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LEGISLATURE OF NEW ZEALAND.

GOVERNOR.
The Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George.

THE MINISTRY.
Premier and Colonial Treasurer ... ... ... The Hon. HARRY ALBERT ATKINSON.
Colonial Secretary and Native and Defence Minister The Hon. DANIEL POLLEN.
Attorney-General ... ... ... The Hon. FREDERICK WHITAKER.
Minister of Justice and Commissioner of Stamp
Duties ... ... ... The Hon. CHARLIS CHRISTOPHER BOWEN.
Minister for Public Works ... ... ... The Hon. JOHN DAVIES ORMOND.
Secretary for Crown Lands and Minister for Immigration ... ... ... The Hon. DONALD REID.
Postmaster-General, Commissioner of Customs, and Commissioner of Telegraphs ... ... ... The Hon. GEORGE MCLERN.
Without Office ... ... ... The Hon. HOKI KARAKA TAWITI.

ROLL OF THE LEGISLATIVE COUNCILLORS.
Acland, Hon. John Barton Arundel, Canterbury.
Baillie, Hon. William Douglas Hall, Marlborough.
Bell, Hon. Sir Francis Dillon, Otago.
Bonar, Hon. James Alexander, Westland.
Brett, Hon. De Renzie James, Canterbury.
Buckley, Hon. George, Canterbury.
Campbell, Hon. Robert, Otago.
Chamberlin, Hon. Henry, Auckland.
Fraser, Hon. Thomas, Otago.
Hall, Hon. John, Canterbury.
Holmes, Hon. Mathew, Otago.
Johnson, Hon. George Randall, Auckland.
Johnston, Hon. John, Wellington.
Kenny, Hon. William Henry, Auckland.
Kohere, Hon. Mokena, Waiapu.
Lahmann, Hon. Henry Herman, Westland.
Manteill, Hon. Walter Baldock Durant, Wellington.
Menzies, Hon. James, Otago.
Miller, Hon. Henry John, Otago.
Ngatata, Hon. Wi Tako, Wellington.
Nurse, Hon. William Hugh, Otago.
Paterson, Hon. James, Otago.
Peacock, Hon. John Thomas, Canterbury.
Peter, Hon. William Spence, Canterbury.
Pollen, Hon. Daniel, Auckland.
Renwick, Hon. Thomas, Nelson.
Richardson, Hon. Sir John Larkins Cheese, Otago (Speaker).
Richmond, Hon. Mathew, C.B., Nelson (Chairman of Committees).
Robinson, Hon. William, Nelson.
Scotland, Hon. Henry, Taranaki.
Stokes, Hon. Robert, Hawke's Bay.
Taylor, Hon. Charles John, Auckland.
Waterhouse, Hon. George Marsden, Wellington.
Whitmore, Hon. George Stoddart, C.M.G., Hawke's Bay.
Wigley, Hon. Thomas Henry, Nelson.
Williamson, Hon. James, Auckland.
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ERRATA.

Page 578, 2nd column, line 55.—After the words “To get to this land,” insert “from Dunedin, which is.”

Page 579, 1st column, line 41.—After the words “The line then passed,” insert “by Rough Ridge into the Ida Valley, where there occurred.” In lines 46 and 47 delete the words “by Rough Ridge into the Ida Valley, where there occurred,” and insert “through an abrupt gorge into.”
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VOLUME XXV.

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Int., Introduction of Bill.— 1st, 2nd, 3rd, First, Second, or Third Reading.— Dis., Discharged.—
H., House of Representatives.— I.c., Legislative Council.— Adj., Adjournment or Adjourned.—
Amend., Amendment.— Cl., Clause.— Com., Committee of the whole House or Committed.— Re-
com., Re-committed or Re-commital.— Sel. Com., Select Committee.— Conf., Conference.—
Cons., Consideration.— Deb., Debate.— Expl., Explanation.— Instr., Instruction.— M., Motion.—
Obs., Observation.— Q., Question.— M.Q., Main Question.— P.Q., Previous Question.— Rep.,

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NEW ZEALAND.

PARLIAMENTARY DEBATES.

Second Session of the Sixth Parliament.

LEGISLATIVE COUNCIL.

Friday, 26th August, 1877.


The Hon. the Speaker took the chair at half-past two o'clock.

Prayers.

FIRST READINGS.


GUARANTEED DEBENTURES.

The Hon. Mr. Buckley asked the Hon. the Colonial Secretary—(1.) The amount of advances obtained from the Bank of England on security of the Imperial guaranteed debentures for £225,000? (2.) The average rate per annum paid as interest on those advances? (3.) In whose hands are the Imperial guaranteed debentures for £275,000, referred to in the Financial Statement, page 3? (4.) If deposited with any bank, is it as security for any advance made or to be made? In page 17 of the Financial Statement there was a paragraph in which it was proposed to borrow a sum of £800,000, to release Imperial guaranteed debentures. In Table A of the same Statement (page 2), it appeared that of that only £525,000 had been borrowed. There was no amount in the interest column, and only a foot-note stating various rates from 1 to 2 per cent. Altogether, there was a great want of information in the Financial Statement as to the actual position of these Imperial guaranteed debentures, and that was the reason why he asked the question.

The Hon. Dr. Pollen did not know what meaning the honorable gentleman attached to the words "the actual position" of the guaranteed debentures. If he understood him to mean, by their position, the keeping of them, the answer was plain: they were now, and always had been since they were first issued and when it was resolved to treat them as a reserve, in the hands of the Bank of England. The whole amount had always been kept in the Bank of England. The amount of the advances which had been obtained his honorable friend knew was £2525,000. The amount of interest paid on those advances depended on the price of money at the time when the advances were made. Sometimes it had been 1 per cent. On one particular occasion advances for a short period were obtained at ½ per cent., and the interest had reached as high as 2 per cent. for short periods. But the average of interest paid upon the advances obtained from the Bank of England on the security of these debentures had been about 1½ per cent. The last question of the honorable gentleman was answered by the general statement that there was no deposit with any bank other than the Bank of England.

PARIS EXHIBITION.

The Hon. Sir F. Dillon Bell asked the Hon. the Colonial Secretary, Whether it is the intention of the Government to take any steps for securing a representation of the products of this colony at the Exhibition to be held at Paris in May, 1878? He made no apology for asking the attention of the Council to this subject. On the 12th October last year, a question was asked in the other House of Parliament as to what the intentions of the Government were in this matter, and the Prime Minister replied that it was under the consideration of the Government, and that in a few days he would be able to inform the House what course the Government intended to pursue. He had not been able to find that any subsequent statement was made by the Government on the subject. Now, if they looked at the great importance of the Exhibition that was to be held at Paris, to the interest that would attach to it, which would exceed perhaps that felt in any other universal exhibition that had yet been held, they would agree that it was highly desirable, not only that steps should be taken by the Government to represent the colony at the Exhibition, but that the decision should be made in ample time. He had hoped that the Estimates would have shown the intention of the Government to appropriate a certain sum of money for the necessary expenses; but the Estimates had not contained any provision for the purpose, and therefore he ventured to ask the Government what they intended to do. It was not only as to a vote
for the appropriation of a sum of money that he sought information. He would like to know whether the Government intended to take similar steps to those taken in the case of the Philadelphia Exhibition, and appoint a Royal Commission. In a notice of motion which the Hon. Mr. Mantell had put on the Order Paper for to-day, the honorable gentleman was asking for information as to the report of the Royal Commission on the Philadelphia Exhibition, and he thought it was a great pity that the Council had not that report before them. On looking at the number of awards which were made at the Philadelphia Exhibition, it would be seen that only twenty-five were given to New Zealand.

The Hon. Mr. MANTELL.—Twenty-nine.

The Hon. Sir F. DILLON BELL said the London Gazette of November 10th stated the number at twenty-five. A comparison between not only the number but the character of the awards made to New Zealand and those given to other colonies showed the disparity between the position of this colony and that of the Dominion of Canada; while the products which we could have shown were not nearly as interesting, but might have been shown almost as numerous as those which were presented from Canada. If there was anything to be done in this matter there were two points to be considered. The first was the preliminary work, which was done in the case of the Philadelphia Exhibition by a Royal Commission, of which his honorable friend Mr. Mantell was the Chairman; and, secondly, that local supervision of the work on the spot, which was so efficiently done by Dr. Hector at Philadelphia, and which earned for the colony a high reputation for the care and skill with which the products were shown. If the matter had not yet been determined upon by the Government, he would ask them to consider what a short time there was before the date of the Paris Exhibition within which it would be possible to do either of the two things; and, if anything could be done in time, he hoped great care would be taken that the conduct of the work at Paris should be confided to a scientific man who was well acquainted with the colony. He ventured to say to his honorable friend Mr. Mantell that personally he should think it a very great advantage to the country if the honorable gentleman would, supposing he were asked to do so, undertake not only a repetition of the work he performed as Chairman of the Philadelphia Royal Commission, but also the onerous duty of attending to the scientific part of the work in Paris.

The Hon. Dr. POLLEN said the Government had not been unmindful of the importance of having the colony properly represented at the Paris Exhibition. Several weeks ago the necessary provision had been made for securing space for a New Zealand contingent. His honorable friend knew as well as he did that the doing of anything more than discussing the preliminaries until the necessary supplies had been voted by the Assembly would be travelling beyond the record; and beyond the determination that the Assembly should be consulted upon the subject, and arriving at an opinion that it was most desirable in every respect that the colony should be represented, the Government could not more until the necessary supplies had been voted, and until the Assembly had in that way expressed its opinion. That being so, it was the intention of the Government to take the necessary steps, as they had done on former similar occasions, to enlist in the good work the services of all gentlemen who took an interest in the subject. He did not know that they could find a better President of a Royal Commission, or a better representative of the interests of New Zealand at the Exhibition, than his honorable friend Mr. Mantell. He was quite sure that a very great deal of the success of the Exhibition of last year was due to the honorable gentleman's exertions as Chairman of the Royal Commission. With respect to the report of the Commission, it would no doubt be in the hands of honorable members in the course of a very few days.

PHILADELPHIA EXHIBITION.

The Hon. Mr. MANTELL.—I am sure the Colonial Secretary will believe that it was with no idea of hurry, nor with any preconceived opinion of the Government as the present representative of the Government in matters connected with Philadelphia that I placed this notice on the Order Paper. I was simply moved to it by a desire to do justice to my colleagues on the Royal Commission who acted here in collecting and preparing the exhibits for the Exhibition; for I regret to say that an opinion has been promulgated abroad to the effect that the exertions of the Commission here were of no use whatever towards the object for which they were appointed. I hope in a very short time to be able to convince the Council that if they adopted an opinion of that kind they would do but very scant justice to the gentlemen constituting that Commission. I can afford to speak of it without any selfish feeling in the matter, inasmuch as upon the return of Dr. Hector I was kindly relieved by the Government from my post on the Commission. Therefore I am simply speaking in order that justice may be rendered to those colleagues who acted with me. Six months before the appointment of the Royal Commission, the Government itself, I think after consulting with the head of the Geological Survey Department, had come to the conclusion that it was then almost too late to do anything in connection with the Philadelphia Exhibition. However, in June of the year before last, the Colonial Secretary came to me and placed his wishes before me in his usual felicitous manner by telling me he wanted somebody to undertake a labour to which neither profit nor credit, I think he said, was attached, and that he had naturally come to me in the first instance. I take that more as a compliment to the office I was holding than any personal advantage to myself individually, because I am well aware that the holder of that office is the officer of the General Government to whom, under all such circumstances, it has been the custom of successive Governments to have recourse, and always with success. After some little hesitation an idea
crossed my mind which made me think that the matter might not be altogether hopeless; and, caring as little for the credit as for the profit, I consented to form a Commission which was immediately appointed, consisting of the Hon. Mr. Gisborne, Mr. William Levin, Captain McIntyre (the Consular Agent of the United States in Wellington); and myself. The Colonial Secretary addressed a letter to me, stating that the pressure from without was so great that, late as it was, it was found necessary to do something. I regret to say that no sooner had we begun to look about for the pressure from without than we found it entirely evaporated, and that pressure from within was necessary to be exercised on some portions of the colony, while others were absolutely incapable of being aroused to a sense of the importance of the colony being represented at Philadelphia. But a suggestion was made to the Commission—it matters little to the Council or anybody else who made it, but as it was made by a member of the Commission, I con- sent to form one of a Commission which was immediately appointed, consisting of the Hon. Mr. Gisborne, Mr. William Levin, Captain McIntyre (the Consular Agent of the United States in Wellington); and myself. The Colonial Secretary addressed a letter to me, stating that the pressure from without was so great that, late as it was, it was found necessary to do something. I regret to say that no sooner had we begun to look about for the pressure from without than we found it entirely evaporated, and that pressure from within was necessary to be exercised on some portions of the colony, while others were absolutely incapable of being aroused to a sense of the importance of the colony being represented at Philadelphia. But a suggestion was made to the Commission—it matters little to the Council or anybody else who made it, but as it was made by a member of the Commission I may take the opportunity of speaking of it. The Commission saw that under certain circumstances they might yet not despair of New Zealand being, although not numerously, at any rate very fitly and ably represented at Philadelphia; and, in accordance with their wishes, I waited upon the Government to ascertain whether they would sanction the appoint- ment of Dr. Hector, who was then absent on leave in England, as the Special Commissioner for the Exhibition. We felt confident, in the event of the Government consenting to that, that the matter must be a success, however scanty the materials which we might send. We felt equally confident, on the other hand, that failing that, or failing the acceptance by Dr. Hector of the duty, the undertaking would necessarily be a lamentable failure, in which case, I may now inform the honorable gentleman that it was the intention of the Commission to have retired at once and called for the amount of credit or no credit which might be due to them then and there. However, the Colonial Secretary at once intimated to me the delay which must occur before such an important step could be taken, Dr. Hector was communicated with in England, and at once, of course—such being the nature of the man—put himself in harness and set to work. He repaired to Philadelphia, and it is to him, as an exhibitor and as a contributor to the Exhibition suggested by the Royal Commission, that the success of the representation of New Zealand at Phila- delphia is mainly to be attributed. In many instances we found it impossible to get the local committees established. Superintendents with whom we communicated favoured us with no answers. Urgent letters requesting answers again elicited no notice. Telegrams were equally ineffectual; and at the last some of the largest and most important provinces were not represented at all excepting by one or two exhibits from persons and individuals more energetic than the representatives of the collective bodies politic. How- ever, such as it was, in the short time at our command I am sure it was impossible to have collected more exhibits. Again, with regard to the action of the Commissioners in the matter, I must render them this justice: that, although at very great inconvenience to those gentle- men and at hours inconvenient to them—one mail day, which are about the most inconve- nient of all days to merchants and gentlemen engaged in business—the occasions upon which a meeting of the Commission when summoned by the action of the Commissioners in the matter, I had not the advantage of seeing the Philadelphia Exhibition myself, although, if I had followed the precedent established in some of the neighbouring colonies, it would have been my duty as Chairman of the Royal Commission to have proceeded there in person, and to have afforded to represent the colony before the assembled representatives of the various countries exhibiting. But there were two reasons why I could not aspire to that honor. One was that I was already engaged at a work sufficiently important to detain me upon the pot—although again of the class characterized by the Colonial Secretary as services by which neither pecuniary profit nor reputation was to be acquired; and the other was that I felt, as everybody feels, that the colony would be much more ably and thoroughly represented by the gentleman whose services the colony was so fortunate as to obtain. We not only succeeded in providing for the representation of the colony at the Exhibition by Dr. Hector, but we forwarded the exhibits to Philadelphia in charge of a gentleman who had long been accustomed to work with Dr. Hector, who had had previous experience in the preparation of exhibits for Vienna, and in whom we could place thorough confidence for the making of all preliminary arrangements before the arrival of his chief on the spot. In neither of those appointments were the Commission in the slightest degree disappointed. The report, I am aware, is in a very advanced stage of preparation—in fact, far as anything reasonably required in a report goes, it might have been laid before us long ago. But I must plead liable on behalf of the Commiss- ion to some blame if any delay has occurred, because our requirements in the instructions that were forwarded to Dr. Hector were of such a kind that no man who felt himself to be simply a man and not an angel who found himself at Philadelphia, to be simply a man and not a bird, or capable of being in two places at once, so that he might be constantly in the New Zealand court explaining everything to everybody for twelve hours a day in a tropical atmo- sphere and in the foulest possible state of bad air, and at the same time be traversing the whole Exhibition in order to give a report based upon an ocular inspection—no man, I say, not possessed of such endowments could comply with our communications. I am not going to supply this extract to Hansard or anything of the kind; but I will just give a brief indication of what, in our enthusiasm and
thorough confidence in the ability of our representatives, we thought it would be in that gentleman’s power to do during the month or six weeks he was at the Philadelphia Exhibition; having, during that time, to see to the erection of cases, the setting out of the exhibits, and, as I said before, to tell everything about everything to everybody from morning to night every day. We thought it would be desirable in the interests of the colony that our representative should reach Philadelphia not later than the middle of April, at the same time that we desired him to leave England in June. We desired that he would collect materials for furnishing a report thorough confidence in the ability of our representative, we thought it would be in that gentleman’s power to do during the month or six weeks he was at the Philadelphia Exhibition; having, during that time, to see to the erection of cases, the setting out of the exhibits, and, as I said before, to tell everything about everything to everybody from morning to night every day. We thought it would be desirable in the interests of the colony that our representative should reach Philadelphia not later than the middle of April, at the same time that we desired him to leave England in June. We desired that he would collect materials for furnishing a report.

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much admired. I believe there were a great many courtesies in the Exhibition, vastly larger in extent, and containing richer things, that were not so frequently looked over or so much admired or considered so interesting by scientific men as the New Zealand court.

The Hon. Sir F. DILLON BELL.—I should not have risen to trouble the Council again after what I said earlier in the day, had it not been for the necessity I feel under to express my complete disagreement with that part of my honorable friend’s remarks to the effect that it is impossible now to have a proper representation of the products of New Zealand for the Paris Exhibition. So far from that being the case, I believe, although there has been such loss of time since last October, when the Government said they were going to consider the matter, the colony might be well represented if only steps are taken in that direction at once. I deny that there is any physical impossibility in doing it. My honorable friend must remember that there is actually more time, if we begin at once, than the Royal Commission and Dr. Hector had in preparing for the Philadelphia Exhibition. Moreover, the facility of communication with Paris will make a saving in time in the transit of products from here to the Exhibition, as compared with the time we had for the Philadelphia Exhibition. Again, the time of year at which we can start is in our favour. Let me take the important product to which my honorable friend referred—wool. I think he will be disposed to admit, as regards wool, that there is ample time; and the generally genial character of the season, as compared with previous years, will enable us to send a better show of wool to Paris than has ever been sent from New Zealand. But as to cereals, if my honorable friend would remember that there is now a new line established, of which the “Northumberland” is the pioneer ship, he will see that, with the exception perhaps of the harvest in the southernmost parts of Southland, it would be quite competent for the farmers in Canterbury and Otago, and of course in all the northern parts of New Zealand, to send a thoroughly good show of wheat to Paris.

Most of the harvest will be got in before the end of February; and March would be in sufficient time to send wheat Home if there were some ship like the “Lusitania” or the “Northumberland” sailing about that time, which we have every reason to believe would be the case. The really great point is to commence the work at once, and to take a lesson from the difficulties we had to contend against in the case of Philadelphia. And if my honorable friend will give the benefit of his most valuable assistance in the matter, instead of disencouraging it, I believe he would himself be able to do a very great deal towards making the undertaking a success. The honorable gentleman correctly referred to the importance which this country is beginning to assume as a supplier of wheat to England; and, in connection with this, let us consider the importance attaching to the kind of exhibits which we should be able to send Home if we really set our shoulders to the wheel. Look at what was done in the case of the Dominion of Canada, which received four hundred awards over the Philadelphia exhibits for which awards were given in such numbers to Canada? Take first minerals, mining, metallurgy, and machinery connected with mining. Are we not in a position to make a surprising exhibition of the minerals which this country can produce? Is there any other colony of the Australasian group that can surpass us? There are many men at work in various parts of the colony who could give us a splendid show of our metals and minerals. Again, with respect to coal: with the exception of New South Wales, there is no part of Australasia that can show such a variety, quality, or quantity, or such evidence of wide distribution. Passing by animal and vegetable products, and fish products—which, I am sorry to say, we pay such little attention to in a country where the fisheries might be made a source of most enormous national wealth—in the case of lumber, and parts of buildings, for which Canada got so many awards, is there any part of the Australasian group that can compare with us in beauty and variety of woods? Certainly honorable members must have taken very small interest in things which ought to be familiar to us all, if that question would not be answered in the affirmative; for, both as regards timber, worked lumber, parts of buildings, and furniture, I believe we could show goods which would not rank second to any that could be exhibited in any part of the world. Then Canada received awards for cotton, woollen, and silk fabrics. I do not know about other parts of the country, but at Mosgiel we possess a woollen manufactory, with which the Hon. Mr. Holmes is thoroughly familiar, which can and does turn out both material and work second to none; and I have heard experienced English judges say that the cloth turned out in the Mosgiel factory in Otago is not to be beaten. The machinery which has been imported is of the very finest quality; the people who were imported to work it are thoroughly skilled; and we can make as good a show in this respect as any other community as young as ourselves. In leather and manufactures of leather we could do well, and also in paper. My honorable friend Mr. Holmes, I think, is interested in attempts to develop the manufacture of paper from the natural grasses of this country.

The Hon. Mr. HOLMES.—No.

The Hon. Sir F. DILLON BELL.—If he is not pecuniarily interested, he is interested at least in desiring to see the attempt succeed. Now, I have been told that the paper turned out of the manufactory in Otago is very good; and it is produced from the tussock, which we squatters are certainly not in love with, and which we should be very glad to see converted into paper. I will not weary the Council by referring to other articles; but I say, here are things at our command which, if we choose to devote time and energy to their collection, will enable us to make a more than respectable show in the Paris
Exhibition. Let me urge another strong reason why we should really put our shoulders to the wheel. At the very moment when we are going into the European markets for further means to develop our resources, in it not worth our while to take a great deal of pains to show the people whose money we are asking for, that we have resources to develop and extend? Do not let us be discouraged because the time has become so short. My honorable friend Mr. Mantell, I think, did not take half enough blame to himself and to the Royal Commission for not having the report on the Philadelphia Exhibition on the table. The Royal Commission was responsible for letting us know the results of that Exhibition. One of my sons was present at the Exhibition, and he was struck with what will be an eternal marvel at what he saw. He returned to New Zealand with ideas of machinery, industrial productions, which nothing but the country who would devote themselves to it, and who would collect wool, minerals, cereals, timber, and other products, if they only saw any sign of the Government of the country taking an interest in the work instead of throwing cold water upon it, and if they knew that the arrangements would be placed in the charge of persons adequately skilled to meet their brethren in science, at what will surely be the most interesting Exhibition ever seen in the world.

The Hon. Mr. BUCKLEY.—As one who had the pleasure of visiting the Philadelphia Exhibition, I should like to make a few remarks. There is no doubt that the whole thing was taken up so late that it was almost impossible for the result to be successful. However, I was very much surprised to hear the Hon. Mr. Mantell throw a portion of the blame upon the Superintendents. I do not think they were to blame. I have taken the trouble to look the matter up. As far back as the 1st October, 1874, the then Premier, Sir Julius Vogel, when in Sydney wrote a memorandum to the Cabinet suggesting that arrangements might be made for having New Zealand represented at the Exhibition, and giving particulars. The first step that appears to have been taken after that was that Dr. Hector was applied to, and he said there was hardly time. Time went on; and in January, 1875, there was a circular sent to the Superintendents with respect to exhibits being sent to Melbourne; but nothing was done upon that. Then a second circular was sent in April, 1875—just seven months after Sir Julius Vogel's memorandum suggesting that the colony should be represented. That circular to the Superintendents was to the effect that the Government had decided to make an effort to get the colony represented at Philadelphia. Of course it was then too late. Seven months had been thrown away; and I may say, as far as the provincial district from which I come is concerned, that the movement was not taken up very generally because every one supposed it was too late. However, a good many things were sent, and it is a pity that there

Hon. Sir F. Dillon Bell
were not more. I can only say of the New Zealand court at the Exhibition what the Hon. Mr. Holmes has said of it, and I can bear testimony with him to the exertions of Dr. Hector. But for that gentleman's efforts in making the most of what was sent, the whole thing would have been a miserable failure. There was one attraction at the New Zealand court, and one which induced people to look about it, and that was the pyramid of gold which Dr. Hector had constructed. It was a representation of a pyramid of gold on which was inscribed the quantity of gold which had been produced in New Zealand, showing the weight in tons and ounces, and the total value was given in dollars, which of course the Americans liked to see. Alongside the pyramid of gold was the skeleton of a moa. These two things were no doubt the great attraction. It was, however, placing the colony in a very unfortunate position that Dr. Hector should have had to go round to the different Museums in the United States in order to get the loan of a skeleton of the moa. In making comparisons with other colonies, I must say that, as a New Zealander, I could not help feeling regret and disappointment that there were so few exhibits from this colony, because, on looking at the exhibits of the other colonies, I could see that, if sufficient time had been given, there was no reason why New Zealand should not have made as good an exhibition as any of the adjoining colonies. There is no doubt that what was done by the other colonies had a good effect. I may refer to Queensland. That colony exhibited some very large photographs, which were nicely coloured, of the interior of the country, and they were described as representing land for sale by the Government at a certain price per acre. In fact, every possible information was given to people who chose to inquire. That no doubt led to the emigration from the States which is now going on. A large number of people are being sent from America to New South Wales and South Australia. An arrangement was made between the representatives of those emigrants who are sent at the rate of forty dollars per head. This includes all charges, without any additional sum being claimed for selection. I notice by the immigration papers laid on the table that the cost of selection in the case of many of our emigrants from the Home country varies from £4 to £9. About the only article at the Exhibition that was supplied by the Government to any extent was that well-known publication called Sir Julius Vogel's Handbook of New Zealand. I was very much surprised to find, however, that, while in the case of the other colonies such handbooks were given free, in the New Zealand court the charge of 25 cents was made. I thought that a most extraordinary thing to do, and spoke to the Commissioner who was in charge during Dr. Hector's absence, Dr. Webb; and I afterwards suggested to Mr. Kennaw the propriety of not making a demand which I believe was done towards the close of the Exhibition. There is another matter I must refer to. That part of the Exhibition of which I have spoken was the New Zealand court in the main building. But there was a separate building called the Agricultural Hall, in which not only different States in the Union, but nearly all other countries, were represented in agricultural products and machinery. For some reason — I do not know how it was — there was a great mistake made in setting out the New Zealand exhibits. I believe that they were detained in some way, and did not arrive until after Dr. Hector had left; but I know that one of the exhibitors who was present complained very bitterly. Nothing appeared in the court but a case like a large packing-case made of rough timber, something like a large cucumber-frame, sloping on each side, and covered over with wire netting; and in this were contained all the wool and grain exhibits from New Zealand. They might just as well have put them outside the building altogether. When I looked at the exhibits of the same articles from other countries and colonies, I found that all the grain was shown in nice glass cases, as was also the wool. So that, as far as our wool and grain exhibits in the Agricultural Hall were concerned, they were entirely a failure. I do not know who was to blame; but I spoke of it myself, and believe that up to the last there was not much done. While speaking of the Agricultural Hall, I will just make a few remarks with respect to machinery. I understood when in Philadelphia that there was some one there representing the Government, and that it was the intention to purchase, on the part of the Government, different articles of labour-saving machinery. I do not know whether that was the case, but I can only say it was a pity those things were not obtained. Whether the matter was in the hands of the Commission or the Government, if £1,000 had been spent in selecting certain articles of labour-saving machinery, the result would have been of greater value. For instance, there was one machine alone which would have been of great value to this colony. I refer to a new reaper and binder. However, owing to the exertions of other individuals, I believe that from eighty to a hundred thousand dollars will arrive in Canterbury before next harvest. I will not make any further remarks, beyond alluding to what is proposed with respect to the Paris Exhibition. I am afraid in that case it will be something like what occurred in connection with the Philadelphia Exhibition. The Government are about to move in this matter too late. If anything was intended to be done, and if funds only were wanted, the Government should have applied last session for them. That was the proper time to have taken the matter up. I quite agree with Sir F. Dillon Bell that if the Government had meant to take the matter up they could at the beginning of the session have moved a resolution that it was desirable that the country should be represented at the Paris Exhibition; and steps could have been taken upon that at once. When I was in Paris in December last, the building was proceeding, and works were proceeding, and were in a very forward state. The Government have really delayed nearly twelve months in making preparations in this matter, and I think a great pity, because I think that the cost connected...
with the Philadelphia Exhibition would not have been one farthing more if the exhibits had been four times more numerous than they were.

The Hon. Captain FRASER.—I agree with the Hon. Mr. Holmes that it is rather too late to attempt anything in this matter. It would be utterly impossible to get the exhibits home by the 1st May, even by the Red Sea. Perhaps, on the whole, it is just as well. There is no doubt there are very few countries in the world that could show a collection of minerals as this colony, but that very fact would give rise to very awkward questions which might be asked. I can imagine an intelligent Frenchman speaking to our Commissioner, and saying, "How rich your country is in mineral productions! Of course you have several Schools of Mines. What position would our Commissioner be in then? He would have to confess that we do not possess a single School of Mines in the colony. Then, again, the intelligent Frenchman would move on to the next compartment, where he would see twenty or thirty descriptions of coal; and he would say to the Commissioner, "You appear to have a vast variety of coals; and is it the Commissioner would reply, "we have; and our coal-beds are inexhaustible." The intelligent Frenchman would say, "Your coal very much resembles the German coal, and is quite as good. They use no other coal but their own on their railways. You do the same, of course?" What position would the unfortunate Commissioner be in? He would have to say, "No, Sir; at an expense of about £230,000 a year we buy foreign coal, and we have made use of that foreign coal upon our railways, and to warm our Houses of Parliament and all our public institutions." I think, therefore, it will be just as well to postpone sending any exhibits until the next Exhibition, when we shall probably be in a position to overcome the Newcastle monopoly, and use our own coal.

The Hon. Mr. POLLEN.—The impression I received from the reports of the Philadelphia Exhibition was that New Zealand was on the whole creditably represented; that there was no deficiency, except perhaps in quantity, in the exhibits of any of the actual products of New Zealand, and that there was no colonial court at least which attracted and received greater attention from the visitors than the New Zealand court. While I am disposed to give to Dr. Hector all the credit which I know he deserves for his exertions in that cause, I am by no means disposed to accept the opinion pronounced here and elsewhere, that the whole of the success was due to Dr. Hector alone. Honorable gentlemen have spoken of what they know, and they will permit me also to say what I know, and that is this: That the gentlemen who undertook what I am sorry to see, my honorable friend, has not been able to get the results of this gentleman's honorable office, did exert themselves unceasingly and perseveringly for many months, and they did succeed in collecting together a very respectable lot of exhibits for transmission to Philadelphia. I think it is most unfair, and certainly does not hold out any encouragement to gentlemen in the future to undertake tasks of that kind, when their exertions, loyally and willingly rendered, fail to meet the recognition which they deserve—not only fail to meet the recognition they deserve, but meet a return which certainly they do not deserve in any shape or form. Honorable gentlemen should remember that it was not very long ago that the colony made a great and very expensive effort to be represented at the Vienna Exhibition; that when the project of the Philadelphia Exhibition was first mooted it was regarded generally as a Yankee show got up for purposes of profit; and that thoughtful men in this colony, when the thing was first suggested, asked themselves, Owi hoko? What substantial result have we derived from the labour and expenditure bestowed on the Vienna Exhibition, held not many months before? It was exceedingly difficult, as I can testify, to surmount the apathy existing in the various provincial districts at the time when this proposition to have New Zealand represented at Philadelphia was first mooted. My honorable friend knows and can tell—he has already told us—the difficulties which the Royal Commission encountered in obtaining from the constituted authorities and local bodies, and others who would be supposed to take the greatest interest in having the products of their districts represented, any assistance in their work. He has told us the apathy he encountered in his applications to those bodies—that in some instances they did not condescend to give any answer at all, and in very few instances did they take any trouble whatever to assist the Royal Commission in their labours. These exhibitions have two purposes—one to show what are the national products of the country; and the other is what one may call the educational aspect of the question—the deriving information from the exhibits of other countries upon subjects that may be usefully applied to the wants of this colony. Unfortunately, from circumstances which should be held to be rather a matter of regret rather than of complaint, the results of this teaching have not been as yet collected so as to be laid before Parliament as early as they otherwise would have been. That arose simply from the fact that, when Dr. Hector had collected all the documents necessary for him to make his report, his own condition of health unfortunately was such as to prevent him from completing it as he intended to do. I hope that in a very few days the report will be completed, when it will be immediately printed and placed in the hands of honorable members. I am sure that, seeing the amount of intelligence and the amount of labour which were brought to bear on the part of Dr. Hector in the performance of his duties, honorable gentlemen will find in the reports, when they are published, that the educational aspect of the question has not been neglected. I can only repeat that the reports of the New Zealand exhibit have been prepared to see that New Zealand is fairly represented at the Paris Exhibition. I ask honorable gentlemen to consider that this work is not now a new one, and that experience has shown the best way to have a colony like New Zealand.
represented at these exhibitions. That end, I think, is not effected in the best way by the mere display of a great many bales of wool or a great many sacks of grain, but by a judicious selection of the articles to be exhibited, and by intelligent care and attention in showing them in the most attractive and accessible form. It is not, then, needful that there should be a great deal of time devoted to the collection of the necessary materials; but there should be intelligence and experience. The question of time in that case is not a very material one. A reasonable time is quite sufficient to accomplish all that is necessary. There are certain seasons when particular products can only be properly produced; and I think that they will now come in at the proper time. There will be no difficulty in showing the natural products of the colony now. I can only say it is the purpose of the Government to exhibit so many bales of wool or a great number of the grain, in small quantities, and the balance of both articles was stored in the bins in the Agricultural Hall. The wools themselves attracted great attention. They were fairly set forth, one feature in their exhibition being that they were shown without having been picked, as was the case with the wools of the other colonies. About five prizes were given, out of eleven exhibits of wool. I think that ought to satisfy the Hon. Mr. Buckley that the wool and grain exhibits in the Agricultural Hall but what was represented by carefully-prepared exhibits in the main building. The column of gold has been adverted to, and I advert it again simply to express my gratification at the ingenuity with which our Commissioner placed this column of gold. Although the column itself was not of the same diameter as those from other colonies, yet, by ingeniously putting it with its angles towards the spectator instead of square on, an overpowering effect was produced upon the mind of the observer which was anything but pleasing to the other competitors. The Hon. Sir F. Dillon Bell holds that the Commissioners are to blame for the delay in the report, and that I have not taken sufficient blame to myself upon that account. I shall be willing to bear all the blame that can attach to me; but, as I ceased to hold office before the time at which the report was prepared, I cannot share in that part of my colleagues' blame, if indeed any blame can attach to them. As has been stated by the Colonial Secretary, the delay has arisen simply from the breakdown of the health of our Special Commissioner on his return from overwork to the foul air of his office. It has been said that we were indebted to America for our wool which was exhibited. The skeleton, of course, came originally from New Zealand, and the exhibit was consequently just as genuine as our Special Commissioner. What I wish to impress particularly on the Council is this: The Royal Commission claim credit, not so much for the rare commodities that we succeeded in bringing together at Philadelphia, as for our Special Commissioner. It was in him and not in the bales of wool and bags of grain that we put our trust, and our trust was most gloriously justified. The Queensland photographs have been spoken of as something very excellent. Honorable gentlemen should be made aware that we sent photographs prepared by the Government photographer especially for the Philadelphia Exhibition, ordered by our Minister for Public Works, and among them there was one, of which I have seen a copy in the library, which I defy Queensland or any other country to equal. I have been informed, on good authority, that it is the portrait of a Native chief lying in front of his hut, and that he was the chief who was the first to outrage some unfortunate lady at the Poverty Bay massacre, and the first to set the example of dashing out the children's brains against the door-post of the house in which they had been living an hour before. I do not think any country can produce photographs taken by the Government photographer with equal claims on the attention of the Superintendent of Police. As far as regards the peculiarity of our photographs, I have every reason to be extremely proud. I have omitted
to mention one thing which I think ought to be mentioned, because a discussion of this kind does not always end here. It is this: that not only are we indebted to our representative at Philadelphia for his exertions, but we are also under great obligations to several gentlemen in America who rendered assistance to him. Especially I would mention Mr. Faulders and Mr. Cameron of New York, and also the agent for the steamer "City of San Francisco," who was ever ready to render every possible assistance. As for Mr. Cameron, it is to him alone that we owe the fact of our being represented by members of the Native race. He sent us an embarrassing telegram, in which his agent here was requested to communicate with somebody else, and to do a number of other things. However, it eventually came to this: that Mr. Cameron was willing to pay the freight and expenses of the Maoris to Philadelphia, maintain them while there, and send them safely back, provided they were in proper costumes. An amusing incident arose out of the affair. I telegraphed to Philadelphia, and used a Maori word for the sake of security. Unfortunately Mr. Cameron understood the word to mean a Maori. He was at his wits' end, and of the foot-ball match; but, as the honorable member for Newton had said, another event had transpired which would justify the adjournment.

Mr. SWANSON moved the adjournment of the House, in order that members might have an opportunity of witnessing the match between the Dunedin and Wellington football teams. He believed it was usual for the House of Commons to adjourn on the Derby day, and no great fault could be found if they took that as a precedent and adjourned for the day. Besides, he understood that another event, of political significance, had taken place that morning, and possibly time to consider the position of affairs would do no harm.

Mr. McLEAN hoped the House would not adjourn. He was aware that many members wished to be present at the football match, and it might be difficult to keep the House together; but at all events, if the House determined to carry an adjournment, they ought to be satisfied with an adjournment for the afternoon, and allow the business to proceed at half-past seven.

Mr. SWANSON would not object to that.

Captain RUSSELL was most decidedly opposed to any adjournment. The system of adjourning the House on account of private parties was bad enough in itself, and ought to be disallowed; but to adjourn on account of the football match was carrying the thing to too great an extreme. He liked to witness outdoor pastimes as much as any member of the House, but he objected to the business of the country being put aside on account of a football match.

Mr. STOUT did not think it would be advisable to adjourn the House specially on account of the football match; but as the honorable member for Newton had said, another event had transpired which would justify the adjournment. On that ground he should support the motion.

Mr. MURRAY trusted the House would not adjourn. He would not be surprised, after this, if some member proposed the adjournment of the House in order that members might be present at a game of marbles. The honorable member for Newton had compromised his high reputation by proposing such a motion, and could not now consistently object to the House adjourning for balls.

Mr. SHARP hoped the House would not adjourn on account of such a paltry matter. They were not paid an honorarium for being present at football matches; and he hoped the Government would not consent to the adjournment.

Question put, "That the House do now adjourn till half-past seven o'clock;" upon which a division was called for, with the following result:

| Ayes | ... | ... | ... | 14 |
| Noes | ... | ... | ... | 48 |

Majority against... 29...
LAND FUND.

The adjourned debate was resumed on the question, That the House go into Committee of Supply; and Mr. Reader Wood's amendment, that, in the opinion of this House, owing to the necessity there was last year of meeting part of the ordinary expenditure of the country by the issue of Treasury bills, and to the fact that, by the Treasurer's Statement, the receipts and expenditure of the current year cannot be equalized without interfering with the appropriation of the Land Fund made by the 16th section of "The Abolition of Provinces Act, 1875," the Land Fund should be at once made part of the ordinary revenue, and appropriated annually by this House.

Mr. KELLY. — Sir, I should not like this question to go to the vote without expressing my opinion on it as briefly as possible. I do not agree with the motion brought forward by the honorable member for Parnell; and I will explain why. I think the present crisis is not a time to bring forward a question of this kind. Instead of making the Land Fund colonial property, it ought to be released from some charges now imposed on it. But at the same time I agree so far with the proposal of the honorable member that a portion of the land revenue in the colony should be taken into the Consolidated Fund of the colony. I think it would be better, instead of dealing with the question now, that the Government should go into the whole matter during the recess, and give it most serious consideration, with a view of see

ing what can be done. My view of the matter is that certain specific appropriations of the Land Fund should be set aside for opening up blocks of land for profitable occupation. Under the present system the land revenue is localized in provincial districts, but the principle of localization has not been properly carried out. I know districts in which land has been sold where not a penny derived from land sales is spent in the way of opening up the land for settlement. What the House should do is to provide that, where there is land for sale, it should be opened for profitable occupation. A considerable portion of the proceeds should be devoted to the work of making roads and bridges for those persons who have invested their capital in the purchase of land; and I am certain that, so long as we neglect this duty of opening up the land, colonization cannot proceed. No proposals of the Government can lead to a satisfactory result unless that is done. That is a mode of dealing with the land revenue which would give satisfaction to the country at large, for there are many objections to the present system under which a very small proportion of the money received from the land is spent in opening up the land. It goes principally to the suburbs and settled districts, to the great neglect of the outlying districts. So far as settlement in the out-districts is concerned, they get a very small proportion of benefit from land revenue. That is the direction in which I should like to see the Government go. The proposition of the honorable member for Parnell aims at making the Land Fund colonial revenue, to be annually appropriated by the House. I think that the proceeds derived from land sales should not be used for colonial purposes—that is, in aid of colonial revenue. That is, I think, entirely wrong in principle. A certain proportion of the revenue should go into the Consolidated Fund to pay for surveys and cost of Land Department, and to satisfy the public creditor for provincial loans and in aid of loss on railways; but I think the policy of the Government and this House should be that a specific portion of the land revenue should be applied to its legitimate purpose—the opening up of the country. I shall support any Government that adopts that system, and I shall oppose any Government that neglects it.

Dr. WALLIS. — I rise, not for the purpose of taking part in the debate which is now just going on, but for the purpose of making a personal explanation. I am altogether disinclined to take part in this discussion, as I am not so well acquainted with the subjects as many other honorable gentlemen are. The honorable member for Grey Valley brought forward an abstract proposition, and I generally agreed with him. Then the honorable member for the Thames brought forward a resolution which was almost equivalent to that of the honorable member for Grey Valley; after which the Government brought forward a resolution very similar in its terms, but they consented that a tax should be levied upon income as well as property. My sympathies went to the way with the honorable member for the Thames, and in support of his resolution. I agree gene-
may be a difficulty as to the definition of a district, and I think the term provincial district is a very good definition of a district. I think the proceeds arising from land sales in any district, or a great part of them, should be locally appropriated by locally-elected bodies for the improvement and settlement of the land within that district. Upon these grounds I shall vote against the adoption of this motion. I believe that nothing could be more dangerous or more pernicious to the interests of colonization than that the whole of the land revenue should be included in ordinary revenue, and that it should be subject to annual appropriation by this House. When roads and bridges are wanted, most members of this House will know nothing about them, and we shall have money wasted in every direction, and withheld from useful and serviceable objects. I am sorry the Government have not expressed any indication of what course they are going to take in reference to the motion under consideration. If I may judge from the former instances which they have given this session, and from the observations made by the honorable member for New Plymouth, who may, perhaps, be considered in some measure to represent their views, I suppose it will be, as usual, a policy of procrastination.

Mr. WOOLCOCK.—I move, as an amendment, That the following words in the amendment of the honorable member for Parnell be struck out: "and to the fact that, by the Treasurer's Statement, the receipts and expenditure of the current year cannot be equalized without interfering with the appropriation of the Land Fund made by the 16th section of 'The Abolition of the Provinces Act, 1875;" and that, for the words "at once," the words "after the present year" be inserted. The motion would then read as follows: "That, in the opinion of this House, owing to the necessity there was last year of meeting part of the ordinary expenditure of the country by the issue of Treasury bills, the Land Fund should be, after the present year, made part of the ordinary revenue; that the profit derived from the sale of land ought to be devoted to the opening up and settlement of the country. That system was established in 1856. It was recognized by the then Stafford Ministry as a settled principle of colonial policy, and has been in force ever since. The honorable member for the Thames (Sir G. Grey), at a period anterior to that, fully recognized the same principle when he established hundreds and municipal bodies. He fully admitted the principle that the people of the various districts should have a large share in the administration of the waste lands, and in the expenditure of the money arising from the sale of those waste lands. Underlying that principle is, I believe, another principle—namely, that the proceeds of the waste lands, or at any rate a great part of them, should be locally expended by locally-elected bodies in the various districts of the colony, for the benefit and improvement of the waste lands of those districts. There may be a difficulty as to the definition of the word "district;" but, Sir, we have had provinces for a long time, and now they are provincial
nothing more nor less than a vote of want of confidence in the Ministry. I have no doubt that that is the honorable gentleman’s object, and that certainly would be its effect. I cannot understand the difference of opinion between the honorable member for Parnell and my colleague, the honorable member for the Thames. My honorable colleague said he would only take 25 per cent. from the Land Fund. Now I would take as much of the Land Fund as our circumstances require. I believe the Land Fund ought to be made colonial revenue; but, before this is done, I think it is absolutely necessary that the administration of the lands throughout the colony should be reconsidered. If we are going to have unity we must have real unity, and, so far as I am concerned, I shall be unwilling to consider one part of the question without the other. If you are going to take the Land Fund, then you must reconsider the various land laws in force throughout the colony. In looking over the history of the administration of the waste lands of the colony, I find that it has been very different in the several provinces, and I am sure that the southern portions of this colony will never consent that their lands shall be sold for £2 an acre while lands in other parts of the colony are sold for 5s. an acre. Nor do I consider that under present circumstances it would be just or reasonable. However, this question must shortly be settled once and for ever, and I am somewhat surprised at the feeling which has been displayed by some honorable members in connection with this subject. I believe that they would not suffer, but that they would absolutely gain, by having this subject considered and settled. Why, the Land Fund is going from them now. The Treasurer takes a slice now and a slice again; and next year he will want a larger portion. I say that it is a right source from which to derive a revenue, if the necessities of the State require it. Those honorable gentlemen always remind me of an anecdote I heard many years ago. A gentleman who had a favourite dog, but the dog was one thing about it which did not please him. It had a very large tail, which detracted from its beauty considerably. The gentleman determined to get rid of the tail, and ordered a servant to remove the dog to an outhouse and take off its tail. The gentleman retired to a distant part of the mansion, so that he should not hear the wailing of the dog while its tail was being taken off. Time passed on, and he thought it was all over; but next morning, when he was at breakfast, he again heard the wailing of the dog. He thought, however, that perhaps the servant-man was dressing its tail, and so took no further notice of it. But the third morning came, and the same thing was repeated; and the fourth morning came, and again there was the wailing of the dog. So he sent for the servant-man and said to him, “Thomas, what are you doing with that dog? Do you not know that I told you to cut off its tail four days ago?” “Yes, sir,” said the man, “but I thought the dog could not bear to have it cut off all at once; so I took it off piece by piece.” That is what the Treasurer is doing with the Land Fund. Honorable gentlemen from the South think they cannot bear to have it taken away all at once; but they will have to suffer far more by this process of taking it away bit by bit than if it were done at once. They may talk as much as they like upon the matter, but they will never convince us that the Land Fund is not the property of the colony. Another point which arises in connection with this question is, how much of the Land Fund should be spent in the district and for the benefit of the district in which it is raised? I, for one, believe that a very considerable portion of it should be spent in the district in which it accrues. I am quite at one with them there. I feel very deep regret that the honorable member for Parnell or some other honorable gentleman did not raise this question in a very different way. If they had done so, I should certainly have voted with them. But I have no faith in those honorable gentlemen. I say it without the slightest hesitation, I have much more confidence in the honesty and ability, and desire to carry out the general legislation of the colony for the benefit of it from one end to the other, of the Ministry now on the Treasury benches than I should have in any Ministry formed from the Opposition. Therefore I cannot on this occasion vote for the amendment of the honorable member for Parnell.

Major ATKINSON. — I am not going to trouble the House with any lengthened remarks upon this question. I merely wish to say that the Government are not prepared to accept the motion of the honorable member for Parnell, or any amendment upon it. We propose, as we have already stated, to take distinct issue with the honorable gentleman, and if his motion were carried we should, as a necessity, resign. The reason why we do not propose to debate the question upon the present occasion is that it appears inopportune. It is not a practical question for consideration at the present time; and therefore we do not propose to go into it. I shall, on a future occasion, take an opportunity of answering the honorable member, and if his motion were carried we should, as a necessity, resign.

Mr. MACANDREW. — Is it competent for me to move the following amendment: — To strike out the words after “Treasury bills,” with a view to inserting the following: “the ordinary expenditure of the colony be reduced to the extent of £100,000”? That is the true remedy, and if there is an opportunity I will move to that effect.

Mr. SPEAKER. — The honorable member’s amendment is irrelevant, and therefore cannot be put. The rule is that amendments must be either to strike out some part of the motion which is objectionable, or to elucidate it in some manner so as to make it more acceptable before it is put as a whole.

Mr. REYNOLDS. — I intend to oppose this
motion, and shall give my reasons for doing so. I believe it is a dishonest motion. We had first of all the compact of 1856, which was ratified by the Abolition Act of 1875.

Mr. REYNOLDS.—I submit to your ruling, Sir; and, speaking to the amendment of the honorable member for Grey Valley, I may say that that honorable gentleman agrees with the original motion, except that he thinks the present time is not opportune to give effect to it, and he therefore proposes that it should not have effect for the present year. I say the proposition is dishonest. I say that, in the face of the compact of 1856, ratified by the Abolition Act of 1875 and afterwards by the Financial Arrangements Act of last year, the House is breaking faith with a large section of the colony in even entertaining for a moment any alteration of those laws. The compact of 1856 has been ratified by three Acts of Parliament, and in all legislation has been acquiesced in; and now, the very year after it has been solemnly ratified by the Financial Arrangements Act, it is proposed by some honorable gentlemen to alter the law. And another objection to this resolution is that the principle on which the southern portion of this colony was originally colonized was that of the late Mr. Gibbon Wakefield—that the land revenue of each district should be devoted to public works, immigration, and education within the district. Any attempt to alter that arrangement is breaking faith with those who came to the colony and settled under that arrangement. If such a course were to be pursued by this House, I have not the slightest hesitation in saying that it would result in evil consequences to the colony. It is well known that I have always been a staunch Separationist, and I can tell the House that there is at the present time material in the southern part of the colony to make government impossible until such time as Separation is granted. I do not hold this out as a threat; but I say that if the southern part of the colony is goaded by such motions as that of the honorable member for Parnell there is sufficient moral force to make any government of the colony impossible. The proposition of the honorable member for Grey Valley is simply to stave this off for another year. We have to encroachment upon the Abolition Act and the Financial Arrangements Act this year, and stave off this other question for another year. It would be far more honest if those honorable members who agree with this motion were to step forward at once and vote for it. I would far sooner see that done; and I believe they would be acting more in harmony with feelings of political honesty than they are by acting in the way they are now acting. I know there is a large section of the House who say it is inopportune just now, who say, "It is not advisable to act just now; we will let it stand over for a year, and then try it; and, if we find the time is not then opportune, we will wait for another year or two." But I say, before any such proposition is carried out, we must have a fair representation of the colony in this House. We must not have three members for Taranaki and three members for Hawke's Bay, with a population less than other electoral districts represented by one member only. Before such questions are taken up by this House we must have equal representation here. We must go back to the principles of the Constitution Act, which provides that the representation shall be in proportion to the population. I have no desire to take up the time of the House; I think we have wasted far too much time already, but I cannot allow a motion such as this of the honorable member for Grey Valley to be brought before this House without expressing my views upon it.

Mr. GIBBS.—I voted last year for a motion similar to the one now placed before the House by the honorable member for Parnell, but I shall not do so on the present occasion. Since then the Abolition scheme has become an accomplished fact, and, although I voted last year for making the Land Fund colonial and national, my mind has been very much exercised by the question whether the Central Government is the best medium for the distribution of funds which, to my mind, should be exclusively used for opening up and settling the country. That fund was formerly administered by the provinces, and I am unfortunately bound to agree with honorable members who say that the provinces are not really abolished so long as we have provincial districts. That is the difficulty that presents itself when we come to consider the way in which the Land Fund is to be disposed of. It is only proper that the Land Fund should be used in the opening up of the lands of the colony as a whole. It is not right that some parts of the colony should be left in a state of comparative destitution while others have a large amount of surplus revenue for which they have no use. It is neither good for the one nor for the other, for it cannot be to the interest of those richer parts of the country that there should be any districts capable of carrying a population, but which are undeveloped for want of roads. Honorable members should look upon the colony as a whole, with a unity of interest, and the Land Fund should be used for the purposes proposed. To my mind the whole matter resolves itself into a question as to the best authority to spend this money—whether it should be done by the Central Government or by a purely local administration. When I voted for the abolition of the provinces it was very far from my intention that the Central Government should attend to these small matters. That was exactly the fault that I and others found with the old pro-
vinclal system; and when I voted for the abolition of that system I did so for the reason that it would be better to leave these matters to a purely local administration, who would know what was best to be done for the opening up of those districts; and looking at the fact that the Government has undertaken that there should be a reconsideration of the finances next year, it would be folly to enter into the matter now. It would be far better to postpone the matter than to say now, without proper consideration, that the Land Fund should be colonial revenue. I merely give these few reasons to explain why I now oppose a proposal which I voted for last year.

Mr. JOYCE.—Before this question goes to a division I shall do myself the justice to say two or three words, which are drawn forth by the remarks of the honorable member for Port Chalmers. The honorable gentleman expressed himself as if he laboured under the feeling that he had been deceived as to the consequences of Abolition. All that I can say is that the honorable gentleman must be possessed of great simplicity of character if he could not last year see that the natural consequences of Abolition were those which were seen and foretold by many other honorable members of the House.

Mr. REYNOLDS.—The honorable member has misunderstood me entirely. I did not say that I was deceived as to the consequences of Abolition. What I said was that any one who advocated that the Financial Arrangements Act and the compacts which previously existed should now be set aside would not be acting honestly. I did not say that I had been deceived.

Mr. JOYCE.—The difference is slight. The honorable gentleman says he has not been deceived; but he will be deceived if a certain thing takes place which every one else knows is inevitable. Like it or not like it, those who went in for Abolition went in for what the motion of the honorable member for Parnell proposes to do. There is no question about that. The honorable member for Port Chalmers said that if it were insisted upon he believed there was that material in the South which would prevent it being carried into effect. He guarded himself by saying that he did not use these words as a threat, but I inferred that there would be something in the nature of physical resistance.

Mr. REYNOLDS.—I used the word "moral."

Mr. JOYCE.—Well, Sir, moral resistance means very little unless you are prepared at times to enforce it by physical resistance. I was strongly of that opinion last year, and I fortunately have here a draft of the reply I sent to the Otago Convention, which was held shortly after the last session of Parliament. I was invited to be present. I did not attend; but to the gentleman who requested my attendance I said this:—

"Sir,—In reply to your circular of 23rd November, I may state that, having ascertained by consultation with leading members of the Otago Provincial independence party that they did not contemplate armed resistance to Centralist usurpation, I deemed it unnecessary to attend the Convention. To speak plainly, I felt that verbal argument had been exhausted during the session of the General Assembly, and that, to oppose with any prospect of success the unconstitutional change forced upon the province, its people must make up their minds for the 'last resort.' Perhaps, on the whole, it is as well that such extreme views were held only by a few. As the matter now stands, I am inclined to think the public interest will be most effectually served by accepting the situation and making the best of it, as the colony cannot afford at present to carry on a political struggle that has already interfered seriously with the practical work of colonization."

That was the reply I sent in November last. It is not an opinion of to-day. Having said that, I for one was quite prepared to accept the legitimate consequences of Abolition. My eyes were quite open to what would take place, and I said that the natural consequence was the centralization of the Land Fund, and I was prepared to accept it because the part of the country from which I came was not disposed to resist Abolition in the only way it could be resisted at the proper time. That time having gone by, I, for one, will accept the consequences.

Mr. MACPHERSON.—The honorable member for Tolarno objects to the motion of the honorable member for Parnell on the ground that the Land Funds of the various districts are required to open up the lands of those districts. Now surely the honorable gentleman must have forgotten that the lands which create the Land Fund are made valuable or saleable solely by the railways, which are made with colonial funds; and he must also forget that these same lands were purchased with the funds of the entire colony, and, as a consequence, that the Land Funds are the property of the whole colony. Large prices were obtained at Auckland about 1840 by the sale of that city, and the proceeds, or portions thereof, were expended in purchasing the South Island. I will certainly support the motion of the honorable member for Parnell.

Mr. HODGKINSON.—I did not intend to speak upon this subject, but the remarks of the honorable member for Wallace induce me to say a few words. To state very briefly my opinion upon the subject, I may say that I have always held that the proceeds of the waste lands should be strictly considered as capital and not as income, and that it should be returned to the land from whence it arises, to be expended in the improvement of the district, less the charges for survey. That is a sound principle, and anything that contravenes that principle I shall resist in this House, making this reservation, that it is impossible to disguise the state at which the colony has arrived. It is now in the position in which extravagant individuals are sure some day to find themselves. It has not sufficient income to enable it to carry on, and it has been brought to that state by Sir Julius Vogel and his wretched Public Works scheme, which I always considered a pernicious piece of legislation. I said then that the time was soon arrive when the Land Fund must be taken. Necessity knows no law; and even a Government which is entitled to the
Mr. LUMSDEN.—I wish to say a few words concerning the proposal to localize the Land Fund. I have always been of opinion that the Land Fund should be the sacred property of the people of the South. I think that this debate will be long remembered. I think that the Premier has stated this afternoon that if the amendment of the honorable member for Parnell is carried the Government will resign. They do well to take that position. I shall oppose the amendment now before the House. Mr. J. C. BROWN.—Sir, I am glad that the Government have begun to realize their position. I understand that the Premier has stated this afternoon that if the amendment of the honorable member for Farnell is carried the Government will resign. They do well to take that position after what took place this morning at the Government caucus. There are members who will not vote for the Government on this question except for the purpose of keeping them in office. Votes will be given perhaps in the expectation that favours will be granted to enable works in districts to be carried on. But, Sir, though I am desirous of getting all I can for my own district, I shall not sacrifice my opinions. I think that this debate will be long remembered. On August 3rd—exactly three weeks ago—the honorable member for Grey Valley introduced his motion re incidence of taxation as an amendment on the motion for going into Committee of Supply; and in the course of that day there were twenty speeches delivered—four of them by
members of the Government—but not a single word was said by Ministers in reference to the incidence of taxation. They treated the amendment of the honorable member for Grey Valley, who is one of their supporters, with contempt. It was well put to the House, and was listened to with attention left, and that is the concern of the majority of this House. It has been stated that time is being wasted, and I think the charge may be made with great justice against the Government. On the very day when the amendment was moved they could, if they had thought proper, have had a division. I ask, what have we been doing for the last three weeks? We have simply been discussing amendments mainly proposed by supporters of the Government. Now, what is the position of the Government? Taking them as they are, to me it appears to be the same Government which was brought into existence in 1869. Except the interregnum of one short month in 1872, we have had a continuing Government with men of opposite opinions in office—many have joined and many have left the Ministry from both sides of the House. I think there is only one shired of the original garment left, and that is in the person of the honorable member for Hawke's Bay (Mr. Ormond). We have had reconstructions and reconstitutions of the present Government eight times during the past eight years. During that time the Government have had various colleagues, no less than twenty-five members of the Assembly having taken office with them. A large proportion of them have been weeded from the ranks of the Opposition. The Premier himself was elected to oppose the very Ministry of which he now stands at the head. He stood a very hotly-contested election, having for his opponent the gentleman who now represents Christchurch City (Mr. Moorhouse), and was returned by a very small majority, which he would not have obtained had he not come forward as an opponent of the Government. In the course of eighteen months, however, we find he deserted his partisans and joined ours. It would be useless to inquire how it came about that the Attorney-General got a seat on those benches—simply because he was in opposition. The same remark applies to the latest addition to their rank, the honorable member for the Taiieri. And to that gentleman I would put the question how it happens that he joined the Ministry. It would be very interesting indeed to know, for instance, whether the first overtures were made by him to the Government, or by the Government to him. It must have been one or the other. We will hope that the honorable member for the Taiieri did not make the first overtures. Well, Sir, I come to this: We find the present Government have remained in office so long simply because they have managed to cripple the Opposition continually by the means I have already mentioned. This policy has been the policy of the last eight years. And when they have failed to induce members to join them they have adopted means infinitely more discreditable to a Government that assumes to itself the position of guiding the House and the country. I can, if required, point to several instances of this kind. The Government are afraid to approach the system of taxation in any satisfactory manner. What has been the result of their policy in the past? Their immigration scheme has proved abortive. It had not answered the purposes for which it was proposed. The immigrants are mostly of an unsuitable character, and we have gained very little by the scheme. Had we given proper encouragement to the nominated system we should have had a large number of the best class of immigrants here by this time—not immigrants who arrive in great batches, with no particular object in view, but immigrants who would have been sent for and met by their friends, and at once placed in a way to do the best for themselves and the best for the colony. Instead of that, we have had erected in every seaport town in the colony large barracks to be occupied by Government immigrants; but of what use are they now? A great deal has been said about poor-laws. Sir, I think the time will yet come, if we go on as we are going on, when those barracks will be required for poor-houses. There is one department of the public service which I think it would be very desirable that the Government should inquire into—that is, the Public Works Department. That department has grown upon us during the last few years to such an extent that it is becoming perfectly unwieldy. High salaries with increases are being heaped upon the respective heads of offices, and, in some instances, upon very incompetent men. We have instances that it is so. In Lawrence, a short time ago, plans of railway buildings were supplied by the local office, and would have answered very well, but when sent to Wellington for approval they were so changed and altered as to be of little value for the purposes for which they were erected. Although a large amount was expended, the buildings to an extent are practically useless. Matters are now coming to a crisis; and I think the amendment of the honorable member for Parnell is one which deserves the support of this House, for the sake of the immediate result it will entail if carried. For those reasons I shall support the motion.

Mr. FISHER. — Sir, I do not intend to support this motion. I suppose I need scarcely say that, for my opinion on the subject must be tolerably well known from the nature of the remarks I have previously made in this House. An honorable member illustrated his remarks by introducing a story about a favourite dog, and the way its master treated it. I do not quite see that we in the South are in the position of the dog. We have no kind master. We shall decidedly object to have our tails cut off. At any rate, I shall, Sir, object to the course which it is proposed by the Government to pursue—to take a joint off now, and a joint off next year. I object to that being done. We are just in the position of the dog, or the joint of the pig, or of the colonists, that is, of the abolition of Provincialism, just as I and other old Provincialists, who were prepared to accept a modification of the system, thought we should; and I think the country has already had enough of it, and that if the question were
put to-morrow we should not find any one, from one end of the colony to the other, willing to go in for continuing the state of things in which we are now. I appeal to the honorable member the Minister of Justice—a Canterbury pilgrim like myself—to say whether that is not so. I object to the proposal made, and while I am in this House there will be at least one voice raised against making the Land Fund colonial property; for I know that if the Land Fund ever went through the colonial sieve there would be little left to go to the provinces. The Government would take fine care of that. I have heard in the past many remarks about money being unfairly expended by the Provincial Governments, about its being squandered in the towns; but, Sir, if the Land Fund was made colonial property it would be expended neither in the towns nor in the country. It would go somewhere else. But if we are to lose the Land Fund let us lose it at once—let our tail be struck off at a single blow. Take it all at once, and let us be done with the matter: but do not keep nibbling every year; do not keep the country in a state of torture with the pain incident upon taking off a joint at a time, and leaving it a year in order that the wound may be healed, to be reopened at the end of that year. I shall not support the motion.

Mr. READER WOOD.—Sir, an amendment having been moved gives me the opportunity of saying a few words in reply. The honorable member at the head of the Government has stated he would accept the direct issue with regard to this matter on my motion. It is my wish also that the amendment cannot be carried; and I suggest it should be withdrawn. I think, when the motion were carried he would retire from office.

Mr. Fisher

Land Fund should be returned to the land to open up the country for settlement. Is there anything in this resolution of mine to show that it should not be so returned? Not a single word. Was there anything in the speech I made to show that it should not be returned? I never referred in the smallest degree to the subject. My resolution was simply this: that the Land Fund should be made part of the ordinary revenue appropriated by this House. Then, if there is any balance left after the ordinary services and interest are provided for, why should not this House appropriate it towards the making of roads and bridges and opening up of the country in any direction that is needed? Then I am told in answer to that, "Oh, but there would be such a tremendous scramble; every body would be wanting roads and bridges; and it would be impossible for this House annually to appropriate funds for such a purpose." Oh, ye wise guides! Ye strain at a gnats, and swallow a camel. We may have millions scrambled for railways, but we are not to have pounds scrambled for roads. The same argument that applies to one applies to the other. I am satisfied that if the principle embodied in my resolution were adopted the general good sense and good feeling of the House would return to those districts—when it had defined in its own mind what a district meant—would return to those districts, whence this Land Fund was raised, as much back again to open up the country for settlement as it could afford to do. The honorable member for Totara, I think, by the course he is about to take, places himself in a false position. The honorable member the other day made a speech on the finances of this country in which he made out a deficit at least twice the amount I made it. Now, what is he going to do? He proposes no means whatever of covering that deficit. He lays himself open to the charge that he carps at the finance of the Colonial Treasurer without having the slightest idea in his own mind how to remedy the defects which he sees in the Financial Statement. There appears to me no other way during the present session of covering the deficiencies which the honorable gentleman himself admits except by taking this Land Fund. He opposes the taking of any portion of the Land Fund for this purpose. Then I think the Colonial Treasurer will be quite right in claiming his vote on his financial proposals, and I do not see how the honorable gentleman is to get out of doing so. The honorable member for Thames (Mr. Bowe) told me that he sympathized with me very much in the resolution which I had brought down. I accept his sympathy with great satisfaction, but I should have accepted his vote with greater satisfaction. He told me that if I had brought this forward as a substantive motion he would have supported me. Sir, this is a substantive motion; what else can it possibly be but a substantive motion? Is it not a common course to take on the motion for going into Supply? If I had placed it on the Order Paper, where would it be? At the bottom of a list of thirty-six motions, and a number of motions for other days, and when it would come it would be utterly impossible for anybody to
I extremely regret that an honorable gentleman who during the last two sessions has been
Mr. Shrimski — The question which is being debated I look upon purely as a matter of money. According to the Treasurer's Estimates the total sum that can be said to be given to the counties out of the Land Fund of Otago and Canterbury is £329,669 9s. 10d. Possibly in Canterbury it may be a little more than appears in the Treasurer's tables, while in Otago I believe there will be a little less. So far as Otago is concerned, it really resolves itself into this: Whether for this year the Otago counties shall have £100,000 divisible amongst them. It is unfair to those who are now acquiring land at an immense cost in the South — the deferred-payment holders paying as much as £9 per acre to the State for unimproved land — that they should pay large sums to the Colonial Exchequer, while those who bought their land at 5s., 7s. lid., and 10s. per acre, pay nothing at all. I do not think it is at all fair to take large payments from these people for their land, and give them nothing in return for making roads. If the Government choose to come down with an acreage tax, or if the House will agree to a fair tax on real property, then I would have no objection whatever to the South Island giving up its share of the Land Fund. The House, however, has not affirmed that proposition, and many of those who, I believe, are on the Government side voted against that the other evening. I cannot, however, disguise these facts, which came out during the last two sessions: That the promise held out of saving the Land Fund by Act of Parliament has been wholly unfulfilled, and year by year, as the honorable member for Heathcote pointed out, encroachments are being made on that Land Fund. I cannot also blind myself to the fact that next year the Land Fund will go, and that so far the province which will suffer most will be the Province of Otago, because that is the province which has really conserved its land. So far as Canterbury, and even the late Province of Southland, are concerned, all their finest agricultural lands have been sold. A system of free selection has been formed, and that really meant that all the land was spotted, and, as the Surveyor-General says, “gridironed.” The whole of the fine land has gone. In the Province of Marlborough the best land has gone; although, no doubt, there is still a large tract of bush land. In Nelson the best land has also gone. I believe that Westland will be a very fine district, and has very rich land, but very heavily timbered. Well, next year, instead of coming down and saying, “I will take £50,000 from the Canterbury Land Fund, and £50,000 from the Otago Land Fund,” the Treasurer will say — and no doubt he will get support from many members, and in another place which I need not name — “Let the Land Fund be made colonial revenue sooner than have further taxation.” The amendment moved by the Ministry upon the motion of the honorable member for Grey Valley meant that really there must be new taxation, or the Land Fund must be taken; and I have not the slightest doubt that the Ministry will come down and say they will take the Land Fund rather than impose new taxation. And, as I have said, the only province that will have anything to lose will be Otago. I cannot but think of this: that I was one of those who, out of the Provincial Council and in the Provincial Council of Otago, did their best to stop the wholesale sale of the land of Otago; and that, if the representatives or people of Otago had done as other provinces did, and sold the land, the whole of the best land in Otago would now have been sold at £1 an acre or more. But, in order to conserve our land for settlement, we put ourselves to endless trouble, and we paid heavy rates and taxes in order to make roads and bridges; but now we are not even thanked for having done so. In fact, this Parliament has taught us this lesson, that those districts which are the most spendthrift and the most extravagant will succeed best. That is the lesson the colonial policy has taught us. That is why I do not agree to this proposition to absorb the Land Fund. I was somewhat surprised to hear the honorable member for Invercargill say that he supports the Ministry on this question, when he knows perfectly well that it is the Ministerial measures that have brought about a crisis. Their conduct in disregarding not only their pledges, but the contents of an Act of Parliament, has been such that no one who has any regard for political consistency can support them. I appeal to the honorable member for Port Chalmers to say whether he did not go to his constituents, as a Minister of the Crown, and say that the compact of 1856 was not put into an Act of Parliament, and if they could once get it embodied in an Act of Parliament it would be safe. I presume he said so with the sanction of his colleagues in the Ministry; and yet in 1876 this Ministry came down and repealed the very Act on which they went to the country, and which they said was to be the charter of the future liberties of New Zealand. I say that they have broken faith with the colony, and I believe that if they had not deluded the people of Canterbury Abolition would never have taken place. There were those in Otago who saw what it all meant; who saw that it did not mean any benefit to the colony at all, but a huge central Government. One must regret that we have a Ministry which, for the sake of retaining power, will break its pro-
mises and solemn pledges; but, at the same time, one cannot but look with a sort of grim satisfaction at the fact that those Abolitionists who trusted to the safety and security of an Act of Parliament are now being largely deceived. I ask the honorable member for Port Chalmers whether he has not been grossly deceived. I ask honorable members from Canterbury whether they have not been grossly deceived. In 1875, before the Abolition Act was passed, in the first words I spoke I warned the large-propertied classes who were forcing on Abolition, and who were at the back of it. And what did that Chamber do which in its wisdom we have so carefully concealed for weeks until this debate is ended, endeavour to give a a very good remedy for this personal question. When the people there had been taught to look upon any man as a necessity to the State, what did they do? Instead of keeping him in power they ostracized him, so that the people might know that the safety of others did not depend upon any one man. But we are being taught by this Government that the safety of New Zealand, and its future, depend upon keeping those six gentlemen in office. That is a most dangerous doctrine, and a paralyzing of all party action. It shows that party action of all political action. It shows that party action may become impossible in this House. I believe the true remedy is that we should go to the people; if we are not the representatives of the people, we ought not to be here; if we are, we should put to them the plain issue, and ask them whether we are to have this continual drifting, drifting, this constant lobbying and manoeuvring to secure votes. There is another question to go before the people, and that is, whether we are going to have in New Zealand an Upper House constituted as our Legislative Council is. I have no personal objection to the honorable gentlemen who compose that Chamber, and should be glad to see many of them occupying seats in this House; but one cannot conceal this fact from oneself, that the whole of that branch of the Legislature is composed of one class, and that the property-class of this colony. I submit that the property-class of this colony, 21
have to go before the people soon; and I therefore intend to ask, on the next day of sitting, that a respectful address be presented to His Excellency praying him to dissolve this House. That will be the true remedy; and when we go to our constituents we shall see whether those who have broken their hustings pledges and solemn promises are to be the representatives of the people in New Zealand. If the people of the country choose to accept that position they must bear the brunt; and those who have abandoned the pledges they gave and broken the promises they made must continue to rule. But the opportunity should be afforded them of discussing the question. At present, as I have said, we have four parties in this House; and I believe we never can have anything like true parliamentary government, or anything like true political action and system, where such a thing exists; and the sooner it is got rid of the better.

Mr. REES.—Sir, the expression of opinion which was given by the honorable member for Parnell in relation to the statement of the Premier as to this being a party question, and as to the fate of the Government depending upon it, must have been accepted as correct by every member here. According to the practice which has become usual in this House, noses had been counted, and the Premier, finding he had a majority, made this a party question—a question on which the existence of the Ministry depends. Personally, I am not at all sorry that the Government should have a majority upon this question, or any other question which comes before the House and which will keep them in their seats, for I sincerely believe that every day and every week is only adding to the ultimate certain disastrous defeat of the Ministry—not of the party, for they represent no party; not of the section of the community, for they represent no section of the community. They are simply built upon a basis which at any moment may vanish from under their feet like a heap of loose and rolling stones. Of these gentlemen who are now supporting them, some are bound to them by personal friendship, some by personal interest, some by the hope of what they may get for their districts, some because they are more bitterly opposed to those who oppose the Ministry than they are to Ministers themselves. But I believe the aspect the Government presents—the utter weakness it shows day after day; its feebleness to control the House; its want of ability to bring down and carry through measures to suit the requirements of the country; its absolute want of knowledge of the measures it does bring down; the subterfuges to which it is driven day by day and hour by hour to continue a miserable existence—the longer these are continued the more surely will they bring their adversaries into a position of permanent power in the public mind, so that, when once the Ministry are defeated, and those who now support them and whom the funds have supported them, they will be broken to pieces and never make head any more. That is my satisfaction; and I think that every honorable member of the House, whether he supports them or opposes them, will see, on looking back over the proceedings during the last three or four weeks of this session, that that will take place. Every member of the House, whether he be opposed to them or be on their side, has, in every case in which they have brought forward any measure, found it necessary to blame them in some way or another. I can hardly remember a single instance in which it has not been so, unless when he takes the course adopted by the honorable member for the Thames (Mr. Rowe), which cannot commend itself to the mind of any honest politician. That honorable gentleman said that it was his intention to support them, although he believed the Land Fund should be taken; that they were afraid to take it now lest they should be defeated, but the moment they were strong enough they would take it. I was astonished to see the Premier look at that honorable member when he was making that statement, and make no sign of dissent. The honorable member for the Thames looked down at him and said, "I will support him in doing this. He must take the Land Fund; he intends to take the Land Fund, and will take it in a sly way, so that the question can be fairly fought out; and I will support it." And the Premier looked back at his staunch supporter and made not the slightest sign of dissent. One most remarkable feature that has come out of this debate is that some honorable members are voting for the Government on this question who have voted against them hitherto, and some who have voted for the Government before are now voting with the Opposition. One honorable member stated distinctly, in answer to the honorable member for Totara—and I must say that, although on some occasions I differ very widely from that honorable member, still I was forced very strongly to applaud both the manner in which he spoke and the matter of his speech—one honorable gentleman, the honorable member for Whitemata, stated boldly to the House that, although he supported the Government, and although his party might go with the Government, he considered this question one of such great importance, and so firmly believed that the whole colony had a right to the Land Fund, that he was determined, on a question like this, to vote as his conscience made him, and not in the direction in which his party voted. The members of the Opposition who are going to vote with the Government on this occasion say the same thing. I allude more particularly to the honorable member for Riverton and the honorable member for Mataura, who said they would vote against the honorable member for Parnell because they believed it was not right to take any or the whole of the Land Fund from the South, and they would cling to what they had as long as they could. But, Sir, their reasoning was not nearly so good as the reasoning of the honorable member for Wallace. That honorable gentleman came to a logical conclusion, and I was astonished at the humiliation of the Premier—a man who is distinguished in this House for his determination of purpose in carrying out all these questions to their legitimate and logical conclusion, no matter what the cost—was
the question of the incidence of taxation, and I forward what we believe to be the true principles for the purpose of providing an estate for the provinces. It was procured with Imperial money, they laid down principles for their guidance which they are being used for the purpose of bringing in the Native Land Bill, we have seen it in relation to Waitemata, that the Land Fund was not provided for. From the South must see that there is a great man who would conduce to the prosperity of the State, and to the maintenance of constitutional government. We have seen that in connection with the Works and Immigration policy was only as presented to by the different provinces upon the Customs revenue. They were to receive a certain proportion under the so-called compact of 1856. Now, I ask, what is there sacred or binding about this compact? It was not a law.

Mr. MONTGOMERY.—There is the law of 1858.

Mr. REES.—Yes, I am coming to that; but the so-called compact of 1856 was merely a resolution. A Bill was framed upon it, and was absolutely disallowed by the Imperial Government. Then, in 1858, a Bill was brought in which made the Land Fund provincial revenue, but the same Assembly which made it provincial revenue can make it colonial. The honorable member for Port Chalmers talks about any interference with this compact as a breach of faith! Why, Sir, what has been the whole career of the Government of this country for the last eight or nine years? The Public Works and Immigration policy was only assented to by the different provinces upon the distinction— an absolute compact—that they were to receive a certain proportion of the Customs revenue. They were to receive a capitation grant; and the very next year after the Government had got the provinces to agree to their proposals they came down with a proposal to destroy the capitation grant. And did not the honorable member for Port Chalmers support them in bringing down the capitation grant? Decidedly he did. And yet he talks about breaking faith.

Mr. REYNOLDS.—My reason for supporting the Government on that was that they took over the provincial charges.

Mr. REES.—I deny that they took over the provincial charges. I know that the Province of Auckland had to pay nearly the same charges out of its £2 to 15s.? Decidedly he did. And yet he talks about breaking faith.

Mr. MONTGOMERY.—I am right; but I know this positively, that there was a difference of one vote in the strength of these parties; but Mr. Travers was elected to a seat in the House, and, when he got to Auckland, that made the votes equal; but all at once Dr. Campbell walked over to the other side of the House and gave a preponderance, and upon that preponderance of one vote was founded the so-called compact of 1856. Now, I ask, what is there sacred or binding about this compact? It was not a law.

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The honorable member for Port Chalmers voted for the abolition of the provinces, and yet he talks about a breach of faith. When you break up the institutions of the country—and there is no doubt that the people who came to New Zealand came under the belief that they were to live under those institutions which had made the country what it was—was there no breach of faith there? He to talk about breaches of faith!—a gentleman who gets up, and, without any assignable reason, sweeps away the very institutions under which the people have lived since there were self-governing institutions in the colony! The honorable gentleman is not consistent. If he will get up and say, "I will support this Ministry; no matter what they do, I will find an excuse for all their actions," then we shall be able to understand him. But I do hope honorable gentlemen will say honestly and plainly what they mean. I cannot understand the lame excuses made by the honorable member for Port Chalmers and the honorable member for the Thames (Mr Rowe). Then the Treasurer tells us that this is not a practical question. I do not know what meaning the honorable gentleman attaches to words, but he shows a surplus in his own Financial Statement over the charges on land revenue of between £300,000 and £400,000, and he says that to have that sum in aid of revenue, after paying charges upon Land Fund and subsidies to Road Boards, is not a practical question. The honorable member must know that that statement will be looked upon as sheer nonsense. No question could be more practical. It means that an empty Treasury will be filled; that, instead of having to raise money on Treasury bills, he will have money to the credit of the Government; that he will be able to carry on vigorously works which he cannot carry out now for lack of funds. And that, he says, is not a practical question! I was glad to hear the honorable gentleman say that before this question was decided we must have a fair representation of the colony—I go with him upon that point; but I certainly do not understand why he should doubt the honesty of those who vote conscientiously for making the Land Fund colonial. I should like to know how he can doubt the honesty of those who vote for the abolition of the provinces, and yet he will retain the Land Fund as long as possible. Well, of course, it is reasonable that the honorable member for Parnell should say that. It is only reasonable to suppose that honorable gentlemen should desire to retain as long as they can that portion of the Land Fund which will be retained to them by the Government. The honorable member for Invercargill was pleased to say that he would retain the Land Fund because the mover of it was intriguing to put out the Government. But the honorable member has already heard it stated by the honorable member for Parnell that he has not spoken to any person—not even to a member of this House—in relation to this matter. Surely the honorable gentleman must know that such a matter as this must have been a subject of writing, thinking, and speaking; and he must know also that the honorable gentleman who made the same proposition and debated it last year, is now the actual leader of the Government and the Attorney-General. I cannot understand how the honorable gentleman could accuse the honorable member for Parnell of intriguing to turn out the Government, when at the same time he knows that the same proposal was made last year by the present Attorney-General, who is now actually the leader, and, I may say, the brains of the Government. When that honorable gentleman joined the Government he made a statement to the House and to the country to the effect that he should hold himself perfectly free to vote on this question in the same way that he had voted before—namely, that the Land Fund should be made colonial property. Although the honorable gentleman had been allied with the Opposition before he made that statement, and before he joined the Government, I do not say that the statement he then made damaged him in the opinion of this House to the slightest extent. The honorable member for Invercargill also spoke of good government, but I suppose that any Government will be considered good which will give money to any particular district to pay for works to be done in that district. At this stage I may say that I believe that the unlimited power which is given to the Government to spend public money, and by so doing absolutely to purchase the votes not only of members of this House but of districts also, has a greater tendency to corrupt public feeling than anything else. The honorable member for Mataura said that he would retain the Land Fund as long as possible. Well, of course, it is reasonable that the honorable gentleman should say that. It is only reasonable to suppose that honorable gentlemen should desire to retain as long as they can that portion of the Land Fund which will be retained to them by the strong hand of power. It seems to me that, until we are forced to come face to face with the position which we shall be called upon to occupy, we cannot expect a perfectly good state of public feeling. So long as bridges are wanted here, and roads there, and railways somewhere else, it seems to me that we cannot have a proper state of public feeling. Ministers are, in fact, as an honorable gentleman has said, dangling carrots, which is suggestive of certain animals which must not be referred to in this House. So long as
honorable members are obliged to interview Ministers in their private rooms with the view of getting money, so long must an undue influence be exercised by the Government. I do not mean to say that it is wrong to give money for expenditure in the districts of honorable members; in fact, there may be half-a-dozen districts in which the expenditure of public money is desirable; but if three of the honorable members from these districts support the Government and three of them oppose the Government, can anybody have any doubt as to the districts in which the money will be spent? This sort of thing is pointed to by recent writers on the condition of the colonies as being an open path to corruption. The arguments of the honorable member for Dunedin (Mr. Stout) were, I believe, perfectly sound, although the honorable gentleman is not voting on this question on the same side as myself. I vote for the Land Fund being made colonial revenue, and he votes that it should not. I have believed for some months past that the abolition of the provinces is a good thing. Some honorable gentlemen say, "Hear, hear!" but I do not think they will be inclined to say "Hear, hear!" when they have heard my reason for so thinking. My reason for saying so is this: that under the old system everything went on very easily, and everybody had his wants attended to, and they did not feel the benefit of the Government. The people did not, in fact, feel the good of their institutions at all. I could quote the opinions of the leading politicians of the present day to show that the form of government which obtained before the provinces were abolished was the most complete form of government which we could have. I believe that the people are not yet educated up to the point of feeling this; they cannot see the value of what they have lost, and I believe it will be some time before they do so thoroughly. I believe, however, that they are now beginning to see the value of the things which they have lost. I think it is well that they should be rudely awakened from their quiet slumbers, in order that they may be induced to strive for the greatest amount of political liberty that they can obtain. I believe that we are now on the high road to this, and that is why I say that I believe Abolition is a good thing. We have now all the great questions affecting the people brought before us. We have the questions of manhood suffrage, the elected Upper House, and the elected Governor brought before us, and we have also the question of the incidence of taxation. All these things are now before the people; whereas I believe that if the provincial institutions had been allowed to exist the people would only have awakened too late to find that they were wronged. I believe, Sir, the people are awakening—to use the words of the honorable member for Dunedin—to a sense of the rights of democracy, and that there is reason to believe that public feeling and public opinion will point in the direction that I have indicated. I have some hope that before long we shall see not only the political regeneration of the people of this colony, but the political regeneration of other colonies and other parts of the Empire; and I have greater hopes of its being done by the means I have alluded to than I should have from the results of twenty Public Works schemes, or the expenditure of a hundred millions of money in the country. The Premier has been pleased very often to cast ridicule, or, rather, to attempt to cast ridicule—suppose he would call it sarcasm, as Artemus Ward does—on things I have said, both when in and out of the House. My opinions on this question of the Land Fund were very well known three years ago. On a certain occasion I expressed a desire to meet Sir Julius Vogel and Mr. Thomas Russell at a meeting at the Choral Hall in Auckland, very well remembered, and which took place before Sir Julius Vogel went home. However, not being able to express my opinion then, I took the opportunity of writing a small pamphlet, which has been alluded to very oft'n in this House, denominated "The Coming Crisis." I have been held up to ridicule, as I said, by the honorable member the Treasurer in reference to a number of matters, and this pamphlet is one of them. It is said I wrote about a coming crisis which has not come, and never will come. Why, it is only necessary to refer to the honorable gentleman's own Financial Statement this session to see that he says this crisis, which I predicted two years ago, has arrived. The opening remarks of that Statement show that the monetary crisis has arrived, for he begins by thus addressing Mr. O'Rorke:—

"Mr. O'Rorke,—It is true, as is generally believed, that we have reached that point in our scheme of public works and immigration when the revenue is suffering to the greatest extent possible from the large unproductive expenditure upon railways in course of construction. It is also true that there is abroad a considerable feeling of uneasiness, amounting in some quarters to anxiety, arising from the belief that the services of the year cannot be satisfactorily provided for except by the imposition of increased taxation."

He states there that the monetary crisis has arrived. Then afterwards he goes on to say,—

"The idea has been prevalent that our powers of borrowing were exhausted; and, though we were not ignorant of the experience of other countries, many of us have seemed to think it was impossible we could go too far or too fast in raising money for works of a reproductive character. During the last year the political crisis culminated in the abolition of the provinces."

So that the honorable gentleman has admitted that the political crisis has come, and that the financial crisis is coming. But, Sir, the crisis has not yet arrived. It is coming, and will soon arrive, but it has not arrived yet. I took it upon myself in the pamphlet which I wrote to state what would be the position of affairs in two years, and honorable gentlemen in this House have been taught to laugh at what I stated. In the year 1874 I said that it would be remembered that since that time the Government has drawn in a good deal and retrenched a good deal—I said in 1874, "In two more years
at furthest we shall be at the end of the Public Works and Immigration scheme. We shall then have increased our population to 350,000, and we shall possess a complete telegraph system and about 1,100 miles of railway — there my estimate was considerably in excess of the result — and a tolerable system of roads and public buildings. We have not got those either. The public debt will have increased from £7,500,000 to at least £22,000,000, and the yearly payment of interest from £375,000 per annum to £1,100,000, which, with additions of Sinking Fund and Defence Force expenditure, will reach nearly £1,400,000. These are the figures at which the honorable gentleman laughed. Why, they are the exact figures which he had quoted in his Financial Statement. I was laughed at by all the papers in the interest of the Government, and by some of the Opposition papers too; but the papers which laughed in 1874 will scarcely laugh in 1877. They cannot laugh now; and I will undertake to state that, from the beginning to the end of this pamphlet — and I placed my predictions against those of the Treasurer of the colony — there is not a single statement that I would wish to recall. The honorable gentleman's colleague, the late Colonial Treasurer, estimated that we were to spend £28,500,000 in ten years: we have spent £15,000,000 in seven years. We were to have a revenue from the railways and public works in ten years, or when the £28,500,000 had been spent, of £465,000: we have spent £15,000,000, and if we get the odd £255,000 we shall be very well off. Now, Sir, in his Financial Statement the Treasurer calculates he will get certain sums from provincial land revenue. His figures are perfectly absurd. These are his estimates: Auckland, £120,000; Taranaki, £23,000; Wellington, £80,000; Hawke's Bay, £15,000; Nelson, £10,000; Marlborough, £5,000; Canterbury, £300,000; Westland, £10,000; Otago, £200,000: in all £743,000. Sir, leaving out Canterbury and Otago, because there may be a substantial increase in those provinces, does anybody in this House believe that these provinces will really yield that amount? No one in his senses can possibly believe that £200,000 will be derived from such sources. The honorable gentleman perhaps believes it, at least we hope he does; but is it a reasonable belief? And yet it is upon such estimates as these that he proposes to carry on public works. Even then he is short to the extent of £82,000. If he gets the £200,000, he will still be short £28,000, for which he proposes to issue Treasury bills. But instead of £22,000 worth of Treasury bills he will require more like £282,000 worth. None of the provinces except Otago and Canterbury will yield anything worth speaking of. With respect to Auckland, I believe it is improving, and we shall shortly have a very good land revenue, but nothing like £120,000 will be got from that source. And I would say I think it is a very unfair argument to be used that, when a member gets up with the view of criticising some of the Government statements, he is immediately told his figures were grotesque, and that he had no right to damage the country by making such statements. Grotesque! They were not half as grotesque as the position in which the Ministry stands at the present time. The figures I quoted in my pamphlet I suppose were grotesque too, but if he had taken the trouble to look at them the Treasurer would have seen differently; he would have seen that they are absolutely correct at the present time. Now, as to the Land Fund which exists. It is supposed to be expended in the districts in which it is raised. But let us look at the matter a little closer. We will not say anything about the seven provinces to which I have referred. Take Otago, for example. Its receipts are estimated at £200,000, but I am informed by some honorable members who come from Otago, and who are well acquainted with the subject, that that amount will not be realized. They may get a substantial amount, but they will not get £200,000. Well, supposing they get £100,000, how much will they have left to be spent in local works in Otago? They will have £12,000 beyond the charges which the Treasurer makes upon it. £12,000 to be spent in the whole of Otago! That is all they will get out of £100,000 — out of £195,000, in fact, for they are to get £55,000 extra on account of licenses. The whole of the rest is to be swallowed up. What would be the use of £12,000 in opening up new roads? It would not pay for the employment of surveyors to survey the roads. Sir, I have heard talk about political dishonesty because it has been proposed to make the Land Fund colonial property. Why is it dishonest? The Land Fund was colonial property before the so-called compact of 1856 — it was so for two years later; and I protest against any act of this Assembly being regarded as having the effect, or having the possibility of having the effect, of a compact between members representing one part of the colony and members representing another part of the colony as to the disposal of the revenue of the colony in future years. It is a law simply, and as such may be repealed without any dishonesty. How could the representatives of Otago and Canterbury, and those of Auckland — or how could the representatives of the South Island make a bargain with the representatives of the North Island? How could those representatives who were elected for five years bind all future Parliaments? I say the thing is absurd. There was nothing at all in that so-called compact which would have rendered it political dishonesty for the House in the succeeding session, or for the succeeding Parliament, to have agreed to an absolute reversal of that arrangement. I am astonished that such a position should be taken up. I hear — I hope I have been incorrectly informed — that the honorable member for Wangaia, who, as I believe, has long had decided opinions on this point, the honorable member for Timaru, who has always maintained
any colony of which any man dare write thus in such a publication as "Fraser's Magazine," except the Colony of New Zealand; and yet when we venture in this House to criticise the position of the colony to half the extent, and the doings of Ministers, we are immediately accused of attempting to damage the country and to do harm. When we are absolutely striving to prevent extravagance, to get things placed on a proper footing, we are accused of attempting to ruin the colony—of not caring what we do or say so long as we crush the Government. Sir Julius Vogel wrote an answer to that article, but his statements on two or three most important points will do as much as the original article in "Fraser's Magazine" to damage New Zealand. There are gentlemen in this House and in the other branch of the Legislature who are able easily to answer Sir Julius Vogel's statements, and to show that they rest on a false foundation, with the view of bolstering up the credit of the colony in the English money market. Sir, in relation to myself, and what my position is, I have been often told by those honorable gentlemen that I desire to have a seat on those benches. At any rate I hope it will be a more comfortable seat than the present occupants find it if I am ever asked to take a seat on those benches. I believe I am one amongst many who would never have entered into political life at all, at all events not for a long time to come, unless we had seen that it was necessary that men should give up something in order to do what they could to save the headlong progress of this country to ruin. I would like to know what the position of some gentlemen would be if sent back to their constituents. They would not trouble this House any more unless they got an order from you, Sir, to sit on the back seats. The first idea I ever had within the last five or six years of entering political life, or of standing as a candidate for any constituency as a representative in this Assembly, was after the Public Works and Immigration policy had been entered upon, and became such a failure. I desired to meet the then Premier, the member for Auckland City East, but he would not give me an opportunity of putting forth any arguments against his statements. I determined then that I would contest his seat. I threw out a challenge publicly that I would contest Auckland City East with Sir Julius Vogel. I stated my opinions then very plainly with regard to the Land Fund, and if honorable members will care to go over the arguments they will find that from my point of view they are very convincing. I pointed out that the land was originally purchased for the whole people of New Zealand, and, moreover, that the prevailing use of the Customs duty—out of which all the interest on the borrowed money was being paid—was unjust to the great majority of the people of this colony; that they had to contribute to the fund which paid the interest on the debt, when they absolutely received no benefit whatever from the borrowed money. The people were obliged to pay rent to the owners of the 390,000 people, excluding the Maoris, who may be said to inhabit New Zealand, about
850,000 of them had to pay the interest on all borrowed money expended on railways, without getting any advantage whatever from the expenditure of it. The few have got the advantage, the many have not. And even the public lands, the lands of the Government, which were improved in value by the expenditure of that borrowed money, we are told now are not to pay anything: so that the taxpayers—the working-men, the clerks, artisans, small shopkeepers, small farmers, and that class of people upon whom they will have to pay. These are the persons who have not benefited in the slightest degree, and they will have to pay out of their pockets a solid sum of money to pay the interest on the sums borrowed. That was the argument I used then, and it is the argument I now use with respect to the imposition of an income and property tax. There ought to be some valuation by which the expenditure of the borrowed money should be made to pay their fair share of the taxation. Why should the people in the Bay of Islands have to pay for the moneys expended on railways in the South? Auckland has not had a fair share of the property which are the most benefited by the imposition of an income and property tax. and it is the argument I now use with respect to Auckland there are tens of thousands of people who have not benefited one jot by the whole of the expenditure, and yet Customs duties to the extent of three or four pounds a year have been added to our floating debt; and if the Treasury goes against the Land Fund. Now, if the Land Fund does not come up to his anticipations—as I believe it will not—we shall have the same thing happening this year as happened last year. £150,000 or £200,000 of Treasury bills will be added to our floating debt; and if the Treasurer's estimate of ordinary income is far over the mark, as I believe it is, there will be another £100,000 of Treasury bills. In order to provide for those contingencies it is absolutely necessary that the Land Fund should be taken. The interests of the colony are of far greater importance than the interest of any particular part. The public credit of the colony is of far greater importance than the wishes of the representatives or people of Canterbury. I believe that, if the people of Canterbury were fairly told that it was necessary for the welfare of the colony to take the Land Fund, the great majority of them would say, 'Let the Land Fund go, and let the colony prosper.' Taking the Land Fund away cannot press so heavily on Canterbury as direct taxation will; and if the rest of the colony is depressed, Canterbury and Otago must share in that depression. As for any desire to oust the Ministry—if the Ministry will only behave as they have been doing lately, and do just as they are wanted to do, I shall be perfectly satisfied to see them retain their seats. If they will only
allow us to beat into them a little light and common sense, I, for one, shall be content to let them sit there as long as they like. Next year the interest and sinking fund, with the Defence Force, and perhaps one or two other departments of the public service, will swallow up the whole ordinary revenue of New Zealand. Yet the honorable gentleman says he intends to borrow five millions, and to go on steadily borrowing. But I am afraid he will find that there are two sides to that question; and that, although he may desire to borrow, the millions will be like the spirits which Glendower could call from the vasty deep—"Will they come when you do call for them?" Then, I would like to know, what is to be our position? We shall have to stop our unfinished public works; the Customs revenue will drop; population will flow from the shores when employment ceases. The people are not settled on the land. Even now more people go out of New Zealand than come into it. I have been told by the captains of large steamers that trade between here and Australia that for every ten thousand people who settle here, five thousand are expected to remove. How can New Zealand provide for them? They will, I fear, go to the nearest laborers' market. There is no country in the world which can depend on importation to double its population. The honorable gentleman knows very well that poor people who have put their money in the Government Savings Bank, have gone in the railway and public works; and, when the borrowed money stops, if those poor people made a run upon the Government Banks, I very much doubt whether the Government would be able to pay them. The Government journals called me a disgraceful person some time ago because I sent a letter to the honorable gentleman stating that, as this money was invested in Government securities and the whole of it spent in public works, the Government should put to the credit of that fund £400,000 of guaranteed debentures, so that those poor people would be safe. The honorable gentleman, however, would not agree to that proposal. Now, supposing a time of want and depression should come, and large numbers of people rushed to the Savings Banks, we should have national bankruptcy of the very worst sort. I would like to know where money could then be raised. Of course that is nothing to honorable gentlemen on those benches. The majority of those honorable gentlemen are perfectly safe in their own affairs. But these are things which should not be looked at with anything approaching levity, but with great seriousness. If this House, which consists of the representatives of the people, permits the Government by their acts to get hold of this public money without a reasonable probability of paying it back, then on our shoulders, and not only on the shoulders of the Government, will rest the blame. I believe the time has come when it is necessary that whatever funds we can get hold of should be taken. It is not merely a question of abstract right which may be discussed, nor is it a question of arrangement between the colony and certain districts. There are ominous mutterings at Home in relation to our credit, and it is known that without this £2,000,000 loan we cannot carry on this year. If he does not get it, the honorable gentleman will have to stop all his public works; he is absolutely going on with works now that he cannot complete without this money, and if he does not get it they will be left like the Invinciblerailway and the Auckland and Drury Railway some time ago, in which enormous sums of money were sunk, and yet they were absolutely useless—the lines laid down, and carriages standing rotting on them. The time is come when this House should recognize the gravity of the position. The honorable gentleman says this is a question on which he and his colleagues will stand or fall; but they are not asked to stand or fall upon it. The honorable member for Parnell distinctly stated he did not want to make it a party question—that he had spoken to nobody before he moved his resolution. It is quite time for the Government to give up this system of flapping their wings when they know they have a majority. If they wanted to make so brave a show, why did they not stand upon their Native Land Bill? Why did they make a sort of political Jonah of the Hon. the Attorney-General, and throw him overboard to the whale? Why did they not stand on the question of the incidence of taxation? Simply, as everybody knows, because they were afraid, and knew they would be beaten, or at least thought so. We heard very little then of the strong language that the Premier is accustomed to use when nobody wants him to do so, but when he knows he has a majority. I am afraid he will be caught some day, and then I do not know what he will say. In relation to this whole matter, I have given what I believe to be a substantial reason for the vote I shall give. I do not believe the southern provinces have a right to the Land Fund. I have always maintained, and still maintain, as the Attorney-General maintained last year, when I was proud to follow him, that the Land Fund is colonial property. I expect he will get up to-night and, by his logical arguments, prove that I am correct. I do not know that he will, but at all events I think I have a right to expect him to do so. I say that, on the ground of expediency, on the ground of justice, on the ground of necessity, the Land Fund should be taken. If it is made common property, and if this question of the incidence of taxation is settled, then the hour of those reforms which are required to make New Zealand a great country will rapidly follow. We shall see then the people properly represented—representatives sent to this House who will earnestly endeavour to do what is really for the interest and benefit of the community, and at any cost carry it through to its ultimate result.

Mr. TRAVERS.—Sir, having taken part in the financial compact of 1856, I should like to say a few words in reference to the question before the House. It is my intention to support the resolution of the honorable member for Parnell, because it is perfectly clear to me that unless
the Government take into their possession the whole of the revenues of the colony we must be landed very shortly in a position of great financial difficulty. I shall urge it on the ground of that political expediency which would justify the Government in dealing with this matter in the manner proposed. I think I shall show that it is necessary by quoting a few figures, and by calling the attention of the House to facts which the Government have never dared to bring to the cognizance of the people of New Zealand, and which I shall challenge the Minister for Public Works to deny. I shall quote figures which, as it seems to me, will show that it is of the utmost importance that we should, without delay, regulate our financial affairs in such a way as to avoid the disasters which I see before us. I take, in the first instance, the expenditure on railways. We have before us estimates of receipts and expenditure of that department of our works and government for the ensuing year which tell a tale, to my mind, of a grave and most disastrous character, when we compare these estimates of receipts and expenditure with the recognized nature, character, and extent of the receipts and expenditure on works of a similar kind in other parts of the world. I find that the estimated cost of the management of our railways during the ensuing year reaches somewhat more than two-thirds of the entire estimated receipts. The estimated receipts reach something over £600,000, and the cost of management is £434,000, or rather more than two-thirds of the entire receipts.

We have before us estimates of receipts and expenditure of the works of the Government for the ensuing year which tell a tale to my mind, of a grave and most disastrous character, when we compare these estimates of receipts and expenditure with the recognized nature, character, and extent of the receipts and expenditure on works of a similar kind in other parts of the world. I find that the estimated cost of the management of our railways during the ensuing year reaches somewhat more than two-thirds of the entire estimated receipts. The estimated receipts reach something over £600,000, and the cost of management is £434,000, or rather more than two-thirds of the entire receipts.

The proportion of the receipts derived from the railways to the total receipts on the railways was only 55 per cent.; and it must be remembered that in the United Kingdom everything is kept up to the maximum of efficiency, and every precaution is taken to have the railways in a condition to carry out an enormous and extending traffic. On the Indian railways the average in 1872 was 55 per cent.; and in the United States, 63 per cent. The reason given why it should be so high in the United States is because there the railways are constructed, in the first instance, with comparatively little regard to their stability. They are pushed through the country for the purpose of administering to the necessities of the people; and, their railways not being made up to the full standard of efficiency, it is natural that the expenditure on maintenance must be larger than it is in countries where the railways are in the first instance constructed in a satisfactory manner. But in no part of the world in respect to which I have been able to examine returns is there any precedent for so large a proportion as something more than two-thirds upon perfectly newly-constructed lines, and that without making any provision whatsoever for the inevitable depreciation that is going on. On every mile of railway in this country there are some 2,000 sleepers, and the cost of these sleepers is computed by engineers fully competent to give an opinion upon the subject to last about eight years. It is therefore necessary to make provision for 12½ per cent. depreciation on these sleepers, and that on 1,000 miles of railway amounts to over 250,000 sleepers per annum. We must also make allowance for the prices at which sleepers can be obtained in various parts of the country, for the price, of course, varies. During the time railways are being constructed there is a facility for obtaining this class of material which does not exist after the railways are constructed. Timber has to be felled along the lines, and the contractors who are engaged in the construction of the railways find it easy to mix up their contract for the supply of sleepers. Various other reasons make it easy to obtain sleepers during the time the lines are being formed at a far lower rate than they can be obtained afterwards. What, then, is the average value of these sleepers? I hope I am not overstating—and there are many honorable members in the House who can correct me if I am—when I put the price down at 1s. 6d. a piece. (Oh!) I may be understating the price, but I have put it at the lowest figure in order to get rid of any difficulty. I have looked very carefully into the matter, and I put the cost down at 1s. 6d. per sleeper. At that cost I find that the quantity of sleepers required will reach something like £18,750 per annum. We have then to look to an expenditure of £18,750 a year on that ground alone, for at the end of eight years we shall have to expend eight times £18,750, or £140,000, as the depreciation in that respect. But that is not the gravest matter. The rails used in this country at 40 lbs. a yard come to 63 tons a mile, and the life of these rails is estimated to be 50 years. The cost of these rails is at least £15 a ton, so that we have a depreciation on that head of no less than £72,720 a year, for which no provision whatever has been made. But it is not alone on that. The depreciation is going on...
on everything connected with the works. And we have this to bear in mind: that it is not merely necessary to make provision for the rolling-stock which is in existence: we shall also have to make provision for its renewal, and there is no provision made in any portion of our estimates for depreciation of that class, which must reach, in the course of a few years, a very large sum indeed. When, therefore, we add to the proportionate amount of working expenses of the lines the amount which it will be necessary to make provision for in order to guard against this depreciation, we shall find that it will have a very serious aspect. The estimates before us in connection with the railway division of the Public Works Department form matter for very grave consideration, and render it necessary for this colony to look to all the sources of revenue at its command for the purpose of meeting its necessities. With reference to the Land Fund, I stated at the outset that I was one of the parties to the so-called compact of 1856. Why, Sir, I have in my mind's eye the gleeful appearance presented by one gentleman who took an active part in its completion—I allude to Mr. Sewell. If I were an artist I could draw a very pleasant little picture of him. I can see him now, with his joyous countenance glowing with happiness. He came in rubbing his hands after having made that arrangement, saying, "Ah! we diddled them," alluding to the members for the North Island. And that was the view entertained by all leading Middle Island politicians in regard to this compact. The North Island members sold their birthright, as it were, for a mess of pottage. What was it they surrendered? They surrendered their control over the whole estate of the Middle Island—an estate composed of open country, into which you can put the plough without going to a shilling of expense; of land covered with grass, on which people can put their stock at once; land yielding them crops with an amount of cultivation which, compared to that in the North Island, is a mere fleabite; and the only expense to which they are exposed is that of fencing. Sir, let those who speak of the land in Canterbury, which they sell for £2 an acre simply because it presents those facilities for occupation, go over the hills lying between Wellington and Porirua, and see what the settlers there have had to do in order to fit that land for cultivation. Let them travel over portions of other provinces which, like Wellington, have mountain-barriers to overcome, and compare the conditions which beset the settlers of these provinces with those to which the settlers of the Province of Canterbury are subject. No bargain that was ever made was so gross a political farce on the part of those engaged in it; and to tell me, as a politician, that, because gentlemen at that time chose to deal as private individuals with what they had no power over, we, the Legislature of New Zealand, are to be bound by such a monstrous proceeding, is to deprive me of one of the principal powers which I ought to exercise as a legislator. I look upon the whole thing as a downright farce—a thing which it is well worth the while of Middle Island gentle-

to fight for, but a thing which no politician who looks to the actual condition of the country can defend for a single moment whenever it becomes necessary to review such a bargain. It is treating the land of the Middle Island as if it were the private estate of the few settlers who went down to those districts and occupied them. For my part, from the time the compact of 1856 was made till this hour, I have never been able to view the thing in any other light than as a political absurdity. Let us see what it has led to. Let me call the attention of the House to a few figures furnished in the Statement of the Colonial Treasurer. We have here a return of the imports at all the ports of New Zealand up to the 30th June, 1877; and what do we find? We find that the total value of the imports in the North Island, and of that portion of the Middle Island which has had next to no expenditure on railways at all—Westport, Greymouth, and Hokitika—reaches £2,075,000. The total value of the imports in all that portion of the Middle Island which has received by far the largest benefit from the Immigration and Public Works policy is only £2,809,000, a difference of £280,000. But see what a difference there is in the extent of the work done in the same districts. As against £2,900,000 expended on public works throughout the North Island, there has been very nearly £4,000,000 spent in the Middle Island. And yet the Consolidated Fund, which is raised nearly equally in the two districts comprising the North Island and those portions of the Middle Island which have not received any benefit from this class of works, is made to contribute to the interest on works in those portions of the Middle Island which have been receiving this enormous land revenue. Let me again call the attention of the House to the very remarkable circumstances connected with it. I have taken out a proportionate statement of the amount of interest which has been paid out of the Consolidated Fund in respect of public works in those various districts; and I will now read a paragraph from the Financial Statement in order to make clear the point to which I am about to draw attention. The Colonial Treasurer says,—

"I have shown the extent to which the Consolidated Fund has been burdened by the payment of interest and sinking fund on moneys expended in performing the work for which the Land Fund was localized—namely, the opening up and settlement of the country."

Now, let us see what a remarkable aspect this table presents when we come to analyze it. Otago, which, in the proposed distribution of the Land Fund for the ensuing year, is to receive £112,000, has had, in the form of contribution from the consolidated revenue, a gross sum of £261,000, of which it has paid back £42,000, or one-sixth of the total amount of assistance which it has received. Auckland, which has received a contribution of similar character to the extent of £117,000, and which, out of the consolidated revenue, the Land Fund, has repaid one-fourth. Now, how is it that Otago, with its enormous Land Fund, has
only been able to recoup to the Treasury one-
seventh of the advance from the Consolidated Fund, when
Auckland, with a very small revenue, has been
made to pay back one-fourth? But the pro-
vince of Canterbury received no $25,000, or one twenty-
sixth. That is to say, those parts of the colony which
never received a penny of revenue from the land sale, which
is likely to be of the slightest benefit to
this city occupied seven or eight years in con-
struction, and at present it extends only sixteen
miles out of the city. The expenditure on the
Wellington railways has been in no degree bene-
ficial to the country. If the railway had been
pushed in the direction I indicate—it if had
reached the Wairarapa in one direction and the
Porirua in the other—it would have returned to the
Consolidated Fund not having been anything so absurd as
one twenty-sixth. Now, let us see what is going to
be done with the land revenue in the ensuing
year; and this table, which is to be found on
page 15 of the Financial Statement, is very
remarkable. We find that in Auckland there is
an estimated revenue from land of £120,500.
The statement that this amount would be re-
ceived from this source has been more or less
ridiculed, but I do not attach very much import-
ance to that fact, for I assume that the Govern-
ment have, perhaps, better means of acquiring in-
formation about the revenue which will probably
be derived from the land than honourable mem-
bers of this House. But, giving them credit for
the whole of this sum—assuming that they will
receive this amount, and that it will be avail-
able for division amongst the several counties
included in the Provincial District of Auck-
land,—the total amount that will be available
division amongst those counties will be the
magnificent sum of £1,620, Can-terbury £216,000, and in Otago the
excess is estimated at £112,000. The two pro-
vinces, Canterbury and Otago, which have each
received enormous assistance from the consoli-
dated revenue, notwithstanding the possession
by them of these magnificent resources in the
form of Land Fund, are to have these immense
sums divided between them, while the colony is
to go begging, in order to supplement the defi-
ciencies. But the care of the counties must be
paid for by actual taxation in every provincial district of the
colony except two, and those two are to receive
these enormous sums in the shape of land reve-
uue. I see, by one of the papers published in this
city this evening, that it is rumoured or re-

Mr. Travers.
ported that a meeting of Government supporters was held this morning, and that at that meeting some honorable gentleman moved that, good, bad, or indifferent, right, wrong, or otherwise, whatever the policy of the Government might be, it should be supported by a majority of the members in this House during the remainder of this session. I think that, under these circumstances, if the report be true, the House should leave the honorable gentlemen who attended that caucus to conduct the business of the country for the remainder of the session. I do not know of any greater outrage that could be perpetrated than this. The gentlemen who attended that meeting have decided that, whatever the Government propose in the shape of finance, whether it is suitable or unsuitable, whether it is sound or unsound, they are prepared to follow the Government into the lobbies, and to treat everything that is advanced by those who do not accept their views as unworthy of any consideration whatever. I do think that it would only be consistent with the dignity of this House to leave those gentlemen who have agreed to do such a thing to carry on the business of the House for the remainder of the session. Without hearing any argument on the other side, they declare that they are going to carry out the measures of the Government as they are introduced, without listening to criticism and without listening to any suggestion, though such suggestion might be of the most useful character. That is simply reducing the House of Representatives, as far as those who disagree with the Government are concerned, into a pure farce. It is treating the country with contempt, and it is assuming that the forty-five honorable gentlemen who joined in that demonstration had concentrated within them the power of the whole House. There can be no doubt that if the Government indicate a proper policy they will command a majority, but that policy ought not to be the result of any caucus. I believe it would be consistent with the dignity of the minority who were not consulted in this matter, if they were to leave the gentlemen who attended the caucus to conduct the business of the country; and a pretty mess they would make of it. They are already indebted to the Opposition for two of the most important measures of the session. I recollect that the other night the Premier dared an honorable member to move his resolution, and stated that, if he did move it, it would be regarded as a vote of want of confidence; but I ask whether there is any difference between that resolution and the resolution of which the Premier afterwards gave notice. That resolution which was to be accepted as a vote of want of confidence was swallowed whole by the Government, and passed without a dissentient voice in this House, for the simple reason that the Government commanded a subservient majority who would be willing to follow them. If the motion of the honorable member for the Thames had been put as his motion the Government would simply have walked into the lobby with the “Noes,” and those who supported it would have gone into the lobby with the “Ayes.” I think, Sir, that it is the duty of the Government to state whether any newspaper in this colony is justified in publishing such a statement as that which appears in the columns of the Evening Post of to-night. We know that the Government have a right to ask their supporters to meet them for the purpose of enquiring their policy; but, Sir, the paragraph which appears in the Evening Post of to-night is one which declares—which states positively, in fact—that the Government, and a number of other gentlemen, forty-five in all, met and determined that for the remainder of this session the Ministerial measures should be accepted without any objection whatever. I think that the Government ought at once to say whether a statement of that kind has their sanction, in order that the people of New Zealand may understand how the business of the House of Representatives is to be conducted for the future. It is my intention to vote for the motion of the honorable member for Parnell, because I can see that the time has arrived when it is necessary that the Government should have the whole of the colony in command for the purpose of meeting its necessities. I believe that, in order to meet the deficiency in the ensuing year, we shall have to borrow more money. I conceive not only that it is our duty to see that the revenues of the colony are sufficient to meet the wants of the colony, but that it is the duty of this House to see that there is a little more economy shown in the management of our finances than is at the present time evident. I believe that, if we could go into the history of the departments of the Government, we should find gross extravagance to have prevailed in every direction. I believe that the Stores Department, for instance, is one which it is highly necessary that this House should investigate. As far as our knowledge of mercantile affairs goes, I believe we could pick out a respectable clerk, accustomed to dealing with large transactions, and accustomed to keeping books in proper order, who would be able to conduct the business of the Stores Department much better than a parcel of retired military men, who are unable to earn an honest living in another manner. I say it is a crying shame that a number of bastard colonels—of which the colony is full—should be pitchforked into departments of the Government of which they can have scarcely any knowledge whatsoever. What do these people know about the management of such departments as that of stores? Some time ago I heard a story in reference to one of these gentlemen, which I do not know if I can repeat as I heard it, but it was to this effect: When there was a discussion as to the expediency of obtaining guns for the purpose of the defence of the various ports of the colony, one of these military gentlemen, who had no knowledge of the style of construction of the new breech-loading guns, applied to a person who had a book upon the subject, in order that he might make himself acquainted with the matter. He obtained the book, and one of the first things he came across was the section of a shell. This he took it into his head to be the section of a gun, and he
turned it this way and that way, but was utterly unable to make head or tail of it. Another gentleman, who did know something about the matter, happened to catch him in the midst of this amusing investigation, and told him that he was looking at the section of a shell and not that of a gun. Now, the ingenious military men who could not tell the difference between the section of a shell and the section of a gun is at the head of the Stores Department, and he is about as likely to possess a knowledge of the duties he should perform as the man in the moon; and I say it is abominable that a number of ex-military men should be placed in these positions. There are numbers of people who come out to this colony with recommendations from this person and that person, and who are pitchforked into offices in the public service, with no aptitude whatever for the work they are set to do, and no qualification to submit, beyond the recommendations they present. I have seen lots of these persons come out here with these letters of recommendation, and have seen places made for them, so that they might maintain themselves out of the revenues of the colony, while numbers of capable men in the colony have been passed by.

I say it behoves the Government and this House to make careful inquiry into these matters, in order to see whether we cannot get rid of these evils, and reduce the chaos that exists into something like order. I do not blame the gentlemen on the Government benches for many of these things. I do not blame them in the slightest degree. They have no power under the present system to check the evil. They are themselves only clerks of a higher order. They are engaged all the day long in performing business which is not the legitimate business of Ministers. Ministers ought to be gentlemen who have the leisure to look into the political condition of the colony, to study its circumstances, and to bring down to the House every year everything necessary in the way of a report in order to guide us in discussing the affairs of the colony. I think we should endeavour to raise up a class of secretaries equivalent to the permanent Under Secretaries in the old country. We have in this colony no leisure class, no class that travels from one end of the country to another to study the wants of the people; very little correspondence takes place between members during the recess; and for that reason we want a Government that has leisure to take charge of these matters and to shape the policy of the country. There are no more hardly-worked men in New Zealand than the gentlemen who occupy the Treasury benches; but I conceive it is not fit that such should be the case. They should take their proper position as Ministers, and not continue to act as head clerks. I believe that they have every desire to do their duty to the country; but they are very unable to do it. Nevertheless it is one of our proudest boasts that no gentle-

men who have occupied the Treasury benches in New Zealand have done so from a desire to benefit themselves. I believe every gentleman sitting there is a thoroughly honest and honorable man, striving to do the best he can for the country, and, though he may sometimes err, it is through mistake and not from any intention to do wrong. I am certain they are as honorable as any men in New Zealand. But, Sir, though such is my opinion in regard to them personally, I nevertheless believe they err in the policy they are carrying out, because they have not made themselves acquainted with the affairs of the colony. I may say they are absolutely ignorant in many respects of the affairs of New Zealand. All they know is that which especially relates to the district in which they live or from which they come, and nothing more. They are absolutely unable to grasp the political problems which are beginning to force themselves upon the consideration of the legislators of New Zealand, and which are likely to become more pressing still. I think the resources of the colony are very great, and I believe, under a wise administration, there would be no difficulty in obtaining those means which are necessary for the development of the country; but, above all things, it is essential that we should not allow the colony to get into difficulties in regard to its finances. This is a matter which upon which the patched surface of our finances will be attended with very grave results, and it behoves the Government not to allow the time to pass until it becomes too late to prevent that. Let the finances of the colony be put fairly before the people, and let it be firmly insisted that all works of a purely local character shall be performed by means of local taxation; and that revenues which come under the control of the General Government shall be applied solely to General Government purposes. If we go on attempting to manage the local affairs of the people as we have been doing, I believe we shall have a Bill put upon that table some of these days for the purpose of providing shoeblacks for the public; and we may look forward to a period when even our closest domestic concerns will be managed by the General Government of New Zealand. This is exaggeration of course, but it indicates the direction in which we are tending. Instead of pursuing a policy of localization we are pursuing a policy of centralization; and it is a most mischievous policy, and one that will produce very serious results in the future. I shall vote for the resolution of the honorable member for Parnell. I know it is a forlorn hope, while forty-five gentlemen have made up their minds to vote against us, because they are content with a pledge from the Government that next year these matters will be attended to. However, Sir, notwithstanding the forty-five, I shall go into the lobby with the honorable gentleman who proposed the resolution, because I think it is a sound financial proposition. I believe even some of the forty-five gentlemen see it must come to this; and the Government themselves will see before the next session the absolute necessity for it. And, moreover, I believe that when the people of the colony have it impressed upon them that there is no alternative between direct taxation of a character likely to be most mischievous in its effects—taxation upon property and taxation upon income, the principle of which the House
has affirmed—and the colonisation of the land revenue, they will enforce upon the Government the duty of taking into their hands the whole of the revenues of the colony, and applying them in a more economical manner than they have hitherto observed. There is nothing people object to so much as the tax-gatherer at their doors, especially when they have no control over the expenditure of the money. There are many matters connected with this, which might very fairly be discussed; but it is of no use to discuss these matters at great length when there is no chance of making any impression upon the House. I have, however, done what I conceive to be my duty to the House and to my constituents in stating my views, and I shall vote for the resolution. No doubt the majority will be supposed to have reason on their side. The Government have a large squadron at their back, and they can be bold: at all events they have the power; but, if they attempt to exercise that power in the way indicated in the newspapers to which I have referred, the effect is likely to be different from that which is anticipated by those who will assist them in coming to such a decision in this House.

Mr. LUSK.—Sir, the remarks I propose to offer on this occasion I will endeavour to make as briefly as possible. It is probable that I should not have felt called on to make any observations on the present occasion had it not been that, in the remarks which I addressed to the House a few evenings ago, I, unconscious of the prospect of such a resolution as this coming down to this House, made some remarks which might be taken to have placed me in a peculiar position in regard to the question now before us. In common, I believe, with every member of this House, with the exception of the honorable member for Parnell, I was wholly unaware that at this time there was any prospect of there being such a question submitted to the House as that now before us. I cannot say it out of the subject of any surprise, because it is perfectly evident that the proposal of the honorable member for Parnell was a proposal distinctly invited by the Government themselves. It is impossible to lose sight of the fact that there is really no legitimate conclusion, no logical conclusion, from the action of the Government during the last few weeks but the conclusion which has been come to by the honorable member for Parnell. The Government have forced upon this House, by the extraordinary, I believe unprecedented, weakness which they have displayed in regard to their own financial proposals—I say they have forced upon this House, and I believe they have forced upon the country at large, the conviction that they really are in a mess; that they have no confidence in their own financial proposals; that at this moment they have such a sympathy—that is the fashionable word—such a sympathy with all the criticisms made on their financial proposals, that they honestly believe the Opposition are very much more nearly correct than they are themselves. Under these circumstances they have absolutely forced the Opposition, who have been systematically finding a policy for them during the last few weeks upon every conceivable subject—they have forced the Opposition to come to their aid in the financial difficulties in which they find themselves. They have forced upon the House, by the honorable member for Grey Valley and the proposals of the honorable member for the Thames in regard to the policy of taxation; they have allowed that something more is needed for the purpose of finding a revenue for the Colony of New Zealand than anything they have themselves proposed. Though they have accepted those proposals, they are not so much out of the difficulties with which they are surrounded this session. I take it that the action of the honorable member for Parnell is only a recognition of the painful fact that the Government want some one to come to their assistance to find the money for them. This is one reason that appears to justify the very unexpected action of the honorable member for Parnell in this matter. Another reason is this: that the Government have made substantial proposals, where the Government have proposed to do something for the Government themselves out of difficulty in financial matters, they have proposed to do it in such an extraordinary way that really it became the duty of any member of this House to attempt to find out some better course than that which they appear likely to adopt. I cannot conceive that any more extraordinary, any more unprincipled course than the course suggested by the Colonial Treasurer for getting over the financial difficulties of the year—I say I cannot conceive that any more unprincipled course— that is, a course more wanting in principle—than that which they have proposed could possibly have been suggested to this House. They have actually proposed to lay strong hands upon certain moneys which, as a matter of good faith, do not belong to them. The Colonial Treasurer has proposed to seize—he has, in fact, done more than propose, he has absolutely seized—certain moneys which, as a matter of good faith, do not belong to them. The Colonial Treasurer for the Government have forced upon the Government of New Zealand passes an Act, or when the Government makes a statement of its policy on the floor of this House, the words used in that Act or by the honorable gentleman at the head of the Government are not altogether used in the sense which is ordinarily attributed to
them. When a certain arrangement is said to be inviolable, that means that it is not to be violated for some time; when a certain arrangement is said to be permanent, that means that it shall not be altered until the next session of Parliament.

These are the sorts of meanings that are attached to almost all the words used, whether in our legislation or on the floor of this House by our Government. And, Sir, the present position of this Land Fund question shows most forcibly the extraordinary length to which these things are carried. If we looked to the law on this subject we should actually believe that the Land Fund of the Colony of New Zealand was localized: if you look at the practice, if you look at the fact, you will find that the Land Fund of the colony of New Zealand is not localized—that the Land Fund is used in one way or another for the purpose of carrying out the designs of the occupants of the Government benches. At this present moment the proposal of the honorable member for Parnell is not a revolutionary proposal; it is a mere proposal which says, "Let us take immediate steps to carry out the policy of the Government itself;" it does not propose to do anything at the present moment which is not actually being done by the Government. The only difference is this: that the Government will not shew it, and the honorable member for Parnell openly avowed it. And, after all, which is the more creditable, which is the more statesmanlike, which is the more honest way of dealing with the subject—that of saying plainly what you do mean—that your necessities reluctantly compel you to do something which otherwise you would not do; or to say, "Oh no, under no circumstances shall we violate this old compact or agreement, but we shall pass Acts, and we shall make arrangements which will have the effect of frittering away little by little, and without the knowledge of the people, all that money, and we shall rely upon it"? There can be no question between the two. The one is a manly course and a straightforward course; the other is a course unworthy either of men or of politicians.

Last session, in this House, as we well know, great inroads on the Land Fund were made; certain charges were cast upon the Land Fund—charges altogether undreamt of when the Abolition of Provinces Act was passed. These charges were levied upon the Land Fund—not because there was any necessity immediately why they should be so cast upon it, but because there was a difficulty in finding the money. What is done now? Why, a large sum of money is seized, because it happens to be in the Treasury, to be applied to eke out the revenue, which is in a very unpleasant position. And what is to be the course next year? If a deficiency occurs—and no member of this House has any doubt whatever in his own mind that it will occur; I venture to say that the deficiency is in an exceedingly healthy and growing condition—if a deficiency occurs next year, then what becomes of the Land Fund? The same course of procedure which has marked the Government in the past and in the present will unquestionably mark them in the future. I believe I may say that, surrounded with financial difficulties as they are, they will not hesitate to seize the Land Fund next year. I saw it, because I heard the remarks and observations dropped in various places and in various ways by members, and influential members of the Government—the most influential members of the Government—altogether showing that the one thing that keeps their hands off the Land Fund of the South now is that they are afraid to take it. Sir, I have always been in favour of making the Land Fund a matter of colonial concern—that is to say, making it a fund which is to be dealt with by this House when in session. Last year I voted for the resolution then proposed by the Hon. the Attorney-General before he held that exalted position. This year I shall certainly vote with the honorable member for Parnell; but I wish it to be understood on what understanding I vote for that resolution. I think it is but fair that honorable members of this House who feel called upon to vote for a resolution of this kind should indicate, more or less distinctly, as they can, what idea they attach to the course that should be followed if the Land Fund of this colony is made the property of the colony as a whole. It appears to be a foregone conclusion with many honorable members of this House representing districts where a large Land Fund is realized—it appears to be their foregone conclusion that if the Land Fund becomes the property of the colony, and is dealt with by this House, it must be dealt with in a manner unfair to the districts in which it is raised. To my mind such a course would not only be unfair, but it would be suicidal on the part of this House. It appears to me that, if the Land Fund is made the property of the colony, it becomes the colony, through its representatives here, to lay down and to follow—and these two things have not been closely connected in our past administration—to lay down and to follow some well-defined principle on which this Land Fund is to be administered. I do not consider that the Land Fund, when it becomes the property of the colony, and goes into the colonial chest, and is dealt with by this House, should be in any way relieved from the natural burden upon the Land Fund—namely, the cost of opening up and rendering available the land. That is the very first thing to which the Land Fund is applicable, and that should be laid down on some definite principle, and should be carried out by the vote, indeed, of this House; but a vote, which respects not only arrangements, but sound policy. Now, surely the sound policy which should actuate this House is that when any land is sold the money derived from that sale should have, as a first charge upon it, the rendering the land so sold available for settlement. In that part of the colony from which I come a very different state of things prevails. I know parts of that country where there have been settlers for ten, twelve, and twenty years, and who have no better than bridle-tracks to get to their farms. I say that is the very worst course that could be pursued for colonizing a
country such as this. When I heard it absolutely stated by the Colonial Treasurer that he proposed to sell land of the value of £120,500 next year in the Provincial District of Auckland, and that he proposed to expend only £1,620 out of that money for the purpose of facilitating access to those lands, I thought no conceivable system could be worse for the colonizing of the country than a system which led to such ridiculous results as that. I believe that no better thing could happen for the people of this colony, now that provincial institutions have been done away with, than that we should render all parts of the colony as far as possible similar in circumstances; and, to do that, it is necessary that those adventitious distinctions which have so long existed should be done away with. The first step towards doing this—towards diminishing a certain amount of jealousy and heartburning and envy between one part of the colony and another—is to do away with this bugbear of the Land Fund. Let those honorable gentlemen who come from the South look at the matter fairly, and they will see that after all it is but a bugbear. There is really this year next to nothing left, and next year there will be actually nothing left at all. Under these circumstances, is it worth while being parties to a bogus finance for the purpose of perpetuating what is almost a bogus Land Fund? The thing seems to me to be ridiculous—to be short-sighted to a degree—and I believe that if this House would set itself to face the difficulty, and say, “We shall lay down certain principles upon which the Land Fund should be administered—certain principles on which the money obtained from the sale of land should be used for opening the land for settlement”—we should once and for all get rid of the difficulty. I do not think anything more could be wished by the southern representatives. I do not think so badly of those honorable gentlemen and their constituents as to believe that they want to perpetuate a system of heaping up large balances at their bankers’, while other parts of the colony are starved for the want of funds. I do not believe that any section of the community would so mean and narrow-minded a view of their privileges and responsibilities as colonists. Really I think that the honorable members who constitute the Government are very much to blame for not having done with this resolution as they have done with all resolutions brought forward lately by the Opposition. They should have swallowed it at once. They should have taken it down and made no sly faces about it. Instead of getting up a virtuous indignation which everybody can see through, they should have said, “Really, this is a very good suggestion, and we have great sympathy with it. Suppose we do it.” Why, if the Government said that, it would relieve them of an immense amount of trouble. They would not have required to get up a great commotion—I suppose it was a great commotion. Although hardly so great as they would like to have had—to discuss how they were to manage with the somewhat troublesome principles of some honorable gentlemen who supported them. They would then have found that they were well supported from all parts of the House, and would have been able to get rid of a great difficulty in finance this year. However, it appears that the Government have what is very vulgarly called swallowed a cow and choked on the tail. In fact, they have swallowed a whole herd of cows, and it is hardly worth while to chide on the tail of the last one. It appears to me very extraordinary that in a case of this kind the Government should not have seized the opportunity of doing what everybody knows the Government would like to do. Why, I feel almost certain it was a member of the Government who told me that it was well known the sympathies of this Government had always been in the direction of doing away with the Land Fund. If their sympathies are sound—and I really cannot sufficiently admire the width, breadth, and soundness of their sympathies—why do they not translate those sympathies into acts, and let us have the benefit of those excellent sympathies which we have been trying, and not in vain, to call forth in various directions? However, the Government have determined to show their bold front. The Government have had a little caucus, and they come down, strong in the consciousness of the support promised, “roaring like any sucking doves.” They tell us that if we dare to press a resolution of this kind they will vacate those benches which they now so much adorn. Well, for my part, I am by no means desirous of seeing the honorable gentlemen vacate those benches. I think those honorable gentlemen are much more likely to wish to vacate them than anybody else is likely to wish to take them. But it appears to me a very curious thing that the Government should have thought it necessary to call together this great caucus before they made up their minds whether this was a question on which they would stand. Why was it necessary to have this meeting, of which we have heard so much, before the Government could state whether or not this was part of the policy on which they stood? My own impression is that the Government were somewhat inclined to accept the resolution of the honorable member for Parnell, only they found that a majority of their supporters would not have it. Well, if that is the case, I believe the Government is once more making a huge blunder. The Government is once more taking a course which they will very much regret before a fortnight later. Of course that is their matter, and it is hardly my part to warn them against making blunders, because I feel comparatively easy about any blunders the Government may make. They are so biddable, so teachable, that I dare say the Opposition will be able to pilot them through any blunders they make this session. Some honorable gentlemen, in addressing the House on this subject, have adopted a course which I do not think is commendable. Whenever anything unpleasant to them is flowing from the recent constitutional changes—some honorable members always tell other honorable members that it is all owing to their action in supporting Abolition last year. I do not think that is a desirable course to pursue. I believe we
should accept now the position of things as they are; that we should now be willing to say, "It is true we disagreed over Abolition. It is true you made a great mistake in Abolition misled by promises which have been broken, and which must necessarily have been broken. But, in spite of that—the thing being done—we are all willing to let bygones be bygones, and assist as far as we can in coming to such a conclusion as may promote the best welfare of the country."

That I believe is the course we should all adopt, and is the course I certainly mean myself to adopt. I propose to vote for the resolution of the honorable member for Parnell, and I propose to do so upon the distinct understanding that an arrangement shall be made by which a sufficient sum out of the Land Fund shall be set aside for the purpose of opening up the lands which are sold for settlement. I believe that is absolutely necessary and absolutely right, and on that distinct understanding I vote for the motion of the honorable member for Parnell. I dare say some honorable members may think me somewhat inconsistent in what I do. They may think that, having stated distinctly I consider the Land Fund ought to have as a first charge upon it the opening up of the lands, I am pledged, as it were, to the localization of the Land Fund. But I say that I am not inconsistent in this, because it is one thing to localize for local administration the Land Fund, and another thing to make an arrangement by which that Land Fund is dealt with upon a principle by this House. I believe that is, after all, the only course that ever can be adopted with real advantage to this colony. Now that we have a horde of little County Councils, and a horde of Road Boards, it is impossible that any Land Fund can be administered on any general and understandable principle. It is impossible that through the agency of small local bodies—prejudiced and self-interested as many of them are—a really broad system of Land Fund administration can ever be arrived at. The only way left to us—and I am afraid it will be a very inadequate and inefficient one, having done away with the local administration which the provinces afforded—is to endeavour to administer the Land Fund by means of this Central Government. I believe it will never be done in such a satisfactory way as it was by the provinces; but, in spite of that, it will be more satisfactory for the general purpose of improving the waste lands of the Crown, for the purpose of opening up the country for settlement, than any scheme that can be adopted for distributing the money amongst the County Councils and Road Boards. To that opinion I think every person in this House who has thought over the subject will subscribe. I propose to vote for the resolution, and I trust that I shall have the Hono. the Attorney-General going into the same lobby with me to vote. I see he is just leaving the House, and I trust that when he leaves the House on the occasion of the vote being taken he will go with me into the lobby of the "Ayes." If not, I certainly say that he, like a great many other supporters of the Government, will vote against his conscience. I am sure he will vote against his conscience, and a great many more of that gallant band of forty—

An Hon. Member.—Forty-five.

Mr. LUSK.—I believe the band consisted of the same number as that celebrated band of forty familiar to us from our infancy, and that number suggested a good deal that was done at the caucus this morning. Of course, individual opinions and individual consciences were set aside, and it was determined, as I understand, that they should swallow the Government measures wholesale. I trust the House will not disagree with those forty honorable members; I trust they will find that they can manage to swallow those measures, and yet at the end of the session find that they have some little remnant of political honesty left. I do not envy the members who were present at that meeting and who came to that conclusion, or the Government who were compelled to rely on forty men who had to put their consciences aside in order to support them. I think the Opposition may well look upon it as the highest tribute to their position when the Government feel called upon to cast themselves upon the compassion of forty members of this House, and beg of them to throw aside their convictions and get the Government out of the mess in which they had entangled themselves. If the Government had only come to the forty-five or fifty members of the Opposition, and asked them to get them out of the difficulty, they would have made a far better response than was made by those forty honorable gentlemen. I really cannot understand why the Government should misapprehend who are their true friends in this House. Their only true friends are the members of the Opposition, for they have been abused and deserted and laughed at by their own supporters, and have been kept in office by the Opposition. Why do they not throw themselves into the arms of that party which is keeping them in their seats? They have asked us for rest, but they do not go the right way about getting it. They should not have got together those forty unfortunate men and thrown themselves upon such a shifting foundation, but they should have come to the Opposition, who have shown that they have some mind and some principle, who could do something to support a Government, and who, if the Ministry will only act as I suggest, will assist them even at this eleventh hour. Even now, before it is too late, perhaps the honorable member at the head of the Government—I am not sure who is at the head of the Government, but I mean the honorable member who holds the office of Premier—perhaps even now he will do what he knows to be right, and say, "After all, these forty men who came to the caucus are very unsatisfactory. It is very unsatisfactory to have men who do not agree with one another, and who do not agree very well with the Government. I will see what the Opposition will do." And, as the Opposition have no desire to out the honorable member, and no ambition whatever to become Premier or Attorney-General, or to occupy any other of the distinguished offices so well filled by those honorable gentlemen, I am sure the Opposition
will meet them in that spirit, and if they will only come to us we will give them that rest they so much desire.

Mr. PYKE. — I have very few words to say upon this question, for it seems to me the matter has been argued until there is but a mere skeleton left to hang any weight. I desire, however, to express my sense of relief, and to congratulate the Government that they have at last nailed their colours to the mast, and that they have done it upon this question more than upon any other. It is quite true that I expected they would do so. I could not conceiv it possible, notwithstanding all the sophistries that have been addressed to this House during the session and to the country during the recess, that they would consent to the generalization of the Land Fund after the promises they made to this House and to their supporters last year. I shall support them in resisting every attempt to generalize the Land Fund. They would not have been true to themselves or to their supporters, or to the principles which have guided the legislation of this country for the last four years, if they had adopted any other course than that of refusing to generalize the land revenue. I have not heard a single argument which, to my mind, carries any weight or conviction in favour of such generalization. It seems to me the whole thing is based on this assumption: that there are provinces which have been extravagant, which have wasted their property and wish to continue to waste their property, and which want to dip their hands into the purses of their neighbours, in order that they may live on the wealth accumulated by those who have been more prudent than themselves. That is no argument. There is no argument in saying, "You have; we have not; so you must give to us." I hope the day is very far distant when this House will adopt a system of political repudiation as bad as anything done in Pennsylvania with respect to its bonds, and which is contemplated by the motion of the honorable member for Toronto. I have never admired the way in which the honorable member for Toronto has prepared speeches, in all of which he bitterly denounced the action of the Government. I have been interrupted tenfold—aye, a hundredfold—worse without any objection being taken on our part. I look up at it as one of the necessities of debate in a free Parliament that there should be a free expression of opinion, even if it be by an interjection. But I will take very good care never so to offend the honorable gentleman again, and, in order to prevent the possibility of my so far forgetting myself, I will walk out of the House very early before I have had time to apologize as to the mode of my interruption, but as to the matter I repeat now deliberately the expression I then used, "It was of no consequence." And I will tell the House why, although very possibly the House already knows why quite well. The honorable gentleman reminded me very much of the billiard-player who, when he came to count up the pool at the end of the game, found a shilling short and asked who put it in. The honorable gentleman's arithmetical results were much to the same purpose. As far as my memory serves me—for I did not take the words down—he told us that there was a deficit covered by Treasury bills amounting to something over a quarter of a million, and then he told us also that there was a receipt from the Land Fund of about £300,000. He added that he to the quarter of a million, and said there was a total deficit of about £300,000. When the Premier asked him what those figures meant, I could not help using the expression, "It is of no consequence." When a gentleman places on the debit side of the ledger that which should be entered on the credit side, I certainly think his opinions on finance are of no consequence. It certainly did seem absurd to add the receipts to the deficit and then make a total of the whole. There is another thing I feel bound to refer to in this debate. The honorable member for Parnell told us that the Ministry had gone to the members from the North and said they would generalize the Land Fund, and that they had gone to members from the South and told them they would localize it. Those may not be the words he used, but that is the tenor of his remarks. The honorable gentleman himself knows better. The first time I had the honor of meeting him at a caucus at the Minister's Residence, when the late Sir Donald McLean was in the chair, the honorable gentleman asked whether the Government intended to generalize the Land Fund or confine it to the provinces. There are many gentlemen here present who can confirm the truth of what I say. That happened on the first occasion on which the Abolition Bill was discussed; and, when he was told that the Government would not agree to generalize the Land Fund, he made to us a speech more melancholy and lugubrious than anything I have ever heard, and walked out of the room with this remarkable expression: "I have not deserted my party; my party have deserted me!" Perhaps he will remember that. Well, Sir, the honorable gentleman has no party. His position in this House reminds me of Hans Breitman:

Hans Breitman had a party; Where is that party now? I cannot understand why the honorable gentleman is so bitter towards the Government. How is it that he comes down some four or five times during the session and rehearses carefully-prepared speeches, in all of which he bitterly attacks the gentlemen sitting on those benches? I would like to know the secret of all this. I cannot understand what it can possibly mean, except it be that he is like the Peri looking longingly at that Paradise which it is not permitted to him to visit. I am glad the honorable gentleman laughs at that. The honorable gentleman appears to me to have mistaken his vocation. The stage has lost a star, and the Parliament has suffered a calamity. Reverting to the original
question, fables have been concocted of the possible results of the Government confusion. Well, Sir, I am content to take the goods the gods provide. So long as their policy is to maintain the present system of dealing with the Land Fund I shall support them in so doing. If they retreat from that position I shall be one of the first to join in a vote of "no confidence," and to endeavour to remove them from those benches. But "sufficient for the day is the evil thereof." It is enough for me to know that they do not intend to recede from those solemn pledges they have given to the House; but that they will nail their colours to the mast, and stick to them whether they sink or swim.

Mr. DE LAUTOUR.—I feel very reluctant to speak on this subject to-night, after the severe flagellation the House has received from three members who, having delivered themselves oracularly, have retired to their homes. It is a question to recede from those solemn pledges they have given to the House; but that they will nail their colours to the mast, and stick to them whether they sink or swim.

Mr. DE LAUTOUR.—And you certainly will not get it. You have bought Invercargill, you have bought Roslyn, you have bought Mataura. The honorable member for Mataura allowed himself to be led like a bull to the shambles. The grand principle of his patriotism is this: "I will sell my province by getting money for it." Sir, such a thing stated openly is disgraceful.

Mr. W. WOOD.—If the honorable gentleman supposes that I was bought he is very much mistaken. No promise has been made to me by the Government or any one on their behalf. Therefore I am not fairly open to be charged with having been bought.

Mr. DE LAUTOUR.—The honorable member is more innocent than I took him to be. I never imagined that the statute Premier or the very able gentlemen who support him as whips would go to him and say, "We will give you this or that." Of course not; but the price is on the Estimates. It is in the tables; and we have had it stated here to-day that the position of the Government depends on this question. What, Sir, does this item in the Estimates mean? It is a deliberate challenge to the Otago representatives to adhere to their convictions on one point of small importance or to take the consequences of putting out the Government, so that the constituencies would be in a position to say, "You lost us £100,000." That is the sale the honorable member has made, as true as that made long ago for thirty pieces of silver. If there was one thing more than another that at one time inclined me favourably to the views of Centralism as expounded three years ago, before I thought of occupying a seat in this House, it was the statement that was made over and over again by the leaders of the Centralist party that at any rate the people would be brought into direct contact with their representatives; that there would be no parties and no Provincial Councils to hide the action of the representatives of the people; and that, therefore, the action of the representatives of this House would be beneficial to all parts of the colony alike. But what do we find now? The very party who brought about the change says, "We do not believe in it. Unless we localize the Land Fund by law the different districts of the colony will not be fairly developed; and if we wish to do justice to those districts we shall not be able to keep our fingers out of the purse." I can quite understand a Provincial Minister saying such a thing; but, after all, what does it amount to? It has been proved that localization by law is a sham, and that localization by honor is a delusion. I am not going to press this question; it has been done to death; but I do say that the Government have taken up a position which means this: that if I go into the lobby with them I shall be selling my district. Nevertheless, it is not my intention to vote with them. I should be quite justified in voting with the honorable member for Parnell, because the honorable member for Wallace was quite correct when he said that the logical conclusion of Abolition was one colony and one purse. The honorable member for Port Chalmers was inflated this afternoon with the spirit of Demotesism because the compact of 1856 was
threatened. Why, Sir, the honorable member, as a member of the Government, has broken that contract himself. He has been made a tool of by members more astute, men who are not so full of the milk of human kindness as he is himself, and having served their purpose he is thrown away as useless; yet he gets up and talks about the violation of the compact of 1856; he waxes indignant, dances about excitedly; and after all what about? The mere shadow on the wall—the honorable member for Grey Valley. The way in which the Government make use of these two members is positively astounding. Holding these views, I need argue the matter no further.

Mr. BARFF.—I do not intend to trouble the House with many remarks on this question. I merely wish to explain that the fact of the Government having made this a party question does not affect my vote one iota. I shall probably vote with the Government, but I shall do so in accordance with my own convictions, which lead me to believe that the localization of the Land Fund is a positive necessity, and is the necessary result of the compact entered into many years ago. I wish in these few words to give my reasons for voting against the motion of the honorable member for Grey Valley. I should not have spoken had not the member for Wellington City (Mr. Travers) referred to forty-five members who attended a caucus this morning, and who promised to support the Government through thick and thin. I wish to say that I was not one of that caucus, nor do I know what took place at it. Therefore I hope I shall not be accused of having my vote influenced in any manner whatever.

Mr. Woolcock's amendment negatived.

On the question, That Mr. Header Wood's amendment be agreed to,

Mr. MONTGOMERY said,—I am rather astonished, Sir, that upon such a large question as this, a question which affects both the North and the South very nearly, we should have heard nothing from the Government respecting it. For the Government, when a question of this sort comes before the House, to defeat a motion on the subject by means of their majority without saying anything, is not what we should expect from them. I think that there has been some misconception on the part of honorable members as to what a Land Fund really is. Sir, the Land Fund is derived from persons who purchase with the view of making use of that land by settling upon it; but it is impossible for them to do that without the expenditure of part of the money in making roads, bridges, &c. One of the conditions on which a large block of land was sold in Auckland Province was that one-half the purchase-money should be returned to the purchaser for the purpose of enabling him to make a road through his land. Now, Sir, if you give people in Otago and Canterbury half of their purchase-money wherewith to make roads through their land, they will be perfectly contented. You must remember, however, that in order to get to many tracts of land other roads must be made, and the money required to make these also should be taken out of the Land Fund. I have heard the honorable member for Franklin say that the Central Government was the best to administer the Land Fund of the colony. I can conceive nothing which would be more prejudicial to good government than that every session we should have a debate as to whether this road or that bridge should be made. Who are the members from Auckland or Napier know of the roads that require to be made in Otago? I consider that money being annually voted for such local works would be dangerous to good government, because there would be a tendency to purchase members by giving money to spend in their districts; and a Government which was corrupt in its nature would be enabled to stay on those benches as long as it liked by making grants for the districts of those members who supported them. In speaking a few nights ago, I only said a few words respecting the seizure of the Land Fund in Canterbury; but I say now that it cannot be seized unless the Financial Arrangements Act be altered. I have to say that the Government which can calmly stand by and allow such a question as this to go to the vote without giving any reason why, is a Government which cannot have the confidence either of this House or of the country. It must be remembered that this Government is seizing £167,000 of the Land Fund of Otago and Canterbury, which seizure is quite contrary to the law. The Government may have a majority, obtained partly by their working on the fears and likings and dislikings of members of this House; but I say that throughout the length and breadth of the land the Government have lost the confidence which one year ago the public reposed in them. The public throughout the land will see how unable they are to cope with great matters; and I have very little doubt that before long the House will tell them to leave their places in order to make room for better men. I shall oppose the motion of the honorable member for Parnell.

Question put, "That the words proposed to be left out stand part of the question;" upon which a division was called for, with the following result:—

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Wairoa Land.

Mr. Gibbs, Mr. Stafford,
Mr. Gisborne, Mr. Stevens,
Mr. Harper, Mr. Sutton,
Dr. Henry, Mr. Tawiti,
Mr. Hodgkinson, Mr. Teschemaker,
Mr. Hunter, Mr. Whitaker,
Mr. Hursthouse, Mr. W. Wood,
Mr. Johnston, Mr. Woolcock,
Mr. Kelly, 
Mr. Kennedy, Tellers,
Mr. Lumden, Captain Morris,
Mr. Macauley, Mr. Wason,

Noes.
Mr. Dignan, Mr. Swanson,
Sir G. Grey, Mr. Takamoana,
Mr. Hamlin, Mr. Tole,
Mr. Nahe, Dr. Wallis,
Mr. O'Rorke, Tellers,
Mr. Sharp, Mr. Ree,
Mr. Sheehan, Mr. R. G. Wood.

Pains. Against.
Mr. Bastings, Mr. Richmond,
Mr. Button, Mr. Lusk,
Mr. Fox, Mr. Baigent,
Mr. Larnach, Mr. Curtis,
Mr. Murray, Mr. Macfarlane,
Mr. Richardson, Mr. Joyce,
Mr. Seaton, Mr. Travers.

Mr. Reader Wood's amendment was consequently negatived.

WAIROA LAND.

On the motion for going into Committee of Supply,

Sir G. Grey said,— Before you put that question, Sir, I wish to address a few words to the House. The subject we have had under consideration has been a question as to the manner in which the public lands of the colony should be dealt with. In the course of that debate I had placed in my hands a newspaper by which I see that a valuable block of land in the Wairoa District, consisting of 20,772 acres, is to be offered for public sale on the 26th September next. Sir, I think the House will deem it absolutely incredible when I state that the Waste Lands Board of the Province of Auckland, a wholly irresponsible body, have issued notices that that land is to be sold in blocks of an average size of 2,308 acres—that is, at an average upset price of £2,308 for each block. Some of the blocks considerably exceed 3,000 acres in extent, and no block is less than 900 acres. Under such conditions there is no inhabitant of New Zealand, except he be a capitalist, who can buy a portion of that land. Every rule of colonization is set at defiance. I wish the Government, Sir, to give us an assurance that this matter shall not be proceeded with—that this sale shall be stopped—until the House has had an opportunity of expressing an opinion on the subject if it should be thought necessary. If they will not give this assurance, even at this late hour I must proceed to address the House on the subject; but such an assurance will at once satisfy me. I have waited for a reply, but I hear no answer. Have I no hope of obtaining such an assurance? There is no reply. Well, Sir, in that case it is my duty to appeal to the House to see that justice is done to the inhabitants of New Zealand. I know not where to look for justice. Why, Sir, the person to whose conduct allusion was made knows such to be the case. He sits upon those benches; and what was the answer made to me the other night by a Premier with passion when I made my complaint? The reply was, "I challenge you"—the word "challenge" was repeatedly used—"I challenge you to come out of this House, and dare to put in writing what you have said here. If you did I would take you to the Courts of the country immediately." He knew, if I went outside, that—like the unfortunate printer of the Oamaru Mail—he might have me brought up to the bar of this House for a breach of the privileges of Parliament. He knew that, Sir, and I believe he would have taken some such course. He knew, too, that I might be prosecuted for criminal libel, when my mouth would have been stopped; and he knew there was a pecuniary reason why he would wish to go to the Courts—that he would be unduly represented there. I say a more wrongful statement was never made in any Legislature, and it was an insult to this Legislature. The honorable gentleman had the hardihood to offer that insult, and you are all equally insulted with myself. He knew we were the proper persons to judge of the conduct of Ministers who sit upon those benches. He knew that the correction of maladministration is in our hands, and not within the functions of the Supreme Court. He knew that perfectly well, and yet he insulted this House. He expressed a feigned readiness for an inquiry before a proper tribunal, though he knew that, last session, when I prayed for a Committee of inquiry into these circumstances, and when the House seemed inclined to indulge me, the cry was raised, "This is a Government question; the Government will go out if you do not reverse your vote; Abolition will be lost; the provinces will be retained unless your vote is reversed." And with that cry he got the House to prevent me from having a Committee. In every way the course he pur-
sued in refusing me a Committee of inquiry was a breach of the rules of Parliament, a breach of the rules of honor, a breach of the rules of public policy. It will also be within the recollection of this House that upon a previous occasion, when I brought under notice the conduct of that honorable gentleman and his colleagues in office—that they wrongfully held office—he challenged any one of us to dare to go into the Courts of the country. That was a question which could be tried before the Courts. Did I hesitate to accept his challenge? No, Sir. At the risk of large costs and expenses to myself, I brought the question before the Courts; and what did he and his supporters immediately do? Why, the Ministry brought in and passed a Bill of indemnity, indemnifying the honorable gentleman and his colleagues from the consequences of their illegal actions. The Act stands there a disgrace to the Statute Book. It stands there as a witness against him; and I say, Sir, that I am satisfied that if I had done what he asked me to do the other night my proceedings would have been indirectly defeated: I should have been placed at the bar of this House before honorable members; or some other step of that kind would have been taken by which they would have availed themselves of the false position in which they would have led me to place myself. Give me the Committee of inquiry I ask for. In the face of those honorable gentlemen who sit here—in the face of the whole country—I ask, give me that Committee. I have made that request; and I am willing to support the charges I have made; I am prepared to prove those charges. I ask again, give me a Committee fairly to try the case. Again there is no reply. Surely you would not prevent me getting that.

Now, honorable gentlemen, you have heard the reasons why I say I hope in vain for justice. I see no hope for myself or for others in the present state of things. I know that public opinion must arise; I know that it is rising in the country without this House. Already I can fancy I hear the plaudits of coming generations. That was composed of men who vote not according to their conscientious convictions, but simply to keep those gentlemen in their place. They will know that the statement of the Government on that question was mere bravado. They will know and will feel that in my objecting to thousands of acres of land being cut up into large blocks to suit the persons who desire to get these great tracts of land, to the exclusion of a large number of men in New Zealand who are daily struggling to secure homes for themselves and for their families—they will and must feel that I have, in that respect, also stood forward as a champion of the public rights. I will conclude now, Sir, reserving to myself the right of pressing in some other form my humble plea to this House to give me a Committee of inquiry into the great wrongs which the population of Auckland have suffered in 89,000 acres of one coal field having been taken away from them unlawfully, and 89,000 acres of land having been in the same manner unlawfully taken from the public lands of this colony. Reserving that right, Sir, I now move, That this House is of opinion that no blocks of land exceeding 320 acres in extent should be offered for sale in the Provincial District of Auckland. This resolution, if carried, will prevent what I call a wrong, a shameful transaction—the disposing of a large tract of land in the manner I have indicated. It is impossible that any fair competition can take place for blocks of land of such enormous size, offered at such a great upset price. I call upon the House to support me in affirming this resolution, which will secure that such a sale cannot possibly take place until further consideration is given to the subject. Let honorable gentlemen at least entertain the question for the sake of those men in New Zealand who are not in possession of great capital. Is it asking too much of the representatives of the inhabitants of New Zealand to prevent a thing of this kind being done? I say, No; that you ought to assist me. Some honorable gentlemen may smile. I see a smile upon their faces; but what do they smile at? Is it because men who have come here for the purpose of making homes for themselves and their families are not to be allowed to do so unless they are men of great wealth? Is that a cause for laughter? Is it a cause for laughter that there are to be no homes for the poor? Honorable gentlemen do not laugh now. I say that is not a thing to be laughed at. That a whole tract of land is to be sold in nine blocks; that upwards of 21,000 acres of land are to be sold in nine blocks of that magnitude, at such an upset price—for one of them, an upset price of more than £4,000—this is a crying shame and a scandal. I made a modest request of the Government that they would simply promise to delay this sale until inquiry had been made, but my request met with no response. Honorable gentlemen, I pray you, on behalf of the public interests of this country, to pass the resolution which I now move. If inquiry is made I will willingly modify it in
any form; but do prevent a thing of this kind being done hurriedly, and try to secure for all your fellow-countrymen here equal rights. Sir, I move this resolution.

Mr. Speaker.—The honorable member is unable to move the resolution. The rule is clear that, when an amendment on the motion that I do leave the chair in order that the House may go into Committee of Supply has been negatived, no other amendment can be proposed. The honorable member, however, is not out of order in merely calling attention.

Major Atkinson.—Sir, with reference to the remarks made by the honorable gentleman, I take it that I shall be consulting both my own dignity and the dignity of this House by not answering much of what has fallen from him. Of all the speeches that ever I heard in this House, I think the one which we have just listened to is the one which we all must most regret when we come to consider the meaning of it. All I can say is that I should feel very sorry that any other honorable gentleman should be of the same opinion as the honorable member for the Thames. For myself, I am perfectly willing to leave my character in the hands of this House, or in the hands of the Supreme Court. I am also perfectly willing that my conduct should be inquired into by the Courts of law of the colony or by this House. If any honorable gentleman should ask that the matter be dealt with outside the walls of this House, I shall be happy to follow that course. I have full faith in the justice both of this House and of the Supreme Court. I refer to what fell from the honorable gentleman with regard to the Indemnification Act of last year. The statement made by the honorable gentleman, I think unintentionally, is absolutely at variance with the facts. The facts are these: A Bill was brought in to indemnify Ministers, and a clause was inserted in the Upper House to that effect: that, unless upon their consenting to pay the costs of any person bringing an action against them, they should not be allowed to plead that Act. I called attention to that fact. I called the attention of the honorable gentleman to that fact, and asked him whether he would like to be put in the position of a common informer. I stated that the members of the Government would not object to the clause. It was for the honorable gentleman, the member for the Thames, as he alone was affected, having begun actions against members of the Government.

Sir G. Grey.—I never heard that statement made.

Major Atkinson.—I made that statement, and the honorable member will find it in Hansard. It was stated openly, in the presence of the honorable gentleman.

Sir G. Grey.—No, certainly not.

Major Atkinson.—I say it was made openly in the House. The Act was passed with this clause in it. Subsequently, my lawyer came to me with his little bill for the writ, and told me: I said to him, “Can I not compel the honorable gentleman to proceed with this action?” He said, “Oh, yes; I think you can.” “Well, then,”
get is of any blunder they had committed? What was the Executive to be indemnified against but a breach of the law? If any one will refer to the debates which took place last year when the disqualified matter was before the House, they will find that the members who called in question the action of the Ministry were challenged in the House, in the same way as the honorable member for the Thames would not for or by reason of any of the matters aforesaid.

Why was that Act passed if it was not simply to free the Government from the consequences of a blunder they had committed? What was the Executive to be indemnified against but a breach of the law? If any one will refer to the debates which took place last year when the disqualified matter was before the House, they will find that the members who called in question the action of the Ministry were challenged in the House, in the same way as the honorable member for the Thames was challenged this evening, to go into the Supreme Court. But no sooner was a writ issued than this Indemnity Bill was introduced. I think it is much to be regretted that, when one honorable gentleman makes a statement with regard to another in this House, he should be told to go to the Supreme Court. It is derogatory to the dignity of this House. It is to admit that this House is not competent to investigate matters relating to the administration of the affairs of the colony. It is an admission that this House is incompetent to perform its duties; and such an admission the Premier should not make.

Mr. REES.—I did not interrupt the Premier when he said that a certain thing had taken place between the Attorney-General and myself, but I say now that no such thing occurred. I never said to the Attorney-General that it was the desire of the honorable member for the Thames that the matter should not proceed. What I did was this: The Attorney-General and the Premier were anxious to go into a Court of law to decide the question as to their position in this House. Writs were issued. Then an Indemnity Act was brought in; and then of course I saw it was utterly useless to go on with any action in the Supreme Court. I never said that the honorable member for the Thames desired to withdraw the action. I suppose the Premier would like to put it now that the honorable member for the Thames desired that his costs should be paid. The honorable gentleman knows very well that the honorable member for the Thames would not take any costs at all. The honorable gentleman used the term "informers"—a name infamous to be used by one gentleman towards another—a thing which would leave a stain upon the name of a gentleman.

Major ATKINSON.—And quite right too.

Mr. REES.—Then why did you use it?

Major ATKINSON.—Because I meant it.

Mr. REES.—And these are the aristocracy, I suppose, of this country, men who defile the name of gentleman, men of character and conduct which would disgrace a bullock-driver.

Mr. SPEAKER.—I call the honorable member to order. It is a critical thing to decide at what point it is the duty of the Speaker to interfere. I think it was not according to Parliamentary usage to use words partaking of the character of a challenge to go outside this House; although I am bound to express the opinion that such terms do not bear the same interpretation and meaning in modern times as they did according to ancient usage. At the same time also, I think it is very improper that they should be used. I do not wish to attach special blame more to one side than to another, but I do think the debates are assuming a personal character which is very undesirable. I hope the House will consider I am acting wisely in checking the use of such language, and it will support me.
when the honorable member for the Thames or any other honorable gentleman attempted to bring the members of the Ministry before the Supreme Court, he would be stopped, because, being the Cabinet, and holding the office of Her Majesty's Advisers, they could not be indicted before that Court; but, if a person outside the House makes statements that they have done something wrong, he could be brought before the Court. I say that for them to ask any man to place himself in that position is just the same as for a man to ask another to place himself at fifteen paces, when he knew the pistol that that other man held was not loaded with ball, while his own was. But every honorable gentleman on that bench knows that the charges brought against them are true; and they are afraid to meet them. I say it now openly before the House and before the country that the transaction in relation to that Piako Swamp, which causes a laugh whenever its name is mentioned, was against the law and in defiance of the law; but the only person who could move in the matter, because it had to be done by a writ of seire facias, is the Attorney-General; and he will not move in it of course. I say it is a perfect scandal that such things should be allowed, and that persons should have their hands tied and their mouths shut, and be taunted with not going outside the House and making charges which would lay them open to a criminal prosecution. I thought there was some personal courage left in those honorable gentlemen, if nothing else—if their political courage had faded away and, like Bob Acres', had oozed out of the tips of their fingers. Ministers are in this position at the present time, that they are absolutely accused before this House, which is the only tribunal that can take cognizance of such an accusation, of conduct unbecoming to Ministers. There is no accusation brought against the Premier. I do not know of a single instance; and yet the honorable gentleman speaks of several occasions on which charges were brought against him. I do not know of a single occasion on which he has been charged, either by the honorable member for the Thames or by myself, or by anybody else, with being implicated in any of these transactions.

Major ATKINSON.—I am under the impression that I could mention half a dozen.

Mr. REES.—I do not think the honorable gentleman can show anything of the kind. He may appeal to the honorable member for Tauri, as I see him doing, and I have not the slightest doubt that that honorable gentleman, who, since he has occupied his present position, has always shown himself, and very naturally too, rather better, would like to be able to show something of the kind. I am sure I have never made any accusations against the Premier personally of being connected in the slightest degree with any of these transactions; but this he has been accused of, that while others have misconducted themselves he has been able to defeat them by stifling inquiry. I do not remember the slightest charge against the Premier himself, either of bad faith or of being interested in any wrong transaction; but, if anything I have said has left such an impression on his mind, all I can say is that I apologize to him for it. I do not apologize to those whom I consider wrong. I would sooner do a great deal than do that, they may depend upon it. In relation to the matter which has been now brought forward by the honorable member for the Thames, I think either the Premier or the Minister for Lands should have at once said that they would institute inquiries as to why these 20,000 acres of land had been offered in nine blocks.

Major ATKINSON.—I did say so.

Mr. REES.—The honorable member said so! Why, I appeal to every honorable member present to bear me out in saying that the honorable member for the Thames remained silent for some time, and it was only when no response was given that the honorable gentleman proceeded to make the remarks he did. At all events, then, there was no more than a misapprehension in the matter, and there was no necessity for the firing up that took place, because it was Ministers themselves who caused this misapprehension. I must say that, after the conduct which has been exhibited tonight, and the terms that have been used, there is little hope of justice being done or inquiry being granted into accusations that have been made. If the Premier or the Minister for Lands had said they would inquire into this matter I should certainly have deprecated the use of strong language; but I understood—and I believe the whole House was under the impression, when the honorable member for the Thames got no answer—that the Government intended to do nothing in the matter.

Mr. MOORHOUSE.—I confess I cannot see what case the honorable member for the Thames made out for the suspension of the sale of this land. He has not a word to show why the sale which has been arranged should not go on. If the honorable member had said this land was exceedingly valuable arable land, capable of supporting a large population, susceptible of being covered by smiting homesteads; and if he had described it as all the slang and trash that fill an auctioneer's advertisement, I could have understood his wish to have the sale stopped. But he told us nothing of the character of the land. He said there were 20,000 acres to be sold in a certain number of blocks, but he did not tell us what sort of land it is. I know of my own knowledge that there are thousands and thousands of acres of waste lands of the Crown that, for commercial purposes, are not worth £1 an acre, and I know that there are in the hands of the Crown lands which, as a commercial investment, are worth £5 an acre. The honorable gentleman should not take up the time of this House complaining of the Government without giving some reason. If he had shown that these lands were to be detached from the State property on terms injurious to the State, I should have agreed that an inquiry should be made whether these lands were part of large blocks or not; but the honorable gentleman crops up in the most inconvenient manner, and gives us some statement which he has read in a newspaper of circumstances of which he has no knowledge whatever.
himself, and he says that this large block of land is being sold at an inopportune time, and that the sale should be stopped. But what is his reason for stopping the sale? Is it because it is bush land, or because there is no bush on it? Is it because it is covered with scoria, or that it is most valuable arable land? What is the reason that he wants this sale stopped? He tells us nothing at all. And then upon Honorable gentleman's speech there arose an harangue from the honorable member for Dunedin City, and another from his companion the honorable member for Auckland City East. It is just of a piece with everything which I have seen both this session and during the last—every possible opportunity taken to delay the business of the country. I protest against such proceedings; and I beg to say that I understand the value of an Opposition quite as well as the honorable member for the Thames. I believe that the safety of Parliamentary government is dependent upon the vigilant watching of the action of the Government by an intelligent Opposition. I believe that such an Opposition is most valuable, and I should be very sorry to see any Opposition of less value than that which we have now. I should, indeed, like to have seen it of much more value, and as active, ever since I have had the honor of a seat in this House—extending over a period of some twenty years. But there is a use of an Opposition, and there is an abuse of it. The Opposition has the opportunity of abusing its power; and I am bound to say—and I say it with the greatest respect to every member in this House—that there has been an enormous abuse of the power of the Opposition lately; that the electors of the country have a very serious grudge against the Opposition; that they have gone on in the hope of being in the majority, wasting the time of the country, and incurring for the country enormous expenses which they ought to have avoided. Is it not palpable to everybody that many individuals have been using this House as a debating society? Gentlemen of imperfect experience and imperfect education come down and use this House for nothing else than a debating society. I have seen honorable gentlemen dragging down from the Library loads of books, and charging Hansard with quotations, not feeling that if they had been in earnest in the interest of the country they might have saved time and expense by appending to their long tiresome speeches a footnote saying, “You will find what I have said here at page so-and-so of Spencer,” or Mill, or any of those authors whose works every intelligent man in this House had studied long ago, and read through scores of times. It is a serious charge upon this House that honorable members should come down and read for us the nursery rhymes we have learned years ago. The whole of this is a charge to the country, and has to be printed in Hansard in order that when we go back to our constituents we may have an opportunity of saying to them, “True, we have not done much for you, but you must consider and we are a great and wondrously able body of men.” See the two, three, four, or five pages our speeches always take up.” And the honorable gentleman who is the cause of all this nonsense, notwithstanding his long experience, is the honorable member for the Thames. But, with all my great respect for him and for his charitable feelings, I am bound to say that he is responsible for a great deal of the waste of time that takes place in this House. He aspires to a prominent position here. He is the leader of a party, and he has succeeded in uniting with him, in close adhesion and dependence, honorable members who, under his shadow, commit themselves beyond all possible endurance. The honorable member for Auckland City East is conspicuously one of these. When he stands before you, Sir, and talks nonsense by the hour, he gives incontrovertible evidence that he is wanting in a proper conception of the fitness of things. He stands under the shadow of the honorable member for the Thames, and that is not a creditable position for any member of this House to occupy. None of us, however small we may be, should come into this House until we feel an entire assurance that we are fit to take part in the affairs of the colony; and in the assurance of that fitness we ought not to be dependent upon the patronage of any gentleman, however much that gentleman may presume upon his past grandeur in urging his friends to obstruct the business of the country. I am glad the honorable member for Auckland City East laughs, because, whatever faults we may commit in this House, I hope we shall not be so far deficient in frankness as to believe anything we may say is prompted by ill-nature. No penalty follows a man outside of Parliament for speaking here what he thinks, and under these circumstances I may be permitted to say that I think the honorable member for Auckland City East would be far more effective in another sphere. I have my eye upon one particular line of business in which I believe he could occupy his time very profitably in the interests of those who might have his confidence. It is one in which the honorable gentleman would inevitably make his mark, because it requires that stentorian voice and power of lung which the honorable gentleman possesses in a very high degree. If it is not parliamentary, and if it is not unflattering to the honorable member, I would say that I believe he would be a remarkable success as an auctioneer. His physique is equal to any possible call that could be made upon it. No difficulty of a physical, moral, or intellectual character would daunt the honorable gentleman or prevent him giving vent to that remarkable physical energy, that remarkable intellectual effervescence or exuberance—If he will not say excellence—which characterizes him, of which he is exceedingly proud, and the consciousness of which would make some men exceedingly uncomfortable. Sir, I do not often presume upon the patience of the House. It is very comfortable indeed to find another sensible man step into the breach in one’s place, and my sentiments upon the questions that have come before us have been sufficiently expressed by a great number of gentlemen in this House. For my part, I am satisfied if the House finds an exponent of my ideas in another person, and I am satisfied that
my silence, if it has no other valuable effect, shortens the time and lessens the expense of reporting the froth which foams over the vessel in which we now are. It is perfectly nauseous to be compelled to listen to the large amount of unnecessary talk that is indulged in. Sir, an honorable gentleman now present, but who is not one of my party, suggested a very appropriate name for it—rubbish. If it does not exceed the limits of proper Parliamentary expression to say so, I might add that half the talk to which we listen in this House is rubbish. I remember a time, Sir, not very long ago, when there was a debate going on in this House ostensibly against time. I was not then a member of this House, but I occupied a seat in the Speaker's gallery. I was shocked at the waste of time, and, having nothing better to do, I noted the departure of several honorable members who took a prominent part in that waste of time. The minutes slipped through the net; I took no note of them. But I took notice of one honorable gentleman in particular. I do not know whether I should call him a tragedian, a comic singer, or a buffoon, but he was one or other. And that honorable member was the honorable member for Parnell. His deportment was remarkable. At the door of this Chamber he took off his smoking-cap, enfolded himself in gorgeous dressing-gown, and put on slippers of mediaeval length. Advancing to his place in this House, he stretched himself upon his seat, and, like Caesar, threw enfolded himself in a gorgeous dressing-gown, and put on slippers of mediaeval length. Advancing to his place in this House, he stretched himself upon his seat, and, like Caesar, threw enfolded himself in a gorgeous dressing-gown, and put on slippers of mediaeval length. Advancing to his place in this House, he stretched himself upon his seat, and, like Caesar, threw enfolded himself in a gorgeous dressing-gown, and put on slippers of mediaeval length. Advancing to his place in this House, he stretched himself upon his seat, and, like Caesar, threw enfolded himself in a gorgeous dressing-gown, and put on slippers of mediaeval length. Advancing to his place in this House, he stretched himself upon his seat, and, like Caesar, threw enfolded himself in a gorgeous dressing-gown, and put on slippers of mediaeval length.
architectural fault has been committed by the designer of the Government Buildings. Well, Sir, the architect of those buildings has left a monumental work which, I think, his descendants will not be ashamed of. The honorable member sets himself up as a judge, and, report says, as an architect. No doubt he will also be satisfied with the monument which he has left in the colony. More than twenty years ago I was a member of this Legislature, which used then to hold its sittings at Auckland; and I know that at that time, or shortly before it, the honorable member was an architect, and he has bequeathed to the colony an instance of architectural grandeur which may be seen even at the present day in Auckland. I ask the honorable gentleman himself whether that remarkable instance of architectural correctness—colour, size, internal and external adjustments—is not now standing as a reproach to him; and it would be a reproach to the meanest carpenter who ever undertook the erection of a pigstye. Now, Sir, I have a very great regard for the honorable gentleman: I like him, and, to use the words of a friend of mine when he was saying something slightly unflattering to another person, "Man, I love every bone in his body." And, as a very old acquaintance, I hope I may say friend of his, I shall always in this place criticize the honorable gentleman fairly and fully. My modesty will not permit me to take up the time of the House too long, but I shall say a few words more. The honorable gentleman, in one of those nice speeches of his, the other day, struck a note. He might for the present be prepared to accept a small salary and a commission, and eventually to take the management of the railways himself for a very small salary to begin with. Experience of the honorable gentleman has taught me that I am justified in believing that he would be willing to undertake anything whatever. I believe the honorable gentleman would be quite ready and willing to undertake the management of the railways himself for a very small salary to begin with. Experience of the honorable gentleman has taught me that I am justified in believing that he would be willing to undertake anything whatever. I have not the slightest doubt that the people in the strangers' gallery of this House, after listening to the speech in which the honorable gentleman ventured on a criticism of the finance of the colony, said to one another that he was a very able and clever man, and that his strong point was finance. I fancy I hear one man saying this; and then another man says, "Yes; you are right. He is a great financier, and, judging by his eloquence, I should say that he was a very successful financier. I should think he must have been Colonial Treasurer." Then another man says, "Yes, Jack, he was a Treasurer, and such a Treasurer as we shall not see again in a hurry. He was a Treasurer who undertook a mission to England, and, I am sorry to say, he completely failed. The honorable gentleman himself has claimed to be a judge of opinion; and it is not consistent with the dignity of this House that they should be made.

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Mr. Moorhouse.—I am sure, Sir, that you will acquit me of any desire to be impertinent in my remarks to this honorable House, or to say a single word in excess of what may fairly be said in Parliamentary discussions. I hope you, Sir, and the House will acquit me of any desire to be personal, or to overstep the rules of debate. I was using a figure; but I confess that I was a little bit too much in America at the time. I was endeavouring to describe the experience of my honorable friend the late Colonial Secretary, the honorable member for Totara. What I ought to have said was, that the honorable member's beard had not grown; there can be no exception taken to that. Ever since he was a man, he has been actively, and no doubt usefully, occupied in assisting in the administration of the affairs of the colonies, this among the rest. Well, Sir, the honorable member, after having excelled in that capacity, after going through all the gradations of the public service in a manner which attested his value, and which proved the necessity of his being employed in the service of the colony, eventually, upon the nomination of the honorable member for Timaru I believe, stepped into the arena of politics. An honorable member reminds me that it was not upon the nomination of the honorable member for Timaru, but upon that of the honorable member for Wanganui. At any rate, he now gets his first experience of politics; and I think I am correct in my recollection that he even took office before he had proved his armour. He comes into politics with no feelings of diffidence, like David felt when he complained to King Saul that he could not go into battle because he had not proved his armour. He seeks a constituency after taking office.

An Hon. Member.—Like the Minister of Justice.

Mr. Moorhouse.—Quite true, so far; but the Hon. the Minister of Justice is not a dead politician, and the honorable member for Totara is. The honorable member for Totara then, we find, was unaccountably supposed for several years as a responsible Minister, until the honorable member for Timaru contracted a most unfortunate alliance, which led him, against his own judgment and against the interests of the colony, to come forward allied with the party which, for a very short season, supplanted the Ministry of which the honorable member for Totara was one. Well, the honorable member for Totara, having embarked on a ship which was cast among the rocks, it might have been reasonably supposed would have crawled to the strand, and there fed on limpets and cockles for the remainder of his days, or until, with his comrades, he returned to brighter times. But the honorable member's good fortune still stuck to him, and he was amply and handsomely provided for by a process very carefully prepared by himself before he embarked in the ship of politics. I suppose this was arranged for him in consequence of his long services in this colony. I am quite ready to admit that those long services ought to have been rewarded, and perhaps to go even further and say that no provision that could have been made would be adequate to the value of those services. But, Sir, as a politician the honorable member has read us an exceedingly sorry lesson as to what does or what does not constitute political propriety. He has not got room to say a single word against any Ministers who may occupy those benches on the score of hypocrisy. If course I use hypocrisy in its parliamentary sense—and I should not like to see a repetition in the public service of the colony of the hypocrisy of which he has been guilty. He sold his constituents most completely, for, as soon as his chance of continuing in office disappeared, he found genteel retirement as Commissioner of Annuities. There is no example of a similar kind in the history of this colony; it is the only precedent of the kind; and I hope such a thing will never occur again.

An Hon. Member.—Mr. Bathgate.

Mr. Moorhouse.—That is not a similar instance. In the presence of a number of gentlemen who understand the merits of each case, I can only say that the honorable member must be conscious that there is no parallel. The cases are not analogous. I hear some gentlemen cheering: An actor— I suppose we are all actors in this House to a certain extent—is encouraged to proceed or otherwise by a knowledge of whether he is pleasing his audience, and I assure you, Sir, I estimate those cheers by a knowledge of the individuals from whom they come. I was going to remark that, having spoken for half an hour or more, I am beginning to become conscious that I am falling into that bad practice to which I so greatly object—talking too much. But I entreat the House to consider that I am not an every-day trespasser. As I said before, I object to long speeches. It is quite within the scope of many men little more than half-witted, especially if they can read and can order one of the porters to bring in a tremendous pile of library-books, and if they are sufficiently unconscientious, to attempt an imposition upon the public and upon this House, by sitting down for several hours every day, and not to use a very expressive but generally accepted term—of "mugging up" speeches with which to astonish the House and open the throats and eyes of their constituents. Presuming on the fact that I am a very old man indeed in this Assembly—I was one of the first elected to the Assembly of New Zealand—presuming on the fact that I have had an experience of twenty years off and on in this House, presuming on the fact that I have had opportunities of forming my model upon the most able and most thoroughly approved public men the colony has ever seen, presuming on the fact, and I conscientiously believe it is so, that I have improved these occasions for my own use and for the use of my constituents, I do implore honorable members to talk a little less. The advice I give to my own party is simply this: We understand that a large amount of work is absolutely necessary to be done, and I strongly recommend every honorable member who sits on the same side as I do to allow those honorable gentlemen who are elected by us, and who enjoy our confidence, to do their duty, and we will go into the lobby with them without any talking.
To the Opposition I may also, although it may be considered very impertinent, tender some advice. I say, bring out your tallest man, your most redoubtable champion, or two or three, and throw in the honorable member for Auckland City East and the honorable member for Dunedin City (Mr. Stout)—these two to give voice and volume and noise to the propositions of the sensible men in the Opposition. I think they will be quite equal to the occasion, perhaps more than equal to it; and the rest of the members of the Opposition will confer a remarkable obligation on the country and on this House if they use their energies to repress any tendency to garrulosity of the honorable member for Par-<br>Thames. Honorable gentlemen ought not to presume on the fact that they have fine voices, though I confess I am remarkably envious of the fine voices of some persons in this House: for instance, the impressive delivery of the honorable member for Dunedin City (Mr. Stout), and the fine, liquid, luscious tones of the honorable member for Parnell, are quite sufficient to invest a subject with a rich mellow tones of an excellent voice. When I open my mouth, the first thing that occurs to my sense is that it were better I were dumb: there is no music in my voice; no fascination is expected to result from any vocal utterances of mine. In regard to the honorable member for the Thames—I select him as a type of his order—the honorable gentleman gets up—I suppose he has an idea in his head at those times—he opens his mouth and warbles some melodious notes, which, judging by the applause that follows, have greatly impressed his followers with the value of his discoveries. We do not all agree with his view of the subject, and we very frequently doubt whether he has touched the subject under discussion at all, and all I can discover is that he and those who are with him are strongly engrossed with a desire to occupy the places of the gentlemen on the Government benches. We have had too much of this sort of talk, and it is time that the business of the country was got on with. I protest, upon my honor, that if the members of the Opposition would endeavour to convince me, and if they succeeded in convincing me, that they have anything to recommend to the country more than themselves, I should be very glad to support them.

Mr. WHITAKER.—I beg the honorable gentleman's pardon. He did make charges against me in reference to the Disqualification Act. I shall prove to him and to the House that the statements made are untrue. I accept the challenge of the honorable gentleman, and I shall be very happy to enter upon the question at the very earliest possible opportunity.

On the motion of Major ATKINSON, the debate was adjourned.

The House adjourned at five minutes past one o'clock a.m.

LEGISLATIVE COUNCIL.

Tuesday, 28th August, 1877.

First Reading—Second Reading—Waipa County Council—Jacob's River Hundreds.

The Hon. the Speaker took the chair at half past two o'clock.

PRAYERS.

FIRST READING.

Native Reserves Bill.

SECOND READING.

Lyttelton Public Domain Bill.

WAIPAWA COUNTY COUNCIL.

The Hon. Mr. RUSSELL asked the Hon. the Colonial Secretary, Why, the Waipa County Council having been fixed, by Proclamation in the New Zealand Gazette of 28th November, 1876, to consist of nine members, the number was reduced by taking one member each from the Waipukurau and Porangahau Ridings? By a Proclamation in the Gazette of 28th November last the County of Waipa was divided into six ridings, for three of which—Ruataniwha, Waipukurau, and Porangahau—two members each were to be elected, and for the other three one member each. The electors immediately proceeded to make arrangements for the election on that basis; but, within a few days of the nomination day, a Mr. Fannin, of Napier, a gentleman who for many years was Superintendent's clerk, sent instructions to the Returning Officers of Waipukurau and Porangahau that an error had been committed, and that only one member for each of these ridings was to be elected. The Returning Officer for Porangahau, not deeming that Mr. Fannin's instructions were a sufficient warrant for him to disregard the Gazette notice, allowed the nomination of two candidates, and, no opposition being made, they were declared duly elected. The Returning Officer for Waipukurau, however, acting under Mr. Fannin's instructions, only allowed one member to be nominated, and only one was therefore elected. The extra member for Porangahau, on being told that his election was not legal, resigned. Two important ridings had been deprived, without any reason being assigned, of the additional member to which they were entitled under the Gazette Proclamation. No doubt the business of the County Council...
had been very much disarranged by this alteration, as two of the most important districts had not been adequately represented.

The Hon. Dr. POLLEN said that, in a note to the New Zealand Gazette No. 67, published on the 8th December, the honorable gentleman would find the information he desired. It appeared that the original number was printed in error, and that the error had been corrected in the shape of an erratum.

The Hon. Mr. BUSH asked the Colonial Secretary whether the original number of two to each district was in the draft of the Proclamation, and was afterwards altered.

The Hon. Dr. POLLEN could not answer that question from recollection.

JACOB'S RIVER HUNDREDS.

The Hon. Mr. NURSE, in moving the motion standing in his name, said his object was to draw the attention of the Government to what appeared to him to be a piece of inattention on the part of the Commissioner of Crown Lands in Southland to the expressed wishes of the Wallace County Council. There were certain reserves in the Aparima District—that was a highly cultivated district—that were now quite useless for the purpose for which they were originally reserved; they were at present made no use of, and would consequently become nurseries for rabbits and thistles. There was a Thistle Act in force which compelled farmers to cut down thistles on their land; but it was of course useless for them to do so if there were reserves in their immediate neighbourhood on which thistles were allowed to grow unmolested.

Just before he moved a resolution in the County Council on the subject in May last, the Hon. Mr. Donald Reid happened to be in Southland, and he drew that gentleman's attention to the matter, and Mr. Reid seemed to be perfectly satisfied as to the propriety of the course proposed to be adopted. It seemed to him (Mr. Nurse) that the Government who created these County Councils should at any rate support them in doing what they thought was their duty. If such a thing were suggested in the course of the Provincial Council, the Commissioner of Crown Lands would no doubt have been only too glad to carry out their behests.

In the present case, as far as he knew, nothing whatever had been done in regard to these reserves; but of course the correspondence he asked for would show what action had been taken.

Motion made, and question put, "That the copies of correspondence between the County Council of Wallace and the Commissioner of Crown Lands, Southland, with reference to certain reserves in the Jacob's River Hundreds, be laid on the table of the Council."—(Hon. Mr. Nurse.)

Motion agreed to.

The Council adjourned at a quarter past three o'clock p.m.

Hon. Mr. Russell

HOUSE OF REPRESENTATIVES.

Tuesday, 28th August, 1877.


Mr. SPEAKER took the chair at half-past two o'clock.

PRAYERS.

SECOND READING.

Wanganui Gas Bill.

SMALL AND BARLOW.

