them drift about- they would have been doing their duty if they Surely they ought to be taken in hand vigor- had liquidated them themselves. Why did they ously by the liquidators and settled up in one allow the Bank of New Zealand to liquidate way or another, and not allowed to drift. these accounts for their own benefit, and let result that the people of New Zealand can con- them drift from year to year. That they should sider, and that is that the Bank of New Zealand have been sold for \$4,000 is to me incompre- hensible. An Hon. MEMBER. -- Between \$4,000 and hearts now, because the Bank of New Zealand \$5,000. had no business to support itself with, seeing The Hon. Mr. McLEAN .-- Whatever it was, when the fact came to my knowledge I went to the Supreme Court and I paid my shilling to ness of the Colonial Bank the shareholders of the Bank of New Zealand would not only see the particulars of the transaction, and I came away from the Supreme Court as wise as when I went there. But I will say this liquidate. Whether the Bank of New Zealand in favour of the liquidators: that the D) that direction. In making these remarks I notwithstanding the heavy vote of the share- that gentleman from the position. From that Taking all in all, there is only one possible could never have existed without the business of the Colonial Bank. They can take that to their the conditions it was under. Without the busi- have not pulled round, but would have had to

<page>582</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=610></url>

to the management, but I mean in regard to allowing part of the capital that it had to be taken from it by the Government - is re- ceiving a benefit or not is a matter of opinion, and one that can be gone into on a future occasion. I thought it right to make this explanation. because I feel very strongly on the matter, and

I did not want it thought that I had cast any reflection on the integrity of the gentlemen who have been the liquidators of the bank. I dare say that they have done their best ; but, in my opinion, their want of experience in connection with banking affairs has meant a heavy loss to the shareholders of the Colonial Bank. The Hon. Mr. TWOMEY .- I was very sorry to hear the Minister declare that the Govern- ment could only remain helpless spectators of what the Hon. Mr. Lee Smith declared to be " almost a scandal." There is no doubt that he made out a very strong case, and it is very much to be regretted that the Government seems so indisposed to make such a searching investigation as the case demands. There was a time when I followed this matter very closely ; but it is ancient history now, and I have had no information about the matter for a long time. But I do know that these liquidators, and the Supreme Court also, allowed politics to interfere in the liquidation of this bank. That is a very serious charge to make against the Supreme Court, but it is a charge i am ready to make, and to accept the responsibility of making. We place great powers in the hands of the Supreme Court, and we ought to get justice in return for it ; and, according to what I have heard this afternoon. I am not alone in my surmise that the Supreme Court was not just on that occasion. Of course, Sir, I do not wish to say any more, but that I shall vote for the motion, let the consequence be what it will. The Hon. Mr. REEVES .- Sir, I would like to say a few words on this motion. There is no doubt that every one in the colony thinks that the long delay in the liquidation and wind- ing-up of the affairs of the Colonial Bank is simply a scandal. Now, Sir, I think in a case of this sort, where large interests are involved, it is the duty of the Government, who are here to serve the public interest, to bring in a short Bill that would compel an investigation into the manner in which this thing is going on. I think the Government would be perfectly justified-1 am perfectly certain it would meet with the approval of the whole of the people of the colony-if they could see their way to take steps in that direction. The Hon. Mr. A. LEE SMITH .-- Sir, I have only a few words to say in reply, and the first shall be that I am very sorry to find that the Minister does not see his way to take any steps in this matter. Of course, he said, it was no part of the duty of the Government to interfere in a matter of this kind ; but I think when the Government is requested by the whole Council -which I trust it will -- then, I think, it becomes its duty to carry out the wishes of the Council. There was just one matter I forgot to allude to, which was slightly touched on by the Hon. Mr. McLean, and which goes in proof of my opinion and the opinion of others. that the liquidation has not been carried out in respect to the B accounte as it might have been. We know that since 1895 there has been a gradual recovery in the value of all property, mere especially in the value of such assets as were possessed in the Colonial Bank. In justification of that and in support of that we will take the 1 account. Mr. McLean has alluded to the D account. which was supposed to be so absolutel bad that the Bank of New Zealand would not even entertain the idea of taking it over. The result has been, from what I have heard. independently of what the Hon. Mr. McLean has told us, that there has been a very good dividend recovered on it. Now, if it is a fact that there has arisen a dividend of 14s. of 15s. in the pound upon a list which was as des- pised as the D account was by the Bank of News Zealand, what ought to be the effect of the result from the B list, which, however varied in its values it may have been, at any rate would be supposed to realise very much more than the D) list ? It goes to support the general opinion throughout the country, and the opinion of any business-man who gives the matter considera- tion, that the liquidation has not been carried out in the manner in which it ought to have been, and therefore there is emphasized the absolute necessity of the Government rede- nising its duty and inquiring into the whole circumstances of the case during the long period of five years and a half that the liquidators have had these assets in hand. Motion agreed to. LAW AMENDMENT BILL. The Hon. Mr. BOLT .- Sir. this Bill, unfortu- nately, has just been distributed to honourabie members, and I regret exceedingly that honour- able members were not in possession of the Bill before. However, that was unavoidable. and I think it would be unfair to ask the Council to discuss a Bill which they have only had in their possession for a few minutes. I shall therefore ask for a pro forma second read- ing of the measure,

in order to allow it to go to the Statutes Revision Committee, and when it has returned from that Committee, then the Council may take a discussion on the BIL. 1 move the second reading pro fo. m. The Hon. Mr. FELDWICK .-- Sir, I shall support that course. I may say the same pro- cedure was adopted last year, and the Bill came back, and I believe it was passed. The Hon. Mr. SCOTLAND .-- I have not had time to go into the details of this Bill, but I see it deals with some very important questions. What I object to is that a Bill of this nature should be brought in by a private memier. 1 should feel much better satisfied if it came to c. with the authority of the Law Officers of Crown. Of course, there is no harm in reading it pro forma, so long as it is referred to the Statutes Revision Committee-at any rate. It s some safeguard that a Bill of this nature w .. not be allowed to slip through the Coun .. without the very narrowest scrutiny.

<page>583</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=611></url>

The Hon. Mr. W. C. WALKER. - Sir, I believe this Bill has been before us on more than one occasion, and on each occasion it has or guardians-the young person shall not be been referred to the Statutes Revision Com- mittee, who are quite familiar with it, and I do not see any reason why it should not be referred again to them. It ought to go to the Statutes Revision Committee according to our Standing Orders, and therefore I have no objec- tion to the second reading on these conditions. The Hon. Mr. JONES .- I would like to hear . from the Hon. the Minister whether or not the Government concurs in this measure. I think, with the Hon. Mr. Scotland, that it is one of those important measures which should emanate from the Government, on the advice of the Crown Law Officers. We have had it before the Statutes Revision Committee it is true, for, I think, two sessions. We had it before us last session, and we recognise in it an old friend. In my opinion, there are some amendments in the law suggested by this measure which are very desirable indeed, but it is a measure which requires a great deal of careful investigation and knowledge of the law in order to know what is best to be done with it. I think it would cer- tainly have a greater chance of passing into law if the Government would give some indication as to what they think of the measure-whether they think it would be advisable to pass it or not, and whether they have had the advice of the Crown Law Officers in regard to it. Bill read the second time. YOUNG PERSONS PROTECTION BILL. The Hon. Mr. W. C. WALKER .- I move, That this Bill be recommitted for the reconsi- deration of clause 5. Honourable members who take an interest in the Bill will see, on reference to a Supplementary Order Paper which con- tains the redraft of clause 5, that I have endea- voured to meet the position as indicated by the expression of opinion when the Bill was before the Council in Committee in a reasonable way. It will be seen that the position now proposed is that, in the first instance, where the Protec- tion Officer finds a child habitually loitering in the streets or out-of-the-way places at untimely hours, if the answers are satisfactory he merely reports the occurrence to the parents or guar- dians. I trust that will not be looked upon as too extreme. I consider this is the least we can do-to report to the parents or guardians that the child is out habitually at untimely hours. We want to nip the evil in the bud, and this does it in a way that does not cast any un- necessary stigma, or brand a child as an habitual criminal or anything else. Then, the 3rd sub- section provides,- " If the answers are not satisfactory, the Protection Officer shall accompany the young person to his home and hand him over to the person in charge thereof, and report the occur- rence to such person." I do not want to make this a Bill of penal- ties ; I want to make it a Bill to act as a deterrent, and therefore 1 am quite content to allow that on the occasion of a first offence. even though the Protection Officer is not satis- (d that the young person is doing exactly the right thing-he may be dodging his parents taken in charge, but simply handed back to his parents or guardians. I think that is treat- ing the young person with consideration. This is with the intention of making the Bill an Act, not of justice-but of mercy. Then, subsection (4) says,- " If the young person has been previously dealt with under the last preceding subsection, the Protection Officer shall forthwith take such young person to a shelter." I trust that will be satisfactory to the Council. I have

done it to meet their views, fully, I think, appreciating that, in the event of the Bill not being so drastic as it might have been, it may in the milder form be more efficacious. The Hon. Mr. McLEAN. - No doubt what the honourable gentleman proposes is a great improvement on the present clause, but I would suggest that the result might be achieved in an easier way, because the words "if the answers are satisfactory" are still here. Who is to say whether the answers are satisfactory or not? I would suggest that, after the word "purposes," in the 5th clause, the following words should be inserted: "he shall notify the parents or guardians of such child loitering, and if such notice is disregarded the following provisions shall apply," and leave the rest of the clause as it is. All one wants is that notice shall be sent to the parents that the child is in the habit of loitering, so that a chance may be given for the children to recover themselves, or a chance to the parents of reclaiming them. I would suggest that this is the easiest way of getting rid of the words "if the answers are not satisfactory." The Hon. Mr. A. LEE SMITH. - I was one of those who opposed clause 5 as it stood, and I think I was mainly responsible for getting the Minister to alter it. I think the subsection proposed now will be highly satisfactory if it is left to the Protection Officer's discretion as to whether he thinks it necessary to report-not making it absolutely necessary that he shall report. The Hon. Mr. W. C. WALKER. - I do not object to that. The Hon. Mr. JENKINSON. - I am very glad the Minister has taken out of subsection (3) the words I objected to, and has put them into a new subsection in lieu of subsection (4), as I am positive that it must have been the intention of the framers of the Bill to make that provision I instanced. It appears absurd that if a child is caught twice, and the first time the answer is satisfactory, the second time the child must be taken to a shelter. I am quite sure honourable members would have opposed that if attention had been called to it before, and therefore I am very glad the amendment has been made. Bill recommitted, and reported. ACCIDENTS COMPENSATION BILL. The Hon. Mr. W. C. WALKER. - I beg to move the second reading of this Bill, which has

<page>584</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=612></url>

been rendered necessary through circumstances connected with cases of large accidents, and it might also apply to minor cases in which the injuries are not so large as those to which attention has been drawn. The Bill seeks to give power to the Judge of a Court, in the case of a person claiming compensation or damages on account of injuries received, to order that the person so injured be examined by one or more duly qualified medical practitioners named in the order, not being witnesses on either side. Of course, the Rakaia railway accident case was a notorious case, and the trouble there was -- like every similar case in which expert evidence comes in -- that there was expert evidence on both sides, and the experts apparently regarded themselves as the advocates rather than as witnesses from the professional point of view. This Bill is to enable the Court, for the sake of equity and fair dealing, to appoint one or more duly qualified medical practitioners to certify to the Court as to the condition of the injured individual at the time the claim is made, and as regards the damage done. I do not think that any one who desires to see cases of this kind dealt with in a fair way can object to the proposals of the Bill. The Hon. Mr. T. KELLY I entirely approve of the principle of this Bill, and that these experts should be appointed by the Court. The same practice is observed in the Land Courts of Ireland with regard to compensation and fair rent -that is, that the Court shall appoint its own valuers; for otherwise the Court cannot give a fair decision as to the value of the land. We know what experts are. They are simply men who have a certain amount of knowledge which is available to any person on payment of money, and one expert will give evidence in one direction for payment, and another expert in the same line will give evidence in quite the opposite direction, also for payment. In such cases it is very difficult for a Court of law to decide between the two sets of opinions of men who are equally well qualified; and the only reliable thing to do is to allow the Court to select the experts in whom they have confidence to give evidence. Unless the Court has power to do this, or is prepared to give a decision without hearing expert

evidence, it cannot obtain the unbiassed evidence necessary to decide the case, and on these grounds I shall support the Bill, especially as the experts so appointed will for the time being be officers of the Court. The Hon. Mr. McLEAN. - I am not rising to object to the Bill. I think probably it is all right ; but I would like to ask if it is not to apply to the Workers' Compensation Act. I think there is a clause in that Act, if I am not mistaken, which applies to the principle contained in this Bill. The Hon. Mr. W. C. WALKER. - I think so: it covers it. The Hon. Mr. McLEAN. -- In some way, before the Bill goes into Committee or passes through the Council, I would like to see how far it is consistent with the section in the Workers' Compensation Act. The Hon. Mr. A. LEE SMITH. -- I think this is a very proper provision to make to improve the Workers' Compensation Act, which I suppose it may apply to ; but there are some other very important alterations which also might be added, and also improvements in the Workers' Compensation Act itself, and notably in this direction-I want to put a supposititious case to honourable members: At the present time an employer is responsible for any accident to his workmen, and in the same way a tramway company, or a coach company, or a coach-proprietor is answerable for any employés who may be hurt in their employment. Now, the main thing to be considered in a case of that kind is this : that the compensation shall be obtainable with certainty, no matter who it is that causes the damage. Let us look how that works : I know a case where a cab-driver who had not much property was driving a man down a road. The trap, by some mistake in driving on a dark night, ran up a bank and the man was killed on the spot. It happened in this case that the proprietor of the cab was related to the man who was killed: but in the case, we shall suppose, of a non-relationship, and that man upsets an outsider and he is killed, I should like to see it provided that the man or his friends can get compensation. But how is he to be sure of getting it now? The man may have only his cab and horse, and therefore there would be no means whereby the friends of the injured person could recover compensation. It strikes me that the Government ought to consider at once the advisability of inaugurating some system of making provision to meet such cases, by putting on an insurance license-fee, or some scheme which would enable these people, individually or collectively, to form some fund upon which they could have recourse in cases of this kind. The Hon. Mr. JENKINSON. - The only objection I can see to this Bill is in reference to that part dealing with the order for costs. It appears to me that if we allow this Bill to go through as it is, a Judge may make an order that a man may be examined by one or more qualified medical practitioners, and then may make such order in respect to the costs of the examination as he thinks fit. It is just possible that these costs may be heaped up to a somewhat alarming extent. I know a case that happened in Wellington within the last twelve months where a man was injured. and he sued for compensation for an accident to his eye, and the company that he sued asked that this man should go before independent medical practitioners in order to ascertain the nature of his injuries. I do not know the real reason the company had for forcing the examination on the man: but the man and his friends thought that the company was doing this simply for the purpose of frightening him in regard to the amount of the cost -. I am myself of that opinion-that they heaped up costs in every possible way because they thought the man would cry off his action rather than mind