Mr. SWANSON asked the Government, What steps they intend to take for giving effect to the report of the Petitions Committee, 1876, on the petition of Messrs. Small and Barlow? This question had been on the Paper for a week or two, and the petitioners were anxious to know what the Government intended to do in regard to the matter. They had been put to a great deal of trouble and expense in the interest of the public, and it was very desirable that their case should be dealt with without any further delay. He simply wished to know whether the Government had made up their minds as to what they should do in regard to the case.

Mr. BOWEN replied that the Government were satisfied that the petitioners were entitled to their expenses, but not to that part of their claim for expenses incurred during the time of the inquiry. They were entitled to the other expenses, which would be paid to them.

KOKATAHI POST OFFICE.

Mr. BUTTON asked the Postmaster-General, Whether the Government will take steps to establish a post office at the township of Kokatahi, in the County of Westland? He did not know whether Kokatahi was the Maori plural for Cockatoo, but it was quite certain that the district was surrounded by small farmers, and he thought that they should have some means of communication with the centres of civilization.

Mr. MCLEAN replied that he had made some inquiries as to whether the Government would be justified in establishing a post office in the settlement referred to, and, so far as he had been able to ascertain, he did not think they would be justified at the present time in doing so. There was a considerable quantity of land sold or leased to small settlers in that part of the country, and he hoped the population would so increase that before long the Government would see their way to establish a post office in the township.

OTAGO CONSTABULARY.

Mr. FYKE asked the Premier,—(1.) Whether the Government are aware that certain officers of the Otago Constabulary have been deprived of the long-service pay granted to them by the Provincial Council of that province? (2.) Whether such deprivation of pay has been made with the sanction and concurrence of the Government? (3.) Whether the Government will
place on the Estimates a sum sufficient to continue such long-service pay to the officers concerned, including arrears now owing? He desired to explain that there were a number of members of the Otago Constabulary who, on account of long service and good service rendered by them, were awarded extra pay by the Provincial Council. Of that long-service pay they had been deprived since the amalgamation of the forces consequent upon the abolition of the provinces. He felt sure that the supporters of Abolition never intended that such injustice should be done. He would like to know if the Government would take into consideration the case of these long-servicemen, and put them in the position they had occupied and would have continued to occupy up to the present time if the provincial system had been still in existence.

Major ATKINSON replied that the police forces of the various provinces were continued at the rate of pay they had received under the provincial authorities until the 30th June last. They had then due notice that they could retire upon the conditions of their original enlistment, or they could re-enlist on certain terms. As far as he understood the question, it was not quite fairly put by the honorable gentleman. These men were not deprived of any long-service pay; they had entered upon a fresh service. The Government did not propose to place any sum on the Estimates to continue the long-service pay to these men.

DEAF, DUMB, AND BLIND.

Mr. PYKE asked, Whether the Government will make some provision for the education of deaf and dumb children, and blind children, either by providing a school and teachers within the colony, or by making arrangements for the education of such afflicted children in some one of the Australasian Colonies? In explanation of this question he might refer the Government to the fact that in the session of 1874 the following resolution was passed by the other branch of the Legislature: "That this Council deems it desirable that an asylum should be established in a central position in the colony for the support, education, and instruction in trades, of the blind, deaf, and dumb residing in New Zealand." Nothing had been done in the matter since that time. By the last census, published in 1874, he found that there were fifty-seven deaf and dumb persons in the colony, and sixty blind. That number had now increased. The majority of these were either children or persons who had not arrived at the age of maturity. He hoped the Government would be able to give a satisfactory answer to this question.

Mr. ATKINSON believed that the honorable gentleman was not present when he answered a similar question put by the honorable member for Avon. The Government then stated that they had made inquiries into this matter, and had come to the conclusion that the colony was not yet ripe for the establishment of deaf and dumb schools; but the asylum in Victoria was willing to keep children thus afflicted at a reasonable rate, and, if any special cases were brought under the notice of the Government, parents being unable to pay for children at that school, the Government would take steps to have them placed there.

FINANCIAL STATEMENT.

Mr. REES asked the Premier, Whether any telegram has been sent by the Government, or by any person to the knowledge or with the consent of the Government, to the Agent-General, or any other person or persons in England, having reference to the Financial Statement lately delivered by the Premier; and, if so, what that message contained?

Major ATKINSON replied that he had sent by telegraph a summary of the Financial Statement to the Agent-General. No other person, that he was aware of, had sent any such telegram. He would lay a copy of the telegram on the table, either that afternoon or to-morrow.

JUDGES.

Mr. REES asked the Attorney-General,— (1.) Why and by whose authority two Judges of the Supreme Court are stationed in the Wellington District? (2) By whose authority Mr. Justice Richmond was sent to hold the Supreme Court sittings at Napier in June last?

Mr. WHITAKER replied that it was convenient to have two Judges in Wellington. Under the Supreme Court Act two Judges had all the power of the Court, and under the Court of Appeal Act were sufficient to constitute a Court of Appeal. One of the Judges now at Wellington was stationed at Nelson, but it was found that there was not sufficient business to justify his continuance there. The work in the Wellington District had increased so much as to require the services of two Judges. They had five different Circuit Courts to attend besides Wellington—one at Hokitika, one at Nelson, one at Hawke's Bay, one at Blenheim, and one at Wanganui. Therefore it was thought more convenient for all parties that the two Judges should reside in the Wellington District, and continue to hold those Circuit Courts. With regard to the question, by whose authority Mr. Justice Richmond was sent to hold the Supreme Court sittings at Napier in June last, he thought the honorable gentleman should have known that the Judges always arranged the circuits amongst themselves. He believed that was the practice everywhere. It was certainly the practice in England, and had been the practice here. The Government in no way interfered.

PATEA TOWNSHIP.

Mr. J. E. BROWN asked the Minister for Lands, If it be true that the Government have promised to fell the timber on 250 acres of land at Patea, for the purpose of laying off and selling the land as town lots? A short time ago he saw a copy of a Taranaki newspaper, in which it was stated that the Government were going to the expense of felling timber on 250 acres of land at Patea, the reason being that the land was to be
cut up into quarter-acre sections, and they could not sell the land beforehand because if the purchasers felled the trees they would fall into their neighbours' land.

Mr. REID replied that the Government had authorized the calling of tenders for clearing an area of about 300 acres in Patea township. The cost would be from 40s. to 45s. an acre, so far as advised, and would be a charge against the sale of the land. It was an invariable rule, in laying off town lands in bush districts, that the bush should be felled before the sale. The Waste Lands Board had no funds for the purpose, this being one of the works hitherto performed by the Provincial Governments, and, as it was desired to have the land opened during the ensuing summer, it was necessary to do the work at once, in order to burn the timber off the land properly.

The Government therefore felt justified in endeavouring to assist the Board to get the land into the market in a suitable manner, and authorized the expenditure, which was intended to be paid from a vote to be taken for the opening up of unsold Crown lands, and recouped to the Treasury from the proceeds of the sale of the land.

WAIROA LAND.

Mr. REID.—I beg to lay on the table reports and plans in connection with the proposed sale of land at Wairoa. These have particular reference to observations made by the honorable member for the Thames (Sir G. Grey) last sitting day; in the course of which the honorable gentleman stated that these sections were being surveyed in very large areas. From the papers it will be seen that the surveyor was requested to have those lands surveyed in areas not exceeding 300 acres, but when the surveyor proceeded to the land he reported as follows:

"With reference to these lands I now address you.

"From information obtained by the surveyor engaged upon the work, and from my own observations, I have ascertained that the character of that part of the block which is proposed to cut up into small farms is of such an exceedingly broken nature that it will never be available for agricultural purposes; that the difficulty of giving access to each lot by roads available for wheeled vehicles will be such that the cost of construction of roads would exceed the value of the whole of the portion proposed to be so subdivided.

"The only use that can be made of these back parts of the block will be as small sheep runs of from 2,000 to 5,000 acres in extent. The soil is good generally, but covered with a rank growth of tutu, fern, and scrub, and appears capable of taking grass; but it is everywhere too precipitous to allow of the use of the plough. I am of opinion that the subdivision into farms of the proposed size—namely, 300 acres—is simply a waste of time and money, as I feel convinced that they would not meet on any sale as such, but might be purchased en masse as a run, in which case of course the subdivision survey would be so much money thrown away.

"In the event of this block being divided into lots of from 2,000 to 5,000 acres, it would not then be so difficult to provide access to them by a few roads, which would be also available and necessary as outlets to the country lying beyond and outside the confiscated block.

"I have deemed it my duty to bring this matter before you before proceeding any further than the completion of the selections already made, with a view to prevent the waste of a large sum of money in surveys, which I feel convinced will never produce any return; but at the same time I shall be happy to carry out your former instructions in their entirety should you wish it."

We then have a report from the Chief Inspector of Native Surveys (Mr. Hasle), in which he says,—

"Mr. Smith's very sensible and well-explained objection is quite in accordance with my opinion. As a rule, only tolerably level lands, accessible by roads not requiring large works to make them available, are suitable for subdivision into small-farm sections. Very broken lands, unsuitable for ploughing, not capable of taking grass with surface sowing, should only be divided by such sectional roads as are likely to be required for thoroughfare; the large blocks so defined can then be dealt with either whole, or occasionally subdivided by a right line, according to the applications made."

I may further explain that there were other sections of an average area of 2,000 acres. After consideration with the Surveyor-General, I find that these could be subdivided and laid off on the ground if sold to different purchasers after the sale, without additional expense to the purchasers.

The largest section now is 1,700 acres.

OAMARU MAIL.

On the Order of the day being called for Mr. George Jones to attend at the bar of the House, Mr. WHITAKER said,—I move that Mr. George Jones be called to the bar of the House.

Motion agreed to.

Mr. JONES appeared at the bar.

Mr. SPEAKER.—Mr. George Jones, printer and proprietor of the Oamaru Evening Mail, you have been required to attend at the bar of this House for having published, in your paper of the 13th August, 1877, an article which has been declared by this House to amount to a breach of its privileges. If you have anything to say in reference to this charge, the House will hear you.

Mr. JONES.—Mr. Speaker,—Sir, in appearing before the bar of this honorable House, charged with having violated a privilege which I understand is meant to protect its members from unjustifiable attack, I feel some difficulty in deciding as to my procedure, your honorable House having already determined that I am guilty. As, however, I conceive—and I hope that I may not be wrong—that the extent of my offence in this, as in ordinary cases of libel, depends, first, upon the truth of the matter, and, second, upon the motives of the person committing the offence, I have determined, by the leave of this honorable House, to state the circumstances which led to the publication of the article.
At the outset permit me to state that it is difficult for any ordinary person to discern the fine line that separates legitimate criticism of the action of members of Parliament from what constitutes a breach of privilege; and I therefore hope that this honorable House will take this circumstance into consideration in dealing with my case.

I understand that my offence consists in attributing to the Hon. the Attorney-General personal motives in his action in reference to the Native Land Bill, and I shall, therefore, with your permission, as concisely as possible, state what weighed in my mind at the time I published the article.

I have no personal feeling against the Hon. the Attorney-General, whom I scarcely know; and I published the article, not from the want of the respect that is due to this honorable House, but from a sense of my duty as a newspaper proprietor, and with a strong feeling against what I have for several years viewed as a great evil—the land monopolies of the North Island. I was also actuated by a desire to, in my small way, contribute to the proper government of the country, and to put up a barrier to the evil growing up to the present time I have taken of my own knowledge relate many occurrences which caused me to view with distrust the policy proposed towards the Natives, especially by the persons whose names rumour has always associated with that of the Attorney-General in large land purchases.

I therefore, previous to obtaining a copy of the Native Land Bill, had strong feelings on the Native land question, and when I had studied the Bill my suspicions could not but be aroused. I at first criticized its provisions only, and refrained from personal comment; but when, Sir, the Hon. the Attorney-General was almost the only one who was found to support the Bill, and it met with such strong and universal opposition in this House on account of the facilities for the acquisition of large blocks of land which it would confer upon speculators, I could not help partaking of the feeling of dislike existing in this honorable House towards the measure.

Sir, I will ask your permission to be allowed to quote a few passages from speeches of honorable members on this question, in order to show that even in this honorable House the Native Land Bill, and those whom it would most benefit if it became law, were denounced in language almost as strong as any used in the article in question.

Mr. TRAVERS. — Sir, I would ask you to rule whether this is the class of justification which a person brought to the bar of this House for a breach of its privileges is entitled to use. Is he entitled to justify himself by referring to speeches made by honorable members? I understand that Mr. Jones has been brought to the bar of this House to account, if he can, for statements he has made in reference to the Hon. the Attorney-General; and I apprehend the course he is now taking is not one that the House will listen to. I ask you, Sir, to rule whether Mr. Jones is in order in referring to speeches made by honorable members, or in discussing the policy of a measure which is under the consideration of this House.

Mr. SHEEHAN. — Sir, I think the interruption of the honorable member for Wellington City is most inopportune. You have directed Mr. Jones to attend here and say what he can in answer to the charge of breach of privilege which has been brought against him. If the House is to get out of this business with any dignity to itself, and without being laughed at throughout the country, it should hear all that Mr. Jones has to say in justification of what he wrote. The reference to speeches made by honorable members, in order to show that as strong language has been used inside the House as has been used outside it in regard to the Native Land Court Bill, may appear to Mr. Jones to be evidence in mitigation of damages, and to render him liable to a less terrible punishment than might otherwise follow.

Mr. SPEAKER. — My opinion having been asked as to the style which Mr. Jones, having been summoned to the bar of the House, should adopt, I do not see that I can interfere so long as he is respectful in his language. But if Mr. George Jones, in any statement he may make—which, the House will recollect, he makes by the invitation of the Speaker—should use observations which in the opinion of the House would only aggravate his case, that will be taken into consideration when the House comes to deal with his case.

Mr. JONES. — Mr. Ballance says,—

"Will any one tell me that a person with small means coming out from England can go into
the market and compete for land—that he will fathom all the trickery and chicanery which we know is necessary in order to acquire Native land? Will any one tell me that the small settler can acquire land under this Bill? I say that the whole history of the colony shows this, and no one can deny it, that, as against the settler of large means—who can employ different means in the way of bribery—the small settler has no chance in the world. This is the universal opinion. Now, we find North Island and South Island capitalists at the present moment engaged, as far as they possibly can, in preventing the settlement of the West Coast of the North Island; they are acquiring thousands of acres of land in the Murimotu Plains. Will any one tell me that this is in the interest of settlement, or that under a proper Act this could have been allowed to take place? I have been over that land, and I know that it is at the present moment nearly the only available land in that part of the Island fit for settlement. This is the kind of work which has been carried on under the Native Land Act of 1873. The enormous speculators and capitalists employ a great number of Native agents, and thus debar the men of lesser means from a fair chance of acquiring any land whatever.

Mr. Luak says,—

"It appears to me that this is a capitalists' Bill; it is a Bill to enable the Native lands of New Zealand to pass into the hands of a landed aristocracy; and I can conceive no worse policy that could be introduced into a country situated as this is than a policy of that kind."

Mr. Taiaroa says,—

"This Bill is called 'The Native Land Court Bill.' I propose to call it another land Bill to take away the land from the Maoris—that is, to plunder them of their land. I have always been a supporter of the Government during previous sessions, but I have never seen such a Bill as this prepared, having effect upon the Natives."

Sir George Grey says,—

"If we think that this attempt to make away with the Native lands is improper; if honorable members believe, as I do, that this Native Land Court Bill is meant to hand over the Native lands to rings, to companies, to rob the people of New Zealand, both European and Native, of that which they ought to have, for the benefit of private individuals; if we sincerely entertain a conviction of that kind, we have a right also to determine as to the course we should pursue."

I will conclude these quotations by three extracts from the speeches of Mr. Travers, who says—

"This Act would have a tendency to create a pauper race of Natives, and to compel them to congregate round the head, as it were, of disaffection in the King country, and there to become a danger to the country in consequence of their pauperism. They would look at the land for which they had received eighteenpence or two shillings an acre, and they would threaten the country. We must not allow the men done to them. I do feel, with reference to legislation of this kind, that it is fraught with danger; and I cannot say how anxious I feel, as a settler, in regard to this matter. It has a tendency of a dangerous character, and it appears to me to favour speculators, although my honorable friend the Attorney-General has expressed his belief that it does not. That honorable gentleman knows perfectly well what is necessary."

Again,—

"But we have that one monstrous fact before us—a monstrous fact in connexion with the colonization of this country—that 112 people, scarcely forty more persons than are engaged in the work of legislation in this Chamber, are owners of an extent of land which is something like a tenth or a twelfth of the whole area of the Islands of New Zealand."

The honorable member for Wellington City also remarks, in speaking of the late Sir Donald McLean,—

"In a little time—or, to paraphrase words of Shakespeare, 'ere the shoes were old with which they followed his poor body to the grave'—we find all his policy abandoned, all his efforts to bring the legislation of the colony into a condition in which harmony would reign between the races scattered to the winds, for the sake of bringing in a measure the effect of which will be to flood the North Island with land-sharks and speculators, and bring about a wholesale confiscation of the lands of the Natives—not for any wrong they have done, but a confiscation to be promoted by the coffers of banks and men of large means, who will employ unscrupulous agents, ready to trade upon the weakness of the Natives, and reduce them to poverty. If carried out to its ultimate result, such a policy must bring about a condition of things disastrous to the best interests of the country."

Sir, allow me to state that, although I fully recognize the awkward position in which I am now placed in having been declared to have committed an offence against this honorable House, I cannot with any candour—taking my own personal knowledge of the matter, corroborated in substance by the information I had every reason to believe was thoroughly reliable, because it corroborated what I had already heard from others, supplied me with certain particulars; and, taking these particulars in connection with what I already knew of my own personal knowledge, I published the article contained in the Oamaru Mail of the 13th instant. Sir, allow me to state that, although I fully recognize the awkward position in which I am now placed in having been declared to have committed an offence against this honorable House, I cannot with any candour—taking my own personal knowledge of the matter, corroborated in substance by the information I received from the person to whom I have alluded, and with the speeches of honorable members and the universal denunciation of the colonial Press before me—pretend to admit that I have committed a grave offence in publishing the article in the Oamaru
Mail. I then thought, and I now think, that if a journalist sincerely believes a grievous wrong is being done to the colony through the abuse of a great trust, and if the information he has at his disposal appears to be so authentic as to closely resemble fact, it is his duty, through the columns of his paper, to make it known, and that speedily, where the necessity for so doing is urgent.

When I published the article I believed the statements contained therein to be correct; and, without wishing to be disrespectful to any one, this honorable House cannot but see that it is impossible for a man to at once surrender his convictions, when, as in my case, they are brought about by the experience of years.

Sir, I have only to repeat that I am exceedingly sorry that, in executing what I considered to be my duty, I have been brought into collision with this House; and, should this honorable House, in its wisdom, and on due inquiry, conclude that I have acted with indiscretion, I am prepared to submit to its judgment.

Mr. SPEAKER.—Mr. Jones, the House having heard you, you will now retire in the custody of the Sergeant-at-Arms.

Mr. Jones then retired.

Mr. WHITAKER.—The House, I think, must come to the conclusion that the conduct of Mr. Jones is altogether unsatisfactory—unsatisfactory, at all events, to myself. So far from affording the apology which he has had the opportunity of making, he has, so far as I understand what he has read, very much aggravated the offence complained of. Then comes the question, What is the proper course of procedure in such a case? What is the next step to take? The proceedings should either be taken in this House or they should be taken in a Court of law. It appears to me, under all the circumstances, that it would be very unsatisfactory indeed for this House to go into the question that Mr. Jones has raised in his statement. If the House goes into Committee of the Whole to consider the matter, or if it appoints a committee to consider it and reports nothing satisfactory either to Mr. Jones or to myself, will be done before the end of the session. There appears to me to be but one proper course to adopt, and that is that Mr. Jones should be discharged from custody, and that he should be afforded an opportunity of taking proceedings in the Supreme Court, where Mr. Jones will have ample opportunity of producing whatever evidence he can produce to verify his libel. I shall be examined on oath, and then the whole case can be satisfactorily disposed of. It seems to me that that is the only proper course that can be taken. If Mr. Jones had stated that he had found, upon inquiry, that the statements made in his newspaper were incorrect, and had offered an apology, I should have wished to go no further with the matter. I have no revengeful feelings, but I do feel this, that either Mr. Jones ought to be tried in this House or it should be turned out of this Parliament. That is the issue. It is an issue that ought to be tried by the Supreme Court, and it is by the Supreme Court that I desire it to be tried. With that view I shall move, That Mr. George Jones having attended the bar of this House in pursuance of an order to that effect, and having made a statement, and such statement being unsatisfactory to the complainant, Frederick Whitaker; Resolved,—That the said order be discharged, with a view to proceedings being taken by Frederick Whitaker against George Jones for an alleged libel published in the Oamaru Mail of the 13th August, 1877.

Mr. HISLOP.—As one of the few members who opposed the motion that Mr. Jones should be called before the bar of this House, I must enter my protest against what I can only characterize—or what I would characterize, if I were outside this House—as the cowardly conduct of the members of the Ministry. When they supposed that Mr. Jones was simply to be called before the bar of this House for the purpose of retracting certain statements in reference to the Attorney-General, they were very bold in their efforts to have him brought here in order to humiliate him before the country at large. But, finding that Mr. Jones has the courage of his opinions, and, not being overawed by this House, is bold enough to reassert them, the Attorney-General attempts to prejudice the country in his favour by having a side-wind vote like this with the stamp of the House upon it, in order to influence any jury which might be called upon to try the case. I think the motion is neither creditable to the honorable gentleman as Attorney-General of the present Government, nor as a member of the Bar. If Mr. Jones is to be discharged he should be discharged without any such innuendo as is contained in the resolution. I think, myself, that he ought to be discharged free of all conditions, because he has shown that in writing as he did write his only desire was to keep the fountain of Government pure. I will now refer to a few remarks made by those honorable members who supported the motion for bringing Mr. Jones to the bar of the House. It was stated that this was not an ordinary case of libel; that it attacked a member of the Ministry, and that its effecting in discredit of Mr. Jones was stated that this was not an ordinary case of libel; that it attacked a member of the Ministry, and that its effecting in discredit of Mr. Jones.
afterwards be said that Mr. Jones had been brought up here and tried, and that could be pleaded in another Court, and I should thus be precluded from proceeding any further. Therefore, I merely wish it put on record that Mr. Jones has not been tried, but that he has been simply discharged, in order that I may not be shut out from taking proceedings against him elsewhere. That was my sole object in putting the resolution in the form in which it now stands. I do not ask the House to prejudice in any sense. I simply wish to have it tried honorably before the Court.

Mr. JOYCE.—I should be exceedingly sorry if the House, having taken this case into its hands, should dismiss it in the way proposed by the Attorney-General. I think it would be derogatory—I think it would be unprecedented if we were to refer the case from this House, which has already been stated to be the highest tribunal in the colony, to a lower Court. I say that, in common fairness to Mr. Jones, it would not be just to refer the case from this Parliament to the Supreme Court. He may not have the means of defending himself in that Court. But here he stands man against man. He may be the poorest citizen in the colony, but in this Court he stands on equal terms with the Attorney-General, because, should the matter be remitted to a Committee of this House, the evidence that will be required on the side of Mr. Jones and on the side of the Attorney-General will be obtained, I presume, at the public expense. It would be a one-sided arrangement if the Attorney-General were permitted to say, "Let us stop here. Refer the matter to a Court." Let us suppose that the case had been decided by us to be a breach of privilege, and that we had fined or imprisoned Mr. Jones; what should we say if Mr. Jones said, "I am not satisfied with this. Let me go to the Supreme Court"? We should not have conceded that; and it would be absolute tyranny to allow a gentleman high in office to say, "Stop the case; I shall try it elsewhere, because I do not think I shall get my ends carried here." With reference to what the Attorney-General said—namely, that if Mr. Jones were discharged it might be a bar to his further trial—I apprehend that the discharge from this Court under any circumstances would bar further action elsewhere. If not, this Parliament is not what we have been led to suppose it to be—the highest Court in the colony.

Mr. GISBORNE.—I think the motion of the Attorney-General is very unsatisfactory. We have nothing to do with the question as to whether Mr. Jones's statement is satisfactory to Mr. Whitaker or not. A libel has been committed on a member of this House by accusing him of prostituting his powers, as a member of the House, for his own selfish motives. We have adjudged Mr. Jones guilty of a breach of the privileges of the House, and have summoned him here for his explanation or defence. He has in no way justified his action. He has not apologized for it, and has not even offered, as far as I can see, to justify his libel. I say that this House, having found Mr. Jones guilty of this breach of privilege, should either inflict such punishment on him as it thinks his offence deserves; or it itself, if it thinks necessary, should make further inquiry; or that it should, as I believe has been done in the House of Commons in some cases, order the Attorney-General to prosecute Mr. Jones for having committed an offence against the law. I will read an extract from Hansard which bears upon the subject. I find it states that "That where offences have been committed against the honor and dignity of the House in general, or any member thereof, the House have proceeded both by way of fine or corporal punishment upon such offenders; but in other cases the Attorney-General has been ordered to prosecute Mr. Jones and on the side of the Attorney-General, do not find that at any time addresses have been made to the King for such prosecutions.

"But for other offences, not directly concerning the House, the House of Lords has repeatedly addressed the Crown to direct the Attorney-General to prosecute, and the practice of the House of Commons is substantially the same. In some cases it orders the Attorney-General to prosecute of its own authority, and in other cases addresses the Crown to direct such prosecutions. The principle of this distinction, though not invariably observed, appears to have been that in offences against the House or connected with elections the Attorney-General has been directed to prosecute, but in offences of a more general character against the public law of the country addresses have been presented to the Crown." Well, Sir, I say that, as Mr. Jones has not justified his breach of our privileges, we should either proceed to inflict such punishment upon him as we may think necessary, or, unless we ourselves make further inquiry, we should direct the Hon. the Attorney-General to prosecute him according to law. I have not had time to refer to the "Commons' Journal" in connection with the matter; but, in order to test the question, I shall move the following amendment:—That the Attorney-General be directed to prosecute Mr. Jones according to law, for a libel on a member of this House in his place in Parliament.

Mr. SHARP.—Sir, some two or three weeks back Mr. Jones was ordered to appear before the bar of this House for a breach of our privileges by having published a libel on one of the members of the House. The House proceeded to declare that it was a libel, and that he should be ordered to attend at the bar of the House. A motion is now made by the Attorney-General to the effect that Mr. Jones should now be discharged; and an amendment has been made, as I understand, by the honorable member for Totara, to the effect that the House should proceed to say what punishment, if any, should be inflicted on the offender.

Mr. GISBORNE.—The honorable gentleman is slightly mistaken. My amendment is, That the Attorney-General be ordered to prosecute
Mr. Jones according to law for a libel on a member of this House in his place in Parliament.

Mr. SHARP. — Then I misunderstood the honorable gentleman; but it does not affect the remarks that I was going to make. Now, presuming that Mr. Jones had been found guilty and brought up for punishment, I wish to know what power this House or any other House has to inflict any punishment whatever. I wish to know by what authority the House can inflict either imprisonment or fine on a person who is not a member of the House. Until I know that, I cannot take any action either one way or another in regard to this matter.

Mr. TRAVERS. — I think that the course proposed in the original motion as well as in the amendment is unsatisfactory to this House. If the original motion is carried, it will be unsatisfactory; and, if the amendment is passed, Mr. Jones will be discharged as if, in point of fact, this House was of opinion that he had justified his libel. Therefore I shall oppose both the original motion and the amendment. I conceive that the course proposed by the honorable member for Totara is the proper course for the House to take, and the only course which it can take legally. It happens, singularly enough, that the member of the House who has been the subject of this very gross libel is the Attorney-General of the colony, and it may devolve upon him to vindicate the character of himself as a member of this House by prosecuting Mr. Jones for libelling a member of the House. This class of libel is one to which any honorable member of the House may be subjected, and the Attorney-General may be called upon to vindicate the character of such member by prosecuting the offender in a Court of law. It appears to me that Mr. Jones stood at the bar of the House not for the purpose of defending himself or of apologising, but for the purpose of making a speech on the political condition of the colony and of remarking in the fullest possible manner on a question which is under the consideration of the House; but he had no right to reflect on the conduct of any member of the House, much less on the conduct of any member of the Government. The libel in this case charges the Attorney-General with having corruptly used his position, both as Attorney-General and as a member of the House, for the purpose of advancing his own private interests; and unless this House extends its protection to members, and especially to the members of the Government, who, more than any others, are open to attacks of this kind, I cannot conceive that the dignity of the House will be consulted in any degree. The course suggested by the honorable member for Totara is the only one which can properly be followed by this House in order to stop persons from making charges against the members without any justification whatever. If Mr. Jones is in a position to justify his charges against the Attorney-General, he ought to have an opportunity of doing so. If the Attorney-General were to prosecute Mr. Jones in his own name it might be supposed that he was carrying on the prosecution for the purpose of revenge; but if the suggestion of the honorable member for Totara is acted upon we shall know perfectly well that that is not the case, and that he is doing it for the purpose of vindicating his character as Attorney-General. Mr. Jones ought to have an opportunity of justifying his statements respecting the honorable gentleman if he can possibly do so; and, if he did so, the House would be in a position to express its opinion regarding the conduct of the Attorney-General. The House will be laying itself open to ridicule if, after it has taken this action against a man for libel, it allows him to be discharged before he has either apologised or satisfied it that he was justified in what he did.

Mr. SPEAKER. — I think this is a question with regard to which it behoves me to express an opinion, as it affects the procedure in a case of privilege, and there is no one in whose hands those privileges are placed in custody more than in the Speaker's. In that sense, therefore, the House will, no doubt, be good enough to listen to what I have to say. I express my opinion as to the course which I think the House extends its protection to members, and especially to the members of the Government, who, more than any others, are open to attacks of this kind. I cannot conceive that the dignity of the House will be consulted in any degree. The course suggested by the honorable member for Totara is the only one which can properly be followed by this House in order to stop persons from making charges against the members without any justification whatever. If Mr. Jones is in a position to justify his charges against the Attorney-General, he ought to have an opportunity of doing so. If the Attorney-General were to prosecute Mr. Jones in his own name it might be supposed that he was carrying on the prosecution for the purpose of revenge; but if the suggestion of the honorable member for Totara is acted upon we shall know perfectly well that that is not the case, and that he is doing it for the purpose of vindicating his character as Attorney-General. Mr. Jones ought to have an opportunity of justifying his statements respecting the honorable gentleman if he can possibly do so; and, if he did so, the House would be in a position to express its opinion regarding the conduct of the Attorney-General. The House will be laying itself open to ridicule if, after it has taken this action against a man for libel, it allows him to be discharged before he has either apologised or satisfied it that he was justified in what he did.

Mr. SHARP. — Then I misunderstood the opinion, as it affects the procedure in a case of privilege. With regard to the course which I think the House extends its protection to members, and especially to the members of the Government, who, more than any others, are open to attacks of this kind, I cannot conceive that the dignity of the House will be consulted in any degree. The course suggested by the honorable member for Totara is the only one which can properly be followed by this House in order to stop persons from making charges against the members without any justification whatever. If Mr. Jones is in a position to justify his charges against the Attorney-General, he ought to have an opportunity of doing so. If the Attorney-General were to prosecute Mr. Jones in his own name it might be supposed that he was carrying on the prosecution for the purpose of revenge; but if the suggestion of the honorable member for Totara is acted upon we shall know perfectly well that that is not the case, and that he is doing it for the purpose of vindicating his character as Attorney-General. Mr. Jones ought to have an opportunity of justifying his statements respecting the honorable gentleman if he can possibly do so; and, if he did so, the House would be in a position to express its opinion regarding the conduct of the Attorney-General. The House will be laying itself open to ridicule if, after it has taken this action against a man for libel, it allows him to be discharged before he has either apologised or satisfied it that he was justified in what he did.
inclined to sympathize with Mr. Jones, inasmuch as the feeling of fair-play would be violently outraged by throwing the whole weight of the House of Representatives against him by directing its Attorney-General to prosecute the individual. That, I think, would be a grave error on the part of this House; but, on the other hand, we have accomplished nothing by having ordered Mr. Jones to appear at the bar of this House? He has not only declined—in very respectful terms; I do not object in any way to them—but he has most firmly declined to explain away or retract the statements which he has made: on the contrary, he has emphasized them in as complete and effective a manner as he possibly could. The Hon. the Attorney-General has thereupon proposed a resolution by which he takes upon himself, as Mr. Frederick Whitaker, the prosecution of Mr. George Jones for the publication of this libel. There are certain words introduced into the resolution to prevent some technical legal objection being taken by which Mr. Frederick Whitaker might be prevented in an inferior Court; but there are no words, in my opinion, in that resolution which in any way prejudice the case. As in any ordinary case, it is proposed to let Frederick Whitaker and George Jones fight the matter out in a Court of law, where the evidence can be taken, and where all the appliances of the Supreme Court can be used in conducting the inquiry. If the amendment were carried that Mr. Jones be simply discharged, and if Mr. Whitaker then proceeded to prosecute, he might be met in limine by this objection, that the case had already been tried in another tribunal. I therefore am clearly of opinion, for the reasons which I have given, that the course proposed to be pursued in the motion submitted is one that it would in every way be desirable to adopt, and one by which the ends of justice would be attained; and that is all honorable members desire in this matter. I only wish now to make one remark with regard to the statement made by Mr. Jones that he had already been condemned by this House. That statement is not, in my opinion, at all correct. I will state to the House the mode in which its order has been carried out. When I received the Order of the House, I took care that every courtesy should be shown to Mr. Jones. Not only every courtesy but every consideration has been shown to him. Considering it possible that it might not be convenient for him to pay the amount of his passage by the steamer, I took it upon me to offer to arrange for his passage, and I was informed that he accepted the offer. Up to the time of his appearing at the bar of the House every courtesy and every assistance has been extended to him. In considering whether Mr. Jones is correct in stating that he had been already condemned by the House, I have only to say that the House, having adjudged Mr. Jones guilty of a breach of the privileges of this House, required him to come here to explain before it proceeded either to condemn or to acquit him. Directly he made his appearance at the bar of this House, I, as Speaker, having stated to him the charge, asked him what he had to say. If under such circumstances it can be alleged that a person brought up to the bar of any Court has been condemned by the Court by summoning him to appear, I do not see how the making of such a statement. I have now given you my views on the subject before the House, and I trust you will not consider that I have trespassed beyond the limits to which the Speaker ought to confine himself—in offering an opinion on a question of breach of privilege.

Mr. REES.—I should like to make one or two remarks on the question now before the House. I apprehend the position of the case is that Mr. Jones is not charged at the bar of this House with libel in the same way as he would be charged with a libel in a Court of law. He is simply charged with a breach of the privileges of the House. The two offences are not the same. They are absolutely distinct. An article may not be a libel, and may yet be a gross breach of the privileges of the House; or it may be a libel, and yet not be a breach of the privileges of the House. I do not think the House should pass the resolution of the Hon. the Attorney-General, for it seems to me that an innuendo of Jones's guilt would thereby be conveyed to the country, and to any jury to which, as it is proposed by the Attorney-General, he might be sent. The mere discharge of a person brought up here on this complaint, whatever the effect of that might be, could not be pleaded as a bar to any prosecution for libel, either a civil action for libel, or a criminal prosecution at the suit of Frederick Whitaker against George Jones for having published a libellous article. The question is of greater importance than this. In the first place, when the charge was first brought before the House it was not treated as a libel, but simply as a breach of the privileges of this House; and I should like to know what has taken place in the meantime to alter the character of it. If the step proposed is taken, it will be asked not only in Wellington, but all over the colony, why did the Attorney-General not propose to issue process in a Court of law in the first instance; and why should the House proceed to put it extraordinary powers in motion, and to bring a man before the House, simply to send him away again? If any answer can be given to that, I should like to hear it. What is the reason of it being carried that this article is a breach of the privileges of this House, and then summoning this person to the bar of the House, if, when you get him here, a motion is to be carried that he should be discharged? If the wording of the motion be looked at, I do not think the House can agree to it. It says that the explanation given by Mr. Jones is unsatisfactory, not to the House, but to the Hon. Frederick Whitaker. I do not think the House has anything to do with the question whether or not this explanation is satisfactory to Mr. Whitaker. The House has only to deal with the question whether or not the explanation is satisfactory to itself. It was not to consult the feelings of the Attorney-General that Mr. Jones was summoned to appear at the bar. It was because the House was offended. Therefore I think it would be
holding ourselves up as a butt for ridicule, not only in New Zealand, but all through the colonies, if a person were discharged from the bar after having been adjudged guilty of contempt, be it Mr. Whitaker to prosecute this man. I think the motion of the Attorney-General is calculated to bring the House into contempt. The honorable gentleman could deal with the offender in a Court of law without moving the House at all. If inferior proceedings are to be taken, let it not be done, as desired by the honorable member for Totara, by instructing the Hon. Mr. Whitaker to prosecute; not let the House be put in the way of doing indirectly what it will not do directly. If Mr. Jones is to be dismissed he should be dismissed simply; and I think every lawyer will admit that this is not the same proceeding as an ordinary proceeding in Court for libel, and that the action taken by this House cannot be set up as a defence.

Mr. MACANDREW.—I am of opinion that the whole position of this matter is exceedingly unsatisfactory. It seems to me that if the House adopts the resolution proposed by the Attorney-General we shall be shirking our responsibility and shirking the consequences of action we have brought upon ourselves. If George Jones has been guilty of a breach of the privileges of this House, surely it is for this House to protect its privileges, and not to delegate that duty to any inferior Court. Therefore I am disposed to think that we had better deal with the matter in one way or another—that we should deal with Jones ourselves. If it may not go to a Select Committee, let it be dealt with by the whole House. I quite agree with what has fallen from you, Sir. I think the article was most unjustifiable, and that he was not in a position to substantiate the statements; or he might have taken another course, and said that he was prepared to offer evidence at the bar of the House to prove his case. But he does neither one thing nor the other, and leaves us in a most unsatisfactory position. He is a sort of white elephant on our hands. What is the character of this libel? It is not merely that strong language is used, such language was used at one time in this House in relation to land-sharking, and insinuations that the Native Land Bill was calculated to promote land-sharking. It is a deliberate story drawn up in chapter and verse, retailing alleged acts of the Attorney-General himself—acts which, if they were true, would disqualify him from sitting in this House, and would render him liable not only to prosecution but also to impeachment, whatever the consequences of that might be. It would place him in the position of the highest criminality towards the country of which he was a citizen. That is the character of the libel. It is not a mere general charge that in former days in some part of the country the Attorney-General had encouraged land-sharking; but it is a deliberate tale, giving precise dates, and relating how the Attorney-General was to be the prospective possessor of 300,000 acres of splendid land, and that the Native Land Court Bill was brought in by him in order to remove some legal difficulties, and to enable him to become possessor, to the injury of the country, of this magnificent estate. And what is the explanation of this? Mr. Jones hangs his defence at the bar of the House on the statement that some years ago he lived in the Waikato, and that at that time the air was filled with rumours with regard to the Attorney-General. Rumours! What are rumours? We know what those rumours are which circulate in small districts, in small country towns, where a little newspaper is published. A French writer, in criticising the sporting habits of the English people, said, “They rise in the morning; they say, ‘What a beautiful day! let us go out and kill something’.” Well, in these villages the country editor rises in the morning; he takes his walk, and he says, “Let us go out and kill somebody.” He does not walk far before he meets somebody, and he says, “Have you heard anything? have you heard that Whitaker is connected with a great land-sharking transaction in the Waikato?” Of course that passes all over the town, and then
the editor goes back to his office and writes a leading article stating that alarming rumours are afoot to the effect that Mr. Whitaker is engaged in a land-sharking transaction for acquiring 300,000 acres of land in the Waikato. That is in a land-sharking transaction for acquiring land, and it is a charitable excuse; it is not a manly excuse; and the offender has placed the House in a very awkward position by the line of conduct he has adopted. I do not think there is any other course to be pursued than that which has been substantially suggested by the Attorney-General—that is, an appeal to a Court of law. As has been rightly observed, this House has no machinery capable of investigating charges of this kind, affecting the character of one of the highest officers of the State. And even if it were decided that this is a libel, what is the punishment which you can award? This is a tremendous offence, and yet the highest punishment that you can award is to hand the offender over to the custody of the Sergeant-at-Arms. If you inflict a penalty he need not pay it if he likes to wait until the session is over. If, however, the offender gets into the Supreme Court he will find himself in a much more awkward position than if he were placed under the guardianship of the Sergeant-at-Arms, enjoying the society of his friends, until we had tired ourselves with talk and the session had come to a close, when he might defy the Attorney-General and this House. That is the position in which we are placed. I think the right course to pursue is either that proposed by the Attorney-General or that suggested by the honorable member for Totara. I should prefer the course proposed by the Attorney-General; and, if he has not worded his resolution so as to make it perfectly clear, some alteration might be made in the wording, in order to remove the objections that have been raised as to the meaning which might be attached to it. I think we are bound to place upon record the reason why the person who has been summoned to the bar has been released from it, if we are going to release him; and we should place it on record in such a way as may not—through the chicaneries of the law I was going to say—but I will rather say the technicalities of the law, as urged by the honorable member for Waitaki, for instance—throw any difficulties in the way of the Attorney-General prosecuting the case in the Supreme Court.

Mr. BUTTON.—There appear to be four courses from which to choose, as has been indicated by you, Sir, and upon the merits of which various members have spoken. First of all, we have the course which was proposed by the Attorney-General, which is clearly open to the objection pointed out by the honorable member for Auckland City East—namely, that it does not deal with the real question which the House has before it, and which is the question of privilege. We have declared that the writer of this article was guilty of a breach of privilege, and we must deal with that question. The honor of the House is concerned, and we must take care to protect it. We must therefore either deal with Mr. Jones ourselves, or send him by our direction to some tribunal that will deal with him. If we should attempt to carry out the course proposed in the original resolution, we should then be in the position of practically saying, “We have made a mistake in dealing with this matter; we ought not to have touched it, but should have left it in the hands of the honorable member Stirling to do it; and now, knowing our mistake, we wash our hands of it. We feel ourselves humbled in having touched it, and therefore leave it to the parties themselves to take further action in the matter.” That is a course which, I submit, we cannot take. Another reason why we should not take it is this: that, however much we may rely upon the discretion of the Attorney-General in his private capacity, this House cannot trust its honor to the keeping of Mr. Frederick Whitaker as a private individual. This is a public matter, and must not be made a private concern. If we adopt that resolution, then we practically say, “We delegate to Mr. Frederick Whitaker the care of our honor, and the task of vindicating our privileges.” We cannot do that. We must deal with it ourselves. We then come to the amendment proposed by the honorable member for Waitaki, and that appears to me to be even more objectionable than the resolution itself. It means that, after having gone into this matter very seriously, and declared this article to be a gross breach of privilege and a gross libel, we are just to say to the writer, when he appears at the bar and neither justifies the article nor apologizes for it, “You may go about your business.” That would, it seems to me, be merely to repeat the old rhyme,—

The King of France, with forty thousand men,

Marched up the hill, and then marched down again.

We cannot afford to deal with the matter in that way. Then we come to the Parliamentary way of dealing with the question. It appears that there are two courses open that have Parliamentary precedent in their favour. There is, first of all, the course referred to by you, Sir—namely, dealing with the matter in the whole House or in Committee of the whole House, which, for the reasons pointed out by you, is objectionable. There is also the modification of that method—namely, to proceed by way of Select Committee. Both those courses are exceedingly objectionable. I think that neither the honorable gentleman who is libelled nor the writer of the article could feel that he was...
having that fair-play and that impartial trial which such a matter requires. How, then, are we to take this case before a Court of law? How are we to take it before such a tribunal that it may be fairly and impartially dealt with? I do not think any other course can be adopted than that suggested by the honorable member for Totara. It has this in its favour, that it is in accordance with Parliamentary precedent, and that then both parties will stand on an equal footing. I do not think there is any weight at all to be attached to the argument that, the question being remitted by this House to the Supreme Court, it would necessarily carry with it some innuendo of guilt. I rather think the sympathies would be the other way, and the very fact of its being known that this House directed the prosecution would influence the jury in some degree to sympathise with the defendant. That feeling of sympathy with those who are weakest, which is engrained in the British nature, would be invoked on behalf of the defendant. This House need have no fear that the defendant would not get an impartial hearing; but might rather fear that, owing to that sympathy which the public is inclined to extend to a person charged with libel under such circumstances, the defendant would not get an impartial hearing. Under the circumstances, and taking this view, I cannot do otherwise than vote against the original resolution and the amendment of the honorable member for Waitaki; and I trust, when they are disposed of, the honorable member for Totara will propose the amendment of which he has given notice, and which appears to me to deserve the hearty support of the House.

Mr. TOLE.—I think the honorable member for Wanganui was rather harsh on the honorable member for Waitaki. I thought the honorable member for Wanganui, whose practice at the Bar has been so great, would have shown consequently a degree of leniency in his remarks to so young a practitioner as the honorable member for Waitaki. Honorable members appear to me to have slightly misapprehended the statement the Attorney-General made. He was not prepared to offer evidence to justify what he had written. How, then, can we now send the matter to a Court of law for the Hon. Mr. Frederick Whitaker and Mr. Jones to fight it out there, after what has been said here in the House, he left it entirely in the hands of the House. I think this is a matter of such importance, and so connected with Parliamentary precedent, and that the House will stand on an equal footing, that it is difficult, in the absence of any copy of that statement, for us to deal with the matter as we ought to do. I think the word "apology" in one part of that statement. Mr. Jones no doubt admitted that he had written the article, but I understood him to say that if it gave offence to the Attorney-General he would apologize so far as the Attorney-General was individually concerned. When the Attorney-General originally brought the matter before the House, he left it entirely in the hands of the House. He said, in making his speech on the subject, "I have no personal feeling in the matter, and I leave it entirely in the hands of the House to say how far it should go in defending my character, and in defending the character of the Ministry and the character of the House." Now, as far as the Attorney-General's character is concerned, Mr. Jones has offered some apology as far as I gather from one part of his statement. It is, however, impossible to weigh every word used in such a long explanation as that made by Mr. Jones unless we have that explanation before us; and in coming to any decision upon the subject we ought to be in a position to weigh the import and precise significance of every word that was used. As the matter is in the hands of the House, we should deal with it without delay, and without delegating it to another and inferior tribunal, as there seem to be other questions of a similar kind. I have now in my possession another article, which forms a question of privilege, and which I think I shall feel it my duty to bring before the House immediately after this question is disposed of. It relates to precisely the same matter as the article now under consideration, although written long prior to it. It affects the same honorable gentleman, and I think it would be his duty to bring it before the House. I think this is a matter for the House to deal with, and not the Court of law; for, whatever feelings honorable members may express with regard to the effect of a decision of this House on a jury, there is no doubt that, in the event of a trial, a jury would be materially influenced. I am therefore of opinion that the proper course would be for this House to discuss the question and dispose of it itself.

Mr. DE LAUTOUR.—There is one thing I should like to say with regard to what has fallen from the honorable member for Wanganui. I understood him to say that Mr. Jones did not offer to put himself in evidence, as it were; but I distinctly took down his concluding remarks, which were that, if the House, after full inquiry, proceeded to pass judgment, he would submit himself to that judgment. Mr. Jones certainly said, "after full inquiry;" and undoubtedly expected that the House would fully inquire into the matter. Of course, after his explanation, he was very properly told that he must retire. But, as he asked for a full inquiry, it certainly presupposed that he would be prepared to offer evidence to justify what he had written. How, then, can we now send the matter to the House, he left it entirely in the hands of the House. I think this is a matter for the House to deal with, and not the Court of law; for, whatever feelings honorable members may express with regard to the effect of a decision of this House on a jury, there is no doubt that, in the event of a trial, a jury would be materially influenced. I am therefore of opinion that the proper course would be for this House to discuss the question and dispose of it itself.

Mr. Holm.-It is not as if we were to adjourn this House; we are to adjourn it. I think the position in which we should find ourselves in supporting the amendment suggested by the honorable member for Totara. But we admit on all sides that the position in which we should find ourselves in supporting that amendment would be very unsatisfactory; and I think, therefore, there should be an adjournment of the matter. I therefore move, That the further consideration of the Order of the day be adjourned.

Major ATKINSON.—I trust the House will not consent to the adjournment of this question.
It is one that we should dispose of at once. The course which the Government have taken in this matter will, it seems, after the very able remarks you, Sir, have made, commend itself to the good sense of the House. It is made no apology; but, on the contrary, we have been summoned here. Mr. Jones has been Attorney-General distinctly as a case of privilege, which affects every member of this House, and it was brought forward by the Attorney-General in the way in which he proposes to deal with it. I entirely disagree with the honorable gentleman who says we have got into a difficulty in the case. I think the course this House has taken is a wise and moderate course. The libel which the House declared a breach of its privileges was undoubtedly a very gross one; and it seems to me quite reasonable to follow the writer to appear here, and give him an opportunity, supposing he wrote the article under a misapprehension, of saying distinctly that he had so written it, or, instead of basing his statements upon rumours circulated some three years ago in the Waikato, of giving this House clear evidence of the facts on which he wrote the article. If Mr. Jones had adopted either of those courses, the House would have been in a position to have considered what further action was necessary. But it seems to me that the House would in no way sacrifice its dignity by saying that the Attorney-General should himself vindicate his honor in a Court of law. We have called upon Mr. Jones, and he seems to me not only not to have apologized or to have expressed any regret, but to have repeated his libel with even stronger emphasis, giving as his authority a general rumour which he heard a few years ago in the Waikato. I think, after that statement, we could not follow a wiser course than to refer the whole question to a Court of law, where this rumour can be sifted, and where evidence can be produced. If, as is suggested by the honorable member for Totara, which, I presume, will be-and-by take its place as an amendment, to the effect that this matter should be gone on with, I agree that there would be a very strong feeling on the part of the public that, as you yourself, Sir, very ably put it, we were apparently prejudging the case and pressing hardly upon a man who may not be able and competent to defend himself. Therefore, I hope the House will follow your advice, and support the Government in disposing of this matter immediately in the way the Attorney-General has proposed.

Mr. HODGKINSON.— I do not profess to understand these cases; but, regarding this matter as a layman and as a member of this House, I cannot see the reasonableness of the course proposed to be pursued by the Attorney-General. This is a case of a breach of privilege, which affects every member of this House, and it was brought forward by the Attorney-General in the way in which he proposes to deal with it. It is through his action that the prisoner has been summoned here. Mr. Jones has been brought up at the bar of the House. He has made no apology; but, on the contrary, we have just been told by the Premier that he has reiterated his charge; and it obviously follows that he still persists in the breach of the privileges of the House. Why, then, under those circumstances, should we dismiss the case? If we do so we shall stultify ourselves completely. I consider that the House has very good reason indeed to think itself aggrieved by the course which the Attorney-General has pursued. He should either not have summoned Mr. Jones to the bar, or else he should have gone through with the case, so that the privileges of the House might be vindicated. Why should he not have prosecuted Mr. Jones himself in the first instance? Having treated the case as a breach of privilege, —having told us most distinctly that it affected every member of the House,—how can he, with any consistency, endeavour to withdraw it from the House, leaving our privileges still unvindicated, and settle it as a private matter? It should not have been made a case of a breach of privilege at all unless the House was determined to go through with the matter and vindicate its rights and privileges. Some members speak as though we have a right to dismiss the prisoner with the stain of guilt upon him without having investigated the case. Now, I consider that the case has not been gone into at all, and we have no right to assume that he is guilty until he has been heard and his guilt has been proved. He has not made any apology nor has he substantiated his case. I consider that the proper course to take is to vindicate the privileges of the House and to proceed with the case. But if those who have had more experience in these matters than myself think there are difficulties, and that the case cannot be gone on with, I consider the best course would be to dismiss the case. This is only one of the natural results of the course the House chose to take last session with regard to the Piako Swamp. When the House took the action it did on that occasion it must have known that it would be certain to lead to such charges as this. It is a natural result that the House should now be involved in a discussion on a rumour, and that the dignity in which its dignity is compromised. I shall oppose the motion of the Attorney-General.

Mr. THOMSON.— It is evident to me that the House has committed a very great mistake in calling this Mr. George Jones to the bar of the House. When it was proposed to adopt that course I expressed my disapproval; and I think, from what we have seen to-day, that the members who opposed this proceeding were in the right. We have had Mr. Jones at the bar of the House, and we do not know what to do with him. There are at present no fewer than four or five proposals. We have the motion of the Attorney-General; then we have the amendment of the honorable member for Waitaki; then we have the suggestion of the honorable member for Totara, which, I presume, will be-and-by take its place as an amendment, to the effect that this matter should be referred to a Select Committee of the House; and there has also been a suggestion that the
matter should be considered by the House itself in Committee. We do not seem to know what we are about in this matter, and I think that the best thing we can do is to adjourn the debate. The adjournment has been proposed, and if it is put to the vote I shall support it. We all know that it is very desirable to think over important matters before we take action. I cannot but believe that if the Attorney-General had had time to think over this matter he would not have brought it under the notice of the House at all, but would have done what he told us he had often done before. The honorable gentleman told us he had often seen stories in the papers amounting to libels with regard to himself, and that he had taken no notice whatever of them—that time had cured the whole thing. Now the honorable gentleman told us when he brought the matter forward that he had only just seen the article. Of course his mind was excited about it; there were a great many grave charges made against him; and he rushed on to the floor of the House and proposed that Mr. George Jones should be brought to the bar of the House. If the honorable gentleman had thought of the consequences he would not have troubled the House with that motion. Surely the honorable gentleman ought to have considered the consequences. He did not surely think that this Mr. George Jones—Jones is a very common name—would immediately come to the bar of the House and say, "I am exceedingly sorry that I printed this article in my newspaper; and I will make the very humblest apology to the House." The honorable gentleman ought to have considered the other alternative—that perhaps this Mr. George Jones might come to the bar of the House, and say, "Sir, I believe that this is substantially correct." He might have considered that this Mr. George Jones would come to the bar of the House, and say, "I am prepared with proof; I am prepared to bring evidence before this House that everything I said is correct." The honorable gentleman should have decided what he would do in that case. I understand the Attorney-General very much; Mr. George Jones has said. He has said to this House, as I understood his statement, that he believes what he has said to be substantially correct, and is prepared with evidence in that direction. Now, the Attorney-General comes forward, and says, "I will take it to the Supreme Court." That, I think, is not fair to this Mr. George Jones. We have heard a good many things said in this House in regard to this Mr. George Jones. The honorable member for Wanganui (Mr. Fox) spoke very strongly indeed about Mr. George Jones. He told us—and it almost appeared to me that the honorable gentleman had been an editor of a newspaper himself—that an editor meets a man in the street and asks him the news, and on hearing a story immediately runs away and inserts it in the newspaper. The honorable gentleman told us that that was the way the evening papers were got up. I hope he was only making a caricature.

Mr. GISBORNE.—Country papers.

Mr. THOMSON.—I do not believe that that is the way country papers are got up. I believe we have many very respectable journals. I look upon the freedom of the Press as one of our grandest institutions. Of course there are injudicious and imprudent men who are editors of newspapers; but men who write imprudent and untruthful articles are subjected to the influence of public opinion; and, in the long run, persons of that stamp must go to the wall. I think the case has to some extent been prejudged. After the House was warned on this point by the honorable member for Mount Ida, what do we find? The Premier rose in his place in this House and said that this was a gross libel. Now that appears to me to be prejudging the case. Then there was the proposal of the honorable member for Totara, that the Government should be instructed to take proceedings in the Supreme Court, and the honorable member for Hokitika said that in the Supreme Court both parties would be on an equality. Was there ever anything more absurd? The parties would be on anything but equal terms, for the country would have to pay the expenses of the Attorney-General, while Mr. Jones, who might be a poor man, would have to pay his own. But, even if he is not a poor man, what could the very richest man do in a Court of law with the influence and the power of the Government against him? Why, Sir, the parties would not fight on equal terms at all. It appears to me that there are only two courses to be adopted in this matter: it must either go to the Supreme Court, or to a Committee of this House, which will have to act in a judicial capacity; and that being the case I think the less we say about the matter the better. In the case of many questions which it has been proposed to refer to Committees, it is said, "Oh, do not talk about it; the question is to go to a Committee, which will take evidence, and, if you talk about it now, you are prejudging it. The best thing we can do is simply to refer it to a Committee, and refrain from the present from discussing the merits of the case." That principle should be applied in the present instance. I have not touched upon the merits of the case; I have merely spoken of the danger of attempting to deal with the matter while it is in its present position; and I think I have shown that, so far as Mr. George Jones is concerned, remarks have been made which may affect him prejudicially, whether the case comes before the Supreme Court or before a Committee of this House. For these reasons I shall support the adjournment of the debate.

Mr. MURRAY-AYNESLEY.—If we adjourn this case we shall be doing an injustice to Mr. Jones, who is at present in the custody of the Sergeant-at-Arms. We ought to deal with it at once, and not allow it to hang over from day to day. The facts before us are sufficient to justify us in coming to a conclusion, and therefore I shall oppose any adjournment of the question.

Mr. W. WOOD.—It appears to me that there are many important reasons why this House should itself deal with this matter, and without any unnecessary delay. If Mr. Jones wishes to
Mr. W. Wood

give further information an opportunity should be afforded him to do so; but I am not aware that he has yet in any way been invited to supplement the statement he has already made, or to withdraw any portion of it. I have before me the Hansard containing the speech made by the Attorney-General when this matter was previously before the House, and I find that he gave us an assurance that it was not at all an uncommon thing for him to be slandered in this manner. That bears out Mr. Jones's statement that he had been accustomed to hear and read such things about the honorable gentleman. Mr. Jones also stated that many members of this House had made statements of a similar tendency, and that that ought to be taken as an excuse for his having written what appeared in the article complained of. Now, there is no question about it that statements equally strong, and stronger, have been used in this House not only in reference to the Attorney-General, but in reference to other members of this House. I have heard such statements come from the Government benches, and it is not at all an uncommon thing for you, Sir, to get up and point out the instances of members of this House indulging in such language. We should bear this in mind, and we should also remember that the tone of the Press will to some extent require the same protection if members of this House indulge in this language. The Attorney-General should remember that some little reason was given for these remarks about twelve months back, when certain legislation was proposed with a view to legalize certain large land transactions which were thought by some honorable members to be transactions of a very questionable character. The Government were very much censured for the course they took in regard to those transactions; and the honorable gentleman, who had then recently joined the Government, stepped into a position where he was told by many honorable members that he would not only be able to exercise the duties of a member of the Government, but would be also able to act as agent for certain wealthy capitalists, and that the Crown grants would have to be signed by him, or that they would require his sanction before they were signed. It was thought at the time that that was not a correct position for the honorable gentleman to take up. Now, it is not for me to say whether the statements of Mr. Jones are well founded as regards this or any other matter. I know nothing about them; but I can easily imagine that, although Mr. Jones may not be in possession of any facts, he may have thought himself justified, as a newspaper writer, in making these statements in discharge of his duty to the public. He has been brought to the bar of the House, and has had the manliness to say that he is not in a position to retract the statements he had made. It seemed to me that the Attorney-General met this in a manner that was incomparable; and I think the word 'apology' was used in the statement he read. He did not withdraw anything, but he said he could not even feel convinced that he had been deceived, and that, under these circumstances, he could not honorably withdraw any thing. He said it was hard to be convinced suddenly—that was to say, without evidence. Now, I think an opportunity should be afforded him to withdraw his statement, or any portion of it, if he should think proper to do so; and I also think it is due to the gentleman whose character is most affected by these statements that we should deal with it ourselves. The next best course is to dismiss the matter altogether. I do not think it should be altogether left in the hands of the Attorney-General. It is not fair to Mr. Jones that the Attorney-General should go into Court and fight the case with the money of the country at his back; and, besides, the defendant would go into Court—I say this with no disrespect to you, Sir—with all the weight of declarations from yourself, from the Premier, and from the Attorney-General against him to the effect that he had been guilty of gross libel. I might go further, but I think it will be sufficient for me to say that these declarations, and the fact of Mr. Jones being sent from this Assembly branded as a libeller, would scarcely place him in a fair position. I think the House has ample power to deal with this matter in justice to the Attorney-General, and in justice to Mr. Jones, the matter should be dealt with as little delay as possible.

Mr. STAFFORD.—I think this question is in a most unsatisfactory position. The House, it seems to me, came to a decision upon too slender material originally. At all events, no opportunity was afforded to many honorable members of expressing any opinion upon it. I do not say that it was brought on hastily, but upon a very short consideration the House determined that its privileges had been invaded, and demanded the presence of Mr. Jones. Mr. Jones has accordingly been brought up under warrant, and the House is now invited to say that it will not do anything with Mr. Jones because the Attorney-General has stated that he, as a private member of this House, intended in another place to take proceedings to compel Mr. Jones to substantiate his charges, or undergo the punishment resulting from a failure to substantiate those charges—failure to justify his action. What would be the position if the Attorney-General had not been in a pecuniary position that would allow of his choosing to risk the expenses of a suit in the Supreme Court? I do not think the House has been invited to take a proper position. It has, in fact, declared that its privileges have been invaded; it has summoned the person by whom these privileges were said to have been invaded to answer for the offence; and then it is asked to turn round and say to the person, "We have nothing further to do with you." It is not the privileges of a private individual but the privileges of this House which have been invaded, and I object to the course which we are asked to pursue. I think the course proposed by the honorable member for Totara comes as nearly as possible to the precedents of that higher Legislature whose action in cases of this kind we affect to copy. I think the proposal which is made by the Hon. the Attorney-General can hardly be accepted. It seems to me that the
Attorney-General must have had a determination, before he came into the House this afternoon and heard the statement of Mr. Jones, as to what course he intended to invite the House to take. I submit the statement we have heard is simply an aggravation of the offence. Mr. Jones used no offensive terms certainly, but he nevertheless aggravated the offence, because there was no intimation of apology; and he attempted to justify himself by expounding to us what had been his peculiar strain of thought and idiosyncrasy for the last four or five years on the land question, and on the policy of certain measures for the extinction of Native title. That Mr. Jones should hold his own views upon all questions of policy, and upon the policy respecting the extinction of Native title over land, may be quite justifiable; but that is not the question before the House. The House said he had, by certain expressions in a public paper under his control, affected the privileges of the House, and that he should be made to answer for having so affected the privileges of the House: yet, when he comes up here without a word of apology, we are invited to turn round and say, "We have not a word further to say; we will allow a certain member of the House to justify not only his own character but the character of the House." That is an unsatisfactory way of dealing with the matter. We should thereby admit we have made a mistake; that we have summoned Mr. George Jones here to laugh at us. No doubt the country would ridicule us. But if I am not satisfied with the motion of the Attorney-General I am still less satisfied with that of the honorable member for Waitaki, which would be a complete justification of the invasion of our privileges. The best course is that suggested by the honorable member for Totara, and more in accordance with the dignity of this House. I hope that before we meet next we shall have before us printed copies of the statement that Mr. Jones has made, for certain members do not seem to have carried away its meaning very accurately, and I also think it would be well if the article were printed together with the statement. Then we should be in a better position to know if it is desirable to take action. I certainly think some action is desirable.

Mr. SHARP.—I understand the honorable member for Timaru wished certain documents should be printed, and I believe that the House generally would be glad if it had the statement of Mr. Jones and the article before it in a printed form. I hope the Government will have them printed.

Mr. STAFFORD.—Sir, I think that comes within your province. I apprehend the papers are in your possession.

Mr. SPEAKER.—I will take care that the documents are printed and distributed before the debate again comes on.

Mr. REYNOLDS.—I believe the papers could be printed in two or three hours, and they might even be ready before we meet after the adjournment. I think we should come to a decision on the matters referred to before us; it was not until a very few minutes ago that we had them placed in our possession, and I think it is impossible to find him quarters in this building. I hope immediate instructions will be given for the printing of the papers.

Mr. SHRIMSKI.—I hope the House will take some time to consider this matter, and not come to a decision in a hurried manner. Hasty legislation very often leads to trouble, and it is better to look well into the matter before deciding upon anything. I hope the House will not come to a hasty conclusion.

Mr. BOWEN.—I think, as it is so near the usual hour for adjournment, that you, Sir, should leave the chair now. No doubt the documents will be printed by half-past seven, and then the debate may be continued without adjournment.

Mr. SPEAKER then left the chair.

HOUSE RESUMED.

Mr. SPEAKER resumed the chair at half-past eight o'clock.

Mr. BOWEN.—Sir, I hope that this House will not agree to the adjournment of the debate, because this is a matter which should be disposed of at once. It is a question which not only affects our privileges, but which also affects the dignity of this House; and I think the House has had ample opportunity of considering the question without further delay. I do not see what is to be gained by any further adjournment. The Attorney-General has already stated that he is determined that there shall be an inquiry into this matter to the bottom. As far as the privileges of this House are concerned, I think they have been vindicated by bringing the publisher of this libel before the House; and, if the House is satisfied that it cannot make a fair judicial inquiry into this matter, it is right to relegate the whole question to the Courts of justice. I would ask honorable members to consider whether it is the province of representative bodies, even of the highest representative body in the world, to conduct judicial proceedings before themselves. In England the Parliament as far as possible relegates all judicial inquiries to Courts of justice; it has even sent the trial of elections to the Courts of law. I do not think that if we deal with this matter ourselves we shall be dealing with it in a proper judicial manner. The manner and form in which we should send such a case to the Courts of justice is not so material, but I think it is very material that full inquiry should be made, which could not so well be done by this House as it could before a jury surrounded by all the formalities of a Court of law. The question is one which need not be delayed—one which ought to be decided instantly. I feel confident that the House will not allow a matter affecting its privileges to be delayed for one moment unnecessarily. I hope the debate will not be adjourned.

Mr. MACANDREW.—I hope the House will agree to an adjournment of the debate. The Minister of Justice said that we have had sufficient time. In my opinion we have not had sufficient time. We have now the printed documents referred to before us; but it was not until a very few minutes ago that we had them placed in our possession, and I think it is impossible
that honorable members can have read them through yet. I see the libel does not appear in that document at all; and I hope we shall not be called upon to give any decision in this matter until we have had time to read the document to which I have referred.

Adjournment of the debate negatived.

Mr. SHEEHAN.—Before you put the question, Sir, I should like to make a few remarks. I will begin by what has fallen from the honorable gentleman who has been libelled to go on with his own action, enquiring into the head of Mr. Jones longer than necessary. It may be gratifying to the honorable gentleman to know that Mr. Jones is exceedingly comfortable at the present moment. It seems to me that we have got into a peculiar position in regard to this matter. A few days ago the House was hungering and thirsting for Mr. Jones, and now when it has got him it does not know what to do with him. I may say that I have known the Hon. the Attorney-General for many years, nearly as many years as I am old, and I think he has a right to defend himself—that Mr. Jones should be discharged from custody in order to enable the Hon. Mr. Whitaker to bring an action against him in the Supreme Court. I do not think it would be fair that the House should, by a resolution, specially protect him, as it were, from any attacks that may be made upon him; but I think the course which the honorable gentleman wishes the House to follow is one which would not do credit to him or to us. We have several proposals before us. The first is that of the Attorney-General on the case before it goes into the Supreme Court. If we discharge Mr. Jones at all, we should discharge him unconditionally. Then there is the proposal, the monstrous proposal of the honorable member for Totara, that the House should instruct the Attorney-General to bring an action against Mr. Jones on its behalf for a breach of the privileges of this House.

Mr. GISBORNE.—For a libel.

Mr. SHEEHAN.—Well, to my mind, that makes the matter worse. The honorable gentleman should go a step further, and ask the House to let him try the prisoner himself. We should always be consistent in a matter of this kind. I cannot forget that, last session, we had a grosser breach of privilege than this brought before us—it was committed by a member of this Assembly. A remedy was then sought in a Court of law; and those gentlemen who could not bring an action then are now defending another libel action, and upholding a breach of privilege. I wish to put the matter before the House in this way. There are two parties whose claims have to be met. There is, first of all, the House, a breach of whose privileges has taken place. Having brought Mr. Jones here, we should determine for ourselves what course we should adopt with regard to him. It will be quite competent for the honorable gentleman who has been libelled to go on with his own action, entirely apart from any action which may be taken by this House. He can, notwithstanding any-thing we may do, still vindicate his character in a Court of law. I can see no better way of dealing with this question than that of referring the matter to a Select Committee for inquiry. We have all the machinery for the purpose. We can take evidence on oath, and we have power to call for books and papers; and the inquiry of the Committee will lead to an absolute vindication of the honorable gentleman as would be the case in a Court of law. I fully believe that, either in a Committee of this House or in a Court of law, the honorable gentleman will be able to prove that there is no foundation whatever for this libel. It has been said that the prisoner did not ask for an inquiry; but I think that a reference to Mr. Jones's statement, which has been placed in our hands, will show that he asked modestly and respectfully for an inquiry. At this stage I wish to remove any suspicion that I am in any way aiding orabetting Mr. Jones in the course he is pursuing. The Hon. the Attorney-General has got hold of the wrong end of the stick if he supposes that such is the case. He is entirely mistaken, in fact, and I may say that I received information in the district which convinced me that the Hon. the Attorney-General was not concerned at all in this matter; and I may say, further, that I believe that the belief that the libel refers to his son Mr. F. A. Whitaker is entirely baseless, because that gentleman has not been concerned in any land transactions in the Waikato. There are, however, persons to whom the remarks in this article will apply—namely, several Auckland capitalists. Negotiations for the purchase of the land referred to were entered into, interpreters were employed, and Mr. Drummond Hay and others were engaged in endeavouring to get possession of this tract of country; and I believe they would have been successful had it not been for the fact that the murder of a European named Sullivan took place on the land in question while the negotiations were going on.

An Hon. Member.—Not at that time.

Mr. SHEEHAN.—Well, I can only say that some persons who are referred to in the libellous article were there at that time, and that steps were taken to put a stop to further proceedings. That I can say from absolute information supplied to me by a mover in the matter. To come back to the question as to what we are to do with the gentleman who has been thrown on our hands like a white elephant: A little while ago some honorable member thought that Mr. Jones should be sent to a lock-up kept by a namesake of his; but he seems to have toned down a little since then. I say that in all fairness the course proposed to be taken by the Attorney-General is a mistaken one. Let him have the matter inquired into in a Court of law if he thinks proper to do so, but let us, if we wish, go further with the matter in this House. I trust no friend of the honorable gentleman will advise him to accept what I have said. He will be quite competent to proceed for Totara if we are to have fair-play; and it would not be fair-play to put against this man the money and the influence which the Government possess. As a matter of fact, I do
not believe he could even summon his witnesses, and, if the proceedings took the shape of a criminal prosecution, he would be unable to furnish any evidence. We should make inquiries into the matter at once, and if it turns out, as I believe it will, that this libel has been written entirely under a mistake as to the person connected with these proceedings, we shall, I think, be in a position to deal with Mr. Jones. We should not allow the matter to pass out of our hands. I should certainly object to any proposal to deprive this House of its proper Parliamentary function in a matter of this sort. It is a matter which concerns the Parliament, as being a breach of the privileges of this House, and should not be dealt with in a Court of law. If the opportunity offers, I shall propose that the question of the breach of privilege be referred to a Select Committee.

Mr. STOUT.—Sir, when this matter first came before the House, I myself stood almost alone in urging that the House ought not to take any steps to summon Mr. Jones before it. I stated on that occasion that if Mr. Jones had offended against the law in any respect the Supreme Court was open to any one to make a complaint against him; that it was not right to take up the time of the House by entering on a wide question of privilege. When the question was put to the House there were only one or two in favour of that proposal, and my voice was one of them. What I then predicted would be the case has now happened. We all see, now that Mr. Jones is brought to the bar of this House, that those very persons who were anxious to bring him here are now most anxious to get him away from the spot. I submit that the question now before the House is not a question personal to the complainant at all; it is a question with regard to which this House has declared a certain article a breach of privilege. It is therefore taken out of the position of a question of a private or personal character. It is now declared by the House that this article reflects on the House itself, and, as such, is a breach of privilege; and I submit it would be an unheard-of thing to say, when a person is summoned to the bar, that a motion should be made to the effect that the complainant is unsatisfied by the statement he has made. It is for this House to be satisfied, and not the complainant at all. As far as the complainant is concerned, he has performed his duty by bringing the matter before the House and leaving it to the House to determine what is the best thing to be done. Now, Sir, it seems to me that there are only two courses open to the House: one is that this House should simply discharge Mr. Jones, without wasting any more time, a course which I recommended in the first instance, or, secondly, that a Select Committee should be appointed to consider the matter; because, if this House passes any motion, what are we doing? We make a certain judgment prej udicial to the person accused. If I understand aright the motion which has been moved by himself in this House, it is that we are called upon to express an opinion that before the character of the Attorney-General can be vindicated he must go to the Supreme Court to perform that operation. I do not think this House should take up that position. I hope the House will do one of two things: If the House considers that its time should not be further taken up with a question of privilege, it should certainly adopt a motion that Mr. Jones be discharged, and have nothing more to do with the matter, and leave it to the Attorney-General to proceed criminally or civilly against Mr. Jones if he thinks fit. If the House considers that this is a question of privilege, having summoned a person to the bar, it must proceed further and inquire into the whole question; and the only course open is to adopt the suggestion made by the honorable member for Rodney, and move for a Select Committee of inquiry. I have already stated that I had no sympathy with the libel as published. It seems to me to go beyond the bounds of that criticism which all persons engaged in public affairs are always open to, and I regret that it should have been published in any newspaper. I hope the House will either simply discharge Mr. Jones, leaving it to the person offended against to take proceedings against him criminally, or, if we wish to declare it a question of privilege, that a Select Committee will inquire into the whole matter, and recommend to the House afterwards what course it should pursue.

Question, That the words of Mr. Whitaker's motion, proposed to be omitted, stand part of the question, put and negatived.

On the question, That the motion as amended by Mr. Hislop's amendment be agreed to,

Mr. FOX said,—Sir, I beg to propose as an amendment certain words which I think will carry out the object we have in view better than the amendment of the honorable member for Totara, and which will not be open to the proper interpretation which you put upon that amendment in the remarks addressed by you to the House from the chair. I think the effect of the amendment of the honorable member for Totara would be that an opinion that before the character of the House should simply discharge Mr. Jones; at all events the matter might be so put before a jury. I will propose the addition of a few words after the word "discharged," which I think would not be open to objection. I propose that the following words be added to the motion: "and that the House does not desire to proceed further in the matter of privilege, in order that it may in no way prejudice the position of either party in the ordinary Courts of law should Mr. Whitaker desire to take legal proceedings."

Mr. SHEEHAN.—As a point of order I wish to ask you, Sir, whether I am correct in saying
that if the House agrees to add these words I may then move that the matter be referred to a Select Committee.

Mr. SPEAKER.—When the House has disposed of this amendment, then the honorable member will be enabled to move any amendment he thinks proper.

Mr. GISBORNE.—May I move my amendment now?

Mr. SPEAKER.—The honorable member will understand that when he stated to the House his intention of moving a certain amendment he was unable to do so because another amendment was then under consideration; but if the honorable member had risen before the honorable member for Wanganui he would have been enabled to move his amendment.

Mr. GISBORNE.—I object to the addition of the words proposed by the honorable member for Wanganui. I would rather have a simple discharge than the addition of those words. The effect of those words is really to relegate to Mr. Whitaker the vindication of the privileges of this House. As it stands now, the House should either discharge Mr. Jones or take upon itself to vindicate its own privileges, of which it has been declared a gross breach has been committed by Mr. Jones. The way to vindicate those privileges is either for the House to adjudicate, after inquiry into the matter by a Committee of the whole House or by a Select Committee; or to order the Attorney-General to prosecute Mr. Jones not for a breach of privilege, but for a libel on a member of this House for his action in Parliament. I prefer the motion which I suggested, because I believe Mr. Jones would necessarily have a fairer trial in the Supreme Court before a jury of his countrymen than before a Select Committee of this House. The whole matter could be better sifted in the Supreme Court than before a Select Committee while the session is going on. But if that motion is rejected, sooner than allow the matter to remain in its present unsatisfactory position I would vote for a Select Committee, which I think, is preferable to a Select Committee of the whole House.

Mr. REYNOLDS.—I am one of those members who, along with the honorable member for Dunedin City, thought it was unnecessary to bring up Mr. Jones to the bar of the House. Now that he is brought here, I cannot understand the position in which this House is to be placed if any of the motions now before the House should happen to be carried. It strikes me that the whole thing is clearly proved against Mr. Jones, and that it requires no Select Committee or jury to decide the question. This House is quite competent to decide it without any further evidence. We have in the article in question the following words:—

"And the person who is now honored with the title of the Hon. F. A. Whitaker, Esq., Attorney-General of the Colony of New Zealand, but then only plain F. A. Whitaker, of the Auckland land-surveying firm, through a gentleman who was equal to any dirty business, made a proposal to Moon to take them in as partners; in which case they would supply the ways and means. . . . The Hon. F. A. Whitaker was not at that time a member of the Ministry, and we have no doubt that he regretted that greatly. Since then, however, inspired with extraordinary patriotism and zeal for the good of the colony, he consented to take office, and now holds the lucrative position of Attorney-General. He will, therefore, now be able to serve his country and himself at the same time. His salary will enable him to find funds for the completion of his great land scheme, which will relieve the Natives of 200,000 acres of their superfluous land."

I think no one can deny that that is libel unless it is proved to be true; and I think we have evidence before us—at any rate evidence can be supplied in the Government offices—that such is not the case. The Hon. the Attorney-General has most emphatically stated that he was no party to this transaction; and the honorable member for Rodney has also stated that he knows the case, and that it does not apply to the Attorney-General at all. I think myself that members of this House are perfectly satisfied in their own minds that these transactions do not apply to the Attorney-General. Such being the case, it then becomes a question whether Mr. Jones has apologized for, or in any way endeavoured to make reparation for the article. Now what do we find in the third last paragraph? He says,—

"Sir, allow me to state that, although I fully recognize the awkward position in which I am now placed in having been declared to have committed an offence against this honorable House, I cannot with any candour—taking my own knowledge of the matter, corroborated in substance by the information I received from the person to whom I have alluded, and with the speeches of honorable members and the universal denunciation of the colonial Press before me—pretend to admit that I have committed a grave offence in publishing the article in the Oamaru Mail."

He does not admit that he has committed an offence. Now, Sir, when summoned before the House, it was his duty to ascertain whether the statement that appeared in the Oamaru Mail was correct or not. I have no doubt that by this time Mr. Jones does know that the statement is not correct; and, if so, he ought to come before the bar of the House, and say, "I have mistaken the parties connected with this transaction, and I withdraw everything in the article as against the Attorney-General." Having done that, we could have passed a resolution, and told him to go about his business. He goes on to say,—

"I then thought, and I now think, that if a journalist sincerely believes a grievous wrong is being done to the colony through the abuse of a great trust, and if the information he has at his disposal appears to be so authentic as to closely resemble fact, it is his duty, through the columns of his paper, to make it known, and that speedily, where the necessity for so doing is urgent."

If any editor of a newspaper is allowed to lay down such a doctrine as that, then no man's character is safe, whether he be a member of this House or a private citizen. Honorable
members must have come to the conclusion that Mr. Jones has been guilty, in the first instance, of a gross libel on the Attorney-General, and afterwards, when he knows he has been guilty of it, of refusing to retract one single word of it.

He says,—

“When I published the article I believed the statements contained therein to be correct; and, without wishing to be disrespectful to any one, this honorable House cannot but see that it is impossible for a man to at once surrender his convictions, when, as in my case, they are brought about by the experience of years.”

As Mr. Jones will not retract what he has said, it is the duty of the House to proceed to inflict some punishment upon him. We require no Select Committee to take evidence, because no evidence which it could produce would be of any further use to us than the information we already possess.

Mr. JOYCE.—The honorable gentleman who has just sat down has been good enough to read us a short lecture upon the duties of members of the Press; and I must say a few words in reply to his remarks. He points out that Mr. Jones, in speaking of his newspaper, says that the information he had at his disposal appeared as closely allied to fact as it could be; but the honorable member for Port Chalmers says that no statements should be made in newspapers which were not absolute facts. I tell the honorable gentleman that, if such a doctrine as that were to be founded on fact as it could be; but the honorable member for Port Chalmers says that no statements should be made in newspapers which were not absolute facts. I tell the honorable gentleman that, if such a doctrine as that were to be held good, and if editors of journals had to prove the absolute truth of everything that appeared in their columns, no newspaper could be published in this colony or in any other country in the world. Nearly every statement in a newspaper, except of cases that transpire under the eye of the man under whose censorship the paper appears, is founded upon evidence with regard to which the editor has to use his judgment in order to see that such statements closely resemble facts, and that the source from which he derives them is reliable. When he has done that, the editor has done his duty and no more; and, if Mr. Jones had sufficient confidence in the person from whom he received the information, he did not commit any error in publishing it. But I say that, having published it, he is now in error if he does not disclose the name of the person from whom he got the information. I think, further, that if we were now to turn this matter over to the Supreme Court, after what has taken place in this House, and after the article having been declared to be a breach of privilege and one of the greatest libels ever published, we should be turning it over not for trial, but to make use of the Court as a mere machine or instrument to inflict punishment; we should be shirking the duty that belongs to us, and forfeiting the power that we have to deal with the matter. I think, moreover, after hearing what fell from the honorable member for Rodney, that in a very short time, were the matter referred to a Select Committee, a decision could be come to which would relieve us from all further trouble.

Mr. W. WOOD.—I have only one or two remarks to make with regard to what fell from the honorable member for Port Chalmers, who read two paragraphs from the statement made at the bar of the House, but declined to read a third paragraph in which Mr. Jones distinctly expresses sorrow for having published the article in question. I invite honorable members to read that paragraph for themselves. I would also call attention to the remarks made by the honorable gentleman to the effect that when Mr. Jones published this article, and when he was at the bar of the House, he believed the article was founded on fact, but that he now knows better; and why, then, the honorable gentleman asked, does not Mr. Jones come forward in a manly and straightforward manner and acknowledge his error? I should like to remind the honorable member that Mr. Jones is in custody; and, if he has become aware since he was at the bar of the House that he was in error, he has not had an opportunity afforded him of stating so.

Mr. BUNNY.—I think the fairest way would be to send this matter to a Select Committee. I will read the last paragraph of Mr. Jones’s statement, in which he asks for inquiry; and, as we have brought him up here and he is now in custody, he is entitled to have the matter fully inquired into by a Select Committee:

“Sir, I have only to repeat that I am exceedingly sorry that, in executing what I considered to be my duty, I have been brought into collision with this House; and should this honorable House, in its wisdom, and on due inquiry, conclude that I have acted with indiscretion, I am prepared to submit to its judgment.”

What more could he say? If this matter were referred to a Select Committee we should in all probability arrive at a lot of things of which we now know nothing. We shall arrive at the name of the individual who supplied the information, or we shall have Mr. Jones refusing to disclose his name, and thus from one thing leading to another we shall be in a good position for dealing with the matter. At present we are not in such a position. I must say I do not agree with the proposition that the proper course is to send it to a Select Committee and discharge Mr. Jones and then leave it to Mr. Whitaker to bring his action if he thinks fit. We have brought Mr. Jones up here on a charge of breach of privilege, and I maintain that if we wish to protect the dignity of the House we should deal with the question ourselves, and not do what would amount to saying, “We acknowledge that we have made a mistake, and we wish to get out of it as best we can, and leave it to Mr. Whitaker to pursue his action in a Court of law.” We should carry the matter to its end, and the proper course is to send it to a Select Committee to find out the individual who supplied the information, and to give Mr. Jones an opportunity of justifying himself if he can.

Mr. SPEAKER.—It is right that I should point out that Mr. Jones is not in custody. He is at present in attendance on this House, and will have to appear when called upon to do so.

Mr. TRAVERS.—I do not agree with the honorable gentleman. He seems to have forgotten one important fact—namely, that the House has before it the emphatic and plain denial from the
mouth of the Attorney-General of all that is stated in this libel. If this House cannot accept such a denial from one of the chief officers of the colony, holding such a position as the Hon. Mr. Whitaker does, then I apprehend we should hear no charges against anybody at all. It seems to me that, when a gentleman in the position of Attorney-General of this colony states to the House in plain and unmistakable terms that the whole of the statements contained in a gross and palpable libel are utterly unfounded and untrue, this House should accept that statement, and we should not allow any consideration for Mr. Jones or anybody else to weigh with us in determining a question of this kind. Mr. Jones has that denial before him also. He must be as well aware as any honorable member in this House of the fact that the Attorney-General has in the plainest manner stated he was in no degree mixed up with these transactions. When he stood at the bar it appeared to me he should have accepted that denial and should have offered an apology for having grossly libelled a member of this House. Honorable members seem to think that, if the amendment of the honorable member for Totara is adopted that Mr. Jones should be prosecuted, it would be sending a case of breach of privilege for trial by the Supreme Court. That is to a certain extent true, but Mr. Jones would not be indicted in terms for having committed a breach of privilege. The breach of privilege is this: that, without any reason whatever,—without being able, when brought to the bar for the express purpose, to offer any vindication of his conduct,—this person publishes to the world a gross and palpable libel on a member of this House occupying a position which the House ought to protect; for the respect which the public owes to the Government must depend very much upon the character its members hold out of doors. If it is supposed that individuals can with impunity publish libels on the Government, and, when brought to the bar of the House for attacks upon them during the session of Parliament when they are administering the affairs of the colony, can venture, in the teeth of a plain and emphatic denial, to stand and ask for a Select Committee to inquire into the matter, then I say there is an end to the dignity and position of this House.

When a Minister makes such a statement as that which the Attorney-General has made, he makes it on his honor, and that honor is in the custody of the House. Mr. Jones may retract his libel with regard to that gentleman as Mr. Whitaker, and Mr. Whitaker can take such proceedings as he pleases; but, as we have considered it a libel, we must take the regular and proper steps in dealing with it. We have adopted our privileges in that respect from the House of Commons, and we are in exactly the same position as the House of Commons in ordinary cases of libel. We could not have any case of this kind for trial before a Select Committee, and if Mr. Jones were placed at the bar of that House he would have an opportunity which could not be given to him in the House of Commons; and, when brought to the bar of the House for attacks upon them during the session of Parliament when they are administering the affairs of the colony, can venture, in the teeth of a plain and emphatic denial, to stand and ask for a Select Committee to inquire into the matter, then I say there is an end to the dignity and position of this House.

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Mr. Travers
is to direct that a prosecution should be instituted for the purpose of vindicating the character of a member of the House who has been improperly assailed by a libel not attempted to be justified—for which no shadow of excuse is offered,—the mere fancies of Mr. Jones, arising from rumours floating in the Waikato at the time he was living there, being alone offered as in the slightest degree in explanation of the matter. Mr. Jones in publishing whatever was said he must be supposed to have considered the cost, and therefore pleaded guilty of libel, and apologized for it—had he done that, he would, in my opinion, have adopted a manly and proper course. But Mr. Jones appeared here, and not only did not attempt in the slightest degree to justify his libel by reference to any facts whatever relevant to the question, but he actually had what I conceive to be the impertinence to quote the speeches of honorable members of this House in support of a gross charge against the Attorney-General as a member of this House. That is what Mr. Jones did. I do not object to his quoting my opinions or the opinions of any other member of this House in support of any question which he thinks those opinions may bear upon; but I object to Mr. Jones, or anybody else, taking upon himself to quote opinions of honorable members of this House, expressed in this House, for the purpose of fastening on a member of the House a gross and wanton libel. That is what I object to. I am as much public property as any member of the House, and my utterances here will no doubt be treated by the Press of the colony as they deserve, whether for ill or for good; but I consider it to be an impertinence and an indignity to this House that any man who stands at the bar of the House should venture to quote the opinions of members for the purpose of supporting a gross charge of libel against any honorable member. That is the light in which I look upon it. And I conceive that, having taken this matter in hand, our duty is to pursue it to its legitimate conclusion—to take that dignified course which would be taken by the House of Commons in a similar case, and not to regard the mere fact that Mr. Jones may be a sufferer by it. He must be supposed to have counted the cost. We should take the course which is pointed out and sanctioned by precedent, unless the Attorney-General should get up and say that, from a sentiment of piety, he himself would ask the House to discharge Mr. Jones without further prosecution, although he has been guilty of a gross indignity in aggravating, as you have remarked, Sir, the offence he has committed. I shall support any motion which will enable Mr. Jones either to vindicate his statement or to receive that punishment which every man who is guilty of a gross, wanton, and unwarrantable libel deserves, not merely at the hands of this House, but at the hands of every person who may be injured by such a proceeding. I conceive that when the House takes upon itself to vindicate its privileges it should do so with that dignity which belongs to this House, and that we must not be swayed in this matter by any considerations other than those of propriety in connection with the particular instance in question.

Mr. STOUT.—I am not surprised that the honorable gentleman who has just spoken should be opposed to his speeches being quoted, because the speech he has now made is directly in the teeth of every statement he made when addressing the House before on this very question of privilege. What did he advise the House to do then? Why, he advised the House to pursue the matter to the uttermost. And how was it to be done? By bringing Mr. Jones to the bar. And then what was Mr. Jones to be allowed to do? He was to be allowed at the bar of this House to substantiate a charge in the same way as he would be allowed in the Supreme Court. He was to be allowed to call evidence, I presume. And what was this House to do then? Why, this House, even if he made an apology, was not to accept it. Mr. Jones was warned before he came to the House and when the honorable member made the statement, which was cheered by almost a majority of the House, that, even if he came here to make an apology, he would be punished all the same. That is what the honorable member advised. He sat in judgment upon Mr. Jones—

Mr. TRAVERS.—I must interrupt the honorable member. Those were not the words I used. The words I used were that if Mr. Jones appeared before the bar of this House with mock humility, and pretended to make an apology without offering any substantial vindication for the course he had taken in the matter, I conceive this House would be justified, notwithstanding that, in punishing him.

Mr. STOUT.—Hansard is a very inconvenient publication. What did the honorable member say? He said, "I shall support the motion that the printer of this paper be summoned to the bar of the House; and I hope, when he does appear, that his apology, which no doubt he will make in order to save himself from the consequences of his conduct, will not be allowed to avail him." Nothing about "mock humility" at all! Now what does the honorable member say? Why, he sets up a new doctrine: that any member of this House who is libelled by a journal has nothing to do but to bring the matter before this House, have the unfortunate printer or editor summoned to the bar, have him charged with a breach of privilege, and, though the printer comes before the bar of the House and says, "Every word of that is true," yet, if the member gets up and says it is not true, then this House is to sit in judgment, and say, "The member says what is true; " if you say so." That is a new doctrine to lay down. I pointed out
at the time that it was a huge mistake to have this matter brought before the House at all; and I think every minute we spend in discussing it is only proving that more fully. What I say is that if this House is going to sit as a Supreme Court, and if it is not going to send this matter to a Select Committee. When it must do—what? Why, it must give Mr. Jones the same chance that the greatest criminal would have—the chance of saying, "I want all my witnesses summoned." If the whole thing is to be argued out in the House, I suppose Mr. Jones will be allowed the aid of counsel; and we should have this House sitting as a Supreme Court, perhaps for the rest of the session. It is a most novel doctrine that, as soon as an honorable member gets up in this House and says that a certain newspaper article is a libel upon him, and therefore a breach of privilege, the person guilty of publishing the article—whether he says it is true or false—is at once to be punished for daring to say so. There would be no such thing as liberty of the Press if this House were to assume the functions of a Star Chamber—for it would be nothing else—and sit in judgment in that way. What does the honorable member ask now? He asks us to do now the very opposite of what he asked us to do when the question was before the House previously. He asks now that the thing should be relegated to the Supreme Court. Well, lawyers should not object to the Supreme Court. Supreme Court work is the best, and I suppose every lawyer in the land would say, "If anybody wants to have a quarrel with anybody else, the best thing is to go to law. The Courts are open to everybody; fight it out." Of course, the usual concomitants of fighting a case in the Supreme Court have to be supplied. But the honorable gentleman suggests that this House should become the prosecutor. If the House is going to punish for the breach of its privileges—for that is the only thing this House should look out for, and not private libels—what is there to do? If it is going to punish for its own libel, it is the highest Court in New Zealand—and it is the highest Court in this part of the Empire, and above the Supreme Court—and if we are going to act as prosecutors, let us sit as a Court and decide this matter ourselves. But I think the House would be wise and consulting its own dignity if it does what I think it should have done before—simply says that this matter should be discharged, and let us get on with other business. If the Attorney-General thinks it worth his while to spend his time in going into actions in the Supreme Court, he can do so. Without any advice coming from this House by resolution; and I submit it would be unfair to ask us, if the Attorney-General should commence either a civil or a criminal action against Mr. Jones, to advise him one way or the other, unless this House is going to vote sums of money to pay for his expenses. I therefore trust this House will not allow it to charge the matter, or refer it to a Committee to investigate, not only the charge, but the whole matter of the breach of privilege, and be prepared, no doubt, to submit a report recommend.

Mr. Stout

ing, if they find it necessary, what punishment they think the House should award.

Mr. FOX.—I would ask leave to withdraw the amendment I proposed. The honorable member for Totara really had precedence of me, and, not observing that, I moved my amendment before he had a chance of raising his own proposal. It is only fair that he should have an opportunity of testing the opinion of the House on the subject, and if he does not carry his amendment I shall propose mine.

Mr. Fox's amendment by leave withdrawn.

Mr. GISBORNE.—I wish to propose my amendment now. It is this: That the Attorney-General be instructed to prosecute George Jones according to law for libel on a member of this House in his place in Parliament. That will bring to trial the character of the Attorney-General and the conduct of Mr. Jones in the best possible manner in which a decision can be arrived at, and that is, in the Supreme Court of the colony. The honorable member for Rodney talked of the proposal to allow the case to go to the Supreme Court as a monstrous proposition. Why, what is a trial in the Supreme Court? It is a trial by a jury of one's own countrymen. Some honorable members talk as if the case were to be tried by the Judge himself, but in a case of libel I believe the Judge cannot even direct a jury whether what has been written constitutes a libel. It is the jury who decide the fact whether the alleged libel is a libel or not. The question will be decided by a judicial tribunal which decides questions affecting property and life; and I would like to take the opinion of the House whether the course proposed by me is not the proper proceeding to be adopted in this case. No doubt there are instances in which the House of Commons has proceeded directly to adjudicate in cases of libel upon itself or upon any of its members, but there are also cases in which the Attorney-General has been directed to prosecute the authors or publishers of alleged libels. The doctrine of the honorable member for Dunedin City (Mr. Stout), that gross charges of corruption and malversation of office may with impunity be spread broadcast against members of this House or against Ministers of the Crown, and should be tamely submitted to, is indeed monstrous. The House should vindicate its own character, which, I maintain, is involved in the character of its members. If the House pursued such a course as that suggested by the honorable member it would soon become, as it would deserve to become, an object of public scorn and contempt. I move, That all the words of the motion after the word "That" be omitted, in order to insert the amendment I have proposed.

Mr. SHEEHAN.—I would like to point out to the honorable member for Totara a matter which he seems to have entirely overlooked. He professes that the especial merit of his amendment is that Mr. Jones should not be tried by his countrymen. I presume we are his countrymen. Mr. GISBORNE.—By the Judges as well as by a jury.

Mr. SHEEHAN.—Exactly so; but it would
be quite as well to refer to a Committee, which would take evidence upon oath; but if the honorable gentleman cannot trust that Committee, let him say so. Sir, it is our matter, and not the Attorney-General's. We are entitled to determine whether or not this breach of privilege is justifiable or not; and it must be borne in mind that Mr. Jones has asked us to make inquiry. He is waiting for us to say whether we will allow him to vindicate his character, and until we have settled that question I contend that we are not dealing fairly with Mr. Jones at all.

Mr. GISBORNE.—This will give him an opportunity to defend himself.

Mr. SHEEHAH.—Yes; but in what way? There may be cases at Home where the Attorney-General has been instructed to prosecute in cases of alleged libel upon the House; but I defy the honorable gentleman to show a case where an injured member has been instructed to prosecute. The British Parliament has never sunk so low as to say, "Go on; bring your case; you have the authority of this House to prosecute this action." I have not yet said anything with regard to this action; but I believe that if the House refers the matter to a Committee it will be fully considered in twelve days' time, and ample evidence will be before the House to enable it to determine whether there is any foundation for this charge or not. But there is another matter in which this House is called upon to make inquiry, and that is the extent of the bona fides or mala fides which may have actuated Mr. Jones when he wrote the article. He is entitled to be heard upon that point, because it is evident that the punishment will be different if it be proved that at the time Mr. Jones made the statements he believed them to be statements of fact. Now, there are two persons to be considered; and if the House wishes to come to a just decision it ought to deal fairly with both parties. We are not to assume that the charges made are absolutely untrue, and that there may not be circumstances connected with the case which would weigh with the House in coming to a decision. I submit that the whole of the case ought fairly to have been before a Committee, and could be disposed of in such a manner as to prevent the House falling into that low state which the honorable member for Totara is doing what men do when they are hunting wild animals. They dig trenches, cover themselves with ridicule and the House by putting them on their guard. The honorable member for Totara is doing what men do when they are hunting wild animals. They dig trenches, cover themselves with ridicule and the House by putting them on their guard. The honorable member for Totara is rather far-seeing, and strong statements made by several other honorable members to that effect. I think the Government ought to thank me for putting the House in coming to a decision. I submit that scandalous libels were published about which the Attorney-General is quite able to give a verdict against him. I was one of those who voted that Mr. Jones should be brought up here, and I am not going to say that we should send him away now that we have got him here; but let his defence be heard, if he has any. Let a Select Committee judge of the facts of the case.
and report upon it. I trust the House will not adopt the amendment of the honorable member for Totara. Nothing could more conduce to making a hero of Mr. Jones than to go to such extremes in a case of this sort.

Mr. LUSK. I also, Sir, disagree with the amendment of the honorable member for Totara. I am not able to vote for that, because it calls upon me to do something which I cannot conscientiously do. It calls upon me to say that I have made up my mind upon the merits of the case, and I have not done that, because I have heard no evidence. It appears to me that if we pass the resolution proposed by the honorable member for Totara we shall be saying that this House has determined that a gross libel has been perpetrated upon the Hon. the Attorney-General; but I think we cannot say that, unless we are assured that it is so, and we can only assure ourselves on the point by taking evidence. If it is shown before a Committee of this House, after due inquiry has been made, that it is a libel—that the statements which are said to be facts have been put forward in bad faith and recklessly—then the Committee may fairly take the steps which it is proposed by the honorable member for Totara that this House should take. That would be quite time enough for us to abridge our functions and forego the position of judge for that occasion; for I take it that, if this House directs the Attorney-General to prosecute, then we are assuming the position of accusers; and I am not prepared to take upon myself any responsibility in that respect until I know something of the merits of the case. I think there is a great deal of justice in the remarks that fell from yourself. I believe that the Attorney-General will be doing himself less than justice if he adopted the proposal made by the honorable member for Totara. I cannot conceive of anything more detrimental to his dignity than to find himself called upon to prosecute, on behalf of the public, this wrong done to himself. I think he will be one of the first members of the House to take the responsibility against the proposition, and, if he should find himself in a minority, I shall feel for him very sincerely. Of all false positions in which honorable members may have been placed by mistakes on the part of the House, that would be the most marked which would result from the acceptance of this motion. As I said before, I shall vote against this motion, because I do not feel myself justified in acting the part of an accuser before we have had evidence in respect of the matter.

Mr. MONTGOMERY. I think the House has been placed in an exceedingly false position through the mistake of the Attorney-General himself. My impression is that the course which should have been pursued is this: He should have stated in this House that an article had appeared in the Oamaru Mail reflecting on his character, that he utterly denied the truth of the matter written in that article as facts, and that he was taking measures to vindicate his character in the Supreme Court. That is my impression of the course which should have been pursued. Instead of that, he moved that the article should be considered a breach of privilege by this House. I felt that the statements made were such that, unless the man who wrote the article could substantiate them, it was a very gross breach of privilege; and therefore I voted with the honorable member that the publisher should be brought to the bar of the House. Well, we have got the gentleman here, and now it is proposed that the question should be referred to the Supreme Court to decide, and that the money of the colony shall be taken to prosecute that person for publishing a libel. I cannot agree with that, and I shall vote for all the words after "That" being omitted, that the amendment of the honorable member for Totara may become the substantive motion. I will vote for that, because I may then have the opportunity of voting against the motion of the honorable member for Totara in favour of the amendment of which notice has been given by the honorable member for Rodney—namely, that there shall be an inquiry into the circumstances of a Select Committee. I think the House should inquire into the circumstances of the case, and, having found, after inquiry, the statements to be untrue, should assert its dignity and punish the author of a gross breach of the privileges of this House, and so thoroughly clear the character of the Attorney-General. I wished to make these few remarks in order to explain the vote I shall give.

Mr. Hislop's amendment was negatived.

Mr. SHEEHAN. I move, That all the words after "That" be omitted, for the purpose of inserting these words: "the whole matter be referred for inquiry to a Select Committee of this House."

Question put, "That the words proposed to be omitted stand part of the question;" upon which a division was called for, with the following result:

| Ayes | 41 |
| Nones | 34 |
| Majority for | 7 |

Ayes.

Major Atkinson, Mr. Beetham, Mr. Bowen, Mr. J. E. Brown, Mr. Bryce, Mr. Button, Mr. Carrington, Mr. Cox, Mr. Curtis, Mr. Fitzroy, Mr. Fox, Mr. Gibbs, Mr. Harper, Dr. Henry, Mr. Johnston, Mr. Kennedy, Mr. Louden, Mr. Macfarlane, Mr. Manders, Mr. McLean, Mr. Moorhouse, Captain Morris, Mr. Murray-Aynsley, Mr. Ormond, Mr. Reid, Mr. Richardson, Mr. Richmond, Mr. Rolleston, Mr. Rowe, Mr. Seymour, Mr. Stafford, Mr. Stevens, Mr. Sutton, Mr. Tawiti, Mr. Tawiti, Mr. Tawiti, Mr. Teschemaker, Mr. Travers, Mr. Wason, Mr. Williams, Mr. Woolcock.

Tellers.

Mr. Gibborne, Captain Russell.
The words proposed to be omitted were consequently ordered to stand part of the question.

Mr. BUNNY.—Sir, after the doors were locked, Captain Morris, the honorable member for the East Coast, came to me and stated that I had no right to vote on this question as it was a Government question. I had paired with Captain Kenny, the member for Picton, against the Government—Captain Kenny being for the Government and I against,—but I had no idea whatever that this was a Government question. If it is a Government question I can only say that the Government might have stated plainly to the House the opportunity of deciding whether the charges that had been made against him and against the Government were true or false. I do not believe the charges which are made in the article; but I believe, for the honor of the House, for the honor of the Government, and for the honor of the country whose affairs these honorable gentlemen administer—I believe that these charges are false, and that honorable gentlemen, instead of shirking the inquiry, will have faced the House the opportunity of deciding whether the charges have come on to-night—instead of making it a party question, and using what I consider to be unfair means, undue pressure, I may say, to get members to vote in a particular lobby—would have acted more in accordance with their sense of duty, and with the dignity of this House, if they had fairly and at once accepted the proposition of the honorable member for Dunedin City (Mr. Stout)—namely, to refer the matter to the only tribunal before which it can properly come. In making these remarks I trust I shall not be leading anybody to think that I believe a single word of this charge of corruption which has been made against the Government. At the same time I think it is due to the House that the Government should allow honorable gentlemen an opportunity of saying whether they can purge themselves of the charges which have been brought against them.

Mr. REYNOLDS.—I trust, Sir, that the House will throw out the motion now before it; and if that is done I shall be prepared to propose another resolution to the effect that Mr. Jones be fined a certain sum—I would not make the sum a large one, but one which will be in proportion to his means—and, further, that he be held in custody until he apologizes for his conduct. I feel sure that there is not a member of this House who is not satisfied that the statements contained in this article are entirely without foundation as far as the Hon. the Attorney-General is concerned. Mr. Jones must know that by this time; and it will not be derogatory to him to say that through a mistake he referred to the Hon. the Attorney-General instead of some other person. I may say that I believe there is some foundation for the article as it applies to other persons, but not as it applies to the Attorney-General. If the present motion is thrown out, I shall act as I have stated.

Mr. REES.—I desire to move, Sir, That it is a breach of the privileges of this House for one tried to maintain my faith in the Government unshaken, but my faith has been sorely tried. The Government have promised, when they were accused by honorable gentlemen on the other side of the House, with what I regard as no political connection whatever,—of wrong-dealing with the lands in the North Island to which this libel is mere milk-and-water—they have promised that these matters should be investigated so as to clear themselves and the House of the stigma which might be attached to them by the outside public. It appears to me that this was a particularly fitting occasion to discuss such a question. The Hon. the Attorney-General a few nights ago, in reply to the honorable member for Auckland City East, declared that he would give the House the opportunity of deciding whether the charges that had been made against him and against the Government were true or false. I do not believe the charges which are made in the article; but I believe, for the honor of the House, for the honor of the Government, and for the honor of the country whose affairs these honorable gentlemen administer—I believe that these charges are false, and that honorable gentlemen, instead of shirking the inquiry, will have faced the House the opportunity of deciding whether the charges have come on to-night—instead of making it a party question, and using what I consider to be unfair means, undue pressure, I may say, to get members to vote in a particular lobby—would have acted more in accordance with their sense of duty, and with the dignity of this House, if they had fairly and at once accepted the proposition of the honorable member for Dunedin City (Mr. Stout)—namely, to refer the matter to the only tribunal before which it can properly come. In making these remarks I trust I shall not be leading anybody to think that I believe a single word of this charge of corruption which has been made against the Government. At the same time I think it is due to the House that the Government should allow honorable gentlemen an opportunity of saying whether they can purge themselves of the charges which have been brought against them.

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Mr. REES.—I desire to move, Sir, That it is a breach of the privileges of this House for one
honorable member of this House, Captain Morris, to attempt to intimidate another member of this House. I ask your ruling, Sir, as to whether I am in order in moving this amendment.

Mr. SPEAKER.—There is a question of privilege already under consideration. Two questions of privilege cannot be entertained at the same time. If the honorable member thinks proper to bring forward another question of privilege after the present one is disposed of, he will be in order in doing so.

Mr. MURRAY.—Sir, it appears to me that the difficulty we are in now has been the result of the hurried action of this House on a previous occasion. When I came into the House some few days ago I found that the Attorney-General had risen unexpectedly to bring before the House a question of privilege. The House suddenly rushed to the conclusion that there had been committed a gross breach of the privileges of this House, and Mr. Jones was ordered to be brought to the bar of this House to answer the charge made against him. The House seems on the present occasion to have accepted the conclusion that Mr. Jones had been guilty of libel without affording the opportunity, by a Committee, of investigating the case. We are now following out the Jedburgh style of doing justice—that of hanging a man first and trying him afterwards. The proposal now made, that the Attorney-General should be directed to prosecute Mr. Jones, appears to me to be inconsistent with the position of this House. We have two charges before us: there is one of breach of privilege of this House against a member of the House, and we have another charge of libel against Frederick Whitaker, a private individual. It is for this House to consider whether it is best qualified to guard its privileges, or whether it should relegate its functions to an inferior tribunal. I say that proposal is inconsistent with the position of this House. Then, if this is a libel against a private individual, why should this House step in and put in motion the machinery of the State to protect one citizen and prosecute another for a private libel? I think the Government should be very careful on the present occasion: that of hanging a man first and trying him afterwards. The proposal now made, that the Attorney-General should be directed to prosecute Mr. Jones, appears to me to be inconsistent with the position of this House. There is an old Latin proverb which says, "Quem Jupiter vult perdere, prius dementat." I think that is exactly the case in regard to the present Government. They seem in fact to have lost their senses, and that really seems to be the prelude to their final exit. But what will the country say in regard to this? Is it to be presumed for an instant that the country will stand this? I believe there will be such a strong ex-
pression of public feeling against the expenditure of public money in this way that the Government will not dare to go on with the action. I beg to move these words by way of addition: Provided that the expenses of the action shall not be a charge on the revenues of the colony.

Mr. BUNNY.—I should like to know if this proposed addition is a Government question. If so I cannot vote.

Major ATKINSON.—The Government is going to vote against the words being added. The honorable gentleman no doubt knows what his pair means.

Mr. BUNNY.—Then I shall walk out.

Question put, "That the words proposed to be added be so added;" upon which a division was proposed of 27 to 37.

Mr. BUNNY.—I should like to know if this question is to be referred to a Select Committee.

Mr. HARRISON.—The Government is going to vote against the words being added. The honorable gentleman no doubt knows what his pair means.

Mr. BUNNY.—When themotion before the House — namely. "And on the motion that 51½. Gisborne’s amendment was consequently negatived. On the motion that Mr. Gisborne’s amendment be agreed to, Mr. REYNOLDS.—When this motion is disposed of I shall move, That George Jones having had an opportunity of defending his conduct for having published in the Oamaru Mail that which this House declared to be a libel, and having failed either to justify or apologize for the same, the said George Jones be fined in the sum of £—; and, further, that he be kept in custody until such time as he, at the bar of the House, tenders an apology for the publication of the same.

Mr. HISLOP.—I beg to propose an addition to the motion before the House—namely. "And in the event of the verdict upon any trial being for the defendant, or should the jury disagree, all costs incurred on behalf of the defendant shall be defrayed by the Government as between attorney and client." If Mr. Jones is to be prosecuted at the expense of the country, it is only fair that, in the event of the verdict being for him, or the trial proving abortive, the costs incurred by him should be paid by the country. He ought to be placed on something like an equal footing with his prosecutor.

Mr. WHITAKER.—The law is that the prosecutor has to pay costs if he fails.

Mr. HISLOP.—The honorable gentleman knows very well that there are other costs that he would not have to pay, such as those between the attorney and his client. Besides, he knows that in criminal cases costs do not follow; and I have no doubt a criminal case will be the one taken, as it would be more soothing to the feelings of the person affected by the article. In fact, there would be a great many difficulties in the way of the defendant procuring witnesses, unless some guarantee were given to him that, in case of its being proved that he was conscious of only having done right in publishing that article, the costs of the trial would be paid. I hope the Attorney-General will see the justice of placing the defendant in this position.

Mr. WHITAKER.—I make no objection.

Mr. STEVENS.—I should like to take the opportunity of explaining in a very few words the manner in which I propose to vote on the present occasion. On the first division I voted with the "Ayes," in the full belief that that would have the effect of negativing the proposition to refer this matter to a Select Committee, as I object to that method of treatment, because I think it unnecessary, ineffective, and very prolonged in character. I think, however, the House should, notwithstanding that decision, deal with this question itself in preference to its being determined by another tribunal. The sooner we get rid of it the better, and in order to do so we should take this view: Mr. Jones has had an opportunity of being heard, and he might have made any explanation or apology he thought fit; but he has done neither one nor the other. The House has taken a very proper and very strong view of the matter; and it appears to me, in the absence of any such explanation as might be satisfactory to the House, there is nothing for us to do but to impose such a penalty as will meet the case. Under these circumstances, I am prepared to vote for the amendment of the honorable member for Port Chalmers. I believe his proposition would have the effect of clearing the House of
the difficulty into which it has got. The question of amount is not one that I need deal with at present, as the House can determine that afterwards, but I am prepared to agree that a penalty should be inflicted.

Mr. REES.—I should like to point out to the House that if it passes such a resolution as this it will put the Attorney-General in the position of being at once accuser and plaintiff. He himself will have to carry on a suit against a private individual, pledged to it by a majority of this House, and consented to by the Ministry. If that is done, I say that the majority will bring a greater libel upon the House itself than the person who wrote this article. I cannot conceive anything more inconsistent with justice or more inconsistent with manhood could possibly be proposed, either here or elsewhere. You are to put this man on the footing of a criminal in the dock, to shut up his mouth, to prevent him saying what he has to say, and to prevent him giving any evidence himself; while, by the votes of the majority of this House, at the beck and call of the Ministry of the day, you establish the Attorney-General, himself the head of the legal profession, in a certain sense the head of all Courts of justice, and the head of the department of law in this colony, and being the person interested, in the position of conducting the prosecution, at the instance of the State, with the moneys of the State; and the other man against whom all these forces are collected is to be shut up silently in a criminal dock. I say a more monstrous thing has never been done in any Parliament. As for myself, I say that, sooner than vote for anything so unmanly and cowardly as that, I would hold out my right hand and have it cut off. I see one honorable member, who only a few evenings ago was engaged in a very different occupation, jeering, but I cannot conceive how any man with a spark of justice in him could laugh at anything of the sort. I know very well that there are some men who make a mock of these things, and who are only actuated by and can only understand a kind of hypocrisy which has no truth in it; but how they can act thus in the face of people who really actuated by and can only understand a kind of hypocrisy which has no truth in it; but how they can act thus in the face of people who really

Mr. Stevens
originally moved by the Attorney-General was that the article was a breach of privilege on the part of the "printer and proprietor" of the paper. Mr. Jones, on the motion of the Attorney-General, appeared at the bar of the House as the "printer and publisher of the Oamaru evening Mail." The printer and publisher has come to the bar of the House, and a resolution has been passed against him, whereas the breach of privilege has been found against the "printer and proprietor." I think, therefore, Sir, that we are passing a motion entailing serious consequences in reference to a person against whom no breach of privilege has been duly found.

Mr. SPEAKER.— The objection taken by the honorable member does not impress my mind. It might influence an inferior Court.

Question put, "That the motion as amended be agreed to;" upon which a division was called for, with the following result:

Ayes 39
Noes 29
Majority for 10

Mr. WHITAKER.— I now move that Mr. George Jones be discharged from custody.

Mr. SHEEHAN.— As the House has decided not to go into the matter, but to leave it to the ordinary course of law, I think it is only fair that the House should allow Mr. Jones the costs of coming up here and going back. The law presumes him to be innocent until he is proved guilty, and as he has not yet been proved guilty it is only fair that he should be allowed his expenses.

Motion agreed to.

The Sergeant-at-Arms, by direction of Mr. Speaker, brought Mr. Jones to the bar of the House.

Mr. SPEAKER. — Mr. George Jones, it is my duty to inform you of the decision the House has arrived at in your case. It is as follows:

"That the Attorney-General be instructed to prosecute Mr. George Jones according to law for a libel on a member of this House in his place in Parliament; and, in the event of the verdict upon the trial being for the defendant, or should the jury disagree, all costs incurred on behalf of the defendant should be defrayed by the Government as between attorney and client."

You are released from further attendance, Mr. George Jones.

The House adjourned at fifteen minutes past twelve o'clock.

LEGISLATIVE COUNCIL.
Wednesday, 29th August, 1877.


The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

SPORTING LICENSES.

On the motion of the Hon. Mr. NURSE, it was ordered, that there be laid on the table a return of what sums of money in the shape of sporting licenses have been paid or are still due to the different Acclimatization Societies.

PROVINCIAL REVENUES AND EXPENDITURE.

The Hon. Mr. HART, in moving the motion standing in his name, said his attention had been called to a very complete statement published in a newspaper of the whole of the receipts and expenditure of the Province of Canterbury, from the time of its first coming into existence to the time of the abolition of the provinces, under the different heads of receipts and expenditure; and it seemed to him that it would be a very valuable addition to the history of the colony if such an account of the receipts and payments of each of the provinces were put in a convenient form. Whatever opinions there might be in respect to provincial institutions in themselves, there could be no doubt that they had had very great weight...
and a very large influence in promoting the progress and growth of the colony, and no history of the early period of the colony would be complete which did not notice the influence which those institutions had in distributing its population, in carrying into effect the colonization of the country, and in extending over its surface those local and municipal institutions which were now spreading throughout the colony. He was aware that an account of this kind standing by itself might be misleading, and that there were other elements to be taken into consideration in estimating and comparing the management of the different provinces up to the period of their abolition; but such a statement would form a very material element in that comparison; and, believing that the preparation of the return would not entail a very large amount of labour, he now begged to move the motion on the Order Paper.

Motion made, and question proposed, "That there should be laid upon the table of the Council, before the close of the session, a summarized statement of the revenues and expenditure of each of the late provinces of New Zealand from their coming into existence until their abolition, comprising, as nearly as may be, the particulars contained in an account relating to the late Province of Canterbury published in the Lyttelton Times of the 11th August instant."—(Hon. Mr. Hart.)

The Hon. Dr. POLLEN had no objection to the motion. It was possible that a longer time would be required to compile the return than the honorable gentleman anticipated, but every endeavour would be made to furnish it at as early a date as possible.

Motion agreed to.

INVERCARGILL GAS BILL.

The Hon. the SPEAKER announced that he had received the following telegram from the Mayor of Invercargill— "Over 200 ratepayers attended public meeting last night. Following resolution adopted almost unanimously, only five dissentients:—'That, in the opinion of this meeting, the action of the Municipal Council in asking Parliament to pass an Act to enable the Corporation of Invercargill to borrow the sum of £14,000 for the purpose of extending the gasworks, meets with the general approval of the ratepayers.'"

ADJOURNMENT.

The Hon. Mr. ROBINSON moved, That the Council at its rising do adjourn until to-morrow week. This was no new proceeding. On many previous occasions, when the Council had been short of work, it had adopted a similar course. There was nothing on the Order Paper of any great moment, nor was there likely to be for, at any rate, a week.

The Hon. Colonel KENNY did not think the action of the honorable gentleman was opportune, inasmuch as there was some business before the Council, and there might be more before the termination of the sitting. The proposal involved an objectionable principle, and he would oppose it. Their duty was to be present in the event of business requiring their attention, and it would be undesirable to adjourn as proposed.

The Hon. Dr. POLLEN hoped the motion would not be pressed. If they agreed to adjourn, the Council would be committing a mistake into which he should be sorry to see it fall.

The Hon. Colonel WHITMORE said honorable gentlemen seemed anxious to have an interval just now, and if the adjournment for a week could take place without the public service sustaining any injury he was disposed to vote with them. The adjournment for the fourteen days asked for on a previous day was unreasonable, but the same objection could not be urged on this occasion.

The Hon. Mr. MANTELL remarked that, if the motion were to be regarded in the light of a leave of absence to the majority of honorable members on urgent private affairs, he would not feel justified in refusing to extend that usual courtesy, and, as he had already expressed his readiness to attend constantly, he would rather leave the matter to be decided without his vote.

The Hon. Mr. BUCKLEY would support the adjournment. Similar adjournments had taken place in 1873 and 1874, owing to the paucity of business on the Order Paper. In reality, the only business on the Paper for the remainder of the week was the second reading of the Native Reserves Bill.

The Hon. Mr. MENZIES would oppose the motion for adjournment, as there was sufficient business before the Council to occupy its attention during the week.

The Hon. Captain FRASER intended to support the adjournment. The object of it was to act as a sort of protest against the action of the Government in not having supplied the Council with a sufficient amount of work, and in having introduced into the other House Bills like the Fencing Bill, which it would have been better to have submitted to the Council first.

The Hon. Mr. PATERSON did not see what good purpose could be served by the adjournment. There was sufficient business on the Paper to occupy a couple of days, and if any honorable member wished to go away for a time he could obtain leave of absence. Their attendance might be required at any moment on important business. It was true there was not much work before them, but the same complaint had been made at the commencement of every session since he had the honor of a seat in the Council, and it would always be so.

Question put, "That the motion be agreed to;" upon which a division was called for, with the following result:

<table>
<thead>
<tr>
<th>Ayes</th>
<th>10</th>
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<tr>
<td>Noes</td>
<td>13</td>
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<td>Majority against</td>
<td>8</td>
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Ayes: Mr. Acland, Mr. Robinson, Mr. Russell, Captain Fraser, Colonel Whitmore, Mr. Wigley, Mr. Ngatata, Mr. Williamson.
The honorable gentleman who moved the resolution, although they did not directly affect the motion actually been arranged to Mr. Williams on the occasion, some statements were made which, of the discussion that took place on a former occasion, some statements were made which, stated in the public newspapers that a lease had been carried on with regard to the Te Aute property as a lease to the Government in the ordinary course. The honorable gentleman who moved the resolution was reported to have said, "It had been stated in the public newspapers that a lease had actually been arranged to Mr. Williams on the basis of the lower valuation—namely, £1,000 a year." An honorable and gallant member (Captain Fraser) also stated that "it was very unfortunate that these educational reserves should be very much in the same position as Church property in Ireland, when a bishop would let to a relative property worth £3,000 or £4,000 for £250. It appeared that a similar system had been carried on with regard to the Te Aute Reserve, and probably some other reserves also." Statements of that kind appeared to involve such imminent danger to the interests of the property concerned that he had invited the Council to permit an adjournment of the debate, in order that he might have an opportunity of inquiring into the circumstances. He had done so, and was advised, on the best authority, that no such agreement for a new lease of the Te Aute property as was stated to have been made had been made, and that the question had not been at all considered by the trustees as a body. So that, on that point at least—and it was information he was sure the Council would be glad to receive—the fears which were expressed of an improvident dealing with the estate might be held to be groundless. Honorable gentlemen knew that one of the trustees was a member of the Council—the Hon. Mr. Stokes—who was now absent from his place, being out of the colony. He (Dr. Pollen) held in his hand a letter which he had been permitted to use, and which, if the Council would allow him to read it, would illustrate clearly the condition in which the question now stood. The letter was from the Hon. Mr. Stokes, and was addressed to the Bishop of Wellington, who was also one of the trustees. It was dated 26th May, 1877, and appeared to have been written just before the departure for England of the honorable gentleman:

"In reference to my previous letter to your Lordship with regard to the Te Aute Estate, I have the honor to report that, with a view to obtain such information as would enable the other trustees to arrive at a just conclusion as to the terms to be granted on a renewal of the lease, I requested Colonel Herrick and Mr. Sydney Johnston to favour me with their opinion as to what they considered would be a fair and reasonable rental. I have also obtained a report from Messrs. J. N. Williams, McHardie, and Birch. With reference to these gentlemen, I may observe that they are all experienced runholders, are among the oldest residents in Hawke's Bay, are practical men thoroughly well acquainted with station affairs, and that their opinion in these matters is entitled to the highest respect. I enclose their reports. As a trustee I offer my own opinion, and I do this with the more confidence having for the last twenty years, in conjunction with my brother, owned the adjoining property, on which I have constantly resided for the last ten years, and therefore am well acquainted with the Te Aute Estate. My judgment would lead me to coincide more with the conclusions of Messrs. Williams, McHardie, and Birch than with those of Colonel Herrick and Mr. S. Johnston, whose estimate I think rather high. I should recommend as a fair and reasonable rent, if the estate is let on an improving lease, that the rent for the first seven years should be £1,000 a year; that the tenant should covenant to expend within the first two years of the term a sum of £1,500 in fencing, grass-sowing, and other improvements; to keep and deliver up the buildings and fences in good repair; to pay all rates and taxes, and insure all buildings, including the house in which Mr. Williams resides, at three-fourths their value. I especially refer to the residence as distinct from the Estate, as if the latter were let to another tenant the former would be occupied by the Director or Superintendent of the Te Aute College. At the end of the first term I would offer a renewal of the lease for seven years at £1,500 a year. It will be unnecessary for me to enlarge on the way in which the estate has been hitherto managed by Mr. Williams, as the trustees know how, at great personal responsibility, he has brought it from a state of nature to its present improved state; and, if it were let on an improving lease, such as has been suggested, I feel confident that the best interests of the Trust will be consulted. I would wish to say a few words in conclusion as to the present state of the school, which I visited without any previous intimation of my coming, and therefore saw it in its ordinary working condition. There are thirty-five boys on the books of the school, thirty-three of whom were present on my visit, including twelve white boys, orphans of European parents. Their ages vary from twelve to eighteen. They were examined in reading, English grammar, and arithmetic, and showed an intelligent knowledge of what they had learned. Their copy-books were neat and clean, and the writing very good. The school is at present held in one of the dormitories; but a schoolroom is now being erected at a cost of £300, and it is intended to admit as day scholars the children of the persons residing in the neighbourhood, which will further assist in educating the Native boys in the
habits of civilized life. I am informed that the effect of the school on the Native mind has been to create a strong desire to share in its benefits, and that there are more applications for admission than the school can accommodate.

—I have, &c., "ROBT. STOKES."

There were two points in the letter which he was sure honorable members would be glad to note: first, that the lease which was said to have been made had not been made; and, secondly, that the school, which was said not to be active or operative, was in a state of considerable activity, and that the number of boys educated and maintained in it, considering the means and conveniences at the disposal of the Trust, was very fair. He had thought it necessary, without attempting to traverse the resolution, or to interfere with the expression of opinion which the honorable gentleman who moved it desired to obtain from the Council, that these facts should, in justice and fairness to all parties concerned, be placed on record in the same place as the charges which had been made. He had heard a great deal on this subject from both sides, and as an impartial person he was bound to say he thought a great deal of injustice had been done to the Rev. Mr. Williams with respect to his conduct of the Te Aute Estate. This was just one of those cases in which the administering of such a trust—like the Presidency of the Royal Philadelphia Exhibition Commissioners by the Hon. Mr. Mantell—was a very thankless office. He did not think, so far as the Rev. Mr. Williams was concerned, that that gentleman's interest in the affair had been of a pecuniary or mercantile character. So far from that gentleman having derived any personal or pecuniary advantage from it, he believed it would be found that the balance of the account was the other way. That was his own personal opinion upon the matter, and the Council would accept it for what it was worth.

The Hon. Captain FRASER, as a member of the Public Petitions Committee, desired to say that the whole of this question was before that Committee at the present time, and that it was going to take evidence as to the real value of the property, the manner in which the school was carried on, and everything relating to the estate. It was very unfortunate that Hapuka's petition and this resolution should have clashed, and that the Hon. Mr. Russell should have tabled this motion almost at the same time that he presented a petition from Hapuka. This matter would be thoroughly investigated by the Petitions Committee, who would have the trustees before them, and submit a report to the Council.

The Hon. Mr. HART thought it right to mention that he had received a letter from his nephew, Mr. Douglas McLean, in which he stated that, being in the locality, he had, at the invitation of one or two gentlemen, paid an unexpected visit to the College, and asked questions of the children to ascertain what progress they were making. The result fully confirmed the statement made in the letter which had been read to the Council. It was mentioned incidentally by his nephew as an interesting fact that there were four pakeha children at the College under Maori tuition.

Hon. Dr. Pollen

The Hon. Colonel WHITMORE said the Hon. the Colonial Secretary had not answered the question which had been put to him. He had not informed the Council "what steps, if any, had been taken by the Government to carry out the resolution of the Council passed in the session of 1875 with regard to the Te Aute College and other Educational Trusts." The honorable gentleman had obtained information of very great value, and had submitted it to the Council; but the question which the Hon. Mr. Russell was anxious to have answered, and which the Colonial Secretary alone was in a position to answer, was left in exactly the same position as it was in before the honorable gentleman rose.

The Hon. Dr. POLLEN understood that the resolution, if adopted, was to be transmitted to the Government, and that a reply would be made formally and in the usual course.

The Hon. Colonel WHITMORE reminded the honorable gentleman that he asked that the debate should be adjourned on that very ground. He said that he might avail himself of that method of replying to the question, but that he would not do so, and instead he would obtain all the information he could, and come down and inform the Council of everything. Now he had given no information except what he considered a little of the other side of this matter. He (Colonel Whitemore) did not understand that there were any sides.

The Hon. Colonel BRETT asked if the discussion were not getting a little irregular. A dialogue seemed to be going on between the two honorable gentlemen.

The Hon. the SPEAKER said it was so, but he considered the circumstance that the Council was adjourned for the special reason alluded to by the Hon. Colonel Whitmore, and it was quite within the rules of the House to direct attention to the fact that the particular point had not been answered.

The Hon. Mr. MANTELL said he thought there, was a great deal in the remarks of the Hon. Captain Fraser, so far as those remarks referred to the Te Aute College Estate, because it was quite competent for the Public Petitions Committee to ascertain on evidence and on inquiry, with regard to the Te Aute Estate, an answer to the question what steps had been taken by the Government to carry out the resolution of the Council, passed in the session of 1875, with regard to the Te Aute College Trusts. With regard to the other educational trusts, he had not been able to place his hands upon the resolution of the Council referred to; but it appeared to him that the Colonial Secretary had confined his remarks to the first case, and not at all to the more general part of the resolution. With a view to give the honorable gentleman an opportunity of remedying this omission, if he should think fit, he would move, that the debate be adjourned.

The Hon. Colonel WHITMORE said that when the honorable member (the Hon. Colonel Brett) interrupted him he was asking a question which, with all deference to that honorable gentleman's prejudices, it appeared to him that the Hon. the Colonial Secretary had declined...
to answer. He thought he was entitled to ask that question, because the Hon. the Colonial Secretary had explained on a former occasion that he was going to do something peculiarly generous to the Council; that he was not going to avail himself of the exact wording of the motion, but was going to be frank and to give them all the information which might have been refused unless moved for in a more formal manner. There was no care the man had gone down and had given them some interesting information, but he had not afforded them the information they had desired to obtain. He hoped that, now the honorable member (Mr. Mantell) had placed the question in such a position as to make it competent for the Hon. the Colonial Secretary to make a second speech upon the subject, the honorable gentleman would give the information asked for. He (Colonel Whitmore) very much deprecated the mention of his interest in this question. There was only one interest connected with it, and no person wished to impugn—at any rate, he did not wish to impugn—the past conduct or past arrangements, with regard to this lease; but he did say that the lease of this property, which, within his own knowledge, was an exceedingly valuable property, might be turned to good account; and, with the lease falling in in the month of January, it was necessary that some steps should be taken in order to insure full value being obtained. The Hon. the Colonial Secretary should bear in mind that it was not a question whether in his own opinion or in that of any other person full value was being obtained. They must satisfy the public; and the public would not be satisfied unless there was open competition for the property. There was no one thing that they were more determined about, than in the most open manner possible, so as to indicate the value, would be taken to bring in a general law to insure the proper control and supervision with respect to all educational trusts in the colony.

The Hon. Colonel BRETT said that as the honorable gentleman who had just spoken was so deeply conversant with the matter it was a pity he had occupied so much time in giving information which would have been better far if given before the Public Petitions Committee. The Hon. Colonel WHITMORE said he had never been summoned to give evidence. The Hon. Captain FRASER thought it quite proper for the Hon. Colonel Whitmore to have given the information which he had now given. What he had stated was very important, and it would be the duty of the Petitions Committee to summon him as a witness, and place the information which he possessed on record with that furnished by other gentlemen from that part of the country who were supposed to have a thorough knowledge of the value of the property in question. The Hon. the Colonial Secretary had given a very glowing account of the school, but in the petition before the Council it was stated that there were only four or five of Hapuka's tribe at the College, and that the rest were foreigners. That was one of the matters of which Hapuka
complained, and that the children at the school were not of his tribe, whereas the land which he gave as part of the Trust was given entirely for the benefit of the children of his own tribe. That matter the Committee would, of course, have to inquire into.

The Hon. Mr. BUCKLEY said the whole question appeared to be in an unsatisfactory state. He was not present in the Council last session, but he observed that a resolution was passed asking the Government to inquire into the position of the Te Aute College and other Educational Trusts. The motion under discussion was to the effect that the Council should be informed of what steps had been taken by the Government to carry out the resolution of the Council passed in 1875. Well, the least they could expect to hear was whether the Government had taken any steps at all, or whether they had any intention to take any. When the debate was adjourned the other day, the Hon. the Colonial Secretary, in closing his remarks, said that he would move the adjournment of the debate "for the purpose of giving him an opportunity of obtaining the information which the Council desired, and which he was most anxious that honorable members should be in possession of." The Hon. the Colonial Secretary on the present occasion had not said what steps the Government had taken, or whether they had any intention to do anything in the matter at all. He did not know much about these educational trusts, but he had heard a great deal with respect to Te Aute College during the different sessions of the Council; and about three years ago he was in Hawke's Bay, and, happening to pass the estate, heard a complaint that the Trust, like many others in the North Island, was not being properly administered. It had been inquired into. Then the Hon. Mr. Buckley said something ought to be done. Something had been done. The Hon. the Colonial Secretary was as convinced as anybody was of the necessity of some investigation; and, excepting the information as to whether the accounts had been sent to the Commissioners of Audit, he (Colonel Kenny) did not think the Government could be reasonably called upon to do anything further at present. As one of the Committee which had investigated this matter, the explanation of the Hon. the Colonial Secretary seemed to him satisfactory. There was a very wide field open for assaults of a political kind, and it was very much to be regretted that in this case attacks should be made and motives cast upon persons who were in no way connected with politics. It was impossible to listen to the remarks that were made without feeling that there was considerable animus on the part of some honorable gentlemen.

The Hon. Colonel KENNY thought that the debate had taken a very extraordinary direction; and the remarks made by the Hon. Mr. Buckley would confirm that view. The debate was based upon a certain resolution passed by the Council in 1875. He would read that resolution, and the Council would see what had been demanded from the Government had been complied with so far as the Te Aute School was concerned. The resolution was to this effect: "That it is expedient that the main object of the Te Aute Trust, including the formation of a school for the aboriginal inhabitants, should be carried out without delay." In reference to that paragraph, the Colonial Secretary had given the Council all the information he had been able to obtain, and had gone on to inform the Council that the school was in satisfactory operation. The next part of the resolution was, "That all educational trusts arising from donations by the Maoris or from the Crown to any denomination should be connected with some one of the departments of Government." In regard to this, he supposed the Hon. the Colonial Secretary would have had some difficulty in stating to what department such supervision had been assigned; at any rate it was a question that did not require immediate action. The next part of the resolution was, "That the trustee or trustees of such properties should send in to such department, immediately after the 31st December of each year, an account of the receipts and expenditure of the past year, with a report of the condition of the school under the trusts in a form that may be directed to be adopted by the Governor in Council." The proper reports and accounts had no doubt been sent in to the Government. Then, again, it was resolved, "That these accounts should be forwarded to the Commissioners of Audit, and their reports, together with the reports above referred to, should at the commencement of each session be placed before Parliament." He was engaged in that inquiry, as was also the Hon. the Speaker, who was well aware of the trouble that was taken to elicit all the evidence possible. The grounds on which the Crown grants were originally issued, the purposes to which the trusts were to be applied, in fact the whole matter was gone into with the utmost care. The resolution referred to by the honorable gentleman was the result of that investigation. The Hon. Captain Fraser stated that the whole thing ought to be inquired into. It had been inquired into. Then the Hon. Mr. Buckley said something ought to be done. Something had been done. The Hon. the Colonial Secretary was as convinced as anybody was of the necessity of some investigation; and, excepting the information as to whether the accounts had been sent to the Commissioners of Audit, he (Colonel Kenny) did not think the Government could be reasonably called upon to do anything further at present. As one of the Committee which had investigated this matter, the explanation of the Hon. the Colonial Secretary seemed to him satisfactory. There was a very wide field open for assaults of a political kind, and it was very much to be regretted that in this case attacks should be made and motives cast upon persons who were in no way connected with politics. It was impossible to listen to the remarks that were made without feeling that there was considerable animus on the part of some honorable gentlemen.

The Hon. Captain FRASER rose to a point of order. Was it proper for honorable gentlemen to attribute animus to members of the Council? He entirely repudiated any such animus on his part.

The Hon. the SPEAKER said the Hon. Colonel Kenny was not in order in such allusion.

The Hon. Colonel KENNY said it was not often he was called to order for using expressions that ought not to be used. He could only say he hoped no honorable member would impute to other members anything worse than animus in the course of future debates. He hoped honorable members would be just, and recollect that this was not a political question, and that therefore no political feeling should be imported into it. He knew nothing of the Te Aute Estate, but he took an interest in the matter, and, having been a member of the Committee of inquiry into it,
he consequently had a full knowledge of what had been stated by witnesses who were before the Committee. He had simply risen because it was apparent that some honorable members were not acquainted with the purport of the resolutions passed in 1875, and had forgotten that a strict investigation into the management of the Te Aute Estate had already been held.

The Hon. Captain FRASER, in explanation of the remark of the Hon. Colonel Kenny that he (Captain Fraser) said he thought an inquiry should be made, desired to state that he was absent in England when the inquiry took place; and, as what the Hon. Colonel Kenny had just read to the Council did not appear in Hansard, he was ignorant of its having occurred.

The Hon. Colonel KENNY, in reference to the expression he had used as to there being animus, said it had been mentioned in the Council, he believed, that one of the trustees who had gone to England had signed, in anticipation, a new lease in favour of the Rev. Mr. Williams, which was not the case.

The Hon. Mr. RUSSELL was exceedingly sorry that the debate should have taken this turn, and regretted very much the observations which the Hon. Colonel Kenny had made. He could assure the honorable gentleman that he had no political object in bringing forward this motion. The Council was aware that for the last two years he had taken a very great interest in this property, which was situated in the province to which he belonged, and in his neighbourhood; and, last year, being disappointed that no action had been taken by the Government to carry out the resolutions of the Council, he brought a motion forward directing the attention of the Government to the resolution of 1875. On that occasion no improper feeling was manifested, and he understood the Colonial Secretary to say that he would see that action was taken in the matter. During the recess a great deal of agitation had taken place in Hawke's Bay on the subject. The public Press dressed by the Native Ministerto his Honor the Superintendent of Wellington:—

"A judgment of the Native Land Court, delivered on the 27th April, 1868, in Parakaia's claim, decided that Parakaia and his seven co-claimants were entitled to a certificate in their favour for one-half, less two-twents, of the Himatangi Block, conditionally on these parties causing a proper survey of the award to be made within six months.

"It appears that this proviso has not been carried out; but I should feel inclined, with your Honor's concurrence, to the opinion that it would
be hardly judicious to take advantage on technical grounds of the non-completion of the survey within the prescribed time, as the Natives, though acquainted with the decision, were not aware of its stringency, and did not anticipate that any penalty would be enforced in consequence of their neglect.

"I further have to point out to your Honor that the half allotted to Parakaia contained the best portion of the block, and that that part of it which reverts to the Government is of almost a valueless character. I am certain that your Honor will agree with me that in these matters it is better to exercise a liberal policy, which will set at rest difficulties incident to them, than to keep open a disputed question for the sake of some technical grounds of the non-completion of the survey.

"In this case I should feel disposed, if your Honor's views coincide with mine, to allow the claimants to have the whole of the block."

Any one who remembered the relations which at that time existed between the Provincial Government, as the purchasers of the block, and the Native Office would not be surprised to know that the answer to that memorandum, if any had been received, was not of an affirmative character. It did not appear, so far as he could find, that any answer was given; but he quoted the document as evidence of a secondary character to the effect that a promise was really made that the land would be restored to Parakaia. Shortly after that, Dr. Buller interested himself in the cause of these claimants, and placed himself in communication with the Native Minister with respect to them; and he said that from conversations he had with Sir Donald McLean he also was led to believe that it was the intention of the Government to have given the whole of this block over to Parakaia's people, Parakaia himself having died. It was within his (Dr. Pollen's) own knowledge that there was a very strong desire on Sir Donald McLean's part that the several questions of the Manawatu purchase, which had caused so much disturbance, such frequent breaches of the peace, and difficulties of one kind and another, should be settled as speedily as possible; and in the session of 1876 it was, he believed, the intention of the Native Minister to have introduced a measure for the purpose of authorizing a grant for this land. Before, however, any action could be taken, Parakaia's successors petitioned the House of Representatives for a consideration of their claim, in that way anticipating the action which the Native Minister intended to take on their behalf. In that year the Petitions Committee presented a report on this claim as follows:

"The petitioners state that their hapu did not join in the sale of the Rangitikei-Manawatu Block to Dr. Featherston, and did not receive any of the purchase-money thereof. They state that they have been unjustly deprived of a block of land in the Manawatu District, called Himatangi, and that they suffer undeserved wrong in consequence, as they have always lived on the land.

"I am directed to report as follows:—That there appears to be no difficulty in the way of the petioners' hapu receiving the land awarded to them by the Court which investigated their claim; but, as their object is to obtain an additional quantity to that awarded, it would seem that this petition is virtually an appeal from the decision of the Court.

"The Committee believe that it is not desirable that they should act in the capacity of a Court of Appeal from the Native Land Court, inasmuch as it is manifestly impossible that they can take sufficient evidence or devote sufficient time to a single case to enable them to come to a satisfactory conclusion. In the present instance the Committee do not feel justified in making any recommendation to the House in favour of the petitioners which might be regarded by them as a reopening of their claim."

Upon that recommendation of the Committee that the award of the Native Land Court in their favour should be carried out, an offer was made by the Native Minister to those claimants of a grant of 6,000 acres. In a letter from Sir Donald McLean, of the 20th September, Dr. Buller was informed,—

"It is desirable that the question [Himatangi] should be settled; and as the Government wish to extend towards the Natives every consideration consistent with justice, they have therefore decided to give to Hera Petihera and the other Natives concerned six thousand acres next the Awahou Block, to be surveyed longitudinally, on condition that the Natives give an assurance in writing that they have no further claim against the Government in respect of the Himatangi Block."

That offer the Natives declined to accept, and they had not ceased since, either personally or by their agents, to urge upon the Government the necessity of satisfying their claims. They had always, he was bound to say, put forward their claims in a peaceful manner, and had not imitated the bad example set them by other Natives in forcibly obstructing surveys, or in taking other action calculated to provoke a breach of the peace or to create any ill-feeling. At the time when the purchase of the Manawatu land was being effected, there was a considerable revenue arising from the block, in the shape of rents paid by the persons in whose occupation it was as a sheep run. The proceeds of these rents, amounting at one time to £3,000, were impounded by the then Superintendent of the province, Dr. Featherston, who was acting as the Land Purchase Commissioner. Of this portion, when the final payment was made, £2,500 was paid. The claimants of the Himatangi Block say that £500 of the £3,000 which was due to them had not been paid at all. They assert that it was retained in the hands of the Provincial Government, and that there was now a debt to them to that extent, with interest at 10 per cent. for ten years; and on that account they claim that the colony was indebted to them in the sum of £1,000. They have proposed, through their agent Dr. Buller and personally by their own representative, that if the whole of the Himatangi Block were restored to them they would waive the claim for the rent and accrued interest thereon. That was the meaning of the
17th clause of this Bill. It was most desirable, in the interests of settlement and in the interests of the Natives, and of the peaceful occupation of the country, that these now long-standing disputes should as speedily as possible be settled; and this was one which might conveniently and properly be adjusted in the manner now proposed. By giving the grant of land they would, in the first place, be carrying out to a considerable extent an award of the Native Land Court; they would, in the next place, be fulfilling a promise which he had no doubt was made on the part of the Government by the late Native Minister, to which promise the claimants attached very great importance; and they would be making at the same time a permanent provision for a very improvident people, which it was exceedingly desirable should be made, not in this instance only, but in a great many other cases of a similar character. The Bill itself, as honorable gentlemen would see, proposed that the Native Land Court should be directed to inquire as to the interests of the claimants; that the land should be made inalienable except by lease, and that, the relative interests of the claimants being determined, the rents should be divided amongst them accordingly. There was an alternative course which provided for the individualization of the Native title, and gave to the Governor the power of authorizing the sale of the land. That had been held to be a desirable provision in the interests of settlement, inasmuch as the land was in the neighbourhood of Foxton, and it might be locked up for a long time if under lease, and thus interfere with the progress of settlement. He begged to move the second reading of the Bill.

The Hon. Mr. MANTELL did not think there was anything very alarming in this Bill, although there were some points in which, professing as it did to do merely an act of justice towards the Natives who for some time had been kept out of land the title to which they had never conceded, the Bill fell short of that endeavour. He hailed with pleasure the appearance of a Bill which sought to give effect to promises made by or on behalf of the Government, and which he would submit that the Natives were, in this instance, from their connection with influential and powerful tribes of the North, in a position to appeal more rapidly to John Bull's sense of justice than those whose claims he had in former sessions had the honor of defending in the Council. And in the present instance he must call the attention of the Council to the fact that the promise was of the most doubtful description. He watched every word that fell from the Colonial Secretary on the question of this promise, but it did not appear manifest that any promise of the kind was ever made to the Natives themselves. From what the honorable gentleman said, the promise would turn out to have been only a suggestion to a third party—the Superintendent of Wellington—by the late Minister for Native Affairs, that, inasmuch as half the block was worthless, it might as well be thrown in, and the whole block handed over to these Natives who had never sold any part of it, just for peace and quietness' sake. There was no allegation that a communication of this kind was made to the Natives—not even in the remark the honorable gentleman mentioned as having fallen from Mr. Buller, who appeared to have said he thought that in conversations which he had with the Government it was the intention of the Government to give the whole, whether or not it was at that time the intention of the Government to give the whole, he could only say such should have been their intention from the moment they became aware that the Native owners of this block had been no parties to the sale of the Manawatu-Rangitikei Block, and had received no portion of the proceeds. In that he thoroughly went with the honorable gentleman, and he thought the question of whether it was promised or not was of comparatively little importance. The honorable gentleman spoke of the Bill as forming a permanent provision for people who were naturally improvident. So it might but for the 15th clause, which provided that, "The Governor may in his discretion, by writing under his hand, consent to the sale or other disposal being made of the land or any part thereof comprised in such orders or grants;" and the previous clause, which conferred similar powers, under certain restrictions, upon trustees on behalf of minors. He did not attach much importance to that, because at any rate the Natives in the Manawatu District had by this time had sufficient experience of the intelligence of the pale-faces, as well as of their fire-water, to induce those of them who were sufficiently prudent and sensible to be worth preserving to retain their property when they got it; and the rest must necessarily, like the weak and improvident of all races, go to the wall. There was no doubt they could not undertake to legislate to preserve people from the results of their own vices. The 17th clause of the Bill was objectionable. He did not think it came up to the high purpose which appeared to actuate the whole Bill. From the Colonial Secretary's statement it appeared that at the time this land was taken away from the Natives—it was not pretended to have been purchased or acquired in any other way, but to have been simply taken with a high hand, although perhaps innocently at the time—the Natives were deriving a certain annual profit from it, in the way of rents for pastoral purposes; that £500 of these rents came into the hands of the Government; and that on those rents the Government was to pay 10 per cent. per annum, which for ten years would amount to £500, making the total sum £1,000. He thought it hardly came up to the dignity of the rest of the Bill to put in a clause at the end by which Natives who took advantage of the provisions of the Act should in respect of getting back their property forfeit the main part of it, to which the Government could not allege any claim. If the allegations in the preamble of the Act were true, and he assumed them to be true—that as they did not join in the said sale, and did not receive any of the proceeds thereof, and, in equity and good conscience, the said Himutangi Block ought to be given back to the said hapus,"—the same considerations and good conscience...
entitled them to receive the moneys which were due to them in respect of the block of which they had been unjustly deprived. He accepted the honorable gentleman's own data, and he said that had the money of £3,000—not, he would say frankly, given to maintain the credit of the Government, but in order to give it a new start, and as a sort of nest-egg towards establishing a respectability on the part of the Government in its transactions with Native tribes—it would be just as well that the 17th clause should not protect the Government from the repayment of the amount. A verbal correction appeared to be required in the 17th clause, which provided that the passing of the Act should be deemed to be a complete and full satisfaction of all claims. One understood what that meant, but it was impossible to say what a lawyer might construe it to mean; and it might be safer to insert "the provisions of this Act," or, "the remedies provided under this Act," or words to that effect. Otherwise it might be held by some very astute Attorney-General strictly to mean that the Act being passed cancelled all action under the Act. He drew the attention of the Colonial Secretary to that, in the hope that the Government would reconsider the question of the £1,000. He did not see what could prevent their being troubled with petitions from the Natives hereafter pointing out that compelling them to give up their claim to this £1,000 was not in accordance with the preamble of the Act. It might be more convenient in the future day to pay £1,000 than now—he hardly thought it would be—but at the same time he thought they had better settle the whole matter out of hand at once. He would not offer the slightest opposition to the passing of a Bill of this kind. He only asked the honorable gentleman not to hurry the details to such an extent as to prevent his giving due consideration to what he (Mr. Mantell) had laid before him on some future day as to the Natives.

The Hon. Dr. POLLEN, with reference to the 17th clause, had only to say that the proposal was made by the Natives themselves. It was a voluntary proposition by their agent made to himself in the presence of a deputation from the Natives with reference to this piece of land. It had not been attempted to be imposed upon them as the condition on which this land was given. It might be considered that, as they were travelling outside the award of the Court, the one proposition would not unreasonably be put against the other. If he were to state his own personal views, he would say they ought to be dissociated. But the fact remained, that the proposal came from the Natives themselves. He concurred in the view the honorable gentleman had expressed as to the policy of allowing the Natives to dispose of land in this way. But the introduction of that clause was to guard against the possibility of inconvenience arising from the fact that this land or a portion of it was of considerable value, and that it might be exceedingly desirable, in the interest of the Natives themselves and for the promotion of settlement in the country, if the Natives were empowered, under the control of the Governor, to sell a portion of this land. It was quite proper that provision should be made for the re-investment of the money derived from the land so sold for the benefit of the Natives, and he would be content to see a provision of that kind inserted in the Bill.

Bill read a second time.

The Council adjourned at a quarter to five o'clock p.m.

HOUSE OF REPRESENTATIVES.

Wednesday, 29th August, 1877.

First Reading—Bank of New South Wales Advance—Taieri Chairman—Governor—Manchester Block—G. E. Barton—Local Option Bill.

Mr. SPEAKER took the chair at half-past two o'clock.

PRAYERS.

FIRST READING.

Harbours and Navigation Bill.

BANK OF NEW SOUTH WALES ADVANCE.

Mr. STEVENS asked the Colonial Treasurer, Whether the debenture given to the Bank of New South Wales, as security for an advance of £500,000, was made to have a currency of seven years; and, if so, why? He placed the question on the Paper because he noticed in the correspondence what appeared to indicate that the debenture in question was made to have a currency of seven years. He wanted to know if there was any particular reason for that. He thought it was advisable that they should have some information as to what was the object of that particular currency.

Major ATKINSON replied that, as a matter of convenience, a single debenture was given, the Government undertaking to replace it by ordinary debentures, whenever the bank desired there was any particular reason for that. He thought it was advisable that they should have some information as to what was the object of that particular currency.

Mr. STEVENS would like to supplement the question by saying that he noticed the bank was to be paid in three instalments, and therefore he did not understand why such a peculiar arrangement was required.

TAIERI CHAIRMAN.

Mr. SWANSON asked the Minister of Justice, —(1.) Whether the Government are aware that Mr. Fulton, R.M., Coroner, Registrar, and Returning Officer, West Taieri, is also holding the office of County Council Chairman? (2.) Whether this is in accordance with the provisions and regulations of the Civil Service Act?

Mr. BOWEN replied that the arrangement
was one really very economical, and one by which the services of a gentleman highly respected, and who had great experience as a Resident Magistrate, were obtained for a nominal salary in the district in which he ordinarily resided. Mr. Fulton could not be called, in the ordinary sense of the word, a Government servant. He got £100 a year for acting in the Taieri District as Resident Magistrate, and that amount did not much more than cover the expenses he was put to. He had undertaken to do what obviated the appointment of a Magistrate at a high salary, but he certainly would not undertake the duties if he understood that he was to be debarred from the ordinary rights of a settler in the district. There was nothing, he might say, in the law to prevent this. One of the regulations issued under the Act stated that no officer of the Government should hold such an office as that of County Council Chairman. His (Mr. Bowen's) attention was called to the matter some time ago, and, on inquiry, he found that Mr. Fulton could not be held to be an officer of the Government in the ordinary sense of the word. The arrangement made with him had been found to be exceedingly valuable, and satisfactory to the country.

GOVERNOR.

Mr. SWANSON asked the Premier,—(1.) By what law or regulation are the various titles of His Excellency the Governor are inserted in Gazette notices, Government advertisements, Crown grants, and other official documents? (2.) What is the object sought to be obtained by the repetition of such titles? (3.) What have these titles cost the colony in printing, writing, paper, and parchment, in Government departments alone? (4.) What does each insertion in a newspaper cost, and what has been the total cost of such insertions since the arrival of His Excellency? (5.) Whether this trouble and expense cannot be avoided without detriment to the public service? He would just read over those titles once, as they were interesting: "Given under the hand of His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, Earl of York, in the Peerage of the United Kingdom; and Baron Mulgrave of Mulgrave, all in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the seal of the said Colony, at the Government House, at Wellington, this sixth day of August, in the year of our Lord one thousand eight hundred and seventy-seven." Now he found that all this was repeated eleven times in one Gazette. Sir, asked me whether it was my intention to prosecute this petition further, and I replied that I would give an answer on the following day. On the following day I said that...
I would prosecute the petition. Since then I have seen Mr. Barton, and informed him of what took place in the House; and he has in consequence written me the following letter:—

"In answer to your request that I should suggest to you what course to take on my behalf to-morrow when asked by the Speaker whether you mean to pursue the matter further, and, if so, whether you will move for a Committee or propose some other course, I think it best to put my reply in writing, that you may read it to the House, so that neither Press nor Parliament may be under any misconception as to the position in which I claim to stand.

"The following statement, made judicially by the Chief Justice, when delivering judgment in the matter of my alleged contempt in October last, in my opinion leaves no doubt as to the course that ought to be taken by Parliament. He said, 'If such a charge [that justice is administered in Court with habitual hostility to a practitioner] is well founded, not only the interests of the practitioner, but those of his clients, must be habitually sacrificed to the enmity which the Judge entertains.' And in the course of the argument his Honor said that the conduct he alleged I was imputing to him—namely, that he was 'actuated by a desire to do me an ill-turn'—was conduct of which if he were guilty it would be necessary that he should be removed from the Bench. (See New Zealand Times, 11th November, 1876.)"

"In my petition I have demanded a judicial inquiry by the House itself. The matter of the inquiry affects the whole administration of justice throughout the colony, the reputation of the highest and controlling Judiciary, the independence of the Bar, and the rights of suitors in their hands. Such a matter ought not to be relegated to a private Committee taking evidence with closed doors, deliberating and voting secretly, and therefore without responsibility, and finally reporting the conclusions of an undisclosed majority upon undisclosed evidence. Such a mode of procedure would relieve members of the House of Representatives from being answerable to their constituencies (who are the ultimate judges of Parliament itself), by enabling each member to screen himself under the Committee's report, and each member of the Committee to justify that report without the application of the test of published evidence.

"A Select Committee cannot expect, in such a matter as this, to possess the confidence of the country, or of myself as prosecutor. The Ward-Chapman inquiry was barren of results, and the public are still ignorant which side was in the right. The examination into the Bridges scandal has likewise left a painful impression upon the public mind. Had those inquiries been held in open Court, the need for this inquiry would, in all likelihood, never have arisen.

"The redress I have demanded is from the High Court of Parliament, and I respectfully submit that its judicial proceedings, like those of all other British Courts of justice, including even the Privy Council, ought to be open to all the world.

"I have therefore to request you to move the following motion."

"He then suggests that I should move a resolution in somewhat the same terms as that which I am now moving, and upon that I gave notice of this resolution. I was myself at first of opinion that it was not desirable that the House should resolve itself into a Committee of the Whole to inquire into the matter; but, on further reflection, I think it would be well that the House should proceed so far as to give the petitioner an opportunity of being heard at the bar; whereupon, if the House considered that he had made out a sufficient case to enable him to proceed further, it might continue the inquiry, and, if it was of opinion that a sufficient case was not made out, it might so determine. I fancy, although I may be wrong, that it is the duty of every member of this House, upon being requested so to do, to present a petition which discloses what the petitioner believes to be a substantial grievance. It was not for me to go into the details of these charges, or to ascertain whether they were right or wrong. Had I done so I might have imbibed a certain amount of prejudice in favour of the petitioner, and have thereby debared myself from dispassionately considering the question when it came before the House. I think, however, it is the duty of a member to present such a petition when he is asked to do so. When I looked at the fact of the petitioner being one of the oldest members of the Bar in New Zealand, I came to the conclusion that it would be much more unfair to the people he accuses if it should turn out that no member of this House had the moral courage to present his petition. I have only to say now that I do not myself know what are the matters of fact on which Mr. Barton intends to rely. I only know that in his petition he makes certain statements on which he proposes to offer evidence, and asks for inquiry and redress. I have discharged my duty in presenting the petition; and I now leave it to the House to say whether it will adopt the proposition of the petitioner, or take any other proceeding which it may think right."

"Motion made, and question proposed, 'That this House do resolve itself into a Committee of the Whole to consider the petition of George Elliott Barton, and to examine into the truth of the statements made therein, and to decide upon the same.'"—(Mr. Sheehan.)

Mr. WHITAKER.—It is no doubt of special importance that we should consider in favour of what course we should pursue in this case, because it is the first occasion on which a petition of this description has been presented to the House, praying for the removal of Judges of the Supreme Court. Looking at the importance of the matter, I have given it every consideration, and I may say I think the honorable member for Rodney was right in presenting the petition as he did. I think every petition addressed to this House ought to be presented in such a manner as to be decent and become the House, and it must be marked in decent language, and, if it is so worded, the House will after its presentation determine as to
the mode in which the petition shall be dealt with. This petition is presented to the House under the provisions of "The Supreme Court Act, 1862." In 1858 an Act was passed which authorized the Governor to remove any Judge of the Supreme Court on an address by both Houses of the General Assembly. That provision was repealed by the Act of 1862, by which the Governor having power to remove the Judges, they could only be removed by the Governor on an address from both Houses of the Legislature. I find on reference to authorities that the same proceeding takes place in the Imperial Parliament—namely, that whenever it is desired that a Judge should be removed either a petition is presented, or the matter can be brought under the notice of the Houses in other specified ways. In this case, therefore, a regular course has been adopted; and it is the most convenient course that the petitioner should set out at length in writing all that he has to complain of, for then the House has before it precisely the complaint made and the redress asked for. In reference to this part of the subject, I may say that it was necessarily a matter for me to consider what course the Government should take under the circumstances, and, in looking into authorities on the subject, I find the duty of the Ministry and Government on such an occasion is very distinctly laid down. I have therefore endeavoured to follow out as closely as I could what is required. I will now quote a passage from the second volume of Todd's work on Parliamentary Government, page 742:—

"Bearing in mind the general responsibility of Ministers of the Crown for the due administration of justice throughout the kingdom, and the obligation which they owe to the dispensers of justice to preserve them from injurious attacks or malicious accusations, it is necessary that, before consenting to a motion for a Parliamentary inquiry into the conduct of a Judge, Ministers should themselves have investigated the matter of complaint, with a view to determine whether the Judge, in the course of his observations said,—

In referring to the full report of cases upon the subject, it will be found that the same doctrine is laid down in almost the same terms, or, at all events, in language equally strong. Referring back for a moment to the duties of the Government in a case like this, I may quote the case of Lord Abinger in 1832, where it was complained that the Judge spoke as a politician and a lawyer when he should merely have spoken as a Judge. The subject was before the House of Commons, and the Attorney-General, Sir Frederick Pollock, resisted the motion of Mr. Duncombe, and in the course of his observations said,—

"It is in fact an admitted principle that no Government should support a motion for inquiry into the conduct of a Judge, unless they have first made an investigation, and are prepared to say that they think it is a fit case to be followed up by an address for his dismissal."

Therefore, so far as this part of the case is concerned, the duty of the Government is perfectly plain. The duty of the House appears also to be equally plain. It is this: that they should, in the first instance, so far investigate the case as to enable them to form a conclusion whether, assuming the truth of the statements made, sufficient ground has been shown for the removal of the Judges from the Bench. Another passage from Todd, vol. 2, page 730, bears closely upon this matter, and makes it perfectly plain that this House, although it might, no matter what the circumstances were, adopt an address for the removal of the Judges, yet should not even enter on an inquiry unless upon sufficient cause being shown for removal. It is this:—

"In entering upon an investigation of this kind, Parliament is limited by no restraints except such as may be self-imposed. Nevertheless, the importance to the interests of the commonwealth of preserving the independence of the Judges should forbid either House from entertaining an application for their removal, unless such grave misconduct were imputed to a Judge as would warrant or rather compel the concurrence of both Houses in an address to the Crown for his removal from the Bench. Anything short of this might properly be left to public opinion, which holds a salutary check over the judicial
conduct of public functionaries of all kinds, which it might not be convenient to make the subject of Parliamentary inquiry."

I apprehend, then, that the position is this: that it is perfectly competent for any member of the community to bring a complaint against a Judge to bring that complaint before this House for discussion. Whether the grounds of the complaint are sufficient to justify a request for the removal of the Judges is a question for after-consideration by the House; but the House only entertains questions of that description when there are absolutely sufficient grounds upon the face of the complaint to compel the House to concur in asking for removal. That is, I think, a wise and convenient arrangement. The Judges are, of course, subject to public opinion, and their conduct may fairly be discussed in this House in reference to their administration of justice. I see by reference to precedents that it is the practice in England, in dealing with questions of this kind, where complaints are made as to the conduct of a Judge, to discuss them in a calm and deliberate manner. All party feeling is as much as possible excluded, the House of Commons regarding the matter, as I hope this House will regard it, in a judicial spirit, and treating it as one of very great importance. Now, Sir, we have got over two of the steps in this matter. First of all, we have seen that the Government are bound to place themselves in a position to advise the House; and then we have it clearly stated upon what grounds an inquiry into the question of the removal of a Judge is justifiable. The petition presented to the House by Mr. Barton concludes by asking that Chief Justice Prendergast and Mr. Justice Richmond be removed from the Bench. Now, let us look at the petition itself, and see what it says to justify the prayer. The first six paragraphs go to show that there had been some disagreement or misunderstanding between the Chief Justice and Mr. Barton, but that seems to have been got rid of by an understanding that the subject should be dropped. That part of the complaint was of the mildest possible description, and certainly was not of a nature which would justify the House in asking for removal. Then we come to paragraph 7, which goes on to say,—

"After the closing of the said correspondence and the withdrawal of the above-mentioned charges by your petitioner as aforesaid, your petitioner found himself exceptionally treated by the Judges just as before, and found also that endeavours were made to cause your petitioner to be looked upon as a person to whom insults might be offered and upon whom imputations might be cast in Court with impunity, not only without rebuke, but with a consciousness that such insults and imputations were not displeasing to the presiding Judge; and your petitioner, especially after the arrival in New Zealand of Mr. Justice Richmond and his appointment to the Wellington district, found himself frequently made the subject of sneers and disparaging remarks, calculated gradually to sap the reputation of your petitioner alike for honesty and ability. Your petitioner also found that he was excluded from participation in the ordinary courtesies extended by the Bench to the Bar, and that the Judges so acted that it became apparent to the Press and the public that your petitioner was a person to whom it was unsafe to intrust Supreme Court business; and your petitioner says that, in consequence of such imputations, he was assailed in newspaper articles, charging him with bringing into Court causes which ought never to have been brought there, and severely commenting on your petitioner's supposed professional misconduct."

The House will observe that the charges here made are very general in their nature, and I think we should not at once dismiss that portion of the petition. The complaint made is that Mr. Barton was constantly made the subject of disparaging remarks; but it is not stated what these remarks were, and I must call the attention of the House to the fact that it is distinctly laid down in all the cases to which I have referred that the charges must be based upon distinct and specific facts; that mere general charges such as this cannot be entertained, but that specific facts must be placed before the House, in order to enable it to judge how far these facts justify the complaint. What I have read is the only part of the petition which refers to the conduct of Mr. Justice Richmond, except, in paragraph 14, a general charge is made of combination between the Judges to drive Mr. Barton from the Bar; and therefore I propose to leave the case there, so far as he is concerned, because the facts are not such as would justify the House in reason and fairness in taking a single step with a view to ask for his removal from the Bench. This House is not in a position to deal with the question in any other way than that pointed out by the Act of 1862; and it is to the advantage of the country that it should be so, for it would be extremely undesirable that any complaint for the removal of Judges should be entertained at all by the Legislature unless the facts stated are sufficient to justify it. Of course, if any exaggerated case does arise, it is competent for the Houses of Parliament to address the Queen and pray for their removal. I may mention to the House that during my search amongst the cases bearing on this question I found only one in which the establishment of the specific charges was followed by the removal of the Judge, and that was the case of Sir Jonah Barrington, in 1816; but I will not refer further to that case now. Then the petition goes on to state some further complaints of a very general character, until we come to paragraph 18. Now, this part of the petition, to the end, refers to a complaint as to what took place in Chambers in reference to a case then before the Court—Cole v. McKirdy. In that case Mr. Barton, who was acting for the plaintiff, obtained a verdict—a speak I speak in round numbers—for £250; but a question arose as to whether a sum of £20 should not be deducted from that amount on account of some misunderstanding as to the finding of the jury; and the gentleman acting on the opposite side took out a summons, in order to have the verdict for..."
£250 reduced by £20. There seems to have been some mystification about this £20. Mr. Barton went to two of the jurymen to ask whether it was intended that this sum should be deducted from the amount of the verdict; and this £20 appears to have been the point upon which the Judge made observations of which Mr. Barton complains. However, the summons was taken out, and was not attended by Mr. Barton or by Mr. Fitzherbert, his partner, but by Mr. Barratt, the managing clerk in the office; and in a letter from him to Mr. Barton are to be found the only specific statements of fact upon which this petition really rests. The letter is as follows:

"Wellington, August 3, 1877.

"G. E. Barton, Esq.—Dear Sir,—This morning I attended the summons in Cole v. McKirdy before his Honor the Chief Justice in Chambers, and found the defendant had only filed an affidavit by his solicitor's managing clerk, referring to their letter requesting us to make the deduction from the verdict and our reply declining to do so, and the statement of the Registrar that he would allow judgment for the full £255 14s. 9d.

"There was no evidence of any kind before his Honor as to whether the defendant had any legal or moral claim for the £20 5s. 3d., or as to whether the jury had or had not included it in their verdict.

"His Honor discussed fully with the defendant's counsel what had taken place at the trial on the merits of the case. He said he could not deduct the £20 5s. 3d., but the defendant should bring an action to recover it in the Resident Magistrate's Court.

"I then applied for costs for the plaintiff on the ground that the defendant had compelled us to appear to a summons which he should never have taken out, as he ought to have known he could not succeed in it, and that the usual practice at common law was always to allow costs under such circumstances.

"His Honor then said: Defendant's application is refused, but I shall not allow costs. I suppose you will say next that there is no such thing as common honesty or morality.

"I understood this statement of his Honor, when coupled with the tone and manner of its delivery, to be a charge against me of being a party to a willful attempt to use the law for the purpose of evading payment of an honest claim, and that he was visiting such conduct by not allowing the plaintiff costs."

In the whole course of my appearing in Chambers elsewhere I have never been charged with lending myself to such transactions; and I felt myself in a very false position when, as a common honesty or morality.

"P.S.—I wish to add that whilst before his Honor I never referred to the merits of the case in any way; they were then, and are now, totally unknown to me; and if there has been any misconduct in the case I am guiltless of it, and I think I ought not to be under any imputation from the Chief Justice, or so injured in the estimation of the Judges that I shall find myself suspicious of me when in practice for myself."

The most offensive expression appears to have been the observation, "I suppose you will say next that there is no such thing as common honesty or morality." The Judge also recommended one of the parties, if he could not get his set-off allowed in the Supreme Court, to go to the Resident Magistrate's Court. There the petition ends. It is signed "George Elliott Barton." I think that the letter which I have read fully states the whole facts of the case, and represents them fairly. I was desirous of placing the matter fairly before the House, and I hope I have done so. The petitioner prays that the House will go into Committee of the Whole to inquire into the truth of the allegations set forth in the petition; and that, if true, an address should be presented to His Excellency "—it should be Her Majesty the Queen—"praying that the two Judges referred to may be removed from the Bench.

"Wellington, August 3, 1877.

"G. E. Barton. G. E. Barton."
Public Petitions Committee to be dealt with by them, and now it rests on the table of the House, having been referred back to the House by the Committee, they declining to deal with it. I find that on a recent occasion, in the House of Commons, in reference to a petition complaining of the conduct of Sir A. Cockburn, Mr. Darrell, after quoting precedents, moved, "That the order, That the petition do lie on the table, be read and discharged." Now, Sir, we have a petition presented, and the only order which has been made respecting it is that it be received. I intend, therefore, to propose an amendment to the motion of the honorable member for Rodney, to this effect: That the order made on the 14th motion of the honorable member for Rodney, to made respecting it is that it be received. I in charged. If we do this, it will, as nearly as we can make it, be an analogous mode of proceeding to that which is adopted in the House of Commons. I conceive that we should deal with the question at once, and not let it go any further. I could refer to several other instances in which an analogous course has been taken, but I need not trouble the House with them. I felt that it was very proper that the Judges should know what was going on, and, at my suggestion, the Colonial Secretary, last week, sent a letter to the Judges asking them whether they had any observations to make in reference to the complaint of Mr. Barton. Mr. Justice Richmond did not reply; but the Chief Justice, Mr. Prendergast, did, and I will read the letter which I received from him. I will first, however, refer to what took place only the other day in the House of Commons, as a precedent for reading a Judge's observation to make in reference to the complaint.

"Sib,—I have the honor to acknowledge the receipt of your letter dated the 25th instant, stating that you forward, for the information of myself and Mr. Justice Richmond, a copy of a petition, presented to the House of Representatives by Mr. Sheehan, on behalf of Mr. Barton; that Mr. Sheehan has given notice of his intention to move for a Committee to inquire into the allegations of the petition; and that the Government would be glad to know whether the Judges desire to make any communication to the Government on the subject before the question comes on for discussion.

"While replying to your letter, I desire in the first place to state that I fully recognize that, inasmuch as it is the duty of His Excellency's Advisers, then and there, to give the opportunity afforded and supplies such information with regard to the subject-matters of the complaint as he is able.

"I suppose it is well understood that complaints against Judges of the Supreme Court must, in order to justify the consideration of them, either by His Excellency's Advisers or either House of the General Assembly, be not only of such misconduct as would, if established, justify their removal, but be also so specific as to be capable of answer. The complaints made in the petition fail in both respects; there is but one matter of complaint which is stated with any particularly—namely, my alleged conduct on the occasion of hearing a summons in Chambers, in a case in which one Cole was plaintiff, and one McKirdy defendant.

"Assuming that I was wrong in all the particulars alleged with regard to that matter, I fail to see that such errors afford any sufficient reason for inquiry by His Excellency's Advisers, or either House of the General Assembly, into my decision or conduct in that case. Nevertheless, I have thought it not improper, in reply to your letter, to furnish you with the following information with regard to the case of Cole against McKirdy. The plaintiff set forth in his declaration four different grounds of action:—(1) For money due for bricks sold and delivered; (2) and (3) for damages for breaches of contract to make bricks for the defendant; and (4) for the damages for the wrongful conversion by the defendant of goods of the plaintiff.

"As to the claim for money due for bricks, the defendant's answer was, as to part, that he had paid it; as to the rest, that he did not owe the money. As to the fourth claim, the defendant pleaded amongst other pleas that the defendant should, as part of the purchase money—namely, £20—pay the same, on behalf of the plaintiff, to Cruikshank. The plaintiff denied the payments alleged to have been made by the defendant for bricks, and also denied the payment to Cruikshank of the £20.

"At the trial, after considerable dispute as to the amounts paid by the defendant for bricks, a sum was agreed on between the plaintiff and defendant as to the amount paid, and thereby the jury were relieved from inquiry as to the amount paid by the defendant to the plaintiff. As to the claim for conversion of goods, I directed the jury to find a verdict for the plaintiff, inasmuch as the contract alleged in the plea was not proved to have been in writing, and that there was no proof of part performances before the plaintiff gave notice of retiring from the contract. The jury found a verdict for a certain amount due to the plaintiff under the first claim beyond the amount admitted as paid; they also found a certain amount due to the plaintiff in respect of the conversion of the goods. But the jury, in answering the issues raised on the pleadings, found as a fact that
the defendant had paid the £20 to Cruikshank at the request of the plaintiff.

"There was no plea of set-off on the record, and, consequently, the jury ought not to have given the defendant credit for the £20 paid to Cruikshank. It may be that they did so; but there was nothing on the record showing that they had done so, or justifying them in doing so. Some two or three weeks after the trial, a summons at Chambers came on before me, by which the defendant called upon the plaintiff to show cause why he should not allow the said sum of £20 to be set off, and sign judgment for the amount found by the jury less this sum. Mr. Hart, of the firm of Hart and Buckley, appeared as solicitor for the defendant; and a clerk, from plaintiff's solicitors, appeared to oppose the application.

"On behalf of the plaintiff, a preliminary objection was taken that the summons had been made returnable too early. There was, in my opinion, nothing in the objection, and it was overruled. It was then urged that there should be an adjournment to enable the plaintiff to file affidavits. I asked what the affidavits were to prove, and, as no reply was given, I directed that the case should go on; but that, if it appeared that an adjournment for affidavits was necessary, I should consider the propriety of granting it. Mr. Hart produced an affidavit in support of his application, from which it appeared that, before taking out the summons, he had, by letter to Messrs. Barton and Fitzherbert, requested that the deduction should be allowed and judgment be signed for the balance. The only reply of Messrs. Barton and Fitzherbert’s was that they would not allow it; they gave no reasons for the refusal. And so far as appeared before me at the hearing of the summons, neither Mr. Hart, Messrs. Barton and Fitzherbert, nor their clerk, were aware of any reason why the £20 should not be recoverable by the defendant from the plaintiff. It was not suggested that the jury had in their verdict given the defendant credit for the amount. As the plaintiff refused to allow the deduction, and as I was of opinion that the defendant could not enforce in that action the allowance of the deduction, I refused the application; and I believe I observed that all the defendant could do would be to sue for the amount in the Resident Magistrate's Court. Mr. Hart urged that the Supreme Court was a Court of equity, and that it was only equitable that the deduction should be made. To that I replied that I could nevertheless not make the order. Thereupon, Messrs. Barton and Fitzherbert’s clerk at once asked me to fix the amount of costs to be paid to the plaintiff. I said I had not yet decided that he was to have costs, and that I did not so decide. Thereupon he made some observation about the action being a common-law action — the observation I supposed to be directed to Mr. Hart's contention that he could not enforce the deduction should be allowed the order should be made. I believe that I then observed that it might as well be said that there was no such thing as common honesty in a common-law action. These are the facts, so far as I recollect them, of that subject-matter of complaint which is definitely stated. There being no particulars of the other grounds of complaint, I am not able to observe thereupon, and afford any information relative thereto.

"As regards the charges against Mr. Justice Richmond, he only desires to observe that there is nothing specific upon which he can afford the Government any information. The present petition is the first intimation he has had that any conduct of his had been felt as a grievance by Mr. Barton. — I have, &c.

"JAMES PRENDERGAST.

"The Hon. the Colonial Secretary.”

Now the House has the whole of the facts before it. If there were any dispute as to the facts, and if the House proposed to go into the question further, a Select Committee should be appointed to investigate the matter, and not a Committee of the Whole. But upon the facts as stated in the petition itself, uncontroversial as to facts, I do not think there is any ground to justify the taking any steps towards such an extreme measure as removing the Judges from the Bench. That is perfectly clear to my mind. The letter of the Chief Justice appears to me to be a fair explanation, and it is only right that, if he wished it, he should have had an opportunity for explanation. As this case is one that will be taken as a precedent, I have devoted some time and trouble to the matter. I have looked into a great many cases, a number of which I do not bring before the House, as they all come to the same conclusion that, unless the charges are of a very grave character, and specific and distinct, it would be improper to take the course prayed for in this petition. I think the Government fairly brings the matter before public opinion and before this House, as representing public opinion. It is quite justifiable that this matter should be brought before the House. I do not in the slightest degree say that he has done anything improper in doing so. If petitions contain nothing offensive — and his does not — we should give them proper attention; but I do say that in bringing it forward he has not made out such a case, assuming all the statements made by him are true, as would justify this House in coming to a conclusion that the Judges, or either of them, should be removed from the Bench. In order that we may follow precedent as nearly as possible, I submit the following as an amendment to the resolution proposed by the honorable member for Rodney: — That the Order made on the 24th August, 1877, "That the petition of Mr. George Elliott Barton be received,” be read and discharged.

Mr. MACANDREW. — Perhaps the Clerk would be good enough to read the order made on that day.

The Clerk read from the Minutes of Proceedings the Order of the House that the petition of Mr. Barton do lie on the table.

Mr. GISOBNE. — I think the Government
are going too far when they ask the House to order that this petition be not received at all. That is what I understand the effect of their motion would be. I do not think one case referred to by the Attorney-General bears out that interpretation of the practice of Parliament. In the case that lately occurred of the petition presented against Chief Justice Cockburn and the Judges who tried the great Tichborne case, the petition was twofold—first, for the removal of the Judges, and, secondly, impugning the conduct of the Speaker for action taken in the House of Commons with respect to some petition which came before it. And Mr. Disraeli was very careful in drawing the distinction between discharging the order for the reception of the petition on the ground for the removal of the Judges, and discharging the order on the ground for impugning the conduct of the Speaker. He expressly laid down, as the reason why he moved that the Order be discharged, that it was a breach of the privileges of the House for a petition to call in question a member of the House for what he did in the House; and he ends his speech by saying, “Therefore, as this petition contains a gross violation of the privileges of this House, by calling into question words used in this House by a member, I move that the order for this petition lying on the table be rescinded.” It was only on the ground that it was a breach of the privileges of the House that he moved that the order for the reception of the petition be rescinded. During the debate it was very carefully laid down by different speakers that every person has a right to petition the House, however vague or unfounded the alleged grievance may be, so long as the petition is couched in respectful language; and in this case it is not for a moment argued that the language is in any way disrespectful. Sir Charles Dilke quotes a precedent. He says,—

“There are one or two precedents which bear strongly in favour of this petition. On the 23rd of May, 1869, a petition alleging the most grossly unfair treatment of a prisoner by the Judges was received by this House. In 1701, the famous Kentish Petition was presented. It was unconstitutional because it prayed for war, and was rejected; but a great storm was created about it, and it was afterwards held that it was unwise to reject it, rather than by a resolution to declare it frivolous and unconstitutional; and, in a note appended to the passage in Hansard, it is stated that—‘The same privilege by which the members in Parliament claim to speak, gives every commoner the right to speak to this House.’”

That is a very great constitutional principle, and I should be sorry to see this petition rejected simply on the ground that the charges against the Judges are vague, and are not such as would compel the House to vote an address to the Crown for the dismissal of those Judges. That might be a very good ground for not proceeding with an inquiry on the petition, but I do not think it is a good ground for refusing to receive the petition at all. That, Sir, is the reason why I cannot vote for the non-reception of this petition.

In the case of the petition by Dr. Keneally, it was referred to the Public Petitions Committee, which reported,—

“That the said petition should be brought to the notice of the House as containing offensive imputations upon the Lord Chief Justice and two of the Judges of the said Court, and reflecting in an unbecoming manner upon the Speaker and the proceedings of the House. The House, while respecting the constitutional rights of petitioners, has guarded against the abuse of those rights; and it will be for the House to judge in the present case whether the petition be one which, according to the rules and practice of the House, can properly be entertained.”

The petition was thrown out exclusively on the ground that it was a breach of privilege for a petition to call in question the speech or action of a member of the House of Commons while the House was sitting. Now, with regard to the question whether this petition should be inquired into, the arguments adduced by the honorable gentleman are no doubt very strong; but, although it would not be advisable that we should have this question discussed in the whole House, it may be expedient that a Select Committee should be appointed to inquire whether there was sufficient ground why the petition should be further entertained. I think that the appointment of a Select Committee even to search for the precedents and say what the honorable gentleman has said in his speech would be a useful step to take. I certainly cannot vote for the proposition of the Attorney-General on the grounds which he has stated. Whether afterwards I would vote for the appointment of a Select Committee, or vote for the refusal of further inquiry into the petition on the ground that the charges are vague—as I quite admit they are—and are not such as would compel the House to advise the dismissal of the Judges even if the charges were proved to be true, I will not now give a definite opinion. I should like to hear the arguments, if any are given, in favour of or in opposition to the proposal. But certainly I do not feel myself justified in throwing back the petition into the face of the petitioner merely on the ground that the charges are vague, and are not of such a character, if true, as to compel the House to recommend the dismissal of the Judges.

Mr. MACANDREW.—I must say I quite agree with what has been said by the honorable member for Totara. I cannot see my way to treat the petition in the way proposed, and to decline to consider whether there is any truth in the allegations or not. I think it is the right of any man, however humble, to come to this House and, at all events, to have his case taken into consideration. I should be glad if the honorable member would move that the petition be referred to a Select Committee, and, if not, that we should hear the petitioner at the bar of the House.

Mr. WHITAKER.—I should like to be allowed to say a few words in explanation; and probably I shall be able to afford some information to the House as to the course taken, in such a case, by the House of Commons. I may say, in the first instance, that the honorable member for Totara has
misunderstood the case to which I referred. The way we have got into our present position is this: Our proceedings in respect of petitions are different from those of the House of Commons. Had a petition of this kind been presented to the House of Commons, the question would be discussed before it was sent to a Committee at all, and it would be resolved whether or not it should lie on the table. But here, under Standing Order No. 283, all petitions are referred at once, without question put, to the Committee on Public Petitions. I concluded that I could not intercept the petition before it went in the prescribed course to that Committee; but, now it is returned without being dealt with, it is competent for me to move, as I have moved, after consultation with you, Sir, that the order to receive the petition be discharged. In doing so I have endeavoured as nearly as possible to assimilate our practice with that of the House of Commons. Now, as to the case to which the honorable gentleman referred, Mr. Disraeli said that he had searched the records of Parliament and had found precedents, which he promised to lay before the House. The first, in 1816, was this: "On the 8th of May there was a petition of Mr. Tasffe complaining that the President of the Court of Session had been guilty of various acts of malversation in the administration of justice. The motion that the petition do lie on the table was negatived." Several other cases were then quoted, and especially one which occurred on the 3rd July, 1874, when, "Notice having been taken that a petition of the Rev. James Thwaites, Rector of Caldbick, in the County of Cumberland, which was presented on the 22nd of June last, contained imputations on the conduct of certain of the Judges, and also statements affecting the social and legal position of individuals, the order made on the 22nd of June last, 'That the petition do lie on the table,' was read and discharged." Other cases are quoted; but I do not think I need read more. As I have said, our mode of proceeding is different from those of the House of Commons. There they move, before any reference to a Committee, that the petition be discharged. We can only take an analogous course after a petition comes back from the Committee, to which it must go as a matter of course before anything else is done with it. The case to which Mr. Disraeli was addressing himself I quoted more particularly because of the precedents to which he referred, and not so much because of the course taken, which, however, was similar to what I have proposed; though there was another reason for doing so besides complaining of a Judge—namely, reflection on the Speaker.

Mr. GISBORNE.—The honorable gentleman has misconceived what I said. I did not blame him for making the motion now. In the case I quoted, the reason why the order was discharged, as expressly given by Mr. Disraeli, was not because it was a petition for the removal of the Judges, but because it was a breach of the privileges of the House in impugning the conduct of the Speaker.

Mr. THOMSON.—Sir, I am very unwilling to take any part in this debate, because there are many gentlemen in the House with far more knowledge of the subject than I have. I must say, however, that I think we are dealing rather scant justice to this petitioner. Every person has a right to come to this House by petition and to have his grievances redressed, if it is possible for the House to redress them. I consider that any person who makes a complaint to the House regarding the conduct of any Judge of the Supreme Court, or any Judge whatever, should have very good grounds for his complaint. The Attorney-General considers that there are on the face of this petition grounds which induce him to believe that the House should not take any steps whatever in the matter. It is not for me to express an opinion as to whether the Attorney-General is right or wrong on that point, but I think he went rather beyond his duty in one respect. He says a copy of the petition was sent to the Chief Justice, requesting him to make comments upon it: I think he went beyond his duty on that point, unless it was his intention to recommend the House to go still further. The honorable gentleman has informed the House that we should not take any steps unless there is prima facie evidence leading up to a recommendation to the Crown to remove these two Judges. It appears to me that that is really the right course. I do not think there is any middle course whatever. We cannot go to a Judge of the Supreme Court, or to any Judge, and say to him, "You have not been doing very well; you must do better in future." We cannot advise the Judge; we must either let him remain exactly as he is, or we must remove him. I therefore consider that if we enter on the case at all we must have good grounds to believe that the issue will be the removal of the Judges. I believe that this is the first case of the kind that has occurred in the colony, and I hope it will be the last. I think what would fairly meet the case would be that a small Committee of the House should be appointed—small Committees are in all cases better than large ones—a Committee of, say, seven members, who would take the evidence of the petitioner and of the Judges, and would then report to the House as to whether the grounds of complaint were prima facie sufficient to induce the Committee to believe that by making further investigation the issue would be a recommendation that the Judges should be removed. That course would, I believe, satisfy all parties, and would be the right one to pursue. I would therefore beg to move, as an amendment, That a Committee, consisting of seven members, should be appointed to take the evidence of the petitioner and of the Judges referred to on the specific charges made in the petition, and to report to the House whether in their opinion the grounds of the complaint prima facie would justify the removal of the Judges from the Bench.

Mr. SPEAKER.—There is already an amendment before the House, and the honorable member cannot propose his until that has been disposed of.

Mr. TRAVERS.—In addressing a few words to the House I do not propose to make any observations whatsoever upon the matters contained in
the petition. The petition has been before the House sufficiently long to enable honorable members to arrive at a conclusion as to whether the charges are so specific as to require, to justify the removal of the Judges. I apprehend that, before any person can ask that another be put upon his defence, the charges made, even in an ordinary Police Court, should be sufficiently specific to enable the person charged to meet them in the ordinary way. In this case the petition contains two kinds of allegations—allegations so vague as not to present to the mind of the reader any point on which an inquiry could take place, and allegations sufficiently specific to enable any person to judge whether or not they would justify so extraordinary a step as the removal of the Judges. So far as the unspecific charges go, they appear to me to amount to nothing more than a general complaint on the part of Mr. Barton that he is not treated with that courtesy which is usual towards members of the House. We have not sufficient particulars of the discourtesy of which he complains to enable us to judge whether that discourtesy was carried out to such a degree as to render him an object of ridicule and contempt on the part of those who happened to be present at the time of the alleged offence. With respect to the specific charge which has been made, I do not hesitate to say that it is not an uncommon occurrence in a Court of justice for the Court to say that it is unable to deal or is not justified in dealing with the question, and that the practitioner must seek his remedy in another quarter. I think it cannot be taken as a malversation on the part of a Judge to express his opinion in that way. It simply means, "Your case is not one within my jurisdiction; your remedy is in another quarter;" and I apprehend no person can properly consider a suggestion of that kind as amounting to partiality on the part of the Judge towards the practitioner to whom the suggestion is made. The Government may no doubt have felt themselves embarrassed in this question with regard to the motion of the honorable member for Rodney; but I should have preferred to see a motion in a more specific form for dealing with the petition. I agree with what the honorable member for Totara said in regard to the case, the Queen v. Castro. There Mr. Disraeli concludes his speech in a manner which seems to mean that he would not have moved that the order be discharged but for the circumstance that it contained language which amounted to a breach of the privileges of the House. The concluding words of his speech are these:—

"Therefore, as this petition contains a gross violation of the privileges of this House by calling in question words used in the House by a member, I move that the order for this petition lying on the table be rescinded."

These are the words of Mr. Disraeli, who, throughout the whole of his speech, carefully distinguished between a motion that the petition be discharged on the ground that it was a breach of privilege and any other ground. The right of individuals to petition is most carefully acknowledged throughout the whole of the debate; and I cannot see anything in the course taken by Mr. Barton in the present case which would justify the House proceeding as it did in the case of Mr. George Elliott Barton are not sufficiently specific to justify inquiry by this House, and that the specific charges contained in it, even if proved, would not justify the removal of the Judges mentioned." That is rather the view which the Attorney-General pressed on the House as a justification for his own motion, and I think it would have been better if he had moved a resolution for disposing of the matter in terms justified by his speech. I cannot at all agree with the proposal of the honorable member for Clutha. If the House should come to the conclusion that the statements in the petition relating to the transactions in the case of Cole v. McKirdy show that they were of so gross a character that they would, if proved, justify the removal of the Chief Justice from the Bench, then undoubtedly there would be a case for inquiry. But the House will probably pause before it comes to any such conclusion. I will quote from Todd's "Parliamentary Practice" an opinion given by the Crown Law Officers of the Colony of Victoria in 1864, in which the doctrine as to the tenure of office of the Judges is discussed. They say,—

"The legal effect of the grant of an office during 'good behaviour' is the creation of an estate for life in the office. Such an estate, however, is conditional upon the good behaviour of the grantee, and, like any other conditional estate, may be forfeited by the breach of the condition annexed to it—that is to say, by misbehaviour. Behaviour means behaviour in the grantee's official capacity. Misbehaviour includes, firstly, the improper exercise of judicial functions; secondly, wilful neglect of duty, or non-attendance; and, thirdly, a conviction for any infamous offence, by which, though it be not connected with the duties of his office, the offender is rendered unfit to exercise any office or public franchise. In the case of official misconduct, the decision of the question whether there be misbehaviour rests with the grantor, subject, of course, to any proceedings on the part of the removed officer. In the case of misconduct outside the duties of his office, the misbehaviour must be established by a previous conviction by a jury."

I apprehend that it must be misbehaviour coming fairly within one of the three categories mentioned in that opinion. The mere fact that
a Judge, in the exercise of his judicial functions, expressed himself somewhat strongly upon the refusal of a practitioner before him to allow a sum of money to be deducted from a verdict; cannot be regarded as a ground sufficiently strong to justify his removal from office. He may have misconceived the position, he may have been harsh, he may have acted in an arbitrary manner, without detracting from his honesty, or his capacity, or his righteousness as a Judge; and I apprehend that it is only upon questions affecting his honesty, his capacity, or his propriety of conduct in his office as Judge, that his position can be impeached before the Legislature. We should be establishing a most injudicious precedent if we permitted every practitioner who happens to feel sore at some observation, deserved or undeserved, on the part of the Judge, to claim that such an act should be dealt with seriously in this House. It is of the highest importance that the public should feel respect for the Judges of the Supreme Court; but that respect, it appears to me, would be entirely destroyed if it were understood that the Legislature encouraged persons who might feel discontented at the conduct of the Judges to present petitions, unless there were grounds of the very gravest character for doing so. Before the House adopts the course suggested by the honorable member for Clutha it should resolve as a fact that the specific charges made would, if proved, justify dismissal. I think the learned Attorney-General was perfectly justified in communicating with the Judges with reference to this petition; but I think it would have been better if he had not read to the House the letter from the Chief Justice. The object of the Government in writing to the Judges was, I take it, to satisfy themselves of the existence or non-existence of any *prima facie* ground for inquiry; and the effect of reading the letter—although I am quite sure the learned Attorney-General did not read it with any such intention of producing prejudice—was, I take it, to prejudice the case of the petitioner by pitting the letter of the Chief Justice against his allegations. It would probably have been better if the letter had not been read, so that the allegations of the petition might have been dealt with exclusively upon their own merits without being complicated in any degree by the reply of the Chief Justice; but, if allegations such as these are to be held as sufficient to justify the removal of the Judges of the Supreme Court, not a session of the General Assembly would pass without some discontented practitioner presenting a petition to this House for the removal of one or more of the Judges of the colony. Most lawyers know that at times they receive snubs from Judges, sometimes deserved and sometimes undeserved. I cannot say that in the course of my practice I have escaped a greater number of snubs than others, but in many of these cases I could not help feeling that the course taken by the Judges was not altogether unjustifiable, and I have felt it to be my duty to pocket the snub. It is better in such cases to adopt that course, than to indulge in any exhibition of petulance, or to impugn the character or conduct of the Judge. I am happy, indeed, to think that the good sense of those who practise before the Judges of our Courts is generally sufficient to induce them, the moment they leave the Court, to forget any feeling of irritation which may have led them into a wrangle with the Judge before whom they practise. Now I am not going to offer any testimony to the character or conduct either of the Chief Justice or Mr. Justice Richmond. Their characters are well known to the great bulk of the people, who have had ample opportunity to study their conduct; but this House ought to be careful before it allows objections to their further tenure of office in their judicial capacity to be entertained, unless those objections are justified by facts which constitute misbehaviour within the true construction of the term. I cannot say that anything of the kind is shown in this petition; and—though I do not know that this is an argument that ought to be used—I think it would be kinder to the petitioner himself that this matter should not be proceeded with. It is much better that it should not be made the subject of an elaborate investigation, which cannot possibly result in any advantage to the petitioner, while it may have the effect of doing a great deal of mischief to an important institution of the country, and anything that tends to lessen the respect due to an institution of that kind does injury to the community. I know of no higher duty that rests upon the citizen than that of paying respect to institutions possessing such power, and once we attempt to lower that respect we open the door to the admission to the Bench of those who might be entirely regardless of its honor, and who are therefore likely to be corrupt or inefficient. No man of honor would care to occupy the position of Judge of the Supreme Court if he knew that his conduct in matters of this kind might be made the subject of inquiry by the Legislature at the instance of any person who chooses to make an unsuccessful attempt to have his name put forward. We ought to protect the character of the Judges of the Supreme Court, and we should only be doing justice to the community at large by refusing to entertain charges of an unspecific character in the first instance, or charges, however specific, which would not in the slightest degree, even if absolutely true, justify the House in adopting the course suggested by the petitioner.

Mr. MURRAY.—I believe the House is quite as anxious to protect and to maintain the purity of the Supreme Court and of its Judges as the honorable member for Wellington City; but there are many ways of preserving the purity of that Court. One is to investigate charges of improper conduct against the Judges who preside in those Courts, and to relieve the Bench from any stigma if those charges prove to be unfounded. Another way is to suppress all attempts at inculpating Judges from the Bar. We should not commend itself to the sense of justice of this House. I am not going to prejudice the case. It has been before the Public Petitions Committee, and I regret that the Chairman of that Committee did not explain the course which the
Mr. SHEEHAN.—Well, at any rate I think the allegations which are contained in the petition ought to be sufficient to justify the House in directing that some inquiry should be made into the matter. I am glad that the honorable gentleman has admitted that I was simply doing my duty in making this motion, and I believe it is only right that any member should have the moral courage to bring such a matter forward. I do not think that the course proposed by the Attorney-General is a fair one. There has been no inquiry into the matter, and therefore I do not think he is justified in asking the House to discharge this petition: in fact, I think that if we did so we should not be doing

Mr. TRAVERS.—Not for “several years.” Mr. Barton has only been in Wellington since May, 1876.

Mr. SHEEHAN.—Well, I should say that, if the petitioner cannot substantiate his charges, the House can take steps which will probably necessitate that gentleman’s departure to another colony. The Chief Justice himself, of whom I speak with the greatest respect, is accused of having behaved toward Mr. Barton with hostility.

Is not that a grave charge? I think it has been made abundantly clear by the honorable gentleman himself, and by the honorable member for Totara, that the course proposed to be taken is not the proper course. I do not think that this House should be called upon to take action in this matter. If the matter is referred to a Committee the Committee must obtain from the petitioner the fullest and most ample proofs before it believes that the Judges have been guilty of corrupt conduct. It is no answer to a petitioner to say, “Oh, your petition cannot be true, because you are going against a Judge of the Supreme Court.” I contend that the course which was followed by the English Parliament in similar cases is not the course which has been followed here. I consider that the Attorney-General has put the matter fairly before the House, and I am satisfied that he has stated his own opinion with regard to it. It may possibly be desirable that there should be some prior inquiry by the Government in a case of this kind where the conduct of such high officers is called in question, but I do not think that they should be referred to for their explanation. It appears to me that it may be sufficient for them to say, “Oh, the whole thing is wrong.”
justice either to the petitioner or to the Judges against whom the charges are made. I believe that the proper course would be to refer the matter to a Select Committee of this House, in order that it may be ascertained whether there is a prima facie case for further action. I think that the subject might fairly be left in the hands of a Committee of this House, and that on their decision the House might safely take action. I may state that the petitioner will prefer, if possible, to be heard in person at the bar of this House. There are now three courses open to us. I will ask the House not to defer the consideration of the petition, but either to allow the petitioner to state his case at the bar of the House, or to refer the matter to a Select Committee for inquiry.

Mr. BUTTON.—I rise to make a few remarks with regard to some of the observations of the honorable gentleman who spoke last, in case the House should be misled with regard to what he called the technical answer to an indictment. The honorable gentleman must know that, when a demurrer is put in, in answer to an indictment, it is a substantial answer to such indictment. It may have been put in as a technical matter, but it is not so now. A plea denies the truth of an allegation which has been made; but if a defendant says, "Supposing that all you say is true, there is no case against me," he demurs. Years ago there was a way of putting a technical demurrer which dealt neither with the facts nor with the cause of action. As I understood the Attorney-General in the remarks which he made with reference to the action of the honorable member for Rodney, he wished the House to consider that he looked upon the arguments advanced against the petition of Mr. Barton as a demurrer, and he considered that the charges made, even if true, were not sufficient to justify the House in granting the prayer of the petition. I agree with the honorable gentleman so far. The honorable member for Rodney says that grave charges are made against the Judges; but where are they? Is the Judge charged with anything that can be considered an offence? Not at all. There are only the most general charges made in the petition, except in one case—namely, what occurred in reference to one particular matter in Chambers. The answer to the allegations contained in the petition might be summed up to be—first, that they are general, and could not be answered specifically; and, secondly, that the one charge which is specifically made is frivolous in the extreme. Now, Sir, if we admit that the charges made in the petition are true, can we say that the House is justified in granting the prayer of the petition? Even if the charges be true they do not lay the Judges open to prosecution for a crime according to law, or to a civil action. Nobody knows better than the honorable member for Rodney that a demurrer is not a technical answer to a private action. Mr. Barton is an able gentleman, and I am sure that the House is obliged to the honorable member for Hokitika for the lessons in law which he has given to honorable gentlemen, but perhaps other members of the profession may also have some remarks to make.

I can only say that, in my opinion, if the honorable gentleman wishes to obtain a position as law lecturer he will have to get up his law. The Hon. the Attorney-General in speaking on this question—and I desire to bear testimony to the general moderation of the honorable gentleman's tone—I think there was one fact. Referring to what had been alleged in Mr. Barton's petition to have taken place in Chambers before the Chief Justice, he said there seemed to be some doubt as to whether this money ought to be allowed or not, because the petitioner had gone about asking members of the jury whether they intended to do a certain thing. The Hon. the Attorney-General should not have stated that to the House, insomuch as the petitioner distinctly stated,—

"It was after my clerk had reported to me what had taken place in Chambers I forthwith called upon some of the gentlemen of the jury to ascertain from them whether there was any ground for pretending that, when the jury returned into Court the verdict for £285 1ds. 9d., they intended it to be reduced by the sum of £20 5s. 3d."

From all I have heard on the matter, I should be chary in offering an opinion on the merits of the case in the slightest degree: but I entirely dissent from this House being pledged to such an opinion as that expressed by the honorable member for Hokitika (Mr. Button) that this occurrence in Chambers was a frivolous occurrence. It is nothing of the sort. No Judge has a right—no Judge of a superior Court especially has a right to make any remarks in a case pending before him that would in any way prejudice that case if it was to be heard elsewhere. Nothing would be more fatal in the ordinary course of procedure in an inferior Court than for a Judge of a superior Court to make statements calculated to prejudice a case. It was very far from being frivolous. It might be oversight or want of thought; but if this did take place, as stated in the petition, it was very far from a frivolous occurrence for the Chief Justice of the colony to advise a party to take a case—which had actually been adjudicated before him by a jury—to take the case into the Resident Magistrate's Court. It is not for me to say that such an occurrence as that would warrant this House in asking that the Judge should be removed. Without giving an opinion upon the merits of the case, it does seem to me that even if many of these general charges were carried to their very furthest extent the House should not be asked to memorialize the Crown to remove the two Judges of the Supreme Court, because there may be some misapprehension between the members of the Bar and the Judges. The members of the Bar may think that the Judges intend to behave differently to them from what they do to other members of the Bar, or there may be something in the conduct of the members of the Bar that naturally provokes opposition. I do not know whether I stand in a position analogous to that: if so, I should not on that account feel inclined to petition the House to remove the Judge. I should not do that, because I might
prove opposition which, perhaps, if I had been a little more moderate in my remarks, might not have been called into existence. There may be other lawyers who stand in the same position. That would not be a good ground for calling upon the House to destroy to some extent the prestige which attaches to the superior Courts of judicature. At the same time, I hope that the House will not discharge the petition in the summary way proposed by the Attorney-General, but that the petitioner will have his case investigated. The petition ought not to be dismissed in that way, without hearing the facts contained in the petition itself. The motion of the Attorney-General amounts to saying this: that it is no good for any person to come to this House and petition unless he can absolutely secure a verdict of a majority of the House. I believe that would be a most fatal blow not only to the liberties of the people, but to the hope that men would have of having strict justice done to them. I think it would be a harsh measure to adopt that we should altogether dismiss this petition. Either the one amendment or the other proposed should be adopted; or some other means should be found by which, at any rate, the order should not be cancelled, but the statements in the petition should be inquired into.

Mr. BARFF.—I do not intend to say anything with regard to the legal aspect of the case, or to consider the merits of the statements contained in the petition; but I do look upon this as a very exceptional case indeed—exceptional inasmuch as we are called upon to hear and consider a question which cannot be considered in any other Court in the colony. I therefore look upon it simply as a matter of fair-play. If the petitioner had any other remedy open to him, then I should be the first to say, "Let the petitioner seek his remedy elsewhere!"; but, at the present time, we find that the petitioner has no other remedy—no other course is open to him. I think, Sir, it would be an injury to the petitioner and to the reputation whose conduct has been called in question, to reject the petition in the manner suggested by the Attorney-General. I do trust that the Government will see their way to effect some kind of compromise by which the merits of the petition may at all events to some extent be considered. I consider that the Judges of the Supreme Court of this colony should be like Caesar’s wife—entirely above suspicion; and, where anything like the breath of suspicion is cast upon them or their conduct, I think the very first opportunity should be taken of removing any possible suspicion that might be thrown on their acts. I speak not more on behalf of the petitioner than on behalf of the Judges of the Supreme Court of this colony. The natural feeling of Englishmen in favour of fair-play induces me to think that we should be doing what is right in refusing any thing if we rejected this petition without affording any opportunity of discussing the matter, and finding out whether there is or is not any truth in the statements contained in the petition.

Mr. HARPER.—I cannot agree with the honorable member for Auckland City East and others that the petitioner would be harshly treated if his petition were rejected in the manner proposed by the Attorney-General. It seems to me that the petition is one of an exceptional nature, containing no charges of a specific character. The petitioner must have been aware, when he drew up the petition and had it presented, that the charges were not such as would justify this House in taking the unusual course of memorializing His Excellency the Governor to remove the Judges from the Bench. I do not see that any good could result from discussing this matter further, or from referring the petition to a Committee. The only result would be a waste of time. There are no charges contained in the petition which would warrant this House in recommending the removal of the Judges. That being the case, and considering the law as laid down by the Attorney-General in the cases he quoted, it appears to me that there can be no proceedings taken in the matter, and that the House will have to reject the petition. I cannot conceive that the petitioner would be treated in a harsh manner by the course proposed by the Attorney-General, as the petitioner must have been aware that no charge whatever in his petition were not of such a grave character as to justify this House, or a Select Committee of this House, in discussing them with a view to granting the prayer of the petition.

Mr. STOUT.—Sir, I have thought, in listening to this debate, that this was a question in which it would be better that those who are not actually engaged at the Bar should take part, instead of those engaged at the Bar. I say that those who take either side in such a debate are liable to have their motives as members of the Bar misconstrued. Therefore this question should be debated by those who are not connected with the Bar in any way. But as several members who have been practising at the Bar for a number of years have spoken on the matter, I may say that I do not think it would be right to allow the House to misconstrue the intentions of the Attorney-General. I for one should not like to see anything done that would lessen the public confidence in any way in the position of the Judges of the Supreme Court. I think it is to the credit of the Australasian Colonies that hitherto, with one solitary exception, no charges have been brought of any moment whatever against any of the Judges of any grave breach of duty on the Bench. Amid the political turmoil and trouble the Bench has always been looked upon as a Bench from which every one might expect to receive justice. It has been the same thing here; but we cannot overlook the fact that this petition has been drawn by one who is perhaps as old a member of the Bar as any in the colony, and one who has occupied a high position at the Bar. I think a petition coming from such a person ought to be received with some respect. It is not like some other petition complained of by the petitioner, in which the prayer of the petition was that the Judges be removed. I think it is to the credit of the Bar, and to the Judges themselves, whose conduct has been called into existence. There may be other lawyers who stand in the same position. That would not be a good ground for calling upon the House to destroy to some extent the prestige which attaches to the superior Courts of judicature. At the same time, I hope that the House will not discharge the petition in the summary way proposed by the Attorney-General.
than the charge itself. The Attorney-General has stated that, in his opinion, no prima facie case is made out by the petitionitself. What I wish is simply now to determine is whether there is a prima facie case for proceeding further. I think it is of the very greatest importance that, before even a preliminary inquiry can be proceeded with into the character or action of the Judges, a prima facie case should be established. I have no doubt that the House will bear with me while I quote a paragraph from a speech by Lord Palmerston, in which he said,—

"Nothing could be more injurious to the administration of justice than that the House of Commons should take upon itself the duties of a Court of review of the proceedings of an ordinary Court of law. It should only interpose in cases of such gross perversion of the law, either by intention, corruption, or incapacity, as make it necessary for the House to exercise the power vested in it of advising the Crown for the removal of the Judges."

I think the case was put very clearly by the Attorney-General that we should not even consent to a preliminary inquiry until a prima facie case was made out, and unless the allegations, if proved, would be sufficient to call for the removal of the Judges. The honorable member for Clutha has recommended that a Select Committee should be appointed, and the last speaker has also supported that view of the case. Now, it seems to me that, in this particular case, the Executive Government of the day, which guides the House and is charged with the responsibility of the due administration of justice, is the Select Committee that makes inquiry first of all in order to see whether there is a prima facie case, and is bound to recommend the course that the House should pursue. I must say, after reading the petition carefully, with every disposition to see that full inquiry should be made, I am unable to see that there is any cause to pursue the case further. I shall therefore vote for the amendment of the Attorney-General.

Mr. Sheehan's motion was put and negatived.

Mr. Whitaker's amendment then became the substantive motion.

Mr. THOMSON.—I have already given notice of an amendment which I will now take the liberty of moving, as follows: That a Committee, consisting of seven members, be appointed to take evidence on the specific charges made in the petition, and to report to the House whether, in their opinion, the charges, if further investigated, are likely to make it incumbent on the Legislature to recommend the removal of the Judges from the Bench. I will take an opportunity of giving the names, in the event of the amendment being agreed to, from the recommendation of the Public Petitions Committee in this respect: The recommendation of the Public Petitions Committee was to the effect that a small Committee should be appointed for the purpose of investigating the matter thoroughly. Now, the Committee I recommend is simply a Committee to take preliminary evidence. The necessity of making out a prima facie case before proceeding further has been admitted. The Attorney-General has stated that, in his opinion, no prima facie case is made out by the petition itself. What I wish is simply
that the question of making out a prima facie case should be referred to a small Committee; that the Committee should take evidence; and that the burden should rest with the Committee of stating whether a prima facie case was made out—a case which, in their opinion, would, if further investigated, lead up to a recommendation that the Judges should be removed from the Bench. I think that in this way we should be acting much more constitutionally than by simply dismissing the petition; and altogether I think it is a wiser and better course.

Question put, "That the words of Mr. Whitaker's motion, proposed to be omitted for the purpose of inserting Mr. Thomson's amendment, do stand part of the question;" upon which a division was called for, with the following result:

Ayes: 37
Noses: 29
Majority for: 8

Ayes:
Major Atkinson, Mr. O'Korke, Mr. Pyke,
Mr. Ballance, Mr. Reid,
Mr. Bowen, Mr. Reynolds,
Mr. Burne, Mr. Richardson,
Mr. Button, Mr. Richmond,
Mr. Cox, Mr. Rolleston,
Sir R. Douglas, Mr. Rowe,
Mr. Fitzroy, Captain Russell,
Mr. Gibbs, Captain Seymour,
Mr. Harper, Mr. Stafford,
Dr. Henry, Mr. Sutton,
Mr. Hunter, Mr. Techemaker,
Mr. Hursthouse, Mr. Whitaker,
Mr. Ludden, Mr. W. Wood,
Mr. Macfarlane, Mr. Woolcock,
Mr. Manders, Mr. Murray,
Mr. McLean, Mr. Murray-Aynsley,
Mr. Murray-Aynsley, Tellers,
Mr. Ormond, Captain Morris,

Noses:
Mr. Baigent, Mr. O'Korke,
Mr. Barf, Mr. Pyke,
Mr. Beetham, Mr. Reid,
Mr. J. C. Brown, Mr. Reynolds,
Mr. Bunny, Mr. Richardson,
Mr. Curtis, Mr. Richmond,
Mr. De Lautour, Mr. Rolleston,
Mr. Digman, Mr. Rowe,
Mr. Fisher, Captain Russell,
Mr. Gisborne, Captain Seymour,
Sir G. Grey, Mr. Stafford,
Mr. Hamlin, Mr. Sutton,
Mr. Hialop, Mr. Techemaker,
Mr. Hodgkinson, Mr. Whitaker,
Mr. Joyce, Tellers,

For: Mr. Baigent, Mr. Ludden,
Mr. Barf, Mr. Macandrew,
Mr. Beetham, Mr. Montgomery,
Mr. J. C. Brown, Mr. Murray,
Mr. Bunny, Mr. Nahe,
Mr. Curtis, Mr. Rees,
Mr. De Lautour, Mr. Seaton,
Mr. Digman, Mr. Shrimski,
Mr. Fisher, Mr. Takamoana,
Mr. Gisborne, Mr. Tole,
Sir G. Grey, Mr. Travers,
Mr. Hamlin, Dr. Wallis,
Mr. Hialop, Tellers,
Mr. Hodgkinson, Mr. Sheehan,
Mr. Joyce, Tellers,

Against: Mr. G. E. Barton, Mr. J. E. Brown,
Mr. Moorhouse, Mr. O'Korke,
Mr. Thomson, Mr. Pyke,

Mr. Thomson's amendment was consequently negatived.

The hour of half-past five having arrived, Mr. Speaker left the chair.

Mr. Thomson's amendment was consequently negatived.
high priest of Bacchus, and had a retaining-fee from the licensed victuallers. He could not possibly have been more zealous in any cause, nor could he have scattered round this House more unworthy anes than he did against a body which he professes to represent and which I do represent here, styling them "teetotal ganders," and numerous other epithets, very unworthy, as it seemed to me, coming from one who professed to have a great admiration for the cause of temperance. The honorable member's constituents have told me that he has broken a distinct pledge which he made at his election.

Dr. WALLIS.—I rise to a point of order. I deny that I have broken one single pledge. I came here to support a Permissive Bill with justice to publicans and compensation, and I have proclaimed that at public meetings in Auckland.

Mr. FOX.—I am not here to argue that matter with the honorable gentleman; I only say what the honorable gentleman's constituents have represented to me. I can only tell the House what the honorable gentleman's constituents have told me, and they say that he has broken the pledge he gave them. But this I do know, that there never has been a Permissive Bill introduced into the House of Commons with a compensation clause in it.

Dr. WALLIS.—It was the two-thirds principle I understood to be the Permissive Bill principle.

Mr. FOX.—I am not going to argue with the honorable gentleman as to whether he has deluded his confiding constituents or not. I can only express my very great astonishment that the honorable gentleman, above all others, should have pleaded the cause of the licensed victuallers with so much zeal and fervency, and that he should have used his best endeavours to damage my Bill. But I should experience a feeling of extreme regret on the honorable member's own account if it does not pass, because it will most certainly be an invaluable Bill for him. We are told that it will be the source of a vast amount of sly grog-selling. Well, Sir, any person who heard the honorable gentleman give that little illustration about the way in which an alcoholopathic establishment might be established,—any one who heard him depict the bland manner in which he would treat his customers,—must have arrived at the conclusion that Nature made him to be the keeper of a sly grog-shop. This Bill, then, will present the finest opportunity the honorable gentleman ever had of distinguishing himself: the honorable gentleman can then establish that alcoholopathic establishment of his in some back slum; I can picture him surrounded by his former patients, his former congregation, and by his deluded constituents, established under the sign of the "Green Pig," and doing what would be called "a roaring business." And the honorable gentleman is so well qualified for the position that I really think he must have occupied it before. I cannot criticise the honorable member's arguments, for the simple reason that there were no arguments to criticise. It is impossible to reply to a histrionic performance. I will leave the honorable member to settle his accounts with his constituents, and I have no doubt that when he next appears before them they will be quite prepared to treat him in the manner he deserves. I will now proceed to touch upon the more salient points of the debate, and review the arguments which have been used by many honorable members, many of them no doubt with the most perfect sincerity; and then I will proceed to discuss the main point in the question—that is, the subject of compensation.

One argument used by the honorable member for Auckland City West, and very much more strongly by the honorable member for Napier (Mr. Sutton), and by many other honorable members, was the old cry of which we heard so much in 1871, 1872, and 1873—a cry which I thought would have been dead and buried in the year 1877. It is the cry that this is an arbitrary law. Well, Sir, as was well said by the honorable member for Dunedin City (Mr. Stout), all laws are arbitrary laws. If you put a tax upon dogs it is an arbitrary law. If you say a man may not have forty wives, as they have amongst the Mormons, it is an arbitrary law. If you establish a toll it is an arbitrary law. If you attempt to interfere in any way with things as they exist, you are making an arbitrary law. All we ask is that a majority of the people shall have the power to rule in this matter, and that is no more arbitrary than any other law yet made. With what consistency, I ask, is this plea urged by honorable members who tell us that they are very content with the present licensing system? What is the present licensing system? It is an arbitrary interference with the liberties of the people, from the mash-tub to the police-cell. Let us look how the law stands at present. It enacts that no man shall sell intoxicating drinks except about one in two. There you see it is exceptional in its disposal. But it is arbitrary even in that; for in some districts it is not one in two hundred, but one in five hundred who have the privilege. There you see it is exceptional in its disposal of this precious privilege—precious as far as the pocket is concerned. But the present law is arbitrary in the manner in which it confers this gigantic monopoly. It grants licenses to sell at certain hours and at certain places. It says to the publican, "You must not sell on the Lord's-day; you must not sell after your neighbour has gone to bed; and you must not sell before he gets up in the morning." And he must not serve his customers with more than they can carry. He must be able to judge of the capacity of every man who comes to his hotel; and he must be able to tell how far that man has exhausted his capacity before his arrival there. I fancy he must sometimes find great difficulty in drawing the line. But then we come to the poor unfortunate fellow who wants to buy the liquor. He is not allowed to buy one drop more than he can conveniently contain: if he does, he is marched off by that watchful custodian so kindly provided by this unarbitrary law. And, more than that, he is told that he has no right whatever to buy liquor anywhere to take with him to the shops of these licensed persons. Is that not as arbitrary as the law I propose? Then two or
three gentlemen appointed by the Government may go into any district and force as many drinking-shops upon an unwilling population as they think proper; nobody objects to that; but when I propose to give to a majority of the people the right of saying that they will not have these houses forced upon them, that is considered shameful and arbitrary. I wish those who say so would be more consistent. The honorable member for Wallace wound up his speech by informing the House that the cause of the greatness of the English people was that they were a people given to drinking—that beer made them big. I was astonished that the honorable gentleman had not a better appreciation of logical sequences than he appeared to have. Sir, the English people are great in spite of their beer, and not in consequence of it. What is the honorable member's argument? That the cause of the greatness of the English people was their love of drink. His reasoning and his conclusion have as much connection as Ten-terden Steeplo has with the Goodwin Sands. His argument amounts to this: My donkey has long ears, and my donkey eats thistles. But it does not follow that, if the honorable member ate thistles, his ears would be any longer than they are. Beer made the English people great! It has made them inevitably small. If it were not for the beer we should not have to pay £12,000,000 for the support of our paupers, and many more millions a year for the maintenance of our police and the suppression of all the vices and crime which we know spring out of this passion for drink. Let the honorable member think twice before he tells us such a thing as that again. I was glad to find that the female franchise was not vehemently assailed on the whole. That is a principle that has always been favourably received in this House. In 1873 it was carried not only by acclamation but with applause. It is a great mark of civilization in a country when men assign to women their proper places; and in assigning to women their proper places in this way, we are in advance of many older countries, and more in advance in humanity and civilization than the parent State. But, Sir, the honorable member for Wallace and the honorable member for Waikato loudly de-claimed against women being allowed to interfere in this matter. The honorable member for Waikate declared that it was the grey mare getting to be the better horse, and he was indignant, as many other honorable members were, at having received a circular from some of my poor female acquaintances. That was an insult they would not brook at any price. There is an old story of a Welsh minister who was one day expatiating about the glories of Heaven. He described it as a place where people neither marry nor are given in marriage. The Welsh congregation was very demonstrative, and an old gentleman loudly exclaimed, "A man! Amen!" The minister turned round and said, "Ah, my friend, I see you have had enough of that." Are these gentlemen afraid of a petticoat? Is that their experience? The women are the greatest sufferers from the effects of intemperance. Seven years ago I supported a Bill which provided for female suffrage, and it has been a good thing. I defy any man in this House to get up and make an attempt to repeal that part of the law. If he did so he would hear of it when he got home. Now, Sir, some reference has been made to statistics. Some honorable members naturally the younger members of the House, who have not had the advantage of seeing how we dealt with statistics on this subject some years ago—have complained that I have not produced statistics in support of my arguments. The honorable member for Waitaki, the honorable member for Rangitikei, and one or two others, have complained that I have given them no statistics. Well, Sir, I do not see the necessity for quoting these statistics, because we have not always found them to be correct. I do not value such statistics as have been given at a farthing. The honorable member for Rangi-tikei has endeavoured to show from certain statistics that there has been a reduction in the apprehension by the police and conviction of drunkards. I do not think it was right for the honorable gentleman to put those figures before the House in the way he did. I am not mistaken, those figures originally appeared in the Evening Argus newspaper in this city, and they were afterwards refuted by the Rev. Mr. West, and then they were republished in the city in which the honorable member conducts a newspaper, and it was shown that those figures were altogether unreliable. To show how easily these figures can be set aside, I will quote a few figures from the Registrar-General. I will quote statistics relating to the year 1876–76. In cotton, woollen, and other goods of that sort, there was a falling off of £1,124,001; increase on spirits and beer, from £240,128 to £281,872, being £41,7444, or at the rate of 17 per cent. The total amount of the falling off on the imports of these necessaries of life is over £1,000,000 between 1876 and 1875; but on the imports of intoxicating liquors there was an increase of £241,744, or 17 per cent. It is no question of whether we are drinking more or less; but it is quite certain that we are drinking a very great deal too much. There are hundreds of people in our asylums and gaols, who ought not to be there at all, through drink, and we are endeavouring to put a stop to their going to those places. There is another argument which has been put forward by more than one honorable member; and I think my honorable friend the member for Dunedin City, who supports this Bill, has also referred to it. It is that the laws of a country must not be in advance of public opinion. But I differ from that view altogether. I believe that nothing could be so good for the country as putting this law on the Statute Book. I was told by Mr. Frye, the Attorney-General of the State of Maine, who is now a distinguished member of Congress, that, when the liquor law was first introduced there, a large number of people defied the law. He told me that, though the evidence might be as clear as the sun at noonday, juries would not convict a man for selling liquor; but,
now that the law was in proper working order, and the people understood it, so strong was public opinion the other way that his only difficulty against the law he was sure to be convicted. That was the result of educating the people in regard to the matter for a few years. The fact which Mr. Frye pointed out to me was this: that, at the time when this law was passed, people had not learned to look upon the illegal sale of intoxicating liquor as a crime, but that now they have done so. Well, Sir, the honorable member for Avon, and the honorable member for Rangitikei, and I think some other honorable members, threw John Bright at my head; but I do not like to be knocked down by an authority. I have a great respect for John Bright; but John Bright's mind has never been in a settled state with regard to this question. To use the words of the poet on this question, "his mind is like a fountain stirred, and he himself sees not the bottom of it." It is true that, when John Bright made the speech from which the honorable member for Rangitikei quoted, he voted against Sir Wilfrid Laurier's Bill; but that was in 1864, and he does not do so now. The very last thing John Bright said in reference to this matter was about a year ago, when addressing the publicans of Birmingham. He told them that they had entered on a contest in which they were morally certain to be defeated. The honorable member for Avon also quoted John Bright as asking, "What other trade has the law ever treated as it is proposed to treat this trade?" The answer is, what other trade is like this?—carried on under a yearly license; recognized by the law as a dangerous trade, surrounded by police, and regulated by Magistrates? Whenever there are any other trades of that sort brought before us, the Legislature will act rightly in dealing with them as we propose to deal with this. Shall we do right to compensate those engaged in a trade which is inflicting a serious loss on the country? I say the feeling of the people throughout the country is that they are not entitled to compensation. That is my answer to the honorable member for Avon. The trade is an exceptional trade under all circumstances, in regard to the foundation on which it stands, and all the surroundings in every shape and form. It does not stand in the same position as the shoemakers', tailors', or grocers' businesses. Would any one think of abolishing these businesses? No; they do not stand on the same footing, and the law has not given to us the power of abolishing them. The honorable member then suggested remedies: he said, Do away with the bars. But that does not fall within the provisions of my Bill. If any honorable gentleman proposes to do that, I will support him. Do away with the bars, with painted screens, and painted windows, if you like: but that will not cure the evil; it is only at the best a palliation for the evil. Another palliation mentioned is the establishment of working-men's reading-rooms, working-men's homes, and coffee-houses. Well, I admit the importance of that; I believe it is a very useful thing. I have seen something of it at Home; but I have arrived at this conclusion: If you put down the public-house and give the working-man finding his own amusements, seeking his comfort at his own fireside; he will find his own reading-rooms and coffee-houses. It is because the publichouses stare him in the face at every turn; it is because his own dwelling is not fit for a human being to dwell in; it is because his children and himself are miserable and his wife a wreck, that he takes refuge in the publichouses. Put an end to them, and the working-men, without our help and without our efforts, or our "goody-goodying," will find his own comfort and amusements. Look at the totalers; they find their own amusements and domestic pleasures, their reading-rooms and coffee-houses. They do not require to be goody-goodied in the way proposed. If you shut up the publichouses the working-man will not ask for any favours from the Legislature. He is independent: he would be as independent as any member of this community if it were not for that evil which prevents him doing that which he otherwise would do to promote his own comfort and that of his wife and family. The honorable member also said—and I have heard it a hundred times before—inflict heavier penalties for a breach of the law. What penalty? A penalty on the drunkard? Can any penalty be greater than that which the drunkard heaps upon himself? The waste and ruin of his prospects in this life, his prospects in the next, his happiness, his property, his little farm, all that he has, all that he hopes for, all that is worth having; he pours his all into the publican's till: that is his penalty, and it does not stop him in his career. Do you think you could stop the evil by imposing an additional penalty of 5s. or 10s.? Does the imposition of a penalty stop the evil in Russia, where the drunkard has to sweep the floors sometimes with his long beard? There is no place where the penalties are more stringent than in Russia, and there are no more drunken people on the face of the earth than the Russians. The recent work of Mr. Wallace on Russia shows that there are no people so much given to drunkenness, although the penalties are more severe than those of any other country. Then the honorable member says, "Punish the publican." If the publican gives a man more drink than he can carry, and sends him home drunk to his house, to kick and abuse his wife and make his children tremble—if the publican does that to the poor fellow, "Punish the publican." But the difficulty is, you cannot catch him at it. For the once you may happen to catch him at it, he has done it a thousand times. Set a thousand police to watch a publican, and he will break the law. I read an account of a meeting of licensed victuallers held in this city. One of the speakers complained of undue interference with this highly respectable trade, which conducted its business in the most proper manner. I took up another Wellington paper, and, under the
heading of "Notice to Correspondents," I saw it stated that the editor had received a letter from a correspondent, complaining of the fearful amount of drunkenness on Sunday — of the sale of liquor on Sunday, and that a number of men and women were last Sunday rolling about the streets in a state of drunkenness, and others making their way home with kits and baskets filled with intoxicating liquors. Well, where did they get the drink? From the publicans, and against the law. You cannot catch the publican at it. When his trade can be increased by breaking the law, all the police that you may send on his track will not prevent him. It is like smuggling; if the smugglers run one cargo in three it pays. It does not matter to the publican if he is fined £10. That very night he will make more money in his bar than the penalty amounts to. But I say the great difficulty is, you cannot catch him at it. Punish the drunkard? Is it not a fact that he has already inflicted greater punishment on himself than you can devise? The Spanish Inquisition could not devise greater punishment. Now, then, Sir, I will take up what the honorable member for Dunedin (Mr. Macandrew) deprecated the strong language which he said he had heard with regard to this subject. I think the liquor traffic has been let off with remarkable leniency in this House; but when the question of compensation arises I find it is time to put the saddle on the right horse. I am bound to denounce the publican. Strong drink never did do that; it is only poisoning the drink that makes the man. Where is the man? So I say on this question "Where is the man?" It is a question of liquor traffic, "Where is the man?" It is the pig that makes the sty what it is; without the pig the sty would be as clean as a lady's boudoir; and yet you go to compensate those — what shall I call them? Is there any language strong enough to describe these men whom is it? Is it with the petitioners or is it with the publican and the Licensing Bench? There can be no such understanding. The honorable member for Dunedin City (Mr. Stout) also referred to that point, and said, There can be no contract between the State, or any members of the State, or any persons outside the State — there can be no contract without mutuality. What is the contract now existing? It is a contract that the licensed victuallers shall so conduct their business as not to injure the State. How do they fulfill their share of the contract? What is this Sunday trading which is now going on, and which they told the Hon. the Minister for Lands, when in Dunedin, that they would carry on? — they said to him that they would continue to break the law. That is the way they perform their share of the contract. Look again at the question of adulteration. People lay great stress on this point. You cannot talk to a man in the street who will not tell you that if the total abstainers would only devote their attention to the adulteration, and give the people good wholesome drink, they would be doing a great work. On behalf of the total abstainers I decline to be a bottle-washer for the drinkers; but every member of this House is aware that adulteration is carried on everywhere. He knows that the liquor is adulterated on all sides; that the poor man has to drink bluestone, copperas, cocklebur spicings, and what not; and you are going to compensate the licensed victuallers for doing that! The compensation is to the men you are going to compensate! What is the compensation for? I heard of a shepherd the other day who had a bottle of drink, of which he partook, and, when he got sober enough, he shook the bottle, and there were two lumps of bluestone in it. Adulteration is said to be carried on by the publicans to a great extent in this country. Honorable members of this House often say to me that shepherds leave their stations and go into town with a cheque in their pockets; they get drink, and return again without a shilling. They say to me, "Drink would not do that; it is only poisoning the drink that would do it." That is the statement that is made to me. Well, that is the trade which these respectable publicans do: they poison the drink, and thus poison their fellow-men. These are the men you are going to compensate. The honorable member for Dunedin City (Mr. Macandrew) deprecated the strong language which he said he had heard with regard to this subject. I think the liquor traffic has been let off with remarkable leniency in this House; but when the question of compensation arises I find it is time to put the saddle on the right horse. I am bound to denounce the publican. Strong drink never did — it is only poisoning the drink that makes the man. Where is the man? So I say on this question "Where is the man?" It is the pig that makes the sty what it is; without the pig the sty would be as clean as a lady's boudoir; and yet you go to compensate these — what shall I call them? Is there any language strong enough to describe these men who would be guilty of putting bluestone and other poison into the drink of the working-men? Now, let us see what is the average character of the traffic here and everywhere. I shall quote a leading article from the London Times with regard to this traffic, which is no worse in England than it is here. The Times says — "It would seem impossible to find anything which stands for so much loss to soul, body, and estate, for so much discomfort and everything that is disagreeable, as the publichouse. Even if we accept the best case that can be made for it on principle, the fact is still a huge nuisance and misery. It is not only the quiet religious family, or the respectable householder, that regards the publichouse as one of the enemies of its peace, but it is almost everybody except the publican and the landlord. It is the wife and children who see the day's or week's wages spent there. It is the neighbourhood disturbed by nightly broils. It is the employer who finds his men demoralized and enfeebled. It is the honest tradesman who sees the money that should come
to his counter go to the bar. There is not a vice, or disease, or a disorder, or a calamity of any kind, that has not its frequent rise in the public house. It degrades, it demoralizes, it brutalizes a large fraction of the British people."

That is the picture drawn by the Times newspaper, which has never supported the Permissive Bill. Then Mr. Roe buck, M.P., says,—

"This gin-shop that you love because it increases your revenues, look at it; go into it; behold its humble appearance! A flaring gas-light is over the door, which door never shuts. Push it aside; go in; look around. Splendid windows, brass rods, and ornaments; a fine showy counter, immense tubs of spirits, and gay damsel to serve them. But no chairs; no one sits in a gin-shop. The customer comes in, pays for his glass of poison, drinks it at one gulp, and goes away to make room for a successor. Here you have the vice of drunkenness without one shadow of redeeming circumstances."

That description of the traffic might be repeated here word for word and letter for letter, and would be equally true. That is the traffic which you are going to compensate. Now, I must have a little more talk with honorable members about the traffic in this country—with the honorable member for Napier, for instance, who blamed me for having got certain public houses shut up; and with other honorable members, who said, "You must have accommodation for travellers." Let me draw a picture of one of those houses which I was the means of shutting up. After a long day's travel I arrived with my wife and a companion at one of those retreats for weary travellers. There were two buildings—not very promising-looking—a little stable for the horses. We asked for a bed and something to eat, and entered. All round the bar and in the House there were about thirty or forty roadmen, Maoris, shepherds, and other people, in broad daylight, royster ing, drinking, and shouting. And this was a hostelry for the accommodation of travellers. Well, in due time the dinner came, and absolutely everything on the table smelt of rum. The roast beef smelt of rum, the potatoes smelt of rum, the water-bottle smelt of rum, and the very tea smelt of rum; and the woman who brought the things into the room smelt of rum, and was so drunk that she could scarcely take them out again. When bedtime came we went to our room, and, of all accommodation for travellers, the accommodation here certainly was the least inviting. The sheets were about the colour of the floor of this House, and the blankets looked as if they had never been changed. The room was about 12 feet by 8; the window would not open, and the door opened into a room where a lot of men were drinking all night. All that one could do was to lie down on the bed and make the best of it. If I had had a dustpan and a brush, I could have swept up a portmanteau-full of fleas. When I got up in the morning I saw a poor staggering drunkard come out of the house, with black eyes, and his face covered with blood. At the same time the birds were singing in the trees and the sun rising in the sky. That was our experience in this house for the accommodation of travellers. It was so bad that even the Licensing Bench took away the license. Those houses were not put up for the accommodation of travellers. They were spending sackfuls of money in making roads in these districts. There were large gangs of workmen; there were shepherds and Maoris also in the neighbourhood. The publicans saw that there was a harvest to be gathered, and the houses were put up forthwith. The officers of the Constabulary spoke to me in terms of abhorrence of these establishments, and urged me to take steps to have them closed. No doubt the honorable member will say that we cannot expect much in those up-country places; but I should let the House know what the houses in the Town of Napier are like. I have a little book here which will enable us to “see ourselves as others see us.” It is written by a highly-intelligent German lady who travelled through the colony a few months ago. I will tell you what she found in the best hotels in the Town of Napier. She says,—

"The proprietor of the Criterion sent me to the Masonic Hotel (his own being full), but I do not think ladies can be made comfortable there. The house was being enlarged, and the carpenters began their work early in the morning; but, independent of this noise, the shouts and screams going on at night in the hotel, where female voices were always predominating, made it perfectly disgraceful. I ventured to ask this fact to the landlady, but the next night the shouts were even more noisy and unbecoming, so that it was impossible to enjoy a night’s rest.”

She starts on a journey for the Taupo, and she sleeps at an hotel on the far side of the Spit, in order to start early in the morning. She says,—

"Having had no sleep for two nights at the noisy Masonic Hotel, I hoped to make up for it now. But I was mistaken; I spent another sleepless night, for under my bedroom a noisy party of Maoris and a certain Captain S—kept up card-playing till two o’clock in the morning. The excited voices of the Maoris, their hearty natural laughter, and the rattling of the dice, together with Captain S—'s persuasive voice, Go on! go on! made all sleep impossible. The coach was to start at six, and punctual to this time I was ready to start, but breakfast was not."

Then they went up-country a little bit; and she says,—

"It was yet very early in the day, and yet the Captain was offering freely to his companions to join him in drinking brandy, which, however, they steadily refused. He had provided himself with some, and at the first stopping-place had his bottle replenished. I saw his face looking dreadfully red; a match might have taken fire from it had it been held close enough. At a place called Haiwako we stopped to dine, on salt horse bones the Captain said. It was, at all events, questionable salt meat of some sort; but such exercise as we had gone through made me hungry.”

Then they reached Tarawera.

"The Captain had gone to his quarters, but was to join us again in the evening. We had a good
laugh over our meal at the huge tin tea-can, the uneatable butter that looked and smelt like grease, and the chops that were of poor quality. That night, before getting into bed, I noticed that the sheets had not been changed since the last night, and slept till five o'clock next morning.

Here is the way in which the highly respectable licensed victualler of New Zealand performs his share of the contract. And you are going to compensate him! I shall now read something for the benefit of the honorable member for Waitaki, who favoured us with a legal opinion—which, I have no doubt, is of great value—on this question, and said that the publican had a clear legal right to compensation. In order to show what is thought on this point in England, I will quote a well-known authority, the "Law Magazine and Review," which is conducted by English barristers of good position and character, and which is likely to be very far from what is true. There is mention of the question of compensation, which was raised when Mr. Bruce's Bill was before the House of Commons. I quote this article for the purpose of showing the honorable member for Waitaki and the honorable member opposite that intelligent persons and English lawyers, considering the whole question, have not arrived at the same conclusion as they have. It says—

"There is another consideration which still more forcibly proves the unreasonableness of the liquor-seller's claim to compensation. The license is simply equivalent to a contract between the Government and the liquor-seller. This contract is for a year and no longer. If it is held for the good of the publican, it is granted only for the good of the public. The permission having been continued to the end of the licensing year, the Government has fulfilled its part of the contract, and is no more bound to renew it than the owner of a house or farm is bound to renew a lease or a yearly tenancy, simply out of consideration for the tenant, or to give him compensation because he may be inconvenienced by not being retained any longer as a tenant. It was for the public good the license was granted, the securing of the public order and well-being. The publican knew the conditions and the specialty of his trade that led the Government to render his tenure thus insecure. He has already had full value for all he has paid."

There are one or two other points in connection with this question of compensation which I must touch upon. One argument was used by the honorable member for Franklin, whom I regret not to see in his place, who generally has hitherto supported me in this cause, who last year voted for the passing of the Bill without any compensation, but who this year, to my great surprise, has gone in exactly the opposite direction, and advocates, with all his ability, and with all the skill which his professional turn of mind gives him, the utterly fallacious argument that if you do not give compensation in this case you must not do so in the case of any other trade that may be put down. He argues that if doctors became obnoxious, and if homoeopathists succeeded in raising such an agitation that they had to be put down, it would be quite monstrous to put down these licensed victuallers without compensation. He argues that it would be quite as monstrous to put down these licensed victuallers without compensation as it would be to put down the doctors or any other profession. But I say that the doctors are not in the same position as the publicans. They do not carry on a trade under a license which on the face of it is only limited to one year. They have not to pay a license-fee of £30 a year for permission to carry on a trade for that year and for no longer. That is the point. Put the two in the same position, and then you can draw a comparison; but they are not in the same position, and you cannot put them in it. Then the honorable gentleman went on to say—and it surprised me much to hear him—that it was coming to the question of putting down these licensed victuallers, of putting down the liquor-sellers without compensation. He argues that if doctors become obnoxious, and if homo-pathists succeeded in raising such an agitation that they had to be put down, it would be monstrous to put them down without compensation, and of a sense of justice, that we should refuse compensation in these cases. But I would ask the House, are we to be more sensitively conscientious than other men in this respect? Are we now to go directly against what has been done in New Zealand, and what is being done continually elsewhere, and in New Zealand too? Why, the very gentlemen who are now advocating compensation for their clients, the licensed victuallers, like the honorable member for Auckland City West and many other honorable members, voted persistently for the Local Option Bills that have been brought before this House in previous sessions, without any compensation clause. It is only now for the first time that we hear all this cry about compensation. Ever since 1871 the principle of local option has been passed and passed and passed over and over again, and nobody has said one word about compensation. Not only has that been the case, but there is absolutely on the Statute Book at this very moment an Act which gives the people all that they ask for, except the bare machinery for giving effect to their wishes. And now only do these honorable gentlemen lift up their voices and cry for compensation! Where was their common sense—where was that sense of justice to which the honorable member for Franklin appeals when they voted in previous sessions? Is this a new light that has burst upon these honorable gentlemen, or are they really the same gentlemen who have voted for local option without compensation during all that time? We are only asking you to do what has been done here for years, and what is being done elsewhere. In the State of Maine 2,000 publicans were swept away in one day, and not a penny compensation given; and that was done by those noble men the descendants of the Puritan fathers. The same thing has been done in Massachusetts and in other States where the law has been in force, and is now being done in Kentucky, Maryland, and elsewhere where it is being introduced. And there is not one word said about compensation, even where...
8,000 beershops were abolished in a very short time, and at a single sitting of a single Bench the Duke of Wellington, and by that law a Magis
tome eighty or ninety were shut up; and nobody
dancing licenses for such places as the Alham-
every beershop in his district. Under that Act
from the wretehed drunkard who is brought to
his degraded state by this nefarious trade, in
of the misery. Sir, I have no more to say on
order to compensate those who are the very cause
that money from the poor widow, from the orphan,
this subject. If the arguments I have used will
not avail, I know not what will. One or two of
have occurred quite recently in England, when
bra and Highbury Barn, which were returning
compensation must come from the working-man,
ability much more ably than I can. But if the
subject up, they would, I am sure, perform the
arguments I have used will not weigh with this
question of compensation except this: that if in
the face of the wishes of your constituents you
are going to bribe this liquor traffic by taking the
bread out of the mouth of the working-man—for
the money with which you will have to pay this
compensation must come from the working-man,
becaus he has to pay the largest share of the
taxes—if you take his money to bribe the publi-
can I say it is iniquitous. It is monstrous to take
that money from the poor widow, from the orphan,
from the wretched drunkard who is brought to his
derogated state by this nefarious trade, in
order to compensate those who are the very cause
of the misery. Sir, I have no more to say on
this subject. If the arguments I have used will
not avail, I know not what will. One or two of
the younger members of the House seem to
think that I have not adduced sufficient argu-
ments to induce them to support the Bill. I
have no doubt that if they were in my place they
would have done much better than I have been
able to do. If they would only come forward
while yet in the blush of youth, and take this
subject up, they would, I am sure, perform the
duty much more ably than I can. But if the
arguments I have used will not weigh with this
House, I know they will with the country, and, if
I should lose this Bill, I will still employ as many
years as may be left to me in pressing this great
subject upon my fellow-colonists. Let us see what
has been done already. A few years ago, when
the gauntlet was first thrown down, the cry was
raised that such a measure as this would interfere
with public and private liberty; but now there is
no longer a question of liberty either public or
private. The question is now narrowed down to
one of money. The country is converted, and is
now convinced of the righteousness and justice
of the cause. One effort more, some few years'
more agitation, and the country will carry this Bill
without any compensation; and never will I take
it with compensation, for it is unrighteous and
unjust to put such a provision into it. I have
only now to say that, as many honorable members
have asked me what amendments I will submit
to in Committee, I will state to the House how
far I will go in that direction. I will not sub-
mit, under any circumstances, as it has been
presented to me as yet, to any provision in the
way of compensation for the houses put down by
the Bill. As regards the boundaries of the licens-
ing districts, the criticisms made upon them were
in many respects perfectly just. As I said when
moving the second reading that I simply wished
to alter the present boundaries, and would be ready
to accept any suggestions that might be made, and
should be glad for honorable members to assist me
in making this part of the Bill more workable, I
have had printed on the Supplementary Order
Paper the new form of the clauses which affects
the limitation of districts, and if honorable mem-
bers will give these amendments consideration
they will see that they are reasonable and prac-
tical. I shall not discuss them now, Sir, but
when we go into Committee I shall be ready to
receive any suggestions that may then be made.
That is the only point on which it is likely there
will be any amendments that I can agree to accept.
I will observe, further, that I have heard rumours
from more than one honorable gentleman that an
amendment would be suggested by the honorable
member for Wellington City (Mr. Travers) for an
alteration in the Licensing Board. If the honor-
able gentleman can see his way in Committee to
shape a clause to give a better system, nobody
will be more pleased than I should be to attend
to his suggestions. As I said before, I did
not intend in my Bill to meddle with the least
part of the matter of the constitution of the Li-
censing Board. My intention was simply to
provide proper machinery by which to perfect
the popular veto, and if any honorable gentleman
will propose amendments in the direction I
have indicated I shall be most happy to take
charge of the amendments in Committee. All I
ask the House to do is to see whether this
Bill is calculated to practically give effect to that
principle which it has over and over again
affirmed, that is to put the management of this
licor traffic into the hands of those who are
most interested in the question.
Mr. Rees.—I did not speak during the de-
bate on the second reading of this Bill, and I
should like to make one or two remarks now in
consequence of what has fallen from the honor-
able member in relation to this matter. I should
have voted for the second reading of the Bill, and
would be most anxious to give the honorable
gentleman any aid in Committee in the way of
changing the constitution of the Licensing Bench
or closing the bar traffic, or anything else which
might, in my opinion, have any however slight
effect in lessening the evils which the honorable
gentleman has so ably pictured, and which we
hear so much of on the platform, from lect-
urers, and elsewhere. But while I sympathize
with the honorable gentleman I must be allowed
to deprecate very strongly the somewhat ex-
aggerated form which his proposals may be made use of.
We have had not only in the honorable gentle-
man's address to-night, but in former addresses,
continual references to our constituents—to what
our constituents will say and to what our con-
stituents will do. I have seen a telegram in
which the honorable gentleman took upon him-
self to communicate with the constituents of
the honorable member for Auckland City West
what he thought of that honorable gentleman's
proceedings, and that I consider a most unwar-

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rantable assumption on the part of the honorable member.

Mr. FOX.—I never communicated with the constituents of the honorable member for Auckland City West. I merely sent a telegram of about a dozen words to a friend of my own in Auckland, without knowing whether he was one of the constituents of the honorable member for Auckland City West, stating the effect of that honorable gentleman's speech.

Mr. REES.—I only speak of what I saw published, and that was a telegram from the honorable member, saying, "Wallis's speech was violent and offensive." That, I think, showed very bad taste on the part of the honorable gentleman, to say the least of it; and, if there is anything to be called violent and offensive, there is nothing more so than some of the remarks of the honorable member himself. Every possible epithet of abuse that the human mind can conceive and the human mouth utter has the honorable gentleman hurled at these unfortunate publicans. He was not even content without stating that they were always opening the doors of hell. Such epithets as those are far more likely to damage a cause than to aid it. Higher causes than temperance would be damaged and have been damaged in every age of Christianity by the use of no stronger terms than those. Then the honorable gentleman not only shook the constituencies over the heads of honorable members, but he kept appealing, in a satirical tone, to the younger members, the inexperienced members of the House. Sir, they are, no less than other honorable members, the representatives of the people. They came here to do the best they could, and it hardly marches with the wisdom which should go with grey hairs to hold up the younger members of this House to derision and sarcasm. I am a member of this House, and, without desiring to be offensive, I would certainly advise my honorable and learned friend, if he has any advice to give, to give it in the manner in which an elderly man would give it—not in a tone of satire and sarcasm, but, as he himself said, to encourage them. No one knows better how young men can be encouraged. No one knows better than the honorable gentleman that at the bar and in the House of Commons nothing has done more to set the younger members against the older members than the manner in which he has acted during this discussion. It was the tone Walpole assumed in regard to Pitt; but it is a habit which is given up now. I am sure it does not arise from want of good feeling on the part of the honorable gentleman, unless his reputation has maligned him; but it does not raise any strong feeling of enthusiasm for any measure the honorable member might introduce. I was sorry to hear the tone he took up in regard to the publicans. He should remember that they are not altogether to blame. The merchant with whom he deals, the lawyer who takes his fee, are all equally to blame.

Mr. FOX.—But they are not asking for compensation.

Mr. REES.—Then the publicans ought to be done away with because they ask for compensation?

Mr. REES.—I say that they are not entitled to compensation because they are such men.

Mr. REES.—Because they are such men! That is a most remarkable reason. But I say they are not alone to blame. Suppose the honorable gentleman had a farm, and he grew barley, would he sell it to persons who might prostitute it to such a vile purpose?

Mr. FOX.—I would not grow it.

Mr. REES.—He would not grow it. I suppose he would not rear cattle in case they might fall into the hands of some unrighteous publican. That is his argument. Sir, we must bring these things to the test of common sense and common honesty. The honorable gentleman will perhaps remember an anecdote attributed to Selden, who was asked whether he could find any authority in the law of England to justify resistance against tyranny. He said, "I do not know where to find it in the books, but it is the custom of England, and what is the custom of England is the law of the land." I think that should settle this question of compensation. It has been the custom of every age among English people that, whenever any person took away from him by the State, the State shall recompense him fairly and justly. The honorable gentleman tells us that in several States of America they have swept away these institutions without any compensation at all. He might just as well tell us that in America there were pirates who used to take ships on the high seas, and murder the crews. But that is not the argument. The honorable gentleman appealed with vehemence to the righteousness and justice of the case. Now I like men to be consistent. Let the honorable gentleman give his vote on all occasions in this House with righteousness and justice, and not ask us to vote with righteousness and justice in this case alone. I go with him, and say that we ought to apply righteousness and justice to every question that comes before this House, and I hope the honorable gentleman will measure his decisions by that rule. If he does, I shall more often find him in the same lobby with myself on divisions. I have not the pleasure of knowing the Attorney-General of the State of Maine, but, if what his American friend told the honorable gentleman of the effects of education upon the people there is true, all I can say is that it is a place where it is "folly to be wise," because he says that when the people were ignorant they would not convict a criminal, no matter how clear the evidence was; but that when they became enlightened they would convict any man who might be accused, whether he was guilty or not. All I can say is that I should be sorry to be in that Attorney-General's shoes, either at the beginning or the end; either when the people were ill-taught or when they were educated in the beliefs of the new school. I do not believe such a libel upon the character of the people of the State of Maine. The people of Maine are not such a people as would bring us to that. People do not believe it. They will believe this: that education will teach a man to exercise properly the faculties God has given him. When it goes beyond that it is not education, it is madness or fanaticism.
And then the honorable gentleman proved a great deal too much about the way in which he said the publicans evaded the law. He says you cannot catch the publicans. Then how will you catch the sly grog-sellers if the public-houses are shut up? The honorable gentleman will find some difficulty in answering that. If the publicans can evade the law now, the sly grog-seller will be able to evade the law too. Not that I would hold with the relaxation of virulence of any kind in our country; but the honorable gentleman proved too much in thus attempting to fortify a position which is of almost infinite strength, and which occupies strongholds that are actually impregnable. The question of intemperance is a most serious one, I admit. There is no question of more importance to the people. I have not read much about the drinking habits of the Russians, but I do not believe there is any people who have so much to blame themselves for in this respect as the Teutonic race— the Germans and the English. We stand pre-eminent in this crying vice; but, in spite of it all, has not prevented the Teutonic race from being the first race on the earth. The Turks never drink, but we should be sorry to change our position for that of the Turk. The Italians drink very little, but we should be very sorry to change our mode of life for that of the Italian; and I am glad to be able to corroborate the statement that the young people born and bred in the colonies do not drink so much as people who come from older countries. Whether this is to be attributed to climatic or other influences I am not prepared to say; but it is a fact for which we ought to be thankful. But I do not think the honorable gentleman's object, that of putting an absolute stop to all drinking habits, can be accomplished. The very existence of spirits, or the right to sell them as medical comforts, will prevent the accomplishment of that end. I do not think the honorable gentleman's efforts will stop the use of beer or spirituous liquors in private houses, unless he could absolutely prohibit their sale over large tracts of country. If the importation or manufacture of spirits were absolutely put a stop to, then no doubt a very great step would be made toward the universal prohibition of their sale or consumption; but this Bill does not go so far, nor, so far as I know, does any Bill in force in any country. What we should endeavour to do is to govern the use of intoxicating liquors, and when we do that we shall have done a great deal toward reducing crime, misery, and suffering. I believe in doing away with the bar traffic. I believe that would be a grand step, and one which might be accomplished; and when we are in Committee on this Bill I shall move the insertion of clauses providing for the abolition of the bar traffic. I believe that no compensation whatever could be claimed by anybody if we did away with the bar traffic, because publichouses were originally intended to be houses for the accommodation of the public. That was the original idea of hotels; they were not meant to be established for the purpose of providing bars in which people might sit and drink until they got drunk, and then go away. Hotels were intended to be houses to which the public could demand admittance, and to which they could go if they had no home to go to. And such places are necessary. Suppose, for instance, that fifty persons arrive in Wellington in a steamer. They must have some place to stop at, and those places have been provided for them in the shape of hotels, at which they can get proper accommodation for proper payment. Only so far as the houses are houses of accommodation does the honorable gentleman prove so much as people who come from older countries. It was a poor joke at any rate. The option of clauses providing for the abolition of the bar traffic is that are not likely to further the cause of temperance. It was a poor joke at any rate. The
in the Argus were taken for the years from
for the month of June in each year, and they
that if the honorable gentleman had compared
Argus he would at once have seen that they were
not at all the same. The figures which appeared
totally distinct in character from those which
1863 to 1869, and from 1873 to 1876 inclusive,
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must know that the publican’s trade is recognized
by law, and that, so long as the publican conforms
to the law, he deserves the recognition of his
rights at the hands of the law, just as much as
if he were the most virtuous advocate of temper-
ance.
Mr. FOX.— He does not conform to the law.
Mr. GIBSONE.— Well, then, if he does not
conform to the law, let steps be taken to make
him do so. If the honorable gentleman will take
steps to insure the detection of those who do not
conform to the law and to have them punished,
he will do a great deal to advance the cause of temperance. But, Sir, the position is this—and
into the discussion of that position no failings or
faults of the publican should be introduced—the
position is this: The publican has entered into a
yearly contract with the State, and so long as he
on his part performs the conditions imposed in
that contract he is by law entitled to expect a
renewal of his license. If on grounds of public
policy and right you destroy that expectancy,
you should give some adequate compensation. If
you find that the publican has in any way broken
the conditions under which his license is issued,
then of course his case falls to the ground, and he
ought to suffer punishment for that breach, and
perhaps incur the forfeiture of his license. In
order to argue the question correctly, you must
take on the one side the publican who has con-
formed to the law, and on the other side you
must take the action of the State in abolishing
his license on the ground of public policy. That
will be a fair issue. Drunkenness is not all owing
to publicans. If there were no persons to drink
there would be no publicans. If there was no
demand there would be no supply. I am quite
with the honorable gentleman that the people
should decide whether there should be new pub-
lichouses opened, or whether the old public-
houses should be abolished. If no fault can be
found in a person holding a license, and if his
publichouse is abolished through no fault of his
own, then I submit that compensation should be
paid. The principle cannot, I think, be satisfac-
torily contradicted that some compensation is due
in such a case as this.
Mr. BOLLACE.— I rise, not for the purpose
of replying to the honorable gentleman in charge
of the Bill, but of correcting an error into which
he has fallen, and upon which he has founded
an imputation that should not have been made.
The honorable gentleman has stated that the
statistics which I quoted in speaking on this
subject were taken from a Wellington paper—
the Evening Argus — and he stated further that
those which appeared in the Argus were conclu-
sively answered by a gentleman named West, and
that then they had been republished in a Wanganui
newspaper; and he implied that I showed a want of
candour in making use of those figures. Now,
I wish to say that the figures which I quoted are
totally distinct in character from those which
appeared in the Evening Argus, and I am sure
that if the honorable gentleman had compared
my figures with those which appeared in the
Argus he would at once have seen that they were
not at all the same. The figures which appeared
in the Argus for the two years from 1863 to 1869,
and from 1873 to 1876 inclusive, for the month of June in each year, and they
showed the number of arrests that had taken
place for drunkenness in the City of Wellington.
Now, my figures, so far from dealing with the
City of Wellington only, dealt with the whole of
the colony, and were for the two quinquennial
periods ending 1870 and 1875. I compared the
two periods with each other, and I think that
the honorable gentleman must see now, at any
rate, that the two sets of figures are totally dis-
tinct in character: consequently the statistics I
adduced have not been answered by the gentle-
man referred to; he merely dealt with the sta-
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tie which appeared in the Argus. I am am-
serted that the honorable gentleman should be
so loose in his facts, and that he should found
on his loose facts an imputation of the sort
that I have referred to.
Mr. GIBSONE.— I think that we could much
better discuss this question of compensation if the
honorable gentleman did not import into his argu-
ments what I may call the odium teetotale. He
must know that the publican’s trade is recognized
by law, and that, so long as the publican conforms
to the law, he deserves the recognition of his
rights at the hands of the law, just as much as
if he were the most virtuous advocate of tem-
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Mr. FOX.— He does not conform to the law.
Mr. GIBSONE.— Well, then, if he does not
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publichouse is abolished through no fault of his
own, then I submit that compensation should be
paid. The principle cannot, I think, be satisfac-
torily contradicted that some compensation is due
in such a case as this.
Dr. WALLIS.—I rise to say a few words after the extraordinary remarks made by the honorable member for Wanganui. I have listened to thousands of speeches, but certainly I never did listen to a more intemperate speech than the one delivered by the honorable member this evening. I have read the accounts of the meetings held by the publicans, and I must say that the language used by the honorable member for Wanganui was highly intemperate as compared with the moderate and temperate remarks made by the publicans. Then the honorable member has dragged into this debate matter which ought not to be dragged into it. He has dragged into it certain pledges which he says I made at my election to a seat in this House. Now, Sir, I have not broken one single pledge. The very language which I used in this House I used on frequent occasions on public platforms in Auckland. One thing was done which shows what a demoralizing influence on the community certain action taken by the teetotalers is calculated to have. Before my election they sent to me a paper asking me to read over various questions, and to answer them, telling me plainly that these were intended to be private. I did not care whether they were private or not; but, a certain telegram having been sent to Auckland by the honorable member for Wanganui, all my private answers are published by the teetotalers and Good Templars, thus demoralizing society to a certain extent. I deny that in any respect I have broken any pledge. I cannot help referring to that telegram which the honorable gentleman forwarded to Auckland. He says he did not forward it to my constituents. To whom did he forward it? He did not forward it to Dunedin or to New Plymouth. If not intended for my constituents, why was it sent to Auckland? Suppose the honorable gentleman knows Auckland very well, and he knows that his telegram would be seen by my constituents. He sent it to just the very man with whom I differed on public grounds—a gentleman in Auckland connected with an Independent body—a free lance in connection with that body. I am connected with the Presbyterian body. That is the gentleman I used in this House I used on public grounds— a gentleman in Auckland connected with the Free Church of Scotland. Now, he dragged in my connection with that body. I am connected with an Independent body—a freelance in connection with that body. I am connected with a church body. I am a supporter of the Permissive Bill; I believe in the principle of local option; but I say, if we take away the property of the publicans we must compensate them for the injuries we inflict upon them. The honorable gentleman certainly told us some remarkable stories. He told us of a woman who smelt strongly of rum. Well, I am sure I could not tell whether a lady smelt strongly of rum unless I approached very closely to her mouth. I am sorry that I have been called on to address the House. I had no intention of doing so; but the extraordinary remarks made by the honorable member are irritating. He has told us many fine stories to-night. I would tell him another fine story, and I may say that it has not the slightest reference to him. I would be the last person to apply the story to the honorable gentleman. A certain thief went to a church door. When he had got inside the door the sexton locked it, and he could not get out of the church. He got somehow on the top of the roof of the church, where there was a belfry. When it was night he let himself down the belfry by a long rope, but his weight and the weight of what he was carrying rang the bell, and alarmed the villagers. They wondered what the bell was ringing for, so late at night. The villagers came and caught the thief before he got to the ground. The man, thus caught, turned round and said, "Bell, bell, if it had not been for your long tongue and empty head, I should not have been caught to-night." If it had not been for the honorable gentleman's long tongue, I should have escaped making a speech to-night.

Mr. FOX.—I never alluded to any honorable member's domestic concerns.

Dr. WALLIS.—He tried to hold the honorable member for Wallace up to ridicule by likening him to a dumb animal—a donkey who ate thistles. Then, to my astonishment, he draws in my congregation, and tries to make a miserable joke as to my being a sly grog-seller to my congregation. I should be ashamed, as an old member of this House, to drag in matters of this sort; I should be ashamed to utter such language as has fallen from him. It is just such speeches as these that damage the cause of temperance. I am a supporter of the Permissive Bill; I believe in the principle of local option; but I say, if we take away the property of the publicans we must compensate them for the injuries we inflict upon them. The honorable gentleman certainly told us some remarkable stories. He told us of a woman who smelt strongly of rum. Well, I am sure I could not tell whether a lady smelt strongly of rum unless I approached very closely to her mouth. I am sorry that I have been called on to address the House. I had no intention of doing so; but the extraordinary remarks made by the honorable member are irritating. He has told us many fine stories to-night. I would tell him another fine story, and I may say that it has not the slightest reference to him. I would be the last person to apply the story to the honorable gentleman. A certain thief went to a church door. When he had got inside the door the sexton locked it, and he could not get out of the church. He got somehow on the top of the roof of the church, where there was a belfry. When it was night he let himself down the belfry by a long rope, but his weight and the weight of what he was carrying rang the bell, and alarmed the villagers. They wondered what the bell was ringing for, so late at night. The villagers came and caught the thief before he got to the ground. The man, thus caught, turned round and said, "Bell, bell, if it had not been for your long tongue and empty head, I should not have been caught to-night." If it had not been for the honorable gentleman's long tongue, I should have escaped making a speech to-night.

Mr. JOYCE.—Sir, Parliamentary usage has given to me also an opportunity that I did not expect to have of replying to the reply of the honorable member for Wanganui; and I am very glad that it has done so. I wish to say this, that the honorable member carefully avoided everything in the nature of argument in what I said. He laid hold of one or two chance expressions which had nothing whatever to do with my argument; one of which, indeed, was drawn from me by a remark of some honorable gentleman who was sitting beside me. I do not feel very much annoyed with what the honorable member was shown to-night in the speech he has made does more to damage the cause than anything else. What he has said does not affect me at all. He has charged the honorable member for Rangitikei (Mr. Ballance) with want of candour, and he has dragged before the public the domestic concerns of another honorable member who usually sits behind me.

Mr. FOX.—I never alluded to any honorable member's domestic concerns.
rude enough to say of me. We cannot feel very much annoyed with that which we have a contempt for. I do not say that I hold the honorable member in contempt; that would not be Parliamentary, Sir; but I say that there are circumstances in his career of which I know, that man - kind. He knocked very nearly to that feeling. I have known him as Premier of this colony. What did he attempt to do then? Did he attempt to interfere with the liquor traffic then? Did he not take the revenue derived from it? Did he attempt to risk his position then? No; never. And why not? Because it —

Mr. FOX. — I fought in support of a Bill of this sort in this House during two sessions when I was Premier.

Mr. JOYCE. — Sir, he never made it a Ministerial question at all events. To my mind he carefully avoided making it an absorbing question until he was tired of political life. I have heard him state that he was tired of political life, and that he intended to devote himself to this hobby. Sir, in doing that I will tell you what he reminds me of. He reminds me of one of those old buccaneers who robbed and plundered, and in their old days thought to make amends, and make their peace with Providence, by building a chapel or a church, or doing some other charitable thing. Yet, even when thus settled down in the quiet pursuits of life, they would revert to their old practices. If that honorable member had a spark of generosity in his character—if he had even carefully listened to what I said—he would at least have inferred that I have as great a desire to limit the evils of excess as he has himself—that, although I thought of different methods, I was equally aiming at the same purposes. I regret having had to speak in self-defence to-night, but to sit silent under such remarks, and to take them to myself, would make me go to bed feeling small in my own estimation.

Mr. SWANSON. — I think it will be admitted by most members from Auckland that I, at all events, have had something to do with a Permissive Bill. The Auckland members have had a great deal to do with this question at home. In fact, if it had not been for them it would never have passed here. A Permissive Bill was passed in Auckland years ago before this House dealt with it; and we dealt with it in Auckland in a much more stringent manner. I would be glad if the honorable gentleman who introduced this measure, instead of talking in America, England, and here, about "my Bill," "my this," and "my that," and "what I did," had given some credit to those who helped and preceded him in giving practical effect to the measure. I also think that he would have done better if he had taken some of us into his confidence when he drew up the Bill. I do not think that it would even be very far wrong to go to those very publicans, and get some advice as to what they think would be a good measure; for the very publicans and publicans. Some honorable members have said that they do not feel angry at what most men would call personal insults, but I take it upon myself to say that I feel very sorry, very angry, and humiliated, on account of the way in which the publicans have been talked of as a class. If it had not been for some publicans there would not have been a Permissive Bill. If it had not been for such men as George Freer and Thomas Macready—at whose funeral nearly all Auckland was present—we should never have had a Permissive Bill; and to these men ought to be held in estimation. Again, there was a lady in that trade in Auckland, who, in doing good, was worth a score of Sisters of Mercy. Besides rearing her own large family well, she took care of and reared troops of orphan children, and assisted many poor people; and when she unfortunately went to her last home her death was felt to be a public calamity, and was telegraphed throughout the length and breadth of the land. I was there at the time, but a friend wrote me that on the day she was buried the whole of the City of Auckland might, if a fire had broken out, have burnt to ashes, because there was hardly a soul left in it, rich or poor. And she was also a publican. She had in her hands thousands of pounds belonging to working-men, diggers, sawyers, and others; and not sixpence of it ever went adrift. Every Auckland man knows to whom I allude. Whenever the publican is talked of in this House, the vilest blackguards and the lowest gin-sellers are dragged in as examples. Can the publican say anything about the politician? We have a saying that everything is fair in love, war, and politics. Has the publican ever got to that degree of degradation yet? Not at all. Look at the swindles that have taken place here. Every one knows that the whole thing is like a watch: the hands and dial show the hours, but the wheels and machinery are all beneath. So it is here. Everything is done in the lobbies and in Bellamy's. And yet, oh, dear! what virtuous fellows we are, and what a dreadfully bad lot the publicans are! When we talk about the publicans we pick out the very worst and hold them up as a sample, and when we talk of ourselves we pick out the best statesmen as our model. Has any member of this House ever sold his vote for a situation? Has he ever voted in a certain direction in order to make provision for a son, or a daughter's husband? Has a member never given his vote in a certain way in order to get the pay of his friend raised, or to get that friend promotion? Let us come to fish of a larger fin. Have we ever had any statements made about the perpetration of large land swindles? Have we seen any combinations to get leases of land renewed —leases which were admitted to be wrong, and should not have been given, and the excuse for which was, that banks and others had advanced money on them? Are there no nice arrangements for enabling one's friends to go Home at the public expense, besides other good things too numerous to mention? I am not going to oppose this Bill; but, if I were like the publicans and publicans. Some honorable members have said that they do not feel angry at what most men would call personal insults, but I take it upon myself to say that I feel very sorry.
Mr. FOX.—Wholesale dealers are included in this Bill.

Mr. SWANSON.—In the Auckland Permissive Bill we inserted a clause affecting the wholesale importer. But that was not in the Act when it came into force. We carried that provision in the Council in spite of the Good Templars and their friends, who then walked out; but afterwards, in order to save the Bill, we had to let them strike out that clause. Have you made provision for a license for clubs in this Bill? You have not dared. We had such a provision in our Act, but we could not get it in force for this reason: that the gentleman who had the power of laying the information—the Inspector of Police—was a member of the club, and would not do it. If you go into Bellamy's now, where we all go when we adjourn to drink to success to the Local Option Bill, you will find glasses of three or four colours in rows on the dinner table; you will find whiskey, wine, brandy, and liquor of every sort, which we drink there and send home to our lodgings. Do you propose to stop that? What chance would the Local Option Bill have if the honorable gentleman dared to lay his finger on the Club or Bellamy's? The people of Auckland stopped it like a shot. We were thorough in what we did. I think the honorable gentleman should give credit to the Auckland people who preceded him in this matter, which I never heard of. It is well enough got up for a bank. It is to have the best hotel in the colony. Just imagine if for no breach of the law the license was taken away from a house of that sort, with the certainty of its being nearly useless afterwards! Why one law for Buckland and another for Hancock? I shall be perfectly willing to assist the honorable gentleman in anything that is fair. Let him make small districts if he chooses, and let a majority of two-thirds have power to say whether there shall be a publichouse in the district, in the same way as was provided by the Act passed by the Provincial Council of Auckland. But let it be by open and straightforward voting. Let the objections be taken openly, and deposited in Court in good time for inspection, so that it can be seen that they are right, and true, and honest. Do not let us have those pious frauds that have been perpetrated in the past, without any penalty for them. But let those who commit these things be subject to punishment. If the honorable member will put provisions of that sort into his measure I will assist as far as I can in passing his Bill. Another thing the honorable gentleman mentioned with a great deal of glee was that he had shut one or two publichouses. I should have thought he was the last man to boast of such a thing. The man who lends the publican money, the brewer who supplies him with beer, in fact every one who is directly or indirectly interested in that way, is prevented from sitting on the Licensing Bench lest his interest should induce him to grant a license; but why should those persons who want to prohibit the trade altogether be allowed to sit on the Bench?

Mr. FOX.—I had nothing to do as a Magistrate with stopping these licenses. I merely represented to the Bench, from my home 200 miles away, that such houses existed; and their licenses were stopped.

Mr. SWANSON.—Very well. Did that house trouble you? Is that not interfering in your neighbour's affairs? The honorable gentleman should introduce a clause in his Bill that no Good Templar or teetotaler shall sit on the Bench if he keeps the other interest off. Our Bill in Auckland was really a Permissive Bill,
and not a Bill which enabled twenty of the people to do one thing this year and required fifty of them to do another thing three years hence. Let us be fair and straightforward, and do our utmost for both parties and not be biased, as this Bill is: the Auckland Act cut both ways. When first our Permissive Bill was put in force in Auckland, there was a very numerously-signed petition sent in to the Bench by the teetotallers and others, and when it was examined the people were very much astonished at the number of signatures; and so the licensed victuallers had the matter gone into and analyzed, and it was found that there were dozens of names of the same man over and over again; and plenty of names got under false pretences. Those are the things which I should like to see put a stop to and punished, and that is why I should like to have everything fair and aboveboard.

Let these houses be attacked one at a time. It is quite right that the women should have a voice in this matter. I have heard it stated here that it was in this House that the ladies were first introduced into this Bill; but that was done in Auckland, and I am proud and glad to say it, for, if there is one question more than another which is a woman's question, it is this. I do not think it is right for the honorable gentleman to take credit to himself for having introduced that provision.

Mr. FOX.—I did not take credit to myself. I took credit to the House.

Mr. SWANSON.—The House deserves no credit for it. The honorable gentleman knows very well himself that it was the Auckland members who came to him and told him that, if he would shape his Bill on the model of the Auckland Act, they would fight it through Committee for him. We did so, and he never could have got his Bill through without our assistance. I rise simply to defend men who were and are friends of my own, and to defend the character of a lady, whose name I am not worthy to mention, and whose conduct in the matter would make friends,—I will conclude by saying, like the honorable member for Auckland City East, that I will give what assistance I can in passing the Bill, but the honorable gentleman in charge of it must have it put into some more practical shape than it is in at present. Look at the 23rd clause, which gives chemists and druggists power to sell liquor, and contrast it with the same clause in this Bill. That is about the worst sort of provision that could possibly be put in a Bill of this kind. We have all heard in our time the expression "drunk as a lord," and that expression took its origin at a time when, if the men in the upper class drank hard, the women were at all events sober. But let any person read the Lancet or Saturday Review, or any other of the great periodicals now-a-days, and then ask himself if the ladies are described as sober now. Do not the habits of drink permeate the upper ranks of female society? The doctor is blamed for this. I do not associate with the higher classes myself, but I read about them, and I can see that that process is growing rife amongst them.

Whatever we do, let us throw no sort of temptation in the way of our women. Let it be once understood that grog can be procured at a druggist's shop, and the ladies will go in to buy it, and will come away with grog. The effect will be that our women will be corrupted. That is what will happen. Very few women with any self-respect will go and drink at a publichouse bar, but they will go into a druggist's shop. As for the men who want to drink, they will simply go to their doctor for a prescription, and he will order them, for a fee of course, grog three times a day, or as often as they want it, and they will get it. I hope that clause, at all events, will be struck out, for it will only transfer the sale of liquor from one class who are licensed to another who are not, and will give facilities for all to drink if it is only called medicine.

The House went into Committee on the Bill. Progress was reported, and leave given to sit again.

The House adjourned at half-past twelve a.m.

LEGISLATIVE COUNCIL.

Thursday, 30th August, 1877.

Third Reading—Paris Exhibition—Invercargill Gas Bill—Crossed Cheques Bill—Determine Persons Bill.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

THIRD READING—Wellington City Reserves Bill.

PARIS EXHIBITION.

The Hon. Sir F. DILLON BELL, in moving the motion standing in his name, said that he was very well aware that there were contrary opinions as to the value of these Exhibitions. From the time of the first Great Exhibition in 1851, whatever might be the differences of opinion that existed about their value, it could not be denied that in gathering together the products of various countries they tended to the advancement of science, to the promotion of knowledge generally, and to the encouragement of arts and manufactures all over the world. The two latest exhibitions—those at Vienna and Philadelphia, were likely to be surpassed in interest, value, and importance by the approaching one to be held at Paris. To this colony the interest would be of a peculiar kind. For the principal staple production of New Zealand the French were our best and most valuable cus-
The Hon. Mr. MANTELL thought he had made a thorough success. It was only the other day, when his honorable friend Mr. Mantell was in Paris, that the curators and directors of the Philadelphia Exhibition, that it suddenly flashed across his mind that the Council possessed among its own members a gentleman singularly competent to do the work required at the Paris Exhibition as Dr. Hector had done in the case of the Philadelphia Exhibition. He made the suggestion, not with the leave of that honorable gentleman, but as a suggestion which he thought worthy of the consideration of the Government, if it had not already had its attention called to such an appointment; and he hoped it would not be considered by the Hon. the Colonial Secretary as an impertinent interference with the prerogatives of the Government.

Motion made, and question proposed, "That, in the opinion of the Council, it is desirable that a Royal Commission be appointed to consider the advisability of appointing a scientific representative of the colony at the Exhibition at Paris, or to the appointment itself. He did not quite agree with the honorable gentleman as regarded the qualifications, in the first place, of the representative who might be chosen. He did not think that, with one exception, a scientific man would be the best representative of the colony. A far more practical and sensible way to insure the due representation of the colony would be to take care that all exhibits from New Zealand were collected and packed in such a manner that any intelligent artisan accompanying them could place them out in the space allotted without the possibility of any mistake. That being done, the representative of the colony might be any gentleman who might happen to be there. If the Hon. Sir F. Dillon Bell happened to be in Paris it would be not only a want of courtesy to that honorable gentleman, but a mistaken policy on the part of the Government, if he were not clothed with the necessary authority to act as one of the Commissioners to represent New Zealand at the Exhibition. For his (Mr. Mantell's) part, he was ready to do things which manifested required his assistance; but he did not think that in this case his assistance would be of any use, and therefore he considered the suggestion of his being sent to Paris as the representative of the colony as entirely out of the question. He did not feel that he was in a position in which he could render such service to the colony as would justify the sacrifice of personal comfort and personal pleasure; for he could not but think that, agreeable as a sojourn in Paris must be to anybody, much of the agreeableness of it would be considerably marred by one's being attached to a court in the Exhibition in any way. Moreover, much of the utility that it was, that the colony could again be represented by the same gentleman who ably represented it at Philadelphia, then there could be no possible hesitation as to the right man to represent the colony. But the mere fact of that gentleman being a fellow of some learned scientific societies at Home did not establish the equality in scientific acquirements which he (Mr. Mantell) should wish it did, not on account of that gentleman's reputation, but for the increase of his own. He knew that the Colonial Secretary and the Cabinet of which he was a member were accustomed to take Time by the forelock, and were not in need of reminders from the Legislature of what they considered to be their duty; and he was quite prepared to be assured that the Government had already taken this matter into their consideration, and probably made some progress in the matter. As a member of the Royal Commission, he was not quite sure as to the advisability of appointing a Royal Commission whose members should be collected in one spot. From the necessities of the occasion of the Phil-
The Philadelphia Exhibition the Government had no other option but to get three or four self-sacrificing people to undertake a certain amount of drudgery which had to be done in Wellington. There was no time to do anything else. The Royal Commission, if it were to be appointed to collect for the Paris Exhibition, should consist of at least one leading and energetic citizen from every part of the country, whose special duty it should be to accept the whole of the labour and the whole of the responsibility of seeing that the special products of his own part of the country were duly represented. He should have taken no part in this debate except for the purpose of entering the disclaimer which he did with the best possible conscience, and, without beginning to curse or to swear, or to use any violent language, to assure the Council, for his own part, that, as regards his being the representative of the colony at Paris, the appointment was out of the question.

The Hon. Mr. HOLMES was not quite convinced that it would be desirable to move in this matter any further, because he believed that the expense would be considerable, and the advantage to the colony problematical. The French were already thoroughly acquainted with the quality of our wool. Those who were engaged in the trade there knew as well as colonists did the peculiarity of almost every clip in the country. It was a species of information that it was their business to obtain, and they could tell as much about all of the wool grown in New Zealand as any person in the colony knew upon the subject. Then, with reference to cereals: France was an exporter instead of an importer. He had heard of exports of cereals from France to England. Besides, he was not aware of a single instance in which Australian cereals had found their way to the French market. With regard to Sir Julius Vogel taking an active part in such an Exhibition, his own impression was that that gentleman's doing so would perhaps double the expense. That, he believed, would be the result of such a course. Were any appointment of that kind to be made he should be decidedly in favour of intrusting the duty to Dr. Hector, if that gentleman were inclined again to undertake such a task, because, in addition to Dr. Hector possessing accurate scientific knowledge, and being thoroughly acquainted with all the details necessary for carrying out the duty, it was well known that he was very economical. At the Philadelphia Exhibition he (Mr. Holmes) urged it upon Dr. Hector to expend £300 or £400 on behalf of the Government in the purchase of agricultural implements; but Dr. Hector, simply because he had no instructions, declined to invest public money in any project, said that the Government desired that the colony should be represented at the Exhibition, and that they had by anticipation secured, through the intervention of the Imperial Government, the necessary space in the Exhibition building. There remained, as he had before pointed out, this fact, that something more must be done; the other branch of the Legis-
tue had to be consulted before the Government could take any effective action. It was the purpose of the Government to take the opinion of the Assembly upon the vote which would be asked to cover the expenses of the colony at the Exhibition. No action appeared to have been taken in another place similar to this which would tend to precipitate the action of the Government; and he desired to make this point clear: that it would not be competent for the Government, until assured that they would have the means of going on, to appoint a Royal Commission. That could not be done before the other branch of the Legislature had expressed its opinion on the subject. That, he was sure, with all deference to the Council, would be accepted by honorable gentlemen as the proper course to pursue. With respect to the gentleman who was to be appointed to represent the colony at the Paris Exhibition, he was, of course, not in a position to say, and honorable gentlemen would not expect him to say, anything at present. Hitherto the colony had been fortunate in its representatives on similar occasions, and they had no reason to doubt that when, in this case, the hour came, the man would present himself. However, he had only to hope that he would be the right man; and he knew of no person whom he would rather see in such a position than his honorable friend the Hon. Mr. Mantell, who, for his attention to science and unselfish devotion to its interests, was looked up to with respect by the public of this colony.

The Hon. Mr. ROBINSON said he was rather sorry, after the very lucid and clear manner in which the Hon. Mr. Holmes had described the Exhibition at Philadelphia, and the very great attention that had been paid to the New Zealand exhibits, apparently, to a great extent, owing to the efforts of Dr. Hector, to find that his honorable friend should have looked so closely at the pounds, shillings, and pence view of the question. It was quite clear we might not be able to set forth the exact figures or the direct profit which resulted from the colony from its being represented at the Exhibition; but very great advantage might have been derived by the colony of which they knew nothing. A great many people went to see it, and it was impossible to say what their opinions may have been, and what effect it might have had upon their minds. The people had their attention directed to the colony to a degree that would not have been the case had we not been represented at Philadelphia. He was not prepared to show that, in the case of the Paris Exhibition, there would be any direct benefit; but, on the other hand, he would like honorable gentlemen to ask themselves and reflect for a little whether, if the colony were not represented at all—if it were entirely shut out from the next great Exhibition at Paris, which, to his mind, would be the greatest ever held up to the present time—the colony would not be to a certain extent losing something which might be no direct advantage from it: still those Exhibitions, it must be allowed, are the institutions of the period; and he thought the colony was bound now, from the position in which it had been placed, and the great amount of debt and borrowed money we have taken upon our shoulders, and with a view to make ourselves a position among nations, even if £5,000, or whatever might have to be expended, were spent, to take steps to be represented at the Exhibition. The honorable member (Mr. Holmes) had said France was already an exporter of grain. He (Hon. Mr. Robinson) was not prepared to say whether it was so or not; but, supposing it to be a country from which grain was exported—he was now talking from the pounds, shillings, and pence point of view—it would be desirable for the colony to be represented in respect of cereals. In all grain-growing countries the desire was, as in New Zealand, to get the very best description of seed, and samples had been sent Home from New Zealand which had not been excelled by wheat grown in any other part of the world. If only in that direction, the colony might get some direct advantage. Then it had struck him that, though France was already a wool-purchasing country, and our sending wool to the Exhibition would not be likely to give that article any increased value by getting wool-purchasers to give any higher price for our wool, still a great many people would see the wool at the Exhibition, and would say, "This is a splendid country. I think I can do so and so there;" and they might be induced, in that way, to come out to this country and bring money with them. He was sure the Council would agree with him that it was very much to be desired that capitalists should come out to the colony, even to start sheep-farming. He recollected that a long time ago, when this country was in its infancy—in 1856—a very enterprising colonist, a Mr. Rich, who resided in the neighbourhood of Auckland, went to Great Britain and took some samples of wool with him. He (Hon. Mr. Robinson) recollected seeing some of the exhibits in the Kensington Museum, and it was a surprising fact that whenever he went there he saw a number of people collected round examining the little samples of wool from New Zealand. He had no doubt that a very beneficial result had followed from the direct result from that period he alluded to, some honorable gentlemen would remember, the colonist referred to had entered into arrangements for breeding sheep in New Zealand to be sent to France to improve the merino breed in that country. Then, with respect to minerals. The colony might get some enlightenment in regard to them. So far as mutton bones were concerned they would be very curious, but there would be articles much greater value shown, which would act as an inducement for persons to become better acquainted with New Zealand, and perhaps to become settlers. So far as the gentleman who was to represent the colony was concerned he had no opinion at all, except that, from the very high estimation in which the Hon. Mr. Mantell was held, his general knowledge of science, and of almost all kinds of industry, he did not suppose, if the services of Dr. Hector could not be admitted to be the very best who could be sent, his honorable friend would be a very good representative. The few remarks he (Hon. Mr. Robin- son) had made had been with a view to impress
the Council that it should not come to any hasty conclusion upon the matter, but seriously reflect upon it. He considered, though representation at the Exhibition might not be any advantage from a money point of view, it would be a great loss to the colony if it were not represented.

The Hon. Sir F. DILLON BELL said his honorable friend Mr. Holmes would see that he was rather inconsistent in asking what practical advantage would result to the colony from being represented at the Exhibition, when, in almost the same breath, he told them what a surprising interest was taken at Philadelphia in the products of New Zealand. But his honorable friend made one remark which, with his varied experience, he would see, on reflection, there was hardly just cause for. He observed that in these days Exhibitions of this kind were beginning to pall on people. It was no doubt true that serious complaints existed among manufacturers of the expense to which they were put in sending valuable exhibits to these Exhibitions very frequently. But he would remind his honorable friend that one striking effect was produced by the Paris Exhibition of 1867. Prior to that Exhibition there had been great misconception on the part of the manufacturers in England as to the relative value of the workmanship and skill of the artisans of England, France, Belgium, and Germany; and it was chiefly owing to that Exhibition that the English were convinced of the necessity of promoting the education of their artisans if they were to maintain their supremacy in manufactures. No sooner had the Paris Exhibition of 1867 closed than a very large amount of English capital was sent to Belgium for the creation of manufactures there. When he was in Belgium, in 1869 and 1870, places where there were few manufactures before were full of buildings being put up for English manufacturers; and one of the most eminent of the self-made manufacturers of England, who was laying out a large sum of money there, told him that the course he was taking was owing chiefly to what he had seen at the Paris Exhibition, and was ready to transfer his manufactories from England to Belgium, where he could obtain more skilled artisans. With regard to wool, he quite agreed that the people engaged in the trade were as well acquainted with the value of the New Zealand product as the growers themselves. But the visitors to the Exhibition would not be all of that category; and there might be found outside of the skilled people a new class of competitors who were before ignorant of the quality of our wool, and who might be the means of raising its value without the people in the colony being aware of it. He thanked his honorable friend the Colonial Secretary for the very courteous manner in which he had received this motion. He of course recognized not only that the consent of the other House of Parliament must be obtained, but that no step could be taken unless these provision were provided. But he thought that, if the Council were to take the initiative by expressing its opinion as to the desirability of proceeding in this direction, it might probably lead the attention of the other House to the subject, and induce those who might take the same kind of interest in it that he did to assist the Government in the matter.

Motion agreed to.

INVERCARGILL GAS BILL.

Adjourned Debate.

The Hon. Mr. MANTELL said that a strong reason which existed for the postponement of this Bill was the fact that the Council was not supplied with the data which he was anxious to get with regard to the number of ratepayers. The Hon. the Speaker had communicated to the Council a telegram from the Mayor of Invercargill, from which they learned that, at a meeting of more than two hundred of the ratepayers of that city, a large majority—there being only five or six dissentient—were in favour of the course adopted by the Mayor and Corporation in applying to the Legislature for this loan. They did not know, however, what proportion these two hundred ratepayers bore to the whole of the ratepayers of the city. They might constitute a majority. If they did, and if those who gave their open votes at a meeting would corroborate them by their secret votes at a poll, the power of raising a loan lay in the hands of the Corporation, without there being any necessity to trouble the Legislature.

The Hon. Mr. MENZIES.—How?

The Hon. Mr. MANTELL.—Under the Municipal Corporations Act of last session. If, on the other hand, it should turn out that these two hundred did not constitute a majority of the ratepayers, then the telegram would be entirely without weight in assisting the Council to come to a decision in regard to this Bill. He might be pardoned for again reading the 138th clause of the Act of 1876. It said,—

"If at any time it is desired to raise money for the purpose of constructing or establishing public works deemed necessary for promoting the convenience and health of the inhabitants of any borough, and for promoting public instruction, it shall be lawful for the Corporation of a borough to borrow sums by way of special loan, subject to the following conditions."

Then the Act provided that notice of the proposed special loan should be published; that the sum proposed to be borrowed should be published; that the Mayor was to call a meeting of the burgesses, and to give notice of the poll; that then a poll should be taken, and instructions were given as to the manner in which it should be taken; that the proposal for the special loan must be approved of by a majority of one-fifth; and that the Mayor should declare the number polled, and send the result of the polling to the Colonial Secretary. His object and that of the other honorable gentlemen who demurred to this Bill had been all through to ascertain why this course was not taken in this particular instance; and hitherto he had not gathered any reason. The inconvenience, with that provision on the Statute Book, of listening to an application to set aside the voice of the rate-
The question to the ratepayers, and to act simply on the motion of the Mayor and the Municipal Corporation of the town, he had already referred to. It must be sufficiently manifest to every honorable member present that there were a number of boroughs in the country, so far as they were at present informed in regard to that Act of 1876, that might not just as well come to the Council, instead of referring the question to the ratepayers, and trouble the Council with applications for loans. The point at issue was so simple that it would be a waste of time for him to discuss it further. He hoped that the honorable gentleman in charge of the Bill would be able to point out some indisputable reason why he held this to be an exceptional case, if he did so regard it. If not, he hoped the Council would not allow the Bill to proceed any further.

The Hon. Mr. MENZIES said that in the former debate he endeavoured to point out that this was not a municipal loan—that it was essentially a separate loan, a gas loan. The gas establishment was managed by the Corporation, which by a special Act obtained a special power to raise a loan for a specific purpose, and that fact did not constitute it a municipal loan. The accounts were kept separate, and the works were managed as if they were not connected with the general municipal affairs. Various members in the course of the former debate were unable to accept this view. But in the course of conversations with professional members of the Assembly the view he then expressed was corroborated by the opinions of those who were in the habit of construing the provisions of Statutes. He was open to blame for not having on the previous occasion used another argument which he would now bring forward, and which he hoped would satisfy honorable members that the ground of objection raised by the Hon. Mr. Mantell deserved no weight. The schedule of the Act of 1876, in which the name of Invercargill appeared, applied to boroughs which were constituted under the Otago Municipal Corporations Ordinance, not under an Act of the Assembly; and the 15th section of the Corporations Act of last year empowered any of those boroughs under certain conditions to come under the operation of the Municipal Corporations Act. The Hon. Mr. Mantell's reading of the 141st clause of the Act of 1876 with reference to loans he did not dispute for a moment; but it did not apply in this case. Even supposing that were a municipal loan, which he contended it was not, then, inasmuch as the Borough of Invercargill was not established under a Municipal Act, but under the Otago Municipal Ordinance, and as it had never come under the operation of the Act, the Act did not apply. The Act on which the honorable gentleman relied had no application to this particular loan, and the ground was therefore cut from under the feet of the objectors. But for this objection it would be very much to the advantage of the ratepayers, who wished to ascertain whether the community of Invercargill were favourable to this proposed loan. Upon that point he had no direct knowledge when speaking on the former occasion, as he then said, but at the same time he had no doubt the ratepayers were perfectly well aware of the intention of the Corporation, and approved of it. After the termination of the sitting when this Bill was under discussion, he telegraphed to the Mayor to ascertain that it would be necessary to obtain the views of the community, for he fully concurred in the propriety of ascertaining that due notice was given, and that the ratepayers knew that the Corporation intended to apply for this loan, and that they approved of it. The Mayor replied that he had called a public meeting, which was held on Tuesday evening. The result of that meeting had been telegraphed to various honorable members, and it showed clearly enough that the ratepayers had a knowledge of the intention—that they had the power of objecting if they chose, and did not do so. Having pointed out that the Municipal Corporations Act did not apply to this loan, he trusted that the objection of a poll not having been taken would be seen to have no application. The Hon. Mr. MANTELL said that if the honorable gentleman had before drawn attention to the point which he had now put so clearly before the Council, that the Borough of Invercargill had not yet been brought under the Municipal Corporations Act of last session—a great deal of delay would have been obviated. He quite admitted that every argument he had based on that Act had now fallen entirely to the ground.

The Hon. Mr. MENZIES explained that the fact that the Borough of Invercargill did not come under the operation of the Act of 1876 had only been conveyed to him just before he entered the Council, although he had strongly suspected that such was the case.

The Hon. Colonel WHITMORE, with the leave of the Council, desired to withdraw his amendment that the Bill be read a second time that day six months. Amendment withdrawn, and Bill read a second time.

The Hon. Mr. BUCKLEY moved as an amendment, That it be recommitted next sitting day, for the purpose of reconsidering clause 3. During the debate on the second reading of the Bill he objected to the 3rd clause, where power was given to borrow an additional sum of £16,000, because no provision was made to save the rights of the first debenture-holders. He would have raised the question in Committee but that he was not aware that the Bill was passing through Committee.

The Hon. Mr. MENZIES said this objection was raised by the Hon. Mr. Williamson when the second reading was under discussion; and he had communicated with the Mayor of Invercargill on the point, who had pointed out that such a course would be very unusual, and would seriously militate against the floating of the loan. Seeing that the security was ample even now, that the special rate had never been levied and would still be available, and that the extended works proposed to be executed with the new loan would
add to the value of the security, he did not think such a provision as that proposed was at all required, and he trusted it would not be pressed. He had no doubt that the holders of the present mortgage would be quite satisfied with the security, and it was quite possible that they might become the debenture-holders under the new loan.

The Hon. Captain Fraser was afraid the Municipality had again fallen into an error in connection with their gasworks. On the former occasion they had been long before they got permission to float the loan, and he imagined they had again adopted a similar course. They had ordered plant to be imported to the amount of at least £5,000, which was a very improper thing to do before getting the loan; and, after sending up the Bill, they seemed to take it for granted that the Council must pass it. He had recently heard of their having imported plant in anticipation. He thought the Bill would require much further scrutiny than honorable members were first inclined to give it. He was glad this question which the Hon. Mr. Buckley had raised had been brought forward. He really did not know what the security to the second lender would be. Was the Council going to authorize the borough to advance money on unknown security? The Hon. Mr. Williamson explained that on the former occasion he made no objection to the Bill on the ground of an insufficiency of security. His reason for taking exception to the 3rd clause in its present form was that the public looked to the Council for protection when it was giving its sanction to the raising of loans, and naturally expected that, in granting authority for the raising of a second loan on the same security as the first, the Council would give the first lenders precedence. If the rights of the first lenders were protected in the Bill, the Council would have done its duty. He was of the same opinion as the Hon. Mr. Menzies that the security was quite good; but this case would form a precedent, which it would not be desirable to apply to cases of second loans in which the security of the first lender might be very materially reduced.

The Hon. Mr. Holmes said the honorable member himself wished to establish a precedent, hitherto unknown to the Legislature in matters of this kind. He wished the Council to be a party to giving a preference to a first mortgagee over the plant of gasworks, and allowing the second or third lenders to come afterwards. Whenever additional borrowing took place the second loan was placed on a par with the first. Of course it was for the Legislature to say whether this mortgage should be permitted, and, if it did, the lenders would be on precisely the same footing as regarded the security. The honorable gentleman admitted that there was ample security for the money to be borrowed, and he (Mr. Holmes) could not see why he should wish to place this Corporation in a worse position than any other company that had ever got a Bill passed for a similar purpose; because it was evident that the Corporation would be in a worse position if they had to float their debentures as a second mortgage. That would be very unjust to them. The question was, Was there ample security, and was it desirable that the Bill should pass? If so, the Bill should pass the same as in any other case, and not be made to form a precedent such as had never been established before.

The Hon. Mr. Buckley was surprised to hear the observations of the Hon. Mr. Holmes, and dissented from them altogether. This case was similar to that of a private individual obtaining a loan which it was necessary should receive the sanction of Parliament. He did not think the honorable gentleman could point to any case where the Parliament had authorized a second or third loan without preserving the rights of the debenture-holders under the previous loan. The Corporation, which in this matter was in the same position as a private gas company, borrowed a first loan of £14,000, and the security given by the Act was the gasworks and the right to rate; but, in case that should not prove sufficient to meet the claims of the debenture-holders, the Act gave power to the Court to appoint a Receiver to come in and take possession of the works. Well, the Municipality of Invercargill borrowed £14,000, and of course their security was full and complete upon the works as they at present stood. This Bill was brought in to obtain a further loan of £16,000, and the Hon. Mr. Holmes would say that they were not doing wrong to the debenture-holders under the first mortgage by passing the 3rd clause as it stood, the purport of which was that the first debenture-holders should have no priority of claim over the second. Supposing a private individual borrowed £10,000 on his property, and afterwards raised another £10,000 on the same property, the security might be good for the whole amount, but would it be fair to give the first lender no priority of claim? If the Council passed the clause as it stood they would be doing a great wrong.

The Hon. Mr. Bonar said that if they were to follow out the course indicated by the Hon. Mr. Buckley the result of their action would be to effectually stop all borrowing of this description and the improvement of any works which Corporations might desire to execute; because, if they were to protect first mortgagees, they would also have to protect second and third mortgagees where there were more than those numbers. It would be quite impossible, under those circumstances, for a Corporation to borrow any money at all. There was always a difficulty created by priority of security; and he agreed with the Hon. Mr. Williamson that it was the duty of the Council to guard the interests of all concerned. But they must equally guard the interests of the Corporation and the inhabitants of Invercargill; and it was for the Council to say whether it was warranted in allowing the Corporation to borrow this additional sum of money in order to improve the security and give increased gas accommodation to the inhabitants of Invercargill. If they said to the Corporation, "We will allow you to borrow this money only by way of second mortgage," they would be placing it at a great disadvantage, and
very likely requiring it to pay a higher price for the money, thereby placing a restriction upon the power of the Corporation to carry out the extended works which it seemed to be generally admitted were very necessary and desirable. It should be remembered that the money borrowed was to be expended in improving the property. If the property were improved, and the first debenture-holders held security over all of it, their position would be better than it was before. They were only entitled to security on the property as it now existed. So long as the Council was satisfied that it could trust the Corporation of Invercargill to borrow this £16,000, would waste the money and thereby lessen the security of the original debenture-holders, it was its duty to pass the Bill. Of course, if they thought the Corporation, after borrowing this £16,000, would use it unwisely in consenting to the short postponement of the Bill asked for, in order that it could trust the Corporation of Invercargill to borrow this money without incurring the security of the original debenture-holders, it was its duty to pass the Bill. But when they were satisfied that the money would be well expended, and more especially when they found that the special rate was yet available, they would be perfectly justified in consenting to additional borrowing, the result of which would be to increase the value of the security and benefit the inhabitants of Invercargill.

The Hon. Mr. MANTELL did not think the honorable gentleman in charge of the Bill would be acting unwisely in consenting to the short postponement of the Bill asked for, in order that this question might be thoroughly set at rest. They had great authorities on each side as to the paramount duty to pass the Bill. For his own part, he was inclined to think that the security would be ample, and that no wrong would be done to the first lender. At the same time the honorable gentleman in charge of the Bill could not complain if a short adjournment were proposed in order to settle the point, inasmuch as the delays that had occurred in the passage of the Bill hitherto had arisen rather from his imperfect information regarding it than from any other cause.

Question put, "That the Bill be now read a third time," upon which a division was called for, with the following result:—

| Ayes       | 11 |
| Noes       | 5  |
| Majority   | 6  |

Mr. Acland, Mr. Menzies,
Captain Baillie, Mr. Miller,
Mr. Bonar, Mr. Nurse,
Mr. Hart, Mr. Pharazyn,
Mr. Holmes, Major Richmond, C.B.
Mr. Lahmann, Mr. Swain.

Mr. Buckle, Dr. Pollen,
Lieut.-Colonel Kenny, Mr. Williamson.
Mr. Mantell.

The amendment was consequently negatived, and the Bill read a third time.

CROSSED CHEQUES BILL.

The Hon. Dr. POLLEN, in moving that the amendment proposed in this Bill by His Excellency be agreed to, explained that after the Bill had been passed by the Legislature it was represented to the Government, by authorities whose opinion they were bound to respect—the Inspectors of several banks in the colony—that a good deal of inconvenience might result from allowing the Bill to become law in the precise form in which it stood. It was represented, as, indeed, the experience of honorable gentlemen themselves would no doubt show, that it was a custom, in this as well as in other colonies, when crossing cheques to write the word "bank" within parallel lines. It was pointed out that if that custom were still continued, as no doubt it would continue for a considerable time, inconvenience to individuals and possibly litigation might arise if the bankers refused, as they would apparently have the right to do, to recognize the crossing with the word "bank" as a general crossing; and, if they refused to pay a cheque so crossed on demand in cash, they might be subjected to litigation whether or not, would be a very disagreeable process for all parties concerned. The Governor had therefore been advised to recommend the Assembly to make the amendment now proposed.

The Hon. Sir F. DILLON BELL did not rise to offer any opposition to the proposal, but took advantage of the opportunity to ask the Colonial Secretary whether the Government had given special attention to the operation of the words "Not negotiable" when applied to cheques. When the Bill was before them in the ordinary course, the expression "not negotiable" being quite unfamiliar to him, he was unaware what particular object there was in making a provision of the kind, nor could he receive any enlightenment from members of the Council or from inquiries made outside. However, he took some pains to investigate the matter, and referred to legislation of the Imperial Parliament on the subject last session. Unless his honorable friend was able to say that the subject had received very careful consideration from the advisers of the Government, he was afraid they were likely to get into the same mess as it was now admitted they had got into in England by the novelty of giving a special character to cheques so marked. When, last year, the Imperial Parliament proceeded to legislate on the subject of crossed cheques it was discovered afterwards that this novelty in legislation was delusive; and much discussion in the papers resulted. A very distinguished man in mercantile circles in London, and who was Governor of the Bank of England, Mr. Hubbard, after going through the theory of the words "Not negotiable," wound up by saying that the effect would be that bankers would enjoy the distinction of being the privileged receivers of stolen cheques, while the public would be deprived of the protection they desired to have. He would not trouble the Council by reading any more on the subject, but would ask the Colonial Secretary whether it was the case that they were importing into their
legislation exactly the same novelty which was introduced into the Imperial legislation of last year; and whether he was sure they were taking a wise step in doing so.

The Hon. Mr. J. JOHNSTON could recognize that the words "Not negotiable" being written on a cheque gave it a certain additional security. For instance, suppose the honorable gentleman offered him a cheque signed by a third party, and across which the words "Not negotiable" were written, he would decline to take it. He would say, "Pay it in to your own banker, and give me your cheque for the amount." In the country districts cheques often circulated from hand to hand for months, whereas if the words "Not negotiable" were written across them they would not be transferable with such facility. In the case of fraud, also, detection would be easier.

The Hon. Mr. BUCKLEY said that when this Bill was in Committee he pointed out that it did not give that amount of security to crossed cheques which was generally supposed. The crossing of the cheque in the manner provided would merely enable it to be traced, and would give no additional security. For instance, if a cheque were given to him in his favour, and he crossed it with the name of his bank, and sent it by post to the bank, and if the mails were lost and the cheque got into the hands of a third party, it might be presented and paid through the bank to another person's credit. Now, under the existing law, where a cheque was payable to an individual and was crossed with the name of the bank with which he was in the habit of dealing, it was secure, and the bank would not pay the money to any person's credit except the person in whose favour it was drawn. That would be entirely altered under this Bill.

The Hon. Sir F. DILLON BELL pointed out that under clause 12 the effect was supposed to be to give a special relief to the banker in the event of his paying a crossed cheque to a fraudulent holder; and that was exactly the point dwelt upon by Mr. Hubbard, who pointed out that very serious difficulty and disadvantage would arise. It might be the same here, and they might get into what in England was felt to be a very troublesome position.

The Hon. Dr. POLLEN was obliged to his honorable friend for calling attention to this important point. Honorable gentlemen knew the history of the Bill. It was a transcript in all its essential particulars, and almost a verbal copy, of the Imperial Act. It had been considered by the Law Officers of the Government, passed in another place, where it had been submitted to very careful discussion, and it had also been carefully considered in the Council. It was possible nevertheless that the point to which his honorable friend had called the attention of the Council was an important one, and deserved the consideration of the Government, which consideration, he could assure his honorable friend, it would receive. The difficulty now was the manner of treating it. Of course the Council was bound to consider the message of His Excellency, and he saw no reason whatever why they should not accept the amendment His Excellency proposed to make. Having done that, the Bill would be open to further consideration on the point suggested, which, he undertook to say, it would receive.

Amendment agreed to.

DESTITUTE PERSONS BILL.

This Bill was further considered in Committee.

Clause 5.—Hearing and adjudication.

The Hon. Mr. MENZIES moved, That the words "two Justices" be struck out, for the purpose of inserting the words "Resident Magistrate."

Question put, "That the words proposed to be left out stand part of the clause;" upon which a division was called for, with the following result:—

| Ayes | ... | ... | ... | 10 |
| Noes | ... | ... | ... | 10 |

AYES.

Captain Baillie, Mr. J. Johnston,
Mr. Bonar, Mr. Lahmann,
Mr. Edwards, Mr. Pharazyn,
Captain Fraser, Dr. Pollen,
Mr. Hart, Mr. Williamson.

NOES.

Mr. Acland, Mr. Mantell,
Mr. Buckley, Mr. Menzies,
Mr. Chamberlin, Mr. Miller,
Mr. Holmes, Mr. Nurse,
Lieut.-Colonel Kenny, Mr. Paterson.

The CHAIRMAN gave his casting vote with the Ayes.

The amendment was consequently negatived.

The Hon. Mr. MANTELL moved, That the word "Justices" be omitted, for the purpose of inserting the words "Resident Magistrate."

Question put, "That the word proposed to be left out stand part of the clause;" upon which a division was called for, with the following result:—

| Ayes | ... | ... | ... | 9 |
| Noes | ... | ... | ... | 10 |

Majority against... 1

AYES.

Captain Baillie, Mr. J. Johnston,
Mr. Bonar, Mr. Lahmann,
Mr. Edwards, Mr. Miller,
Captain Fraser, Mr. Hart,
Dr. Pollen, Mr. Williamson.

NOES.

Mr. Acland, Mr. Mantell,
Mr. Buckley, Mr. Menzies,
Mr. Chamberlin, Mr. Miller,
Mr. Holmes, Mr. Nurse,
Lieut.-Colonel Kenny, Mr. Pharazyn.

The amendment was consequently carried.

Progress was reported, and leave given to sit again.

The Council adjourned at a quarter-past five o'clock p.m.
HOUSE OF REPRESENTATIVES.

Thursday, 30th August, 1877.


Mr. Speakes took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Sharebrokers Act Repeal Bill, Public Reserves Sale Bill.

SECOND READINGS.

Oamaru Athenaeum Reserves Bill, City of Wellington Loans Consolidation Bill, Crown Grants Acts Amendment Bill.

THIRD READINGS.

Port Chalmers Waterworks Bill, Timaru Mechanics' Institute Bill.

PERSONAL EXPLANATION.

Mr. Fox.—Sir, before proceeding with the business on the Paper I wish to make a personal explanation. In the course of the debate last night on the Local Option Bill I charged the honorable member for Rangitikei with having been guilty of a want of candour in reference to some statistics which he used in the debate on the second reading. The honorable gentleman pointed out last night that I made a mistake, and that the statistics he gave were not those I imagined them to be. The honorable member was perfectly right. I was mistaken, and I beg to withdraw the expression “guilty of a want of candour.”

HOKITIKA GAS BILL.

Mr. Gisborne moved the second reading of this Bill.

Mr. Barff would be glad to hear from the honorable gentleman in charge of the Bill some arguments in favour of it. He did not intend to oppose the second reading, but would point out to the House that the Borough Council of Hokitika had unanimously passed a resolution condemning the Bill. He had forwarded copies of the Bill to the Council, but had not yet had time to get any reply. He trusted that before the Bill was read a second time the honorable gentleman in charge of it would be able to clear away some of the mist which appeared to surround it up to the present time.

Mr. Gisborne believed that the opposition of the Borough Council of Hokitika arose out of some misunderstanding of the measure. He had a report of the debate before him which took place in the Council, but had not had time to read it. From what he had heard, however, he did not think the Council intended to persist in their opposition; but if they did, they would be able to do so under the provisions of the Standing Orders. The Hokitika Gas Company had made an arrangement with the Borough Council to supply gas to the town, and they now wanted to be incorporated, and to have power given them to open up the streets in order to lay future pipes when requisite.

Bill read a second time.

SOUTH RAKAIA ROAD DISTRICT.

Mr. Rolleston asked the Government, whether they intend to give effect to the division of the South Rakaia Road District? He hoped the Government would give him an assurance that they would stay proceedings in this matter until further inquiry had been made, because he believed they could not be aware of all the circumstances connected with the division of the South Rakaia District.

Major Atkinson had made inquiry into the matter, and found that the Government had no power to stay proceedings. The district had already been divided, and the law provided what should further be done.

SOUTH RAKAIA ROAD BOARD BILL.

Mr. Wason asked leave to introduce this Bill.

Mr. Rolleston said, that before this question was put, he would like to say a word or two on the matter. The question was one of considerable urgency, and required prompt action. There had already been introduced this session a Bill affecting Road Board matters, which, he ventured to think, was not of greater importance than the question which he presumed would be dealt with in the Bill which the honorable member for Coleridge asked leave to introduce. It appeared from an answer given by the Government that they had no power to stay proceedings now in respect to the subdivision of the district to which this Bill referred. He hoped the honorable member would be able to assure him that the object of this Bill was to obtain legislative authority to stay proceedings, and to revert to the original state of things before the steps had been taken which the honorable gentleman at the head of the Government said it was now impossible to otherwise stay. It appeared that some time ago a petition was presented from a number of Road Boards praying for separation from this district. In the ordinary course of things, this petition, before the abolition of the provinces, would have been forwarded to the Superintendent of the province, who would look into the matter and, if he thought fit, after making full inquiry into the merits of the case, and seeing that full publicity should be given, refer the petition to the Provincial Council. The question was then fully considered in the Provincial Council with the utmost publicity. Now the action taken in this case had been taken under the Abolition of Provinces Act, which vested the powers of Superintendents and Provincial Councils in the Government of the day. If there was a question that required to be carefully considered, looking at the number
of interests involved, it was this question of the subdivision of districts; but, so far as he was informed, and from what he had seen stated in the public papers, no step whatever was taken to give public notice of this petition. The Road Board of the district concerned were not even informed till the last moment that this subdivision was petitioned for; in fact, they were never officially informed by the Government at all. The first intimation they had of the intention to divide the district was the notice that they were abolished, and that two other districts had been created in their stead. And this act, be it understood, was done in the name of the late Superintendent and Provincial Council. That, he thought, was a monstrous thing to do in the name of a body recently dead and hardly cold in its grave. The honourable gentleman at the head of the Government could not be surprised if the Superintendent rose from his grave and protested against an Act which, in its arbitrary nature, was unparalleled in the whole history of government. It might appear a small matter; but the very fact that it affected the interests of a small section of people, and that no publicity had been given of the intention to upset the existing state of things, gave it a very important bearing to the public generally. There was nothing the people clung to more closely than the Road Board system. It was the only satisfactory form of government at present. But when gentlemen who devoted their time gratuitously to the service of the country by attending on these Road Boards found that steps of this kind were taken behind their backs, the effect would be to create a state of alarm amongst all who were interested in the good government of the country. He would give an instance to show how action of this kind might affect, and in this instance had affected, the interests of private individuals. As soon as this Road Board was abolished, all power to pay over moneys in its possession absolutely ceased. Amounts due under existing contracts could not be paid, and individuals who were dependent upon the receipt of what was due to them from the Road Board were unable to meet their engagements, and, in addition to creating the greatest confusion, a great wrong was inflicted upon them. He would place before the House the facts of the case to show the hurry with which the Government acted in the matter. It appeared that, on the 22nd of July, when the Legislature was sitting in Wellington, and when presumably an act that previously had to be done by the Provincial Legislature ought to have had the sanction of the Assembly, a petition was forwarded to the Government requesting them to divide the district. Previously to that they had received a telegram from the Road Board to this effect:

"Rakai, 16th July, 1877.

A petition for subdivision of South Rakai Road District will be presented by the Road Board members are unanimously of opinion that proposed boundaries are inexpedient. Majority of members reside in portion proposed to separate; but only one member has been asked to sign petition. Counter-petition will be forwarded."

Mr. Rolleston

Not only those who were likely to assent to the petition should have been canvassed, but there should have been that publicity which would have given to every person in the whole district concerned an opportunity to get up a counter-memorial if he wished to do so. The course uniformly pursued in the past had been to hold a public meeting in the district affected, and the Provincial Government had never assented to the division of such districts until ample time had been allowed to the people generally to say whether they required it, and had given careful consideration to all objections to the proposal. It appeared that a public meeting was held on the 26th July, but the petition had been forwarded on the 22nd, and a telegram was sent on before it. However, the meeting was held on the 26th July, and a protest was entered against the proposed subdivision. Whether that protest ever reached the Government he was not in a position to say, but the Proclamation was issued on the 28th of the month; and he could not help thinking that a great deal too much haste—indecen haste, he might say—had been displayed in exercising the power that had been previously discharged by the Superintendent and Provincial Council. The effect had been to create the very greatest dissatisfaction in the district, and a feeling of restlessness had arisen, the people not knowing what might come next from the Government. That might be a small matter, but there was nothing more calculated to create alarm in any community than the secret action of a central despotic Government; and that had been the feeling created by the action taken with respect to the South Rakai Road Board.

Mr. J. E. BROWN said the honourable member for Coleridge, in asking for leave to introduce the Bill, did not tell the House whether its object was to confirm the action already taken by the Government, or whether that action was to be cancelled. He would like to know what the Bill proposed to do before he could pledge himself to vote for it. He was far from satisfied with what the Government had done—and what they had done, as the honourable member for Avon put it, with such indecent haste—then he would support it. He could assure the House that when it became generally known throughout the Province of Canterbury that the Government had pursued such a course with respect to the South Rakai Road Board a feeling of alarm was created in all the Road Boards in the provincial district. Special meetings were held in districts as far as seventy to ninety miles from South Rakai, at which protests against this action were passed; and he had before him at that moment telegrams he had received from the members of many Road Boards saying that it would be difficult hereafter to induce gentlemen to accept seats on Road Boards in the Canterbury Provincial District if it were to be in the power of the Government, acting upon the advice of a private member, not only to divide a Road Board district, but to obliterate a Road Board. It was not at all a proper state of things that the Government should have power by the issue of a Proclamation to say that an old Road Board district should be ob-
literated; that its members should be mere nonentities. He believed he was correct in saying that not more than one or two members of that House who came from the Province of Canterbury were in favour of the action that had been taken. He hoped the object of the Bill was to annul everything that had been done by the Government. He said for several days he had a motion on the Order Paper calling for papers in reference to the matter, but before they got to the Notices of Motion he intended to ask the permission of the House to bring it on before this Bill was read a second time, in order that honorable members should have all the facts before them. He could not help saying that a more gross act of injustice, a more arbitrary act, had never before been perpetrated; and, if this was one of the effects of Abolition, the sooner the administrators of the law were supplanted the better.

Mr. MACANDREW did not doubt the correctness of all that had been said by the honorable member for Avon and the honorable member for Ashley, but he was not prepared to refuse the ordinary courtesy extended to a member who asked leave to introduce a Bill. Besides, it was inconvenient to have the discussion of the matter brought on at such a stage.

Mr. REYNOLDS said it had always been understood that discussions upon motions for leave to introduce Bills should not take precedence of other business, and he knew of no reason why that understanding should be departed from in the present case. If members were to be allowed to get up a discussion on a motion for leave to introduce a Bill, it would be the simplest matter possible to bring on a debate upon any particular subject, because all a member would have to do would be to give notice of his intention to introduce a Bill; and then it could take precedence of every other motion on the Order Paper. He trusted that such a proceeding would be discomfitedness by the House, and that they would adhere to the rule that a member, on asking leave to introduce a Bill, should not make any speech himself, nor should any debate follow. If there was to be any discussion on the Bill, it should take place on the motion for the second reading.

Major ATKINSON thought it would be better that the matter should not be discussed now. He would undertake to have all the papers connected with it laid on the table of the House at the earliest opportunity.

Mr. SPEAKER said he would read the following extract from May relating to the subject:

"It is usual, in making this motion, to explain the object of the Bill, and to give reasons for its introduction; but, unless the motion be opposed, this is not the proper time for any lengthened debate upon its merits. When an important measure is offered by a member, this opportunity is frequently taken for a full exposition of its character and object; but where the proposed Bill is not of an important character, debate should be avoided at this stage, unless it be expected that the motion will be negatived, and that no future occasion, therefore, will arise for discussion."

Mr. REYNOLDS would like to explain that when the Standing Orders were altered it was understood that no discussion should ever take place on a motion for leave to introduce a Bill. Formerly all Bills had to be taken in the order in which they appeared on the Order Paper, and if they were to allow discussion to take place on motions for leave to introduce Bills it would be better that they should revert to the old system, as such discussions would be unfair to honorable members who had motions on the Paper.

Mr. ROLLESTON explained that his intention was not in any way to oppose the introduction of the Bill. In fact, he had hoped that the Bill, if it contained the provision he wished for, would have been passed through all its stages at one sitting.

Mr. THOMSON had no doubt that Mr. Speaker's ruling was correct, nor had he any doubt that the honorable member for Port Chalmers was also quite correct in regard to everything he had said; but this appeared to be a very unusual case. Something very extraordinary appeared to have taken place in the southern part of Canterbury, but he himself was unable to understand what that extraordinary thing was. Very strong language had been used in regard to the matter by two honorable gentlemen, but of course when persons entertained strong feelings in regard to any question it was only to be expected that they would express themselves strongly. There were very few gentlemen in the House who knew anything about this question. It appeared to him, from the discussion which had taken place, that the House was becoming merely a large Provincial Council. He thought it was a pity that the time of honorable members should be occupied with such local matters.

Mr. FISHER thought that the House should know something about this Bill before any action was taken in regard to it, but as yet they had had no explanation from the honorable member who introduced it. The whole of the Provincial District of Canterbury felt very strongly in regard to this matter. He thought that the honorable gentleman in charge of the Bill should explain its meaning.

Mr. FITZROY thought that the honorable member for Coleridge had taken advantage of the Canterbury Ordinance and used it in a manner in which it was never intended to be used. He believed that none of the members of the South Rakaia Road Board knew anything about the getting up of the petition in connection with this matter; and, after a number of names had been affixed to the petition, there was a space left at the top of the petition for the name of the Chairman of the Board. But on being asked to sign the petition the Chairman refused to do so. It appeared to him (Mr. Fitzroy) that this was a most arbitrary and unprecedented proceeding on the part of the honorable member for Coleridge. He did not think that the Government could be altogether blamed in the matter, because the petition had been presented to them by the
Mr. REYNOLDS was of opinion that this debate was imposing too much upon the House. It was thoroughly understood, when the Standing Orders were altered, that there should be no discussion on a motion for leave to introduce Bills. There would be plenty of time to discuss the merits of the Bill when the motion for the second reading was before the House. He hoped that the honorable members from Canterbury would not take up the time of the House with this matter, and so prevent other business of equal or more importance from being proceeded with.

Mr. MURRAY-AYNsLEY thought it was the honorable gentleman who last spoke who was taking up the time of the House. He (Mr. Murray-Aynsley) had certainly backed up the honorable member for Coleridge, and he thought he was right in doing so, for the reason that fifty persons out of seventy who lived in the district signed the petition. They had lost all faith in the Road Board since the passing of the Abolition Act, and they believed that the members of the Board had misused the power given to them under that Act. They (Mr. Murray-Aynsley) went under the old Provincial Act; and they only asked the Government to do what they considered was right.

Mr. GISBORNE said that it was altogether in consequence of the passing of the Abolition Act that the difficulty now arose. The Abolition Act absolutely vested all the necessary powers in a central authority—the General Government; and therefore, if there was any reason to complain on that ground, it was altogether in consequence of the arbitrary power which the Act of 1875 vested in the Government. Under the provincial law by itself, full publicity would have been secured before action could have been taken.

Bill read a first time.

G. JONES.

Mr. REYNOLDS.—Before proceeding to the notices of motion, I wish to call the attention of the Government to a paragraph which appears in this morning's paper. It says that—"Mr. George Jones was last night served with a summons calling upon him to answer a criminal information laid by the Hon. Mr. Whitaker at the R.M. Court on Monday." I do not know much about the law of the question, but it struck me that the trial should take place where the offence was committed. I have heard several remarks made about it, and I thought it right to give the Hon. the Attorney-General an opportunity of saying whether this paragraph is correct or not.

Mr. WHITAKER.—The paragraph is quite correct, and the proceedings have been taken in accordance with law.

G. E. BARTON.

The interrupted debate was resumed on the question, That (in lieu of certain words omitted) the following words be inserted: "the Order made on the 14th day of August, 1877, That the petition of George Elliott Barton be received," be read and discharged."

Mr. MACANDREW.—I do not desire to prolong this discussion; I merely rise to say that I shall vote against the resolution upon the ground that I think it is establishing a precedent which the House will yet very deeply regret. It seems to me that in adopting this resolution, this House will declare that it will decline to grant any inquiry into any complaint where the Judges of the Supreme Court are concerned, thereby abdicating one of the most important functions which pertain to this House as the High Court of Parliament. I am not in a position to express any opinion upon the merits of the case, neither do I desire to do so. At present I am not in a position to do so; but I must say that I think this is a great mistake—a great blunder. The Judges of the Supreme Court are not immaculate, and I think an inquiry should be granted. I shall not divide the House upon the resolution, but I shall lift my voice against it.

Mr. CURTIS.—I propose to add to the resolution the following words: "on the grounds that the allegations contained in the petition are for the most part unfounded and not sufficiently specific to call for inquiry, and that the specific charges, even if proved, are not of a character to justify any interference on the part of the House." I think it would not be desirable that the House should actually reject the petition without at all events placing on record the reasons which led them to take this course, which is altogether unprecedented as far as this House is concerned.

Motion for adding the words agreed to.

Mr. GISBORNE.—Can an amendment be moved to leave out all the words after the word "That"?

Mr. SPEAKER.—Not in this case.

Mr. GISBORNE.—Then I wish to state shortly the reason why I cannot agree to this motion. The words added purport to justify the non-reception of the petition on the ground that the complaints are vague and not specific. I said before that is a reason why the House may not consider it necessary to inquire into the petition; but I do not think it is a justification for the absolute refusal to receive any petition of this sort. Therefore I cannot agree to the motion. I am precluded from moving an amendment as I intended to do, and which would have been as follows: "That, in consequence of the unspecific character of the complaints made in the petition, the House does not con-
consider further action in the matter necessary." I think that, according to Parliamentary usage and the natural equity of the case, a petition preferring complaints should not be absolutely rejected merely because its language is unspecific and indefinite. I cannot agree that the conduct of the Attorney-General has been altogether consistent in this matter. He was asked by the honorable member for Wellington City (Mr. Travers), some days after the petition had been received and after it had gone to the Public Petitions Committee, what course the Government were going to take in the matter. He did not then say that the complaints were unspecific and indefinite, and that the Government would move that the Committee be instructed to return the petition, in order that it might be rejected. He said that, in the usual course, it was going to the Public Petitions Committee; that it would be returned by the Committee with a report; and that it would then be dealt with by the House. At that time he must have contemplated that the Committee would inquire into the merits of the complaint, because that is the usual course; and it was for quite an exceptional reason that the Public Petitions Committee did not take that course. They said that a very great press of business prevented them, and actually recommended further inquiry. Therefore it is quite clear that the Government had not then taken up the position they now take—that the petition should be absolutely rejected because it is vague and indefinite in its complaint. That seems to have been an after-thought. The petition, curiously enough, came back from the Public Petitions Committee without an expression of opinion on the merits of the petition, but with a recommendation that a Select Committee of inquiry should be appointed. Then the Government took up the position that the petition should not be received, and moved—and I suppose they will carry their motion—that the order for the reception of the petition be discharged.

Mr. FOX.—I did not address the House yesterday, and did not vote on the various divisions, because my mind was not altogether made up on the subject. There is one point which has not been noticed by any honorable member who has spoken, and which, I must confess, has weighed with me very materially in this matter as regards the case itself. I cannot help, as a member of the Bar, though not now practising in this colony, expressing my very deep regret at these circumstances having occurred between the petitioner in this case and the Judges of the Supreme Court. It is always a thing to be very much lamented when those two bodies, the Bar and the Judges, are brought into collision, and I think such cases ought, if possible, to be accommodated by the kind offices of friends, or the discretion of those who may not become heated in discussion. There is something in the attitude which renders me to a certain extent of the old nursery rhyme,—

I do not like thee, Dr. Fell;
The reason why I cannot tell,
But this one thing I know full well—
I do not like thee, Dr. Fell.

That seems to be the position between the petitioner and the Judges. The difficulty is to say who is Dr. Fell—whether it is Mr. Barton or the Judges. There is a feeling, I will not say of dislike, but of non-appreciation of each other; and probably this has, in the course of business in the Court, led to some little want of the courtesies which are usual between members of the Bar and members of the Bench, or, if not a want of courtesy, a want perhaps of those small attentions which are usual, but which, when feelings of that sort are existing, are apt to be dropped. The law compels Judges to be just, but it does not compel them to be courteous; I think, however, it would be always wise on the part of Judges to exercise towards professional gentlemen who may not be altogether agreeable to them the extremest courtesy. I do not say that the Judges have not done so; but this seems to be the position of the matter, and nothing more serious. I think the House has already decided that the grounds on which Mr. Barton has rested his petition are such as to justify this House in accepting them as perfectly true, and yet not such as would justify them in recommending the removal of the Judges. Therefore it seems impossible to go further with the petition. Then what are we to do? That is my view of the present state of the question; but there is one point which has weighed with me, and made me unwilling to vote for the motion of the Attorney-General, or do anything which might be declared to be a repudiation of Mr. Barton by this House, or which might prejudice his position. It is this: I regret to use such an expression with reference to my brethren of the Bar, but, in my humble opinion, an act of grossest indiscretion has been committed, both by certain practitioners and by the Judges themselves, in reference to this petition. A sort of procession of the Bench was got up, and went into the Court to tender their support to the Judges, and to express approbation of their conduct. Such a course has been pursued by the Bar, who, of all men, are most sensitive, when a case is before the Court, of any external interference with the position of their clients. The Courts will not allow cases to be commented upon during their progress by the public Press, and very often the Court silences the Press in such cases. That the Bench in this case should not only have permitted but encouraged the Bar to approach them in the manner it did is a thing I deeply regret, and certainly creates a feeling of sympathy with Mr. Barton which will prevent me from voting in favour of the motion of the Attorney-General.

Mr. MOORHOUSE.—For myself I wish to state that the honorable gentleman's remarks about there having been a concert between the Bar and the Judges is without any foundation whatever. I am very much astonished that an honorable gentleman, who presumes, without any warrant whatever, to represent the Bar in this House, should take upon himself to state matters which are not in accordance with facts. Then the honorable gentleman went on to draw
a picture of the Bar, which has a tendency to make members of that profession appear very ridiculous. Sir, there was no procession, and the house was in a very等症状 manner. I was spared that part of his speech. The only procession possible would be from the robing-room into the body of the Court, and I may say that on the day in question I went into the robing-room and found no one there. I put on my robes and went into the Court, where I found other members of the Bar present. Then a senior member of the Bar stated, without any concert with me, what I believe was the feeling of the Bar. For my part, as a member of the Bar—a very insignificant member, for, although of some standing, I do not profess to be a distinguished leader of the Bar—having some knowledge of the practice of the Bar in England, which we are supposed to follow here, I say that the action taken by the gentleman who presented this petition complaining of partiality and unfairness on the part of the Judges is entirely without precedent as far as I am informed. The right action, so far as the Bar is concerned, would be, if any member of the profession felt himself outraged, to retire upon the protection not only of the Court but of the seniors of the Bar. If the Judge was not courteous, the Bar ought to make the Judge sensible of that. If the Judge was doing an absolute injustice, the Bar ought to make the Court sensible of that. The course would be for the senior member of the Bar to represent the feeling of the Bar, all the rest of the Bar standing; or it would be for the gentleman aggrieved, with the concurrence of the Bar, to have stated his view of his own case, all the rest of the Bar standing. That would be the proper course. But this gentleman—who is a very distinguished member of the profession, and to whom we are all inclined to concede a leading position on account of his great ability, industry, and success as a practitioner—entirely ignored his relations with the rest of the Bar, and, so far as I am informed, of his own motion prevents the Bar from restraining in his case any excess. We should have been wrong, in my opinion, if we had not, of our own motion, and without concert with the Judges, taken the opportunity of displaying before the public of New Zealand the confidence which the Bar held in the Judges, and which we considered they are entitled to. The profession of the Bar is bound together, and it is the duty, in my opinion, of any member of that profession, who may have an idea that the Court has been not acting impartially towards him, to ascertain first the opinion of the members of his own profession before he applies to this House for redress. I have practised in New Zealand for more than twenty years, and I have a standing of twenty-seven years at the Bar, but I never saw or heard of such a course as that which has been taken by the practitioner who has thought it necessary to single himself out from amongst the members of the profession in order to address this House in a petition which every member of this House has found to be insufficient in its allegations. And now a very senior member of the Bar, but one who seldom appears in Court, takes upon himself to animadvert upon the Court, and charges its Judges and members of the Bar with acting in concert in an improper manner, for I saw it was unnecessary for me to point out what has already been seen by every member of the House—namely, that the petition did not disclose sufficient grounds to warrant the House in granting its prayer. The allegations in this petition are not strong enough to cause the House to take any action upon it; and, if any little difficulties have arisen between the Bench and any member of the Bar, they should not go beyond the precincts of the Court and be brought in this manner before Parliament. There is no objection to penny-a-liners reporting these differences in their papers, but they should not form the subject of complaint to this House. I can very well conceive that even the most perfect Judge who has ever sat upon the bench in this country, or in any part of the Empire, may have at times committed errors; but all the petitioner here states is that he and the Judges have had a difference, and nothing further. He asks the House to affirm this proposition: that, because a member of the profession and a Judge of the Supreme Court have had a difference, the Judge should therefore be removed from the administration of his office. I think the honorable gentleman had better let the Bar and the Judges alone. We have a numerous body of practitioners in this country, all jealous of their rights, quite able to take care of themselves, and ready to combine in order to protect any individual practitioner against an encroachment by the Court upon his rights. We had better let this matter drop now, and get on with the business of the country.

Mr. TRAVERS.—I cannot allow the matter to drop without entering my protest against the remarks of the honorable member for Wanganui. I was one of those who took part in what he is pleased to call a procession, and I did so in the conviction that I was doing what was absolutely right. Gentlemen who knew quite well what was due to themselves as gentlemen and as members of the Bar, and what was due to the Court, took part in that demonstration—if it be so called—in the public interest, which is best served in the public being satisfied that the Judges are conducting their business in a satisfactory manner. The only object which the practitioners who took part in the address to the Judges had in mind was to signify their belief that the business of the Court was conducted properly, and thereby to assure the public that the complaint made by one member of the profession had no sympathy whatsoever from the other members of the profession. I believe the Judges were absolutely ignorant, up to the moment of the address being presented, that it was the intention of the Bar to do what was done.

An Hon. Member.—They replied to the address.

Mr. TRAVERS.—Certainly they replied when they had been addressed; but they knew nothing of the intention to address them. (Oh!) If the honorable member who makes that interjection chooses to imagine that I am stating what is not
I state a thing as a member of this House I take it my word should be accepted. The reply which the Judges made was of a most simple character, in no way offensive to the petitioner, and in no way passing a judgment upon the case. I say most emphatically, as one who took part in the so-called demonstration, that it was done without any concert with the Judges, and that they knew nothing of it until the address was presented. We felt it necessary to deprecate the action of a member of the Bar, which we considered of a character calculated to injure the Judges in the eyes of the public. We felt it our duty to act as we did, and we have just as much opportunity of judging of the conduct of the Judges as the gentleman who has addressed this House. We felt it necessary to show what we thought of the matter. We had been present in the Court on a great many occasions, as well as that gentleman, and we were just as well able to judge as he was whether there was any true foundation for the charges he made against the Judges; and, as members of the Bar, we thought it right and necessary to protest against the course he had taken. As the honorable member for Christchurch City (Mr. Moorhouse) says, if the practitioner who petitioned this House had consulted the leading members of the profession, and pointed out that the treatment he had received was exceptional, there is sufficient esprit de corps in the profession to have brought the matter under the notice of the Judges. But when the gentleman who addresses this House charges the Judges with having shown partiality in their action, he is also charging other members of the Bar who practise before those Judges with malpractice; because, if any member of the Bar considered that he was receiving exceptional treatment, and took advantage of it, he would deserve to be kicked out of the profession. That is my impression of any member of the Bar who could be so gross as to receive exceptional treatment to the injury of other members of the profession. I do not think there is any member of the Bar who would accept a judgment if he thought it was given under those circumstances; nor is there any Judge who would deliver such a judgment. It is a charge most offensive to the Judges and to the Bar, and I deprecate altogether that any gentlemen who know what is due to themselves and to the members of the profession should be assailed in the manner in which the honorable member for Wanganui has assailed the Judges and the members of the Bar of this city.

Mr. REES.—If anything would make a member of the Bar blush for the profession in which he has the honor to hold a position, it would be the statements made by the honorable member for Wellington City (Mr. Travers) and the honorable member for Christchurch City (Mr. Moorhouse). I understood the honorable member for Christchurch City to say that he was not aware of the intention to hold this meeting and to attend upon the Judges. Why, he himself asked another member of this House to join with him.

Mr. MOORHOUSE.—If I conveyed that impression by what I said, I beg to correct it. I knew that an address was to be delivered, but I denied that it was by arrangement with the Court. What caused me to rise and speak was what fell from the honorable member for Wanganui (Mr. Fox), and because I objected altogether to the assertion that there was concert between the Court and the Bar.

Mr. REES.—I understood the honorable member to say that he accidentally went into the Court.

Mr. MOORHOUSE.—I did not say so. I said I went to the robing-room and was there alone, and when robed I went down to the Court and found other members of the Bar there. I said so to show that there was no procession.

Mr. REES.—There was no procession as far as he was concerned. He did not process. I did not understand the honorable member for Wanganui to state absolutely that there was collusion between the Bar and the Judges; but that it seemed by the facts themselves that it must have been understood by the Judges that the address was to be presented.

Mr. FOX.—I said the Judges encouraged it.

Mr. REES.—Precisely. It was encouraged by the Judges; and that was a most improper proceeding on the part of any Bench, and, however much some persons who wish to curry favour.

Mr. TRAVERS.—Sir, I protest against such language being allowed.

Mr. SPEAKER.—The honorable member is in order so long as he speaks his opinion in Parliamentary language.

Mr. REES.—It may touch the honorable gentleman. Depend upon it the truth does touch and pretty strongly sometimes: not only when we have a lot—but I will not say what I was going to say. The truth is very often a most unpleasant thing. I am thankful to the honorable member for Wanganui in the name of the Bar of New Zealand, and I shall be borne out by the whole profession in thanking him for having mentioned a fact which had escaped the notice of the House, because honorable members under the circumstances did not desire to raise ill-feelings against any person, either against the petitioner, the Judges, or the Bar. But, as the matter has been taken up in this style, I will now say that I for one deprecate most strongly any such proceeding as this; and that then four or five members of this House should get up a sort of mock-virtue, and talk against the honorable member for Wanganui for saying what he did. I say it was most scandalous that those who were to be the judges in the case should go beforehand and sympathize with the Judges whose conduct is complained of. The honorable member for Wellington City told the House just now that these gentlemen went down to the Judges and waited on them to say they had no sympathy with the allegations made by Mr. Barton. And yet they did not know what those allegations were.

Mr. TRAVERS.—I did not say so. What
I said was that we had no sympathy with the course adopted by Mr. Barton.

Mr. REES.—Well, I will take that view of it. They did not know what Mr. Barton complained of. I am sorry to say that, brilliant and noble profession as the Bar is, it does not come up to the standard fixed by the honorable member for Wellington City, who says that every man's fame in it is so irreproachable that he will not take a judgment if he thinks it is not a fair one. Everybody knows that members of the Bar do get judgments which they know to be unfair, and take them, too. I should like to know if the honorable gentleman can say that he never did that. But the Bar is able to rest upon its own foundation as an honorable profession, without any such high-flown statements as the honorable gentleman made. Like every other profession, it is liable to failings, for its members are but mortal, and I am sorry to see a leading member of it rising up and talking such absurdities as the gentleman made. Like every other profession, it is liable to failings, for its members are but mortal, and I am sorry to see a leading member of the Bar, in waiting upon the Judges as they did and expressing sympathy with them in regard to a case which this House had to hear, was conduct which would degrade the profession in the eyes of the public more than anything else that has been done in this matter. I cordially agree with what the honorable member for Wanganui said. I believe the Judges were not doing right in receiving those gentlemen. They ought to have told the gentleman, whoever he was, that addressed them, "This matter is now before the Houses of Parliament; we will not hear anything at present." That would have been a course consistent with dignity; that would have been the right course; and that would have been the course calculated to keep the Bench literally above suspicion. I was glad to hear the honorable member for Wanganui speak as he did. It was the language of a man.

An Hon. Member.—Like a lawyer.

Mr. REES.—Like a lawyer, if you please; but it is the sort of speaking that we want in this House. I am sorry the petition has been dismissed, because it is, as has been remarked, like shutting a man out from justice. It is not a right method of dealing with a thing. The result of the action of the House is this: We simply say, "No; if you have not a majority in the House, you shall not come here." Is that a proper position for any Court, any Legislature, to take up? Sir, such action as we have taken will sap the confidence of the people in our institutions. Even members of this House will lose all confidence, if such a practice is to be followed. However, it is done, I am sorry to say, and will not redound to our credit or to our advantage as the governors of this country, the persons who are intrusted with the supreme government of the country. It is a sort of thing which has lasted for a long time now; but I hope we shall soon see the end of it. In the interests of the country, I sincerely regret that any petition should be thrown out of the House. I have given my opinion as to that, which is out of the petition; but still, to my mind, the Government has led us into a very false position in discharging it, and I am sure that even those who supported this proposition will yet regret that we have not in the Parliament of the colony a balance, an instrument that will be weighed down on either side by the smallest atom of justice. We are not considering the justice of the case, when a member of the Bar states it shall not be examined into. I believe there is scarcely a member in the House who will say that if all the charges were proved there is sufficient to justify the removal of the Judges; but when the petitioner is told that his petition shall not be examined into, and that it shall be discharged in this summary way, I think we are betraying that trust which the country imposes upon us.

Mr. REYNOLDS.—I think, Sir, notwithstanding the indignation shown in the speeches of the honorable member for the City of Wellington and the honorable member for Christchurch City, that if the opinions of the public and the opinions of the members of the House were taken it would be seen that the verdict would be greatly against them. I think, if it is not actually a breach of the privileges of this House, it is very nearly so, for members to go outside the House and in their professional capacity to give their opinions on a petition before the House in regard to which they would subsequently have to act as judges. I consider, Sir, that their action was very little better than a piece of toadyism, and quite unworthy of gentlemen who are members of this House, and who are also members of the Bar; and I do hope that those honorable gentlemen who waited upon the Judges will have the common decency to take no further part in the discussion, and certainly not to vote on any question connected with the petition. I do not think there is anything in the petition which would, if proved, induce the House to entertain the idea of adopting an address praying the Governor to take action; but I do think it is the duty of members of this House who are members of the legal profession to be exceedingly careful to allow no proceedings of theirs to interfere with the dignity of the House.

Mr. BOWEN.—I do not wish to say anything about the lawyers' part of the question; the lawyers can no doubt very well take care of themselves; but I am certain of this, that there is no circuit in England the barristers on which would not resent the conduct of any individual barrister who, on his own account and without consulting the Bar, took action against a Judge owing to the Judge's demeanour towards himself, as has been done in this case. But, Sir, as a member of the community I wish to point out to this House that our liberties are absolutely dependent upon the independence of the Judges. We put the Judges in an abnormally despotic position. We give them powers and authority and dignity such as are not given to any other officers; and this is done with a view to placing them in a position distinct from every other man in the community, so that they may be utterly unfettered in the administration of justice by any outside consideration whatever. There is ample
safeguard to the public in the fact that the Judges are under the control of public opinion, and that, on a direct vote of the Parliament of the country, they are liable to be removed from office. But, Sir, the independence which we are supposed to concede to them would be absolutely nugatory if they were liable to be put on their trial on every occasion on which any individual might choose to prefer a charge against them. If supposed to concede to them would be absolutely nugatory if they were liable to be put on their trial on every occasion on which any individual might choose to petition Parliament could practically summon the Judges to go before a Committee and be examined as to their action, instead of the office of Judge being an object of ambition to the most gifted men in the country it would become an office which no man with any self-respect would care to hold. I find, on searching the precedents of the English Parliament, there has been great anxiety to prevent Judges being put on their trial on trifling occasions. I admit that, when this matter was brought before the House, the Government found itself in some difficulty, and the Petitions Committee soon found, too, that they were in an awkward dilemma; and this arose from the difference between our Standing Orders and those of the Parliament at Home. I think we must reconsider our Standing Orders with regard to such matters as these. It is possible that such a case as this may occur again, and it is most important that our Standing Orders should be so arranged as to provide means for having such cases as this properly dealt with. In England, as members no doubt are aware, the Public Petitions Committee is not a Court of inquiry constituted as ours is, and it is scarcely proper that such a question should go before a Public Petitions Committee. I think it very advisable that the consideration of the proper way of dealing with such petitions as the one now before the House should be referred to the Committee on Standing Orders, with the view that they should inquire as to the best mode of dealing with questions affecting the tenure of office of Judges of the Supreme Court. In this instance, the Government have endeavoured to follow as closely as they can the course which has been followed at Home; and, with the addition made by the honorable member for Nelson to the motion of the Attorney-General, I do not think we can do better than adopt it. It is not an entirely satisfactory way out of the difficulty; but I hope we shall be able to frame such a Standing Order that, in the event of such a case arising again, we shall be able to deal with it in a manner that will be entirely satisfactory.

Mr. MANDERS, who was inaudible in the gallery, was understood to support the motion.

Captain RUSSELL.—We have heard so much of the difficulty of the position from legal members of the House that I think it is scarcely to be wondered at that laymen are puzzled what course to pursue. I may say, in explanation of my vote, that I have not been influenced in any way by party spirit. I do not look at the question from a party view at all. I am looking at the difficulty which the legal members of the House feel in arriving at a conclusion as to what is and what is not the proper line of conduct to be observed by the Bench and the Bar, how much greater would that difficulty be in the case of laymen! In reading over some of the important cases which have come before the Judges in England, I confess that I was very much astonished at the very great licence that was allowed to one barrister and a very little licence that was allowed to another. In connection with this matter, I may say that I think counsel are too frequently allowed to insult witnesses in Court. There is no latitude on the other side. Counsel may insult a witness, but the witness must not insult counsel: if he does he is immediately put down. As to this petition, the honorable member for Auckland City East and the honorable member for Fort Chalmers admit,—I think the House generally admits—that if it were referred to a Select Committee they would be almost certain to refuse to entertain it, on the ground that the charges made are not sufficiently specific to justify the removal of the Judges from the Bench. I cannot see what possible good we shall do by referring it to a Select Committee, and I shall therefore vote for the motion of the Attorney-General.

Mr. W. WOOD.—The honorable member for Auckland City East seems anxious to protect the rights of the subject, especially in regard to the right of petitioning this House. That is a consideration which I hope will never be lost sight of, and I therefore cordially agree with the honorable gentleman's observations upon that point. But this matter has another aspect, and it is this: that it is our duty, while closely guarding the rights of the subject, to maintain the dignity and standing of the Judges, who should fearlessly and honestly discharge the duties assigned to them. They should not be attacked with impunity by any persons who may feel themselves aggrieved. If a person comes forward with definite statements which he is prepared to substantiate by evidence, then it would be advisable in the interests of justice, in the interests of the individual immediately concerned, and in the interests of the Judges themselves, that the charges made should be investigated. But it is agreed on all sides that the matters referred to in the petition now before us are not sufficiently definite or specific to justify the House in acceding to the prayer of the petitioner. He does not even say that he is prepared to produce evidence in support of the vague charges made, and yet he asks that two Judges of the Supreme Court shall be removed from the Bench. Now it is agreed on all sides that the matters referred to in the petition now before us are not sufficiently definite or specific to justify the House in acceding to the prayer of the petitioner. He does not even say that he is prepared to produce evidence in support of the vague charges made, and yet he asks that two Judges of the Supreme Court shall be removed from the Bench. Now it is agreed on all sides that the matters referred to in the petition now before us are not sufficiently definite or specific to justify the House in acceding to the prayer of the petitioner. He does not even say that he is prepared to produce evidence in support of the vague charges made, and yet he asks that two Judges of the Supreme Court shall be removed from the Bench. Now it is agreed on all sides that the matters referred to in the petition now before us are not sufficiently definite or specific to justify the House in acceding to the prayer of the petitioner. He does not even say that he is prepared to produce evidence in support of the vague charges made, and yet he asks that two Judges of the Supreme Court shall be removed from the Bench.
petition should be thrown out, their supporters would naturally vote with them. I did not say that they had made it a party question.

Sir R. WOOD.—It is generally known that I am not a Government supporter. I vote with them when I think they are right, and I voted with them on this occasion, without considering for a moment whether they or any other section of the House had made this a party question. All I can say is this: that if the petitioner is ready to come forward and say that he is prepared to substantiate his charges and to take the consequences if he fails, I would be quite willing to give him an opportunity to do so.

Mr. MONTGOMERY.—I had no desire to speak upon this question, but it has, to my mind, one serious aspect which seems to have escaped the notice of many honorable members. If the motion of the Attorney-General is agreed to, the petition will absolutely disappear from the House. Now why should a petition which is couched in most respectful language be absolutely destroyed and done away with? To do that is to inflict an indignity upon the gentleman who presented it, and would be, I think, a grave error on the part of the House. If the allegations were of such a nature as would not justify honorable members in taking further proceedings, I could understand the House passing a resolution to that effect; but to declare that a petition couched in respectful language should be treated with what I can only regard as the greatest indignity is to adopt a course that I very much regret. Such treatment may form a precedent for the future, and there is the danger. I do not think the petition contains such grave accusations as would justify this House in passing an address for the removal of the Judges; but to say that the petition should be dismissed altogether would be to establish a precedent fraught with great danger, and one that would act detrimentally to the interests of the public generally, because other petitioners might be treated in the same manner. I regret that the Government should have adopted such a course, but I do not regard this as a party question.

Mr. BUTTON.—I do not rise for the purpose of justifying or excuses the action of the Bar. I do not think the legal members of this House are in any way the constituted representatives of the Bar, nor have they any authority, so far as I know, to speak on its behalf. I do not think this House has the right to blame them or to call upon them for an explanation; but as a question has arisen with regard to the conduct of certain members of this House who were present at the presentation of the address to the Judges, I think that is a matter which the House may fairly discuss. It is at all times to some extent humiliating to have to make a confession of error, but I do feel that my presence on that occasion, being a member of this House, was unseemly. But while I make this admission I may state to the House, as a justification, that I attended without consideration and without premeditation. I only became aware of what was about to take place by seeing a member of the Bar going hastily into the Supreme Court, from whom I learned what was about to take place. That was immediately before the presentation of the address; and desiring to know what was going on—for I did not previously know—I went into the Court. That was how I came there. Had I reflected upon my position as a member of this House I should not have attended. I do not wish to censure those members who were present, but at the same time I think it would have been better if they had not attended.

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Mr. G. E. Barton. [House.] G. E. Barton. [Aug. 30]
prepared to do it. There can be no doubt that this motion is proposed by the Government. It must go forth to the country that the Government have proposed this resolution to the House, and that they require the House to treat this petition with contempt, and to have it thrown out of the House. That is not the course which we ought to pursue. I believe that we should do that which will confirm the confidence of the country in the Courts of New Zealand, and in the impartiality of this House. Now, Sir, I affirm that in the present state of the country, and considering all the circumstances which surround us, the course we are to be bound to pursue will neither confirm the confidence of the people in the Courts of New Zealand, nor will it confirm their confidence in the impartiality of this House. I think it will be altogether a mistake to pursue such a course as the Government seem determined to follow. I think it would have been quite enough to have come to some such resolution as this, that the House would take no further action on this petition; but I feel that, if we pursue the course which the Government wish us to follow, we shall be pursuing a disastrous course, and one which is unbecoming to the dignity of this House.

Mr. STAFFORD.—I shall vote for the motion because I consider that the petition comes under that class of petitions which are commonly designated as frivolous and vexatious. I have not had any communication with any other member of the House or with any member of the Government before coming to the conclusion at which I have arrived. Last Thursday I obtained from the Library Todd on Parliamentary Government, knowing that there were precedents to be found in it, and after studying it I formed my opinion as to the course which the House should pursue in regard to this petition. I showed the book to the Attorney-General, and called his attention to the place where a number of precedents could be found; but he informed me that he knew of these precedents, and had already made notes from the book. That is what has taken place between myself and any other person in reference to this matter. The honorable member for the Thames has said that he was ashamed that he should have to stand up in this House to advocate the claims of these men. He said that this was an act of cruel injustice, and he would like to know whether he was wrong in saying so. He could not think

Mr. STAFFORD.—Then, if that is so, how can the House do anything else but declare the petition to be frivolous, and not worthy to be received? If the petitioner had simply asked us to go into the question and record an opinion as to whether or not the treatment which he alleges he received was injurious to him, I should not have been prepared to reject the petition; but, instead of doing that, he comes forward and asks us to remove two of the Judges from the Bench, or, rather, to take our part in removing them, for there is another part of the Legislature which would have a voice in the matter. It is as if we were asked to take a Nasmyth hammer to crack a hazel-nut. The whole prayer of that petition stamped its character from the commencement as one which this House would not be justified in entertaining. For the reasons I have stated I came to the conclusion, without consulting anybody, that I should not be prepared to consider the petition at all.

Motion as amended agreed to.

POLICE OFFICERS.

Mr. PYKE, in moving the motion standing in his name, was very sorry that the Government should have put him to the necessity of bringing forward such a resolution. He thought that the Government of the country could not have been aware of the circumstances of the case, or they would never have made it necessary that such a resolution should be moved. He would explain the facts of the case to the House. There were some four or five men in Otago, and others, he believed, in other parts of the colony, who had rendered long and good service to the colony, and who had been rewarded by the Provincial Governments for such services. These men had been rewarded by extra pay, which had been given to them beyond the ordinary pay given to men in that class in the Constabulary; and in each instance the extra pay had only been granted after inquiry into the merits of the case. It had been, in fact, a special recognition of the services which they had rendered to the country. By the alterations which had taken place in the Constabulary system these men had not only had their ordinary pay reduced, and been placed on a level with the last recruit that had just joined the force; but they had also lost the extra pay which had been granted to them by the Provincial Governments whom they served as a recognition of the services they had rendered to the country. In some cases as much as £5 a day had been taken off the pay of these men. And why? For any fault of their own? No! For any misconduct on their part? No! But simply because their services had been transferred from the Provincial to the General Government. He was ashamed that he should have to stand up in this House to advocate the claims of these men. He said that this was an act of cruel injustice, and he would like to know whether he was wrong in saying so. He could not think
Men, and they had been receiving an enormously high rate of pay; a rate of pay which had not been altogether fair. The police of Otago were no doubt a very effective body of men. One of the men he had referred to (Sergeant-Major Bevan) was one of that glorious band of heroes, one of the immortal Brigade who, at Balaklava, when

**Stormed at with shot and shell,**
**Boldly rode and well **
**Into the jaws of death.**

Men who, in defence of the national honor and the national flag, had served with honor, ought not to be treated with such insufferable meanness by the Government. There had been in Otago three of these gallant fellows. One of them perished in the execution of his duty in a snow-storm in the Macquarie Pass. Another died of trichina in the brain caused by eating meanly pork supplied by dishonest army contractors to the Government during the war. The third was still alive. He hoped that the House would not sanction the treatment of these men which he had referred to being thus treated in regard to their rights. He felt it incumbent upon him, having been an advocate of the abolition of the provinces, to stand up and defend the rights of these men. They could not speak for themselves, and he was afraid their case could not have been properly represented to the Government. He had taken the opportunity of bringing the matter before the House, in the hope that it would recognize the injustice which had put them in such a disadvantageous position to the Government. He hoped Ministers would not for a moment sanction the continuance of an act of wrong: if they did, he trusted the House would teach them by its vote that it would not sanction such a proceeding.

Motion made, and question proposed, "That this House resolve itself into a Committee of the Whole, to consider of a respectful address to His Excellency the Governor, praying that he will be pleased to place on the Supplementary Estimates a sum sufficient for the continuance of 'long-service pay' to all police-officers who have been in receipt of such pay in any part of New Zealand, inclusive of arrears now unpaid."—(Mr. Pyke.)

Major ATKINSON was unable to agree with the motion of the honorable gentleman. The honorable member had no doubt very eloquently put the case of these men in Otago, but he (Major Atkinson) submitted that the case had not been altogether fairly put. The police of Otago were no doubt a very effective body of men, and they had been receiving an enormously high rate of pay—a rate of pay which had not been allowed in other parts of the colony. It had been shown that equally good men could be obtained in Otago for a more reasonable rate of pay. If he was rightly informed, some of the sergeants of police were receiving, with their allowances, from £280 to £300 a year. He did not think the House would be prepared to pay the extra pay to which these men had been entitled without any inquiry into the matter. He was quite sure the House would agree that such a rate of pay was out of proportion to the rate which was allowed to all other Civil servants throughout the colony. It was quite clear that they could not pay such salaries. There was nothing to justify them in paying the Otago police at a higher rate than was given to the police in other parts of the colony—in giving them more than was given to the police in Canterbury or Westland. Now, with regard to the special cases to which the honorable gentleman referred, he was not aware that there were any particular cases where an injustice had been done. If there was any case in which injustice had been done, he should be very happy to examine into it and recommend the House to make special provision; but not in the way the honorable gentleman proposed. He did not see that all that they should give to certain men in the police force special privileges. The position the Government took up was this: they paid the police in the various provinces, "You have been enlisted under certain conditions; the Government will carry out those conditions faithfully, and will help you all they can. Whatever retiring allowance you are entitled to, if you see fit to leave the service, will be given to you. If you enlist, you must re-enlist under the new regulations issued by the Government." He thought the House would see that that was perfectly fair and right. In certain cases, for length of service, members of the police force in Otago had received 5s. a day, or £75 a year, in addition to their ordinary pay. If they were receiving such pay as that, he thought it would be quite fair to take that into consideration when they were being considered for special privileges. He was not prepared to make inquiry into the matter, if the honorable member would consent to postpone the motion, and to see what special cases there were. If there were any such cases, he would submit a proposal to the House that they should receive the same amounts of compensation as provincial officers whose offices had been abolished.

Mr. MANDERS hoped the honorable member for Dunstan would act upon the suggestion of the Premier, and postpone the motion. In an early part of the session he (Mr. Manders) had moved in the same direction. After the assurance given by the Premier he would counsel the honorable member to accept the proposal made; if not, he would reserve the case for the House to address the House fully on the matter.

Mr. HODGKINSON wished to support the motion of the honorable member for Dunstan. As far as he could understand the matter, a very great injustice had been done to these men. Unless there was some circumstance of which he
was not aware, he thought the conduct of the Government was really monstrous—that deserving men of the highest character, who had served their country in the most responsible capacity and who had been promised by the Government of the country a reward for their services, should, simply by a change in the constitutional system, be deprived of what they were so fairly and justly entitled to. What made the case still more monstrous was the fact that at the time they deducted 5s. a day from the pay of these men they were themselves living in luxury, and in houses for which they were by no means entitled to put the country to such an enormous expense, while they received an extravagant rate of salary, which the circumstances of the country by no means justified. From a reduction in their pay the Ministry could provide the means of doing those officers, who had served their country well, common justice. Unless there were circumstances of which he was unacquainted, he thought the treatment of these men was positively shameful, and he must confess that he felt strong indignation against the Government for the course they had taken.

Mr. MACANDREW would recommend the honorable member for Dunstan to accept the proposal of the Premier, who had promised to inquire into the matter. He quite concurred in all that had been said by the honorable member for Dunstan on the subject, and he thought this was certainly one of those obligations which it was intended the colony should take over—one of the legacies left by the Provincial Government—and that the General Government should fulfill that obligation.

Sir G. GREY would also join in asking the honorable member for Dunstan to accept the proposal of the Premier, who had promised to inquire into the matter. He quite concurred in all that had been said by the honorable member for Dunstan on the subject, and he thought this was certainly one of those obligations which it was intended the colony should take over—one of the legacies left by the Provincial Government—and that the General Government should fulfill that obligation.

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which were made when the Native Land Court Bill was before the House. He wished to call attention particularly to remarks made by the honorable member for Wellington City (Mr. Travers). In an able speech he described very fully some so-called improper transactions in Native land in the district from which he (Mr. Sutton) came. More than that, the honorable member gave the name of a block of Native land with which it was within the knowledge of several honorable members he (Mr. Sutton) had been and still was connected. He would not say anything as to the good or bad taste of a gentleman who had been engaged professionally in this very matter addressing the House, and giving a statement of facts which he must know were very far wide of the mark. The honorable gentleman said there was a piece of land containing 28,000 to 30,000 acres, which was sold for a much higher price than was originally paid for it. The honorable gentleman knew as well as he (Mr. Sutton) did that that piece of land only comprised 3,570 acres, and that nearly the whole of it was sold at an advance of £500. No member of the House knew that more thoroughly and completely than the honorable member for Wellington City. There was another matter of very much greater importance, which the honorable gentleman had still more grossly exaggerated. He stated, not with very good taste, that the purchaser of the Oamarrui Block became aware, three years after the purchase, that he was in possession of more land than he thought he was. Seeing that the honorable gentleman had acted as leading counsel in that case, that that question was submitted to a jury, and that he signally failed to establish it—

Mr. SPEAKER said the honorable member was out of order. He hoped he would not refer to anything outside the question immediately before the House.

Mr. SUTTON concluded by saying he had no objection to the motion, although he thought it would not be of any use.

Motion agreed to.

GOLD DISCOVERY.

On the motion of Mr. GIBSON, it was ordered, That this House will, on Wednesday next, resolve itself into Committee to consider the following resolution: — That this House agrees in the resolutions of the Gold Fields Committee on the subject of gold fields rewards and aids to prospecting, laid before the House on the 17th instant; and that a respectful address be presented to His Excellency the Governor, praying that steps may be taken to give effect to those resolutions.

LIBRARY.

On the motion of Mr. READER WOOD, it was ordered, That the resolutions as contained in the report of the Joint Library Committee, under date 22nd August, be agreed to.

KATIKATI SETTLEMENT.

On the motion of Mr. FOX, it was ordered, That a report be obtained and laid before this House showing the progress of the Venetia Stewart Settlement at Tauranga, the quantity of land sold to settlers, the population introduced from Great Britain and Ireland or elsewhere, the expenditure on roads, and generally.

MEDICAL PRACTITIONERS BILL.

Mr. HAMLIN, in moving the second reading of this Bill, would claim the indulgence of the House for a few minutes whilst he endeavoured to place the merits of the measure as clearly as possible before honorable members. There could be no doubt that the time had come when an amendment should be made in "The Medical Practitioners Act, 1869." That Act had proved a failure in many respects, inasmuch as it had allowed individuals to purchase diplomas and come forward to practise as doctors. This was a source of very grave evil, and had been a matter of great complaint throughout the length and breadth of the colony for years past. It had been the cause also of his bringing forward this measure, inasmuch as he conceived that to allow persons to purchase diplomas and practise as doctors upon the people was a very great evil. He need not particularize many instances, inasmuch as it was generally known by honorable members of the House that there were certain people who were professedly doctors but who had no more right to the title or to have their names placed on the register than he himself had. Some of these individuals had simply purchased their diplomas, and knew no more of medicine than he did. Consequently he looked upon this as a very great evil. It was an evil which did not press so heavily upon people in the centres of population as in the scattered districts. There people had to depend entirely upon any individual who came forward and asserted that he was a doctor. They had to trust in him, and in many cases their lives were sacrificed through depending on individuals who were not qualified. No such individual would attempt to set up as a doctor in a town, inasmuch as the other medical gentlemen would very soon trip him up, and the sham would be made plain to the whole population. This, unfortunately, was not the case in the country districts; and it was solely on these grounds that he had deemed it right to introduce the measure. He could instance very many cases where people had trusted themselves to the medical attention of these so-called doctors, in some of which cases their constitutions had been irretrievably injured, and in others their limbs had to be amputated. He did not intend to particularize any such instances, but he could adduce abundant testimony in proof of what he said, and many other honorable members would be prepared to support him in the statement that this kind of thing had been tolerated under the Act which at present graced the Statute Book of New Zealand. This Bill would to a great extent obviate that difficulty. At present any person who wished to be placed on the Medical Register of the colony had simply to send his diplomas and other papers to the Registrar, and the burden of making objections devolved on those who might happen to know that the applicant was not properly qualified. The result of this system was that
nine out of every ten of these persons got their names placed on the register simply because no one knew anything of their antecedents. According to the provisions of the Bill the burden of proof would devolve upon the person claiming to be placed on the Medical Register. He would have to go before the Medical Council, which was to be composed of five duly-qualified medical practitioners; and the very fact of the applicant having to appear before that Council would have such a deterrent effect that persons with bogus diplomas would not have the consummate concert to apply to be placed on the register. That would get rid of one very great defect in the present Bill. The Bill next proposed to establish four Medical Councils for the colony; and he trusted that in no sense would he be guilty of attempting to pass anything in the nature of a harsh law. At one time he thought it would be well to have only one Medical Council for New Zealand, the same as in the Colony of Victoria and in some other Australian Colonies; but, upon consideration, he came to the conclusion that a great deal of animosity might be engendered in the minds of those who composed that Council, and that it might necessitate the introduction of very expensive machinery, which the present Bill proposed to obviate. Suppose there was only one Medical Council, it would be necessary to bring the members of that body from all the provinces of New Zealand, and, as that would be utterly impracticable, he and those with whom he acted had abandoned the idea. They had provided that there should be four Councils, in the following way:—

"The Northern District shall comprise the Provincial Districts of Auckland, Hawke's Bay, and Taranaki. The Middle District shall comprise the Provincial Districts of Wellington, Nelson, and Marlborough. The Canterbury District shall comprise the Provincial Districts of Canterbury and Westland. The Otago District shall comprise the Provincial District of Otago."

Another reason which weighed with him in proposing the centralizing or centralistic kind; and even during the present session almost all the Bills brought down by Ministers were of that kind, with one splendid exception, that exception being the education measure. To show that what he said was the case, he would read part of the 7th clause of the Bill, which was as follows:—

"The Governor in Council shall, on or before the first day of June, one thousand eight hundred and seventy-eight, appoint the first members of the Council, and may from time to time remove any member of the Council."

Now, why should the Governor in Council take into his hands the matter which belonged entirely to the profession? The question arose, then, whether the Council should be nominated or elected. The medical men were well able to look after their own interests, and were a most
respective body of men. In every respect, intellectually or morally, they were equal to any other class of the community; and, as this was purely a professional matter, it would be advisable, in any Bill the House might pass, to make the Council elective instead of nominated. There would be no difficulty about the election of members of the Council. It would be almost impossible to get all the medical men of a district assembled at one spot at one time, but the voting might be by proxy. And then five years seemed too long a time for these gentlemen to hold office. It had been proposed that there should be triennial instead of quinquennial Par.

nexed."

It was very defective in that part; the Council elected instead of nominated. There able, in any Bill the House might pass, to make intellectually or morally, they were equal to any hold office. It had been proposed that there possible to get medical men of a district membership of the Council. It would be almost impossible for these gentlemen to be assembled at one spot at one time, but the voting might be by proxy. And then five years seemed too long a time for these gentlemen to hold office. It had been proposed that there should be triennial instead of quinquennial Parliament; and if these gentlemen were elected for three years, and the system of voting by proxy were adopted, the Bill would be considerably improved. It was very defective in that part; but a still greater defect was contained in the 9th clause, which read as follows:—

"No person shall be capable of being, or of being nominated to be, a member of the Council of a district unless he is registered and resides in such district, nor unless his name appears upon the register with one of the qualifications specified in the first part of the Second Schedule hereto, and with one of the qualifications specified in the second part of the Second Schedule hereto annexed."

Now, the section which he had just read conveyed one meaning to the professional man and another to the non-professional man. A medical man reading that section would say that the Bill was intended to set one branch of the medical profession above another. It was generally understood that doctors of medicine were at the top of the profession, and that next to them were the physicians, and then the surgeons. He (Dr. Wallis), as a medical man, would say that there was no distinction between members of the profession. Doctors of medicine, physicians, and surgeons were all entitled alike to practise all branches of their profession. This was not aristocracy in the medical profession. In fact, doctors all stood on the same level, though it might be generally believed that there were gradations in the medical profession. Nominally an M.D. stood highest in the profession, though, in fact, he might be the lowest. He had heard that there was an M.D. in the House—the only one who was in the House, in fact—and he was not then present; but, even if he were, he would no doubt admit that he was not quite competent to practise the different branches of the profession. The honorable member for the Thames had obtained many honors and distinctions, and it had been said that among other things he was an M.D.; but while that honorable gentleman might be well adapted to doctor the State—while he might be well fitted to doctor the Constitution—he (Dr. Wallis) did not think the honorable gentleman would be a proper person to doctor his constitution. The two great branches of the profession were those of the physician and the surgeon. The 9th clause, which he had read, stated that only certain persons should be eligible for seats at the Medical Council; and it stated that medical men who had only one qualification should not be eligible. Now, if the man who possessed two qualifications was more intellectual or more highly educated than those who had only one qualification, he (Dr. Wallis) would say that it was right to put him on a higher footing; but such was not the case. There was no distinction between members of the profession; both physicians and surgeons were able to practise in all branches of medicine. It almost seemed as if this Bill was intended to subserve some private ends. It was not at all necessary that two qualifications should be required to enable a man to sit at the Medical Council. To illustrate what he meant, he would say that he held a diploma from the College of Surgeons of Edinburgh, and by virtue of that diploma he was entitled to practise in all branches of the profession—the medical, obstetrical, and surgical. He could undertake cases of consumption, and he was also entitled to relieve ladies of the burdens which they frequently contracted after they reached years of discretion, and which they sometimes contracted at ages far before they reached years of discretion. Being a surgeon, and qualified to practise every branch of the profession, why should be debarred from holding a seat at this Medical Council? He believed that, if this Bill were carried, fully one-half of the medical practitioners in this colony would be disqualified from holding seats at this Council. He believed, also, that if such a Bill were carried at Home, a great many of the most eminent gentlemen who practised medicine would be disqualified from holding seats in the Council. He believed that the idea in making it necessary that a person should hold two qualifications in order to obtain a seat at the Medical Council, was to make the public believe that some gentlemen held a higher rank in the profession than others. He thought it would be inadvisable to cast a slur on one-half, perhaps, of the medical practitioners of the colony, as they would do by passing this Bill. There were a few other defects in the Bill which he would point out. All foreign physicians and surgeons and doctors of medicine were by this Bill to be excluded from medical practice in New Zealand. He thought that was not fair. A man might have a medical diploma from some college in Paris, or some other place; and why should he be excluded? If this Medical Council were established, he thought it would be advisable to leave the members of it to decide whether men holding diplomas from other countries should be allowed to practise their profession or not. There was another provision in the Bill which he thought would act injuriously with regard to a deserving body of men—namely, the chemists and druggists. It must be remembered that medical men were not to be found in every part of the colony, but that there was generally to be found somebody who could dispense drugs. Well, if this Bill were passed, druggists could not help rendering themselves liable to penalties. Now-a-days many a poor man who may be suffering from a bruised head or an aching head goes to a chemist for relief,
and gets it; but if this Bill became law, and a chemist prescribed, he would be liable to a penalty of £50. Why should the medical profession obtain powers and privileges more than are granted to other professions? The law should do what it could to prevent persons who were not properly qualified from practising medicine, but it should not hedge the medical profession round altogether. He hoped that the Bill in its present form would not become law. As he had already said, he was sure that any professional man who read the Bill over would come to the conclusion that the meaning of the measure was to give a small number of the members of the profession power and authority, and to place them in a position which they were not entitled to be in, either by their superior education or by anything else. There was another part of the Bill to which he might allude: it was the 26th clause, which said,—

"It shall not be lawful for any person, unless registered under this Act, or under the said Act, or the Act repealed by the said Act, to pretend to be or to take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, master in surgery, bachelor of medicine, doctor, surgeon, medical or general practitioner or apothecary, or surgeon-apothecary or surgeon-dentist, or accoucheur or licentiate or practitioner in midwifery, or any other medical or surgical name, or title, or addition."

Then, clause 27 stated,—

"Every unregistered person so offending shall be liable to a penalty not exceeding fifty pounds, to be recovered in a summary way before any two Justices by any person suing for the same."

Well, for reasons which he need not state, he declined to register as a medical man in New Zealand. It had been his pleasure often to give medical advice and surgical advice to persons suffering from ailments or infirmities, and who were beyond the reach of the services of a registered medical practitioner. When a sovereign or so was paid him, he did not throw it over his shoulder, saying, "Get thee behind me, Satan." If such a Bill as this were in operation, he might often be called upon to pay a penalty of £50, as provided in the 27th section of this measure. He thought the honorable member for Auckland City West had been so well referred to by the honorable member for Franklin that he need not refer further to it. It appeared to be the intention of some individuals, who were the means of getting the Bill introduced, to make the profession subject to a Council. The 17th section stated,—

"The Council may from time to time authorize the Registrar-General to make the necessary alterations in the registration of the qualifications and addresses of the persons registered, and also may from time to time write or cause to be written a letter to any registered person, addressed to him according to his last known address, to inquire whether he has ceased to practise, or has changed his residence; and, if no answer be returned to such letter within the period of six months from the sending thereof, the Council may direct the Registrar-General to erase the name of such person from the register, and may, if they shall afterwards think fit to do so, direct the Registrar-General to restore the same to the register."

The Registrar-General would be entirely under the control and at the disposal of this Council. Then the 18th clause stated,—

"The Council may examine on oath any person who may apply to be registered, and any person..."
in support of such application, and any person in opposition thereto, and may receive any evidence, whether strictly legal or not, and may summon persons to attend as witnesses, and to produce books, papers, writings, deeds, and documents; and any person duly summoned and refusing to appear, or to produce any books, papers, writings, deeds, and documents in his possession or control, or who being present shall refuse to be sworn, shall forfeit and pay for every such default the sum of ten pounds, to be recovered in a summary way."

He would like to ask any honorable member of the House whether he would like to be summoned at the instance of the Medical Council to give evidence, and, if it did not suit his convenience to attend, to be fined in a penalty of £20. The Bill was one of the most arbitrary measures he had ever seen attempted to be introduced and passed in the House. He therefore moved that it be ordered to be read a second time that day six months.

Dr. HENRY said that when the existing Act was introduced it met with his support, as he believed it to be an improvement; but he must say that this Bill was not an improvement. It was more cumbrous than the old Act, and it contained several clauses which would give a great deal of trouble without any corresponding advantage. The honorable member for Auckland City West had alluded to the points to which he had intended to refer. So far from the Bill being an advantage he considered it would be a great disadvantage. He therefore supported the amendment of the honorable member for Port Chalmers.