<page>585</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=613></url>

the risk of having to pay all the costs of the examining Bill. In the first place, the appointing examination. In this case he did go before one of the doctors specified by the company, and the result was that he considers he suffered loss through the examination made by this doctor, who, he avers, was an incompetent man. The Hon. Mr. McLEAN. - This is only the costs of a special application. The Hon. Mr. JENKINSON. - No ; I think it is the costs of the examination. Now, in respect to a poor man. that is apt to frighten him out of taking any action altogether. He may think the costs are going to mount up, and that if he loses the case he will be entirely ruined. I think we ought to be careful how we give influential

associations and rich persons or the Government a chance of heaping up these costs on whoever may be hurt. That is the only objection I have to the Bill, but I shall call further attention to it in Committee. The Hon. Mr. W. C. WALKER. - Sir, I simply desire to say that I do not think this is an unreasonable Bill. It certainly should not have the effect that is apparently feared by the last speaker, of increasing the expenses of any man who has got a good case. It is only for the protection of the Court that the additional medical evidence is required. If it is a good case, then no doubt the Court will award damages, and the costs will follow the verdict. But there are cases, as everybody knows, which are not good cases, and which are bolstered up by exceedingly improper expert evidence, and it is to protect not only the Crown-and, ofcourse, the public expenditure - but also to protect other employers if they are unfortunately sued for accidents to men in their employment. The Bill really does not interfere at all with the Workers' Compensation Act of last year. That stands by itself, and it will be remembered that in that Act it was specially provided that the Workers' Compensation Act shall not deprive any one of his common-law right of proceeding against employers if he chose, and it is under these conditions that other actions may be taken which this Bill attempts to deal with. I think, Sir, the Bill is a fair Bill, and, at all events, I shall be very pleased to give every information I can in Committee. I beg to move the second reading. Bill read the second time. CEMETERY TRUSTEES VALIDATION BILL .. The Hon. Mr. W. C. WALKER. - Sir, I beg to move the second reading of this Bill, which has been introduced for two purposes. I think everybody will admit that the multiplication of local bodies is very much to be deprecated, and wherever it can be managed it is very much better that, in the matter of cemeteries at all events, the local bodies should be made cemetery trustees. Well, that has been done pretty generally during the last few years. and present legislation allows County Councils to be made cemetery trustees : but Road Boards, as a Corporation, are not legally qualified to be cemetery trustees. Therefore this Bill is a ment of any Road Board as trustees of any cemetery made under section 45 of the Ceme- teries Act is hereby validated. In the second place, the appointment of the Rotorua Town Council as trustees of the Rotorua Cemetery is also hereby validated : "and such validation shall in all cases be deemed to extend to the date when the appointment was made, and to all acts and proceedings (if otherwise lawful) done under such appointment." Clause 5 pro- vides that- " Where any cemetery trustees have been ap- pointed under the said section by the name of the Corporation, or of the Mayor, Councillors, and Burgesses of a borough. or of any similar name, such appointment shall be deemed to mean the Council of the borough, and shall not be invalid by reason of such misnomer." It is a validating Act to cover mistakes that have taken place by reason of omissions as to exact position. But the intention, I think, is one that all will be glad to recognise as a good one --- namely, that our local bodies should be as much as possible validated. and, at any rate, the Road Boards and Borough Councils are pro- bably the most fitting persons to take charge of the cemeteries. The Hon. Mr. W. C. SMITH.-- I am glad to see that the Minister of Education has given notice of a new clause by which Road Boards may be appointed cemetery trustees. There is no reason why they should not be, and every reason why they should be. They are a Cor- poration, they have a seal, and go on from time to time : whereas private persons who are appointed trustees may die or leave the colony. I believe half of the cemetery trustees in the colony at present are dead or not available, and there is always trouble in the matter. Another thing is, it gets over the difficulty of expense. Many cemetery trustees have only a few pounds and have to pay a clerk, and they have to call a meeting over the smallest amount of business, and all this would be avoided by appointing local bodies as trustees. The Hon. Mr. JENNINGS. - Sir, while be- lieving in fuller powers being given to local bodies in many matters besides what is dealt with by this Bill. I do not think the Government ought to surrender all rights to publie bodies, especially where the rights of the public may be injured by exclusive regulations and impositions. I know a case in connection with cemeteries where, unless a person agrees to erect certain fences and monumental stones, he is not allowed to bury relatives in the cemetery. Power should not be

allowed trustees to make such exclusive regulations. "God's acre" should be free to the poorest in the land. Such does exist, however, in the Auckland Province, and, unless a guarantee is given, it is in the power of the trustees to refuse the right of burial in the cemetery. The Hon. Mr. T. KELLY. I see the Bill only deals with cemeteries gazetted under the Act of 1882. I would ask the Hon. the Minister what becomes of those appointed under provincial Ordinance. In my district there are

<page>586</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=614></url>

a large number of cemeteries where the trustees were appointed by the Superintendent under a provincial Ordinance. Will this Bill in any way affect these cemeteries or the Cemetery Boards ? I quite agree with the principle of the Bill. Road Boards and local authorities are fitter trustees for a cemetery than individuals, who die or disappear, or who may neglect their duties. The Hon. Mr. W. C. WALKER .-

The Bill is not one dealing with old cemeteries which were provided for by Ordinance ; they, no doubt, have been validated, and there is no necessity to validate them again. The difficulty now is that Road Boards are not local authorities under section 2 of the Cemeteries Act. It is to rectify this that the Bill is necessary. If I find there is any necessity to make the Bill go further and cover more ground in the same direction I shall be prepared to meet it. Bill read the second time. The Council adjourned at a quarter to five o'clock p.m. HOUSE OF REPRESENTATIVES. Wednesday. 24th July, 1901. First Reading.

gs-Counties Bill --- Presbyterian Church of New Zealand Bill -- Fiji-Sanatorium at Rotorua - Nighteaps Stationmaster - Wages of Casual Railway-hanus - Advertisements of Quack Medicines, &c. -- Stock-loading Yards at Inglewood- "L" Wagons for Nelson - Motupiko Railway - Preferential Railway Rate on Waipahi Heriot Railway - Clifton Railway platform - Glenavy Station yard - Railway Emulation Classification - Casual Railway hands - Periodical Railway turns - Employés in Railway Workshops - Addington Railway-station - Islington, Hornby, and Templeton Railway Services - Railway Service Wages-Annual Season Tickets- Railway Service Wages - Weight of Grain-sacks -- Conduct of Inquests -Aparuma Railway-bridge -Kaikoura. Daily Mail-service - Levin Post-office - Homos for Incurables . Conumption of Fuel by Locomotives - Flag-station at Kelvin Grove - . Club Charters -- Accommodation at Christchurch Railway station -- Carriage of Bicycles -- Dunedin Post-office- Railway from Patterson's Creek to Springfield -"Phumping" at Elections -Railway Pares -- Mount Egmont Railway -. Harbour Board Charges - North Island Main Trunk Railway Viaducts - School teachers' Classification - - Kai para Railway-Training ship - Hansard Reprints -Cook Strait Ferry-service -- Copies of Bills for Public Libraries - Rangitane and Napitika Hapus -- Mining Companies Low-District Court for Auckland . - Southland Police District -New Gaol for Invercargill-Supreme Court Judges- Ammunition License fees - Workmen's homes -Waikakahi and Parcora Roads and Bridges- Morven Wesleyan Church Site - Kapua Settlement - Pareora Water-race -Public Health Bill- Land for Settlements Bill. Mr. SPEAKER took the chair at half-past two o'clock. PRAYERS. FIRST READINGS. Palmerston North Reserves Bill, Contagious Diseases Repeal Bill. COUNTIES BILL. Mr. SEDDON (Premier) moved, That Standing Order No. 211 be suspended, and that a Select Committee, consisting of thirtysix members, be appointed. to whom shall be referred the Counties Bill and certain other Bills or matters more particularly referring to local administration affected by the Bill : five to be a quorum : the Committee to consist of Mr. J. Allen, Mr. Bennet, Mr. Bollard, Mr. Buddo, Mr. Carneross, Mr. Colvin, Mr. Field, Mr. Flatman, Mr. Fowlds, Mr. A. L. D. Fraser, Mr. W. Fraser, Mr. Guinness, Mr. Hall, Mr. Hardy. Mr. Herries, Mr. Hogg, Mr. Hornsby. Mr. Houston, Mr. Lang, Mr. Lethbridge, Mr. Massey, Mr. McGuire, Mr. T. Mackenzie. Mr. R. McKenzie, Mr. McLachlan, Mr. McNab, Mr. Meredith, Mr. O'Meara. Mr. Palmer, Mr. Pirani, Mr. Rhodes, Captain Russell, Mr. Stevens, Mr. Symes, Mr. J. W. Thomson, and the mover. Motion agreed to. PRESBYTERIAN CHURCH OF NEW ZEALAND BILL. Mr. McNAB (Mataura). . Sir, this measure I am now moving the second reading of is rendered necessary owing to the fact that the Presbyterian Church of Otago and

Southland has decided almost unanimously to join hands with the Presbyterian Church of New Zealand. In connection with the property held by the Presbyterian Church of Otago and Southland legislation was years ago passed, and one of the terms of the union between the two Churches is that this property shall remain under the trusts which hold it at the present time. That being so, it is absolutely necessary that the Synod, or the governing body of the Otago and Southland Presbyterian Church, should be continued, notwithstanding the union, for the purpose of carrying out the trusts under which these lands are now held. This Bill is to give effect to that provision. I move its second reading. Mr. J. ALLEN (Bruce) .-- I wish to ask the mover of the second reading of this Bill one question. I think he has in his remarks deal with the subject I am about to refer to, but I hope he will make it clear in his reply. What I refer to are the particular trusts in Otago and Southland. At the present time these trusts are held, amongst other things, for higher educational purposes. A portion of the money deriv. able from the endowments is being used for services in the Otago University, and three prof - sorial chairs are being kept up out of it. I believe the honourable member in moving the second reading made it clear that these trusts would remain absolutely unimpaired. I hope that that is so, and that he will give the House an assur- ance to that effect. If it is so, I have no d og tt that there will not be any objection to the Bill going through. I have nothing further to say, (- cepting that it would be a very serious matter for the people of Otago if they were deprived of that assistance from these endowments. It would result in considerable harm to if not the break- ing-up of the Otago University. I agree with the principles of the Bill, but I would like the

<page>587</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=615></url>

honourable member to give me the assurance asked for. Mr. NAPIER (Auckland City) .-- I think the honourable member should give more informa- tion about this matter. The Bill raises a very large question. In the early days of the colony large areas of public and Native lands were granted by the Crown and the Native race for certain specific trusts to the various religious bodies, and the time has now probably arrived when the Government should institute a Royal , than to clear up matters, respecting titles to Commission for the purpose of inquiring into the management of those lands, in order that it may be seen if the trusts are being carried out as was intended by the original grantors. If this be merely a machinery Bill to continue the state of things that exists at present, and which will not in any way prejudice the position, 1, of course, will not offer any ob- ; to in this Bill that is not included in the jection. There are some expressions in the : 144,600 acres sold by the New Zealand 3rd section of the Bill which seem to me to re-vest the trust lands, without any in- formation being given to the House. 1 would ask the honourable member to explain why it is necessary to put these words into sec- tion 3 : "and such property shall continue for all time to be held exclusively for the purposes and by or on behalf of the persons respectively now or for the time being entitled thereto in the Provincial District of Otago." We are practically in the dark as to the manner in which the funds accruing from those lands are to be applied. I should be very sorry to offer opposition to a legitimate machinery measure which may enable the business of this religious denomination to be carried on in a proper man- ner. I am speaking without information with regard to the particular lands referred to in this Bill, but I do think, with regard to many public trusts of lands, large sums of money have been diverted from their original pur- pose. Some years ago, Sir, I was instructed by the late Sir George Grey to search certain titles of properties in the colony which had been granted by him when he was Governor in the early days upon certain trusts, and I found upon investigation that a great portion of the income arising out of the lands was applied to purposes which were not men- tioned in the Crown grants at all. I think this fact shows that in some cases there has been laxity. Of course, honourable members may say that if we inquire into this matter we may bring a hornets' nest about our ears ; but this House is elected to do that which is just and right to the general public, and, no matter how many religious bodies are involved in this matter, I feel sure that Parliament

will take steps to see that the trusts are properly carried out. I hope the honourable member will explain a little more fully than he has done the portion of the Bill to which I have briefly referred, and I hope also that the Government will see their way at an early date to have some inquiry made into the administration of all the early trusts which were created by the Crown and the Native race affecting lands. Mr. SEDDON (Premier) .- It struck me, Sir, that probably an attempt was being made here by a private Bill to set aside the decision of the Supreme Court respecting lands which have been granted by the Maoris to early denominations, and by that means make good their title to Maori lands ceded to them, but in connection therewith the terms of the trusts had not been complied with. If I have the assurance of the honourable member that there is no intention of that in the Bill, and that these words are intended for no purpose other land legally held and occupied, and that we are not being asked to legalise an omission-if it has no bearing on that point I have no objection to offer. Mr. McNAB (Mataura) .- Regarding the point that has been raised by the Right Hon. the Premier, I may say there is no land referred Land Company to the Association of the Lay Members of the Free Church of Scotland, formed in Glasgow about 1847 to purchase and establish a city in the southern part of New Zealand. In regard to how they came to have possession of these lands, the lands were purchased from the company by funds which were obtained by this association through a loading of 5s. per acre placed upon all the land which was sold by the company in this southern part of the 144,600 acres between the years 1847 and 1852. A portion of this money was paid in actual cash by the company to trustees to be held by them for religious and educational purposes, and the balance was paid to them by allowing them to select, as sales went on, pieces of land equal in value to the amount of money which had to be paid by the company to the association. Now, with regard to the point referred to by the honourable member for Bruce, this Bill does not affect the point in the slightest. The position under which the trustees who hold the funds for educational purposes pay over to the Otago University a sum of money annually for the salaries of three professors is provided for by legislation passed in the year 1866. I will read clause 8 :- "The said trustees shall set apart the remaining one-third of the said clear proceeds for the purpose of forming a fund for educational purposes, and shall from time to time invest the same in their own names in any Government or real securities of the Colony of New Zealand, and shall also vary the said securities at their discretion, and shall receive the dividends, interest, and annual produce of the said securities, and reinvest the same in or upon like securities, so that the proceeds, securities, dividends, interest, and annual produce may accumulate, and the said fund so formed shall be called 'the Educational Fund.'" And clause 9 says, "The said trustees shall from time to time apply the said 'Education Fund' (in accordance with regulations to be made by the said Synod in manner hereinafter mentioned) in the erection or endowment of a literary chair or chairs in any college or uni-

<page>588</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=616></url>

versity which shall be erected or shall exist in the Province of Otago, or for either or both of those purposes." These sections do not compel the Presbyterian Church of Otago and Southland to endow chairs in a secular institution ; still, under these two sections the Synod of the Presbyterian Church of Otago and Southland have endowed three purely secular chairs in the Otago University. Another chair and other teachers have been endowed in their own Theological College. That is the position, and it is unaffected by the legislation proceeding this afternoon. Regarding the point raised by the honourable member for Auckland City. I quite understand that there are a number of these old trusts that may well be looked into, and, so far as the Presbyterian Church of Otago and Southland is concerned, any inquiry the colony demands may be made as to how they are administering the trusts of these properties. It will be found on examination that this estate was bought by the Church itself, and is in a very different position indeed from any other endowments, except, perhaps, a somewhat similar endowment of the Church in

Canterbury, only that in that case, I believe, a large portion of the endowments went in the form of cash, while the Scotchmen of Otago took it in the form of land. With regard to the peculiar wording of section 3 referred to, I would like to point out that the words "such property shall continue for all time to be held exclusively." does not prevent legislation being passed by this House at any time regarding the trust. An Hon. MEMBER .- What is the object ? Mr. McNAB. - There is nothing in the meaning of it beyond that the trust shall not be affected by the union. I, for one, have no objection to the words "for all time" being obliterated, because they are entirely unnecessary, for the object intended in the clause does not prevent the House legislating hereafter. Then, with regard to the other words, "by or on behalf of the persons respectively now or for the time being entitled thereto in the Provincial District of Otago," that does not give any right to any person not now legally entitled : and, that being so, it does not and cannot in any way prejudice either the trustees of the present trust or any person who may seek to establish at any time hereafter the right of the cestui que trust or other persons interested. I have no objection to introduce words in Committee to give that effect to the provision. Bill read a second time. FIJI. Mr. SEDDON (Premier) presented a copy of a speech delivered by His Excellency the Governor of Fiji. He moved. That the paper do lie on the table, and be printed. Captain RUSSELL (Hawke's Bay) understood the paper related to some Ordinance, and he wished to know what Ordinance it was. Mr. SEDDON said it was that extraordinary Ordinance honourable members had seen published, which imposed a penalty upon any person who spoke to another person on certain matters. Captain RUSSELL said. No Ordinance he had not seen was extraordinary to him. Mr. SEDDON would read it :- "Any person who shall cause or attempt to cause any Fijian to be disaffected towards the Government, or who shall induce or attempt to induce any Fijian to take any action having for its object the subversion or alteration of the present form of government, shall be guilty of an offence under this Ordinance, and shall be liable on summary conviction to imprisonment, with or without hard labour, for any term not exceeding six months." Captain RUSSELL noticed there was a question of conversation between some gentleman and His Excellency. Were they to understand that that was an official document, or a newspaper report ? Mr. SEDDON said that was a report of the proceedings of the Executive Council. Captain RUSSELL said it appeared to be an extract from the Pacific Herald. Mr. SEDDON said it was from the Fiji Times. The Ordinance was from the Gazette. Captain RUSSELL thought they ought to have the official documents; because, if New Zealand went on the principle of interfering in the affairs of every Crown colony throughout the world they would have a task before them which would puzzle even his inexhaustible friend the Premier. Mr. SEDDON said they had a copy of the Gazette itself, and they must take the report for what it was worth-as it appeared in the paper. He might say that not only New Zealand but the Commonwealth was interested in this matter, because if one Fijian could not converse with another on the question of self-government. federation with the Commonwealth. or federation with New Zealand-if you could not converse with a Fijian on either of those three subjects without being liable to imprisonment for six months-and this Parliament having said by resolution New Zealand was prepared to federate, or, if federation was not advisable, self-government should be given to Fiji -- that was a matter in which New Zealand was interested. This, of course, meant a change in the form of government, and any person saying a word in Fiji with a view of supporting what had been done by the New Zealand Legislature was liable to imprisonment for six months. Mr. ATKINSON .- It is about as good as the clause against canvassing in your Electoral Act. Mr. SEDDON said it seemed to him that those people who were always preaching so much about maintaining the law and about morality were the very first ones to break the law if there was some means of evading it. The very class the honourable member referred to now did more in the way of evading the law, or breaking the law, than any others in the colony. They were always railing at other people in connection with the liquor traffic : but if there was a chance for them to evade the law they always took advantage of it. Any person conversing

<page>589</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=617></url>

with another upon the question of a change of Government in Fiji was liable to be imprisoned, and the worst feature of it was that the Magistrates-and this was a point respecting which he knew honourable members opposite would support him-the worst feature was that the Magistrates there were simply under the command of the Governor. of here, as a possible grievance, was rampant there, if they were to believe what they heard, which was almost incredible. If a Magistrate did not give a decision in accordance with the Governor's views the Magistrate got called over the coals. An Hon. MEMBER .-- I do not think you ought to say that. Mr. SEDDON could only say that they had it so reported-and it was undenied - that not only a Magistrate, but the Chief Justice had been called on the carpet by the Governor, and it had been demanded of him where he had called. and whom he had seen, and with whom he had been speaking. Not only was that so, but the Acting Chief Justice had been censured because he had allowed a native to go, against whom there had been no charge. It should not be forgotten that the Hon. Mr. Edlin held a very high position in the legal profession at Home, that he had been actually appointed to the position of Attorney-General of Fiji by the King, and that this gentleman had written to the Governor and had given to the world the fact that he felt so strongly upon the matter that he had resigned his position. When they had these facts before them, it was very natural they should think there was something in it. When the Acting Chief Justice had been treated in that way, they might take it for granted the statements as to the Magistrates, who held quite subordinate positions, were not without foundation, and it should be remembered that the appointment of Magistrates was a matter solely in the hands of the Governor. Far be it from him to assail lightly any one holding so exalted a position as that held by the Governor of Fiji. He thought they ought to be very careful in these matters, and he would be the last to do anything of the kind rashly ; but they knew positively that, so far as this Ordinance was concerned, it was aimed at New Zealand, and at Australia. It was to stop self-government, or any change in the Government of Fiji at all. There was a great country there, with great opportunities, and they were doing nothing in the way of developing it, and federation with New Zealand would be of great assistance to them. The interests of this colony were inseparably bound up with Fiji. They took nearly four hundred thousand pounds' worth of products of those islands every year. Mr. MONK .- Mostly one thing : the item of raw sugar for the refining works, Auckland. Mr. SEDDON said they might say what they liked, but he had no hesitation in asserting that it lay in the hands of New Zealand at any time to make Fiji a success or otherwise. What the Government did not at present propose to acquire complained of was that. after they in a constitutional manner had expressed their Rotorua district. views, means like this should be used to prevent further discussion of the question between Europeans and Europeans, and Fijians and Fijians. That was subversive of liberty, and it appeared to him that wherever the British flag was flying they were entitled to look for freedom of speech and action. Mr. SPEAKER .- Is not this anticipating the discussion on the notice of motion on this day's Order Paper in your name ? Mr. SEDDON said he had been provoked into going perhaps a little further than he had intended, which was simply to give reasons why this paper should be laid on the table. At all events, he would say nothing further than to ask that the papers lie on the table. Honourable members would then be in a better position when they came to the motion to deal with it. He should also get the correspondence upon the subject printed, and had asked His Excellency the Governor to permit the correspondence also to be laid on the table. An Hon. MEMBER .- The Governor's letter to you ? Mr. SEDDON said he had not any letter from the Governor. He intended to put full information before honourable members, and to have the matter discussed. It was a large question. and he hoped it would be discussed without feeling. At all events, this information was very valuable, and he hoped it would be laid on the table. Motion, "That the paper presented do lie on the table, and be

printed," agreed to. Captain RUSSELL expressed the hope that when the other documents were laid on the table they would include a letter alleged to have been written to the Right Hon. the Premier by the Acting Colonial Secretary. Mr. SEDDON said the honourable member referred to this as an "alleged" letter. Would the honourable gentleman say that he had not got a copy of it? Mr. PIRANI.- I can give a copy. Mr. SEDDON.-- Ah! I thought so. SANATORIUM AT ROTORUA. Mr. WITHEFORD (Auckland City) asked the Government, If they will take into consideration the question of further necessary improvement to the Sanatorium at the Hot Lakes, and of acquiring all freehold rights to the hot springs in the Rotorua district? He desired to draw the attention of the Minister for Railways to the fact that the Natives owning springs in localities of the Hot Lakes made a charge of 4s. to visitors. He thought it would be much to the advantage of the colony if the Native title to these lands was extinguished and the Government had the sole control of so important an element to the progress of this colony as these springs. Sir J. G. WARD (Colonial Secretary) said the question of making considerable improvements in the various Government sanatoria in the colony was now being dealt with. The Go-

<page>590</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=618></url>

NIGHTCAPS STATIONMASTER. Mr. GILFEDDER (Wallace) asked the Minister for Railways, If the Government will, in view of the increased traffic and growing importance of the locality, appoint a Stationmaster at Nigteaps? He thought the Hon. the Minister for Railways would recognise the necessity for, if possible, appointing a Stationmaster for Nightcaps. Owing to the increase of settlement in the locality, and the large amount of business that was being done, the services of such an official were urgently required. Of course the difficulty was that the railway-line to Nigteaps belonged to a private company; but nevertheless the settlers were making use of the line, and the miners in the locality considered that a Stationmaster should be appointed there. It was said that the caretaker at 10s. a week could not afford at such a stipend as that, to devote the time which was needed to look after the interests of those who made use of the railway. He hoped the Minister would be able to give a favourable reply, and that the objection that this was a private company would not be allowed to stand in the way of dealing with the matter. Sir J. G. WARD (Minister for Railways) was sorry to say that from the report which he had on this matter the traffic at the present time did not warrant the expenditure that would be necessary for the appointment of a Stationmaster. This had been confirmed by the recent Conference of the Tramway Managers of the railways of the colony. WAGES OF CASUAL RAILWAY-HANDS. Mr. HANAN (Invercargill) asked the Minister for Railways, If it is a fact, as reported, that wages paid to the casual hands in Dunedin, Christchurch, and Wellington goods-sheds for eight hours -- that is from 8 a.m. to 5 p.m. -- are 8s. per day, while in the Invercargill goods-sheds the amount paid to such employes is 7s. per day? Sir J. G. WARD (Minister for Railways) said the practice, where men were engaged by the hour, was to pay them 1s. per hour for the time worked. Such men were, however, liable to be paid off at any time, as soon as the job on which they were engaged was completed. Where men were engaged for considerable periods, the practice was to pay them 7s. per day, their work being continuous. Instructions would be given to put all casual men employed in goods-sheds on the same footing as regards pay. ADVERTISEMENTS OF QUACK MEDICINES, ETC. Mr. BARCLAY (City of Dunedin) asked the Government, Whether they will introduce legislation this session to prevent the natural beauties and scenery of the country being defaced by advertisements of quack medicines and other nauseous productions? The question might not interest members of the House who came from districts which were less fortunate in the beauties of their natural scenery than the district he came from. Dunedin and its immediate neighbourhood were by general consent pre-eminent in the colony for the natural beauty of the scenery: but a practice had grown up of defacing this scenery by putting up large advertisements on rocks and conspicuous places, and on fine trees and so forth. Thus, in these places one would find

one's-self confronted with huge placards trumpeting the virtues of " Brown's back-ache pill," or " Jones's universal cure soothing-syrup," or "Scrubb's infallible ammonia for making hair grow on bald heads." His object was to find out whether the Government would initiate some legislation dealing with this affliction. He hoped it was the intention of the Government to do some- thing to put a stop to this nuisance, which was offensive to the eyes, disgusting to tourists from other countries, and repulsive to good taste and good sense. Sir J. G. WARD (Minister for Railways) said Yes, he proposed introducing legislation dealing with this matter. STOCK-LOADING YARDS AT INGLE- WOOD. Mr. SYMES (Egmont) asked the Minister for Railways, If he will give instructions for the erection of loading-yards for stock at Ingle. wood ? Sir J. G. WARD (Minister for Railways) said the erection of loading-yards for stock at Ingle- wood was considered a necessity, and would be put in hand when funds were available. "L" WAGONS FOR NELSON-MOTUPIKO RAILWAY. Mr. R. MCKENZIE (Motueka) asked the Minister for Railways, If he will as soon as possible place six additional "L" wagons on the Nelson-Motupiko Railway, the number of wagons at present on the line being inadequate to give reasonable facilities for carrying on the traffic ? Sir J. G. WARD (Minister for Railways) said arrangements had been made to increase the number of " L " wagons on this section of rail- way. PREFERENTIAL RAILWAY-RATE ON WAIPAHI-HERIOT RAILWAY. Mr. HANAN (Invercargill), asked the Minister for Railways, If he will remove the prefer- ential railway-rate which exists upon the Wai- pahi-Heriot Branch, and is operating to the detriment of the trade of the Port of Bluff. the present rates conceding 5d. per bale on wool being a differential rate in favour of Dunedin and Port Chalmers ? Sir J. G. WARD (Minister for Railways) said the rates were now being reviewed, and this matter would receive careful considera- tion. CLIFTON RAILWAY-PLATFORM. Mr. HANAN (Invercargill) asked the Minister for Railways, If he will cause the railway. platform at Clifton, on the Invercargill-Bluff line, to be extended and otherwise improved ?

<page>591</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=619></url>

Sir J. G. WARD (Minister for Railways) said the extension and improvement of the platform at the Clifton Railway-station would be con- sidered in conjunction with other railway- works throughout the colony when funds were available. GLENAVY STATION-YARD. Hon. Major STEWARD (Waitaki) asked the Minister for Railways, Whether instructions had been given for the fencing of the station-yard at Glenavy, admitted last session by the depart- ment to be a necessary work, and promised " so soon as funds were available." Sir J. G. WARD (Minister for Railways) said no funds were available for this fencing, which had to give place to more urgent works. He would, however, carry the work out as soon as the necessary funds were at his disposal. RAILWAY EMPLOYEES' CLASSIFICATION. Mr. G. W. RUSSELL (Riccarton) asked the Minister for Railways, If he will in the new Classification Act arrange for all persons who have been a fixed time -- say, three years-as casual hands in the Railway service being classed as permanent ones ? Sir J. G. WARD (Minister for Railways) said this could not be agreed to, as the effect would be to very largely increase the permanent staff, which was not considered advisable. CASUAL RAILWAY-HANDS. Mr. G. W. RUSSELL (Riccarton) asked the Minister for Railways. Whether he will allow the casual hands in the Railway service to vote on the question of the service coming under the Industrial Conciliation and Arbitration Act? Sir J. G. WARD (Minister for Railways) said the intention was to permit all the workshops men who were over twelve months in the Go- vernment service, whether casual or permanent, to vote on this question. As regarded casuals, they had to limit the number to those who were over twelve months in the Government service. as it was only fair to the men who were generally in the service that the expression of their views should be from those who would be affected. PERIODICAL RAILWAY RETURNS. Mr. G. W. RUSSELL (Riccarton) asked the Minister for Railways, If he will consider the advisability of stating in the Railway returns published from time to time the amount of cash revenue, and the value of the services rendered for other departments of the State, as is done in

connection with the Post and Telegraph returns ? This was an important question, and he wished This was : that he to emphasize one point. was only asking in connection with the Railway service what was already done by the same Minister, and had been done for a number of years, in connection with the Post and Telegraph services. Sir J. G. WARD (Minister for Railways) said, Yes, he intended to have the Railway reports made up to date, and to have the whole of this information supplied. EMPLOYÉS IN RAILWAY WORKSHOPS. Mr. G. W. RUSSELL (Riccarton) asked the Minister for Railways, If he will, in accordance with his recent statement in the House, intro- duce legislation to enable the employés in the respective trades at the various railway work- shops in the colony to come under the operation of the Conciliation and Arbitration Act ? Sir J. G. WARD (Minister for Railways) might tell the honourable member that, as he had pre- viously indicated, it was not proposed to disturb the classification of the general staff of the Railway Department, but that all the men in the railway workshops throughout the colony who had been more than twelve months in the Railway service were to have the opportunity of voting on this question ; and, in fact, a circular was already set up in order to be issued, asking them to vote whether they desired to remain under a classification scheme or to come under the operation of the Industrial Conciliation and Arbitration Act. He might say that their con- venience in the matter would be in every way considered. ADDINGTON RAILWAY-STATION. Mr. G. W. RUSSELL (Riccarton) asked the Minister for Railways, If he, in preparing esti- mates of expenditure for the present year, will consider the desirability of extending and en- larging the railway-station at Addington? He would like to direct the attention of the Minister to the fact that the railway-station at Addington was one of the first railway-stations that was erected near the City of Christchurch, and, al- though the traffic had grown enormously during the twenty-five or thirty years that had elapsed since its erection, it had not been materially altered in any respect. In every possible respect this station was now behind the age ; the accom- modation was too limited, and in fact the officials had no room in which to work the train service in their own yard. This not only affected the Riccarton electorate but also a large part of the Christchurch electorate, because the station was on the boundary between these two districts, and the station was not only the station for the dis trict of Addington but for all the south-west portion of the City of Christchurch, and all the important stores, depots, and granaries in that locality. Sir J. G. WARD (Minister for Railways) said the department purposed re-arranging and im- proving the station and vard accommodation at Addington when the necessary funds were available. The work must be considered in conjunction with others, preference being given to the most urgent requirements. ISLINGTON, HORNBY, AND TEMPLETON RAILWAY SERVICES. Mr. G. W. RUSSELL (Riccarton) asked the Minister for Railways, Whether he will, in accordance with the memorial of 528 residents of Islington. Hornby, Templeton, et cet. ra, arrange for enlarged railway services to those districts, especially on Saturday evenings ? He had handed to the Ministor a requisition or petition signed by 528 residents of those dis-

<page>592</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=620></url>

tricts, asking him to establish a larger and more extensive train-service in these localities. He would like to remind the Minister that a few weeks ago a train was run at night from Christchurch on the occasion of the Ducal festivities, and he had seen four coaches loaded from end to end, starting at ten o'clock and going to these localities on a Saturday night. The residents would greatly prefer the train- service if the trains were run at a convenient hour. He hoped an assurance would be given that something would be done at an early date in the direction he was suggesting. Sir J. G. WARD (Minister for Rail- 3.30. ways) said the existing train-services met all the requirements, with the exception perhaps of Saturday nights; and in regard to Saturday nights it was proposed to run a train from Christchurch to Templeton at half-past ten p.m. each Saturday night for four weeks as an experiment. The continuation of the ser- vice would depend on the patronage accorded . the train. RAILWAY SERVICE WAGES. Mr. T. MACKENZIE

(Waihemo) asked the Minister for Railways, Whether he will, considering the very heavy nature of their work, increase the wages of the railway-men working in the ballast-pits to 8s. per day of eight hours ? The ballast-pit hands on the Otago Central Railway had brought under his notice the fact that they did not receive adequate remuneration for their work, and it appeared to him that, considering the heavy nature of their work, they were entitled to Ss. a day. As the Minister for Railways, as well as the Government, had seen fit to raise the wages of the co-operative labourers in many parts of the country to 8s. a day, surely the men who did such heavy work as the ballast-pit hands should get a similar sum. Sir J. G. WARD (Minister for Railways) said the rate of wages paid to men working in ballast-pits was considered a fair one, and the department had no difficulty in obtaining men to fill all vacancies that arose in these gangs. In fact, a large number of applications were received from workmen who were paid by contractors as much as 9s. per day, but who preferred working in the railway ballast-gangs at 7s. per day, as they did not lose so much time as in other employments. To increase the rate of wages to ballast-men from 7s. to Ss. a day would cost, approximately, \$2,000 per annum. If the concession were granted to ballast-gangs it would require to be extended to all casual labour, which would involve an additional expenditure of, approximately, £14,000 a year.