Mr. SHARP said the honorable member for Auckland City West had pointed out certain technical defects in the Bill from a medical point of view. He thought himself that, although a private member had a right to introduce any Bill and endeavour to get it passed, yet a measure of this character, interfering with the law of the whole colony, should be a measure introduced with the sanction of the Government. He apprehended that a Bill of this kind would also point out where the Bill was in fault. Again, he thought that before any alteration was made in the present law it should be also shown that there was a demand for the alteration, on the part either of the public or of the profession. Prior to the passing of the Act of 1869 no doubt such a measure was very much needed, and he thought a slight alteration of that Act would meet all requirements at present. The honorable member who introduced the Bill spoke a good deal about there being a great many practitioners in the colony holding bogus diplomas. But that was a defect in the Act of 1869 which might be remedied by providing that the person applying to be registered under the Act should be required by declaration or affidavit to identify himself as the person holding the qualification he sent to the Registrar-General. Then there was another defect to which the honorable member for Auckland City West did not refer. This Bill required that any member of the profession wishing to be registered should attend at the place of registration. Looking at all the defects of the measure, he thought it would be well for the House not to waste any time in further discussing its principle; and that the honorable gentleman, having ascertained the views of the House, should withdraw it.

Mr. Gisborne agreed with what had fallen from the previous speaker. He thought such a Bill should be introduced or at least sanctioned by the Government, unless there was a crying defect in the present law. There was one serious objection not alluded to which would prevent him, unless he thought it would be altered in Committee, from voting for the second reading of the Bill. It was in the 25th section. In the latter part it said that no person shall practise medicine or surgery for gain unless he is registered under this Act. That was a new principle to be introduced into this colony, and it really would debar a whole class of medical practitioners in whom, he believed, many people had confidence—he meant homeopathicists—from practising medicine. He was not at all prepared to agree to the introduction of this new principle unless he heard arguments which would influence his judgment in a contrary direction. He could quite understand that no person who was not registered under the law should be qualified to hold a public medical appointment, or to give evidence on a coroner's inquest; but he did not see why they should not be allowed to practise medicine if people chose to trust their lives and health in their hands. He believed homoeopathists were in a great many cases qualified to practise medicine as much as legally-registered medical practitioners.

Mr. ROWE said this Bill could not possibly receive his support in its present shape. He held in his hand the diploma of a gentleman who practised homoeopathy at the Thames, and who probably had a more extensive practice than any other medical man there. He obtained that diploma at very great expense, and had travelled to America for that very purpose. He would be very sorry to see any Act that would exclude that gentleman from practice, or prejudice him in any way. He did not see why those who believed in homoeopathy should not be allowed to take those medicines, or why those who practised it should not follow their professions.

Sir R. DOUGLAS thought it was very desirable that when any person died the cause of death should be published. In England, when a person died who had been attended by anybody not a medical practitioner, the regular practice was to hold an inquest. When the man was attended by a medical practitioner no coroner's inquest was required. The public were protected by the certificate of a doctor who was qualified to give a certificate. If a Bill was to be introduced which would oblige the next of kin to have a coroner's inquest on a person who died, no doubt everybody would be able to look after himself and the public would be protected. But he thought it was very necessary to have some Bill which would prevent improper persons from practising medicine. It was all very well to say that homoeopathists were able
men in their profession; but why should they not be qualified in the same way as anybody else? Although this Bill would probably not pass, he thought the honorable gentleman had done a great deal of good in bringing the matter forward. He knew that there were a great many persons practising in New Zealand without being qualified, and who gave poisons—many of them poisonous—without any knowledge of the proper quantity to be prescribed or of the qualities of the drugs. Chemists were not allowed to sell poisons without keeping a record, and he thought the same should apply to any person prescribing drugs, and especially poisons. He hoped his honorable friend would withdraw the Bill, but he deserved a great deal of credit for having brought it forward.

Mr. WAKEFIELD opposed the Bill for several reasons. In the first place, he did not think any amendment of the Act of 1869 was really called for. In the second place, he thought the differences between that Act and the present Bill were in a retrograde direction rather than in the direction of progress. They had heard that the best feature of the Bill was that it constituted four Councils instead of one. To his mind that was one of its worst features. It was a feeble effort to reproduce Provincialism in a matter with which Provincialism never had anything to do. Why should they have one qualification for medical men in one district and a different qualification in another district? Why should they, after crossing a river or arbitrary boundary, be doctored in a different way and under a different system than they would be before they crossed it? If there was one subject more than another in which they should have colonial legislation it was the subject of the registration of medical men. He found in this Bill that a very marked difference was drawn between the gentlemen who were to be the registering body and the gentlemen who were to be medical practitioners. The Medical Councils were to consist of gentlemen who had qualified themselves in some University or obtained some diploma in Great Britain and Ireland, and only in Great Britain and Ireland; whereas those who might practise as medical men under the flat of this Council might have obtained diplomas in foreign countries. Well, that was a great difference, but why it should exist he could not understand. Under the measure now in force they found that a great deal of liberality was shown. It was provided that any person who had passed through a regular course of medical study at any school of medicine or surgery, whether within Her Majesty's dominions or not, would be allowed to practise medicine in the colony; and there was no distinction drawn between one class of medical men and another. The honorable member for Auckland City West told them that there was no such thing as an aristocracy of medicine; and yet this Bill proposed to introduce such a social distinction. Were not men who had been educated in the great hospitals in Paris and St. Petersburg quite equal to any they could produce in the famous schools of Edinburgh, London, or Dublin? It would be a very foolish thing for the House to try and shut out from the Medical Council the members of some of the best medical schools in the world, or to refuse to put them on a par with those who had obtained their diplomas in Great Britain or Ireland. These were the chief differences in the Bill from the Act of 1869, and these were the points on which the honorable gentleman principally relied in urging the passing of the measure; but they were really the greatest defects in it, and ought to cause its rejection.

Mr. TOLE felt himself in a difficulty with regard to the vote which he ought to give on this question. He had expected that when the measure came on for discussion there would probably be some difference of opinion as to its merits amongst honorable members in the House belonging to the medical profession; but there did not appear to be any such difference. On this occasion doctors did not differ inside the House. It would appear, however, that doctors at least outside the House did differ upon this subject, as they sometimes did in other matters; for he had received telegrams from several medical gentlemen asking him to support the Bill. Speaking to the general principle, there was no doubt that the public should be protected from unqualified practitioners. In the profession of the law there was, in England, a certain class of persons who were designated by the Law Times and other legal publications "our invaders;" and he understood that the object of the present Bill was to prevent the introduction of the same class of persons into the medical profession. He would therefore have been prepared till this evening to have supported the second reading of the Bill; but he was given to understand now that the communications made to him by telegram on the subject had since been countermanded, although he was not aware of it of his own knowledge. One provision, at any rate, was, to his mind, very objectionable, and that was section 34, referred to in another sense by some honorable member—namely, that practitioners having diplomas from foreign countries were to be allowed to practise in hospitals. To his mind, there was no place in which the rule relative to competency of practitioners should be so strict as in regard to such institutions. It was true that the cases in reference to which these gentlemen could practise were only those exclusively relating to foreigners; but he thought when a foreigner came to this country he should be protected from malpractitioners just as much as any of our own countrymen. The Bill was very arbitrary in that respect. Another point on which he would like to receive some information was as to what was the interpretation of a "recognized University." This term was used in the Bill, but there was no definition of it. The general opposition which the Bill had called for was doubtless introduced of itself. He had passed through years of practice, and resisted by him, up to the present time to support the Bill; but, as he understood that all the praise which had been sounded of it in various parts of the colony had been withdrawn, he could no
longer do so, and therefore would be compelled to record his vote against it.

Mr. SUTTON would support the second reading of the Bill, because he had been requested to do by the only three medical gentlemen in his part of the country. There were no doubt some objectionable provisions in it, but these could very well be remedied in Committee. The principle was good, and he would therefore support the second reading, with the intention of endeavouring to improve it in Committee.

Mr. J. E. BROWN would oppose the second reading of the Bill. There was one most objectionable principle in it, and that one was the radical principle. It appeared that the Bill had but one special object, and that was that the Legislature should fix a stamp upon the graduates of certain Universities, by allowing them, and no others, to be members of the Medical Councils. The House should not attempt to pass a verdict in favour of one University over another. According to clause 9, no person, no matter whether he was the most eminent physician of France, of America, or any other country outside of Great Britain and Ireland, even if he proved his qualifications by the most satisfactory evidence, would be allowed to practise or afford medical relief to any person in the colony. If this colony was going to close its doors to all the most advanced medical men in the world, notwithstanding all the progress which had been made in medical science in the great centres of population, it would, indeed, be taking a retrograde step instead of a progressive one. He hoped the honorable member would see his way to withdraw this measure, although it was to be feared he would not, seeing the great piles of paper with which he had fortified himself. From what he had heard he expected the honorable gentleman was going to urge as one of the necessities for this Bill that there were places where diplomas could be purchased for a small sum of money; but if the honorable gentleman would inquire fully into the circumstances he would find that this money was not paid simply as the price of the diploma, but as a fee for necessary expenses in insuring that ignorant persons were not allowed to practise. By the Bill the Government was given power to select five persons in each of the districts defined in the schedule, who were to constitute the Medical Council of the district. The result would be that in all probability these five gentlemen would prevent every other medical man in the world from practising in the district, and would make it very difficult even for those already established in the district to obtain a license. He had, in the course of his experience, seen so much difference between medical men that he would be very loth indeed to give them power to say who should and who should not practise.

Major ATKINSON would support the amendment by the honorable member for Port Chalmers. The honorable gentleman who moved the second reading seemed to him entirely to fail in making out any case. The chief point on which he appeared to rely in order to induce the House to read the Bill a second time was that it would enable country districts to get rid of gentlemen who at present were practising under bogus diplomas; and yet the Bill provided that the whole of those persons should be considered duly qualified without further inquiry that was to say, giving them a right to say the unqualified and the qualified under the same law, and so making it still more difficult to get rid of them. That argument, therefore, fell to the ground. He would point out also that there were very stringent provisions in the present Act by which if a person obtained registration by false representations he could be very severely punished. It was, therefore, clearly the duty of the honorable gentleman, if there were any such persons practising in the district from which he came, to lay an information against them, and he could assure the honorable gentleman, on the part of the Government, that their names would be struck off the register, and they would be severely punished. As far as his own experience went, he did not believe there were any such persons on the register now; but, if there were, it was in the hands of the honorable member himself to purify the roll of unqualified practitioners. It certainly should not relegate that power to five persons appointed by the Governor, as was here proposed. He hoped the honorable gentleman would see his way to withdraw the Bill, and if he would have to support the amendment of the honorable member for Port Chalmers.

Mr. HAMLIN would first of all reply to the remarks of the honorable member for Auckland City West (Dr. Wallis). The great objection which the honorable gentleman apparently had to the Bill was that the Councils were not made elective. When moving the second reading he pointed out the difficulty in this respect under which he laboured, because he found if the Councils were to be elective it would cause very great expense, as in all probability the members would have to be paid. He was quite as much opposed to nominated bodies as the honorable gentleman was, and it was only the force of circumstances which drove him to the alteration of having nominated Medical Councils. He had done so not from any love of the system, but from the exigencies of the case. If, however, it was still found that that was a strong objection to the Bill, a word or two put into a clause in Committee would obviate it, and would do away with all the virtuous indignation which had been displayed with regard to that portion of the Bill. Again, the honorable gentleman had had to have a medical gentleman as the Registrar, which consequently obviated the necessity for those Councils. But surely the honorable gentleman must have been asleep during the last few years, or he had not read the Act of 1869 very carefully or studied its many provisions. If
he had he would have seen that instead of four Councils, as was now proposed, there were something like ten individuals who were empowered to register any man who presented a diploma. Let me to bring good men look at clause 5 of the Act of 1869, and he would see that, in addition to the Registrar-General, there was to be a Registrar in each of the towns of Auckland, New Plymouth, Napier, Nelson, Hokitika, Picton, Christchurch, Dunedin, and Invercargill. Therefore that showed that the number he had stated was about correct, and it depended entirely upon the good will of one man, who in several cases was a layman, and in others a man of indifferent qualifications.

Dr. HENRY.—No.

Mr. HAMLIN said he would show before he sat down that he was right. These ten or twelve individuals, who could at once place a person on the Medical Register of the colony, could give him authority to practise medicine, and do all other things which a duly-qualified medical man is supposed to do. This system had been open to great abuse, and the honorable member for the Buller knew as well as he did that there were several men on the Medical Register who were not properly qualified. As to the argument of the Premier that it was in his (Mr. Hamlin’s) power or in that of any other person to file an information about those who practised upon the strength of bogus diplomas, he should like to know why he should be placed in the position of a common informer. It was the proper function of the Government to see that a proper Act was in force, and that none but properly-qualified persons were placed upon the register. When Dr. Bennett held the office of Registrar-General he had refused to register a certain gentleman, but no sooner did the doctor cease to hold the office than the Government appointed a layman to the position, and the consequence was that the very individual that Dr. Bennett refused was placed upon the register. If necessary, he could produce one of the Pennsylvania diplomas, which any one could buy for £1 1s. He would tell the honorable gentleman plainly that he was not going to be the cat’s-paw of any Government, or to do their dirty work for them. Then, when honorable members talked about the Bill being framed to suit any particular doctors, or doctors of any particular nationality, all he could say was that he cared no more for the nationality of any doctor than he did for the dust under his feet. He looked upon an Italian, a German, or a Frenchman, just as he did upon an Englishman, but he looked upon a New Zealander as better than all. Many honorable members seemed to labour under a misapprehension in regard to clause 15, which they thought provided only for the admission of gentlemen who had taken diplomas in the United Kingdom. The intention of the clause, which was perfectly plain, was that gentlemen belonging to any medical society which was duly recognized in the United Kingdom should be permitted to practise. But, in the name of all that was wonderful, what objection could there be to the mere mention of the United Kingdom? Were not French doctors admitted to practise within the bounds of Great Britain? And were not German and Canadian doctors allowed to practise there? Certainly they were. Objections of this kind were really Utopian. Many honorable gentlemen opposed the Bill because they imagined that it had been introduced from some unworthy motive; but he stood perfectly clear of any insinuation of that sort which might be thrown out. The only object in introducing the Bill was to prevent persons who were not properly qualified from being placed on the Medical Register—people who went about the country poisoning and ruining the constitutions of those who fell into their hands. Here was a proof of the truth of what he had said: Last session an intimate friend of his own received a slight scar on one of his fingers, and after a little while it festered. He went to a person who was practising as a doctor, and who was supposed to be a most efficient one. The gentleman was attended by this doctor for two or three weeks, and at length his finger became completely dead. He told the doctor so, and the reply he got was, “Oh, nothing of the kind; you will be right enough in a day or two.” But when he went to Auckland the medical men there told him he would have to undergo an operation, or he would lose his arm. This was what was done under the present Act of Parliament, and such things were tolerated by certain honorable members under the plea that they did so in the interest of the poor man; but it was the worst thing that could happen that men like these should be allowed to go about the country fleching money from poor people, and giving them no satisfactory return. He had no sympathy with such trash. Statements like these were only made by persons who wished to serve their own ends by a means of which he was not cognizant. He had been challenged to give proof of the way in which these bogus diplomas were obtained, and he would read one or two extracts to show that they could be purchased; and if honorable members took the trouble to look over the Medical Register, they would see that some gentlemen had been admitted to practise under diplomas which had been bought. In order to make the whole process clear to honorable members, he would read two letters upon the subject:

Sir,—Your letter of the 1st instant, enclosing a communication from ——, dated the 16th of July, 1875, and offering to procure the degrees of Ph.D. and M.A. from the University
of Philadelphia for the sum of £20, was received on the 16th instant. In the absence of General Eaton, Commissioner of Education, I sent the document, a question for the examination of H. J. P. Wickersham, Superintendent of Public Instruction of the State of Pennsylvania. The charter of the University of Philadelphia was revoked some two or three years ago, on account of the notorious and shameless sale of degrees, and similar rascality. It has no actual or legal existence. Allow me to assure you, Sir, that no respectable institution of learning in the United States confers degrees for money. If degrees are conferred at all, they are granted with other motives than pecuniary gain. The reason why this particular fraudulent institution has been successful is because the University of Pennsylvania, whose name it imitates, is an institution of great corporate wealth and high intellectual character. I return —'s letter, after taking a copy of it. I have, &c., CHARLES WARREN, Acting Commissioner. To A. L. Sparkes, Esq., B.A., Shelton, Stoke-on-Trent."

Any one who had carefully read either the British Medical Journal or the Lancet, or who had paid any attention whatever to this subject, must be aware that a number of individuals had been brought up in England and imprisoned for practising under diplomas said to have been obtained at the Philadelphia College. During the last session of the Imperial Parliament a clause was put into the English Act similar to that in the Bill before the House, in order to stop people practising under bogus degrees. The honorable member for the Thames (Mr. Rowe) opposed the Bill on the ground that homoeopaths were forbidden to practise; but if the honorable gentleman had taken the trouble to look at the present register he would find that it contained the names of several homoeopathic doctors. They got a diploma from their colleges, and had a perfect right to practise, so that the honorable gentleman had no reason for fear on that ground. But he was somewhat struck with the honorable gentleman's reticence when he asked for the name of the gentleman to whom he made particular reference, and for the name of the college from which he obtained his diploma. Possibly it was a diploma that would be recognized at Home, and in that case it could not be refused here. But he feared it was a bogus diploma, and thus it was the honorable member (Mr. Rowe) would not answer his simple but just request. It was, however, plain to him (Mr. Hamlin) that the opposition to the Bill was not based upon any solid, straightforward ground whatever; for some fifteen doctors had written or sent telegrams urging the passage of the Bill, so the honorable member for Ashley (Mr. J. E. Brown) should be satisfied that the measure was one which had met with very general support from the medical profession, and also from the general public. Most of the objections related to purely imaginary circumstances, and he trusted the good sense of the House would prevail, and that the Bill would be read a second time.

Amendment agreed to, and Bill ordered to be read a second time this day six months.

Mr. Hamlin
It appeared to him that by passing this Bill the colony would be binding itself, until such time as the loan was paid off, to give to Taranaki 25 per cent. of its land revenue irrespective of other claims on the fund. This question cropped up last session, and in the Financial Arrangements Act of last session provision was made to modify that arrangement as regarded the payment of 25 per cent. to the Harbour Board. He would like to know from the Government, among other things, whether any Treasury bills had been issued for Taranaki, and, if so, whether or not this 25 per cent. had been paid over to the Harbour Board. Further, he should like to know whether, supposing there was a deficiency to meet the entire liabilities against the land revenue of Taranaki, under clause 4 of “The Financial Arrangements Act, 1876,” the colony would still be bound to pay over 25 per cent. of the land revenue to the Harbour Board.

Major ATKINSON said that, according to the Law Officers of the Crown, this 25 per cent. payable to the Harbour Board was a first charge upon the Land Fund. It had been paid over to the Board accordingly.

Mr. KELLY said that, first of all, this Bill altered the constitution of the Harbour Board. Under the local Ordinance the Provincial Council elected six members. Now the provincial institutions were done away with, the Board was practically a nominee body. It was felt that this should not be the case, and this Bill provided that the members should be elected by the ratepayers within the rating district. The Bill provided that the rates, instead of being on the value to sell, should be on the rating value, not exceeding 1s. in the pound. Another provision was that the future borrowing power of the Board should be only to the extent of £200,000, instead of £350,000 as at present provided. In that respect this House could make no objection to the Bill. Another provision was that, instead of issuing mortgages, the Board should have power to issue debentures. The reason was that debentures, being payable to bearer, were more marketable than mortgages, and would therefore give the Board greater facility for raising the money. The other parts of the Bill merely took the place of similar provisions in the local Ordinance. In regard to the point raised by the honorable member for Port Chalmers, he might say that the land revenue was deliberately given to the Board by this Assembly in 1874. By that Act power was given to the Provincial Legislature to set apart any portion of the land revenue not exceeding one-fourth for the purpose of the harbour. That power had been continued because it was considered that by giving this one-fourth of the land revenue and expending it in the way proposed it would make the remaining three-fourths much more valuable. The local Legislature passed an Ordinance setting aside one-fourth of the land revenue for that purpose, to be applied towards the construction of a harbour, and it was now proposed, under this Bill, immediately to commence operations. The Bill would not give the Board any further power than it possessed at present, but provided more convenient machinery to give effect to the proposals of the Board.

Mr. BURNS would like to know whether there was any reasonable hope that the interest upon all this money would be paid for out of the land revenue at the disposal of the Harbour Board as at present constituted. If the whole of the £200,000 were approved, it would probably be at the rate of 6 per cent., and that would be a large sum for the district to pay. He would therefore like to know whether the District of Taranaki would be in a position to meet its own liabilities without coming to the House for assistance.

Mr. HAMLIN said he had received certain telegrams from some large landholders in Taranaki, who would be very much affected if this Bill passed, and he would therefore propose that the committal of it should be postponed until the 11th September. He would read the telegrams to show that he was not taking this course altogether upon his own responsibility. The first was, “Petition forwarded by harbour party is composed largely of men who have no interest in the country, and boys.” The second said, “Large and influential petition being signed against rating clauses in New Plymouth Harbour Act. Get discussion deferred if possible until petition arrives.” With these two telegrams before the House he felt sure honorable members would consent to the postponement of the committal until the 11th September. That would allow time for about two steamers to arrive from New Plymouth; and he proposed putting the matter off for that time because the first steamer might have to pass that port through bad weather, and the petition would not arrive.

Major ATKINSON trusted that the honorable gentleman would not press his amendment, as the honorable member for New Plymouth might very fairly claim to go into Committee that evening. There were, no doubt, two parties in New Plymouth, who took different views with regard to this matter, and it would be only right and fair to postpone the consideration of the rating clauses until the House had received the petition which was coming down, and which he would to all probability have the honor of presenting, from certain parties who would be ratepayers, and who prayed that the rating power should be omitted from the Bill. For himself, being a landowner in the district, he might say that he entirely disagreed with those who would, in the first instance, ask the House to largely endow the harbour, and give them the management of it, and then shirk the responsibility of paying for it. The rating power was the chief security which the House would have, and he did not think honorable members would be disposed for a moment to strike out the clauses which gave that power. He trusted the House would see its way to advance the Bill a stage, and when they came to the rating clauses he was sure his honorable friend would be happy to postpone the further consideration until the petition had been presented.

Mr. REYNOLDS would support the adjournment, because he thought it was necessary that
the House should understand distinctly how the matter stood. When the Financial Arrangements Act was passed last session, it was distinctly understood by the House that there would not be a single penny raised by Treasury bills to defray the deficiency in the Taranaki land revenue—that was to say, if three-fourths of that revenue did not provide sufficient funds for defraying the charges under the 4th section. In clause 10 of that Act there was the following provision:

"Nothing in this section shall be deemed to authorize the issue of Treasury bills for the purpose of making good any deficiency in the percentage of Land Fund payable to the District of Taranaki under The New Plymouth Harbour Board Endowment Act, 1874."

Clause 12, almost immediately after, said,

"Nothing in this Act contained with respect to the appropriation or division of the Land Fund shall be deemed to alter or affect the liability of the colony to the public creditor, or to affect any permanent appropriation of or charges upon such revenue under any law in force in the colony."

If this section repealed the previous one, then the Government had not acted fairly towards the House. It was the duty of the Government to take care that the various clauses of their Acts carried out the intentions of the House: if they did not do so, then it would require every member of the House to have a lawyer beside him to see that it was done. The House trusted to the Government to do that, but they evidently had not done it, because honorable members were now told by the Premier that the Government were advised that they were bound to hand over this 25 per cent. to the New Plymouth Harbour Board, notwithstanding the implied provision to the contrary. If the Government were bound to do so by law, they certainly were not according to the intention of the Legislature when the law was passed.

Mr. GISBORNE hoped the honorable member would agree to the postponement of the Bill. This was the first instance of an Act of the General Assembly amending a Provincial Ordinance. Lot honorable members look at section 8 of the Bill, and they would see that it proposed to repeal no less than twenty-two sections and two schedules of the Provincial Ordinance. What did honorable members understand by that? There was an Act of the General Assembly repealing a great portion of—he might almost say eviscerating—a Provincial Ordinance, to which no one in the community could get access without great difficulty. These Provincial Ordinances were not circulated, and were not published in the Statute Books of the colony, and there would be an anomaly in an Act of the General Assembly amending such an Ordinance. Another difficulty was that Provincial Ordinances were not recognized by the Supreme Court unless they were proved, so that, if this Bill were passed, there would be an Act of the General Assembly which could not be taken in evidence amending a Provincial Ordinance which could not be taken in evidence, and in the Court a lawyer would have to prove the one and not the other. It would be altogether very inconvenient to have this measure in its present shape on the Statute Book. He hoped the honorable member would agree to the postponement, and that he would then introduce a Bill to repeal the Provincial Ordinance and re-enact the particular clauses which he wanted.

Mr. BURNS hoped the honorable gentleman would answer the question he had put to him, as it would depend a great deal upon that answer whether he would vote for the Bill or not. If the answer were satisfactory it would be a very healthy sign, as it would show that the people of Taranaki were ready to tax themselves to meet their liabilities; but at present he must confess that he did not see where the money was to come from.

Mr. KELLY, speaking with reference to what the honorable member for Totara said with regard to the repeal of certain clauses of the Provincial Ordinance, said it was not the fault of this Bill that those sections were repealed. A large number of them were repealed by this Bill because they would be practically inoperative, as the Rating Act of last session and the Abolition of Provinces Act had indirectly superseded them, and it was necessary to make other provisions.

Mr. GISBORNE.—But part of the Ordinances would be in force.

Mr. KELLY said of course part of them would be in force. The only answer he could give to the question of the honorable member for Roslyn was that the Board would not borrow money unless it clearly saw its way to pay interest upon it. But, with their endowments, the tolls arising from the trade of the port, the contribution from land revenue, and their rating power, they believed that they would be quite able to pay the interest on the amount borrowed. Of course the Board would not enter upon any large works unless they saw their way to procure the money and pay the interest upon it; but it must be borne in mind that harbour works were absolutely necessary, as there was no shelter on that coast between the North Cape and Cook Strait, and, if this Bill passed, the Board would be able to provide shelter for vessels of such tonnage as the "Hawea" and "Taupo."

Mr. TRAVERS said it appeared to him that this Bill required very careful consideration, especially the 19th section, which effected an appropriation of land revenue. The 4th section of the Financial Arrangements Act of last session provided that the land revenue should be devoted to a series of purposes, subject to which it was, in the case of Taranaki, charged with a percentage for the purposes of the New Plymouth Harbour Board Endowment Act of 1874; but he apprehended that it was only charged with that proportion provided it remained after the prior charges had been satisfied, and not otherwise. The 10th section expressly provided that no money should be raised by way of Treasury bills for the purpose of supplementing any deficiency in regard to the land revenue. It might be contended that, under the 12th section of the Act, the New Plymouth Harbour Board, notwithstanding the prior charges mentioned in
the 4th section, was entitled to its net 25 per cent.; but, as there was a doubt as to the interpretation of the Act, it was not desirable that they should pass a Bill which could be made use of to raise a large sum of money. It might operate very prejudicially towards the lenders of the money, and he noticed some very remarkable language in the 19th section, which spoke of "the land revenue to which the Board is entitled under the said Ordinance." It happened, however, that the House did not see its way to alter the wording of the Bill, and the arrangement made by the Ordinance was continued under the same wording of the Act. The Bill should be postponed until the cent. of the land revenue, when, in reality, that cent. of the land revenue was to be placed upon the language of the Financial Arrangements Act. Therefore the section would have to be altered under any circumstances. No doubt it was under the Ordinance that the Harbour Board became entitled to it originally, but the appropriation made by the Ordinance depended for its effect entirely upon the construction to be placed upon the language of the Financial Arrangements Act, and they ought to be cautious before consenting to an arrangement which made a permanent appropriation of 25 per cent. of the land revenue, when, in reality, that might not have been the intention of the Legislature at all. The Bill should be postponed until they knew more about the intentions of the Government with regard to the interpretation to be placed upon the language of the Financial Arrangements Act.

Mr. FITZROY did not wish to obstruct the passage of the Bill, but honorable members had that day received a somewhat extraordinary document from Taranaki, the perusal of which should make the House pause before it consented to the Bill. He gave to Mr. Speaker, and it concurred with his opinion as to whether it should not be introduced in Committee of the Whole. His attention was not called to ii.....

Mr. SPEAKER said his attention had already been drawn to the Bill with a view to obtaining his opinion as to whether it should not be introduced in Committee of the Whole. His attention was directed to the Provincial Ordinance, and the conclusion he arrived at was that but for the Ordinance the Bill could not have been introduced except through Committee of the Whole. The Ordinance, which was an existing law, made a reservation of the public estate, and the proposal in the Bill could not therefore be regarded as a fresh appropriation. He might mention that upon this point he had consulted the Attorney-General, who took the same view as he did himself.

Mr. WHITAKER said there was nothing in the nature of an appropriation in clause 17, because there was already an existing power to borrow £350,000, and the proposal in the Bill was to limit that power to £200,000. Therefore, far from being an appropriation, it was taking away from an appropriation; so that the Bill could not be said to come within the category of Appropriation Bills. That was the opinion he gave to Mr. Speaker, and it concurred with his. He had given no opinion upon clause 19, because his attention was not called to it.

Mr. J. E. BROWN thought there must be some misapprehension in the minds of honorable members with regard to this point. From what the Attorney-General had said, it was evident he did not see the point raised by honorable members. The point was this: that, while the Bill purported to repeal a Taranaki Provincial Council Ordinance, it actually repealed clauses in the Financial Arrangements Act, and restored to the Province of Taranaki 25 per cent. of the Land Fund freed from five different charges which were made upon that Land Fund under clause 4 of the Financial Arrangements Act. In other words, the Province of Taranaki would get 25 per cent. of the revenue arising from the confiscated land in the Province of Taranaki without paying any of the expenses of survey, or charges for interest on cost of its railways. If the Attorney-General had not yet directed his attention to that, it was high time he did so, in order that he might be able to say how far the Bill was affected by the arrangement arrived at last session. If he remembered aright, some little discussion took place with regard to this subject last session, and his understanding of the matter was that, instead of Taranaki getting 25 per cent. for a harbour, certain charges were first to be deducted from the land revenue, and those charges were set out in the four subsections of clause 4 of the Financial Arrangements Bill. Now, this Bill proposed to repeal that, leaving the remainder of the Land Fund to bear all the charges. For that...
reason he should oppose the Bill, and he hoped it would be withdrawn, and that a new Bill of a different character would be introduced.

Mr. CARRINGTON said that, in consequence of a telegram which had been received from New Plymouth, and the request which had been made by the honorable member for Franklin (Mr. Hamlin), he had conferred with his honorable friend the member for New Plymouth, and they had agreed to ask the House to postpone the further consideration of the matter until the 11th September next. He would move an amendment to that effect. He might take the opportunity of saying that he thought the House had acted wisely in giving to Taranaki one-fourth of her Land Fund, inasmuch as by so doing they enabled the authorities to construct a harbour at New Plymouth—a work that should have been done long ago. There could be no doubt that, by giving to Taranaki one-fourth of her Land Fund for the purpose of constructing a harbour, the three-fourths that remained would realize far more than would the whole of the land while there was no harbour.

Mr. LUSK would be very willing to postpone this Bill, which was thought by the Taranaki members to be of so much importance, but it had just dawned upon him for the first time that this measure sought to introduce an entirely new policy. If they passed this Bill they would be departing from the legislative action of last year. By this Bill they were beginning a system of localization of the Land Fund, which might be a very serious matter. He understood the Hon. the Colonial Treasurer to say a few nights ago that assistance would be required from the ordinary revenue in order to keep the Land Fund of Taranaki up to the mark. Well, if that were so, it would not be right to give Taranaki one-fourth of the gross proceeds of the sale of her lands for expenditure on local works. It appeared to him that the other parts of the colony would have a right to object to anything of that sort. However important the harbour of Taranaki might be—and no doubt it was a very important work—yet there were local works which were almost of equal importance to other districts. Why should not the other provincial districts have one-fourth of their land revenue? Why should not Timaru and Oamaru, for instance, have each a fourth of their land revenue? He could not see why any difference should be made between Taranaki and other parts of the colony. He did not say that he would not be disposed to make an exception in favour of Taranaki, but he would like to hear some good reason why such exception should be made. He thought that the honorable gentleman in charge of the Bill would be doing a wise thing if he postponed the Bill for a few days, in order that honorable members might have an opportunity of fully considering the matter.

Amendment agreed to, and committal of the Bill postponed.

NAPIER BOROUGH ENDOWMENT BILL.

ADJOURNED DEBATE.

Mr. REES said he had received some communications from gentlemen in Napier with reference to the piece of land named in the Bill. He was informed that the land actually belonged to the Harbour Board, and that it never was intended to be vested in the Borough Council. It was a narrow strip of land, which, by the alteration in a road, had now become available. As he had said, the land was never intended to be given to the Borough Council, but belonged by right to the Harbour Board. He did not know whether the Minister for Lands could give any explanation with regard to the matter, but it was certainly not right to take a piece of land from one body by simply altering a road, and then hand it over to another.

Mr. TRAVERS said there was a remarkable recital in the Bill. It recited, "Whereas by Crown grant dated the twenty-ninth day of December, one thousand eight hundred and sixty, a certain piece of land in the Province of Hawke's Bay, situate in the harbour of Napier, was granted to the Superintendent of the said Province of Hawke's Bay in trust for the improvement of the harbour of Napier, and for the construction and maintenance of such docks," &c.; and then it went on to recite, "And whereas by 'The Napier Harbour Board Act, 1874,' the said piece of land so granted as aforesaid was vested in the Napier Harbour Board, but the land described in the schedule hereto was not included therein." He did not exactly understand why it should not be included in it, because the recital was that the piece of land dealt with by the Act included the whole of the land granted. Unless some satisfactory explanation was given why this land, originally set apart for the harbour at Napier, should be taken from the Harbour Board and given to the Municipality, he was not prepared to vote for the Bill. He presumed, however, that the Minister for Public Works and the honorable member in charge of the Bill would be able to give some satisfactory explanation why the Harbour Board should be deprived of an endowment of this kind in order that it might be granted to a Municipality. If there were good reasons why it should be transferred, he would have no objection to support the second reading of the Bill.

Captain RUSSELL said that he had been in correspondence with various gentlemen interested in the Harbour Board at Napier, and, so far as he could ascertain, this piece of land had already been granted in trust to the Superintendent, on the 29th December, 1860, for the improvement of the harbour. He would read a short extract from the grant:—

"In trust for the improvement of the Harbour Napier, and for the construction and maintenance of such docks, piers, and other works therein as may be deemed advisable for facilitating the trade and commerce of the Town and Port of Napier aforesaid."

Under these circumstances he thought this matter might be settled by the Borough Council and the Harbour Board. The piece of land having been vested in the Superintendent for harbour purposes, they could not possibly vest it in the Municipal Corporation.
Mr. GISBORNE wished to raise a point of order whether this was not a private Bill. He thought the Harbour Board should have an opportunity of defending itself before the House as to the transfer of this property to another body. It was a most dangerous principle. It was absolute confiscation. They should not at a moment's notice transfer property belonging to one local public body to another local public body. He believed last session property belonging to the Dunedin Municipal Corporation was transferred to the Dunedin Harbour Board, and now they had a Bill asking that the property should be re-transferred. He protested against such a dangerous practice. They might as soon transfer the property of private individuals from one to another. They had no right to transfer this trust property to another body for other purposes. He hoped some explanation would be given by the Minister for Public Works, who was Superintendent of Hawke's Bay and also a member of the Harbour Board, and who must be aware of the circumstances connected with this trust property.

Mr. ORMOND did not think the House could properly agree to the second reading of this Bill. This was a piece of land, or rather a piece of water—a portion of the lagoon in the Napier Harbour—and was granted to the Superintendent of Hawke's Bay, some twelve or fourteen years ago, in trust for the purpose of improving the harbour. Subsequently a Bill was passed through the House forming the Napier Harbour Board. The railway line to be constructed had cut off this piece of land from the lagoon, and it was now included within the limits of the borough. The land was not valuable, but the Harbour Board decided to object to the property being taken from them, although it was not vested in the Harbour Board. As the property was Crown-granted for the purpose of improving the harbour of Napier, he thought it would be wrong on the part of the House to transfer it to the Municipal Corporation. He hoped the House would not consent to the second reading of the Bill.

Mr. SPEAKER said he was not prepared, on the spur of the moment, to give an opinion on the point of order raised by the honorable member for Totara. He would look into the matter; and if the Bill was read a second time he would give an opinion before it was advanced another stage.

Mr. O'BORKE said this Bill had been referred to the Private Bills Committee, and, after due consideration, it had reported that it might be dealt with as a public Bill. With regard to the alteration of the trust, he would remind the honorable member for Totara that that power was always enjoyed by the Provincial Councils under the Public Reserves Act, and, a fortiori, this power could now be exercised by the General Assembly. He founded his argument on the 8th section of the Public Reserves Act, 1854, which ran as follows:—"The specific purposes for which any such lands within any province shall be held may be changed, and the same lands may be appropriated to other and different purposes of public utility for the public service of such province: Provided that no such change or new appropriation shall be made without the authority of an Act or Ordinance of the Provincial Council of such province to be duly passed on that behalf."

Surely, if the General Assembly could have delegated such powers to Provincial Legislatures, it could, now that those Legislatures were defunct, resume the exercise of its original inherent power of changing the purposes of such reserves.

Mr. MONTGOMERY said this Bill appeared to have for its object the changing of a trust for the sole benefit of the Town of Napier, and he should vote against it on the ground that it was a dangerous proceeding to adopt.

Mr. SUTTON said it was impossible that the land could be used for the purpose for which it was originally granted. It was a long slip of land covered by water, and was not of much money value. He thought it was of more importance that it should belong to the Corporation than to the Harbour Board, for more than two-thirds of it would be used in roads. He admitted that, by a Crown grant dated December 29, 1860, this land was vested in the Superintendent in trust for the improvement of the harbour of Napier, and for the construction and maintenance of such docks, piers, and other works therein as might be deemed advisable for facilitating the commerce of the town and port of Napier. It seemed to him that the only ground on which he could, with anything like propriety, ask the House to rescind that grant, and vest the land in the Corporation, was that the land was so situated that it was never likely to be of any value to the Harbour Board, and that it was probable that it would become valuable to the Corporation. He would not divide the House, but take its decision on the voices.

Motion for second reading of the Bill put and negatived.

DUNEDIN WHARVES AND QUAYS RESERVES BILL.

Mr. MACANDREW, in moving the second reading of this Bill, might say that he did so on behalf of, and by the unanimous request of, the citizens of Dunedin, as represented by the City Council, and he also did so at the request of the Dunedin Harbour Board itself, the Corporation, and the Harbour Board being the two parties concerned in this matter. It would be a very easy matter, with the vast amount of material before him in the shape of a Blue Book, and the long debate reported in Haward on the same subject last year, to spin out a very long speech on this question. However he did not think that would be to the edification of the House, and he did not think it was at all necessary. He should endeavour, as precisely as possible, to state the facts of the case. He laid great stress, and he hoped the House would lay great stress, on the fact that the Dunedin Harbour Board had itself expressed its approval, by a majority, that a Bill should be introduced for the purpose of vesting these reserves in question in the Corporation. He would read the resolutions passed by the Otago Harbour Board, at a meeting held on the 6th July last;—
"Resolved,—That this Board, having noticed the intention of the City Council to introduce a Bill in the ensuing session of Parliament, having for its object the re-vesting in the Corporation of the City of Dunedin the reserves known as the Wharves and Quays Reserve, resolve—(1.) That this Board recognizes that a great wrong was (inadvertently) inflicted upon the Corporation of Dunedin by the passing of the Act last session known as the Dunedin Wharves and Quays Reserves. (2.) That this Board is of opinion that the revenues derivable from such reserve properly belong to the Corporation of the City of Dunedin, and regrets that its predecessors should have in any way been instrumental in causing the alienation of such revenue from the said Corporation. (3.) That this Board earnestly hopes that the House of Assembly will repair the wrong done, by passing the Act to be introduced by the said Corporation to re-vest the reserve in it. (4.) That a copy of these resolutions be forwarded to the General Government, with a respectful request that they will bring the same before the House of Assembly during its session."

Mr. Macandrew said the honorable gentleman should have put before the House last session when the Bill was passed, and he hoped the House would read the Bill a second time.
the House the whole of the facts of the case in reference to the action of the Harbour Board, and should not have attempted to deceive the House. The Harbour Board was equally divided on this question, and the gentleman who was put on the Board by the Governor to conserve the interests of the Harbour Board had used his casting vote to pass a resolution giving away the property of the Board. It was interesting to look at the constitution of the Board, and those who voted for the property of the Harbour Board being given away. Of what was the majority composed? There were two members of the City Council, the late Mayor of Dunedin, the Mayors elected by South Dunedin and St. Kilda Municipality, and the honorable member for Port Chalmers, one of the members nominated by the Governor. That was five—just half the Harbour Board. The five independent members were all against the proposal. Yet the honorable gentleman who had been nominated by the Governor deliberately threw away his own casting vote the property given to the Harbour Board by a majority of thirty-two members of this House in a full House. Under such circumstances it was absurd to wish the House this session to turn round and stultify itself by reversing the vote of last year. The City Council had never had possession of the property, and had never had a claim upon it further than the management of it. It was the property of the Harbour Board, and, if the Corporation had entered into obligations in respect of it, so had the Harbour Board, therefore one case was as bad as the other. The honorable gentleman had stated that he had, as Superintendent, reserved power to allow the railway to go along the reserve. He (Mr. McLean) thought the honorable member had only lately found that out, for that statement had never been heard before. The House last session, specially in the Bill, reserved what land was required for the railway; so the House clearly reserved the whole of the land necessary for that railway, and the honorable member had nothing to do with it. He did not think it was necessary to say anything further, as the circumstances were quite fresh in the memory of the House. He would only add that the way in which the Board had sought to throw away its own property was altogether unprecedented. Whatever sentiment the honorable member for Port Chalmers might have had, it was not right on his part to throw away the property in this way. When he was put there this land was the property of the Harbour Board by Statute; and he was put there to conserve the interests of the Harbour Board, and not to give away its property; and most certainly, had he even hinted as to the action he was about to take, the Harbour Board would not have been troubled with his company.

Mr. REYNOLDS regretted to take up the time of the House; but he could not allow the honorable member’s remarks to pass. The honorable gentleman said that the reserves more properly belonged to the Harbour Board than to the Corporation. He (Mr. Reynolds) denied that to be so. It was an act of repudiation, and any honorable member who sat on those Government benches ought to be ashamed of such a thing. The Government ought to know him better than to suppose that he was going to take a seat on the Harbour Board for the purpose of acting the part of a rogue.

Mr. SPEAKER called the honorable member to order.

Mr. REYNOLDS considered he would not be doing his duty, in his private capacity, if he retained anything which he believed belonged to another; and the same applied to public matters. The honorable member said that the motion in the Harbour Board was carried by his (Mr. Reynolds’s) casting vote; but that was not a fact. If he was not much mistaken it was carried by five to three. At the present time the Board was equally divided. By-the-by, he might say that one of the minority, one of the “independent members,” was the Collector of Customs, who probably had instructions how he was to vote. He did not consider that he was at all indebted to the Government for holding a seat on the Board. He might have been elected by three or four different bodies; and, instead of his sitting on the Board being any benefit to him, it had been a source of great trouble and anxiety. The honorable member for Waikouaiti said money was not raised by the Corporation on this reserve, but, if he looked at the evidence given before a Select Committee last session, he would see it was clearly shown that money was so raised. The honorable gentleman also said that moneys had been raised by the Board on the strength of those reserves. Now, the Board had borrowed all its money before the Act of last session was passed. The honorable gentleman, as a member of the Government, should not mislead the House, but should rather give the House the fullest information on every subject.

Mr. REID thought that, before they came to a decision they might reasonably have expected to get more information from the honorable members in favour of this Bill. He would ask, what information had they obtained from the honorable gentleman who had just sat down to justify them in coming to the conclusion that this land was ever permanently vested in the Corporation?

“The Dunedin Reserves Management Ordinance, 1867,” vested in the Corporation of Dunedin the management of the reserves, with the condition that they should be held for the purposes for which the reserves were made—namely, for wharves and quays—but with power to use the revenue, which at that time was very small. It had been argued to-night that these reserves were absolutely the property of the Corporation of Dunedin. Then, if so, why was a Bill introduced last session? The Harbour Board did not introduce that Bill. The Corporation of the city, knowing perfectly well that they had no property in those reserves, had a Bill introduced in order to give them a property in the reserves. When that Bill was brought forward he thought it to be his duty, acting on the rule laid down by the honorable member for Akaroa, to see that those reserves, which had been made for the general public, should not
be appropriated to the use of the city exclusively. The mere fact of the Corporation having introduced an Act to have those reserves vested in them proved conclusively that the reserves did not belong to the

Mr. REYNOLDS.—It was introduced because it could not be brought into the Provincial Council.

Mr. REID said the honorable member now admitted that the Corporation had no title to those reserves.

Mr. REYNOLDS.—They were transferred from the control of the Superintendent by Ordinance.

Mr. REID said No. The fact was that the Provincial Council was too careful. It would not have given such a Bill. He (Mr. Reid) was a member of the Provincial Council at the time the reserves were vested in the Corporation. They were vested in the Corporation for the time being because there was no Harbour Board or other body having authority to manage the harbours. These reserves were being occupied illegally, at the time of the gold excitement, by "squatters," who became troublesome in the management of municipal affairs. The plea put forward was that the Corporation should have the management of the reserves, not for the sake of the revenues to be derived from them, but to put them in the position of keeping order over them. One of the representatives of the city was at that time a member of the Government, and he assured the Council that the intention was simply to vest the management of the reserves in the Corporation, and that "the Council was not being asked to place these properties in the hands of the Corporation; they were only seeking to let the Corporation have the management of these reserves"—and that therefore the revenues would be available for the purposes for which the reserves had been made. It was part of the early scheme of settlement that these reserves should be made in the public interest. Clause 12 of the terms of purchase said:

"In laying out the chief town of the settlement named Dunedin, due provision to be made for public purposes, as fortifications, public buildings, sites for places of public worship and instruction, baths, wharves, quays, cemeteries, squares, a park and other places for health and recreation, for all of which instructions have already been given to the Company's principal agent."

That was one of the conditions of the first purchase of land within the province; and these reserves were accordingly made. The management was given over in 1867 in the way he had indicated, but specifically retaining the reserves for the purposes for which they were set apart. Last year, the Corporation, evidently wishing to get these reserves absolutely into their control, introduced a Bill which, as he had explained, he asked the House not to agree to, and he was happy to say the House did not agree to it. It did, however, agree to vest absolutely by Act of this Assembly in the Harbour Board these reserves, which up to that time had not been vested in any body strictly interested in harbour works. The honorable member for Dunedin City laid great stress on the resolution passed by the Harbour Board; but it would be well to explain how that resolution was arrived at. In passing the Bill for the constitution of the Harbour Board it was provided that no member of the City Corporation should be a member of the Board, because it was foreseen that it was very likely the two bodies would clash. What was then done to get round the Act, as he might say? In order to evade the provisions of the law, two members of the City Corporation resigned their seats for the time being, and were elected to the Harbour Board by the Corporation, the election not being by the ratepayers. They then stood an election for the City Corporation, and were re-elected. Thus there were two City Councillors' votes in the Harbour Board for passing the resolution to divert the estate in this property. Then there was the ex-Mayor, Mr. Ramsey, who had long desired to have this property made over to the Corporation, and, from a City Council standpoint, naturally so. He acknowledged at once that a great many of the citizens of Dunedin had a very considerable interest in the situation; but he concluded that the City of Dunedin ought to have as much interest in the harbour as it had in any of its purely municipal functions. Nevertheless the ex-Mayor took the narrow-minded view, and there were, consequently, three votes for the resolution. Then there was the honorable member for Port Chalmers, who introduced the Bill last session, and who had always held that the reserves should be vested in the Corporation. That gentleman being a member of the Board, and Chairman, it was easy to understand how a majority was obtained; but he did not think that that resolution would have much weight with the House. It had been argued by the honorable member for Dunedin City that the Corporation had plenty to do in providing for the sanitary management of the town; but that was no reason why the House should divert an endowment which was originally made for another purpose which was of quite as much importance as the sanitary management of the City of Dunedin. Dunedin was the most liberally-endowed city in New Zealand, if not in the Southern Hemisphere; it had endowments throughout several districts in Otago; but, if it was not sufficiently endowed, the House should not take away what belonged to the harbour in order to give it to the city. Let the city be given further endowments elsewhere, if necessary. The honorable member for Dunedin City hoped the House would repair the wrong done. There had been no wrong done; and, if there had, he would have been the first to rise in his place last year to ask that it should be repaired. These reserves had been vested in a body appointed specially to carry out the object for which they were made, and which could most properly control them; and therefore no wrong had been done. He need not say much more, for no doubt much talk would not affect many votes on this question. He felt sure that if the House took the course it was asked to take by this Bill a
great wrong would be done to the Provincial District of Otago, and a large estate would be conferred on the Corporation of the City of Dunedin to which it had no more claim than any other representative body within the province. The Corporation had never had any interest in the properties farther than having the management of it for the time being, and being allowed to use the proceeds until such time as they could be devoted to the purposes for which they were originally intended, which could only be done when a body was constituted which should have control of the harbour. No doubt, if the Corporation had taken the position which the Harbour Board occupied, this property should have been vested in it exclusively for the harbour. In 1867, he believed, the Corporation had the control of the wharves and quays, and ultimately that control was taken over by the Provincial Government, and passed away altogether from the Corporation. He hoped the House would not agree to the second reading of the Bill, and felt sure that, by taking time to think over the matter, it would come to the conclusion that it would be the wisest course not to interfere with the arrangements as they at present stood.

Mr. FYKE would like to say a few words in order to put a plain statement of facts before the House, and endeavour to dispel the false glamour that had been cast over this question. When he interjected an expression during the course of the speech of the last speaker who addressed the House, and asked, "For what purpose?"—meaning for what purpose the reserves had been granted—the honorable gentleman said, "For the purpose described in the schedule." All he had to say was that if that were so the honorable gentleman had not read the Ordinance which referred to these reserves, or he had misread it; and the honorable gentleman had not read the Ordinance of the Superintendent and the Provincial Council of Otago. The schedule which was so often referred to contained a description of two reserves, both called reserves for public wharves and quays. One of them was the block now under the consideration of the House, and open for future disposal; the other was a block of eighteen acres of land, granted to and vested in the Corporation—"in and by a certain Ordinance of tho Superintendent and the Provincial Council of the Province of Otago, the short title whereof is 'The Dunedin Reserves Management Ordinance, 1866.'" The Otago Harbour Board was therefore brought into existence with an absolute contract implied in an Act of this House that they should not take from the Corporation anything which the Ordinance of 1866 gave them; and amongst these was this reserve, which had yet been taken away in a most improper manner. And how was it taken away? He would ask the Minister for Lands if he remembered how it was done. The honorable member for Taieri (Mr. Stout) brought in a Bill to give greater powers to the Dunedin City Corporation over this land, and he went away to Dunedin and left his Bill in the hands of the honorable member for Taieri, the present Minister for Lands.

Mr. REID.—No.

Mr. PYKE.—Hear, hear. And yet, Sir, although this Board was constituted with a solemn provision that it should not interfere with the rights of the Corporation, the very next year it proceeded to rob that Corporation of eighteen acres of land, granted to and vested in the Corporation—"in and by a certain Ordinance of the Superintendent and the Provincial Council of the Province of Otago, the short title whereof is 'The Dunedin Reserves Management Ordinance, 1866.'" The Otago Harbour Board was therefore brought into existence with an absolute contract implied in an Act of this House that they should not take from the Corporation anything which the Ordinance of 1866 gave them; and amongst these was this reserve, which had yet been taken away in a most improper manner. And how was it taken away? He would ask the Minister for Lands if he remembered how it was done. The honorable member for Dunedin City (Mr. Stout) brought in a Bill to give greater powers to the Dunedin City Corporation over this land, and he went away to Dunedin and left his Bill in the hands of the honorable member for Taieri, the present Minister for Lands.
But that amendment was to take this reserve from the Corporation and give it to the Harbour Board, by substituting the words "Harbour Board" for "City Corporation" in the Bill. It meant robbing the Corporation of eighteen acres of land and giving it to the Harbour Board, which did not require it—why remove such fine property of its own that it did not want this? If he had thought it necessary to carry out the harbour works that this property should be handed over to the Board, he would have consented to it; but he knew that that body already had quite sufficient to carry out all that was required. Did anybody suppose for a moment that the honorable member for Dunedin City wished to injure the harbour? He was speaking now as an outsider living 150 miles away from the place, and having no interest in giving this land to the Corporation, except that spirit of justice which should animate every member of the House, and which alone animated him. They had been told that the Harbour Board had voted away its own property. Well, he hoped he would hear of such things being done again and again. He was always glad to hear of men being honest enough to say, "This does not belong to me; I will not receive it." The position of the matter was this: "The thieves had robbed the true man; now let us rob the thieves." He well remembered how the Bill of last year was carried through the House. The Secretary of the Harbour Board came up to Wellington and ear-wigged members for weeks. He persuaded them what a fine thing it would be to take away the land from the Corporation and give it to the Harbour Board; and that was a splendid achievement for him. Honorable members might not know what the position of the land was. It was cut off from the sea by the railway. Nobody knew where the wharves would be at the time the reserve was made; and it was vested in the only public body in which it could then be vested. He hoped the House would retrace the step it had taken. It was no discredit to any gentleman or any assembly of gentlemen to say, "We see we have done a wrong thing, and we are now prepared to apply such a remedy as lies within our power." He hoped the House would agree not only to the second reading of the Bill, but to the third reading also. They did a wrong thing last session, and he had no doubt as to the principles which would guide the House in the matter.

Mr. GISBORNE said that, as a remark of his he had been referred to by the Minister for Lands, he wished to say a few words by way of explanation. He was sure the Minister for Lands would do nothing wrong to any public or private body, but he thought the honorable gentleman misconceived the rights of property which trustees held in land conveyed to them. He had taken the trouble to look at the Provincial Ordinance of 1867, and it expressly said that "the lands and hereditaments mentioned and described in the First Schedule shall be and are hereby transferred to the Corporation of the City of Dunedin and its successors, to be held by the Corporation and its successors for the like trust"—that was, for purposes of wharves and quays. That absolutely vested the property in the Corporation, and he would ask the Attorney-General whether the Legislature had any right to take away land vested in any public or private body and transfer it to another body without compensation or the assent of the parties concerned. He was firmly of opinion that the Legislature had no more right to do that than it would have to take away the honorable gentleman's own private property without his assent or without giving him compensation. The Act of last session was a direct wrong inflicted upon the Corporation of Dunedin. If the Corporation did not properly fulfill the conditions of the trust the proper course was to apply to the Supreme Court for remedy, but the Legislature had no right by a summary act to take away land vested in trustees and convey it to another body of trustees. There were lands set apart for charitable trusts, and would it be right to take them away and transfer them to another body? What would be thought if the Imperial Parliament took away and alienated all the land of the City of London, or of Manchester or Birmingham, and transferred all those valuable properties to some other bodies? Would not that be considered an act of oppression and of confiscation? Such a course would not be assented to for one moment. He thought that, as the Legislature had by some misadventure inflicted a wrong on the Corporation of Dunedin, it ought now to take steps to remedy that wrong.

Mr. LUMSDEN inferred from the remarks of the honorable member for Totara that the Corporation had not fulfilled its trust, and that some other course should be taken to compel it to do so. His object in rising, however, was to make one or two remarks in reference to what fell from the honorable member for Dunstan with regard to clause 94 of the Municipal Corporations Ordinance of 1865. The honorable gentleman based his chief argument on the fact that the reserves were vested in trust in the Corporation of Dunedin, and that the moneys accruing from them were to be dealt with in the terms of this clause; and after reading the clause the honorable gentleman came to the conclusion that it was manifest that these moneys were intended to be spent upon the general purposes of the city. He (Mr. Lumsden) saw nothing in the clause inconsistent with the devotion of this money to wharves and quays. It was stated in that clause that the money shall be expended "for the public benefit of the inhabitants and repair of streets, the sewage, lighting and all other improvements of the said city." Were not wharves and quays for the public advantage? He certainly thought they were; and he did not see what use wharves would be without roads. Lighting was also a very desirable thing. They were all for the public benefit: and he saw nothing in the clause which would warrant the House in altering the Act passed last year. It would be simply absurd to do such a thing, and therefore oppose the second reading of the Bill.

Mr. BURNS said considerable stress had been laid upon the fact that the Corporation of Dun-
edin had borrowed money upon the strength of these reserves. All he could say was that if the Dunedin Corporation had done so they had done an illegal act. They had no power to borrow upon their landed estate. They had only power to borrow upon their rates. Therefore the thing was wrong upon the face of it. But the Harbour Board had borrowed money upon it, notwithstanding anything that the Chairman of the Board might say to the contrary. The honorable member for Port Chalmers said, a few evenings ago, that he (Mr. Burns) had found a mare's-nest. Really the honorable gentleman seemed to have got into a mare's-nest himself, and he thought he would find that the eggs were addled.

He could only say that the honorable gentleman was very far wrong in his conclusions, and was doing another injustice—if he voted for the second reading of the Bill he would be doing a still greater injustice not only to the Harbour Board as a Board, but to a great many other people, because that Board had to conserve the rights of the whole of New Zealand. He would also be doing an injustice to his own constituents, because he held that the inhabitants of Port Chalmers, of the District of Roslyn, and of the whole provincial district, had a perfect right to the proceeds of the endowments belonging to the Harbour Board. If the matter were fairly placed before the inhabitants of Dunedin, and if the city were polled man for man, every one of them, he believed, would vote for throwing out this Bill; because they were as deeply interested in the reduction of dues as the people of Port Chalmers were. He thought the honorable member would hear something from his constituency about this Bill. They all knew very well that the honorable gentleman's constituency were just as much alive to all this as the people of Dunedin, and the honorable member would very likely hear something more about this injustice. He told them that they were committing a robbery, but the real fact was that he was robbing his own constituency. However, he would leave the honorable member to fight the matter out with them. It was just as well that the House should have before it everything that had taken place in regard to this matter. He held in his hand a report of a discussion that took place at the time in the Provincial Council; and this was what Sir John Richardson, the present Speaker of the other branch of the Legislature, said:

"Those who knew the action he had taken with relation to the Princes Street Reserves knew that he had not opposed the interests of Dunedin. He had opposed its alienation by the Assembly, but he repeatedly urged that it was a question of right, involving legal points. The 4th clause enacts that all moneys realized from the reserves should be applied and disposed of in the manner provided by the 94th section of the Municipal Ordinance; and, on referring to that Ordinance, he found that to be the payment of salaries of Mr. Taylor, Clerk, &c. Now he did not think this was the purpose which the reserve in question was granted. He would withdraw his opposition to the amendment if a resolution was adopted to the effect that the rents should be applied in making the harbour navigable from the Heads upwards. That would be a legitimate amplification of the purpose named in the Crown grants. He regretted that the question of town and country had been brought into the discussion, as the interests of the province and the city were one."

They had been told that this branch of the Legislature did an injustice in doing what it did last year. Well, he had heard from all sides of the House that he was the duty of the other branch of the Legislature to conserve the interests of property, and, if his memory did not fail him, that other branch of the Legislature passed the Bill now in operation exactly in the shape in which the House of Representatives had left it. Whatever might be said about the other branch of the Legislature, he was quite sure that they would not be a party to an injustice. They must have seen the justice of the Bill, or they would never have passed it into law.

Mr. Macandrew would say very little at that late hour of the night, but he could not allow the reckless statements of the honorable member for Waikouaiti and the honorable member for Roslyn to pass unheeded. They had stated that the Harbour Board had borrowed money on the strength of these reserves; but that was entirely incorrect. The Harbour Board issued £120,000 worth of debentures, every one of which was signed by himself, as Chairman of the Board, long before the Act of last session was passed, or even thought of. The Harbour Board had not borrowed a single farthing on the strength of those reserves; but no doubt the next batch of debentures would be issued on the strength of them. He could afford to despise the sneers of the honorable member for Waikouaiti with regard to his (Mr. Macandrew's) foresight; and he could assure the House that the object of not having originally given to the Corporation the absolute control of the water-frontage along with the others was purely that which he had stated—namely, that a railway would probably be made through the land some day, and, pending such, it was desirable that the Government should have the control of it. The honorable gentleman had said that those who voted against this Bill in the Harbour Board were independent men. Why, one of them was the honorable gentleman's own subordinate, the Collector of Customs, and he (Mr. Macandrew) would like to know where that gentleman's independence was. The honorable member for Dunstan had brought the legal aspect of the case most completely before the House, and he was quite right in saying that the Secretary of the Harbour Board was at the bottom of the whole matter. That most indefatigable gentleman, Mr. Gillies, was in Wellington button-holing members and arranging the matter for a few weeks last year, and as he got £250 for his services here he was very well paid for what he had done.

Question put, "That the Bill be now read a second time;" upon which a division was called for, with the following result:
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[LEGISLATIVE COUNCIL]

Friday, 31st August, 1877.

First Readings—Third Reading—Jackson's Bay—Money Bills—Harbour Charges.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Timaru Mechanics' Institute Bill, Port Chalmers Waterworks Bill.

THIRD READING.

Lyttelton Public Domain Bill.

JACKSON'S BAY.

The Hon. Mr. BONAR asked the Colonial Secretary, without notice, if he would lay on the table of the Council copies of the reports and correspondence relative to the progress of the special settlement of Jackson's Bay, which had already been furnished to the other branch of the Legislature.

The Hon. Dr. POLLEN said there would be no objection to the documents being laid on the table.

MONEY BILLS.

The Hon. Major RICHMOND, C.B., in moving the motion standing in his name, wished to call the attention of honorable members to the necessity which existed for an alteration in the Standing Orders, so as to secure the following objects:—The careful consideration of Bills, time for adjusting amendments in either House, and time for any clerical preparation. But he feared that this could not be thoroughly carried out so long as there was such delay in bringing Bills before the Legislative Council. In illustration, he might mention that the number of Bills that had originated in the House of Representatives during the present session amounted to sixty-five, the great majority of which were in their early stages. Of this number, ten only had reached the Legislative Council, now six weeks in session. Again, during the last four weeks of the session of 1876, forty-nine Bills which originated in the House of Representatives were sent to the Council. This pressure of business at the end of a session necessarily involved hasty legislation, thereby causing the sacrifice of many important Bills introduced by the Government or by private members, as well as the hurried consideration of Acts. Every session the Council was called upon to pass Bills amending Acts which they had passed in previous sessions. It would perhaps not be out of place if he were to give the progress of one of the Bills of last session. The Public Works Act of 1876, containing 217 clauses, and repealing 43 Statutes and 67 Provincial Ordinances, was introduced into the House of Representatives on the 25th July, and was withdrawn on the 29th August. It was then introduced into the Legislative Council on the 4th September, was in Committee fifteen days, and seventy amendments were made in it. It passed the Council on the 17th October, and was sent to the House of Representatives on the 18th. It was read a first time and then laid aside, the cause being unknown. A new Public Works Bill, including the amendments made by the Council in the original Bill, was introduced into the House of Representatives on the 21st October; was committed twice; passed the House on the 25th October; was transmitted to the Legislative Council on the same day; was in Committee once; and passed the Council on the 27th with a few amendments which were agreed to by the House of Representatives on the 27th, four days only before the prorogation of Parliament. It had placed some Bills of the session of 1876 on the table to show, by the state in which they left the Committee, the difficulty the officers of the Council had to contend with during the press of business at the close of the session. The instances he brought forward would, he trusted, prove to honorable members the necessity for adopting the amendment in the Standing Orders which he now moved.
Money Bills.

1877.] 163 Money Bills.

[COUNCIL.]

Motion made, and question proposed, "That the following Standing Order be adopted by the Council:—It shall be the duty of the Speaker to take care that, on the third reading of all Bills initiated in the Legislative Council, any provisions which may appear to him to infringe upon the privileges of the House of Representatives be marked, and the provisions so marked shall be printed in erasure type, and shall not be held to form part of the Bill as forwarded to the House of Representatives."—(Hon. Major Richmond, C.B.)

The Hon. Mr. PATerson would like to know if the clauses printed in erasure type were to be taken as having been passed by the Council, or whether they were to be intended for the adoption of the other House, to be afterwards sent back for the consideration of the Council.

The Hon. Mr. MANTELL explained that these clauses would be discussed by the Council, and, having of course been agreed to, would be sent in erasure type, and not as part of the Bill, to the other House, so as to avoid any difficulty between the two Houses on the question of privilege. They would go as an expression of the mind of the Council, and it would be found, he thought, that these clauses, either in the shape in which they were adopted by the Council or in an amended shape, would be inserted in the Bill by the House whose province it was to originate such clauses. The alteration would tend to facilitate the passage of measures, inasmuch as there would be no doubt in the other branch of the Legislature as to what the mind of the Council was in regard to any clause so printed in erasure type.

The Hon. Mr. PATerson said that was not the point he raised. If they were not part of the Bill when they left the Council, when did they become part of the Bill? If the House of Representatives inserted them, they would still want the sanction of the Council.

The Hon. Mr. MANTELL said they only became part of the Bill after they had been accepted by the other House and finally passed by the Council, which course would be asked to give its concurrence to the Bill in whatever form the other House sent it up.

The Hon. Mr. HOLMES thought it was very undesirable that money Bills, or any Bills that could be said to involve the question of money, should originate in the Council at all. That was always a great difficulty. He thought they should avoid trenching on the privileges and prerogatives of the other branch of the Legislature. They all recognized that that House had the power over the purse, and it would be better that the Council should not attempt to take the initiative in any measures which involved money. The honorable the mover had referred to the short time the Council had in which to deal with important Bills at the end of the session. Now, he hoped the Council would resolve to have done with the system of suspending the Standing Orders for the purpose of rushing Bills through at the end of the session without giving them that amount of thought and attention that their importance might deserve.

Nothing ought to induce the Council to adhere to the alipshod system that had obtained in years gone by, and more especially during the last two or three sessions. He mentioned the point now in order that honorable members might make up their minds to devote sufficient time to maturing and properly considering measures that might come before the Council, instead of rushing them through merely to accommodate the other branch of the Legislature.

The Hon. Captain FRASER did not understand the meaning of this motion. Was the Council to have no opportunity of discussing whether certain clauses should be in erasure type or not? He wished to know whether erasure type was to be used after the third reading or before. The Council should be very chary how it surrendered any of its rights, or infringed on the privileges of the other House. It would be far better that erasure type should be introduced on the first reading of the Bill and not on the third reading, unless a resolution were passed that notwithstanding this Standing Order the Council should have an opportunity of discussing which clauses should be in erasure type and which should not.

The Hon. Mr. ROBINSON thought the Council would be placing itself in a very awkward position if it passed Bills with the money clauses in red ink. A difficulty would arise if the Council having sent down certain clauses in erasure type, the other House sent the Bill back with those clauses struck out. If the Council in the first instance sent down these marked clauses it would to a certain extent have committed itself to this: that it agreed with the Bill, and thought it desirable to pass the clauses which it admitted having no right to initiate; and the other House would say, "We deny your right to legislate on matters in which money is concerned, and we send the Bill back to you in an unsatisfactory shape, you having no right to deal with the clauses we have struck out."

The Hon. Colonel KENNY, in reference to the Hon. Captain Fraser's remark that the erasure type should be inserted on the first reading instead of on the third, explained that the Standing Order had been adopted in conformity with the practice which was followed in the House of Lords as set forth in May.

The Hon. Colonel WHITMORE thought this was a matter of considerable importance, because the Council had lately begun to waive its rights in these matters. Although there was a difficulty about the Public Works Bill last year, honorable gentlemen would remember that that Bill was in the end adopted by the other House in its entirety with the Council's amendments. The present proposal was a very judicious one, and a reference to May would show that it was precisely the same as the course adopted in the House of Lords. The Speaker ought to be able to judge which clauses might infringe upon the privileges of the other House. After the matter had been fully discussed and considered, the Speaker would mark such clauses, and in that form they would go down to the other branch of the Legislature.
The course pursued in the House of Lords was thus described in May:

"On the third reading any provisions which infringe upon the privileges of the Commons are struck out, and the Bill, having been drawn so as to be intelligible after their omission, is sent to the Commons without them. These provisions, however, are printed by the Commons in red ink, with a note that they 'are proposed to be inserted in Committee.'"

Supposing there was no question of privilege, and if the other House disapproved of these clauses, they would throw them out, and therefore there was no very great point in the argument that they might not pass the clauses in erasure type. He felt assured that the interest of both branches of the Legislature and the public interest must be best conserved by having the attention of both Houses so economized and so devoted to the duties of legislation as to prevent what had too often occurred—namely, one branch of the Legislature completely idle for half a session, and the business so crowded into the other half that it was impossible to give proper attention to it. The resolution seemed to him to contain a very reasonable proposal for overcoming a great public difficulty, and it deserved unqualified support. It involved no question of surrendering any privilege, and honorable members need not feel humiliated in doing what was found to be suitable to the dignity of the House of Lords. The only possible objection was that it placed very great responsibility on the Speaker. That responsibility was twofold. First, it rendered it absolutely necessary for the Speaker to give very great attention to the Bills, and in doubtful cases to decide; and, secondly, there was the danger which must be guarded against of surrendering the just privileges of the Council by over-concession to the other branch of the Legislature. With that sole doubt in his mind—and he could hardly say it was a doubt, because he presumed the Speaker had been communicated with and was willing to undertake the responsibility—he would support the honorable gentleman's motion as it stood. In the House of Lords the Lord Chancellor had the assistance of very high legal authorities, and a large staff to assist him, so that practically a great deal of labour and responsibility was taken off his shoulders. Here such was not the case, and if the Speaker found it necessary to ask for assistance in the shape of the Chairman of Committees, or any two members of the Council, he would be very happy to agree to that little deviation from the custom of the House of Lords. The Speaker here did not mean exactly the same thing as the Lord Chancellor at Home. To say nothing of the difference in the circumstances, the Lord Chancellor himself naturally was a person of very great experience in these matters. Besides, he had at his disposal a very large and very able staff of legal officers, whose attention had been specially devoted to Bill-drawing—and what were called parliamentary draftsmen—and there would be an occasion in which either the privileges of the Commons would be invaded or those of the House of Lords surrendered, or in which it would be found that the Bill without the marked clauses would not read perfectly well, for it must be borne in mind that this latter was a duty which would also devolve upon the Speaker. He could not forget that it was placing a very heavy burden on the Speaker, who had very little assistance. However, he presumed the honorable gentleman was willing to accept that responsibility, and he felt satisfied that if he found that he required further assistance the Council would be ready to respond to any appeal he might make.

The Hon. the SPEAKER thought this was an occasion upon which he might be allowed to make one or two remarks. The subject was one which very materially concerned not only their own privileges, but also the privileges of the other Chamber. His honorable friend Colonel Whitmore had referred to the question of the responsibility which would devolve upon him. He was perfectly willing to accept that responsibility, and he should consider it his duty, in all cases in which there was the slightest doubt, to put himself in communication with the Committee on Standing Orders for their advice. He accepted the responsibility the more willingly because by doing so he would escape a much greater responsibility, and that was the transmission at almost the last hour of the session of Bills which he really could not conscientiously say were in accordance with what was passed in the Council. His honorable friend the Chairman of Committees he could implicitly trust; the Clerk who assisted him could also implicitly trust; but if honorable gentlemen would take the trouble to look through some of the Bills they would find that, should the Clerk or the Chairman of Committees be unwell, it would be impossible on account of the pressure of business to unravel the mysteries of the amendments made. He might be allowed to refer to an objection which had been made by the Hon. Mr. Paterson. There was not the remotest intention to touch any Bills which were connected with Committee of Supply or with the taxation of the country. But there were questions which were on the border-line between the liberties and privileges of the two Houses in which it was necessary that some action should be taken. To illustrate that, he might refer to the 18th clause of the Kaiapoi Reserves Bill, and also another clause in the Himatangi Crown Grants Bill. The former was to this effect: "No duties under 'The Native Land Duties Act, 1873,' shall be payable upon the sale or other disposition of any land comprised in such orders or grants." Now, if the Council adopted this proposed alteration in the Standing Orders, the whole of that clause would be printed in erasure type, and would form no part of the Bill as it was transmitted to the other House. The House of Representatives would then send the Bill with that 18th clause in it up to the Council for its approval, and it would pass; and in that way there would be a great saving of time. The Hon. Mr. HART pointed out to the honorable gentlemen who had objected to Bills being thrust upon them at the end of the session that this Standing Order was proposed for the
very purpose of allowing Bills to be introduced into the Council which otherwise would be first submitted to the other House, and hurried through the Council at a late period of the session. The Council would thus be enabled to discuss the Bills earlier in the session; and care would be taken, by the mode in which they first were printed as they left the House, that it should not appear that the Council was in any way infringing upon the privileges of the other branch of the Legislature. It seemed to him that by this means many Bills, which were only kept back from the Council until a late period of the session on the ground that they contained clauses imposing burdens or penalties, might be very profitably introduced into the Council, and be under serious and deliberate discussion, while matters of a political character were being debated in the other branch of the Legislature.

So that, in truth, the measures which passed back from the Council until a later period of the session on the ground that they contained clauses infringing upon the privileges of the other branch of the Legislature, matters of a political character were being debated in the other branch of the Legislature. That was a sacrifice, however, which could be hardly expected at their hands. He hoped they would hear from the Colonial Secretary whether, if this Standing Order were passed by the Council it would receive the concurrence of the Speaker of the other House, which would secure that concerted action between the two Speakers upon which depended so much the work of both Houses. Upon the Speakers and Clerks, indeed, much responsibility devolved, and the exercise of authority any attempt to limit which would materially retard the progress of legislation. He therefore thought they might safely confide this power to the hands of the Speaker.

The Hon. Mr. ACLAND was not aware whether the honorable mover of this resolution had been in communication with the Government on the subject, because he hoped this was not going to be a Standing Order which would not be made use of; but that, if it were passed, the Government would, in the future, see that Bills were introduced into the Council at the commencement of the session, so that the time of honorable members might not be unduly wasted, as had been the case during the present and previous sessions. The Public Works Act of last year afforded a striking instance of the advantage that would be gained by the early introduction into the Council of Bills that required large consideration. If it had been first introduced into the other House it would ultimately have had either to be laid aside, or to have passed the Council without honorable members knowing anything at all about it. With regard to the suggestion of the Hon. Mr. Holmes, that the usual suspension of the Standing Orders should not be allowed in case business was kept back to the last, he thought the only effectual remedy would be for honorable members to insist upon giving every Bill full consideration, and to stay a fortnight or so longer for that purpose. That was a sacrifice, however, which could be hardly expected at their hands. He hoped they would hear from the Colonial Secretary whether, if this Standing Order were passed, it would be taken advantage of in the way contemplated.

The Hon. Sir F. DILLON BELL said the proposed Standing Order was not intended to apply to Bills of a character which ought not to be initiated in the Council at all, such for instance as purely financial Bills, and those affecting taxation, which could only be introduced in the representative House. But excepting a few administrative Bills there were not many measures of importance which it was not necessary to make ancillary provisions, the passing of which affected the privileges of the Lower House; and that had no doubt been, to a great extent, the reason why more Bills had not been initiated in the Council. If this Standing Order were passed the remedy could be applied immediately, and many private members might be glad to have their Bills discharged from the Order Paper in the other House in order to expedite their progress by taking them first through the Council. There were serious _prima facie_ objections to the responsibility being placed in the hands of the Speaker alone; but these would, when examined, be seen not to have much weight. In the first place, the clauses in erased type, before becoming part of the Bill as it would go to the other House, would of course have been discussed in the Council, and any question as to the possible infringement of the privileges of the other House that might be involved would also have been discussed. He could appeal to the Hon. the Speaker whether, when he (Sir F. Dillon Bell) had the honor of presiding over the deliberations of the other House of Parliament, serious public inconvenience had not frequently been avoided by the united action of the two Speakers on questions involving the relations of the two Houses. On such occasions he had always had the good fortune to receive the Speaker's considerate advice; and he believed that if this Standing Order were passed by the Council it would receive the concurrence of the Speaker of the other House, which would secure that concerted action between the two Speakers upon which depended so much the work of both Houses. Upon the Speakers and Clerks, indeed, much responsibility devolved, and the exercise of authority any attempt to limit which would materially retard the progress of legislation. He therefore thought they might safely confide this power to the hands of the Speaker.

The Hon. Mr. BUCKLEY thought the Council should very carefully in passing a Standing Order of this nature. He observed that the Committee stated that this proposal was to meet a complaint made year after year as to the pressure of business at the close of the session. He did not think this Standing Order would have the effect of removing that complaint, because there must necessarily always be a large number of important Bills left over until the end of the session. Unless the number of Bills could be equally divided between the two Houses, which was hardly possible, it was not very likely that any means could be devised to remedy the complaint so often made. It was owing to the way in which business was carried on in the House of Representatives that the large and important Bills did not leave there until late in the session; and the only plan the Council could adopt to avoid hasty legislation was to refuse to suspend the Standing Orders, and to insist upon having time to properly consider the Bills, or else to lay them aside altogether.

The Hon. Mr. MENZIES did not think the honorable member had just spoken had sufficiently considered the nature of the Bills that had been introduced into the other branch of the Legislature in the course of the present session. If he had done so he would have seen that...
Standing Order, if it had been in existence, would have enabled a great number of those Bills to have been introduced into the Council. He referred particularly to such Bills as the Sheep and Cattle Bill, the Fencing Bill, and others of a similar character. As regarded those Bills which had already been referred to Select Committees in the other House, they of course could not be sent to the Council; but a glance at the Order Paper of the House of Representatives would show that there were thirteen or fourteen Bills which had not yet passed the second reading, and which might next week be sent up to the Council, and originated there, if this Standing Order were agreed to. Now it was clear that, if at this comparatively advanced period of the session such an advantage would be gained by the existence of a Standing Order like this, in future sessions the benefit would be still greater. The object of the Standing Order was to facilitate the progress of business, by allowing more Bills to be initiated in the Council, and thus affording work to honorable members during the early weeks of the session. It would of course lessen the number of Bills to be considered at the end of the session, and believe the immense pressure which fell upon the Council during the last few weeks of their sitting.

The Hon. Dr. POLLEN said that, although the adoption of this Standing Order would no doubt remove some of the obstructions to the transaction of business of which honorable gentlemen complained, it must not be expected that it was going to remove all the difficulties. There were a great many that arose out of the constitution of the Council, which no resolution they could pass could possibly obviate. Honorable gentlemen who complained of the number of Bills that had accumulated on the Order Paper of the other House must remember that the proportion brought in by the Government was very small as compared with the whole, and that, whatever resolution the Council might adopt, there must inevitably at the end of the session be a considerable amount of pressure upon the time and attention of the Council. Honorable members who were the representatives of constituents found it necessary in the interests of their constituents—he would not say at all in their own—to be demonstrative in their attention to their duties, and they were not disposed to delegate those duties to any one in the Legislative Council. It was desirable, and no doubt quite proper, that they should, in their own place, show that they were attentive to their legislative duties, and had the interests of their constituents at heart. A great many of the Bills that came up to the Council at the end of the session were not Government Bills at all. It should also be borne in mind that Bills involving large questions of policy were necessarily introduced by the Ministry in another place. If a Ministry brought in a Bill which they chose to make a Government question, it would certainly not be first introduced into the Council. With regard to the remarks of the Hon. Mr. Menzies as to the number of Bills in the other House, a great many of them had already passed the Council, many could not properly be introduced in the Council, and the residue were Bills which the Council could not possibly have had in the first instance.

The Council adjourned at a quarter to four o'clock p.m.
HOUSE OF REPRESENTATIVES.

Friday, 31st August, 1877.

First Reading— Sartoris and Downe — Bannockburn — Survey Maps—Native Appeal Court—Otago Pastoral Leases—Dangerous Goods—Native Appeal Court—Kaikoura Railway Board—Timaru Railway Station—Kihikihi—Waikato Land—Education Bill.

Mr. Speaker took the chair at half-past two o'clock.

PRAYERS.

FIRST READING.

Thames Water Supply Bill.

SARTORIS AND DOWNE.

Mr. CARRINGTON.—Sir, it will be in the recollection of honorable members that last session a Bill called the Sartoris, Downe, and Others Bill was introduced by the Government to give effect to an award made by Mr. Commissioner Hamilton — a gentleman who was appointed, under the hand of His Excellency the Governor in Council and seal of the colony, to value certain land at Waitara which was purchased from the New Zealand Company thirty-seven years ago.

The Bill passed through this House and went to the other branch of the Legislature, where certain amendments were made in it; but this House refused to agree to those amendments on account of certain rumours current in the lobbies and other places, to the effect that I, who had been a promoter of this Bill, was to receive 10 per cent. commission for nursing the Bill through the transaction were current. Mr. Burmy said it was 10 per cent., and that he would net £1,700. To a direct question, Mr. Carrington said he had made no arrangement for pecuniary reward.

The next is from the Poverty Bay Herald of the 14th November, 1876, which was sent to me anonymously. It says,—

"A very fishy piece of business attempted during the last few days of the session has deservedly called forth a good deal of unfavourable comment. A Bill called the 'Sartoris and Downe Claims Bill,' which secured a grant of upwards of £17,000 worth of land in Taranaki to certain claimants, had passed through the House of Representatives. In the Legislative Assembly, however, sundry and various alterations were made in the Bill, and by the time that it had been returned for reconsideration a far greater amount of interest was taken in the Bill than it had previously excited. Rumour whispered that Mr. Carrington, Superintendent of the Taranaki Province, the principal promoter of the Bill, was to receive a substantial commission, no less than £1,200 odd, out of the job, if he nursed the little Bill safely through all its stages. When questioned on the subject his answers were so evasive and unsatisfactory that the truth of the report was confirmed, and a strong opposition to the Bill at once arose. Various subterfuges were then resorted to for the purpose of causing it to pass through. An amount equal to the 7½ per cent. commission which was to have fallen to the lot of Mr. Carrington was deducted from the original award; but the House manifested its opinion of the whole affair by refusing to pass the Bill under any circumstances, and it was adjourned for a week—in other words, shelved until the next session."

I will now read an article that appeared in the Patea Mail, and which says,—

"The Wanganui Herald, commenting on the late public meeting held in New Plymouth, and an article which appeared in the Taranaki Herald, says, 'Taranaki is a district which has all the elements of prosperity, and which we desire to see prosperous; but we cannot refrain from expressing the opinion that the petty selfishness of her politicians in later times has done as much to retard it as even the Native wars. It cannot expect that the cry against the Government will obtain the slightest sympathy from any other part of the colony. Indeed, the Premier could hardly take a more effective way of increasing confidence in himself than by incurring the wrath of his constituents, who have to bear the opprobrium of New Plymouth self-
been done you, Mr. Sartoris, and others, by a
make this matter clear. The wrong which has
letter, printed documents which will, I trust,
more to injure the reputation and to prejudice the interests of Taranaki than
representatives can undo by years of patriotic
conduct, purity, and self-denial."

In explanation of that, I would simply say that
my manoeuvres were these: I read in this House
a letter that I addressed to the Government
twenty years ago, pointing out how desirable it
would be to employ prison labour in forming a harbour of refuge at Taranaki; and I say even
now that it is a reproach to the colony that it
is not made. I will not go any further into this
prison matter at this time, because it would be
unbecoming in me to do so now. To show that
there was no collusion between myself and Cap-
tain Borrer, I may say that it was not until after
that gentleman had left Wellington that I knew
by what means the award was to be carried out;
and I hope the House will accept that statement,
because the insinuation that there was any collu-
sion in the matter was calculated to injure me
greatly. I will now read the letter I wrote to
Captain Borrer:—

"New Plymouth, 15th November, 1876."

"My dear Captain Borrer,—The last letter
which I did myself the pleasure of addressing to
you just before your departure from New Ze-
land, dated 23rd October, 1876, was as follows:—

"I have this moment sent you the following
telegram, which I have submitted to the Hon.
Major Atkinson, in the presence of Mr. Kelly,
the Provincial Secretary of Taranaki; the same
was approved of by both of those gentlemen—
namely, 'Wellington, 23rd October, 1876. To
Captain Borrer, care of Mr. Justice Johnston,
Christchurch.— Re Sartoris, Downe, and others.
Capt. Borrer informs me that claims are
now to be settled with land adjoining mountain road
to the amount awarded by Mr. Commissioner
Hamilton if conditions of Act about to be intro-
duced are agreed to by House.' Since when, the
said Act has been before both branches of the
Legislature, but was allowed to lapse in con-
sequence of the House not agreeing to an amend-
ment made by the Legislative Council. The Bill
was pending before Conference when the House
was prorogued.

"I will now, as briefly as I can, show you the
cause of this lapsing, and will send you, with this
letter, printed documents which will, I trust,
make this matter clear. The wrong which has
been done you, Mr. Sartoris, and others, by a
small majority in a thin House, in not allowing
the Bill to pass, will, I have no doubt, be honor-
ably amended by the Assembly next session.

"The cause of 'The Sartoris, Downe, and
Others Claims Act, 1876,' not passing was owing
to clause 4 being inserted in the Bill. This clause
was introduced for the purpose of enabling the

Mr. Carrington
sion I was to receive (beyond that which took place between ourselves, as stated above), I am bound in defence of my own honor and character to ask you to be so good as to see Mr. Sartoris in order that he may know all that I now write and send you, and what you have learnt out here respecting this Sartoris and Downe Waitara matter.

"It is most desirable that I should have, before the next session of the New Zealand Parliament, a short declaration from Mr. Sartoris, and also from your trustees, to the effect that I have never had any agreement with them as regards the commission or remuneration I was to receive for managing the business in question. I wish the declarations to be put in strong and clear language, so as to give a positive denial to the unfair and unjust charges made against me in Parliament; also, I wish you to be so good as to send a declaration to the effect of our interviews in accordance with your recollection. I am quite clear that you told me that you yourself could not settle anything with me, as it rested with your trustees, and I am equally clear that I told you I would not receive more than 10 per cent. If your memory be the same as mine on these two points, please give me a declaration to that effect, which will, I am sure, satisfy all right-minded and honorable men.

"All the agents out here who are acting for absentees under the Sartoris, Downe, and others claim award are going to give me declarations that I never at any time asked any one of them for commission or reward for all that I have done or am doing in this matter. With these declarations and those I have asked you to send me, and a valuation of Mr. Sartoris's and your land, which I intend to get, and which, I believe, will be nearly double Mr. Hamilton's award, I shall be in a position to show to the Assembly next session the wrongs which we have all received by their action, when it is to be hoped that the amende honorable will be made.

"All, without any exception, who have spoken to me on this land matter, have remarked that so soon as the award was made by Mr. Commissioner Hamilton each person or persons who were entitled to such award were at liberty to do what he or they thought proper with it; and that, if they chose to give a certain percentage of it, or the whole of it, to any one, they had a perfect right to do so (whether the award had been paid by the Government or not), as by so doing it would in no way interfere with or affect the amount of money or land to be paid or given by the Government.

"Trusting that you will not fail to send me the declarations I have asked for as early as possible, in case the House be called sooner than usual, as is not likely,—I remain, yours sincerely,

"FRED. A. CARRINGTON.

P.S.—The list of printed documents herewith enclosed is as follows, namely,—

1. 'Taranaki New Zealand Company's Land Claims Act, 1872.'
2. Document from Commissioner Hamilton's Award.
3. Sartoris, Downe, and Others Committee Report.

5. Leaves from Hansard—Mr. Stafford's and other speeches.
6. Sartoris, Downe, and Others Claims Bill (lapsed).
7. Schedule of Business of House of Representatives, 1876.
8. Slip from Hansard showing attack on me.
9. Newspaper remarks of the 31st October, 1876.
11. Photo-lithograph of your land order for £9,275 of land.
12. Photo-lithograph of Mr. Sartoris's land order for £3,125 of land,— which land order please give to Mr. Sartoris.

"FRED. A. CARRINGTON.

"Captain C. II. Borrer, J.P.

The following is the letter which I received from the trustees in the estate:—

"London, 7th February, 1877.

"DEAR SIR,—We most emphatically declare that we have never entered into any agreement with you with respect to a commission or remuneration for the trouble you have taken on our behalf as trustees of Captain C. II. Borrer in the matter of Downe's estate. We authorize you to make what use you please of this letter.—Yours truly,

"Gerald Surman,
Charles W. Matthews,
W. E. Hubbard, jun.,
"(Trusted.

"His Honor F. A. Carrington.

The next letter is from Mr. Sartoris, and it reads as follows:—

"Rome, 3rd February, 1877.

"DEAR SIR,—I hereby declare that no communication has ever taken place between us respecting compensation for your labours in the matter of the Taranaki land claims.—Yours truly,

"E. J. SARTORIS.

Now we come to the declaration of gentlemen in New Plymouth, who represent eleven absentees—persons who reside in England—and I think that I may now fairly remark that during the many years I have conducted this business I have been intimate with those gentlemen, but they have never heard me breathe a word about commission or reward of any sort. This is the declaration:—

"In the matter of 'The Taranaki New Zealand Company's Land Claims Act, 1872,' and in the matter of certain land orders issued thereunder, we, George Gutfield, William Morgan Crompton, Thomas Hirst, William Halse, Gervase Disney Hamerton, and Clarence Rennell, all of Taranaki, jointly and severally solemnly and sincerely declare and state as follows:—1. We are agents of the parties whose names are set against our respective names in the schedule hereto. 2. We hold the land orders also stated in the schedule as the agents of the parties. 3. We duly presented the said land orders to the Commissioner of Crown Lands, at New Plymouth, who was unable to provide land for the same, as appears by the memorandum of the Commissioner written at the foot..."
of the said land orders. 4. We considered that the subject would be brought forward in the last session of the House of Representatives, by the honorable member for Grey and Bell, who represented similar claims on behalf of Messrs. Sartoris and Downe; but the honorable member was not requested to represent us in the matter, nor was any arrangement made whereby the honorable member was to receive, nor can he have any claim to receive, from us or any of us as such agents, nor from our principals, any commission, profit, or pecuniary benefit whatsoever. 5. And we make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled 'The Justice of the Peace Act, 1866.'—Gervase D. Hamerton, Clarence Rennell, W. Halse, Wm. M. Crompton, G. Cutfield, Thomas Hirst. Declared before me the 2nd July, 1877.—H. Weston, J.P."

**The Schedule referred to.**

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<th>Owner of Land Order</th>
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<td>£ 100 0 0</td>
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<td>Robert Singlehurst ...</td>
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<td>Alexander Charles Ogilvy</td>
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</tr>
<tr>
<td>John Jepe Bulkeley ...</td>
<td>£ 600 0 0</td>
<td>Gervase Disney</td>
</tr>
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The next letter which I will read is from Webster Brothers, of Taranaki, who, it appears, are acting as agents, though I was not aware of the fact until lately. This letter reads,—

"New Plymouth, 10th July, 1877.

"We, the undersigned, being agents for John Gover Williamson, assistant surgeon in Her Majesty's 65th Regiment, now stationed at Lucknow, in India, under power of attorney dated the 16th February, 1875, hereby certify that we have never made and are not aware of any arrangement between F. A. Carrington, Esq., M.H.R., and Mr. Williamson, or any other person, for the remuneration of Mr. Carrington for his services in obtaining the recognition of the claims of Mr. Williamson as the representative of the late Emily Gover and William Glegg Gover."

"WEBSTER BROTHERS,

"Agents for John Gover Williamson, Assistant Surgeon in Her Majesty's 65th Regiment."

Now I come to another letter, which is written by Mr. Cook, a tailor in this city. He spoke to me about this claim two or three years ago, and I told him that I was endeavouring to get it settled, and that when it was settled I would let him know. On the 30th of July last, I told him to make a statement to me in writing; and this is what he wrote:

"Mr. Carrington"
tained record books and maps in the Colonial Office, London, and in this colony.

"3. That this said Waitara land was, from doubts arising through the action of Governor Fitzroy, further insured and secured to the said claimants by an Act of the Imperial Parliament, 10 and 11 Vict., cap. 112, clause 23, which Imperial Act is still in force.

"4. That this said Imperial Act is admitted by the Law Advisers of Her Majesty's Government to bind the Government to give to the holders of New Zealand Company's land orders the land to which the land orders refer.

"5. That this binding obligation on the Government to give to the holders of New Zealand Company's land orders the land to which the land orders refer, is unequivocally stated in an official letter from the Colonial Department, London, addressed to the holders of such land orders, resident in England, dated 29th December, 1851. An original of which letter is in the possession of Mr. Carrington.

"6. That the said official letter of the 29th December, 1851, was written and in the possession of Mr. Carrington, before the Crown and over its liabilities to the New Zealand Government; and that the New Zealand Government accepted from the Imperial Government the liability of fulfilling or satisfying the claims made by Mr. Carrington, as warranted and authorized under 'The Taranaki New Zealand Company's Land Claims Act, 1872.'

"7. That, in virtue of this said Act of 1872, a commissioner was appointed on the 4th February, 1873, under the hand of His Excellency the Governor in Council and the seal of the colony, to value the lands claimed at Waitara by Sartoris, Downe, and others.

"8. That the said commissioner did, on the 24th March, 1873, make an award determining the value of the said lands, to the amount of £17,060; and, on the 24th February, 1875, the Government issued land orders under the hand of His Excellency the Governor, to the amount above stated—viz., £17,060—which land orders Mr. Carrington now respectfully solicits the honourable House to satisfy, as recommended on the 4th October, 1876, by the Select Committee appointed last session to inquire into and report on these claims."

I now merely wish to say that I put before the House my answer to the statements that have appeared in the newspapers in consequence of what occurred in the House last session. I think the newspapers of the colony have done me a very great wrong. I look to the House to put me right, and I hope the House and the country will do so.

Mr. STAFFORD.—I may state that I have received a letter from Captain Borrer, dated 8th February, 1877; and I shall read that portion of it which refers to Mr. Carrington:

'I understand that Mr. Carrington has been accused of receiving a promise of 10 per cent commission on the amount of Mr. Hamilton's award, for his Parliamentary services. I think it due to you all who kindly took an interest in the matter to state in the most emphatic terms that I never promised or implied that Mr. Carrington should receive 10 per cent. or any other sum as agency or compensation for his services.'

BANNOCKBURN.

Mr. PYKE asked the Minister for Lands, whether he will give instructions for the laying out of a township at Bannockburn, in Vincent County? He had put this question on the Order Paper at the distinct request of the inhabitants of the district, who were anxious to have a township laid out. He hoped he would receive a favourable answer.

Mr. REID replied that he would cause inquiries to be made with a view to having a township laid out if there were likely to be any purchasers of land in the district. He had not himself heard any desire expressed for a township, but, as the honorable gentleman had stated that the people were anxious to have one, he would endeavour to give effect to their wishes.

SURVEY MAPS.

Mr. SHARP asked the Minister for Lands, if he will give instructions to the several officers in charge of their respective survey offices that the fees for the inspection of maps, other than working maps, shall not in future be charged? When the honorable member for Christchurch asked a question of the Government on whose authority these fees were charged, he understood the Minister for Lands to reply that there was no authority by law to charge these fees, and that the system had been discontinued. He found, however, that the practice was still continued, and fees were charged for the inspection of these maps, which was considered very inconvenient and obnoxious by the public.

Mr. REID replied that he had given instructions some considerable time ago that no fees were to be charged for the inspection of survey maps. In some offices there were no maps except the working plans, for the inspection of which fees were charged. He would ask the honorable gentleman if he knew himself that fees were charged for the inspection of maps.

Mr. SHARP held in his hand a letter showing that fees were charged.

Mr. REID said there must be some misunderstanding, as instructions were issued some time ago that no fees were to be charged for the inspection of ordinary section maps.

NATIVE APPEAL COURT.

Mr. BRYCE asked the Government, whether they intend to give effect to the recommendation of the Native Affairs Committee on the petition (two) of Tapu te Whata and others; and, if so, how?

Mr. WHITAKER replied that he had been making inquiries into the matter, and it appeared to him that the Natives had a grievance which ought to be inquired into. He proposed that a commission should be appointed—probably one of the Judges of the Native Land Court—for the purpose of investigating the whole matter, and ascertaining precisely the facts. When that inquiry had been made it would be the business...
of the Government to take action in the matter, so that the petitioners might be compensated for any loss they had sustained, should it be found that they were entitled to any redress.

OTAGO PASTORAL LEASES.
Mr. DE LAUTOUR asked the Minister for Lands,—(1.) How many pastoral leases in the Provincial District of Otago, if any, have obtained under two sections, each of 640 acres or thereabouts, under agricultural lease, pre-emption under "The Waste Lands Act, 1872," or both? (2.) If there is any record available, correct to date, indicating lessees (and the date of their respective runs) who have taken up 640 acres, or more, under agricultural lease or by pre-emption? (3.) If there is no such record available, will he have one prepared and laid before this House before the Waste Lands Bill is considered in Committee of the whole House?

Mr. REID, in reply to the first question, believed that in no case had a new lease been issued except where there was a transfer of a portion of a run. With regard to the second question, he believed there was a record available, but it would take some time to get it. He would procure the information for the honorable member as soon as possible.

DANGEROUS GOODS.
Mr. TRAVERS asked the Government, Whether they will bring in a Bill to amend the Dangerous Goods Acts now in force, in order to render them more effectual? He was induced to ask this question from the fact that "The Dangerous Goods Act, 1870," permitted dangerous material to be kept in any quantity. The Act of 1869 limited the quantity of petroleum, kerosine, &c., which could be kept in store within fifty yards of a dwellinghouse to ten gallons. That quantity could only be exceeded under a special license. Under the Act of 1870 any quantity of petroleum, glycerine, kerosine, &c., could be kept in store, contrary to the manifest intention of the Dangerous Goods Act. He believed that the honorable gentleman's attention had been directed to the matter, and he now asked whether it was the intention of the Government to introduce an Act to remedy the mischief that this construction was likely to effect.

Mr. WHITAKER said that in order to set at rest this difficulty, caused by the decision of a Magistrate, the Government intended to introduce a Bill.

NATIVE APPEAL COURT.
Mr. BRYCE asked the Government, Whether they had given effect, or intend to give effect, to the recommendation of the Native Affairs Committee of last session, adopted by this House on the 24th of August, 1876?

Major ATKINSON, in reply, said that this question was still under the consideration of the Government. The Bill was drafted, but he could not yet state whether it would be introduced.

KAKANUI HARBOUR BOARD.
Mr. WAKEFIELD asked the Government, Whether their attention has been drawn to the financial difficulties of the Kakanui Harbour Board; and, if their attention has been drawn to them, what steps they propose to take in the matter? He might be allowed to state that the Kakanui Harbour Board had a grant of money from the Province of Otago, with which they commenced harbour works. They were induced, by the belief that they would get further aid from the Provincial Council, to enter upon certain contracts for the completion of the works. Abolition intervened, they did not get the money they expected, and they were now in a position of considerable difficulty as to how they should pay the contractors for works already done.

Mr. McLellan replied that this difficulty had been brought several times before the Government, and it was now under consideration what should be done. He did not think the Harbour Board had much cause of complaint, because they entered into this transaction knowing that they had not sufficient money. Of course it was very hard on the contractor, who had a claim for £7,000. Still, he did not agree with the honorable gentleman that the Board had been hardly dealt with. The Board got the vote of the Provincial Council, and they also got £2,000 out of the North Otago Loan. In a few days he would be able to give an answer as to what the Government intended to do.

TIMARU RAILWAY STATION.
Mr. WAKEFIELD asked the Minister for Public Works, Whether he is aware of the great inconvenience caused by the want of space at the Timaru Railway Station; and whether he is prepared to remove the workshops which now obstruct the narrow available space at Timaru to the ample railway reserve at Temuka? He might say that there had been great complaints at Timaru for a long time in consequence of the impossibility of properly carrying on railway business at the Timaru Station. The Minister for Public Works admitted this fact last year, and said he would attend to it. He wished to ask the Government whether they were aware that this inconvenience was entirely unabated, and that it was caused in a great measure by the workshops of that part of the railway system being actually in the traffic station at Timaru, whereas there was a large available space within a short distance of Timaru, namely at Temuka, where those works could with the greatest convenience be placed.

Mr. ORMOND said the information supplied to him on this subject was that the station at Timaru was rendered inconvenient through the Landing Service being near it; but he was informed there were no workshops there at all. There was an engine-shed there, which was absolutely necessary. He would make further inquiry.

KIHIKIHI.
Sir G. GREY asked the Government, If they will lay before this House—(1.) Copies of all correspondence between the Government and officers commanding the district regarding the establishment of head-quarters at Kihihi? (2.) Copies of any correspondence relating to any order for such establishment of head-quarters.
being countermanded? (3.) Copies of any cor-
respondence between the Chairman of the
Rangiaohia Highway Board and the Govern-
ment regarding the abandonment of Kihikiti?
Mr. BOWEN replied that the correspondence
had been prepared, and he would now lay it on
the table.

WAIKATO LAND.

Mr. REES asked the Premier,—(1.) Whether
the Government paid any money to any person
or persons as compensation or otherwise in
relation to a block of Native land, of about 200,000
acres in extent, in or near the Waikato, which
block the Government afterwards obtained on
lease, and which is alluded to in an article in
the Oamaru Evening Mail recently read in this
House? (2.) If so, to whom and under what
circumstances the said money was paid, and the
amount? (3.) The names of the solicitors, if
any, or agents employed, either by the Govern-
ment or such parties? He had been induced to
ask this question by one or two circum-
stances. One was the statement made by the Attorney-
General that this block of land had been leased
by the Government. Another was that some
proceedings had formerly taken place in the
Auckland Provincial Council in connection with
this land.

Major ATKINSON said the honorable gentle-
man probably forgot, when he put the question
on the Paper, that the subject to which it re-
lated was now, by order of the House, before the
Courts of law. He found this paragraph in
Todd's "Parliamentary Practice," vol. 1, page
355:

"It is also highly irregular to bring into dis-
cussion, in either House of Parliament, any
matters whether they relate to civil or criminal
cases, which are undergoing judicial investiga-
tion, or are about to be submitted to Courts of law, as
it leads to the importation of a desire to interfere
with the ordinary course of justice."

He thought the honorable gentleman would
agree with him, on consideration, that it would
be improper to answer this question.

Mr. REES would like to call the attention of
the House to the statement just made by the
Premier. If honorable members would look at
the question they would see that there was not
an atom of debatable matter there. There were
no legal proceedings pending in relation to this
matter at all. There were legal proceedings in
regard to a charge of libel upon the Attorney-
General, but nothing with regard to whether the
Government paid any money in connection with
this block of Native land, or under what circum-
stances. If the Government were going to take
up such a position it would be in vain for any
member of the House to ask a question if the Go-

dernment did not desire to answer it. If he had

tabled a notice of motion he could understand
the Premier asking the House not to consider it,
because it would interfere with the Courts of
justice. But no discussion could take place on
a question. He was sure the conduct of the Go-

dernment would be commented on very strongly
outside the House and in the newspaper Press.
The questions were plain and simple, and he was

Mr. SPEAKER might be allowed to remind
the House that the privilege of moving an
adjournment of the House was to be rarely exer-
cised, and only in cases of urgency. Honorable
members would find that on several occasions
the same reminder had been given by the Speaker of
the House of Commons. He scarcely thought
that this was a matter of sufficient urgency. If
the honorable member had drawn his attention,
as a matter of ruling, to the question whether the
case referred to in Todd's "Parliamentary Prac-
tice" was applicable, he would have been pre-
pared to give his opinion. He had just sent for
the book. When he heard the Premier read
from this high authority, it appeared to him that
it was not applicable to the present case. After
looking over the passage referred to, he might say
that, as a question was not open for discussion,
he thought the objection laid down in Todd's
"Parliamentary Practice" did not apply to the
present case.

Sir G. GREY rose to speak.

Mr. SPEAKER said the honorable member
was in order; but still he hoped the House
would pay respect to the suggestion he had made
that, excepting in cases of very great urgency,
such a motion should not be resorted to.

Sir G. GREY submitted that this was a ques-
tion of the greatest urgency, and he appealed to
honorable gentlemen around him as representa-
tives of their country. He affirmed that this was
a matter of the greatest urgency. They had
directed a prosecution to be taken against a man
who must be regarded as unfortunate in his pre-
sent position. They had ordered that prosecu-
tion to be undertaken from the full belief that he
was guilty of an offence against a member of that
House, and that his guilt could be established.
Now, he apprehended that the reply given by the
Premier amounted to this: that the answers
would tend to prove the innocence of that indi-
vidual. That was clearly the meaning of that
answer; and he appealed to every sentiment of
justice in the breasts of honorable members pre-
sent that they should insist on a proper answer
being given before they allowed this prosecution to
go on. It was not as if the question were put with
a view of any other proceeding. It was not so.
The question was whether they should allow a
person to be prosecuted if information were with-
held from the House, which information, he had
every reason to believe, would go far to establish
the innocence of the party whom the House had
ordered the Attorney-General to prosecute.

What could be the reason for withholding in-
formation? Why not let it be spoken out boldly
in the face of day and in the face of the House if
the matters alluded to in the question were really
facts? If the House had done wrong in order-
ing the prosecution, let it know the truth. If
simple questions were asked, why should simple
and straightforward answers not be given?

Mr. FOX said this was the most ingenious at-
ttempt to reverse a recent decision of the House he
had ever listened to. The House had distinctly
decided it would not try the case but leave the
Courts of law to deal with it, but the honorable
member for the Thames and the honorable mem-
ber for Auckland City East now turned round
and said the House should try the case. If there
was any evidence of the kind in existence Mr.
Jones could easily obtain it for use in his case by
summoning the Premier or any other Ministers,
and giving them notice to produce the papers.
Mr. REES.—Government papers?
Mr. FOX said of course he could. In the
Supreme Court the Premier might be examined
and cross-examined; and if he refused to produce
the papers, supposing any to be in existence, or
refused to disclose their contents, the jury would
very soon make up their minds what to do under
such circumstances. All parties would be upon
their oath, and the jurymen would not be swayed
or influenced by any party-feeling. He objected,
however, against the evident attempt on the part
of the honorable member for the Thames to re-
send the resolution passed the other day, or to
bring unfair political influence to bear upon the
case.
Mr. GISBORNE thought the Government
quite justified in the course it had adopted.
The matter had been relegated to the Supreme
Court, and it would be quite irregular to produce
any correspondence in this House in reference to
the matter. The defendant would be able to call
any evidence he chose—to ask the Premier on
oath whether such transactions had taken place.
Mr. WHITAKER said there should be no
interference with the prosecution now. As had
already been pointed out, Mr. Jones would be
able to subpoena members of the Government,
and to put to them whatever questions he chose,
and demand the production of what papers he
required.
Mr. HISLOP said he should like the Attorney-
General, who was so dogmatic in laying down the
law, to give the House some authority for his
statement that a person was forced to produce
papers when he was subpoenaed to do so. The
honorable gentleman must suppose honorable
members of the House were very ignorant of
the law if he thought they would accept such
statements. But there was another question.
He apprehended that Mr. Jones or any other
person had a perfect right, through his repre-
sentative, to ask for any information in the
House; and it was upon that principle they
should act in regard to this matter. It was quite
true that the House the other day had ordered
the prosecution of Mr. Jones; but it had not
ordered that he should be persecuted, and that
he was being persecuted was pretty clear from the
vindictive tone of the Attorney-General's reply
to a question asked by the honorable member
for Port Chalmers, that certain proceedings were
according to law. He (Mr. Hislop) did not wish
to discuss the matter just now, but he thought
there was so much unfairness in the action of
the Attorney-General that it would very likely
recoil upon that honorable gentleman's own head.
If there was not inside the House there
was outside the House a sufficient spirit of
justice abroad to show the Attorney-General
that his proceedings were not in accordance
with right. He had stated that his character
was in the hands of the House, but, if his col-
leagues refused to give straightforward answers
to such a question as had been put, it would
not increase the estimation in which his cha-
acter was held. It was said no matter was
before the Court; but was that any reason why
information which might tend to assist the
defendant should not be given? He (Mr. Hislop)
did not know what might have been the
practice in the Courts in which the Hon.
the Attorney-General and the honorable mem-
ber for Wanganui had practised, but he could
tell the House that no respectable practitioner
would refuse to give the opposite side information
of the class asked for by the honorable
member for Auckland City East. The excuses
which had been given for the refusal to reply
to the question were most lame, and if there was
any sense of fairness in the House the proceed-
ings ought to be made to recoil upon the head of
the gentleman who originated them.
Motion for the adjournment of the House
negatived.

EDUCATION BILL.

ADJOURNED DEBATE.

Mr. CURTIS.—Sir, I think the honorable
gentleman in charge of this Bill may be
gratulated that, after a delay of nearly a month
since he first introduced it in a very able speech,
it has come on once more for discussion; and still
more may he be congratulated that he has suc-
cceeded in introducing a Bill which has met with
very general acceptance in all parts of the colony.
The honorable gentleman had the advantage cer-
tainly of the general expression of the mind of
the colony at the late elections. There can be no
question at all that the view then taken on the
subject of public education was that it should be
free, compulsory, and secular, and the honorable
gentleman has borne well in mind what was the
view of the people of the colony in framing this
measure, for he has made it free, compulsory, and
secular, without at the same time driving any
one of those principles to the extreme. Although,
so far as the school fees are concerned, the provi-
sions of this Bill make education free, still there
is a capitation tax, which is somewhat in the
opposite direction; and, whilst he has made
education compulsory, he has left, to a great
extent at all events, the question of actual com-
pulsion in the discretion of Local Committees;
and, whilst he has made it secular, he has never-
thelss provided for the daily reading of the Holy
Scriptures. With respect to the appoint-
ment of a Minister of Education and the estab-
ishment of a Department of Education, it ap-
ppears to me that is absolutely necessary in order
to secure uniformity in the system of education
throughout the colony. I do not mean uni-
formity in details, but that kind of uniformity
which will secure in equal measure to all parts
of the colony the great advantages of public edu-
cation. With regard to the part of the Bill by
which the Act is to be carried out, the constitution of the
Education Boards appears to me to be both
ingenious and quite satisfactory. There is one
actual enforcement of them is left to the Local
And now I come to these compulsory clauses. The
am sure that provision will have more practical
effect than the compulsory clauses themselves.
A child attends school or not, will have a cer-

on account of the funds to be raised in that way,
a capitation fee of 10s. for each child of school

Committees, and I believe that, as far as the coun-
pense should be laid on the Consolidated Fund, as
of the principle that the great bulk of the ex-

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point in which I should have preferred the intro-
duction into the colonial system of that which
has been in operation for a long time in one part
of it— the Province of Nelson. There the Edu-
cation Board is formed of representatives from
each School Committee. I am aware it would be
impossible in the larger educational districts of
the colony to establish this system, because the
number of School Committees is so great that
a Board composed of members from those com-
mittees would be unwieldy. I think, however,
you might group five or six together, and give to
that group the election of one representative on
the Board. The advantage of that system would
be that each member would represent more dis-

tinctly a particular part of the educational
district. These districts being, as honorable
gentlemen must be aware, exceedingly large in
many cases, each member representing a par-
cular part would find it his duty to make
himself acquainted with the wants of that par-
cular part, which he would scarcely feel him-
self called upon to do under the present arrange-
ment; for, although the School Committee of
each subdistrict has a voice in the election of the
Board, they cannot be said themselves to elect
any particular member. The actual final elec-
tion is not in the hands of the separate Local
Committees. However, that is a point which I
think is not of very great importance. With
respect to the School Committees themselves,
there is a provision in the clauses relating to the
second and subsequent elections of the Education
Board which might with advantage be extended
to the School Committees: that is that all the
members of the School Committees should not
go out of office each year, but that a certain pro-
portion should remain, so that we might secure
that some members of the new committee were
acquainted with the routine of office, and that
difficulties should not arise as they often do when
new men unacquainted with the details of the
work are elected. That is not, however, of any
great importance, for it will seldom happen that
every member of the committee will fail to be re-
elected. That provision might not be of itself to
be supplied for education, I entirely approve
of the principle that the great bulk of the ex-

- And now I come to these compulsory clauses. The
actual enforcement of them is left to the Local
Committees, and I believe that, as far as the coun-
try are but poorly educated themselves. He had to
feel that, although he may only have charge
master has had to act as a kind of clerk to the
members of the School Committee, many of whom
are but poorly educated themselves. He had to
keep accounts, write letters, and do other things
which he was afraid to refuse to do for fear of
disadvantages. On the whole, therefore, I think the advantages are decidedly in favour of placing the appointment of teachers in the hands of the Central Boards. I come now to the religious question. The Bill, as I have already said, is made fairly secular; but there is a slight exception to the principle, and that is in requiring that a part of the daily course of study in the schools shall be the reciting of the Lord's Prayer and of a portion of the Holy Scriptures. Now upon that point I think the Bill requires amendment. The Minister of Justice said, in his very able speech in introducing the Bill, that he believed nineteen-twentieths of the people did not wish that the Holy Scriptures should be excluded from the schools. There I entirely agree with him; but I am not at all sure that nineteen-twentieths of the people wish that the reading of the Scriptures should be a compulsory part of the daily system of public instruction. There is a medium between the two, and it is with the object of arriving at that medium, as nearly as it can be arrived at, that I have given notice of a clause which I intend to propose in Committee. What I propose is that the system in operation in the Province of Nelson shall be adopted for the colony, and that that the reading of the Bible shall be left entirely in the discretion of each School Committee, so as to give to the parents in each district a voice in the matter, and, through the committee, the absolute decision of the question whether the Bible shall be read or not. It is very probable that there will be considerable difference of opinion upon this question amongst the various districts of the colony, and I hope there will be. If the House consents to my proposal and alters the word "shall" to "may," the option I propose to give the School Committee can be exercised in accordance with the feelings and the wishes of the people in every part of the country. I come now to what I think is a decided omission from the Bill, although it is one upon which there will be considerable difference of opinion; but there is no means provided by which one respectable considerable section of the community can avail themselves of the benefits of this system of public education. I refer to the Roman Catholic body. Honorable members may be aware that the Roman Catholics compose about one-seventh of the entire population; they number from 60,000 to 60,000; and if we alienate them entirely from any system of public education which is accepted by the rest of the community, we shall find it exceedingly difficult to work in anything like an amicable spirit. If it is possible, without the sacrifice of any of the leading principles of the Bill, without the sacrifice of any of those principles upon which the community generally are undoubtedly agreed, to enable that body to come within its operation, then it would be of enormous advantage that this should be done. Experience in the Province of Nelson, where for ten years past a provision has been in operation which has enabled all classes of the community to work in perfect harmony. No one can be more distinctly opposed to what are called denominational schools as a part of a system of public education than I am myself. I would on no account give a grant of money to any school whatever at which religious instruction was allowed to form part of the daily course of study; but there is a system in operation in Nelson where that is not done, and where, notwithstanding the Roman Catholics are, and all other denominations work together without any difficulty whatever arising. On the Central Board of Nelson may be seen the Bishop of Nelson, the Roman Catholic priest in charge of the provincial district, and members of all other denominations sitting side by side and working in the cause of education in the most cordial manner. What are the principal difficulties which prevent the Roman Catholics from coming under a strictly secular system of education? There is this one great difficulty: that, supposing the question of Bible reading were left out altogether, there are in the books used in the ordinary course of instruction in our schools passages which are altogether objectionable to the Roman Catholic. Any of our books on English history which contain histories of Henry VIII. and of Elizabeth contain passages which no Roman Catholic can conscientiously permit his children to read. The histories which we use in our schools are sectarian histories, Protestant histories, histories from one point of view, having no mercy whatever for the Roman Catholic faith. Now, it is not fair that we should expect the Roman Catholics to send their children to schools where they would read sectarian histories altogether opposed to their teaching. The remedy which has been successfully adopted is to allow the Roman Catholics to select their own books, provided always that these books shall contain no religious doctrine and have been approved of by the Inspector of Schools acting on behalf of the Board of the district, and provided also that no religious instruction whatever shall be given in school hours. Those are the provisions now in force in the Roman Catholic schools of Nelson. It is provided that they shall be open to inspection to the inspector, and that which one religion in respect, and that they shall be strictly public schools under the Act, except in regard to their books and in one other respect which I will mention. As long as the appointment of the teachers was left to the School Committees no difficulty had arisen, because the Roman Catholic committees appointed Roman Catholic schoolmasters; but if the appointment of the teacher is left exclusively in the hands of the Board, as proposed in this Bill, a difficulty would arise, and it would be necessary to make a distinction in that respect, so as to allow the appointment of the teacher to remain in the hands of the School Committees in the case of these separate schools. I have no intention to go at any length into this branch of the subject now; I will wait until the Bill goes into Committee; but this is a very important point, and it is as well that it should be brought under the notice of the House before the more general discussion takes place in Committee. The clause which I have drawn is founded upon the system in operation in Nelson, although it has been considerably modified in order to fall in
with the other provisions of the Bill. It is to be operative, "Whenever any twenty-five or more householders in any education district shall signify in writing to the Education Board of such district their desire to be constituted into a separate body for educational purposes." I may say that the number of householders was fixed at twenty-five because it was thought it would represent fifty children — two to each household. It was thought that, where there were fifty children of any persuasion who were unable to attend the ordinary public schools, they should nevertheless have an opportunity of being educated under the general system. The clause then goes on to say, "it shall then be the duty of the Board to convene a meeting of such householders for the election of a School Committee, in the manner provided in Part III. of this Act; and it shall be lawful for the Board to grant the committee so elected such aid in books, school apparatus, and money as the Board shall think expedient, or, at the option of the committee, such aid may be granted in money only, inclusive of the value of such books and school apparatus as would otherwise be supplied by the Board" — the object of that being to enable the separate schools to buy their own books. It then proceeds to say, "Provided always that every such committee shall provide a schoolhouse or schoolhouses to the satisfaction of the Board." That is a most necessary provision, because otherwise it is clear that these separate schools would involve additional expense in order to provide buildings. The expense therefore of providing the building is thrown upon the bodies wishing to have the separate schools. It is further provided that they "shall appoint and pay the teacher or teachers of such school or schools." It appears to me that the power of paying must necessarily follow the power of appointment, and, as it is provided that the Education Boards shall give such assistance to these schools as they think fit, in money, the payment of the teachers will really be removed from the Local Committees in the same way as is the case in other schools. I wish it to be noted that every such teacher shall be appointed and paid by the committee, and that the Education Boards shall give subsidies to the committees in order to enable them to pay the expenses of their schools. But before the committee appoints a teacher I require them to see that "every such teacher has first obtained a certificate of competency as provided in section forty-four of this Act: Provided also that all books used in any such school shall be approved by the Board, and in every respect wherein no special exception is made in this section every such school shall be a public school under this Act, and subject to the provisions which this Act makes for the conduct, management, and inspection of public schools, and that every such school shall be open to all children between the ages of five and fifteen years without fee or payment of any kind." that is to say, that every provision made in the Act with the exception of those referring to the appointment of teachers and the supplying of books, shall apply in precisely the same way as to all the public schools. In the Town of Nelson there are schools of this kind which have been in operation under the present law for the past ten years. There are now 477 children on the rolls of these schools, and of that number more than one-half are Protestants. This arises simply from the fact that greater advantages are to be obtained in these schools than in the ordinary public schools. These schools have a better class of teachers, and in that respect they are superior to the ordinary public schools which come under the operation of the Act. During the time these schools have been in existence I have never heard a single complaint regarding the teaching in them of any particular religious doctrine; I have never heard that any evil had arisen from the system. Of course if any such evil did arise it would be the duty of the Education Board of the district to remove it, and if they found that remonstrances were of no avail they should withdraw their subsidies from the schools. The immediate remedy would thus be in the hands of the Education Board. I am quite aware that provisions of this kind are not all that the Roman Catholic body require. They would like to have the entire management of their own schools, without any inspection by any public officer taking place; and they would like, also, to make religious instruction a part of the daily business of the schools. They would like, in point of fact, not to be interfered with in any way, while they received from the State a portion of the amount which is voted for the purposes of education. Such a proposal as that should not be listened to for a moment; but I believe that such a clause as the one I suggest would be accepted as satisfactory, and that the Roman Catholic schools would, if that provision were made, come under the operation of the colonial Act. I believe that a large amount of the discontent which now exists among the Roman Catholics in many parts of the country regarding education would be removed if the House passed the Bill with the provisions I have named. Whether the House will consider that the clause I suggest is too great a concession to be made or not, I cannot say, but I hope the House will agree with me that by it we should only be making a concession which may fairly be made — a reasonable concession to the feelings, I will not go so far as to say to the prejudices, of a very large portion of our fellow-colonists.

Mr. BARFF.—Sir, the honorable member for Nelson who has just sat down has so entirely expressed my own views on the question of education that I do not intend to adduce any new arguments in regard to the question. I shall limit myself simply to the consideration of the Bill from what is called the denominational point of view, although I must say that the honorable member has shown that it is not a denominational matter. It appears to me that the House and the Government will make a great mistake if they pass the Bill in its present shape. I believe that it will only be satisfactory at least two of the provincial districts of the colony. In Nelson and Westland the people have been living under almost precisely the same
law. In the Westland Education Ordinance we have embodied certain clauses taken from the Nelson Education Ordinance, by means of which aid may be given to denominational schools. I really think we have no right, whatever, either as members of this House or as private individuals, to attempt to stir up anything like strife amongst people: at any rate, we have no right to do anything which will interfere with a man's religious convictions. A man's religious opinion is a matter between himself and his conscience, and between himself and his Maker. I believe, as I have already said, that we should be doing a great wrong if we passed the Bill in its present form merely in order to give aid solely to the schools conducted on the principles laid down in the Bill. It should be the object of legislators to heal differences, not to aggravate them. Were the Bill passed in its present form it would, as it were, make a breach between people of different denominations, and Catholic children attending schools established under this measure would feel that they were in an entirely different position from the Protestant children. They would feel a sense of injury— and I may say that there is a very widespread feeling of dissatisfaction caused by the present proposals of the Government— I say that the Catholic children would feel a sense of injury, and the result would be anything but favourable to the education of the rising generation in New Zealand. I do not hold that the State should educate the people beyond a certain standard; but I hold that a measure of this kind should be carried on, in a manner which will contrast very favourably indeed with the style in which schools are carried on in any other part of the colony. It should not favour people who are willing to send their children to these schools; nor should it operate in such a way as to annoy those who do not see fit to send their children to such schools. I think that the Catholics should have some consideration shown to them. Under the Westland Education Ordinance we have both Church of England schools and Catholic schools carried on, in a manner which will contrast very favourably indeed with the style in which schools are carried on in any other part of the colony. I say that this Bill, if passed unaltered, will cause strife between people who should be allowed by this Legislature to live in peace and quietness; and I say that, in spite of all the legislation of this or any other Government, the different denominations will have their schools, although you may prevent them from getting any subsidy. They will carry on their schools in spite of all the Bills we can introduce or pass. It is only fair that these schools should receive a certain amount of assistance. In Westland the schools are open to inspection. It is a condition there that the teachers should be persons who are thoroughly competent to fill their positions; and I can say that the teachers there are as well selected as the teachers there are in any other part of the colony. We have no right to say to any man, "You shall not send your children to your own schools, but to our schools, and you will receive no assistance whatever." As the honorable member for Nelson City (Mr. Curtis) has pointed out, a saving is effected to the State by having these schools subsidized. The State schools have their buildings erected for them; but the denominational schools do not ask for money to put up the buildings; they ask simply for a subsidy. As an old member of an Education Board in this colony, and from my experience in Victoria, I have had a good opportunity of seeing how these schools are conducted, and I can say that those schools to which aid has been granted in accordance with the provisions of the Nelson and Westland Ordinances have been conducted quite as well as, if not better than, those which are conducted on any other system; and that the pupils have attained a degree of efficiency which it would be well for children attending the ordinary public schools to reach. People should be allowed to have their children taught in the manner they think proper, and I can say that they do not like anything like undue interference. Sir, so long as that object is attained, and a certain standard of efficiency is carried out, I think the main object of those who wish well to the cause of education will be attained. When we look at the result of the educational measures of Nelson and of Westland, when we look at these measures, and see the result of the operation of the system, when it is found that no one can dispute the statement set forth as to the efficiency of the schools carried on under that system, then it would appear to me to be entirely unjust to say that that system, having worked well in the past, shall not be allowed to exist as well in the future. I do hope that not only the Government will see their way to adopt the very mild amendment of the honorable member for Nelson City—it does not go so far as I could wish—but that the House will also agree to the amendment indicated by the honorable gentleman who preceded me.

Mr. Gisborne.—Sir, I wish to say a few words on this subject, and I shall begin my remarks by complimenting my honorable friend the Minister of Justice for the very able speech with which he introduced this Bill. He showed a thorough knowledge of the subject, and I think he imparted much useful information to this House with reference to this important question. I would say, first, with regard to the education districts, that I am of opinion that these districts should be as large and as central as possible; and for this reason, that by having large districts you will insure the best employment of a better class of teachers. If you have small districts and select teachers for those districts you do not give the teachers that scope for their natural ambition for promotion which you would if you had large districts. And it is on those grounds that I would prefer to see the teachers appointed by Education Boards rather than that their appointment should be left to Local Committees. A good teacher would be capable of much greater educational influence in a large district than he would be in a small district; but the system of appointment by Local Committees absolutely restricts him to a small place with a sparse population, when his services could be utilized to much greater advantage in a large and populous
of education. I do not think the Exchequer was in such an overflowing state as to justify that year the Legislature abolishing education rates, as they would be able to benefit by the establishment of schools in the district in which they hold their property. The establishment of a good school attracts population. It also secures, as far as possible, morality and order and good government in the district, and the value of the property proportionately rises. With regard to absentee landed proprietors, the imposition of rates makes them pay in proportion to the improved value given to the land through the establishment of schools. You now let them go off scot-free. The absentee landed proprietor has to pay no education rates. While we pay out of the Consolidated Fund to establish schools which incalculably increase the value of his property, he does not pay a shilling towards securing that immense benefit to and improvement of the value of his property. He quietly watches us putting our hands into our pockets to enhance the value of his property. Sir, the important question which will be must be discussed in the consideration of this Bill is the question of secular education. I wish to say that I am strongly in favour of secular education by the State. I believe that is the only education which the State can possibly impart to its subjects, not because I undervalue religious education, but because practical experience has shown that if a State enforces religious education in its school system it will immediately create religious animosity and dissension, and it will do more harm than good. Therefore I say that the principle of this Bill should be completely secular education; and I will go so far as to say that I think the Bill in some measure infringes that principle. It renders compulsory the daily reading of the Lord's Prayer and of the Bible before the school teaching commences. Now I say that in that you infringe the principle of secular education. You cannot expect a Roman Catholic schoolmaster to read the Protestant Bible, and I do not think you can expect a Jewish schoolmaster to read the New Testament, or even to read the Lord's Prayer. The Hon. the Minister of Justice quoted Professor Huxley as an advocate for the reading of the Bible. I was rather surprised at his quoting that gentleman, because I believe Professor Huxley is a professed disbeliever in the authenticity and inspiration of the Bible. If the result of his study of the Bible has produced that effect on his mind I do not think his advocacy of the reading of the Bible would be much encouragement to parents, if the effect of the reading of the Bible by their children was to induce them to come to the same conclusion in reference to the authenticity and inspiration of the Scriptures as that at which Professor Huxley has arrived. I hope that in discussing this question of secular education and the amendment of my honorable friend the member for the City of Nelson (Mr. Curtis) we shall discuss it temperately, without importing it into any sectarian differences. It is a question rather of justice and pure reason. If there are facts existing, and admitted, it is not our business to state that those facts should not exist. They do exist, and we must, to the best of our ability, meet them, and satisfy the requirements of the existing state of things as best we can in our legislation with reference to education. I think we must admit the fact that there are in a large section of the community conscientious convictions which would preclude that section from partaking of the benefit of our schools as at present established, and as they would be established under this Bill. These conscientious convictions may be right or wrong, but the fact exists. Now, that section of the community which entertain these convictions will have to pay taxes for the support of these schools, and therefore it is only a principle of natural justice that if we can meet their conscientious convictions without sacrificing the secular principle we should do so. It is with that view that I shall support the amendment of my honorable friend the member for the City of Nelson, because I believe that in that way you will perform an act of justice to the body to which I refer; that you will do away with their conscientious scruples in regard to the system of education that would be established under this Act, and you will do so without in the least infringing the system of secular education. The English law has always been tender and considerate to the holders of religious scruples or convictions. It has shown that feeling when affirmation was substituted for oaths; it has shown it by altering the form of oath which Roman Catholics had to take in accepting high office or in seeking admission into Parliament; it has also shown it by altering the form of oath which Jewish members elected to Parliament were formerly obliged to take before they could be admitted to their seats—a form of oath which absolutely precluded them from sitting in Parliament, because it was required to be taken on the faith of a Christian. Now, what is the amendment proposed by my honorable friend the member for Nelson City? His amendment does not give public grants of money to the denominational schools but is spent as they like in the cause of education; it does not aid these schools in the general sense and accepation of the term "denominational aid." It says this: If a number of householders choose to establish schools of their own, the Central Board will allow them to elect a committee; it will require them to provide proper school buildings, and then it will give them aid either in books or money to a certain amount provided these further conditions are fulfilled: namely, that the books are sanctioned by the Central Board, that the teachers have qualified themselves under the Act, and that the schools in every sense come up to the standard of the schools established under this Act; and also that such schools conform to every con-
is untenable when, on the other hand, you secure
an act of justice to a large body of the public.
Surely it cannot be that any honorable member
will argue that he would rather have a little
more money for his schools, and yet, at the same
time, inflict an act of injustice upon a large body
of his fellow-subjects. Thus, in a moral point
of view the argument would be untenable; but
even in a material point of view I believe it is
untenable, because, if you in some measure dissi-
pate your means for the support of these national
schools, on the other hand you enlist on your
side the co-operation of a large body of the com-
munity in the cause of education—a body which is
now alienated from it. I say that in a material
point of view you will do more to advance the
cause of education by securing universal co-
operation than you would by obtaining a few pounds,
shillings, and pence extracted from a large body
of the community in support of your national
schools, while at the same time you set that
body against you and alienate it from any co-
operation. If you pass this Bill without the
amendment of my honorable friend the member
for Nelson City you will array against you a large
section of the community, and you will array
it against you on the most formidable of all
grounds—namely, a sense of injustice on account
of religious convictions. I shall support the
second reading of this Bill; and I shall in
Committee heartily support the amendment of
which my honorable friend has given notice.

Dr. HENRY.—I regard this Bill as almost
perfect, except in the respect which has been
alluded to by the honorable member for Nelson
City. I can speak of the Nelson system from
experience, and I know that it has worked most
harmoniously, and has given general satisfaction.
If the Government will accept the alteration
proposed by the honorable member for Nelson
City I shall vote for the Bill, but not otherwise.

Mr. WAKEFIELD.—I have nothing what-
ever to say against the general principles of this
measure, because I cordially approve of them, and
I shall endeavour to get the greater part of the
Bill passed as it is now brought before us, and
I shall endeavour to get the greater part of the
Bill passed as it is now brought before us, and

Mr. Gisborne
exercised any useful function, or are likely to exercise any useful function in the future. It has not been shown that Local Committees are not better able to conduct the local administration than Boards. If I were able to do so, I would endeavour to convince this House that those bodies are useless and cumbrous, and that we could get on better, cheaper, and more satisfactorily without them. But I have no hope of doing so. I have spoken to various honorable gentlemen on the subject, and I find either that they say those Boards have existed in the past and must exist in the future, or they say, "It is true the committees are better able to deal with these matters, but you have no chance of carrying the proposed change, and you had better not interfere with the progress of the Bill in order to advocate a hopeless cause." I shall not attempt to do that. I suppose we shall have to put up with those useless and absurd bodies in future, for the existence of which the Minister of Justice has not given a vestige of excuse. All I can hope is that we may be able to get some alteration made in the mode proposed for the election of those bodies. I am not going to make Committee objections, but I do regret the manner in which these Boards are proposed to be elected. They are to be the intermediate bodies between the central administration and the local administration. The honorable gentleman does not pretend that he is going to administer education from Wellington, and I think he is quite right. He says, "Do not be alarmed with the idea that we are going to create a department." The system will be managed by a Minister, assisted by a secretary, a few clerks, and the necessary staff of inspectors. Then the administering bodies are to be Boards. Hitherto we have had a Board for each provincial district, with the exception of favoured Taranaki—the pet of the Legislature. They were enabled last year to get a separate Board for one part of the province.

Major ATKINSON.—No.

Mr. WAKEFIELD.—The Patea Board.

Major ATKINSON.—That was under a Provincial Ordinance.

Mr. WAKEFIELD.—Exactly, under a Provincial Ordinance. We are to have abolition of the provinces, except in regard to some portion of the favoured Province of Taranaki. As far as I understand, we tried very hard last year to get the same thing applied to other parts of the country, but could not. They had two Boards in Taranaki before, and therefore they must have them again.

Mr. BOWEN.—For a year.

Mr. WAKEFIELD.—I was saying just now that the general drift of the Bill was that there should be an Education Board for each provincial district, and that they were to administer education. I suppose no one will contend that provincial boundaries are the most convenient for educational purposes. I hope that before the Bill passes there will be no provincial boundaries. Such boundaries will be very largely abandoned with respect to boundaries for educational districts. What I wish to draw particular attention to is the manner in which it is proposed to elect these bodies. Each School Committee in each educational district is to nominate one person qualified to be a member of the Board. Then, on a certain day, "on or before the first day of February," each committee is to choose nine persons, and out of the whole number nominated the nine persons who have polled the highest number of votes in the aggregate are to be the Board. It seems to me that the committee representing the largest school in the provincial district or educational district, though it numbers 1,000, 1,200, or 1,500 children, is to have no greater representation on the Board than one numbering 17, 18, or 25 children. Each school is to nominate one person, and it is possible—I might say it is extremely probable—that the person nominated by the largest school in the educational district would not be elected, and that that school would not be represented on the Board at all, so that the administration of education in that district might absolutely fall into the hands of persons solely representative of small schools. I say that is not a proper system, and I hope we shall see that part of the Bill altered. It may have escaped the notice of the Hon. the Minister of Justice; it may be that he had not observed what would be the effect of a provision of that kind; but we can see at a glance that it would not be a proper system. I believe a method might be devised by which each School Committee should be represented according to the number of children being educated under its supervision. That would be far the best. I hope I have conveyed my meaning clearly. I have no intention of interfering unnecessarily with the honorable gentleman's propositions, but the Bill needs an alteration on this important point. There are various other small matters which require attention, and particularly this: that there is a great deal too much power given to Boards to meddle with schools, even supposing these Boards may be useful bodies, which I do not concede. For instance, can they perform so satisfactorily such functions as the appointment and removal of teachers as the Local Committees could not. I know very well how the Boards act in these matters: they are moved entirely by the Inspectors. They know, and can know, nothing of the details of the management of the schools, and they are compelled to rely upon the advice of the Inspectors, who are sometimes unfit persons to offer that advice; and they remove and appoint teachers without the slightest knowledge of their capabilities. Unless we are going to have very small districts it is most improper that the Education Boards should have the power of appointing and removing teachers. I do not say that the Local Committees are to have that power—I know that Local Committees are sometimes capable of acting in a very arbitrary manner; but I do say that the recommendations of Local Committees ought to be essentially weighty, and provision ought to be made in that respect.

Mr. BOWEN.—It is not so.

Mr. WAKEFIELD.—I do not see it. The 44th clause says, "The Board of each district shall be entitled to appoint teachers for every school under its control, or to remove such
Mr. WAKEFIELD.—I shall be delighted to hear arguments to prove that I am wrong in the view I take; but perhaps honorable gentlemen will allow me to state my own views. The 44th clause distinctly states that the Board of each district shall be entitled to appoint or to remove teachers as they please; and I do not think they ought to be allowed to do so. I do not think they know enough about these matters, as they sit at a great distance from many schools, and they have no knowledge of the teaching, or of the requirements of the district. I object to that provision therefore, and I shall endeavour to get it altered in Committee. I do not wish to be critical, and I am sure the honorable gentleman will not think I am trying to pick holes in his measure unnecessarily. I shall pass over these minor objections now, and come to what is called the religious clause in the Bill. This seems to me to be the great defect in the measure. I believe the honorable gentleman introduced that clause because he is very desirous of preserving a religious tone, and because he wishes to meet the views of many honorable members of this House and of a large section of the community who shrink from establishing a system of education which shall altogether ignore religion. Sir, I say it is a pity that the honorable gentleman, in introducing this Bill, did not sink the religious tone, and put aside altogether any feelings of his own. He told us in his speech that it was quite impossible to effect any compromise between the various sections of the religious world, and that we must adopt a purely secular system. He began to talk about purely religious and purely sectarian matters, and he gave reasons why there could be no religious education imparted. He says, "I think we should at once dismiss from our minds any hope of reconciling what has been called the denominational system with the administration of education by the State." Therefore he led us to understand that there was to be no religious teaching in the schools, beyond the general instruction which is now generally given. He talk of the intuitive reverence for a Higher Power, and tells us it is to be preserved by schoolmasters teaching the children— not a word about what portions or how they are to be read—but the intuitive reverence for a Higher Power must be preserved by schoolmasters reading scraps of Scripture. I was astonished to hear the honorable gentleman talk so. It is the flaw of his Bill, and the sooner he consents to get rid of the clause the better. But this is the worst part of it all: The children whose parents may object to the proposed Bible-reading need not come and listen to it. They may, I suppose, stand outside the door in the rain till the reading is over, and then come in and take part in the ordinary work of the school. The honorable gentleman puts the matter so deeply, and yet so prettily, that I have read this part of the honorable gentleman's speech over and over again, and the more I read it the more I admire the wonderful inge-
uity with which he introduces sectarianism into this secular system, as he calls it. He begins thus: "The notion that we can agree upon some general nondescript form of religion is a fallacy which has led to mischievous results in schools." And yet he himself proposes certainly a most general and nondescript form of religious teaching. What could be more general or nondescript than the form of religious teaching which the honorable gentleman proposes in the educational system of this colony? There is a scrap of Protestant service to be gone through before any school is opened. That is general enough and nondescript enough; and yet the honorable gentleman declares that the notion that we can agree upon a general and nondescript form of religion is a fallacy. I quite agree with him that such a notion is a fallacy, and I believe this House will show its opinion in a manner that will lead to the elision of these clauses. Then he says, "There is nothing, I am sure, which so destroys the confidence of parents of children as the idea that the schoolmaster can teach their children what he pleases." But the honorable gentleman himself proposes that in matters of religion the schoolmaster shall choose what portion of the Scriptures shall be read. It is only the schoolmaster or schoolmistress, and nobody else, who is to choose. There is nothing laid down in the Bill itself, or in the regulations under which the schools are to be conducted; there is not even power given to the Local Committees to select those portions of the Scriptures which shall be read. The honorable gentleman is therefore flying in the face of his own opinion; and he devises a remedy. Then he says, "The only way to be absolutely fair is to forbid the teachers to give their pupils any religious instruction whatever." I go with the honorable gentleman most freely in that opinion; but that is exactly opposite to the way in which he proposes to regulate the schools under the measure before us. And now I come to the point. Having gone in for secularism pure and simple, such as I and many other honorable members of the House would agree to, he comes round to this High Church whim of his—for it is nothing more—and says, "But, while we exclude religious teaching from our schools, I do not think there is any necessity for excluding allusion to a Higher Power." May I ask what religious teaching is? Is religious teaching anything but allusion to a Higher Power? Is not that the very basis of religious teaching? Yet it seems, although we are to have no religious teaching, we are to have allusion to a Higher Power. I cannot see the difference. I believe it is a mere Church whim and nothing else that the honorable gentleman is actuated by; and he is encouraged in his own mind by the idea that he will catch the votes of a number of honorable gentlemen, and secure the support of those people who hold the same idea that he does. But in introducing that provision he forgets the pure and simple secularism which he himself has advocated before, and which, I am convinced, will be supported by a large majority of this House and by the people of the colony generally. The honorable gentleman himself feels some qualms of conscience, and recognizes that he is doing something which will violate the conscientious feelings of the people generally; and he devises a remedy. What is that remedy? He has already proposed that in this purely secular system of education there shall be a daily allusion to a Higher Power; and then he backs that up by the bare assertion—and it is nothing more—that he feels certain "it is the desire of nineteen-twentieths of the people of this country that the Bible should not be absolutely excluded from our public schools." I do not agree with him there. I feel perfectly certain that he is quite wrong in that assumption. I am sure he has mistaken the feelings of nineteen-twentieths of the people of the country if he thinks that they, who have made large concessions on all sides in order to secure a purely secular system, and who are heavily taxed for educating their children, will consent to this leaven of sectarianism, which will spoil the whole bread. Nothing of the kind. They will put other feelings on one side in order to get a system that will avoid all the heart-burnings of the past; and that is secularism pure and simple. The honorable gentleman knows it himself. Why then does he put on one side that which he knows to be in the hearts of the people? Let us hear his remedy. After talking about there being no necessity for excluding allusion to a Higher Power and about nineteen-twentieths of the people being very desirous of having the Bible read in the schools, he says, "If we take care that it should be so arranged that no child should be obliged to attend at the time the Bible was being read if his parents objected to his presence at such reading, I am sure no injustice can be done to anybody." And now comes the remedy: "It is proposed in the Bill that school shall be opened every morning at a fixed hour by the reading of the Bible and of the Lord's Prayer; but it is not made necessary that any child should attend at that time if his parents should object." My idea is that the proper way would be to have the school opened at a fixed hour for all children attending, but to allow those whose parents do not wish to have the Bible and the Lord's Prayer read to attend a quarter of an hour earlier and have them read. That would be the proper way. Let the Bible and the Lord's Prayer be the extras, and do not compel the children to stand outside the door until the reading is over within the proper school hours. He then goes on to say, "I can scarcely conceive that, if we were to consider carefully what the effect of such a rule would be, any one could object to it on the ground that it would be an interference with the consciences of the people." I say there are very good reasons why they would object. First of all, Catholics and Jews and others, who are not of the same religious community as the honorable gentlemen, look upon it in this wise: They say, "These are public schools which we are called upon to
support, for the maintenance of which we have to pay a capitation-tax, and to give from our revenue just as much as the members of the Church of England, the Freebyerians, and others of similar belief; and the system of education in them ought to be such as to meet the views of all. But here are these schools opened every morning with a Protestant service, and we will not send our children to them, although we are permitted, as a mark of grace, to let those children stand outside the door in the cold while this service is being read." That is one point; and this is another in which I think the honorable gentleman will himself admit that these clauses are very defective: They will absolutely exclude Catholics of every class from the Educational Department, for the simple reason that they will not enter a department for which they are admirably fitted, because by doing so they would be violating their consciences and religious feelings. We all know that under the various educational systems in the provinces some of the very best teachers of both sexes were Catholics. Do you think they will continue their services if they are compelled every morning to read the Protestant Bible and the Lord's Prayer against the mandate of their Church? Of course they will not; and the result will be that you will give entrance to a series of Catholic disabilities by satisfying the whim of a few members of this House. And for what? What is to be gained by it? The honorable gentleman knows himself that there is nothing to be gained by it; that it is keeping up a _caput mortuum_; that it is a mere form. If he had merely intended to initiate a purely secular system, he would not have introduced these clauses, which will arouse a feeling of antagonism to his system from one end of the colony to the other. I thought when the Bill was first introduced these clauses were overlooked, but I find that there has been a very different feeling circulating throughout the country: that in all the large centres the denominational system is worked splendidly in other countries; I know of countries where it works exceedingly favourable circumstances in two or three small centres. I think we shall find, if we inquire into the matter further, that even these few small districts might have done much better if in the first instance they had started on the broad basis of secularism.

Mr. PYKE.—No.

Mr. WAKEFIELD.—Well, that is a matter of opinion. I shall not quarrel with any honorable member about that. But in introducing a measure of this kind the honorable gentleman was right and was only following in the views of the honorable member for Nelson City (Mr. Curtis), he would have plunged into a sea of difficulties from which he would never have extricated himself in this House, and from which a general election would not have extricated him.

Mr. LUSK.—I do not rise to oppose the second reading of this Bill. I believe the time has come when it is highly desirable that some steps should be taken to render the system of education in this colony more uniform than it has been hitherto, and I think the objects which the Minister of Justice has had in view in drafting the Bill before us are excellent objects. So far I have nothing to complain of; but I think the honorable gentleman has completely failed to carry out his own objects. If the honorable gentleman had carried into practical effect the representatives of the people, shall inflict a wrong upon the consciences of a large section of the people; but the honorable member for Nelson City proposes that we shall allow irrespective of the mandate of education, it is an infinitely greater wrong to allow this House. And for what? What is to be considered amongst us? Are we to have an Education Act for the colony as a whole, or are we not? If we are, it is ridiculous to put in operation over the whole colony a system with which the colony is not acquainted because it has done well under exceedingly favourable circumstances in two or three small centres. I think we shall find, if we inquire into the matter further, that even these few small districts might have done much better if in the first instance they had started on the broad basis of secularism.

Mr. WAKEFIELD.—Well, that is a matter of opinion. I shall not quarrel with any honorable member about that. But in introducing a measure of this kind the honorable gentleman was right and was only following in the views of the honorable member for Nelson City (Mr. Curtis), he would have plunged into a sea of difficulties from which he would never have extricated himself in this House, and from which a general election would not have extricated him.
principles he laid down in the speech he delivered on the first reading of the Bill, there would have been far less to criticise and far less to pass fault with, if there were none. He distinctly stated on that occasion that he laid three main principles in view in drawing up the Bill—that he conceived the time had come when it was necessary that there should be a system of education in force which should be at once a national system, a secular system, and a system of local administration. Now in all these three respects I entirely agree with the honorable gentleman, but in at least two of these respects I feel that he has materially failed in carrying his own principles into effect. I will endeavour, as shortly as I can, to point out the particulars in which the honorable gentleman has failed. The first of these particulars to which I shall refer is one that has already been referred to to-night. It is said that the system of education which the honorable gentleman has brought in is a secular system of education—that is, as I understand the word, a system of education which in no wise trenches upon religious teaching of any kind. The Bill before us is not, to my mind, a secular Bill. It fails in that respect because the honorable gentleman has been afraid—I think that is the proper term—to carry out his own principles to their logical conclusions. He has, as strongly as I could possibly do, laid down the reasons which should induce this House to pass a purely secular Bill. He has pointed out the great danger of attempting to introduce religious teaching. He has pointed out the great advantages of confining our exertions to framing a Bill which shall provide good non-religious instruction; and he has finished up by introducing an element of religious instruction, because there is little—so little that I do not think it would have any effect. It is a principle that has been tried over and over again, and wherever it has been tried, so far as I know, it has always led to a great deal of heartburning and ill-feeling amongst the population. It is impossible to introduce a system such as this is proposed to be—a system of shorn religious instruction—without raising one section of the community against the other. Whatever system of religious instruction you lay down, you must lay down something which is believed in by one section and is disbelieved by another, and, the moment you introduce that, you introduce the small end of a wedge, which will very soon create a great and deadly breach in your system. It is proposed that the schoolmaster should read a portion of the Scriptures; but what portion is not specified. Who is to direct him whether he shall read from the Old Testament or from the New Testament, from the Book of Psalms or the Song of Solomon? And here is another point that is entirely overlooked: There are many teachers who have no belief whatever in the inspiration of the Scriptures, and they might make use of this law to bring the Scriptures into ridicule. They may read passages to the children which would be decidedly objectionable; and such a power should not be placed in the hands of the schoolmasters. We do not select schoolmasters because of their fitness to give religious instruction, and unless you select persons with a distinct view to their religious training and feeling you cannot possibly make sure that they would use this power for any good religious purpose whatever. While this is the case it must be plain to every member of this House that we are doing a very great injustice to the schoolmasters themselves. You are compelling men, many of them belonging to a section of the Christian religion which entirely disapproves of the use of the inspiration of the Scriptures, to do that which they must either refuse to do, and so relinquish their positions, or must do at the cost of their consciences. Now, you have no right to place such a barrier before these men. You have no right to impose a test which must have the effect of weeding out a portion of your schoolmasters. I cannot conceive anything more unjust or oppressive than such a clause would be in its operation upon a very large section of school-teachers in this colony. I therefore entirely disapprove of the clause as it stands. No possible good can come of it, but it may create a great deal of evil. But, Sir, the honorable member for Nelson City (Mr. Curtis) is, we are informed, about to propose a certain modification which will get over this difficulty, and we have been told that in the Provincial District of Nelson these modifications have been found to work satisfactorily. Sir, I have considered these modifications, which have considerably been placed on the Order Paper for some time past, in order that honorable members might have the opportunity of studying them—I say that I have considered these modifications very carefully, and yet I cannot see any way of escaping from the difficulty by their means. I conceive that the way which is proposed to get rid of the difficulty by the honorable member is about as weak a way as could be found. Upon no consideration whatever must we cast an apple of discord among the people as he proposes to do. If we do so, we shall have the strongest and deepest reason to regret that we ever placed such a barrier in the way of the education of the youth of the colony. It would never do to lay down the principle that each School Committee shall be at liberty to say to a schoolmaster, " You shall read the Bible in school," or, "You shall not read the Bible in school." If the schoolmaster were a Roman Catholic it would be always in the power of the committee to turn him out of the school by insisting that he should read the Bible in school. Therefore I maintain that any alteration of the Bill in this direction would be for
the worse. Then there is another suggestion which is made by the same honorable gentleman. It is taken for granted by him that the only considerable class of persons in the community who object to religious instruction being given in schools is that class of our fellow-colonists who profess the Roman Catholic religion. But I do not think that that is the only class who will object. However, whether it is so or not, I conceive that the plan proposed is not likely to be a workable plan. I consider that the plan proposed is a sham, and I will explain why I think so. As explained by the honorable member for Nelson City, that plan is not intended and would not have the effect of enabling religious instruction to be given in any school whatever. It is not intended and it would not have the effect of enabling our Roman Catholic fellow-colonists to have schools in which their religious doctrines could be taught to the children. Now, in what respect will their schools differ from the other schools established under this Act? All schools, according to this Act, are in the same category; all schools are to give books which will give religious instruction, and all schools, therefore, will be equal under this Act as far as the religious teaching goes. I cannot understand why any particular body should desire to have separate schools, unless by those separate schools they believe they will be able to give some religious instruction to their children. If the general schools do not give some religious instruction, either directly by means of ministers' visits to schools or indirectly by means of books, these schools will give all that the honorable member for Nelson City wants to give by a separate school system. I believe that the reason why some persons wish to have these schools is that they hope by them to have religious instruction given. I believe it is because they wish to make use of books which not only have not a Protestant tendency, but which have a distinctly Roman Catholic tendency. I cannot see what benefit can be derived from this scheme which will at all compensate for the loss of power which will take place by the establishment of separate schools. In the part of the country from which I come, and in which I have the honor to represent a considerable district, we have had a system of education for some years past which has been progressively becoming popular. That system has contended with great and exceptional difficulties, owing not only to its provisions with regard to education, but also to its provisions with regard to taxation. That system has had a great many obstacles to contend with—every obstacle, in fact, that a system of education could possibly have to contend with—and yet it has commended itself more and more to the confidence of the people of that provincial district; and at the present moment I believe there are very few people who have any fault to find with the system. We have no opposition there from the Church of England people or from any other section of the community that I am aware of, excepting to some small extent from the Roman Catholic portion of the community; but even with them there is no fierce hostility; and I believe that the liberal provisions which have been made have commended themselves to the Roman Catholics. What we have done there is to make a purely secular system of education, and to provide that during the hours which are set apart for secular teaching no religious instruction whatever should be given, and no books of any religious character should be introduced into the schools. It has been provided, however, that, before or after school hours, the schoolhouses may be used by any religious section of the community for the purpose of imparting religious instruction to the youth of the district. I may say that, in practice, we have found that the clergy, who do so much in the way of demanding that religious instruction should be given, do not do very much when the opportunity is offered to them. I believe that we give them quite enough when we allow them to give religious instruction before and after the regular school hours. We allow them to have the use of our school buildings for the purpose of giving religious instruction when they do not trench on our regular school hours; and I think that we ought to give them the scope and the opportunity to which I have referred. We ought to give them the scope and the opportunity to which I have referred. 

Mr. Lush
teachers were the occasions for a sort of free-fight in the committee; and the result has been, I am certain, very far from advantageous to the educational interests of the district. I believe that the effort to throw on the schoolmasters which, I suppose, all School Boards would respect—the power which is given to the committees to make recommendations is quite enough power to place in the hands of the committees, because it simply amounts to this: that where the recommendations are made with any appearance of justice or wisdom on the part of the committee, the School Board of the district would not disregard those recommendations. But if, as is not uncommonly the case, the nomination or appointment of a schoolmaster appears to have arisen from anything but the wise determination of men who had taken steps to ascertain what was best for the interests of the school, then I say that it would be very desirable that the Education Boards should have the power of appointing the schoolmasters. I entirely agree, therefore, with the provision made in this Bill, and I think it would be a serious loss to the Bill, if that provision were tampered with at all.

There is, however, a great alteration proposed to be made in regard to the position of School Committees, in which, after a good deal of consideration, I cannot agree. It is proposed to cast a very great responsibility upon the School Committees by making them not merely the custodians of certain funds—not merely the persons who are to administer certain funds, and not inconsiderable funds either—but the persons charged with the duty of levying and raising these funds. Now we have had some experience in the Provincial District of Auckland with regard to the raising of capitation rates; we know something about it. The honorable member for Auckland City West (Dr. Wallis) says, "Hear, hear." He knows something of the matter. I say we have had experience of it, and it is in regard to the manner in which education is to be supported under this Bill; and I feel called upon to say that, after giving the matter my best consideration, I am unable to see how it is possible in any wise to conduct the national system now in force in the colony upon the means proposed to be supplied by the Colonial Treasury. I find that the honorable member who introduced this Bill went into some elaborate calculations, showing that the sum which we have been paying per head for the children attending our schools was a larger sum than that paid in the Colony of Victoria or in some other colonies that were mentioned. I admit the fact; there is no doubt about that; but it does not mean that which it appears the honorable member thinks it means—namely, that by a better administration it would be possible to do it more cheaply. That is not the case. I am quite certain it is not the case, and I think it would be possible to do it at great difficulty, why it is not the case. You have proposed in this Bill to give £3 10s. on the consolidated revenue of the colony to each Education Board to enable that Board to conduct its operations and to educate the children of the district—£3 10s. on the average attendance at
the schools of the Board. You have no right to take the average attendance at the schools when you consider the strength that is necessary for keeping the highest number that ever attended the school, and it is not the logical way of looking at the matter. I throw out the suggestion to the honorable member in charge of this measure, or who has prepared it, that there must be something lying more deeply at the root of any difference between this colony and the other colonies than what appears on the surface. I believe the difference is this: that from the circumstances attending the colonization of this country, certainly in some parts of the country, our settlements are more scattered and our people are more scant and scattered over the country than they are in most of the other colonies—in fact, I may say, than in any other colony referred to.

In the Provincial District of Auckland there are 172 schools, and these schools are for a population not much exceeding 80,000 people. I have not the least doubt it will be found—although I have no statistics by me now to show it—that in the Colony of Victoria and the Colony of New South Wales there is nothing like so large a number of schools in proportion to the population. And the reason is plain: we have been obliged to carry our schools wherever there were settlements needing them, and we have been obliged, therefore, to establish a large number of small schools instead of a small number of large schools. And it makes all the difference in the world whether children are to be taught in large masses or taught in mere handfuls. Our position in this colony now is, and will be for many years to come, a position of teaching children scattered about in small handfuls. There are a very considerable proportion of the schools in the Province of Auckland in which the average number of scholars does not exceed twenty-four. Now let the honorable member apply his principle of £3 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children. Let every child paid 10s. to the teaching of these children.

Mr. Lusk

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system itself. I say "destroy" it, because I feel strongly that the only hope of carrying out satisfactorily a system of education is that the Board shall consist of persons who are not only willing but able to give a very intelligent attention to the work which is to be done, and who also possess the will and time to attend to the people. Then, when you take away the power professedly given—the moment you begin to override them, to interfere with them, to issue regulations on this, that, and the other matter, which shall have the effect of making them mere puppets in the hands of the Minister—that moment you will render it no object of ambition to any suitable man to be a member of the Education Board. In fact, you destroy your Boards by this attempt to enable Ministers to override them. And for what purpose is this power given? What is the object to be gained? The honorable member for Geraldine probably would probably say, if he has not said it already, "Perish this old remnant of provincial districts!" It will be time enough to talk about the remnants of provincial districts perishing when the circumstances which rendered them absolutely essential to our well-being in this colony have passed away. It will be time enough to talk about doing away with provincial distinctions, and about local wants being locally administered in the different parts of the colony, when the time has come that these distinctions have been obliterated by the progress of events. At present they are in no wise obliterated. You may do away with provinces and call them provincial districts or anything else, but there remains the great fact that this colony has been colonized from various centres, and that there are marked distinctions between the wants and circumstances of those different parts. So long as that is so, you must not attempt to create uniformity in any part of your administration.

If you attempt to create absolute uniformity you immediately destroy the very objects you have in view. Education has sprung up in the colony—and I must say I believe it is now in a very healthy and progressive state—by means of various systems of education which have sprung up at different times and with different intentions to meet the wants of the district. To attempt at this moment, or for many years to come, to reduce them all to a dead level would be to destroy the energy and efficiency with which these systems are carried out. The honorable member for Wakanatipu, with his usual readiness, says "No." Perhaps that honorable member does not know anything at all about the matter. I have known him to say "No" and "Yes" when he had remarkably little knowledge of the subject. Some of us in this House do know something about the matter; and we do know that the system in force in one provincial district in many particulars does not resemble the educational system carried out in others. And it ought not very closely to resemble the system in others, because it has sprung from a different set of circumstances, and is the natural outgrowth of the people who are the original founders of educational institutions, and not the wants of the district. Why attempt, in the face of these facts, to reduce everything to absolute uniformity? I have not the slightest faith in uniformity; and I say that in education, as much as in anything, uniformity is a thing you need not attempt to get. I observe the honorable gentleman in charge of the Bill appears to think my criticism in this matter is somewhat uncalled for; but I will first point out why I say what I do. It will be remembered that the honorable gentleman told the House that he considered the principle which he has in view differs beneficially from the system in Victoria and other colonies, because he proposes a system which shall be locally administered by Boards, which shall have a power of administration vested in them that shall really place them in the position of administrators of this law. Yet the 100th section of this Bill utterly and absolutely destroys the principle. What does it say?

"The Governor in Council may from time to time make, alter, and repeal regulations and orders—(1.) For the organization and management of the Department of Education, and for fixing the salaries of the officers thereof." That is the honorable member's office, I take it; and there is no possible objection to that. Then, secondly, "For the apportionment and administration of all moneys granted by the General Assembly for purposes of public education." What does that mean? If anything, it means something in contradiction to the other principle that the administration of the money is to be wholly in the power of the Board for the educational district. Thirdly, "For the inspection of schools and the educational department of public institutions, and for defining the duties and powers of Inspectors of Schools." Now, I object to this. It ought to be defined in this Act what the powers and duties of Inspectors of Schools are. There is no reason whatever why that should not be done in this Act, as it is done in all the Provincial Ordinances. It should not be left in the hands of the Minister to convert the Inspectors into mere engines for carrying out certain regulations. Then it says, "For the examination and classification of teachers; for the employment, education, and examination of pupil teachers." But who are to employ the pupil teachers? These schools are to be managed by the school boards, and they do not make the necessary regulations, and determine who shall be employed? They will be in a much better position to do so than the Minister in Wellington, who will probably know nothing about the matter. Again, "For the establishment and management of normal or training colleges." I see no reason why that should be put into the hands of the Minister. All that is wanted is to see that a standard of efficiency is prescribed, and when that is done you may leave it in the hands of the Board to see that the teachers are up to that standard. Then the clause states, "For defining the standards of education which, under the provisions of this Act, may be prescribed by regulations." There may be a good deal said on both sides of this question, and I do not intend to go into the subject. Then it provides for "physical training and instruction in military drill." In the name of fortune, why not leave that to the Boards? Are they not competent to perform this duty if they are competent to perform the other duties? I do not see why play-
physical training and military drill should be a specialty of the honorable member in charge of the Bill, or whoever may succeed him in the office which he now holds. I cannot conceive any reason whatever why all those things should be placed in the hands of this central power; but the meaning of it all is very plain to my mind. It means this: This system, which is professedly to be a locally-administered system, is really to contain within itself the elements of becoming the most centralized system possible. To that part of the Bill I am entirely opposed, and I shall use every possible effort to prevent its being passed into law or given effect to. I believe you will destroy the energy, activity, and life of every Education Board in the country by such a course as this. You will render the system the mere bureau of the Minister in Wellington, and the people of the districts will care little or nothing about it. You will not get good men in the Boards; you will only get such men as are willing to act just as they are told to do from Wellington; and I know this, that the men whom you ought to get are the very men who would spurn the idea of being made use of in that way. I have already detained the House longer than I wished to detain it; but I felt that if there was any matter on which I had a right to express an opinion, it was this question of education. It is one in which I take a great deal of interest, and with which I have had some practical acquaintance. I believe that if the Bill were denuded of these three or four objectionable features it would be one deserving of very great consideration; and I believe and hope that this House will see its way practically to denude the Bill of these objectionable features. I think the honorable member should be content in the meantime to consolidate the educational system of the colony so far as the spirit pervading that system goes; and he should be content not to attempt in any wise to push on uniformity. I do not care myself if we go in an opposite direction and, within certain well-defined limits, leave Local Boards to be entirely free in their action, we shall obtain a more or less uniform system which would be adequate for the purpose. I believe that if the Bill were denuded of those three or four objectionable features it would be one deserving of very great consideration; and I believe and hope that this House will see its way practically to denude the Bill of these objectionable features. I think the honorable member should be content in the meantime to consolidate the educational system of the colony so far as the spirit pervading that system goes; and he should be content not to attempt in any wise to push on uniformity. I do not care myself if we go in an opposite direction and, within certain well-defined limits, leave Local Boards to be entirely free in their action, we shall obtain a more or less uniform system which would be adequate for the purpose. I believe that if the Bill were denuded of those three or four objectionable features it would be one deserving of very great consideration; and I believe and hope that this House will see its way practically to denude the Bill of these objectionable features. I think the honorable member should be content in the meantime to consolidate the educational system of the colony so far as the spirit pervading that system goes; and he should be content not to attempt in any wise to push on uniformity. I do not care myself if we go in an opposite direction and, within certain well-defined limits, leave Local Boards to be entirely free in their action, we shall obtain a more or less uniform system which would be adequate for the purpose. I believe that if the Bill were denuded of those three or four objectionable features it would be one deserving of very great consideration; and I believe and hope that this House will see its way practically to denude the Bill of these objectionable features.

Mr. Lack — From the eloquent speeches to which I have listened with so much pleasure to-night I gather that legislation on the question of education is beset with difficulties. Sir, in no constitutional country has a Ministry yet attempted to legislate on this subject without in-
perilling its existence, and it is very creditable therefore, in my opinion, that the gentlemen who occupy those Ministerial benches have ventured to bring down a Bill on this subject, notwithstanding the fact to which I have alluded. Perhaps they have confidence that they have a firmer seat in the saddle of the State horse they ride than is generally thought. At any rate, though I am not inclined to be very fervent in my prayers that those gentlemen may be long preserved to us as a Ministry, I do hope, very sincerely, that they will remain in office until they have passed, in an unmuttilated form, this excellent measure, which provides a system of sound education without outraging the feelings of the best people in the colony. This Bill may not be all that we could wish, but it is one of the best and simplest compromises that can be made under the circumstances of our times. In former times the difficulty of legislating on education was caused by the peculiar fanaticism of religiousists. In our times the difficulty of legislating arises not from the fanaticism of religiousists, but from the fanaticism of secularists; for, in their determination to do away with all religious teaching, they set up a sect on the narrowest possible basis. I heartily approve of this Bill, and shall willingly give it all the support I can; and I approve of it on grounds of religionists, but from the fanaticism of secularists; for, in their determination to do away with all religious teaching, they set up a sect on the narrowest possible basis. I heartily approve of this Bill, and shall willingly give it all the support I can; and I approve of it on grounds of the feeling of the best people in the colony. It is a Bill which is based upon, and which endeavours to carry into law, several important principles to which allusion has been made. One of the principles to which I have referred is that the State should take the general superintendence of education. Now, in those dark ages from which we believe ourselves to be so far removed it was almost impossible to provide for the education of the children of the people. That is a small fault. Now, as to the appointment of schoolmasters. I think it would contribute to the good working if the appointment of the schoolmasters were left in the hands of the Local Committees. They have very little power now, and I think it would be better to increase their power in this respect—that the appointment of teachers should be completely in their hand. Again, the payment of teachers is to be provided out of the Consolidated Fund. Now, if there is one thing that the people of the colony should be able to say is their own, it is the land—the land is their heritage. You may give particular people a life interest in it, but that is all, and the cost of the education of the people certainly ought to come out of the Land Fund; it should be a charge upon the waste lands, as it was, I believe, in the case of the Province of Otago. There are other smaller blemishes. I agree with what has fallen from the last speaker as to the size of the Education Boards. There are to be a great number of Boards of Education; there are to be twelve, which is too many; and I gather that there is to be an expenditure of about £3,900 per annum in the support of the Inspectors connected with these Boards. Why should we have so many Boards? Two or three would be all that would be necessary to carry on the work; and I speak with some experience, for I am an old schoolmaster and know a good deal about matters of education. And there is another blemish to which I will refer. I observe that the subjects to be taught in these schools are reading, writing, arithmetic, &c. But it seems to me that the most important subject we can teach is left out. I refer to the elements of physics, to natural history, and matters of that sort, which should form the groundwork of a child's education in connection with these other subjects. Of course children should be taught reading, writing, and arithmetic, but they should also have instilled in them the elements of natural science from their childhood upwards. Not to go further into these small blemishes, I fancy there is really, after all, one considerable blemish and one transcendent excellence in this measure. I will first speak of the blemish, and more especially because I think it can be remedied. The great fault of this Bill is that it tends
to put all the education of the country into the hands of the State. That is a great mistake: the State should not have a monopoly in this matter. Its duty should be to have a general superintendence of education, and, having taken that charge upon itself, it ought to avail itself of the different educational institutions now in existence, or it might adopt the voluntary principle in education as it does in religion. Of these various ways which are open to us, this Bill contemplates taking only the first—that of giving the State a monopoly of education. If the measure is carried out as it now stands, the time will soon come when the whole education of the colony will be in the hands of the State, or, in other words, of the Government, and the result will be that all competition in the sphere of education will be effectually swept away. This Bill enacts that £3 10s. shall be paid for each child in average daily attendance, and that parents and guardians shall pay a capitation tax of 10s. per head of their children who are of school age. The subsidy is high and the fee is small, and in the face of the high subsidy and small fee all denominational and all private or adventure schools will soon disappear, and the State school will, like the last rose of summer, be left blooming alone. What will be the effect of that upon the community? After all other educational systems are swept away, then education will be left wholly in the hands of the State: the schoolmaster will be appointed by the State, the lessons prescribed by the State, the books to be read fixed by the State—everything will be done by the State. Under these circumstances all emulation in our education will be destroyed, and the result will be a uniform monotonous system in which there will be no competition, and we shall be doing all we can to destroy the most important characteristics of our nature—individuality and variety of character. I believe there is much truth in what a great man, whose works are frequently quoted here, John Stuart Mill, says—that individuality is the same thing with development, and that it is only the cultivation of individuality which produces or can produce well-developed human beings. He warns us against doing anything tending to dwarf or crush individuality and variety of character. If this education system becomes a monopoly of the State you ruin men’s individuality and prevent the development of their character. That is the great bleminh in this Bill, but I think we have close at hand a simple remedy which we can easily avail ourselves of; and the remedy is, that we should utilize the Churches and what the Churches have been doing in connection with education. It seems to me from remarks made here to-day, and from what I have read in newspapers and books, that the moment you speak of Churches and of denominations taking part in education all people are at once alarmed. How is this? Is it not to the Churches that the world owes all the education that it has ever had? Go back to the earliest times, and was it not the Church, in the persons of its priests, which educated the people? Come down through all the centuries, and see who has been educating the people age after age. It is the Church. The Church has done all this work. And who first instituted the great Colleges and Universities of England and the rest of Europe? And who have been spreading abroad among the people a class of men most hostile to these Churches, and, although we are indebted almost entirely to these Churches for education, they want to exclude the Churches from our future educational system. That seems to me to be very unwise. There are many denominations in our country which would willingly assist the State in educating the people. There are many private schools which would come in in this way. Should we not avail ourselves of such auxiliaries? I contend that we should make the State the general superintendent of education, and avail ourselves of the Church schools as we have often done hitherto. Reference has also been made to the Roman Catholics, and to the effect of this Bill upon them. I can see no difficulty in that matter. If the Roman Catholics establish schools and submit those schools to inspection, and that the system of education adopted in the State schools, why should they not be subsidized? Why should not the Presbyterian and other denominational schools be also subsidized? I think we are doing wrong in trying to monopolize education. I agree to a very great extent with this Bill, but I think it would be of vast importance that while we have State supervision we should also use our Churches and their schools, whether they be Roman Catholic, Presbyterian, Anglican, or any other. We are fighting against ignorance, and we should not throw aside those who would be our willing allies. We hear much about the Russians fighting against the Turks, and I am sure the Russians would not refuse the alliance of such nations as Germany or England. Then why should we throw away and show contempt for these ecclesiastical allies? That seems to me a great blinmish in the Bill; but I fear I am quite out of harmony with the spirit of this advanced secular age, and that the opinions I am now expressing will not meet the views of a majority of this House. I now come to the transcendent excellence in this Bill, and that is, it is of a thoroughly unsectarian character. It will help us to see the full unsectarian character of this Bill if we define before-hand what we mean by education. I have heard that word used by honorable gentlemen and seen it in books, and I find one person giving it one sense and another a very different one; and tonight, even in the same speech, I found education had one meaning here and another there. To make our thoughts clear on this point I will just define what I mean by education, and it will show the House that this Bill is really unsectarian as could be devised. I define the word “education” as meaning the educing, the drawing out, the training, the culturing of our nature—our physical nature, and more especially our intellectual and moral nature. Having defined the sense in which I use the word in saying that this is a thoroughly unsectarian measure, I would beg to remark that there are now before the public two rival systems of education, one secular and the other denominational.
national; and one or other of these we must choose in our legislation. That word "denominational" is very unpopular; it gives rise to many prejudices and causes many misconceptions. But denominational education, properly understood, is not different from or opposed to secular education properly understood; it is just secular education with additions, and those additions are certainly great improvements. As, however, the word is misleading, I have tried to find another word which will express the true meaning of the system of education that is not secular. I think the word "seculo-religious" expresses exactly what I mean; but it is too pedantic a term to use, and so I will not use it. The system of education which has been employed throughout the world from the beginning until now, which was common in ancient times and which is still common all over the world, I would call the "common" system of education—a system which does not exclude religion. Here we have two systems combating for our legislation. We have the common system, as I call it, and we have this secular system. The former system is old and venerable, ancient, and familiar to us all, while the secular system is new, not venerable, and in the outcome of the infidelity of modern times. The one is liberal and comprehensive, and will exclude from education nothing that would be of advantage to the child in after life. The other is narrow, partial, and will exclude from the child's education anything which would improve it morally or religiously. The one takes its stand upon the best of all books, the other is as frightened at that Book as a certain personage is said to be at holy water. I say there is no devil in all hell who is more afraid of the Bible than are these advocates of secular education. In that respect they beat the Devil himself. We are told that the Devil can quote Scripture, but he cannot do so without knowing something of it. I say we should be committing a great crime by rejecting that knowledge to our precious, darling children which our nation is so anxious to show the very Devil. There are, as I say, these two rival systems before us, and in legislating we must adopt one or the other. Let us ask, which is the better of the two? Shall we walk in the good old paths, with the Bible in our hands and prayer on our lips, or shall we follow the bewildering ignis fatuus of modern secularism? In order that we may arrive at a sound and rational conclusion on this matter, I would compare the two systems, and judge them by their fruits. I would test them by the experience of their effects upon society; and I will begin with the common system of education. We have had experience of it extending over hundreds, even thousands of years. Indeed, we have no experience of the effects produced by any other system. Now, universal experience from the earliest ages declares that the education of the young is a great benefit to society. It enables the young to turn to the best account their powers and labours. It qualifies them for discharging the duties of citizens in the best way. It tends to check and prevent pauperism, intemperance, and crime. These are the effects which have resulted in former ages and in the present age from the common system of education. These are the fruits which it has borne. Many, therefore, and great are the fruits which have been yielded by this common system of education. But an opinion has been spreading very widely of late that, in attributing such large and beneficent fruits to education, we have really been exaggerating a little; and this idea found utterance, if I remember aright, in the neat and graceful speech in which the Minister of Justice introduced this Bill to our notice some few weeks ago. Now what is the cause of that? The experience of former times was that education was decidedly beneficial in all moral respects to the community; but of late our experience is that it is not so beneficial as it was in former times. There is a discrepancy between former experience and present experience on this point, and the discrepancy is easily explained. In former days the common system of education was sounder and healthier than it is in our times. The common system of education has been degenerating more and more in the direction of this secularism—the secularism which rejects the Bible, prayer, and all that sort of thing as if they were useless. Here is the real explanation of the matter. The former system yielded good fruits; these fruits have deteriorated, and they have deteriorated exactly in proportion as the old system has become diluted with modern secularism. Could there be a greater condemnation of a purely and entirely secular system than that? I have now endeavoured to show the fruits which have been yielded by the common system of education as it has hitherto existed in the world; and in speaking on that subject I have referred to the fact that those fruits deteriorate in proportion as the common system becomes diluted. Now, let us inquire what experience tells us of the fruits or effects produced by the secular system of education. Experience tells us scarcely anything at all on the point. An entirely secular system of education, as I call it, has never been tried in the world. It is a poisonous mushroom that sprang up only the other day. Nowhere have we had sufficient experience of its effects on society to justify us in deviating from the old common system of education. It has never been tested in this way to any great extent. It has never been tried in the uncovered nakedness in which it would appear amongst ourselves if the 3rd subclause of the 86th section were eliminated from this Bill. Where has there been any experience of a purely secular system of education? Does America give us any experience? It does not. Have we any experience of it in Europe? Scarcely any, with the exception, perhaps, of France. We have only had experience, then, of the common system of education, and how it tells upon society. We have no experience of the effect of the other system, except, perhaps, in some of the Australasian Colonies. They have tried an entirely secular system of education there, I understand. And we wise men who belong to Auckland have tried the secular system there. I was surprised at the remarks of the honorable member for Franklin, and the way in which he misrepresented...
what took place in Auckland in connection with that system. He told us that the people were getting reconciled to it. Why, Sir, the very opposite is the case. I am going to move some day that a return should be made of the number of able-bodied men who were dragged to prison through that abominable system of secular education which was established in Auckland. The honorable member for Franklin has told us that he had a large experience of this system in that part of the country. I acknowledge that he has had a large experience, and, if the Auckland papers have stated the truth of late, that it has been a very profitable experience to him in a money point of view. When I first learned the nature and provisions of the Bill before us, I immediately wrote to some of my acquaintances in Auckland telling them that the common seculo-religious system was to be revived. Why it went like an electric shock through the community, and in two or three days some eleven or twelve hundred most respectable people in Auckland petitioned in favour of a restoration of the old and common system which is contemplated in the Bill before us. We have had no real experience of the fruits that are yielded by an entirely secular system. The way in which the Secularists deceive the public is this: They find out somehow that education is beneficial to society; that it tends to improve the moral and promote the material prosperity of a country; and they obtain facts from statistics, and, strong in statistics and sophistry, they attribute all the good results not to the common system of education, but to the kind of education which is entirely secular. Indeed they do what is said in the fable. There is a fable which tells us that a jackdaw once stuck himself all round with peacocks' feathers, and strutted about to show how brave and beautiful he was. According to the fable a passing gust of wind shook off the feathers, and the jackdaw appeared in all natural coarseness and his true colours. I wish my voice would swell into a gust or gale of wind to-night and blow off the feathers with which educational secularism has stuck itself all round. We have no experience of any good effects from it. We have had, however, in one country at least, experience of the very bad effects resulting from an entirely secular system of education. Some seven years ago there was a conflict between two great European nations—France and Germany. Now, in the issue of that conflict we see the different effects produced on the one hand by a common system and on the other by a secular system of education. Of course, in such great countries as France and Germany, you will find places where education is conducted on every possible principle. I have been in France, and speak from my own experience. Again, the lower classes in that country are not educated at all. Now, in Germany what do we find? We find in Prussia and all over Germany the whole people educated—the higher, middle, and lowest classes—not according to the secular, but according to a system which is equivalent to the narrowest denominationalism. These two great nations, so adversely situated in respect to education, come into conflict; and, viewing them entirely from an educational point of view, we see on the French side secular education and ignorance, and we see on the German side denominational education—perhaps of the narrowest kind. A duel occurs between these two giants. What is the result of that duel? France is broken into pieces, her power is destroyed, her glory departs, while her opponent emerges from the strife brilliant and prosperous. And from France, baffled and broken and beaten by Germany, we gather the general lesson that knowledge is power, and the particular lesson that the common kind of education which tends towards religion is that which assists to make a nation brave and triumphant and glorious. I am now allowing it different kinds of fruit which are yielded by the two systems of education on the one hand, and by the secular system on the other. I proceed to make a few more remarks to show the difference between these systems of education, in order that we may see how perfectly unsectarian this Bill is. If the religious clauses be eliminated from the Bill, what will be the effect? It will be to drive out all good teachers from the teaching profession, and it will render the kind of education given intensely sectarian, and prescribe a system which cannot be honestly carried out. In order to explain this part of the subject better than I can do, I will read a short extract from a pamphlet containing a speech on "Secular Education and the Unjust Tax." The speaker is commenting upon some remarks of a great English statesman, whom I have met in the flesh, and brings out the point—namely, that the establishment of a purely secular system would drive teachers away and produce a demoralizing effect upon the community. This is what is said in the pamphlet on "The Unjust Tax":—

"What is the duty of the teacher? To teach the simple arts of reading, writing, arithmetic? If that be all, we do not wonder that the profession is so despised. This, however, is too low a view of it. The education of the young is truly a work of great and solemn responsibility. They who undertake this office and feel the responsibility it involves will not be satisfied with doing a certain amount of routine and mechanical work. Their object will be, while imparting knowledge, to educate—to help towards the formation of character; and only so far as this is done is their profession a high and honorable and truly important one. No honorable Christian man will undertake the office of teacher if he be forbidden to pray to God or read the Word of God with his pupils, or if the leading facts or principles of Christianity be the only things he must not handle. Few will accept the office, except such as are infidels or such as care little about religion, while excluding or driving the best persons from the charge of

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schools, the secular system cannot but have a degrading influence on those who continue to make teaching their profession. They who are bound by law and by honor not to speak in connection with the business of their life about the most momentous subjects that can occupy human thoughts are unfavourably situated for the moral development of their own nature. Similarly demoralizing must be the influence which sectarianism exercises on the community. The best men, we have said, are driven out of the teaching profession. The remaining teachers are in general characterized either by indifference to the spread of religious teaching among the young. They will be centres and sources of contamination to the districts which their influence extends. They will be pretence, shallow and superficial in the extreme. Such teachers will be our s inner and not blessings to the community. They will be centres and sources of contamination to the districts which their influence extends. The inevitable result of this secular system will be that you will flood the country with an organized band of infidel missionaries, who will work in the way here pointed out in order to discourage the spread of religious teaching among the young. I cannot imagine a greater evil to the country than the setting up in every district a man whose duty it is to press upon the people of the district and upon the young the superior importance of secular to religious knowledge. In the anarchy, atheism, and communism of portions of modern French society we see the fruit of unadulterated secularism.