ANNUAL SEASON TICKETS. Mr. FLATMAN (Geraldine) asked the Minister for Railways, If he does not consider the time has arrived when annual season tickets should be charged at a uniform rate on the railways of both Islands ; and, if so, will he move in the direction of equalising these charges ? He did not wish to see any further penalty imposed on the residents of the North Island, but he thought the time had arrived when the charge for annual season tickets on the railways in both Islands should be made more equal than they were at present, if they were not made the same. He did not know that there was any argument that the North Island was entitled to a lower rate than the Middle Island, unless it was the existence of the Manawatu Company's line; but he did not know that that would justify the lower rate charged in the North Island. As matters now stood the Government railways carried people from Wellington to Napier or to New Plymouth. and, that being the position. he trusted that in these days of reductions the Minister would see his way to equalise the rate charged for annual season tickets, and give the South Island people the benefit. Sir J. G. WARD (Minister for Railways) said he was now going into this matter, and he was not yet prepared to say what decision would be arrived at. It was an important subject, and would be most carefully considered. If any alteration was made it would be included in. other proposals with regard to the railways which would shortly be announced to the House.

RAILWAY SERVICE WAGES. Mr. GUINNESS (Grey) asked the Minister for Railways, Whether he is prepared to give the necessary authority to increase the wages of those men who are employed in the Railway service, so that the minimum wage shall not be less than 8s. per day ? Casual labourers, permanent hands, and many others in the service received only 7s. a day, but they were prevented from taking action under the Conciliation and Arbitration Act to get what he would term a living-wage. In some parts of the colony 7s. a day might be a living-wage, but in other parts of the colony it was certainly much below a living-wage. Some of the men had to work in parts of the colony where the weather was very wet, which necessitated considerable expense in providing proper clothing and outfit to meet that state of the weather. Under those circumstances, he hoped the Minister would seriously take into consideration the necessity of fixing the wages at the rate of Ss. per day as a minimum wage, instead of 7s., or, if he could not do that, to allow the men the same right as the Government had given to other individuals to take their case to the Conciliation Board. Sir J. G. WARD (Minister for Railways) said that if one were to allow his sympathies to govern him in dealing with a matter such as this it would be an easy thing to give a favourable reply to the question. The fact was, however. that to accede to the request would mean an additional expenditure of \$52,000 a year, and, that being the position, no Government could give effect to the suggestion without serious consideration. The wages of many of the workers in the Railway service had recently been raised. but to give way to all requests made for increases would, if

they were not careful, result in a re- vulsion of feeling. He believed in good waves. and was willing to do anything in his power. but

<page>593</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=621></url>

they could not do everything they would like, and in administering a great trust like the rail- ways care was absolutely essential. The Govern- ment had already expressed its willingness to allow the employes in the workshops to express an opinion as to whether they should remain under the Classification Act or come under the Conciliation and Arbitration Act, and as soon as that section of the men had arrived at a decision on the matter the Government would give effect with great pleasure to that section of the em- ployés. Mr. GUINNESS asked if the honourable gentleman could not apply that to all the men. Sir J. G. WARD replied that, as he had said before, that would be a most unfair thing to do to the permanent traffic, locomotive, and per- manent-way men. There were some 7,800 men in the Railway service in the colony, and he felt that it would not be fair to force them to any course. He had reason to believe that the great majority of them were strongly opposed to any interference. If one might judge of the feeling of the men by letters that reached him from all parts of the colony, a great many of the men certainly had strong feelings against the proposal now made. His duty was to be fair and impartial to them all, and he endeavoured to be so. WEIGHT OF GRAIN-SACKS. Mr. BUDDO) . Kaiapoi) asked the Minister for Railways, Whether, as importers of corn-sacks are now giving their orders, he will indicate to the House what is the Government proposal in regard to the weight of grain-sacks, and on what date the alteration will be made? At various times the Government had indicated that they were prepared to remedy the existing order of things, and insist that the weight of corn-sacks carried on the railways should not exceed a cer- tain weight. He was not aware what the pro- posal of the Government was in the matter, but he would like the Minister to intimate the weight the railways were prepared to carry, and on what date the alteration would be made. Sir J. G. WARD (Minister for Railways) said a by-law was at present under consideration to meet the requirements, and he hoped to have it published within the next two or three weeks. It was a very important matter, and it had been receiving his close attention. CONDUCT OF INQUESTS. Mr. FIELD (Otaki) asked the Government, Whether, for the protection of the health of jurymen and others taking part in inquests on dead bodies, and those whose duties compel them to come into close proximity with the same, they will give directions that the utmost care shall be taken, by the use of disinfectants and other proper methods, to render the poison- ous gases arising from such bodies as far as possible innocuous ? His reason for asking the question was that he had lately received numerous complaints from jurymen and others who had attended inquests, more than one of whom alleged that they had received serious permanent injury to their health on account of i letters. If this were done it would be a great there not being proper precautions taken, in the way of providing disinfectants and other- wise, when they were called on to view dead bodies in an advanced state of decomposition. Sir J. G. WARD (Minister of Public Health) said that in the larger cities morgues were being erected, and in all such cases a concrete tank would be provided, in which any decom- posing body or body likely to cause harm would be placed, so that it might be covered by a dis- infectant fluid. As the law stood at present the Coroner had no power to inquire unless super visum corporis-that was, until the body had been "viewed." It was time, however, that the farce of viewing the body should be done away with ; as it was, the jury simply passed by the body, they did not examine it. In the morgue which was to be built here in Wellington the Public Health Department had advised that a window be placed in the room where the body was placed, so that the jury could view the body through this small window. It was in the country, where there was no proper building for receiving or examining the body, that the greatest danger would arise. He was of the opinion that the law should be so altered as to enable the Coroner to hold his Court without the super visum corporis. The viewing of the body was originally meant to prevent impersonation,

but, as evidence of identification was always adduced when it could be, the "viewing " as now practised was quite unnecessary. The whole matter was receiving attention in the direction he had indicated, and it was hoped that before long an effective remedy would be established. **APARIMA RAILWAY-BRIDGE.** Mr. GILFEDDER (Wallace) asked the Minister for Railways, When a start will be made to construct the proposed railway-bridge over the Aparima at Riverton ? He understood some time ago that arrangements had been completed for the construction of the bridge, but so far the work had not been started, and the people in the locality were anxiously looking forward not only to the commencement, but to the completion of the contract. He trusted the department would use every expedition in getting the work under way. Sir J. G. WARD (Minister for Railways) said the work would be proceeded with as soon as money was available for it. It was a work that was most urgently required by the department. The estimated cost was \$3,343. **KAIKOURA DAILY MAIL-SERVICE.** Mr. MEREDITH (Ashley) asked the Postmaster General, If he will provide for the convenience of the people of the Township of Kaikoura a daily mail-service, within, say, a radius of one mile from the post-office? In asking the question he would point out that in the Kaikoura Post-office there were a Postmaster, a telegraph operator, and a cadet. The cadet delivered telegrams within a reasonable radius of the post-office, and he would like the system extended so as to include the delivery of

<page>594</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=622></url>

convenience to the people of Kaikoura, and he did not think any increased expenditure would be incurred. Sir J. G. WARD (Postmaster-General) said the Postmaster at Kaikoura reported that a delivery within a mile from his office would be useless, as the public took advantage of the counter delivery after the arrival of mails in the evening, and all the business people rented private boxes. The number of letters to be delivered daily by letter-carriers would, the Postmaster was sure, not exceed half a dozen. To make an effective delivery the radius would require to be extended four miles and a carrier with a horse provided. The amount of correspondence at present would not warrant this expenditure. **LEVIN POST-OFFICE.** Mr. STEVENS (Manawatu) asked the Postmaster-General, What steps are being taken towards the erection of a post-office building at Levin ? He would point out that hitherto there had been a great diversity of opinion as to where the post-office should be erected, but he understood that those differences had now been overcome. That being so, he hoped the Hon. the Postmaster-General would have the building erected as soon as possible, and in such a position as to be most convenient for the majority of the inhabitants of that increasing and prosperous township. Sir J. G. WARD (Postmaster-General) said the delay in arriving at a settlement was entirely due to the interference of the residents, who had been agitating first for one site and then another, thereby preventing the work being put in hand. The site now recommended by the residents was the one known as " Hamilton's," the property of the Wellington and Manawatu Railway Company. He would add that the amount asked for the land, \$580, was excessive, and that he had within the last few days given instructions that one of the department's Inspectors was to visit the locality to again report upon the available sites. When that report came to hand he would settle the matter finally himself. **HOMES FOR INCURABLES.** Mr. ELL (Christchurch City) asked the Government, What steps, if any, have been taken to establish homes for incurables ? He sincerely hoped that the Government would be prepared to do something in the matter. Not only had they incurables in the hospitals - they had twenty-five in the Christchurch Hospital alone -- but also in the Old Men's Home at Ashburton, and in the asylums. It seemed to him that it was the duty of the country to provide some more humane system of caring for the incurables than that at present in force. They badly wanted more homes, somewhere in the country, with cheerful and bright surroundings. Sir J. G. WARD (Colonial Secretary) said recently he had given instructions that a circular was to be sent to all hospitals and Charitable Aid Boards, with the view of ascertaining how many incurables there were in the colony, :

Bunnythorpe Station was three miles and how many of them suffered from consumption. All the bodies had not yet replied, but he was in a position to say that, roughly, there were 599 incurables, of whom 122 were suffering from consumption. He thought some provision should be made to deal with those unfortunate cases. The Chief Medical Officer was of the opinion that it would probably be best to establish special wards in the grounds of some of the hospitals of the colony, with the view of allowing such cases to be dealt with there. There were, undoubtedly, many sad cases of suffering in their midst. and it was the duty of the State to take the sufferers in hand and make them as happy and comfortable as possible. He thought he might say that something would be done in this direction as soon as possible. The Health Department was attending to the matter. He recognised that they should make suitable provision, if necessary, in both islands to meet sad cases of the kind.

CONSUMPTION OF FUEL BY LOCOMOTIVES. Mr. A. L. D. FRASER (Napier) asked the Minister for Railways, What is the comparison in consumption of fuel between the "Baldwin" engines and those made in England and the colony? He recognised that there might be difficulties in the way of replying to the question, but as it was one of considerable importance, there being a large number of Baldwin engines on the railways of the colony. he hoped that the question was justified. In the London Times of a recent date reports on this subject would be found from Egypt, Burmah, and other places, specially dealing with the fuel-consumption of those engines. and which characterized them as most extravagant in consumption. He also noticed it: stated in the New Zealand Times lately that 3 Commission of the Midland Railway of England had stated that 20 per cent. more fuel was consumed by them than by those of English make. Sir J. G. WARD (Minister for Railways) said the matter was a very important one, and he could tell the honourable member that the Locomotive Department had been instructed to have exhaustive trials made to ascertain the comparative consumption of fuel between the Baldwin, Colonial, and English locomotives. As soon as he got that information he would be glad to give full publicity to it.

FLAG-STATION AT KELVIN GROVE. Mr. PIRANI (Palmerston) asked the Minister for Railways, Whether he will have a flag-station erected at Kelvin Grove, between Bunnythorpe and Terrace End? He would point out that the place of the proposed flag-station was the junction of four main roads. There was a school within four miles of it with an average attendance of ninety, a public hall was about to be erected, and settlement had largely increased in that locality during the last few years. The nearest station to the proposed site was a mile and a half distant, whilst the

<page>595</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=623></url>

[HOUSE.] Club Charters. 1901.] half away. The residents felt the inconvenience of not having a railway-station very greatly, and desired that a flag-station be established there. Sir J. G. WARD (Minister for Railways) said that the General Manager of Railways had reported upon the matter to the effect that the departmental officers did not consider the traffic likely to be done at Kelvin Grove would be sufficient to warrant the erection of a flag-station: and, apart from this, the site was a very unsuitable one for a station, and, being in a hollow, would make the starting of trains a matter of difficulty. Kelvin Grove was only a mile and a half from Terrace End, and was also within a short distance of the Wakaronga flag-station on the Napier-Palmerston line, so that the four or five settlers resident in the vicinity of Kelvin Grove were already very well provided with railway facilities. Mr. PIRANI.- There is no road to it.

CLUB CHARTERS. Mr. FISHER (Wellington City) asked the Government, Whether they will consider the advisability of issuing club charters in certain very special cases? He knew that in this matter he had the bountiful sympathy of the Colonial Secretary: but, notwithstanding that bounteous sympathy, he never seemed to get nearer to the object sought to be attained. The question, he ought to explain, was put in the interests of the Italian Club, the Garibaldi Club of Wellington, which stood on a very different footing from that of any other club. The honourable gentleman himself had twice in the House admitted that. The

Italian community in Wellington was a fairly numerous one, and they desired to enjoy their leisure and relaxation in their own premises and among themselves. They did not desire to frequent publichouses or ordinary working-men's clubs. They wished to maintain their own national club and to pass their evenings in their own national way. The honourable gentleman had explained to him on many occasions that Cabinet had passed a resolution not to issue any more club charters, which, he thought, was not an excessive exercise of authority on the part of Cabinet, but the case of the Garibaldi Club was a peculiar case, differing from all other ordinary club charters. It was a national club, as distinct from an ordinary club. The Italians had premises of their own, they had everything requisite for club purposes, but they scrupulously wished to avoid any infringement of the law. Therefore they asked for a charter. They did not desire to bring themselves into contact with the police, or to violate any of the provisions of the Licensing Act. They desired to act with perfect freedom, but with every respect for the law. He thought that, under the circumstances, the Government ought to yield, this being one of those very special cases in which the Cabinet might, with perfect propriety, make an exception from the decision which it had arrived at upon general grounds. Sir J. G. WARD (Colonial Secretary) said he Carriage of Bicycles. 595 sible, so that there would be no misunderstanding as to the attitude of the Government on this matter. If there was any club in the colony which ought to receive a charter it was the Garibaldi Club. They had a charter formerly, but lost it owing to not having sent in an application in time to be allowed to continue it. The honourable member would recollect that Parliament had legislated on the licensing question, and when that Bill was before the House it was decided that there should not be any increase in the licenses of New Zealand, except on certain conditions as to the growth of population which were laid down by statute. It was not an ordinary decision of Cabinet. The House having affirmed that there was to be no increase in the number of licenses except on certain conditions, the Government, in his opinion rightly, decided that they had no authority for issuing new club licenses without the sanction of Parliament, and until there was fresh legislation, and the House decided in the direction of allowing further club licenses, no club license excepting in accordance with the existing law would be issued to the Garibaldi Club or to any other club in the colony. He had previously explained to the honourable member that the Garibaldi Club was not exceptional, for many clubs in the colony had made similar applications, with the difference that the Garibaldi Club had had a license before and lost it through the neglect of its then secretary. It was, no doubt, a very hard case from their point of view, but, as he explained, it was not a question of a decision of the Cabinet not to issue any fresh club licenses. The question was whether the legislation put on the statute-book by Parliament was to be respected both as to the issue of club licenses as well as hotel licenses. He thought there was only one course, and that was to carry out the law. ACCOMMODATION AT CHRISTCHURCH RAILWAY-STATION. Mr. COLLINS (Christchurch City) asked the Minister for Railways. If the improvements in the accommodation for parcels, luggage, and bicycles at the Christchurch Railway-station, which he said last session were contemplated, have as yet been carried out : and, if not, when such improvements would probably be made ? Last session he put a question on the Order Paper regarding this matter, and the Minister then stated that alterations in connection with the accommodation for parcels, luggage, and bicycles at the Christchurch Station were contemplated. He noticed, however, that no alterations had been made so far. He wished to know if the department was still contemplating. Sir J. G. WARD (Minister for Railways) said it was intended to provide this accommodation last year, but owing to more urgent works it had had to be deferred. The work had, however, been included in this year's schedule of works. CARRIAGE OF BICYCLES. Mr. COLLINS (Christchurch City) asked the

<page>596</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=624></url>

department with reference to the carriage of bicycles by rail had resulted, or were likely to result, in the

adoption of any improvements with regard to such conveyance ? This question followed on one that he asked last year. The Minister on that occasion said that he would have inquiry made as to the methods adopted for the carriage of bicycles in other parts of the world. and when he obtained information as to the best methods in vogue he would embody such methods in our system here. Sir J. G. WARD (Minister for Railways) said inquiries had been made throughout the world, and the various methods adopted by the different railroads for the carriage of bicycles by rail had been carefully considered, and the decision arrived at was that the canvas bag adopted on the New Zealand railways was the best arrangement yet discovered for bicycle traffic.