That extract from the speech of an eminent statesman (Lord Salisbury) shows the natural effects that will be produced if we should be so foolish as to inaugurate here an entirely secular system of education. There cannot possibly be a more intense form of sectarianism than secularism. I will not say that a schoolmaster should be always telling a child about his moral nature and his soul; but the system should not imply that there is no moral nature in the child, and no soul. I would be the last person to suggest that the teacher should communicate theological doctrines to his pupils, but the system on which he rests ought not to be a system which in its essence implies that there is no such thing as a God or a future state. Nothing could be more sectarian than that. I am aware that secularists do not like to be charged with sectarianism. Their plan has been this: They professed to be unsectarian, and tried to fasten that unpopular epithet upon those who advocated the common style of education. The Churches having been from time immemorial the leaders and upholders of education, the secularists raised the cry that the education which the Churches directed was necessarily sectarian. Intensely sectarian themselves, they blinded the public mind to their own sectarianism by stigmatizing the common style of education as sectarian. But the trick is very stale. We all know that when we are addicted to any vice we are apt to charge people around us with being addicted to that vice. I have known dishonest men maintain a character for honesty by charging their neighbours with being dishonest. And who are the loudest in denouncing denominationalism and sectarianism? Why, Sir, the worst of sectarians themselves. Secularists are nothing else than a denomination. They are an un-ecclesiastical ecclesiastical sect, an unreligious denomination. They have their creed, their platform, their principles. And what do their creed and their platform mean? They say, "Educate your children; teach them reading, writing, and arithmetic." So say I. "Teach them all the things that tend to their advancement and welfare in the present life." By all means teach them these things, say I. "Cultivate that part of their intellectual nature that will enable them to take part in the affairs of the world." Do all that, say I; but is that all that is to be done? Is there nothing more? Nothing more of a positive kind, but a great deal more of a negative kind. I will show you some of the negative things implied in a secular system. Secularism stands up and addresses its teachers in some such manner as this: "Gentlemen, while teaching all that we have here pointed out, you must be careful not to teach children that there is a future state for them in your teaching silently imply the gigantic falsehood, that there is not a God above, or a heaven, or a hell. That is the teaching you must give them. If you dare name that Name which is above all other names, we will cast you out of our schools." Such is the secular system. That is their creed; these are their principles, positive and negative; these are the planks of their school-platform. Now, are we, the representatives of New Zealand, to try to impose upon the people a system so pernicious as that? We ought not. But suppose these clauses about the Bible and prayer are eliminated, and a system of an entirely secular kind introduced; even then, I say, a system of an entirely secular kind cannot be carried out. The thing is impracticable, and I will show you how it is impracticable. You may try to carry it out, but you will only outrage the best feelings of our colonists by attempting it. For instance, I suppose the time will never come when the Minister of Instruction or the Minister of Justice will be so atheistic that he will take all the school-books and erase the name of the Deity—the name of God—from them. The books used in education are sure to contain that name. Its meaning must be explained to the children, and the moment the teacher explains that name he passes out of the secular sphere into a religious sphere. Sir, is the name of God to be erased from all school-books? I say you cannot possibly carry out an entirely secular system. Or suppose the word "immortality" occurs, will not the teacher have to explain what immortality means? That must be explained to the child; but the moment you explain that word you pass out of secularism into religion. And more than that. You cannot eliminate from school-books dates—such dates as the conquest of England, which took place in the year 1066, if I remember rightly; or Waterloo, 1815; or the great Vogelien era 1870, when our penurious system of borrowing on the gigantic scale began. They are all marked "A.D.," and you have to explain that means "Anno Domini."—in the
year after the coming of our Lord Jesus Christ. And the child asks, "Who is Jesus Christ?" Sir, I defy you to teach a child under a secular system of education, without bringing religion into it. I doubt not that in our schools, in teaching ancient mythology of one kind or another—Greek, Roman, or Scandinavian. You must mention their gods; and that is religion surely. Again, you cannot mention the days of the week without making reference to religious matters. For instance, this is Friday—Friga-day; the day before was Thor's-day; the day before, Woden's-day. These are all gods; and, if the children are to be allowed to speak of Greek gods, Roman gods, Saxon gods, and Scandinavian gods, why should they not be allowed to teach or to speak of the true God and Father of us all? Perhaps, after all, the secularists will say, "Oh, but no one but a theological hair-splitter would ever think of making such objections as these!" But what does all this mean? You do not mean to exclude the names of the mythical deities, or of the day of the week, of all the things the teacher teaches? Sir, then, what will be the result? You admit everything that is false in religion, and you exclude what is true. This is the system of the secularists, who, like the honorable member for Geraldine, sneer at the intuitive conviction of a Higher Power and the indestructible hope of a future life. They tell us that they do not exclude any true religion, because in their opinion there is no true religion. I differ entirely from them. I have spent a great part of my life in the study of religious subjects, and one thing I will say, that I have never discovered one false religion. There is not such a thing. They are all true, and Christianity is the truest. But that is away from the point. What I was saying was that the plan of the secularists is to admit everything that is false in religion, and only that which is not to be excluded is called true religion. Secularism, as it were, stands as porter at the door of the school, opening it to what are called false religions, and shutting it against the true or truer religion. I will picture a State school after the pattern drawn by the honorable member for Geraldine, whose interesting remarks I listened to to-night. Well, Secularism stands at the door, and certain people wish to enter. The first person who comes is the old Scandinavian god Woden, who carries the skull of a slain enemy in his hand, filled with strong foaming mead. He says to Secularism, "Can I be admitted to your schools to tell your children my stories?" "Oh, yes," says Secularism, "you old bloody murderer, you may come in and tell your stories." Then comes the Roman god Mars, with the Roman she-god Venus on his arm. They knock at the door and ask Secularism if they may be allowed to go in and tell the story of their amours. "Oh, yes, pass in; you will be allowed to tell your story." Next approach a strange-looking couple, oriental in their gait and dress. I know them by what I have read in the Koran. It is a turbaned and sworded warrior, with his arm around the waist of a dark-eyed houri, and his fingers tickling her heavenly houri. I know them to be Mahomet and one of the fairest of those celestial nymphs called houris. They ask if they may be admitted. "Oh, yes," says Secularism; and they go in and talk to the children about the bliss and joys of the Mohammedan Paradise. And as you approach the kind of suppliant for admission into the school, one who looks more beautiful and more sacred than the others. It is Christianity. "Grace is in all her steps, heaven in her eye, in every gesture dignity and love." Holding the Bible in her hand she goes up to Secularism the porter, and asks if she may enter and tell the scholars the story of Him who said, "Suffer little children to come unto me, and forbid them not." And the porter Secularism replies, "No; I will send the police to you. You shall not enter my school." And now, Sir, I object, on the foregoing grounds, to the elimination of the clause about the Bible and the Lord's Prayer. I find from the speeches of honorable gentlemen who have preceded me that they have objected particularly to the reading of the Bible and to the introduction of the Lord's Prayer into the schools. The honorable member for Franklin has said that the amount of religious instruction proposed to be given was so insignificant that it was not worth giving at all. Well, Sir, if I were to go to him and say, "Give us a great deal more religious instruction," he would say, "Oh, that is too much." And if I asked him to give us the smallest homeopathic dose, he would say, "Oh, that is too little." Now, that is just what an Irishman once said to me. He was sick, and he called upon me for advice. I prescribed for him; and, as he was leaving the room, I said, "You have forgotten the fee; give me a guinea." "Oh," said he, "I'm a poor man, and can't afford a guinea." I said, "Very well; if that's too much, I'll make it half-a-crown." Then he said, "Oh, a gentleman like you, with a black coat on his back, would n't make a very tart little as half-a-crown." The result was that I got neither the guinea nor the half-crown. That is something like the present case. If we ask the honorable member for Franklin for much we shall not get it, and if we ask for little we shall not get it. The honorable member for Geraldine has objected to what he calls the "Protestant Bible" being read in our schools; but I have never understood that the Bible is a Protestant Bible. I know that we use the authorized version of the Bible, but it is not a denominational book. I say that this Book which is called the Bible contains the literature of an ancient people with whom we are more deeply connected than even with the Romans and the Greeks. The history of the Jews has influenced us to a very great extent in our public and private life and in our domestic and social life; and why should we exclude Jewish literature from our schools? This Book stands pre-eminent above all other books; it lies at the bottom of modern civilization: then why should we exclude it from our schools? This Book is the book of the world; it is the most important fact in the world's history for the last 1,800 years. Why, then, do we say that this Book, which has done so much to promote
civilization, should not be allowed to enter into our schools? I cannot see any reason for excluding the Bible from the schools, nor do I see any reason why the Lord's Prayer should not be read in our schools. Is the Lord's Prayer sectarian in its character? Protestants and Roman Catholics both use it, and before it was a Christian prayer it was a Jewish prayer. It is the most suitable form of prayer that could be used in the schools; and why, then, should we not use it? Do we not use a form of prayer every day we meet here? Here we are, young, middle-aged, and old men, and we feel that we need to offer up a prayer for guidance in our deliberations; but yet we refuse the little children a gracious privilege that we ourselves require. It would be most wicked on our part to deny a child the privilege of beginning the day with prayer—the privilege which we ourselves require and have. I shall not go any further into the question at present, but I will conclude with saying that if we would avoid the narrowest and worst kind of sectarianism—the sectarianism of negative religion—we must retain in the Bill the 3rd subsection of the 85th section. I do not ask that theology—I do not ask that the Christian religion, with its peculiar doctrines, should be formally taught in our State schools; but I do ask that there shall be a recognition, and not a denial, of Deity and Immortality; for that educational system is essentially infidel and atheistic which does not recognize or imply that man has a moral nature, and that there is a God who hears prayer, and that there is a future state of existence after life's fitful fever.

Mr. MACFARLANE.—Sir, I desire to call the attention of the honorable member who is in charge of the Bill to a very important clause in it—clause 79. In introducing the Bill the honorable gentleman said that he calculated that he would receive £25,000 under that clause. Now, Sir, in connection with that matter a remarkable circumstance has been brought under my notice to-day. It seems that, in collecting £1,036 12s. lOd. by solicitor, £1,036 12s. 10d. of education rates, the enormous sum of £1,477 had to be paid to the solicitors. If the honorable gentleman had these facts before him I think he would consider it necessary, in getting in this capitation-tax, to make some provision for the appointment of Chairmen. I will read a short extract from a newspaper, which bears upon the subject. The date of the paper is Saturday, 25th August, 1877; and it says,—

"The account presented by Mr. Beale, of the firm of Lusk and Beale, solicitor to the Education Board, is a fitting climax to that miserable expenditure of a bankrupt Treasury known as the education rate. Since Mr. Beale, the partner of the Chairman of the Board, undertook the work of collecting arrears, fourteen hundred householders have been worried by summonses and law processes, with the net result of £21,036, the whole of which was appropriated by the lawyer for costs of recovery, leaving the Board still £441 in debt. Comment on such a fact only spoils the effect; it is much better to leave it in its simple nakedness. Previous experience in the collection of the rate by law processes, we are aware, has not been of a very profitable character; but there has never before been such an exhibition of high art as that disclosed in the foregoing figures."

I need not read any more of it. This article appears in the Auckland Star of the 25th August, and in the same paper there is a paragraph which contains the same figures. It states,—

"Mr. Beale's account for law charges and expenses was presented to the Board of Education yesterday as follows:—Recovery of the education rates for part of 1874, 1875, 1876: £793, being solicitor's charges, and £714 10s. 2d. costs, and fees paid by him: total, £1,477 16s. 2d. By advance from Board, £350; rates and costs received by solicitor, £1,036 12s. 10d.: total, £1,386 12s. 10d. Balance due to solicitor by Board, £91 3s. 4d.—Mr. May said that it appeared from the statement just read that £1,477 had been spent to recover £1,036."

I need not go any further. I merely wish to call the attention of the honorable member in charge of the Bill to it, and to state that if he intends to rely on the capitation-tax, according to this Bill, he must take care who are the Chairmen of the Board.

Mr. DE LAUTOUR.—I feel some degree of reluctance in having to speak so soon after the honorable member for Auckland City West. That honorable member has an apt way of pointing all his remarks so that they catch upon the ears of the House, and he has a knack of taking the sting out of anything that may be advanced in a contrary direction. I do not intend in addressing the House to attempt so much to reply to the speech of the honorable gentleman as to try to draw the attention of the House to a few facts in connection with the Bill itself which seem to me of considerable interest. But, Sir, that honorable gentleman had an imaginary picture of secularism before him, which he was very successful in producing before us. So far as secularism is concerned—I do not speak of those who openly avow no sympathy with religion at all, but of a great many who would like to see secularism in New Zealand—I do not think there is any objection to religion in the school, but the objection is to creeds in the school. There is no man yet bold enough to stand up in this House and disavow any sympathy with religion; there is no man who would say that children are not to be trained up in religion; but we do hold that religion can be taught by the Church—can be taught at the hearth, and it is not necessary that it should be introduced into the daily school. The honorable member for Franklin (Mr. Lusk), with considerable ostentation, I think, paraded the virtue of the system prevalent for many years now in the Province of Auckland, of which, he gave us to understand, he was a leading administrator; and upon that administration we have just had, in a few words, a little light let in. Sir, what was the result of that administration as compared with the administration in Nelson? Taking the figures of the Hon. the Minister of Justice, I find that in Auckland 32 per cent. was the average attendance of those of school age. I speak subject
to the honorable member's correction. What
do I find in Nelson? I hold the last report
in my hand, and I find that per cent.
was the average attendance of those on the
roll. We did not hear anything in the nature of
boastful ostentation as to the success of
the schools in Nelson. If the honorable mem-
er for Nelson had stated that he had been
instrumental in bringing about results greater
than those in any other part of the colony, such
a statement might have been accepted, and
would not have been considered as vain boasting.
On the other hand, we have the honorable mem-
ber for Franklin continually saying he has given
extreme consideration to this and to that; and,
because the Bill does not agree with the system
with which he is acquainted, it is therefore to
be condemned. And what are the figures?— 32
per cent. average attendance, as against 78 per
cent. average attendance in Nelson. That alone
alone at home I am aware, is the source of the secularism
which, we are told, has prevailed in Auckland for
some years considerably chary in defence of their
views, as having proved that secularism is a suc-
cess. If we want additional proof that discon-
tent exists in Auckland, we have only to look
at the petition presented this day from 2,900
residents in the City of Auckland against the
system existing there. Another thing the honor-
able member for Franklin also put forward very
strongly I could not at all sympathize with: it
was the denunciation which he was giving forth
in his wrath against the so-called religious clauses
of this Bill. He told us that atheistical school-
teachers could not with a good conscience teach
in these schools. I do not think we require
atheistical teachers there at all; and, at the risk
of being called straight-laced, I say that the less
we have to do with atheistical teachers in our
schools, whether religion is taught or not, the
better for New Zealand. In this Bill we find
several principles which, so far, are novel to New
Zealand. We have the principle of abolition of
fees; and we have another strange principle—
namely, that trusts may be violated. I do not
put the abolition of fees and the violation of
trusts on the same footing. I think they are two
new principles that, I believe, for the first time
we are wishing to put upon our Statute Book.
Clause 37 appears to me to be a gross violation of
trust. The trustees of any trust, whatever might
be the purpose of those who had bequeathed
the trust in good faith, have only to consult
with the Government of the day, and put the
result of the trust into the Government chest.
I hope I am wrong in the interpretation which
I put upon that clause. It seems to me that
any trust can be violated provided the trustees
happen to be a little weary of their work.
They can just connive with the Government of
the day, who will graciously receive the profits
or riches that have been stored up for a special
purpose. With regard to the finances of the Bill,
I hope these may be referred to by some member
of the House, or else by the Minister of Justice
in his reply. It seems to me that the financial
position of education, unless some extraordinary
course is taken not contemplated in this Bill, will
prove very weak, and not at all in proportion to
the means of the colony. First of all, in dealing
with the education, I would draw attention to the
reserves. Now, the Bill pretends to vest the
reserves locally—there is a great deal of pretence
to vest the reserves locally. I would like the
honorable gentleman in charge of the Bill to
point out in what way the vesting of these
reserves is to be localized. The management
only is localized, not the benefit. No province
can for a moment receive any benefit from
these reserves from anything contained in this
Bill. And yet the pretence is carried to the
extreme, for we are to create an estate for this
North Island, when the North Island will never
receive a penny of benefit from that estate, any
more than the South Island will receive a penny
of benefit from its local estate. Why did the
honorable member not have the courage of his
Bill? If there was any one thing on which we
could all have combated, I think it would have
been in the building up of a vast colonial fund for
education; yet we have a species of pretence all
through the Bill of localizing reserves. He goes
the length of vesting reserves in Local Boards,
and the people will not receive a penny of benefit
from the localization.

An Hon. Member.—It will be like the Land
Fund.

Mr. De Lautour—Oh, no; we shall get a
little of the Land Fund. There is £200,000
we are to get this year, if we can; but from these
educational reserves there is no real intention
in the Bill to give one single penny. For in-
stance, if all the educational reserves in Otago
bring in £5,000, and the amount of grant due
equals £18,000, we are handed £13,000. And the
same thing will apply to other provinces. Should
the educational reserves increase in magnitude so
as to provide a larger sum than is actually re-
quired, then my honorable friend the Minister
of Justice thinks he will be able to find sufficient
money out of the increased revenue coming from
these reserves for building purposes. There is
no pretence to give a single shilling of benefit
from the localization of the reserves. Why vest
these reserves, I ask you, in Local Boards? You
do not vest the waste lands in the Boards; and
why should you vest these reserves in those
Boards? It seems to me that the policy of the
Government should have been to have carefully
taken the full management and the full revenues
of the reserves in an open way, and let them go
to a national fund for education. Let it be our
aim in the colony to build up a fund year by
year, until, if possible, it exceeded our requirements,
which I very much fear it never would do.
I could understand such a policy as that; but
the pretence of localizing the funds arising from
these reserves under this Bill, and going so far
as to actually vest them— to put that preten-
cence in the same page with the Book of books
is almost as bad as putting that Book of books
alongside a Treasury bill. It seems to me that
clause 110 is more than objectionable. Power
is given to the Board to sell any portion of the
reserves. So far, good; because it is only
in order that they may buy other land as an
endowment. But the sting is that the money may be invested in Government securities. What is the object of that? Is it that we are to be astonished next year with the announcement that the educational reserves are going to pay the colonial debt? Then, with regard to buildings. The honorable member in charge of the Bill has told us that he has not included in his calculations the expense of buildings. We must keep this absolutely apart. Then, again, in his calculations he told us that the average cost of £4 8s. 1d. includes every expenditure except buildings. Again, in another place, he says that the £24 a head is only for paying the expense of teaching and keeping the schools in ordinary repair. "He did not speak of new buildings or enlargements." But, instead of the colony finding the cost of new buildings, that is actually thrown upon the committees. The honorable member will have great difficulty in reconciling the statements in his speech with what appears in the Bill. It is true the House, out of the tide of money provided for the Education Fund, but the cost upon the Fund was in this course, speaking here, one has to speak to the question from a colonial point of view. I would like to show how the figures in the Bill as was drawn on another occasion from the Financial Statement, I should say that it this Bill as was drawn on another occasion from the country, because it will be admitted at once to throw an education tax on the local districts of the colony, may see fit, out of any moneys at their disposal."

It is proposed to throw this year £180,000 extra upon the Consolidated Fund. That is equivalent to 9s. 7d. increase per head on the population; and if honorable gentlemen will work these figures they will find that not only the Protestants but the Catholics who have districts in fees, and of course went also to the general maintenance fund. This gives a total of £41,482 lis. 2d. for the ordinary maintenance of the schools. In addition to that, £20,735 was spent in buildings and repairs, the whole amount of £61,218. That is equivalent to 9s. 7d. increase per head on the population; and if honorable gentlemen will work these figures they will find that not only the Protestants but the Catholics who have districts in fees, and of course went also to the general maintenance fund. This gives a total of £41,482 lis. 2d. for the ordinary maintenance of the schools. In addition to that, £20,735 was spent in buildings and repairs, the whole amount of £61,218. That is equivalent to 9s. 7d. increase per head on the population; and if honorable gentlemen will work these figures they will find that not only the Protestants but the Catholics who have
would be a very great hardship to the working-
man to be called upon suddenly to pay £2 at a
time when, perhaps, he had forgotten all about it,
and had made no provision, because unfortunately
the bulk of our population have not yet acquired
the habits of thrift and foresight. There
is one other remark which I think it is worth
while to make in regard to the capitation fees.
By throwing the onus, as you do, upon the
secretary of the School Committee to sue for the
capitation fee, and by imposing, as you do,
this Spanishquisition upon the committees,
you will render it impossible, in the up-country
districts at any rate, to obtain secretaries who
will perform the duties gratuitously, and the result
of that will be that the committees will have
to pay their secretaries £20, £30, or £50 per
annum. I wish to say a few words in support of
one of the clauses of which notice has been given
by the honorable member for Nelson City. It
is our duty to respect the scruples of any sect
or large portion of the people of this colony,
for we have no right to hold that in our superior
knowledge we have an exclusive right to be
heard. Wherever a Spanish Inquisition is not
imposed, we alone possess the truth. We hold that we are in the light; they hold
that they are in the light; and the truth is, that
there is a good deal of darkness on both sides. It
has been said already to-day that 13 per cent.
of the population of this colony are Catholics;
and in dealing with this education question I do
not at all hold that we have any right to think or
to believe that these people, merely because of the
ideas which may appear, we alone possess the truth.
We hold that we are in the light; they hold
that they are in the light; and the truth is, that
there is a good deal of darkness on both sides. It
has been said already to-day that 13 per cent.
of the population of this colony are Catholics;
and in dealing with this education question I do
not at all hold that we have any right to think or
or the Catholic schools are in excess of Presby-

tians. In cities and towns the figures work out
in the following manner:— Episcopalians, 16,600; Presby-
terians, 20,500; and the Catholics, 15,000.

Now I say the Catholics prove their faith by
their works; and wherever a Government school has been erected you have also a Catholic school. The hardship
of supporting these schools has been severely felt,
especially in Otago, and the hardship will be
much greater if this Bill is passed, and for this
reason: that our educational requirements in
Otago have been met out of the Land Fund of the province. Although every Catholic of course
had as good a right to the Land Fund as any
Presbyterian or Episcopalian, the money for the
support of the Protestant schools did not actually
come out of his pocket. He did not have to pay
anything. Under this Bill you are actually
taking money out of his pocket in that he pays
taxes to the Consolidated Fund. Theoretically,
the two things may be the same, but practically it
is very different. There is another point. I have
great many notes on this Bill, and I am sorry
to take up the time of the House so long; but
there is another point to which I must allude. It
is a matter of omission. I think it is nothing
short of a national misfortune that in a Bill pur-
porting to be the first Bill providing an education
system for the colony there is not a single word to be
found about industrial education. If anything
is to be done, it is to lift the schoolboy to a position of greatness,
if anything is to keep us as a people on a parallel
with the progress of nations in the Old World,
it would be the adoption of a form of industrial
education which has nearly been brought to a
state of perfection in parts of Europe and America. We must give our schools a practical
side by teaching not only physics, which have
been spoken of to-night, and which certainly
should not be lost sight of, but by going further
and in a gradation of steps, and building up an industrial education, step by step, till we reach the Universities themselves. It is only by such a system that we can place New Zealand in the position she is entitled to take. But in the whole Bill we have not a sign of any such thing. The noble efforts in this direction of the Caledonian Society and similar societies are allowed to go unnoticed, and there is not the slightest hope held out that either of the kind is to be afforded them. This is a subject of real public importance, and much ought to be said in this House. We are essentially a working people, and Latin and Greek are held out to us; while all that makes nations great in commerce and progress relatively to other nations is omitted altogether. We do not want in this colony simply schools at which, as has been said, reading, writing, and arithmetic alone are taught; we want schools of life, schools in which— if we are obliged to banish from them all mention of the great Author of the universe—a child from the first day it enters one of them shall be taught to know and glory in His works. I regret that I shall not be able to support the honorable member for Nelson City in regard to the first of his clauses. I do think that the objections which have been raised to making it optional for the committee to say whether the Bible should be read or not in the school over which it has charge are well founded. I think if we cannot decide that matter in this House we have no right to ask Local Committees to settle it. It is, unfortunately, necessary, owing to misunderstanding on matters of no importance, that we should confine the religious education of our children to those who preside over our Churches; and I shall be found voting with those who will make this a logically secular Bill by cutting out the religious sections altogether. As to the other clause to be proposed by the honorable member for Nelson City, I shall support it; and I entreat the House to put aside those prejudices which were so clearly indicated by the honorable member for Franklin (Mr. Lusk) made on this Bill, because it is a Bill brought in by the centralism which has been rampant for the last 1877.]

Mr. HODGKINSON.—It is not my intention to detain the House long, several gentlemen having spoken at a very great length. The honorable member for Franklin (Mr. Lusk) made a very able speech, which embodies most of my views: therefore I do not feel warranted in repeating his arguments. I wish, however, to notice one or two matters which struck me most particularly. Of course it cannot be expected that I should look with any great pleasure at first on this Bill, because it is a Bill brought in by a centralizing Ministry, and under a system of centralism which has been rampant for the last
year or two. I would much rather see the old Ordinances retained; but, inasmuch as the provinces are in a state of suspended animation, having been put temporarily out of the way, some provision must be made for schools, and I am not easy for a time. I can say of this measure that, with some grave and serious defects, it is on the whole a fair Bill; and, considering that the Minister of Justice is one of a centralizing Ministry, it does him great credit. I am generally obliged to give him a strong, if not a bitter, opposition, and it gives me much pleasure now to say a good word for him. I will now notice a few clauses of the Bill. And, first, with regard to the 6th and 7th, which give a great deal of power to the Governor in Council. "The Governor may from time to time appoint," and so forth. The great evil of the Bill is the strong leaven of centralism which pervades the whole of it. That, to my mind, is one of the worst features of the Bill. Instead of giving the Governor in Council, or the Ministry of the day, so much power, it would, in my opinion, have been far better if these powers had been given to the District Boards. The 1st section of the Bill provides for the constitution of certain Educational Boards for the districts named in the schedule. In my opinion it would have been better if there had been about eight Boards, one for each of the provinces, and with all the powers contained in the Bill conferred on those Boards. That would have done away with this very obnoxious feature of centralism. The next clause I shall refer to is the 83rd—the capitalisation clause. I do not think much can be said against the equity and justice of this clause. It seems to me to be reasonable and fair that people who have families should pay this moderate sum. At the same time I wonder the framers of this Bill did not see that it would be a clause very difficult to work practically. The honorable member for Franklin, however, said so much on that point that I need not dwell further on it beyond saying that it must be apparent to any one that it will be difficult to collect these fees. Another matter I wish to call attention to is the amount of money to be granted out of the consolidated revenue in aid of the schools. The payment to the Board of each district is to be £3 10s. for each child in average daily attendance; but, as most country schools have seldom more than twenty children in average attendance, I think the Minister of Justice might have seen that this amount would be insufficient. My opinion is that at least £5 should be provided in order to give country schools a fair chance of being maintained. The sum here provided, as the honorable member for Franklin says, would barely give a schoolmaster a daily labourer's wages, and we cannot expect to get such men as we now have in Southland for such a sum. Most of our masters there come from Scotch colleges, which I know are not so fashionable as English universities, but they are men of great attainments and large experience, and it is quite clear that they cannot be paid as they ought to be out of such a sum as is here provided for. The 39th section has reference to education reserves. It appears that under this Bill a reduction may be made in the proceeds of these reserves, so that the result will be that those provinces which have made provision for education will not benefit by the foresight they have exercised. That I consider to be an objectionable feature in the Bill. Those provinces should get the same allowance from the Consolidated Fund as the other provinces, which have no reserves, and should also be allowed to retain the full proceeds from their reserves. The next clause I come to is the 85th, which is commonly spoken of as the conscience clause. For elementary schools not much fault can be found with this provision, as it provides quite as much education as can be expected for young children. There is, however, one subject mentioned in this clause—namely, history—which is a matter likely to cause some contention. It is the only subject in the list on which, I think, it is possible for any dispute to arise on account of religious differences. There is no doubt that unless great care is taken some of the historical works used in the schools might be obnoxious to certain religious bodies; but that difficulty was easily got over, and it is not a difficulty which would apply to many denominations. The way to overcome that difficulty would be, if there were some committee or Board appointed, to arrange these historical works in such a way that a fair amount of history was provided without any extreme views or anything obnoxious. For my own part, I should have no objection whatever to Dr. Lingard's history being taught in the schools, and I think there would be no difficulty in satisfying the requirements of the various religious bodies on this subject. This clause also contains the provision that the schools should be opened every morning with reading the Lord's Prayer and a portion of the Holy Scriptures. I must say that in this provision I entirely sympathize with the Minister of Justice, and hope it will stand as part of the Bill. I cannot conceive that such a provision could be objectionable to any man of sound mind. I should not mind which version of the Bible was read, so long as there was no comment upon it. It must also be remembered that it is not compulsory on the children to attend at the reading of the Bible; and, if there are any people who object to it, they need not make their children attend, and they could remain outside during the time of reading the Bible. I think it would be well if some provision were made for the appointment of a committee or delegates from the different Boards to frame a selection of Scripture reading in which only the moral or didactic part should be read, so that anything controversial might be eliminated. If that were followed I cannot conceive that any parents could object to their children attending. This section also contains provision for textbooks, which are to be fixed by the Governor in Council. I say not so far as physics, but certainly on the part of the Government. It would be much better to leave all these matters to the Boards, or, if it is not desirable to leave them to each Board, then leave them to a committee consisting of the representatives of the various Boards. And now with regard to compulsory education. The clause
containing that provision is a warrantable clause, although it certainly interferes with the liberty of the subject. This is done, however, for a purpose which warrants the interference—namely, to prevent children growing up in ignorance, and becoming afterwards burdens on the State.

The clause to which I have referred, I think, would cover all that is required. The next clause to which I will refer is No. 100. and it is another of these obnoxious, centralizing clauses in which great power is given to the Governor in Council to make laws, regulations, and orders on a great variety of subjects. These powers, I consider, should be conferred upon a committee of delegates or a Board. There is one omission in the Bill which I think ought to be supplied. I cannot find that there is any provision for giving pensions to old teachers. I think that a teacher who has passed, perhaps, thirty or forty years of his life as a full teacher with a very small salary should have a sort of retiring pension to live on in his old age, and I know that this is very much desired by the teachers themselves. I have got a report from a number of teachers in Southland, and I know that many of them are superior men, and this is one of the things which they mention should be provided for. With regard to the Consolidated Fund, I have already stated that I consider that the allowance is not sufficient; but it may appear rather inconsistent when I say I do not believe the Consolidated Fund will be able to bear this charge at all, and I do not hesitate to say that I consider this part of the Bill a mere sham. It would not be long before the property-holders in the district would be compelled to pay rates. I have gone through that process before, and paid heavy rates for several years, and I expect before long to be called upon to do so again. There is no provision in this Bill for giving Boards power to levy rates for several years, and I expect before long to be called upon to do so again. There is no provision in this Bill for giving Boards power to levy rates. They make a recognition of religion by the reading of a short prayer, but they do not profess to teach religion. Then, with regard to the argument that under this proposed system the character of the school-teachers would deteriorate, that, I think, is a great mistake. We have had a system in Otago somewhat analogous to this, in which religion is not taught at school, and the great proportion of the teachers there are members of the Presbyterian Church. I was not present when the honorable member for Nelson City (Mr. Curtis) moved his amendment, but I have heard of its purport, and it seems to me that the system which he proposes is neither more nor less than denominationalism very thinly disguised. Under his system if a certain number of persons of any particular denomination apply to have a school of their own they can have it, and they can appoint their own teacher who is paid out of the State funds. Although the teachers are compelled to conform to the rules and precluded from giving any religious instruction in school, yet they get their living out of the State, and, having done that, they can after school hours spread denominational views to the children in these schools in the main secular. I should like to see a recognition of religion, and I entirely agree with the honorable member in that respect. There are a few points in the honorable gentleman's speech to which I shall refer, although I shall not attempt to answer his very eloquent remarks. I think, however, that, though his arguments were very ably put, and the language eloquent and forcible, yet there was a fallacy underlying the whole of his arguments. It was his assumption that these public schools are the sole means of education; and I think he has been somewhat disingenuous in putting it in that light, for he must have known that these public schools are not intended to be the sole means of educating the children, but only the means of imparting some secular knowledge. The main part of a child's education must take place at home, and can be supplemented by the teaching of the minister and that given at the Sunday-school. The honorable gentleman has stated that in all countries where secular education has been given it has had a very injurious effect upon the people, and I think he said it had stamped out all other kinds of education. Unless I am much mistaken, the contrary is the case. I have read a little about the school systems in America. They have an admirable system of common schools there, which has been in force for a great many years. Almost every child throughout the Northern States can get not only the rudiments but a very good education free. But, in addition to that, the United States are full of colleges and schools belonging to the various religious denominations. There is not a religious denomination of any importance but has its college in every State. So that the honorable gentleman is quite wrong in saying that the secular system has stamped out all other kinds of education. I believe the American system as regards religion is very much similar to the one proposed by the Hon. the Minister of Justice. They make a recognition of religion by the reading of a short prayer, but they do not profess to teach religion. Then, with regard to the argument that under this proposed system the character of the school-teachers would deteriorate, that, I think, is a great mistake. We have had a system in Otago somewhat analogous to this, in which religion is not taught at school, and the great proportion of the teachers there are members of the Presbyterian Church. I was not present when the honorable member for Nelson City (Mr. Curtis) moved his amendment, but I have heard of its purport, and it seems to me that the system which he proposes is neither more nor less than denominationalism very thinly disguised. Under his system if a certain number of persons of any particular denomination apply to have a school of their own they can have it, and they can appoint their own teacher who is paid out of the State funds. Although the teachers are compelled to conform to the rules and precluded from giving any religious instruction in school, yet they get their living out of the State, and, having done that, they can after school hours spread denominational views to the children in these schools in the main secular. I should like to see a recognition of religion, and I entirely agree with the honorable member
opposition. In fact I do not hesitate to say that if this amendment be embodied in the Bill I shall vote against the third reading. On no account should the State encourage sectarianism in any shape or form. I do not use the word "sectarianism" in an opprobrious sense, but as describing a particular system. As to any religious body suffering hardship under this Bill, the thing is so absurd as scarcely to require any argument. To my mind all attempts that have been made to substantiate the assertion that there is a hardship, if probed to the bottom, will prove that what is really meant is that the State money should be given for teaching denominational views, and that is a thing I have always set my face against, and on no account will I support any Bill which embodies that principle.

On the motion of Mr. PYKE the debate was adjourned. The House adjourned at a quarter to twelve o'clock p.m.

HOUSE OF REPRESENTATIVES. Monday, 3rd September, 1877.

SECOND READINGS. Census Bill, Friendly Societies Bill, Industrial and Provident Societies Bill.

EDUCATION BILL. ADJOURNED DEBATE.

Mr. PYKE.—Sir, it is satisfactory to find that we are at last brought face to face in a distinct form with one of the most grave and momentous questions of the day. The position now before the House I am quite willing to recognize as a step in advance of any yet taken—greatly in advance, I may say; but whether upon the whole it will be satisfactory to this House is another question. There are some things in the Bill which may stand; there are some things which must be amended; and there are some things which I hope will be entirely struck out. As far as I am concerned, I am prepared to support the Bill if its main principles are eliminated. I take part in this discussion with some diffidence, but I should have felt a great deal more but for the declaration of the Minister for Lands, that there are no longer any parties in this House, neither on the Government bench nor off it, therefore what I say I say entirely on my own account, and I assure the House that I shall speak in entire accordance with the views I placed before my constituents when I was returned. At the outset, I entertain very grave objections to making education a State monopoly. That is a very great mistake. When it is done, if it must be done, it should be done so carefully as not to give offence to any portion of the community; and the point I want this House to consider is whether in this Bill as it now stands that rule has been observed. I think those who study the literature of the country—I mean the newspaper Press—will admit that it has given very great dissatisfaction. On many portions I find in section 85, subsection 3, a provision of a most objectionable sort, and one that will give offence to two-thirds of the population of the country. It is the provision that the schools shall be opened every morning with the reading of the Lord's Prayer and a portion of the Holy Scriptures. I object to that on very many grounds, and for very many reasons. In the first place, I ask the honorable member in charge of the Bill, why should a dominant sect in this country outrage the religious feelings of those who do not belong to that sect? Why should they trample upon the religious feelings of the Catholic body? And why should they set aside, as unworthy of consideration, the religious feelings—or prejudices, if you will—of the Jewish body? What right has the State to do that? It is quite enough to know that sectarianism would be carried into private life through the influence of denominational schools; but for the State to come forward and say, "We will introduce a form of religious teaching," is to my mind a monstrosity. We have had protests against this from all parts of the country—from the North Cape to Preservation Inlet; from the East Coast to the West. We have had the Roman Catholic body and the Jewish body protesting against it, and saying, "You shall not force this Bible-reading upon our schools." To the Lord's Prayer in its primitive form they would not object; but to force the Bible upon scholars who attend these schools is a thing which I trust this House will not sanction or permit. As a Protestant in heart and feeling, I protest against it. What is the vital principle of Protestantism? It is the principle of religious freedom of thought; and can you have that if you force upon the people one particular system of thought? I speak with all due respect, Sir; but I say that the prayer used in this House is an infringement of the freedom of thought. What does it say? It prays that, "Laying aside all prejudices and private affections, the result of all our deliberations may be to the maintenance of true religion." Which is the true religion? According to the prayer, it comes from Jesus Christ our Lord. Now, how can a Jew join in that? And yet I do not know that any member of this House is prohibited from being a Jew. I think we have had one very notable Jew at any rate at the head of affairs in this colony. How could he possibly join in this prayer? Then the Bill says that a portion of the Scriptures is to be read every day; but who is to select that portion? I think it is admitted that some portions of the Scriptures are not edifying to adults, to say nothing of children, and of course it would not be right to read such portions. The honorable member for Auckland City West (Dr. Wallis) the other night told us, in a very humorous way, about Woden and other sanguinary Scandinavian deities obtaining admittance to the public schoolroom, and about Mars going to school with Venus in his hand, and about Mahomet getting in with his legions of
hour. He said all these went up and asked to be admitted and were admitted to the school-room. Well, if I thought proper to treat this matter in the same style of levity as the honorable member did, I might ask whether Mrs. Potiphar should be allowed to come into the school-house and tell her little story; or whether David and Bathsheba should be permitted to narrate their peculiar experiences; or whether Solomon and his multitudinous seraglio were not as admissible as Mahomet and his houris into the school-room; but I shall not treat the question in that manner. He told us that all the false religions were admitted and all the true religions were kept out. But he did not tell us that the myths of Scandinavia and of Greece were not taught in the schools as truths; whereas Christianity must be taught in the schools as a truth. Therefore there is no strength in his argument. Then, again, there are many parts of the Bible which even adults fail to comprehend, because they are of a controversial character; and why should they be read in our schools to our children? I ask, again, who is to select those portions of the Bible which are to be read? Is it to be the Minister of Education, the Education Board, or the Local Committees? Who is to be the Protestant Pope? Is anybody to set himself up as infallible and say, "Whatever I choose must be read, because it is proper"? Which Bible are we to read? Is it to be the authorized version or the Douay version? Or is it to be the revised edition now being prepared? There is a much stronger argument than any of these against the reading of the Bible in schools. I desire that the Bible should not be looked upon as a mere class-book. It should be approached with solemnity, and handled with reverence; and if you read it every morning in the same way that you read other class-books the children will lose all reverence for it, because they will hear portions of it repeated in the schools every morning in a parrot-like way. If for no other reason than that, I should vote against this provision. I consider that the State should encourage private education as much as possible, providing the means of education only when they are not otherwise obtainable. Mill, in his "Constitutional Liberty," says,—

"A general State education is a mere contrivance for moulding people to be exactly like one another: and as the mould in which it casts them is that which pleases the predominant power in the government, whether this be a monarch, a priesthood, an aristocracy, or the majority of the existing generation, in proportion as it is efficient and successful it establishes a despotism over the mind, leading by a natural tendency to one over the body. An education established and controlled by the State should only exist, if it exist at all, as one among many competing experiments, carried on for the purpose of example and stimulus, to keep the others up to a certain standard of excellence."

I think that if this sentiment of John Stuart Mill were recognized in this Bill the Bill would be much more acceptable to all those who are anxious for the good of the country. I believe in what is commonly termed "payment by results." If what are termed "pri

vate schools" are up to the standard of efficiency prescribed by the State, I see no reason why we should not give to them the same advantages and privileges which are given to the public schools—may, I see a thousand reasons why the State should encourage them. At present, it is within my absolute knowledge, notwithstanding all the religious prejudices of the time, that in all the Catholic schools in the South there are more Protestant scholars than Catholics, and there are also a great many Jewish scholars. If you ask me why that is, my answer is that, on the whole, these schools are conducted in a more satisfactory manner than the others. It is, as at all events, a fact that Protestants and members of the Jewish persuasion do send their children to these schools in preference to the Protestant schools. Those honorable gentlemen who wish to force Bible-reading on our public schools object at the same time to give assistance to those schools which give religious teaching. They say, "We will give you a homoeopathic dose of the Bible, but we will not give you the least assistance to get a full knowledge of the Bible." I hope that before the Bill comes out of Committee something will be done to rectify this matter. Look at Victoria. There you have your Church of England Grammar School, your Wesleyan Colleges, your Baptist Colleges, your Scotch Colleges, and your St. Patrick's College; and I venture to say that those institutions are far more calculated to forward the work of education than anything we have in New Zealand. They have been wonderfully successful, and it is admitted that their success is due to the fact that children attending them can be brought up to the faith of their fathers. Then, again, consider the magnificent educational institutions of the mother country. I am sure that the honorable member in charge of the Bill will admit that there are no other schools comparable to them or equal to them. Now, you talk about secular education; but how are we to get complete secular education? The Bible is not the only book which gives religious teaching. Books of history and science all more or less refer to religion. And now we come to capitalization. I have always been an opponent of everything in the shape of compulsory education on three grounds: first, because it is objectionable; second, because it is unnecessary; and third, because it is unprofitable. It is objectionable, because we have immigrants constantly coming to the colony with young families, and the Bill provides that every child between five and fifteen years of age shall be sent to school.

Mr. BOWEN.—No; it is not compulsory. The compulsory clause is clause 90.

Mr. PYKE.—The 79th clause reads thus:—

"Each committee shall levy yearly from every person in the school district being the father (or if the father be dead, the mother), or the guardian, or the person acting as the guardian of the child resident in such district between the ages of five and fifteen years, a capitalisation fee of the sum of ten shillings for every such child."

I am not aware that that clause has been altered.
Mr. BOWEN.—That refers merely to the capitation fees.

Mr. PYKE.—Well, this clause provides that children must go to school, or their parents will have to pay capitation fees for them. They will have to pay 10s. for every child they have up to four. I consider that that is a most harsh and tyrannical provision. The people who come to the country require the help of their children. The father wants his boys to help him in the field, and the mother wants the girls to assist in the house-work; and if you pass this Bill the parents will not have the assistance of their children. The first necessity of life is food, the next is clothing, and, these being supplied, you may venture on the luxury of education. The question is, whether it is better to have a well-educated and ill-fed population, or an ill-educated and well-fed population. I object entirely on that ground. I think it is altogether unnecessary, because the people in the country, as far as my observations have gone—and it has always been a matter of very serious consideration with me—are only too anxious to obtain education for their children. I have seen bare-footed children trudge fully four and five miles to school with but a little food in their school-bags, and back again at night; and do you think for a moment that the people in this country would hesitate to send their children a reasonable distance to school to be educated? It is unnecessary that the Government should have any clause in the law to compel parents to send their children to school. This Bill seems to contemplate a state of affairs when the parents of children are not anxious to educate their children; but that is not the case. There is only too strong a desire on the part of parents that their children should be educated. The honorable gentleman in charge of the Bill may speak of his own experience in the province from which he comes. That province is most magnificently endowed, and is likely to be still more magnificently endowed in the future. We have heard the experience of the honorable member for Franklin (Mr. Lusk) with regard to the question of rates. He has openly and plainly stated that it would cost more to collect rates than they amount to. I do not think that that would be a profitable engagement for the Government to enter into; and depend upon it, where there is a feeling against the capitation tax, you will find that the people will fight against it to the very last. It will not be simply family Bibles which will be seized, as was the case with the honorable member for Auckland City West (Dr. Wallis), but the last stick of furniture will be taken rather than the people will submit to the imposition of this tax. The people will fight against it, just as the people fought against the Church-rates in England, and will allow themselves to be deprived of everything rather than be compelled to do that which is contrary to their conscientious convictions. There are other objections which I have to make to the Bill. For my own part I shall vote against the Bill unless certain clauses are eliminated. I shall be happy to vote for throwing out the Bill altogether, but if it goes into Committee I shall endeavour to amend it, so as to make it more workable; and, if it cannot be made more workable by amendments made in Committee, I shall vote against it on the third reading. I object to that portion of the Bill with reference to the granting of certificates, as I consider it a mere sham on the public. Do you suppose gentlemen holding the position of priests of the Church of Rome, and ladies like the teachers of the Roman Catholic convents, would condescend to go to the members of the Board and ask for their approval? I say it is monstrous. I am surprised that the gentleman in charge of the Bill should have made such a proposal. These persons would never consent to do this, and I will endeavour to have that part of the Bill struck out if it ever gets into Committee. There are other amendments I would like to see introduced into the Bill, but which I do not wish to refer to now. I merely desire to say that I consider the educational districts are too large. An honorable member says "No." Well, what are these districts? Auckland, Hawke's Bay, Taranaki, Wanganui, Patea, Wellington, Nelson, Westland, and so on. What does it mean? Is it not an appeal to Provincialism? It means that we are to be governed in the matter of education from the sea-coast—a thing which we fought against. We want education for the population in the interior of the country. We do not want to go to Dunedin, or to Auckland, or to any of the seaport towns for aid. We want education brought into the smaller districts. There are twenty school districts in the two counties of Lake and Vincent, and before they can get a shilling to put up a school they have to subscribe half the money out of their own pockets. If we are to have educational districts they must be much smaller districts than they are at present, so that the people of the interior may have fair-play. Who would form the Boards in Dunedin, Auckland, Christchurch, Nelson, or any of those other places? It would be the people who live in those towns and nobody else. That is mere representation, and I believe the Bill will never be permitted to pass in that shape. There are some amendments brought forward by the honorable member for Nelson City (Mr. Curtis). With regard to the first amendment, I shall vote against the whole thing. I object entirely to the reading of the Scriptures and the Lord's Prayer, and therefore I shall vote against this amendment as well as the original clause. There is one particular passage in the second amendment which seems to me to render it quite possible for the School Committee, in carrying out the Act, to render it nugatory so far as the intention of the measure is concerned. It says, "Provided also that all books used in any such school shall be approved by the Board." I must ask the honorable member for Nelson City to have that portion of the amendment struck out. They have no right to go into a school and insist that the books shall be such as have been approved by possibly, a sectarian Board. I object to that; it is a defect in the clause; and I shall move in Committee—provided we ever get into Committee—that it be expunged. The effect of these words
would be like holding a bunch of carrots before a donkey when you are riding him—he will never reach them. The books would not be approved of by many Committees with whom I am acquainted in the South. I am sorry for taking up the time of the House so long on this subject, but I felt it incumbent upon me to say something on the question. I have only one other remark to make. I hope the honorable member who is in charge of the Bill will take all these objections into his serious consideration. I have no doubt, but that the Government, if they find that the Bill as it stands is objectionable to the House, will withdraw it. As far as I am able to learn at the present time, the policy of the Government is similar to the fence of the ingenious Yankee who, being greatly annoyed by his neighbour’s pigs, constructed a fence of such crooked materials that every time the pigs went through it they came out on the same side. No matter how votes are given on any measure before the House, the Government always find themselves on the same seats on those benches.

Captain Russell. — It is only right that honorable members should have the courage of their convictions and avow them as the honorable member for Dunstan has done, but I could scarcely have believed that it was possible for any honorable gentleman to get up in this House and oppose a State system of education altogether. There is, however, much in what the honorable gentleman said with which I agree. I do not agree with the idea he put forth that it was absolutely unnecessary to have compulsory education as parents throughout the colony are only too anxious to secure for their children the best education they can get. That is different from the experience of most honorable members in the districts in which they live. When schools are quite near to their residences the parents may show no hesitation in sending their children to those schools; but in ordinary circumstances, when the children have to travel one or two miles before they can get to school, parents will not be found to send their children to school unless they are compelled by law to do so. The small capitation fee of 10s., will not be found to be a hardship by any parent at all. As the Hon. the Minister of Justice properly said when introducing this Bill, the capitation rate will have the effect of making the people feel that they are not entirely dependent upon the State for the education of their children. And it will be one of the means of inculcating a certain amount of self-respect in the people who participate in the advantages which are to be derived from these schools. The honorable member for Dunstan said what is perfectly true—namely, that the first necessity of life was food, the next clothing, and that education afterwards was a luxury. That may be perfectly true, but it will be admitted that it is also equally true that the best way of giving a man a fair start in this life is by educating him. He is then more likely to get good food and clothing than if he started dependent on his natural wit, without an education whatever. Education having been provided, there are few luxuries with which men may not subsequently supply themselves. With respect to the Boards, I sympathize with the honorable member when he says that it is extremely undesirable that the Boards should only be in the seaport towns. At the same time the honorable member ignores the fact that School Committees may be established in any district where it is necessary to establish them. If more Local Committees were required than at present existed, there would be no difficulty in forming fresh committees. There is another point in which I agree with the honorable member—namely, the inadvisability of the partial religious instruction proposed in this Bill. It will be the experience of every boy who has been at a public school that the religious instruction given in the shape of the morning prayers was only farcical. There are very few of us who may not have been guilty in our school-days, when the hymn was being sung in church, of calling out to a boy in an adjoining pew, and requesting him to have a walk after church is over. The schools will get on very well indeed if we absolutely debar the reading of the Scriptures or the Lord’s Prayer at the commencement of the school. I think that is the only point in which I thoroughly agree with the honorable member for Dunstan. With respect to compulsory education, the main reason why I should support compulsory education, is this: In a country so democratic as this, and which will become more democratic in the course of a few years, if we are to have good government it is absolutely essential that we should educate the people who are to govern the country. If we placed the control of affairs in the hands of men who could not read or write we should be in a very unfortunate position indeed. I believe that if we educate the people—if we teach them to think for themselves—it will make very little difference whether we extend the franchise or not; but if, on the other hand, we place the franchise in the hands of certain men who are uneducated and not able to deal with any political problem, we shall place a power in the hands of people who will wield it to the great detriment of the country. We have at this present moment Road Boards, and we shall have School Boards and other bodies established throughout the country; and if the members of these Boards are to have no qualification except manhood suffrage—for it amounts to that—it will be placing a large power in the hands of an uneducated people which may be used injuriously to the interests of the country. By educating the people you diminish that danger; and that is the true policy to pursue. Then, again, another of the reasons why people will not send their children to school is this: Many of these people have received no education themselves, and do not see the necessity for educating their children. They think that their forefathers for hundreds of years have got on very well without education—that they themselves have got on without any education without it, and there is no necessity why their children should emerge from that uneducated state. By
educating the people we shall soon do away with that feeling. The people, being themselves educated, would desire education for their children, and the generation now growing up will insist on a higher standard of education than we can now possibly bestow. I am in favor of supporting the amendment of the honorable member for Nelson City (Mr. Curtis), but not from any special desire to favour any denomination—I do not think that is necessary—but from a profound conviction that it is our duty to consider the feelings and consciences of a very considerable portion of the population of this country. I do so also for another reason. We know that in Nelson, Westland, and Hawke's Bay a system similar to that which the honorable member for Nelson City proposes has been in operation for some years past, and has succeeded very well indeed. As the honorable member for Dunstan says, a great number of Protestants have gone to the Catholic schools, and I have never heard of any attempt to proselytize. Those schools have always been favourably reported upon by the Inspectors, and it would be a very great hardship and injustice to do away with them. Another reason why I support them is because I look upon a Board school as only a means to an end. Some honorable members seem to think that a Board school is highly desirable in itself, but that is not my view. I think we ought to endeavour to develop the individuality of our population, and should not grind every man into a round peg while there are many square holes to be filled. The clause proposed by the honorable member for Nelson City (Mr. Curtis) will allow people with strong sympathies in any particular direction to establish schools which will give a standard of education equal to that of the Board schools, though based on a different principle. So long as we can get a certain standard of excellence without doing injury to anybody, and while we can, at the same time, develop the individuality of men, we shall be doing far more good than by educating every one according to the same curriculum, and turning every man out exactly according to the same plan. It is a very good thing that the cost of these schools should be taken out of the Consolidated Fund. Probably next year, when the new financial system—if I may so term it—comes under consideration, it will be found necessary to adjust the burdens borne by different classes or portions of the revenue. Supposing that to be the case, I think the charge for education would very properly come out of the consolidated revenue, as that, to a very considerable extent, is paid by the poorer classes. For that reason, not only now, but in time to come, the expense of education should be borne by the consolidated revenue. I am sorry that some means have not been devised for nationalizing the endowments for educational purposes in this country. I am aware that there are considerably more endowments in the South Island than in the North, and this may appear at first as if we were anxious to grasp the possessions of our neighbours. However, that need not be the case. There is still a sufficient large acreage of unalienated land in the North Island which could be set aside and be of equal value with the endowments of the South. I think that a scheme having for its object would meet with the assent of this House, and would assist us very much in putting the educational finances of the country on a more satisfactory footing than they will be under this Bill. There are two or three points in which I may have wrongly read the Bill, and which I do not quite understand. For instance, it appears to me that £3 10s., with the extra 10s. of capital money, is to be paid for the average attendance of children who now attend schools, no matter what standard of efficiency is arrived at. That would be a serious mistake. I should like to see a very large number of Inspectors appointed, so that the inspection should not be a mere form where a few of the more precocious children are brought up for examination and inspection. The inspection should take place very leisurely, and should be more of a sample of the ordinary lessons daily practised by the children than a set form of examination, where a few only of the children are submitted to the test. The payment of fees to the schoolmasters depend to a very considerable extent upon the general average of excellence attained. There is another thing which I cannot quite make out: that is, what we are to do in the case of a Board not doing its duty. If that happens, what department or power is to step in and exercise the functions which the Board fails to carry out? So far as I can see, there is no clause in the Act which would enable the Minister of Education, or the Department of Education, to step in and perform the work of a Board. It may, perhaps, be considered one of the virtues of the Bill, but I think a mistake has been made in not constituting more of an Education Department. It may be said that we should avoid departments—that they are only a multiplication of expenditure; but I do not think the Bill will act satisfactorily, unless we have some controlling body to insist on the Boards carrying out their work, and to frame by-laws—in fact, to carry out the work performed by the Lords of the Privy Council at Home in the Education Department. I think we should have an Education Department, however much we may object to increasing the departmental expenses of the country. These are the principal remarks I have to make. As I said before, I intend to support the amendment of the honorable member for Nelson City, because I am averse to reducing everything in the country to one dead level. I think there is a tendency in that direction. For instance, we have the honorable member for Wanganui trying to make us all sober. We have the honorable member for Dunedin (Mr. Stout) proposing to make all the lands of the Crown lessee hold, to make us all tenants of forty-acre farms, and to make us all farm the same way. Then, in the debate on the Charitable Institution Bill, I was asked to conduct all our charitable institutions in one way, and that when we break a leg we must have it set in the same way and in the same sort of hospital all through the country. I am averse to that principle with regard to charitable aid,

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and in the same way I am averse to such a principle applied to education. Then we have the honorable member for the Thames (Sir G. Grey) proposing that, after we have spent our lives conducting our forty-acre farms, we shall go into a large workhouse conducted also by the State, and I suppose under the management of the honorable member for the Thames himself. I do object to this system of bringing everything down to a dead level, and for this reason I support the amendment of the honorable member for Nelson City.

Mr. SEYMOUR.—Sir, I have a few words to say on this Bill. I rise principally to address myself to the financial part of the measure, and to point out to the honorable member in charge of it that it does not provide a sufficient sum of money, in some districts at any rate, to bring about satisfactory results in the educational department. First, I may say that the system of a Central Board was but lately tried in Marlborough. Some allusion has been made in the earlier part of the debate to the desirability of having the number of Boards increased; I wish to point out, from my own experience, that that proposal is unsatisfactory. For many years past, in Marlborough, education was conducted and maintained by a number of Boards, the fact being that each local body in each district in the province was also the Education Board of that district; and the result was anything but satisfactory. The Act passed last year created a Central Board, and that Board had to reorganize anew the whole system of education throughout the Provincial District of Marlborough. The result of that has been already eminently satisfactory. We have been fortunate enough to secure the services of a gentleman who inspects the schools in Wellington; and, after making his last visit of inspection, he reported that in every respect he considered the result satisfactory. I think we should have districts as large as possible consistent with easy means of communication, so that the Boards could extend their influence to every part of their districts. Now I come to the financial part of this Bill. I may say that when the Central Board took in hand the schools of the district from which I come they found the masters were very inadequately paid; that the school buildings were very much out of repair; and that altogether the state of education was anything but satisfactory. I think we should have districts as large as possible consistent with easy means of communication, so that the Boards could extend their influence to every part of their districts. Now I come to the financial part of this Bill. I may say that when the Central Board took in hand the schools of the district from which I come they found the masters were very inadequately paid; that the school buildings were very much out of repair; and that altogether the state of education was anything but satisfactory. I think we should have districts as large as possible consistent with easy means of communication, so that the Boards could extend their influence to every part of their districts. Now I come to the financial part of this Bill. I may say that when the Central Board took in hand the schools of the district from which I come they found the masters were very inadequately paid; that the school buildings were very much out of repair; and that altogether the state of education was anything but satisfactory.

The schoolmasters all round consequently had their salaries increased, and they are now paid more than the grant which would arise from the £3 10s. per child in average daily attendance provided for by this Bill. I am quite sure the honorable gentleman in charge of the Bill does not want so to cripple the department of education in any part of the colony as this would cripple the department in Marlborough, because it would give that district £900 less than is absolutely required. Let him remember that the people of Marlborough did submit to considerable sacrifice in order to maintain education, even in the not very satisfactory way in which it was conducted some years back. The whole province had a property-rate levied upon it for the purpose of education, which amounted to 8d. in the pound. In addition to that, the school fees paid by the children came to considerably more than double what it is proposed should be taken from them by this Bill, showing, therefore, that the people of that part of the colony were willing to make sacrifices to maintain their schools as well as they could. I feel assured that the House will be quite willing to grant, wherever it is necessary, the amount required to put education on a fair and satisfactory footing, no matter what other things have to stand over. And now, with regard to this 10s. capitalization fee which is to be paid over to the School Committees, I do not think that is a satisfactory arrangement, because the result will be that in the large schools the sums which the committees will have at their disposal will be really more than they require, while in the small schools in scattered districts, which do not average more than twenty-five or thirty children, it will not be sufficient to provide for the contingencies which the committees will have to find. I am quite aware that in the large centres where there are very large schools this capitalization fee will not only be paid in full, but, on the contrary, will be quite sufficient; but I can very well understand that in other scattered districts besides Marlborough, where the schools are small and do not average even thirty children, the grant will be altogether too small. With reference to the Scripture clause I may briefly say that I shall vote against it, and against the amendment of the honorable member for Nelson City (Mr. Curtis). If we were living in Utopia, and had perfect unity of feeling upon religious matters, then we might agree upon what should be read and what should not be read in schools; but, not having arrived at such a happy result, I am unwilling to touch upon the matter in any way. To call this reading of the Bible and the Lord's Prayer religious teaching seems to me to be a sham, and I feel very strongly that there are very numerous parts of the Holy Scriptures which ought not to be read to children without explanation. For that reason I intend to vote against the clause. I shall support the other amendment of the honorable member for Nelson City, which, as I understand, will introduce a system that works
very well in that part of the colony, and which has taken away a stumbling-block and cause of offence which has been felt by a large section of the population. The provision for the election of the Board I look upon as bad. If the committees are each to nominate one member, they will nominate a local man within their district, and that will not lead to securing the best men to sit upon the Board. I think it would be much better for each committee to nominate two or three members. If two, the probability would be that the committee would nominate one local man and one other who had shown himself able to deal with education matters. Then probably the best men would come to the surface. I think it should not rest with the committees to grant exemptions, more especially as doing so they would lose their 10s. capitation. It would be quite sufficient for the committee to receive from every parent or schoolmaster a declaration that such and such a child was attending such and such a school. While on this subject of the capitation of 10s. per child, I may say that I believe it will be enormously reduced by the good-conduct certificates which the Bill allows, and that nothing like the 10s. per child will accrue to the committee or Board, whichever is to receive it. I think the Boards should make their own local regulations, and that all the regulations ought not to emanate solely from the Government. I think, also, that the permission to teachers to take evening pupils should not rest with the committee, but with the Board. The teachers are to be appointed and maintained by the Board, and whether they should be allowed to take evening pupils or not should rest with the Board. They should not have two masters—the committee and the Board. Then there is no provision in the Bill for the Board to appoint a treasurer. It is provided that they are to make payments by cheques, which are to be signed by one or more members of the Board as the Board may from time to time authorize. The convenience, not the method of conducting business. Boards very often get into a slovenly way of finishing all the best of their business first, and then totting up the whole of their liabilities into one cheque and getting two or three members to sign it, and there is an end of the matter. A much better way would be that followed by the late Provincial Governments—namely, of making payments by means of a treasurer, after the chairman had signed the voucher as a warrant for the issue of the money. There is a small matter connected with the provision for the conduct of the business of the Board which I do not approve of. The subsection to clause 32 says that "No resolution or decision come to at any meeting of a Board shall be altered or revoked at any subsequent meeting of the Board within twelve months from the passing thereof." That would very much cripple the action of the Board in local matters. It would be much better to say that the resolution should be rescinded only by a majority of the Board. Very often a Board might determine to do certain things on certain days which it might afterwards turn out inconvenient to do, and this provision would greatly cripple them. That is nearly all I wish to say on the subject. The remarks I have had to make do not in any way go against the second reading of the Bill. I shall vote for the second reading, and I think the House may congratulate itself if it is able to pass a good measure on education. Two or three years ago this was attempted, but it could not be done. Public opinion however has ripened, and I think the time has come when probably an Education Bill will pass, and I have only endeavoured to point out where improvements might be made in order to make this Bill work properly and harmoniously. I shall have much pleasure in supporting the second reading.

Mr. BUNNY.—Sir, of course nothing is more useful than a difference of opinion in regard to the various measures brought down to this House for its consideration. The remarks of the honorable member who has just sat down appeared to me to point more to the details of this Bill; but if I want to ask the House, is there any necessity for the Bill at all? We have already, for years past, worked out an educational system in New Zealand which is working well under any particular law, let it be applicable to the various provinces, as they were then called, which met entirely with the views of the people of the various districts, and which have worked well. At the present time, as far as the Provincial District of Wellington is concerned, the system is working exceedingly well. Is it wise, then, simply because you have abolished Provincial Governments, that you should repeal all Acts which affect the various matters with which the Provincial Governments have hitherto dealt, and lay down one uniform system and one cast-iron rule that is to be applicable to the whole of New Zealand? If we admit that as the right course to pursue, I say we shall make as utter a failure in a uniform system of education and other matters as we are now making in regard to our railway tariff. You have a good system of education now; do not, then, anticipate difficulties until they shall arise. As long as the people are working well under any particular law, let it work out its end. When difficulties arise which require legislation to put them out of the way, then let us legislate, and not till then. But my experience for years past of the legislation of New Zealand has been that there has been too much anticipating what are the requirements of the people; and, as these do not arise, our legislation has been, to a great extent, a dead letter. Why disturb the system which at present is working exceedingly well? It seems to me the Government which has brought about that most excellent state of affairs the abolition of the provinces finds it necessary to abolish very many of the Provincial Acts. We have got Education Acts in all the provinces, which are working well, which the people understand, and which they defend; and it is proposed to amalgamate them with other Acts; but now we are to have a general Education Bill, which the people know nothing of, and which the Government, knowing nothing of it, should have sent to a Select Committee to lick it into shape for them. We have got a Scab Bill in the same direction; we have got an
Impounding Bill, a Slaughterhouse Bill, and a Fencing Bill. Any one would suppose that for years there had not been any legislation providing for these subjects. We are going to introduce all these measures. What for? Why, to upset and disturb the present arrangements. Everybody understands in the various districts the nature of the laws affecting these particular matters; and now we are going to disturb the whole thing. We do not want any of these measures; and as regards this Education Bill I shall not vote against the second reading—though I should be very much inclined to do so, because I feel that we do not want it—but I will support the second reading in the hope that in Committee we shall adopt the amendment proposed by the honorable member for Nelson City, which will meet the views of that particular part of the community to which I belong. Should that amendment be lost, however, I will do my best to have the Bill thrown out. We are stirring up the dirt. The country is perfectly satisfied with things as they are. We do not want any interference in this part of the colony, and I believe I may say the same for the other provincial districts. If the Government would only turn their attention to those matters which require to be dealt with this session—namely, the defects in the county system and in the Road Board system—if they would only bring down the necessary amendments to enable the Abolition policy to have more beneficent effect than it has at present, and avoid all these matters in regard to which the country is perfectly satisfied, I believe they would be doing much more good. The honorable member for Wairau spoke entirely of details. I should strongly oppose any compulsory clause. I think it is most absurd to attempt to compel children to attend the school, unless we at the same time provide ample means for them to reach the schools. We should first have our system complete, and then adopt a clause compelling attendance. I trust that the Government will see that the course they have adopted in bringing forward this Bill is wrong. They might well have put aside this Education Bill, which the country asks for, is not a wise one. There is nothing could be worse than that. If we are to have a Board of Education that will act fairly in all districts, and take a broader view than could be taken by members returned by mere sections, we must avoid having the members elected by districts. Let us have men whom the general voice of the educational districts would consider best able to perform the work of education. Therefore I shall object altogether to any amendment the honorable member for Nelson City may propose in that direction. With respect to the appointment of teachers, I shall endeavour to have an amendment introduced to the effect that, in the event of the School Committee not recommending any appointment, the Board of Education should appoint the teacher. With regard to district high schools there is a very great difficulty. Many of the existing schools would have to be completely reorganized, with much more expensive staffs than they have at present. I question very much, also, if those schools would have the status which such institutions should have. Therefore I do not think that the good contemplated by the Minister of Justice in this respect will be forthcoming. I am quite sure
the expense will be much greater, and also that there will be some difficulty in deciding what schools should be high schools. With regard to the capitation tax, there is no tax more obnoxious in the part of the country from which I come. It has been protested against almost everywhere. It is not because the people are afraid to tax themselves, for they passed an Act in 1868 by which property should bear the cost of education provided other means failed. But it is owing to the nature of the tax itself. How, for instance, are the ages of the children to be ascertained? It would be most inquisitorial. In the next place, the committees would object to have the task of collection thrown upon them. In our part of the country we had to alter that and the task of collection was to be directed by the will of the Minister for the guidance of Boards and for the guidance of the Board of Education, and I have seen, in the district of which I speak, education pass gradually from the denominational system to a system which is free from that element. About eight or ten years ago the salaries of the schoolmasters there were so small as to make it utterly impossible to obtain the services of well-qualified men. Scarcely one schoolmaster held such a certificate as would now be required from an ordinary teacher; and the first step the Board considered necessary to take was to raise the status of the schoolmasters, and to give them better pay, and see that they were well qualified. This could not be done at once. It occupied a number of years, but was eventually accomplished. Still, I do not think yet that the schoolmasters are too well paid, and I should view with considerable alarm any tendency towards a reduction of their salaries, particularly as we have advanced some distance towards an efficient system. As I said before, £3 10s. will not cover the item of salaries. Then in our districts we have got scholarships, and there are also the expenses connected with the Board. With regard to the capitation tax, there is no tax more obnoxious in the part of the country from which I come. It has been protested against almost everywhere. It is not because the people are afraid to tax themselves, for they passed an Act in 1868 by which property should bear the cost of education provided other means failed. But it is owing to the nature of the tax itself. How, for instance, are the ages of the children to be ascertained? It would be most inquisitorial. In the next place, the committees would object to have the task of collection thrown upon them. In our part of the country we had to alter that and give the power to the Board.

Mr. BOWEN.—Because the money went to the general Board.

Mr. MONTGOMERY.—I will now proceed to show that this tax of 10s. for the purpose for which the honorable gentleman thinks it should be levied would be quite inadequate in some cases and too much in others. If the money went to a general Board, to be apportioned out to the various committees according to their necessities, it would be a different matter. But it is to be given to the committees to be spent as they deem necessary. The honorable member must have been well aware—because he has been Chairman of an Education Board himself—that the expenses vary greatly in various districts according to the length of time the schoolhouses used have been in existence. I will take some of the schools in the district which I represent. I find that at the Little Akaroa School, for the six months ended 30th June, with average attendance 37 children, the cost for incidental expenses was £2 14s.; at Little River, 38 children in attendance, the cost was £2 9s. 6d.; at Okain’s Bay, 39 children in attendance, the cost was £23 8s. 4d. Then why is there so much difference as to whether you would provide for one child at one school than at another? Simply because, owing to the age of the schoolhouse, there are so many repairs and things of that kind to be done, such as re-roofing, and so on. Then, at a school where there are only 38 or 40 children in attendance, there would be a revenue of £500, and so large a sum very likely would not be required. The fact is, the tax is in no way suitable for the purpose intended. In some cases it will yield too much, and in others too little, and in some cases it will be necessary that the funds shall be supplemented, while in others the excess of funds may lead to expenditure not altogether necessary. With regard to reserves, I would remark that those reserves which some districts have were set aside especially for education, and no doubt with the object of providing the means for education in case of a financial difficulty arising. Roads have been made to many of the reserves out of ordinary land revenue, and the reserves themselves have been put in such a position that they are now beginning to yield a return. I think therefore it is wrong that the General Government should come and sweep them all away into the Colonial Treasury. It is not a fair thing to the provinces that have been provident in making reserves that, now the reserves are becoming valuable, they should be taken away from such provinces. At the same time, I grant that there is a difficulty, as the cost of education will for the future be borne by the consolidated revenue; but I would suggest that something might be done with the proceeds of the reserves in order to promote secondary education in the districts in which they were situated, and that they should not be swept into the “maelstrom of colonial finance.” I see that the Governor has a great deal of power—power to make regulations for the guidance of Boards and for the guidance of the committees. These are points in the Bill which show a centralizing tendency, and which I hope will be modified in Committee, so that greater power may be given to the men who have devoted their time and attention to education, and that these persons shall not be made mere instruments to be directed by the will of the Minister for the time being. I now come to the 85th section, which prescribes the subjects to be taught in schools. And here, Sir, I think there is a good deal left out. The honorable gentleman must know that there are many subjects taught in the schools, too much more required for the men from which he comes at any rate, that are not to be found in the list of subjects contained in this clause. However, that does not matter much; they can easily be put in when the Bill is in Committee. It is not that with which I so much find fault as with the mode of selecting the school books; and I think the honorable gentleman himself will admit that some alteration will have to be made. For
instance, we know of the great differences of opinion that have arisen with respect to certain parts of books of history which bear somewhat upon religious questions. I think provision must be made so that no child should be compelled to read certain parts of books on history when he or his parent object. Now, as to the question of reading a portion of the Holy Scriptures and the reading of the Lord's Prayer at the opening of the school each morning, I think it has been pointed out by the honorable member for Geraldine (Mr. Wakefield) that it cannot be for the advancement of religious feeling that a portion of the children should have to stand outside while those inside are very hurriedly reading the Scriptures, knowing and caring very little about what they are reading. But, Sir, there are questions I should like to hear answered: Who is to read the Scriptures, the children or the master? What portions are to be read? Is the Bible to be read from beginning to end, or are portions to be selected? No doubt we shall hear further on this point from the Minister when he comes to reply; at any rate I hope so. With respect to the clauses proposed by the honorable member for Nelson City (Mr. Curtis), I have read them through very carefully, but I must say I cannot support them. I am perfectly well aware that Catholic schools in the district from which I come have been conducted as well as, or better than, other denominational schools; but the Board of which I am a member found, after due consideration, that it was quite impossible to make any difference between one denomination and another. And if we allow denominational schools to come into existence we should have again misdirected efforts—a few children being taught in a very inefficient manner; while the general public would object to State funds being employed for denominational teaching. I think it would be very injurious if these clauses found their way into the Bill. They would completely reverse the policy that has been in force in our part of the country at any rate, and which the Minister of Justice approves. It is not only Catholic schools that would, by such a measure as the amendment of the honorable member for Nelson, be brought into existence; there would also be a number of Church of England schools and other denominational schools. If assistance be given to one denominational school you must of necessity give it to others; so it would go until we had a large number of small schools, which it would be impossible to work efficiently and economically. Some of our schools cost £7 a head, and some but £2 12s.; and, if you can by massing children economize expenditure to the extent of £4 or £6 a head, I say it would be folly to encourage a system under which a large number of very small schools would spring up. But there is another aspect in which the matter may be looked at. If you have a large number of children in a school you are able to form classes, to economize teaching power, and more efficiently to instruct the whole of the children. I am quite sure that if this amendment were passed it would call into existence a number of small schools belonging to all denominations, and we should immediately revert to the old system which we have gradually, and with as little pain as possible to those who believe in religious instruction, done away with. And if we were to revert to the old system it would be at the expense of much heartburning and complaining. I trust that, whatever we do with the Bill, we shall on no account allow the proposals of the honorable member for Nelson City to come into it. But I am well aware that there are in Nelson, and I understand there are in Wellington, schools in existence under a law such as would be provided by those clauses; and it is a matter for this House whether we should make any hurried change. The honorable member for Wairarapa (Mr. Bunny) said there was no occasion for this Bill at present; but I think the honorable member meant to impress us with this: that if these schools to which I have alluded were closed as once it would be a very harsh proceeding. It might be considered whether we should not assist these schools for a certain length of time, say a year, and then withdraw support. It is impossible that we should not give religious instruction. If you provide religious teaching you must provide dogmatic teaching, and, if you do that, you will immediately revive the heartburnings which have done so much mischief in the past. I do not wish to say much more. I believe there is a general desire to support the Bill through the House, but I, for one, would wish to see it amended in some parts. I wish to do away altogether with the capitation clause, and to make education absolutely and completely free. I shall vote against the capitation clause, and also against the clauses proposed by the honorable member for Nelson City. With regard to reading the Bible in the schools, I shall await the Minister's explanation.

Mr. GIBBS.—This Bill has been so generally accepted as a useful measure, and the criticisms upon it have been of such a mild character, that I should not have spoken but for what fell from the honorable member for Akaroa and the honorable member for Riverton, who seemed to labour under some misapprehension in regard to the amendment of the honorable member for Nelson City (Mr. Curtis). The honorable member for Akaroa said he opposed it because it would permit a sectarian system of instruction to be given in the schools, and the honorable member for Riverton made very much the same kind of remark; but the proposal of the honorable member for Nelson City does not tend in that direction at all. It has been for many years in force in the Province of Nelson, and has worked successfully. So far from permitting a particular class of religious instruction to be given, it aims at giving religious liberty to all classes and creeds of Her Majesty's subjects, and it was introduced into the Nelson Schools Act for the purpose of enabling a large section of the community to take advantage of the Nelson school system. Roman Catholics were virtually excluded from the schools by the style of teaching imparted to the children. Those members who have referred to this amendment and have expressed their determination to oppose it, have all expressed them-
selves as opposed to sectarian education; but this clause does not foster sectarian education. It merely gives to a large section of the community the right to establish their own schools, at which no religious instruction is given. The schools established by the Roman Catholics in Nelson are well attended, not only by children of that persuasion, but also to a large extent by the children of Protestant parents, and I have never heard of a single attempt to proselytize the children of other religious creeds. Under these circumstances I would ask the House whether it is worth while to refuse this small concession, which will not hinder the carrying out of the system proposed in the Bill, and thereby inflict a great amount of hardship on a large section of the community. I think it is not; and I trust the House will seriously consider its action before it throws out the amendment. If we do not accept the amendment it would be better to strike out altogether the subsection to which it refers. As to the clauses relating to compulsory education, I may say that I have great doubts as to the success of the compulsory system. It is surrounded by so many difficulties that it seems almost useless to attempt to introduce it, although I do not object to it for the same reason as the honorable member for Dunstan, who referred to the fact that children had to walk nine miles to get to school. The honorable member ought to have known that by the provisions of the Bill the children will be exempt from the compulsory clause if they reside more than three miles from a school. His remarks, therefore, have no point. I trust the House, when in Committee on the Bill, will consider whether it is not expedient to allow the Local Committees to have a larger voice in the appointment of the schoolmasters than this Bill proposes to give. If they have not the entire appointment, as they have in many parts of the colony, they should at least have a very large part, and I trust the Bill will be amended in this respect. The honorable member for Wairarapa (Mr. Bunny) spoke as if he intended to oppose the Bill altogether, although he said at the same time that he intended to vote for the second reading. He put the question, What do we want with this Bill, and with the Fencing Bill, the Slaughterhouses Bill, and the Impounding Bill? I should say that they are the natural outcome of the legislation of last session. The feeling which produced that legislation was very strong throughout the country, and was principally brought about through the enormous mass of provincial legislation that the Government have wisely endeavoured to consolidate; and their having referred those Bills to Select Committees, so that members from various districts may endeavour to smooth the little differences which exist in those Provincial Acts and to produce a good consolidated law on those subjects, is a matter for which, I think, they are to be praised rather than blamed.

Mr. MANDELS.—For many reasons I could not well give a silent vote on this Bill; and one is that I have supported the Government in many respects on matters of policy. I shall not be able to give them the hearty support I could wish in regard to this measure; but at the same time the Act is, from their point of view, very carefully drawn, is very elaborate in its clauses, and is, I think, based upon a very fair framework. There are, however, many matters connected with it which do not meet with my approval. The Central Boards are too large; there should be larger duties given to the Local Committees; and there are other difficulties which I think would be met by the amendments proposed by the honorable member for Nelson City (Mr. Curtis). I should be glad to see payment by results given to schools generally; and I think the honorable member for Nelson’s amendment will accomplish this to some extent. Another objection is that those Central Boards are too fond of maintaining the higher schools—a higher class than is necessary, and more expensive than the colony can pay for. If we provide an effective system of primary education in all the outlying districts we shall have accomplished a good deal. We should see that a fair amount of education is given to the children of the poor labourer, and we should also see that facilities are given to send their children to school. There are many districts, such as those referred to by the honorable member for Dunstan, where no steps are taken to provide even elementary education in consequence of the arbitrary action of the Boards, which waste their money upon high schools and other similar institutions. I shall therefore support the amendment of the honorable member for Nelson City (Mr. Curtis). I quite agree with the honorable member for Napier (Captain Bussell) that Bible-reading in the day-schools does little good. I have seen something of the kind in England, and I know that Bible-reading was not listened to with that attention which it ought to receive. Hurried reading of the Bible does more harm than good in schools. I shall give the Bill a liberal support, but in Committee I shall endeavour to effect certain amendments which I think are necessary, and to avoid provoking matters of conscience. As to the compulsory clauses, I think it would be very hard to carry them out in the country districts, but, at the same time, such a provision might work with excellent effect in more crowded localities.

Mr. TOLE.—Sir, I rise with considerable diffidence to address myself to a subject of such vast importance. I cannot but observe with very much regret that, during the discussion of a question which affects the future happiness and character of the people of this colony, as well as its legislation, there should be such a small attendance of members. Had the question been the amendment of an Impounding Bill we should have had a full House. I regret this apparent apathy; because the subject of education deserves the best attention of the House, as it is one which will no doubt give rise to much difference of opinion. For that reason I believe that there were, as was stated by one of the Wellington newspapers, forty-five members who were pledged to take the Bill through the House. Such a condition of things brings the Legislature and the laws into contempt. Judging
from the expression of opinions we have heard, that is not likely to be the case. The subject of education is really the study of a lifetime. I know of no social question, except, perhaps, the question of temperance, of such general importance. Though not so much a science, such as astronomy or chemistry, it is a subject of which justly deserves the highest devotion of intellect; but whilst no one but those devoted by a life study to those questions deems himself qualified to meddle in astronomy and chemistry, still every one nowadays presumes to speak with perfect fitness and decision upon the great subject of education. I would gladly not trespass upon the patience of the House, but, as a representative called on to vote, I may be pardoned if I transgress the rule of difference which I have just expressed, and discuss the question at greater length than my personal inclination otherwise would suggest. I will begin by defining what I believe education to be. According to its etymological and proper signification, it is the art of developing the faculties and of training human beings for the functions and objects for which they are destined. Now, although there is no established religion in this colony, as the Minister of Justice said, still we live in a Christian country, and it behoves us to provide an educational system suited to the culture of a Christian people. These destinies to which I have alluded refer, of course, to the destinies during life and the destinies after life, an inheritance which neither the honorable gentleman nor any act of legislation can destroy. This art is based upon the knowledge of the three elements in our human being—namely, the physical, the mental, and the moral. It is not the duty of the State to prevent the development of those three elements, which involve the infinite good or evil of posterity. Any system therefore which pretends to give education to the people should possess these essentials. First, it should be equal in its advantages to all classes of the community. While impressing upon people the necessity for mental improvement, it should not interfere with their liberty and right of a parent to say who should teach his child or what it should be taught. Then there should be perfect liberty of conscience, tending to the harmony and good will of the State; and there should also be this element in the system: that the cost of the education provided should correspond with the advantages which that education gives. While it must be admitted that all these principles are incontrovertible, yet the Bill which is now before us contovers nearly every one of them. It is a Bill which, like a deceitful invitation to a sumptuous repast, offers nothing of which all its guests can partake. There is a large section of the community, Sir, who hold that youth is the best time to inculcate the precepts of religion and the principles of morality, and that this training should go hand in hand with secular instruction. They hold that the opinions and principles of a parent should be respected, and rather than sanction any violation of these views they would be willing still to suffer the persecution worthy of the Test and other obnoxious Acts of last century. Now, Sir, let us see the extent of the people who hold these views, and what they have done in the way of education. It is to be remembered that the schools to which I intend to refer have had to combat with the opposition consequent upon the establishment of schools which are supported by the State. I find that the number of private schools is about 190, and that the number of public schools is about 600. The number of children attending the private schools is estimated at about 9,000, while those who attend public schools number about 37,000. In other words these private schools have been performing one-fourth of the total education of the colony. These figures, by comparison, I suppose, would represent about one-fourth of the population of the colony, or about 100,000 people. Now let us take another view of the question. The honorable member who introduced the Bill explained that a sum to the extent of £4 per head is to be paid for every child of school age. From that we find that one-fourth of the population are paying one-fourth of the cost of education, or £1 per head for each of the children, whilst, from conscientious motives, they cannot take advantage of these schools which they must thus necessarily support. I largely sympathize with them, and it is on behalf of these people of all denominations that I raise my voice against this Bill. I cannot help feeling a certain amount of indignation when I hear a certain special section of the people held up—according to the speeches of honorable members—as objects of charity. I am alluding now to the Roman Catholics. Whilst I am much pleased that honorable members have expressed sympathy with the conscientious claims of this class of the community, and I am proud to think that that community have maintained a steadfastness to their opinions, at the same time I am indignant that they should be held up as objects of charity. They are only asking what they, with other denominations, conceive to be their rights; and they are not objects of charity. The history of the history of the colonies shows they have always supported their schools under great difficulty, and they are not asking for anything which they would not also as citizens concede to others. As far as the Bill is concerned I can only say that I believe it has simply been brought down in order to fulfill the promise which was made that an Education Bill should be brought down this session. I believe, with the honorable member for Waipara, that there is no necessity for this Bill at all. I believe there is no necessity for it, because it abolishes the harmonious and efficient system which now exists in three or four provincial districts, whilst, at the same time, it does not improve the systems which are obnoxious to the people in the other districts of the colony. Therefore, while it does no good in one part of the colony, it commits a serious wrong in another; and that is my reason for saying that the Bill has simply been brought down in order to fulfill a promise. The honorable member who introduced the Bill referred to the permissive clause in Mr. Fox's Bill, and said that he considered that portion of that Bill defective. But I con-
sider that the permissive clause was one of the best features of the Bill, and which with advantage might have been inserted here, because it left the people to say whether they would accept the Bill or not, thus enabling those now satisfied to retain their local system. I fancy that the honorable gentleman is somewhat confused with regard to what he wishes to effect by this Bill—as to whether he is to have a uniform system or a local system. I find that, whilst he pretends to bring down a national Act, he says, "I have heard it argued that it is advisable to get rid of the great diversity existing in the management of different Boards in New Zealand, but I do not think that uniformity in the matter of education is at all advisable"—the very thing this Bill aims at. He says further, "It is by the emulation of different Boards and the various suggestions made by them that we shall gradually work out a good system." Then why not let the local systems in some parts of the colony alone? Now I come to the Bill itself. The Bill is described as "An Act to make better provision for the Education of the People of New Zealand." Well, Sir, one can fairly take the liberty of denying that this Bill will make better provision for the education of the people of New Zealand. The Bill pretends that the people will be better educated by a system which shall be secular, free, and compulsory. What I understand by "free education" on the part of the State is that, where the State finds people unable to pay for their own education, it should provide the funds necessary to give them that education. Now, coming to the principles of the Bill, we find that there is to be a Minister of Education. I do not think that there is any necessity for a Minister of Education, and I can quite understand that ultimately the office would become a political one, involving additional cost. I have heard grave objections expressed with respect to the appointment of a Minister of Education, and, though they may seem extreme, still they are worthy of mention. Among them are the following: that if you have a Minister of Education he will have power over the teachers whom he is able to appoint to these schools, and I have no doubt that these teachers would be compelled to hold very strong political views at elections. On that ground objections have been raised to a measure of this sort in other colonies, as it is believed that, subject to the control of a Ministry, they might be made use of in detriment of their freedom. The first objection which I have to the Bill is that there is no provision for assisting those schools which are conducting and are willing to provide for a large portion of colonial education. The State should rather encourage such establishments than thus to handicap them, or rather destroy their existence altogether. Those schools in various parts of the colony, alone or aided by the provinces, have done a great deal in the way of teaching. As I have already pointed out, one-fourth of the cost of the whole education of the colony is paid by those who maintain this position, and it would not be right to debar them from participating in the advantages which are given by the State to the public schools. Such a principle if carried out encourages acts of voluntary benevolence in the public, and there is nothing clearer than that the State should see that people are enabled in which which people are willing to do for themselves. This Bill will destroy all such efforts. Then we come to the question of taking the money out of the Consolidated Fund. By this Bill the one-fourth of the people to whom I have referred—the 100,000 people, or nearly so—will have to pay money to educate others in those schools to which they cannot send their own children: that is to say, in many cases the poor will be paying for the education of the children of the rich, who are well able to pay for the education of their children. Further, I find that it is proposed in the Bill to lay aside £100,000 for school buildings; and, in the way I have mentioned, there is one-fourth, or £25,000 of this amount, taken from these same people for the benefit of the State and to their prejudice, which is manifestly unfair. Now, with regard to the conscientious liberty of the people, there are two Acts on the Statute Book, the Neglected Children's Act and the Native Schools Act, to cases under which this Bill does not apply, and by which perfect liberty as between parent and child is afforded, compared with this Education Bill. The neglected children are, so to speak, under the direction of their parents. When those children are brought before the Court their parents may state the religion in which they wish them brought up, but under this Bill parents will not have the right to decide what religion their children shall be taught. It is the same with Natives. They have their own schools and their own teachers, and they are supported by the State. Here, then, Natives and persons of the destitute class have a liberty of conscience disallowed by this measure. Another objection to the Bill is this: that those people who would be useful in the administration of education matters are virtually disfranchised. People who hold the convictions and opinions to which I have referred would be disqualified to become members of School Committees. For the same reason many teachers could not possibly come under this Education Bill, holding the views they do in relation to its religious clauses. There are also teachers of high scientific attainments who ignore all religion; and, under this Bill, they are obliged to use a religious book the contents of which they do not respect. They would adhere as strongly to their conscientious views in that respect as those who object to the measure on religious grounds. Why should these teachers not be compensated? The Government should provide proper compensation for these men, who by this Bill are thus prevented from pursuing their ordinary avocations. They are virtually debarred from carrying on their profession in these schools. There is another provision in reference to high schools which appears to me to be unjust. The next objection which I take to this Bill is that high schools and scholarships which are provided out of the public funds are only open to children who attend the public schools. If we are to have a free system of

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education I do not see why these high schools and their advantages should not be open to all comers. I would allow all comers to avail themselves of these schools, and any contrary provision is a premium against private schools and self-teaching. With regard to the election of School Committees, under the proposed law the School Committees can only be elected from householders in each district. Such a provision would, I believe, not satisfy itself. Well, I think, if I were competent to hold the position and to discharge the duties of a member of a School Committee, my not being a householder in the school district ought not to be a disqualification. Under existing laws I am competent to be a member of a Road Board or of a Harbour Board, or a member of this House. It seems an inconsistency to preclude me from taking part in the education of the country, or in its administration. With regard to the compulsory clauses, there are several objections. There is one objection which was also alluded to by the honorable member for Dunstan, and it is, I think, a very fair objection. It is this: that there are certain poor people who are compelled to look to their children for aid towards domestic support, and if these children, at a serviceable age, are compelled to go to school such compulsion amounts to a hardship on the parent. If the compulsory clauses are not entirely swept away, the School Committees should at least have the power of dispensing with these clauses in certain cases. The compulsory system is, by the experience of other countries, unsatisfactory. In Switzerland, for instance, it is a remarkable fact that in four cantons where such a law is professedly in force the average attendance of children at school is not more than in those cantons where the system is not in force — there is scarcely the slightest difference in numbers. The compulsory system does not seem to be acted upon at all, except perhaps in relation to the destitute class. In England it is left entirely in the hands of the Local Boards. In America so little is the law enforced that it is not generally known to exist; and it is a peculiar circumstance stated in reference to New York alone, where the compulsory system obtains, that, out of a population of 940,000, there are 100,000 children who do not go to school. It will be seen that this compulsory power is in practice scarcely ever put in force, and should be omitted from the Bill. Then, again, the granting of exemptions under the compulsory clauses is made to depend entirely upon satisfying the School Committees. I can quite understand the clogomophs of some committees, from stupidity or prejudice against the parents of children, refusing exemption, though those children may be under most efficient instruction. Under the 93rd section the parent may be summoned before two Justices of the Peace, who may fine him in a penalty of £2, recoverable every week. The result is that, in order to get out of the compulsory clauses, the parent would have to pay penalties of £20 a year. The next objection is this Bill, although it has not been stated so by the honorable gentleman in charge of it — is to a very great extent a copy of the Victorian Act. It is more tyrannical and oppressive than the Victorian Act. The enforcement of the compulsory clauses in that Act provides for a graduated scale of fines, the fine for the first offence being 5s. This Bill imposes a uniform fine of £2 for every offence, which, as I have said, may be enforced at the will of the School Committees weekly. Then, what still more aggravates the hardness of these clauses is that these exemptions cannot be enforced; there is no appeal. All the School Committees have to do is to say they are not satisfied, and the person who refuses to send his child to school will have to pay the penalty. Section 88 is another very peculiar clause to insert in an Education Bill. It seems to me to be a provision capable of serious abuse. It runs in this form: "It shall be lawful for the teacher of any school to expel, or forbid the attendance of, any child for want of cleanliness," &c. I do not think this should be made a matter of law so much as of discipline. Again, the parent who has a complaint to make to the schoolmaster runs risk in doing so aloud. He may whisper his violence. If any parent, for instance, remonstrates with a schoolmaster for any conduct in relation to his child, or in relation to any instruction he may have given, the schoolmaster can turn round and issue a summons, and have him fined £2. I think this is another unwarrantable provision in the Bill. With regard to the class-books to be used in the schools, I do not think the Governor or the Government should be vested with the sole power of choosing the class-books for the use of all the schools. It should be left more to the parents, through the Boards or Committees, to say from what class-books their children shall be taught. The mere selection of school-books by the State may be directed to favour certain opinions, and notoriously in France and in Austria it has exercised bad influences in the rising generation. I can imagine, say, the honorable member in charge of the Bill writing something on geography to be used as a class-book; it would necessarily contain some allusion to the territorial boundaries of the provinces, state something with regard to the change which has taken place, how it arose, and its side in, and use terms to the blessings of Abolition. In this way we may have introduced a set of class-books which might engender a certain class of opinions which would be prejudicial to the community hereafter. This applies with equal force to all other books so selected. It has been said that the Bill purports to be secular, but I think in many every polit, and in the matter and sectarian in the most objectionable form. We have only to look at the subjects enjoined to be taught at the schools, any single one of which is capable of sectarian perversion or objection. The first subject of instruction mentioned is reading. We do not now what books may be read. The reading book adopted might contain poetry or prose extracts of an objectionable kind, or interpreted offensively with sectarian opinions. So on the first subject of instruction there is a possibility. Then there is composition. We can easily understand that a hateful colouring might be put upon
many of the subjects of composition. Then, as to geography: we all know that States throughout the world have undergone certain changes—there have been rises and falls—their boundaries have moved, and the same is true of every religious faith, altered; and I can quite conceive that geography might thus be made the pretext for biased comments of a sectarian character. With regard to history, the honorable gentleman in charge of the Bill thought this was a subject on which there might be some doubt as to its sectarian difficulty or as to the class-book to be used, and therefore he left it optional with the parents or guardians of children whether they should be present or not at the teaching of history. Many children therefore would have to be turned out during the instruction of these classes. I cannot understand any education being complete without a knowledge of history. The children want to know, for instance, what sovereigns reigned in England, their relations to one another, and the great events of each reign; they want to know the history of their own country, of the great men who lived in past ages. The children, under this Bill, would not know even who Shakespeare was. It seems to me that education without history is simply the play of "Hamlet" with Hamlet left out, and the imposibility of teaching it under this Bill appears to be admitted by the honorable gentleman. The honorable gentleman also intends vocal music to be taught. It may be music of the Moody and Sankey type, or it may consist of hymns of a purely sectarian tendency. So that all we have to do is to teach singing. I suppose the honorable gentleman also intends physical education to be taught. That would be turned out during the instruction of these evening schools. Let the teacher be well paid, and the school free. Then there is another evil, which is considered to be a very great one by those who know anything on the subject: that is the system of mixed schools. By the Act I see there is no provision against it, and this will lead to many great evils; and, in contemplation of the moral character of future generations, the matter deserves serious consideration. It is undoubtedly a wicked failure in Prussia. It is said that, while there has been an increase of public instruction, there has also been an increase of crime, corruption, drunkenness, and general moral degradation. All this is ascribed to this mixed system of education, the immoral results of which are alarming. Another objection is with regard to the regulations which are supposed to be made by the Governor. The Governor is given very large powers, which I need not enumerate; but that they should be made law, and then brought into this House that we might look at them, is simply an absurdity and a contempt of our functions. So far immediately on points of objection to the Bill; and I object to it generally on the ground that it is illiberal and oppressive, and that the education to be provided is not secular nor free. It is no doubt compulsory, and that is the only element it contains. The whole question of this national education is embarrassed by conflicting opinions, political exigencies, and religious biases; and it would almost appear that all attempts to effect a compromise are unavailing. The only compromise which to me seems possible between the demands for purely secular education and for a system of education admitting and teaching religion is one that would enable people holding certain religious and conscientious views to establish and maintain schools, by the State giving aid and encouragement to the secular teaching alone in those schools. This would enable private schools to be established by all classes of Christians, and, where none of those schools are established, there it behoves the State to provide public schools. In that way, and subject to proper inspection, I can quite understand that the whole of this difficulty would be set at rest. I should only repeat what I have already stated—namely, that it is simply the duty of the State to aid education, and not to establish a system of education repugnant to thousands of the people and which will override existing institutions. In considering this compromise I desire to investigate the objections which have been made in reference to it by the collective wisdom of the House since 1871, and I

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think those objections involve nearly the whole of the objections which can possibly be urged. The first objection which seems to be made is that wherever the system is tried it is a failure, and that it has not lessened infidelity, and so forth. Now I say that infidelity is an outcome of secular thought, and is to be ascribed not to any want in the voluntary system of education, but to the particular views of men of very great ability who have obtained for themselves a deserved reputation in one particular science, but have meddled in another which they did not properly understand. I mean that they have devoted their intellect to the investigation of secondary causes to the exclusion of the first cause. At the same time, those people who say that the education hitherto has been a failure seem to forget that education has always been provided by the voluntary efforts of the clergy and people in equal positions, and that up to this time education has been left entirely in the hands of sects which have paid in England one-third of the cost. I am sure it is not owing to the zeal of the secularists that education has been given to the working-classes for the last fifty years. Whilst on this subject I may quote a few statistics compiled recently with regard to the working of the education system at home, since the somewhat liberal policy was introduced in England by Mr. Forster's Act. Those statistics seem to be a very fair indication of the progress of education in England since the introduction of Mr. Forster's Act. According to these, the attendance of children of the Church of England at the time the Act came into operation amounted to 844,334. In 1876, notwithstanding the Board schools, the attendance of this sect had increased to 1,175,289. The Roman Catholics in 1871 had an average attendance at their schools of 66,060, and in 1876 the attendance had increased to 106,426. Then there is another sect who seem to be recognized under the Act, and who are called British Wesleyans. In 1871 the attendance of their children at the schools numbered 241,000, and in 1876 it had increased to 328,000. This was irrespective in each case of the attendance at night schools, which seemed to have increased proportionately. There was thus a total increase of 50 per cent. Now, in this colony, I have already shown that one-fourth of the population have been educated by private efforts, and I think that people who have shown such enterprise cannot be declared a failure, but deserve the sympathy and support of the State. Against this compromise it is objected also that social units of the State should be brought together as friends and not as enemies. Well, I think that is a fallacy. The greatest dissension exists among people when these religious conflicts are brought up and maintained by Bills like this, or whenever secular education is pitted against denominational, and I feel confident that discontent among the units is inflamed by a system of this kind. Children in the schools will soon become aware that people belonging to the same sect or do not go to the same Church. We have then the reproaches of the majority of scholars thrown at the minority. Heart-burnings are caused, and thus angry feelings and disunion engendered. So I think there is nothing in that objection about bringing the social units together. Then it is said that, if religious or moral training be required, it can be given sufficiently in Sunday-schools or at home. It is said that it is the duty of parents to give this religious training, but, whilst that is laid down, this Bill does not admit that it is the duty of parents to say what education their children shall get. Now we are adopting this education scheme chiefly for the benefit of the working-classes. That being the case, we know that a father belonging to the working-classes cannot give this religious education. In the first place, he may not be competent. He comes home weary with his toil, and it would be absurd to think that he could, under such circumstances, give his children religious teaching; and, with regard to the mother, I believe her duty, which constitutes her religion, practically is to see that her child goes to school clean, and is not turned out of school under the 88th clause of this Bill. In many instances it is the home wicked influence which the school has to counteract. Whatever the practicability of this may be in England it will not apply here. In England there are thousands of benevolent gentlemen and ladies who willingly devote themselves to giving religious instruction to poor children. But we do not find, and cannot expect to find, that leisured class of persons in the colonies, where all are engrossed in the pursuit of business. With regard to the Sunday-schools, which do a great deal of good, it must be clear that children instructed for about thirty hours during the week in the so-called secular subjects cannot be expected to cram in about an hour on Sundays that amount of religious education which is supposed to be necessary for their salvation; it is simply impossible. Moreover, we pass a compulsory clause to make them go to day-school; but how are we to make them go to the Sunday-school? That is left mainly to their inclinations. Then it is stated, and stated by a class of persons who oppose, to a certain extent, religious training, that religious teaching is an obstacle to the proper education of children, and that for all purposes the reading of the Bible is sufficient: this brings me to the 85th clause. I do not think there is any religious instruction in the Bible-reading that is provided for here. It would be simply a mockery. The Bible, according to this Bill, is not to be taught but simply read; and, as it has been well put, if this reading is meant as a sop to the ignorance and bigotry of Christians such a proposal is intelligible, but not otherwise. Besides, is the child not to be taught the history of the Bible, or how much of it is inspired, and how much not? The mere reading of it will be of no benefit in that respect, and there is nothing more provided for here. I do not see why the children should not be taught the Greek alphabet, and then be given some portion of Thucydides or Xenophon to read. If they do not go to the same Church, they might be taught the Hebrew alphabet, and then with a show of reason the Bible could at least be read in its original text. I object entirely to this
reading of the Bible. It is a sham, and inflicts an indignity upon those children who will have to stop outside the school while this reading is going on. I was surprised to hear the honorable gentleman, the Minister of Justice, has gone further than the Bible itself and, in a sort of liberal spirit, has thrown in the Lord's Prayer. I may quote here a high authority upon this point, which, I think, cannot be disputed. I should think that Cardinal Manning must know as much about this matter as the honorable member for Nelson City, and he lays down the matter in a manner which, I think, no one in this House will dispute. He says,—

"They tell us that public money ought not to be given except for secular teaching, and they seem to think that their victory over our Christian education is assured. I heartily accept their principle that the public money ought to be given, in our present divided state, only to the secular part of education. It is true that now is the fact, and that the plase and pretexts of conscience as to the subsidizing of denominational religions are deception or self-deception. . . . Neither the State nor the Parliament have any legal religion. Parliament has no course to pursue but to make grants of the public money for education on equal conditions to all subjects of the Crown. It can take no cognizance of religious denominations. In the eye of the law all sects and communions are equal, and the public money bear a small proportion, not as much as one-half, compared with the amount raised by the voluntary efforts of those whose zeal and self-denial have hitherto educated the English people. The State has cheaply purchased the secular instruction—the reading, writing, and arithmetic—of these voluntary schools in which the religious education has been freely provided by the voluntary contributions of the managers and founders. Let us hear no more of public money given in support of religious denominations. Let the Government lay down the broad and just principle that public money shall be applied only to the secular part of public education, proportionate to the amount of voluntary effort, and under conditions equal and alike to all."

I think that is sufficiently conclusive to set at rest all doubts. They want nothing which is not their right. They are prepared to submit to examination and inspection, and to abide by the result, which doubtless would be favourable, from what we have heard and over again heard from honorable members who have spoken in this debate—namely, that the schools conducted by the Roman Catholic body are equally well managed with, if not more efficiently than, the State schools. I fancy I have succeeded in showing that there is no difficulty in carrying out the compromise I propose, and that the Bill before the House will check, to a considerable extent, the efforts of individuals and classes of people. Here I am bound to refer to one expression used by the honorable gentleman who introduced the Bill, which I do not think came from him with very good grace or in the best taste. He said,—

"For my part, I am at a loss to understand honest ignorance. He said most confidently that they desired to have the whole management of their schools, without any inspection whatever. That is not the honorable member for Riverton, who generally takes very liberal views on all questions, saying that the children could easily be put into a shed out of the rain while the reading was going on, as if he were talking of so many sheep. The State should not pass any Act that would cast an indignity upon any one's child. The honorable gentleman has inserted the Decalogue I could understand that, for then the Christian teacher could authoritatively enforce obedience and other precepts. The next objection which is raised is that if such a system of aiding schools is introduced we should aid Buddhists, Mormons, and Chinese. I do not think we are legislating for people of that kind. It is, in the first place, an extreme case. But, supposing it to happen, I answer it in this way: The State only requires a certain amount of secular teaching to be given, and if these people should conform to the Education Act we pass, and teach these secular subjects, I do not see that we ought to object to give them encouragement to civilization. Moreover, if they were Buddhists, or Mormons, or Chinese who became destitute in the colony, we should certainly, under the Charitable Institutions Bill, and under existing laws, have to educate their children, and they would have to receive religious instruction; and even under this Education Bill we recognize them, and if their children are sent to our schools we could give them a small portion of the Bible and the Lord's Prayer. Another objection raised is that aided schools are only possible in populous places, and that in the country districts the voluntary system would not do. The compromise which I have spoken of is only desired where practicable—where the population warrants the establishment of such schools. In country districts necessity has no law, and if there are not sufficient of the different denominations to support their own schools they must avail themselves of the only schools open to them—public schools. It is the duty of parents to give their children education, and, in default of the ordinary denominational school, they must send their children to the school which is supported by the State. The honorable member for Nelson City (Mr. Curtis) seems to mistake entirely the Catholics' case as I understand it. Misstatements of this kind are continually arising from Mr. Tole.
the necessity for doctrinal teaching, can desire that the greater proportion of the State funds devoted to education should be handed over to denominations which he thinks are disseminating damnable errors,—how he can desire that such an expenditure of public money shall be made to secure for his own Church a small percentage of the public grant."

What honorable member asks for a small percentage of the public grant for Church purposes? Nothing of the kind. I should like to know who made the honorable gentleman a censor of other persons' consciences, that he should anathematize them on account of their religious beliefs. I should like to know whether he spoke in that way to the two or three hundred of his constituents at his election, that they held these "damnable errors," as he calls them. I think not. I think the honorable gentleman could not have known what he was saying. I will not advert further to this point, but I could not allow an expression of such an indiscrimate and offensive character as that used by the honorable gentleman to pass without notice. The concluding words of the paragraph which I have quoted are founded upon entire ignorance of the position of the case. No Church, as I understand, wants to get a grant on account of the Church, or religion. This is an entire misapprehension; but nearly 100,000 of the community consider that a State school is established to which State aid is given, their money being used for that purpose, they should receive a fair share of what they contribute in respect of the secular teaching which they afford efficiently in their own schools. I will just allude to a few remarks further on of a moralizing character, which the honorable gentleman made use of. He says,—

"But while it is the duty of the State to take care that all children within its borders are educated, and to take charge of the secular education of the people, it is bound so to use its power that it may in no way tend to blunt or despond that intuitive reverence for a Higher Power, that indestructible hope of immortality, which distinguishes us from the beasts that perish."

I do not know what intuitive knowledge a child has of a Higher Power unless it is taught. The honorable gentleman will not allow that Higher Power to be mentioned at all in the schools; consequently there is nothing to despond or blunt; and it seems to me, therefore, the honorable gentleman has used a lot of meaningless words to point a moral which has no foundation. Before I leave Hansard I will refer to what the honorable gentleman said in reference to Mr. Huxley. I suppose he quoted that gentleman to show that Bible-reading without any comment was upheld even by so secular a mind as that of Huxley, and that it would instil principles of morality and religion into children. Mr. Huxley does not contemplate a state of things of that kind, for he says, "By the study of what other book could children be so humanized?"—evidently pointing to the fact that that Book should be studied and not prattled. The honorable gentleman also laid it down that crime existed in proportion to the want of education. But there is a distinction with regard to that. The most refined criminals and drunkards are educated men, and the reason is because their hearts have not been moulded under a moral education. That element has been wanting. Men of that character in ordinary life commit crimes with as little compunction as an Indian warrior experiences in taking a scalp. With regard to the condition of a people and its crime resulting from the class of education, now introduced by the honorable member, it is interesting to notice what Sir Archibald Alison says with regard to Prussia, where this policy of secular education has been largely developed, although, at the same time, they exercise a more liberal policy than we are endeavouring to do in this Bill. In Prussia they do subsidize denominational schools professedly Protestant and Catholic. Sir Archibald Alison goes on to say,—

"Education has been made a matter of State policy in Prussia, and every child is, by compulsion of Government, sent to school, and yet serious crimes are about fourteen times prevalent in proportion to the population in Prussia as it is in France, where about two-thirds of the whole inhabitants can neither read nor write. The criminal returns of Great Britain and Ireland for the last twenty years demonstrate that the educated criminals are to the uneducated as 2 to 1; in Scotland the educated criminals are about four times the uneducated. Nay, what is still more remarkable, while the number of uneducated criminals, especially in Scotland, is yearly diminishing, that of educated ones is yearly increasing. These facts, to all persons capable of yielding assent to evidence in opposition to prejudice, completely settle the question. Experience has now abundantly verified the melancholy truth, so often enforced in Scripture—so constantly forgotten by man kind—that intellectual cultivation has no effect in averting the sources of evil in the human heart."

That is his opinion; and it has long been acknowledged, and recently, after a very long trial of the system in Prussia, that it has turned out to be unsatisfactory. Sir, I object to this Bill, and shall oppose its passing unless it be amended so as to meet the wishes of a very large proportion of the population of this country. The honorable gentleman and his colleagues have, in various measures which they have introduced into this House, thought proper—and no doubt it is right—to copy English legislation, and to bring in transcripts of the Imperial Acts; but, strange to say, in this instance they do not think England can set them any example in regard to education. I think they might have embodied some of the liberal provisions of Mr. Forster's Act. If we look at the comparative liberality of other countries we find how unjust and oppressive an Act of this kind is. In France and Switzerland—which was really the first country to start a national system of education—and in Prussia, as I have already mentioned, subsidies are granted to denominational and private schools, and their efforts to help on the educat-
tion of the people are maintained. I have also mentioned England; but it is in some of the English colonies, and more particularly in Canada, that this is the case. In Lower Canada, the majority of the people are Catholics, and yet they allow the minority the full means of establishing their own schools, endowing them, and of claiming State aid. In Upper Canada, where the majority of the inhabitants are Protestants, that concession is reciprocated, and the Catholics are allowed the same privilege, and afforded the like support. In support of the manifest justice of this principle, we have also the testimony of many honorable gentlemen who have expressed the great satisfaction experienced with the voluntary system in the various provinces throughout the colony—notably, Nelson, Westland, and Hawke's Bay. The Bill before us is simply destructive in that respect: while it offers no remedy for the defective systems of education in some parts of the colony, it endeavours to abolish those principles which harmonize with the wishes of the people, and are satisfactory to all classes. I share alike the anxiety which the honorable gentleman has expressed with regard to the necessity for education in the colony; but I do not think that the Bill he has brought down will effect the desired purpose, that it will bind the colony together, or meet with acceptance by the people. If we desire to have a truly national system of education it must be in perfect harmony with the existing institutions of the colony; it must also be in conformity with the wishes of the people, and established on terms of justice and toleration. Only in that way shall we secure a satisfactory compromise of this very difficult question. I consider that any compromise which will meet the wishes of the people, and tend to guarantee a state of peace and good-will in the future, should be attained at any cost whatever. I thank the House for its patience, and attention to the remarks which I have thought it necessary to make on this occasion.

Sir G. GREY.—Sir, the question upon which we are about to legislate is the future of a young nation. I apprehend it will be admitted by all that no more important subject could come under our consideration. It is the future, I say, of the nation that we are considering, and not only the future of that nation as a whole, but the future of every unit that makes up the entire nation. Every year the number of this community will enormously increase; every year the nation itself will augment in strength and in importance. And this young nation that we have to legislate for is peculiarly circumstanced. Starting under advantages which perhaps no other nation ever did start under, no trammels derived from previous ages, no religious disputes, and none of those sectional feuds and deliberately enacting that one portion of the population shall be raised to a position of civilization above that to be enjoyed by other portions, is doing a most unrighteous thing. I am satisfied that I shall show that such is the effect of the proposals of the Government as laid before this House. First of all, I would like to make a few remarks about the provision made for primary education, and I would say that I think that the subject has not been properly appreciated by the House. All the expressions of opinion that I have heard seem to point to an idea in the minds of honorable members that, when children have learned reading and writing, and arithmetic, they have been instructed in learning—in knowledge. Now the fact of the matter is that the education which is simply in the position, perhaps greatly advanced, of a child who has learned to talk, and the person who has been taught to write is in a somewhat similar position. He has simply been made acquainted with the faculty of learning the opinions of others in the present

Mr. Tole
other persons. If he has learned a few tricks of arithmetic, such as the multiplication table, that is not enough to claim him the means of estimating the nature, measure, and nature of the world. But, Sir, when he has acquired these three arts, if I may term them such, the young man or woman is useful to him as it may give him the means of acquiring his own ideas or imparting to others. He has been all the time surrounded with the means of acquiring physical learning, the means of acquainting himself with the limits and nature of the earth on which he lives, and of the products of the world. But if you have not imparted to him the means of acquiring a knowledge of such things and of judging the actions of his fellow-men, if you have not imparted to him a great extent of political, moral, and religious subjects, with which each and all of us should be in as far as practicable acquainted. The proposals of the Government propose to incur. And then this great advantage would have been obtained: The system would have called into exercise the faculties and attainments of many more men and women. One teacher of such schools would have been a naturalist, another a botanist, another a chemist; and from such people as these the youth of the country would drink in from their earliest years a knowledge of these subjects, with which each and all of us should be in as far as practicable acquainted. The proposals of the Government reduce, in point of fact, everything to a dead level. I believe, and I think honorable gentlemen will agree with me, that, had there not existed such Universities as those of Oxford and Cambridge, the University of Dublin, the University of Edinburgh, the University of Aberdeen, and the great schools which exist in every part of England, and which afford an opportunity for the education and improvement of every talent in the direction its possessor has a taste for, England would never have taken the position as the leader in science and the great promulgator of knowledge which she now occupies. In this Bill, however, there is an attempt to reduce learning to one dead level. There is to be one class of teachers, all trained in the same class, imparting but the one set of ideas, and their teaching is to be regulated according to the wishes of Inspectors who, also, are of the one mould. A great evil will be done to the country by such a system. I feel more strongly on this subject than I have power to express. I have often found a difficulty in satisfying my mind in what learning consists. I was recently struck, especially in one instance, with what past experience tells us in regard to this matter. Early in the present century children were hung on one scaffold in a single day, open to the gaze of the public, in two batches of twenty each, for most trifling offences—yet when a Bill was introduced into and passed by the House of Commons by which stealing property valued at 5s. privately in a shop was declared to be no longer a capital offence—an offence for which many young persons had suffered death—yet, when that Bill went before the House of Lords, such was the state of opinion in that House, it was thrown out by a majority of twenty, amongst whom were the Archbishop of Canterbury and six other Bishops of the Church of England. Such was then the deadness and dulness of the public mind upon that question. There are many instances of the kind, and I might quote others showing that the whole subject of education is one of great gravity in a young country, and that we ought to give our young men a knowledge upon political, moral, and religious subjects, and upon the subjects to which I have before alluded. I think, further, if the Government impose a clause which is a contention that, they are exceedingly unjust. The discussions of the Bill in regard to primary education, they ought to make it absolutely free. Do not make your system of education an unjust one, pressing heavily upon some classes of the community and not upon others. Such a system of aiding education as I have glanced at would have had this further advantage: It would have been quite possible to have common schools, such as are contemplated in this Bill, in which the rudiments of learning might have been imparted, and upon which basis the recipients might themselves have worked in order to attain to those higher schools to which I have just now alluded. I think, however, looking at the provisions of the Bill in regard to primary education, that they are exceedingly unjust. The Government impose a clause which is a conscience clause upon a large portion of the population. They say that, on the occasion of every opening of each school, a portion of the Scriptures and the Lord's Prayer shall be read, and they propose that those children whose parents object to their being present may stand outside of the school in torrents of rain, perhaps, having already, it may be, walked one, two, three, or four miles to school. Sir, I say that, in making any regulation of that kind, they must have known that they were excluding a large proportion of the children of the colony from going to school at all; and, if they knew that, they must, in bringing this Bill down to the House, have deliberately intended to produce that result. For many reasons it is eminently unfair that such a result should be produced. I should have conscientious objections to that clause, although...
I am a member of the Church of England. In the first place, I believe that the reading of the Scriptures and the Lord's Prayer under such circumstances would simply be an act of hypocrisy, and that the children would speedily know such to be the case. In many instances the very teacher who read the Scriptures would not believe what he read; and the Bible could not, under such circumstances, be read with any reverence, nor could such a teacher teach a child the proper feelings with which prayer should be approached. It would be inculcating with a wrong sentiment, and it would be much more baneful in its results than an omission of all reference whatever to religion. I must object to the clause for that reason; and I declare that I will not become a party to such a proceeding; and I can quite imagine that there are people who, by reason of their religious feelings, may entertain still stronger objections. The Bill to them is an attempt to do what cannot be characterized as other than a gross act of injustice. Then, Sir, to the schoolmasters who have hitherto gained their livelihood in our schools, and have performed their duties in a proper manner, but who may object to reading the Scriptures in the way proposed, it is unjust. It says to them, in effect, "You must no longer act as you have been acting; be off with you; you can no longer be employed in these schools, in which you have spent years, and in which you calculated upon still spending years." That is a wrong thing to do. Well, then, I affirm, further, that a large portion of Her Majesty's subjects would conscientiously refrain from going to these schools. Let us examine what are the circumstances of the case? As well as I can compute, at least 80,000 persons in New Zealand will entertain the scruples of which I speak; and, if each child costs £1 a head, what will be the result? I think the Government have under-estimated the number of children who will attend their schools. I believe that in two or three years the number will be at least 50,000, and, at £4 a head, that gives a sum of £200,000. Now, if you take one-fifth of the population, you at once say that this one-fifth, who derive no benefit whatever from the system, are to pay £40,000 for the remaining four-fifths. The consequence will be that the injustice will be rankling in their minds, and they will feel that this clause is aimed at them. Such a state of things must act disastrously upon the country. And let us follow the matter still further into detail. Take the case of a man with four children who has no conscientious objections to this Bill, and take the case of another man with four children who has conscientious objections. The man who has no conscientious objections sends his children to the school, and, even if the capitation fees are in force, he has the chance of getting rid of them altogether by insuring the constant attendance of his children. Their schooling may cost him nothing. In the case of the man who has conscientious objections you first of all take from his pocket the same amount as in the other case for the support of the schools, and to that must be added the cost of educating his children in other schools, which, from want of funds, in warmth, furniture, and in many other respects, must be deficient. Now, what is the result of that? The natural result is that the man who is not subjected to this double tax is enabled to clothe his children better, to feed them better, or to lay by money for his old age, which the other is not able to do. You enable the children of one man to be trained in a superior civilization to those of the other, who must necessarily be brought up in ignorance. Uncharitable men will then say, "Look at the different condition of the two families; one is superior in dress, in comfort, and in everything else: this is the natural effect of the difference in the two religions." And I say that it is wrong to raise up such distinctions by an unjust law. A very great and grievous error will be committed by the Government if they persist in that plan of action. But that injustice is carried much further. The children of the man who has no conscientious objections to this system are entitled to scholarships for which the other man has equally to pay. The children of the man who has conscientious scruples, and who do not attend these schools, may be superior to the others in every respect, and these scholarships would send them on to a higher order of education; but they are not open to them. Such a state of affairs must engage bitter feelings throughout the whole population, and must work evil to the future of New Zealand. But the evil does not stop here. Lands which are the common property of all are not to yield any revenue to support the education of the children of men who, from conscientious scruples, will not attend these schools. Those whose children do not go to the schools pay equally for buildings which they never use. What justice is there in such a system as that? Why not throw these scholarships open to all — these buildings open to all? Sir, it is clear that there is an evident desire to raise one class of the community and depress the other. Why such a pernicious system should have been adopted at this stage of our existence it is impossible for me to conceive. I know that the province from which this scheme emanated was founded upon such a system — a system which formerly prevailed in one of the ancient provinces of the United States. Massachusetts was established on the same foundation. There they accumulated a large endowment for the benefit of the clergymen of the Presbyterian denomination. But, the moment the people had their Constitution given to them, what did they do? They at once shared these endowments with the clergy of other denominations, feeling that such distinctions were wrong and ought not to exist. Now, Sir, in this case these religious distinctions do exist, and an effort is being made to push them still further, and to keep back the benefits from New Zealand as a whole. I do not say this from any irreligious feeling. I say humbly that I believe no man respects the Word of God more than I do myself. No man is more anxious that religious principles should be instilled into the infant mind, the mind of man in his earliest years.
years; but I do say that this Bill will not instil such principles into the human mind, that it will destroy such principles, that it will create enmity among children from their earliest age, and that it will encourage that worst of all feelings, hypocrisy. Compare the difference, Sir, between a child kneeling down with its family to pray and one not kneeling down in school, praying in such a form as to reduce the prayer to a senseless jabber repeated after the teacher, who, knowing that he had to read a form ordered by law, felt none of that reverential feeling which should spring from so sacred a subject. I hope the Government will avoid a difficulty of this kind—a difficulty which is of the worst possible nature. Now, let us proceed to the next class of schools; and what takes place there? Exactly the same thing. The higher order of education is to be given almost entirely at the public expense; and to whom? To the children of the wealthy, who can afford to pay the fees. The poor throughout the country are to be taxed to afford the means of giving an education to the children of their richer neighbours. Such a thing ought not to be tolerated. If the Government intended to introduce a system of this nature— compulsory, or nearly so— why not initiate a system of free education open to all the inhabitants of New Zealand, so as to afford talent a means of pushing itself on step by step from a lower to a higher education, and ultimately of reaching the highest positions in the country? But nothing of the kind is contemplated here, and I think the best thing that could be done would be to delay a measure of this kind until a perfect system of education is adopted throughout the country, for these superior schools, as they are proposed, fall far short of what they ought to be. It is in our power at the present moment to frame a few short regulations which would meet all immediate requirements, and we could make the requisite provision when the Estimates came down. We should then we could do, would give a great and really noble plan, worthy of this country and of its inhabitants, which they might hand down to posterity as a monument of the foresight, the virtue, and the goodness of the existing generation. That is my desire. The effect of this measure in a short time will be absolutely to destroy all private schools within the limits of New Zealand. There will be but one kind of education—the education to be got in public schools—and that education must be of the most inefficient kind. It was with pain I saw what the conceptions of the Government regarding education were. Sir, if this measure is passed, it will stand a lasting monument of the folly and the incompetence of those who devised its principles. What do they propose to do for the higher education of this country? They were obliged to throw some thoughts into grandiloquent language, to make a show to captive idiots. The honourable gentleman who introduced it said, and even deliberately introduced into his Bill these words—that "such other branches of science as the advancement of the colony and the increase of population might from time to time require" might be taught in these schools. What, Sir? The knowledge of science is to be dependent upon the advancement of the colony and the increase of population! A small population may be the most learned in the world. Look at Athens and ancient Greece. And the Minister of Justice dared to insult this House and the country by saying that the people of New Zealand might learn science in proportion to the advancement of the colony and the increase of population. Away with such nonsense! Let all the science and all the learning that the world can give be open to the inhabitants of New Zealand, and be obtainable in the public schools. Let the ablest teachers in every branch of science be employed at the Government schools, and do not let us try to warp and narrow down the intellect of the people so that it only shall expand as the colony advances and population increases. Then, following from these schools to another class of schools—that is, schools for orphans and destitute children—

Mr. BOWEN.—That is not in this Bill.

Sir O. GREY.—No, it is not. The Bill is faulty in every respect. No, Sir, it is not in this Bill. This is a Bill to hand over the higher classes, to be paid for by the lower classes. That is the object of the Bill. There is nothing said here about the orphans; nothing about the destitute. The honourable gentleman is perfectly right; but in another Bill they make provision for that, and in the most objectionable, tyrannical way—nay, Sir, in a most wicked form. Every monstrosity that ever disgraced the legislation of Great Britain is to be enacted again here. Sir, I almost tremble when I think of what they propose to do. I will simply say, Sir, in reference to those schools, that I speak for the defenceless, for the poor, for the wretched, for the little children who have no natural protectors but ourselves to look to. I speak on their behalf, and surely some voice should be raised on behalf of those who have none to appeal to for redress. What do the Government propose to do with those children? They propose to hand them over to any person who chooses to subscribe £50. That system was tried in Great Britain, and what was the result? The children became slaves. They were shipped off in batches to the cotton factories in Yorkshire and Manchester. They were torn from their friends, and lost sight of for ever, and it was proved that they suffered great cruelties. Not only do the Government propose to follow that course, but they actually propose to enact a clause by which the mere managers—persons who are under no control whatever, except that they may be visited by an Inspector once or twice a year—shall be allowed to apprentice the children to anybody they please. It does not matter what the age of the children may be. In fact, there is nothing to prevent a child of seven years old being bound an apprentice. What took place in England when this system was in force? The people who took these apprentices got small premiums with them, and in not a very few instances the children were made away with in order that those to whom they were apprenticed might receive the amount of the premiums. I may say that in several cases people were convicted
astrouseffects. I do hope that the House will ruse, and well consider the suggestions which of very great importance. It is a subject that this Bill, and I contend that it is not our duty to children. I have shown the probable effects of that was being said. I do not know whether honorable member, without listening to a word tion to-day, the author of the Bill stood with his back to the speaker, conversing with another honorable gentleman was speaking on the question proper attention from this House. While one for days. It is a subject which has not received pass a measure which may produce such dis back upon his action. Now that is what they propose to do in regard to these wretched little children. I have shown the probable effects of this Bill, and I contend that it is not our duty to pass a measure which may produce such disastrous effects. I do hope that the House will pause, and well consider the suggestions which I have made. I feel that the subject is one of very great importance. It is a subject that hours would hardly exhaust; and it is a subject which ought to be debated and deliberated upon for days. It is a subject which has not received proper attention from this House. While one honorable gentleman was speaking on the question to-day, the author of the Bill stood with his back to the speaker, conversing with another honorable member, without listening to a word that was being said. I do not know whether it is true, but I have been told that forty-five members of this House held a meeting, and promised to carry this Bill through the House— they promised to force it through, in fact—but I say that, if they are to force the Bill through in this way, they will be doing a great injustice to the people of New Zealand. Nothing could be more injurious than for the Government to force this Bill through without having listened to the arguments which we are prepared to offer in regard to it. Honorable members should not, before they have heard both sides, retire to a private room, and decide to pass the Bill. I believe that the honorable member for Wanganui was there— Mr. FISHER—I was not there.

Sir G. GREY—I am glad to hear it. I am quite satisfied that some such agreement was made, and if we had before us the precise words of the agreement we might put our own construction upon them. But I do say that, if any attempt is made to force Bills of this nature through the House, a great injustice will be done to the country. I hope that honorable gentlemen will take care that the points to which I have referred shall be carefully considered, and that no attempt will be made to force the Bill through the House. What could be worse than to set 30,000 of the inhabitants of New Zealand against the rest of the people? What madman could have suggested such a thing? If we are to be a united nation, why not let us grow up as a united nation? Why should we do that which will set one part of the country against another? That is a senseless proceeding; and why should we force one portion of the community to pay £80,000 a year, including the cost of schools, Boards, and buildings, towards the cost of educating the richer classes, not only not to secure a benefit, but to secure their own degradation? Why are they to be compelled to pay if they cannot avail themselves of these schools? I cannot think of anything which is more certain to act injuriously to the colony. If education is to be given at all, by all means let it be free. As for the capitation tax, it is all nonsense. The whole system of capitation fees is wrong; the cost of collecting capitation fees will exceed the fees. It is provided that good-conduct tickets shall be given to children who attend school every day. That simply means that the children who live near the school will be the only ones who will get the tickets. I ask, how is a child who lives two miles away from a school to stand as good a chance of getting these tickets as those who live near the school, especially when we remember the weather which sometimes prevails in New Zealand? I say that the Bill provides no fitting system of education. It destroys large numbers of educational establishments now existing in New Zealand, where excellent educations are given. I know of two or three institutions of that kind where boys receive the best education that can be bestowed upon them. Why are the persons who conduct those schools to be ruined? I earnestly request honorable members to consider this question carefully, not to be in a hurry to legislate regarding it; and I ask them, further, to aid the existing system of education in so far as it is a good system. The schools existing at present for orphans and destitute children are, I believe, admirably conducted, and no one grudges them the money which they get. Their doors are open to visitors of every description. The persons who have had the control of them have been persons of worth, and they have been cheerfully intrusted by the Provincial Governments with the care of the poor, wretched, and outcast children. If we have to pass an Education Act, let it be one which will be worthy of ourselves and of the future of this country.

Mr. FISHER—Sir, I intend to support the second reading of the Bill, reserving to myself the right to vote against the third reading if certain clauses are retained in it. I oppose the so-called religious clauses, because I think they are simply a farce. A great deal has been said about the secular teaching in schools having a bad effect. Well, I may state that, in
the Provincial District of Canterbury, where the so-called “secular” system of education is maintained, it has aroused the clergy and parties who work instead of talk to improve the Sunday-schools, and the consequence is that a great deal of progress has been made. I think it would be a great pity, instead of opening the schools with prayer and the reading of Scripture, we were to set aside half a day or so in each week for religious instruction. Such instruction, I think, would have more beneficial effect upon the children than all the reading of the Scriptures without any comment, or the reading of the Lord’s Prayer. Again, I strongly object to the capitation fees, as I think education should be free, because every individual in the State contributes through the Consolidated Fund towards its cost. I approve of the clauses which provide that, so long as a child receives education, no matter where, he is not obliged to attend school. So far as my experience goes, there are some people who will not educate their children, and there are others who will do it at any sacrifice. I think those people who will not educate their children ought to be compelled to do so. I will not detain the House with any further remarks, but reserve to myself the right of voting against the third reading of the Bill if the objectionable clauses are retained.

Mr. SHEEHAN.—Sir, this subject has been talked so threadbare that I ought perhaps to ask to be excused for saying anything on this Bill; but I shall not occupy the time of the House for more than three or four minutes. I wish to explain the reason why I intend to vote against the second reading of the Bill. I cannot imagine how any person who in 1874 supported the abolition of the provinces can support this measure, as it is in direct violation of every pledge given at that time. We were to have free education: that pledge was partly repeated by the Colonial Treasurer in 1875. Education was to be a charge on the ordinary revenue and on the Land Fund, and this year it is to be a charge on the Consolidated Fund. All this is quite out of their own pockets. We were to have roads and bridges all over the country, we were to have education, and all sorts of good things. If we get education now we find that we shall have to pay for it ourselves. There are two ways of dealing with this question: either have the secular system of education, or that which is called the denominational system. The denominational system can only work successfully in the large towns; it must be a failure in the country districts; it has always been a failure and will always be a failure. Although I belong to a section of the population which strongly contend for this system of education, I have always opposed it. I do not intend to allow myself to be led into voting for a state of things which will not work successfully. Then, if we cannot have the denominational system, we must have the secular system in its entirety, and take the present proposal as merely a compromise; it is neither one thing nor the other. While this measure does not give to certain religious bodies that protection which they ought to have, the State imposes a certain amount of religious teaching in the schools, which makes them obnoxious to a large class of the community. This is not fair-play; it is a miserable compromise. It is easy to get up an educational system if you impose taxation. Any person can do that. I did hear the speech of the honorable gentleman who introduced the Bill, but I have no doubt that he spoke carefully and well. But, with regard to finance, any person could do what he has done—namely, suggest the imposition of taxation on the whole body of the people; but, when he comes to deal with the whole question of secular and denominational education, he has not grappled with the difficulty. The Government have not taken up properly either the one system or the other. If I have not an assurance from the honorable gentleman when he replies that he will strike out the clauses relating to the reading of the Bible and of the Lord’s Prayer, I shall vote against the second reading of the Bill.

Mr. STOUT.—It is not my intention to speak at any length on the Bill. The principle of State education has not been attacked during the debate, and therefore one cannot very well avoid voting for the second reading of this Bill. The various suggestions that have been made can be carried out in Committee. There are one or two objections I have to certain clauses of this measure. I heartily agree with what has been stated by the honorable member for Rodney. I shall not vote for the third reading unless this Bill is made to provide for purely secular instruction. It has been assumed by those who advocate the denominational system, as it has been termed, that there is but one section of the colonists which has got any conscience, and that this section or two sections are those which wish denominational schools. There is a large number of colonists who do not belong to any Church whatever. According to the last census, there are in the Province of Otago about ninety sects. I would like to know if those who are outside the pale of the Churches of this colony have not prejudices, if not consciences, and are their consciences not violated if they see their taxes going to support Churches which they do not believe in? When you say that there shall be grants given to denominational schools, you are asking those who believe that the State should be limited in its functions to providing purely secular objects to violate their consciences. I say, as the State is bound only to look after secular education, it should be confined only to its own sphere. I am not going to enter into the question as to whether it is the duty of the State to look after education at all, because it seems to be taken for granted that it is the duty of the State to look after education. I apprehend, if that is the case, the State should only look after that education which concerns it as a whole; and it cannot be said that it has got anything to do with religion. If the present Bill is given effect to, what will be the result? There will be a sort of religious teaching given which any schoolmaster can tell the promoters of the Bill will be utterly valueless. Anybody entering a
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School in which there is simply a prayer at the beginning or end of the day, and the reading of a chapter of the Bible, and who has watched its effect, can tell you that, so far from teaching the children any reverence for religion, it has quite the opposite effect—it has no beneficial effect whatever; and I will undertake to say this, that those children who have been taught in these schools, without any other religious instruction, will not grow up very orthodox. There is another point in this Bill to which I may refer, and that is in reference to the provision for secondary education. I think that is the greatest blot in the Bill. There is, in fact, no provision for secondary instruction at all. If it is the duty of the State to look after education, it cannot be satisfied with looking after primary education merely. This Bill does not meet the question of secondary instruction. It is in violation of all principles of education to assume that primary schools can be called district high schools, where secondary education can be obtained. What will it amount to? It will amount to this: There will be a continual pressure from the more populous districts upon the Education Boards to create high schools or district high schools in order that one or two persons may get additional salary. As to teaching the higher branches of knowledge, the thing will never be attempted, and, if attempted, it will be an utter failure. The high schools must be limited in number. There must be specialization in dealing with education as well as anything else. If they are going to carry out this Bill by having what are called district high schools scattered throughout the length and breadth of this colony, it will simply amount to this: that there will neither be good primary instruction given nor very good secondary instruction—in fact, there will be very bad secondary instruction given. The Government should take upon themselves the duty of looking after secondary instruction as well as primary instruction. What has been done in other countries? Take, for example, the City of Boston, where there is only a population of 350,000. With a million and a half ratepayers, for education? Why, in the City of Boston, from recent statistics, there are 254 primary schools, there are 23 grammar schools, and there are three high schools, all free, costing the City of Boston £160,000 a year, which the ratepayers of Boston willingly pay. All the schools are free; and what is the result? Why, Boston is the centre of American culture. What is done in Germany with reference to secondary schools? Why, in Germany there are 1,046 secondary schools; they are attended by 196,264 students, and there are 11,707 professors. The libraries connected with these secondary schools contain 1,956,333 volumes. And what is the result of this? Germany has a grand civilization; and in Germany there is one person out of every three hundred of its population who has got a good secondary education. But what does this Bill propose? This Bill will only give religious instruction altogether. There is no provision whatever made for it. As I have said before, this stupid provision—I cannot call it anything else—in reference to district high schools is really utterly unworkable, and would not fulfil any good end whatever. The State looks after the highest system of education in its New Zealand University, and, if it wishes to carry out a proper system of State education, it is its duty also to look after secondary instruction. There is a provision in the Bill in reference to scholarships. What will it amount to? It will simply amount to this: This Bill will create a system to crush out all undenominational schools. I presume that is the meaning of it. It will throw the whole care of secondary education into the hands of the Church organizations; it will leave primary education to be looked after by the School Committees, and the high-class education to be looked after by the New Zealand University. That is not a proper position for the Government to take up. If this colony can afford to spend money every year for the support of the New Zealand University, if it can also spend large sums of money for primary schools, it is not right to overlook that which goes between—namely, the secondary schools. I have spoken in reference to two objections I have to the Bill—first, in reference to the religious clauses, and, second, in reference to secondary schools. There are other provisions in the Bill which I might object to. With regard to the compulsory clauses, I think the honorable member in charge of the Bill ought to copy into it some clauses from the English "Elementary Education Act, 1876," so as to prevent too-young children being employed in factories and other works. I believe that would be a proper course to adopt. In this English Act there is a provision that no person can employ children of tender years unless he produces a certificate that they have been properly educated, or else that they must be employed halftime, when they can get exemption under certain conditions. I need not read the clauses, but I would refer the honorable gentleman in charge of the Bill to sections 5 and 7 of the English Act, wherein proper provision is made that too-young children shall not be allowed to be engaged in factories or such other works. There is another objection I would point out in section 100, which contains a provision very dangerous to give a Government, because it is really taking power out of the hands of this House in voting salaries. It says that the Governor in Council may make regulations for the apportionment and administration of all moneys granted by the General Assembly for purposes of public education. I do not see why the education vote should be voted as one sum more than the vote for the Public Works or any other department; and I do not see why the Government should have power to chop and change the education salaries as proposed in this section. There are various conflicting provisions in the Bill. For example, the last section gives power to the Board, with the consent of the Governor, to sell reserves. I think this is most objectionable. And, in reference to the sales of reserves, I should move that there should be in real or Government securities. In clause 51 there seems to be a conflicting provision, because it is there provided that, where money is bequeathed,
the Board can only invest in Government securities. I do not see why that should be the case. The Board may be only able to get 5 or 6 per cent. out of Government securities, while they might be able to get 8 or 10 per cent. on good freethird securities. It seems to me that the Government are unwise in forcing on so many important Bills this session. I think what has taken place during the last six weeks ought to show the House that this colony was not at all ripe for the abolition of provinces, because we have had the Government dealing with a vast number of most important measures contrary, I may say, to all parliamentary precedents. If we take the other colonies we find that, in Victoria, for instance, if they only get one important Bill through during six months' session they think they have done good work. But in New Zealand we are supposed to issue yearly a large thick volume of Statutes containing Land Bills, Education Bills, and all sorts of consolidating measures, all in one session. The result is that there is not one measure passed which has such care and attention devoted to it as would be bestowed in other colonies. I feel sure that if the Government had dealt tentatively with the education system in this colony, and had introduced a short Bill providing, in the first place, simply for Government inspection, without attempting to do away for a year or two with the various systems existing in the provinces, they might have gone on year after year amending and consolidating, until at last we might get a really good Education Bill. And so in reference to the Land Bill. That will be in exactly the same position. Really this colony has got on very well without having one law for everything, and could get on very well without having consolidating measures thrust on the people all at once. In that respect I think the Government are making a great mistake. I am not aware that any amendment has been made that the Bill has stood second time this day six months, and I presume there will be a further opportunity in Committee of discussing its provisions. I think, however, from the discussion that has taken place, the honorable member in charge of the Bill must see there can be no such thing as a compromise between those who ask for secular instruction and those who ask for what are called denominational schools. The compromise which he proposes in the Bill will satisfy no one. The meeting of Protestant clergymen held in Dunedin shows that even amongst Protestant clergymen there is a great want of unanimity in regard to these sections of the Bill. I do hope that this colony is not going to be unlike the other colonies in attempting to found a denominational system. In New South Wales they had a denominational system in existence, and they made a provision that no new denominational school should be established, although in the schools in existence were to get certain aid. Provision was made for the latter becoming national schools, and year by year the number of denominational schools has decreased. In Victoria they made their system logically and purely secular, and did not provide at all for religion. I trust the Government will see their way to do what has been done in other colonies, and will make their system purely secular, and say boldly, so far as this colony is concerned, that it will only look after secular instruction, leaving religious instruction to those persons who attend to the religious instruction of adults as well as of children. I only mention these Committee objections because I may not have an opportunity of mentioning them again. If some other provision is made for secondary schools, and if also some amendments are made in Committee in the religious clauses of the Bill, I shall vote for its third reading. But otherwise I shall not vote for the third reading.

Mr. LUMSDEN.—Sir, from the tone of this debate I am very much afraid that when this Bill is passed through Committee it will hardly be recognisable. I object as much to State schools where any religious instruction is imparted as I do to State Churches. I can see, in fact, no difference. It will be a very dangerous thing to attempt anything like a religious establishment in any shape or form. We know that, in communities composed of so many different sects, all and at domination; and history has shown us the dangers that result from such domination to the social well-being and progress of the community at large. I am very much surprised at the objections raised to this Bill on account of the very meagre religious teaching it contains. It is certainly very singular that, in this nineteenth century, the religion which proclaims the universal brotherhood of man should be the one that rouses the greatest dissent amongst mankind. It is especially strange that the fundamental doctrine of that creed which recognizes the Fatherhood of God should be the one that supplies the objections to a measure of this kind. Although I recognize in every denomination a perfect right to think for themselves, and I hope we shall always contend for that general liberty of conscience among the various sects of the community, yet for the present I have no objection at all to the clause providing for the reading of the Lord's Prayer. I look upon it as a thoroughly catholic prayer, with nothing sectarian in it. As to the reading of the Scriptures, no doubt there may be very solid objections to that. I have heard honorable members state that it is little better than a mockery for a teacher to read to the children, in a perfunctory manner, the Lord's Prayer and a portion of the Scriptures without some comments by way of endeavouring to impress on their youthful minds the meaning of the passages read. But I fancy the proper religious teachers of a child are its parents. Although we know very well that many parents do neglect that work, yet we know that the religious portion of the community have taken up the question, and good work is done in that direction by the vast number of Sunday-schools in the State. I have no faith in that work being thoroughly attended to without introducing the bond of contention into the State schools. I have very often considered the question whether it would not be well to leave the establishment of schools to private enterprise. I know that in the town from which I come the
most successful schools were those established by voluntary efforts—private schools in fact. However, although the means were very sufficient, we saw that there were many of the young going about uneducated, their parents not having the means to educate them, and we looked upon a State system of education as absolutely necessary to take in the mass of the poor population, and provide them with elementary education. I am astonished that there should be so much contention about the introduction of these religious clauses, seeing that the religious teaching contained in them is of so very feeble a nature. I shall support the second reading of the Bill, but I shall certainly support any attempt to delete those clauses and make it a thoroughly unobjectionable measure. It very much surprised me that those who object to religious education in schools have not supported the more forcible objection to the plan or mode of appointing teachers. I hold that the schoolmaster will have more power in imparting religious impressions to a child than any mere reading of the Scriptures or the Lord's Prayer could have. I hold that the attention of School Committees and Education Boards should be directed to securing superior teachers, men imbued with a spirit of truth, animated by a love of everything that is true and noble, and with a tendency to impart to the children, from the embodiment of their own daily life, sentiments of truthfulness, virtue, humility, charity, and forbearance towards each other. Where that is done I say the children are receiving religious teaching of the highest and most lasting kind, and one that will sink deeper into their characters than anything in the way of rote lessons. I observe that the honorable member for Nelson City (Mr. Curtis) says that they have similar schools in Nelson—purely secular, as he tells us, and distinct from denominational schools. If that be so, and if secular schools are successful outside of a State system, why not inside of it? On the question of economy alone, I say, if the secular system can be successful outside of the State system and alongside of denominational schools, we ought to be able to make a secular State school system successful. If we have to give subsidies to all the schools outside of the State system we shall have a vast number of small, insignificant, ill-conducted schools, instead of a few well-organized and efficient schools. No doubt there are plenty of well-conducted private schools well carried out, but I think one State system would be the best, and it is worth our while to try it. I look at the question of education as one of such vast importance to the community that I, for one, will not stand in the way of its being carried out. I am not for delaying the matter at all, and, although many honorable members say, "Leave us what we have got," I must say I do not think that is sufficient for the community. In the district from which I come there are hundreds of boys and girls wandering about without any care being bestowed on them in the way of education; and there is no doubt there is great danger in such a state of things. I am not sure that the mode of election of the Education Boards here proposed will prove satisfactory. It is a novel one, but I do not think it will work well. If we have School Committees nominating candidates for seats on the Board, and they are then asked to pick nine out of those thirty or forty, they will very likely select one of their original nomination; while School Committees at a distance from the place of election will know very little about the matter. I think that system will be very unsatisfactory. Moreover, as the State supplies so much for the education of the people, I do not see why it should not nominate the Boards. That system has worked very well in Otago, and I think a nominated Board would be better than one elected by the process provided for here. With regard to the mode of dealing with the reserves, I must say I do not agree with the honorable member for Akaroa. He complains that it is proposed to denude such provinces as Canterbury and Otago of those reserves which they have been so careful to secure. I am not disposed to quarrel with the way in which the Government are going to dispose of those reserves. I look upon it that it is the duty of every member of the community, and especially of every member of this House, to see that the whole population is well educated, and it is to me a matter of little importance how the money for that purpose accrues, whether from the rents arising from these reserves or from the Consolidated Fund. It is a matter of no importance to me that our neighbours in the North should get a larger sum from the Consolidated Fund, so long as we are sure that the whole population are getting equal justice done to them in the way of facilities for education. I do not think there is any necessity for us to quarrel over that matter. It is not, in my opinion, wise for honorable members to go into the details of the Bill on its second reading, and they should rather remark on the several clauses as they come before us in Committee. I will therefore merely say that there are several clauses in this Bill that I should like to see altered, but I cannot support the proposition of the honorable member for Nelson City (Mr. Curtis) to grant subsidies to outside schools.

Mr. Fox.—I do not wish to prolong this debate, which has already been somewhat protracted, more especially as the state of the House this afternoon shows that it is growing uninteresting. At the same time, having taken an active part in very early years—as you, Sir, will no doubt recollect—in discussing this question of education, I am unwilling to give a silent vote on the measure now before the House. There should be no very great difficulty in our framing a system not only of primary education, but of secondary education, and even of higher education, suitable to the wants of the colony, if we do not remain upon this that we can hardly look around us and see any free country, any intelligent country, that has not a system ready to our hands. The great United States, for instance, Prussia, Sweden, Denmark, and many more have systems of education, all of them more or less analogous to what we require here, and which we should be able to adapt to our circumstances.
It is remarkable what little difficulty the United States has had in starting from that old starting-point of the legislation of the old New England States, and adopting the same system in new States and territories. Wherever a new State has been formed, they have adopted almost the identical system adopted by the old New England States, and the new laws have grown up without dispute and without difficulty, and have taken possession of the soil, growing up as we see the seeds of plants brought from the parent country sown in the new, and growing to healthy maturity as naturally as though they were indigenous. Why, then, should we have this difficulty in New Zealand in regard to education? It is years since we first began discussing the subject. We have tried on various occasions — two, especially, in this House — to establish a general system of education, but hitherto we have failed. I fear it is on account of this religious question, to which I shall more particularly allude presently. At present I shall only make this remark: that I accept this measure of the Government as providing on the whole a satisfactory system of primary education for the country. I regret, as does the honorable member for Dunedin City (Mr. Stout), that it is not of a more comprehensive character, and does not give us higher education, because I do not think you can have a really good system of primary education unless you have something above it to lead up to, something to rouse the ambition of the students, and lift their hopes to a higher grade. Although we have our University, such as it is, and our colleges, such as they are, in the various provinces, still we do want that intermediate step which is so useful in any system of State education, and which would make primary education practically complete: a system of secondary schools such as that carried out in the United States, in Scotland, and which has been carried out with equal success in Prussia, where the education of the people has been most successful. I wish we were as well off as the people of Prussia in this respect, but I fear it will be very long before we are. I was reading an article in an English review the other day on the subject, and I was astonished to find that every member of the Prussian community could get a first-class elementary education, qualifying him to go about all the ordinary business of life, for the small sum of 50s. a year; that he could get the highest class of secondary education, far superior to that which is provided in what are called commercial schools in England and these colonies, for £2 a year; and a University education in the highest branches, such as Prince Bismarck and all the most learned men of this country enjoyed, for the trifling sum of £15 a year. It will indeed be a blessed day for New Zealand when we have such a system as that, by which the highest education is as accessible to the poorest as to the richest, so that they may meet in after life as equals in mental culture. I look on this Bill as a small initial step towards that result. We cannot afford at present to provide for the higher branches of an educational system in this country: we must be content, for this year, at all events, and probably for some years longer, with a measure of this kind, which will enable the State to secure, as far as possible, that there shall not be in the colony a child growing up in ignorance, and wanting that elementary knowledge which is necessary to his commencement in life. I do not object to the machinery provided in this measure. Some honorable members have objected to it as bad because it is too centralized. I do not look upon it as too centralized; it combines dispersion with concentration. You require a central power to organize, a secondary power to carry out with energy all that is necessary to make the institutions successful, and then you require a lower power to attend to the minor details: the State charged with the highest functions, the Education Boards with the intermediate, and the committees with the minor functions of a purely local character. I have heard it said that it would be better if we were to hand over the whole management of the education of the country to the local committees. I differ entirely from that view, and I was very glad to hear this opinion from the excellent gentleman as the honorable member for Franklin, saying that he was of the same opinion. Estimable as members of School Committees may be, we know the class of which they are composed. They are very seldom composed of persons who can be supposed to have studied this question of education as a science and an art. It is not merely by having received a common school education ourselves, but by having some knowledge of the art and science of education, that we can conduct with intelligence its operations. Therefore it is that I decidedly object to Local Committees, such as we have had experience of in this country, being intrusted with any considerable extent of functions in connection with our educational system. I have seen it in operation, as other honorable members must have done, and I will merely point out one or two facts which I think will indicate how weak such a system would be if its working were handed over to these committees. For instance, I lay down this as a fundamental principle: that the two great things you require in an elementary educational system are a good selection of teachers and a proper inspection. Substantially you want nothing more — well-selected teachers, men capable of doing their work, and Inspectors to see that they do it. But these committees are unable to execute either of these functions. They have not an area sufficiently large to select competent teachers from; they have not the skill and knowledge necessary to enable them to decide upon the qualifications of candidates for appointments; and they have local partialities, prejudices, nepotism, and so on, which I have seen result in the most unfortunate condition of some of our schools in the country districts. In one district I am well acquainted with, at a time when there were not more than seven or eight schools in the whole district, there were four common drunkards and one man who had stood in the dock for a criminal offence teaching in the schools. Any man of intelligence, a broken-down military officer, or any person out of his luck, and who was trouble-
some to his neighbours, who did not know how to support him, under that system, was almost sure to get appointed as schoolmaster; and the result was most unfortunate. All honorable members who have seen anything of the working of small educational districts in country places, must be aware that such is the fact. Well, if you hand it over to an Education Board at a more central place, and with the area of a whole educational district, they will have the opportunity of making a better selection, and of inspiring the teachers with something like ambition, and of examining into their qualifications; and they will also have the power of appointing as Inspector a man of ability and energy, who will direct the course of operations, and report how the system works. In this particular provincial district you yourself, Sir, were Superintendent when the change took place from the simple system of Local Committees, and when an Act was passed establishing a general Board. Before that period our schools were worked as badly as could be in the country districts. Now we have nothing to complain of. The schools are in good working order, we have an entirely different class of masters and mistresses, the people in the districts are contented, and a great change has taken place. That part of the system, therefore, both from the light of experience and on grounds of principle, I entirely approve of. That portion of the Bill is entirely unexceptionable.

We come next to the financial part of the matter, and there I have endeavoured to place the whole subject in my mind upon principles. The principle I base this part of the subject on is this: I contend that the State has no right to tax any member of the community in reference to this subject except in proportion to what he receives. The State must show some reason for putting its hand into my pocket and taking my money out. Well, how do I find the subject stands? What are the advantages which I or any other inhabitant of this country can get by the State establishing a system of education? We can get two advantages. First of all, we can get an advantage which is common to the whole of us—an advantage which I may call personal, and which is spread over the whole community—the advantage of living among a civilized and intelligent people. The other is the advantage which the parent has in getting his children educated. They are two separate and distinct things. As regards the first, it seems to me that the proper way to provide for it would be, not, as is done in some cases, by taxing the land, which derives no direct advantage from an educational system, but by something in the nature of a household-tax or poll-tax. And, as regards that branch of taxation, I do not think the Government could have done better than charge it upon the consolidated revenue, which is paid more or less equally by all members of the community, and against which it cannot be said that it is hard upon the poor man, because there is no doubt the contributions to the revenue pro rata are heavier upon the wealthy man than they are upon the working-man. Therefore it is perfectly fair to provide for that general advantage we all of us individually enjoy from living in a civilized community, as the Government propose to do, by drawing upon the consolidated revenue. If that is impossible, if the consolidated revenue in future years will not bear this special tax upon it, then let the charge be in the shape of a household or poll tax, which may be imposed in something like equal proportion on every man in the community. As to the other advantage which the parent gains, it is not unfair to make him pay for that special advantage, and to make him contribute on the capitation principle, for then he will only pay for what he actually gets. He will be paying a very low cost for the education of his children—only 2s. I think it is, for a whole family, under this Bill. I have heard it said, "Oh, 2s or 24 is a large sum to come from the pocket of a working-man." I do not think honorable members really consider what it amounts to. It is equal to half a glass of beer a day; and I say that the man who will not devote half a glass of beer a day towards educating his children deserves neither children nor beer. I am greatly in favour of putting in connection with the capitation tax which I think the honorable member for Franklin (Mr. Lusk) showed to be an unmistakable blot, and that is the difficulty of getting it in. The honorable gentleman gave us his experience in the Province of Auckland, and we all know that they have had very ugly experience there on this subject, and that the result of their collection was a very large debit balance. That is a very serious matter, and I think the Government might reconsider their position as regards the mode of collection, and adopt a plan which would make the collection more a matter of certainty, and not so expensive as it appears to have been in the case mentioned. A committee seem to me an eminently unsuitable body for such a purpose, as they would be brought into collision with their neighbours, and would be working for nothing into the bargain. If some paid functionary of the Government could be charged with the duty of collecting the capitation tax, I think there would not only be less difficulty in getting it in, but a much larger balance to the good. Now as to the compulsory clauses. These clauses I never did much like; and yet I can see the utility of the provision, and saw the utility of it during my visit to England last year. The honorable member for Eden spoke this afternoon as if the compulsory clause in England had scarcely been put into operation at all; but he is in error. In London, in Birmingham, and in other large cities, it has been brought into operation, and with considerable effect—with such effect that the supporters and promoters of the Ragged School system in London have declared that it has almost taken away the ragged class altogether from those schools. To a great extent that has been the case, but there still remains a demand which shall in no way interfere with the schools maintained by the philanthropic promoters of the Ragged system. In Birmingham, also, the operation of the clause appeared to have been extremely vigorous, and also in many other parts of England. Still, it is a principle I do not like to see established if it is possible to avoid it. In
some of the United States they have it on the Statute Book; but I am not aware that in any part of the States it has been put into operation in New York. I think, if we give the people a good system of education, they will learn so to value it that none but the most degraded class will fail to use it with advantage. I hope, however, that, under other legislation which is in progress, we shall not have a large destitute class; that, in a few years, we shall not require a compulsory system of education at all. At the same time, in our present condition, I think there would be no harm in trying the compulsory clause. I am aware that objection has been made to it; and I think somebody has made an improper use of the compulsory clause with regard to those large sections of the community who object to that clause on account of the small modicum of religious teaching in the schools. I know of my own personal knowledge that it has been circulated in this town among the Roman Catholics that the compulsory clause means that they are to be compelled to send their children to the Protestant schools. Only yesterday I had a conversation with an intelligent member of this community, who told me that many of his Catholic friends a few days before were arguing the point with him. However, he told them there was nothing of the kind in the compulsory clause; that it merely compelled them to send their children to the State schools in case they did not get them taught elsewhere; and they saw the justice of it, and at once admitted that they had been misled. I mention the fact now because I think the rumour is worthy of contradiction, lest that impression should prevail among the portion of the community to which I have referred. The compulsory clauses do not compel any person to send his children to those schools if he is getting them educated in any other way. And in the same manner, he is not compelled to pay the capitation tax if his children are being educated at his own expense. Still, I am not very fond of these compulsory clauses, and I should like to see them put in operation as cautiously and to as limited an extent as circumstances might render possible. But we all know—we see cases in the newspapers every day, and benevolent societies are aware of them—that there are wretched fellows who throw away the whole of their substance in the publichouses or in dissipation of other sorts, and have not a shilling with which to pay the capitation tax. We have no right, apart from any selfish ground on the score of civilization, to allow the children of such men to grow up in ignorance, and, as the fathers can hardly be reduced to such a miserable condition as that we cannot by means of the compulsory clause compel them to send their children to school, we should enforce the law in that direction. I have now only to touch upon one remaining topic which seems to me to be of any consequence, and which is no doubt a great stumbling-block to the passing of the Bill: I mean the religious question. I am inclined myself to vote for the second reading of the Bill with what is called the religious clause in it; and I shall do so for two reasons, neither of which has, I think, been touched upon in the course of the debate, except perhaps to a certain extent by the honorable member for Auckland City West (Dr. Wallis). The two reasons why I put it in first place, I think that we, legislating in this House, ought, as far as we possibly can, without of course laying aside altogether our own independence, to consider what our constituents would desire. I myself endeavour to do so with regard to mine, and my profound conviction from what I have seen and heard in this country since this question arose is—as I believe it would be in Great Britain—that if the question were put to the community at large, "Will you have the Bible read in the schools?"—at all events to the limited extent which this Bill proposes—a very large majority of the intelligent persons in this country, be their creeds what they might, would say "Yes." That is my impression. The petitions we have had placed upon that table are only of two classes. A large number come from the Roman Catholics, and on the other side there are petitions which are in favour of Bible-reading in the schools. There has been a petition for nothing else.

An Hon. Member.—Who get them up?

Mr. FOX.—I have heard that expression very often in respect of petitions which I have presented on another subject. Sir, how does that affect the question? The petitions are there. The other side had a similar opportunity, and did not avail itself of it. Well, Sir, there are there only the two kinds of petitions. The second reason is this: that, as the honorable member for Auckland City West (Dr. Wallis) says, it is a monstrously illogical thing that books which teach every conceivable form of religion—books which tell us all about gods and goddesses which nobody believes in—are allowed to be read and taught in the schools, while the only book which is specially excluded is the Book which probably nine-tenths of the people believe to be the Word of God. It does seem to me monstrous, logically monstrous. I do not mean to say that there is any particular good likely to arise from having the Bible read in the schools in the limited way proposed in the Bill. I doubt whether any member of this House expects to see any tangible good flow from it. I know how little it means, practically; but I know this also, that it means the recognition of religion, and the recognition of the Deity, and so far I approve of it. If it should become necessary for the Government to have to withdraw that religious clause, I might regret it on principle, but I do not know that I should have any serious misgivings as to the effect of a purely secular system. I have travelled over a great part of the United States, and I know what has been the result there. The Bible is practically excluded, if not altogether excluded, from most of the schools of the States; and I did not notice that a loose tone of morality or of religion prevailed there. On the contrary, I believe that there is no people in the world who have a deeper religious and moral sense than the people of the States, taken as a whole. The consequence of the exclusion of the Bible and
religious teaching from the schools has been that efforts to promote religion have been redoubled of late by those whose special duty it is to see to such matters. In no country has the Sunday-school organization reached such a state of perfection, and I would refer especially to the New England States. The churches are comfortable, and in them, generally on the lower storey, ample provision is made for the accommodation of the Sunday-school. Spacious apartments, well lighted, well ventilated, and comfortably appointed, are set apart and made as attractive as possible. I have seen nothing of the kind in England, where, owing perhaps to the necessities of crowded cities, we naturally go into the dirty back streets, and there find the dear little children, sitting in wet clothes and damp boots, and shivering with cold as they listen to religious instruction. In America it is very different from this; and I have no doubt that if we had a system of purely secular education we should soon see large strides in New Zealand in the way of Sunday-school work. I am afraid I am wearying the House, but there are one or two points in the arguments against the Bill in reference to which I should like to say a few words, especially those arguments addressed to us in regard to the position of the Roman Catholic Church—arguments which I consider were very weak. The honorable member for Geraldine, for instance, argued, as he always does argue, with a great deal of ability and a great deal of force; but he had a very weak case. He told us how dreadfully unjust it was—and the honorable member for the Thames told us the same—that Catholic children should be forced to stand out in the rain. Well, Sir, I do not see why the poor little dears need stand in the rain any more than Protestant children. I think such talk is great rubbish. They need not go till a quarter of an hour later. A similar system is in force in this portion of the colony. The Bible is read and religious instruction is given at certain hours; this is notified to the parents, and it would result in this, that the State would find money wherewith the clergy would educate the children. I am sorry the honorable member for Nelson City is not here, otherwise I should have told him, as I told him in private this morning, that his resolution would, if carried, introduce a most miserable sham into our educational system, and conserve the liberties of none.

Mr. SHIRMSKI.—Sir, I propose to support the second reading of this Bill, reserving to myself the right of opposing the third reading if certain clauses—the religious clauses—are not struck out while the Bill is in Committee. The honorable member who last spoke laid great stress upon the fact that a number of petitions had been presented to the house in favour of Bible-reading. I have not the least doubt, Sir, that those petitions mainly emanated from the clergymen themselves; and, if I wanted an instance of the very liberal manner in which Christian clergymen are disposed to act in this matter, I might quote what occurred in Dunedin the other day. There was a meeting in that city of the clerical representatives of the Church of England and Presbyterian body to discuss this question. One minister, more fairly inclined than his fellows, suggested that no resolution should be passed until ministers of the Catholic Church and the Jewish persuasion had been invited to be present. The proposal was put to the vote, but lost by a large majority. That indicates the liberal feeling of those gentlemen. A great deal has been said about the Roman Catholics and the hardship they have to suffer, but the Jewish persuasion seems to be completely ignored. Sir, I have a petition before me from the congregation in Wellington on behalf of the whole of the congregations in New Zealand, praying that several clauses of the Bill may be struck out; and I think they only ask that which they are fairly entitled to. The Jews are as loyal as Christian subjects; the Jews bear a fair proportion of the cost of supporting the State: then why should they, because they happen to be in a minority, be compelled either to go to extra expense in educating their children or to send their children to a school to which they do not wish to submit? Is it said they need not enter the school unless they please until after the religious instruction has been given; but, Sir, what does that mean? Simply that the children of the Jews shall be held up as so many targets for the ridicule and the sneers of the other children.

Mr. Fox.

Mr. FOX.—I never saw a more barefaced attempt to introduce not only the thin end but the thick end of the wedge of denominationalism than the amendment of the honorable member for Nelson City (Mr. Curtis); and I am perfectly astonished to find a gentleman like the honorable member for Totara (Mr. Giborne), who generally takes a broad view of such matters, holding up as so many targets for ridicule and the sneers of the other children.
Such a feeling as that should not be encouraged; it should be prevented, so that as citizens our children should grow up as one family. The sooner we realize this the better. We ask nothing unreasonable. We ask for a fair share in the benefits of State education without interference from any religion. The particular requests of the petition I have before me are, that a clause be inserted in the Bill providing that education shall be purely secular; that before the word "books" in the 55th clause the word "non-religious" shall be inserted; that in the 75th section there shall be a third division setting forth that a child shall be entitled to full marks if absence be explained by a certificate or other written document; and that, as I said before, the 85th clause shall be expunged altogether. I think those are very fair and reasonable requests. I put it to the House in this way: Supposing the Protestants were in a minority, how would they like Jews or Catholics to make laws which were repugnant to their feelings? Surely they would not like that; and, we being in the minority, they ought not to force us to accept anything we do not like. I most respectfully suggest the second reading of the Bill, reserving to myself the right to oppose the third reading if the amendments I have indicated are not carried out.

Mr. ROWE. — I have a few remarks to make, and I may say at the outset that they are drawn from my experience of the administration of the Education Ordinance at present in force in the Province of Auckland. Looking at the circumstances in which we are placed in that province, I regard that Ordinance as being near perfection as it could be. It was passed after a vast amount of consideration, and, though a few improvements might be made in it, they are very few indeed. The system is secular. There are no religious clauses in the Act. Proper provision is made for the teaching of religion at certain periods, if necessary, but there is nothing in the Act that could irritate or offend the feelings of any religious body. In my opinion the religious clauses of the measure before us must utterly fail in accomplishing any good whatever. I believe thoroughly in the importance of religious instruction, but I do not believe in a sham, and I cannot conceive how any parent who sincerely desires that his children should be religiously trained — trained up in the way they should go in religious matters — can for one moment consent to such a sham. Any parent whose mind is impressed with the importance of religious truth will never consent to allow his children to look upon religious teaching in the manner in which they will look at it if they are educated under the clauses of this Bill. What will be the course? The children will simply hear the teacher, who, perhaps, is not impressed with the traditions of religious truth, and they may disbelieve in the truths which the Bible teaches — the children will hear this teacher read a passage or two from the Scriptures in the most perfunctory manner; and that is all. Now a parent who wishes to have his children impressed with the importance of religious truth will never have them taught in this manner. Secular teaching has never given rise to any difficulty in the Province of Auckland. I have never heard a single complaint. If you go to the schools there you do not see children standing outside until prayers have been read. The honorable member for Wanganui (Mr. Fox) said the children could be kept at home until the prayers were over; but why should there be any distinction at all? Why have the mother looking at the hand of the clock and saying to her children, "You cannot go yet; you must wait till the prayers are over"? There is no such difficulty with us, and I have no hesitation in saying that in our community the very large majority, nay, nearly the whole of the children are being educated in the public schools, and not a single complaint have I heard on any occasion, although I have been Chairman of one of these School Committees for years. I heard it said to-day that no person connected with the Roman Catholic Church can become a member of one of these committees. Sir, I have known gentlemen connected with that Church who have taken a very active part in carrying out that system of education, and I have never heard any complaint from them. If you are to have a national system of education you must cut away those clauses. We must never be troubled with them at all. Do you think, Sir, that our children will not be educated religiously if the State does not interfere? I say they will be trained more religiously, and in this respect much better. I have heard a good deal said about private schools during this debate. Let me ask, how many of the private schools in New Zealand, where the very best kind of instruction is imparted, teach religion? Very few indeed. I have heard a great deal very deservedly said about the excellence of these schools, but I never heard that any one of them professed to teach religion in any form whatever. If we are to have a good system of education, if we are to have these feelings of bitterness and strife done away with, we must have no religion in connection with our State schools. I have a few remarks to make in reference to the Local Committees. The honorable member for Franklin (Mr. Lusk) said, "It is no use letting the Local Committees have the power of choosing the teachers; they are small people; they know nothing about the qualifications needed in the teachers; they are not educated men themselves, and how can they tell whether a teacher has been trained as he ought to be?" Sir, I happen to be connected with a community in which for a long time there were under the Act in operation more schools and more scholars than in all the rest of the province put together, and up to the present time we have been allowed to select our own teachers. They are on the whole a creditable body of men, who are well qualified for their work, and I feel confident of this: that if the Board in Auckland selected our teachers we should have had men very much less qualified to perform their duties. I entirely object to the power to appoint the teachers being handed over altogether to the Central Board in Auckland. I would not object to the ultimate
Education Bill. [HOUSE.]  Education Bill. [SEPT. 3]

decision being allowed to rest with them, but I must claim for the community in which I live the right to select the teachers. I have realized a great deal of difficulty in regard to these Central Boards. I have heard a great deal about centralism in connection with this Bill, but I contend that if you give all power to the Boards at Auckland, Nelson, Christchurch, and Dunedin, you will as much carry out the principle of centralism as if all authority remained in Wellington. We have had to put up with difficulty of this kind for years. As I said before, I was Chairman of the Local School Committee in my district, and if we wanted a broom to sweep out the schoolroom, or if a pane of glass was broken, we had to send to Auckland for authority to meet the necessary expense. What was the result? We applied again and again, until we got tired of it, and for three years I paid for glass and brooms, and all those little things, so that we should not be troubled. But it is not only the Education Board: the Waste Lands Board and all the other Boards in Auckland are as centralistic as any Board in Wellington could be; and I am very glad that we are to have a Minister of Education, and that in these matters we shall have an ultimate appeal to Wellington. I do not approve of the Provincial Boards having the power to select the teachers. If you take that power from the Local Committees you will denude them of all power, and all interest in them will fail. If your committee at the Thames are to go to Auckland and submit all their proposals to Mr. Lusk and Mr. Somebody-else, who are in no wise superior to the committee, what will be the result? Their interest will die out, and they will withdraw altogether from the management of the schools. If this system is to be successful you must excite an interest in the members of the various School Committees. You must give them sufficient power, or the system cannot possibly be successful. I shall vote for the second reading of the Bill; but, if the religious clauses are not expunged in Committee, I shall vote against the third reading. I think we must have a system of national education which will conduce to the unity and welfare of the community if you seek to identify the State with religious teaching.

Mr. W. WOOD.—Sir, after the long and somewhat exhaustive debate which has taken place on this important question, I have no intention of intruding on the patience of the House for any length of time, but I feel that I must give some reason for the course I intend to adopt. The honorable member for Dunedin City (Mr. Stout) stated that most of the objections which have been urged in reference to the Bill before the House were objections that could be dealt with in Committee. But still I think that, when we consider the great importance of the question, and the important nature of some of the objections, it becomes honorable members of this Assembly to consider how they are justified in ignoring the principles contained in the Bill by voting for the second reading and trusting to having these objections removed when in Committee. It may be that we shall succeed in removing these objections in Committee, but it is just possible that we may fail to do so, in which case we might be told that we had affirmed the principle of the Bill by voting for its second reading. I, for one, do not intend to place myself in that position. Unless we have a distinct pledge from the Government that the objectionable clauses shall be removed, I shall vote against the second reading of the Bill. The honorable member for Nelson City (Mr. Curtis) has given notice of an amendment which he intends to move to clause 85. That is, perhaps, the most important feature in the measure. I think, however, that the honorable gentleman only goes half-way. I am one of those who believe that education should be provided by the State, and that it should be compulsory; but I hold that, while it should be provided by the State, and while it should be compulsory, we are bound to guard against falling into the error of giving State aid to religious education. When I say that, it is not that I think any class of the community, whatever their religious scruples or opinions may be, should be placed at a disadvantage. I think it becomes us to consider the scruples and religious opinions of every class of the community, and to take care that they suffer no injustice at our hands. If the Bill were passed in its present shape I consider that we should be doing an injustice to certain people. The honorable member for Nelson City proposes that religious instruction may be provided. That is to say, he leaves it to the School Committee. Now, I think that that is not a right position to take up. I think we should guard against providing that any religious instruction whatever should be given by means of the public revenues of the colony. We should leave it to the parents and the ministers of the different denominations to see that the children have proper religious education—it should not be provided from State funds; but I think that secular education should be paid for out of the State funds. I think that all the words in subsection 3 of clause 85 should be struck out, with the exception of the following:—"The teaching shall be of a secular character." In my opinion, those are the only words which should be allowed to remain there; and I think that those words should be applied not only to schools built, or supported, or under the control of the Boards constituted under the Bill, but also to any individual who is properly qualified, and who has sufficient enterprise to open a school, and who wishes to give secular instruction. I think that such a man might receive a certain subsidy in proportion to the number of his pupils, always provided that his school should be open to inspection from time to time by officers properly appointed for the purpose. I have referred to that first, because I consider it to be the most important feature in the Bill. In clause 10 there is a provision which may appear to be of very small importance, but it is of great importance, because it affects one class of the community. Clause 10 provides that no Maoris or half-castes shall avail themselves of the benefits to be derived from this Bill. Now there
are many Maoris and half-castes who could avail themselves of the advantages of the Bill, and I see no reason why the colour of their skin should debar them from doing so. I know that, in a part of the district which I have the honor to represent, there are also many Maoris and half-castes living amongst the other members of the community, who are attending the schools which are now existing, and I believe that they are advancing in learning, and that they are on a par with the Europeans. In clauses 39 and 40 there is provision made for dealing with certain endowments for educational purposes. The reserves will be virtually taken away from the Province of Otago, and I suppose from the Province of Canterbury also. Those provinces will derive no benefit from these endowments, because the sums received on account of them will be deducted. I think that, instead of deriving any advantage, they will be placed at a positive disadvantage. It will be remembered by honorable members that, in the discussion which took place a few days ago respecting the Land Fund, it was contended that those districts which possessed land should receive 25 per cent of the Land Fund raised in them for the purpose of constructing roads and bridges. But, under clauses 39 and 40, they would not only lose the whole of their revenue, but they would also get nothing to meet their requirements in this respect. I think that that is unjust, and I believe that it is only necessary to call the attention of the Government to the fact to have it rectified. With regard to the capitation question, I think that it is worth the while of the Government to consider whether it would not be better to strike the clauses referring to it out of the Bill altogether. I think the capitation tax would be very obnoxious to the people generally. It would fall on the people who are least able to bear it, and a large proportion would have to be expended in collecting it, and I believe very little would remain. I think the Government would act wisely in striking out the capitation clauses.

I would suggest to the Government that they should agree to the adjournment of the debate, in order that honorable members, in voting on the second reading of a Bill of such importance, might know really what principle they are sanctioning. I do not see my way to vote for the second reading. Certain honorable members have intimated their intention of voting for the second reading of the Bill, trusting to get certain amendments inserted in Committee. I do not see my way at present to go to that extent. I think it would be better if the Government would agree to postpone the second reading of this Bill for a few days or a week. It would place them in a position to consider the objections that have been urged on all sides of the House, and to meet those objections by placing the amendments in a printed form before honorable members for their consideration. If the debate were resumed on this day week I think the Government themselves and honorable members would be in a better position to deal with the second reading. I do not feel justified in moving the adjournment, but I would strongly urge upon them the consideration of whether it would not be advisable to take such a course. I think, and I believe it is the general feeling of the House, that the system of education that will be most suitable and most acceptable to the country will be free, compulsory, and secular education. I say no more, but I do hope the Government will consider the suggestion I have made in reference to the delay of one week. It would be no loss of time, because there is much business which can be done in the meantime. Honorable members would have the printed amendments before them, so that they could see what amendments the Government are prepared to agree to.

Mr. WOOLCOCK—I hope the debate on the second reading of this Bill will not be adjourned, as suggested by the last speaker. I am not only prepared to vote for the second reading of the Bill, but I am also prepared to give a loyal support to the Bill in going through Committee. I do not say that the Bill is perfect, because it would be an extraordinary thing if we could have a measure of such vast importance perfect in all its bearings. I regard this measure, of all the measures that have been introduced into this House during the present session, as a credit to the Government, and especially to the honorable gentleman who has charge of it. Sir, any objections that have been raised to this Bill have arisen from two sources. One of these sources is the fact that education has been carried on up to the present time through our provincial institutions, which accounts for the fact that a large number of honorable gentlemen view the question from their own particular or special standpoint; they look upon education as it has been conducted in their own particular provinces, each honorable gentleman regarding the system of education carried on in his province as the system best adapted for the colony at large. This is especially the position of the honorable member for Nelson City (Mr. Curtis). We find, in connection with the Nelsonian system, that the Government have before us definite proposals in the shape of an amendment to the Bill now before the House. It is true that in Nelson the system of education has been conducted with great spirit, and that it has also been very efficient in its operation. It is true that in Nelson, between the ages of five and fifteen, there are a larger number of persons who can read and write than in any other part of the colony. Hence many honorable gentlemen are disposed to attribute this fact to the operation of the clause proposed by the honorable member for Nelson City as an amendment to the present Bill; but I hold that it is to the special energy, ability, and industry with which the educational system in Nelson has been carried out that we may attribute its success, more than to the existence of the particular clause proposed to be introduced by the honorable member. It has also arisen from the fact that the heads of the Churches in Nelson have been large-hearted, liberal-minded gentlemen, who have been able to work in harmony with other sections of the community. But it does not follow, because the system has been
so successful in Nelson, in that limited area, that it would be equally successful if applied to the whole colony. Neither does it follow that the educational system in Nelson would not have been equally successful if this clause had not been in existence. The honorable member for Hokitika (Mr. Barff) also referred to the admirable manner in which an Education Ordinance of an analogous character had worked in the Province of Westland. It is true that the Education Ordinance in the Province of Westland is almost a copy of the Ordinance of Nelson, and that so far it has worked with very considerable satisfaction. It is nevertheless a fact that the clause now proposed to be introduced by the honorable member for Nelson City (Mr. Curtis) as an amendment to the present Bill has been the only clause in that Ordinance that has been the cause of dissension and dissatisfaction. Although the system has worked with tolerable success in that limited part of the colony, it does not follow that it would be equally applicable to the whole of the colony. Neither does it follow that the same system would not have worked equally well or better in the absence of such a clause in that particular district. As has been pointed out by some honorable members during this discussion, if this principle were applied throughout the colony it would mean this: We should have a large number of small schools with inefficient and ill-paid teachers, and a low standard of education. The honorable gentleman's amendment could only be applied to the large centres of population; to extend it to the country districts, to sparsely-populated districts, would have the tendency to which I have referred. I shall be prepared to give proper consideration to the desirability or otherwise of supporting this clause in connection with the large centres of population; but I am fully satisfied that I could not support the extending of it to the whole of the colony. There is another objection, which I should like to refer, and that is this religious bugbear which has been raised in the House in connection with this discussion. I consider that there has been a great deal of the sentimental and the imaginary about what has been said as to the tendencies of these religious clauses. I do not think that many of the evils and heartburnings would arise out of the operation of these clauses which some honorable gentlemen have pictured to their own imaginations and have shadowed forth to the public schools that there should be a recognition of our common Christianity, and that there should also be a recognition of the Divine Being. I do not for a moment imagine, as far as religious instruction is concerned, that it would materially affect the religious knowledge that would be instilled into the minds of our children; it would simply be a recognition of our common Christianity and of the Divine Being. While I feel strongly on that point, in consideration of the fact that a large number of my fellow-countrymen have conscientious scruples in connection with this subject, I should be prepared, for my own part, to see that provision expunged from the Bill altogether. I think that is the only satisfactory solution of the difficulty. I hope the honorable gentleman in charge of the Bill, in consideration of the conscientious scruples of a large and important part of the community, will see his way to eliminate it from the Bill altogether. Now, Sir, in a measure of this kind it could not be expected that we should all agree. It could not be expected that a measure could be introduced and carried through that would be equal in all its bearings. It could not be expected but that there would be some hardships and some inconveniences to certain persons and to certain portions of the community in connection with the operation of such a measure. Therefore the principle that should actuate us is, on each side, to make concessions so as to procure a measure that will, on the whole, secure the greatest good to the greatest number. I hold that the general principles of the Bill are such as to secure that great and desirable object. I therefore shall give my general support to this Bill, not only in connection with the amendment of such a measure. As far as religious teaching is concerned, I see no objection to the committees making arrangements for religious teaching before or after—and especially after—the ordinary school hours. That would not in any way interfere with the ordinary system of education.

Mr. O'RORKE—Sir, I wish to make a few remarks, not on the general bearing of the Bill, but on the aspect proposed to be put upon it by the amendment of the honorable member for Nelson City (Mr. Curtis). I am not thoroughly conversant with the Nelson system, but for many years I have been in the habit of hearing that that system was giving satisfaction to the community at large, and removed those heartburnings which have existed amongst religious denominations in other parts of the colony in regard to education. I do not think I would have troubled the House with the few remarks I have to make—although it is a question I have looked into for some years—if it had not been for the remarks made by the honorable member for Wanganui (Mr. Fox). I much admired the moderate tone of his remarks on this occasion; and I think it was only owing to the interruption of the honorable member for Totara that he was led to give one of his vigorous kicks against the proposal of the honorable member for Nelson City. I have never heard whether the Nelson system was devised by the Nelson legislators, or whether it was adopted from other countries; but I know that some years ago the system in Canada was one that provided for the wants of religious minorities. I have looked into the matter, and I hold in my hand an Act passed in Canada fourteen years ago. I think, if the honorable member for Wanganui has been aware that the scheme proposed by the honorable member for Nelson City had the sanction of a large colony of four million inhabitants, he would not have served that proposal as he did. This Act provides that—

"Any number of persons not less than five
Mr. Curtis's proposal raises the number to twenty-five, which appears to me excessive. Being heads of families, and freeholders or householders resident within any school section of any township, incorporated village, or town, or within any ward of any city or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school for Roman Catholics in such school section or ward, for the election of trustees for the management of the same."

At this meeting three persons resident in the locality are to be elected as trustees for the management of such separate school, and these trustees become ipso facto a body corporate. Section 7 of the Canadian Act is as follows:

"The trustees of separate schools forming a body corporate under this Act shall have the power to impose, levy, and collect school-rates or subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and shall have all the powers in respect of separate schools that the trustees of common schools have and possess under the provisions of the Act relating to common schools."

The teachers of these separate schools have to obtain certificates of qualification in the same manner as common-school teachers generally, and all persons paying rates for the maintenance of these schools are exempted from the payment of all rates imposed for the support of common schools in the locality in which they reside. Then, with regard to the right of these separate, or, as they are also called, dissentient, schools, the law is as follows (section 20):

"Every separate school shall be entitled to a share in the fund annually granted by the Legislature of the province for the support of common schools, and shall be entitled also to a share in all other public grants, investments, and allowances for common-school purposes now made or hereafter to be made by the province or municipal authorities, according to the average number of pupils attending such school during the twelve months or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village, or township."

But such separate schools are not entitled to any share of local assessment for common schools. Finally, the Roman Catholic separate schools and their registers are subject to such inspection as may from time to time be directed by the Chief Superintendent of Education, and to such regulations as may be imposed by the Council of Public Instruction for Upper Canada. So highly was this Act prized by Catholics and Protestants alike that, when the Confederation Act was passed, it was only submitted to the consideration of the Imperial Parliament on the express understanding that, if passed, it was only spoken of as a matter of local concern and not of the province under which, as it only concerns the local interests affected, is not one that Parliament would be willing to disturb even if, in the opinion of Parliament, it were susceptible of amendment; and I am bound to add, as the expression of my own opinion, that the terms of the agreement would be willing to disturb even if, in the opinion of Parliament, it were susceptible of amendment; and I am bound to add, as the expression of my own opinion, that the terms of the agreement...
appear to me to be equitable and judicial; for
the object of the clause is to secure to the
religious minority of one province the same
rights, privileges, and protection which the reli-
gious minority of another province may enjoy.
The Roman Catholic minority of Upper Canada,
the Protestant minority of Lower Canada, and
the Roman Catholic minority of the maritime
provinces will thus stand on a footing of entire
equality."

And again, speaking a little later, in reference
to a petition presented against the proposal, the
Secretary of State for the Colonies, Earl Carnar-
von, says,—

"The real question at issue between the
Protestant and Roman Catholic communities
was the question of education; and the 93rd
clause, after long controversy, in which the views
of all parties had been represented, had been
framed. The object of that clause was to guard
against the possibility of the members of the
minority suffering from undue pressure by the
majority; it had been to place all these minori-
ties, of whatever religion, on precisely the same
footing, and that whether the minorities were
in esse or in posse. Thus the Roman Catholic
minority in Lower Canada, the Protestant
minority again in the maritime provinces would all be placed
on a footing of precise
equality."

And now, Sir, I may be asked, how has this
plan of protecting religious minorities worked in
Canada? Has it been productive of good or evil?
I regret to have to trespass upon the time and
patience of the House by the reading of extracts,
but it is necessary that I should cite witnesses to
support my statements. I shall only call two,
and they shall furnish the latest evidence I can
adduce. The first will be that of the writer of
an article on Canada published last year in the
new edition of the "Encyclopaedia Britannica,"
in which he says, in reference to the educational
system of that colony,—

"The one exceptional feature is the Roman
Catholic system of schools. Any Roman Catholic
can require his school-tax to be paid for the main-
tenance of the separate schools of his own Church.
In the Province of Quebec, or Lower Canada,
where the great mass of the people are Roman
Catholics, the education is in the hands of the
clergy, and is avowedly carried on in connection
with the Church of Rome; but dissentient or
Protestant schools are recognized as a part of the
public-school system, and the permanency of this
state of things is guaranteed by a clause in the
Act of Confederation, which excludes it from the
interference of the General Legislature."

The other testimony in favour of these de-
nominational schools in Canada is that of the
United States Commissioner of Education, whose
opportunity of forming a correct judgment on
the subject must be unequaled. In the latest
report of the Government at Washington, which I can obtain in my
library—it was published in 1871—I find these
words in his critique upon the Canadian system of
education:—

Mr. O'Roare

"In Canada a wise feature of the law recon-
ciles, to a great extent, sectarian antagonisms.
When the school regulations are not agreeable to
any portion whatever of the inhabitants profess-
ing a religious faith different from that of the
majority, the dissentients may choose trustees,
establish schools, and receive their proportion of
the school fund. Ample provision is made for
carrying out this portion of the law harmoni-
ously and efficiently."

As I have said, this system has been in vogue
in Canada for fourteen years. It has removed
all heartburning; it has given satisfaction to all
denominations; and I think it would be well
if we copied that system, and established it here.
I am not aware what the esoteric doctrines of
the Roman Catholic Church may be, but if I
were to judge of that body by the exertive efforts
they make, without any Government assistance,
to educate their children where I reside, I would
say that they are deserving of all praise; and
I think it would become us, who are of the domi-
nant religion, to deal generously and liberally
with that body, if it were for nothing else but
on account of the efforts which we see them
daily making for promoting the education of
their children. I think it is a matter worthy
of regret that the clergymen of the Church of
England—the Church to which I belong—do not
equally exert themselves in this matter. I regret
very much to see the apathy and indifference
with which they have abandoned one of their
highest functions, because I contend that it is
one of the highest functions of the clergy to
attend to the religious education of the children
of their flocks. In the Province of Auckland
they have been very apathetic. I think the
General Synod of New Zealand, at their recent
meeting in Nelson, came to a resolution to ad-
dress themselves to this subject, which they had
abandoned; but I have seen no effort made by
them to resume that high function. I believe
myself that if denominational schools were en-
couraged it would be a good thing for the colony,
and it would be a very desirable thing to have a
generous rivalry existing between denominational
and State schools. Of course it is necessary that
in thinly-populated districts the State should look
after education, and see that facilities are af-
forded for bestowing instruction on the children
of all the people of the colony. I feel so strongly
that the honorable member for Wanganui was
unjust in the remarks he made with reference
to the proposal of the honorable member for Nelson
City that I was induced to submit, not merely
my own views, but the views which may be found
expressed in the debates and Statutes passed on
this subject by the Dominion of Canada, with its
population of four millions of inhabitants, and
which views have received the highest legislative
sanction that was possible to be obtained—that of
the Imperial Parliament of the United Kingdom.
Mr. BAIGENT.—Sir, I think there is a very
great misunderstanding with regard to the Nel-
son Act. At all events I can say this much:
that Act has been in operation for some
years past, and has given great satisfaction to all
parties—to Catholics, Wesleyans, and Protec-
tants of all denominations. The Central Board is composed of the Bishop of Nelson, Father Garin (Roman Catholic priest), Wesleyans, and ministers of all classes. Their chief object is the welfare of the whole community, and we are all perfectly satisfied with the result. I think that speaks volumes. The object of the amendment of the honorable member for Nelson City is simply to make Bible-reading not compulsory, but optional. The amendment is to satisfy the consciences of those who prefer secular instruction or to the reading of the Bible. I think there is but one school in the whole Province of Nelson where the Bible is read. The effect of the amendment of the honorable member for Nelson City would be that Roman Catholics, if they chose to build schools of their own, as they generally do, would have the advantage of their own rates, and would be able to appoint a committee of their own, the schools to be subject to inspection and subject to the books prescribed by the Central Board. That has hitherto been the rule in Nelson, and it has worked very satisfactorily. There are very many Protestant children going to the Catholic schools, which are the best in Nelson. It is a very curious fact that, before I came down here to the session, I was asked at a meeting whether I would not support Bible-reading in the schools. I refused to give any pledge on the subject, and said I would use my own judgment when the time came. Since I came to Wellington I have received a petition, also a letter, from some more of my constituents, asking me to vote that it should not be read. Between the two I shall use my own judgment, and I shall oppose the reading of the Bible being made compulsory. There is another curious circumstance which occurred some two years ago. There was a large meeting in my district, at which some seven hundred and fifty persons were present. The question we had to consider was the nomination of a new minister to take the place of a gentleman who was leaving the district. The minister who was leaving was a very zealous man, and had often tried to get the Bible read in the schools. He thought he would take advantage of this large meeting, so he proposed that we should pass a resolution that the Bible should be read. The Bishop of Nelson himself got up and opposed that resolution, because, I suppose, he did not wish to see the people pushed against their consciences. I may say that at a meeting of the Synod some two or three years ago the same question was put, and it was overruled; and the Bishop then said it was the duty of the clergy themselves to see that the children were taught the Bible. We have great advantages in the Sunday-schools of our province, where the children principally get their religious teaching. When the people talk about opening school with prayer and Bible-reading, I say the most effectual religious teaching is that which a child gets at its mother's knee and his own hearth. I feel inclined to vote for the amendment of the honorable member for Nelson City, and I hope the Government will accept it, for we have worked very well in Nelson for a great many years under that system. One honorable gentleman said that the Catholics would not sit on the Committees. I can only say that they do in our district.

Mr. BOWEN.—Sir, I shall not detain the House long, in reply, at this late hour; in fact, I am suffering from such a severe cold that I should not be able to do so to-night, and I hope honorable members will excuse me if I do not say much. There are, however, a few questions raised which I thought ought to be answered. In the first place, I scarcely think it is necessary, at this stage of the discussion of the education question in the colony, to consider whether the State ought to deal with primary education or not. The country is generally agreed that it is the duty of the State to supply elementary education to the people, and I will only say, with regard to the contradictory criticisms that we have heard as to how far the State should interfere, that on the one side we have been told we ought only to have introduced a temporary measure to provide for electing Boards, and for finding money to carry on the present state of things; and on the other we have been told that we should have introduced a complete system of secular education, from the common school to the university. We may leave those who argue in favour of these conflicting views to answer each other. We do not pretend to do more than deal with primary education, and, if honorable members will really consider the present state of things, they will see that something must be done. There are parts of the country where education is reasonably provided for, and there are parts where there is no adequate provision. Our duty is to see that a sound elementary education is supplied throughout the country. I must say it is very satisfactory to notice the exceedingly temperate and fair manner in which this question has been discussed. It is a matter on which honorable gentleman feel deeply, but throughout the discussion the tone has been entirely fair and temperate. When those of us who have thought this matter out for many years remember how often we ourselves have hesitated on almost every point that has been discussed, we cannot wonder at the variety of opinions that have been elicited. The honorable member for the Thames (Sir G. Grey), it is true, has, or professes to have, the prevailing idea about this measure that he has with regard to all our measures, that it comprises a lot of deliberate wickedness on the part of the Government; but I must make allowance for what amounts to a hallucination on the part of the honorable gentleman. I am sure the House feels that, if we have not succeeded, we have at least tried to do justice to all classes of the community. Taking the provisions of the Bill in order, I first come to the constitution of the Education Boards. There has been some criticism as to the mode of election of these Boards. The object of the Bill is to obtain the advantages that certainly do surround nominated Boards, and yet get the safeguard of election—which is to say, to take care that the Boards should be acceptable to the people whose business they control, and at the same time to provide against
mone local representation, which, I think, would be fatal to the good management of the Boards' work. It is important that men working on these Boards should be men who are known to have taken an interest in popular education, and to have spent time in studying it. The object of this method of election is to induce committees to consider that the men whom they nominate should not be merely local representatives, but men who are likely to be chosen when it comes to a question of regulation by the majority of votes and all the committees. I do not think any committee, under these circumstances, would nominate a merely local man without any particular qualification, because he would have no chance in the election. I am not quite clear that it is right that each committee should only nominate one member. Honourable members have criticised that provision, and I think it is possible it might be better that the committees should nominate two members each. The honourable member for Akaroa (Mr. Montgomery) suggested that each committee should nominate five, and that the election should proceed after this first nomination; but it appears to me that under that system the committees would not know what they were doing. They would be choosing men in the dark all over the country, and would not know who were being nominated by other committees, or what chance their nominees would have in the election. There has been a charge made against this Bill that the power to make regulations has a centralising tendency, but, if honourable members will look at the Acts which have been passed in England and in the other colonies, they will see that this is the most decentralising Bill that has been passed in any English country. It is absolutely necessary, however, that, where this Parliament supplies the larger part of the funds, it should retain the ultimate regulation and control. It is this House which, virtually, retains the control provided by the Bill, because the regulations have to be laid on the table when Parliament meets, and it will be for the House to criticise them, and, if it does not approve them, to repeal them. To submit them to the House before they were issued would be impossible, because it is often necessary to issue regulations at once, and particularly at the outset, in order that the work may be carried on. It is obvious from the whole tenor and scope of the Bill, which provides essentially for local administration, that it is not the desire of the Government or the intention of the measure that more regulations should be issued from the Central Department than are absolutely necessary or are demanded by the Boards themselves. I find from the notes I have made that the several points criticised by many honourable members are really Committee objections, and, as we shall have ample opportunities of discussing them in Committee, I shall not detain the House by reference to them now. With regard to the funds that are provided, the honourable member for Mount Ida, in calculating for Otago, showed that there was a surplus; and it is not intended that expenses for building, beyond the ordinary repairs, should be included in this £2 10s. and 10s. capitation fee. The honourable member for Akaroa also said that he thought the amount would not be sufficient; but I think he overlooked the fact that inspection, the cost of normal schools, and the cost of scholarships, are not included in this amount of £4. I have taken the returns for Canterbury, and I think I shall be able to show the honourable gentleman that the amount calculated by the Government will cover the expenses that will fall upon the Board. With regard to the honourable gentleman's criticism as to the amount that will be in the hands of the Local Committees, it must be remembered that the Board have the power and the right to distribute the money granted by the State within their own district as they find necessary; and where they find, for instance, that a town committee have a very large sum of money arising from their own sources of revenue, they can apportion their subsidy to that committee accordingly. If that is so, it simply amounts to this: that the committee of a large district will have a larger amount of responsibility and control over the funds expended; and I think that is right. I do not think it is too much to say to a committee which is intrusted with a school of 1,000 children that they should have £500 absolutely at their own disposal. It does not follow that it will be misapplied; and it is for the Board, who will have a knowledge of the accounts of the committees as well as of their own, to see that there is no waste in the distribution of funds. With regard to the smaller schools, I think there are scarcely any that will not have enough for ordinary expenses, because we know what is generally spent, and I think the honourable gentleman will find, on calculation, that the smaller schools will have as much as is necessary for the ordinary management of the school. If they want means for extraordinary repairs, and have not the funds, that is a matter which will have to be regulated by the Board. With regard to the building grant, it is proposed that £100,000 should be expended out of loan, to be spread over two years, to supplement the buildings where they are inadequate to the wants of the districts. It will be a very difficult thing, no doubt, to distribute this money properly and fairly, but the matter has been very carefully considered, and I am of opinion that the fairest way would be to get a calculation of the amount of accommodation there is for children in all the schools in the different districts in the country, then to calculate the number of children of a school age in each district, and to distribute the money in proportion to the deficiency that exists in the different districts between the school accommodation provided and the number of children that ought to attend the schools. There is another remark of the honourable member for Mount Ida which I should like to notice. The honourable member said that one of the clauses of the Bill, clause 37, really amounted to a breach of trust. Now perhaps the honourable gentleman is not aware that there is a similar provision in the English Act of 1870, which enacts that the managers or trustees of any school may hand over the school and all endowments absolutely to a School Board, when it has been
appointing the elements of science in primary schools, and may be made the most effective means of education. The Latin and Greek referred to by Mr. BOWEN as it might be better to say elementary physics, which would cover a large number of other endowments in England; and a Commission, appointed not long ago to deal with the public schools in England, reported in favour of giving the power to transfer and modify trusts where it was absolutely necessary for the public good. That power has been acted upon. So that the clause in the Bill, instead of being an unusual one, has been acted on in England and elsewhere with very great benefit to the public. I now come to the 85th clause, and, before I deal with what has been called the religious question, I wish to say a word as to the subjects that are to be taught in the schools, and in reference to which there has been a considerable amount of misrepresentation. The honorable member for the Thames (Sir G. Grey) said there was absolutely nothing to be taught but plain reading, writing, and arithmetic, and the honorable member for Mount Ida mentioned only reading, writing, and arithmetic, and dragged in Greek and Latin out of another clause relating to district high schools. I may say here that I have had communications from different parts of the country in regard to the Bill, from gentlemen who are very much interested in the subject of education, and I am happy to say that generally they approve of the principles of the measure. With regard to the subjects to be taught in the schools one or two suggestions were made, but generally the subjects were approved of. I may be allowed, perhaps, now to acknowledge all the different communications I have received lately both by post and by telegraph, for I have been unable to answer them otherwise; and I wish to say that I feel grateful for the suggestions made, some of which are likely to be very useful, coming from gentlemen of practical knowledge on educational matters. The subjects to be taught are reading, writing, arithmetic, English grammar and composition, geography, history, elementary mechanics, including drawing, object lessons, and vocal music. Honorable gentlemen will see, if they look at the curriculum at present in existence in the common schools in many parts of the country, that the subjects have been very much widened and enlarged. With regard to elementary mechanics, it has been suggested that it might be better to say elementary physics, which would cover a large field. Object lessons are especially useful to children, and may be made the most effective means of introducing the elements of science in primary schools. As I said before, it would be of the question to deal with secondary schools in the same manner as we are dealing with primary education. The Latin and Greek referred to by the honorable member for Mount Ida are among the subjects to be taught in district high schools. It is not as all pretended that we are dealing with secondary education in this Bill; but the 53rd and 54th sections make provision for a class of schools already existing in the colony, which we must deal with, and which are under the Boards. They have been called grammar schools in Otago, and the honorable member for Akaroa knows very well that there is a very successful school of the character provided for at Timaru, in Canterbury, and that the branches of higher education are also taught in some of the larger schools in other parts of the colony—Christchurch, for instance. With regard to the school-books, the words used in this clause, to the effect that the books should be approved by the Governor in Council, do not mean that they are to be chosen by the Governor in Council. There is no intention to enforce uniformity; but the control has been kept which I think ought to be retained, because, as I said before, where the State is finding the greater part of the money it is important that it should have an ultimate power of vetoing books that might be objectionable to a large section of the people. With regard to the religious question I do not want again to go into the subject largely, or to repeat at length why the Government thought it would be advisable to insert the clause providing for the reading of the Lord's Prayer and a portion of the Bible which several honorable gentlemen objected to. But I wish to say this: that the principle of the Bill throughout is to give secular education and to exclude all religious teaching whatever, except, as provided in this particular clause, that there is to be reading of the Bible at the opening of school. The impression of the Government is that such reading can be provided for without in any way interfering with either the consciences or the liberties of any part of the people of the country. It is not a new provision. It is a provision which obtains in a great part of America; and in a number of the American States, including Ohio and Indiana, they have absolutely clauses put into their Constitution Acts to the effect that the Bible shall not be excluded from the schools; and yet, notwithstanding this, the teaching in their schools is purely secular. But I wish to say further that I should be very sorry, for one, to interfere in any way whatever with the consciences of the Roman Catholics, or with the consciences of any section of this community. I well know the tenets and views of the Roman Catholics. I have perhaps as much sympathy with the men of that faith as many of those who have raised objections to this particular clause. I have many old and valued friends among them; and, while I cannot accept their view of the case, I respect the sincerity of their convictions. I hope honorable members will put out of their minds what I may almost call the bigotry of secularism, because there is a bigotry of secularism if secularism is erected into a principle. I do not think secularism is a principle to be proud of or to be very anxious about. The principle that we must look to is this: that we must succeed at any cost in providing those elements of education which are absolutely necessary to all children in these days; that we must provide for the children those elements of...
knowledge which will open to them the door of all wisdom, human and divine, and we must as a State avoid religious teaching if we find we cannot give it fairly for all. As I said before, I do not think that the provisions in the 3rd subsection of this clause will in any way interfere with the liberty or with the conscience of any person in this country; and we have the example of a very large country, where the education is absolutely secular, and where the objection now raised has been found to be practically unfounded. I will not say more now than that I hope the House will not deal rashly or hastily with this question; that it will consider whether the provision in the Bill is really an interference with the general principle of avoiding special religious teaching; and that honorable gentlemen will bear in mind what I believe is the desire of a large majority of their constituents. With regard to the clauses to be proposed by the honorable member for Nelson City (Mr. Curtis), I cannot see that they are at all compatible with the principles of the Bill before the House. They are simply denominational clauses. We have already tried denominationalism in various parts of the country, and I think it must be admitted on all hands that it has failed to do its work. Then why should we introduce it into this Act, which we are passing for the whole of the colony? Why should we begin this system again when we have found in the past that it has failed? Is it to be supposed that anybody taking advantage of these clauses, were they passed into law, would be satisfied to impart secular education only? I cannot believe that it would be so. We know perfectly well that the object of Roman Catholics would be to give religious instruction, that it is their principle to agitation in favour of a complete denominational system, that other denominations would justly claim the same privilege, and that the State would really have to pay these different bodies to instruct the children of their adherents in the principles of their own particular faith. Thus the whole State effort would be frittered away in founding small denominational schools, and we should have to retrace the steps already taken and begin again. Under these circumstances I cannot see how the Parliament could accede to such a provision. I may mention, as showing how difficult it is to effect a compromise, that a case occurred some years ago in the town of Cincinnati. As in many other States, the Bible was always read in the schools of Ohio; but the Board of Education determined that this should no longer be the case, as the Roman Catholics in the community objected to it. They therefore abolished the Bible-reading. This grievously offended a large majority of the population, and they took the question to the Courts of law. The Courts of law decided that the Board of Education had a right to do as they pleased; but the action taken did not conciliate the Roman Catholics in the least. There was immediately a notification that the change did not make the slightest difference, and they objected to the schools just as much as they did before. The fact is that all we can do in the matter of these secular schools is to take care that there shall be no religious teaching in school hours, and that there shall be no books introduced which shall interfere with the religious feeling of any part of the community; and, if books of a character objected to by any parents should be used, not to insist upon children being present whose parents object to such books, and at the same time to provide that they shall not suffer for such absence. When the Irish system was adopted some years ago the question of books was gone into. The Archbishop of Dublin (Whately) and eminent men like the Roman Catholic Bishops Doyle and Murray united upon the question, and agreed upon a system of school-books which they believed would avoid the difficulty; but of late opinions have differed far more bitterly than in those days, and I am sorry to say there has been a want of cooperation, which at that time it was thought likely would result. I have always been inclined to believe that we could, with a little trouble, arrive at a system of books which would be fair and satisfactory to all classes of the community. I need scarcely call the attention of the House to the fact that one or two honorable members fell into a mistake—for I think the mistake was very generally noticed—in supposing that the capitation fees would be levied in respect of any child whose parents chose to educate it outside the State schools. There is no intention to enforce payment in such cases. As I said before, I do not feel able to speak to-night, and I think that at this late hour I should be best consulting the convenience of honorable members by leaving the various other questions of detail which have already raised to be dealt with when we go into Committee.

Question put, "That the Education Bill be now read a second time;" on which a division was called for, with the following result:

**Ayes** | **Noes** | **Majority for**
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Mr. Atkinson | Mr. Baigent, Mr. Bowen, Mr. Brandon, Mr. J. E. Brown, Mr. Bryce, Mr. Cox, Mr. De Lautour, Mr. Fisher, Mr. Fitzroy, Mr. Gibsborne, Mr. Haulin, Mr. Harper, Dr. Henry, Mr. Hodgkinson, Mr. Hunter, Mr. Harthshouse, Mr. Lundale, Mr. Macfarlane, Mr. McLean, Mr. Montgomery, Mr. Moorehouse, Mr. Ormond, Mr. O'orke, Mr. Reid, Mr. Reynolds, Mr. Bolton, Mr. Bowe, Mr. Seymour, Mr. Shrimaki, Mr. Stevens, Mr. Sutton, Mr. Swanson, Mr. Tawiti, Mr. Travers, Mr. Wallis, Mr. Wels, Mr. Whitaker, Mr. Woolcock.
---|---|---
Mr. Monteath, Mr. O'Rorke, Mr. Ormond, Mr. Pease, Mr. Rolleston, Mr. Shrimaki, Mr. Tawiti, Mr. Travers, Mr. Wallis, Mr. Wels, Mr. Whitaker, Mr. Woolcock.
---|---|---
Mr. O'Rorke, Mr. Ormond, Mr. Pease, Mr. Rolleston, Mr. Shrimaki, Mr. Tawiti, Mr. Travers, Mr. Wallis, Mr. Wels, Mr. Whitaker, Mr. Woolcock.

**Tellers.**

Mr. Gibbs, Captain Morris.
when a Bill should be introduced into the Legislature to abolish this nuisance. Honorable members would perhaps remember that a Bill dealing with this subject was passed last year, and, for some reason or other, shelved in another place. He hoped the Hon. the Colonial Secretary would see the advisability of introducing a Bill, and at a period which would enable it to be passed this session.

The Hon. Dr. POLLEN replied that a Bill of the kind was not amongst those which it was at present the intention of the Government to introduce this session. The pressure upon the Government which would occur between the present time and the end of the session would probably be such that, although they recognized the importance of the subject, he was afraid they would not be able to bring in a Bill before the end of the session.

WEIGHTS AND MEASURES.

The Hon. Mr. MANTELL asked the Hon. the Colonial Secretary, Whether it is the intention of the Government to introduce, during the present session, any Bill to amend "The Weights and Measures Act, 1868," and to extend the provisions of that Act so as to provide for the inspection of gas-meters? The Colonial Secretary would be able to judge better than himself whether or not the provisions of the Weights and Measures Act were in such a form as to render their working easy and smooth. He had an idea that they were not. At any rate there was an omission from them, which he had no doubt the Colonial Secretary would perceive the propriety of considering: that was, the making some provision for the inspection of gas-meters.

The Hon. Dr. POLLEN said it was not the intention of the Government to introduce any Bill on this subject during the session, although he was aware that on this particular point some legislation was necessary. His honorable friend, during the time he was discharging the honorary duties of Director of the Geological Department, having had the custody of the standard weights and measures, had had an opportunity of discovering certain points in which the Weights and Measures Act of 1868 was defective; and, if he could induce the honorable gentleman to give him his assistance in the matter, he would undertake the preparation of a measure. He quite recognized the importance of dealing with the question of the inspection of gas-meters, as it was a matter of great public consequence.

LIBRARY.

The Hon. Major RICHMOND, C.B., in moving the motion standing in his name, said the first resolution of the Joint Library Committee, the adoption of whose report he was about to move, proposed to depute the Speakers of the two Houses to wait upon the Government to ascertain what course they intended to pursue with regard to building a new library. It would be in the recollection of honorable members that in 1875 a Royal Commission was issued nominating Commissioners to select a proper site for a new library, to decide upon the plan, and to proceed with the work, a vote of the House of Representatives having passed granting the sum of £10,000 for that purpose. When the session of 1876 met, the
Library Committee found that nothing had been done in furtherance of that object. The Chairman of the Joint Committee was therefore requested to urge upon the Government the erection of the new building, and the necessity of losing no time in placing the library in safety, owing to the valuable property it contained. He might here state that the Assembly library now comprised about 14,000 volumes. On the Parliament assembling this session, the Committee found, with regret, that the business was no further advanced; and, by a letter from the Colonial Secretary, dated the 7th of August, they learned that no design for the new building had as yet been decided upon. It was in order to have this important question definitely settled that the Committee had requested the two Speakers to wait upon the Government. The remainder of the report contained three rules which the Committee had drawn up, with a view to putting a stop to a great irregularity which at present existed—namely, the practice of members taking books of reference out of the library and detaining them in their possession for some considerable time. This, in addition to being an infringement of the library rules, was the cause of great inconvenience and annoyance to other members who had occasion to refer to those works.

Motion made, and question proposed, "That the resolutions contained in the report of the Joint Library Committee, under date 22nd August, 1877, be agreed to."—(Hon. Major Richmond, C.B.)

The Hon. Colonel WHITMORE did not know whether, by agreeing to this resolution, they would be supposed to in any way indorse the proposal to expend £10,000 in a new building. If so, he should hesitate very much before coming to the conclusion that that was a proper course to take. If anything, they had spent too much money lately on buildings, and there ought to be, and must be, ample room in the present buildings for all the library books. There were unoccupied rooms which might be used for the purpose. But, before embarking on such a large undertaking, he would like to know whether it was absolutely necessary. He demurred to this proposal to spend £10,000 on any further buildings, as at the present time the prospects of the colony were not such as to justify such expenditure.

The Hon. Mr. MANTELL thought it must be evident that the honorable member who had last spoken had failed to perceive the main reason which had actuated the Library Committee in their desire to see a new and, as far as possible, separate building erected for the reception of the library. It was on account of the great value of the library. The rooms to which the honorable gentleman referred, as being available in order to afford supplementary accommodation to the library, were not suitable for the purpose. The question of the expenditure of £20,000 or any other sum in building a library would be settled in another place; but, if the members of the Assembly in the other House should vote a sum of money for the purpose, he was certain that a large majority of the members of the Council would consider it among those items in the Appropriation Act to which they could give their most cordial and hearty assent. The resolution of the Committee had not been arrived at without considerable reflection and discussion, and he thoroughly concurred in the report.

The Hon. Captain BAILLIE said it would be within the recollection of honorable members that last year the Committee, not being satisfied with the plans submitted by the Colonial Architect's Department, passed a resolution to the effect that it was desirable that competitive plans should be called for, which had not been done, and, as the honorable the mover had remarked, things were in the same position now as they were two years ago. He might state that there was at present over £100 worth of books on the way from Europe, and there would not be accommodation for them when they arrived. As the library was increasing year by year, the necessity for a new building was increasing more and more.

The Hon. Captain FRASER had heard honorable gentlemen frequently say that they would not be sorry to see these buildings burned down, were it not for the library. There were very few members who would refuse to put a sum on the Estimates, even £10,000, if they knew that the library would be placed in such a building as would secure the safety of the books, and that the library should not be built of wood but of stone or concrete, so as to give security to the valuable books, which, if once destroyed, could never be replaced.

The Hon. Major RICHMOND, in reply to what fell from the Hon. Colonel Whitmore, said that the vote of £10,000 made in 1875 had lapsed. There was no vote for this purpose, and it was to clear up this, as well as other matters, that the Committee requested the two Speakers to wait upon the Government.

Motion agreed to.

DANGEROUS GOODS ACT.

The Hon. Mr. MANTELL, in moving the motion standing in his name, said that, since he had given the notice, a rumour had been current out of doors that it was the intention of the Government during the present session to bring in a Bill to deal with the question to which he referred; therefore it would not be necessary to press this resolution, inasmuch as, during the discussion on the Bill, the Colonial Secretary would probably afford all the information he desired to obtain. There was no doubt that legislation on the subject was necessary, perhaps the more so on account of the large extent to which, he would not say illegal, but extra-legal action had been taken by the Municipalities. In the meantime, through a misconception or a misinterpretation of the existing law on the subject, they heard of kerosine above the required legal standard of 110 being taken away, put in special stores, rent charged for it, and licenses issued for its sale, and so forth, whereas it was a common custom by which the law took no cognizance whatever, and which of itself, he was advised, was not more dangerous than, if as dan-
Mr. BUTTON asked the Government, If they intend to take any steps to put a stop to the numerous raffles, lotteries, and other gambling transactions, now so common in different parts of this colony? He thought it would be right for him to state to the House a few of the reasons which had induced him to put this question on the Order Paper. In asking the question, he had regard to the fact that these lotteries and raffles, which were now becoming so very common and such a great nuisance, were, in the first place, establishing a sort of rivalry with legitimate trade. Whenever a tradesman or shopkeeper found that he could not dispose of his goods as quickly as he could wish, he immediately rushed into an art union or raffle; and by this means such people entered into unfair competition with the more legitimate tradesman. Then the tendency to speculate in these gambling transactions had a very prejudicial influence on the minds of the people who took part in them. They were led to look for success rather to the chapter of accidents than to the use of those means which result in legitimate prosperity, and, by trusting to chance rather than to industrious effort, they were prevented from using those means which ensure success. Before sitting down he would like to mention one or two cases which had come under his own observation in regard to the effects of these lotteries. He would state what took place in the particular part of the colony from which he came. A miner purchased a ticket in one of the “sweeps” which were got up, and, not anticipating that it would gain a prize, he gave the ticket to a little girl, the daughter of another miner. It happened that this ticket drew a prize of £300 at least, and, as soon as the person who had bought the ticket discovered this, he went to the father of the girl, and said that he had only given the child a half-share in the ticket. By means of this sudden success, which had come to them without any anticipation, the cupidity of both sides was aroused, and the father of the girl refused to give the purchaser of the ticket half the amount of the prize, and the consequence was that a most unsavoury scene took place.

Mr. SPEAKER said that the honorable gentleman must not make a speech in asking a question.

Mr. BUTTON knew that such was the case; but he contended that these things were most discredit able. He could, if necessary, give other instances of the evils of the system of holding “sweeps” and raffles. He only wanted to know whether the Government intended to put a stop to these gambling transactions; and, if they did so intend, he hoped they would also put a stop to the raffles, lotteries, and art unions which were instituted in connection with religious bodies and charitable institutions. If the people who were engaged in these things had not themselves sufficient good sense and feeling to prevent their taking part in them, he hoped the Government...
would include them in any proceedings they might take. He held in his hand three large advertisements cut out of one paper announcing these lotteries. He would not dwell further on the matter, but stated that he had found the Government was going to give an answer to the effect that they would really take some steps to put down these raffles, lotteries, and gambling transactions.

Mr. BOWEN replied that it was not the intention of the Government to introduce any Bill with regard to lotteries or raffles. The matter had been considered by the Government. The honorable gentleman was aware that all gambling by way of lotteries was illegal. It had not been the custom in England to interfere with lotteries generally, but offences against the law had been dealt with according to the circumstances of each case. It had been requisite to give notice that lotteries would not be allowed to be held in public houses, as that was in contravention of the laws regulating public houses. With regard to lotteries and raffles got up for the benefit of charities, it had not been usual in England to interfere with lotteries held for charitable purposes.

Mr. MURRAY might be permitted to call the attention of the honorable gentleman to the existence of Chinese gambling-houses in Otago, which were a great evil, and he hoped that that evil would be dealt with in any steps the Government might take.

OAMARU MAIL.

Mr. MURRAY asked the Attorney-General, Why George Jones, contrary to usual practice, has been summoned to appear before the Court of Wellington instead of Otago, where the alleged offence was committed? He hoped the honorable gentleman would give some more satisfactory answer than merely stating that the course taken was simply in accordance with law.

Mr. WHITAKER replied that this prosecution was entirely in the hands of the Crown Prosecutor, Mr. Bland, who exercised his own discretion as to the mode in which the prosecution was to be carried on. He apprehended that the course taken was in strict conformity with the law as laid down in the Justices of the Peace Act. The position of the matter was simply this: In the first instance, he (Mr. Whitaker), as nominal prosecutor, and the defendant (Mr. Jones) being here, the defendant was summoned before the Magistrate who would hear the case; and, if the Magistrate found there was sufficient evidence to put Mr. Jones on his trial, he would then be required to enter into the necessary recognizances to appear at the Court at Dunedin. If the Magistrate found that the evidence was insufficient for the purpose of binding the defendant over to take his trial, then he would remand the matter to the Magistrate at Oamaru, who would complete the case there. If it was found then that there was sufficient evidence to call on Mr. Jones to take his trial, he would be bound over to take his trial at the Supreme Court, Dunedin. They would also bind him (Mr. Whitaker) over to appear at Dunedin. As far as he understood, that was the ordinary and usual course to be taken. He had that day asked the Crown Prosecutor, and that gentleman told him that that was the proper course to be taken in similar circumstances; and, on looking over the Justices of the Peace Act, he found this course was in strict accordance with law.

Mr. MURRAY said he was glad he had given the honorable member this opportunity of explaining the matter.

WELLINGTON SUPREME COURT.

Mr. MURRAY asked the Minister of Justice, If the Government propose to provide more suitable accommodation for the Supreme Court in this city? He might state that the present Supreme Court building was totally unfit for use as a Court of justice, and he desired to know whether it was the intention of the Government to construct a new one. He thought the Provincial Council Hall might be utilized as a Court-house, and would suit admirably for the purpose. The present site of the Supreme Court he believed might be sold for the sum of £20,000, which could be expended in making the necessary alterations in the Provincial Council Hall. He believed that course was about to be adopted in Dunedin, and that the Provincial Council Hall was to be used as a Supreme Court building.

Mr. BOWEN said it was the intention of the Government to sell the present Supreme Court site, and to devote the proceeds of the sale toward the erection of a proper Supreme Court-house somewhere on the reclaimed land. There was no doubt whatever that the present building was totally unfit for the purposes of a Court-house; but the Government had been waiting until they were able to procure a proper site in the event of the present building being sold; and a Resident Magistrate's Court would also have to be provided for. The Government were at present having the Provincial Council buildings inspected by the Architect, with a view of seeing how the present Council chamber could be made suitable for a Court-house.

Mr. REYNOLDS wished to know if it was intended to place a sum of money on the Estimates for building a Court-house in this city.

Mr. BOWEN.—Yes.

RAILWAY RETURNS.

Mr. TRAVERS asked the Government, Whether they will lay before this House a return showing—(1) The number of locomotives, of passenger stock, of goods stock, and of all other vehicles, except engines, employed on the railways of the colony per train mile run, during the year ending 30th June, 1877; (2) The percentage proportion of expenditure under the following heads, in connection with the railways of the colony, for the year ending 30th June, 1877, namely, locomotive, carriage repairs, maintenance, traffic, passenger compensation, goods compensation, and miscellaneous; (3) The percentage of earnings during the same period, under the several heads of coaching and goods? These returns were not included in the returns published, and they were the usual returns in connection with the traffic on a railway.
Mr. ORMOND replied, to the first question, that the number of vehicles of all kinds was given in full detail on page 16 of the Public Works Statement. The train mileage was given at page 39. In reply to the second question, the honorable member would find all he asked for at page 39 of the Public Works Statement, and the information asked for in the third question was given on pages 38 and 41 of that Statement. The above applied to railways which had been worked by the Government. On pages 69 to 73 the same information was given for the Dunedin and Invercargill sections. On page 75 information was given for the Canterbury lines, but was not as full as for the others. It was, however, as full as could be given, as that Provincial Government did not keep so extensive a classification as the other Governments. He would lay on the table the extracts from the Public Works Statement, and also the tables which had been worked out relating to the matters referred to in the three questions.

NATIVE RESERVES.

Mr. TOLE asked the Minister for Lands, when provision will be made for the issue of Crown grants for the reserves made by Mr. James Mackay, Land Purchase Commissioner, out of the Native land purchases mentioned in G.-8, Vol. III., Appendix to Journals of the House of Representatives, 1875? He might explain that Mr. Mackay, Land Purchase Commissioner, took evidence on the whole subject from the Natives, and they were informed that they would be entitled to certain reserves. On the strength of that, the Natives parted with their land, and no Crown grants had as yet been issued. He would like to know when the Crown grants could be issued. He expected there would be some legal difficulty in the making of Crown grants for these reserves.

Mr. REID replied that there was no legal authority at present to carry out the engagements, but a Bill would be introduced with the view of enabling the engagements to be fulfilled.

MANAWATU-RANGITIKEI BLOCK.

Mr. FOX asked the Government, whether any progress has been made towards arranging for a right of road over the Native reserve in the Manawatu-Rangitikei Block mentioned in Mr. Halcombe's letter of 18th May, 1876; and whether the Government intend, in accordance with Mr. Halcombe's suggestion, to make the said road? He might say that he had no pecuniary interest whatever in this matter; but he had taken a great interest in the progress of this settlement. It also affected very materially the prosperity of the Rangitikei District. The Government were fully aware of the circumstances of the case, and he desired to know whether the Government had been able to make any arrangement with the Natives with regard to the right of road over this reserve. He understood that the Government had the power to make roads over Native reserves in the same way as Road Boards and other local authorities had the power to take roads over private lands. If so, he apprehended there would be no difficulty in the way of the Government having this road made. He suspected the Government would be able to inform him, for the satisfaction of the public, whether they had the power to take this road, and, if so, whether they would exercise that power.

Major ATKINSON replied that there was no doubt whatever that the Government had power to take the road over this Native reserve, and it was being exercised. A line was being laid off, and it would rest with the Road Board to make the road.

AUCKLAND ISLANDS.

Mr. REYNOLDS asked the Minister for Lands, — (1.) If he will inform the House whether there is any intention to terminate the lease of the Auckland Islands; and, if so, when? (2.) In the event of the lease being terminated, whether the Government will call for tenders for releasing the same?

Mr. REID replied that the lessee had been warned on more than one occasion that, if he did not show that he was fulfilling the conditions of the lease, it would be terminated. Of course in an undertaking of this kind it would not be right to deal harshly with the lessee; at the same time, he had been told that the conditions must be fulfilled, otherwise the lease would be terminated; but his final reply had not been received. If he could not show, within a reasonable period, that he was fulfilling the conditions, the lease would be terminated, after which tenders would be advertised for before the Islands were released.

OTAGO SHIPPING OFFICER.

Mr. REYNOLDS asked the Minister for Public Works, whether he will issue a free pass for the Dunedin and Port Chalmers Railway to the shipping officer for the Port of Otago, thus placing him in the same position as he was in before the railway was taken over by the colony? He was induced to place the question on the Order Paper in consequence of the fact that the shipping officer at the Port of Dunedin had been deprived of the pass he formerly held under the Provincial Government. Some years ago a petition was presented to the Government to appoint a shipping master for the Port. Such an officer was accordingly appointed on the understanding that he was to have a free pass for the Port Chalmers Railway from the Provincial Government. The Provincial Government at once agreed to that. Since the railway had passed into the hands of the Colonial Government, he had been deprived of his pass. As he received no salary from the Colonial Government, and was merely paid fees according the number of seamen he shipped, he was now unable to fulfil his duties, because he had to proceed from Dunedin to Port Chalmers two or three times in one day. He trusted the honorable member would give a favourable answer?

Mr. ORMOND replied that, on looking into this question, he found that the shipping agent was appointed on the following terms: "I am
willing to undertake the duty of providing seamen for the ships frequenting Otago Harbour for the sum of 5s. per man, exclusive of the expenses incurred for conveying them to the several ships per steamer to Port Chalmers, and boat hire." Captain McKinnon, who now held the office, was appointed on the same terms. He understood this was a private business, and in very much the same position as that of Customs-house agents. However, he would make further inquiry into the matter.

Mr. REYNOLDS said it was really of the utmost convenience to shipping agents that there should be such an officer. It had prevented the crimping which existed formerly. He thought it was a very small concession to grant to such a large interest as the shipping at the Port.

LAND BILL.

Mr. REID.—Sir, in moving the second reading of this Bill it will not be necessary for me to urge on honorable members the great necessity that exists for a simplification of the land laws of the colony. In the earlier days, when we had political organizations in the several provincial districts carrying on the administration of the waste lands, it was not so necessary that the land laws should be uniform in their character. Moreover, the people of the colony at that time were not, as they are now, acquiring land, not only in the provinces in which they reside, but also in other parts of the colony. It has now become a necessity, in the interests of the people of the colony, that the land laws should be more consolidated, and more accessible to those who desire to acquire land. I find very great difficulty in the administration of the Land Department owing to the present diversified state of the law. This, of course, applies also with greater force to people outside of the colony, as, when inquiries are received from persons desirous of knowing what are the land laws of the colony, it is absolutely impossible at the present time to send them any book that would give them an idea of the land laws in different parts of the colony. In fact, I am very doubtful whether any honorable member of this Assembly, with all the advantages at his command, is in possession of a knowledge of the different land laws of the colony. We have endeavoured in the Bill now before the House to at all events bring the land laws into one Statute, so that any person taking this Act into his hands may there see what the law is in any part of the colony. In doing this, we have endeavoured to some extent to consolidate the law, and we have at the same time endeavoured to retain all those broad features that have grown up in different districts, and which people, I dare say, will be loth to have assimilated altogether with the system prevailing in any other part of the colony. We have endeavoured to retain those distinctive features, so that the people who have become accustomed to particular regulations in their own districts may not be entirely dispossessed. Some may think that, in the consolidation and unification of the land laws, we have not gone far enough. Some people would wish to see one uniform system in regard to all land throughout the colony. For my own part I think we are acting wisely in dealing with this matter tentatively; that it would not be wise for us to attempt any sudden change, and that it is a far better way to gradually approach a uniform system than attempt to do so suddenly and at once. I may say, in reference to those I have heard speaking in favour of a uniform system throughout the colony, that each agrees it is desirable to have a uniform land law, provided we adopt the law which prevails in his particular district. But, as there are some twelve districts in the colony, I think it will be found that it would be impossible to secure the co-operation of those gentlemen who desire a uniform adoption of the law in force in their own districts. I will now direct the attention of the House briefly to the main provisions of the Bill. The First Part of the Bill provides for the constitution of Waste Lands Boards, and here I may point out that it is the intention to retain in the hands of the Governor the nomination of the Lands Boards. Existing Boards will, however, be retained in office, and be the first appointed under this Bill. The appointment will be for a term of three years, when the members of the Board will be eligible for re-election. This provision is desirable, inasmuch as it might happen that some members of the Board might fall behind the spirit of the age, and in such a contingency it is well that there should be a fixed time when their term of office should expire, without the necessity of removing them. We think the nominated principle best, inasmuch as we consider that this House will look to the Government as to some extent responsible for the proper administration of the Bill Act, and if the Boards were elective they would be altogether beyond the control of the Government. Then it is proposed that the Governor shall have power to establish local land districts with local Land Officers, and to appoint officers in those districts, who shall be able to receive applications. Great inconvenience has been found in some districts through there being no officers except those at the principal towns, thus necessitating persons wishing to acquire land either to make long journeys themselves, or to intrust to agents a duty which they would very often much prefer performing themselves. These local offices would relieve people from this difficulty and expense, and, while additional facility would be given to persons desirous of acquiring land, there would, at the same time, be no other disputes as affecting the land. The Second Part of the Bill provides that the Governor shall have power to establish local land districts with local Land Officers, and to appoint officers in those districts, who shall be able to receive applications. 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sea-board towns. It would be desirable to have suburban lands in the immediate vicinity of these villages and towns, on which men could settle who did not wish to become farmers, but to have a small freehold which would occupy part of their time, and on which they could keep a head or two of cattle. The necessity for this provision has been evinced, and the eagerness with which such land would be taken up has been brought under my notice by a number of those who arrive in the colony possessing immigrants' land orders. Many of those persons would be most anxious to take up land in the vicinity of towns, which would enable them to work for a part of their time at their trades or other employment, and to occupy a part of their time in cultivating; but, as their land orders only hold good in remote parts of the country, isolated from such employment, and as they have expended their all in the purchase of the land orders, they have been prevented from profitably occupying the land. If such a clause as this had been in force in the past it would, in many instances, I am sure, have been of great advantage to such persons, and will be so in the future. It is also provided that all suburban and town lands in the colony shall be sold on a uniform scale. There is very little diversity in the manner in which these classes of land are dealt with at present. They are in all cases sold by auction, and the price is fixed sometimes by the Governor and sometimes by the Waste Lands Board. Under this Bill the minimum price is fixed, leaving it to the Lands Board to place a higher price on the land if they think necessary. But, in all cases, the land is to be sold by auction after due notice. With regard to the rural lands, we provide for the distinctive features of the different provincial districts, and the laws which are now in force in this respect and which have continued substantially the same, the same, that is the proposal for the disposal of pastoral lands on deferred payments. I fear that by some this provision will be looked on with disfavour, but I would urge upon those who may not, perhaps, know all the distinctive features of the different parts of the colony that they must bear in mind that what would suit their districts may not suit others. These lands have, in the first instance, to be proclaimed by the Governor, and it must be expected that reasonable discretion will be exercised by those who are His Excellency's Advisers. In the province from which I come, if some such clause as this is not adopted, the result will be that all the land, even that which is good for agricultural purposes—and in some districts such land is very sparsely scattered—will be taken for small farms, and the pastoral lands would consequently fall into the hands of the large owners. With such a provision as this, however, we shall be able to select suitable blocks of pastoral lands in any district, and to survey it into allotments of from 1,000 to 5,000 acres, and such allotments may be so arranged as to contain say from 50 to 200 acres of agricultural or improvable land. By laying off these pastoral lands in this way, with a limited area of improvable land in each allotment attached to a large area of purely pastoral land, we shall provide the means whereby it could be most profitably occupied, namely, as mixed agricultural and pastoral farms; we shall thus secure a far better class of settlers, the yeomanry class, the country will be better occupied, and we shall have obtained a better price for the land than if it remained in the hands of the large holders. I would ask all those who may be disposed to look with disfavour on this provision that they would consider the matter seriously before they attempt to get it excised from the Bill, for it will be most advantageous in enabling possible occupation of those parts of the country.
where the land is generally rugged and only pastoral, but still has some portions fit for agricultural purposes. The Fourth and Fifth Parts of the Bill relate to the leases and licenses of forests and other land, and I think require no very special mention. The Sixth Part is one which I think I ought to some extent to explain, because it has met with some very adverse criticisms. I fear that those who have been passing such criticisms upon it have not looked very fully into the question. I am aware that on a previous occasion it was said that these provisions were put into a Bill with the object of conferring an unfair advantage on the pastoral tenants of Canterbury. My own opinion is that, rightly or wrongly, the colony is committed to certain conditions in respect to those lands—conditions which the colony cannot evade without what I may call a great breach of faith. Let us see how these lands were originally taken up, and under what conditions they are now held. I will, at the risk even of being tedious, quote to the House the reasons I have set forth in the schedule, and shall entitle the holder to the exclusive right of pasture over the lands specified therein, upon the terms above stated. I ask honorable members to mark what follows. "It is intended that such license shall be renewable from year to year, until the land specified therein shall be purchased, granted, or reserved under these regulations."

That clause was re-enacted in the Act of 1858, and is retained still, the distinctive feature being that—

"A pasturage license shall entitle the holder thereof to the exclusive right of pasture over the land specified therein, upon the terms above stated. Such license shall be renewed by indorsement from year to year, until the land specified therein shall be purchased, granted, or reserved under these regulations."

So that, in each case, while it is clearly stated that the fee is fixed till 1870, the right of grazing and the right of renewal of the license were to remain. That Act was amended by the Act of 1864, the preamble of which began—

"Whereas by the Acts, Ordinances, and Regulations now in force within the Province of Canterbury for the disposal, sale, and occupation of waste lands of the Crown within the said province, provision is made for the amount of license fees to be paid until the 1st May, 1870, on such lands when held under depasturing licenses: And whereas it is expedient to make further provision with respect to land held under such licenses."

That was to enable those persons who had not come in under the previous regulations to come in under the Act of 1864. Those who came in under the Act of 1864 were entitled to have the rent of their runs fixed up to the end of the year 1880. There were two periods for which the rents were fixed. The first was from May, 1866, to May, 1873, and the second was from May, 1873, till May, 1880. But, while it fixed the rent to be paid during these periods, it at the same time left the tenure as it was originally under the regulations of 1856 and 1858. The 5th section of the Act of 1864 provides that—

"Nothing herein contained shall in any way affect the force or interfere with the operation of the regulations for the disposal, sale, letting, and occupation of the waste lands of the Crown in the Province of Canterbury; or the rights or liabilities of any persons holding licenses under the same, or any other persons, save as herein expressly provided, and every license granted under the provisions of this Act shall be subject in all respects to the said regulations, except so far as is herein otherwise provided."

I next come to the Act of 1869, which still extended the privileges of those runholders who had not come in under the Act of 1864, and enabled them to come in under the Act of 1869. If a runholder did not come in under this Act he was to forfeit all rights to the run. Thus, we read, in the 4th section,—

"If the holder of a depasturing license not held under the said Act shall, on or before the said 1st day of May, 1870, give notice in writing to the Waste Lands Board of the said province that he is desirous of holding his license at the rent
determined as hereinbefore provided, and shall, on or before the said 1st day of May, pay the first year's rent, together with the cost of the assessment (to be fixed by the said Superintendent), such holder shall be entitled from thenceforth to hold his run as from the said 1st day of May at the rent so determined."

If he did not accept these terms, his right was absolutely forfeited under the following clause. The 8th section of the Act of 1869 was to this effect: "The rent of any run determined under the provisions of this Act, whether by assessment or by auction, shall not be altered until the 1st day of May, 1880." So that the continuing tenure of the whole of the runs granted under the regulations of 1856 and 1858 was to remain intact, but the amount of the rent was only fixed to continue up to the end of 1880, and it is now open for us to fix the rent which has to be paid in the future. That is the position, I take it, of the runholders in the Province of Canterbury. Now, these persons having obtained their licenses on the express condition that they would be renewed till the lands were either sold, granted, or reserved, I ask, would it be right suddenly to take from them the interest in their grazing rights? I think that would be an unfair proceeding; I think, moreover, that it would lead to great hardship, especially in the case of those who purchased from the original holders. Let us see what great public advantage would be obtained supposing such a course were taken. I may say at once that the object of the Government is to get a full and fair value for the grazing right of these runs, and, if a fair assessment is made, I do not see that anything is to be gained by disposing of the present holders. It has been pointed out that any person may at any time take up any portion of the land held under these licenses, and, that being the case, the only other object the Government should have in view is to secure a fair value in rent. It may be that these runs are held in too large areas; but, putting that aside, the only object the Government has to obtain the fair revenue. Now, any action such as was proposed last session would not be likely to secure a better rental than would be obtained this year by having a fair assessment of the land. I confess we are going further by this Bill than the argument I have been using would justify us in doing, because we propose to determine this interest in ten years—that is to say, that the interest shall absolutely cease in the year 1890. I think an interest has been created, but still I think the Parliament has the right to come in and review the arrangement; but, if it does so, I think sufficient time should be given to those interested under these regulations to place themselves in a position to free themselves from the difficulty and loss that may be occasioned by a sudden alteration of the law. So far in respect to Canterbury, let us proceed on the principle to determine all interests after 1890, and we propose to obtain power to take such suitable blocks of land as may be considered necessary, for the purpose of throwing them open for selection under the deferred-payment system. Then, with respect to the provisions in Otago: There the present runholders are entitled to a renewal of their leases if the Waste Lands Board determines that the land shall be again let for pastoral purposes; but, unfortunately, as the law stands, if a renewal is granted at all, the holders are entitled to a renewal for the full term of ten years. I do not think that was the intention of the Act, and the Waste Lands Board may say, when it comes to consider whether the land shall be again let-for pastoral purposes, "This land will be required before ten years for a different kind of settlement, and we refuse to grant the lease." It being bound either to give no lease or to grant one for ten years, it is almost bound to do this. We propose to give the Board power to grant the leases for a longer or shorter term, as it thinks fit. I think that will meet all the justice of the case there. I may say, in respect to the runs, that there are other engagements, besides those existing in Canterbury and Otago, which secure to the pastoral tenants the occupation of the country for a long time. For instance, I may mention the case of Marlborough, where the runholders are entitled to a renewal of their leases for fourteen years at double the rental paid at the present time. There seems to be some doubt in the minds of some honorable gentlemen, who think that the provisions in this part of the Bill will do away with the distinctive feature of free selection in some cases. Now, if this is the interpretation placed upon the provision, I may say that, as far as these clauses are concerned, they were not intended to have any such effect. Notwithstanding the right to dispose of the grazing privileges, the intention was that the right of free selection, where it existed, should still remain. No doubt in reading some of the clauses it would appear that it was the intention by the present measure to take away that right; but we had to provide for those cases where there was free selection, and also for those cases where the principle of free selection did not exist. Then there are full provisions for dealing with reserves. It has been a great difficulty hitherto, in many cases where the smallest piece of land was required for any purpose, to make a reserve. The reserves clauses give power to make all necessary provision, and at the same time these reserves can, if they have been unduly and improperly made, revert to their original condition. Then, Sir, there are some general provisions which will be of great advantage in the administration of the Bill; but I need not dwell upon that part now. I trust I have given a full and sufficient explanation of the provisions of the Bill, and I now move its second reading.

Bill read a second time, and referred to the Waste Lands Committee.

EDUCATION BILL.

The House went into Committee on this Bill.
Clause 7.—Secretary and Inspectors and Officers of Department of Education.

Mr. HODGKINSON moved, That, before the word "Inspectors," the word "General" be inserted.

Question put, "That the word proposed to be inserted be there inserted;" upon which a division was called for, with the following result:

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The amendment was consequently agreed to.

Mr. MONTGOMERY moved the addition of the following words after the word "necessary;"

"Provided that the Secretary shall also act as General Inspector of Schools."

Question put, "That the words proposed to be inserted be so inserted;" upon which a division was called for, with the following result:

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<th>Ayes</th>
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The amendment was consequently agreed to.

Mr. GISBORNE moved the addition of the following words after the word "necessary;"

"Provided that the Secretary shall also act as General Inspector of Schools."

Question put, "That the words proposed to be inserted be so inserted;" upon which a division was called for, with the following result:

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The amendment was consequently agreed to.
1877.

Invercargill Gas Bill.

Mr. Brandon, Mr. J. E. Brown, Mr. Bryce, Mr. Button, Mr. Carrington, Mr. Cox, Mr. De Lautour, Sir R. Douglas, Mr. Fitzroy, Mr. Gibbs, Mr. Harper, Mr. Histol, Mr. Hunter, Mr. Hursthouse, Mr. Kelly, Captain Kenny, Mr. Richardson, Mr. Rolleston, Mr. Rowe, Captain Russell, Mr. Seymour, Mr. Sutton, Mr. Tawiti, Dr. Wallis, Mr. Wason, Mr. Whitaker, Mr. W. Wood, Mr. Woolcock.

Tellers. Dr. Henry, Captain Morris.

The amendment was consequently negatived.

Clause 32.—Chairman to be elected.

Mr. GISBORNE moved, That the words "a deliberative vote, and, in case the votes shall be equal, shall also" be omitted, and that the word "only" be added at the end of the paragraph.

Question put, "That the words proposed to be omitted stand part of the question;" upon which a division was called for, with the following result:

Ayes 31

Noes 10

Majority for 21

Ayes.

Major Atkinson, Mr. Baigent, Mr. Ballance, Mr. Beetham, Mr. Bowen, Mr. Brandon, Mr. J. E. Brown, Mr. Bunny, Mr. Fisher, Mr. Fitzroy, Mr. Hamlin, Mr. Henry, Mr. Hunter, Mr. Lumsden, Mr. McLean, Mr. Montgomery, Mr. Moorhouse, Captain Morris, Mr. Ormond, Mr. Reid, Mr. Reynolds, Captain Russell, Mr. Seymour, Mr. Stevens, Mr. Travers, Mr. Wason, Mr. Whitaker, Mr. W. Wood.

Tellers. Dr. Henry, Captain Morris.

Noes.

Mr. stout, Mr. Swanson.

Tellers. Mr. De Lautour, Mr. Giborne.

The amendment was consequently negatived.

Progress was reported, and leave given to sit again.

The House adjourned at twenty-five minutes past twelve o'clock a.m.

LEGISLATIVE COUNCIL.

Wednesday, 6th September, 1877.

Native Titles—Invercargill Gas Bill—Wellington College Bill—Native Reserves Bill.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

NATIVE TITLES.

The Hon. Sir F. DILLON BELL asked the Hon. the Colonial Secretary, Whether there is any objection to give directions that, in all cases of Gazette notices of investigation of Native titles, the acreage in the respective cases be stated? He was not aware whether the publication of these notices took place by direct order of the Native Land Court, or through a department of the Government. Of late a very large number of notices had appeared in the Gazette of investigations into Native titles to land, and it was the common practice, in describing the land, to state that "the boundaries might be seen on the map." But, as of course the map could not form part of the Gazette, the only way to indicate the extent to which a title was being inquired into would be to insert the acreage. He trusted the Colonial Secretary would see the advisability of having a declaration of the acreage published, or, if the matter rested with the Native Land Court, of making a suggestion to the Chief Judge to that effect.

The Hon. Dr. POLLEN said the publication of the notices was a function of the Native Land Court, and one with which the Government had no authority to interfere. He concurred with the honorable gentleman in thinking that, wherever practicable,— and it would not be always practicable,— it would be very desirable that the acreage should be given; and he would communicate with the Chief Judge of the Native Land Court on the subject, with the view of carrying out that object.

INVERCARRGILL GAS BILL.

The Hon. Mr. BUCKLEY asked the Hon. the Colonial Secretary, Whether the Government will bring under the notice of the Attorney-General the 3rd clause of "The Invercargill Gas Loan Act, 1877," recently passed by this Council, with the view of its being amended by the introduction of a new clause similar in effect to the 3rd clause of "The Port Chalmers Waterworks Act Amendment Act, 1877"? It would be in the recollection of honourable gentlemen that, during the progress of the Invercargill Gas Loan Bill through the Council recently, several honourable members objected very strongly to the 3rd clause, as infringing the rights of the first debenture-holders; but that, after debate and a division, the clause was passed as printed. He thought that if the Bill became law in that shape a great wrong would be done to the debenture-holders. They were scattered all over the world, and those who were not on the spot would of course have no opportunity of defending their rights. He was quite sure that it would be in their power to...
obtain an injunction from the Supreme Court to prevent the gas company borrowing as proposed. This Bill was submitted for the opinion of a gentleman high in the legal profession, who at once said that the 3rd clause meant nothing else but repudiation. The Council, he thought, had made a great mistake in passing that clause, but they were to a great extent induced to do so by the remarks made by the Hon. Mr. Holmes and the Hon. Mr. Bonar. As business men, those honorable gentlemen should know something about the matter, and he was very much surprised at what they said. He desired that this clause should be brought under the attention of the Attorney-General, who would very likely give an opinion to the effect that the Governor should not assent to such a Bill, in which case it would be returned to the Council for amendment. He would call the attention of honorable members to the Port Chalmers Waterworks Bill, which had a similar object to that of this Bill—namely, the borrowing of additional money. In the 3rd clause of the Bill the rights of original debenture-holders were strictly preserved, and he contended that a similar provision should be adopted in regard to the Invercargill Bill.

The Hon. Dr. POLLEN replied that the matter was under the consideration of the Attorney-General.

WELLINGTON COLLEGE BILL.

The Hon. Mr. PHARAZYN, in moving the second reading of this Bill, said its object was to effect a change in the Board of Governors of the Wellington College, which was rendered necessary by the abolition of the provinces. If the Bill were read a second time, he would move that it be referred to a Select Committee.

The Hon. Dr. POLLEN, before the Bill was read a second time, wished to call the attention of the honorable gentleman to a point which had possibly been overlooked, but which might, after all, not be found to be of any particular consequence. He referred to the constitution of the Board. According to the Act of 1872, the Wellington College Board was declared to consist of the Superintendent of the province for the time being, the Speaker of the Provincial Council, the Mayor of the City of Wellington, two persons to be nominated by the Governor and three by the Superintendent, with the consent of his Executive Council, in case there should be such a body in existence. The Board, he assumed, was now fully constituted. In the next clause of the Act, the 3rd, it was declared that the Board of Governors should not at any time exceed eight in number. This Bill, he observed, proposed to enact that the members of the House of Representatives representing the City of Wellington for the time being should be members of the Board ex officio; but, as long as the terms of the 3rd clause of the Act of 1872 remained as they were, they would clash with this Bill, which provided for the addition of two or more members to the number specified in that clause. He would also like the honorable gentleman to explain what would be the effect of repealing the 18th section of the Act of 1872. That particular clause appeared to interdict any power of dealing with certain portions of the Town Belt, and he wished to know whether the intention of this proposed repeal was to give the College Board a power to deal with portions of the Town Belt which it did not possess before.

The Hon. Mr. MANTELL said the objections raised by the Colonial Secretary were manifestly grave ones, which it was to be hoped would be remedied by a Select Committee. The last objection was certainly well founded. This Bill did propose to give to the Governors powers which were denied to them in a previous Act. But he feared that by debating the Bill in its present shape the Council would be rather wasting time than assisting to carry on the business of the country, for he was sure the Bill was not in a state which was desired by its promoters.

The Hon. Mr. PHARAZYN said his attention had been called to the clause referred to; but he had been unable to obtain an explanation, and had been told by a gentleman interested in the Bill that it would all be explained before the Select Committee. The Bill had come to them in an imperfect state, and their best plan would be to send it to a Select Committee.

Bill read a second time.

NATIVE RESERVES BILL.

The Hon. Dr. POLLEN, in moving the second reading of this Bill, said it was to be the recollection of honorable gentlemen that last session a Bill with this title was introduced by himself into the Council. In common with a great many other Bills, at the close of the session it was submitted to the process to which Bills were sometimes subjected at that period in another place, and was amongst the innocents that were slaughtered. There was not time, it was alleged, to give the question sufficient consideration. The Bill of which he was about to move the second reading was the same precisely as that passed by the Council last session. That being so, it would not be necessary for him to trouble the Council with anything more than a very brief recapitulation of the reasons which rendered this proposed legislation necessary. In 1873, a Bill was introduced consolidating all the laws then on the Statute Book relating to Native reserves; considerable improvements in the mode of dealing with those reserves were purported to be effected by that measure. As honorable gentlemen might remember, after its second reading it was referred to a Select Committee. In the Bill, as it passed the House of Representatives and as it was introduced into the Council, there was a clause, No. 16, which made this provision:

"It shall be lawful for the Governor in Council from time to time to appoint one or more aboriginal native chiefs, within each district or within a section only of a district established under this Act, as a Committee to co-operate with the Native Reserves Commissioner of the district, and to aid him by their advice and influence in the administration of the Native reserves within such district or section of a district; and the Governor in Council may fix and determine
the amount of emolument to be paid to any
aboriginal native chief so appointed.1

The question was gone into in the Select
Committee, and had not been brought intoopera-
tion; and, instead of the Native Assistant to
the Native Reserves Commissioner being ap-
pointed by the Governor, the recommendation
of the Committee, which was subsequently adopted
by the Council and took the form which it had
in the present Act, was that three Natives in each
district should be elected by the Native people,
who with the Native Reserves Commissioner
should form a Board for the administration of the
Native reserves. Clause 7 of the Act of 1873 pro-
vided for the formation of the Board in this way :

"In every district created under this Act there
shall be elected by the Natives resident in the
district, from amongst themselves, in manner to
be regulated by the Governor in Council, three
persons as Assistant Commissioners, who, together
with the Native Reserves Commissioner appointed
as hereinbefore mentioned, shall form a Board of
Direction for the administration of the Native
reserves in such district. Of every such Board
the Native Reserves Commissioner appointed as
aforesaid shall be the Chairman.

"The Native Reserves Commissioner shall from
time to time, as he may deem desirable, call a
meeting of the Board, who shall, by a majority
of its members, decide on all matters connected with
Native reserves in the district for which they are
constituted; and no sale, lease, or exchange of any
Native reserve shall be effected without such de-
cision being first obtained and recorded upon the
minutes of the meetings of the Board."

When the Act had passed, and the question of
brining it into operation came to be considered,
such very strong representations were made to
the then Native Minister as to the operation of
this particular clause that it was not brought into
operation, and had not been brought into opera-
tion up to the present time. It was urged that
the appointment of Native Assistant Commiss-
ioners, with such powers as were proposed to be
given to them, would become a source of very
great objection on the part of the Natives, and of
very great jealousy, the disposition of the Natives
being, as was well known, to jealously guard any
interference with their lands, and particularly to
object to all interference, as between members of
one tribe and members of another, with lands in
which they had an interest. The only way in
which it appeared that the difficulty caused in
that respect could be obviated would be by mak-
ing the districts so small as to confine them to
lands in which one hapu or tribe had an interest;
and that would involve the creation of many dis-
tricts of a very minute character. That was the
Native side of the question. It was objected, on
the other hand, that the interests of Europeans,
with whom it was necessary, at least, were
extensively concerned in the question of dealing
with leases of Native reserves, would, by such a
tribunal as was proposed to be established, be
very seriously imperilled. There were on the
west coast of the Middle Island—at Greymouth
and the Buller—some Native reserves of an ex-
ceedingly valuable character, which produced to
the Natives a considerable revenue. At Grey-
mouth they formed a large portion of the town,
and had been let on lease for twenty-one years.
Upon these reserves buildings of great value in
the aggregate had been erected, with an under-
standing, which was very strongly insisted upon,
that there should be a renewal of the leases upon
the expiry of the term. Thus on the one hand
the Board of Direction was open on the Native
side to the objection he had mentioned; it was
open also on the side of the Europeans to the
objection that their interest in those estates would
be seriously imperilled, and their rights, which, as
they allege, at least were equitable if they could
not be legally established, would be endangered.
It was alleged, also, in the interests of the Natives
themselves, as well as in the interest of the settle-
ments in which these reserves were, that it would
be better not to place in the hands of Natives ab-
solutely such a power as was proposed to be given
to the Board. That was doubtless the reason
why the provision in the Act of 1873 had not
been brought into operation.

The Bill, like that of last year, proposed to repeal the 7th clause in
the previous Act of 1873, and to do away with the Board and make other provision. It provided
for a classification of the reserves, repealed a clause in the former Act which gave special powers of
dealing with particular reserves, and relegated as
much as possible the ascertaining of the title and
the dealing generally with these reserves to the
Native Land Court, instead of, as was proposed in
the former Act, referring the matter to persons
appointed by the Governor. This Bill having
been very carefully considered by the Council on
a former occasion, and being a verbatim copy of
the Bill of last year, he would not detain the
Council any longer, but would simply move that
it be read a second time.

The Hon. Mr. MANTELL said perhaps the
Colonial Secretary would avail himself of his
power of reply to the extent of enabling him,
perhaps among others, to understand a little
more clearly what was meant by the supposed
claim which some persons on the West Coast
might have for an extension of leases. As far as
he could gather, the leases at present given by
the Commissioner of Native Reserves there were
given for the full period which he had power to
give leases for—twenty-one years. If the law
under which those leases were given gave no
power to lease beyond that period, it certainly
would give no power to pledge the Natives in
interested or to pledge the trust to a renewal of the
leases beyond that period. He quite agreed with
the honorable gentleman that the Native Councils
of Assistants would be worse than useless. But
at the same time he thought, considering the
extremely bad luck which the Natives generally
had in their reserves, that in this one case in

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which they had been fortunate they should have the full benefit of the value of their land.

The Hon. Mr. LAHMANN might be permitted to state that at the first settlement of these reserves on the West Coast—he spoke of the Town of Greymouth in particular—the leases were only granted for the term of seven years, with the distinct understanding that a renewal should take place; but nothing was given in writing further than that. It might not be generally known in the Council that the greater part of the Town of Greymouth was built upon Native reserves; that the Natives derived a yearly rental from these reserves of from £3,000 to £4,000 a year; that more than £100,000 had been expended by the inhabitants in building on these Native reserves; and, moreover, that from time to time, when the river encroached upon the reserves, the people of Greymouth had had to put their hands in their pockets and preserve the property of these Natives, until the General Government stepped in and undertook to protect the banks of the river. When it was considered—he spoke under correction—that the whole of the West Coast changed hands from the Natives to the Provincial Government of Canterbury for the sum of £100, and when it was further considered that the area of that land comprised about 3,000,000 acres, it must be acknowledged by the Council that the benefit which the Natives derived from a small reserve comprising about one hundred acres of land in the Town of Greymouth was very considerable. But the inhabitants of Grey mouth did not wish to deprive the Natives of one farthing of the rents they received; they only desired to obtain a better tenure. It must be borne in mind also that in the early settlement most of the buildings were built of timber, but that, as the town had grown in importance, the people had become anxious to erect more substantial buildings, which they did not feel justified in doing while their tenure was only of short duration. Of late, where renewals of leases had taken place, as mentioned by the Hon. Mr. Mantell, the leases had been granted for twenty-one years; but most of the leases had only been renewed for seven years, that being the original period in those cases. A petition was presented to the Council last year on the subject, and the Committee to whom it was referred recommended that for the future the leases should be extended to sixty years. Although by clause 4 of this Bill the 7th section of the Act of 1873 was repealed so far that the Maoris themselves, who formed a kind of directory, were excluded from the management, still clause 6 stated.—

"With respect to any lands comprised in or forming part of any Native reserve within his district, of the fourth or fifth class above enumerated, it shall be lawful for any Commissioner, with the consent of the Natives beneficially interested therein, to lease such lands or any portion thereof for the term of twenty-one years, or for building purposes for the term of not exceeding sixty years, in the manner and subject as in the foregoing section is prescribed."

Hon. Mr. Mantell

Therefore it was again provided that no leases could be given unless the Natives agreed. He would endeavour to have this altered in Committee, because what applied to clause 7 of the Act of 1873 would apply as well to clause 6 of this Bill, and a management comprising the Native Commissioner together with the Natives would be no management at all. The Native Commissioner, after all, was only one voice; and if the consent of all the Natives was to be obtained before the leases for an extended period could be granted, the power might just as well be given at all. He did not know whether he would be in order in referring to a petition presented to the Council on the previous day, but in that petition it was stated that the Natives in the district demanded a part in the management of their own reserves. At the same time the Natives stated that they were so ignorant that they had consented to further agreements without knowing what they were doing. Well, if that were the case, what would be the use of their being consulted? On the one hand it was said that they had been outwitted, and they complained of the action of the Native Commissioner; and on the other hand they alleged that they could not understand, and consequently did not know, what they were doing. While confessing that they were ignorant in these transactions, they expected to form a kind of Board of Directors, to be consulted on all occasions when leases were to be granted. It must be borne in mind, also, that the clause in question, if it became law, would retard the progress of the place to a very large extent. If leases were not granted for a longer period than twenty-one years, people would not feel inclined to make improvements which they would otherwise carry out. The price of leaseholds in the principal streets of Greymouth was £1 per foot per annum. These allotments, as a rule, had not a greater depth than sixty-six feet, from which it would be seen that the rents at present paid by the people of Greymouth, if not large, were at any rate very good, and would pay the Natives adequately, even if they consented to extend the leases to sixty years. Besides receiving a very fair annual return, they would find, at the expiration of the leases, that the property which would revert to them would be worth a great deal of money, because the buildings would be of a substantial description, and be built of brick or stone. He might state that, in consequence of the Bill of last session not having become law, contracts had to be cancelled which were entered into by inhabitants of Greymouth for the building of substantial houses under the expectation that the Bill would pass through Parliament. He therefore hoped honorable members would assist him in altering clause 6, so as to give the Native Commissioner power to dispose of the leases for a long term of years. It might be desirable, perhaps, to have an adjustment of the rents, as some were higher than others; but the actual returns would not be diminished.

Bill read a second time.

The Council adjourned at twenty minutes past three o'clock p.m.
Mr. Speake took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Inscription of Stock Bill, Public Revenues Bill.

SECOND READINGS.

Lawrence Waterworks Bill, Port Chalmers Mechanics' Institute Bill, Tapanui Pastoral and Agricultural Association Bill, St. Andrew's Church Trustees Bill, Wellington Reserves Bill.

THIRD READINGS.

Auckland Grammar School Site Bill.

HACKER v. FORBES & CO.

Mr. FOX asked the Minister of Justice, that if his attention has been called to the case of Hacker v. Forbes, Dalrymple, and Co., lately decided in the Resident Magistrate's Court at Masterton; and, if so, whether he intends to direct a prosecution against the defendants, or some of them, or to take other steps in the matter? He desired to make a brief statement of the fact of the case. From the reports of the proceedings published in the newspapers, it appeared that a poor widow woman who was possessed of about £100 worth of landed property put it into the hands of Messrs. Forbes, Dalrymple, and Co., fixing, he believed, the price of £100. After a time, they told her it was impossible to get £100, but that they might get £60. Very unwillingly she agreed to accept £60. They proceeded to close the transaction, and gave her a cheque for £60; but she afterwards found that they had sold the property for £100, whereupon she sued them in the Resident Magistrate's Court at Masterton. The case came on; she had counsel, and so had the defendants; and, as the case progressed, it became quite clear that Mr. Dalrymple had perjured himself. His counsel threw up his brief in disgust. The case was decided by the Magistrate in favour of the widow, he only gave it for £30 instead of £40, allowing Mr. Dalrymple, who appeared to have been guilty of the conduct for which the Magistrate reprimanded him, his commission of £10, notwithstanding the perjury and fraud. He would call the attention of the Government to the fact that Mr. Dalrymple was what was called a Certified Accountant in Bankruptcy, so that he was virtually under their control. He was also manager of a building society, which was an office of considerable trust.

Mr. BOWEN said his attention was drawn to the newspaper report, which was all the information he had hitherto obtained. He had taken steps to obtain the particulars of the case, and had also instructed the Under Secretary to ask the Magistrate whether the report in the newspaper was correct. He had taken these steps with the view of deciding whether ulterior proceedings should be taken, and whether the case should be submitted to the Judges who made the appointment of Accountants in Bankruptcy.

TUKUKINO AND OTHERS.

Mr. NAHE asked the Government, whether they have taken any, and, if so, what, action on the report of the Native Affairs Committee, dated 6th October, 1876, on the petition of Tukukino and 113 others?

Major ATKINSON replied that the Government had referred the matter to Mr. Puckey for further inquiry.

PRINTING.

Mr. REYNOLDS asked the Premier, whether he will inform the House what are the intentions of the Government with regard to printing required for the various provincial districts—namely, whether tenders will be called for locally for printing required for use in provincial districts, and accepted, providing the cost does not exceed similar work executed in the Government Printing Office? A large number of printed forms were used in provincial districts throughout the colony, and he had very good reason for believing that those forms could be printed as cheaply as, if not cheaper than, they could be done at the Government Printing Office. Besides this, he thought the Government should distribute the work fairly throughout the whole colony.

Major ATKINSON said this question was under the consideration of the Government at the present time. It was their intention, as far as possible, to distribute the printing locally, always supposing which he believed was the case, it could be done as cheaply as in the Government office.

SCHOOL BUILDINGS.

Mr. TRAVERS asked the Minister for Public Works, if he will lay before this House a detailed statement of the proposed appropriation of the sum of £250,000 placed on the Public Works Estimates for school buildings? He was desirous to obtain this information because considerable anxiety prevailed as to the probable appropriation of the money. The amount was also considered to be inadequate. He also desired to know whether any portion of the money was to be applied to the erection of buildings for high
sacns. In the Provincial District of Wellington alone the estimated necessities for school buildings amounted to £30,000. He would like to know whether the Government would place on the table a detailed statement of the proposed appropriation.

Mr. ORMOND replied that it was impossible to give the honorable gentleman any correct statement of what the requirements would be for the ensuing year. The Government were sensible that the amount asked for would be absolutely wanted.

**DOG REGISTRATION.**

Mr. WAKEFIELD asked the Government, Whether they have any intention of introducing a Dog Registration Bill this session? He might say that he had had some communication with the Government on this subject, and it was partly at their instance that he had brought this matter before the House.

Major ATKINSOS replied that the Government did not propose to introduce such a Bill this session. He might say that a Bill had been prepared, together with several other Bills of considerable importance, but the state of public business now absolutely precluded the possibility of getting them through this session.

**OAMARU MAIL.**

Mr. SPEAKER.—Before calling on the honorable member for Geraldine to put the question to the Chairman of the Printing Committee, Whether it is the case that the manuscript of the address recently delivered by Mr. George Jones at the bar of this House, and furnished by him to the Clerk for the convenience of this House, has since been refused to be returned to him when asked for, I think it well to take this opportunity of informing the House of the rule that regulates the putting of questions to private members. The rule of the House with respect to asking questions of a private member is, that any question may be put relating to any Bill, motion, or order of business, which the House is concerned. If the honorable gentleman is prepared to show that the question he is about to ask comes within these limits, he may put it; otherwise, he may take the opportunity in debate of referring to the matter, but he cannot put it in the shape of a question. The Printing Committee is appointed to assist Mr. Speaker in all matters which relate to the printing executed by order of this House, and to the selecting, and arranging for printing, returns and papers presented in pursuance of motions made by members of this House. Having explained so much, the honorable gentleman will see that this is a question he might have put to me as Speaker without placing it on the Order Paper. In referring to this question I may say that the House was surprised that, on the day Mr. George Jones was ordered to return the manuscript of the address, and after he had read a written statement, the House, just before I quitted the chair, expressed a general opinion that it would be desirable, before the debate was resumed at half-past seven, that the statement should be printed, and placed in the hands of honorable members. In pursuance of that order, I required Mr. Jones to furnish me with the written statement. There was some delay, because he had already sent it to an evening paper to be printed. It was obtained from that paper, and sent, with as much expedition as possible, to the Government Printer. The House will recollect that it was not until half-past eight that it was in the hands of members. I may further state that application has been made to me to return the manuscript to Mr. George Jones. I have considered that it was not my duty to do so, except by express direction of this House. If this House should direct me to do so, no time will be lost in returning the manuscript. At the same time the House will do well to understand that, if the document is to be returned, it can only be returned in a mutilated form, because, owing to the haste with which it had to be printed, it was cut up in a manner which honorable members acquainted with such matters will easily understand. I await the instructions of the House in this respect.

Mr. WAKEFIELD.—Sir, I am satisfied that, in mentioning the Chairman of the Printing Committee in this question, I made a mistake. I feel that if I had put the question to you, Sir, I should have received a perfectly satisfactory answer. I may say that I put the question on the Paper in accordance with the advice of several honorable members, and with the view of not troubling you with the matter. If in order, I would now move, That the Clerk be instructed to return the manuscript of the address recently delivered by George Jones at the bar of this House.

Mr. WHITAKER.—I think, under the circumstances, the proper course would be for the honorable member for Geraldine to give notice of his motion. It is a question whether this document will be required in the prosecution this House has ordered; and therefore, before it is returned, this question should be considered. In the meantime I will ask the Crown Prosecutor whether it is required, and will state the result when the motion comes on.

Mr. SPEAKER.—The best way will be for the honorable member for Geraldine to give notice of the motion, and the House may give it precedence to-morrow.

**HOKITIKA AND GREYMOUTH RAILWAY.**

Mr. BARFF, in moving the motion standing in his name, would not take up much of the time of the House, because, this being a private members' day, honorable members would no doubt wish to get through as much business as possible. He would simply point out that the district he represented, and the Port of Greymouth, had not received so much justice in regard to the public expenditure on railways as other parts of the country. All that was done there was to construct a few miles of railway in the Grey Valley, and there was no means of communication between the two chief centres of population except over high ranges and dangerous rivers. The
Mr. REES.—I beg to rise in relation to a matter personal to myself. I would ask your advice, Sir, and that of the House, in regard to a matter of privilege affecting me. A petition was sent to this House by a Mrs. McManus, and was duly referred to the Public Petitions Committee. That Committee heard Mrs. McManus, and in the course of her evidence she said against myself in my private capacity. These statements were published in the New Zealand Times of to-day, and are such as, if not privileged, would be of a most grossly libellous character, bringing, as they did, the most serious accusations against a professional man in regard to his conduct of a case. In consequence of these statements having been made, I was called upon by the Committee to give evidence, and, in fact, to rebut statements which were directed more against myself than against the Justices of whose conduct the petitioner complained. As the matter has been published in this House, and has been republished in a leading article of the New Zealand Times, I would ask whether the Public Petitions Committee should not give some deliverance in the case, because if these statements are true the public should be made aware of it, and if they are not true I am entitled to have them contradicted.

Anybody reading the article in the New Zealand Times must see that the charges there published are about the most serious that could be brought against any professional man. I thought the Public Petitions Committee would have taken some notice of the matter, or I should not have brought it forward. These statements, having been published in the New Zealand Times, will be circulated throughout the colony, and, as they are most derogatory to me as a professional man, I would ask the Public Petitions Committee to say something in regard to the matter. I hardly know what motion to make, except, That the Chairman of the Public Petitions Committee be requested to make some statement in relation to the matter.

Mr. KELLY.—Perhaps I may be allowed to make a few remarks in explanation of this matter. The name of Mr. Rees came up quite accidentally in the inquiry by the Public Petitions Committee. When Mrs. McManus appeared before the Committee, she used rather strong language against the honorable member for Auckland City East, and it was thought that it would be only fair to the honorable gentleman that he should know the nature of the accusations brought against him, and should have an opportunity of rebutting them. I can say, as Chairman of the Committee, that, although the Committee came to no formal resolution on the matter, the honorable gentleman cleared himself from the imputations cast upon him. If the Committee had known that the evidence was going to be printed by order of the House, they might have taken some other course, and have passed a distinct resolution on the subject; and, if the honorable gentleman wishes any expression of opinion on the part of the Committee with respect to himself, I have no doubt the Committee will give it consideration. At the time the report was brought up the Committee did not know it would be printed, and that was done, not on the motion of the Committee, but by order of the House.

Mr. SPEAKER.—Perhaps the honorable member will not think it necessary to proceed further, after the explanation given by the Chairman of the Public Petitions Committee.

Mr. W. WOOD.—I think, although the honorable member may consider himself satisfied, that we should allow the Committee to have an opportunity of expressing its opinion upon the subject. We certainly have heard the opinion of the Chairman of the Committee, who says it is the general opinion of the Committee; but still I think it would be more advisable that the Committee itself should express an opinion.

Mr. DIGNAN.—As a member of the Public Petitions Committee, I feel it my duty to state to the House that, up to the period when the honorable member for Auckland City East (Mr. Rees) gave his evidence before the Committee and in the presence of Mrs. McManus, I was under the impression, from what I had previously heard, that Mr. Rees's treatment of the petitioner was harsh and unkind; but the explanation which the Chairman of the Committee gave before the petitioner entirely removed that impression, and fully relieved my mind of the opinion I had entertained with regard to his professional conduct; and I now consider that,
as a legal practitioner, he acted fairly, for, at the first interview between him and Mrs. McManus, he had informed her he could not take up her case, as Captain Dalby was one of his clients. Mr. Rees's whole conduct, as a member of the profession, throughout the transaction, appears, to my mind, to have been fair and correct.

Mr. BAIGENT. — I quite indorse the remarks made by the Chairman of the Petitions Committee.

Mr. REES. — I am very much obliged to the honorable member for New Plymouth. I will not put the House to any further trouble in the matter.

FRANCHISE.

Mr. WOOLCOCK. — Sir, it will be remembered that early last session Sir Julius Vogel introduced a Bill to amend "The Registration of Electors Act, 1875," but, after some discussion, it was found that the Bill was in no sense satisfactory to the House, and it was withdrawn, the matter being left to the Government to take further action. Subsequently, however, a Bill of a similar nature was introduced by the honorable member for the Thames (Sir G. Grey), but, as the session was then very far advanced, it was deemed inexpedient to proceed with such an important measure at such a stage. During the discussion, however, the Attorney-General pledged himself, on behalf of the Government, to introduce a Bill dealing with the whole question during the present session, and it was on that assurance that the Bill introduced by the honorable member for the Thames was withdrawn. Finding that the subject was not referred to in the Governor's Speech at the opening of this session, I asked the honorable gentleman whether he intended to deal with it during the present session, and it is also perfectly true that I undertook to submit a bill on the subject during the present session. I now hold the proof-sheets of the Bill in my hand; but, as the Cabinet has not had time to consider the question, I fear that it would be almost impossible to deal with it during the present session.

The subject is a very large one, and its satisfactory settlement will, without doubt, occupy a considerable time. In the first place, I have repealed thirty-five Acts, and condensed the whole of them into one Bill of 170 clauses, which is divided into six or seven parts. The Bill has been carefully prepared. There is no scissors and paste about it: that is to say, it is not composed of clauses taken hastily from other Acts. All the provisions when taken from other Acts have been rewritten and condensed. Every word which it was possible to expunge has been expunged, and the law upon the subject has been put into the smallest possible compass. The First Part deals with the constitution of the electoral districts. The Second Part deals with the qualifications of electors and of members of this House, which have been put upon a most liberal basis, a basis which I think will be satisfactory to the House. The next part deals with the new system of election. Any one who has had anything to do with the registration of electors will agree that the present system is extremely inconvenient and unsatisfactory. I have dealt with that part of the question by the introduction of an entirely new system, and one that is far more simple. The present mode of registration will be entirely abolished, and the system placed upon a more satisfactory footing, so that, as far as possible, every man who has the right to vote shall be placed on the electoral roll. The next part relates to the return of members, and here also an entirely new system has been adopted, a system which has never been adopted anywhere else. I have revised the law in respect of corrupt practices, but no great alteration has been made. The next part, which deals with the trial of election petitions, entirely does away with the present system, and instead thereof, considers the question of election petitions, which will be tried in the Supreme Court. This is in accordance with the English law, and I know of no better method of dealing with this branch of
the question. I have taken the English law, condensed it, and placed it in a much smaller compass. I have also provided for a proper adjustment of the Native electoral districts, making representation proportionate to population. The Bill will at the same time provide regulations to be observed at Native elections, the mode of voting provided for the Europeans not being suitable for the Natives. Great difficulty, I may say, was experienced in dealing with the part of the clause relating to the mode of voting. The House will, I hope, see that there is enough material in this Bill to occupy a very large part of the session; and, looking at the fact that the Bill has not yet been considered by the Cabinet, that it would require a fortnight's consideration from Ministers, and that the whole foundation of the subject is the census to be taken next year, no time would be lost by postponing the subject till next session. The House, I think, will agree that this is a subject which does not require imperatively to be dealt with during the present session. I propose to lay the Bill before the House on the first day of the next session, so that it may be gone on with at once. The census will have been taken, we shall be in possession of all necessary information, and we shall be in a position to give the Bill the full and proper consideration it deserves.

Sir G. GREY.—I cannot congratulate the House upon the statement just made. A promise was made last year that a Bill to alter the franchise would be brought forward this year, and a Bill I introduced was got rid of by that promise. I have no faith whatever that the measure will be brought forward next session. I feel sure that we shall experience the same disappointment next session; and I shall therefore feel it my duty to proceed with the measure to alter the franchise of which I have given notice, in order that that end may be immediately attained. Then, Sir, I protest, on my own part and on the part of a great many members of this House, against the change which, I understand, it is proposed to introduce into this Bill with regard to the representation of Native population. I understood the Attorney-General to state, in point of fact, that the Natives would be deprived of their right of voting at the elections for European members. Mr. WHITAKER.—I never said that.

Sir G. GREY.—I understand the honorable gentleman to say that Europeans should return European members only, and the Natives Native members; and that is precisely the same thing. We should not endeavour to flood the House with Native members, or if we do we shall give them sufficient influence in the House to turn out a Government whenever they choose. It would be impossible to devise anything more injurious or more subversive of the ends which the people of the colony have tried to bring about than that. Therefore I feel it my duty to protest against this course, and I feel certain that in making that protest I shall be supported by almost the whole of the European population of New Zealand. I say that the only effect of the measure would be to render seats in this House secure which are in danger now from the Native voters in some districts. I denounce this as a measure which ought not to be tolerated in this colony. Therefore I shall press on the motions of which I have given notice.

Mr. REYNOLDS.—I am very much pleased to hear the promise which has been given by the Attorney-General, and I think that it will be satisfactory to the people of New Zealand, with, possibly, the exception referred to by the honorable member for the Thames. That honorable gentleman complains that a promise was made last session to the effect that the Government would bring down a Bill this session. Well, Sir, I can only say that we have had too many Bills brought down already this session, and I think it would not have been politic on the part of the Government to have brought down this Bill this session when a new census is to be taken. I should like, however, that the Attorney-General should give a promise to the House that two months or, at least, six weeks before the next meeting of Parliament the Bill should be circulated. The honorable gentleman evidently has the Bill prepared, and it can easily be circulated before the next meeting of Parliament. This proposition clearly does not suit the honorable member for Taieri, for he says, "No, no;" but I say that if the Bill were circulated honorable gentlemen would have time to consider it fully before the House meets. I do not see why a Bill affecting such an important question as this should not be circulated.

Mr. HODGKINSON.—The honorable member for Port Chalmers has said that he was glad to hear the promise of the Attorney-General that the Bill should be brought in next session; but I should like to ask, what is the value of such a promise, when he has broken a similar promise which he gave last year? I do not think that we can place very much faith in the promises of the honorable gentleman after that. I agree with the honorable member who moved this resolution, that there are urgent reasons why this Bill should be brought in without delay. I hope myself that we are not far from a dissolution of Parliament, for I am sure that this House does not represent the colony. I do not see why this Bill should not have been brought in this session. The honorable gentleman has had twelve months, since he gave his promise last year, in which to prepare the Bill, and, as I have said, I cannot understand why he has not brought it in.

Mr. WOOLCOCK.—Sir, having heard the full and clear explanation of the Attorney-General in reference to the intentions of the Government regarding this Bill, I beg leave to withdraw my motion.

Leave to withdraw the motion refused, and motion negatived.

MAORI KAIKA ROAD.

Mr. TAILAROA, in moving the motion standing in his name, said that he wished to explain, the reason why he moved it. In the years 1874 and 1875 he made an application for money for works similar to this, but he did not get it. He then applied to the Superintendent of Otago for a grant of money, and the Superintendent agreed to give £500 in addition to the sum which the
General Government might give. The Native Minister then agreed to give some money, and the work of making the road was begun. The road would be very useful, and about £100 had been expended on the survey of it. Altogether, nearly £500 had been expended on the road, but it required to be continued as far as the lighthouse at Taiaroa Head. There was still between half a mile and a mile of the road to make. Last Christmas a great many people went from Dunedin to see the lighthouse at Taiaroa Head, and they expected to find the road completed, but it was not so, and the consequence of the road not being completed was that many of the traps of these people were smashed, and several serious accidents were narrowly avoided. If this road were made it would benefit both Europeans and Maoris alike. He considered that his request was a reasonable one, and he hoped the Government would accede to it. He might state that if the provinces had still been in existence the road in question would have been completed by this time.

Motion made, and question proposed, "That this House will, on Thursday next, resolve itself into a Committee of the Whole, to consider of a respectful address to His Excellency the Governor, requesting that he will cause to be placed before the House to accept the motion which he should now move."

— (Mr. Taiaroa.)

Mr. ORMOND said that the Government were not prepared to offer any objection to the granting of this money, because they considered that in voting the sum asked for they were only fulfilling a past promise. In 1873 or 1874 a sum of £500 was actually handed over for the completion of this road, but, for some reason of which he was not aware, the money was not expended, and it was returned to the Treasury. The Government would therefore not oppose the motion.

Mr. REYNOLDS hoped that the money would be expended in accordance with the terms of the Public Works Act.

Motion agreed to.

EDUCATION BILL.

Sir G. GREY said he rose to make a very simple motion, and he proposed to make no remarks upon it; but he desired to read a telegram which he had just received, and which was as follows:

"Grahamstown, 5th September, 1877.

"The statements of Mr. Rowe re education have given great offence to Catholics and Protestants. Catholics never countenanced last Education Bill; they suffered great hardship. I am requested to ask you to contradict such statement.

"S. Chastagnon."

He might state that the signature was that of the local Catholic clergyman at the Thames.

Motion made, and question put, "That the petition of 2,031 inhabitants of the Roman Catholic Diocese of Auckland, in relation to the Education Bill now before the House, be printed."

— (Sir G. Grey.)

Motion agreed to.

Mr. Taiaroa

POVERTY BAY LANDS.

Mr. SHEEHAN, in moving the motion standing in his name, said he had very little to add to the subject at present. He observed that a Select Committee had been appointed in another place to make the inquiries he sought for, and it was probable he should not, if he found that that Committee's inquiries embraced the matters he desired to see brought forward, proceed any further. But in the meantime he should ask the House to accept the motion which he should now move.

Motion made, and question put, "That a Select Committee, consisting of Mr. Ormond, Mr. Giborne, Mr. Ballance, Mr. Fisher, Mr. Johnston, Dr. Henry, Mr. Woolcock, Mr. Montgomery, Captain Morris, Mr. Rolleston, Mr. Takamoana, and the mover, be appointed to inquire into the question of Government land purchases in the Poverty Bay District, East Coast, and into the circumstances which led to the dismissal of J. A. Wilson, Land Purchase Commissioner. The Committee to have power to call for persons and papers; five to be the quorum. Report to be brought up in six weeks."

— (Mr. Sheehan.)

Motion agreed to.

NATIVE LAND COURT BILL.

Sir R. DOUGLAS, in moving the motion standing in his name, said the debate on the second reading of the Native Land Court Bill would no doubt be read a good deal by the European population, to whom it would prove very instructive; but it was very unlikely that it would, unless some such motion as he was moving were applicable to their own cases. As he had stated on a previous occasion, there seemed to be three classes of thought brought forward during the debate. One member spoke very strongly in favour of the Crown resuming the right of pre-emption; another member urged that all power of dealing with Native lands should be handed over to Waste Lands Boards; and he (Sir R. Douglas) thought there was a third party in the House which expressed a desire to see absolute free trade in Native land just as there was in European land. The Natives should have the opportunity of knowing all that took place during the debate on this important subject, and of judging whether the remarks made by any of the various speakers were applicable to their own cases. He had stated on a previous occasion, there seemed to be three classes of thought brought forward during the debate. One member spoke very strongly in favour of the Crown resuming the right of pre-emption; another member urged that all power of dealing with Native lands should be handed over to Waste Lands Boards; and he (Sir R. Douglas) thought there was a third party in the House which expressed a desire to see absolute free trade in Native land just as there was in European land. The Natives should have the opportunity of expressing an opinion as to which of these three systems they would prefer to see adopted. The House might depend upon it that the Natives would let the House to know in some way or another if this opportunity were given them, so that next session the Parliament would be in possession of the views of the Natives upon this subject. And he thought all members of the House would agree with him that upon such matters as these the
feelings and views of the Natives ought to be consulted before legislation was engaged in.

Motion made, and question put, "That the debate on the second reading of the Native Land Court Bill, and the amendment thereto, be printed in the Maori language, and circulated amongst the Native tribes of New Zealand."—(Sir R. Douglas.)

Motion agreed to.

CUSTOMS RETURNS.

On the motion of Mr. GISBORNE, it was ordered, That the comparative Customs return (moved for by him and laid on the table some time ago) for the last three financial years be printed.

FINES ON CROWN GRANTS.

Mr. THOMSON, in moving the motion standing in his name, said that, previous to the passing of the Land Transfer Act, the practice in respect to Crown grants was this: that a man paid for his land at the time he bought it, and paid for his Crown grant when it was ready. If the Crown grant was not taken up when it was ready it was subject to a fine of 6d. per month, and he (Mr. Thomson) was aware that some time since no fewer than three hundred Crown grants were lying in the office at Dunedin, all of which were being charged with a fee of 6d. per month. The present practice is this: The purchaser of land pays for the Crown grant at the time he buys the land, and gets the Crown grant when it is ready. He (Mr. Thomson) believed that, if this practice had obtained previously, there would have been no Crown grants left in the Crown Grants Offices. Under the old system very often a long time elapsed before the Crown grants were ready, and in the interval the land purchased might have so depreciated in value that the purchaser would not feel inclined to expend any more money in connection with it. He (Mr. Thomson) was aware of cases in which the purchaser, who bought land and paid for it, had paid large sums in the shape of fines; and was it right, then, after passing a law making it imperative that such fines should be paid, to take no action in this House to relieve certain other persons from payment because they had chosen to ignore the law for so long a time? There was outstanding a sum of £10,191, an amount which was very unequally distributed among the different districts of the colony; and he had no doubt that, if no alteration were made in the law, that amount would be greatly reduced. Those who had Crown grants should be left to take them up in the ordinary course, and if there were cases of hardship it would be much better to meet such cases specially. The honorable member had said there were some cases in which the accumulated fines equalled in amount the value of the property. That might be met by providing that the total payments to be made should not exceed a certain percentage on the value of the property. The matter might be dealt with in such a way as that; but he did not think it would be wise for the House to agree to the resolution of the honorable member, and he hoped it would not be adopted.

Mr. HODGKINSON would support the motion of the honorable member for Clutha. He could say, from his own experience, that the imposition of these fines was a great hardship, and he thought the fault entirely rested with the Government. The way it worked was this: The purchaser, who bought land and paid for it, received a certificate, and was told that the Crown grant would be ready about a certain time. He inquired at the Crown Lands Office for the Crown grant, but was informed that it was not ready. After the lapse of some time, he would go again, with the same result. After having gone a number of times, he would give it up as a hopeless case, and the matter would slip his memory. After a number of years, he would receive a very long document from the Land Office, informing him that fines to the amount of £20 were due in regard to a certain allotment of land. That was entirely the fault of the Government. They ought, in the first instance, to have taken the fees for the Crown grant when the land was sold, and that would have avoided these fines of 6d. a month which had been going on for
several years. He thought it would be quite sufficient if they exacted a proper fee for the Crown grants, with a moderate addition for the custody of the grants.

Mr. REID.—It could not amount to more than £3 on any single grant.

Mr. HODGKINSON knew that, in his own case, the fines amounted to £10 or more. He had sold the land, and the person who had purchased it had to pay some fines before receiving the Crown grant. “That was a great hardship, and it was entirely the fault of the Government.”

Mr. SWANSON had no objection to a charge being made for the custody of Crown grants, but he thought the line ought to be drawn when it reached a certain sum. On the other hand, the Government ought to pay something for every week they kept the Crown grant beyond a certain time. He knew of land having been sold for twenty or thirty years, and the purchasers had been unable to obtain the Crown grants. If the Government were right in charging for the custody of grants, they ought to be prepared to remit the fines. He thought the line ought to be drawn when it had to pay some fines before receiving the Crown grant. That was a great hardship, and it was entirely the fault of the Government.

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Several years passed, and by chance he found that the grants were lying at the office. He had gotten tired and weary of applying for them. He got tired and weary of applying for them. He thought the line ought to be drawn when it reached a certain sum. On the other hand, the Government ought to pay something for every week they kept the Crown grant beyond a certain time. He knew of land having been sold for twenty or thirty years, and the purchasers had been unable to obtain the Crown grants. If the Government were right in charging for the custody of grants, they ought to be prepared to remit the fines. He thought the line ought to be drawn when it had to pay some fines before receiving the Crown grant. That was a great hardship, and it was entirely the fault of the Government.

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Mr. KELLY moved, as an amendment, the addition of the following words to the motion: “That the Government was ready for taking up, and he did not do so, he ought to pay the fines, and if he did not receive such notice he ought not to pay the fines.” The mere publication of a notice in the Gazette was not sufficient, and persons did not know that their Crown grants were lying in the Land Office. He thought the honorable member might amend the motion in the way indicated. It was only fair that, where claims were made for Crown grants not taken up, personal notice should be served by the Crown Lands Commissioner on the persons entitled to them. Then, if the Crown grants were not taken up, they would be justly called on to pay the fines.

Mr. REID did not think the proposed amendment would improve the matter very much. Personal notices might occasionally miscarry, unless served on the individual. He did not think it would be desirable to make it a rule of the department to give personal notice. To do so might, in many cases, cost far more than the original preparation of the grant. If personal notice was required to be given, in cases where persons lived in remote districts, very great expense would thereby be incurred. The honorable member might alter the amendment so as to read “prior to notice being given in the Gazette.” As that was the medium through which the Government generally gave notice to the public, he could understand that as being a reasonable proposition. The amendment, as proposed, would be worse than the original motion.

Mr. KELLY explained that it would be following the course adopted in regard to persons who were called upon to pay the Road Board rates. Where rates were due, personal notice was given. Mr. FOX thought it might be sufficient if there was a printed form of memorandum kept in the Crown Lands Office, which could be filled in and posted to the persons entitled to Crown grants. That would be a simple and inexpensive operation.

Mr. REID said the motion only applied to land sold in the past. The fines already accrued amounted to £10,000, and if they were remitted it would be a loss to the revenue. Besides, the adoption of such a course would be unfair to those who had bought land and paid the necessary fees on their Crown grants.

Mr. MONTGOMERY wished to know what was the form of the notice given: was it simply a Gazette notice? Mr. REID could not positively say whether, in every case, notice was sent to persons intimating that their Crown grants were prepared; but the ordinary Gazette notice ought to be sufficient.

Mr. SWANSON was aware that notices were sent to persons entitled to Crown grants. He had himself received notices, as did also his son in his name.

Mr. W. WOOD had from time to time paid considerable sums in the shape of fines, and in every instance it had been unknown to him that the Crown grants were ready for delivery. Not one person out of every hundred saw the notices prior to the date on which personal notice was given. The Government had no power to remit the fines. The mere publication of a notice in the Gazette was not sufficient, and persons did not know that their Crown grants were lying in the Land Office. He thought the honorable member might amend the motion in the way indicated. It was only fair that, where claims were made for Crown grants not taken up, personal notice should be served by the Crown Lands Commissioner on the persons entitled to them. Then, if the Crown grants were not taken up, they would be justly called on to pay the fines.

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Mr. MONTGOMERY wished to know what was the form of the notice given: was it simply a Gazette notice? Mr. REID could not positively say whether, in every case, notice was sent to persons intimating that their Crown grants were prepared; but the ordinary Gazette notice ought to be sufficient.

Mr. SWANSON was aware that notices were sent to persons entitled to Crown grants. He had himself received notices, as did also his son in his name.

Mr. W. WOOD had from time to time paid considerable sums in the shape of fines, and in every instance it had been unknown to him that the Crown grants were ready for delivery. Not one person out of every hundred saw the notices prior to the date on which personal notice was given. The Government had no power to remit the fines. The mere publication of a notice in the Gazette was not sufficient, and persons did not know that their Crown grants were lying in the Land Office. He thought the honorable member might amend the motion in the way indicated. It was only fair that, where claims were made for Crown grants not taken up, personal notice should be served by the Crown Lands Commissioner on the persons entitled to them. Then, if the Crown grants were not taken up, they would be justly called on to pay the fines.

Mr. REID did not think the proposed amendment would improve the matter very much. Personal notices might occasionally miscarry, unless served on the individual. He did not think it would be desirable to make it a rule of the department to give personal notice. To do so might, in many cases, cost far more than the original preparation of the grant. If personal notice was required to be given, in cases where persons lived in remote districts, very great expense would thereby be incurred. The honorable member might alter the amendment so as to read “prior to notice being given in the Gazette.” As that was the medium through which the Government generally gave notice to the public, he could understand that as being a reasonable proposition. The amendment, as proposed, would be worse than the original motion.

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but each of those persons might have a score different properties. The person who had bought one of those properties was not informed in the notice that the Crown grant for that particular property was ready; and so the system operated unfairly. He thought the difficulty might be easily overcome—if the officers in the department cared much about it—if the suggestion offered by the honorable member for Wanganui (Mr. Fox) were adopted, with this addition, that the notice be sent to the registered owner. Then the Crown grant would not remain so long, at least if a fine of 6d. a month had to be paid. At the same time, it was very proper that the office should offer certain facilities to the public, and he thought those who bought Crown lands should be permitted to allow the grants to remain by paying a small amount.

Mr. MACANDREW would support the motion of the honorable member for Clutha. He did not think it had been properly considered that the fines in many cases exceeded the value of the land itself. He knew that many town sections had been sold for 25, and the fines on the Crown grants exceeded that amount. He did not see what the object was in imposing a fine. What trouble was it to the office to keep a Crown grant? No great amount of room was taken up by it. It was said that to remit the fines in future would be unfair to those who had already paid them. But the whole action of the House was unfair and had been unfair for years past on a much more gigantic scale. What was more unfair than confiscating the education reserves, and putting all the railway profits into a common fund, in the teeth of a direct pledge to the contrary? He did not think there was anything in the argument. It was the rule and not the exception for the House to be unfair.

Mr. READER WOOD should certainly support the motion of the honorable member for Clutha. He did not think it had been properly considered that the fines had proved very hard indeed. One case came under his notice not very long ago. Some years ago a gentleman purchased a piece of land, and went away from the colony. A few months since he returned and applied for his Crown grant; but he found that the fines amounted to 25 or 25. He afterwards put up the property for sale, but could not get a bid for it. He hoped the Government would not oppose the motion.

Mr. J. C. BROWN would support the motion, not because, under the present regulations, very little notice was given that Crown grants were ready, but because these fines had accumulated when no notice whatever was given except through the Provincial Government Gazette, which, possibly, was never seen by those who incurred the fines. Even the present system was not altogether as it ought to be. If a person bought land at a Government auction sale, he could not even get a receipt for money paid unless he applied, personally or through an agent, at the office in Dunedin, which office was often distant one hundred or more miles from where the land was sold. It sometimes happened that purchasers forgot having bought certain land through not having a receipt. As stated by the Minister for Lands, the amount of the Crown grant was now paid at the time of the purchase; but it was generally two or more years after that date before the grants were obtainable, and he did not see why the Government should charge the fines at present imposed. All that was necessary was to keep the grants in a safe until called for. He thought the public ought not to be put to any expense even supposing the grants remained in that safe for a few years. It might happen that a person was absent from the colony for a considerable time, and when he returned he would discover that the fines had increased to a very large amount, possibly the value of the land. He thought the motion was very reasonable, and he hoped the Government would agree to it.

Mr. THOMSON had much pleasure in accepting the amendment of the honorable member for New Plymouth. He did not consider that any reason had been given why this motion should not be accepted by the House. The Minister for Lands stated that the the fines due at the present time amounted to £10,000. That was a sum that might very well be remitted, especially considering that the work for which it was charged consisted simply in the use of a few of the Government safes. It was said that, because some persons had already paid fines, it would be an injustice to others who had the fines remitted. It did not follow that because the Government had inflicted an injustice on one person they should inflict an injustice upon another. His chief argument was this: He believed it would be found, at all events in regard to grants lying in the Otago office, that those grants applied to lands bought in very early times—in the gold-mining days—when people had plenty of money, and when, if they lifted the Crown grants, they had no place to keep them. It would also be found that those Crown grants applied largely to small pieces of property; and the reasons why the Crown grants had not been lifted when they were ready was that the Government, between the sale and the issue of the grants, had reduced the price of the adjoining sections. The Government were to blame to a considerable extent for this state of matters. It would be very much better to clear off these old grants, which were a source of considerable expense to the department.

Mr. SPEAKER said a difficulty arose on this motion, as it was a proposal to release a sum of money owing to the Crown. In accordance with the Standing Orders he would put the question in this shape: "That the Speaker do now leave the chair, in order that the House may go into Committee of the Whole to consider the motion of the honorable member for Clutha."

Motion agreed to.

IN COMMITTEE.

Mr. THOMSON moved, That this Committee is of opinion the fines on Crown grants should be remitted.

Mr. KELLY moved the addition of the following words: "prior to the date on which personal
Mr. REID suggested to the honorable member for New Plymouth that the addition he proposed should read as follows: "prior to the date on which personal notice has been posted to the address of the persons in whose favour the grants have been prepared."

Mr. ROLLESTON would point out that a considerable amount of money had been paid up to the present time in the shape of fines on Crown grants. The people who had paid those fines had not received notice in the way proposed by the Minister for Lands, and therefore the motion would not be complete unless it was resolved that their fines should also be remitted.

Mr. REID said he thought the honorable member would find that, by the office regulations, in every case where a Crown grant was prepared notice was given to the person in whose favour it was made out.

Mr. ROLLESTON.—No doubt. The matter now went through the Land Transfer Office, and notice was given. But he was speaking of the past, and argued that, if fines were to be remitted in the future, those which had been paid in the past should also be refunded.

Mr. HUNTER said the arrears at present amounted to some £10,000, and if this resolution were passed a great proportion of that would disappear. No doubt it was only fair that, if fines in the future were to be remitted, those paid in the past should also be remitted; but that would be a matter for the Colonial Treasurer to consider, as the amount would be very large.

Mr. REID was speaking of the past, and would again point out that the practice had been to issue notice of the preparation of the Crown grant to the person in whose favour it was, as soon as it was prepared. The effect of this resolution would therefore be nugatory as regards the past, because the charge for custody did not arise until after the notice was sent. He would object to the remission being from the date of posting the notice, he would make no objection.

Mr. KELLY would accept the amendment proposed by the Minister for Lands. It would be quite fair to charge those fines from the date on which notice was posted, in the same way as local bodies did with regard to their rates. If it was fair to give notice to those persons who were liable to pay local rates, it was equally fair that the Government should give notice to persons that their Crown grants were prepared. It was impossible for persons to ascertain from notices in the Gazette what Crown grants were ready, and, unless some better notice than that were given, a person's Crown grant might be lying in the office for a year or two without his knowing anything about it.

Mr. MANDERS said the practice must be different in other districts from that which was in force in this office, and he would make no objection. He had a good deal to do with these Crown grants, and he had frequently received notices of the preparation of Crown grants from persons in whose favour those grants were made out, with a request that he would obtain the grants. He must repeat that his experience was that, where people bought land in townships at a small upset price, they generally left their Crown grants in the Government offices; and, if they chanced to remove from the district and sell their land again, they gave no notice to the purchasers that the fines for custody were accruing. Until some years ago it was not the practice of the department to charge fines. The fact of the Government having reduced the price of land in townships from that at which allotments had previously been purchased had nothing to do with the matter. The Government sold the land at the best price they could obtain for it, and there was nothing wrong in that. At Queenstown land fetched a fabulous price at one time on account of the gold fields discovered there, and the Government were congratulated on the large amount of money then accruing from the sales; but there was nothing wrong in their reducing the price when the rush took place to the West Coast, and people left the district. This resolution was not fair in principle, because it challenged the Government to say that they had acted wrongly in the past. If passed, it would lead to no real reduction in the general burdens of the people, while, if £10,000 were taken from the estimated revenue, he would like to know how that was to be made up.

Mr. W. WOOD remarked that, if it was not satisfactory to the honorable member to consider the imposition of these fines an offence on the part of the present Government, it was certainly an offence on the part of a former Government. He recollected moving in the matter some eight or nine years ago, when the honorable member for Timaru was Colonial Secretary; but he was unsuccessful, and since then a considerable amount of money had accrued from these fines. He thought that these fines should be remitted, or that some precaution should be taken so that the present owners of land should not have to pay for grants which had not been issued in their names. The grants were always issued in the names of the original purchasers, and there were no objections, and the purchasers were dead, and when the registered holder saw these notices in the Gazette he would not know that they referred to the property which he had purchased, unless some notice were sent to him directly. If the suggestion made by the honorable member for Wanganui, and which he now repeated, were adopted—namely, that notice should be sent to the registered holder—there would be no further difficulty. If the Government proved the service of these notices, then only the fines incurred subsequent to notice should be enforced.

Mr. GISBORNE thought the House was asked to take a leap in the dark. The Minister for Lands did not seem to be aware of what effect the amended resolution would have on fines incurred in the past before notices were sent. In fact, if there appeared to be only the information before the House on the subject that it would be better to postpone its further consideration. He would therefore move as an amendment, that the Government be requested to bring in a Bill to
provide, on fair conditions, for the remission of fines on Crown grants.

Mr. REID did not think it was necessary to bring in a Bill to deal with the matter. Reference should perhaps be made to the remarks of the honorable member for Mataura, who argued that it would be fair for the Government to issue notices to the present holders, he might say that if such a system were adopted the Government would have a very arduous task before them in finding out all the present holders of land. If holders of property did not choose to look after their own interests it was not the duty of the Government to do so for them. The complaint which had hitherto been made was that the Crown grants were not issued with sufficient expedition, and it would be much better for the Government officers to be employed in hastening the preparation of Crown grants than in hunting up the owners of all land for which grants had been issued during the last ten years or more. As these fines were imposed for the custody of the grants by the Government, that was the very reason why the owners of the land should be charged the expenses incurred in that way of the grants.

With regard to what had been said as to grants for small pieces of land, the House must bear in mind that there was just as much trouble involved in the preparation and custody of grants for small areas of land as there was in respect to those for large areas. No case of injustice had been made out, although there had been shown great negligence on the part of owners of property, and these persons were not entitled to have fines remitted which had been imposed in consequence of their own neglect. With reference to the proposed addition to the resolution, he might again point out that the practice of the department had hitherto been to send notices of grants having been prepared, and no doubt it would be fair that no fines should be incurred prior to the posting of the notice, but all incurred afterwards should be charged. It might be found that, if the motion was carried with the addition, it would not cause much inconvenience to the Colonial Treasurer, but still it would be a very acceptable addition to the colonial income to have this £10,000. He would support the addition now made rather than that suggested by the honorable member for New Plymouth; but, at the same time, he would not object to see the motion thrown out altogether.

Mr. BOLLESTON thought the honorable member had nobody but himself to blame for the position he was now in. If the honorable gentleman held such strong views, why did he vote that Mr. Speaker should leave the chair? The honorable gentleman held that the fines should not be remitted, and, if he had not supported the motion that Mr. Speaker leave the chair, there would have been no difficulty in the matter. Instead of doing that, he tried to evade the motion by adding words which would make it nugatory. He did not think that was the proper position for a member of the Government to take up.

Mr. REID considered that he had taken the proper course. It was not usual to refuse permission to go into Committee to consider a motion that could only be dealt with in Committee.

He expressed himself against the motion, but stated that, if it could be proved in any case that no notice had ever been served from the office, it would be a hardship to impose the fines; but those cases were extremely rare.

Mr. KELLY, after looking over "The Crown Grants Act, 1866," said it appeared to him very doubtful whether the Crown could recover the fines. Clause 41 of the Act said, "Wherever the fees due in respect of the custody of a Crown grant shall amount to above £1, the same shall be recovered by the Commissioner in a summary manner." That clearly indicated that when the fines amount to £1 they must be recovered then, or they cannot be recovered after. On the whole, it was better that some change should be made, and the resolution, he thought, would have a beneficial effect.

Mr. MONTGOMERY said the Minister for Lands had acknowledged that there were hardships in the cases of persons who, having purchased land, had unwittingly left their Crown grants in the Government offices. The manner in which he would like to see that class of cases dealt with was this: that no fines in excess of 5 per cent. on the first cost of the land, nor in any case a fine of more than 20s. in respect of one Crown grant, shall be exacted. The utmost that would be paid was 20s., and that would be quite enough to pay for the custody of a Crown grant for three or four years. He hoped the question would be settled in the manner indicated by the honorable member for Totara.

There was no reason why the fines should reach a greater amount than the actual cost entailed by the custody of the document.

Amendment and motion negatived.

GAMBLING.

Mr. FOX, in moving the motion standing in his name, said he would not detain the House any longer than was necessary; but, at the same time, he could not do justice to the subject without bringing a few facts before the House. There was, he believed, a school of political thought which would limit the functions of Government to the protection of life and property. He believed that that school was rapidly dying out; and of late years it had been considered one of the proper functions of Government to bestow some attention and some legislation upon the moral and social interests of the community, and they had consequently legislated upon educational and sanitary matters, and on a great variety of other subjects of that sort. He was not going to discuss the legislation in reference to any of these subjects. What he was about to call the attention of the House and of the Government to was the position in which they stood at present with regard to a very considerable class of the laws which were already in force in the colony, either by virtue of the English Statute law or by virtue of the laws which they had themselves passed, against gambling, and against the sale of intoxicating liquors to the Native race. The Minister of Justice, in a question put to him by the honorable member for Hokitika (Mr. Button) on
the previous day, gave an answer in reference to the subject of gambling which he thought was not quite satisfactory. No doubt the statement he made was perfectly correct—namely, that they had no laws of their own dealing with this subject, except such as they had inherited from the Statute Book of the old country, and those laws of their own which had reference to gambling in publichouses. But the honorable member went on to say that the Government had no intention to bring in a Bill to check gambling of a general character outside of publichouses; and he confessed that that intention gave him pain, because the practice, which was most injurious and demoralizing, was fast growing up in this country, and should be put a stop to. They all knew that, not only in publichouses but outside, on racecourses and at public sports, a large amount of open, ostentatious gambling was carried on. Thimbleriggers, and persons of that class, were to be seen on racecourses, carrying on their nefarious practices under the eyes of Ministers of State, under the eyes of an army of policemen, and yet no steps were taken to put the Governor himself if he happened to be there; and these practices were continually going on, in defiance of the law, throughout every part of the colony during the whole course of the year. There was also a very large amount of gambling going on in the publichouses, and which, apparently, it was nobody's business to look after. What he wished to bring under the notice of the House was the fact that these laws would certainly not put themselves in operation. There were some laws the enforcement of which was left to the free action of the people, such as the fencing and impounding laws; but laws which were left to the moral force of the people were likely to be overlooked unless some body were appointed by the Government to enforce them. This was exactly the case in regard to the laws he had alluded to, and that was why he asked for the production of the papers referred to in the motion. Up to the present time the police had been under provincial rule, and it seemed to him that these police had had extremely loose instructions in reference to matters of this sort. In fact, they had no instructions at all. But a change had taken place in the circumstances of the country—an organized force had been placed at the disposal of the Government—and it was their duty to take steps which would render that force instrumental in enforcing such a law as he had referred to. Instructions should be given to the police, to the Magistrates, and to the ordinary Justices to put the police in motion, and to occupy a large portion of that unoccupied time which the police in the country districts usually had in putting these laws in operation, in order that they should not suffer themselves to be onlookers when the law was openly broken, as it was in the cases to which he had referred. One particular branch, in addition to all the gambling that took place in publichouses, was that of raffles and lotteries, which were carried on to an enormous extent in this country. It was almost impossible to take up a newspaper published in any part of the colony, however small that part of the colony might be, without finding some of the most barefaced advertisements, giving the names of the promoters of these sweeps, stating the place where they were to be carried on to the profit by them. He would not trouble the House by reading advertisements bearing on the subject which he could produce, but he would briefly refer to one or two instances. In one newspaper he read advertisements relating to five "sweeps" on horse-races which were being got up on the West Coast Gold Fields, and which involved prizes to the amount of £20,000. These sweeps were advertised to be drawn at publichouses, and yet, though notice was thus given of the fact to the police, no steps were taken to put a stop to them. And not only was this system of gambling being carried on in publichouses, but it was going on in other places. Only the other day he saw an advertisement, about a foot square, which stated that a lady had certain articles of female costume which she was about to raffle. Then it was a very common thing to see jewelers giving the place where they were going on in the publichouses, and which, apparently, it was nobody's business to look after. 

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Mr. Fox that account gave a very fair representation of what might be seen in the district referred to,
not only on an election day, but also on any other day. He (Mr. Fox) had had to stop at a public-house in that district not long ago, and he was able to say from his own experience that the evil effects of drink were very great amongst the Maoris. Whilst he was there he saw Maori women lying drunk on the sofas in the hotels, and drunken brawls were of frequent occurrence, while there was a Constabulary station not fifty yards distant. This could not have happened if the Constabulary had been instructed to take steps to prevent the sale of intoxicating liquor to persons of the Maori race. On the occasion of one of his visits to Hawera a sitting of the Resident Magistrate's Court was held, the Magistrates being the Resident Magistrate of the district, who was a very worthy and zealous man, and two Justices of the Peace, who were officers of the Native Department. Two Natives were brought up—one being charged with having been found lying dead-drunk in the street, and the other with having been drunk and fighting in one of the publichouses of the district. The more menial of the two men stated that he had been drinking at the three publichouses in the district, and that he had got drunk at all of them; and he was convicted. But the other man was not convicted. He stated that he had been drinking in the public-house, and that he had been gambling with cards until he got drunk; and he was acquitted for some reason. He (Mr. Fox) sat listening to what was going on, and expecting, as soon as the cases were over, to hear the Magistrates tell the police to proceed against the publicans who had sold the liquor to the Maoris; but they did not do so. Subsequently he called the attention of the Magistrates to the fact that a flagrant breach of the law had taken place, and that they should take notice of it. They immediately asked, "Is there a law under which we can proceed against them?" He turned up Mr. Justice Johnston's book, and showed them that they could instruct the police to prosecute the publicans who had supplied the Maoris with liquor. The Magistrates then said that it would be a very hard thing to lay an information against the publicans for such an offence as that, without notice. He then told them that it would be proper for them to do so, because the publicans knew perfectly well that in supplying Natives with intoxicating liquor they were breaking the law. The police force was not now under any local influence, and he hoped that the Government would now compel the members of that force to take action in the direction he had indicated. He hoped that circulars would be sent round to the Resident Magistrates and Inspectors of Police, instructing them to put the law in force in their districts in regard to these matters; and he trusted that by that means the evils of which he complained would be put a stop to. There were some Natives who would have nothing to do with drink—there was Te Whiti, for instance, who would not allow intoxicating liquor to be taken into his territory; but there were other Natives who were brought into temptation, and who drank accordingly. He might state that in consequence of the drunkenness of some witnesses the Judge of the Native Land Court at Hamilton had had to adjourn the Court, and the persons who supplied the Maoris with that drink ought surely to have been prosecuted by the police. There was also on the table of the House a correspondence with Major Scully, the Inspector of Police at Waiapu, and it had transpired that, in a place where there was a population of only 1,500, there were some fifty licensed publichouses. Major Scully had said that, in addition to the licensed houses, there were thirty unlicensed grog-shops in the district; and yet, though he, as Inspector of Police, was aware of the fact, the police appeared to take no steps to lay informations against those who were offending against the law. Thus it appeared that the police saw the laws being broken, and yet they did not take any action against the offenders. He urged, he implored the Government to give this matter their serious consideration, and cast upon some department—upon some Under Secretary—the duty of seeing that steps were taken to put down this great evil. He hoped that the Resident Magistrates—Resident Magistrates and others—would now compel the members of that force to do their duty in this respect. He knew in his own district what had been the effect of a change of police. A policeman under the Provincial Government, or rather under the Inspector for the Wellington District when the Provincial Government had control of the police, was actually allowed to board at an hotel. Of course there was never an information laid against a publican during the whole time that policeman was there. But, in time, a new policeman was placed there, and he happened to be a teetotaler; and what was the consequence? In a very short time they had plenty of informations against the publicans and against the frequenters of public-houses. A publican one day was brought up and fined £10 for allowing gambling to take place in his house. Another person who had taken part in a drunken affray was brought up and sent for a month to Wanganui Gaol. Then a brewer, who sold beer in bottles instead of in the orthodox casks, was brought up, and fined for his offence against the law. That policeman had been supported by the Resident Magistrate, and by one other Magistrate—a teetotal Magistrate, who had not failed on the bench to do his duty; and the result had been that, in the course of three or four months, such a change had taken place in the district that an inhabitant who might have been away on a visit or returning now would scarcely know the place. That was another instance of what might be done by an active policeman who was supported by the Magistrates; and he did hope the Government would see to this matter at once. They could not be altogether ignorant of it. He saw four or five members of the Government on those benches who must know that these things were allowed to go on to a shameful degree in the country. For instance, there was the Premier, who must be perfectly well aware as to the
truthfulness of what he had said in regard to Native townships in Taranaki. He would not say any more at the present time, but hoped the Government would accept the resolution, and carry it out in its entirety.

Mr. CARRINGTON, in seconding the motion, said he could quite corroborate all that had fallen from the honorable member for Wanganui about the townships of Hawera, for he had heard much stronger language used by members of the Provincial Council and by the foreman of works during the time he (Mr. Carrington) had been Superintendent of Taranaki. He had been informed of men having been kept out of their beds all night owing to the drunkenness and fighting at this place; and at one time he had taken it upon himself to write a letter to the Government, representing the matter to them. He had received a very courteous answer; and, in a few weeks, he heard from Hawera that everything was orderly, that the house was closed at ten o'clock, and that there were none of those disturbances which had previously given annoyance. He had intended to move further in the matter; but he thought he might by so doing ruin the Magistrate, and he let the matter drop. Since then that Magistrate had left the district, and so had the publican who kept the house, and things were now going on much better. With regard to gambling and things of that kind, when he was Superintendent of Taranaki the Provincial Council had passed a Bill on the subject, but which, when he sent it down for approval, was disallowed. It ought to have been allowed, for if it had been put into operation it would have checked gambling to a great extent. Great injury was being done to the tradepeople by persons going from Auckland and Wellington to Taranaki, taking with them jewellery and goods of all kinds, which they raffled, or rather gambled or bartered away in a manner which acted exceedingly prejudicially to the interests of the tradesmen. He hoped something would be done.

Motion made, and question proposed, "For the production of all instructions issued to the police during the year last past, relating to the suppression of gambling, sweeps, lotteries, and raffles. Also, a return of the number of prosecutions and convictions for gambling or illegal games in publichouses or other public places. Also, the production of any instructions issued to the police to enforce the law against the sale of spirituous liquor to persons of the Native race; and a return of all prosecutions and convictions against the laws in that behalf."—(Mr. Fox.)

Mr. ROWE would like to say a few words about the matter before the motion was agreed to. He had been greatly surprised, in going from one part of the colony to another, to see the difference in the manner in which various hotels were kept. A short time ago he was informed at the Thames that a communication had been received by the post from the Minister of Justice directing the kind of deal to be used at the hotels. At the Thames, he was happy to say, they had an Inspector, or, rather, a Sub-Inspector, who carried out his duties very faithfully, and at once he put in force this direction. A short time after he (Mr. Row) came down to Wellington, he received a telegram stating that gambling of all kinds had been put an end to at the Thames; but what was his surprise to find that gambling was going on from one end of Wellington to the other! Why should there be any difference? If gambling was to be done away with at the Thames, why not elsewhere? He thought that if the Minister of Justice did not see that gambling was put down he did not do his duty. He had the power to do it, and he should give instructions that it should be done, and see that his instructions were carried out, without fear or favour, from one end of the colony to the other. It was this gambling which led to the principal evil connected with drinking, and he could not imagine why it was not put down. There was another thing: Why should Sunday trading be allowed in publichouses? There was a law upon the Statute Book saying that it should not be done, and why was that law not carried out? If it was not a good law, let it be repealed; but, if it was a good law and a right law, why should it not be carried out in its entirety? The law should be carried out faithfully in Auckland, Wellington, Dunedin, and every part of the country alike. He hoped the Minister of Justice would give the House an assurance on this point.

Mr. BOWEN said the Government would lay the papers asked for on the table; but he would point out to the honorable gentleman that the Government had only recently obtained control of the police. They had been till lately under provincial control.

An Hon. Member.—In Auckland?

Mr. BOWEN said in Auckland they had had control for a somewhat longer period. He was quite aware that there were very great abuses in different parts of the colony, especially with regard to the Natives being allowed to get drink. The Government were fully alive to the importance of dealing with the matter, and they had issued instructions to the police, and fully intended to take care that the police should carry out their duty. In their object of dealing with the matter, in the South—at least, he could speak of that part of the country from which he himself came—there were breaches of the law in respect to supplying the Natives with drink were exceptional; but he believed the honorable gentleman was perfectly correct in what he had said in respect to other parts of the colony. With regard to gambling in publichouses, instructions had been given to the police; but there was a large question involved in the question of dealing with gambling generally, and that was, whether it was the duty of the Government to institute prosecutions. He remembered that on one occasion a lottery or something of the kind was advertised to take place in England, in aid of some charitable institution; the Sisters of Mercy had something to do with it; and Mr. Whalley thought it was Mr. Whalley—asked of the Attorney-General whether it was a legal proceeding. The answer was that it was not. Then the question was asked whether the Government intended to prosecute, and the answer was "No." The questioner then asked why the Government
refused to take proceedings, and he was informed that in such matters the Government had to consider whether it was advisable to enter into prosecutions, and in this case they thought not. The question had been often discussed as to how far the English principle was a good one, that the Parliament should make laws, leaving it to private individuals to put them in force. That was a question which might be discussed on both sides. He might say, however, with regard to what the honorable gentleman had said, the police would be instructed to prevent gambling in public houses.

The hour of half-past five having arrived, Mr. Speaker left the chair.

CANTERBURY RIVERS BILL.

Mr. FITZROY, in moving the second reading of this Bill, would briefly point out to the House the manner in which it was proposed to amend the Canterbury Rivers Act, 1870. It was proposed to repeal sections 5, 6, 7, and 8 of that Act. Under that Act the Provincial Council of Canterbury had the power from time to time to form new districts, but that body being no longer in existence it would be necessary to give the power to the Governor in Council. Clause 3 of the Bill provided that—

"Upon the petition of not less than two-thirds in number of the owners or occupiers of land in any part of the Provincial District of Canterbury, interested or bounded by any river or rivers from the overflow of which damage may be apprehended, the Governor shall, by Proclamation, declare that the said Act shall come into operation in such part of the provincial district, and shall, by such Proclamation, define the boundaries of the same, and declare the same to be a district under the said Act, and shall also fix the name by which such district shall be known."

The 4th clause provided that all the members of the Board should be elected, and it repealed the provision in the Act of 1870 by which two members of the Board were to be nominated by the Superintendent and the remainder elected by the Road Boards of the district. He thought the House would agree with him that it was not desirable to have men representing ratepayers on these Boards who were merely nominated by the Governor in Council, or, as was formerly the case, by the Superintendent. The main principle of this Bill was that all the members of the Rivers Board should be elected, and that none of them should be nominated, as was formerly the case. Honorable gentlemen would know that very often a rivers district traversed a road district, and that therefore it did not follow that a member who was elected to a Road Board would be eligible to a member of the Rivers Board, as it might be required to pay rates to one Board and not to the other. The Bill further provided for the classification of lands for the purposes of rating. He understood that this provision would materially interfere with certain arrangements made by the Waimakariri River Board in Canterbury. The clauses regarding classification of lands for purposes of rating were inserted with the view of remedying what was considered an injustice caused by the so-called "lines of contour," which defined a river district, and which compelled all men living between such line and the river to pay river rates. Under the present law, men living ten or fifteen miles away from the river paid equal rates to those paid by persons living on the banks, for whose more immediate benefit these protective works were carried out. He did not think this just; but he had no wish, in introducing this Bill, to attempt in any way to interfere with the arrangements already made by that Board or any other Board; and therefore, if the Bill were read a second time, he would be willing to accept any amendment in Committee which might be considered desirable, though he would not be prepared to give up the main principle of the Bill, which provided for the election of all members of the River Board by those who paid the river rates.

Mr. ROLLESTON would like to say a few words with regard to what had fallen from the honorable member who had moved the second reading of this Bill. The honorable gentleman had gone very carefully over three or four points in the Bill; but he did not think that the honorable gentleman had described them very accurately. Some parts of the Bill were good, some moderate, and some parts were bad. This Bill showed how very imperfect was the system substituted for the system of government which had previously existed in regard to such matters. The first provision in this Bill had reference to the bringing of "The Canterbury Rivers Act, 1870," into operation in districts where it had not yet been brought into force. There was no doubt that some new provision was required to carry out this object. Under the old law, the Provincial Council clearly did not look upon these river districts solely from a local point of view; it looked at the district from an outside point of view. He thought the House would agree with him that it was not desirable to have men representing ratepayers on these Boards who were merely nominated by the Governor in Council, or, as was formerly the case, by the Superintendent. The main principle of this Bill was that all the members of the Rivers Board should be elected, and that none of them should be nominated, as was formerly the case. Honorable gentlemen would know that very often a rivers district traversed a road district, and that therefore it did not follow that a member who was elected to a Road Board would be eligible to a member of the Rivers Board, as it might be required to pay rates to one Board and not to the other. The Bill further provided for the classification of lands for the purposes of rating. He understood that this provision would materially interfere with certain
could proceed to constitute the districts proposed under this Bill. He thought, therefore, that the provisions with regard to the constitution of a district were not sufficient. The counties concerned ought to be consulted. The Provincial Council was a much better body to decide upon a matter of this sort than a few ratepayers who might combine together for the purpose. With regard to the election of Boards, the Act now in force in Canterbury had worked with very great satisfaction in those districts where it had been brought into operation. He was not prepared to say that the system of election by ratepayers might not be advisable in some districts. The argument which he used with regard to conservators' districts also held good with regard to the interests of local bodies which might be comprised within the conservators' districts, and where, therefore, the election was made principally by Road Boards and bodies which had connection with the arterial drainage of districts, and bodies connected with ostetric works and bridges, and otherwise well qualified to select members. The selection of two members by the Superintendent was originally provided for because there was a very large amount of provincial property concerned. Money too was voted by the Provincial Council, and it was very essential, therefore, that, where this money was provided by the Provincial Council, and where a considerable amount of provincial interests might be involved, the Superintendent should have the power of nomination; and, as far as he was aware, with the exception of the Rakaia District, there had not been a single word said against it. He therefore thought it was somewhat inadvisable to make a radical change in a matter of this kind, where there was general contentment, unless better cause were shown than had been shown by the honorable member. He was very well pleased to learn that the honorable gentleman did not intend to adhere to the latter part of the Bill, because that would be a really serious interference not only with the rights of the ratepayers, but also with the rights of the debenture-holders in respect of moneys borrowed. He might say he had had strong representations from Christchurch upon the matter; and the Bill was thought by those interested in the subject there not to be called for. In reference to the particular matter of classification of lands, which altered the security upon which the bondholders had lent their money, it would be positively mischievous. He was not inclined to oppose the second reading of the Bill, because there was one materially good principle in it—namely, that providing for substituting some machinery for the nomination of members hitherto made by the Superintendent and Provincial Council. It was very desirable either that this Bill should be made a Bill of one clause for that purpose, or that some such clause should be inserted in some other Bill brought down by the Government. He would be sorry to do anything that would interfere with the second reading of this Bill, on the understanding that on the points he had alluded to he would do his utmost to prevent the provisions of the Bill being given effect to.

Mr. Rolleston

Mr. STEVENS said that, if it was intended to extend the operation of this Bill to districts already possessed of Boards of Conservators which had been in active operation for some time, he would be disposed to oppose the Bill, because it appeared to him that the view taken by the honorable member for Avon was a perfectly sound one. In the first place this Bill proposed to alter the principle now regulating the election of members to some Boards—for instance, in the important district of Waimakariri. When they found that the existing system had worked so well, it would be a most injudicious thing to alter it, unless the proposed principle were shown to be very desirable. He would also observe that he coincided in the view of his honorable friend the member for Avon with regard to the financial part of the Bill, which proposed to alter the mode of rating, because there was no question that the debentures issued by the Boards already existing would be very prejudicially affected by those provisions; but, as the honorable member for Selwyn had agreed to abandon this principle of classification, perhaps much need not be said on that subject. He trusted the honorable member would confine the Bill to his own district, and would not seek to force it on those districts which already had a satisfactory system in operation.

Bill read a second time.

CHRISTCHURCH RESERVES BILL

Mr. RICHARDSON, in moving the second reading of this Bill, said he had introduced it at the instance of the Christchurch Corporation, and the object was to vest in the Corporation certain reserves scattered over the city which were in a very anomalous position, as it was uncertain who had control over them. The Bill consisted of three clauses, and to each clause there was a schedule. The First Schedule comprised four reserves, two of them being squares; another was a portion of Cathedral Square; and the remaining one was a reserve which had been set aside many years ago, and called the Canal Reserve. It was proposed to vest these in the Mayor and citizens of Christchurch for purposes of recreation. Since the Bill had been introduced it had been found out that when two of these were laid out they were subject to be intersected by certain streets; and when in Committee he proposed to add a clause to this effect: "Subject to such roads and streets as may now pass through the same, or which may have been laid out through them on the original plan of the City of Christchurch." He also proposed, in Committee, to meet objections raised in some directions as to the meaning of "recreation grounds," by adding to the 2nd clause a definition of the words "recreation grounds," to the effect that they were reserves for the use of the inhabitants of the City of Christchurch for public gardens and public promenades. The object of that was to put it out of the power of any Borough Council to let those sections for such purposes as sites for circuses and amusements of that sort. The 3rd clause referred to a long schedule of
very small portions of land, most of them being at the intersections of the main streets of the city. Many of those sections had already had improvements put upon them in the shape of fire tanks and various other erections for ordinary city purposes. The Third Schedule referred to two sections which had been laid out as a market-place, and which it was proposed to vest in the Mayor and Corporation for that purpose.

Mr. ROLLESTON had hoped to hear from the honorable gentleman, with regard to the Second Schedule and the 3rd clause, that he did not propose to vest all the plots of land therein enumerated in the Corporation for municipal purposes generally. There was no question whatever, in his mind, that a large proportion of the plots of land there mentioned, and others in the same position, were intended and ought to be kept for public promenades. It was well known that the City of Christchurch had a river running through it. The river was not a wide stream, and on either side of it there was a reserve. Whether that was intended for a towing-path or a promenade, there was no doubt that in future, in a town like Christchurch, those plots of ground that enabled a free current of air to be obtained ought not to be built upon and spoiled. He would not oppose the second reading of the Bill, but he thought that the rights of those people who had frontages on those plots of ground ought to be jealously protected and guarded by the House. While it might be said that to declare these to be recreation grounds would not prejudice the rights of those people, it might seriously prejudice them if the sections were allowed to be used for municipal purposes, and built upon. He was not in a position to express an opinion upon the merits of these roads through squares. For his own part, he would be sorry to see roads made through open grassy squares. It might, however, be that the rights of people who had built with frontages upon these squares could be preserved, and of course any measure dealing with these squares without making provision for roads would be wrong. He believed the people of Christchurch generally would be sorry to see the squares cut up, as they were a great ornament to the town, and would be spoiled by having roads running through them. He would not oppose the second reading of the Bill, but there was no doubt it was a dangerous thing to deal suddenly with the interests of a large population, as was here proposed. So far as he saw no reason why he would reserve his opposition to the Second Schedule, which related to pieces of land that should not be dealt with too hastily.

Sir G. GREY begged to move that this Bill be sent back to the Joint Committee on Bills, because he was satisfied, from what he had heard, that it would affect not only public but private rights. It would injure private rights by detracting from the value of private property through the stopping up of streets and other thoroughfares leading to that property. He had an additional reason for making this motion, because he was quite certain that notice of the Bill ought to have been given at least one month before the session, in order to afford the inhabitants of Christchurch an opportunity of making such representations, with a view to the protection of their rights, as the law authorized them to make. There was another reason which actuated him, and that was founded on a really remarkable letter addressed by the honorable member in charge of the Bill to a Mr. Hobbs, of Christchurch, in which he told that gentleman that—

"The Committee considered that, if the Market-place Reserve was not kept as such, it was a private Bill; and, as this would be fatal to the Bill this session, the Standing Orders not having been complied with previously to the session, I got them to allow me to take a very unusual course, and this I was only able to do having taken the precaution, when introducing it in the House, not to move that it be printed."

There had, therefore, been some manoeuvring with regard to this Bill. He did not exactly understand the tenor of the remarks in that letter, but it was evidently intended to take the House by surprise. Being satisfied that this was a private Bill interfering with private rights, and as the House had been taken by surprise, he begged to move the amendment he had indicated.

Mr. DE LAUTOUR would like to draw attention to one matter in connection with this Bill for his own guidance particularly. It had been laid down last session, and this session also, that any Bill which alienated reserves from the Crown should be brought in on the responsibility of the Government. The reserves referred to in this Bill, as he understood, had only been under the management of the City Council of Christchurch, and were really Crown lands; but the Bill proposed to alienate them from the Crown and to vest them in the City Council. There was no doubt a distinction between the ruling already laid down and the course pursued with regard to this Bill, or it would not have advanced so far. As it was difficult to understand that difference, he trusted Mr. Speaker would inform him of the grounds of it.

Mr. O'RORKE thought the remarks which had been made by the honorable member for the Thames (Sir G. Grey) were rather in favour of the rejection of the Bill than of referring it back to the Joint Committee on Private Bills. It had already been before that Committee for two or three days, and from the evidence adduced the Committee decided that, as the object of the Bill was to transfer from the Superintendent to the Borough Council the control and management of these reserves, the Bill did not come within the definition of a private Bill as laid down in the Standing Orders, which were the only guide the Committee had to go by. The Standing Order was as follows: "Private Bills shall be understood to be Bills which are promoted for the private interest of individuals or companies, or which, by their provisions, directly interfere with the private property of individuals." This Bill was not for the benefit of a private company, and not for the benefit of any private individual; and further, it did not appear to interfere in any way with private property. He thought himself that the
Private Bills Committee rather strained the point in saying that they would consider the Bill to be a private Bill unless it was provided that the specific purpose for which the Market Reserve was held should not be changed. That right of the manoeuvring there had been with regard to the Bill, and, with the consent and concurrence of the Committee, the honorable gentleman in charge of the Bill so altered it that the Market Reserve should not be appropriated to any other than the original purpose. He saw no advantage in referring it back to the Committee, for no new light could be thrown upon it there in respect to its being a private Bill, while it would have the effect of putting the Bill off to another session.

The straightforward course to be pursued was that suggested by the honorable member for Avon rather than that proposed by the honorable member for the Thames.

Mr. STEVENS said that, as the honorable member for Onehunga had disposed of the necessity for referring this Bill back to the Joint Committee, he would like to make a few remarks on the subject. The effect of this Bill, with the amendment which his honorable colleague (Mr. Richardson) was going to introduce, would be simply to place in the hands of the Municipal Council this property in Christchurch, which had hitherto been vested in the Superintendent, and which had been the property of the citizens in all times. He could not conceive that the House, after looking over the schedule, would, at the instigation of the honorable member for the Thames, entertain any proposition which would involve the rejection of the second reading of the Bill. The reserves proposed to be transferred were first two squares and two other pieces of land in the City of Christchurch. It was not proposed for one instant to hand these over for any other purpose than that of keeping them open for public recreation grounds, as was shown in the schedule. The other pieces of land along the River Avon, and which were proposed upon which would involve the transfer of the Thames. These plots were in the same position as streets.

He wished to guard against things being done hastily which they would probably repent at leisure. These plots, except one in Cathedral Square, were all held by the Municipality, and they were now practically allowing the purposes for which the plots were made to be altered by the Municipal Corporation. That was a dangerous power, and time ought to have been given to the people of Christchurch to consider the matter before the Bill was brought into the House. He entirely acquitted the honorable member for Avon said about the citizens taking care of themselves, he would ask whether there was any danger in handing over these lands to the Municipal Corporation, who were elected by the people to look after their interests. It was utterly incredible that the Corporation of any city could seek to close up the frontages of persons who had hitherto enjoyed under a misapprehension. Of course the rights of those who had bought their land under the understanding that certain streets should run through the squares should be protected. He begged to observe that there had been no endeavour to pass this Bill in a secret manner, as was supposed by the honorable member for the Thames. The fact simply was that for years past no one had recognized, or had an opportunity of knowing, that streets did run through the squares. He hoped there would be no suspicion as to the manner in which this measure had been brought in. He sincerely warned that the House would not deprive the Corporation of Christchurch of that which certainly ought to be placed in their hands if it ought to be placed in the hands of any one.

Mr. ROLLESTON did not for a moment allege that the honorable member in charge of the Bill had brought it in in a secret manner. That honorable gentleman had consulted him on the subject, and he (Mr. Rolleston) told him what his feelings were in regard to certain of these reserves. He was certain the honorable gentleman's conduct had been quite straightforward, and that he was endeavouring to carry out the wishes of his constituents as they had been brought before him. He could not, however, agree with the view taken by the honorable member who had just sat down. The transfer of these reserves, at any rate of most of them, was not for a mill, but to what the honorable member for the Municipal Council. It was no more a transfer of the plots of ground mentioned in the Second Schedule than would be a transfer to the Municipality of the Thames. The fact was, the Legislature did not possess the power to alter the condition of plots of ground such as these, except with full consideration of vested rights. They all knew perfectly well that there had been instances where plots of ground such as those had been built upon under pressure and for convenience's sake, which people regretted ever after. In the middle of Christchurch there was a plot which had been built on for a mill. That was regretted at the present time, and probably would be regretted for thirty years to come. He wished to guard against things being done hastily which they would probably repent at leisure. These plots, except one in Cathedral Square, were all held by the Municipality, and they were now practically allowing the purposes for which the plots were made to be altered by the Municipal Corporation. That was a dangerous power, and time ought to have been given to the people of Christchurch to consider the matter before the Bill was brought into the House. He entirely acquitted the honorable member of acting with any other than the best intentions, but it would be wise to give people time to consider the matter more fully than they had done. The Bill gave power to deal with thirty or forty plots of ground, and he would like to know whether the people interested, who had built close to these plots on the understanding that they would have permanent breathing-places, were aware of the existence of this Bill. It was true that a notice had appeared in the papers, but everybody knew that the descriptions given of a Bill like this did not always convey the facts of the case. He
would not oppose the second reading of the Bill. He would probably assist to pass it through Committee with certain modifications, after the second reading of Christchurch had had full time to consider the matter, and to raise objections to the Bill, if they had any to offer.

Mr. WHITAKER said plots of ground of this description were very properly placed under the charge or management of the Corporation, but, where there were plots of ground handed over simply for ornamental purposes, there should be some stipulation to prevent their being used for any other purpose. When the Bill went into Committee he would propose certain amendments which would probably meet with the approval of the House and give effect to the idea he had thrown out. In a Bill passed some time ago for the purpose of dealing with certain plots of land in the Province of Auckland there were these words: The Mayor and Council "may enclose, lay out, and plant the same or any part thereof, and erect any buildings for ornamental purposes, but not for making a profit therefrom." If similar words were inserted in this Bill the plots of ground might very properly be managed by the Corporation.

Mr. RICHARDSON thought the amendment suggested by the Attorney-General would meet many of the objections urged by the honorable member for Avon. He had consulted with the honorable member, and would be prepared to amend the schedule to the Bill, so far as might be necessary. As to the remark of the honorable member for the Thames (Sir G. Grey) that he wished to make the House by surprise, he denied altogether that he had any such intention. Mr. Speaker would remember that, when the Bill was first introduced, he pointed out some of the clauses about which there was doubt, and kept the question open for some time, as he was afraid the Bill might be thrown out in consequence of those clauses. He might remark that the letter that had been read by the honorable member for the Thames was intended when written as a purely private letter, and when he saw it in the newspaper he called the attention of Mr. Hobbs to the fact, and received an ample apology from that gentleman for having, under a misconception, made it public. He did not wish to press the Bill beyond the second reading that evening, as it was of course desirable that every opportunity should be given for full consideration. Another reason why he did not wish to proceed further at present was that the Government proposed to introduce a Public Reserves Bill which would contain power to deal with questions of this sort. In that case it might not be necessary to go on with the Bill.

Mr. BRANDON thought the discussion showed the necessity for revising the Standing Orders in regard to private Bills. The Bill interested a certain portion of the community, who ought to have had notice; and, as that notice had not been given, further time ought to be given for fuller consideration. The sooner they amended the Standing Orders with respect to private Bills the better, because a great many Bills might be introduced into the House and passed through all their stages without the knowledge of the persons affected by them. In England any Bill which did not affect the whole community but merely a portion of it was treated as a private Bill, and notice had to be given in order that anybody affected by it might oppose it if it was thought necessary to do so. Such was the effect of their own Standing Orders formerly, and the sooner they restored Standing Orders to that effect the better.

Amendment negatived, and Bill read a second time.

GOLD DISCOVERY.

The House then went into Committee of the Whole to consider the following resolution:—That this House agrees in the resolutions of the Gold Fields Committee, on the subject of gold fields rewards and aids to prospecting, laid before the House on the 17th instant; and that a respectful address be presented to His Excellency the Governor, praying that steps may be taken to give effect to those resolutions.

Mr. GISBORNE said the report of the Gold Fields Committee on this subject was in the hands of honorable members. He thought it would meet the general approval of the House that there should be rewards offered for the discovery of payable gold fields. What, in fact, did a payable gold field mean? It meant an accession of population without cost to the colony; it meant also an accession of revenue without additional taxation; it meant an increase of our exports; and it also meant a general prosperity, not confined to the locality in which the gold fields existed, but one which pervaded the whole colony from the extreme North to the extreme South. Any reward they offered for such a result was, of course within reasonable limit, quite insignificant in comparison with the benefits conferred on the colony. He would state shortly how the case stood now. In 1872 the House agreed that £25,000 reward should be offered in each Island for the discovery of payable gold fields, and it was left to the Government to frame the conditions to be attached to such rewards. In the next year the Government published a notice offering these rewards and attaching conditions, but the offer was only to continue in force until the end of the year following—namely, 1874. Therefore at the end of 1874 the offer altogether lapsed. The Gold Fields Committee had imposed upon it the duty of framing the conditions upon which the reward should be offered. Their report went into the question of those conditions. The proposal was that a reward of £25,000 should be offered in each Island for the discovery of payable gold fields. Then arose the question on what basis that reward should be offered. In 1872 the basis was the yield of gold, but, after careful consideration, the Committee were of opinion that the basis of population would be preferable. They considered that it would be very difficult to ascertain exactly whether the yield of gold was from the particular field discovered, and that population would be a surer basis, as there could not be a better guarantee of a payable gold field than that of continuous...
population, for the population on a gold field would not of course remain there unless it was getting gold and making some progress. The Committee also stated that the reward should not exceed in any one case £1,000, and they adopted the following scale:—

"A population of not less than fifty (50) persons (not necessarily the same persons) engaged with reasonable diligence on the new field for twelve months, £50. A population of not less than one hundred (100) persons (not necessarily the same persons) engaged with reasonable diligence on the new field for twelve months, £250. A population of not less than three hundred (300) persons (not necessarily the same persons) engaged with reasonable diligence on the new field for twelve months, £1,000."

The claimants would have to prove to the satisfaction of the Government that those conditions had been fulfilled. He did not think there would be any difficulty with regard to that. Of course it would be arranged by the Government and the Wardens that the claimant should show, from month to month, that the requisite number of people were engaged on the gold field. He thought the issue of a few simple regulations by the Government would enable the claimant to show that the required amount of population resided on the gold field. That might be ascertained by the number of licenses issued, or by a census. Such regulations would enable the claimant at the end of twelve months to satisfy the Government that there was a population, if such was the fact, of those numbers, respectively, on the gold field for the discovery of which he claimed the reward. These were the reasons why the Committee had taken population as a basis. Then there came the question of the limit of minimum distance of the new district from any existing gold field. In the regulations of 1872 there were different distances—one for the North Island and one for the South Island. The Committee, however, thought that the distances should be varied on the ground—"that the physical configuration of the country in the various gold fields districts should be taken into consideration in fixing the limitation of distance constituting a new field, and that the distance be varied accordingly."

Of course it would rest with the Government to consider the special circumstances of the various existing gold fields districts, and to arrange and adjust in all cases the minimum distance which a new gold field should be from any existing gold field. In offering the reward, the Government would of course state what the minimum distance should be in relation to existing districts. With regard to gold fields on Native lands, the Committee adhered to the regulations laid down in 1872 and in no way varied those regulations. After very careful consideration of the exceptional circumstances of gold fields on Native lands, they adopted these regulations and proposed in no way to vary them. They further recommend that a sum of £5,000 be placed in the hands of the Government to enable them to assist persons in prospecting for gold. There were in many auriferous districts various obstacles in the way of prospectors, and the Committee wished that the Government should have the means of assisting persons engaged in prospecting, by granting them sums of money as subsidies or in other ways, as the Committee thought that would be the most valuable means of assisting in the discovery of payable gold fields. They therefore recommended that an additional sum of £5,000 be placed at the disposal of the Government to be expended in the encouragement of prospecting for gold and other precious minerals by the formation of prospecting tracks, and by otherwise aiding local effort, on such conditions as would, in the opinion of the Government, secure the bond fide expenditure of the money on the object in view. Already local efforts were being made for prospecting, and, if a Committee of the whole House agreed to this resolution, application would probably be made to the Government for assistance in proportion to the local efforts made. The Committee had made two main recommendations in their report: First, that there should be a reward offered by the Government on the basis of population for the discovery of payable gold fields; and also that a sum should be placed in the hands of the Government to enable them to assist persons engaged in prospecting for gold. He thought that the recommendations in this report would commend themselves to the favourable consideration of the Committee, and that they would agree to it, so that the Government might be able, without any unnecessary delay, to carry out the recommendations, and thus assist in the discovery of payable gold fields.

Mr. PYKE agreed with the remarks which had fallen from the honorable member for Totara. He would suggest an amendment in the 4th section of the report, that, after the words "gold workings" in the last line, the following words be added: "and that in special cases, where auriferous deposits of an entirely new character, or existing under previously undeveloped conditions, are discovered in the vicinity of old or existing workings, rewards may also be granted, subject to the same conditions as are embodied in such resolutions."

He would explain that in the neighbourhood of quartz workings alluvial workings might be discovered, and in alluvial workings quartz workings might be discovered. He ventured to say that the richest deposits in Otago had not yet been touched. It was only recently that, through the enterprise of a colonial-born youth, it was discovered that, in the old river-beds, 200 feet above the level of the present rivers, there was some of the richest auriferous ground ever discovered in Otago. It was, indeed, now an ascertained fact that the true "deep-leads" of quartz workings might be discovered. He would remind the Government that, in the county of which he had the honor to be Chairman, local enterprise was largely aided, so as to render accessible new works. A sum of over £400 had been expended in the making of a pack-track and a bridge over the Manuherikia River,
Auckland College and Grammar School Bill.

Mr. LUSK, in moving the second reading of this Bill, said it was to provide for the control and management of the Auckland College and Grammar School. It was brought in principally because the Education Bill now before the House did not propose to provide any machinery for the management of secondary education throughout the colony. It appeared to the Board of the Auckland District, in whose charge the Auckland College and Grammar School had been for some time, that it was very desirable there should be separate management for this institution; and at the request of that body he had brought in the Bill. It was not an elaborate measure. It merely proposed to place the management of the Auckland College and Grammar School, and the endowments set apart many years ago for the purposes of such an institution, in the hands of a Board which was to be partly nominated and partly elected. He was not wedded to the exact manner in which this Board was to be constituted, and he had placed the provision in its present shape in deference to the opinion evidently held by the local representative body of Auckland—namely, the late Provincial Council—when it passed an Act vesting the management of this trust in a Board which was partly nominated and partly elected. That plan was, he believed, found to work exceedingly well. However, he was not wedded to the form, or exact numbers or proportions, and he would be very happy to see the question discussed in Committee. What he wanted was merely that the principle of the desirability of separate management for the institution should be affirmed. It seemed to him, after the fact that no provision existed in the Government Bill for the management of such schools as these. He beged to move the second reading of the Bill.

Mr. STOUT did not rise to oppose the Bill, but would urgently press on the Government the desirability, instead of having separate Bills for each of the existing high schools, of introducing a clause into their Education Bill incorporating all these various institutions. That was done in the Scotch Education Act of 1872, which incorporated the various secondary schools—the High School of Edinburgh, the new Grammar School of Aberdeen, and several others. He had privately pointed out this matter to the Hon. the Minister of Justice; and no doubt the Attorney-General, by referring to the Scotch Act, could draft a few clauses to meet all the requirements of the case. If the Auckland College and Grammar School was to be provided for by means of a separate Bill, he (Mr. Stout) would be forced, on behalf of the Dunedin High School, to bring in a similar Bill. It would also be necessary to deal with several existing grammar schools, such as the Grammar Schools at Invercargill and at Oamaru. He would earnestly urge the Government to give consideration to this question.

Major ATKINSON thought the suggestion of the honorable member was very well worth consideration. The Government would consider the matter, and, if they found it workable, the proposition which the honorable member had made would be carried out. Sir G. GREY was going to ask the honorable member for Franklin not to push on the second reading of the Bill, but to agree to postpone it; and he was going to do that for very good reasons. He would, first of all, say that he was exceedingly interested in this question. He had devoted attention to the subject many years ago, and, in conjunction with some other gentlemen, he had had a deed of trust drawn up in relation to this endowment, which it was now proposed to set apart for purposes different from those for which it was originally intended. The trust was originally made of two kinds. One was for schools to be kept in the town and on the isthmus of Auckland. A special provision was that there should always be a night-school in the Town of Auckland, which school was to be kept open for two hours every evening. That provision was never carried out; and now this Bill would have the effect of diverting the trust from the objects to which it was originally intended to be applied. In addition to his objection to such a diversion of these lands from the object for which they were first intended, he also objected to the Bill on this ground: that, if an elected Education Board was to be given to the Auckland District, such a Board was a good body to administer this trust. He thought that body should administer the trust in conjunction with the general educational system of the country. He had intended to propose what the honorable member for Dunedin (Mr. Stout) proposed—namely, that a clause should be added to the Education Bill, which would fully provide for all that was wanted. For the reasons he had stated he would not press the hon. member for Franklin to do what would be fair, and that was, not to press on the second reading until the original trust deed connected with this establishment was before the Assembly. If the House then felt that it was not right to take suddenly from the inhabitants of Auckland privileges in-
tended to be conferred upon them and to devote them to the Auckland College, it could then prevent the passage of the Bill. Until that deed was before the House it would be injudicious and unfair to the people of Auckland to press on this measure.

Mr. LUSK said that, although, under ordinary circumstances, it would afford him great pleasure to accede to any request of the honorable member for the Thames, he could not do so in regard to this measure, because he was acting on behalf of others, and saw no advantage in putting off the second reading. He would, however, be willing, if the second reading were agreed to, to put off the committal of the Bill for a fortnight, and that would leave ample time to give effect to the proposition of the honorable member for Dunedin City. If the Government saw their way to insert in the general Education Bill such clauses as the honorable gentleman had suggested, there might then be no necessity for proceeding further with this measure; but, if the Government could not do so, it would be necessary to carry the Bill through. In the meantime, the deed referred to by the honorable member for the Thames could be procured. He thought that honorable gentleman's memory did not serve him correctly with regard to that deed; but, even if he were right, it would not matter as far as the Bill was concerned, because it was not proposed to change the terms of the trust. It was quite clear that only such property as would be vested in trust for the establishment and maintenance of the Auckland College and Grammar School would be dealt with by this measure. Nothing could be further from his thought than any idea of changing the terms of the trust, and he felt sure that the honorable gentleman would accept his assurance to that effect. All he wished was that the second reading of the Bill should not be hung up. He would delay the committal, and would, in the meantime, get a copy of the trust deed and lay it before the House, so that there might be no doubt about the matter.

Question put, "That the Bill be now read a second time;" upon which a division was called for, with the following result:

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<tr>
<th>Ayes</th>
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Mr. ATKINSON, Mr. Ballance, Mr. Bunny, Mr. Gisborne, Mr. Hamlin, Mr. Harper, Dr. Henry, Mr. Hodgkinson, Mr. Hunter, Mr. Hursthouse, Mr. Lumsden, Mr. O'Rorke, Mr. Reid, Mr. LUSK, Mr. De Lautour, Mr. Dignan, Mr. Gibbs, Sir G. Grey, Mr. McLean, Mr. Nahe, Sir G. Grey, Mr. De Lautour, Mr. Dignan, Mr. Gibbs, Sir G. Grey, Mr. McLean, Mr. Nahe, Mr. LUSK, Mr. LUSK, Mr. Montgomery.

The Bill was consequently read a second time.

CROWN REDRESS BILL No. 2.

Mr. REES, in moving the second reading of this Bill, said that at present no person who might be injured either by a breach of contract on the part of the Government or by personal injury sustained by him at the hands of the Government, or by any of their servants, could sue the Government for compensation for his wrongs. If a man was injured by a railway accident, or if his crops were set on fire by the sparks from a railway engine on a Government line, his only chance of obtaining redress was to petition Parliament. Persons who sustained injury through the action of the Government or of Government servants ought to have some remedy at law, and the object of the Bill was to attain that end. The Government had become carriers, and they should be subject to the liabilities of carriers. He would have no objection, in Committee, to make the Bill apply to cases in which personal injuries had been inflicted. He would propose that suits should not only be brought in the Supreme Court, but also in the inferior Courts when the cases were within their jurisdiction. He trusted that there would be no opposition to the Bill, as, at the present time, persons who might receive very serious and grievous injury at the hands of the Government, whether in connection with small or large contracts, had their hands tied, and were not allowed to go into the Courts of Justice.

Mr. WHITAKER would say a few words, because, if he remained silent, it might be inferred that he quite agreed with the Bill, and had no amendments to propose. He did not oppose the second reading, but would propose several amendments in Committee. With regard to the observation of the honorable gentleman that the Government had become carriers, and should therefore be subject to the liabilities of carriers, he quite agreed with that; but the honorable gentleman had overlooked the fact that there was an Act already in force providing expressly for that.

Bill read a second time.

FINE ARTS COPYRIGHT BILL.

Mr. TRAVERS, in moving the second reading of this Bill, said the object of the Bill was to give to the authors of works of art in the colony a copyright in such works of art. He believed that the Attorney-General would not oppose the second reading, and he would postpone the committal in order that the Government might have time to consider it. It was desirable that persons who were authors of works of art in the colony should have some protection, which at present they had not.
Mr. WHITAKER had almost the same to say with regard to this Bill as he had said in reference to the last. It was only distributed that evening, and he had not had time to consider it. He was assured by the honorable gentleman, however, that it was very much in the form of the English Copyright Act. If that were so, there would be no objection to allowing it to go to the second reading. In the meantime he would not pledge himself to support it through its other stages.

Mr. STOUT thought the Bill was a proper one, and that there ought to be some power granted to register rights in art. He would suggest to the Attorney-General that if, he were going to look into the subject, he might also consider the question of the copyright in books. At present the Act in force in New Zealand on that subject was comprised in a very few clauses, and simply provided, without any registration or anything else, that an author should have a certain copyright in his works. He would suggest that a clause should be incorporated in this Bill giving power to the authors of books to register them in the same way that it was now proposed to register pictures, and to make the Bill applicable to books as well as to pictures. A provision might also be inserted that a publisher in respect to any copyright which it was right to draw attention. It referred to two acres of land adjoining a spring of water, which it was proposed to reserve for water purposes. That piece of land had been preserved from sale since the Town of Onehunga was originally laid out by the honorable member for the Thames (Sir G. Grey). It had only been handed over to the Board of Education by the Superintendent lest it should pass into the hands of the late Mr. Busby in satisfaction of his award. He did not think this piece of land should remain longer as an educational reserve, but that it should be devoted to the purpose for which it was originally intended—namely, an open space adjoining the main watering-place of the town. If the Bill were read a second time, he would not ask to have it committed until the lapse of a week.

Mr. WHITAKER said the Bill proposed to deal with certain Crown lands, and no recommendation had as yet been given by the Crown.

Mr. SPEAKER said the rule was that, in any proposed dealing with Crown lands, the recommendation of the Crown should be obtained, irrespective of the quantity of land, to be dealt with. If it were proposed to alienate even an acre of the public estate it ought to be recommended by the Crown. He understood that the proposal in this Bill was that the mere transfer of an endowment from one trust to another. All these cases ought to be looked at with very great jealousy indeed by the House.

Mr. GIBSON thought the case was analogous to the one referred to by the honorable member for Mount Ida. There were two acres of land which had been granted to the Superintendent of the province, and which had been granted to the Board of Education. The proposal to cancel the grant and to transfer the lands to the Borough Council of Onehunga was, he considered, an arbitrary proceeding, and quite repugnant to the views he had expressed on a former occasion. With regard to the other allotments mentioned in the schedule, if, assuming that they were Crown lands, the recommendation of the Crown had been obtained, he would not object to their being vested in the Borough Council.

Mr. SPEAKER said the case mentioned by the honorable member for Mount Ida was not analogous to the present case. That question
related not to Crown land, but to pastoral reserves.

Mr. REYNOLDS considered that the Bill should be recommended by the Crown. It was impossible that any member of the House, except the honorable member for Onehunga, could know anything about the lands mentioned in the schedule, and he did not suppose the Government would expect honorable members to pick out the information as best they could.

Mr. SPEAKER said that, as the Bill had not been recommended by the Crown, it could not be proceeded with. If the honorable member for Onehunga desired to postpone the second reading, he would put that question to the House.

Mr. O’HORKE said that a number of Bills of a similar character had been already passed through the House. For his own part, he would sooner obtain the opinion of the Government in the House than attend upon them in their offices. It seemed a hard thing that in dealing with a small allotment of ground they were to be tied down to obtaining the consent of the Government. Such a regulation took the power of dealing with great public matters out of the hands of the representatives of the people. If he thought that any advantage would be derived from waiting upon the Government he would not object to adopt that course. With regard to the two acres of land which his honorable friend the member for Totara objected to passing from the Board of Education into the hands of the Borough Council, he had distinctly stated that when the Town of Onehunga was laid out from the hands of the Board of Education into the hands of the representatives of the people. If Mr. Speaker could not put the question, he did not wish to act at variance with his view, and would therefore ask that the second reading of the Bill should be postponed.

Mr. Speaker
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had been received, and he was about to lay on the

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tion which the honorable gentleman desired to

from these returns the informa-
tion which the honorable gentleman desired to

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the honorable gentleman, but simply to point out

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ordinarv returns. He did not make these obser-

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possible to procure the return before the end of

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these Board was not very prompt

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table further returns which had subsequently
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come to hand. From these returns the informa-
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tion which the honorable gentleman desired to
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to obtain could be compiled readily enough; but, if

the time specified in this motion were adhered to,

the time specified in this motion were adhered to,
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it would be necessary to communicate with all

the Road Boards in the colony, some 600 in num-

the Road Boards in the colony, some 600 in num-

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ber; and the time and labour required in doing

that would be so considerable that it would not be

that would be so considerable that it would not be

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possible to procure the return before the end of

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the session. These Boards were not very prompt

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in responding to applications of this kind, nor

were they as yet very regular in forwarding their

were they as yet very regular in forwarding their

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returns. He did not make these obser-

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vations for the purpose of opposing the motion of

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the honorable gentleman, but simply to point out

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that possibly the information he desired might be

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obtained in a very short time if the date up to

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which the honorable gentleman desired to

be made very inconsiderable indeed. In the

be made very inconsiderable indeed. In the

instance to which he had referred, honorable
gentlemen would recollect that two Maoris and a

gentlemen would recollect that two Maoris and a

European were brought up before the Court for

European were brought up before the Court for

the sale and purchase of a certain quantity of

the sale and purchase of a certain quantity of

ammunition; and, although the case was clearly

ammunition; and, although the case was clearly

proved, a conviction failed, owing it must be sup-

proved, a conviction failed, owing it must be sup-

posed, to the severity of the punishment provided

posed, to the severity of the punishment provided

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by law. There was no possibility of arguing

against such a practice as that, and he reluct-

against such a practice as that, and he reluct-

antly consented to an alteration by which the

antely consented to an alteration by which the

punishment was made very small indeed. But

punishment was made very small indeed. But

there were other difficulties connected with this

there were other difficulties connected with this

sale and purchase of ammunition; and, now that

sale and purchase of ammunition; and, now that

there existed a nuisance in the country, called

there existed a nuisance in the country, called

the rabbit nuisance, which had become a very serious

the rabbit nuisance, which had become a very serious

one indeed, the effect of the restrictions placed

one indeed, the effect of the restrictions placed

upon the sale of powder and arms, and all other

upon the sale of powder and arms, and all other

requisites for shooting, was to constitute a very

requisites for shooting, was to constitute a very

serious addition to the necessary expenses of

serious addition to the necessary expenses of

settlers at a time when they were little able to

settlers at a time when they were little able to

bear it. For the purpose of preventing ammuni-

bear it. For the purpose of preventing ammuni-

tion getting into the hands of the Natives, he

tion getting into the hands of the Natives, he

might say that the Act as it stood was wholly

might say that the Act as it stood was wholly

inoperative. He had the authority of the late

inoperative. He had the authority of the late

Resident Magistrate of Maketu for saying that,

Resident Magistrate of Maketu for saying that,

with these restrictions and high charges placed

with these restrictions and high charges placed

now upon the sale of powder and shot, when

now upon the sale of powder and shot, when

Europeans desired to get ammunition in that part

Europeans desired to get ammunition in that part

of the country they did not go through all the

of the country they did not go through all the

prescribed forms, but purchased outright from

prescribed forms, but purchased outright from

the Maoris themselves. If that were the case, of

the Maoris themselves. If that were the case, of

what use was it to maintain an Act which only

what use was it to maintain an Act which only

operated against the Europeans, especially at a

operated against the Europeans, especially at a

time when the Europeans were obliged, in self-
defence against this nuisance which was destroy-
defence against this nuisance which was destroy-
ing our staple export, to purchase very large

ing our staple export, to purchase very large

quantities of powder and shot? Honorable
gentlemen must know, for there were few of them

gentlemen must know, for there were few of them

who had not had some practical acquaintance

who had not had some practical acquaintance

with the working of this Act, that, every time a

with the working of this Act, that, every time a

box of wads or caps or a pound of powder had to

box of wads or caps or a pound of powder had to

be purchased, the signature of a Justice of the

be purchased, the signature of a Justice of the

Peace was required. Very little at a time was

Peace was required. Very little at a time was

allowed to be purchased, and a considerable fee

allowed to be purchased, and a considerable fee

to be paid—a very considerable fee, when it

to be paid—a very considerable fee, when it

was considered how small was the amount allowed

to be procured. Every time a gun was sent to

to be procured. Every time a gun was sent to

have a screw put in, or any trifling repair made,
have a screw put in, or any trifling repair made,
another shilling was charged, and another sig-
another shilling was charged, and another sig-
nature of a Magistrate required. It appeared
ture of a Magistrate required. It appeared

to him that if, as he thought they might now

to him that if, as he thought they might now

freely do, they admitted that, for the purpose of

freely do, they admitted that, for the purpose of

the prevention of the sale of ammunition to the

the prevention of the sale of ammunition to the

Maoris, this Act was of very little use at all, and

Maoris, this Act was of very little use at all, and

if it was admitted, as he conceived it would be by

if it was admitted, as he conceived it would be by

the Colonial Secretary, that these small charges

the Colonial Secretary, that these small charges

were not imposed for revenue purposes, then they

were not imposed for revenue purposes, then they

might come to the conclusion that the time had

might come to the conclusion that the time had

arrived when they should make a very sweeping

arrived when they should make a very sweeping

abolition of the restrictions at present in force.

abolition of the restrictions at present in force.

In the southern districts of the Middle Island

In the southern districts of the Middle Island

he felt certain that, at the present moment,

he felt certain that, at the present moment,

the cost of shooting rabbits must be increased

the cost of shooting rabbits must be increased

by at least one-third in consequence of the action

by at least one-third in consequence of the action

of the present law. In the North Island the

of the present law. In the North Island the

rabbit nuisance is beginning to assume very great

rabbit nuisance is beginning to assume very great

proportions. He regretted to say that he was
informed on good authority that in the Wairarapa, close to the Forty-Mile Bush, sheep might now be seen lying dead in every direction, owing to the scarcity of feed at this period of the year and the large numbers of rabbits which infested the district. Although the shooting of rabbits was not so great a thing in the North Island as it had been in the South, it was evident that, in the very early future, there would be in the North Island a very great demand also for gunpowder for this purpose by Europeans. Even with regard to the other use that was made of gunpowder—the shooting of game throughout the country—unless it was contended that it was for revenue purposes there could be no necessity or advantage in placing an irritating restriction in the way of Europeans. He felt quite certain it would not be denied by the honorable gentleman representing the Government, or by any honorable gentleman who had a practical acquaintance with the subject, that the Maoris at this moment—how they did it he did not know—could get as much gunpowder as they liked. If that was admitted, and any one who had any knowledge of the Maoris would know that it was the fact,—he thought he would have made out a case; and he hoped the Colonial Secretary would see his way to promising that, as soon as possible, some alteration should be made in the Arms Act, so as to diminish the great cost to Europeans of the purchase of ammunition and the repair of their arms; and that the wearying obligation to obtain the signature of a Magistrate every time it was required to buy powder would be dispensed with.

Motion made, and question proposed, "That it is desirable that the Arms Act be further amended this session, so as to give greater facilities to Europeans who may require to obtain ammunition or to repair arms for legitimate purposes."—(Hon. Colonel Whitmore.)

The Hon. Mr. CAMPBELL entirely concurred with all the honorable gentleman had said with respect to the South Island, and was in a position to speak on that point, as he had, unfortunately, succeeded in reducing the number of rabbits in that country, and that there was, by the existence of this Act, which, although it had in some sort a protective measure enacted in the interests of the colony to prevent, as far as possible, supplies of arms and ammunition being obtained by those Natives who were in a state of rebellion against the Government. When the honorable and gallant gentleman told him that the necessity for maintaining the Arms Act in its integrity no longer existed, inasmuch as the Natives were now in a different state of discipline, he thought the honorable gentleman simply begged the question. If that was the honorable gentleman's impression, all he could say was that his impression was directly opposite; and seeing that he had, during the last five or six years, taken the strongest personal interest in the administration of the Arms Act; seeing also that he had almost, so to say, organized, at least in the North, the department which had exercised special supervision over the sale of arms, he was in a position to form as accurate a judgment upon that subject as the honorable and gallant gentleman could possibly do. From his own experience, his view was that the Natives did not get as much ammunition as they wanted, and that there was, by the existence of this Act and the machinery which was being organized to carry it out, a very strong and salutary check exercised over the sale of arms and ammunition to the Natives. It was, even up to the present time, and would be, he thought, for some time longer, a very proper and necessary check,
and he had no sympathy at all with the impatience which individuals felt under these circumstances, in view of interests entirely beyond and outside themselves, when they were required, in order to obtain a supply of ammunition, simply to go through the form of asking a Magistrate to append his signature to the license. It was practically no inconvenience at all, and, if it were a very much greater inconvenience than it was, the sacrifice was one which might very properly be imposed by the State upon individuals in view of the large public advantage which was secured by the law as it at present stood. Whether or not it would be desirable to abolish the duties on gunpowder, or to do away with the necessity for making any application for licenses in view of the necessity for exterminating rabbits in the South, he was not prepared to say, but he thought a great deal more importance was attached to that point than it deserved. He spoke without book, but it was his impression that a provision was made in the Act passed last session to give facilities for obtaining as much gunpowder as was desired for this particular purpose. If further provision were found to be necessary in order to stop that nuisance—the importance of which he admitted—that would be a proper foundation for exceptional legislation; but it certainly would not, to his mind, be a sufficient ground for removing suddenly the protection which the Arms Act had afforded to the whole colony during its enactment, and which it would continue to afford. He would therefore vote against the resolution in its present form.

The Hon. Mr. NURSE thought the Colonial Secretary was hardly justified in saying that this question did not bear upon that of the rabbit nuisance. Although it might not be proper to discuss the rabbit nuisance in connection with the subject of the Arms Act, still it was certainly not an irrelevant fact that, by reason of the duty on ammunition and the license fees, it cost about threepence to fire off a gun; and, even supposing that a rabbit was killed at every shot, the expense was so great that people did not attempt to destroy rabbits by shooting them, but were reduced to other expedients. Certain parts of the South Island were almost desolated by the rabbits. The evil had become so serious that there were people who, in a short time, would have to abandon their runs, and leave them altogether on the hands of the Government. Indeed there were persons now already contemplating doing so. Therefore he thought everything bearing on this subject was a matter for very serious consideration.

The Hon. Mr. MANTELL said that, of course, underlying the whole of this was the rabbit. The honorable gentlemen who had been afflicted with rabbits had matters very much their own way in the Council, but he was not aware that of the weapons placed in their hands last session they had made sufficient use. However, he could ascertain that by moving for a return, which he intended to ask for, of the number of Trustees elected under the Rabbit Nuisance Act of last session. He was not surprised, after the experience of last session, that any measure should be held to be absolutely essential which might be considered in the slightest degree as tending to facilitate the extinction of rabbits. An attempt was made then to protect other things by prohibiting the importation of certain noxious animals, and that failed. It failed signally and peculiarly. He was not going to refer more to it now, especially as he intended to move for information as to what action had been taken in the absence of that Act. But he must remind honorable gentlemen, suffering as they might be from the inroads of rabbits, and from the damage done to their runs by those animals, that they would command a wider public sympathy if they did not become so violent in their antagonism to rabbits as some had shown themselves. He would be able to produce to the Council in a few days a letter written by a gentleman suffering from this complaint—the rabbit scare—in which he attacked people who grew sweet-briars, and concluded his letter by saying that he held the man who grew sweet-briars as being as bad as a murderer, simply because he thought that sweet-briars would supersede the growth of grass, and tear the wool from the sheep. He (Mr. Mantell) quite agreed with the Colonial Secretary that the time had not yet arrived when they could remove the restrictions on the sale of arms and ammunition. That they were a very great nuisance he confessed. He remembered that on one occasion he desired to have a gun examined, and he had to pay a shilling in order to have the breeching taken off, and then he had to pay a shilling for another license in order to have it put on again. All that was a great nuisance, but, at the same time, a great public good would ensue from restrictions placed upon Natives obtaining ammunition, although, as the Hon. Colonel Whitmore had said, they did succeed in procuring ammunition in very considerable quantities, and, with a liberality that exceeded that of Europeans, they were willing to part with it for a consideration.

The Hon. Captain FRASER said, "He jeasts at scars who never felt a wound." If his honorable friend Mr. Mantell, instead of rabbits, had a number of goats going into his beautiful garden and destroying all his shrubs, he would have some idea of what the squatters experienced by the invasion of rabbits. With regard to not bringing the Rabbit Nuisance Act into operation, it had been found to be perfectly useless. It was founded on the Tasmanian Act, and was not at all adapted to the requirements of this colony. Last year they made strong endeavours to reduce the duty on gunpowder, but failed. The tenants of the Crown had a right to ask the Government, who were in the position of landlords, for assistance in the matter. There was not much connection between selling arms to the Natives and killing rabbits, but, at the same time, he trusted that the Government would take the matter into consideration.

The Hon. Sir F. DILLON BELL said that, after all, the remark with which his honorable friend had just concluded was really the gist of the matter: the rabbit nuisance had nothing whatever to do with removing the restrictions
upon the sale of arms and ammunition in the North Island; and he should regret if the discussion which had taken place should result in a vote which should be the result of considerations about rabbits. He agreed with the Colonial Secretary in his objection to this motion, because he did not think the time had arrived when they could, with safety to the North Island, remove the restriction which existed on the sale of arms and ammunition. He was perfectly well aware, as indeed was every one who had taken part in the public affairs, or had had any responsibility in them, that notwithstanding these restrictions, the Natives did get powder and ammunition; but, if the restrictions were removed they would get more. The restrictions operated to some extent, and it would be inadvisable for any consideration to run the risk of an indiscriminate distribution of arms and ammunition among the Natives, when they did not know what the extent of that risk would be.

The Hon. Colonel Whitmore said that, after the statement of the Hon. Mr. Buckley, that the revenue from this source amounted to something short of £3,000 a year, he was quite prepared that the Colonial Secretary should not tell them that this abominable nuisance was maintained simply for revenue purposes. He said it was an abominable nuisance because it was a nuisance which did not in the least affect the Maoris, but entirely affected the Europeans. He would like to know, for instance, what possible effect the perpetual charge of a shilling imposed every time a gun was repaired would have upon the prevention of the sale of arms to the Maoris. The Colonial Secretary said they should keep the rabbit nuisance separate from this subject, but it had been shown that the interests of the country were prejudicially affected by this Act, and he had nothing—except the bare assertion of the honorable gentleman himself, to which he attached, of course, great importance, the more so as the honorable gentleman said he had gone into the subject carefully, and endeavoured, through a department which he had created, to keep a watch on the sale of ammunition to the Natives—he had nothing to show that there were any means of preventing the Natives from getting powder by the Act. If it had been made a capital offence to sell ammunition to them, or even if a very severe punishment had been imposed, that would have stopped the Natives from getting powder; but merely making it a question of cost only reduced the matter to this point: that whenever the Natives very much wished it they could get ammunition, and would get it. Now, at a time when they did not want it, he knew as a fact, and several other honorable gentlemen who had spoken knew, that the Natives did obtain ammunition; and when powder and ball were to be got for purposes of war and purposes of self-defence as the Maoris might consider it, it would not be a question of the penny charged that would debar them from procuring it. As to the signature of a Justice of the Peace, there were a great many Justices of the Peace, and he was not at all sure that that restriction would stand very much in the way of the Natives getting the same amount of powder that Europeans obtained. There were other influences at work. There were means of getting the ends without the means.

Possibly the honorable gentleman's department could tell them about it, but there were means adopted by the Natives, and it was something else that should be struck at than the mere retail trade in the shops if the Natives were to be prevented from getting powder. He would be very glad, for the sake of the Middle Island, to see the Act entirely suspended if he thought there was any chance of a suspension being agreed to; but, while he said that, he must also remark that in the North Island the same difficulty was arising. As the people had received ample warning they might, but for this difficulty among others, have nipped the evil in its bud, and prevented the evil reaching the proportions it had assumed in the South. The Colonial Secretary said that he had very little sympathy with persons who objected to a slight inconvenience in view of the larger advantage given by the law as it stood. Well, he thought there had not been enough sympathy expressed on the part of the Government with those who were suffering from the rabbit nuisance, and not only with those persons, but with the interests of the public.

The Hon. Dr. Pollen hoped he might be allowed to correct his honorable friend. It was not with those persons who suffered from the rabbit nuisance that he expressed his want of sympathy, but with those persons who objected to the personal inconvenience of applying to a Magistrate for his signature to a license. The Hon. Colonel Whitmore said his honorable friend was quite mistaken if he thought his objections were directed against sporting licenses. That was quite a different point. But the honorable gentleman said he had no sympathy with people who objected to inconvenience in view of the larger advantages given by the law as it stood. Well, the honorable gentleman clearly meant to say that he had no sympathy with people who objected to pay one-third more than they ought for gunpowder, and who objected to the inconvenience of only getting a pound at a time, and of not being able to get a little wadding, a little lead or empty cartridges, or their guns repaired, without paying 1s. each time, when their object was to destroy the vermin which were eating people out of the country in some parts. If the honorable gentleman had no sympathy with people who complained of those extra charges, he ought to have a little regard for the interests of the country itself, because who was more affected by the rabbit nuisance than the Government? The Government was the protector of these lands, which were becoming year after year of less value through the inroads of these creatures; and, if some facilities were not soon given to the runholders in the South, the nuisance would become so serious that it would not be worth their while, seeing that their leases were now so near conclusion, to incur a large expenditure in order to keep the rabbits down. The Government did everything
in its power to discourage the runholders, and, instead of regarding the rabbit evil as a national misfortune, left those people to do what they chose themselves. He felt great sympathy with them, and he felt certain that the people in the North Island would require sympathy directly, not only on account of the invasion of rabbits, but from the fact that so large a portion of the North Island was at present held by the Maoris, who, as usual, would be exempt from any necessity to keep down the vermin. When once they got a footing in the North Island it would be absolutely impossible to keep the rabbits down. If he did not argue that the Arms Act was to a great extent inoperative, of course he would not have moved that it be amended. He did argue that it was very inoperative in spite of a number of restrictions which fell entirely upon the Europeans and did not affect the Maoris. At present the only difficulty was a question of money, and that would not stand in the way of the people getting arms. Even the Turkish Government, who had not two sixpences to knock together, could buy as much powder and ball as they chose for fighting purposes. And so it would be always. When ammunition was wanted for the purposes to which we most feared it would be put when in the hands of the Natives, it would be obtained in spite of restrictions. If it were made very highly criminal to sell powder at all to Maoris, he could understand that; but he could not understand levying taxation which was paid entirely by Europeans, and which would not prevent Maoris getting powder if they really wanted it. He would be quite willing to accept the verdict of the Council on the voices.

Motion negatived.

PORT CHALMERS WATERWORKS BILL. Sir F. DILLON BELL, in moving the second reading of this Bill, said its object was to enable the Port Chalmers Municipal Corporation to borrow an additional sum of money for the completion of their waterworks. The Bill, as honorable members were aware, came up to the Council with the assent of the House of Representatives. It would be within the recollection of honorable members that an Act was passed in 1872 regulating the borrowing of money for the purpose of supplying cities with water. Under that Act the Corporation of Port Chalmers had been authorized to borrow a sum of £215,000, which was then supposed to be sufficient, for the purpose of supplying that port with water, and it was provided that any loan raised under the Act should be secured by a special rate to be levied on the inhabitants. That rate had been levied and the money borrowed, but it had been found that £15,000 was not sufficient to meet the growing requirements of the port. It was only one instance of the difficulties which occurred at every turn. They authorized money to be borrowed to improve their resources and to extend their trade, and as soon as they did so they found that, when their resources were extended and their trade improved, they required more money to give further development to them. And, as in the case of public works, so in the case of waterworks in the cities, and other municipal wants. They were getting into an amount of borrowing which would be very serious if it did not rest upon the increased wealth and means of payment which the country was realizing. It was found that the Municipal Corporation of Port Chalmers would have to pay certain additional claims for the extinction of water-rights and for acquiring land, and it was now proposed to enable them to borrow an additional £10,000. The chief reason for this Bill was the large increase of shipping, and the necessity for providing for the vessels in port a proper supply of fresh water. It was proposed that the debentures should be a second charge, the first charge created by the original loan to be reserved to the debenture-holders under that issue; this would meet an objection taken by the Hon. Mr. Buckley the other day to another Bill. All claims for compensation on account of land taken, water-rights injured, &c., were to be made within six months after the passing of the Act, and were to be settled in the manner provided in Part III. of "The Public Works Act, 1876." Lastly it was proposed to incorporate Port Chalmers under the Public Works Act into this Bill, regulating the way in which land was to be taken for public purposes and compensation given.

The Hon. Mr. BUCKLEY had no objection to the Bill so far as it went, and would very much like to see it pass. But there was one thing which perhaps had been overlooked by the honorable member. The Bill proposed to give power to borrow a second sum of money, to be expended under "The Municipal Corporations Waterworks Act, 1872." Now he found that last year this Act was repelled by "The Municipal Corporations Act, 1876." He was afraid that would be a fatal objection to the Bill passing. It was impossible now to borrow money under the Act of 1872. The only way of getting over the difficulty would be for the Port Chalmers Municipality to come under the operation of "The Municipal Corporations Act, 1876," under which there was ample power to borrow this additional sum for waterworks.

The Hon. Mr. MANTELL hardly agreed with what had fallen from the Hon. Mr. Buckley. The Bill appeared to him to be totally superfluous. The Port Chalmers Municipal Corporation, though at present existing under the Otago Municipal Corporations Ordinance, had power at once, by an exceedingly simple process, to come under the provisions of the Municipal Corporations Act of last session, and then to raise whatever loans were necessary for waterworks or any other public object, with the consent of the rate-payers. Nor was this any new thing to the Municipality of Port Chalmers; because, on a former occasion, when it raised the loan of £215,000 which it now wanted extended, it came under "The Municipal Corporations Waterworks Act, 1872," as stated in the preamble of this Bill. The Act of 1872 had been repealed; but it was incorporated in the Municipal Corporations Act of last session, and, by simply repeating the process which they went through in order to obtain the first instalment of their loan, it ap-
peared to him competent for the Municipality to obtain the additional sum of money which they required. The clauses providing compensation were also in the Act of last session. The recital of the preamble of this Bill, consequently, he held to be incorrect. The Municipal Council had the same power which it possessed before it began the waterworks—the power of coming under the Act of the General Assembly and raising the loan; and as it had that power, and as he held it to be extremely inexpedient to encourage the separate existence, as it were, of Corporations and other bodies under different Ordinances when the Assembly had already provided so excellent a means of meeting such cases, he would vote against the Bill. Then, again, he submitted to those honorable members who took an interest in financial questions in the Council whether or not the value of loans sanctioned by the General Assembly might not be more or less affected by the General Assembly giving special sanction to loans of Corporations after having passed a general Act enabling those Corporations to raise money without referring to the General Assembly. He did not give an explanation of that question, but, from a plain common-sense point of view, he believed the effect would be to create some confusion at any rate in the minds of the English capitalists; and, where they introduced confusion into the minds of capitalists, depend upon it there would be distrust at the same time. Therefore he would move, that the Bill be read a second time that day six months. It would be open to the honorable gentleman in charge of the Bill to prove that it would be impossible for the Municipality of Port Chalmers to avail itself of the provisions of the Municipal Corporations Act. If he did so, of course the amendment would fall to the ground; if not, he trusted a majority of the Council would affirm it.