DUNEDIN POST-OFFICE. Mr. MILLAR (Dunedin City) asked the Postmaster-General, If he will, at an early date, make provision for the enlargement of the Dunedin Post-office, so as to provide much-needed accommodation for the public and staff ? The accommodation for the post-office and the savings-bank in Dunedin was totally inadequate for the large number of people who had to transact business there. Within six months from now the Supreme Court offices would be removed to the new buildings which had been erected for the Court, and that would leave room for the necessary alterations to be made. He would like to know if the Minister would, on this year's estimates, make provision for the cost, so that the work could be done as soon as the Court offices were vacant. Sir J. G. WARD (Postmaster-General) might say that when it was decided to erect a new Supreme Court at Dunedin the intention was, as soon as the Court had removed, to alter the inner portions of the present Supreme Court building and throw the whole into the post-office for accommodation for the use of the public. The Supreme Court was about finished, and as soon as the transfer from the present Supreme Court had taken place the necessary financial requirements would be made on the public works estimates to have the Post Office at Dunedin altered and improved in every way that the accommodation would allow.

RAILWAY FROM PATTERSON'S CREEK TO SPRINGFIELD. Mr. MCLACHLAN (Ashburton) asked the Minister for Railways, If he will give instructions, notwithstanding any railway regulations, that settlers living near Patterson's Creek, Canterbury, may get the advantage of railway communication between that place and Springfield ? His question spoke for itself, and he wanted a favourable reply. Sir J. G. WARD (Minister for Railways) said material trains only were run between Springfield and Patterson's Creek. There was no accommodation on such trains suitable for the conveyance of passengers. He therefore regretted that he could not give the favourable reply that the honourable member deserved, if only on account of his brevity.

PLUMPING AT ELECTIONS. Mr. ELL (Christchurch City) asked the Colonial Secretary, If he will this session introduce legislation dealing with the practice of what is known as "plumping " at the election of members of the House of Representatives for the electorates of Christchurch, Wellington, Auckland, and Dunedin ? He would point out that as many as fifteen thousand votes were withheld by those who went to the poll, which was unfair to those who used the whole of their votes. The effect was to bring about the defeat of the candidates whom they wished to see returned. He thought some means or other should be devised whereby we might get an honest poll taken in the four large centres. Sir J. G. WARD (Colonial Secretary) thought every one who had had experience of elections must recognise the evils that resulted from plumping-in the larger cities particularly. It was a question upon which a good deal of care required to be exercised, as to how a chance was to be brought about. For instance, if the larger cities were converted into single electorates it would to some extent facilitate the overcoming of the difficulty. He thought some effort should be made to insure that the wishes of the majority of the people of the colony should be fully provided for in the ballot system of New Zealand. He thought the question of electoral reform required to be carefully considered, and the difficulties of plumping ought, among other reforms, to be met by legislation. and they ought to have a system by which minority representation in the House should not be possible. He knew that his friend the honourable member for Maitland thought that his Bill would meet the want. There was a difference of opinion between them in that case. He favoured a second ballot in preference to the

absolute majority system. He would take the whole matter into careful consideration. RAILWAY-FARES. Mr. PIRANI (Palmerston) asked the Minister for Railways, If he will alter the scale of fares in force on the New Zealand railways on reducing the return fares and increasing the single fares, so that settlers who are passeneers may have some advantage in the concessions recently made to tourists and visitors to the colonies ? Sir J. G. WARD (Minister for Railways) } the present scale of fares was arranged on an equitable basis, and was much appreciated by the travelling public, as evidenced by the increase in number of passengers travelling. HA was not favourable to reverting to the system previously in force, under which return fares were charged one-third more than the single rate. When the new scale came into operation the single and return fares were materially reduced. and passengers were now receiving considerable benefit from the reduction, and the advantages so derived were proportionate to the concessions made in respect to the tourists

<page>597</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=625></url>

excursion fares. He was not in favour of increasing the single fares, and did not propose to reduce the return fares. The former would cause general dissatisfaction to the travelling public, and the latter would result in very considerable loss of revenue. He would further like to add, that, under the existing system, there was a uniformity of railway-fares in this country which was not excelled in any other country in the world, and he thought that to adopt anything in the shape suggested, even if there was a gain, would be very largely discounted by the disadvantages of doing away with the present uniform single-fare system. He might state that he had under consideration a proposal to allow single tickets to remain available for the same time as return tickets were formerly available, so that the holders of single tickets could break their journeys until they exhausted the ticket. MOUNT EGMONT RAILWAY. Mr. SYMES (Egmont) asked the Minister for Railways, What steps have been and are being taken by the department to extend the railway to Mount Egmont, for the purpose of procuring stone or road-metal to be supplied to local bodies requiring the same ? This question was a very important one, not only in his district, but, he might say; to the country from Taranaki to Wanganui. It was a well-known fact that at Mount Egmont they had an inexhaustible supply of metal. He trusted the Minister would assure him that the railway would be made, so that a supply of metal could be supplied to the local bodies at a moderate cost. Sir J. G. WARD (Minister for Railways) said, At the present time the department had men engaged putting a drive into the rock-face to ascertain the quality of the material available. Until this had been done it would be inadvisable to take any steps to build the line. The matter has not been lost sight of, as the department was quite as anxious to obtain good ballast as the Road Boards can be to obtain road-metal. HARBOUR BOARD CHARGES. Mr. E. G. ALLEN (Waikouaiti) asked the Government, Whether they will, with a view of removing one of the barriers to cheap freights on produce exported, amend the Harbours Act in the direction of making it illegal for a Harbour Board to levy on shipping a greater aggregate charge than would produce to any Harbour Board revenue exceeding 5 per cent. in excess of the cost of administering its Harbourmaster's department ? His reason for asking the question was to endeavour to lighten the burdens on the producers in some parts of the colony. At Port Chalmers the charges on the shipping were an injustice to the producers and also to the working-men of the port. There was an undue proportion of the harbour expenditure paid by the producers, and vessels were limited in their visits to Port Chalmers on account of the heavy charges. The National Dairy Association, in its last annual report, contemplated sending its butter and cheese-the produce of Southland and Otago-to Lyttelton to be shipped there, on account of the irregular visits of the Home steamers consequent upon the heavy charges imposed on shipping at Port Chalmers and Dunedin. In 1900 the revenue collected by the Otago Harbour Board in pilotage, port charges, and towage amounted to £14,302, while the total expenditure of the Harbourmaster's department was £5,202, leaving a balance of \$9,100, which was an undue amount for the shippers to

pay. To show how exceptionally heavy the charges on shipping were, he would like to mention what the shipping charges on such a vessel as the s.s. "Fifeshire," 3,628 tons, would be at the four principal ports of the colony : At Auckland, 198; Wellington, £64; Lyttelton, £109 ; and Port Chalmers, £238. This showed the great injustice that was done to exporters from Port Chalmers by the heavy port charges there. It not only affected shipping interests, but also the local industries and wharf-labourers. As he had said, the National Dairy Association contemplated sending their produce to Lyttelton to be shipped. At the same time the report referred to stated : - "That it is a pity to have even to suggest going past our own port, for, as a matter of fact, the way our butter is handled, cared for, and shipped by the Port Chalmers Dock Trust is most praiseworthy in every respect. It is one of the most up-to-date freezing and grading works in the colony." Mr. HALL-JONES (Minister of Marine) was afraid if he acceded to the honourable gentleman's request that it would mean bringing in legislation that would place Harbour Boards in an awkward position. His experience was that, speaking generally, Harbour Boards were only too willing, where it could safely be done, to reduce their charges, in order to bring trade to their port. He was pleased to learn that the revenue of the Board referred to was so much in excess of its expenditure, that the point raised was a case for a local Bill, instead of a Bill general in its operations. There were some Boards which had heavy obligations, and they had to be met by charges additional to the ordinary charges. If the Government did what the honourable member suggested, it would interfere seriously with the finances of the various Harbour Boards. As he had said, the point raised was one more for a local Bill than for a Bill of a general nature.

NORTH ISLAND MAIN TRUNK RAILWAY VIADUCTS.

Mr. NAPIER (Auckland City) asked the Minister for Public Works, When he proposes to call for tenders for the construction of the viaducts beyond Makohine, on the North Island Main Trunk Railway? It was very necessary that this work should be vigorously proceeded with, and there was not a single dissident in the House as to the importance of the line being completed with the greatest possible speed. In order that that might be done, he thought that the Minister should agree that tenders should be called for the construction of

<page>598</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=626></url>

the viaducts beyond Makohine, so that the construction might be proceeded with at the same time as the formation, because, if the Minister waited until the formation was finished up to the site of the viaducts, necessarily the completion of the line would be greatly delayed. He might say that he had every confidence that the Minister intended to push on the work with all possible expedition, but he would like to know the approximate date when he proposed to call for these tenders. Mr. HALL-JONES (Minister for Public Works) said, As the honourable member stated, this was a very important question, and one which he had not lost sight of. The first viaduct beyond the Makohine was the Mangaweka, which would be constructed with the same plant used in connection with the Makohine. The manufacture of the material for the Makohine Viaduct was practically completed, and he hoped to have a train running over that viaduct and through to Mangaweka this summer. An Hon. MEMBER.- When will the plans for the other viaducts be ready? Mr. HALL-JONES said he hoped to have a train running to Mangaweka this summer. That was some miles beyond the Makohine Viaduct. Then, they had the Mangaweka Viaduct, which was nearly 1,000 ft. long. All the material for this work was on the ground ; the foundations were pretty well completed, and the manufacture of the ironwork was in hand. Then, beyond that there was the Toitoi Bridge, for which the contract had been let ; beyond that again there was the Hautapu, the girders for which were now under contract. There were some smaller structures between, which the department could carry out with its present staff in ample time to meet the requirements of the line. He had been advised by those who understood the position that none of the other structures were nearly so formidable as the Makohine Viaduct. It was true the Mangaweka Viaduct was longer and higher,

but the construction was much simpler, and it would not take anything like the time nor would the cost be nearly as great as the Makohine; and he had been advised by his officers that if the Government carried out the work themselves it could be done quicker than if the plans had to be sent to America and the Old Country for the purpose of inviting tenders. However, he would like to test the other markets, so as to compare the prices with those of New Zealand. Mr. MONK .- Quite right. Mr. HALL-JONES knew the honourable member for Waitemata was as anxious as he was to see communication completed between Wellington and Auckland, and as early as possible, and the Government had decided that it would be more advantageous to carry out the smaller bridge with the present plant and staff. With regard to the largest bridge, the plans and specifications were almost completed. In the event of tenders being invited in England and America, as well as in the colony, if they were in excess of the estimates the department would be in the position of having to do the Mr. Napier work themselves, and in this way the inviting of tenders outside the colony might lead to delay. So far, arrangements had been made to carry the work a long way on the road to Auckland, and from the northern end the work was well in hand. At the north end they had all the bridges let, as far down as Taumaranui. that bridge having been let to a Christchurch firm for some months, and everything in the shape of bridges was in a forward state : and, in accordance with the promise he had made to the House last session, he saw no reason to doubt that the line would be laid through to Auckland in about three years. SCHOOL-TEACHERS' CLASSIFICATION. Mr. TANNER (Avon) asked the Government. Whether they intend this session to introduce a Bill classifying the public-school teachers of the colony, and fixing their respective salaries. in a manner similar to what has been done for Railway employés and Post and Telegraph officials ? Mr. HALL - JONES (Minister for Public Works) said the honourable member would see the difference between school-teachers and the employés of a central department. One would almost imagine from the form of the question that it was suggested to centralise the teaching staff of the colony. He did not think such was the case, but a classification such as was suggested here could only be properly carried out if that were done. He himself did not favour such a system of centralisation, as he thought it would be much better to leave all matters relating to the teachers in the hands of the Education Boards as at present. But. if it were asked whether the Government would deal with the question of teachers' salaries on the lines as laid down in the Bill of last session, he must reply that they would have to await the receipt of the report of the Commission which had been set up to deal with this matter, before taking any action. He knew nothing as to what their report would be ; and it was only right that Ministers should know what the recommendations of the Commissioners were before making any promise. He could only hope that the report would be such as to bar out what he believed to be the wish of the House- - namely, that the teachers should be enabled to receive fair salaries irrespective of what districts they might be employed in. KATPARA RAILWAY. Mr. MONK (Waitemata) asked the Minister for Public Works, If he will urge the rapid prosecution of the survey of the Kaipara Rail- way route? The route had been surveyed .: " a very short distance beyond the point at which the construction was now being carried out. The amount which annually the Government had hitherto granted upon that line had been very small, and it was desirable that no delay should take place in the further progress of this work. There were a large number of surveyors now unemployed, and no excuse was to be found for delaying this work. He could assure the Minister he had been asked to put this question

<page>599</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=627></url>

because there were many settlers who would like to make arrangements for their homesteads and in regard to other matters, who would like to know definitely which way the line was going to be carried through beyond the Kaipara Flats. He thought the Minister would acknowledge that their request was a reasonable one, and that there should not be the same delay in the future in regard to the prosecution of

this work that there had been in the past. It was fully expected by the settlers that the Minister would fulfil his promise of about February or March to go over the route and inspect the character of the country through which it would pass. The settlers were most anxious to meet him, and preparations were made to receive him with the hospitality due to his position, and to confer with him in regard to the future progress of this tardily constructed line. Mr. HALL - JONES (Minister for Public Works) thought he could satisfy the honourable member when he told him that, when in Auckland, he gave instructions for the survey to be put in hand forthwith, and the engineer would start upon the work almost immediately. He believed it was desirable to have the route fixed as far as that could definitely be done. Money spent upon surveys was money well spent, because a survey would often lead to the saving of many thousands of pounds by enabling the best route to be selected. There would be no delay caused, as there was sufficient work to keep them going until such time as a further section was surveyed by the engineer. The honourable gentleman was wrong in saying the department had been rather slow in prosecuting the construction-works. He had only to carry the honourable member's mind back to last November, when some of the settlers expressed themselves as quite satisfied when he (Mr. Hall - Jones) stated that the line would be carried to a certain point within a certain time. Since then there had been some bad weather, which had brought down some slips, and this had caused a delay that had not been anticipated. However, the Government would proceed with the line as vigorously as the money provided would allow. Mr. MONK asked if it was going to have any influence upon the amount of the grant that would be provided. Mr. HALL-JONES said it would not affect the grant, because the line was located far enough and beyond the present location. The first two miles was comparatively easy. It was not difficult to survey, and that would be done in a very short time. Certainly it would not interfere with any grant the House would provide. TRAINING-SHIP. Mr. FISHER (Wellington City) asked the Government, Whether they will purchase and equip a training-ship for the education of the youth of the colony in seamanship? This subject had engaged the attention of a very large number of persons in every part of the colony for many years past. It had been brought under the notice of the Legislature for many years by the late member for Lyttelton, Mr. Joyce. The question had always received at the hands of the House the most generous consideration. There was a strong belief that a training-ship ought to be purchased and equipped for training the youth of the colony in seamanship. It would take numbers of boys off the streets, train them to earn a means of livelihood, and would provide a source from which could be drawn the future seamen of the country to man the ships of New Zealand. He had never heard, in all the discussions which had taken place in the House, one word said against the proposal. On the other hand, those who had taken the trouble of drawing attention to it, in speaking upon it in the House, had always spoken of it in the most favourable terms. It was true that, notwithstanding the favourable reception the question had met with on every occasion, no encouragement had been given to it by the Government of the country - that was to say, no money expenditure had ever been offered in aid of the proposal. The old argument might be adduced of the failure of the training-ship at Kohimarama. Mr. NAPIER .- It was not a failure. -- Mr. FISHER said, That was so: but many persons who professed to understand the subject ignorantly said it was a failure. He knew they were wrong, but that was the stock argument used by gentlemen who knew nothing about the question. As he had said, there was a strong desire throughout the colony that a training-ship should be established for the purpose of teaching youths seamanship. He asked the same question last year, and endeavoured as best he could to induce the Government to take some active step in the direction of equipping a training-ship. The Hon. Mr. Hall-Jones, in answering the question, said .- "So far nothing had been done in the matter. It had been inquired into very carefully by a Committee in another place, who had made a very comprehensive report in regard to it. He believed they recommended that a training-ship should be established on our coast ; but, as he had said, nothing had been done. The matter was now under the consideration of his colleague the Minister of Education." He supposed the matter

was still under the consideration of his colleague the Minister of Education, and he (Mr. Fisher) would be glad to hear whether the Minister of Education had succeeded in forming any views on the subject. Mr. HALL -JONES (Minister for Public Works) regretted he could not give the honourable member a reply more satisfactory than that given last year. The honourable member, of course, understood that in order to make provision for the establishment of a training-ship it would be necessary for the Government to ask the House to provide funds. For the cost of a ship and its maintenance for one year it would be necessary to appropriate a very considerable sum of money, and, no such vote having been asked for, so far, the question was one for the Government to consider whether it should ask for it this year. While he agreed with the honourable member as to the desir-