The Hon. Colonel Whitmore would support the amendment for this reason: that, as the colony was now getting so much into debt, and as local debts of all descriptions were being incurred, he was exceedingly anxious to limit as far as possible the loans which would hereafter be floating about the world. He would be more willing to look favourably upon local loans if it were provided, in every Bill giving borrowing powers, that the money should be borrowed within the colony; for he was beginning to look with great distrust and alarm at the large amount of money which had to be expended every year in payment of the interest upon our debt. The attempt— he would not say the attempt, the neglect—of certain Otago municipalities to take advantage of the general Act passed last session was one which ought to meet with no favour in the Council, and one which, if they did not set their faces against it, would lead them into very great embarrassment. It would be perfectly easy for the Municipality, by taking advantage of that Act, to obtain all they sought by this Bill, and, while so doing, the loan which they proposed to float would be in exactly the same category as all the other municipal loans in the colony, and would not be one of an exceptional and rather unrecognized character. For those reasons, he would support the amendment.

The Hon. Colonel Brett would like to know if the ratepayers consented to this Bill. If they did he would consent to it, but if not he would oppose it. The bringing in of a supply of fresh water to a town was a necessity, and a proposal which they should all support; but he considered that the ratepayers should give their consent to a Bill of this kind before it was passed.

The Hon. Mr. Williamson would support the amendment of the Hon. Mr. Mantell, because he thought great weight attached to the last remarks the honorable gentleman made—namely, that the public were confused when they saw that these powers to borrow were sanctioned by the Assembly. It created in their minds an impression that the colony was responsible in some way, in spite of the understanding that Corporations borrowed entirely without the guarantee of the colony. For that reason he would much rather see these borrowing powers emanate from the Corporation itself.

The Hon. Mr. Paterson would be sorry on general grounds to oppose the second reading of such a Bill as this, the object of which was to provide an adequate water supply for a very important place, and to furnish the shipping frequenting that port with water. It was evidently a matter of considerable importance to the Municipality that it should be enabled to meet a requirement which was so very much felt. At the same time, when the Legislature provided certain means by which anything was to be accomplished, it should insist upon those means being adopted when it was desired to attain the object. The Legislature having said that by a certain process any Corporation could borrow money for certain purposes, the Council should set its face against sanctioning any other mode by which that purpose was sought to be accomplished. Port Chalmers was no doubt a place of considerable importance, and the object sought to be accomplished by this Bill was of great interest alike to the town and also to the shipping there; but the parties who promoted this Bill, and the honorable member for Port Chalmers, who introduced it in the other House, were thoroughly acquainted with all the circumstances of the case, and ought to have known that there was a short and legitimate way of accomplishing their object without in this way applying to the Assembly. He would be glad to hear the honorable gentleman in charge of the Bill give an explanation why this course had been adopted instead of the one prescribed by law. With regard to the remarks of the Hon. Colonel Brett, he hoped also that they would be informed whether the ratepayers assented to this Bill, as they were particularly interested.

The Hon. Sir F. Dillon Bell said the Council would perhaps not object to an adjournment of the debate, in order to enable him to consult with the honorable member who had introduced the Bill into the other House. Owing to his absence from the Assembly last year he was unaware of the fact that "The Municipal Corporations Waterworks Act, 1872," was repealed in
The schedule of the Municipal Corporations Act of last session. But honorable members were mistaken if they supposed that the Act of last year would apply to a case like this without a special Act. If they would read the provisions in that Act which related to waterworks they would see that it was guardedly restricted to something new—something which had to be begun under the special provisions of the Act; and the provision had no relation to a case of this kind, where works had been begun and claims existed in respect of the purchase of land and water rights already taken under the Act of 1872. It might perhaps be advisable to reconstruct this Bill so as to bring it under the general provisions of the Act of 1876, but it was clear that some new legislation was necessary to enable the Port Chalmers Municipality now to make use of the Municipal Corporations Act. He admitted, however, that there was a blunder in the drawing of the Bill, seeing that the Municipal Corporations Waterworks Act had been repealed; and, if the Council would allow the debate to be adjourned, he would take care that the matter was properly represented, so as to enable that defect to be remedied.

The Hon. Mr. MANTELL, as a matter of courtesy to the honorable gentleman, would be quite willing to accede to the adjournment, but, when he based his grounds for desiring an adjournment upon an imputation against the legislation of last session of so grave a nature as that they made no provision for admitting Corporations under the Act subject to all equitable responsibilities, and so forth, he would call the honorable gentleman's attention to a provision in the 16th clause of "The Municipal Corporations Act, 1876." The 15th clause stated—

"The Governor may, by Proclamation, declare any of the several places specified in the Third Schedule [the Corporations under the Otago Ordinance] to be boroughs constituted under this Act, subject to the following conditions." The 16th clause provided—

"The Hon. Mr. MANTELL—That does not give power to take action under section 241. He thought it would be well to refer the Bill to a Select Committee. There seemed to be some reason for those complaints. In the Province of Nelson the amount collected in connection with the Native reserves was £2,706 10s. 4d. The charges were—Commission for collecting, £232 18s. 4d.; proportion of Commissioner's salary, £222 18s. 4d.; proportion of Interpreter's salary, £250; proportion of Interpreter's salary, £240; Interpreter's salary, £232 18s. 4d. Altogether, there was a charge of £233 against the Natives for administering an estate which brought in £2,706. In regard to Greytown, the charges were not quite so high, but still were very much out of proportion. The charges there were—Amount collected, £2,219; commission on collecting, £149; clerical assistance, salaries, travelling expenses, £232 18s. 4d.; Interpreter, £250; schoolmaster's salary, £756; altogether, about £700. He thought it would be well to refer the Bill to a Select Committee. There seemed to be some room for complaint on the part of the Natives with respect to the management of their reserves.

The Hon. Mr. MANTELL moved, as an amendment, That the Bill be referred to a Select Committee consisting of the Hon. Dr. Pollen, the Hon. Sir F. Dillon Bell, the Hon. Mr. Paterson, the Hon. Captain Fraser, the Hon. Mr. Ngata, and the mover. Amendment agreed to.

The Council adjourned at twenty minutes to five o'clock p.m.
HOUSE OF REPRESENTATIVES.

Thursday, 6th September, 1877.


Mr. SPEAKER took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Kaiparo Native Reserves Bill, Native Land Sales Suspension Bill.

DUNEDIN HIGH SCHOOL.

Mr. PYKE asked the Government, Whether they intend to take any action in the matter of the dispute now pending between the Otago Education Board and the Rector, Lady Principal, and teachers of the Dunedin High School, by appointing an independent Commission of inquiry, or otherwise? No doubt the Government were aware that, in consequence of the action of the Education Board, the Rector of the High School, the Lady Principal of the Girls' High School, and also all the teachers of the Girls' High School with only one exception, had tendered their resignations. He noticed by the papers that the public desired an independent inquiry into the matter; and he hoped the Government would give him a satisfactory answer to this question, as there was considerable agitation upon the subject in Dunedin.

Mr. BOWEN, in reply, said the Government were aware, from various sources, that an unfortunate disagreement had taken place between the Education Board and the teachers of the High School. They were at present waiting for official information, and as soon as that was received they intended to appoint a Commission to inquire into the matter.

DILLMAN'S TOWN PROPOSED POST OFFICE.

Mr. BARFF asked the Postmaster-General, If it is the intention of the Government to establish a branch post office at Dillman's Town, near Kumara, and a daily mail service between those two places? It had come within his knowledge that, some time since, a very numerous petition was sent from the people at Dillman's Town to the Postmaster-General, asking for the establishment of a post office at that place. The population, including that of the surrounding districts, would be about two thousand. The Government had made Kumara a borough, thereby diverting the larger portion of the revenue into a new channel; and the Road Board, being deprived of their funds, could not undertake to make a passable road. Consequently the people were subject to great hardship in having to travel, chiefly at night, over a very bad road in order to go to Kumara for their letters. It was further suggested that there should be a daily mail between the places, the expense of which would be very small in comparison with the benefit that would be derived by the public.

Mr. McLEAN replied that, when the petition was presented to which the honorable member referred, inquiries were made, and it was found that this place was only a mile or a mile and a half from the post office; and it was considered then that it was not necessary to establish a post office at the place, but the postmaster always kept his office open till late after the arrival of the mail, for the convenience of those resident there, which was thought sufficient then. If the road were made to the latter place it might be a question whether a post office should not be established there. He would make further inquiry in order to ascertain whether any change had occurred, since the receipt of the petition, which might make it desirable for the Government to come to some other conclusion than that which had been already arrived at.

PROVINCIAL APPROPRIATIONS.

Mr. GISBORNE asked the Colonial Treasurer, Whether he will refer the provincial appropriations since the Abolition Act of 1875 to the Public Accounts Committee; and, if so, when he will do so? He understood, from some remarks of the Colonial Treasurer on the previous day, that he would refer these provincial appropriations to the Public Accounts Committee, and he wished now to know when the honorable member would do so.

Major ATKINSON was unable to tell the honorable member when he would refer these appropriations to the Public Accounts Committee. As he informed the House on a previous day, he was waiting for the classification of the appropriations, and as soon as he had received that classification he would refer the accounts to the Committee.

KAIPARA HARBOUR.

Mr. TOLE asked the Commissioner of Customs, If the Government will give effect to the recommendation of the Public Petitions Committee in reference to the petition of merchants, shipowners, and shipmasters relative to the alteration and increase of buoys, beacons, and other essentials to safe navigation in Kaipara Harbour? This harbour was becoming one of the greatest importance, especially in relation to the timber trade. It was therefore absolutely necessary that some means should be taken to insure its safe navigation. A petition had been sent to the House by several of the shipowners, and shipmasters trading to the port, requesting that the buoys and buoys in the harbour should be altered. The Committee recommended that the petition should receive the favourable consideration of the House, and he hoped the Government would carry out the suggestions so made.

Mr. McLEAN quite acknowledged the importance of this harbour, and might say that it did not require any petition to induce the Government to take the steps that might be required. He might further say that the honorable member for Marsden had been most persistent in bringing
the matter under the notice of the Government. However, before any one had called the attention of the Government to the subject, the Government had taken steps to have the harbour put in order. Since the harbour had come under the control of the Government they had called for tenders for buoys, which were being manufactured at Auckland. The Government were now only waiting for Captain Johnson to survey the harbour. That officer has asked for a little delay, in order that the weather might be more settled, which would enable him to make a better survey. The survey would be made as soon as possible. The petitioners referred to by the honorable member were entirely in error in saying that the Government received more from the harbour than they expended on it. It was quite the reverse, as all honorable gentlemen knew was generally the case with these harbours. The Government had received in pilotage and other receipts £2325, and had expended £434, besides the Government had received in pilotage and other receipts. He hoped Captain Johnson would be able to make the survey within a month.

LAND FOR RAILWAYS.

Mr. J. C. BROWN, in moving the motion standing in his name, said that the return asked for would be a very useful one. A similar return was laid on the table in 1872, and his object was that the return now asked for should form a continuation of the former one.

Motion made, and question proposed, "For a return of the names of all persons from whom the Government have taken land for railway purposes; the areas, localities, and amounts paid, or to be paid, to each person; together with the cost of arbitrations, and amounts received by the Government negotiators by way of salaries, commissions, travelling and other expenses respectively, to 30th June, 1877."—(Mr. J. C. Brown.)

Mr. HODGKINSO took the opportunity to draw the attention of the House to the fact that many persons from whom land had been taken for railway purposes had not, up to the present time, received any payment for it. He knew of one district in which a very large quantity of land had been taken three years ago, and he was under the impression that no settlement had ever been effected with any of the persons from whom it was taken. He would like to have the information the return would afford, because he was desirous of taking steps to have these cases settled.

Mr. ORMOND said there would be no difficulty in furnishing the return if the honorable member would restrict the motion by omitting all the words after the words "each person." That information could be given very shortly, and could be placed on the table without much delay. But, if the honorable gentleman insisted upon having that information before the House was engaged in the latter part of the motion, the preparation of the return would occupy a long time, and would be very expensive. If the honorable gentleman would point out any particular case in regard to which he required information, he (Mr. Ormond) would be glad to supply it. He would move, as an amendment, That all the words after the words "each person" be struck out.

Mr. MACANDREW said it would be very desirable to have all the information asked for in the motion, and not think it would be better to have it supplied even if the preparation of the return occupied six months.

Amendment agreed to, and motion as amended agreed to.

OTAGO LEASES.

On the motion of Mr. J. C. BROWN, it was ordered, That a continuation of the return laid upon the table of the Provincial Council of Otago by the Provincial Secretary on 8th June, 1874, showing in detail the conditions under which the pastoral leases and licenses in the then province were at that time held, be printed and laid before this House, so amended as to show the area of each run in the respective counties of the Provincial District of Otago, with all transactions up to 30th June, 1877.

OAMARU MAIL.

Mr. WAKEFIELD said it would be in the recollection of the House that on the previous day, at the suggestion of Mr. Speaker, he gave notice of his intention to move that the manuscript of the address delivered by Mr. Jones on the 28th August should be returned to him. The whole House, so far as he was able to judge, was in favour of this manuscript being returned to Mr. Jones, except the Premier and the Attorney-General, who, by crying "No," prevented the otherwise unanimous feeling of the House from being given effect to. The Attorney-General then made a statement which shocked him very much, and must have shocked other members of the House. He intimated that the Government counted on obtaining the recordsof this House to be used in evidence against Mr. Jones in the trial about to proceed. That was the effect of his argument that the Crown Prosecuter might require this document in the course of the prosecution of Mr. Jones. He, for one, deeply deplored that any Minister should have made the statement that this document would be required to be used against Mr. Jones in the Supreme Court. He hoped the time had not come when the House would take up such a position as the honorable member suggested should be taken up in reference to this document. He begged to move the motion standing in his name.

Mr. BARFF seconded the motion, and regretted that such steps should be taken as had been taken in the case of Mr. Jones. He was the more anxious that the motion of the honorable member for Geraldine should be carried, because he found that the printed statement placed before the House was not an exact copy of what Mr. Jones stated at the bar. He heard every word being seated close to where Mr. Jones was standing, and he knew that certain words had been omitted in the printed statement. He did not
say that it had been done intentionally, but what had happened once might happen twice, and, as they were told on the previous evening that this document had been mutilated in passing through the hands of the Printer, it was possible that the omission of a line by accident might have had the effect of altering some of the passages. He regretted that there should be anything like persecution in the prosecution of any person supposed to have committed an offence such as that charged against Mr. Jones. He had seen some grossly libellous telegrams which were sent from some obscure place up North and published in Wellington, and the words were distinctly written on the papers sent to Mr. Jones. He had searched the regulations, and found that it was left entirely to the clerks in the Telegraph Department to decide whether any telegram presented for transmission contained anything of a libellous or indecent nature, and the result was that gross libels were passed through the wires, thereby rendering the person who sent them, the operators who transmitted them, and the heads of the department, liable to actions for libel. The law of libel was very distinct, and was very short. They had the English libel law in force, and, according to that, some of these telegrams were very gross libels indeed. He trusted that no attempt would be made to prejudice the higher Court jury who would have to try the case, and the public generally, against Mr. Jones. For his part, he had no feeling in the matter except that he was bound to see justice done.

Motion made, and question proposed, "That the manuscript of the address recently delivered by Mr. George Jones at the bar of this House, and furnished by him to the Clerk for the convenience of this House, be returned to Mr. Jones."—(Mr. Wakefield.)

Mr. SPEAKER said he thought it right to explain that when he said the document was mutilated he intended to convey the idea that the paper had simply been cut up for the convenience of this House, be returned to Mr. Jones.

Mr. BARFF entirely understood Mr. Speaker to convey that meaning, but he had been connected with the Press for many years, and he knew that, where manuscript was written closely, and it was cut up for distribution amongst the printers, it was very easy to make a mistake.

Mr. FOX thought that, after the very deliberate statements of the honorable member, he ought to be called upon to show in what particular the printed statement differed from the manuscript. Such insinuations should not be made unless there was some very good ground for them.

Mr. BARFF stated that nothing of any great importance had been left out.

Mr. SPEAKER said he had just been informed that the document was not cut up, but that it was distributed among the printers in such a way that no page should be disfigured. It was not desirable that the House should distrust its Printer, but he thought it might be better to take the precaution of comparing printed documents with the manuscript before they were brought into the House.

Mr. WHITAKER said that whether or not the document should be returned to Mr. Jones was a question for the House to decide. He had been applied to as to giving up the document, but he did not feel himself in a position to say either "Yes" or "No," till he had ascertained whether the Crown Prosecutor required it or not. He had now seen the Crown Prosecutor, who had informed him that the document was not required; and it therefore rested with the House to say whether it should be given back to Mr. Jones or not. The Government had no objection to the return of the document to Mr. Jones.

Mr. REES would like to say a few words in relation to this matter. As he understood the case, the document in question had been intrusted by Mr. Jones to an officer of the House for the convenience of the House, but when he requested that it should be returned to him he could not get it back. The Government had not been associated materially in actions for libel. The Crown Prosecutor had searched the regulations, and he found that they were quite willing to furnish any papers which might be required in reference to this matter, but the proceedings in the Resident Magistrate's Court that morning showed that they were not willing to do so, and they showed, moreover, that the Attorney-General himself had determined not to throw any light whatever on this subject. He evidently did not want to give evidence, and he (Mr. Rees) had seen the honorable gentleman instructing the Crown Prosecutor, and, in fact, the Crown Prosecutor stated that, according to his instructions, everything should be revealed in the Supreme Court, but that nothing should be revealed in the Police Court, where it was necessary that everything should be revealed. The Hon. the Attorney-General had told him publicly that anything that was required in the Courts of law should be provided, and he had caused a notice to be served upon that honorable gentleman to produce these documents, but the documents had not been produced. The Crown Prosecutor had appealed to the Court not to call the Attorney-General as a witness, and the honorable gentleman had gone out of the Court, and therefore was not called. It was by no means right that a document which had been lent to the House as a matter of grace should be kept back from the lender. The way in which this thing had been carried out was something which he could not understand, and he would only say that if men ordinarily pursued such conduct amongst themselves there would be an end to the courtesies which obtain amongst gentlemen.

Mr. SPEAKER said it was his duty to point out that this paper was not given to the House as a matter of grace. The House had a right, in such a case, to demand that a paper read out to it should be handed over to the House.

Mr. WHITAKER rose to make an explanation. He did not intend to be present at the Resident Magistrate's Court that day at all, because he felt that his evidence would not be required—indeed, would not be admissible. However, as he had received a summons from the
defendant to be present, he went to the Court before it opened, and, as he had no desire to be present, especially as there was no chair in the Courthouse on which he could sit, he went into the Supreme Court Library to wait till he was required, after telling the Crown Prosecutor that he was to be found there if he were wanted, and requesting the Inspector of Police to send for him when he should be required. He remained in waiting till the case was concluded.

Mr. REES stated that he heard the Crown Prosecutor absolutely implore the Court not to compel the attendance of Mr. Whitaker for the purpose of being examined.

Mr. GISBORNE thought it would be very inconvenient for the House to criticise a case which was pending before a law-court; but he must say that, in supporting the motion of the honorable member for Geraldine, he did so not on the ground that the document was not required for the purposes of prosecution, but on the ground that it was not in the lawful possession of the House. Mr. Jones had read a statement to the House; and some hours afterwards, at the request of Mr. Speaker, handed it to the Clerk of the House in order that it might be printed; but it was not laid on the table of the House, and the document could not in any way be considered to be the property of the House. As, therefore, the document was not in the possession of the House, but in that of one of its officers, he thought that the House should support the motion of the honorable member for Geraldine, so that the document might be returned to Mr. Jones as soon as possible.

Mr. HISLOP said that the objection which the Government had raised—namely, that this subject should not be discussed while it was sub judicewas a very convenient cry. A few days ago the Attorney-General had promised that he would produce certain documents if he was subpoenaed to do so; but, to-day, when he was called upon to give evidence and produce them, he did not do so. The honorable gentleman said that he had not been called upon to produce them; but there could be no doubt that he was. He had been subpoenaed, and had had served on him a notice to produce them. Even if he had not, according to the Act the prosecutor was bound to appear before the Justices, and, if the case was sent for trial, he would have to be bound over to appear at the trial in the Supreme Court. In the face of that Act, the honorable gentleman stated that he did not intend to be present in the Court, and would not have it not been for his subpoena. When the honorable gentleman received the notice, did he hand over the documents to the Crown Prosecutor to be produced in Court? When the objection was raised to the honorable gentleman being called, he (Mr. Hislop) put it to the Crown Prosecutor whether he should not make his objection when the Attorney-General was in the witness-box, and when the nature of the evidence wanted from him was shown. The objection was still insisted upon, and the Crown Prosecutor stated most distinctly that he was acting according to instructions.

Mr. W. WOOD said it appeared to him that, when they considered the manner in which this document had been obtained, they would be acting wrongly in retaining it. He was surprised to find the Attorney-General adopting such a course. The honorable gentleman might deny any intention or wish to retain the document, but he gathered from what the honorable gentleman had stated on the previous day that he desired to know if the Law Officer would wish these papers to be retained to be made use of against Mr. Jones at the time of the trial. The honorable gentleman ought not to retain the papers, considering the way in which they had been obtained. Mr. Jones was called upon to make a statement to this House, and, for his own convenience, he put the statement in writing, and, for the convenience and at the request of the House, the paper was handed over to Mr. Speaker, so that it might be printed and placed in the hands of honorable members. That was not making the paper the property of this House, and it was clearly the duty of the House to return the document to Mr. Jones, who had, through courtesy, given it up. With regard to what had taken place that day in Court, he could only say, if he was in the position of the Attorney-General, with such charges hanging over his head, such charges having been distributed throughout the country, and wishing to retain the good opinion of his fellow-men, he should take the very earliest opportunity of placing himself right with his fellow-men, by giving the fullest information on the subject at the very earliest moment. The honorable gentleman said, "Hear, hear," but when in Court it appeared that he did not adopt that course. The honorable gentleman said he had been accused to have these charges made against him from year to year; and he might have got rather thick-skinned, and did not mind having these charges hanging over him, or it might be that he did not expect that these charges would be removed by producing these papers. He could not tell what were the honorable gentleman's motives; but he could only say that, if it were his own case, and if he felt himself innocent of the charges made against him, he should certainly like to have the whole matter brought to light, and, if the papers were of advantage to him, he should get the benefit of them as soon as possible.

Mr. BUTTON would suggest, as this document was so valuable, that it might perhaps be photographed, so that honorable members might have a copy of it before being returned.

Sir R. DOUGLAS said it appeared to him that this motion was being made an excuse for attacking one individual. Honorable members who desired to make one man responsible for the action of the House ought to think twice before they did so. Mr. Jones was summoned to the bar of the House, and read a statement. The House then had it in its power to ask for the paper; and he believed it was a mere accident that it was not asked for. The Attorney-General simply refused to give up the
paper until he knew whether it would be required or not. The honorable gentleman was not prosecuting on his own account, and not as a motion. What had taken place in the House, and he did not think it was either just or right that he should be attacked as a private member.

Mr. LUSK said the honorable gentleman who had just spoken seemed to have a very feeble notion of what had taken place before the House. The honorable gentleman stated that the motion was brought with the view of attacking the Attorney-General—that the object of the motion was to get up an attack upon the honorable member.

Sir B. DOUGLAS.—An excuse for an attack.

Mr. LUSK.—It appeared to him (Mr. Lusk) that the statements made had been elicited not so much from the motion itself, but from something which had taken place in the House.

Sir R. DOUGLAS.—An excuse for an attack.

Mr. LUSK.—Perhaps the Premier knew more about what took place in the House than he did, but he had his ears open, and was aware of what had taken place. What he heard stated was this: that the Attorney-General was summoned to appear, where he ought to have been to-day, in the Police Court, and that he did not appear when he was wanted. The honorable gentleman made an explanation; and, from what he had said, it was entirely the fault of the Crown Solicitor. He was sorry that the Crown Solicitor should have been so careless in his duties that he should not have taken care that the Attorney-General was forthcoming when he was called upon. The honorable gentleman should not throw charges against those gentlemen who were acting in the interest of what was common fair-play to both parties. He did not imagine that the Attorney-General had anything to fear in going into Court; but, at the same time, he did not appear as he was called. That was probably the fault of the Crown Solicitor. It was not right to blame the honorable member for Auckland City East if a mistake of that kind arose. It was unworthy of the honorable gentleman to throw aspersions and impute motives to honorable members for making the remarks they did simply because a mistake arose, not from their action, but from the action of the Government. He was sorry such statements were made, because, in this case, it was most particularly desirable that everything should be done in a satisfactory and impartial manner, for the credit of the House. The House, or rather the majority of the House, had taken up a position which he regretted to see it placed in; but, having taken up that position, he wished to see everything done in a dignified manner, and in a way that would redound to the credit of the House. What had taken place that day did not redound to the credit of the House. With regard to the motion before the House, it seemed unquestionably plain that the paper came by accident into the possession of this House. If an individual got possession of a paper in such a way as that, it would be dishonest for the individual to take advantage of it; and the House would be acting a dishonest part to take advantage of it. He did not think there could be any difference of opinion as to the course the House ought to adopt. He was surprised to hear the honorable member for Auckland take up this position: that it made no difference at all whether they came properly or improperly into possession of this document—that, having got it, the honorable gentleman could make use of it against Mr. Jones. That was a rather strange doctrine to put forth, and he should be sorry that the honorable gentleman should in any way lend himself to such dishonorable conduct.

Major ATKINSON was surprised at the statement made by the honorable member for Franklin, after Mr. Speaker had told the House that the paper was in possession of the House by order of the House. (No.) At the express wish of the House the adjournment took place, in order that the document might be printed and placed in the hands of honorable members. He would ask whether that was not a direction on the part of the House to obtain it.

Mr. SPEAKER would ask how he could possibly carry out the order given by the House unless he obtained the paper from Mr. Jones? The House directed him, with all possible despatch, to have the document printed. He was at a loss to know how that order could be complied with by the adoption of any other course than that which he had taken. If there was any blame in the matter it rested with himself. He had no communication with the Attorney-General or any other honorable member out of doors upon the subject.

Mr. LUSK did not think of challenging the course which Mr. Speaker had adopted. That was a matter entirely different from the question as to whether the document should not be given back to the person to whom it belongs. There was not the slightest imputation to be cast upon Mr. Speaker for what he had done. The only question before the House was whether the paper should not be given back to Mr. Jones.

Major ATKINSON said the honorable gentleman did not appear to have said what he meant when he first addressed the House. The whole of the honorable gentleman’s speech went to show that they had obtained this document in an improper manner; that it was not the property of the House; that it belonged to Mr. Jones, and therefore it should be given up to him.

Mr. LUSK.—Not obtained in an improper manner, but retained in an improper manner.

Major ATKINSON.—If it was their property, they had a right to retain it. It seemed to him that it was a very small matter whether this particular document were given up or not. For himself, if it was any satisfaction to Mr. Jones or to the House that this document should be given back to Mr. Jones, he would say, “Give it back to him by all means.” The position of the matter was simply this: A gentleman was called to the bar of this House to answer for a particular transaction. He appeared, and, in order that there should be no mistake about the words that were used, it was to be presumed, he had put his remarks in writing. He asked permission to read to the House the paper containing his re-
marks, which was granted. The House, in order to judge fairly of the matter, directed the document to be printed, so that each honorable gentleman might know exactly what was said before he came to a conclusion. In the interests of a person so called upon to answer for what he had done, he (Major Atkinson) thought it only proper that there should be in the possession of the House an official document containing the exact words used; and, therefore, it seemed to him that the course followed had been quite proper. Mr. Jones asked permission to read the document. Hon. Members.—"No!" "Yes."

Major ATKINSON certainly was under the impression that permission had been asked for. But that mattered little. As a matter of fact, Mr. Jones did read a document, and, in order that the House should be in possession of the exact words that document contained, the House had directed Mr. Speaker to obtain the document and have it printed. Hon. Members.—"No."

Major ATKINSON said he was speaking his own opinion, and he had been borne out by the ruling Mr. Speaker had just given, in which he stated that the order had been made by the House, and he had had the document printed in accordance with the order. It might also be remarked that the House adjourned till the document was printed. He regretted to say that a good deal of party feeling had been imported into the question; but he thought, if honorable members looked at the matter fairly, they would see that if the manuscript were given up it might form a very inconvenient precedent. There was upon the records of the House a printed document, printed from a paper which Mr. Jones had read. That printed document would appear in the journals of the House; but, if the manuscript from which the document had been printed were given up, this anomalous course would present itself, that, while they had a printed record, the manuscript from which it was printed would not be part of the records. It was desirable for the House to consider whether it would agree to such a course being adopted with regard to the records of the House. He might say he had no particular objection to see the document given up, but, if such a course were pursued, then in future the words uttered by a person at the bar of the House must be taken down as they were uttered, and the statement should then be signed by the party making the statement. It was a remarkable fact that a Select Committee of the House had power to call for persons and papers, and that yet it was urged that the House had not power to retain what was its property. He should not oppose the return of the paper, but he hoped it would not be regarded in any way as being a precedent.

Mr. GISBORNE, speaking to the point of order, said he doubted whether the paper was the property of the House. He never understood the House to order that the document should be obtained and printed, though there had been a general feeling in the House that what Mr. Jones had said should be placed before the House. Mr. Jones never, to his (Mr. GISBORNE's) recollection, asked permission to read the document, and certainly Mr. Jones never formally got that permission. He never delivered his speech in the House, but took it away with him. He (Mr. GISBORNE) considered the course which should have been taken was that shorthand writers should have taken down the words of Mr. Jones, whether he made an oral or a written statement.

Sir G. GREY considered that the Premier had put the matter unfairly. The question which the House had to consider was entirely apart from Mr. Jones. If the House were to lay down this rule, that, where a person who was summoned to the bar of the House to answer certain charges read a paper in his defence instead of making an oral defence, such written document might be taken possession of by the House, and used against such person in a criminal prosecution, a very improper principle would be laid down. It was quite certain that the Attorney-General had intended that the prosecution should be assisted by the paper being read in the Supreme Court. The House ought not to allow a prisoner to criminate himself, and he (Sir G. Grey) hoped the House would at once determine for all time what course it would pursue, under similar circumstances, so that persons brought to the bar of the House would know exactly what was the practice. He intended to move, as an amendment, That, if any person accused at the bar of this House reads his defence from a paper, such paper shall not be used against him in any criminal prosecution which may be ordered by the House.

Mr. WHITAKER said the honorable member for the Thames (Sir G. Grey) had stated that he (Mr. Whitaker) had intended that this document should be used against Mr. Jones. He must therefore distinctly state that if the matter were left to himself he would give up the paper. If he were conducting the prosecution he should not use it.

Mr. BARFF rose to speak to the amendment. Mr. SPEAKER.— There is no amendment. Do I understand the honorable member for the Thames (Sir G. Grey) to desire to move an amendment?

Sir G. GREY said he would move that the words he had read be added to the question.

Mr. REYNOLDS inquired, as a point of order, whether such an amendment could be put. It seemed to him that it had nothing whatever to do with the question before the House, and that notice of motion should have been given in respect to it.

Mr. J. E. BROWN suggested to the honorable member for the Thames (Sir G. Grey) that he should withdraw the amendment. He thought every communication to the House was privileged, and could not be used in the Supreme Court. If the honorable gentleman persisted in his amendment the present question would be burked.

Mr. SPEAKER said, in reference to the point of order which had been raised by the honorable member for Port Chalmers (Mr. Reynolds), he thought the honorable member for the Thames was in order. The amendment was quite in connection with the main question.
Mr. BUTTON would like to know whether, when a member had sat down without moving an amendment, he could again get up—the question to which he had addressed himself not having been altered in the meantime—and move an amendment. That was the course the honorable member for the Thames (Sir G. Grey) had taken. Mr. SPEAKER said it was not an after-thought, as the honorable member for the Thames had stated his intention to move an amendment; and therefore he was quite in order.

Sir G. GREY would explain, that he had drawn the amendment long before he rose to speak. He only wished to call the attention of the House to what he thought was an important point for the future in the case of persons placed at the bar. He was willing to withdraw his amendment.

Mr. BARFF said that, when he spoke some time ago, he spoke not exactly by the book but from memory when he said that the printed statement as circulated among members was not exactly as that spoken by Mr. Jones. On comparing the printed statement with Hansard he found that what he (Mr. Barff) said was borne out. The alterations were not of a material nature, so far as he had been able to compare the two. Mr. Jones quoted several paragraphs from the speeches of honorable members, and he found that in Hansard these were quoted exactly as Mr. Jones delivered them. He mentioned the name of every person who uttered the words he attributed to them; but in the printed statement he was not made to say who gave expression to those words. He called attention to that particular fact. He did not further question the accuracy of the statement put before them. With reference to another point, he wished to explain to the House what his impression was with regard to any supposed misapprehension that existed in the minds of some honorable members. He had a very distinct recollection of what took place, and he found that Hansard bore out his impression, and also the statement Mr. Speaker had made this afternoon. The honorable member for Timaru urged that the House, before coming to a decision, should have printed copies of the document read by Mr. Jones at the bar of the House, and also recommended that the libel complained of should be printed side by side with it. The following was what appeared in Hansard:

"Mr. Sharp.—I understand the honorable member for Timaru wished certain documents should be printed, and I believe that the House generally would be glad if it had the statement of Mr. Jones and the article before it in a printed form. I hope the Government will have them printed.

"Mr. Stafford.—Sir, I think that comes within your province. I apprehend the papers are in your possession.

"Mr. Speaker.—I will take care that the documents are printed and distributed before the debate again comes on."

It was fully reported in Hansard; and he understood, from what Mr. Speaker said, that he would obtain the document for the convenience of the House. At the same time, that being done, he thought the document should be returned to Mr. Jones.

Mr. MACANDREW, if he might be allowed without giving offence to any one, would now venture to suggest to the good sense of honorable members that this matter should be permitted to go to the vote, and that they should not waste any more time upon this unfortunate affair. They had a great deal of important business before them; and he thought that, if this discussion went on much longer, another private members' day would be wasted.

Mr. SHEEHAN suggested it was desirable that the honorable member for the Thames should withdraw the amendment he had given notice of, and allow a vote to be taken on the original question. He believed it was law now that they could not make use of this document as against the defendant. If that were not law, it was a matter of so much importance that the members of the Standing Orders Committee should be instructed to take the question into consideration; and that, if there was no protection at present for persons coming to the bar of the House, special protection should be afforded.

Sir G. GREY said he had already asked leave to withdraw his amendment. Amendment by leave withdrawn.

Mr. SHARP said he would vote for the motion, but, at the same time, he did not think it was worded properly. He did not agree with that portion of it which said that the manuscript was furnished by Mr. Jones for the convenience of the House. His impression was that the manuscript was the property of the House.

Mr. WAKEFIELD was very sorry that the honorable member for Marsden had retired so precipitately from the House, after making a most important and uncalled-for accusation against himself. The honorable member stated that he had brought forward this motion to-day, not on account of the matter it contained, but as an excuse for making an attack on the Attorney-General.
ral. He would state most distinctly that he did nothing of the kind, and he was convinced that every member of the House was satisfied he did nothing of the kind. Mr. Speaker was aware that throughout the whole of this matter he had acted strictly according to his (Mr. Speaker's) suggestions, and had entirely yielded his judgment as to the course that should be adopted. If the honorable and gallant baronet had thought for a moment, he would have remembered that, on the preceding day, he (Mr. Wakefield) gave notice of this motion on Mr. Speaker's direct suggestion, and he could not possibly have any arrière-pensée in bringing it forward to-day. He was somewhat amused at the virtuous indignation of the Attorney-General. The honorable gentleman talked of his bringing imputations against him. He brought no imputations against the honorable gentleman. He brought a point-blank charge, on the honorable gentleman's own statement that he intended to try to obtain this document for the prosecution of Jones. This was a direct charge, and not an imputation. If the honorable gentleman and his colleague the Premier had had the self-control or good taste to allow the voices to decide the question on the previous day they would have had no debate to-day, the ceremony involved in the matter would have been avoided, and the whole thing would have passed over in a graceful and dignified way, instead of in the ungraceful and undignified manner in which they were compelled to deal with it on this occasion. With regard to the point whether or not this document was given to the House for the convenience of the House, it was certainly the impression of the owner of the document that he gave it for the convenience of the House. He wrote—under a misapprehension—to the Chairman of the Reporting Debates Committee, asking that the manuscript should be returned to him. Mr. Jones need not have given up the document at all. He might have torn it in pieces or put it in his pocket, and the House could not have got it. There was one other point he would allude to. He was not present in the House when the order was given to print this document, but he must say he thought the intention of the order was that it should be printed from the Hansard report. What proof was there that Jones read the document accurately? They knew that a person placed in a position where he was likely to be nervous might deviate very considerably from the document before him; so that the probability was that the document did not really represent what was said. The only reliable record they had was, after all, the Hansard report, and not the printed document. He was sorry the motion had given rise to so long a debate, but he hoped it would now be agreed to without a division.

Motion agreed to.

MONEY BILLS.

Mr. O'RORKE, in moving the motion standing in his name, explained that the report of the Standing Orders Committee laid upon the table of the House on the previous day was to this effect:—That the House should modify, to a certain extent, the practice in relation to Bills which might incidentally deal with money, and bring the practice into accord with that pursued by the Imperial Parliament. Complaints had frequently been made that the work was not equally distributed between the two Houses, and the reason assigned was that the Upper House was debarred from dealing in any way with measures involving an expenditure of public money. The proposal now made originated in a consultation between the Speakers of the two Houses, in consequence of which the Legislative Council had made an alteration in their Standing Orders which would enable them, to a certain extent, to deal in the first instance with Bills incidentally of the nature of money Bills in some respects. The Standing Orders Committee of the House of Representatives had held a meeting to consider the matter, and were of opinion that a temporary relaxation of the Standing Orders should be made as an experiment for this session, but which might hereafter be made permanent if the House thought fit so to do. A short extract from "May" would explain clearly what the Standing Orders Committee proposed should be done. The marginal note of the paragraph in May's "Parliamentary Practice" which he proposed to read was, "Expedients to enable Lords to originate Bills;" and the paragraph was as follows:—

"It is sometimes convenient that a Bill intended to contain provisions of this character—that is, Bills involving rates and charges—should be first introduced into the House of Lords; in which case the Bill is presented and printed, with all the necessary provisions for giving full effect to its object, and is considered and discussed in the House of Lords in that form. But, on the third reading, any provisions which infringe upon the privileges of the House of Commons are struck out, and the Bill, having been drawn so as to be intelligible after their omission, is sent to the Commons without them. These provisions, however, are printed by the Commons in red ink, with a note that they are proposed to be inserted in Committee.' According to the usual rule, they are supposed to be in blank; they form no part of the Bill received formally from the House of Lords, and no privilege is violated; but the Commons are thus put in possession of a Bill containing every provision which will be necessary for giving it full effect, and in Committee the words printed in red ink, if approved of, are inserted.'

So far from there being any attempt to infringe upon the privileges of the House of Representatives in regard to money Bills, there would be fixed a most distinct recognition of the authority of that House in respect to such Bills under the present proposal.

Motion made, and question put, "That the report brought up from the Standing Orders Committee on the 5th instant be agreed to by this House."—(Mr. O'Rorke.)

Motion agreed to.

GAMBLING.

The interrupted debate was resumed on the
question, for the production of all instructions issued to the police during the past year having for their object the suppression of gambling, sweeps, lotteries, and raffles. Also, a return of the number of prosecutions and convictions for gambling or illegal games in public houses or other public places. Also, the production of any instructions issued to the police to enforce the law against the sale of spirituous liquor to persons of the Native race; and a return of all prosecutions and convictions for offences against the laws in that behalf.

Mr. BOWEN, who had been interrupted by the hour of adjournment when last speaking on the subject, would now merely say that the question was under consideration, and that the Government would have no objection to the production of the returns referred to.

Motion agreed to.

AUCKLAND SCHOOL-TEACHERS.

Dr. WALLIS, in moving the motion standing in his name, was understood to explain that, in connection with the last examination of teachers in Auckland in December, 1875, Mr. Grant, the teacher at Onehunga, complained to the Chairman of the Education Board that some unfairness had been practised at the examination, in the shape of copying on the part of some of the candidates. The Chairman of the Education Board referred the matter to the Inspector, and there was subsequently a Committee appointed to inquire into it. Mr. Grant, however, thought that that Committee had not rightly performed its duty, and some correspondence afterwards took place on the subject. He wished to have the report, correspondence, and depositions laid before the House, so that honorable members might be able to form a judgment upon the matter.

Motion made, and question proposed, "That the Government be requested to procure from the Education Board, Auckland, and to lay before this House, the report, correspondence, and depositions relating to the Committee referred to in the statement of Alexander Grant, teacher at Onehunga, to the Chairman of the Auckland Education Board respecting copying at the teachers' examination last December."—(Dr. Wallis.)

Mr. BOWEN said the Government would have no objection to supply the correspondence.

Motion agreed to.

HAWKES' BAY LAND PURCHASES.

Mr. REES.—Sir, in moving this motion I may explain that of course any report brought up in a month by the Committee which I propose could not be complete; but it would, at all events, be the commencement of an inquiry that would be of great use. This matter has been discussed, I am sorry to say, with much heat on both sides; and not only in the House, but outside, and indeed everywhere, it has been admitted that there should be some inquiry into the dealings with Native lands in Hawke's Bay. I do not suppose there will be any opposition to the appointment of this Committee. It is as absolutely impartial a Committee as any Committee can be in relation to any matter of the sort, and will, I am sure, deal justly with the subject so far as it can. I need not therefore take up the time of the House, and will now simply move the motion.

Motion made, and question proposed, "That a Committee, consisting of Mr. Bowen, Mr. McLean, Mr. Fox, Mr. Stevens, Mr. Beatties, Mr. Hislop, Mr. Ballance, Mr. Bunny, Mr. Macandrew, Mr. Curtis, Mr. Montgomery, Mr. Burns, Mr. Fitzroy, Mr. De Lautour, Sir G. Grey, and the mover, be appointed to inquire into all dealings with Native lands by landed proprietors in Hawke's Bay; such Committee to have power to call for papers and persons, and to report in a month; five to be a quorum."—(Mr. REES.)

Mr. ORMOND.—Sir, the House will remember the circumstances under which notice was given of this motion, and I had hoped that when the honorable gentleman moved it he would have repeated the statements which he made on the former occasion in which he referred to this subject, and so have given me the opportunity, for which I thought this motion was intended, to contradict the accusations brought against me.

Mr. REES.—The honorable gentleman can take those statements as all made—every statement I have made.

Mr. ORMOND.—I am glad the honorable gentleman has put me in a position to reply to the statements which he made with respect to myself. I should have replied on the occasion on which those statements were made, but my colleagues wished the question which was then under discussion—the Native Land Court Bill—should not have imported into it matters which it was not desirable to import. At their request, therefore, and much against my own wishes, I did not on that occasion meet the honorable gentleman's statements. The House will remember that, on two or three different occasions, I have had imputations of a very gross character levelled at me by the honorable member for Auckland City East and the honorable member for the Thames (Sir G. Grey). I do not think I should have taken very much notice of them if they had only come from the honorable member for Auckland City East; but they have been supported by the gentleman who at present is supposed to be the leader of the Opposition, and therefore they have an importance which they would not have if they had only come from the honorable member for Auckland City East. I shall show that the honorable member for Auckland City East and the honorable member for the Thames are, of all people, not the men—if there are any—who should bring these charges forward. I shall show that both those honorable members have been concerned in transactions which I should be sorry to be mixed up with. The speeches in which the honorable member for Auckland City East has referred to me and to Hawke's Bay matters lately would leave an impression on the mind of the House that I have been engaged in large transactions in Native lands—in other words, that I have been a large
speculator in Native lands. I shall now state what is the truth. I have, in the whole of my lifetime as a settler in New Zealand, been engaged in three Native land transactions. The first was in respect to country which I took up as long ago as 1852, when I first went into an active settler's life in the colony. That land I still hold—part being bought from the Crown, and part under lease from the Native with whom I originally dealt for it. That is a leasehold. The second piece of Native land in which I was concerned was the lease of a run in the Seventy-Mile Bush, which I took up a great many years ago. That land I held until two or three years after I went into office as Superintendent of Hawke's Bay. I found then that I had not time to attend to it with my other business, and I therefore disposed of it. That also was leasehold. The only other transaction in Native land in which I was engaged was in regard to 1,200 acres in the Heretaunga Block. That was the only transaction in which I bought land from the Natives, and I never bought an acre from them elsewhere. It is in regard to that piece of land especially that the honorable gentleman has imputed improper conduct to me. Sir, that tells the House what we have been my Native land transactions. Now, with regard to the Heretaunga purchase. The block consists of about 16,500 acres, and, of that, as I have already stated, I am the owner of 1,200 acres. That land was purchased conjointly, in 1871, by a number of gentlemen of whom I was one. The whole of them had larger interests than I had, and they have still. The price paid for the land was £1 6s. 8d. an acre cash, and it was bought at a time when there was the utmost depression in the value of all property in the colony. It was said during the debate on the Native Land Bill that this land is worth £20 an acre, and I must add my testimony to that: I believe it is. But what has been endeavoured to be conveyed by comparing this amount with the amount paid for the land originally is, that it was an improper transaction. Now, with regard to that, I may say that, two or three years after the purchase of the land—which was about one-fourth swamp when it was first bought—Mr. Tanner, who was one of the original purchasers, disposed of a small portion of it at £3 an acre, and took payment for it in ploughing, for which, I think, he allowed £1 an acre. To show what the nature of the land was, and to give further proof that the transaction was a perfectly fair one, I will give another instance. Three years after the original purchase, the Hon. Mr. Tollemache, a great friend of Sir George Grey's, offered Mr. Tanner £4 an acre for a picked block having no swamp upon it. Mr. Tanner wanted £5, but the Hon. Mr. Tollemache refused to give more than £4 an acre, and the negotiations fell through. Honorable members will remember that this happened, and that the value of property between 1871 and 1874 was enormous, and they may be able to judge from that whether the price originally paid for the land was fair or not. I should like, now, to inform the House who the persons were who were associated with me in this improper transaction. It will of course be admitted that, if there was anything improper in the transaction so far as I am concerned, these other persons were equally liable with myself for having acted improperly. The first person I will name is Mr. Tanner, a very old resident of Hawke's Bay, a man of thorough uprightness of character and a leading settler. He has many friends in this House and in the colony, and never in his life have any improper transactions been imputed to him, except by the leaders of what is called the Repudiation party of Hawke's Bay. The next gentleman I will name is Mr. James Nelson Williams, a son of the Bishop of Waiau and cousin of the honorable member for the Bay of Islands. He also is a gentleman of irreproachable character, against whose reputation nothing can justly be said. The other gentlemen connected with the purchase were Captain Russell, the honorable member for Napier, and his brother, Captain Hamilton Russell, both of whom have held commissions in Her Majesty's Service. I need not speak as to their characters. They are both well known, and I am sure nothing improper has ever been alleged against them. An old gentleman named Gordon, an old Indian settler—who is also well known to members of both branches of the Legislature—and his son, Captain Gordon, who held a commission in Her Majesty's Service, were two more of the purchasers; and I was the last. Now, I ask the House whether it is at all reasonable to suppose that gentlemen such as I have named would have been parties to any improper transactions such as those described by the honorable member for Auckland City East and the honorable member for the Thames (Sir G. Grey), or whether such men, who have all their lives borne honorable characters, would now, for the first time in their lives, be guilty of such gross and shameless conduct. And I ask the House to remember that it is on the testimony of the honorable member for Auckland City East that the imputations which the honorable member for Auckland City East has endeavoured to cast upon me refer to transactions which have been inquired into already by order of this House. In 1872, a petition was presented from the Hawke's Bay Natives, asking that the land transactions in that province should be inquired into, and the House agreed that such an inquiry should take place. I and my friend Sir Donald McLean, who has since passed away, were, at the time, the two members for Napier, Sir Donald McLean then being in the Government of New Zealand. He and I at once met the allegations about improper transactions in Hawke's Bay by agreeing to the appointment of the Commission, and that Commission was appointed at the instance of those opposed to us in politics. The
honorable member for the Eastern Maori District (Mr. Takamoana) brought in the Bill ordering that the inquiry should take place. He and the honorable member for Timaru selected the Judges who were to make the inquiry, and they selected Mr. Justice Richmond and Mr. Meaney as the persons best fitted to conduct the inquiry. We did not for a moment object. On the contrary, although we had the power which a Government always has—the power of a majority in this House—we agreed that the whole of the cases should be sent for investigation before a proper tribunal. That tribunal was ordered with our immediate concurrence, and when the honorable member for the Thames (Sir G. Grey) says that I and my friends have been unwilling to have an inquiry he entirely misstates the case. We did meet the inquiry. We met the question in a manner infinitely more fair than is the action of those who now move for the appointment of the present tribunal. We did not for a moment suggest that the inquiry should take place against the statement of the honorable member for Auckland City East, or that the inquiry should be conducted by a tribunal in which I was interested. We did meet the inquiry. We agreed to the inquiry. We agreed to the appointment of the Judges who were to conduct the inquiry. The Judges who were selected by agreement between the Commission and its solicitors (Mr. Sheehan), who is now a member of this House. Well, the Judges reported that they had heard these typical cases of every class of transaction complained about; and these typical cases were selected by agreement between the Commission and the solicitor for the Natives (Mr. Sheehan), who is now a member of this House. Well, the Judges reported that they had heard these typical cases; and, as I have already said, the book before me is the record of the proceedings of the Commission. Now, the particular block of land in respect to which I am charged with having acted improperly was the one that occupied the largest part of the time of the Commission. The sittings of the Commission occupied two months, and of that time one month was spent in sifting this particular case; and, after sifting it, after getting all the evidence it was possible to get on the spot, and after every exertion on the part of the honorable member for Clive, what did the Judges report? They reported that the transaction was a fair one, and that the charges of improper conduct had not been substantiated. And these were the transactions referred to by the honorable member for Auckland City East. I may state further, on behalf of the people of Hawke's Bay, that, out of the whole of these cases, the Judges reported that not a single charge of fraud had been brought home. The only case in which any wrong was admitted to have been done was in the case known as "the Little Bush case," in which it was shown that a member of the other branch of the Legislature had not strictly carried out his engagement. And yet, Sir, a gentleman like the honorable member for Auckland City East, a paid advocate of the Natives, comes here and asks us to take his statement as against the judgment of a tribunal such as that to which I have just referred. He says, "How can the Judges report that they had heard these typical cases, and the book before me is the record of the proceedings of the Commission?" He did not say that I did this or that I did that thing, but he asked, "Does the honorable member for Clive know anything about that?" He did not say that I did this or that I did that thing, but he asked, "Does the honorable member for Clive know anything about that?" Well, Sir, the explanation of that is, that prior to 1869 the law had provided that the Natives named in any Crown grant issued by the Native Land Court held equal shares. That was altered by the Act of 1869; but prior to 1869 Europeans had purchased land on the understanding that the shares of the Natives in the land were equal. I say that for the honorable gentleman to state that I had got the law altered to suit my views is a gross charge which is utterly unfounded. The position is this that the law had been that the shares were equal, and that the law was maintained as it had been—

Mr. REES.—No.

Mr. ORMOND.—I say, Yes. I absolutely deny that any change in the law was made to suit me. I say that no communication was ever sent to anybody conveying that I, as a member of this House, ever did anything for my own personal advantage; and I defy the honorable gentleman to sustain his allegation: it is absolutely untrue. The next point in regard to which the honorable gentleman imputed improper conduct to me was in regard to the interest in a piece of land of a Maori named Te Waka Kawatini. I will read what the honorable gentleman said about that. He said,—

"To a person named Parker he conveyed away all this land, and during his natural life he was to get £360 a year out of the rents and profits of this very land. The deed was put in the registry, this person collected the rents, and, when Te Waka Kawatini went to collect the rents as usual, he was told that the property was not his own, but that he had got the property. However, there are charitable people in Hawke's Bay, and two of those charitable persons got hold of the old man, told him that he had been served scandalously, and that the Supreme Court would do away with this deed,
and that Parker would have to pay the costs of all proceedings. Te Wsaka went into Court, and on, a compromise was made, of which Te Wsaka and declaration. However, before the case came to Mr. J. N. Wilson, a highly-respected solicitor of Napier, was engaged for him, and issued a writ and declaration. However, before the case came on, a complication was made, of which Te Wsaka declares he knew nothing. Mr. Wilson declined to have anything further to do with the case, and the lawyer on the other side was employed to go into Court. A little arrangement had been made by which all the property passed to the two charitable persons, and from them it passed into the hands of several gentlemen, of whom the honorable member for Clive was one."

Sir, the imputation which the honorable gentleman there conveyed was that this was a scandalous transaction to which I and others who are named were parties. Now I will read a few words from Judge Richmond's report on this case. The Judge says,—

"Kawatini was at this time in a full course of extravagance, and according to his own account seldom sober. He was connected with a butcher named Parker, who procured goods for him and made him advances. About the end of the year 1868 he executed an extraordinary instrument, making over to Parker his interest in Heretaunga and several other blocks, in consideration of payments made for him by Parker, and of a life annuity of £360 per annum charged upon the land. Thereupon, Parker served Mr. Tanner with a notice to pay him (Parker) Wsaka's proportion of the rent of Heretaunga. At first Mr. Tanner was disposed to treat this notice with contempt. I laughed at the idea," he says, "believing that Mr. Munroe's opinion was correct. I went to Mr. Wilson, and asked him the question, if one grantee could sell his interest without the consent of the others? I understood Mr. Wilson to consider it doubtful. I then ascertained what the nature of the document was— the conveyance from Wsaka to Parker. I considered the transaction on the face of it an improper one, and asked Mr. Wilson if anything could be done to upset it, as not fair to Wsaka's heirs, and the remainder of his hapu. Mr. Wilson thought that he could, at all events, upset the deed; and to the best of my recollection sent for Wsaka, and offered to do it. The suit was then commenced. [A suit against Parker.] When Parker saw that he was likely to be involved in a law-suit he came to me, and said the last thing he ever contemplated was the purchasing of a law-suit, and that rather than have anything to do with one he would hand over to us [the lessees of Heretaunga] his position, on condition that we refunded to him his advances to Wsaka. I said I would see Wsaka, and told him what Parker proposed, and said, "If you consent to that, and will sell to me your interest in Heretaunga for £1,000, take back from us your interest in all the other blocks, and stop the suit, I may do so." He said he was quite willing to sell his interest in the Heretaunga, and his people would be quite satisfied if all the other blocks were returned to him."

Now the position was this: that Mr. Tanner, who was the negotiator for the Heretaunga Block, made an arrangement which secured all the interests Wsaka Kawatini had disposed of to Parker. He purchased from Wsaka Kawatini his interest in Heretaunga, and gave back to Wsaka Kawatini and his people the other lands which Parker had become possessed of. Mr. REES.—No.

Mr. SUTTON.—I am certain the honorable member for Clive is correct.

Mr. ORMOND.—Yes; and this is what Judge Richmond says:—

"In this instance it is apparent that Mr. Tanner was induced to come forward solely by the attempt of another person to acquire Wsaka's interest. There is no reason to think that he would have taken the initiative himself. I find it impossible to say whether the bargain made was an advantageous one for the Native. Many things would have to be taken into account in forming a judgment on the question—amongst others the likelihood of success in the suit against Parker; the possibility, in the event of success, of recovering from that person the certainly heavy costs of the legal proceedings; also the possibility of providing for the payment of Te Wsaka's debts. Looking only to the interests of Te Wsaka himself, I consider it was by no means made out that the bargain was a bad one for him, and still less that it was an unconscientious one on the part of Mr. Tanner. Wsaka recovered by it at once a very valuable property—only, it is true, to dissipate it immediately, but this result is one for which the purchasers of Heretaunga cannot be considered responsible. The share of the annual rent of £1,250 which Wsaka was in the habit of receiving was £100. As the money market stood in 1868, £1,000 was the fair capitalization of this annual value."

That was Judge Richmond's opinion of this transaction after he had inquired fully into it. I am quite content to let it rest in that way, and I am content also to put the opinion of Judge Richmond against that of the honorable member for Auckland City East. Judge Maning appears also to have referred to these matters. What does he say? He says,—

"I think the complainant in this case sold his interest in the land understanding well what he was doing—that is to say, so far as to know that he was parting with it for ever, for a certain definite consideration. That he has received no benefit from the transaction, is the consequence of his own improvidence. Between £700 and £800 of the purchase money went to pay debts which he had previously contracted; the rest was soon dissipated; and he now, hoping to get the land returned to him, and apparently without any idea whatever of paying for the value he received for it, comes before the Commission with the false statement that he never sold the land, that he never signed a conveyance, and that "his land had been taken away from him."

The next and the last of the charges or implications, as I may call them, which the honorable gentleman has levelled against me is in regard to the transactions with Henare Tomoana. This is what the honorable member for Auckland City East says about that:
"I will mention one case to show how the Government dealt with the Natives; and there are some persons in the House who can say whether what I state is true or not. There is a man living in this colony who fought against Te Kooti and the rebel Natives in 1868, who armed 150 men at his own cost, and who fought against the common enemy of the country. The Government of the day did not pay him a sixth part of the cost he had gone to in his earnest desire to serve the people of the colony. I tell you this, as it ought to be made a matter of history. This Native and his brother were the owners of several blocks of land. His creditors in various directions were set to sue him. He and his brother were told that unless they signed deeds parting with that land he would be imprisoned—that if they did not sign the deeds for a very nominal part of the value of the land he would be put in prison. Under such pressure these men, who saved this country from the rebellious Natives, actually signed the deeds. I would ask the honorable member for Clive whether he knows anything about that, and whether he is not party to the gross fraud so signed.

That is what the honorable gentleman calls a manly way of making a charge: I think it is a cowardly way of making a grossly false imputation. The only thing with regard to this statement that is true is this: that Henare Tomoana was one of the grantees; and it is quite true that I did get a small piece of the Heretaunga Block. That is the only part of the statement in which there is any truth whatever. All the imputations that Henare Tomoana had been got to do all these improper things are utterly unfounded. I may say that the statements contained in the remarks made by the honorable member for Auckland were utterly incorrect in other particulars. He said that Takamoana armed and fitted out these men at his own expense. He did no such thing. They were armed and fitted out by the Government. So that that statement is just as incorrect as all the other statements. He said that the Government did not pay them. There was this difference between the honorable gentleman's idea of paying and that of the Government. Henare Tamoana was engaged in the operations at Taupo. Under Mr. Fox's Government of that day I was the person charged with the direction of those operations, and I made an arrangement with the Natives by which they took service at Taupo and occupied the interior of the country against the common enemy. It was done in this way: At that time the colony was in a difficulty, and we had not large sums of money to spend in military operations. The Government said to the Natives, "Remember, you are greatly interested with us in putting down this difficulty, and we look to you for help; join us against the common enemy." And, to the great credit of the Hawke's Bay Natives, they did join us in that way. I say most distinctly that they understood that for this service they were not to receive regular pay: they understood that they were to go as allies to help us, that we were to find arms for them, and to supply them as far as we were able in that country, and, generally, that we were to give every assistance. And what was done was this: At the end of the service the Government gave them a sum of money—a lump sum of money, as compensation for the service rendered. I state this only to put straight the wrong statements of the honorable member for Auckland City East. No, with regard to the charges as made against myself and those persons engaged in the purchase of the Heretaunga Block, I will read a few short extracts from the reports of the Commissioners. Judge Richmond said,—

"Having now gone through the principal heads of imputed fraud, I have to state that, in my opinion, nothing was proved under those heads which ought, in good conscience, to invalidate any purchase investigated by us. I agree with my colleague, Judge Maning, that the Natives appear to have been, on the whole, treated fairly by the settlers and dealers of Hawke's Bay. I express this opinion as a member of a tribunal not enabled, nor pretending, to draw legal conclusions.

"I further agree with Judge Maning that the mere desire to repudiate for the sake of gain has no merit whatever. I believe it was thought that the Legislature, in appointing our Commissioners, was inviting repudiation. In no other way can so large a number of complaints of fraud, supported by so little tangible evidence, be fully accounted for."

Speaking of the Heretaunga purchase, he says,—

"The case is distinguished from all the others into which we inquired, not mainly on account of the greater value and importance of the block, but by the circumstance that the transaction was between leading Natives on the one side and leading settlers on the other. Among the vendors were Karaitiana, his half-brother Henare Tamoana, and Tareha. The purchasers were a body of gentlemen of high standing and great influence in the Province of Hawke's Bay, some of whom were politically connected with the Minister for Native Affairs in power at the time of the negotiations for purchase. Such being the position and character of the purchasers, one ground of attack suggested by the advisers of the Natives was, that political influence had been employed to compel or induce the vendors to part with their property. I could discover no trace of such an abuse of political power. Mr. Ormond was the gentleman particularly aimed at by this accusation. During the course of the hearing, the charge was partially withdrawn by Mr. Sheehan. My opinion is that it had no foundation whatever. Mr. Ormond appears to have abstained from taking any part whatever in the negotiations for purchase."

That is absolutely true. I had nothing to do with the negotiations for the purchase more than any uninterested honorable member of this House. I never spoke a word to the Natives regarding it during the whole time the transaction was going on. The only part I took in the transaction was to pay money for my interest when it was due. Speaking of such charges Judge Richmond says,—

"Of such charges it may be said that they are 'easy to make, hard to prove, harder still to disprove.' I can only state that there was nothing,
in my opinion, which would justify suspicion that undue influence, spiritual or political, had been exerted."

Speaking of the Heretaunga transaction, Judge Richmond winds up his report in a few words,—

"On the whole, I am of opinion that the complainants failed to establish either their particular complaints or any other ground for impeaching the good faith of the transaction."

Now, Sir, what does Judge Maning say on the subject?—

"It will also be seen, where very serious and important charges have been brought against settlers and the Government, affecting in the highest degree both the titles to land and the character of persons, that, in the opinion of the Commissioners referred to, these charges are, without exception, either not proved (very partially proved) or entirely unfounded.

"From the great number and unrestrained nature of the complaints made, and their general want of confirmation, so far as the investigations have extended, from the character of the evidence by which attacks both against property and character have been attempted to be supported, and from the generally litigious spirit exhibited by the numerous complainants, I am of opinion that this movement amongst the Hawke's Bay Natives is founded much more upon a desire to repudiate as far as possible all they have done in the alienation of land than on a wish for redress of particular grievances."

Then he goes on to say,—

"I think, therefore, that all claims or complaints by Natives, calculated to impugn the titles of sellers or of the Government, should be referred only to the ordinary law-courts, and that no Natives should be allowed to sue in forma pauperis in such cases, unless he first made it very clearly appear that he has not the means to carry on his suit in any other form, and that he has a reasonable prima facie case.

"This would deter Natives by the only consideration by which they can be deterred—the certainty of costs—from lightly bringing against their neighbours such unfounded, exaggerated, and libellous charges as they have in not a few instances shown themselves too ready to do, at a great expense to the public, to the detriment of individuals, to the lowering of confidence in titles to all landed property, and consequently of its value; and would still allow them every advantage and protection which the law allows to their British fellow-subjects."

He further states,—

"I believe, however, that the Natives of Hawke's Bay have not divested themselves of land to any such extent as to trench upon the means of a comfortable subsistence. Not a few, indeed, have the means still, with ordinary circumspection, of living in a comparative affluence, and all have certainly a much greater command of the material necessaries and comforts of life than they could ever have obtained by their own unassisted efforts."

I have not quoted the reports at any length, as I do not desire unnecessarily to take up the time of the House. I have read quite enough to show what was the opinion entertained by the Court, after the most careful inquiry—a Court appointed by this House for the express purpose; and I put their judgments against the statements of the honorable member for Auckland City East. I am quite content to rest the question there.

Now, what has been the history of this transaction since the Commissioners concluded their inquiry? In the first place, the persons who had to defend themselves had to bear very heavy costs in doing so. That was imposed upon them by this House. What use has been made of what took place before the Commissioners? Since that time there has been never-ceasing litigation, founded mainly on information dragged out before that Commission, which could not have been got otherwise. What has been done by the paid advisers of the Natives? What does the honorable member for Auckland City East now come here and ask? He has been, since last session, engaged as one of the lawyers for the repudiation claimants. It has been his business to investigate every title there that he could get at, to see what flaw could possibly be found or where the titles were in any way assailable. What has been the result? Just before he came here some forty or fifty writs were issued—not by him, but at his instance; and these cases are now waiting adjudication by a Court of law. What does he do? He comes here and asks this House to give him a Committee—a political Committee, to go behind the Courts of law to drag out particulars. I say a more shameful prostitution of the position of a member of this House has never been heard of than this. We had the other day read to us from Todd what was the practice of the Imperial Parliament in such matters as this; and what does that authority say?—

"It is also highly irregular to bring into discussion, in either House of Parliament, any matters, whether they relate to civil or criminal cases, which are undergoing judicial investigation or are about to be submitted to Courts of law, as it leads to the imputation of a desire to interfere with the ordinary process."

I would ask whether that does not apply absolutely to the conduct of the honorable gentleman in this matter. The honorable gentleman's challenges have been numerous and of a curious character. He has challenged me to meet him outside in the Courts of law. Why, Sir, the honorable gentleman asks me to do that of which the Hawke's Bay people so greatly complain. The principal thing we have had to complain of is that these trumped-up charges and actions are brought in forma pauperis, and that our settlers are obliged to defend cases and pay the costs, whether we win or lose in the Courts. We do not want to proceed against such persons as the honorable member for Auckland City East (Mr. Rees). We would much rather have to deal in the Courts with gentlemen like the honorable member for Thames (Sir G. Grey). He is a man of means. I can go into the next room and find a paper setting forth, "I, William Lee Rees, am a bankrupt." I saw it only two days ago; and I hear from the Attorney-General that the debts it relates to remain unpaid by that honor-
able member. Yet he is the person who invites me to meet him in the Courts of the colony. I cannot afford to meet persons of that character in the Courts of the colony. I prefer to meet persons like the honorable member for the Thames, persons who are worth powder and shot. We are quite ready to meet substantial men. Let the honorable member for the Thames make outside the House the libellous, scandalous statements that he and the other honorable member (Mr. Rees) have made inside the House, and I will not only undertake to disprove his statements, but will undertake to punish him for making them, too. I spoke just now of the honorable gentleman (Mr. Rees) being lawyer for an association called the Repudiation party. That is a very powerful organization. It is directed by a person who organized the movement. It affords occupation all the year round for two lawyers, even if they are not actually in receipt of a yearly salary; there are two interpreters, receiving high salaries, perhaps as much as £300 or £400 a year; a large number of clerks; and, worst of all, there are two or three leading Native chiefs in the pay of the association.

The money was paid to secure interests which had never been previously disposed of by the Natives, and not a pound too much was paid by the Messrs. Watt, for which they got £17,000. It has been improperly represented that that money has been of no use objecting, because the honorable member for Auckland City East (Mr. Rees) had a horde of Natives ready to swear anything. I heard of Maoris claiming and obtaining the franchise who never had a house or an acre of land; yet there were Natives ready to swear that these men had come to the Country, and it is a thing that the House ought to remedy. I said, when I began, that I intended to make some statements to the House in reference to the honorable member for the

"I have come for my money." The answer was, "You cannot have it; £300 of it, you know, goes, by order of the committee, to the association funds, so that if the lawyers may go into other transactions." She said, "I am going to law. I want my money." It was all to no purpose, Sir. It was definitely settled that £300 of her money should go to the fund, and her protest was of no avail. "But," she said, "£300 is not £600. Where is the balance? Give me that." The reply was, "Oh, there is your share of the lawyers' bill to pay." This was £70 or £75. She thought that a good deal; but she asked if there was any more to pay. The reply was in the affirmative, and it was explained to her that, when all these charges were paid, there was about £230 or £240 left. She said, "Very well, give me that money." The answer was, "Oh, you cannot get that without my signature and that of another gentleman," naming the director of the association, "who is not in town now." The result was, I believe, that the woman got £1 or £2, and could do no more. Now, Sir, that is a very fair sample of the way in which the money goes in the Repudiation Office. The organization is not only mischievous, but positively dangerous to the country. It is dangerous to the liberties and peace of the European settlers. It has a newspaper—Te Wananga—the expenses of which are paid out of its funds, and, as to the tendency of that paper, it is not necessary for me to speak. Then, again, lately the organization has adopted a new principle of action. It has been endeavouring to secure such an influence on the electoral rolls of the district as would place elections within its control. That, in itself, is exceedingly dangerous to the European people of the North Island. The Revision Court lately sat in Hawke's Bay, and the proceedings of the Repudiation party were then something after this manner: The honorable member for Auckland City East appeared at the head of a large band of Maoris. Certain names were put down as being those of persons who claimed the franchise. It was perfectly impossible for Europeans to find out whether the claims were good, because to Europeans these men were known by totally different names from those given. I was not present at the Court, but persons who were there have informed me that, though settlers knew that the men who claimed to have a right to be placed on the electoral roll had no such claim, yet it was of no use objecting, because the honorable member for Auckland City East (Mr. Rees) had a horde of Natives ready to swear anything. I heard of Maoris claiming and obtaining the franchise who never had a house or an acre of land; yet there were Natives ready to swear that these men had proper qualifications. And, from what I have seen and known of the conduct of Natives in the Courts of law, I quite believe they would have sworn anything they were told to do, especially if urged on to it by the Repudiation Office. Such proceedings as these are fraught with great danger to the country, and it is a thing that the House ought to remedy. I said, when I began, that I intended to make some statements to the House in reference to the honorable member for the

Mr. Ormond
Hawke's Bay

Land Purchases.

1877.

Hon. Members.—Go on at half-past seven.

Mr. ORMOND.—I am quite willing to agree to that; but, before I proceed to refer to the honorable member for the Thames, I have a word or two to say with regard to the allegations made that certain chiefs in Hawke's Bay have been pauperized. Renata and Tareha have been specially mentioned and described as paupers. Now Tareha has had set aside for his own absolute use and benefit something like 28,000 acres. It belongs to him absolutely, and retained for his own use and benefit. There was an attempt on the part of the leader of the Repudiation party to get possession of this land; but, I am happy to say, I was instrumental in saving that block of land from his grasp. That has been one of my greatest sins, though, in the eyes of the Repudiators. The leader of that party now has, and for a long time has had, the land belonging to Te Hapuku in his possession, and there are a great many complaints by the Natives—I will not say whether they are well founded or not—that proper returns cannot be obtained. But this Native of whom I speak is not a pauper, because the Government took care to make this land inalienable: a very proper step, for Hapuku is a man who has done much for the peace of the country, and should not be allowed to be pauperized. As it is now half-past five, I shall move, that the debate be resumed at half-past seven.

Mr. REYNOLDS.—I hope the House will not take this debate to-night. There are a great number of Bills on the Paper which honorable members wish to see got on with.

Hon. Members.—Half-past seven.

Mr. SHEEHAN.—I may say I am quite ready to go on with this debate, but I think there is a great deal of business on the Paper, and private members should be allowed some show of getting their Bills through. Let the debate be adjourned till to-morrow.

MINISTERS.—No, no.

Mr. SHEEHAN.—Till half-past seven to-morrow.

MINISTERS.—No.

The motion for adjournment of the debate till half-past seven was agreed to.

HOUSE RESUMED.

Mr. ORMOND.—Sir, just before I left off at the adjournment I was referring to the action of what is known as the Repudiation Association of Hawke's Bay and its influence on the political organization of the country; and I described to the House what I was told the honorable member for Auckland City East did—leading a horde of Natives to the Revising Officer's polling-booth, and obtaining for them electoral privileges to which they were not entitled, and doing so at the expense of the European electors of the colony.

I pointed out to the House that an organization of this kind was a great danger to the European interests of the colony. I got hold of the argument to remember what appeared to me to be a very good illustration of the way in which the Native mind took hold of this danger. When I was told that this mode of swamping the European electors of the colony was taken up, and was being worked by this organization in Hawke's Bay—indeed, by the honorable member for Auckland City East, who is known to be the intimate associate of the honorable member for the Thames (Sir G. Grey), who comes forward here on all occasions as the guardian of the interests of the European people of the colony—I had brought to me the opinion of a very well-known Native chief, who recognized the power they were being taught to use. I refer to Renata Kawepo, who is perhaps one of the most straightforward of our Native chiefs in Hawke's Bay. I was told that, when he saw how this organization was going to work, he said, "Ah, this is a very fine thing! At last I begin to see how the Maori is again to assert his supremacy in the country. And not only the Maori, but the chief; for I shall put on the whole of my retainers, and then I shall march them to the poll." I call attention to this genuine remark from a Native chief of great reputation, as showing how thoroughly these people, if we allow them to use those privileges, will take advantage of the greater power it gives them. I would not fear that power were it not that European interests are subject to be swamped, not by any right appreciation of subjects and principles, but by numbers of Maoris marched to the poll by the direction of some pakeha-Maori—marched to the poll by men who, as a rule, have only their own interests to look after. I say that this is a grave danger in the future, and one that this House will have to deal with. Two months ago, just at the time the Revising Officers were engaged in their duty of revising the electoral rolls of the colony, I happened to be visiting the southern provincial districts, and telegrams came down saying, among other things, that my seat was at his disposal. It is quite true that the honorable gentleman did succeed, in the way that I described, in putting a certain number of Native voters on the electoral roll; but I feel perfectly confident that no power that could be exerted in that manner could ever put that gentleman in such a position in the district which I represent, for I represent a district in which the European settlers know me and know him. I am not a man who would unnecessarily court a contested election. It is not my line. I suppose that every one knows that the force of the honorable member for Auckland City East is on the stump; but I look upon that honorable gentleman's presence here
as a very great disadvantage to everybody. I think the time he uselessly wastes in endless talk is a great loss to the community; and I would urge him to have some sense to move to stop it. Now, I will tell him what I will do. I and those who direct him in Hawke's Bay circulated the statement that I have referred to throughout the colony. The honorable gentleman at present sits for Auckland City East, and I sit for Clive. I take it that no constituency will ever be guilty of electing that honorable gentleman twice. I think that, having sent him here once, no constituency is ever likely to send him here again.

An Hon. Member.—Oh!

Mr. ORMOND.—I say so for the sake of the constituency. But what I would say is this: I will test the honorable gentleman's statement, and I will give him a challenge. Let him resign his seat, and I will resign mine, on condition that he will contest my election. He will then not only have the advantage of turning me out, but of turning out a member of the Government. I am willing to do that, and I am willing to hold that challenge open to him. I think the outcome of it will even justify me in subjecting my constituents to such an indignity. I was referring also, before the adjournment, to the law under which Native cases are brought into Court to the great injury of the European settlers of the colony. I pointed out that, under the law which we have provided, Natives bring actions, trump up cases, and take proceedings in the Supreme Court to the disadvantage of the Europeans; who are put to a great money loss and inconvenience, without any security that the matter is other than a trumped-up charge on the part of the Natives. It is a great grievance of the European settlers of the colony; and in the district I come from, where it is practised to an extreme, it is becoming a serious matter to the European settlers. Since the Commission sat, endless cases have been brought in the Courts of the colony, and not more than one or two of those cases have been won by the repudiationists. Every one of them has broken down absolutely, and ninety-nine out of one hundred have never even got into Court. Those who put the cases forward have never, indeed, been in a fair position to take them into the Courts of the colony. They have issued writs; they have plunged Europeans into the expense of defending suits; and then, as a rule, they have abandoned them before they got into Court. Why is this? Simply because these proceedings are not genuine proceedings, but are trumped up by those who direct the Natives. As evidence of this, I may say that there have lately been in Hawke's Bay several cases in which the Natives have themselves come forward to the Registrar and declared, 'We know nothing of this. This case is brought forward by lawyers. We never heard of it before; we have never seen anything of it. This has been brought forward for their own benefit, and not for ours.' There are affidavits filed in the Supreme Court which will prove the truth of what I say. I ask whether it is not dangerous to have such an organization which will carry on such work as this. I hear some honorable gentlemen laugh; but I tell them that it is no laughing matter for those settlers—some of them may have to contend against such an organization with plenty of funds to carry on its workings. In that case in reference to which the honorable member for Auckland City East and the honorable member for the Thames have cast such imputations against myself—the Heretaunga case—endless writs have been issued since the Commission sat; but not one has ever got into the Court up to the present moment. They have been issued again and again, only to be abandoned again and again; while I myself, and other gentlemen who have been concerned with me, have had to pay, and pay, and pay, because those in whose names the writs were issued had nothing to go upon, and the only property they had, the land, was not liable for expenses of costs. Several fresh writs, in this case as in others, were issued just before Parliament met. And for what purpose, except to make a show to the Natives that something was being done, no one can tell. I told the House before the adjournment that I believed forty or fifty writs had been issued at the instance of the honorable member for Auckland City East just before he came down to this House, and that they were the result of his work of investigation during the past year in endeavouring to find out trumped up cases in which he could find defects of title—technical, mostly, and brought about through the imperfect legislation of this House. In passing, I wish to say that I view the proposed Bill, of which notice has been given, to suspend all Native land transactions for the next twelve months, as the greatest boon that could possibly be given to the inhabitants of Hawke's Bay; and I believe it will operate advantageously in all parts of the country. As I did not speak on the Native Land Court Bill, for the reason I have stated, I wish now to say that I agree most cordially with the Bill which was introduced to-day. What will be its effect? The effect will be that these pakeha-Maori lawyers, who have been living for years upon extortions and compromises into which they have led the Natives, will go down and lose their calling, so that we shall hear no more of them. In getting rid of them the country will get rid of the greatest curse that it ever had to bear. If there were nothing else but that, it would in that respect bring the greatest good to the Europeans, and to the Natives also, for it will take them out of the hands of these people. The pakeha-Maori of the past was bad, but the pakeha-Maori legal practitioner is worse. He wants more. His gorge is larger. I am not one of those who believe that we shall be successful in inducing the Maori to submit his land to be disposed of by the Land Boards of the colony. I do not think they could be
reconciled to doing so. I admit that, if it could be done—if the Government and the people of the colony could get them to do it—it would be a great good; but I am not one of those who think it possible in their present state of feeling. Sir, I have already referred to the object of the motion of the honorable member for Auckland City East if it were now carried? I have already described to the House how the former Commission was granted, with the full assent of the settlers of Hawke's Bay, in order that the Natives might have their transactions fully inquired into by a thoroughly impartial tribunal. I have told the House how readily that was accepted, by myself and my late colleague Sir Donald McLean, on behalf of the settlers of Hawke's Bay. I have explained to the House that we looked to that as a measure which would free us from the imputations that were cast upon us and our fellow-settlers. But we did not see then what the outcome would be. We did not see that that inquiry would be used as a means to get information in order to dispute titles, which information would never have been obtained if the House had not ordered the proceeding. What would be the effect of the motion of the honorable member for Auckland City East if it were now carried? I have already described it as a means by which the honorable member desires to get behind the Supreme tribunal. I have told the House how readily obtained if the House had not ordered the proceeding. I have already described it as a means by which the honorable member desires to get behind the Supreme Court in cases now in course of litigation. I have told the House that he himself issued some forty or fifty writs just before he came to this House, and that these writs relate to cases to which he has referred in his speeches here; and I say that he is prostituting his position in this House in order to get out information that he may turn to advantage, and which he may be able to use in the Courts of the colony. He wants to get here that which he cannot get in the Courts of the colony. But I know this House will think very seriously before it entertains any such proposition. I have very little more to say about him. I have already said that my character, and the character of those who were associated with me in the transactions in respect to which he has made charges against us, ought not to be put in comparison with his character. How was he sent here? What were the qualifications which induced the constituents of Auckland City East to send him here? I read the newspapers, and I find that at the time of the honorable gentleman's election the honorable member for the Thames held in Auckland City an omnipotence in saying who should come here and who should not. The people of Auckland were promised by the honorable member for the Thames the things they specially sought for. I am speaking now of the City of Auckland and not of the provincial district, and I say the honorable gentleman's power there rested, as I believe what power he has left rests still, on this: that he advocates separation of the colony and the taking back of the seat of Government to Auckland. That is the sole and sole foundation of such power as he has had in Auckland. There were two candidates who contested the seat for Auckland City East: the honorable member who attacks me was one, and the other was Mr. McCosh Clark. Mr. Clark is a gentleman of very high repute, an honoured settler, a gentleman in every way different from the honorable member for Auckland City East. How, then, was it that he did not win the election? The journals of Auckland published at the time said, "Oh yes; there is no comparison between these two candidates at all. Mr. McCosh Clark is a man in whom we can place confidence, in whom we shall be secure; but we want a man who will have no convictions of his own, and who will do what Sir George Grey tells him." They said more than that, for that alone would not have done. They held certain opinions with regard to the honorable member for the Thames, who at that time was a member for one of the town constituencies, and they said, "We have elected Sir George Grey, and he is a gentleman who could not possibly enter into the arena of politics and do some things that must be done there—he could not impute improper motives without cause." In fact, he could not do any of those things which, since he has sat in this House, he has shown himself so thoroughly capable of doing. So they said, "We must send a man capable of doing these things—capable of doing the dirty work which Sir George Grey could not do;" and so they elected the honorable member for Auckland City East, and I am bound to say no constituency ever elected a member who so thoroughly fulfilled the qualifications expected of him as he does. Never before in the history of New Zealand, or indeed I hope in the history of the Parliament of any country, have we heard of members elected for such qualifications, and I hope we never shall again. I do not propose to offer any further remarks with regard to the honorable member. I said, in the early part of my remarks upon this question, that I should have taken little notice of the imputations cast upon me if they had only come from the honorable member for Auckland City East, but that the imputations acquired a standing to which they would not be entitled in coming only from him when they were supported by the honorable member for the Thames, who, without absolutely reiterating them, has on several occasions taken the opportunity of supporting them. Sir, a year or two ago I would have been the last man to have said anything or to have raked up the past in any way against that honorable member; but there are limits to forbearance, and I say now that the career of the honorable member for the Thames, since he came into this Parliament, has been such as to pull it down and degrade it. Sir, I say that, until he came here, these personal imputations, which are thrown right and left against every man, were never heard. He alone is responsible for bringing this class of debate upon us, and for its coming a leading feature in everything we do here. This being so—and I say that it is so—men cannot quietly stand by and allow it to continue. When any member of this House, let him be what he may, habituallv throws about imputations of the most gross character when he himself is also open to accusations, I say that it is time for this House
and its members to take steps to put it down. Sir, it is such convictions as these that make me say what I am about to say of that honorable gentleman to-night. The House will recognize that the imputations which have been cast upon me, a public man of this country, have been very gross, and it is my duty to myself to compare my character with those who asperse me. Sir, what is the character of the honorable member for the Thames in the past? Among the Governors of New Zealand we have had Governors and Governors. Has there been any Governor in New Zealand whom the old settlers—the men the most honored amongst us—have complained of as one who did not know the truth? I say yes; there has been such a Governor. I remember the days when I, as a young man, occupied a subordinate official capacity, when the settlers combined together—to do what? To write to the Home Government stating that the Governor of that day was not a fit representative of Her Majesty. And why? Because they said he did not know how to speak the truth.

Mr. JOYCE.—Bah!

Mr. ORMOND.—I say that the leading men of the early New Zealand colonists said that. I see many men in this House who were parties to passing resolutions affirming such opinions as this, and I thank God that no such thing has ever been said about me. I could go through records and show resolution after resolution solemnly passed by the representative men of New Zealand, the Cliffords, the Welds, the Foxes, and many others who are not here now, affirming what I say. Perhaps the honorable gentleman is very different now, but I am speaking of what he was then. He has, not only during this session but during every session since he has been in Parliament, hurled at every one who has occupied these benches, one after the other, imputations of being concerned in most improper transactions. The corruption of Ministers has been his favourite theme, and especially has it been his practice to talk of what he is pleased to call the unfair and unholy transactions of Ministers in connection with the acquisition of Native lands. Sir, was the honorable member himself ever concerned in any Native land transactions? Let us see. Last session my honored friend who has passed away (Sir Donald McLean), in reference to a transaction known as the lease of the Oruanui Block, charged the honorable member for the Thames with having been concerned in it, and said that it was a transaction which did him no credit; and the honorable member for the Thames said this—

"The House has been told I acquired a large Native leasehold there, and to that I have simply to say I was drawn upon, without having given any authority to any person so to do, for a sum of £350, I think it was. The bill was suddenly presented to me in London, as the purchase-money of a run up there, which I believed a nephew, from information I had at the time, was anxious to acquire. I honored that bill, but I never signed any paper, and circumstances arose under which I would not go on with the transaction. I have never spoken to the Natives upon the matter; I have never made any agreement with them; and, finding that my relative did not desire to have the place—in fact, was determined not to have it—I declined to have anything to do with it, and at no time had I any personal interest in it. It was taken for two nephews of mine. There was never any claim against me—no document, no agreement signed. No agreement, oral or otherwise, passed between myself and the Natives on the subject. I never uttered a word regarding it; and I did as I had a perfect right to do—declined to go on with the transaction."

Now, Sir, I have in my hand a statement in reference to this transaction, which I am allowed to use; and I will read it. It is a paper placed in my hands by Captain Holt, a gentleman who disposed of his interest in this Oruanui Run to Sir George Grey. It was written last year and given to the late Sir Donald McLean to use. His illness prevented his doing so. It says,—

"I received an offer from Sir George Grey (who was then in England) to purchase my twenty-one years' lease of the Oruanui Run, on Lake Taupo—about 30,000 acres. Sir George said that he, in conjunction with a friend of his, Colonel George, would give me £350 for my lease, and that I could have the money at once, so soon as Colonel Balneavis was assured that the Crown grant had been issued to the Natives, and that they all had signed the lease to me. At the time I received this letter from Sir George, nine out of ten of the Natives whose names were on the Crown grant had signed the lease, and shortly after the tenth also signed. So far, therefore, as the Natives were concerned the matter was complete; and Messrs. Jackson and Russell, of Auckland, having prepared a formal transfer of my lease to Sir George Grey and Colonel George, this I executed, and then—namely, 12th January, 1870—took all the documents to Colonel Balneavis, who was so satisfied that everything was correct, and with the tenor of Sir George's letter to me about the payment, that he at once indorsed my draft on Sir George and thereby enabled me to discount it at the bank. Colonel George had previously written to me, saying all the financial part of the business was in Sir George's hands. That was the reason I drew on Sir George Grey. On 4th June, 1870, I received a letter from Colonel George, informing me that my draft on Sir George had been duly accepted, and that he and Sir George were sending out to Seymour George (then with me at Kawau) a power of attorney to take possession of the run and act generally on their behalf in the matter. I at once placed all documents in charge of Colonel Balneavis (at Seymour George's request), with whom also was lodged the power of attorney. I believe he has them all now. I gave Seymour George letters of introduction to the Native owners of the run, and advised them that the lease had passed from my hands to those of their old friend Sir George Grey and the father of the young man, who was going to take possession on the run and handed him quiet possession, and show him over the land. Seymour George accordingly went to Oruanui, took formal possession, exercised certain
rights of proprietorship, and was recognized by the Natives as Sir George and Colonel George's representative. I told the Natives they would now look to Sir George Grey and Colonel George, or their representative, for all rent. I think the rent was £120 first seven years, £200 second seven, and £300 third seven, but won't be quite sure. I had already paid all expenses connected with getting the land through the Court, surveys, &c., &c., costs of legal transfer, &c. so that I am quite sure the £250 for which I sold the lease did not do much more than cover my expenses. Seymour George, I fancy, soon got tired of the manner of life at Taupo, hating hardship of any kind and being excessively indolent. When Sir George returned to the colony, Seymour George was back at Kawau. From the time of his return, or very shortly after, Sir George endeavoured, by absolute and obstinate silence, to ignore the whole transaction; and it was only during my last week at Kawau that I could get him to discuss the question at all. I was negotiating with him for the surrender of my lease of Kawau, and he then proposed, as part of the compensation money he was to give me, that I might keep the lease of Oruanui. This I positively refused, for, as I told him, these reasons: First, that he and Colonel George jointly had bought the lease from me, and I did not see by what right he could alienate Colonel George's interest in it; and second, because they had openly and frankly accepted the ownership by their own act in sending out the power of attorney to Seymour George, and by the act of their attorney in taking possession; and that I would have nothing more to do with it or them. Besides, after having been utterly ruined by certain unfulfilled promises of Sir George Grey, it was scarcely to be expected I would saddle myself with claims for arrears of rent, &c., which had accrued since I had sold the lease to them. At last, at Sir George's special request, the matter was to remain in abeyance, and I promised not to take legal proceedings against him to compel him to sign the acceptance of transfer. Mr. Locke, of Napier, acted for me in getting the land through the Court and the lease from the Natives. The Natives have relieved me from all liability for rent. I don't know how the matter stands now. You can make any use you like of this.— J. HOLT.

"I forgot to mention that Sir George Grey, when writing to me making the offer of £350 for my lease of the Oruanui Run, used the following expression, as near as I can remember in the following words:—"You had better send me a plan showing boundaries and full description of the run, for, although I know the country myself, I shall want to give it to Colonel George, who will be interested with me in the purchase. Accordingly I had an elaborate and exact plan prepared of the run, showing boundaries and features of country, and, with a full description, sent it in 1860 to Sir George in England. I have got Sir George's letter somewhere amongst my papers."— J. HOLT.

Mr. ORMOND.—There is no date on the paper, but it was written in 1876, just after the date on which the late Sir Donald McLean used those words which drew from the honorable member for the Thames the denial which I have read. Well, Sir, I ask the House whether or not that narrative of the transfer of the deed to the honorable member for the Thames does not carry accuracy on the face of it. I believe, from what Captain Holt has told me, that he has documents in his possession which will support it. And what was the outcome of this? In what way is it a transaction which is not a right transaction? Sir George Grey was responsible for the rents of this land from the date of the transfer of the lease by Captain Holt; but he did not pay the money, and has refused to recognize his responsibility. I have in my hand an order from the Native owners of the land on Sir George Grey for £300, and upon it the following words are written: "Decline to accept.—G. GREY." This matter was one which created a great deal of talk in Hawke's Bay at the time it occurred, and I may state it was reported that a friend of Sir George Grey's, Mr. Tollemache, used all his influence to get Sir George Grey to pay the money; but, to this day, the Native owners of the land have never been paid the money which is due to them. The honorable gentleman has talked of Hawke's Bay transactions as being improper; but I can say that I know of no transactions having taken place in Hawke's Bay in which people have not carried out their engagements. From my knowledge of the facts, I think it is impossible for the honorable gentleman to explain his conduct in this case. I wish now to say a few words with reference to what the honorable member for the Thames has said regarding the acquiring of large landed estates in the colony by certain persons. In the "Hansard" of this session I find him referring to the enormous estates which, he says, have been got from the Natives; I have heard him referring to the large landed aristocracy which he alleges is being built up in the colony; but I do not think it is necessary for me to read his speeches regarding these things. The honorable gentleman has dwelt continuously upon the evils which would result to the colony in consequence of persons being enabled to acquire these large landed estates, and he has dwelt with force upon the danger which will accrue to the colony from what he has called a spurious aristocracy. Sir, I am going to tell a story. Many years ago there was a Governor of New Zealand. This was in the days when in the South Island large landed estates were being acquired by individuals, and with this spurious landed aristocracy was being created. In those days this Governor of New Zealand went to the southern provinces. He there expressed pleasure at seeing what was going on—he said, in point of fact, that he was glad to see the country passing into the hands of large capitalists and monopolists. But, not content with expressing satisfaction at what they were doing, he invited some of those who already owned princely estates in the South to come up to the North Island and monopolize the land
there. One of those gentlemen in the South was somewhat taken by the representations which were made to him. He came to Wellington—in fact he is a member of this House now. Well, he came to Wellington, and there he became associated with other gentlemen. Two of those gentlemen, who are now members of the Legislative Council, at that time held large estates in the North Island. The gentleman who was Governor of the colony at that time offered those gentlemen every assistance in his power to acquire a large landed estate in the Taupo District. This land was the same block as the honorable member for the Thames has referred to the transaction to which I have alluded. Another letter, written by Mr. Russell as having been members of the company; and there were also other gentlemen. That is, as nearly as I can remember, a correct account of the letters and the statements made to me on this subject. I will now read to the House what took place in this House last session in reference to the transactions to which I have alluded. I find in the Hansard for 1876 the following:

"Sir G. GREY. — I wish to be allowed to make a personal explanation. First of all, the House has been told that I went up to Taupo to see a large tract of country there, which I was highly pleased with; that I then endeavoured to get up a company for the purpose of occupying it; and that I took shares in it. I never, until this moment, heard that I was in any way implicated in such a transaction. This is the first time I have heard of it." 

"Sir D. McLaren. — I would ask the honorable member if he did not assist gentlemen in the Middle Island to go to Taupo, saying that he himself was going to settle and acquire land there."

"Sir G. Grey. — The utmost I have done in that respect is this: that I had sometimes thought you not go up again and use your influence on the spot? We must be prepared to sow some ground-bait, I suppose, and you must use your discretion as to this; and I shall at once provide the needful." Those were the instructions given by the director of the association with which the Governor connected.

Sir G. GREY. — Who was the agent?

Mr. ORMOND. — Mr. Locke.

Mr. STOUT. — Name the writer of the letters.

Mr. ORMOND. — The Hon. Mr. Russell, a member of the Legislative Council. I do not want to conceal the names, and if the letters are wanted my friends can produce them. That was one of the instructions given. The next letter that I remember of interest in this matter was—

Sir G. GREY. — Why do you not get the letters?

Mr. ORMOND. — Oh, I do not want them. I recollect their purport. The next letter said something like this: "You must not delay any longer; go on; we are urgent in this matter; and enclosed in my letter are those letters of introduction which the Governor promised." Sir, the House will well understand that the influence of the Governor in those days was very different from what it is now among the Native people. The Governor himself was then personally acquainted with the individual Natives, which was the case in this instance. Another letter, written by Mr. Russell to Mr. Locke, I remember, which says,—

"I have written to Whitmore on the subject, and it is agreed now to take him into the whole concern; the Governor, for reasons of State, thinking it better at present that he should not be in the concern. Another moneyed man will be in his place, however. Cox has letters from the Governor."

These are absolutely the words used. And so the correspondence went on. I have described the transaction as I have heard it, and what I say can be verified by an honorable member of this House (Mr. Cox). I may also name the Hon. Colonel Whitmore and the Hon. Mr. Russell as having been members of the company; and there were also other gentlemen. That is, as nearly as I can remember, a correct account of the letters and the statements made to me on this subject. I will now read to the House what took place in this House last session in reference to the transactions to which I have alluded. I find in the Hansard for 1876 the following:

Sir D. McLaren. — I would ask the honorable member if he did not assist gentlemen in the Middle Island to go to Taupo, saying that he himself was going to settle and acquire land there.

Sir G. Grey. — The utmost I have done in that respect is this: that I had sometimes thought
of having a cottage in the Taupo District, and of retiring there for a month or two in the height of summer-heat; and I think I have told honorable gentlemen of this. I deny solemnly that I ever purchased any land there, or proposed the formation of a company. All that I ever did in reference to that part of the district was this: I believed that there was a very valuable tract of country there for sheep runs, and I have mentioned that to honorable gentlemen for their information. I did go to the extent of offering to the Natives of that part of the country, out of regard to them, to lend them a large sum of money, at the rate of 3% to 4% per cent., to stock their land with sheep, in order that they might become sheep owners themselves and preserve their properties for their descendants. That was the only company I had anything to do with there.

Well, Sir, I have said that it was a former Governor of New Zealand who had been concerned in the transactions to which I have referred. Nobody can for a moment conclude, I think—those who recollect most of those gentlemen who have held the position of Governor of New Zealand—nobody can for a moment conceive that they had ever been concerned in such transactions. I recollect Sir Gore Browne being Governor. Fancy any one inducing him to take part in such transactions. Fancy the present Governor being concerned in such transactions. For, Sir, it is a serious offence. It is an offence in this sense: that the Governor of the colony in those days had large influence, acquired by his position, over the Natives; and I say that any Governor who used that power for the purpose of acquiring large estates for himself and his friends was prostituting his position as Governor of the colony, whoever he was. Sir, who was the Governor who did this? I should be disposed to say, from what I have heard from the honorable member for the Thames this session, that his breast must expand with indignation at the idea of a Governor lending himself to such transactions as these—this unholy acquisition of land, of these smiling homes of which he has told us. What, a Governor to do that! To take a share in a company to obtain these lands! Who was the Governor who did this? The Governor was Sir George Grey, the member for the Thames. He was the Governor referred to in these letters I have described; he was the Governor who was concerned in these transactions. This fact can be borne testimony to by the honorable member for Waipa (Mr. Cox) and honorable members of the Legislative Council. As I have said before, if any of these honorable gentlemen do not speak, there are the letters in the adjoining room. Sir, I do not wish to follow up this matter further. I say that these transactions are as I have stated them. I say that for a member of this House, who has been concerned in such transactions, to come here and point round the House, and say, "Here is a man who has bought an estate; he has got more land than he ought to have; he has got the homes of the people"—I say it is rank hypocrisy. I say this was done by one who had the power from his position, and that he prostituted his position in being a party to such transactions. I say distinctly and absolutely that the letters I have referred to confirm what I have stated; that the statements are true; and that the honorable member for Waipa told me of these transactions. If these things are true the honorable member for Thames should not be guilty of throwing broadcast around this House imputations against others as he has been wantonly doing since he came into this House. Sir, before I sit down, a word or two from me as to what I consider the proper way to meet the difficulties which exist in Hawke's Bay, and which it is proposed by the honorable member for Auckland City East in this motion to provide for. I say that, in the litigation that has taken place in regard to Native titles there, there has been material injury done to the progress of that splendid part of this Island. It has deteriorated the value of property, and greatly retarded the advancement of that district. I say it would be absolutely unfair to the people and improper to agree to the proposal of the honorable member for Auckland City East to appoint this Committee, to go behind the Supreme Court and do what he wants. I will tell the House what I on my part would like to see done. I have already told the House that, when imputations were levelled against the settlers and against my honored friend the late Sir Donald McLean and myself, as representing Hawke's Bay in this House, we met them at once by saying, "Appoint an impartial tribunal to go and inquire into all these matters; let them report, and let the House deal with it." I say the same thing now. Notwithstanding the great loss the European settlers have already sustained, I, for my part, would still be willing to see this House appoint a Commission, with arbitrary powers, to go there and make the inquiry; and, if any of these transactions are found to be unjust, let them be cancelled. I stand here and say that that is the fair thing which should be done. I, for my part, and on behalf of my friends, challenge any such inquiry, but upon one condition: I must not again see my fellowsettlers subjected to being proceeded against, and plunged into costs, not by the action of the Natives, but at the wretched instigation of persons behind them. Let us protect the settlers against that. Make these persons, before they bring questions of title before the Commissioners appointed by this House, lodge security for costs in case their charges are proved to be unfounded. Then we will meet them. I give that challenge to the honorable member. This is my answer. To appoint a political Committee would be only absurd. I trust this House will do what is right and fair.

Mr. SHEEHAN.—Sir, I think no other honorable member should feel better called upon to reply to the honorable gentleman than myself, because, although he has not named me by name, or spoken of me as a member of this House, three-fourths of what he has said has been insinuation against my character, and impugn my conduct as a professional man. As I heard the honorable gentleman speak, I was reminded of the play of "Coriolanus," in Shakespeare. I remem-
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ber, when Coriolanus was accused of cowardice by the men for whom he had fought, the only reply he could make was this:—

Messureless liar, thou hast made my heart

I might reply to the honorable gentleman in the same way. But I will keep my temper, and show the House that what the honorable gentleman says is not in accordance with fact. Sir, what has happened since we adjourned at half-past five o'clock? Why, the echo of the honorable gentleman's words had hardly ceased in this chamber, when a jury of twelve of our countrymen sitting in the Supreme Court in Wellington gave—if it may not be unparliamentary to say so—gave the lie direct to almost everything the honorable gentleman stated. The honorable gentleman says he wants a fair and impartial tribunal appointed. What does he do? He leaves the Government money and brings a case before a legal tribunal; he takes the money of the colony to fight his own case; he gets all the Native officers throughout the colony to assist him, and spends the public money. And what is the result? On nearly every statement which he has made in reference to transactions in Hawke's Bay the verdict of a jury goes against him. It is not to be wondered at that he should be vicious. I can make some allowance for the exhibition of temper in his speech. The Government constantly complain that we have a "Rees" on the Opposition benches; but there is sitting on the Government benches a very much worse "Rees" than ours, for, of all the unfair and intemperate charges I have heard in my life, the one I have just heard the honorable member deliver beats them hollow. He made some of the gravest charges ever heard in the House—charges and implications couched, I may say, in the most vulgar language. When the honorable member for Auckland City East (Mr. Rees) makes charges he does so in well-rounded periods, and he is worth listening to; but the honorable gentleman (Mr. Ormond) must have gone to Bullingdon for his language, and to the Old Bailey for his facts. I must ask the House to hear me with some amount of patience; and if it will accord me the same amount of indulgence as it has shown to the honorable member, I will show that his statements have not been well founded, but, on the contrary, have entirely consisted of special pleading. He commenced by saying that he had but a very small amount of land. When I tell the House that he has had but from 15,000 to 17,000 acres at Wallingford, 16,000 acres in the Seventy-Mile Bush, and 1,200 acres of the finest land in the colony very near the Town of Napier, I think honorable members will be inclined to say, "Poor man! he has had to suffer very hard lines indeed." It is a remarkable fact that he had no sooner purchased the land at Heretaunga than the railway—the ordinary and much the fairest route—had been carried right through the centre of it. The Seventy-Mile Bush was purchased, and certain reserves were set aside for the use of the Maoris. What was the result? Why, Sir, in a very short time we find the honorable gentleman and some of his friends are the lessees, the matter having been negotiated by his very honorable friend Mr. Locke. He told us he had only had three land transactions. Well, I can mention five, and there may be more. There is the Tangara Block—that is one; there is the Eparaima Block—that is two; there is the Heretaunga Block—that is three; and there are two blocks in the Seventy-Mile Bush—that is five. That is fact No. 1 "up a tree." Now, Sir, he spoke of the land at Heretaunga as something which had been forced upon him with the utmost difficulty. Does the House know what is the nature of that land? I believe not. It is the finest land in the colony, probably the finest in the world; and he got that land for the large sum of £1 6s. 8d. per acre. How he came to pay so much I will explain to the House directly. But when he got the land for £1 6s. 8d. an acre he had simply made his fortune. And how was that land bought? I will tell the House. I may at once plainly say that I did not desire this discussion to be brought on. I wanted these matters settled in the proper place; but the discussion having been brought to this House, I ask the fair and reasonable privilege of being allowed to reply to him. This block, of some 17,000 acres, is situated in the suburbs of Napier, and it was purchased by a number of gentlemen of whom the honorable member (Mr. Ormond) was chief. Some of those gentlemen I have not a word to say against. For instance, I do not believe a word is to be said against the part taken in that transaction by one for whom I always had a great respect, and for whom I never ceased to have a personal regard. I refer to a gentleman who last year was a member of this House, but who, I am sorry to say, is now no more. I believe there never would have been a single imputation cast upon him had he not unfortunately listened to the advice of the honorable member for Clive (Mr. Ormond), who had selfish purposes to serve, and who, so long as those selfish aims were satisfied, did not hesitate to sacrifice his friends. The honorable member for Clive (Mr. Ormond) was Superintendent of Hawke's Bay, and he is aware as well as I am how frequent and how urgent were the appeals of the people to have this land acquired as a public estate. But the requests of the people were unheeded, and he and his friends acquired the property for their own use. People who now desire land have to ride through miles and miles of land belonging to the honorable gentleman and his friends, and, in order to get a few acres on which to settle, have to travel into the heart of the country. I have said that this land was bought for £1 6s. 8d. per acre, but that was not the price the purchasers desired to give. They proposed to give 16s. per acre. Why had they to give more? Because, in the first place, they had to bribe two of the grantees of the block in order to obtain their influence in inducing their fellow-grantees to sell. That is the evidence given by the honorable gentleman himself, when upon oath before the Commission. The question was put to him, "Then you had to bribe these two people?" His answer was, "Yes."
Mr. ORMOND.—No.

Mr. SHEEHAN.—If the honorable gentleman denies that, I may as well sit down— he will deny anything. I will show presently, by the report of the House, that the honorable gentleman distinctly said that he did not make that admission. I will show that certain sums of money were paid to a certain two of the grantees, which payment it was stipulated should be kept secret from the other persons interested in the sale. I think the House will form an opinion on the matter not very favourable to the honorable gentleman, notwithstanding his denial. The honorable member went on to mention the names of some very respectable persons who were connected with him in the purchase of that estate. I believe that the honor and bona fides of the honorable member for Napier (Captain Russell) were never touched by a breath of an imputation. I believe he acted fairly, conscientiously, and honestly throughout. But the gravest possible imputations have been made, and have never been disproved, but have rather been justified by the report of the Commission against the honor- able gentleman. Sir George Grey, Mr. J. S. Williams, and the Rev. S. Williams. The Rev. Samuel Williams was at this time the spiritual counsellor of the Natives, and, as was very often the case with the missionaries, was looked up to as their adviser on business matters. And it turned out that, while he was in the confidence of the Maoris, and acting as their adviser in this very transaction, he was also, secretly of course, part of the bargain which his brother, Mr. J. S. Williams, and the honorable gentleman (Mr. Ormond), and others, were endeavouring to drive with the Natives. I say that is a positive fact, and I challenge contradiction. He had to admit that upon oath before the Commission. You may easily imagine that a transaction which began in that way could not have had a very clean ending. Another thing: it was necessary to get the consent to the trans- action of a Native gentleman, who was a member of this House. He was followed down to Wel- lington, and, while the House was sitting, he was induced to sell the land because he was threatened with imprisonment. Then some other Natives in Hawke's Bay refused to sell. What was the consequence? The storekeepers were set to work, and in a very short time words were flying about the country like snow. People who objected to the sale were driven into a corner, and absolutely forced to sell in spite of themselves. Sir, just now the honorable gentleman told us of an enormous crime being committed by the honorable member for the Thames (Sir G. Grey), in having, as Governor of the colony, obtained certain lands for his own use. What was the honorable gentleman doing at this very time? He was a member of the Provincial Council, he was the public servant. —I almost think he was. I believe that the railway was going through that property, and he knew what was going to be done. He knew that the railway was going through that property, and he knew very well what the property would be worth in an exceedingly short time. He carried out his plans to the fullest extent, because he got the land, and then he made the railway through it. But to show what value is to be placed upon his statements, I will just mention three facts. First, the Com- missioner of Crown Lands in Hawke's Bay was called upon to give evidence about the value of the land, and he said that the land at that time was worth £3 or £4 an acre. The honorable gentleman and his friends meant to give 15s. per acre, but were compelled to give £21 6s. 8d. Second, although the land was composed of swamps and morasses, within six months after the sale one of the honorable gentleman's col- leagues sold 600 acres at £10 per acre. Third, at the time of the sale, or immediately before, we were going to borrow all these millions of money; and land abutting at the two extreme ends of the block, by no means more valu- able, was bought for £10 per acre. We were told by the honorable gentleman that when the appointment of the Commission was pro- posed he did not object to it— he rather en- couraged it. But, as a matter of fact, he had little or nothing to do with the matter. It would have been appointed had he objected ever so much. In the Bill as it came before the House there was a provision to confer upon the Commission judicial power— power not only to hear cases, but power to say So-and-so such a sum, and finally close the dispute. He opposed that vigorously, and that clause was struck out. Now he comes down to-night and says that such a course as that was proposed and objected to is the only solution of the difficulty. Fortu- nately for the Natives the honorable gentleman was successful in getting the provision struck out. That was a very fortunate circumstance for the Natives.
Mr. ORMOND.— Where did you hear that story?

Mr. SHEEHAN. — I was in the House at the time, and saw what was done in respect to that Bill. The honorable gentleman has referred to the reports of Messrs. Maning and Richmond as if they were the only Commissioners. He forgets that there were four Commissioners; that one of the other two was a man foremost among the Maoris, a Native Land Court Judge—a man speaking the English language very fairly, and of an advanced turn of thought. The other was a man who is now keeping the peace between us and the King Natives. We have all got our failings, and, if it be true that the Maori Judges may have had a leaning for their particular side of the question, it is quite as possible that the European Judges may have had the same leaning to the side of the Europeans. Insensibly they may have had such a leaning. At any rate, unless good reasons were shown, I really do not see why we should take it for granted that only two Commissioners on the bench were entitled to be heard. The honorable gentleman said that not one single case of fraud had been brought home. In regard to that, I shall have to refer, somewhat shortly, to the report of the Commission itself; and, by the way, I may here remark that on every occasion on which this question comes before the House these honorable members entrench themselves behind the report of the Hawke's Bay Commission; but they only refer to what was reported by Commissioners Richmond and Maning, and they never for a moment refer to the reports of the Native Assessors. However, I shall show the House that even the European Commissioners do condemn what took place in Hawke's Bay. Before referring in detail to the reports, I wish to point out this fact, which is patent to many members of this House: that Sir Donald McLean, among other reasons which he gave for passing the Act of 1878, mentioned the report of the Hawke's Bay Commission, and the evidence brought before it, as showing the necessity for the alterations that were proposed. What were those alterations? One was to abolish the power of selling land under mortgage; secondly, to abolish the power of selling land under judgment of the Supreme Court; thirdly, doing away with costs against Natives in cases against Europeans. These were the most beneficial results of the Commission, and if it had not been for the Commission they would not have been brought about. The complaints as against private persons are divided into the following clauses: “That in purchases by Native dealers the vendor was not paid in cash, but compelled to accept credit on account-current with the purchaser, and to take the value out in goods.” I leave it to the honorable gentleman himself to contradict me if he thinks proper when I say that the great bulk of the consideration given for that Hawke's Bay land simply consisted of goods taken out on account-current. It may have been right or wrong; we will leave that question aside for a moment. But the great bulk of the consideration was not cash but goods — clothes, food, and a fair proportion of grog. The second class of complaints was this, and I would commend it to the honorable member for Wanganui: “That part of the purchase money went to pay off old scores for spirits.” The Commissioners say,—

“Very many of the complaints were founded on the allegation that a part of the consideration had been received in spirituous liquors. Mr. Maning and I intimated very early that we were not disposed to allow of this as a ground for setting aside transactions otherwise unexceptionable.”

It did not matter if drink was the whole consideration, so long as other matters were unexceptionable. The report goes on to say, “This resolution of ours was adopted as members of a Court of conscience.” Heaven save the mark! According to this Court of conscience, if the consideration is drink that is not a ground for setting aside a transaction. Sir, if I bought the land for cash and gave cash to the seller, and if he went and spent all the cash in drink, that would be no ground for setting aside the transaction. But if drink is the only consideration, and you can count the number of bottles, we are told by the members of this Court of conscience that that is no objection. The report goes on to say,—

“Whatever the law may say upon the matter, it appeared to us that it would be unconscientious on the part of a Native who had received value in this state to attempt to rip up the transaction.”

Just imagine a man saying, “I sold the land, and you paid me in grog. It is contrary to law; but if you say it is unconscientious to object, I shall say nothing more about it.” The report goes on: “If it be wrong in the dealer to sell, it is, we argued, wrong in the Native to buy — morally wrong.” Thus you have the superior race on the one side—the educated man who can read and write, and who has control over his passions; and on the other side you have the Natives—the savage horde, as the honorable gentleman called them—so that you keep the Native's mouth open, and pour the rum down his throat, and get his land from him, it is not an improper transaction. The report goes on,—

“Native and dealer are thus clearly in fault together, though, it may be, not equally to blame; and it is against morality that one party should be rewarded and the other punished for an action in which both must concur.”

Certainly both must concur—one man must import and sell, and the other must drink the liquor. Another class of complaint was, “That the sale was forced by undue pressure on the part of creditors.” What happened in the case of this very Heretaunga Block? One man—a member of this House, Mr. Karaitiana Takamoa—stood up against the sale for some months, and when he found that his people were inclined to sell he went up to the Native Minister. He was then told to go down to the Government Agent in Hawke's Bay for advice. Who do you suppose that Government Agent was? The honorable gentleman himself—the
Minister for Public Works—one of the purchasers. Naturally enough he could not see his way to give advice and assistance in the direction of preventing the sale. Karaitana went back to his pa in a very unhappy frame of mind, so much so that the honorable gentleman went out expressly to pay him a visit and to assure him that the Government had no evil intentions towards him. You will find in the report of the Commission that a few days afterwards a procession went out, consisting of Mr. Tanner, an interpreter, and a solicitor. They took up a deed of conveyance of the block, £13,500 in notes, and a writ out of the Supreme Court against Karaitana, to compel him to sign the deed, and they put these three things before him. The Commissioner says that there is no evidence of the writ having been served in a very "offensive" manner. Was not that pressure? That is but one case. I could mention scores, but I will name one specially which occurred in the height of the civil war with Te Kooti and Titokowaru. Henare Tomoana was leading his people to fight the enemy—furnishing his own men and provisions—and the evening before he started on the campaign he received a writ from a storekeeper, inviting him to the Supreme Court to defend an action for about £1,000. The fourth class of complaint was, that the consideration was grossly inadequate.

He goes through a number of cases, and he points out the case of the Tunanui Block, and says he cannot understand why so small a price was paid; but he winds up in marked language by saying that he could not satisfy himself that the consideration was "grossly" inadequate. That did not require to be proved. If there was an inequitable bargain it ought to have been brought before this House. The Commissioner says, further, "Nearly all the sales which we investigated were made to dealers. The land was in fact taken in discharge of a previous debt balance." That is one secret of the whole of these troubles in Hawke's Bay. The Natives were allowed to get into debt for years, and they were then told that they had no rights, and they were to get but what they were to receive pay for those debts. He says, "No doubt the temptations to fraud in dealing upon credit were very strong at this moment, but it is to this effect: That there was a share in the block owned by a native named Manaena, who could not be got to sign the purchase deed. But, unfortunately for him, he owed a large sum of money to a certain storekeeper in Napier, and the purchasers employed that man to compel him to sign. They put the matter into his hands so that he might get the purchase completed, and so have his account paid. I undertake to say that, when the whole transaction was completed, and the final deed was signed, not more than £2,000 was paid in cash to the Natives, and that all the rest went to pay debts to the storekeepers in Napier. I believe the amount paid was really under £2,000. There is another point in the report under the heading "Complaints against Interpreters." It must be borne in mind that, in the Heretaunga case, the purchase was conducted in the Government office—in the honorable gentleman's office, and by persons paid by him. I will read what the Commissioner says on that point:

"I cannot, however, wonder at the distrust of the interpreters displayed by the Native vendors, seeing how thoroughly, under the existing system, the interpreter is identified with the interest of the purchaser who employs and pays him. In the Heretaunga case, the interpreters who certified the transactions and explanation of the contracts and conveyances were to be paid a lump sum of £200. It was not the ordinary fee for interpretation which they were to get, but they were to receive a lump sum of £200. A contract of this kind is palpably objectionable." That is the Commissioner's opinion of the honorable member's contract. Then the Commissioner goes on to say:

"This is the proper place to observe on the practice of allowing Government interpreters to take private business, and that not merely the interpretation of documents, to which there can be no objection, but the negotiation of purchases, or, what comes to nearly the same thing, the interpretation of negotiations. The incongruity of the public and private employment becomes glaring in a case where the sale of a block occasions, as in the case of the Heretaunga Block, here with possibly dangerous to the peace of the country. The public duty of the interpreter may make him, one day, the medium of the Government's refusal of pecuniary aid to a Native chief, who is
hoping thereby to escape the necessity of selling a favourite spot. His private business may send him on the morrow to serve a writ, sued out by the purchaser, to compel specific performance of a contract for the sale of this same spot. Something very like this occurred in the case of Heretaunga. Is it surprising, under such a system, that the Natives should suspect the Government to be in league with the private purchaser?"

"That is from the report of the Commission with regard to the interpreters, and I say that a transaction which was carried on by a Government interpreter is open to all the objections here stated by the Commission. I now come to what I hope I shall be able to put fairly before the House, because it gives the best possible index of the value of the report of these gentlemen. The House will bear in mind that in Hawke's Bay the bulk of the land was owned by Natives, and all but a small portion of it in the vicinity of Napier passed into the hands of Europeans. The land was passed through the Court, and Crown grants were issued; but it turned out, in all cases, that these transactions, both great and small, were conducted in the following manner: There was or was one side the European with his paid interpreter and his paid lawyer, and on the other side the Native vendor, generally alone. If he had been a European, speaking English, able to read an English deed, and having some knowledge of the law with regard to real property, there might have been some excuse for this; but I appeal to members of this House who belong to the same profession that I do to bear me out in saying that, if a European at home were called upon to sign a deed of this kind without having his lawyer to help, that deed would be set aside. What do the Commissioners say? They admit that this happened; but this is the way in which they get over the difficulty:

"The last ground of complaint under the head of 'Fraud,' or quasi fraud, which I have to notice, is that the vendors were not advised by a lawyer. This is an objection raised for the Natives, never by them. In the view of an English Court of Equity, examining an English transaction, it would be a very serious objection. Several considerations showed that much less weight is due to it in such cases as we had to deal with. In the first place, it has never been the usage for Natives to employ professional assistance on a sale of land."

I think nothing could go further than that. If it had been a transaction between two Natives it would be all very well, for they had a very simple way of settling their disputes—one put the other into the pot and ate him next morning. But, because they had not employed lawyers up to that time, the Commissioners say that, though a transaction between Europeans would be held bad in a Court of Equity under the same circumstances, still, when a Native was concerned, it was good, although he had not employed a lawyer or had independent advice. I think I have shown to the House that the report of Mr. Justice Richmond does not bear out the statements made by the honorable member who last spoke in regard to the transaction. Although the report is to a large extent favourable to the honorable gentleman, there is enough to show that the complaints were not all unfounded; that there was a considerable amount of truth in them; and that, if they had not been investigated by persons who took such extraordinary views as that which I have just quoted, the country would have heard a great deal more of them; but while we have to rely upon the report of a man who holds an opinion as that a transaction which would be bad between two Europeans is good between Europeans and Maoris, we have very little to rely upon. I yield to no man in the respect I entertain for the gentleman who wrote that report; but, when you find a man of his intelligence taking such a view of the question, it is no answer to us to thrust his report down our throats when we call upon the Government to explain these transactions. We have heard a great deal to-day about lawyers, and it has been put to the House that, while the honorable gentleman may have as many lawyers as he pleases, the Natives must have none. The man who takes up the Native's case is a low-class practitioner—a pakeha-Maori lawyer—because he exposes the honorable gentleman's transactions to view, throws daylight upon them, and shows that things have been going on which ought not to have been. If a man who gives up a good profession, as I did, to fight what he believes to be a good fight, is to be called a low-class practitioner by a gentleman whose conduct I do not like to characterize in this House as it ought to be characterized, I say the Natives can expect to have no justice done to them. If persons are to be charged as I have been to-day, then you had better tell the Natives at once that they need expect no more justice. The honorable gentleman did not tell us that these transactions had grown so enormously—they had become so palpable and so notorious—that the Government interpreter, in his own office and in his own employment, wrote to him a formal official letter of twelve or thirteen pages in length, accusing several Maori interpreters by name of actually gross and deliberate fraud upon the Natives. Was it not so? I wait for a denial.

Mr. ORMOND.—He did not write to me.

Mr. SHEEHAN.—He wrote to the Government Agent; and I have seen the original document, with the honorable gentleman's own official minute and signature on the back of it. What happened? When they were buying this block there were only four interpreters in Hawke's Bay through whom a legal bargain could be made. The Government interpreter was one, and his brother, who was in private practice, was another; and they were retained for £300 to do all that the Heretaunga people required—I mean the "twelve apostles." A person came up from another part of the colony prepared to give nearly 60 per cent. more for the block than they were going to give. He went to one of these interpreters, and asked them to call upon the Government interpreter to take his place. That interpreter told me himself, in reply to questions put to him in Court, that he concealed..."
from the intending purchaser the fact that he was engaged by the "twelve apostles." He absolutely acknowledged that he went to this man's house, dined with him, drank his wine, and sucked his brains, and then went back and informed his employers of what he had done, and they, no doubt, just put him on the back. That is case one; and now for case two. Mr. Grindell—a name familiar to us as household words, a man well known throughout the colony, and who is even now backed up with Government money—got a fee of £50 from this purchaser, and went out and inspected the land, interviewed the Natives, and absolutely got the deed prepared, and then threw his employer over. Certainly his present friends were unkind enough to give evidence before the Commissioners that he and the Natives got so drunk that no business could be done. But what did happen? It has not been contradicted that a friend of the honorable gentleman went to Mr. Grindell and squared him, telling him he ought not to go against his friends; that, although he had got £50 from his purchaser, he would get another £50 and more from his own friends. Then there was a fourth man to be got to do the work, and he was asked to take it in hand and get the deeds prepared; and in regard to him the letter to which I have referred was written by the Government interpreter to the Government Agent, accusing him of the most infamous transactions. Can the House imagine what was done upon that? He threw up the negotiations that he had commenced for this purchaser, did not interfere any longer with the "twelve apostles," and then no evidence was taken as to the charges brought against him, and no further notice was taken of the matter. I do not want to import too much of personality into this debate. The honorable member for Clive has led the way, with signal success, in that direction. But I must point out that this interpreter had been dismissed from the public service for embezzlement; that he was employed in these Hawke's Bay transactions, and was afterwards engaged by the "twelve apostles." He is well known throughout the colony, and that, on the whole, I can bear favourable comparison with the honorable member. He has represented that I am a person who, if all he says is true, ought to be struck off the roll to-morrow; that I lend myself to questionable transactions, for the purpose of gaining filthy lucre; and that I bring cases into Court which have not the slightest prospect of success. Now, in 1873, I might have issued 150 writs, every one of which he and his friends would have had to defend, and in every one of which they would have had to pay costs. But what did I do? I issued five up to 1876, and I took them deliberately. I said to myself, "There are certain defined grounds upon which these titles may be tested. I will take one case upon each point, and in that way I will save both Maoris and Europeans the cost of litigation." If the honorable gentleman had been brought up as a lawyer, would he have done that? Not a bit of it. His pettifogging spirit would have prompted him to bring actions all round. It is not in his nature to act otherwise. Well, I brought five actions, and he says they have all, except one, been dismissed. The first case was the Here-taunga Block, in which a Maori woman named Alice is concerned. And what happened in that case? It is the sort of case that the honorable gentleman's control, went to this woman privately, and asked her, without my knowledge, to come into town and settle the whole thing: Is that the sort
of conduct which should be indulged in by "gentlemen of irreproachable character"? Why, Sir, no solicitor of good repute would think of going to the client of another to make offers of settlement behind his back. If any European went to a lawyer to settle a case in which a professional man was engaged on the other side, the lawyer would at once tell him to bring his solicitor. Well, Sir, the honorable gentleman, to cover his own title, asked his own officers to go behind my back and "square" the transaction with the woman Alice. They first offered her £50, then they raised it to £1,000, then to £2,500, then to £20,000, and at last to £26,000, £1,000 of which, I believe, was intended for myself. That is why the action has not been followed up; because my client was continually kept in communication by Government officers, who tried to induce her to stop the action being brought. That is case No. 1. The action is still on foot, and if the honorable gentleman will only promise to keep away from my client, and act as a decent honest man should do, it will come to trial; but, so long as he has the control of Government officers and Government money, he is a tower of strength. Now we come to case No. 2, which affirmed a principle that shook nearly every title in Hawke's Bay. It laid down the principle that a single conveyance from one of a number of grantees was not valid, and could not be acted upon. That applies to every title. It applies to Heretaunga, and I have, in that block, an action which I am bound to win. I will not complain of what he has said to-night. When he has settled, as he will have to settle, I shall not ask more from him than what is fair. That is one of those typical cases to which he referred. Instead of bringing that one only, I might have brought numberless cases, and there are professional men in the House who know what that means. But I did what an honest practitioner would do. I said, "No; these cases all hang upon one point, and I will only bring one action." It is true that the final decision has not yet been given; but the principle of law has been laid down, and, although every obstruction has been thrown in the way, it will come off, and the honorable gentleman and his friends will have to interview their bankers. I brought two or three other actions, one against the honorable gentleman himself in respect to one of his own properties, and there were two or three others brought in 1875. These have been postponed. The Court only sits in Hawke's Bay twice in the year, I am compelled to be here for the other main part of the Supreme Court here, while they have had another libel suit going on in the other portion. I wish the House to understand that these imputations against my professional reputation are absolutely unfounded. I have done my work in what I may term a Christian spirit, for nothing but a Christian spirit could have prevented me "going for" the honorable gentleman long ago. I might have put in the costs after costs, paid after pounds; and I require the money; but still I was not mean enough to take the honorable gentleman's £1,000. Now, to come to another transaction. We have been told that there was a case settled in Hawke's Bay the other day for a large sum of money—
I am simply repeating his statement—not because it affected the title or because the title was bad, but to secure outstanding interest. Now, this very title—or, rather, two titles—was one of those which, by the judgment, he admits, I had practically won. In that case they were knocked into a cocked hat. They had not a leg to stand on. The honorable gentleman knows perfectly well that the money was paid not to secure outstanding interests only, but to get a good title, for if they could not have got the signatures of all the grantees they would not have paid the money. I well remember how the honorable gentleman tried to prevent that from being done. Napier was up in arms when they heard of it. The people said, "If we can keep together for any length of time they are done, and we will not cash their cheques for them." But, when they heard that I had a cheque for £17,500, and that I carried it over to the bank and got it cashed, they made it a day of fasting and humiliation. They knew that if this money was paid they might be able to pay those who put this money into the bank, in Auckland, Christchurch, Dunedin, Melbourne, and even in London; and the advice has always been the same—"Pay." Let me advise them in the same way, and say, "Pay, while there is yet time."

We were told that when that money was paid the bulk of it went into other pockets than those of the Natives; but I can say that not a cent of it was spent until I had called all the Native owners—men, women, and children— together. I myself investigated their titles, and I saw that each Native received his or her proper portion. If the honorable gentleman challenges me to produce proofs that I did so I can bring forward papers which will convince him. The honorable gentleman tells us that a mock distribution was made, but I say that every penny that had to be paid was paid. The Natives were certainly wise enough to put some of the money into the bank as a fund with which to put them before we are done. It was on my advice that they put this money into the bank, in order that they might be able to pay those who might be called upon to work for them. Is not every labourer worthy of his hire? Does not the honorable gentleman himself receive a salary of £1,250 a year as Minister for Public Works? Am I to be the only lawyer in the colony who pays nothing for work? The honorable gentleman has talked to-night about libellous, scandalous, and untruthful statements; but I say that I never at any one time heard so much libel, scandal, and untruth as I heard in the speech which was delivered by the honorable member this evening.

What right has the honorable gentleman to charge the honorable member for Auckland City East for bringing a bankrupt into the bank if he had been a bankrupt, has anything to do with the question now before us? Even if the honorable member for the Thames had at one time bought Native land, what has the statement that he has done so to do with this question?
ing inconvenience to a number of people who want to be left alone. The statement which the honorable gentleman made about the woman coming to my office and asking for £600 is another of those which the Standing Orders prevent me from characterizing properly. I maintain the principle that, when you have an action on foot and you have your own legal adviser, you should not communicate with your opponent except through your own solicitor. But what do these virtuous people do? They pay a Government interpreter, and get the ignorant Natives, in my absence, by means of a few pounds or some clothing, and probably a little grog, to sign a paper saying that they have never given authority to anybody to bring actions for their land. I have no doubt that the Natives will by-and-by admit that the Government agents got them to sign the papers. The honorable gentleman has said that the repudiation organization was dangerous to the peace of the country. But is an organization which teaches the Maoris prudence and moderation, which warns them against parting with their land for nothing, and which teaches them to avoid running into debt—is that an organization which will disturb the peace of the country? I venture to say that, if it had not been for the legislation of this House in 1872 and the assistance which I gave in the matter, there would not have been peace in the country now, for if the Natives of any district were dangerously inclined the Natives of Hawke's Bay were. The honorable gentleman has spoken about the Wanganui newspaper. Well, I say that that is something like a newspaper. It is altogether different from the Waka Maori, for, at all events, it does contain some news. We see statements in that paper to the effect that this Government do not represent the country. That is a statement which a great many people agree with, and why should it be wrong for the Wanganui to say so? Is it to be understood that only those who are in the Government or their friends should have a voice in the affairs of Native affairs? That time has gone by. You are raising these people to the same level with yourselves, and I do not know a better machinery for the purpose than a newspaper, if it is properly conducted. When this paper was first started I knew nothing whatever of it. The plant was bought privately in Auckland, and brought down to Hawke's Bay without my knowledge; but at that time the Government was publishing a paper. This paper gave the Natives no information about what was going on throughout the country. Now and then there was an attempt made in its columns to damage a political opponent. The first year I saw published in it a long account of the Franco-Prussian war. Next year I saw some stories of Robert the Bruce. The next year I saw a long account of the voyage of H.M.S. "Challenger," with full details of the discovery of globigerinae, 400 fathoms below the level of the sea. That was the kind of information provided for the Natives. I venture to say that the paper under my control gave them something like real flesh and blood. We informed them of what was going on throughout the colony; we gave them information about the debates in this House, and we published the reports of the Native Affairs Committee: we gave them all the information they wanted, and information which they were entitled to get. If the cause we advocated in that paper was the right one, we knew it would eventually prevail. The honorable gentleman spoke about Tarahas, and about his not being a pauper Maori. That is not the fault of the honorable gentleman and his friends, for they endeavoured to bring that state of things about. That chief is a pauper in his own country; in his own district he is practically a pauper Maori, as he has only a small piece of the land occupied by his own people. He has told me over and over again that he has been deprived of every acre of his land. Then, with regard to Hapuku, we are told by the honorable gentleman that his foresight has prevented spoliation. That is about the best thing he has said in the course of his speech—the process has been so very common in Hawke's Bay. When you get hold of a chief, lead him on gently until you get him in that position that he cannot pay you for what he has had in cash; then his property is mortgaged; then, if he cannot pay the mortgage, execution is issued, and his horses and trap are seized. The horses and trap belonging to this Native were seized in the streets of Napier. That process has been going on in Hawke's Bay for a considerable time past. The people who are arm-in-arm and hand-in-hand with the honorable gentleman, whose honor he is defending and who defend his honor—those people issued the writs, and these horses and trap were seized. This conduct was pursued against this Native—one of the most important chiefs in the colony—a man who parted with thousands of acres of land in Hawke's Bay to the people for settlement. In order that some storekeeper may acquire his property, the bailiff seizes upon his horses and trap in the principal town of the province. That is the way we reward old servants in Hawke's Bay. The person who has had the foresight, who has saved this man from ruin, by whose instrumentality he is in a position of independence, is the man whom the honorable gentleman has been endeavouring to crush, and to crush at the public expense. Fortunately, some twelve good men and true, after an investigation of eleven or twelve days, and after hearing evidence taken upon oath—that is a most important thing—upon the strength of that evidence, the jury have brought in a verdict acquitting that man. It is important to notice that nearly every point brought forward by the honorable gentleman in his speech was before the jury, and their answer has been the most complete and crushing that the honorable gentleman could possibly have. Sir, the honorable gentleman told us of some fearful action on the part of what he terms the Repudiation party in regard to Native land. He described my honorable friend the member for Auckland City East as leading a horde of Natives to the Revision Court; and he gave this House to understand that a bare-faced attempt had been made for the purpose of interfering

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with the fair preparation of the electoral roll in the province from which he comes. Now, here again the Standing Orders prevent me from characterizing that objection in the language I would otherwise employ. I can tell the House the facts, and they can in their own minds disregard the Standing Orders and apply the expression which I would use if the forms of the House would allow me. Sir, it is the law of this country that every person possessing a certain qualification under the Constitution Act is entitled to register his name on the electoral roll as a voter. He may have a freehold, or a leasehold, or a household qualification. In this case the Natives who applied to have their names registered possessed one of these three qualifications. The honorable gentleman says "No." I challenge the House to that statement. I will tell the House what happened. There was a Revision Court held, openly proclaimed, at the Supreme Court, Napier; and the Natives referred to—the applicants claiming to be registered as voters—came in because they were informed that their names were objected to. What would the honorable gentleman want them to do? Should they remain away from the Court when called upon to come there? They challenged; they came, and what happened? The honorable gentleman's friends had their lawyer there at that time. He might not have been a pakeha-Maori lawyer; but he was there all the same. What did he do? He drew every objection the honorable gentleman deny that? No, he cannot. The House should put that statement that he cannot deny alongside the statements he made here this evening. It turned out, then, in that matter, as in most other matters, that the Government officers had been at work. They had been employed to investigate these claims—not the officers of the Revision Court, the persons who might properly be called upon to do it, but persons in an entirely different department were called on to give information against these claims. However, at the last moment they refused to come forward for the purpose of assisting to bolster up the honorable gentleman's case. Their lawyer withdrew their objection to these men, whose claims to vote were as good as, if not better than, the claim of the honorable gentleman himself, because their land was their own, acquired properly; and they were allowed to vote. I now come to a second case, and, mind you, it was then getting what the little boys would call "warm." There was a Revision Court that sat there, and a lawyer came up on the side of the opposition. He had an interpreter, and brought witnesses. A gentleman sat on the bench of whom I never before knew anything; he was a perfect stranger to me; but I believe him to be a man of perfectly upright and honest character—a Mr. Oliver. He heard these claims one after the other, and took evidence upon oath. He allowed the great bulk of them, and refused a very few of them indeed. That took place in open day, and the proceedings were reported in the public Press there; and how the honorable gentleman could have the audacity to make the statements he made here in reference to these claims I am at a loss to understand. The fact is, he is demoralized. The honorable gentleman talked about his constituents. He knows very well, Sir, that every Maori vote on the roll is a vote against himself, and that they themselves are in poverty. They cannot forget how these too opposite states have come about; and you may depend upon it that, if the Maori franchise is preserved, their very first act will be to prevent the honorable gentleman from misrepresenting them in this House as he has done this evening. The honorable gentleman in his speech challenged my honorable friend the member for Auckland City East. To do what? To resign his seat and to fight the honorable gentleman in Clive. Why, every cock crows on his own dunghill. The honorable gentleman means to go to Clive as a member of the Government, as Minister for Public Works, as the person who has been dispensing railways, bridges, roads, and other good things to the district in which he has all the advantages; he would be handicapped in the most unfair manner when fighting the honorable member for Auckland City East. Let me put the boot on the other leg: let him go to Auckland City East and fight my honorable friend there; then he will find out the difference. I do not think he would find a proposer or second. The idea of challenging the honorable member for Auckland City East to resign his seat and contest the seat which the honorable gentleman has held in this House for the last fourteen or fifteen years—a stranger to the district, a man almost unknown, to ask him to oppose the honorable gentleman, who is also a great land-owner in the district—appears to me to be the greatest bunkum I have ever heard of in my life. The honorable gentleman always speaks in a roundabout way. He said he was told by a body of Natives that every effort was made to get these Natives put on the roll. If the Natives had the requisite qualification, why should they not be on the roll? What is the answer to that? The answer is that he knows that every one of those votes that goes on the roll is another nail in his political coffin. The honorable gentleman said this was the doing of some pakeha-Maoris, who had their own interests to serve. Well, I myself am a pakeha-Maori—a person who would do his "level best" to make these people go to the poll. I compare myself with the honorable gentleman, and I ask which of us would have the greater purpose to serve. I am an advocate of the Natives in this House: the honorable gentleman is the advocate of his own life and death, because, if he loses those lands for which we are now contesting, and to which he has no moral claim, he will be landless to-morrow. We stand in a different position. The honorable gentleman, with his thousands of pounds, is weighed in the balance against me; but I am in a better position to give an impartial and disinterested opinion. The honorable gentleman was frank for once in his life; he was candid to a degree. He said he did not like contested elections. He went on to say that he had no fear of
the next election. I do not believe him. At the end of two or three years' time he will find the expression of opinion will be opposed to the views and statements he put forth this evening. The time has gone by when he can act as he has hitherto done. When he goes to the poll in a few years' time, although the honorable member for Auckland City East may not be there to contest the election, there will be people prepared to fight the seat with him, and, I think, to fight it successfully. I may say, with regard to the question before the House, the question whether or not we should have an inquiry into the land-dealing in Hawke's Bay, I do not approve of the proposal. I wish to accept the position as it now is, and I say, whatever these claims may be, let them be fought out in the Courts of the country. I cannot see by what species of twisting and turning it can be made to appear justifiable to tell a person asking for a Committee to inquire into these matters that he has come down from Auckland to support the honorable member for the Thames (Sir G. Grey) in place of a better man. The people in Auckland as one man supported Sir George Grey, and, if we had to face our constituents to-morrow, it would be found that of the twenty members at least fifteen would come back as supporters of Sir George Grey. I hear the honorable member for Marsden (Sir R. Douglas) laugh. I think the Dead March in Saul will be performed for him at the next election. I do not think he will trouble the House with Marsden's grievances after the present Parliament. So let us hope he will do more good for his district in the retirement to which he will be relegated than he has been able to do in this House. The honorable gentleman (Mr. Ormond) referred to the existing law freeing Natives from the cost of actions. He has frequently quoted the report of Messrs. Maning and Richmond as an answer to charges brought against him. Surely he should remember that the Act of 1873, stopping mortgages on real property and relieving the Natives from the spoils of actions, was one of the direct results of that report of the Commissioners. He must not blow hot and cold. If he quotes it when it is favourable to himself he must be prepared to hear it quoted when it is unfavourable to himself. The honorable gentleman pictured the great hardships he and his friends had to undergo in the way of payment of costs of these actions. Sir, they can afford to pay costs very well. They have acquired for a song an immense property; they have acquired that under circumstances which the Commission has not cleared up; they have acquired it from people to whom they proceeded to be friends, and from people whose interests they proceeded to preserve and guard like fathers. They can very well afford to pay costs. While on the subject, I may mention one or two facts which fit in very well. To one of these runs which the honorable gentleman now possesses, containing 14,000 acres, there was a number of subdivisions of those acres, but one was favourable to Mr. Ormond having the land, and he applied for a subdivision of the ownership of the land. A Court was held, and what was the consequence? This one grantee favourable to my honorable friend gets one-half the land, and the other eight grantees get the other half. Honorable members can draw their own conclusions from that fact.

Mr. ORMOND.—It is absolutely incorrect.

Mr. Sneath.—I have seen the judgment, and, what is more, I have given instructions to appeal against that judgment. Then the honorable gentleman was kind enough to refer to the Native Land Sales Suspension Bill, and to intimate that it would have his hearty support. If that is a measure which will apply to land under Crown grant for twelve months, I have no doubt that he and his colleagues—not his colleagues in the Government, but in land-dealing—would be very glad to see it passed, because they might expect to have a quiet time of it. There would be no leases, no settlements, no compromises. They would have twelve months in which to endeavour to put their titles right, by means of those arts so well known and so frequently practised by them, in order to get documents signed. But I trust the House will not sanction such a proposal, but will restrict the operation of the Act to lands not under Crown grant, so as to prevent large blocks of land being taken up by speculators. The honorable gentleman then spoke of myself, not by name but by implication. He spoke of a low-class practitioner and a pakeha-Maori lawyer, a man who was living upon fees ground out of the Native people. I have not lived upon fees ground out of Natives. I have made the honorable gentleman and his friends pay my costs, and I mean to make them pay more yet. If the fight I am fighting is a good fight, I shall get my reward. He said that, if the Native Land Sales Suspension Bill were passed, this "low-class practitioner and pakeha-Maori lawyer" would be heard of no more. I cannot promise him that that hope will be realized. I can afford twelve months' suspension; and he may trust, if he gets this Act passed—if he gets put through the Court, and for twelve months gets rid of his creditors—that I shall turn up again at the end of that time, and resume my old position. The honorable gentleman talks about the indignation of the inhabitants of Hawke's Bay. Sir, that has been one of the most monstrous fictions that he and his friends have traded upon. The people of Hawke's Bay are not concerned in the thing at all. There are about thirty or forty of the "gentlemen" of Hawke's Bay, as the honorable member for Napier (Mr. Sutton) said in an address to the electors, who are affected by these charges. The great bulk of the people are against the honorable member (Mr. Ormond) and his friends. When the honorable member for Napier (Mr. Sutton), one of the oldest townsmen, went up for election, he had to fight for his very life against a man openly supported as a candidate by the Repudiation party, and only got in by a majority of some twenty-three votes. In Napier himself he lost the poll by a very small number of votes. That shows that the people of Hawke's Bay are not with the honorable member (Mr. Ormond) and his friends. The fact is that, next to the Maoris, the people
of Hawke's Bay have been the most cruelly injured by these transactions. They can get no land, and for years to come they must be simply serfs—hewers of wood and drawers of water. The people of Hawke's Bay would burst up these large estates to-morrow if they could, so that there might be land for the population of the district. Then the honorable gentleman says he objects to the appointment of a Committee, because it would give an opportunity for the extraction of evidence to be used in the law-courts. If the honorable gentleman is assured of the righteousness of his cause, if he does not fear facts being brought out, if he is earnest in his bold challenges for an inquiry, why should the inquiry not be made? Why, as I have heard just now, is this question to be dealt with as a Government question, a question between party and party, when only one member of the Government, in his private capacity, is concerned in the matter? The honorable gentleman speaks of the honorable member for Auckland City East (Mr. Rees) prostituting the privileges of the House by advocating inside the House the claims he had been paid to advocate outside. I may say that the connection of the honorable member (Mr. Rees) with these cases has been of a purely professional character, and he does not now, nor do I know, whether he will be called upon to interfere in these matters again. But he has used his senses, and he can speak of what he has seen with his own eyes and heard with his own ears in Hawke's Bay. He had an opportunity of seeing how things were carried on, and he could not help talking and writing about it. I can keep the House going for four or five hours longer explaining transactions to which the honorable member (Mr. Ormond) has been a party. I may mention one, however. One of the owners of Heretaunga, named Waka Katini, was induced to sign a deed called a rent charge, a long document the legal effect of which it would take a lawyer hours to understand. It was against the interest of the honorable gentleman and his friends. You cannot imagine what a European girl of eight years of age is. I do not suppose she is well up in the law relating to property, or in a position to settle her estates by way of mortgage. Well, she knows the English language, and if her father is a landed proprietor she may have heard something about the subject even at that age. But imagine a Native girl of eight years of age signing a deed of mortgage to secure payment of certain sums of money, with an indorsement by an interpreter on the back solemnly declaring that he had examined the deed and understood over this, because the honorable gentleman (Mr. Ormond) and his friends had nothing to do with it. It was spoliation, robbery, and fraud—a great many hard terms were used to characterize the transaction. The reverend gentleman whose name I have mentioned (Rev. S. Williams) was simply shocked. It was a most immoral transaction. Of course the Courts of law must be appealed to; but, when all the necessary steps had been taken, when the case was ripe for judgment, what happened? Why, the honorable member and his friends squared the matter with the other Europeans. They agreed to give them so much to go out of the whole thing, leaving the honorable gentleman and his friends to deal with the matter. What happened still further? Mr. J. N. Wilson, a most honorable gentleman, who was solicitor for the Maori, refused to go any further in the matter. Then they got their own solicitor to appear for both parties; so this gentleman appeared on behalf of his clients the plaintiffs and applied that the case should be dismissed; then he appeared on behalf of his clients the defendants and agreed to a dismissal. So much for Hawke's Bay justice. I could give other samples of this kind. I will mention one. At the Commission an interpreter was put into the box—I shall not mention his name; I have referred to him already. He admitted upon oath in open Court that he had knowingly and wilfully made a false declaration on the back of the deed to the effect that he saw certain Native people sign a deed when he had not seen them sign it. I do not know whether any one is present now who was then in Court, but I never beheld a more painful spectacle. The perspiration came out in cold drops upon that man's forehead. He was unable to speak, and was on the point of fainting, and he begged the Court to allow him to go outside to recover his self-possession. The Court, being of a tender disposition, allowed him to go, but stipulated that he should be accompanied by a policeman. He came back and repeated the admission. Any one would imagine that a man of that kind, who had committed a misdemeanor, would have been sent to trial. No, he was suspended for twelve months, and let loose at the end of that time to repeat the same offence in other parts of the country. Let me tell the House the reason they dare not touch him—he would have turned King's evidence. That is sample No. 2. I will give you sample No. 3 of these transactions that are said to be so strictly moral and virtuous, and on the strength of which the honorable gentleman and his friends are said to be the soul of honor. You can imagine what a European girl of eight years of age signing a deed of mortgage to secure payment of certain sums of money, with an indorsement by an interpreter on the back solemnly declaring that he had examined the deed and understood over this, because the honorable gentleman (Mr. Ormond) and his friends had nothing to do with it. It was spoliation, robbery, and fraud—a great many hard terms were used to characterize the transaction. The reverend gentleman whose name I have mentioned (Rev. S. Williams) was simply shocked. It was a most immoral transaction. Of course the Courts of law must be appealed to; but, when all the necessary steps had been taken, when the case was ripe for judgment, what happened? Why, the honorable member and his friends squared the matter with the other Europeans. They agreed to give them so much to go out of the whole thing, leaving the honorable gentleman and his friends to deal with the matter. What happened still further? Mr. J. N. Wilson, a most honorable gentleman, who was solicitor for the Maori, refused to go any further in the matter. Then they got their own solicitor to appear for both parties; so this gentleman appeared on behalf of his clients the plaintiffs and applied that the
would not have spoken on this question but for the speech made by the Minister for Public Works. Since I came to the House this session I have taken, but little time, and, beyond reading a short chapter of the Bible to my honorable friend the Minister for Lands, I have not said an angry or discourteous word this session. I have purposely kept aloof from this matter. All through the session the Government have been challenging inquiry into all these transactions. They said, "Why do you not inquire into the matter? You come to the House and make statements which you cannot substantiate." The Premier, I think, on one occasion wanted somebody to go outside—whether to take his coat off or to bring an action for libel, I do not know. I believe the honorable gentleman is mainly enough to take his coat off, and I know the Government to which he belongs have a marked predilection for libel cases. But when the opportunity is before him, when the plain issue is put for a Committee of inquiry, how is it met? Is it met by an expression of willingness? No; opportunity is taken by the Minister for Public Works to make one of the most abusive, unfounded, and unjust speeches I ever heard in my life in defending himself and in proving his own innocence; but he threw dirt in unmeasured quantities upon other members of this House. Sir, how different would his position be if he were able to say, "These statements are untrue. I challenge you to make inquiries. I will go myself and give evidence upon oath. You can produce your witnesses, and yet I will show to the House that you have aspersed me unjustly." If he had said that, the tongue of every member of this House would have been stopped; and, at least, if he did not prove his case, he would not be accused of any desire to shirk inquiry. But no, that is not the answer made. The answer made is one of the most cold-blooded attacks upon the honorable member for Auckland City East, upon the honorable member for the Thames, and upon myself, although I have taken no part in the debates during the whole session. Sir, my offences are manifold. I do not profess to be by any means a particularly moral party. I perhaps only read the Bible for the purpose of using it in this House. I can say, however, that, whatever my offences of omission or commission may be, no man can charge me with dishonesty, with improper practices as a professional man, or with using my position, either as a member of this House or otherwise, for the purpose of furthering my private ends. I am known as a member of this House as well as the honorable gentleman is, and I am perfectly willing to take a vote of this House on the question as to whether I am not cleaner-handed than he is. I have been in Hawke's Bay now for close upon five years—at any rate, four years—and the honorable member himself will admit that I have had perhaps as much influence in that district with the Native people as any person has ever had there before. I believe I may safely say that my word was law with nearly the whole Native people. They acted under me like the centurion's soldiers. I said, "Go," and they went; "Do," and they did it. And I can say this much: that from the beginning to the end I have not acquired one single acre of Native ground. No man could have done more than I have done. I have given myself up honestly to the work my heart was bound upon to do; and, while I have not bought, sold, or leased lands myself, I have made other people who have done these things pay a fair and reasonable price. I did not seek to go to Hawke's Bay to conduct these cases. I was in Auckland, holding a position in the Provincial Executive under the present Judge Gillies; and it turned out that the whole body of the profession in Hawke's Bay were engaged upon the one side; if they were not appearing in Court they held opposite interests to the Natives; and a telegram was sent from Hawke's Bay to Auckland, asking Mr. Gillies—a man, I think, who is well known to this House—to send a thoroughly competent man, upon whom they could depend. Sir, the best answer I could make to these charges is that Mr. Gillies asked me to go. I may not have been thoroughly competent, but I was a man on whom they could depend, and who could not be bought. It is not four or five months ago since, in the honorable gentleman's own room, a person, who may be termed his man Friday, and who, in Hawke's Bay, since the Abolition, is ordinarily termed "the Government"—I refer to his late clerk—accepted me, and pointed out the evil of my ways, and suggested that I was doing myself harm by going against Mr. Gillies and the Government; that this action was injuring me in various ways, and would be bound to prove unproductive in the long run; and then came the mild suggestion that he had no doubt, if I was disposed to repent, a locuta populi would be found for me on the District Court Bench, or some suitable place. The honorable gentleman is making a note of that point. I hope he will reply to it. I will give him another case. I am now speaking, of course, publicly. What I say is being taken down. I have not got command of the wires like my honorable friends on the Government benches, and I suppose I shall get a very short report so far as the telegraph is concerned. But, in the course of a few days Hansard will be published, and my remarks will go forth to the country. I shall now speak of the settlement of £17,500, to which the honorable gentleman has referred, and in respect to which he has told the House that I and another person bagged the proceeds and sold the Native owners. What happened about that? I am quite willing to take an oath as to the truth of every statement I make, and I challenge any one to contradict them. That land was originally acquired, with the exception of two or three shares, by means of mortgages for £2,250. In 1874 I was offered £3,000 to settle it—not for myself, but for the Natives. I was offered, in 1875, £7,000 to settle it; and now comes the particular point. In the early part of 1876 I was invited to meet the persons with whom I was negotiating in respect to this very block of land. There was a very long interview. I could see there was something on the mind of the person to
I would hesitate to own a single acre of barons and owners of land throughout the honorable gentleman's land upon the same tenure. I remember reading in some old English history of a King who called upon all his barons and owners of land throughout the country to produce their titles, and the Government Agent—the man who ought to have acquired these lands for the public, and for the public estate—what has he done? Talk about Sir George Grey employing his influence as a plunderer and robber, as the honorable gentleman tried to make me out to-night—the "low-class practitioner and pakeha-Maori lawyer" of whom he has spoken this evening—I would have done, of course, exactly what, if he had been brought up in the same profession, possibly he might have been content to do, and have taken the £2,000; and I should have done a very nice thing indeed. Now, what did I do? I refused the amount absolutely. I refused £15,000 for the Natives, and ultimately made the purchasers pay £17,500 with about £15,000 worth of land for what originally cost £2,500. And I charged them—how much?—being a "low-class practitioner, and a pakeha-Maori lawyer" I charged them £250. I doubt very much if the honorable gentleman renders his services at that figure; I do not think he can say he does. All I can say is that, if he has no more to answer for in regard to his business transactions than I have in mine, he stands very well indeed. As I have said already, I would not have spoken if I had not been so grossly attacked. Although I was not mentioned by name, or referred to as to my speeches in this House, yet I think honorable members on all sides will admit that I was the person mainly pointed out in the course of the honorable gentleman's remarks. If you tread upon a worm it will turn. I do not happen to be exactly a commoner's blow, if I am stabbed from behind, as was done to-day, I take my assailant by the scruff of the neck. The honorable gentleman dares to apply to me the language he used to-day! The Superintendent of Hawke's Bay for many years, the member of the Provincial Council, the Justice of the Peace, the member of this House, and the country to produce their titles, and he ap- pointed a Commission for that purpose. The Commission went about the country, and they arrived at the Castle of Earl De Warenne, and they asked that old gentleman, who was a very unamiable-looking Norman nobleman, to produce his title-deeds. He very politely requested them to take a seat, went out, and brought in a huge two-edged sword, and said that was his title. There was something manly about that. I can understand land won by fight and conquest; but land acquired by fraud, by false

hood, by deceit, and by artifices of the basest description will never grow good crops to the owner. I seek no inquiry in this House. I am not the challenging party as a whole. The blame made by the honorable gentleman has for a moment weighed in the minds of honorable members to the extent of believing that there is a scintillation of truth in it, I challenge him to appoint his Committee, and subject me to examination, in order to establish his statements. He will not do it. He knows too much for that. He is perfectly aware that he cannot prove his statements; and, after the experience of the Waka Maori case, I do not think he is likely to seek the opinion once more of a few impartial men. I have spoken to-night at undue length, but at the same time I think I was called upon to do so on account of the manner in which I have been attacked. I have not, this session, spoken a single word before in regard to these transactions, and I think I am bound to defend myself after having been attacked in so unwarrantable a manner. As I have already said to-night, when the question of the Hawke's Bay Commission was before the House in 1872, it was the honorable gentleman's party who prevented that Act from giving such judicial powers to the Commissioners as would have enabled them to settle each case on its merits as it arose. The argument made use of then was that, as a matter of public policy, it might be desirable to inquire into these things as a whole, and for the purpose of getting information in regard to the working of the Native Lands Act, but, in regard to the particular details of Native claims, the ordinary Courts of law were open to the Maoris as well as to Europeans, and that they ought to go there. Well, the Maoris went there, and went there so successfully that in a very short time that honorable gentleman caused negotiations to be again opened for the purpose of getting a Commission possessing judicial powers. I refused those negotiations, and I hope the House will decline to interfere with these matters, which are now before the Courts; and that it will not pass an Act depriving those Courts of jurisdiction, and sending those cases to be tried by what the honorable gentleman called a Court of good conscience and equity, which would make those titles good and throw out the claims of the Natives for ever. I do not profess to say that a great deal that has taken place to-day has been creditable to the House. I think the time will come when all of us who have taken part in it will regret it. But in justification of my own part in it I can say this: that I should be unworthy of associating with any honorable gentleman in this chamber if I had chosen to allow these statements to pass by unchallenged. I have not traced back into the record. I might have gone, as the honorable gentleman has gone, into other matters; but I have kept myself strictly to the attacks made upon me, and I have endeavoured to show that, while I have done my duty to the Native people faithfully, honestly, and fearlessly, I have had good cause to go against the honorable gentleman and his friends as I have done. The time will come when these things
will be made manifest; they are being made manifest now. The House must understand the full meaning and signification of what has taken place to-day in the Supreme Court. That battle, which has been fought for so long, is the Armageddon of the party of the honorable gentleman. The honorable gentleman contrived, in the course of his speech, and for the purpose, I suppose, of gaining sympathy, to very often refer to the name of a gentleman who was once an honorable member of this House, and who is now no more, and whom I followed to his grave with the honorable gentleman—I believe a more earnest and honest mourner than he was. He kept referring to that name for the purpose of procuring sympathy for himself. Whether or not that gentleman had done rightly or wrongly, I would say that, even so far as his actions bore the aspect of being wrong, it was because he followed too faithfully the selfish and unprincipled counsels of the present Minister for Public Works. I repeat that those things will come out. The honorable member, having been able to pledge the House and the taxpayers of the country to defending a gross libel on another member of the Legislature, and having failed signally in that attempt—which attempt, I repeat, was made simply for the purpose of serving his own interest, and for the purpose of crushing the cause of opposition to his own titles, and which, if he had succeeded, might have enabled him to place his heel upon all the Native people in Hawke's Bay—that attempt having failed, he will now find that the day is not far distant when the merits of his own case will be settled. He need not be at all afraid. The Courts of the colony will be applied to, and whether or not I am myself the person who conducts those cases is a matter of perfect indifference to me. I undertook this work as a professional man. I saw that the grossest injustice had been inflicted, and I tried hard to expose it. I have succeeded to a certain extent, and I have never valued the professional emoluments which I received. I believe that, wherever I may be thrown, I shall drop on my legs, and, if I choose to leave Hawke's Bay, I shall be able to make my living anywhere else. I have done nothing in my native province that I need be ashamed of. I left it with credit to myself, and if I leave Hawke's Bay to-morrow I can go back to Auckland and have the renewed support of my friends. I thank the House for having listened to me so patiently, and I can assure honorable members that I would not have spoken at such length had I not been so grossly assailed. I will now say this much in conclusion: The honorable gentleman has only two courses open to him. He should either apologize for the language he has made use of towards myself, or he should accept my challenge, and now move for a Committee of inquiry.

Captain RUSSELL.—It was my misfortune on a previous occasion to have to address the House on the subject which we are now discussing. I say misfortune, because I cannot conceive that any possible good can come out of the very laboured personal attacks which have been indulged in by one member against another. I am exceedingly sorry to have to take any part in a debate which will lead to so barren a result as I foresees will be the case in this instance. But, as I have been assured, I do not think that any course open to the honorable member for Clive, except to reply in the full manner he did to the charges brought against him. We should not, for instance, say that he has been the originator of this debate. There can be no question that it was a duty thrust upon him to speak in self-defence, he having been previously most virulently assailed. I do not intend myself to adopt the line of personal invective against any honorable gentleman. It is very foreign to my nature to do such a thing, and I do not believe any good can arise from it; but I will confine myself solely to endeavouring to show that many of the arguments adduced by the honorable member for Rodney are—I do not use the words in an offensive sense—ex parte statements. We must not forget that the honorable member has for four years been engaged in examining into this matter from one point of view. He has been retained as counsel for the Natives in all these cases which have been alluded to, and his frame of mind therefore has not been judicial. He has looked at the matter absolutely and entirely from one point of view, and it is that point of view which he has submitted to the House to-night. I was not able to take notes of the whole of the statements made by the honorable gentleman; but, at the same time, think I shall be able, from my knowledge of the circumstances, to refute some of the statements he has made. I have not been intimately associated with the negotiations in any dealings in Native lands, and have not been employed as counsel in connection with those matters, and therefore am at a great disadvantage as compared with the honorable member for Rodney. I would not by any means wish to express any opinion as to the result of the trial that took place to-day, thinking it would be a very unfortunate thing for any member of this House to go out of his way to criticize the decision of the jury; but the honorable member has put the case from a point of view which is very one-sided. He said that the decision of the jury in this case absolutely exonered the plaintiff, and that that established to a great extent the truth of the charges levelled against the settlers of Hawke's Bay. Now, I would point out that there is a very great difference between being able to establish the assertions contained in a libel and showing that charges made against other people living in a large district are founded on fact. There was another point which perhaps might be somewhat immaterial, but, as it was a direct charge against the honorable member for Clive, it is well that I should notice it. The honorable member said that, in purchasing this Heretaunga Block, the honorable member for Clive used his influence as Public Works Minister to have a line of railway that went from Napier into the interior of the province diverted from what should have been its natural and proper course.

Mr. Scehan
I in order to go through his own property. Well, I chance to know more about the reasons which caused that railway to follow the line which it now does than almost any other man in New Zealand, excepting, of course, the Engineer. I represented in the Provincial Council the district in the neighbourhood of Napier through which that railway runs. I myself thought the line of railway should have followed a direction different from what it now does. At considerable expense and trouble to myself, I, with some others, employed a surveyor to lay out a fresh line, which I believed would be the proper direction for the railway. What I am about to state is a very remarkable thing, and it is well worth the notice of every member, because I think it thoroughly refutes the statement of the honorable member for Rodney that the line was diverted to suit the interests of the honorable member for Clive. The line so laid off would have run right through the property of the honorable member for Clive, but the line which was adopted touched his property in no way whatsoever. I urged on the honorable member for Clive several times, he being Superintendent of Hawke's Bay at the time, the desirability of adopting the line I proposed; but he absolutely refused to take any part in the discussion. I thought, at the time, that, as he was Superintendent, he was acting wrongly; but he remitted the whole thing to the Engineer. Therefore the assertion made by the honorable member for Rodney that the line was diverted from its proper course to suit the interests of the honorable member for Clive is absolutely without foundation.

The honorable gentleman also went on to state that this Heretaunga Block was suburban land within eight miles of Napier. To a certain extent that is no doubt founded on fact, but it conveys an entirely erroneous impression to this House. The land is not suburban. The corner of it is probably within nine miles of Napier; but between the block and Napier there are two almost impenetrable rivers, which are almost impossible to bridge. I have understood, to hear the honorable member make that statement, that the honorable member for Clive was not a good friend. I have had the honor of knowing him for some time, and I can speak to the contrary. That he is a most bitter and uncompromising enemy I will admit; but I think everybody must agree that the peculiarity of brain which makes a man a bitter and uncompromising enemy also makes him a very good friend to those whom he esteems as friends. There has also been a charge made that my honorable friend, in making his address to-night, used language which only deserved to be characterized as "Billingsgate." It seems to me we are very suddenly getting rather delicate as to the language that may be used in this House, for, as far as I am aware, my honorable friend used no term that was unparliamentary. That he brought very grave and serious charges, and I must admit that the gentlemen who were connected with the purchase of the Heretaunga Block did not offer the honorable gentleman £3,000 to buy up Arihi's share and £1,000 for himself. We said we were prepared to pay £3,000 as a final settlement of every dispute connected with the block after it had passed the Land Transfer Court, and £1,000 to cover all the legal expenses connected with the matter. I only speak from memory of what occurred some three or four years ago, but practically I am stating what is correct, and therefore the honorable gentleman is not right in saying that we bribed him. It should be forgotten that in buying Arihi's shares we could not buy directly from her, because her land was placed in the hands of trustees, one of whom was Mr. J. A. Wilson, a lawyer in good practice and of high repute in Napier, and the other Mr. Russell, brother of the Mr. Russell whose case was being tried in the Supreme Court here to-day. Those are the gentlemen against whom any charges should be brought if the land named was bought too cheaply. Nor did we buy the land secretly, or in any hole-and-corner manner, from the woman, but after long and protracted negotiations with the trustees, and after the land had absolutely passed through the hands of another gentleman. I will not name that gentleman now, because I think it is not wise to introduce any further personal matters into the debate; but it is a fact that the land had passed through another gentleman's hands before we bought it. Therefore the charge that we improperly bought the land from Arihi falls to the ground. Another point which was made was that we had used a great deal of pressure in order to compel
a Native chief called Tnreha to sell his land. It is almost useless my getting up and contradicting statements, when possibly some other honorable member will say immediately after that I have entirely misconstrued the facts. The real facts of the case are, that Tnreha came down to Wellington, and one of the gentlemen interested in the purchase of the Heretaunga Block came down also to see him about the purchase of his land, but he decided that it would be better to allow Tnreha to go back to his tribe and see them before the sale was made. There was no pressure whatever used, and the sale took place in Napier in the midst of his tribe, and not in Wellington. Then, as to the charge of inducing storekeepers to place pressure on these Maoris. I said before that I was not in any way connected with the dealings with this land; but I know what absolutely took place. These Maoris went to the storekeepers and got a considerable amount of goods on credit without our knowledge, and when we purchased the land we paid the bills which these storekeepers had against the Maoris, on the written request of the Maoris themselves that we should do so. We never asked the storekeepers to advance anything to the Natives except in a very few trifling instances. As to the value of the block, I cannot myself see what that has to do with the matter. I really do not know how we are to arrive at a decision as to its value; but this I can say, that we paid more than anybody else would pay for it. As a matter of fact, there was another gentleman in negotiation for the block before we were. He offered £12,000 for it, but we offered an advanced price of £13,500. That was the amount which it was considered the block was worth, and it was absolutely sold to us for £13,500; but subsequently, for reasons which it would take me too long to state now, the price was increased immensely, and about another £7,500 was added to it. When we were considering what would be a fair price to give we took into consideration the terms of our leases and the amount we paid annually on the rental. It will be seen, by any one who calculates the price of the land in proportion to the rental we paid, that we paid more for it than we should have done in an ordinary business transaction. I do not think that has anything to do with the question, but, as it has been brought in, I thought it right to explain it. Next, as to the charge that my honorable friend interfered in the purchase. I am not going into the Blue Books, or to quote from the Commissioners' Report. I have heard "Hear, hear," from several honorable gentlemen when they imagined a point had been made by Opposition members against Hawke's Bay; but I believe the honorable gentlemen who cheered in that way have never taken the trouble to read this report. I believe they have formed their opinion absolutely without any knowledge of the facts. I am not going into the very good plan if, instead of taking pieces of the report, picked out here by one honorable member and there by another, and forming their conclusions thereon, they would go into the library for a couple of hours, take the Appendix to the Journals of this House, and read the report from beginning to end. Then they could form a proper conclusion as to the merits of the case, and I am sure they would come to the conclusion that the charges made against the settlers of Hawke's Bay have no foundation whatever. As I have already said, my honorable friend the member for Clive did not advise as to the purchase of this land; and I will tell the House how I particularly remember that such was the case. We, of course, had occasional discussions in regard to this matter, and Mr. Tanner complained to me, not only once, but more than half-a-dozen times, that he could not get Mr. Ormond to give any advice as to the negotiations. He has said to me more than once, "I have again been to Mr. Ormond's office to ask him to do something in the matter, but he won't spare me a minute, and won't give me any advice about it, or say anything about the price that ought to be paid." It is, therefore, absurd to charge the honorable gentleman, who would not even give an opinion on the subject, with being engaged in the purchase of the block. I should also like to ask why we were not justified in purchasing at the lowest price that we could obtain the land for. Is it customary for a man to go to the person with whom he is dealing and say, "I will give you double what you ask"? Do we not, in the ordinary business of life, drive as hard bargains as we can? Does not a man always get a thing as cheaply as he can? Why, then, should we not have bought the land as cheaply as we could? A point was made of the fact that the Commissioner of Crown Lands gave his opinion of the value of the land on the supposition that it was cut up into small blocks and sold by the Government. That is a very different thing from a person purchasing a large block of land, a large proportion of which was uninhabited swamp, over which no four-footed animal could pass. I believe that if the block had been cut up into sections of 100 acres, and sold in that way, the whole price realized would not have been better than that which we paid for it. I acknowledge that Mr. Tollemache came up and endeavoured to buy a large piece of the land close to the railway station, some three years after the purchase, which was all sound land from beginning to end; but he would not give as much as £5 an acre for that land, although it was two or three years after the original purchase, and though the fencing which had been put up would increase the value 10s. or 12s. an acre. I myself endeavoured to sell picked pieces of land as small farms at £5 an acre, receiving only part cash, and the rest remaining at a low rate of interest; but I was not able to do so. I was not warranted, therefore, that we bought the land at an absurdly low price has no effect. Of course it is only natural that, in examining the reports of the Commissioners who inquired into the dealings of the Hawke's Bay people, we should only quote
the reports of the European Commissioners. I do not mean to say that the Maoris are not very competent to form a good opinion upon many subjects, but I maintain that the Maori is a man who can in any way decide upon questions involving nice points of law is absolutely absurd. Nor do I care much for what the honorable member for Rodney has said about these two Native Assessors being men to be very much respected. I admit that one of them, Major Te Wheoro, is a remarkably fine straightforward man as far as I have been able to judge; but it was a common rumour in Napier, at the time the Commission was sitting, that the other Assessor, Hikairo, used every day, after the Court had risen, to go outside and consult and advise with the Natives about the cases that were to be brought on on the following day. I do not know that as a matter of fact.

Mr. WAKEFIELD.—Oh!

Captain Russell.—The honorable gentleman says, "Oh!"; but it was a matter of notoriety at the time. These inquiries are pointed against these landed proprietors—that is the meaning of it—of Hawke's Bay. Well, in a great many instances these landed proprietors had nothing to do with the purchase of the properties from the Natives; but I can account exactly for the manner in which some of these transactions have taken place. Very frequently, when the land has passed through the Native Land Court, the owner has not wished to purchase, because he could not find the money; and, before he has been able even to complete the lease, there have been mortgages for old debts registered against the land. The landed proprietor has been told, "Here's the mortgage, and there is a certain balance to be paid. If you take up the mortgage and pay the balance, you can have possession." Well, then the landed proprietor went to his banker, released the mortgage, paid off the balance, and became the owner. That man, I maintain, acquired the land as honestly as if he had gone to the Waste Lands Office and taken up the land in the ordinary course of things. He had no desire to defraud the Natives. He was offered the land, and if he had not bought it himself it would have passed into the hands of some one else. It is libellous for any one to say that these men have been guilty of disgraceful conduct in acquiring their lands under such circumstances. It is said that I bought a piece of the land too cheaply; but I bought it quite openly. It was offered to two or three people, who probably did not think I had got such a very great bargain. But, directly a cloud appeared on the horizon, and I was told that my title was going to be ripped up, I went to the Natives, and asked them if they were satisfied with the transaction. Nine out of ten said, by written deed, that they were. I do not propose to go further into the case, seeing that the honorable gentleman has not charged me with improper conduct. Then it has been said that interpreters were not retained to complete the sale of the Heretunga Block for £300. So far as I am aware the interpreters were not retained specially; they were continuously employed. And it should be borne in mind that these transactions were not concluded in a week or a month. I think I am right in saying that some of them were not completed in less than twelve months. The honorable member can say whether I am right or wrong. It is very well known that you cannot conclude a bargain hurriedly with a Maori. You have to allow him to talk it over for about a fortnight before he will give an answer. And then, when the transaction and all negotiations were completed, the interpreters got £300 for work which had extended over twelve months.

Mr. SHEEHAN.—It was promised beforehand.

Captain Russell.—The honorable gentleman may be right; I will not dispute it, though I do not think so. Then the honorable gentleman made out that the Natives had been treated unfairly in Mr. Watt's case; but he did not tell us how much of the £21,000 he obtained for them went in law expenses, and how much went into the pockets of the Native proprietors. The honorable member also made a great point of the statement of the honorable member for Clive about the land transactions of the honorable member for the Thames in the Waikato and the Maromotu; but I take it that the honorable member for Clive did not wish to allude so much to what the honorable gentleman bad or had not done in Native matters, as to point out the discrepancy between the statement he made to-night and the answer given by the honorable member for the Thames to Sir Donald McLean last session. And so, again, with reference to the statement that Tareha had only 28,000 acres of land. Why, if any of us own the third part of 28,000 acres we are told that we are the possessors of principalities, that we are aristocracy in some form or other, and that a Native who has 28,000 acres is a pauper. I do not think the chiefs deserve all that sympathy which honorable members heap upon them. These chiefs are fully competent to cope with any European in making a bargain. One would think these men were absolutely incapable of transacting their business. I have no hesitation in saying that the honorable member for the Eastern Maori District, for instance, is as shrewd as any member of this House. Then, again, the challenge of the honorable member for Auckland City East that he would contest the seat of the honorable member for Clive with that gentleman was quite gratuitous. He said he would turn the honorable gentleman out of his seat as soon as the elections came on.

Mr. REES.—I never said anything of the sort. I said I would challenge the honorable gentleman to meet me in the House.

Captain Russell.—Well, I was informed that the honorable gentleman did say, in a railway carriage, that he would turn the honorable member for Clive out of his seat. Then we were told that the Government were afraid to turn a certain Native interpreter out of his office, in case he might turn Queen's evidence: the fact was that he had been turned out of his office, and had not turned Queen's evidence in any way whatever.

Mr. ORMOND.—He was turned out of office two years ago.
Captain RUSSELL.—That was the assertion, that the Government were afraid he would turn Queen's evidence. But this is just like all those ex parte statements made by these honorable gentlemen. Then I could scarcely discover from the remarks of the honorable member for Rodney whether he was levelling charges against individual members of this House or against the Province of Hawke's Bay, or whether they were directed against one honorable member for Clive or myself. In reading over this motion, I admit that the honorable member for Auckland City East has picked out a very impartial Committee; but the members named would not care to sit day after day inquiring into the characters of their friends. Half the members on the Committee would not do it. And then I am puzzled to know whether every Native who has sold a piece of land is to have his dealings inquired into, because they are also ‘landed proprietors.’ Nor are we told how far the inquiry is to date back; and, as to the Committee reporting in a month, that is impossible. The Commission inquiry into one case lasted over six weeks. I do not believe any single case, if conducted by counsel on both sides, could be disposed of within a month; and, if the report of the Commission is not satisfactory, I do not see how a report of a Committee of this House could be. It is absolutely absurd to suppose that a Committee of gentlemen not trained judicially could place so satisfactory a report before the House as Mr. Justice Richmond and Judge Maning. I do not know that any good can possibly result from that, and therefore I intend to move an amendment. I agree with the honorable member for Clive that the only way in which these matters can be settled without referring them to the Courts of law is to appoint a Commission to inquire into them, or rather to pass a Bill providing that such a Commission shall be appointed. I hope that such a Bill will be passed, and that it will provide that the decision of the Commission shall be absolutely final, and that the costs shall be paid by the losing party. I move as an amendment, That, in order finally to dispose of all controversy in reference to transactions in Native land at Hawke's Bay, a Bill be brought into this House to appoint a Commission to make full inquiry, and finally settle all outstanding claims and questions.

Mr. JOYCE.—Sir, it appears to me that it is about time that some southern member should interpose. We have had to-night an amount of washing of dirty linen in public of which I, as one member of this House, do feel very much ashamed. The honorable member for Clive related to us a supremely dull story—a story that bore upon nothing, and a story that had nothing to do with the question before us. The story was in fact inexpressibly miserable. The question before us now, Sir, is the appointment of a Committee to inquire into certain things. Last year—in the lifetime of a man who is very often spoken of in those terms of respect which I suppose those who knew him think proper to apply to him,—last year when that gentleman was alive I was able to say to him that an inquiry into these land transactions should be held. He is not here now; but these transactions have never yet been inquired into, and the request contained in this motion is that a Committee should now be appointed to inquire into them. No amount of explanation as to how a person acquired a piece of land, as to how he cheated the Maoris or as to how the Maoris cheated him, has anything to do with the question now before us. This is merely an application for a Committee to inquire into matters that are not before us. If you appoint that Committee, we are covering up and hiding the transactions of the honorable member for Clive and his friends. The transactions of those gentlemen may be very honorable, but at the same time they may not be so. It is just possible that the honorable member for Clive may stand up in this Chamber and, putting on an air of virtuous indignation, may revile—Sir, I never compliment—never attempt to revile a person whose boots he was not fit to black. This is resolving itself into a personal question, and I do not know how the matter can be solved except by the appointment of this Committee. They tell us that the Supreme Court is open to the people, but you cannot get the Supreme Court to do that which a Committee of this House can do. Unless you appoint this Committee, the whole colony, from end to end, will say that the honorable member for Clive and the honorable member for Waikato, perhaps, have a skeleton in their closet—that they have some things to hide, some things that they are afraid to bring to the front by means of a Committee of this House. Sir, I listened with a certain amount of pleasure to the explanations of the honorable member for Napier (Captain Russell). I felt that, while that honorable member was explaining things, he himself felt perfectly conscious that he had never taken a mean advantage of anybody, whether Maori or pakeha. I listened to his speech, but it did not bear one whit on the question as to whether this Committee should be appointed or not. Sir, he must have known perfectly well that he was only talking and explaining matters for the purpose of advertising his own integrity and goodness of purpose. He knows perfectly well that he was talking simply to evade the plain question before the House, that plain question being that we should have a Committee appointed to inquire into the matter. I recollect what the honorable gentleman said. He said that he thought the Committee proposed by the honorable member for Auckland City East was a fairly-nominated Committee. Well, in that case, why not appoint the Committee by the unanimous vote of the House? I do not know why this should not be done, unless there is something that some one wishes to hide. I do not know that I have anything more to say, except this: that, unless this Committee be appointed, it is an admission on the part of those persons who have made explanations here tonight that they have something to conceal; that they are afraid of something; and that they dare not have their transactions inquired into by the Committee which the House is now asked to appoint.

Sir R. DOUGLAS.—I move, That this debate
be adjourned. My reason for doing so is that our passions have got excited, and when men's passions get excited it is well that they should rest for a few hours. Some remarks which have fallen from honorable gentlemen to-night have been so painful to me that I have walked out of the House. I think that honorable gentlemen should pause before making any further remarks; and, if we adjourn the debate until to-morrow, I hope honorable members will come here with cool tempers, and confine themselves to the use of parliamentary language. I move, That the debate be now adjourned.

Mr. WAKEFIELD.—Speaking strictly to the question of adjournment, and the question of the passions of honorable gentlemen being excited, I may say that, the last time the honorable and gallant gentleman himself spoke, he spoke so rapidly and excitedly—that he gave nobody an opportunity of following him in order to be able to reply. I think it would be well, therefore, to adjourn the debate, in order that the excited passions of all of us, including the honorable member, may cool down.

Mr. Reader Wood.—Before the debate is adjourned, Sir, I desire to refer to one point in the speech of the honorable member for Clive. He referred to some letters which had reference to the honorable member for the Thames, and said that he was asked to produce them. He did not do so. He said he would tell the story in his own words. He did so, and the way in which he told it reflected very much on a member of this House. I think it will be only fair to the honorable gentleman and get the letters; and now it turns out that these letters are not in his charge at all. The honorable member said that the letter were given to him in confidence, should he be produced to show that. What are the words of the honorable member? He says that he has given the letters to the Member for Public Works, and that I have broken confidence in doing so. He does not know how the honorable gentleman got them, whether he got them before me or after me, or by what authority. They were put into my hands to keep for Mr. Cox.

Mr. WHITAKER.—The honorable member for Dunedin (Mr. Stout) is assuming a number of facts which have no existence at all. He says that I have given the letters to the Minister for Public Works, and that I have broken confidence in doing so. He does not know how the honorable gentleman got them, whether he got them before me or after me, or by what authority. They were put into my hands to keep for Mr. Cox.

Mr. Speaker.—I do not think I am able to put that question. The question is simply, "That the House do now adjourn."

Mr. REES.—Speaking to the question of adjournment, I should like to state that I was authorized to get these letters by the person to whom they belonged, Mr. Locke. The Minister for Lands said he gave them to the Attorney-General, and that the Attorney-General would give them to Mr. Locke or any one authorized by Mr. Locke to receive them. After waiting in the lobby for some time, I went into the Ministers' room with Mr. Locke, who demanded the letters, and asked that they might be given to me; and the Attorney-General refused to give them. He said he did not feel bound to accept the word of the honorable member for Clive as to their contents. If I am in order, I beg to move, That these letters be produced and read.

Mr. Speaker.—I do not think I am able to adjourn the debate until to-morrow, I should like to state that I was told it reflected very much on a member of this House for whom a great many honorable gentlemen entertain the deepest regard—I mean the honorable member for the Thames. I naturally suppose that this House would expect that the honorable member for the Thames should rise in his place and refer to the transaction to which the honorable gentleman alluded. I think it will be only fair to the honorable member for the Thames that, before he replies, those letters should be read, in order that he may himself hear what they contained. Mr. Locke did not feel bound to accept the word of the honorable member for Clive as to their contents. If I am in order, I beg to move, That these letters be produced and read.

Mr. Speaker.—I do not think I am able to put that question. The question is simply, "That the House do now adjourn."

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Mr. WHITAKER.—The letters were given to me by Mr. Cox, with a request that I should keep them for him, and give them back to him. They are in my custody. I shall telegraph to Mr. Cox to-morrow morning, and ask him if I am at liberty to produce the letters. If he replies that I am at liberty to do so, and if Mr. Locke wishes them read to the House, I shall lay them before the House for the purpose of being read.

Mr. STOUT.—I should like to ask the honorable member whether Mr. Cox authorized him to make public the contents of these letters. It appears to me a very extraordinary thing that the honorable gentleman, who admits that the letters were given to him in confidence, should have handed them over to his colleague to be used in this House. I am sure the honorable gentleman will not say that that is a proper thing to do. If he has not broken any confidence in giving them to one of his colleagues for the purpose of reading them, he cannot break any confidence in giving them to any other member. If there has been any confidence in the matter, it has been already broken by his own colleague.

Mr. WHITAKER.—The honorable member for Dunedin (Mr. Stout) is assuming a number of facts which have no existence at all. He says that I have given the letters to the Minister for Public Works, and that I have broken confidence in doing so. He does not know how the honorable gentleman got them, whether he got them before me or after me, or by what authority. They were put into my hands to keep for Mr. Cox.

Mr. STOUT.—Then I understand that the statement of the honorable member for Clive was not correct, and that he was doing his best to deceive this House. I understood him to say that all he had to do was to go into the other room and get the letters; and now it turns out that these letters are not in his charge at all. The honorable gentleman said that he himself had the letters in the adjoining room, and could produce them when demanded. Now we are told by the Attorney-General that he would be guilty of a breach of confidence in producing them. That is not a proper way to treat this House; that is not proper conduct on the part of a Minister of the Crown. It is due this House, when a member of the House has been so gravely attacked, and when he is told that he has prostituted his position as Governor of the colony for the purpose of private gain, and when we are told that Ministers have letters in their possession showing that—I say it is right that these letters should be produced to show that. What are the Ministers afraid of?

Mr. WHITAKER.—The honorable member is mistaken altogether. Ministers have nothing to do with the letters.

Mr. STOUT.—What right had the honorable member for Clive to continually point to the other room and say, "The letters can be produced," when they were, as he well knew, not capable of production, but were in the hands of an honorable gentleman who was bound not to show them to anybody else?

Mr. WHITAKER.—The letters were given to me by Mr. Cox to take charge of for him, and
to show them to the honorable member for Clive if he desired it.

Mr. STOUT.—We are getting at the truth by degrees. It now turns out that the honorable member for Waipa left them in charge of the honorable member.

Mr. WHITAKER.—The honorable gentleman may misrepresent as much as he likes.

Mr. STOUT.—I regret that the honorable member is losing his temper over this matter. I put it to the House thus: The honorable member for Waipa leaves this House; he leaves letters in the hands of the Attorney-General, which he has permission to show only to the honorable member for Clive.

Mr. WHITAKER.—I did not say so.

Mr. STOUT.—The honorable gentleman said so; he is altering his ground again. We heard the honorable member for Clive boasting that the letters are under his control, and that he can produce them. Was that true? I say that such conduct as this on the part of Ministers of the Crown is not very creditable to this House or to the colony. I hope the debate will be adjourned; and, as Ministers have made this a vote of want of confidence on the part of another who is concerned in the attack conveyed therein, makes application for them, the request is evaded by the Attorney-General saying that he does not know anything about this matter, but I think it is only fair, if the debate is to go on, that these letters should be laid on the table at once.