<page>600</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=628></url>

ability of training our lads for the sea, he did not know if it was absolutely necessary that this should be done on a training-ship. He did not profess to know much about the subject referred to, but it seemed to him, as a non-seafaring man, that a great deal of what was necessary to be taught could be taught in some place contiguous to the sea, not perhaps so effectively, but with much greater economy than by the maintenance of a training-ship. The main thing was to give lads the opportunity of following a seafaring life, and he thought that should be done, whether by means of a training-ship or a training-school on land. He would bring the matter before his colleague the Minister of Education, with the view of coming to some decision before the close of the session. HANSARD REPRINTS. Mr. FISHER (Wellington City) asked the Government, Upon whose authority the Government Printer last session refused to issue reprints of members' speeches from Hansard ? He took it that the authority was the authority of the Government. The honourable gentleman would, of course, tell him whether he was right or wrong in that assumption. He said, with great deliberation and without hesitation, that such an act on the part of the Government was an unwarrantable attack on the rights and privileges of members of the House, and he would go further and say that he thought the time had come when the House ought to assert itself in no unmistakable manner, and should defend its rights and privileges in a manner so forcible as to leave no room for misunderstanding. He remembered the time in that House when members had the privilege of using the Hansard type for the printing of their speeches in the newspapers of this city before the speech had appeared in Hansard. That was one of the privileges of members of Parliament in those days. Then, for years past-he could not tell how many-members had had the unquestioned right to reprint their speeches at the Government Printing Office, upon payment of the actual cost of printing. No one ever dreamed of questioning that right. The Minister for Public Works, who was also the Minister in charge of the Printing Office, had endeavoured to explain what he called the legal aspect of the case, and had unearthed all the phantoms and shadows which he believed were a bar to the printing and circulation of members' speeches from Hansard. It was passing strange that it should have remained to the honourable gentleman to make this discovery. He thought he (Mr. Fisher) might be allowed to say without presumption, as an old Pressman who had studied the law of libel, that he was as well informed on the legal aspect of the question as any lawyer who might have given the honourable gentleman a legal opinion upon the subject. He had given much attention to the law of libel. The honourable gentleman said a member rendered himself liable to legal penalties if he published a speech : by issuing five thousand more copies of that from Hansard, unless he published the whole debate of which the speech formed a part. Did the honourable gentleman think they had the purse of Fortunatus, or the purse of a modern Liberal Government ? How could they afford to print a whole debate, extending perhaps over a whole day, because they wished to print a single speech ? He had some knowledge of many past Governments in this country, but no Government, Conservative or Liberal-no Government, even the most Conservative-had ever attacked the rights of members in such a way before. One was

instinctively prompted to ask whether this was in reality a Liberal Government. All he could say was that if they committed many more such acts they could only look for one cure, and that cure was a change of Government ; but, as this Government was likely to remain in existence for many years yet, he supposed they would have to submit to their rights and privileges being curtailed in this way. But the Government might rest assured that this slumbering discontent would develop into a feeling of They had heard a great strong resentment. deal about Sir George O'Brien and his tyranny in Fiji. Mr. SPEAKER .- The honourable member cannot refer to a former debate. He is going clearly beyond the latitude allowed in asking a question. Mr. FISHER said he had no wish to infringe the rules of debate, but he would repeat that. when a Government showed that it was prepared to act in this tyrannic manner, the time had arrived when the House should in the most positive manner assert that it would defend its rights and privileges in spite of any Government, no matter how strong that Government might be. His question referred to the refusal of the Government Printer 4.30. to issue reprints of members' speeches last session. To-day the honourable member for Ashley, Mr. Meredith, had received a note from the Government Printer telling him in most peremptory language that the right to obtain reprints of speeches had been taken away by the Government, and that his speech of yesterday on the Land for Settlements Bill- surely there could be no objection to a purely argumentative speech of that kind-could not be reprinted at the Government Printing Office. The honourable gentleman had said that the Government Printer had been threatened with a libel action for printing one of his (Mr. Fisher's) speeches of last session. He was himself threatened with a libel action for circulating that speech. What did he care for such threats? And why should the Government care ? He put his threatening letter in the fire at once. These threats were mere brutum fulmen. He would test the question further. It was that speech of his which was circulated last session which gave rise to the threat. It appeared to have shivered the very souls of the more timorous-the lily-hearted-members of the Government, who dreaded that they might be prosecuted at law for printing his speech. Now, he intended to test this question further speech of last session, and then if any

<page>601</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=629></url>

wanted to begin an action for libel he was there to be "shot at." The law on the matter was simple. It was this: If he or any other member chose to reprint his speech from Hansard, and no excision were made from it, he was at liberty to circulate it, and no law of libel and no lawyer could touch him. If he excised portions, or a portion, of that speech and left in other portions which might be directed against some person or some institution-if he mutilated the speech in any way so as to make it have a particular application to some person or thing, then he was liable at law. But if he printed the speech entire as it was delivered in the House, so that it should have a general application, as intended when delivered, then no law and no lawyer could touch him. And yet because the Government or the honourable gentleman had received a letter or an intimation from some lawyer or other person that the Government Printer was to be prosecuted for libel for printing his (Mr. Fisher's) speech, then every member of this Parliament was to be deprived of the right of printing and circulating his speech as it was delivered in the House. Were they to be limited-he asked the honourable gentleman and the Government as a whole-were they to be limited to the wretched reports of Parliament printed in the local newspapers? Was he to be tied down to the wretched and miserable reports which he got in these newspapers? It was his only chance during three months of the year to speak to Parliament and to his constituents by circulating his speeches by means of the Hansard report. Because of his attitude in regard to the Libel Bill he could get no report of his speeches published in these local newspapers ; nor could he get a letter published-in fact, he had for a long time past used cc-zero ceased to write letters to the newspapers here. Happily, he could exist politically without the aid of newspapers. He was, as he had said, limited to three months of the year

during which he had the right in Parliament to express his opinions openly and freely, and now he was to be cut off from that means of ventilating his opinions by the action of the honourable gentleman in charge of the Government Printing Office. An Hon. MEMBER .- Shame ! Mr. FISHER did not know that there was very much shame about it ; but he would say this, in very emphatic language : that if more of these acts were perpetrated by the Government against members of this House they might look out for vendetta, for he would have revenge, and revenge was sweet. Mr. HALL,-JONES (Minister in charge of the Government Printing Office) was not aware that it was any speech of the honourable gentleman's last session which had led to the withdrawal from members of the privilege of having their speeches reprinted at the Government Printing Office. The position was not exactly as the honourable member had stated it. If a single speech by a member - an extract from a number of Hansard-was printed and circulated broadcast throughout this colony, that person whose I vice across the strait with the North Island speech was reported and thus circulated and the Government Printer, and no doubt the Minister in charge of the Government Printing Office, were liable to an action for libel. The difference was this: that you might take a number of Hansard-not any speech by itself, but the number in which that speech was included-and as a report of the proceedings of Parliament you might circulate that number as you liked, but you must not take an extract from that number and circulate that, otherwise an action at law might follow. " A speech made by a member of the General Assembly in the House is absolutely privileged, but if he causes his speech to be printed and circulated privately among his constituents, bona fide for their information on any matter of general or local interest, a qualified privilege would attach to such report. If, however, a member publishes his speech to all the world with the malicious intention of injuring the plaintiff. he will be liable both civilly and criminally. Every one who prints or publishes a libel may be sued by the person defamed, and it is no defence to such an action that another wrote or caused it to be printed or published. And printing the libel, or causing it to be printed, is prima facie evidence of publication." That was from a high legal authority. There had been times when he himself had had speeches printed at the Government Printing Office, and he could understand the complaint that honourable members made in being deprived of a privilege to which they had been accustomed; and it seemed to him the best solution of the matter at issue would be, in case a reprint of a particular speech was required. to let the honourable member be at liberty to order so many copies of the particular number of Hansard containing that speech, at a price not much in excess of the single speech. That would place it beyond a doubt whether there was any breach of the law. Another remedy would be to pass an Act this session which would protect the Government Printer from being personally and officially liable for any action for libel. Either one of these two courses would be followed. COOK STRAIT FERRY-SERVICE. Mr. FISHER (Wellington City) asked the Government, Whether they will submit proposals to the House for the completion of the southern Main Trunk line to some point in Cook Strait, so as to join with the North Island Main Trunk line by means of a fast ferry-service across Cook Strait ? He was aware that this was a very large order, but in a few brief words he would convince the House that the subject was not new-not new to him, at all events. When Mayor of Wellington in 1883 he submitted a proposal to the people of this city in the direction of urging the Government of the day to complete the southern Main Trunk line to some point in Cook Strait, with which connection might be made by a fast ferry-ser-

<page>602</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=630></url>

Main Trunk line. In connection with that proposal the Evening Post, in its leading article of the 25th May, 1883, was good enough to say :- " We are glad to find that the people of Wellington are at last awakening to the local, as well as the colonial, importance of the South Island Trunk Railway question, and the Mayor is much to be commended for having taken steps to bring the subject prominently under notice by convening the meeting which takes place this afternoon." At the meeting referred to, which was held on

the 26th May, 1883, there were present the Mayor (Mr. Fisher), Sir William Fitzherbert (Speaker of the Legislative Council), Hon. Mr. P. A. Buckley, M.L.C., Hon. Mr. J. Martin, M.L.C., Messrs. C. J. Johnston, M.H.R., J. B. Harcourt (President, Chamber of Commerce), A. de B. Brandon, sen., W. T. L. Travers, J. H. Bethune, W. Dawson, W. Gardner, J. Duthie, N. Reid, Dr. Newman, and Captain Williams. In speaking upon the subject, amongst other things, he (Mr. Fisher) said, - "The project to construct the last link of trunk railway in the Middle Island he regarded as the final effort of the Legislature to carry out the valuable principle embodied in the public works scheme propounded by Sir Julius Vogel. The importance of the matter to Wellington and its district was this : that it ought to be the aim and object of every representative of the people to secure if possible the carrying-out of the Middle Island trunk line to some point in Cook Strait. He had nothing to say as to the particular point in Cook Strait at which the line should come out, whether at Port Underwood, Picton, or Nelson. The way to make Wellington a metro- polis was to complete the trunk railway system, and then express steamers, such as those the Union Company proposed to build, would be able to perform a two-hours ferry trip between the two Islands, which would be as easy as the ferry passage between New York and Brooklyn." The subject was discussed at length at that meeting, which was held in the Mayor's room ; and after a long and interesting debate between those eminent men-for they were eminent at that date-Sir William Fitzherbert, in concluding his remarks, said. -- " He thought the thanks of the community were due to Mr. Fisher for being awake to so important an object, and if the people were so blind and slow that they would not take any step until the eleventh hour it was their own fault." He believed that nothing had been done in the matter from that date to this, although he had brought the matter before the House on more than one occasion, for in the debate on the Financial Statement in this House on the 7th July, 1890, he made these remarks :- " In regard to the railways I shall run foul of my honourable friends from Canterbury, but I do say, in the interests of the colony, if the railways are to yield the magnificent returns ! Mr. Fisher prognosticated by Sir Julius Vogel in his states- manlike speech of 1870, the South Island trunk line should have been continued from the Red Post upwards to Picton, instead of being carried across to Westland. If we had the trunk line carried on as Sir Julius Vogel conceived it, with a two-hour ferry-service from Wellington Wharf to Picton Wharf-a service belonging to the Government as part of the railways-the country would now be deriving the enormous passenger revenue which the Union Company receives. I hope, if this country ever becomes possessed of the necessary capital, it will complete the southern trunk line to Picton. That would be a states- manlike public work, and I hope, even if it is ten or twenty years hence. this Parliament will insist upon the completion of that line. Then a person might take a railway-ticket at Auckland to carry him to Invercargill, and then we might truly say we had a trunk railway system in the country.' He had been induced to bring up this question of a fast ferry-service across the Strait because the commercial prospects of the colony-the abnormal development of the passenger traffic, as shown by the railway returns-showed the absolute demand there was for fast communication between the North Island and the South Island. There was no such communication at the present time ; and if the Government could see their way, either this session or before the end of the Parliament, to put a sum on the estimates to complete the line to Cook Strait it would be a step towards securing such a system as he contemplated in making the remarks already quoted to the House-" a trunk line from one end of the colony to the other ' and, to repeat what he said in the House in 1890, "that would be a statesmanlike work." That man who completed the work would be deserving of the highest award the people of the colony could bestow upon him. He would be a statesman in the truest and best sense of the word. Mr. HALL - JONES (Minister for Public Works) said it would be a satisfaction to the honourable member to know that progress had been made since 1890 with the work he referred to. Within the last two or three years the work on the Main Trunk line had been pushed on from the south end- from Waipara, in the direction of Cheviot -- and also from the north end - from Blenheim to the Awatere River. The section of the work that now remained to be

provided for was from the Township of Seddon, on the Awatere, to the vicinity of Cheviot, and the Government hoped this year to be able to bring down proposals to the House to continue the work they had in hand. He thought the time was not far distant when they might hope to see the completion of the line to Picton, and probably before that time arrived the Minister for Railways would have given consideration to the very good suggestion of the honourable member for Wellington City that the Railway Department should have a service of fast ferry-steamers running across the Strait.

<page>603</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=631></url>

COPIES OF BILLS FOR PUBLIC LIBRARIES. Mr. WITHEFORD (Auckland City) asked the Government, If they will give instructions that copies of all Bills be supplied to the public libraries of the colony for public information ? What was desired was that copies of the measures discussed in the House should be sent out to libraries in different parts of the colony for the benefit of those interested in them. Mr. HALL-JONES (Minister in charge of the Government Printing Office) said no request of the kind had come before him from any part of the colony. He recognised that it was desirable that those people outside the House who were interested in its legislation should have an opportunity of seeing the nature of the measures introduced, and any libraries that applied for copies of Bills would be supplied with them. RANGITANE AND NGATIKUIA HAPUS. Mr. PARATA (Southern Maori) asked the Government, Whether they will introduce legislation to enable titles to be issued to the members of the Rangitane and Ngatikuia hapus, living in the Havelock and Wairau districts. for the lands recently given them by the Government as landless Natives, and now occupied by them ? He had been requested by the parties interested to put this important question to the Government. The members of the hapus he had named were desirous that titles should be given to them for the lands they occupied, and he hoped the Minister would see his way to grant the request. Mr. CARROLL (Native Minister) said the land for landless Natives in the Middle Island had been set aside under the provisions of sub-section (6) of section 235 of " The Land Act, 1892." It was probable that legislative authority would be required to issue titles for the lands so reserved and divided among the individual owners. Up to the present time the most that had been done was to allocate certain lands to certain tribes, and the subdivisions thereof-not to individuals but to hapus. If the Natives insisted that they should have titles to each individual's holding, then the Government were prepared to treat with the question in that respect. MINING COMPANIES LAW. Mr. BARCLAY (Dunedin City) asked the Government, If their attention has been directed to three letters in the Otago Daily Times of 25th May, 4th July, and 10th July last, relating to defects in the law relating to mining companies, and the floating and carrying-on of worthless companies : and whether the Government will take steps during the present session to legislate on the subject ? He had been induced to put this question on the Order Paper because of statements and disclosures that had been made of late in the city he represented, as to the manner in which some gold-dredging companies had been floated, managed, and carried on. It was alleged, for instance, that there was one group of twelve companies floated by one firm, of which at least nine must go into liquidation. One of the chief offenders in the matter, if all statements were correct, was one W. R. Cook. It was said by the writer of the letters he alluded to :- " I joined the Boards of some of these companies in March last for the purpose of diminishing the control of Messrs. Cook and Gray, whom I found to be acting as brokers, promoters, secretaries (and Mr. Cook as director). From an inspection of the books I am of opinion at least nine of these companies must liquidate." The accusations were that large sums of commission were being obtained on derelict and more or less "paper companies," floated on air, and kept alive for the sole benefit of the promoters and vendors. It was also urged that "promoters' or bonus shares ought not to be sold until a dividend had been paid from genuine profits, and not out of capital, and any benefit accruing on such shares should not be allowed." It was also alleged that the articles of association were so worded

that "dummy " shareholders could vote. It was also suggested that the directors should be prevented from receiving fees, and of striking calls, and invoking the law against shareholders at a time when the directors themselves were in arrear. He thought the Government ought to consider and probably deal with the matter. Mr. McGOWAN (Minister of Justice) said that some time ago the Government had paid attention to that question, and recognised that there were a number of men who endeavoured to make money in a way that many would think was not strictly honest. They were enabled to do that as the law at present stood. The Government were, however, dealing with the question in another place, and he thought the measure would meet the case of those who traded upon the credulity of the public and injured a legitimate and profitable industry. DISTRICT COURT FOR AUCKLAND. Mr. NAPIER (Auckland City) asked the Minister of Justice. If the Government will consider the desirability of re-establishing the District Court, civil jurisdiction, at Auckland ? In asking the question he would like to point out that they had had a District Court in Auckland a few years ago, and it was highly appreciated. It was true that just before its abolition there was not a large number of cases heard in that Court, but at that time there was a great commercial depression, and consequently there was very little litigation. Contrary to the popular notion, litigation occurred most in times of prosperity. The advantages of the District Court were that litigants could get a jury of four to try the facts. They could also get their cases heard speedily, as the Court sat once a fortnight, and the costs were small. Those were considerable advantages to people of small means. At the present time the delays of the Supreme Court were such that the expenses almost placed the Supreme Court beyond the reach of the working-classes. As a matter of fact, speaking as a lawyer, he would

<page>604</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=632></url>

hesitate to advise a person of moderate means to go, under present circumstances, to the Supreme Court, however good their cause of action might be. The re-establishment of the District Court would not necessarily involve any increased expenditure. The gentleman who might be appointed to act in the capacity of District Court Judge at Auckland could also be made the Stipendiary Magistrate for the hearing of civil causes. During many years that had been the practice in Auckland. An action could be initiated in the District Court and tried before a jury - which would be a great advantage where there were contested issues of fact-and completed to its final stages within seventeen or eighteen days. In the Supreme Court several months had frequently to elapse before a case could be tried. He trusted, therefore, that the honourable gentleman would see his way to favourably consider the proposal. It would be unnecessary to incur the expense of an extra judicial officer. He would also point out that it would be an advantage to Hamilton, Thames, Whangarei, and other centres of large districts in the Auckland Province to be in a position to have juries to try the smaller class of civil causes. The District Judge would visit those districts. The expense of bringing an action in the Supreme Court where the parties resided in the northern portion of Auckland was at present enormous. Witnesses had to be brought to the City of Auckland at great expense, and the cost of litigation was in this way so increased that, as he had already said, law as administered in the Supreme Court was at the present time a luxury that only the rich could afford. He thought he had given sufficient reasons to show that the question was worthy of favourable consideration by the Government. Mr. McGOWAN (Minister of Justice) said he appreciated the arguments of the honourable gentleman in support of his request, and he recognised that it was the duty of the Government to give serious consideration to the public requirements with the view to making the fees for justice nominal. He was, however, hardly ready to admit that the establishment of another Court in Auckland was an urgent necessity. The information of the department was that there were already two Courts there-the Supreme Court and the Magistrate's Court -- and there was no reason to suppose that the volume of business transacted was too great for those Courts to cope with. There were no District

Courts at Wellington, Christ-church, or Dunedin, the sittings at those places having been discontinued because the small amount of work they did did not warrant the expense of keeping them up. The sittings at Auckland were discontinued for a similar reason. For some reason or another very few civil cases were taken into the District Courts. The average was less than a hundred cases per annum for the whole colony. He would make inquiries and see if District Court sittings could be established with advantage to the public. While having a due regard to economy in the administration of public affairs, the Government were anxious to study, the convenience of the public, and would give the matter careful consideration. Mr. NAPIER would point out that juries could not be got in the Magistrate's Court, and he would ask the honourable gentleman to remember that when giving consideration to the matter. That was one of the differences between the District Court and the Magistrate's Court. SOUTHLAND POLICE DISTRICT. Mr. HANAN (Invercargill) asked the Minister of Justice, If he will have Southland constituted a separate police district, with independent control at Invercargill? In speaking on this question he would point out that at one time Southland was a separate police district under the control of an Inspector, resident and acting at Invercargill. Some years ago, however, the Government then in power, under the pretext that drastic retrenchment was absolutely necessary in connection with some of the State services of the colony, decided to remove the Inspector from Invercargill, placing the whole Police service of the extensive districts of Southland and Otago under one Inspector, stationed in Dunedin. The Government's blundering action in this matter was strongly condemned at the time by the people of Southland, and subsequent events proved that it was an ill-advised and a retrograde step, being in every sense inimical to both the Police service and the public interests in Southland. Even assuming such a blundering policy was absolutely necessary from the standpoint of retrenchment, was it not true that the conditions then existing had greatly changed, not only as regards the improved financial condition of the country, but also in respect to the development and expansion of State business and its requirements? Was there any reason why the policy of the Police service of fifteen years ago should remain unaltered and apply to the present day with its increased volume of business? Was no regard to be paid to altered circumstances and new conditions, such as extensive settlement, increased population, the spruce-up of new townships, et cetera? or was the department to act like some of the departments and display mental stagnation in regard to its administration? Was it going to pursue an unprogressive and conservative policy, by clinging tenaciously to old ways, old methods and ideas of official administration - a policy which had the effect of blocking in many respects all reforms and all suggestions for improvement under the mistaken or false idea of economy? They knew that many officials would not take a step forward until they were actually compelled to do so. The only object many of them had in view in the working of their departments was to keep expenses down at all hazards, without having an enlightened regard to promoting progress or the carrying-out of reforms in connection with their official business. Now, while it was true that the detective sergeant and other members of the Southland Police Force were very active, able, and experienced men, yet their usefulness and efficiency

<page>605</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=633></url>

had been found at times to be greatly impaired by reason of the fact that their actions, investigations, and prosecutions in a certain class of cases were embarrassed and hampered by their being controlled by or under the instructions of the Inspector in Dunedin. Common-sense and the interests of the Police service of Southland, he contended, alone demanded that there should be a change. Fancy a report for instructions having to be sent to Dunedin in respect to prosecuting twopenny-halfpenny cases, such as the stealing of a box of matches, or stealing a bag. When certain serious cases cropped up necessitating prompt action on the part of the local police this remote control, through the Inspector being resident in Dunedin, with its incidental delays and roundabout methods and procedure, became a matter of serious

complaint. inasmuch as the door was thereby opened to miscarriage of justice. To give force to his remarks on this point. he would refer to a murder which was committed a few years ago in Southland. called the Lora Gorge tragedy. The facts, briefly stated, were these: A farmer named Bell, residing in the Winton district, after returning from a farmers' meeting, was cruelly murdered while about to open his gate. He was shot, and died, after suffering the greatest agony, crawling to his home. He had no hesitation in saying that had that case been properly worked, and had the police of Southland been able to act promptly under the immediate and direct control of an Inspector at Invercargill, the murderer would have been arrested. But up to this day, he regretted to say, the criminal went unpunished, through the delay occasioned through the police being under remote control exercised from Dunedin. He could refer to other matters which had come under his notice in course of his professional experience which called for complaint. but he did not think it was necessary to go into further details until forced to do so by the reply of the Minister. He was firmly convinced that in the interest of the Police service of Southland and its efficiency some change should be made, so that greater facilities would be afforded the police to perform their very important duties. It might be urged by the Minister that to carry out these proposals would mean additional expense. As against that objection, he would point out that by placing an Inspector at Invercargill it would do away with one sergeant. That would be a saving of \$200 a year, so far as the discontinuance of one sergeant's services was concerned. Then, there would be the saving of the travelling-expenses of the Inspector to and from Invercargill, which he thought would, with lodging-expenses, amount to \$75 per annum. The salary of an Inspector would, he took it, amount to \$300 a year. As against that, there was, as he had pointed out, the saving of \$200 a year by the Invercargill staff being reduced by one sergeant, and \$75 a year on the Inspector's travelling- and lodging-expenses. Moreover, the Dunedin staff could, if relieved of the Southland business, be reduced by one clerk, who | honourable member had not brought forward could be taken to Invercargill. Every other department of Government service had headquarters at Invercargill, so also had banks and insurance companies : why should not the Police Force have headquarters at Invercargill? Even if there was an outlay of a few pounds extra a year. what was it but a mere bagatelle when compared with the benefits resulting from the volume of business of the police service of the district being promptly, vigorously, and efficiently performed ? A strong argument in favour of his contention was that Otago and Southland extended too far south of Dunedin. and not far enough north. It should take in all Waitaki River-original stations south of boundary of the Province of Otago-which would reduce the length of Canterbury District, and place Dunedin as a more central station for the Inspector there, without reducing the importance of his district. And it would also enable the Inspector at Christchurch to have more control over his already extensive district, he being placed in a more central situation for working by such an alteration being made. If such a suggestion were given effect to Southland could be constituted a separate police district, taking in the whole of the old Provincial District of Southland, with its exceedingly numerous population. The district would include nineteen stations. In this connection he might observe that in making this appeal he had the support of nearly all the local bodies of Southland, they having by resolutions expressed themselves strongly in the direction of some change being made. The Minister, he felt sure, was actuated by the one desire to place the Police service of this colony in an efficient condition, and he wished the Minister to put that theory into practice in respect to the Police service in Southland. He asked for no favour, but for justice being done to a just and reasonable cause of complaint. The Police service of an important and extensive district like Southland was not on a satisfactory footing. To effect reform in that direction Southland should be and must be constituted a separate police district under the charge of a Police Inspector resident and acting in Invercargill : and he, as member for Invercargill, and as long as he had a seat in the House, would avail himself of every opportunity to warmly and strongly condemn the existing condition of affairs, and otherwise insist at all times on all the reasonable re-

quirements and claims of his constituents being recognised, and accordingly receiving that favourable consideration and just treatment which was their undeniable right, and which their necessities and public importance demanded. Mr. McGOWAN (Minister of Justice) said the whole question was, as the honourable member had said, one of expense. There was no doubt that the establishment of a separate police district in Southland meant an additional expense of about \$500 a year. Careful inquiries would be made, and if it was found that it was necessary that Southland should be created a police district it should be done. At the same time, he was sorry that the

<page>606</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=634></url>

the strongest argument that could be brought forward in cases of this kind—namely, an increase of population. He would have inquiry made as to the increase of population and the necessity for a new district, and if it was found that a new district should be established at Invercargill he would consult his colleagues as to that being done. NEW GAOL FOR INVERCARGILL. Mr. HANAN (Invercargill) asked the Minister of Justice, If the Government will take steps to acquire, under the Public Works Act, the approved site for a new gaol near the Hospital in Invercargill, and for which a vote was placed on the estimates last session? Mr. McGOWAN (Minister of Justice) said the Government had already taken action in this matter, the Public Works Department having been instructed to take the necessary steps. SUPREME COURT JUDGES. Mr. O'MEARA (Pahiatua) asked the Government, If it is intended to introduce this session a Bill providing for the compulsory retirement of Supreme Court Judges at the age of sixty or sixty-five years? He did not see any reason why a general rule which was applicable to the Civil servants of the colony should not also be made applicable to the Judges. At the present time we had Judges occupying seats on the Supreme Court Bench at extreme old age—eighty years. In his opinion, a man of that age could not possess the mental alertness required in contested actions. Only the brightest and best intellects that we had in the colony should be placed in important positions such as that of a Supreme Court Judge. In the army and navy the highest officers retired at the age of sixty-five. He would say no more in asking the question, but he hoped for the sake of the colony in which we lived that fair justice would be dealt out, and that this matter would receive the Minister's consideration. Mr. MCGOWAN (Minister of Justice) might say that the question the honourable member asked was a very important one, and he admitted at once that there were cases in which it might apply to Judges, and there were cases in which it might apply to other officers in the public service. He would bring the matter before the Government and see if anything could be done in that direction. He admitted that something should be done in regard to officers who were what might be termed past the age of active service. AMMUNITION LICENSE-FEES. Mr. HALL (Waipawa) asked the Minister of Customs, If he will discontinue the collection of license-fees from small storekeepers for the sale of ammunition? Small storekeepers only made a small profit on the sale of ammunition, and yet they were obliged to pay the ordinary fee. Mr. McGOWAN (Minister of Justice) said ago by the member for Waitemata, and he must give the same reply that he gave on that occasion. The license-fee was reimposed under the Act of 1898 in consequence of the trouble with the Natives in the Hokianga district in the early part of that year. The imposition of the fee was the only check the Government had upon the indiscriminate sale of arms and ammunition to the Natives. The license-fee was only \$1 per annum, therefore he did not consider its imposition entailed any great hardship. The time might come when the Government would be able to do away with the license-fee. WORKMEN'S HOMES. Mr. McGUIRE (Hawera) asked the Minister of Lands, If he will acquire a block of land in the immediate vicinity of Hawera for the purpose of cutting it up into allotments of from three to five acres for working-men's dwellings, so as to place Hawera on an equal footing with other important centres? The system has worked well in other places, and he would like it tried in the neighbourhood of Hawera. He thought they could get very suitable land there. Mr. DUNCAN

(Minister of Lands) might state that there was still a large proportion of the Borough of Hawera which was to a considerable extent not occupied for residential purposes. There was a population in Hawera of 2,131, and an acreage of 700 acres. The Government had acquired 1,500 acres of first-class land within three miles of the centre of the township. That land was now being surveyed into small dairy farms. He did not see that at present there was any great necessity for moving in the direction indicated in the question. WAIKAKAHI AND PAREORA ROADS AND BRIDGES. Major STEWARD (Waitaki) asked the Minister of Lands. Whether he will make provision for assisting the Waimate County Council in the construction of roads and strengthening of bridges to meet the needs of the settlers in Waikakahi and Pareora. being settlements established under the Land for Settlements Act ? One of the consequences of carrying out the land for settlements policy had been to impose additional burdens on the local governing bodies. Those burdens fell very heavily upon the County Council of Waimate, in which district some large and successful settlements had been established. When the Minister of Education was in Waimate recently he stated to a deputation of the County Council -- no doubt on behalf of his colleagues -- that the position was quite understood, and the Government would be willing to help as far as they could. Mr. DUNCAN (Minister of Lands) might inform the honourable gentleman that provision was made for opening up these roads out of the Land for Settlements Account. This expenditure was finished, and the necessary roading to meet the requirements of that settlement had been constructed. He had seen a note sent from the county to a tenant of the Hatuma

<page>607</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=635></url>

for county rate prior to being purchased, and this man got notice of a valuation at \$7 an acre. If that proportion of increase was imposed in Waimate, he thought the county would be able to meet the increased demand for keeping the roads in repair. Major STEWARD .- For the formation ? Mr. DUNCAN .- For the formation. When the land was cut up there was money set aside for the formation, and it had not been shown by the county that any of this had been expended. The County Council had submitted a list amounting to £12,133, in respect to which they asked the Government to contribute two-thirds, spread over a period of three years. Considering that it was an old-settled district, he thought the demand was one which the Government could not meet. He believed the Government should give a subsidy, but not to the extent of two-thirds. Major STEWARD. - Will the honourable gentleman give a subsidy of \$1 for £1 ? Mr. DUNCAN said, as far as bridges were concerned that might be fair enough - for some of the bridges, at any rate - but he did not think the claim made in respect to roads was fair. He would need to get further information before he could accede to the request. MORVEN WESLEYAN CHURCH SITE. Major STEWARD (Waitaki) asked the Minister of Lands, Whether he is prepared to accede, and, if so, upon what terms, to the application made to him by the Wesleyan Church authorities for the acquisition of three-quarters of an acre as a site for a church in the Township of Morven, Waikakahi Settlement? When the Land for Settlements Act was passed provision was made to enable the sale of areas of land for sites for churches, dairy factories, and creameries. Section 64 provided .- " With the consent in each case of the Minister, land may be sold in fee-simple as sites for churches, dairy factories, or creameries. The area of each site shall not exceed one acre in the case of a church and five acres in the case of a dairy factory or creamery. The price shall in each case be fixed by the Minister, and shall be not less than the cost of the land (including in the cost all expenses incurred under this Act in connection with the land)." Morven being a rising township, the Wesleyan Church authorities had been asked to erect a church for the benefit of their co-religionists. They were willing to do so if they could obtain a site, and they made application to the Government for three-quarters of an acre of land. In the first instance the Minister asked a sum of \$300. A year afterwards an offer was made to accept \$100. Now, he had a letter from a gentleman who represented the Wesleyan Church, in which he said : - " I

have to acknowledge the receipt of yours of the 9th, enclosing letter from the Minister of Lands, and I have to thank you for the interest you have taken in the matter. In reply, I have affected was about twenty acres in extent, that to say that the Church authorities cannot afford to face the cost, and also to demur to the Minister in exactly the same position as private individuals, seeing that a special legislative provision has been made otherwise, of which you are aware, but which the Minister appears to ignore." He believed the intention of the House was that the land should be granted for the purpose at practically cost-price, and he hoped the Minister would name a much lower price than the sum he had mentioned. Of course, it was possible that the Minister's answer might be - he believed it would be - to this effect : that they had drawn up a certain scheme for the disposal of the estate, and the calculated 5-per-cent. return was based upon that scheme, and therefore he must ask £100 for this land. Well, he (Major Steward) did not think those sections would realise that price for a considerable time to come, and, under the circumstances, he hoped the Minister would see his way to meet the authorities in the direction he had mentioned. Mr. DUNCAN (Minister of Lands) said it should be understood that the valuation of this estate which had been acquired ranged from something under £3 10s. per acre to £30 per acre. The land adjacent to the Township of Morven was valued at about £15, and the valuation of the township section that was required was somewhat in proportion to the first amount that was asked from these people who wished to purchase this site. Well, he thought that if they reduced this by nearly two-thirds they had acted very fairly. He was of opinion that the £100 that was asked would be gladly paid by any one requiring the land. He did not see why the estate should be saddled with any further expense in this direction. He believed that it was a fair amount to give, and he believed the people had got full value for their money.

KAPUA SETTLEMENT. Major STEWARD (Waitaki) asked the Minister of Lands, Whether he will cause a report to be obtained as to the works necessary to the effectual protection of the Kapua settlers from the flooding of their holdings? A small vote had been twice passed by the House in connection with this matter. The total amount spent had been about \$150. From what he could gather, a very small expenditure, if the work were gone about in the right way, would do all that was necessary, and all he asked for the present was that the honourable gentleman would cause a report to be obtained to ascertain whether that was so, and then he could state afterwards what he would be able to do in the matter. Mr. DUNCAN (Minister of Lands) said this matter had been already inquired into on the ground by Mr. Brodrick, the District Surveyor, Timaru, in company with the District Railway Engineer, Christchurch. The Railway Department stated that the proposed remedy was estimated to cost \$150 to \$200, but, as the land department could not see its way to expend so large an amount on the work. It appeared

<page>608</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=636></url>

Dugdale's Creek and cleaning the main drain, at a cost of about \$45, and the Railway Department had been asked if they would allow the work to be done. PAREORA WATER-RACE. Major STEWARD (Waitaki) asked the Minister of Lands, Whether he has received a memorial from settlers on No. 2 Block, Pareora, complaining of the ineffectiveness of the existing water-race; and whether he will cause the matter to be inquired into with a view to a remedy ? The previous case he had mentioned was in reference to too great a quantity of water ; this question referred to a case of too little water. When the sections on No. 2 Block, Pareora, were taken up the plan of the land showed a water-race for the supply of water to those taking up sections. The race, however, failed to bring down any water, and the settlers had asked him to meet them on the ground - which he did - and to advise them what to do in the matter. The result was that they made an application to the Government for assistance. He hoped the Minister would grant the request, and allow one of his engineers to go down to the neighbourhood referred to and go over the whole course of the race, and inform him what required to be done and what would be the expense of putting the race in proper order. Mr. DUNCAN (Minister of Lands) said representations had been

made on behalf of the settlers of the Pareora No. 2 Settlement that there was no water in the existing water-race which traversed this property. This race passed through the Pareora No. 2 Settlement, and also through other lands, and was constructed by and was under the control of a Water-supply Board. The Government was not interested, nor required to provide for the maintenance of this race. It was entirely in the interests of the settlers who required it, upon whom at any time a special rate could be levied, if the Committee so desired it, for the repair or reconstruction of the race. It was understood that the intake was damaged by a flood and had never been properly repaired, consequently the race was now dry. This opened up a very large question. There were many of these water-race districts, and they were all under the control of special Boards. This matter, therefore, was entirely in the hands of the Board, and it was not the Government that should be called upon in any of these cases to remedy the defects that might exist. This was only a portion of the water-race area, and whatever was proposed should extend over the whole of it. PUBLIC HEALTH BILL. A message was received from the Legislative Council to the effect that this Bill had been passed with certain amendments. Sir J. G. WARD said the amendment was of really no consequence. It was the alteration of a clause affecting one in the original Act, in which it was provided that either a Stipendiary Magistrate or a Registrar was to issue certificates of exemption from vaccination; it was now altered to the Stipendiary Magistrate alone having authority to do so. Mr. HERRIES (Bay of Plenty) would like to call attention to the fact that last session many Bills had come down from the Legislative Council with amendments, and they only had the word of the Minister in charge as to the purport of those amendments. He had afterwards found, on reading through the Bills when printed in the statutes, that the effect of some of the amendments was altogether different from the explanations which had been given of them by the Minister at the time the amendments were considered. For instance, there was the Native-land legislation, the Public Works Bill, the Noxious Weeds Bill, and others, in which the amendments had not been accurately stated to the House. He hoped the Minister would see in future that any amendments made by the Legislative Council were printed before the House was asked to agree to them. He did not say that the Minister had not correctly stated the amendments in this case, but in the cases he had mentioned the amendments were quite different from what the Minister had stated at the time. Mr. DUNCAN. - But they were very much better. Mr. HERRIES denied this statement. There had been a very important alteration made in the Noxious Weeds Bill, which was not at all in accordance with the intentions of the House; and the same had been the case with the Public Works Bill, and the same with the Maori Lands Administration Bill, and in the latter case the impression given by the Premier as to the effect of the alteration was quite different from what it was seen to be when the Bill was printed. When amendments were made by the Upper House he trusted steps would be taken to have them printed, so that they might see them, for when the Minister said they were not important alterations they were bound to take his word for it. The House was entitled to know exactly what the amendments were before being asked to agree to them. Mr. MASSEY (Franklin) said he quite indorsed what had been said by the honourable member for the Bay of Plenty. The hour of half-past five having arrived. Mr. SPEAKER left the chair. HOUSE RESUMED. At half-past seven o'clock Mr. SPEAKER resumed the chair, and the first order of the day was called on. LAND FOR SETTLEMENTS BILL. IN COMMITTEE. The consideration of this Bill in Committee was resumed, the first question for decision being the following proposed new clause, moved by Captain Russell (Hawke's Bay) :- "Where an owner of land has children born in lawful wedlock the areas limited by such sections two and three of section twelve of

<page>609</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=637></url>

'The Land for Settlements Consolidation Act, 1900,' shall be increased as follows-that is to say, an additional area of five hundred acres for each such child; of second-class land, an additional area of one

thousand acres for each such child ; and of pastoral land. an additional area of two thousand acres for each such child." Mr. GRAHAM (Nelson City) moved, That progress be reported. The Committee divided. AYES, 22. Russell, G. W. Bennet Lang Russell, W. R. Collins Massey Smith, G. J. Fraser, W. McGuire Mackenzie, T. Thomson, J. W. Gilfedder Millar Hanan Hardy Monk Tellers. Herries Pirani Graham Rhodes Hutcheson Meredith. NOES, 35. Allen, E. G. Fraser, A. L. D. Palmer Arnold Hall Parata Seddon Hall-Jones Barclay Laurenson Buddo Stevens Lawry Carneross Steward McGowan Tanner Carroll Colvin Mckenzie, R. Ward Duncan McLachlan Wilford McNab Ell Willis. Field Mills Tellers. Fisher Napier Hogy Flatman O'Meara Hornsby. PAIRS. For. Against. Allen, J. Morrison Houston Bollard Smith, E. M. Lethbridge. Majority against, 13. Motion negatived. The Committee divided on the question, " That the clause be read a second time." AYES, 13. Russell, W. R. Fraser, W. Lang Mackenzie, T. Hardy Monk Tellers. Herries Fraser, A. L. D. Hornsby Rhodes Russell, G. W. Massey. Hutcheson NOES, 39. Allen, E. G. Hall-Jones Parata Laurenson Pirani Arnold Lawry Seddon Barclay Bennet Smith, G. J. McGowan Mckenzie, R. Buddo Stevens Steward McLachlan Carucross McNab Carroll Tanner Meredith Ward Collins Millar Wilford Colvin Willis. Mills Duncan Napier Ell Tellers. Field O'Meara Flatman Palmer Graham Hogg. Hall PAIRS. For. Against. Allen, J. Morrison Bollard Houston Lethbridge Smith, E. M. McGuire Witheford Thomson, J. W. Fisher. Majority against, 26. Motion negatived. Mr. HERRIES (Bay of Plenty) moved the following new clause :- "Every person who, at any time now or here- after, may be the holder of land under lease in perpetuity under the principal Act shall be entitled to acquire the freehold of such land as soon as he shall have carried out all such improvements, if any, as are required to be made by his lease, and if he shall have fulfilled all the conditions of his lease, except the condition for payment of his fees or rent on the land, which are required by his lease, on application to the Commissioner for the purpose, and paying the full price of the land." The Committee divided on the question, "That the clause be read a second time." AYES, 10. Hardy Monk Tellers. Hornsby Pirani Herries Massey Rhodes Lang. Mackenzie, T. Russell, W. R. NOES, 41. Allen, E. G. Fraser, A. L. D. O'Meara Fraser, W. Arnold Palmer Parata Barclay Graham Bennet Hall-Jones Seddon Buddo Smith, G. J. Hogg Carncross Hutcheson Stevens Carroll Laurenson Steward Collins Tanner Lawry Colvin Ward McGowan Mckenzie, R. Wilford Duncan Ell McLachlan Willis. Field McNab Teller .. Flatman Millar Hall Fowlds Napier. Mills PAIRS. For. Against. Allen, J. Morrison Houston Bollard Smith, E. M. Lethbridge Witheford McGuire Fisher. Thomson, J. W. Majority against, 31. Motion negatived. Mr. FOWLDS (Auckland City) moved the following new clause : " Section fifty-two of the principal Act is hereby repealed, and also ' The Crown Tenants' Rent Rebate Act, 1900,' in so far as it applies to any land held under the principal Act, and the following substituted : ' Where in any case, in the opinion of the Land Board, the rent is too high, the Minister, on the recommendation of the Land Board, may make such reduction of the rent as the Minister and the said Land Board may deem reasonable.' " -- New clause, by leave, withdrawn.

<page>610</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=638></url>

Mr. SEDDON (Premier) moved the following new clause :- " 8. (1.) Whenever land acquired under the principal Act is cut up for occupation, the allotments shall be classified according as they are suitable for ordinary farms, or dairy farms, or small grazing-runs, or partly for farms and partly grazing-runs. "(2.) Every applicant for an allotment shall state in his application what class of allotment he requires." New clause added. Mr. SEDDON (Premier) moved the following new clause :- "8A. (1.) After inquiry by the Board, as provided by the principal Act, as to the applicant's bona fides and suitability, the number of approved applicants shall be reduced by ballot to the number of allotments available. "(2.) A second ballot shall then be taken as follows :-- "The name of each candidate shall be placed separately in one box, and the number of each allotment shall be placed separately in another box, and lot shall be drawn from both boxes simultaneously ; and the allotment whose number is so drawn shall go to the applicant whose

name is simultaneously drawn, and he shall be deemed to be the successful applicant for that allotment." The Committee divided on the question, "That the new clause be read a second time." AYES, 36. Allen, E. (i. Palmer Hall-Jones Parata Arnold Hogg Barclay Laurenson Seddon Bennet Smith, G. J. Lawry Buddo McGowan Stevens Carroll Mackenzie, T. Steward Collins Mckenzie, R. Tanner Duncan McNab Ward Ell Millar Willis. Field Mills Tellers. Napier Flatman Carneross Fowlds O'Meara Colvin. Graham NOES, 15. Fraser, A. L. D. Lang Rhodes Fraser, W. Russell, W. R. Massey Tellers. Hall McLachlan Hardy Meredith Herries Monk Hornsby Pirani. Hutcheson PAIRS. For. Against. Thomson, J. W. Fisher Houston Bollard Morrison Allen. J. Smith, E. M. Lethbridge Witheford. McGuire. Majority for. 21. New clause read a second time, and added to the Bill. Mr. SEDDON (Premier) moved the following new clause :- "8B. Every applicant who obtains an allot- ment under this Act shall reside continuously thereon." The Committee divided on the question. "That the new clause be read a second time." AYES, 33. (i)'Meara Allen, E. G. Fowlds Arnold Graham Parata Barclay Hall-Jones Seddon Smith, G. J. Bennet Hogg Buddo Laurenson Stevens Steward Carncross Lawry Ward Carroll McGowan Mckenzie, R. Willis. Colvin Sollers. Duncan McNab Ell Mills Collins Field Tanner. Napier Flatman NOES, 16. Fraser, A. L. D. Lang Rhodes Mackenzie, T. Russell, W. R. Fraser, W. Hall McLachlan Meredith Tellers. Hardy Hornsby Herries Monk Hutcheson Pirani Massey. PAIRS. Thomson, J. W. Fisher Bollard Houston Allen, J. Morrison Lethbridge Smith, E. M. Witheford McGuire. Majority for, 17. New clause read a second time, and added to the Bill. Mr. SEDDON (Premier) moved the following new clause :- "8c. It shall not be lawful for a lessce under this Act to transfer the land comprised in the lease within the period of seven years from the date of such lease : " Provided that, on the death of a lesser. or on the happening of any event which in the opinion of the Land Purchase Board renders a transfer necessary or expedient, a transfer of the lease may, with the sanction of that Board, be made." Mr. MEREDITH (Ashley) moved the excision of the word " seven," with the view of inserting "tive." Amendment agreed to. Mr. PIRANI (Palmerston) moved, after the words "such lease," the addition of the follow. ing words: "except to members of his own family not already possessed of land." The Committee divided. AYES, 16. Russell. W. R. Collins Lang Ell Smith, G. J. Laurenson Fraser, W. Massey Mackenzie, T. Hardy Tellers. Hutcheson Herries Monk Pirani. Hornsby Rhodes NOES, 32. Carroll Allen, E. G. Bennet Colvin Buddo Arnold Carncross Duncan Barclay

<page>611</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788238&seq=639></url>

Flatman McGowan Stevens Mckenzie, R. Steward Fowlds Fraser, A. L. D. McNab Tanner Ward Meredith Graham Willis. Mills Hall Hall-Jones Napier Tellers. Field Parata Hogg Seddon O'Meara. Lawry PAIRS. For. Against. Allen, J. Morrison Bollard Houston Lethbridge Smith, E. M. Witheford McGuire Thomson, J. W. Fisher. Majority against, 16. Amendment negatived. Mr. SEDDON (Premier) moved the insertion, before the word "event," of the word "extra- ordinary." Amendment agreed to. Mr. MEREDITH (Ashiey) moved the excision of the word " Purchase." Word struck out. Mr. PIRANI (Palmerston) moved the addi- tion of the following words after " Board" : " of the district in which the land is situated." Amendment agreed to. Mr. SEDDON(Premier) moved the insertion, after the word "Board," of the words "and the Minister of Lands." Amendment agreed to, and clause as amended agreed to. Mr. SEDDON (Premier) moved the following new clause :- . "Sp. The Land Board of the district in which the land is situated may, at any time after two years from the date of any lease, and with the consent of the Minister, accept a surrender of the lease on the condition that the value of the improvements made by the lessee shall be paid to such lessee by the incoming lessee, the value of such improvements being previously ascer- tained and determined by the Board of Land Purchase Commissioners." New clause agreed to. Mr. T. MACKENZIE (Waihemo) moved the following new clause :- " Any legitimate son (of or over the age of seventeen years) of any frecholder whose land is resumed by the Crown for settlement purposes, shall be entitled to take up for his own use an area of such land not exceeding two hundred acres if it be first-class

land, or not exceeding 50% acres if it be second-class land, provided always that he shall farm the land so taken up." The Committee divided on the question, " That the clause be read a second time." AYES, 10. Herries Tellers. Monk Hornsby ()'Meara Fraser, A. L. D. Lang Mackenzie, T. Pirani Massey Rhodes. NORS, 32. Arnold Collins Buddo Barclay Colvin Carneross Bennet Carroll Duncan Field McGowan Stevens Mckenzie, R. Flatman Steward Tanner Graham McNab Hall Ward Meredith Hall-Jones Mills Willis. Tellers. Napier Hogg Laurenson Ell Seddon Fowlds. Lawry Smith, G. J. PAIRS. Against. For. Morrison Allen. J. Bollard Houston Lethbridge Smith, E. M. McGuire Witheford Russell, W. R. Gilfedder Thomson, J. W. Fisher. Majority against, 22. Motion negatived. Bill reported. The House adjourned at five minutes past three o'clock a.m.