Mr. WHITAKER.—The honorable member for Dunedin City is entirely mistaken. The letters were placed in my possession by Mr. Cox. They had nothing whatever to do with the Government. I was to hold them, and return them to him. I will telegraph to Mr. Cox to-morrow morning, and ask him whether I can give them up to Mr. Locke, or lay them on the table. Having been placed in my possession in the way I have stated, I cannot give them up.

Mr. WAKEFIELD.—I rise to a point of order. This is not a personal explanation at all. The Government gain a great advantage by making two or three speeches, as against those who are opposed to them in this matter. I ask you, Sir, is the honorable gentleman in order?

Mr. SPEAKER.—There is no doubt there has been a great deal of irregular discussion, and that the Attorney-General has risen more frequently than he ought to have done; but I think it is only fair, if the debate is to go on, that these letters should be produced. I know nothing of these land transactions, and shall form my judgment simply from the statements made in the House. I think it very desirable, if we are to come to a determination upon the facts set before us, that these letters should be laid on the table.

Mr. J. C. BROWN.—It is very desirable that these letters should be laid on the table. The honorable member for Waipa (Mr. Cox) left today, knowing that this debate was to come on. I do not know anything about this matter, but I think it is only fair, if the debate is to go on, that these letters should be produced. I know nothing of these land transactions, and shall form my judgment simply from the statements made in the House. I think it very desirable, if we are to come to a determination upon the facts set before us, that these letters should be laid on the table. They were introduced into this debate by the honorable member for Clive, who stated that he only required to go into the next room for the letters— that the letters could not be produced. The letters could not be produced; their production ought to be ordered by the House, and I hope they will be put upon the table. That is the right course to take. That is a very different thing from giving them up to the honorable member for Auckland City East, who came and demanded them from the Attorney-General. That is a different thing.

Mr. REES.—It was Mr. Locke, whose property they were, who asked for them. I went with him.

Mr. ORMOND.—For what purpose?

Mr. REES.—To see the truth.

Mr. ORMOND.—For the purpose of giving them up to either the honorable gentleman or the honorable member for the Thames. Seeing that they bear evidence of the accuracy of the statements I relied on, I object to giving them up to a stranger. I do not object to their being put on the table.

Mr. STOUT.—The Committee should have power to call for persons and papers.

Sir G. GREY.—Will the Government lay the letters on the table, according to the promise of the honorable member for Clive? Let us have the precise documents at once, their numbers, and dates; let us know precisely what they are. I ask the Government to be good enough to lay these letters on the table at once.

Mr. WHITAKER.—The honorable member for Waipa left them in charge of the Attorney-General to show them to the honorable member for Clive.

Mr. ORMOND.—I had access to these letters by authority of Mr. Cox. He gave me authority to get these letters from the Attorney-General to read them. I did not obtain them from Mr. Locke; I obtained them in the way stated. It is absolutely necessary for me to say that the letters could not be produced. The letters can be produced; their production ought to be ordered by the House, and I hope they will be put upon the table. That is the right course to take. That is a very different thing from giving them up to the honorable member for Auckland City East, who came and demanded them from the Attorney-General. That is a different thing.

Mr. Whitaker
possession of these letters in a very curious manner. They were given to him entirely in confidence, and in confidence he promised that they should not be used. If those honorable gentlemen cannot defend themselves on the floor of the House without these letters, I think it very unfair that this matter should be dragged up in the way it has been to-night. They should be returned to the owner, and let him say whether they shall or shall not be placed on the table of the House. It is very unfortunate, and calculated to produce great distrust, when we find on the part of public men such frequent breaches of honor. I trust, before these letters are produced, the party who owns them will be consulted, and that the whole thing will be settled amicably.

Mr. HUNTER. — I think the doctrine pronounced by the last speaker is very extraordinary. If I understand the honorable gentleman correctly he speaks of the letters as the property of Mr. Locke.

Mr. HAMBLIN. — I hope the honorable gentleman will not drag the name of any private individual into this debate.

Mr. HUNTER. — I understand the documents belong to Mr. Cox.

Mr. HUNTER. — His name was distinctly mentioned, and I certainly understand that the letters are Mr. Cox's property.

Mr. HUNTER. — That is my impression; and I do not think they ought to be produced without Mr. Cox's permission being given.

Mr. BUNNY. — The honorable member for Clive (Mr. Ormond) stated that these documents were in an adjoining room, and that they would be produced by one of his colleagues. How on earth, then, can they be said to be the private property of Mr. Cox? The Attorney-General may laugh — the Ministry will have to laugh a good deal before this matter is disposed of. Let us have fair-play. The honorable member for Clive made references to the letters, made charges in respect of them, and said the letters would be produced by his colleague if the statements he then made were challenged; but he did not then know that they were incapable of being produced. He was not aware there was any objection to their being produced. Then the way in which the letters were demanded after the adjournment showed that they were not wanted in order that they might be laid upon the table of the House.

An Hon. Member. — Yes; they were.

Mr. REID. — That is the first time that has been stated. I cannot say whether any other person than Mr. Cox has anything to do with the letters, as I have never seen them. They should be returned to the person who lent them: no doubt, if he is not the owner of them, he will know when to return them to the owner. Of course we know the meaning of these little moves — anything to make a point. The honorable member for Dunedin (Mr. Stout) of course had brought all his ability to bear in working his point. He said it was a Government question.

Mr. STOUT. — I understood that from the Government whips.

Mr. REID. — The honorable member told us it was a Government question, and further told us we should now get to business. I have no doubt that he will apply himself very busily now. I desire that these letters shall be placed upon the table of the House, and I hope matters may be in that state when we next meet that the letters may be placed upon the table of the House.

Mr. J. E. BROWN. — Should I be in order, Sir, in moving that the Standing Orders be suspended?

Mr. SPEAKER. — Yes.

Mr. BROWN. — Then, to settle this dispute, I shall move, That the Standing Orders be suspended in order to allow a motion to be proposed to the effect that a letter be placed upon the table of the House.

Major ATKINSON. — I shall be very glad to support the honorable gentleman's motion. If the House will take upon itself to make the order I have no doubt my honorable friend the Attorney-General will be satisfied. The Government desire that the letters should be placed on the table.

Motion for the suspension of Standing Order No. 86 agreed to.

Mr. J. E. BROWN. — The motion I have to
propose is, That the letters referred to in the Hon. Mr. Ormond's speech this evening, having reference to the land transaction in which Sir George Grey is said to have been interested, be immediately laid on the table of this House.

Mr. SPEAKER.—There will be a difficulty in putting the question. The only way in which it can be done is for the honorable member for Clive to move Marden to withdraw, for the present, his amendment for the adjournment of the debate; it can afterwards be put. Will the honorable member consent to that?

Sir R. DOUGLAS.—I do not feel at all inclined to withdraw my amendment.

Mr. SPEAKER.—Then this motion cannot be put.

Sir R. DOUGLAS.—I wish to explain—

Mr. SPEAKER.—There is no need for any further explanation. The question is, That this debate be adjourned.

Motion negatived.

Mr. J. E. BROWN.—I now move the motion I have already read to the House.

Mr. SPEAKER.—I will put the motion with the general consent of the House; otherwise we should have to revert to the original motion and the amendment. My justification for this proceeding is that I have the general consent of the House. We will therefore lay aside the present the original motion; and the motion of the honorable member for Ashley is before the House.

Captain RUSSELL.—I do not rise to object to the production of the letters; I am anxious that they should be produced; but I do not believe it is possible for this House to order that private letters should be laid on the table. They are not State documents or public property in any shape whatever.

Mr. MOORHOUSE.—I trust the House will not order the production of these letters. I think upon reflection we shall be very sorry if we do anything of the sort, because we have heard many gentlemen who have spoken during the debate to make us acquainted with the fact that the letters in question are not public documents in any shape, excepting so far as they may have been published in this House. These letters, so far as I can make out from what I have heard, are the property of a gentleman not a member of this House, and the only possible justification for asking for an enforced production of them is that they are the property of somebody who has handed them to a member of the Government. But what evidence is there before the House that, at the time when these private letters went out of the possession of the real owner, he intended that they should be made such use of? Whatever mistakes may have been made, without the consent of the real owner we are not justified in subjecting him to the inconvenience or possible damage consequent upon the publication of a private correspondence with him. I assure you, Sir, I should be very sorry indeed to see such a precedent on the records of this House. I suspect very strongly that there has been a mistake in this matter, and that those letters were never intended to be published in this House at all. Well, if honorable gentlemen agree with me in that assumption, they ought certainly not to vote for a violent publication of the letters, contrary to the possible wish of the real owner— the gentleman who is entitled to demand them. My opinion is that, at the request of the gentleman to whom they are addressed, they ought to be immediately handed over to him; and I do not believe that any gentleman would take any other course.

Mr. JOYCE.—With reference to this motion before us, I say that these letters should be produced. The honorable member for Clive made use of these letters to-night in the most insulting manner—in the most insulting manner that he knew how to draw from the depths of his heart, if he has one. He refused to produce these letters, but he opened his story by saying, "I will quote my recollection of these letters; but in that room I have these letters, and I can bring them at a moment's notice." He said that, not once, but twice or thrice; and he held it up as a menace—as a kind of something that would hurt the honorable member for the Thames—something which would injure him in the estimation of his fellows. I had the idea that the man had these letters. Perhaps he has them. Let him bring them forward, and not, after having written up "No Popery," run away coward-like.

Mr. SPEAKER.—I hope the honorable member will not make use of words of an unparliamentary character.

Mr. JOYCE.—I have to express my regret if I have made use of any language which may be unparliamentary in any way. I was not aware that I did. I listened to the honorable member for Taieri, whose loyalty to his colleagues prompted him to stand up and defend them. But my impression was that he had no defence to make. It was pitiful to look at. I know the honorable member for Taieri to be an earnest man generally; I have very much respect for him; but I never saw him to less advantage than I did when he rose to defend the withholding of those letters. The man himself knows in his inmost soul that the only fair course was to bring those letters forward and place them on the table, after such use had been made of them as was made by the honorable member for Clive. I have listened to debates elsewhere, but I have never heard so much bitterness and so much unfairness as I have heard from the honorable member for Clive. If this House does not carry the motion, I think it will have forgotten what is due to its own dignity. Another reason why these letters should be produced has
been furnished to me in this way: that the letters passed into possession of the Attorney-General through the hands of an officer of the Government. They were handed to him in a way which permitted them to be used in the way in which they have been used; and he now simply evades the whole question when he refuses to produce the letters. They reached him in a fair and proper way, and there would be no breach of confidence at all in producing them now.

Mr. Swanson.—The impression made on my mind by the honorable member for Clive when he quoted from those letters from memory was that they were official letters, and had got into his possession in the ordinary course of Government business; that they were really documents which were naturally in the pigeon-holes of the Government. It has turned out, however, that honorable members who were of the same way of thinking as myself were entirely wrong. I think that, under the circumstances described, the honorable gentleman made a very improper use of these letters; but I do not agree with those honorable gentlemen who think the letters should now be produced. Because a wrong use has been made of these letters by the honorable member for Clive, I do not think we should do a further wrong. I do not know what those letters may contain. They may possibly bring ruin to the writer, probably disgrace to other people. One thing that is clear is that they are private and not public documents; and I beg this House to be cautious, and to think twice of what they are doing before they decide, in the heat of debate, and when probably there is great excitement in their minds, to order that these letters be laid on the table. This debate was commenced by the honorable member for Clive, and the honorable member for Auckland City East went to the Attorney-General, the intention was that those letters should be handed back to Mr. Locke. I believe Mr. Locke's object was to regain the possession of these letters, the greater portion of which he conceived to be strictly private, and which should not have been used either by the honorable member for Clive or by any other member of this House without first obtaining his sanction. These letters, as I stated in my previous remarks, were obtained in a very peculiar manner. The honorable member for Waipa, wishing to refresh his memory as to certain transactions that took place ten or twelve years ago, asked Mr. Locke whether he had those letters bearing upon the transaction. After he had furnished the letters to the honorable member for Waipa, he evidently felt or heard, or by some means or other became uneasy in his mind, that these letters might be made use of in the House. He saw the honorable member for Waipa, and asked him if he intended to so use them, and the honorable member for Waipa distinctly told Mr. Locke that these letters should not be used.
Therefore say it was a gross breach of faith that these letters should have been brought forward here to colour a debate in which the House was engaged. I say it was grossly unfair to Mr. Locke and the other gentlemen interested. My idea of the way to get out of the difficulty would be, if possible, to request Mr. Locke to appear here and read these letters, except those portions which are strictly private.

Mr. STOUT.—The position in which the House is now put seems to me to be a very peculiar one. I now understand from various honorable members that these letters had no right to be used in the debate—in fact, that it was not only a breach of confidence, but an act to which, had it been committed in private life, a very harsh term would have been applied. No one should get a document for his own private perusal and then give it to Ministers to be used in debate. I am sure the honorable member for Waipa would not do such a thing. I have far more confidence in the honorable gentleman than to suppose that he did anything of the sort. I therefore come to the conclusion that there has been a breach of faith somewhere. If the honorable member for Waipa placed these documents in the hands of the Attorney-General and told him he was not to show them to anybody, his colleagues should not have produced them without the consent of the honorable member for Waipa. The Attorney-General told us a short time ago that he would not produce them until he had the consent of the honorable member for Waipa; and, if that be true, how then can he produce them now, as he says he will do if the House asks for them? The honorable gentleman is a lawyer, and he knows that, even if a Court ordered him to produce his deeds, he would not produce them if they were intrusted to him in confidence. It would be a breach of honor to produce any such letter, unless he was summoned as a witness, and then he could plead the privilege of his position.

An Hon. Member.—The honorable member wanted them himself.

Mr. STOUT.—I wanted them certainly, and still want to see them; but, if there is any breach of confidence in the matter, I shall decline to vote upon the question, and shall leave it to the Government and their supporters. It seems to me to be placing the honorable member for Waipa in a very peculiar position. There is something else which I think I ought to refer to, and that is what I may call another of the perennial attacks of the honorable member for Taieri upon me. He now tells me that I do not attend to the business of the House. But I think I can say with confidence that during the whole time I have had a seat in this House I have attended to its business just as much as he has.

Mr. REID.—Never.

Mr. STOUT.—Never! Although the honorable member is a Minister, I venture to say that I have more carefully perused the Bills that have come before this House, and could tell far more about their contents than he can. The cause of his frequent attacks upon me is simply that he is angry with me for having shown up a little of his political turncoatism. Another reason, perhaps, why he has been angry with me during this last week is that I have been engaged in an action of the Supreme Court in which the Government have not been so successful as they hoped. Although I do not aspire to the position of a Minister, I attend to the business of this House just as anybody else. I put it to the House, in reference to these letters, whether the proper course would not have been to have agreed at once and without debate to the motion of the honorable member for Auckland City East; for then, the Committee being empowered to call for persons and papers, and these being papers dealing with Native land affairs, either Mr. Locke or Mr. Russell, or whoever the gentlemen might be who held these letters, would be called upon to produce them before the Committee. I can only say that, if it turns out that these letters are private and do not belong to Mr. Locke, but really to the person who engaged him as agent, it would be a most extraordinary thing to produce the letters without that person’s consent. No gentleman has a right to produce his principal’s letters, and, if the owner in this case chooses to assert his rights, Mr. Locke may find himself in a very peculiar position. I shall not vote for the motion of the honorable member for Ashley.

Mr. J. E. BROWN.—May I be allowed to make an explanation? I hold in my hand a note addressed to me by Mr. Locke,—

“Sir,—I have no objection to have the letters laid on the table of the House if I am allowed first to strike out any parts not relevant to the matters referred to by the Hon. Mr. Ormond.—

S. Locke.”

Mr. HISLOP.—There is another person besides Mr. Locke interested in this matter; and I shall therefore move, as an amendment, to add the words, “on the consent of the owner, Mr. Locke, or of the writer, the Hon. Mr. Russell, being given.”

Mr. SPEAKER.—Does the honorable member who moved the motion consent to this amendment?

Mr. J. E. BROWN.—Yes.

Motion amended accordingly.

Mr. WILTAKER.—Some time ago I got up on purpose to explain the position in which I was placed in regard to these letters. I had spoken before in the debate, and the honorable member for Totara shut my mouth by calling me to order, and I was not permitted to make the explanation. I believe I am now in order in making a statement of exactly how the letters are placed at the present moment. The matter is simply this: The honorable member for Waipa came into my room one evening and brought these letters with him. He took out two and read them to me, and then gave me a packet containing all the letters referred to, to read if I thought fit, and to take care of for him. He subsequently said the honorable member for Clive could have them to read if he chose. After he handed them to me,
I put them in a drawer, and there they are now. As far as I know, nobody has seen them except the honorable member for Clive, and no other member of the Government except that honorable gentleman has read them. My honorable colleague the Premier asked me if he could see them, and I said, "No," that I could not let any one see them but the honorable member for Clive. I was certainly entitled to have read them myself if I had had time and inclination to do so; but I have not done so, and I still have those letters in my drawer. These are the terms on which I hold the letters; and it is now for the House to do as it thinks fit. For my own part I think it would be improper, without the consent of Mr. Locke and Mr. Cox, to produce the letters. It has been said that this should not be done without the consent of the principal in the matter; but I beg to say that Mr. Cox is one of the principals. He went up to see the country on behalf of himself and the other parties interested; he communicated with Mr. Locke, and was dealing with him as a managing person in the concern. That is the position in which the matter stands. I do not think it would be proper for the House to make an order for the immediate production of the papers; but, if it did, I should perhaps feel bound to yield, especially as Mr. Locke has given his consent to the letters being produced.

Sir R. DOUGLAS.—Sir, I think a delay of twelve hours would be a great advantage to us before continuing this debate. It would give time to obtain the consent of these gentlemen to the production of the letters, and would enable us to discuss the matter more calmly than we can do now.

Mr. REES.—They might be tampered with.

Sir R. DOUGLAS.—Does the honorable member mean to say that they would be tampered with? I should be very sorry to sit in this House if it could be thought for a moment that such a thing could take place. We might adjourn for twelve hours, and these letters could be out of our possession. Sir, and you could produce them, having obtained the consent of these gentlemen. The House would then be in a better position to discuss the matter, for I feel sure that no good will be done at the present moment with the angry feelings that have been shown on all sides. The honorable member for Newton spoke in a way which should have caused convulsion to everybody, when he said that it was not just to have these letters produced at once. Under these circumstances, and so long as these letters are producible, I think it will not hurt anybody to adjourn the debate for a few hours.

Sir G. GREY.—Sir, I think I am so far personally interested in this matter that I may be allowed to say a few words. I will say this: that when I heard the honorable member for Clive say that I was personally concerned in forcing myself a share in a large contract for Native land which had been acquired, I felt such distress that I did not at the moment know what to do. I felt that either he spoke what he knew to be untrue, or that I was myself deranged and had lost my memory, or else it struck me that the honorable member for Clive and other of my fellow-men had entered into a conspiracy to destroy me. I never suffered such distress in all my life. I am satisfied that I ought to be allowed to know the exact points in these letters on which the honorable member for Clive made that statement; and I ought to know them to-night. My mind ought to be relieved. The letter relates to a transaction of many years past. I believe the statement to be positively and absolutely untrue. That is my impression. I hold a letter in my hand which confirms me in that opinion—a letter which I received since the honorable gentleman spoke. I should like to know exactly, before I rest to-night, on what the honorable gentleman based his statement. I do not believe the letters will be tampered with, but I do believe that what is in his mind has only been partially communicated to me. I cannot feel certain that something has not been kept back; and at the last moment I may find myself plunged into another difficulty. I am confident the Attorney-General knew I was not a member of that company, and I have reason to believe he was. If so, he must have known who were his partners. He might have told the House instead of subjecting me to the astonishment to which I was exposed. No harm could be done if the honorable member for Clive would read out from the letters the parts of them on which they rely, and then I should be prepared to-morrow to make that statement to the House which I have the right to make. I trust the Attorney-General will do that, and settle the matter at once.

Mr. WHITAKER.—The letters will be here in one moment, if they are wanted.

Mr. FOX.—I entirely object to the statement of the honorable member for Waitaki that these letters are the property of Mr. Locke. From what the Attorney-General has said with reference to the position of Mr. Cox, I am satisfied that that gentleman is the owner of these letters. Mr. Locke appears to have been the paid, bribed agent of this company, and I contend that any letters written by him in his capacity as agent belong to his employers.

Mr. ROLLESTON.—I cannot understand why Mr. Cox should be left out of the motion. I still think there is no justification in the Government doing a thing which they think improper, in consequence of any order of the House. If they did, they ought to quit those benches at once.

Mr. WAKEFIELD.—These letters have been shaken in the face of the House to-night by the honorable member for Clive, who threatened the honorable member for the Thames with their production. On that ground alone he is bound to produce them. I admit that, in ordering the production of these letters, we may be inflicting a wrong upon a public officer, and we may be doing that which this House has reason to be ashamed of; but the honorable member for Clive is responsible for all the wrong and all the shame of every bad thing he has forced us into doing. How did the papers come within the cognizance of the House? The honorable gentleman declared
that he had letters in his possession which would prove the statements he made against the honorable member for the Thames (Sir G. Grey)—statements in which I do not put one atom of blin- 

cence. That is what has brought this matter before the House, and we need not trouble Mr. Cox, Mr. Locke, or anybody else. The honorable gentleman has declared that he has in his possess- 

ion papers which will prove his statements, and the 

House is justified in ordering that he should carry out that threat, promise—call it what you will—which he made in this House. Either that, or he will be covered with the disgrace which his conduct in this matter properly brings upon him. Nobody would be more unwilling than I would be to order the production of private letters; but, when Ministers so far forget their position as to drag their public officers into this position, the House is doing no wrong in calling upon them to stand to what they have said, and to do what they have threatened they will do if honorable members dare to stand up and assert what they believe to be true. The honorable member for Clive has brought into this House the bitterest, the most scurrilous, and the most desperate attack on a Member who, in his debate, has ever taken place in it. You, Sir, called the honorable member for Wallace to order for saying that something was cowardly. I have heard honorable members called to order for saying that something said by other honorable members was false; but the honorable member for Clive said that something stated by another honorable member was false, and he was not called to order. We were led to believe that those terms might be used in this House against gentlemen who are as brave and as honorable as that gentleman is—

Mr. SPEAKER.—It is perfectly impossible that I can listen to these remarks without explaining my view of the matter to the House. I understand the honorable gentleman to say that words such as those used by the honorable member for Walterton were such that he, having been used with impunity by other honorable members, and that I had given my sanction to them as being quite within the proper limits of parliamentary expression. Now, I wish to state that if the House expects me, as Speaker, to act as if I were a pedagogue whose duty it was to sit in this chair and rap every one to order, it must have a very peculiar idea of the functions which a Speaker has to fulfil. I feel prompted to call honorable members to order more frequently than I do, but the House will believe me when I say that it is to me always a painful duty to perform. But do not let the House consider that it is freed from its responsibility. I would ask honorable members not to consider that the Speaker is giving his sanction because he is compelled to listen to remarks which give him the utmost pain. If it is to be supposed that he is responsible because he does not get up and call members to order all round, I would prefer to quit the honorable position I hold. I look to the House to support me, and I cannot permit words to be used which would bear the interpretation that I do not properly discharge the functions of Speaker. I look to the House to perform its part, and to assist in calling to order any member when a most disorderly debate takes place. If it does not so it is a reflection upon itself, and no honorable member should afterwards turn round and charge me with laxity or partiality in the performance of my duty. Let me say one word more. It is a very nice point, not to say a difficult one, for the Speaker to decide, as the debate goes on, exactly where to interpose. These things grow up. The seed is sown here, it flourishes in another corner, and so on; and when at last it does seem to come to a point when it is my duty to interfere, I do so; but, because I have not interfered in a particular case, it must not be regarded as any neglect of my functions. Now, I will explain why I did not call the honorable member for Clive to order when he used that unpatriotic expression to which the honorable member for Geraldine has referred. I did not do so because I think, as all the members of the House will feel, that, when accusations, whether rightly or wrongly, have been levelled at any honorable member, there is always a sympathy, a willingness to allow the honorable member some greater latitude than if, in cold blood, he got up and made direct and un- 

warrantable charges against another honorable member. To speak very plainly, I rely upon the House to give me a loyal support.

Mr. WAKEFIELD.—Sir, you will never have a more loyal or a more cordial supporter than myself. I regret that, in the heat of debate, I spoke with so much warmth. It is impossible to suppose that I would cast any reflection upon the honorable member some greater latitude than if, in cold blood, he got up and made direct and un-

warrantable charges against another honorable member. To speak very plainly, I rely upon the House to give me a loyal support.
Forest Trees Planting Bill.

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AYES.

Major Atkinson, Mr. Macfarlane,
Mr. Baigent, Mr. Montgomery,
Mr. Ballance, Mr. Nahe,
Mr. Barff, Mr. Ormonde,
Mr. Beetham, Mr. O'Rorke,
Mr. Bowen, Mr. Pyke,
Mr. J. C. Brown, Mr. Rees,
Mr. Bunny, Mr. Reid,
Mr. Dignan, Mr. Sheehan,
Mr. Fisher, Mr. Sutton,
Mr. Gibbs, Mr. Taiaroa,
Mr. Giaborne, Mr. Takamaona,
Mr. Hamlin, Mr. Thomson,
Mr. Hislop, Mr. Tole,
Mr. Hodgkinson, Mr. Wason.
Mr. Joyce, Tellers.
Mr. Lumaden, Mr. Macandrew,
Mr. Lusk, Mr. J. E. Brown,
Mr. Wakefield.

NOES.

Mr. De Lautour, Captain Morris,
Mr. Fox, Captain Russell,
Mr. Harper, Mr. Seymour,
Dr. Henry, Mr. Whitaker,
Mr. Hunter, Tellers.
Mr. Hurestate, Mr. Moorhouse,
Mr. McLean, Mr. Rolleston.

The motion was consequently agreed to.
On the motion of Mr. MACANDREW, the debate was adjourned.
The House adjourned at five minutes to two o'clock a.m.

LEGISLATIVE COUNCIL.

Friday, 7th September, 1877.

First Reading—Forest Trees Planting Bill.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

FIRST READING.

Native Appeal Court Bill.

FOREST TREES PLANTING BILL.

The Hon. Dr. POLLEN moved, That the Order of the day for the further consideration of this Bill in Committee be discharged. During the number of times it had been before the Council he had been enabled to satisfy himself that it was a Bill of which honorable gentlemen did not altogether approve. It was at present in such a form that, even if passed by the Council, it would be impossible for it to get through in another place.

The Hon. Mr. PHARAZYN must object to the withdrawal of this Bill. He wanted to get rid of the two former Acts, which would be done by passing the 2nd clause of this Bill. He thought he was expressing the mind of the Council in saying that it was not desirable to pass such thorough class legislation as this, which applied only to wealthy landed proprietors, who were quite able to plant without any encouragement from the State, and without wasting the landed estate of the colony, as would be the case under this Bill.

The Hon. the SPEAKER pointed out that, if the Bill were reduced to the 2nd clause, it would require another title, as it would then be only a repealing Act.

The Hon. Colonel BRETT suggested that the Bill should be taken into Committee, and there obliterated from the face of the earth.

The Hon. Major RICHMOND thought it would be quite satisfactory if the Order of the day were discharged, as proposed by the Hon. the Colonial Secretary.

The Hon. Mr. MILLER said the Colonial Secretary had formed a very correct opinion of the mind of the Council with regard to this Bill. It was quite unnecessary to say anything more. Although it had not been stated, it was well known that they could point to instances where people were quite prepared and intended to undertake planting without any inducement whatever from the State.

Order discharged, and Bill withdrawn.

The Council adjourned at a quarter to three o'clock.

HOUSE OF REPRESENTATIVES.

Friday, 7th September, 1877.


Mr. Speaker took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Provincial Laws Evidence Bill, Nelson Rifle Prize Bill, Sale of Food and Drugs Bill.

ROSS AND GILLESPIE'S BEACH POSTAL SERVICE.

Mr. GIBORNE asked the Postmaster-General, Whether he will, when the road now in progress from Ross to Oparito is completed, call for tenders for the resumption of the weekly overland postal service between Ross and Gillespie's Beach? There was a weekly postal service between Ross and Gillespie's Beach until the commencement of the year, when it was discontinued. As the road now in progress between Ross and Oparito would be completed soon, and as facilities would be given for the conveyance of mails between Ross and Gillespie's Beach, it would probably enable a semi-weekly service to be performed at a small increase on the amount now paid for the weekly service. In consider-
tion of the increased population located at Okarito and Gillespie's Beach, it was very desirable that the Postmaster-General should call for tenders for a weekly postal service. He might mention that there had been no communication by sea between Hokitika and Okarito and Gillespie's Beach for a long time, and the settlers were wholly dependent upon the overland postal service for any communication with the rest of the colony.

Mr. McLEAN said this matter was brought under his notice some time ago, but the road referred to would not be completed for some months yet, and, when it was completed, he would consider whether the circumstances of the district had in any way altered so as to warrant the expense of resuming the extra overland postal service.

OTAGO GOVERNMENT OFFICES.

Mr. HODGKINSON asked the Premier, If he has any objection to lay before this House all correspondence between the Colonial Government and the late Superintendent of Otago relative to the surrender by the latter of the Provincial Government offices? A great many people in Otago had taken some trouble to make themselves acquainted with the great constitutional changes which had taken place in the colony, and they wished to be put in possession of all the correspondence which had passed between the Colonial Government and the Superintendent of Otago in relation to the subject referred to in his question.

Major ATKINSON replied that the Government would have no objection to lay the papers on the table.

CROWN LANDS.

Mr. J. C. BROWN asked the Minister for Lands, If he will, prior to the letting or selling of Crown lands by public auction, cause such lands to be advertised in the local newspapers which circulate in the localities where such land is situate? His reason for putting this question was that the present system of advertising sales of Crown lands in one newspaper only did not sufficiently notify to the public the fact that such sales were to be held. The result was a considerable loss to the revenue and very great inconvenience to the people. The practice under the provincial rule had been to advertise land sales in the Provincial Government Gazette of Otago, and also to publish them sufficiently in the local papers. He believed that if the same system of advertising had been continued there would be a larger attendance of buyers at the sales, and the revenue from the sale of the lands would be considerably increased.

Mr. REID replied that the practice had been to publish a full account of the sale in the Provincial Gazette, and a synopsis of the terms of sale in the local paper. He believed that practice was still in force. Of course it would not do to publish the full advertisement in the local newspapers, because it might be found that the receipts from the sales, in cases where only a few sections were sold, might not cover the cost of the advertisements.

Mr. Gisborne

PUBLICANS' LICENSES.

Mr. O'RORKE asked the Colonial Treasurer, Why the money received by the Government two months ago for publicans' licenses has not yet been handed over to the boroughs entitled to receive the same? He presumed all boroughs had been treated alike, and he thought it was only right that, if any money was due to those boroughs, it should be handed over to them at once.

Major ATKINSON replied that the moneys did not come into the hands of the Government. These fees were received by the Collectors of Customs; and, according to law, they were payable direct, by the Collectors, to the bodies entitled to receive them. Until very recently, the Government had no reason to suppose that this had not been done; but the Treasury received a letter from Onehunga, asking why the fees had not been paid to the Borough Council, and inquiries were at once made. It appeared that the Collector had inadvertently paid over the fees, in that case, to the County Council of Eden, although the Act had not been adopted in that county. The Government immediately directed that the fees should be transferred to the Borough account. This was, he believed, the only case of the kind that had occurred.

WI TE WHEORO.

Mr. NAHE asked the Premier, What action has been taken on the report of the Native Affairs Committee, dated the 25th July, 1876, on the petition of Wi te Wheoro? His reason for asking this question was that, in the matter of the petition of Wi te Wheoro, the Committee had reported that the line of road going over the old Native burial-ground at Taupiri could not be made to deviate, but that each side of the road should be fenced to prevent trespass; and that the temporary buildings erected on the land referred to in the petition should be removed. He had heard that the report had not been acted upon, and that was his reason for asking the question.

Major ATKINSON said that steps had been taken to carry out the recommendations contained in the report of the Committee. The Government were, in fact, carrying them out as quickly as they conveniently could.

LOCAL BODIES' LETTERS.

Mr. SWANSON asked the Government, Whether local bodies addressing the Government on questions affecting the public service must pay for their letters?

Mr. McLEAN replied that any public body which wished to communicate on business matters with the Government had only to write on the letters the words "On Public Service," and they would not require to be stamped.

HAWKE'S BAY LAND PURCHASES.

The adjourned debate was resumed on the question, That a Committee, consisting of Mr. Bowen, Mr. McLean, Mr. Fox, Mr. Stevens, Mr. Baulmes, Mr. Hislop, Mr. Ballance, Mr. Macandrew, Mr. Curtis, Mr. Montgomery, Mr.
Burns, Mr. Fitzroy, Mr. De Latour, Sir G. Grey, and the mover, be appointed to inquire into all dealings with Native lands by landed proprietors in Hawke's Bay; such Committee to call for papers and persons, and to report in a month; five to be a quorum. And the following amendment proposed there-to:— That, in order finally to dispose of all controversy in reference to transactions in Native land at Hawke's Bay, a Bill be brought into this House to appoint a Commission to make full inquiry and finally settle all outstanding claims and questions.

Mr. WHITAKER.—I desire to make a personal explanation to the House. In consequence of what took place last night, I communicated with Mr. Cox and also with Mr. Locke. I now feel myself in this position in consequence of the resolution passed by the House, that the letters referred to should be immediately laid on the table. The resolution came to was, that they were to be placed on the table forthwith, with the concurrence of Mr. Locke and Mr. Russell. So far as I am concerned I do not think Mr. Russell's authority was necessary. The House having passed these resolutions, I am unwilling to fly in the face of the House by refusing to lay them on the table. Under these circumstances I ask you, Sir, what course I should pursue. So far as I am concerned I feel myself perfectly at liberty to place the papers on the table of the House, having received the assent of Mr. Cox and Mr. Locke. Both those gentlemen having given their consent, I am entirely in your hands, Sir, and in the hands of the House.

Mr. STOUT.—I would ask the honorable gentleman if he would state the nature of the answer given by the honorable member for Waipa (Mr. Cox).

Mr. WHITAKER.—The terms of the telegram were that, personally, he had no objection to the papers being laid on the table, provided Mr. Locke had no objection.

Mr. REES.—I think the telegram ought to be read.

Mr. WHITAKER.—I have stated the purport of the telegram.

Mr. STOUT.—I wish to ask if the Government have taken any steps to carry out the resolution passed by the House last night, by asking the persons named in the resolution whether they assented or not to these letters being produced; and whether the Government have placed them in communication with Mr. Russell.

Mr. WHITAKER.—I have not shown these letters since that time to any member of the Government. Last night I met the Hon. Mr. Russell after I left this House, and spoke to him on the subject. He said he would not give his assent; that he considered the letters were his own, that he had a right to them, and that he would lay the matter before his lawyer in the morning. I answered that I did not care about the opinion of his lawyer; and that I would do what I thought was right in the matter.

Mr. ROLLESTON.—I think it is only fair to the honorable member for Waipa (Mr. Cox) that it should be stated whether it was with his sanction that the information contained in these letters was made use of yesterday.

Mr. WHITAKER.—I did not ask the honorable gentleman's permission, and did not make use of the information contained in these letters, or whether the Government have placed them in communication with Mr. Locke.

Mr. WHITAKER.—I submit, Sir, that it is only due to Mr. Cox that this telegram should be read to the House. Let us know all.

Mr. SPEAKER.—I should have been glad to have received an intimation that these papers would be laid on the table, and be thus spared being called upon to give my opinion on this serious matter. As it is the desire of the House that I should give my opinion, I must say that I think these papers should have been produced before this, and that the House should not be satisfied until it was in possession of them. The letters, judging from what transpired yesterday, contain serious charges against private individuals. I cannot see that this debate can proceed further with any satisfaction until these papers are laid before the House. That is my opinion, and I think the House will agree with me in that opinion. I take this opportunity of saying that I think it would be well that the ipsissima verba of the telegram should be read.

Mr. WHITAKER.—Do you mean the telegram to Mr. Cox?

Mr. SPEAKER.—Yes.

Mr. WHITAKER.—I have no objection at all to produce the telegram and the reply. The telegrams are as follow:—

"To Alfred Cox, Esq., Lyttelton.

"Ormond, last night, quoted from letters you left with me about Sir George Grey and Taupo run. Very angry debate. I was called on to produce letters, but refused without your authority. House passed resolution that letters should be laid on the table if Henry Russell and Locke assented. You, as a principal in transaction, have as much right as any one, Locke being only the agent of yourself and others concerned. Will you authorise me, on your behalf, to do what I consider right? I will take care that proper course is taken if you leave matter in my hands. Reply at once.—FREDK. WHITAKER."

"To Hon. F. Whittaker.

"Letters in question belong to Locke. Hand them over to him, and nobody else without his permission. Personally, I have no objection to the letters being laid on the table of the House if Locke has none. I am prepared to give evidence before a Committee of the House, if wished by the House.—ALFRED COX."

I now lay the letters on the table, also the telegrams.

Mr. STOUT.—I would ask the honorable gentleman, has this reply been handed to Mr. Locke?

Mr. WHITAKER.—I handed it to Mr. Locke, and he gave it back to me again.

Mr. REES.—Mr. Locke desired to get the letter. He received a telegram from Mr. Cox, and he showed it to Mr. Whitaker, asking him at the same time for the letter.

Mr. SPEAKER.—I understand the letters are now laid on the table of the House. Is it the
I wish to know from the Premier what steps he has taken in order to see whether Mr. Russell I make this suggestion for the approval of the House.

Mr. STOUT.—I understand that last night the House ordered certain things to be done—that these letters were to be laid on the table with Mr. Russell’s consent. Unless that order is rescinded these letters cannot be laid on the table without that gentleman’s consent.

Mr. ROLLESTON.—I should like the Attorney-General to state definitely whether he has received Mr. Locke’s consent to these papers being laid on the table unconditionally, and whether he has any written document from Mr. Locke on the subject. For my own part, I am strongly opposed to these letters being read without Mr. Locke’s assent.

Mr. WHITAKER.—I have Mr. Locke’s written authority. He says, “I have no objection personally to the letters referred to in the debate last night being laid on the table of the House of Representatives, supposing my principal agrees.”

— S. Locke. To Hon. J. D. Ormond.

Mr. REES.—I would ask the honorable gentleman if Mr. Locke did not say that Mr. Russell was his principal.

Mr. WHITAKER.—Mr. Cox is one of Mr. Locke’s principals, and I lay the papers on the table with his authority.

Mr. SPEAKER.—When the appeal was made to me I thought I had the sanction of the House in giving the opinion I did. I had before my mind the resolution passed last night. I gave that opinion on the spur of the moment; and it is now my deliberate opinion that these letters ought to be produced, and that the House should adjourn for half-an-hour, in order that the Clerk may arrange the letters. I make this suggestion for the approval of the House.

Mr. DE LAUTOUR.—It appears clear that, if we have these letters read, we shall be entirely violating the resolution passed last night. It was this: that these letters were to be read if Mr. Locke and Mr. Russell agreed. Now, Mr. Locke agrees provided Mr. Russell assents; on no other condition does Mr. Locke consent to their being read. The Attorney-General says he has simply got the assent of Mr. Locke and Mr. Cox. Mr. Locke does not regard Mr. Cox as his principal. I say that it was with very great difficulty that I kept quiet last night when a gross and disgraceful violation of private rights was committed in this House. Where is it to stop? I say that, if these letters are to be laid on the table, it does not follow that they should be read and made public property outside the House. I believe there is a clear distinction between papers laid on the table and papers ordered to be printed. The mere fact of reading the letters publicly would have the same effect as if they were to be printed. I believe there is a marked distinction; and at any rate I shall be no party to the violation of the private rights which every man has in his private correspondence.

Mr. HISLOP.—The Attorney-General stated last night that he had not read these letters himself, and that he was only a member of the Government who had read them. The Minister for Public Works. I would like to know from him how he is in a position to give an opinion to the House as to the ownership of the letters if he has not read them. As the mover of the amendment before the House last night, I wish to state that if, for one, will not be a party to the disgraceful proceeding that has taken place—the disgraceful violation of private correspondence intrusted to a member of the Ministry. Notwithstanding that this debate cannot be proceeded with very satisfactorily without these letters being produced, I would far rather that that inconvenience should continue than that we should be parties to this disgraceful violation of private correspondence.

Mr. WHITAKER.—It is perfectly true that I have not read the whole of the letters.

An Hon. Member.—You said you had not read any of them.

Mr. WHITAKER.—The contents of two of the letters were read to me, and that is what I stated last night. The same thing I stated in almost the same words. It does not appear to me that the ownership of the letters depends upon who wrote them. The right to use them is in the principal whose possession they are. Mr. Cox handed them to me, and I hold them for him. I have only obeyed the order of the House in placing them on the table. I have not moved that they be read. That is optional with the House. I have simply complied with the order of the House; and last night I voted against the production of the papers. In doing so, I think I was right. Now the papers are on the table, and I make no motion.
Mr. REES.—In relation to the property in these letters, if the Hon. the Attorney-General does not know in whom the ownership lies he ought to know. The question has often been decided in suits, and I would refer the honorable gentlemen to some ordinary text-book. The honorable gentleman said he had not seen the letters.

Mr. WHITAKER.—No.

Mr. REES.—Will the honorable gentleman state what he said?

Mr. FOX.—He said two letters were read to him, but that he had not read them himself.

Mr. REES.—I ask him if he has not read any of them.

Mr. WHITAKER.—I have answered the question already.

Mr. REES.—Whether or not, it was a matter last night that caused some little disturbance of feeling among honorable gentlemen as to voting on this very question; and an amendment was carried by a majority of 36 to 12, that the letters should be only produced on the permission of Mr. Russell, whose property they were, and of those who had written them, and of the persons to whom they had been written. Now we have the Attorney-General giving us a statement of a telegram which was not its contents. He declined to produce the telegram at first until he was compelled, and then he gave a statement to the House which was not contained in the telegram. I am sorry to see honorable members treating this subject with levity. If questions of honor and truth are to be dealt with as matters of levity, I should like to know what is to be treated as a serious matter. I state distinctly that the honorable gentleman was asked if he had any communication with Mr. Cox, and he replied that his answer from Mr. Cox was that he (Mr. Cox) agreed to their being laid on the table. When he was asked for the telegram he did not produce it. Afterwards the telegram comes out; and I will ask him if the telegram does not state that Mr. Cox says, “Give the letters to Mr. Locke.” He did not state that, and I suppose his colleagues knew that.

Mr. WHITAKER.—I acted on my own responsibility. My colleagues have nothing to do with it.

Mr. REES.—Of course, on his own responsibility. It is very easy to disavow them. I dare say all his colleagues knew it just in the same way, as the Ministers kept us waiting here for a quarter of an hour last night whilst they debated amongst themselves whether they would give up these papers, and devising, I suppose, some excuse for not giving them up. Mr. Cox produced a telegram to the honorable gentleman, telling him to give up the papers to him (Mr. Locke), and Mr. Locke said, “I shall not allow you to place the letters on the table without Mr. Russell’s consent;” and the honorable gentleman now assumes to make out that Mr. Cox was as much Mr. Locke’s principal as Mr. Russell is. The whole matter is of a piece. The honorable gentlemen on the Government benches are muttering amongst themselves, and I hope they like the position they have got themselves into.

Mr. PYKE.—I think it is very important to the House to know how these letters were first obtained. Unless I am wrongly informed, they were obtained from Mr. Locke by Mr. Cox with a view of referring to matters in connection with which Mr. Cox had been a director of a certain association for the purchase of land. But, when Mr. Cox so obtained them, it was not for a moment supposed that these letters were to be handed to any member of this House for political purposes. But they were so handed to the Attorney-General, and by him again they were handed to the Minister for Public Works. Well, I do not pretend to understand the question raised last night respecting Native lands. I am thankful that I do not. I am thankful that my hands are not tainted with any knowledge of these transactions, for, if I may believe one-tenth of the statements made in this House by members for the North Island, every acre of Native lands obtained either by the Government or by private persons has been illegally and improperly obtained. Both sides of this House throw dirt on each other in connection with this question, and I feel almost ashamed to belong to a Parliament where such intense recrimination is allowed to pass between honorable members. There was a time when the New Zealand Parliament was the most respectable representative body south of the line. Is it possible to say that of it after last night’s debate? Although I do not pretend to understand the Native question raised in all these abusive debates—for they are nothing else—I do pretend to understand the code of gentlemanly conduct, and I say that any man who reads publicly a private letter, without the consent of the writer of that letter, is guilty of a most ungentlemanly action. There is no excuse for it.

Expulsion from the Ministerial benches—expulsion from this House—is not sufficient to mark a sense of such conduct. The only sufficient punishment is expulsion from the society of gentlemen. No gentleman ever did such a thing. I say it is an unpardonable offence. Nothing could condone it. Although I know nothing of the merits of the question, I do understand that the honor of this House was outraged by a Minister of the Crown reading letters surreptitiously obtained, as these were in the first instance. The question before the House, as I understand it, is, shall these letters be produced and read? It is admitted that the consent of Mr. Locke has been obtained, but I would ask whether the consent of Mr. Russell has also been obtained. I understand that Mr. Cox got the letters by stating that he wished to obtain information respecting some particular transaction. I ask the Government if Mr. Russell has not given his consent to the production of these letters. I get no answer. Then I assume that he has given his consent.

Mr. WHITAKER.—I have already answered twice.

Mr. PYKE.—A few quotations have been made from these letters. It is only fair and right and just that we should have the whole of them before us, so that we may know on which side truth is and on which side falsehood.
Mr. MACPHERLANE.—I understand these letters are not so strictly private. I presume they are letters which every member of the association or company was entitled to obtain, and if I were a member of that association I should consider myself entitled to see each one of the letters.

Mr. STOUT.—I understand Mr. Locke is not far from this House, and that he could be asked the question whether he understood that the consent of his principal meant the consent of Mr. Cox or Mr. Russell. Mr. Locke is the principal. Mr. Locke is the most proper person to determine that question, and not the House. Therefore I think the best thing would be for the Government to ascertain, in writing, what person Mr. Locke considers to be his principal. If he considers that Mr. Russell is his principal, then the Attorney-General did wrong in producing the letters. If Mr. Locke understands that Mr. Cox was his principal, and that Mr. Russell had nothing to do with it, then the honorable member did right.

Mr. W. WOOD.—I think, instead of adjourning the debate for the purpose of arranging these letters—which means the reading of them by the Clerk—it would be better to adjourn the debate until the full consent is obtained of the party who is really entitled to give authority. If that is not done, I do not think it would be an honorable course for any member of this House to be present when those letters are read.

Mr. WAKEFIELD.—I wish to say a few words in support of the common-sense proposal made by the honorable member for Dunedin (Mr. Stout) for learning whether Mr. Locke, in speaking of his principal, meant Mr. Russell or Mr. Cox. I have not the slightest doubt, in my own mind, that he meant Mr. Russell; and my strong opinion is that the Attorney-General thinks so too. If he meant Mr. Russell, it is quite clear that we have not, at this moment, the consent of either Mr. Locke or Mr. Russell to the production of these letters, which were the essential conditions on which we decided last night that the letters should be laid upon the table. Mr. Locke is now within five yards of where I am standing, and it could be ascertained from him who he meant was his principal; and I say, if the honorable gentleman does not follow that course, he leaves his conduct in the matter open to very grave suspicion. I trust that the course suggested by my honorable friend will be adopted, and that we shall know whether, in issuing these papers and investigating the whole thing, that such a thing should take up the time of this great colonial Parliament is very much to be deplored.

Mr. MACANDREW.—I think we ought to resume the original debate; and, if this Committee is appointed, they can get the letters and papers and investigate the whole thing. That such a thing should take up the time of this great colonial Parliament is very much to be deplored.

Mr. FOX.—The honorable member says that these letters can be obtained by the Committee. I do not think that such is the case. A Committee of inquiry is asked for to inquire into certain transactions in another part of the country, as totally distinct from Hawke’s Bay as Dunedin is.

Mr. SWANSON.—The whole thing appears to me to turn upon this: Whether Mr. Locke, Mr. Cox, or Mr. Russell is the principal. Well, Sir, Mr. Locke is behind the chair, and it is very easy for us to call him before the bar of the House, and ask him exactly what is the position of affairs. We shall know then what he said and what he means. I move, That Mr. Locke be called before the bar of the House, and be examined by you, Sir, in respect to this matter.

Major ATKINSON.—That appears to me to be entirely beside the question. The letters are now in the possession of the House. I understand that, by your advice, Sir, the letters were laid on the table. They are there now, and let us deal with them. I would ask you, Sir, whether they have not been laid on the table of the House as I have mentioned.

Mr. SWANSON.—Then, Sir, in that case any honorable member can go and read these letters.

Mr. STOUT.—As a point of order, I should like to ask you, Sir, whether those documents have been properly laid on the table of the House. I believe the usual custom is, that documents must be laid on the table of the House by Ministers as such, or by command of the Governor. In this case there has been nothing of the kind done.

Mr. SPEAKER.—There is a very difficult point involved in this. I understood that the papers were laid upon the table of the House by the Government. I admit that it was not done in that formal manner which is usual. The Hon. the Attorney-General got up and said, “Here the papers are; I will lay them on the table of the House.” Plainly, this is not the course which ought to have been pursued. It was done in an informal manner.

Mr. STOUT.—Then I understand they were laid on the table of the House by the Government.

Mr. SPEAKER.—Yes; that is my opinion.

Mr. BUTTON.—Should I be in order in moving that those documents be read?

Mr. SPEAKER.—That motion cannot be put until the question of adjournment is disposed of.

Mr. STOUT.—There is another point. I understand that the letters which have been laid on the table of the House not only refer to matters alluded to by the Hon. the Minister for Public Works in his speech, but to other matters. I ask you, Sir, whether that is the case.

Mr. SPEAKER.—I only know that letters have been laid upon the table of the House. I cannot speak as to their contents. But, from what I am told by the Clerk, it would be quite impossible to read all these letters to the House intelligently.

Mr. STOUT.—Shall I be in order—

Mr. SPEAKER.—Really, I think the honorable member cannot be allowed to speak any more.

Mr. STOUT.—I wished to ask you, Sir, whether I should be in order in moving that these letters be returned to the Government until an order is made by the House as to what shall be done with them.

Mr. SPEAKER.—The question before the
House is, That we do now adjourn; and it is not competent for the honorable member to move the amendment he refers to till the motion before the House has been disposed of, or until another question has been put giving him the right to speak again.

Major ATKINSON.—I understand, Sir, you have decided that the papers have been laid upon the table of the House by the Government. I should like to ask whether such was your ruling, because, if so, I have a few further words to say. I would point out that my honorable friend laid the letters upon the table in pursuance of an order of the House, as interpreted by you, not as a member of the Government but as a private member.

Mr. SPEAKER.—I certainly think the papers ought to be laid upon the table of the House, but it is for the House to say how and when they should be laid upon the table. I am very clear upon this point: that they should be laid upon the table, and for this reason: they have been already used in the House. With regard to the question now distinctly put to me, as to whether they were laid upon the table by the Government or not, I may say there was a certain amount of individuality in the transaction, but it was done with the concurrence of the Government, I considered. There was no remonstrance on the part of the Government, and I certainly thought it was the act of the Government. As to the interpretation of the order, certainly I gave my ruling; but I must not be placed in the position of overrideing that which the Assembly in its wisdom thought fit to direct.

Mr. WHITAKER.—I must call attention to the words I have repeatedly used: "These are not Government papers, but private papers." I again say such is the case; and, as these letters have not been read, and no action has been taken upon them, I must, if there has been any misunderstanding, ask that the letters be handed back to me. That being done, the House can then deal with the matter as it pleases. I repeat what I have said over and over again, that I was acting in this matter as a private member and not as a member of the Government; and I do not think it is right that honorable gentlemen should attempt to treat the letters as Government papers, which they certainly are not. I trust the House will allow the papers to be given back to me.

Mr. FISHER.—The honorable gentleman (Mr. Whitaker) says the letters have not been used. Sir, they have been used by one of the members of the Government for the purpose of casting a slur upon the honorable member for the Thames (Sir G. Grey). If the Government sanctioned such proceedings, they must take the consequences. We talk about the smells in the House. We cannot wonder at smells in the House, when honorable members bring so much dirty linen and wash it here. Before I came up here I heard a great deal about the conduct of the Provincial Council, but I never saw such a display of the bullying business as I have witnessed in this Assembly.

Mr. MONTGOMERY.—I conceive that, if papers are brought down here except by order of His Excellency, they cannot be laid upon the table by Ministers unless by leave of the House—formal leave of the House. That course was not followed. The honorable gentleman (Mr. Whitaker) never obtained permission to lay them upon the table of the House; and I submit that they are not really in the possession of the House, and should be returned to the honorable gentleman. Afterwards a motion may be made that the letters be received; and let the House decide that. Then we shall be pursuing a regular course.

Mr. REID.—It seems to me that this matter has taken a very peculiar turn. Last night there was a desire expressed that the papers should be laid upon the table; they are now upon the table of the House, and that does not suit honorable members. I may remark, also, that at the time of the adjournment there was an endeavour on the part of private individuals to get possession of these letters, I believe to prevent them being placed upon the table. When I was speaking last evening I asked whether, if the letters had been given to Mr. Locke last night, they would have been laid upon the table of the House, and the honorable member for Auckland City East said "Yes."

Mr. REES.—No; I said, "Give them to Mr. Locke." I did not say "Yes." At the time of the adjournment Mr. Locke and I saw the Ministers in their room, and they absolutely refused to give the letters up.

Mr. REID.—If they were to be given to Mr. Locke, how could Ministers be challenged to lay them upon the table of the House? If they were given to Mr. Locke, it would be beyond the power of Ministers to lay them on the table. I may say the papers were never in the possession of the Government, and have not yet been seen by me. They were not accessible to me, and I am ignorant of their contents. Well, Sir, to-day the Attorney-General has explained what action he took in order to give effect to the resolution of the House last night, and to obtain the consent of the parties. He has obtained the consent of the honorable member for Waipa; he has obtained the consent, on certain conditions, of Mr. Locke, who has possession of these papers, and who gave them to the honorable member for Waipa; and the only obstacle that now remains is the want of concurrence of the Hon. Mr. Russell. It has been asked, was any action taken in order to obtain that gentleman's consent? I think that, when he was asked at the time the debate was going on, and when he expressed his intention, not only to refuse his consent to the production of the papers, but to proceed in a Court of law to get possession of them, it would be a waste of time—a work of supererogation—to go and ask that gentleman whether he was willing that the papers should be laid on the table. Well, to-day this matter was explained by the Attorney-General, and he told the House that he did not wish, as it were, to fly in the face of the resolution come to, but that if the House desired it, he was prepared to lay these papers on the table. Then, Sir, you made an explanation, in which you expressed a strong opinion that these papers should be produced, and that the debate could not pro-
ceed in a satisfactory manner until they were produced; and this House apparently gave its concurrence. The honorable member, as I think rather hastily, because the resolution of last night should have first been rescinded, laid the papers on the table. Mr. Speaker put the question, "Do the House desire that these letters should be read?" Did Mr. Speaker receive a negative answer? No; the House gave its assent, and, in accordance with the decision of the House, Mr. Speaker gave instructions that the letters should be read; and it was only when it was found that, owing to the way in which they were arranged, the Clerk could not read them to the House with any degree of intelligent sequence, that it was proposed that you should leave the chair until the letters were arranged. Then, Sir, the House has given its concurrence in the action that has been taken. I say that, if anything has been done against the resolution of last night, the House is a consenting party. The House agreed that the papers should be read after they were laid on the table. And I have only to say, further, that, as far as I can see of the matter now, those whom the Attorney-General last night said he could not produce these papers without the consent of the honorable member for Waipa, cheered so readily and tried to make it appear that the honorable member was afraid to produce the documents—those members now, when the consent of the honorable member for Waipa has been obtained, and when the papers were produced. I say that if they do, I have no doubt they, especially with the assistance of the honorable member for the Thames (Sir G. Grey), have sufficient influence with their friend the Hon. Mr. Russell to get his consent, and to have the papers properly placed on the table and printed. I think in the meantime that it was rather hasty to lay the papers on the table; but the House itself gave its concurrence by agreeing to the order that the papers should be read. I think, any dissentients, or, at any rate, with very few. Therefore the House has been a consenting party. Whether it is right now to proceed further without rescinding the resolution come to last night, or without obtaining the consent of the Hon. Mr. Russell, is a matter for the House to determine. For my own part, I say now, as I have said previously, that I think the contents of these letters should be known.

Mr. SPEAKER.—I have just had put into my hand a letter from the Hon. H. R. Russell:

"To the Hon. the Speaker of the House of Representatives.

"Wellington, 7th September, 1877—4 p.m.

"Sir,—I beg most respectfully, but decidedly, to object to my private letters to Mr. Locke, which have been laid on the table of the House by the Attorney-General, being read without my permission.—I have, &c.,

"H. R. RUSSELL, M.L.C."

Under these circumstances I think it is proper that I should give a direction, and explain the ground for my doing so. I thought, when these papers were laid on the table, they were produced with the consent of all parties. It appears now that they were not laid on the table by the Government, but that they were laid upon the table by the Attorney-General individually. They have no business on the table of this House. They are not there; they are as if they were not. It is for the Attorney-General to resume possession of his property; and the House will afterwards take what steps it may think necessary. Those papers are no longer in the possession of this House.

Mr. WHITAKER then removed the papers from the table.

Mr. TRAVERS.—I shall support the adjournment of this debate, because I think the House has got into a very great dilemma in this matter. The real subject-matter of the debate appears to me to have been entirely lost sight of in consequence of the excitement that has been crested and the strong personal feelings which have been evoked on each side in connection with this motion. It seems to me that the House is not doing justice to itself by continuing a debate in which the House has come to take a very full and assume. I cannot help thinking that the Minister for Public Works was guilty of a gross violation of private confidence in disclosing portions of those letters without having had the assent of all persons who were interested in the correspondence; and I cannot but feel that, if the gentlemen to whom that correspondence belongs were appealed to by the honorable member for the Thames, they would at once consent to the production of any portion of that correspondence which would have the effect of dispelling or refuting the charges that have been made against him by the Minister for Public Works. I think, however, that this House is hardly concerned in this question. It is necessarily and naturally a very awkward matter for this House to listen to recriminatory charges of such a very gross character as those which have been passed on both sides of the House; and I apprehend that it would be wise for us to return to the subject involved in the question before us, and simply discuss on its merits whether or not the Committee which is asked for by the honorable member for Auckland City East should be granted, or whether we should accept the amendment which has been proposed by another honorable member. I do not wish to refer to anything that has taken place at Hawke's Bay; but I am quite satisfied that, while there may be some foundation for charges against persons in Hawke's Bay, and charges of a very grave character, in connection with dealings with Native land, those charges have been scattered a great deal too much broadcast, as respects many gentlemen who are now in occupation of those properties. The suspicion naturally arises that they could not but have been aware of the peculiar manner in which many of those properties were acquired, and that they were taking advantage of the opportunity in order to get into possession of valuable estates.

Mr. SPEAKER.—I must interrupt the honorable member. This is a question of the adjourn-
ment of the debate, and it is very desirable not to discuss the main question.

Mr. TRAVERS.—Although I am not going to discuss the main question, I say that such an idea, as that may be entertained, and it may be supposed that many gentlemen who are in possession of large estates could not but have been aware of the mode in which they were originally acquired from the Natives. Sir, I apprehend that we are justified in going into that when discussing the propriety of an inquiry, the true object of which is, as I understand it, to endeavour to do justice to the Native proprietors, who are supposed to have been improperly dealt with. But, Sir, I think it would be wise for the House to adjourn without discussing this question any more until it may possibly get into a temper better suited for the consideration of the real question at issue, and that it should not have its attention distracted from that by a consideration of matters which, as it appears to me, have been most improperly raised in this debate, chiefly, I may say, by the Minister for Public Works, but in a large measure also by the honorable member for Clive. Therefore I think we shall have nothing right from him as Superintendent. At the time of the fighting he was the Administrator of affairs—that is, during the fighting with the Hauhaus. The people did not go to fight with it. He was the Superintendent, and the Maoris did not believe that they obtained anything right from him as Superintendent. At the time of the fighting he was the Administrator of affairs—that is, during the fighting with the Hauhaus. The people did not go to fight without having money. The fighting had previously taken place at Waiau, and the people had been paid by the Government. They also fought at other places, and then the fighting came down to Waiores, and, at last, to Napier. The reason why the young men and the old men went to fight was because they were paid for it. The honorable member for Napier (Captain Russell) has spoken on two occasions here with regard to the purity of his transactions in Hawke's Bay. I do not know in what this purity consists. I know that he and his elder brother are living on the Heretaunga Block. It was through a flood in the Ohiwa that I and that honorable gentleman did not have a quarrel. He and his brother brought their fence upon land which belongs to me, and it was through this land being flooded that we did not quarrel. If he had come to me and told me...
about the purchase of the Heretaunga Block, then I would have admitted that he is a good man; but he was behind the purchasers, backing them up. The principal person by whom the purchase was conducted was Mr. Tanner; but the honorable member for Napier, the honorable member for Clive, and Mr. Williams were behind Mr. Tanner. It is because the honorable member has spoken twice on this matter that I rose to state that he is a bad man. I wish to state to the House that we are not living now at peace with any of the Europeans at Hawke's Bay. The only person whom the Maoris care about is Mr. Henry Russell, and they are also well inclined towards certain people from Auckland. If any one were to go to Napier now he would not see who the Europeans are whom the Natives care about. It is just like a strange district. The Natives go to Napier as if they were perfect strangers to the place. They are not allowed to go into the houses of the Europeans to sleep there. The honorable member for Clive and the honorable member for Napier have stated that they have done good service in Hawke's Bay, and that their practices have been good; but there are these disputes still existing. It was not through us that proceedings were instituted in the Supreme Court; it was through them. The intention was that we should go to the Supreme Court and be speedily destroyed. The honorable member for Clive proposes to bring in another Bill with respect to the Natives; but certain petitions have been presented here from Natives requesting that no new law should be made in this way. I hope that this new proposed Bill will not be brought in, but if it is I shall oppose it.

Mr. SEYMOUR.—I rise to make a few remarks on this subject, not with the intention of entering into the merits of the discussion which has taken place, nor to give any opinion as to the specific charges which one honorable member has made against other honorable members, but with the view to move an amendment which I hope may be acceptable to both sides of the House— a suggestion which would enable these grave charges to be investigated without going to the length to which the motion of the honorable member for Auckland City East goes—that I propose an amendment, which I will read to the House. My proposition is to strike out of the original motion these words: "all dealings with Native lands by landed proprietors in Hawke's Bay;" and then to insert the following words: "the allegations that have been made in this House against the Hon. Mr. Ormond in relation to certain Native land transactions in Hawke's Bay; also into the allegations that have been made in this House against Sir George Grey in relation to certain Native land transactions at Taupo; also as to certain alleged improprieties in carrying on lawsuits in relation to certain Native land transactions in Hawke's Bay." I think an investigation into these points will sufficiently satisfy the desire of the honorable member for Auckland City East (Mr. Rees) without inflicting upon a Committee what certainly would be the labours of Sisyphus, and which could not, within the compass of the present session, be brought to a satisfactory conclusion. I propose this amendment because I think the charges so distinctly made to this House should be investigated. I am quite satisfied that every member of this House will feel that some step of this kind should be taken; and I think we may reasonably expect that these charges may be investigated during the currency of the present session. I throw out this suggestion in the hope that it may be accepted, and that we may thus bring to a close a debate which has been in every way unsatisfactory, and that we may proceed as soon as possible with the business before the House, which is already greatly crowding the Order Paper.

Mr. SPEAKER.—The honorable member cannot propose another amendment until the amendment of the honorable member for Napier (Captain Russell) has been disposed of.

Mr. SEYMOUR.—What I have said will sufficiently express my desire. I will move the amendment as soon as an opportunity occurs.

Sir G. GREY.—At the time that Spain was mistress of the world and owned almost all the colonies, one very good and salutary rule was in force. In her colonies the Governor possessed almost arbitrary power, which he exercised during the whole period of his term of office. When his term of office expired he had to remain twenty-one days in the colony in order that all persons whom he had injured while occupying the position of Governor might have an opportunity of bringing actions against him. At the end of twenty-one days he was supposed to be a free man. Now, in my
forced on a Governor has been brought forcibly to my mind during the last few days. Some days ago an Education Bill was brought into this House, and it contained certain clauses which were called religious clauses—clauses which shut the Government schools against certain people who had conscientious scruples. The view I took of this Bill was that a man who had conscientious scruples should not be compelled to send his children to these Government schools. I held that we should not tell him he would have to pay the education tax whether he sent his children to those schools or not. I held that we should not tell him that he would have to send his children to schools of which we approved. I held also that if a man wanted his child to work we should not deduct from that man’s weekly income the sum which his children would have earned by labour, and then still further reduce his income by forcing him to pay for the education of his children whilst you gave a free education to the children of his neighbour, in schools better warmed, ventilated, furnished, and supplied with books and implements—all at the public expense—than the schools could be which were supported by individuals themselves. It appeared to me, Sir, that some effort should be made to get rid of the clauses, or at any rate to modify the clauses, of the Bill which had this effect. My endeavours in that matter have had the effect of creating an outcry against me even on the part of those who regard me with respect. I have received anonymous letters such as this:

Auckland, 1st September, 1877.

“Respected Sir,—Many of your admirers and confidential supporters here trust that, from your long experience of men and things, you may not be enticed to be the tool and agent to serve Rome in this young colony, for where Rome thrives there is always—in measure—some blight on the true enlightenment and welfare of every people, which history confirms. On behalf of my beloved country, most respectfully (yet tremblingly for N.Z.),—Yours, "Patriot."

This is the sort of communications which are sent to me, and that is the way my friends are made hostile to me in consequence of my actions. Now, all these things I had to encounter in the early stages of this country, when no man’s life was secure, when the European had a rifle in his hand, and the Native a double-barrelled gun or a rifle in his. We were in the very short distance of this very place, or at least within a couple of miles of it, life was by no means secure; and, as I have said, I had to stand between the two races. Now, Sir, a man to swim in waves of that kind must be a strong swimmer. He must have some reliance upon himself; and the very reliance he has upon himself and the resolution with which he acts on his own opinions must excite other persons against him. The honorable member for Clive told us the other night, nearly in these words, that within a very short distance of this House there were resolutions on record, which he could put his hand on in a moment, passed by the Clifffords,
Land Purchases.

and Welds, and Foxes of the day, to the effect that it was impossible for the Governor to speak the truth. Well, Sir, the first remark I make is to tell the gentlemen I was told me of the existence of those resolutions I was not aware that they existed. I have never seen them, and have never had the opportunity of replying to them. If they are on record in the way he states, I can say, however, that if they do exist they have during many years done me no harm, and I do not think that during the remainder of my life they will hurt me. I am one of those few men whom Providence has enabled, through allowing them to enter early into the service of their country and to lead a long life, to read their history in the Nation's eyes; and I can say that, go through what part of this colony I will, I see people who are glad to meet me, and who receive me with unmistakable affection. That is not only the case in New Zealand, but I may say in other countries also. I think I can afford to overlook the sobre expressions which bring up such things as this against me after the interval of many years. Let me further say this: that if the Cliffords and the Welds and the Foxes have put such resolutions on record they are the persons who are to be pitied, and not myself. I have been on the most friendly terms with Sir Charles Clifford and Mr. Weld for many years, and I feel that they could not be aware that such resolutions were still on record. I am sure that if they were aware that such was the case they would feel a tinge of shame when they thought that they had anything to do with them, and I know that they would at once obliter ate them if they could do so. If they were parties to the passing of any such resolution I pity them, for upon them rests the obloquy, and not on me. When I pass away no such resolutions will be found amongst my papers casting a stain upon any man's character, and I shall leave nothing behind which will cause a pang to my friends. As far as the honorable member for Wanganui is concerned, I have to say that through my life I have kept my mind clear of anything he may have said against me. I have been given to understand that he was the author of two books, in one of which I was severely handled. But, in order that I might not entertain any evil thoughts against him in consequence of anything he had said, I have never read those books. I entertain the belief that he has not wronged me, and that he would not willingly do so. I have kept my mind so clear that in old age I can in the best spirit co-operate with him in all good things. I may say that I have been very careful, while I was Governor of a colony, never to read the local newspapers. The extent of my reading, as far as local newspapers are concerned, has been of some humorous passage to which my attention has been drawn. Everything that it was necessary for me to know was told to me. The reason why I followed that rule was because, in the early days of my Governorship, when I looked over the local papers, I sometimes saw something which was very disagreeable to me in some anonymous letters which in my mind I attributed perhaps to some wrong person; and when I met the person whom I supposed to be the writer, I felt that I should be a hypocrite if I met him on friendly terms when, in truth, I might not entertain friendly feelings towards him. I feel that if I met him with unfriendly feelings I might probably deal with him without that fairness with which I ought to deal with him. Therefore I have abstained from reading local papers, in order that I might not read that which might be offensive to me, and perhaps lead me to wrong others. As I have already said, the resolutions which are stated to have been in existence for many years have not yet harmed me, and I can pass the short period of my life that is left without minding whether they are in existence or not. If they do exist, I feel that the gentlemen who are said to have passed them would, if possible, obliter ate them, and blame the honorable member for Clive for having introduced them in the way he has done. I feel abused and humbled when I think how much greater a man than myself have stood under obloquy in New Zealand. I recollect the first Chief Justice of New Zealand—a man noble and great in every respect, noble as any man I ever met in my life, talented, earnest, and attached to his fellow-men, and a man who fearlessly did his duty to the Native race. Sir, what has been his reward? How fortunate am I when compared with him! The first Chief Justice of this country is allowed a pension of £333 a year; and, when shame overcame the members of this House, and when Sir Julius Vogel—who, with failings, whatever they may be, possessed at least largeness of heart—proposed that that Chief Justice's pension should be put into such a position as would render his old age comfortable, there was found one man in this House—the present Premier of this colony—who, in his hatred to the Native race, was ready to give his voice against that pension being so raised—to say that he should resist it to the last, and that, by every means in his power, he would prevent such a thing being done. If that Chief Justice, instead of resenting a great wrong done at Waitara, had done that wrong himself, oh! what a Judge would he have been, and what a great pension would have been allowed him when he retired from active life! I feel insulted and humbled when I think of these things, and I almost think that I am foolish when I complain of the wrongs that have been done to me, and which are slight as compared with those done to that man. With such an example before me, I pass by those personal attacks which the honorable member for Clive has made against me. I feel sure that the House and the country at large will feel with me that I can look fearlessly in the faces of my fellow-men wherever I go. I believe that they regard me with affection, and that they despise such attacks as have been made against me. But a few other attacks have been made against me by the honorable member for Clive to which I ought to refer. One of these attacks relates to the Oruanui Block, in the Taupo country. Allusion has before been made in this House to that case. I tell the House that they have nothing to do with it. It is not such a case...
as should be considered in this House. It was a case in which bills were drawn on me by a European who was the possessor of land leased from the Natives—land of no very great extent. I was anxious to secure it, together with a friend of mine—he for his son, and I for a nephew of my own. That land was not bought from the Natives: in fact it was not bought at all. It was leased for twenty-one years, and some portion of that time had expired. I was satisfied, on inquiry being made, that the young men would be wronged if the transaction were completed; and so no deed was ever signed. No document was ever produced to me. To the present moment I have not seen the original lease, and I do not know a single circumstance connected with it. I ever produced to me. To the present moment I as should be considered in this House. It was a breach of my privilege as a member of this House—a breach of the privileges of this House itself. It was unbecoming the character and honor of this House that such a document should have been produced. Why, I ask, if one document is produced, were not the Courts were open to him—the ordinary Courts of the country; and I say that this House ought never to have entertained such a question at all; and to read that letter which was read last night by the honorable member for Clive was a breach of the privileges of the House of the country; and I say that this House ought not for a moment to have entertained a matter of this kind. Do not let honorable gentlemen think that I shrink in any way from anything that may be said on the subject. I heard an honorable member behind me get up and more that a Committee of inquiry should be appointed. I suppose it relates to this land-dealing in Taupo, and this Committee is to sit and settle the matter in a few hours. Was such a thing ever heard of before in regard to a member of Parliament who thought it his duty to resist that which he conceived to be wrong, and which the person resentment could have taken into the Courts of the country? Should this House be called upon to pronounce a judgment upon a subject of that kind, I say then no member is safe if such things can be done. Then I pass to another case, the case of a great company—a great land company. Sir, we are told of a certain Governor, then unnamed, who invited persons to come to the North Island and monopolize the country. They did come, and he assisted them to get the land; they acquired 300,000 acres, and the Governor, without any scruple, demanded a share; he was satisfied with that, and all went merry as a marriage bell; and that Governor was Sir George Grey. Sir, I could give a complete denial to the whole of that charge, but, unfortunately, it is not in my power; the only one part I can deny is a small portion of it. I tell honorable gentlemen there has been a mistake made in the name of the Governor—that it was not Sir George Grey. The whole of the rest of the circumstances may be correct—it is possible. That I know nothing about; but I assure honorable gentlemen that last night that the Governor was not Sir George Grey. That part of the statement is absolutely, wholly, and entirely false. I doubt if it is true in regard to any Governor, but it contains a positive assertion which is untrue. If it was true, by the first part of the statement the Governor could have got the whole 300,000 acres for himself: why should he have demanded a share when he could have got it all? Why should he have been satisfied with that? Such an idea could only have entered the mind of a Minister who tells the people of different parts of New Zealand that he will give them subsidies from moneys taken out of their own pockets. Such a conception as this might be possible in the case of that Minister, but to any ordinary mind no such idea could ever occur. And where are the 300,000 acres? We are told that they acquired these 300,000 acres, and the Governor got a share. I believe they have been acquired in the moon, and under circumstances with which I am unacquainted. This is the only part of the statement to which I can give an absolute denial. Now, an honorable gentleman of the other House met me yesterday, and when I heard what he said I really believed that some conspiracy had been formed. That honorable gentleman wrote me a note to this effect. Before I read the note I should remind honorable members of one thing—namely, that for many years it was a favourite plan of mine to establish a large town in Taupo. I believed that by doing that the King movement would have been utterly destroyed, and that it would have led to the peaceable and satisfactory settlement of this Island. From that centre civilization would have spread more rapidly than from any other point. From that centre civilization would have spread north, south, east, and west, and I believed that would have done New Zealand more good than any other idea that could have been conceived. I deliberately strove for several years to carry that plan out. At one time I believed it was in my power to accomplish that object; but it will be in the recollection of some
members of this House that a Commissariat officer in this country—who was prevented by the Government from bringing forward certain claims which could not be entertained—that that officer immediately wrote a secret letter to Lord Carnarvon to the effect that I entertained some wild view of this kind, and that, if allowed to carry it out, the whole country would be plunged in bloodshed, and that great ruin would be brought upon all. Contrary to all the rules of public life and to the rules of the Colonial Department, Lord Carnarvon read that letter in the House of Peers. He wrote an angry letter to me on the subject, positively prohibiting me from doing it. That, among other causes, led to my removal from this country. That is how that plan was at first defeated. I always believed, and still believe, that would have been the proper means of settling the difficulties with which this Island was beset, and that the thing might have been done. Knowing that there were large tracts of good land there, I have always for years encouraged the settlers to go there, and to lease the land from the Natives: not to purchase, Sir, and I never thought of long leases being taken—such a plan never entered into my mind; but I always encouraged the settlers to lease land from the Natives there. In reference to this subject an honorable member of the Upper House wrote me this letter:—

"Library, General Assembly, 6th September, 1877.

"My dear Sir George,—I remember distinctly the circumstances to which your inquiry refers, though it is now ten years since they occurred. You were desirous of inducing settlers to occupy the interior, and spoke to H. Russell, Cox, and myself on the subject. You had received offers of a country for a run from the Natives, and these you passed over to us. We proposed to form a company with Messrs. T. Russell and Whitaker, and you promised us letters of introduction to the Natives, and advised us to go up and see the country. Cox and I accordingly did so, and, afterwards, H. Russell. In the end it was decided that the prospects were not satisfactory, and we abandoned the project. At no time was it supposed or intended that you should be a partner, and I think one of us understood that your only interest in the matter was your desire to induce settlement in the interior, as the Natives seemed disposed to be friendly, and as you believed that intercourse with Europeans would have a good effect upon them.—Believe me, yours very truly, "G. S. Whitmore."

That, Sir, was my connection with the company. I say that of the existence of this company I was not myself aware, or I had forgotten. One gentleman has even told me that other persons would associate themselves with them; but that was all I knew on the point. Now that relates to the particular block of land referred to by the honorable gentlemen; but I will go one step further. I tell the honorable gentleman, as I have before, that I never did own an acre of Native land in New Zealand. And not only that, but during the whole time I was Governor I refrained from purchasing land. The honorable member for Clive did me last night the service of reading from Hanard my several statements upon the subject. He read those statements to prove that that which I stated was untrue, but he knew in his heart that all I stated was true; and the oftener those statements are put in Hansard the better it is for myself, the better chance the historian will have to find them. But I go further and say that not only was that the case in regard to myself, but I believe that no man connected with me has ever purchased Native land. I can point with pride to this: Look at the members who have been in this House; look through the Civil Service at those young men brought up under me. I ask you, are they an honor and a credit to New Zealand or not? Some of them are now old men, and all of them have rendered great service to their country, and their association with me must in effect have redounded to their good, because of the example they have set within the Colony of New Zealand. None of those gentlemen have acquired land. Not a land speculator has come out of them. I was attending the Committee on Native Affairs the other day, and I thought it my duty to put a question with regard to Native reserves purchased at Tauranga. The officer present was a man whom for years I had had the gratification of knowing—who had been with me and served under me—for whom I had a great regard. I asked him about these reserves. It came out that they had been bought by an officer of the Native Department, and I said to myself, "Oh, what a fall is there!" But I put this question to him: "Were the Government aware that these things were done?" He said, "No, certainly not." And then he added the words, "I was not even aware of it myself at the time." Then I felt that I had not been mistaken in him, and that, as in all other matters, he had done that which was proper. Now, as these charges have been made against me, let me look further. I have the pride and pleasure of saying that amongst the leading statesmen at Home who are directing the destinies of the country you will find those who passed a portion of their young days with me, and to whom I gave the first turn and aptitude for the services which they are now rendering to the country. I can say that. But from the first moment I entered this House the honorable member for Clive, with a malice which I cannot well understand, directed his attacks at me, and, the very first time he had an opportunity of speaking, said things in this House to which I did not then reply. He taunted me, and said I had gone Home striving in vain for a seat in Parliament, and had then enquired of the members who were to be my opponents just before the general election, and, as quickly as it could come to me, I received a telegram offering me a seat in Nottingham, and it added, "If you have any objection to the locality, we are so anxious to get you in that we will give you the choice of four or five other places." But,
Sir, I declined at once by telegraph. I said, “I cannot support the principles in polities which you are determined to carry out.” And then I chose to stand for places on my own account and upon my own views altogether. In every place I went to, I had to combat, in point of fact, two parties, because each considered me equally dangerous. What discredit is that to me? I refused to occupy a position which I thought I could not take with honor, and I strove to occupy one in which I might carry out my own views. Yet the honorable gentleman maligns me in this House, and went further. He said I had endeavoured to ingratiate myself with the working-men of England, and that, failing in that, I had come out here. I appeal to those who knew me in England, and ask them all whether, when I was at Home, any man through-out the length and breadth of England was better received than I was by large masses of people. So much I say in my own defence, and in reply to the charges made against me. But, Sir, there were other things I noticed. It was said that the honorable member for Auckland City East had been returned to do my dirty work in this House. That, Sir, was the language used. And I was told that his circumstances were not good—that he was not a wealthy man. That was told to his disgrace—as it was not—and to show that a person who did not own wealth was, in the low-minded belief of the person who could make such a charge, capable of doing that which was wrong. Now, the honorable member for Auckland City East was returned by a large constituency of upwards, I believe, of 1,000 voters. Is it possible that any one could dare to insult these men by saying they would elect a man for such a purpose? What have these 1,000 electors and their families done to the honorable member for Clive that he should dare so to speak of them? What may be the state of the affairs of the honorable member for Auckland City East, I have never inquired. It is no business of mine. But of this I am perfectly certain: that all he has done has been done with strict integrity; and that the want of wealth may be consistent with the utmost disinterestedness. Let me tell the House that within the last fortnight this honorable gentleman came to me and, believing that the very independent course he had taken had perhaps gained enemies for me, he desired to stand up in this House and make a public declaration that nothing would tempt him to take office. It was with the greatest difficulty that I prevented him from taking that course. Let me further say this: I know of my own knowledge that friends of his, and people connected with him in business and other ways, are continually pressing him to leave public life as being very detrimental to his own interests, pointing out that he would make a large income if he devoted himself entirely to his business, and that he is acting wrongly to his family and those connected with him in pursuing the public life that he is following. Yet, from a position of wealth of his own in the country, he deliberately forfeits those advantages in order to follow out the course he has taken. Now, it is most to a man’s honor to have wealth and act independently in that way, or is it most to the honor of a poor man, despising his own interest, to follow an independent course of that kind? Why, the honorable member for Clive, when he spoke, must have been ignorant alike of history, morality, and generosity. He must have forgotten that the great Mr. Pitt himself was all his life an involved and embarrassed man, and that he who had distributed numberless appointments yielding fabulous wealth to the holders died £40,000 in debt, which his friends had to subscribe in order to clear off his debts; and it is a fact almost ridiculous when you look at it that one man, whom Pitt during his life made Bishop of one of the wealthiest bishoprics under the Crown, almost piteously lamented that he should have to pay as much as £1,000 to help to clear off Pitt’s debts. I say it is a cruel thing that any man in this House, when accused of high crimes and misdemeanors in his office as Minister, should turn round and say to the House, “Do not believe that man—he is poor.” Will honorable gentlemen allow such appeals to be made to them? Is that any answer to the charges preferred here? I say that such attacks are shameful. The honorable member for Clive says that attacks of that kind originated with this side of the House. I say nothing of the kind is the case. The attacks from this side of the House have been complaints of wrong-doing by Ministers in their official positions—of crimes and defaults which wrong their fellow-men. Then, connected with this subject, the House was altogether led astray by statements as to the complaints made by us. We were represented as saying, in point of fact, that to own a great extent of land is an unholy thing. The honorable member for Clive kept on saying, “These unholy properties!” Sir, the acquisition of land justly and properly is not wrong: none of us have ever said that. But what I call an unholy and improper thing is, in point of fact, to defraud a wretched Native of that which is of great value for nothing at all. I will take, for example, such a case as that of the Native called Pahoro. He is stated to have been given to drink, and it is stated that he was ready to sell his share to any one without standing on the price. This being the disposition of the Native, and there being some eight or ten other joint owners, it was thought a very judicious thing by intending purchasers of the land to commence their operations with Pahoro. They wished to acquire the land share by share. Their great object was to make some opening, and they selected this wretched drunken Native; and that is said to be a judicious proceeding. It is said that they “naturally selected” him; and what takes place? The man selected to deal with this native was lately employed to libel other persons, and his name is Mr. Grindell. Grindell took Pahoro to a neighbouring public-house; and it appears that both parties got so drunk as to be unable to transact business. Now, I say property acquired by beginning with a man of that kind, and by making him drunk, is property unholy.
acquired. What I have endeavoured to show is that the honorable member for Clive has been continually confounding wrong with right—at tempting to make out right that which was wrong, and to make out wrong that which was right, and to raise up the great landowners against me by representing that I said they had no right to their properties. On the contrary, I say, let them enjoy their properties, lawfully acquired, to the fullest extent; but, if they can profitably use such large tracts of land, then they can afford and should be made to pay a fair share of the taxation of the country. I have read the report of what has taken place before the Judges at Napier, and I say that it is shown clearly by the evidence that a very large amount of property has been acquired unholily. And what I mean by its being acquired unholily is this: When certain persons acquire 89,000 acres of land in such a manner as no other Queen's subject could obtain it, that is unholily acquired. It does not matter whether the land which is acquired by such means amounts to but a thousand acres, the principle is the same. It is not the magnitude of the area that I complain of, but the manner in which they have been acquired—a manner which is at once unrighteous and unholy, and is a disgrace to Europeans. As we have heard from my honorable colleague (Mr. Rowe), in consequence of this system having been in vogue people at the Thames cannot obtain land, and there are there now hundreds of families in poor circumstances who would have been in a condition of prosperity had they been allowed to settle on the land of the country. These men to whom I allude, for their own selfish ends and by means which no honorable man can approve, have altered the civilization of the population of that part of the country, have changed the character of the people, and have rendered children who should have been healthy and blooming, had their fathers and mothers been allowed to taketheir lands and their properties—that this person alone in the English Courts would be a serious objection to the validity of the transactions. The whole of the reasoning was of the same kind. It was argued that these transactions should not be set aside nor to have the consequences. I cannot conceive how such an argument could have been used. That is one reason why I consider that these transactions should not be again sent to a Commission, but should be decided by the Courts of the country. The whole of the reasoning was of the same kind. It was argued that transactions should not be set aside and should be made to pay a fair share of the taxation of the country. The whole of the reasoning was of the same kind. It was argued that these transactions should not be again sent to a Commission, but should be decided by the Courts of the country. The whole of the reasoning was of the same kind. It was argued that transactions should not be set aside and should be made to pay a fair share of the taxation of the country. The whole of the reasoning was of the same kind. It was argued that these transactions should not be again sent to a Commission, but should be decided by the Courts of the country. The whole of the reasoning was of the same kind. It was argued that transactions should not be set aside and should be made to pay a fair share of the taxation of the country. The whole of the reasoning was of the same kind. It was argued that these transactions should not be again sent to a Commission, but should be decided by the Courts of the country. The whole of the reasoning was of the same kind.

I have read the report of the Alienation Commission which sat in Hawke's Bay. The learned Judge who drew up that report has a right to his opinions, and I respect them; but I have a right to my opinion, and I do say I think it was a great mistake on his part to contend that transactions entered into with drunken Natives of the class I have referred to were not wrong transactions, or transactions which ought to have been set aside, or to have been in some way dealt with so that the Europeans should not have had the entire advantage of this wrong-doing. In some of these cases, 39 per cent. of the purchase-money was paid in spirits, and in other cases I believe that really much more was so paid, because the way in which the money was accounted for was by bills from various dealers being sent in, and it was extremely difficult to know how much of the amount charged was owing in respect of spirits. It was, in my opinion, absolutely wrong to contend that, in cases where drunken Natives had sold their lands in that way, there was no help for them. It was said, in words of which I can only give the effect, that if the Maori had had the enjoyment, the pleasure, and the profit of the transactions, the European could not be interfered with, although the European had done wrong equally with the Native. Sir, what pleasure or profit was there in a man being made drunk, and his property being purchased from him in great part by the spirits which made him drunk? Was such an argument ever heard before? It was the European who got the profit and enjoyment of the transaction. He got the land; and why should not the penalty of his wrong-doing fall upon himself equally with the Native? He brought the spirits to the country, he brought them up to the Native places, and he alone was responsible for the consequences. I cannot conceive how such an argument could have been used. That is one reason why I consider that these transactions should not be again sent to a Commission, but should be decided by the Courts of the country. The whole of the reasoning was of the same kind. It was argued that these transactions should not be set aside and should be made to pay a fair share of the taxation of the country. The whole of the reasoning was of the same kind. It was argued that these transactions should not be set aside and should be made to pay a fair share of the taxation of the country. The whole of the reasoning was of the same kind. It was argued that these transactions should not be set aside and should be made to pay a fair share of the taxation of the country. The whole of the reasoning was of the same kind. It was argued that these transactions should not be set aside and should be made to pay a fair share of the taxation of the country. The whole of the reasoning was of the same kind. It was argued that these transactions should not be set aside and should be made to pay a fair share of the taxation of the country. The whole of the reasoning was of the same kind. It was argued that these transactions should not be set aside and should be made to pay a fair share of the taxation of the country.

It is not the magnitude of estates that I complain of, but the manner in which they have been acquired—a manner which is at once unrighteous and unholy, and is a disgrace to Europeans. As we have heard from my honorable colleague (Mr. Rowe), in consequence of this system having been in vogue people at the Thames cannot obtain land, and there are there now hundreds of families in poor circumstances who would have been in a condition of prosperity had they been allowed to take their lands and their properties—and this person should escape is monstrous. He was the person upon whom deterrent law should operate. A deterrent law was of no effect as against the Maori whose land was gone and who had nothing more to lose. I am convinced that the whole chain of reasoning throughout that report was wrong. It came out in evidence before that Commission that the Natives had never been assisted in those transactions by a lawyer. That alone in the English Courts would be a serious objection to the validity of the transactions. It was said that, as the Natives were not accustomed to deal with lawyers, that was a matter of trifling importance. I cannot agree with reasoning which would lead to such a conclusion. So strongly did I feel on that point that one of my first acts when I came to New Zealand was to appoint a barrister as the Natives' lawyer. He was paid a standing salary for his services, and the Natives had nothing to pay him. They could repair to him whenever they wished, and get his opinions and advice in all their transactions. I conceive that transactions must be invalid under such circumstances; and, so far from its being a reason that the Natives were
It has been requested by this House to institute an inquiry, and I am persuaded that my fellow-subjects in this country would do it more readily than I would. But, if I am shown to have been mistaken, no duty to bring the matter forward, I never would have done unless I was entirely satisfied that I was right in what I have stated, I never would have made in the public interest, because the lands which for three sessions I have asked for. Then I ask honorable gentlemen against whom the demand is made getting up, and making some rapid defence, and saying that he has answered everything, and then pouring out a torrent of vituperation upon those who dared to speak against him, and saying, "Will you allow such men as these to bring forward such charges?" Sir, if they were the very meanest and humblest of the people, and yet occupied a seat in this House, neither their poverty, the humbleness of their birth, their ignorance of the ways of the world, their rudeness of speech, nor any other such circumstances should be any cause why justice should not be done. The meanest and humblest author has a right to ask for justice at the tribunal which can afford it, and this is a tribunal which can give justice in such a case. It is not to say, "Look at my accuser! He is a poor man. Is this the kind of man who is to do such a thing? Look at my accuser. He is a man who ten years ago is said to have got a share in 300,000 acres of land at Taupo as a bribe." If those statements were true they would have nothing to do with the case. The question is, whether the complaint raised is a just one, well founded, and one which discloses a case of fraud. Do I say that that honorable gentleman is poor, or that he is too rich—I do not know which it is—or that he has some fault or other? Do I turn round and abuse him, and say, "The people say you tell stories, and that is the course which should have been pur- sued towards us. Let them say they think there is some truth in the charge. Now, the honorable member for Wairau having moved for an inquiry into my land transactions at Taupo—what are they are so sure I do not know—do I say, "Have no inquiry?" Do I say that that honorable gentleman is poor, or that he is too rich—I do not know which it is—or that he has some fault or other? Do I turn round and abuse him, and say, "The people say you tell stories, and that is the course which should have been pur- sued towards us. Let them say they think there is a case for inquiry or they think there is not. Do not let them say I am a bad man, or that my honorable friend the member for Auckland City East is a poor man, and that that is a reason why the thing should not be done. Let it be considered fairly whether there is a case made out for inquiry. If that is the fact, let them grant the Committee asked for.

Mr. SUTTON—Sir, I do not intend to trouble the House at any great length in this matter; but I think it is one upon which the House generally will expect that I should say something, coming as I do from the district which is particularly interested in the resolution—a district which has been mentioned on the floor of this House in not very complimentary terms with reference to Native transactions for a great number of years. I think it is my duty to give expression to my opinions, such as they are, upon the question, that, when such inquiries are asked for, the House ought not to be led astray by any honorable gentleman against whom the demand is made getting up and making some rapid defence, and saying that he has answered everything, and then pouring out a torrent of vituperation upon those who dared to speak against him, and saying, "Will you allow such men as these to bring forward such charges?" Sir, if they were the very meanest and humblest of the people, and yet occupied a seat in this House, neither their poverty, the humbleness of their birth, their ignorance of the ways of the world, their rudeness of speech, nor any other such circumstances should be any cause why justice should not be done. The meanest and humblest author has a right to ask for justice at the tribunal which can afford it, and this is a tribunal which can give justice in such a case. It is not to say, "Look at my accuser! He is a poor man. Is this the kind of man who is to do such a thing? Look at my accuser. He is a man who ten years ago is said to have got a share in 300,000 acres of land at Taupo as a bribe." If those statements were true they would have nothing to do with the case. The question is, whether the complaint raised is a just one, well founded, and one which discloses a case of fraud. Do I say that that honorable gentleman is poor, or that he is too rich—I do not know which it is—or that he has some fault or other? Do I turn round and abuse him, and say, "The people say you tell stories, and that is the course which should have been pur- sued towards us. Let them say they think there is a case for inquiry or they think there is not. Do not let them say I am a bad man, or that my honorable friend the member for Auckland City East is a poor man, and that that is a reason why the thing should not be done. Let it be considered fairly whether there is a case made out for inquiry. If that is the fact, let them grant the Committee asked for.
before the House. Even supposing it was advisable that such a Committee should be appointed as is proposed in the resolution, I think it must be patent to the mind of every honorable gentleman in this House that the Committee, in order to carry out its work thoroughly, would not be able to report at all events this session. We have before us a volume which has been often quoted from in this House, and which, I think, it would do honorable gentlemen much good in reference to Hawke's Bay transactions to study a little closer than some of them apparently have done. I allude to the report of the Native Lands Alienation Commission. We find that one case alone—a case which was looked upon by many as the premier case in Hawke's Bay, the Heretaunga case—occupied the Commission nearly a whole month. Well, that is only one out of several hundred, and I am certain that any Committee that we could appoint for the purpose of going through these Native land transactions in Hawke's Bay would be quite unable to complete its work in anything like a satisfactory manner. I think it is probable that the Colony of New Zealand is pretty well tired, as I am sure, are the residents of the district from which I come, of seeing year after year Hawke's Bay land transactions squabbled over on the floor of this House. It would have been better for the country if, years ago, that sort of thing had been stopped. I am not one of those who think that there is anything to be gained, either on the part of the Natives or on the part of the settlers, by keeping this sort of thing going and going for ever, taking up, as has been the case for many years past, something like three weeks or a month of the most valuable portion of the session. With reference to the remarks which have been made by the honorable member for the Thames, I will call that honorable gentleman's attention to one fact: that, in speaking of the Heretaunga Block, he has entirely misquoted the transaction. He has referred to a transaction with a Native whom he described as a man of intemperate habits, and as usual has attempted to fix an imputation over the lease which was supposed to carry out this agreement—a document which was prepared only two or three days after, and upon which evidence had been given in the box by the honorable member for Rodney to the effect that the agreement was looked upon by him as containing the instructions by which to prepare the lease. Sir, there was a very great difference—a very great variance indeed; and I can tell honorable members that, if they saw on the table of this House that agreement by which the transaction was concluded, and the lease which effectuated that agreement, they would be inclined to agree with the honorable gentleman that agreement by which the transaction was fixed upon the story of the drunken Nairre. If the honorable gentleman will refer to the book from which he quoted, he will find that my words are borne out. During the few weeks I have had the honor of a seat in this House I have very often heard the honorable member for the Thames, and one or two gentlemen who generally support his view, quote in great and glowing terms of the success which he had achieved in that case, I also heard evidence read by the Chief Justice which I can assure that honorable member for Rodney would not have us believe that that gentleman was conducting an improper transaction. Whether he did or not I cannot say. I may say this, however, as it is to some extent connected with the question under discussion: that, in reference to that case which was concluded yesterday, which has been very often mentioned in this House, and is of very great importance, although I heard the honorable member for Rodney last evening speak in very glowing terms of the success which he had achieved in that case, I also heard evidence read by the Chief Justice which I can assure that honorable gentleman he would be very sorry to lay on the table of this House. I saw quoted by his Honor the Chief Justice yesterday morning, in his address to the jury, an agreement for a lease drawn in the handwriting of the honorable member for Rodney, attested by a licensed interpreter, and signed by one of the Natives—the leading man of that particular block, Mangai. I also heard his Honor the Chief Justice read over the lease which was supposed to carry out this agreement—a document which was prepared only two or three days after, and upon which evidence had been given in the box by the honorable member for Rodney to the effect that the agreement was looked upon by him as containing the instructions by which to prepare the lease. Sir, there was a very great difference—a very great variance indeed; and I can tell honorable members that, if they saw on the table of this House that agreement by which the transaction was concluded, and the lease which effectuated that agreement, they would be inclined to agree with the honorable gentleman that agreement by which the transaction was

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that, although he had been urged on many occasions to issue writs against settlers in Hawke's Bay, yet he had not done so except in four or five cases. I have on my table before me a list of writs issued in Hawke's Bay up to the 1st July, and there are fifty actions; and about forty-five actions have been, I believe, commenced since that date. Although these actions have been going on almost continuously since the passing of the Act of 1873, only two of them have been brought to trial, and neither of those has been won. It is principally owing—in fact, almost entirely owing—to the insertion in the Native Lands Act of 1873 of the 88th clause, which protects the real estate of the Natives from any action in any Court, that all this trouble has arisen. I have no hesitation in saying that, if it had not been for that clause protecting the Natives as it did, we should have heard nothing, or else very little, of these innumerable actions under which the settlers of Hawke's Bay have been suffering trouble and expense for years past. I am certain this House committed a very great wrong indeed to the settlers in that part of the country when by its legislation it compelled them to fight a momentary and active foe in the Supreme Court with their right hands tied behind them. It must be patent to everyone that it is unpleasant to go into the Supreme Court at any time, but it must be doubly unpleasant when one has to do so knowing that, although he may obtain the fullest satisfaction which the Court can give, it must be at his own cost. That clause in the Act of 1873 has been the cause of the very large amount of litigation and of the very large amount of noise we have heard here about transactions in Hawke's Bay. I have been told on several occasions, and the honorable member for Rodney referred to it in the speech he made on this occasion, that the clause was inserted in the Act of 1873 in consequence of the recommendation of the Commission which sat in that year.

Mr. SHEEHAN.—I said in consequence of the disclosures before that Commission.

Mr. SUTTON.—The honorable gentleman said "recommendation." I will read from the report of that Commission the remarks made by Mr. Justice Richmond upon that point: "Tenure by Maoris under a Crown grant should be English tenure, to all intents and purposes, subject to such modifications in relation to succession as may be found expedient, and to such express restrictions of the power of alienation as may in particular cases be imposed." Judge Richmond expressly recommended that such an alteration should be made in the Native Land Court as would put Native owners of land under Crown grant in the same position as Europeans holding similar grants. We have also been told that the work of that Commission has been to hedge round the lands of Natives from all liability, and to give the Natives the absolute power, by means of certain limitations, to put the Europeans to any amount of trouble and expense. I am certain that the expenses incurred by different parties in Hawke's Bay—the absolute expenses, without taking into consideration the loss of time, and the worry and trouble to which they were subjected—have amounted to many thousands of pounds. I do not hesitate to say that many thousands of pounds have been lost through actions having been brought which never would have been brought if there had been any one liable on the part of the Natives to pay the costs. The sooner that part of the Act of 1873 is repealed the better. Let us have a fair ground to fight upon. The settlers in Hawke's Bay do not object to meet the Natives in the Supreme Court. We look upon the Supreme Court as the proper tribunal to try these cases, and it is the tribunal to which we are anxious to go. But it is the tribunal to which our friends opposite have taken very good care that we should not go upon fair terms.

Mr. SHEEHAN.—Oh!

Mr. SUTTON.—I can show the honorable member a list of a great many cases which have been in existence for years, but which have never been brought on, and which we know will never be brought on. They have only been pursued for a certain distance, and have then been dropped. We have heard one or two reflections cast upon the Supreme Court lately in this House, but that is a subject which I, at all events, do not like to touch upon. The honorable gentleman who last spoke differed considerably from the views taken by the Commission which sat at Napier, and that Commission was sitting very much in the character of a Court; but I think the impression throughout the colony—and I am sure it is so in that part from which I come—is that we have every reason to be satisfied with the fairness and uprightness of decisions in the Supreme Court. I say that the settlers of Hawke's Bay will be perfectly satisfied if they are only allowed to fight their battles fairly—to go into action with both hands free instead of having one arm tied behind them, knowing that they have to pay the cost whether they win or lose. That is a state of the law which should not be allowed to exist for a single day. I do not know for what reason such a clause was inserted into the Act of 1873. I have looked through the reports of the debates, but I cannot find any one attempting to justify such a course. It was, however, put in, and the effect has been to flood an important district of the colony with an amount of litigation such as has never been heard of before in this colony, or I believe in any other. One honorable member said yesterday, in the course of the debate, that this was not a Government question—that it was a clause on which this House should not trouble itself at all. But I say that when the property of a large and important district—one of the finest in the colony—is imperilled, and when the owners of that property have to meet cases in the Supreme Court that will perhaps last for years, it is a very important matter that this House should, if possible, put a stop to such a state of things, and allow justice to be done.

Mr. REES.—Hear, hear.

Mr. SUTTON.—The honorable member for Auckland City East says "Hear, hear;" but I am well aware it would not suit him. I would make one remark respecting that celebrated Herefaunga Block, of which we have so often
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Mr. ROWE.—I shall vote against both resolution and amendment. After the strong feeling that has been raised, and the excited language that has been used, I cannot see that any good would result from the appointment of a Committee. We have been told that nearly forty writs have been issued in connection with those cases. Well, let those writs take their course, and be tried in the Supreme Court. To my mind it would not be right for this House to interfere; and, if we did, I do not think a Committee would get through a single case. I am sure that all moderate men in this House must have heard that those land transactions were wrong. Well, Sir, I believe many of them were wrong. Many of the land transactions in the North Island have been exceedingly wrong. They have been wrong in that large estates have got into the hands of private individuals, while men of smaller capital have for years been asking for land, and have been unable to obtain it. Wherever the fault may be, it is a fault that ought to be cured, and cured by the Government, as soon as as possible. If I thought the proposal of the honorable member for Auckland City East would result in any good to this House, to the country, or to individuals, I would vote for the motion; but I cannot see that it will result in any possible good. We should have perhaps a hundred
it is not the function of Parliament to inquire member for the Thames and the honorable members brought against them or their officers they right or wrong— and the charges of the honorable of Ministers, and, if this House is unable to try do? When a charge of maladministration be dissolved at once. But what do the Ministers said they desired to have these charges inquired into. They did not pretend that any inquiry had been held and that they or their officers had been exculpated; and the motion of the honorable member for Auckland City East was not moved in an excitable speech. No grave charges were hurled about until the Minister for Public Works made that speech which I feel sure he now regrets and will regret still more. What was that speech? Instead of being a speech in defence of what he terms the settlers of Hawke’s Bay, he made a bitter attack upon a member of this House who had not then spoken in the debate. A more bitter attack was never delivered in this House; but did it prove that the charges made were unfounded? I think when a member deals in abuse instead of attempting to prove that the charges are unfounded it is an admission that there is something wrong. The speech delivered by the honorable member for the Thames to-night is a sufficient answer to the charges made against him by the honorable member for Clive; but what is the treatment the honorable member for the Thames has received since he entered upon Parliamentary life in 1875? This very charge about the public meeting to which the Minister for Public Works referred was sent down by a supporter of the Government, and put in the Otago Guardian in 1875. It was republished in several Northern papers, and in one or two of the Wellington papers. It was talked about in this House, and it was refuted last year by letters which the honorable member for the Thames then read. But it is now rehashed up again. This charge about the Taupo land is not a new charge. It was made before; and the charge which Captain Holt made was also made before. But when there is a chance of abusing the honorable member for the Thames they are dished up afresh, and he is assailed with an abuse such as no other honorable member has ever been subjected to. And then the Press, which should hold the scales of justice equally between contending parties—what do we find it do? Every speech delivered in abuse of the honorable member for the Thames or of the Opposition is published, or all the most virulent passages selected, by the Wellington journal which supports the Ministry. Not long ago a speech delivered by the honorable member for Napier (Captain Russell) was published in extenso. The speech of the honorable member for Christchurch (Mr. Moorhouse) was published in the New Zealand Times. Why it was delivered I do not know, unless it was then referred to some blocks of land in the North Island. And what did we see this morning? An ex parte statement made by a gentleman who ought not to take a leading part in politics is reproduced in full—a statement coming from a gentleman who is supposed to be an agent for the despacht of Press telegrams throughout the colony. And perhaps that may explain the peculiar telegrams which are sometimes sent. This gentleman’s ex parte statement is subsequently reproduced in full in the Wellington Press. The papers, I say, pick out everything which is said against the honorable member, and consequently they contain nothing but violent abuse of him. And now, Sir,
the Minister for Public Works, to end all, has made a charge against the honorable member for the Thames which he must now see is not only unfounded and untrue, but one which places him and his colleagues in a very peculiar position. With regard to this charge of Captain Holt's, I have to say a few words. In the statement made by the Minister for Public Works reference was made to Colonel Balneavis, who, it was said, was Sir George Grey's agent, and who, I believe, was Sheriff of Auckland. Well, Sir, this charge was before the House last year, and why was this statement not made then? Why does it happen that the statement is only made after Colonel Balneavis is dead? This charge is made against Sir George Grey when his agent is unable to give any evidence concerning it. I say that this places the Ministry in a most peculiar position. The honorable member for Clive wants the House and the country to believe that Sir George Grey, when Governor of this colony, entered into an illegal and improper transaction; that he was bribed by certain settlers of this country, their names being mentioned—the names of Mr. Russell, Mr. Cox, and Colonel Whitmore have been mentioned. What position is Mr. Cox in? He seems to me to be in a most unfortunate position. If the statement of the Minister for Public Works is correct, Mr. Cox stands convicted, on his own confession, of having entered into a conspiracy—for I can call it nothing else—with the Governor of the colony to defraud the people of certain lands. That is the charge which the Minister for Public Works makes against the honorable member for Waipa in his absence. If the honorable member for the Thames has been guilty of improper conduct, the honorable member for Waipa stands in the same position; and it will be of no avail to turn round hereafter and say that the honorable member for Waipa has become Queen's evidence, and, in effect, to hold his tongue, when he was interfering with the debate. I have only called "Order" when the honorable gentleman has interrupted the speakers; and I ask your ruling, Sir, as to whether I am not right in doing so when the honorable gentleman prevents other members from hearing what is taking place. The unwarrantable and unseemly interruptions of the Attorney-General, who chatters in his place in a manner which is not right, compel me to call "Order."

Mr. WAKEFIELD.—I rise to a point of order. I am not in the habit of interfering with members when they are speaking, and I only call "Order" when the Hon. the Attorney-General prevents members from hearing the remarks of honorable gentlemen who are addressing the House by the habit he has of conversing in his place in the House. I was only exercising my right as a member when I called "Order;" and, Sir, you yourself supported me last night when you told the Attorney-General to sit down and, in effect, to hold his tongue, when he was interfering with the debate. I have only called "Order" when the honorable gentleman has interrupted the speakers; and I ask your ruling, Sir, as to whether I am not right in doing so when the honorable gentleman prevents other members from hearing what is taking place. The unwarrantable and unseemly interruptions of the Attorney-General, who chatters in his place in a manner which is not right, compel me to call "Order."

Mr. SPEAKER.—Any honorable gentleman has a right to call "Order" when a speaker is being interrupted.

Mr. STOUT.—I understand the Hon. the Attorney-General to say that he was not connected with this association in any way.

Mr. WHITAKER.—I did not say so.

Mr. STOUT.—Well, I am to understand that he was not. But the honorable gentleman knew something of the transaction, and it was his duty to have made the charge, and not the business of the Minister for Public Works, acting on private letters obtained in a surreptitious manner. When it was put pointedly last night to the Attorney-General whether or not he was connected with the matter he did not deny the statement, but at present I shall assume that he may not have been a partner in the association. The association at any rate seems to have been an inchoate company, and one which never came to anything. At all events the Attorney-General was cognizant of the company, and was aware of the conditions of the association; and if that was the case,—if he himself, as an inhabitant of the colony, was aware of any improper transaction between himself and any other member of the "ring,"—he ought to have at once exposed it and not to have kept silence. I have shown the position in which the Minister for Public Works has placed the honorable member for Waipa, but I believe there must have been some mistake made in reference to the conversation which the Attorney-General had with that honorable gentleman regarding these letters.
Now, about these letters: They cannot be produced, but the Minister for Public Works ought to have known that nothing which appeared in those letters, unless they were written by the then Governor, was any evidence against him. It is a peculiar position to take up that, if one gentleman writes a private letter to another, containing charges against a third, the mere reading of that letter is to be taken as a proof that the charges are correct. It was hurled against the honorable member for the Thames last night by the Minister for Public Works that he had letters in his possession in the next room which would prove the truth of the statement he had made. If the Minister for Public Works had not—I shall not say a malicious mind—but a mind full of hatred against the honorable member for the Thames, he would have got up when Colonel Whitmore's letter was read, and said, "I have been misinformed, and I apologize to the House and to the honorable member for the Thames for having made such a charge."

Mr. ORMOND.—I was not misinformed.

Mr. STOUT.—Then I presume that the honorable gentleman has been conferring with the Attorney-General. Well, we must take it this way: If one of the members of the association denies that Sir George Grey had anything to do with the association his denial is not to be accepted. If the honorable gentleman says that, he is accusing Colonel Whitmore of falsehood.

Mr. ORMOND.—Nothing of the kind.

Mr. STOUT.—Does the honorable gentleman understand his own language? He says he was not misinformed. Well, that means that the letter which has been read to-night by the honorable member for the Thames is untrue. I cannot conceive how a Minister of the Crown can make a grave charge in this House, where he is protected by the privileges, when he would not make the same charge outside. I say that the honorable gentleman has not only dished up an old charge against the honorable member for the Thames, but he has also actually accused the Hon. Colonel Whitmore of untruth.

Mr. ORMOND.—No.

Mr. STOUT.—Then do you admit the truth of the statements contained in the letter?

Mr. ORMOND.—No, I do not.

Mr. STOUT.—The statement of the honorable member for Clive reminds one of the Financial Statement of the Colonial Treasurer. It says one thing in the beginning, another in the middle, and the third at the end. A writer has recently given examples of the different kinds of bias, and he says that you cannot get through life without having some sort of bias. Well, the honorable member for Clive has got a Ministerial bias. I say that outside this House, whatever Ministers may think inside of it, any impartial person will say that this charge has not been supported by a tittle of evidence. The honorable gentleman has got now to contradict two witnesses. He has to refute the statement of the honorable member for the Thames, and also the evidence contained in the letter of Colonel Whitmore. Then he is placed in this unfortunate position, that he has to rely on tainted testimony. Sir,

suppose a man is accused of any crime, even if it be a trivial offence, what is the law of England? Whenever an informer steps into the witness-box—a man who has turned what is called "Queen's evidence"—what does the Judge direct the jury, according to the law? That the jury may accept the testimony uncorroborated, it is true, but that it is unusual and improper for any jury to do anything of the sort. What position does he put the honorable member for Waipa in? He brings him forward as a tainted witness. If the honorable gentleman told that honorable member what he says he did—and I do not believe it—if he has done that, he has placed himself in the position of having confessed that he was a participant in an illegal, fraudulent, and improper transaction. I say that is tainted testimony, which nobody could believe except on the clearest evidence. Then the other way in which he approached the question was to abuse the honorable member for Auckland City East. I do not know what private matters have to do with this House. I cannot understand what position the honorable member for Auckland City East is; but I say this, that if a member of Parliament cannot get up in his place and point out the maladministration of the Government of this colony, and cannot criticise the conduct of the Ministry, without having the whole of his private life raked up and put before members of this House, then the privilege of free speaking in this Parliament is gone. What, Sir, does "Parliament" mean? This Parliament is supposed to be a place wherein questions are discussed, and where speeches are allowed to be made relevant to the subject-matter—a place wherein arguments are sought to be established or refuted. Again, what does the honorable gentleman do? He does neither. His statements were not relevant to the question before the House. They did not deal at all with the motion. They consisted simply in abuse of the honorable member who happened to move it. Now, Sir, I cannot state the case with the honorable member the Minister for Public Works took up, and I wish to make one or two remarks in reference to Hawke's Bay. A facetious friend of mine has said that Hawke's Bay is a good name for it. I do not know anything personally of Hawke's Bay. So far as I have read the evidence—and I have read the evidence, for it has been printed in the books—the Native Department has done some very peculiar things in that district. I shall refer to the evidence that was taken last year by an impartial Committee—by a Committee that had members of the Government on it, and where their own officers were examined in reference to the conduct of the Native Department and the Native election. What was the evidence brought before that Committee? Why, that the Ministry wanted in a particular candidate named Hotene, one of the Ngatiheka tribe. What did the Ministry do? They employed Government officers to go about with canvassing papers for their particular candidate. That was one of the things that the Native Department did in Hawke's Bay. I wish to refer to another thing that was brought out in evidence the other
day in Court. I refer to it somewhat unwillingly, inasmuch as I was one of the counsel in the case, as I think it is advisable to separate the position of a member from that of counsel in a case in which he is engaged outside this House. I mention this matter because it was proved in evidence in Court; that in this libel case the Native Department acted in getting up testimony, in getting witnesses, in getting up, in fact, the defendant's case: that was part of the duty of the Native Department; they were doing what, in Scotch phrase, is called "precoosooicing witnesses." That seems a most peculiar thing for the Government to do, a most peculiar thing for the Native Department to do. That the Native Department should defend that libel is peculiar, that they should have a newspaper that would publish such a libel is more peculiar, and that they should say that the statements are true is most peculiar. The Government had three months to prepare their plea; they had all that time to find out whether there was any truth in the libels or not; and they put in a plea of justification. They employ officers of the Government, they employ Resident Magistrates to get up Native witnesses; they find out what these Native witnesses can prove, they bring them at the public expense into Napier, and pay them for coming. That is a most extraordinary thing for a Government to do. And yet that was what it was proved the Native Department did. I mention that to show that Hawke's Bay and the Native Department seem to be in a peculiar position. Now, Sir, I wish to speak with regard to something that has taken place in reference to the Natives. What the honorable member for Rodney stated was quite true, that the Heretaunga Commission at Hawke's Bay proved that the Natives had sold their land, and that part of the consideration was quit true, that the Heretaunga Commission at Hawke's Bay proved that the Natives had sold their land, and that part of the consideration was old grog scores. I find some very peculiar cases mentioned in the evidence taken before the Commission. I find that there is a Mr. Sutton mentioned here. I do not know who Mr. Sutton is; but there is a very graphic statement made by Mr. Justice Richmond, and I assume that what he says is correct and proper. He gives a very graphic statement as to how one Native, Mansena, was dealt with in reference to the Native transaction. I shall just read it to the House to show how the Natives of Hawke's Bay were dealt with in the alienation of their land. This is what took place in reference to Mansena:

"After receiving from Mr. Tanner (but without cashing it) a cheque for £100 by way of dovecote, he, on several occasions, evaded Mr. Tanner and his interpreter when they visited Pakowhai to obtain his signature, either feeling or feigning reluctance to concur in the sale."

This really amounted to a bribe. I believe the Minister for Public Works gave a bribe to one Native, as there was evidence in evidence. Mr. Justice Richmond said he would have set aside the transaction if the Native to whom the bribe was given could be considered an agent of the other. He admitted that if it had happened in an English Court, and if there had been no such thing as chieftainship intervening, that transaction would have been set aside as illegal and improper. And that transaction was performed by the Hon. the Minister for Public Works. Mr. Justice Richmond goes on to refer to these bribes. He says,—

"Perhaps Mansena did not like to sign in Karaitiana's absence; perhaps he thought that by making a little difficulty he could secure himself better terms. He gave us the narrative of his adventures with a full sense of the humorous side of the affair, and no small power of satire. Once, it seems, he coyly took refuge in the branches of a willow-tree from the importunate advances of Tanner and Hamlin; there he remained concealed, perhaps two hours, looking down upon his pursuers. As he must weigh fully twenty stone, such a feat of agility would seem to indicate the pressure of some motive of extraordinary power. At another time he ran off to a house where the Native chaplain of the pa was residing. The minister was occupying the ground floor; above was a room used as a powder magazine. In this upper chamber Mansena hid himself. Presently, Tanner and Hamlin, coming to the front door, and asking if Mansena was not upstairs, are assured by the clergyman that there is nothing there but powder. I report these matters, trivial as they seem, because they appear to me to throw some light on the relation of the parties and the character of the transaction."

I ask the House to mark what follows with regard to Mr. Frederick Sutton, a storekeeper—

"At last Mr. Tanner, foiled for once, handed over the business of dealing with Mansena to Mr. Sutton, a genial creditor to whom he owed about £600. Mr. Sutton's prospects of getting this money paid depended on the sale of Heretaunga. Accompanied by Mr. F. E. Hamlin, he went out to Pakowhai, and was fortunate enough to secure an interview. Sutton had informed Mr. Tanner that he was coming to the House on the day when he said that Mansena really wanted was some additional provision, such as Karaitiana and Henare were understood to have secured; and he went armed with power to promise £50 per annum for ten years. This proved at once effectual, though some minor difficulties occurred about the cheque for £100. Mansena signed the deed, and a perfectly amicable meeting was closed. Mansena says it was opened by the party drinking a bottle of champagne provided for the vendor."

This is the way in which these people have been bribed. Then I find, from the evidence from which I am citing, that in six months there was a balance of £1,200 due to be paid to the Native Paora by Mr. Sutton, in reference to the purchase of a block of land. A sum of £1,800 apparently was due. How that sum was made payable is somewhat peculiar. But what follows? Mr. Justice Richmond said—

"£1,200 was to be placed at once to Paora's credit on account. The remaining £1,300 was made payable by two instalments—viz., £300 on the 1st April, 1869, and £1,000 on the 16th March, 1870. Before the latter date the whole
it is stated that this is a charge against all the settlers in the district. I believe the population over this provincial district. Then we have had amounts to 12,000 or 13,000 people, and, as far as I can learn, all the charges have been made against not more than forty or fifty people. Therefore it is an unfair thing to say that the honorable member is hurling charges against the whole population of Hawke's Bay.

Mr. STOUT.—Against every land-purchaser.

Mr. STOUT.—Well, if every land-purchaser has been guilty of acquiring his land in the same way as Paul's land was acquired, I think they ought all to be attacked. I may state that I have not made any charge against the settlers of Hawke's Bay. I can only speak of what I have read in the report of the Commission. I say that, if the evidence contained in this book were sent home to any equity lawyers of standing, the majority of the transactions brought before the Commission would not be upheld. What is the actual position taken up? It is this: that to sell liquor to Natives is illegal. To sell liquor on credit is also illegal. Yet it is considered that, if a Native gets grog for which he does not pay, and if he sells his land, this grog score is to be deducted from the purchase-money. I say this is a most improper transaction, and I am not at all surprised that, as the Natives get more intelligent, they ask for inquiry into these transactions, in order to get them set aside. I cannot understand the position taken up by some honorable members. The Minister for Public Works, as well as the honorable member for Napier, said, "What right have we to be sued and harassed with writs? Forty writs have been issued against the Hawke's Bay settlers. What an outrage! What a dreadful thing!" In the next breath they say the Supreme Court is the proper place to investigate these matters. What does that imply? It means, "You may investigate charges against any other person in the Supreme Court; but do not touch us. If you dare to touch us by serving writs, you will be acting most improperly." And, if any European dares to help a Native by even supplying legal advice or monetary assistance in order to prosecute his claims, the European is to have all sorts of charges hurled against him. He is to be called a repudiationist, and a person unfit for the society of gentlemen. I ask, if the Supreme Court is open to the Natives, why should not they have the right to go into the Supreme Court? What does the beneficent English law say? That every man may appeal to the Court, and that if he has no money he may sue in forma pauperis. Moreover, some of the best writers in political science say that the highest duty of the State is to see that rights are enforced. What does that mean? It means that there shall be a tribunal open to the people where they may have their grievances redressed; and is it to be hurled at the Natives' heads, "If you do not succeed you will not be able to pay our costs"? What does that imply? That, unless a Native be a man of wealth, he has no justice in political science so that the highest duty of the State is to see that rights are enforced.

Land Purchases.

Mr. STOUT.—Against every land-purchaser.

Mr. STOUT.—Well, if every land-purchaser has been guilty of acquiring his land in the same way as Paul's land was acquired, I think they ought all to be attacked. I may state that I have not made any charge against the settlers of Hawke's Bay. I can only speak of what I have read in the report of the Commission. I say that, if the evidence contained in this book were sent home to any equity lawyers of standing, the majority of the transactions brought before the Commission would not be upheld. What is the actual position taken up? It is this: that to sell liquor to Natives is illegal. To sell liquor on credit is also illegal. Yet it is considered that, if a Native gets grog for which he does not pay, and if he sells his land, this grog score is to be deducted from the purchase-money. I say this is a most improper transaction, and I am not at all surprised that, as the Natives get more intelligent, they ask for inquiry into these transactions, in order to get them set aside. I cannot understand the position taken up by some honorable members. The Minister for Public Works, as well as the honorable member for Napier, said, "What right have we to be sued and harassed with writs? Forty writs have been issued against the Hawke's Bay settlers. What an outrage! What a dreadful thing!" In the next breath they say the Supreme Court is the proper place to investigate these matters. What does that imply? It means, "You may investigate charges against any other person in the Supreme Court; but do not touch us. If you dare to touch us by serving writs, you will be acting most improperly." And, if any European dares to help a Native by even supplying legal advice or monetary assistance in order to prosecute his claims, the European is to have all sorts of charges hurled against him. He is to be called a repudiationist, and a person unfit for the society of gentlemen. I ask, if the Supreme Court is open to the Natives, why should not they have the right to go into the Supreme Court? What does the beneficent English law say? That every man may appeal to the Court, and that if he has no money he may sue in forma pauperis. Moreover, some of the best writers in political science say that the highest duty of the State is to see that rights are enforced. What does that mean? It means that there shall be a tribunal open to the people where they may have their grievances redressed; and is it to be hurled at the Natives' heads, "If you do not succeed you will not be able to pay our costs"? What does that imply? That, unless a Native be a man of wealth, he has no justice open to him, and can get no grievance redressed. That is what is implied in that statement. With a generosity that does him credit, the Minister for Public Works says, "Appoint a Commission; make the Native pay security for costs; and give this Commission arbitrary powers which are not given to any other Court upon the face of the earth." That means that if a Native has been dispossessed of all his land he
will have no redress whatever; but, if he has only been dispossessed of a part of his land, he can give the remaining part as security for costs, if he wants to try and recover the part he has lost. Therefore, the greater the wrong done to a man the less justice he is to receive at the hands of this Commission. I say that is a most extraordinary position to take up. If the Courts of the colony are not fit to investigate questions of title, or to settle disputes between Natives and Europeans, why have them at all? A Commission is never sent out by any Parliament except in cases where there has been a civil riot or disturbance, and where the cases are of such importance that the ordinary Courts of judicature are unable to overtake their business. As I said before, this is not a transaction between private parties. It is a particular charge—namely, a question of administration by the Government. That is the question brought before this Parliament, and it is the duty of this Parliament, if it is to be the controlling power of the colony, to inquire into all acts of maladministration. If it is unfit for that, it is unfit to be a Parliament. That is the reason why I shall support the appointment of a Select Committee. The honorable gentleman says the Committee is not needed, as the Commission of 1873 settled all cases. If that is so, let him go to the Committee and say, "All these matters were settled in 1873. Here is the report of the Commissioners." He will then have a right to call on those who moved for a Committee to bring forward some specific charges. If the Committee thinks that this report of the Commissioners was a satisfactory one, and that it put an end to all further inquiry, surely the Committee can so report; or, if there should be new charges, the Committee can investigate them, and, classifying the cases, can report them in their order as far as time will permit. Sir, I say the Committee would have no difficulty whatever in doing the work. It might take particular cases which it could deal with during the session and report upon them before the House rose, leaving the colony as it was. Subsequently, I do not see what objection can be urged to that. I do not like and do not intend to make any remarks upon the ill-natured attacks that were made by the honorable member for Clive upon the honorable member for the Thames and the honorable member for Auckland City East. I conceive it is the duty of a Minister of the Crown not to take up the position of a free-lance in this House. I am supposed to speak the mind of the Cabinet, and therefore we may assume that the attacks made by the honorable member were not made by him simply as a member of the House, but in the position he occupies as a member of the Government. And, Sir, I think a very unfortunate precedent has been set to this House. Because I hope he is not under the impression that he is the only man in the House who is competent to abuse the House. There are many members in the House who can say bitter things, and who, perhaps, can go into personal history, not their own, as deeply as the honorable member for Clive, and perhaps in a way that he would not relish. It would be very unfortunate were such a state of things to prevail. I wish to say one or two words as to the manner in which the honorable member for the Thames has been treated, and what may be the probable result. I remember when Sir Julius Vogel first obtained a seat in this House, and I remember that, down to 1867 or 1868, he was looked on as a kind of outcast in the New Zealand Parliament. Those members who afterwards associated themselves with him, who supported him, and, I may say, almost worshipped him, would scarcely speak to him at this time, and treated him in a manner in which no member of this House is now treated. They strove to keep him down in an unfair manner. They did not give him fair-play in the Parliament, and they abused him in the Press. What was the result? When he came into power he did so with far greater éclat than he would have done had he received that treatment from the beginning which every member of this House is entitled to receive. And we found that the men who were most bitter against him soon learned to worship him with the greatest adulation. The tactics that were observed with respect to Sir Julius Vogel have been used in reference to the honorable member for the Thames. There is not a charge that has not been hurled against him. Nothing has been said by him in the heat of debate which might have had a personal tone but what has been made the most of, and sent out to the various parts of the country. We have heard this threat time after time in all quarters: "If you do not vote for us Sir George Grey will get into power. He will attack the landed proprietors; he will attack the monetary interest; and he will soon land you in a Native war again." This is the kind of attack that has been made, not only in this House, but in the lobbies. The most ordinary business has been made Government business, and the whips have gone round the lobbies saying, "You must support the Government, for it is a Government question, and, if you do not, Sir George Grey will get into power." There is no sympathy whatever between many supporters of the Government and the gentlemen who sit on those benches. They exist simply because they may have created this feeling among those who follow them in this House—that it is unsafe to place Sir George Grey in power. This thing has gone on for a long time; and what will be the result? It will be just the same as in the case of Sir Julius Vogel. When the defeat of the party in power does come, it will be much more crushing than that which was inflicted upon Sir Julius Vogel. When the defeat of the party in power does come, it will be much more crushing than that which was inflicted upon Sir Julius Vogel.
Representation Bill passed and a proper franchise established—when we shall go to the country, and then we shall see how we succeed. I have given notice of motion, that, as soon as the Representation Bill has been passed, this House shall dissolve; and I trust when we go to the country the people will show their contempt for these charges levied against the honorable member for the Thames by placing him in power. I do not think we need be afraid of placing in the position of Prime Minister a man who has played the part he has in the history of the colony. I consider it absolutely discreditable to the Parliament of New Zealand that, when a man of his experience and of his ability comes into it, there should be found a majority, instead of supporting him and placing him in power, running about saying, "If you only place the honorable member for the Thames in power, something very dreadful will happen to the colony." In 1875 and in 1876 we were told, "Oh, if you support Sir George Grey you will not get Abolition;" and now that ery has been lost we are told something dreadful will happen. I do not know that the grass would not grow if we are told something dreadful will happen. I do not think that that would be fair to the persons against whom these allegations have been made. I think they must feel, as I should feel if I were in their position, that an opportunity ought to be granted to them to answer such charges as are made against them. The amendment of which I gave notice will meet this case, and I think the Committee will be able to bring up a report during this session. I now, therefore, move the amendment which I have already read.

Mr. STOUT.—I rise to a point of order. I understood you to put the question just now like this, "That all the words after 'That' be left out;" and you put the question on the amendment, "That all the words after 'That' remain part of the question," which the House affirmed; and, the House having affirmed that, it cannot now be moved to leave out certain words. Therefore the amendment is irrelevant, and cannot be put. The House has already affirmed that all the words down to "quorum" should stand part of the question; and, that being so, nothing else can be moved, except in addition.

Mr. SPEAKER.—The affirmation of the House, That all the words should stand part of the question, is as against the amendment. The original question then has to be put, and is open to amendment.

Mr. STOUT.—If that is so, then I presume that, if the honorable member's amendment is negatived, another can be moved leaving out other words. I would point out that this is a new practice in the House. I would refer you, Sir, to Standing Order 110. I do not like to be continually raising points of order; but this is a very important principle. Standing Order 110 says, "No amendment may be proposed to be made to any words which the House has resolved shall stand part of a question, or shall be inserted in or added to a question, except the addition of other words thereto." Therefore, I submit, it is perfectly incompetent for the question to be amended now.

Mr. SPEAKER.—I think the honorable member is right. The Standing Order he has read appears to be perfectly clear on the point.

Mr. WHITAKER.—Then an amendment can only be moved by way of addition?

Mr. SPEAKER.—Yes.

Mr. ORMOND.—I submit, Sir, that if that is the way in which the question has been affirmed it has been altogether from a misconception on the part of the House as to how honorable members were voting. I submit that is so, and that, under the circumstances, it would be a right thing to put the question so that the House can deal with it as it intended.

Mr. REES.—I should like to know on what authority the honorable member gets up and says the House has voted under a misconception. He may have a misconception on his mind, and a great many, as I think he will find before long.

Mr. SPEAKER.—I think the Minister for Public Works is quite correct in what he says. There is no doubt there was an irregularity, caused by a further amendment having been suggested but not moved, which would be calculated to produce the impression entertained by the Minister for Public Works. Nevertheless, when this Standing Order is so pointed out, I think it is right, and I am bound to follow it. It is very easy, however, to vary the form, and add words, so long as those words are not repugnant to those already ordered by the House to stand part of the question.

Mr. WHITAKER.—I propose to add to the end of the resolution the words, "and especially into the allegations that have been made in this
House against the Hon. Mr. Ormond in relation to certain Native land transactions in Hawke's Bay; also into allegations that have been made in this House against Sir George Grey in relation to certain Native land transactions at Lake Taupo; also as to certain alleged improprieties in carrying on lawsuits in connection with Native land transactions at Hawke's Bay."

In moving that amendment, I desire to make a few remarks as to what has occurred during the progress of this debate. I am sure the House will feel that on no occasion does the honorable member for the Thames (Sir G. Grey) rise to address the House on any subject to which he does not introduce my name, the Piake Swamp, and the Waikato coal mine. I am not going fully into those transactions to-night, but I will venture to call the attention of the House to the position in which these questions stand, because I think it is high time that subjects which have been so thoroughly discussed should be now left alone.

With regard to the Piake Swamp, the honorable gentleman stated the other day his desire that there should be a Committee of inquiry into it. Why, two sessions ago—the session of 1876—the Committee appointed for the purpose of investigating this very transaction. The honorable member for the Thames and the honorable member for Rodney were both upon that Committee. The Committee inquired fully into the whole matter. It sat for several days, called for evidence from Auckland, sent for a witness from Poverty Bay, and examined several others who were in Wellington; and the whole subject was most thoroughly investigated, and a report brought up, which, as it appears from the proceedings of the Committee, was passed unanimously. I am not going into the matter further than just to call the attention of the House to the last paragraph of that report. I should mention that the honorable member for the Thames constantly attended the Committee; the honorable member for Rodney to a certain extent conducted it; and the honorable member for Rodney moved the last clause of the report, which is as follows:

"Finally, while it appears that the price to be paid for the block was not inadequate, and that public benefit will accrue from the construction of the Piake Road, your Committee are of opinion that dealings by private contract with the public landed estate are inexpedient, and they are glad to observe that the Government have proposed to bring the confiscated lands under the operation of the ordinary waste land laws of the colony."

After that investigation, which, as I have said, extended over a great many years, after calling evidence from different parts of the country, and after that final statement in the report, I think the matter might have been allowed to drop. Yet the honorable member will continue to introduce it on every occasion on which he addresses the House. I am sure many people will no doubt have observed that I have remained quiet under these attacks, that I have not retorted in any way, and that I have on no occasion alluded to the honorable member's many delinquencies and many failings. I have listened quietly to him, in the hope that it might not be necessary for me to go into transactions with which, unless compelled, I was not inclined to trouble the House. But the honorable gentleman will not permit me to remain quiet. He insists time after time and day after day upon alluding to these transactions, and I think it is now time that I should allude to them myself, and give some explanation. It is also time that I should take an opportunity of referring to some transactions in reference to the honorable gentleman. I propose to do so presently, not at any great length; but there are one or two matters to which I shall refer. But, first, as regards another of my own transactions. One, in regard to which he is continually attacking me, is, as I have said, the Piake Swamp business, and the other to which I refer is the Waikato coal mine and the 10,000 acres of which I am supposed to have become improperly possessed.

I think I have sufficiently explained the first of these. With regard to the latter, I may say that when the honorable gentleman was Governor of the colony he offered a part of the coal field for sale by auction. I am not aware that there was any favouritism in the manner of putting it up in the ordinary way and under ordinary circumstances. I am at a loss to conceive that there can be anything objectionable in that transaction. Another portion of the coal field was put up some years afterwards for sale by auction, but I did not buy it. It was, I believe, put up on the application of the honorable member for Waiomatua, who proposed that it should be offered by auction in order that it might be bid for for the Waiomatua Steam Navigation Company. The company did not, however, buy it; and so the matter stood over. Under the law as it then stood the land could afterwards be bought by any person at the upset price at any time within twelve months. I did not take it up for several months. I speak from recollection, but I am right in saying that it was put up in December, 1872, and it remained unsold, except by open purchase, until the month of October, 1873. The land was put up in the ordinary way and under ordinary circumstances. I am at a loss to conceive that there can be anything objectionable in that transaction. Another portion of the coal field was put up some years afterwards for sale by auction, but I did not buy it. It was, I believe, put up on the application of the honorable member for Waiomatua, who proposed that it should be offered by auction in order that it might be bid for for the Waiomatua Steam Navigation Company. The company did not, however, buy it; and so the matter stood over. Under the law as it then stood the land could afterwards be bought by any person at the upset price at any time within twelve months. I did not take it up for several months. I speak from recollection, but I am right in saying that it was put up in December, 1872, and it remained unsold, except by open purchase, until the month of October, 1873. The land was put up in the ordinary way and under ordinary circumstances. I am at a loss to conceive that there can be anything objectionable in that transaction. Another portion of the coal field was put up some years afterwards for sale by auction, but I did not buy it. It was, I believe, put up on the application of the honorable member for Waiomatua, who proposed that it should be offered by auction in order that it might be bid for for the Waiomatua Steam Navigation Company. The company did not, however, buy it; and so the matter stood over. Under the law as it then stood the land could afterwards be bought by any person at the upset price at any time within twelve months. I did not take it up for several months. I speak from recollection, but I am right in saying that it was put up in December, 1872, and it remained unsold, except by open purchase, until the month of October, 1873. The land was put up in the ordinary way and under ordinary circumstances. I am at a loss to conceive that there can be anything objectionable in that transaction. Another portion of the coal field was put up some years afterwards for sale by auction, but I did not buy it. It was, I believe, put up on the application of the honorable member for Waiomatua, who proposed that it should be offered by auction in order that it might be bid for for the Waiomatua Steam Navigation Company. The company did not, however, buy it; and so the matter stood over. Under the law as it then stood the land could afterwards be bought by any person at the upset price at any time within twelve months. I did not take it up for several months. I speak from recollection, but I am right in saying that it was put up in December, 1872, and it remained unsold, except by open purchase, until the month of October, 1873. The land was put up in the ordinary way and under ordinary circumstances. I am at a loss to conceive that there can be anything objectionable in that transaction. Another portion of the coal field was put up some years afterwards for sale by auction, but I did not buy it. It was, I believe, put up on the application of the honorable member for Waiomatua, who proposed that it should be offered by auction in order that it might be bid for for the Waiomatua Steam Navigation Company. The company did not, however, buy it; and so the matter stood over. Under the law as it then stood the land could afterwards be bought by any person at the upset price at any time within twelve months. I did not take it up for several months. I speak from recollection, but I am right in saying that it was put up in December, 1872, and it remained unsold, except by open purchase, until the month of October, 1873. The land was put up in the ordinary way and under ordinary circumstances. I am at a loss to conceive that there can be anything objectionable in that transaction.
was only 9,850 acres, and so I paid for that quantity. That is the whole of the coal mine transaction, and I am at a loss to understand what there is in that which the honourable gentleman should allude to it as being an improper dealing with public land. It was a transaction to which there have been hundreds I may say thousands, similar in the taking up of land which has been previously put up to auction. These things do not rest on my memory only. They are contained in papers laid on the table of the House at the instigation of the honourable member for the Thames in the session of 1876. There it will be found that what I state is strictly true and accurate; and I may observe that I was a private individual and not a Minister of the Crown when these transactions took place. I allude to this now because it was made a charge against me the other night, and I then said I would take an early opportunity of explaining the matter. Otherwise I should not have introduced it into this debate, because it appears to me to be wholly irrelevant to the question before the House. I have the greatest possible objection to going into matters not relevant to the immediate subject of debate, and I think the House will give me credit for not addressing it on subjects extraneous to those under discussion. I endeavour as far as possible to avoid speaking more than my position in this House requires me, and when I do speak I endeavour to confine myself to the point; and I should not have spoken of the matters I have referred to now if the honourable gentleman had not again alluded to them in the speech he made an hour or two ago. I have now disposed of them, and I think in a satisfactory manner, and hope that the subject will not again be dragged up, because whenever the honourable gentleman chooses to repeat the charge I shall have to repeat the explanation. I hope I shall not be driven to wearying the House by doing so, and if its time is wasted honorable members will understand that the blame will be on the honourable member for the Thames and not on me. Now as regards the honourable gentleman, he has defended himself with regard to two transactions in reference to Native land in the neighbourhood of Taupo. For reasons private to myself I shall not refer to one of those. I am not connected with it, but I advised the honourable gentleman in reference to it, and therefore it would not be proper for me to make any allusion to it. That was the transaction in which Mr. Holt was engaged. I therefore propose to say nothing upon that transaction; but upon the other I must say something, because the honourable member for the Thames alluded to me in connection with it, and so also did the honourable member for Dunedin (Mr. Stout), who wished to make out that I did something very wicked and very bad in regard to it. That honourable gentleman, in common with all the rest of us, may perhaps find it extremely difficult to understand or follow the arguments of the honourable member for the Thames when he assumes we were both concerned in the Taupo transaction—there could not be a word about that—but I was guilty of something very bad. How I could be guilty and the honourable member for the Thames clear in a transaction in which he assumed we were both concerned I cannot make out. It seems to me impossible.

Mr. STOUT.—I did not say the honourable member for the Thames was clear. I said "if" the honourable member was clear.

Mr. WHITAKER. — The honourable member makes so many points and it is that it is very difficult to understand or follow him. He is very ingenious, but if he would only put his arguments on paper I think one could see at a glance that they are most fallacious. If the honourable gentleman's arguments are only correctly reported in Hansard and are handed to me I will undertake in a very few minutes to show how fallacious they are, but it is often difficult to do so in the hurry of debate. He made certain direct charges against me with respect to this transaction, and said that everything I did was very improper, and everything the Government did was very improper, but everything the honourable member for the Thames did was very clear and right; and, inasmuch as it was the same transaction we were engaged in at the same time, the honourable member for Dunedin asked how it is possible for the honourable member for the Thames to be right and me to be wrong, or for me to be right and for him to be wrong. We must either both be right or both be wrong. That is the point.

Mr. STOUT.—Hear, hear.

Mr. WHITAKER. — The honourable member says "Hear, hear." Very good. But I say now it is quite possible for the honourable member for the Thames to have been wrong altogether, and for the honourable member for Waikato to have been right altogether. I see the honourable member is making a note of that point. I shall be very glad to hear what he has to say upon it. But what if it should turn out that I am right, and that the honourable member for the Thames is wrong? I now explain that it is only since I have been in Wellington that I ever heard that the honourable member for the Thames had anything to do with the Taupo transaction. It appears that he was visiting the honourable member for Waipā in the Middle Island when the first allusion to the matter took place, and the subject was renewed in Wellington between the honourable member for the Thames and the honourable member for Waipā, and the result was an arrangement for the acquisition of a very large tract of land. I was in Auckland all the time. It was during the session of 1867, and I was not there. A company was formed here at Wellington, and Colonel Whitmore had nothing to do with it at the commencement. I believe my name indeed was put down as one of the company before his. All the transactions in which the honourable mem-
ber for the Thames was engaged took place prior to my name being put on the list of shareholders, or Colonel Whitmore's either. When I heard that my name was put down as a shareholder I objected—not that I should not have liked to have a share in those 300,000 acres of land which under the law were open for purchase; but, when it came to talking of planting villages and stocking, it struck me that it would cost a good many thousand pounds, and I did not care to go so far, especially having in view our then expenses that had been incurred. That is all I and stocking, it struck me that it would cost a good many thousand pounds, and I did not care to go so far, especially having in view our then expenses that had been incurred. That is all I

Mr. WAKEFIELD.—I trust, Sir, the honorable member for Clive had charged him with being so. But the honorable member for Clive did not do that. He said the honorable member had been in the Bankruptcy Court at Auckland, and had left Hokitika clandestinely after being a bankrupt there.

Mr. REES.—No, he did not. He said nothing of the sort. The statement is totally destitute of truth.

Mr. WHITAKER. — Does the honorable gentleman deny that it is true?

Mr. REES.—Certainly; absolutely.

Mr. WAKEFIELD.—I trust, Sir, the honorable member for Auckland City East will not interrupt a speaker in this manner. Are we to have our debates degraded to such a position as this? I ask you, Sir, for your ruling in the matter.

Mr. SPEAKER.—The honorable member for Auckland City East is entirely out of order.

Mr. REES.—I am accused of a certain thing, and although I got up and absolutely deny it the honorable member repeats the statement.

Mr. WHITAKER.—Because I can prove it.
Mr. REES.— You make those statements out of doors.

Mr. SPEAKER.— The honorable member is quite out of order. He must see that it is altogether opposed to the rule of debate to interrupt an honorable member so frequently.

Mr. REES.— I beg to apologize, Sir. I was made angry by the false statements of the honorable gentleman.

Mr. WHITAKER.— When the honorable gentleman says he absolutely denies it, I absolutely repeat it, and I will furnish proof.

Mr. W. WOOD.— I rise to a point of order. I have heard you rule, Sir, that when a member of this Assembly is charged with anything, and he gives it a flat denial, the member who makes the charge is not entitled to repeat it. The honorable member has repeated a charge immediately after its being absolutely denied.

Mr. SPEAKER.— When an honorable member gives a denial to any statement it is not right to refuse to accept that statement. The honorable member for Mataura is quite right as to the practice in such cases.

Mr. GISBORNE.— I wish to draw attention to another matter. Is it right for one honorable member to allude to another honorable member's personal circumstances outside the House? The honorable member for Oture did so, but allowance was made for him because he had been attacked very strongly. I do not know where we shall stop if the private circumstances of members outside the House are to be commented upon.

Mr. SPEAKER.— There is no doubt that this is highly irregular and highly unparliamentary. I think it would be quite impossible to conduct the debates in this House with any degree of propriety if the actions of honorable members in their private capacities are to be referred to here.

Mr. WHITAKER.— When I was interrupted I was about to promise an apology to the honorable gentleman, and to say that, if I found that I was incorrect, I would make one. I regret these things as much as any one, but I appeal to you, Sir, and I appeal to the House, to say whether, during the whole of this session and during the greater part of last session, I was not continually attacked by the honorable member for the Thames and the honorable member for Auckland City East. I feel that I am in a position in which I must defend myself. I should be perfectly willing to let these matters drop and abandon all personal allusions if remarks of a personal nature were not applied to me. I am sure no honorable member of this House has submitted more calmly than I have. I never address the House unless the occasion requires me to do so. I am quite ready for war or truce. I have some experience of these matters, and I shall be quite prepared for the one or the other. If it is to be war, let it be war to the knife; and, if it is to be a truce, let it be so. The honorable member for Dunedin City (Mr. Stout) is very hard upon me sometimes, but his style is not so coarse as that of some other honorable members. It is always a pleasure to hear him; but I am bound to say that I do not know any honorable member who propounds half the number of fallacies that he does. One-tenth part of fact and the rest of fallacy is quite sufficient for the honorable member to found an argument upon. And he does it in the most ingenious way. I suppose it must be owing to the peculiar construction of his mind. He attempted to make out that I had been guilty of a most improper transaction, which was proved by Colonel Whitmore's statement, when the truth is that Colonel Whitmore knew no more about the matter than I did. He knew nothing about it, I believe, until after the time I became connected with it. Whether he knew anything about it before he came to the House this session I cannot say; but at all events I knew nothing about it till I came. The honorable member for the Thames said I must have known that he had nothing to do with it, and that I ought to have said so. I was in Auckland at the time, and knew nothing about it, and was quite unable to say whether the honorable member was connected with the transaction or not. The honorable member was rather hard upon me about this, but really if I could have exonerated him I say candidly and honestly that I would have done so at once. But I had nothing to do with the transaction originally, at the time the honorable member for the Thames was connected with it. His connection rested upon other people's testimony, not mine—upon the testimony of the honorable member for Waipa, the Hon. Mr. Russell, and Mr. Locke.

Mr. REES.— I rise to a point of order. It has already been ruled that these letters cannot be alluded to. Now we have them referred to again.

Mr. SPEAKER.— I did not understand that the letters could not be referred to. The question was as to their production.

Mr. WHITAKER.— I am sorry that the honorable member for Auckland City East is so tender on the subject of these letters. I shall not trouble him with them any further at present, but probably it may be necessary to do so on a future occasion. The honorable member for Dunedin City (Mr. Stout) has made a very peculiar charge against the Government, and that is that they acted wrongly in employing certain Government officers to collect information in reference to the Waka Maori libel case, and that when the action was brought against officers of the Government they were defended by the Government. I can only say that I knew nothing of the libel until the writ was put into my hands a day or two before the last session of Parliament closed. Having no knowledge of the circumstances—indeed, I had never heard of the libels or anything connected with them—the matter was in the usual course at once referred to the Crown Law Office for investigation and advice. It must be remembered that the Government were virtually the defendants in this case, and I cannot see that they did wrong in employing a Government officer in the work of collecting information connected with it. That seems to me to have been a proper proceeding. The honorable gentleman has said also that he did not think it would be right for him to come into the House and talk about a case in which he was...
engaged as counsel. I quite agreed with him; but the honorable gentleman himself immediately broke through the rule he had laid down, for he came in and attacked the Government on this very libel case in which he was engaged as counsel. I am sorry if the honorable gentleman now feels that he has placed himself in a false position, according to his own showing. With regard to the Hawke’s Bay land transactions, I can only say that I know very little about them. I was engaged in a Hawke’s Bay case on one occasion; but it is not my intention to have anything more to do with cases from there, for I had so much trouble in the one which I had that I have retired from practice as far as Hawke’s Bay is concerned. And now with regard to the honorable gentleman’s statement respecting the Maoris and their law cases. He said that it would be very hard if the Maoris could not carry their cases into Court without giving security for the payment of the costs. The fact is, that a Maori may have land worth £100,000 which cannot be touched or taken in execution. under an exemption clause in the Native Land Act; so that if he goes to law and loses in his case, he cannot be compelled to pay costs; while if the other party, who is a European, loses, he has to pay, however poor he may be, and though it takes the last shilling that he has. It appears to me to be anything but unreasonable to wish that both parties should be put on an equal footing. If a Maori loses a case and has not to pay costs, he is not on equal terms with the European, who is called upon to pay if he is unsuccessful. I do not know very much about Hawke’s Bay, but I have been there within the last three or four years, and it struck me as being a flourishing place. When I look at Hawke’s Bay, a flourishing place, on the one side of this Island, and Taranaki, a poverty-stricken place, on the other, both equally possessing naturally the same advantages, I ask myself, how comes this difference? In my opinion Hawke’s Bay is in a flourishing condition because the Native title in that place has been extinguished, while in Taranaki it still is in existence. I say that it is the existence of the Native title which has prevented the progress generally of the North Island. I believe that if the Native title were extinguished the North Island would soon be in as flourishing a state as the South. I have now, Sir, to apologize for having exceeded what you consider the fair limits of debate, but I think I shall have the sympathy of the House, because it is, I believe, the first time I have ever done anything of the kind, and what I have said has been in self-defence. I promise that, unless I am provoked, I shall not transgress again.

Mr. WAKEFIELD. — Sir, I confess that I enter upon this debate with a great deal of diffidence and hesitation. I feel like a man standing on a rock and looking down into a swimming bath, and not at all afraid of the waves of the water, but dreading the mud that underlies the waves. I trust that, in now speaking, I shall not lay myself open to be called a slanderer, a coward, a liar, or a fraudulent bankrupt, or to have any epithet of that kind applied to me by the honorable gentlemen on those benches. I intend to speak strictly to the question before the House; and if the honorable gentlemen choose to include me among those at whom they have flung such epithets they may do so, but I shall not deal with any such words which may be made upon me. I am not going to plunge into the troubled waters of these Hawke’s Bay transactions, but I shall deal simply with the question whether the Committee asked for is necessary. There could not be a stronger argument in favour of the appointment of this Committee than that which was adduced by the honorable member for Clive and the Hon. the Attorney-General. The honorable member for Auckland City East has asked that there should be a Committee appointed to inquire into the transactions between the purchasers of lands in Hawke’s Bay and those from whom they purchased. We all understand what that means; it means simply that we want to inquire into the matter. The question is simply, Is the Committee necessary? What is the answer of the honorable member for Clive to that? Why, this: “The honorable gentleman has asked to the question is, “The honorable member for the Thames was once connected with these transactions.” He has not proved that statement; but, even if he had, I consider that the strongest argument in favour of the appointment of the Committee. If it is true that Sir George Grey has done all the things which have been attributed to him, if he has got large quantities of land from the Maoris without giving them a proper equivalent for it, we ought to appoint this Committee in order that we may ascertain how he did it, and take steps to prevent the occurrence of anything of the sort in the future. The honorable gentleman’s argument of tu quoque goes for nothing. It has grieved me to hear honorable members getting up and testifying this, not as a general, but as a personal matter to themselves, and saying, “I have not done this wrong thing. We have not.” The only argument that we did not ask these honorable gentlemen what they had done. We only ask for a Committee to inquire into the land transactions in which they have taken place in a part of the colony which has been the cause of more anxiety than all the other parts of the colony put together, though, at the same time, it is but an insignificant part of the country. It is all very well to say that we have nothing to do with these private transactions, and that we have no business to ask how people got their land. I say that the public outcry is so strong against the tenure of land in Hawke’s Bay that this Parliament is justified in dealing with the matter, for it has become a public matter. Sir, Ministers did not hesitate to interfere with the lands in Canterbury; they do not hesitate to interfere with affairs in the South Island with which we have to do. We have no complaint on the ground of right or wrong, except as to public policy, which is another question. The Ministry deal in a very free and easy manner with the private property of men who never did a dishonorable act or had a dishonorable act imputed to them. They do not hesitate...
to bring down Land Bills conferring the private property of persons who never did a wrong thing or ever had a wrong thought suggested to their minds. But, when we have a Committee asked for to inquire into transactions which have convulsed this Assembly more than any other question that has been brought before it this session or last session, what do the Government say? They say, "Oh, this is a private transaction! This is private land. We have no business to interfere with private titles." I say that this House has a perfect right to inquire into these matters if it chooses, and if the Government had been wise they would not have disputed the appointment of this Committee but would have allowed it to go on. That would have been the quickest way of clearing the character of those persons whose character those gentlemen have impugned far more than anybody else in this House or outside of it. Who has called in question these matters but the honorable gentlemen themselves? Not I, for one; and I am sure no honorable gentlemen who are in the habit of acting for Clive is the owner of Heretaunga. All we know is that there have been grave complaints made both by Natives and by Europeans that justice has not been done to them in regard to these matters—that a few shillings have been paid for Native lands which are now worth thousands of pounds, and that the chance of the settlement of that part of the country has been postponed by a hundred years by the particular course of action that has been adopted.

That is the general belief, and all we ask is that a Committee shall be appointed to inquire whether this is correct or not. We are told, in reply, that the honorable member for the Thames, some ten years ago, had something to do in land transactions. That is the argument they use in reply. I was very much amused at the manner in which my honorable and gallant friend the honorable member for Clive—Is the owner of Heretaunga. All we know is that there have been grave complaints made both by Natives and by Europeans that justice has not been done to them in regard to these matters—that a few shillings have been paid for Native lands which are now worth thousands of pounds, and that the chance of the settlement of that part of the country has been postponed by a hundred years by the particular course of action that has been adopted.

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using little pieces of evidence, but when his captain there, the bull's-eye, does the same thing in a much worse way, his voice of complaint is not heard. We have been told that there is nothing in these things; again and again we have been told that there is nothing in these things—that it is the Repudiation party who are bringing these things forward. I could not repeat the words that we have heard used against those honorable gentlemen who, we are told, belong to the Repudiation party; but they are everything that is bad. If all we have heard about the Hon. Henry Russell is true, I say it would have been the duty of the Government to move the Legislative Council to adopt an address to the Governor to have Mr. Russell expelled from that Chamber. But what is the actual fact? Why, they slandered him through their own Gazette; they told the biggest falsehoods about him through their own Gazette; they ordered their own officers to do things that they shrank from; they placed their own public officers in so painful a position that they hardly knew what to do. What has been the result? Mr. Russell brought an action against a Court of law to get $500 damages and costs. And yet they tell us there is nothing in it. They tell us that the Repudiation party are the greatest scoundrels, and that they alone are right, these pure and high-minded men. Brutus is an honorable man; we are all honorable men. Well, this Waka Moari case has had a sensible effect upon the Ministry. What is good in business is good in this House, and unless these gentlemen have a policy they cannot hope to insure their lives. I am not going into the details of this business. I will simply take what the honorable gentleman says. The honorable member for Clive tells us he bought a share in this Heretaunga Block, and that he paid £16s. an acre for it. Poor fellow! I am sorry he had to pay so much for it. That block at this moment is worth £300,000 or £400,000.

Mr. REES.—It is worth more than that.

Mr. WAKEFIELD.—The rates alone amount to £24,000 a year. We have the returns before us to show the rateable value of that property. And yet the honorable gentleman says he has been hardly used in being accused of getting that property beneath its value—that he paid £16s. an acre for it. It was purchased in a time of war, when the Natives were running to the front in their excitement, when they were spending their last sixpence in saddles, horses, and arms. They were at this very time pressed by these men for money that had been advanced to them, and which they knew they could not pay; and the result was that they got the Natives to sign the deeds parting with their land. The honorable gentleman told us that Henare Tomoana was not exactly in that position. He knows as well as I do that he was in that position. He knew that the poor fellow, acting from a sense of duty, flew away, as any gallant fellow would do in time of war, regardless of money or any such consideration; that he flew away to the front in a state of excitement to fight on our side; he knew that that was the time when pressure was brought to bear against him; when advances were made to him by Mr. Sutton—I do not know whether it was the Mr. Sutton who is a member of this House—when advances were pressed upon him in such a manner that he could not resist it. He was called upon to sign away his share of the Heretaunga Block. He signed it away, and, after that, Henare Tomoana found no difficulty in getting the money from the honorable gentleman, the agent of the Government, which the Government would not pay before, although it was due to him for months, and although he was bravely assisting in fighting our battles. I only wish, Sir, that we could get a glimpse at the dark deeds of the last few years in regard to these matters. If we could only bring to light through this Committee the deeds of the last seven years, the honorable gentleman and those gentlemen who are acting with him would not dare to show their faces before the public. When the honorable gentleman was addressing the House I was watching the Hon. the Premier with great amusement. He would cry " Hear, hear," when the honorable gentleman was making statements which he knew were wrong, and gave Mr. Russell £500 damages and costs. And yet they tell us there is nothing in it. They tell us that the Repudiation party are the greatest scoundrels, and that they alone are right, these pure and high-minded men. Brutus is an honorable man; we are all honorable men. Well, this Waka Moari case has had a sensible effect upon the Ministry. What is good in business is good in this House, and unless these gentlemen have a policy they cannot hope to insure their lives. I am not going into the details of this business. I will simply take what the honorable gentleman says. The honorable member for Clive tells us he bought a share in this Heretaunga Block, and that he paid £16s. an acre for it. Poor fellow! I am sorry he had to pay so much for it. That block at this moment is worth £300,000 or £400,000.

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worth considering. I will now take up one or
two points in the Attorney-General's speech. I
presume the House already knows there is a
certain sort of attraction between the honorable
gentleman and myself. We always like to criticise
each other when we get a chance, and there is
a sort of affection between us. He says that
he will not accept the arguments of the honorable
member for the City of Dunedin (Mr. Stout) unless they are put in writing. We have
had this session several arguments of the honorable
gentleman himself in writing. To-day he
had a written document in his hand, and he gave
us what he knew to be a false interpretation of
it. I charged him with it, and he did not dare
to get up and deny it. We cannot take that
honorable gentleman's arguments even when they are in writing. If he did put his arguments in
writing, he would find twenty different interpretations for any particular statement. There is
not another member who puzzles the House so
much as the honorable member. He said the honorable member for Dunedin City (Mr. Stout)
was not so coarse in his arguments as the honorable member for Auckland City East. Now I
say that the Hon. the Attorney-General is not
so coarse in his statements as the honorable
member for Clive. God forbid that there should be another member in the House
who is so coarse as the honorable member for Clive. But I say that the Attorney-General
does put his meaning in pretty plain words, although not in coarse words. He would not
call the honorable member for Auckland City East in one concrete term a person who ignored
the truth, but he said that he found in
that honorable gentleman's speech many deviations from the truth. Well, if we look back
over the last forty-eight hours I think we shall find, on the part of the Hon. the Attorney-
General, a great many deviations from the truth. I say that the honorable gentleman
has deviated from the plainest, most unmistakable manner about six times, to
my own knowledge, although I have not been in the House very regularly. He has deviated from
the truth six separate times, as I can show to him and prove to him; and there is a difference between these two things. I remember reading a joke yesterday in the paper in the shape of a conversation between two excited sons of the Gael. "Eh, mon, he caed me a leer." "Ha, Donald, you should na mind that." "Eh, mon, but he proved it." And there is the difference. It has been proved to-day that the honorable gentleman deviated from the truth. I will say that there has never been a debate in this House, to my recollection, which has brought forward so many instances of departure from that honorable course that Ministers of the Crown should adopt. I say that Ministers should set an example to us of all that is truthful and honorable. Where their case might be proved by a deviation from the truth they should not make such a deviation; and where they might even help out their case by a little trickery they should not indulge in trickery; and where a dishonest dirty course of action would help to pull them through
what was in the beginning very bad, it would be better for them, for the House, and for the country, if they took the manlier course of going with clean hands into retirement away from this House altogether. In conclusion, I hope that I have said nothing in my remarks to-night which may be regarded as improper or unseemly, but that I have expressed myself with that propriety which I always endeavour to preserve when addressing the House.

Mr. TAIAROA.—I wish to speak on this subject which is now before the House. I am very
much ashamed of what I have heard said in regard to the Natives of Hawke's Bay. The honorable
member for Auckland City East has brought a motion forward with a view to investigating abuses in regard to Native land transactions in the Hawke's Bay District. I did not think there would be such a great disturbance in the House about that motion. I thought that motion would be agreed to, and that there would be no difficulty about it. A great deal of time however has been wasted on this matter. It has been dragged on to a very great length, but the Bills which honorable members have brought forward in the House, and which they were requested by their constituents to bring forward, have been left behind. I have heard the statements of the honorable member for Clive against Tomoana, Sir G. Grey, and the Hon. Mr. Russell in regard to land transactions, and against the honorable members for Auckland City East and Rodney for advocating the cause of the Natives. I, as a Maori, am very sorry and very much ashamed about this; I think all gentlemen in this House are very much ashamed of the way in which this debate has been carried on. I have been seven years a member of this House, and during all that time debates have taken place in regard to the Hawke's Bay transactions in Native lands, and in connection with petitions presented to this House and considered in the Native Affairs Committee. It has appeared to me that the Natives were right in the complaints that were made; and, though the honorable members for Hawke's Bay disputed among themselves, the honorable members for other districts considered the Natives were in some of their complaints right. I think the House should consider that it is owing to its own action in passing a law that these troubles came about. It was through the Acts passed in this Legislature that the Native Land Courts were established by which it was provided that the number of grantees should not exceed ten. I know that during certain investigations of title in the Middle Island I was placed in the position of one of the ten persons. I asked the Court in what position we stood. I was told we were to act as trustees, but when we got the Crown grant I found the land was vested absolutely in myself and my nine co-grantees. Nothing was said about trusteeship. That sort of thing is one of the causes of the distress among the Natives of both these Islands. Perhaps 1,000 Natives are interested in a piece of land, yet it is placed entirely at the mercy of ten persons. Tell me, tell this Maori, who brought in that law?
is to compensate the people left outside for the action of the ten persons named in the grant? If the Maoris were able to understand the laws it would soon be seen that this policy was reversed. How is it there is no difficulty in connection with land over which the Native title has not been extinguished? Those people do not dispose of their land for grog, or for stores, or anything else. They still keep their land. I think there should be no objection whatever to this inquiry into the grievances of the Natives of Hawke's Bay. But the Natives of Hawke's Bay are not the only people who suffer. There is confusion among the Maoris of both Islands. There is a case in the Middle Island to which I would refer—that of the Princes Street Reserve in Dunedin. That land it was agreed should be given to the Natives, and afterwards the Government stepped in and took it away again. It was then granted to another person. There has been trouble ever since, and there is trouble now. I will refer to what the honorable member for Clive has said about the Maoris and the lawyers. Let us look at the Waka Maori case. Why did the Government employ lawyers in that case? They had lawyers themselves. There is the Hon. the Attorney-General. Are, then, the Natives to be prevented from having lawyers? We do not make the laws, and I suppose the Government want to do as they did by the Act of 1873—prevent any lawyers getting into the Court on behalf of the Maoris. I object to the Natives being prevented from employing counsel. I will only say, in conclusion, I am very much ashamed at the way in which the debate has been carried on. I can only think that the words of King David were right, that "All men are liars."
tain number who were to represent the interests of the whole; and the selection in such cases naturally fell upon some of the leading chiefs. But they were usually associated with other Natives who were not interested to the same extent as themselves in the land; and, in fact, it was perfectly well known to all persons engaged in any way in dealing with the Natives for their lands under these grants that the interests were not equal. That was a thoroughly well known matter—that the property was held by the Natives under the grant in unequal shares. But it became necessary, in order to prevent any misconception upon that point, to amend the law. The Act of 1889, in what is now the 14th section, but which was the 13th when it was introduced, positively intended to declare that—

"The estate or interest of each of several grantees shall not be deemed to be equal or of an equal value unless it shall be so stated in their grant, and every grant shall contain the definition of the estate or interest or proportion of interest in the land granted, which shall be set forth in the certificate of title on which the same is founded if any such is set forth therein."

Now there would, had the clause stood thus, have been a statutable declaration of that which, even without it, was thoroughly well understood by all who were at all conversant with the proceedings of the Native Land Court and with the titles of the Natives themselves. But, unfortunately, this Act was, at the instance of the late Sir Donald McLean, referred to a Select Committee, and that Committee consisted of Messrs Bell, Bichelmond, Rolleston, Ormond, Carleton, Creighton, Howarth, Brandon, Macfarlane, and Clark. On the 17th August, 1889, a meeting of that Committee took place, when, as it turned out in the sequel, most unfortunate alterations were made in the sequel. This section was intended as a statutory warning, to all persons who were dealing with Natives holding grants of this kind, that they were dealing at their peril in regard to the interests which the grantees with whom they were treating were possessed of under the grant. But an alteration was made, and that alteration was made at the instance of the Minister for Public Works (Mr. Ormond), for he moved the introduction of words which gave to the clause a retrospective operation and a proviso which operated in the most iniquitous manner as regards the Natives. I will state one or two instances in which that iniquitous operation has been given effect to. The clause, before those amendments were made, read as I have previously stated. The honorable gentleman, however, moved that words should be introduced to make it read as follows: "The interests of each of the several grantees, whether heretofore granted or hereafter to be granted, shall not be deemed to be equal," &c. Now, these words would have had very little effect but for a proviso which was also inserted at the instance of the honorable member, which reads as follows: "Provided always that this provision shall not apply to shares, estates, or interests already purchased from any such grantees, which, for the purposes of such transactions, shall be deemed to have been equal." Now the effect of that proviso to the clause has been of a most disastrous character to a large number of Natives. As an instance, I may mention the case of the Mangaterere Block, which is now the subject of litigation in the Supreme Court at the instance of the honorable member for the Eastern Maori District, who is seeking a partition of that very block as one of the grantees who has not alienated his share. The position he is placed in is this: that, although under the grant he would have been entitled to a much larger share than one-tenth of the property, he has, by an effect being given to dealings that took place prior to the passing of that Act,—an effect which those dealings would not have had but for that proviso,—been deprived of a large proportion of his share of that block of land. He has been reduced to the position of owner of a single tenth, instead of being the owner of a very considerable proportion. That has been the effect of the proviso, and it has been the effect upon a very large number of properties in Hawke's Bay, for this reason: that those who were engaged at that time—a Mr. Maney and another gentleman whose name has been quoted more than once in the course of this debate—in acquiring Native lands, were in the habit of getting the minor shareholders in these grants into their debt by inducing all those habits of extravagance and absurdity to which ignorant Natives were at that time naturally prone; by getting from them securities; by continuing the system of advancing money upon properties which at that time were not yielding a sufficient interest to keep those people in ordinary circumstances; and by ultimately exercising the power of pressure which the position of mortgagees or holders of unsatisfied enforceable debts gave them: they were enabled to obtain conveyances of the fee at an under-value. The result has been that in a very large number of instances these persons acquired the interests of claimants who would only be entitled to a small portion of the property, whereas they have obtained an equal interest in the property with those who were de facto entitled to the major part of it. No portion of the legislation of this colony has been so disastrous to the Hawke's Bay Natives as the proviso in this Act to which I have referred, and which appears to me to have been purposely introduced with the object of giving an effect to transactions which they otherwise never would have had. It was so well known to all who had dealings with the Natives for their lands prior to the passing of that Act that the ten grantees in a grant, notwithstanding there was no actual notice of the fact, had simply a fiduciary interest, that I believe the Supreme Court would have placed the matter in its true character if appealed to; but the power of the Natives to obtain such a declaration was absolutely taken away from them by that statute. In the case of Mr. Karauria he was interested in that most valuable block of country known as the Mangaterere; and in the case of the children of the deceased proprietor, Karauria, they were both deprived of a large share in a property which is looked upon
with longing eyes by all Europeans residing in Hawke's Bay. They have been deprived of a very large portion of their interest in that property by the operation of this Act: and I say that this House ought not to be acquitted when they permitted a clause of that kind to be placed upon the Statute Book. That clause has operated very injuriously has been shown by the Commissioners so often referred to. I have heard a great deal said during this debate in reference to the course that was taken by Mr. Justice Richmond on that occasion. It might perhaps have been desirable that in that case his Honor should have been instructed to inquire into and report upon the transactions in question without, as it were, deciding upon them judicially, leaving it to the Governor to take such action as the particular features of each case permitted. But Judge Richmond, in my opinion, took the only view, in the position in which he was placed, that he could reasonably be expected to take. He took his view that, in dealing with questions between the Natives and the Europeans, he must not treat the Natives in any other light than as standing on the same footing, in the alienation of their lands, as Europeans. Although I regret the course taken in connection with that inquiry, still I am not prepared in any degree to attack the action of the two European Commissioners. Mr. Justice Richmond himself, in dealing with this question, points clearly to the legislation of the Parliament of New Zealand as being, to a very large extent, at the root of all the evils of which the Natives had reasonable ground to complain. His language is this:—

"Yet I am far from thinking that the Maoris of Hawke's Bay have any real grievances in the matter of their landed rights. These are, however, to be found under the second general division of complaints—complaints, namely, of the operation of the Native Lands Act, and of the procedure thereunder of the Native Land Court. They are, of course, political grievances; and may be ranged under the following heads:—Complaints—

1. That the issue of a Crown grant for tribal land has extinguished the Native title in favour of a few individuals, the community interested acquiescing in complete ignorance of the effect of what was being done;

2. That the Court has unduly favoured alienation, by refusing to impose restrictions when asked for by Natives interested, and in other ways."

He comments to a considerable extent upon these grievances, and I have no doubt that, had the Government of the day examined that report with the care that ought to have been devoted to it, and given proper effect to what might have been considered as the recommendation of the Commissioners, this Assembly would not, in the present session, and possibly in future sessions, as it has in the past, ever since that report has been presented, have had before it this much- vexed question of dealing with Native lands in Hawke's Bay. I believe I was the first member of the profession consulted in regard to these matters; and Mr. Travers I felt the case was one which was likely to produce very great disaster indeed to the European population of Hawke's Bay. I felt that if the litigation was carried on to the end, it would, in all probability, have the effect of disturbing titles from one end of the province to the other. I ventured to point this out to the late Sir Donald McLean, and I urged upon him the expediency of having inquiries made into the different cases, with the view of paying money compensation to the Natives in order to put the matter right. I believe that had that honorable gentleman adopted the suggestion I made to him the whole matter would have been settled without any great difficulty; but circumstances have changed considerably year by year. Before the Commission was appointed I discussed with him the expediency of the appointment of such a Commission, and of providing funds from the revenues of the colony—to be afterwards charged to the purchasers of the land at Hawke's Bay—with a view to compensating the Natives for injuries done to them through the operation of the Act, without, as it were, deciding upon them judicially, leaving it to the Governor to take such action as the particular features of each case permitted. But Judge Richmond, in my opinion, took the only view, in the position in which he was placed, that he could reasonably be expected to take. He took his view that, in dealing with questions between the Natives and the Europeans, he must not treat the Natives in any other light than as standing on the same footing, in the alienation of their lands, as Europeans. Although I regret the course taken in connection with that inquiry, still I am not prepared in any degree to attack the action of the two European Commissioners. Mr. Justice Richmond himself, in dealing with this question, points clearly to the legislation of the Parliament of New Zealand as being, to a very large extent, at the root of all the evils of which the Natives had reasonable ground to complain. His language is this:—

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tion with this matter. In that respect he stands on a par with the Attorney-General. They were both of them acting in the most perfect good faith, and I do not believe the honorable member for the Thames had any idea or design of participating as a partner, if it involved the slightest impropriety. I think the whole matter has been made a deal too much of in this House. If honorable members would be content to take the weight of the investigation in a few weeks, it would be very much better than attempting to put a construction upon transactions which call for no inquiry into them in the form proposed. I think it is to be deprecated that, in a debate on a very important question which cannot be burked by the House,—which must eventually become the subject of legislation at one time or another,—such personal matters should have been introduced. I think every one must lament the occasionally intemperate manner in which the honorable member for Auckland City East—for I do think he is occasionally intemperate in this House—addresses the House: still I think it would have comport more with the dignity of gentlemen on those benches to have allowed such attacks to pass without recrimination, and without diving into the private affairs of individuals for the purpose of taunting them with matters which, after all, have no place whatsoever in the consideration of members of this House in dealing with the legislative questions before them. I shall support the motion for an inquiry into these matters, not from any belief that that inquiry will produce any particularly useful result, but I think the observations made by the honorable member for the Southern Maori District would justify me in supporting the application to this House for an inquiry. I conceive that it may have the effect of showing what legislation is necessary for the purpose of meeting what I cannot but look upon as a very serious and increasing difficulty. I hope, however, that whatever further observations may be made in this debate will be directed solely to the expediency of an inquiry being made, without its being mixed up with private matters, which should be excluded not only from the debate, but from the columns of the record in which it is likely to appear.

Mr. MACFARLANE.—It appears to me that it would be a great pity to take a division with so few members present. The question is one upon which I feel very strongly, and I have thought all along that the Government were wrong in not instituting an investigation into the truth of the published statements. I do not say that I believe those statements, but I have always maintained that there must be some ground for them. However, I think the appointment of a Committee would be almost a farce. I cannot see what good it would do. I would much rather see the matter left to a Court of law to decide. The cases must be very complicated, and many of them extend over a number of years, and they cannot all be investigated in a few weeks. Another objection is that it would involve the country in enormous expense. I would certainly go this far: I would ask the Government to assist the Natives with the best counsel; but I think it would be a mistake to refer the matter to a Committee, and I should be equally sorry to see a division taken now. I move the adjournment of the debate.

Motion for the adjournment agreed to.

The House adjourned at twenty minutes past one o'clock a.m.

HOUSE OF REPRESENTATIVES.

Monday, 10th September, 1877.

Hawke's Bay Land Purchases—Education Bill.

Mr. Speaker took the chair at half-past two o'clock.

PRAYERS.

HAWKE'S BAY LAND PURCHASES.

The adjourned debate was resumed on the question, That a Committee, consisting of Mr. Bowen, Mr. McLean, Mr. Fox, Mr. Stevens, Mr. Bastings, Mr. Hislop, Mr. Ballance, Mr. Bunny, Mr. Macandrew, Mr. Curtis, Mr. Montgomery, Mr. Burns, Mr. Fitzroy, Mr. De Lautour, Sir G. Grey, and the mover, be appointed to inquire into all dealings with Native lands by landed proprietors in Hawke's Bay. Such Committee to have power to call for papers and persons, and to report in a month. Five to be a quorum.

Mr. COX.—I wish to make a personal explanation with regard to this matter, and I will endeavour not to weary the House in the remarks I have to make. What I have to say is from first to last a personal explanation. If I am allowed, I will commence what I have to say by relating the facts of my earliest connection with this matter. I will first refer to the time when Governor Sir George Grey, in the year 1867, paid a visit to the South Island. This visit followed immediately upon his return from a trip through the North Island from Tauranga to Wanganui, by way of Taupo. During his visit to the South, Sir George Grey spoke to me generally regarding the quality of the grazing country in the North Island. I listened to him, but expressed no intention to take any part in acquiring any of this country. Nothing further in connection with this matter took place until I found myself at Wellington, in the session of 1867. During the latter part of that session, the Hon. H. R. Russell came to me one day, and asked me whether I had ever heard Sir George Grey express any opinion regarding the grazing country in the North Island. Mr. Russell said that he had not only heard from Sir George Grey that the grazing country was of good quality, but that all that he had said about it was fully confirmed by the reports of others equally competent to judge. My answer was that I had heard from Sir George Grey that the grazing country was good, but that I had not yet taken any action in regard to it, and, in fact, had never seriously thought of the matter since. He then said to me, "We will see Sir George Grey again."
I went with Mr. Russell to Sir George Grey, and we had an interview with him in the old cottage situated where Government House now stands. We had the first interview with Sir George in respect to this matter in that place. In all we had three interviews with the Governor of the colony (Sir G. Grey), in connection with this subject. At the first interview we stated fully, and as clearly as I was able—being the spokesman—what our plans were; and I fully explained to Sir George Grey what we intended to do. We told Sir George Grey that, if we were persuaded that the country in the North was good grazing country, we, with certain others, were prepared to constitute ourselves a company to lease a big block for grazing purposes. I say that at this first interview we entered very fully into all our proposed plans. We spoke of the area we were likely to take up if the land was suitable. We said that if the land suited us we would take up at any rate 250,000 acres. We may have said we would take up 300,000; but I wish to be within any rate 250,000 acres. We may have said we would take up 300,000 acres; but I wish to be within 250,000 acres, I will keep to those figures. I was then absolutely ignorant of the geography of the North Island; but Mr. Russell described it very roughly and generally the locality that we contemplated operating on. That country may be shortly described as commencing south of Taupo, at Rotomaira, up Rangapo Valley to the so-called desert, and thence including Murimotu, and any country worth having in the direction of inland Patea up to Captain Bird’s boundary. We stated to Sir George Grey that our intention was to form a grazing station. I cannot say how long a time that interview lasted; but I may say generally that we spoke without reserve, and we came away with the idea that Sir George Grey was well informed as to our intentions. After a short interval Mr. Russell invited me again to meet Sir George Grey and have a talk on the subject. We went, and we were received as we were received on the former occasion. At this interview Sir George Grey made a proposal which I am now going to state to the House. As nearly as I can say—the fact made a very strong impression on my mind, and has rested there for ten years—as nearly as I can recollect the words used by Sir George Grey were, “Would it interfere in any way with your operations if I were to ask you to allow me to join in your venture?” That is the substance of the conversation which took place. My answer was, “Of course we have no objection, Sir, to your joining us; by all accounts the country which we wish to acquire is a portion of a large territory, and therefore there can be no difficulty in adding 50,000 acres to 250,000 to meet the case of an additional partner.” I do not remember whether it was in answer to a question by Sir George Grey, or whether I volunteered the information; but I do remember that the limit of the money that each partner should be required to put down should be £5,000, and that such contribution would be sufficient to try the experiment on a respectable scale. At that interview we again discussed our plans, and I was satisfied that Sir George Grey considered himself one of us. He made several suggestions, one of which was that, if we established ourselves in the country in which we proposed to establish ourselves, we should not forget that the Maoris would have a claim on us for schools for their children. I cannot say positively how long that interview lasted, but my impression is that a whole hour was occupied in discussing the matter generally, and I can say that we left Sir George Grey under the impression that he was one of us. Now, Sir, I am not here as a lawyer to speak as to the legal definition of the word “partner.” A telegram was sent to me by a friend of mine a day or two ago asking me whether I would state that Sir George Grey was a joint partner with me in any such transaction. I declined to answer the question by telegraph. I sent a message to my friend to the effect that I had taken my passage by a steamer which was coming to Wellington, and that I would arrive here shortly, when I would give him all the information he required. My friend, who, I may explain, was not a member of this House, has now got all the information he desired to have. I say plainly that the plans of the so-called company were disclosed generally at that interview with Sir George Grey, as to the meaning of the word “partner,” I am now going to give the House some information gathered from the “Imperial Dictionary,” and from what I suppose to be legal authorities—extracts from works to be found in the Parliament library. The first may be called “laymen’s law,” and the rest “lawyers’ law.” I find under the head “Partner,” the following:—

“An association of two or more persons for the purpose of undertaking and prosecuting any business, particularly trade or manufactures, at their joint expense; or it is a voluntary contract, by words, bare consent, or writing, by two or more persons, for joining together their money for business purposes. ‘Special partnerships’ formed for a single adventure, and the consequences and liabilities that arise from them are confined to the transactions which arise out of them.”

“Brown’s New Law Dictionary” says,—

“Partnership.—The true criterion of a partnership is, that each member of it stands in the relation of a principal to the other members, who, in that regard, are his agents.”

And in “Wharton’s Law Lexicon” I find the following:—

“Private partnerships are contracted by the mere consent of the parties. Consent may be expressly testified by articles of co-partnership, or positive agreement; or it may be implied from the acts and conduct of the parties, which is equally effective.”

So much then for the interpretation of the word. I do not profess to have any knowledge of law, and, not being an expert, I do not like to speak with regard to technicalities in reference to any term of that sort. What I have said, and I think sufficiently proved, is that the proposed connection of Sir George Grey with the Hon. Mr. Russell and myself in this matter constituted, in fact, a partnership. I may here further say, with regard to this transaction, that we
left Sir George Grey fully impressed with the notion that he was one of us. After a short interval—an interval similar in duration to the one I have already referred to—we returned to Sir George Grey. By that time the session was nearly at an end. I think at this interview, which I shall refer to as No. 3, Sir George Grey opened the proceedings by saying, "Gentlemen, I ask to be allowed to retire from this proposed partnership. I have reasons," or "a good reason," "for making this request." I may ask the honorable member for the Thames whether I am not stating fairly what Sir George Grey the Governor said. I have stated the same thing during the past ten years, and I think I am stating exactly what the honorable member said on that occasion—"Gentlemen, I ask to be allowed to retire from this proposed partnership." Of course a word was sufficient for us. It was enough for Sir George Grey to express a disinclination. No one—neither Mr. Russell nor myself—questioned his right to do so, and it was not likely that we should, the instant we heard his reasons. One reason why he did not wish to go into this operation was this: He said he would not like to give his enemies the chance of saying that he was about to engage in anything that might be represented or misrepresented by anybody as being irregular or outside the law. That is what he said.

We at once naturally accepted the reason as sufficient for his retiring from the arrangement. From that day to this Sir George Grey has had no more concern, no more connection with this partnership, no connection meanwhile in the negotiations, has paid no money—never did pay a sixpence—or interfered in the matter in the employment of agents to carry out this particular business than you, Sir, or anybody else in this House not belonging to the company. Whether it can be held, considering what took place, that Sir George Grey was not a partner, I am not prepared to say. All I know is what I have told you with regard to Sir George Grey's connection with this matter. As to any charge or imputation of corruption on the part of Sir George Grey, I was fortunately, or unfortunately, not here when such a charge was made or insinuated, to hear it, and I hardly think I am called upon to say one word in respect to that charge, utterly wide of the mark as it is. Least of all should I be one to deliberately suppose that Sir George Grey had been guilty of any corruption in a matter of this sort, for to prove corruption in him would be to condemn myself, I being implicated in the proposed transaction. That never occurred to me, and I am quite sure it was never said by me. If such a thing was insinuated I was not here to hear what was said; if, unfortunately, it was insinuated it was a mistaken impression from first to last. It was a mistake if such an impression ever did or could get into the mind of anybody. I have never said anything here or elsewhere to-day or at any time during the last ten years that could be so construed. I have already stated what took place at these interviews. The only other matter, I think, that was mentioned, was that we stated our intention as to the time we should likely visit the country with this object. Sir George Grey promised that when I was ready to go to the country he would give me letters of introduction to the chief owners of the land. This is part of the narrative of the interview that might have been left out of my statement, as I understand that Sir George Grey admitted that he had such confidence in us as to recommend the owners of these lands to deal with us. I left Wellington at the close of the session, and after the lapse of two or three weeks I returned. I called upon Sir George Grey, and I got some letters of introduction from him. Mr. Russell and myself determined at once to go to Taupo. Unfortunately Mr. Russell, at the time being unwell, did not accompany me; but the Hon. Colonel Whitmore did, he also by this time being one of the company. There is one thing I should like to mention here before I go any further. I have never known, I have never said, I have never had any means of ascertaining, and never troubled myself to satisfy my mind on the point, as to whether Sir George Grey ever knew who the individuals were who were to be in the proposed company. The impression is that it was never said who the other parties to the transaction were. It is right that I should say this. I believe Sir George Grey was not aware of the parties when we discussed the matter generally during the second interview. We proceeded to Taupo with Mr. Locke, who was our agent in the concern. I mean Colonel Whitmore and myself went to Taupo. We were only able to deliver one of the letters. We had three or four letters; at any rate we were only able to deliver one of the letters to the person to whom it was addressed. There was only one of the men to whom the letters were addressed who could be found; the others were reported to be at Wanganui. We could only go to Rotoaira, just lying under the base of Tongariro. When we ascertained that the chief owners of the southern part of the country sought to be acquired—the more distant part of the country—we were not to be found. We made up our mind to return to Napier. We did return to Napier. Subsequently to that Mr. Locke was employed to go up to Taupo. He was urged in particular to lose no time. By this time not only ourselves but others were beginning to be influenced by the reports going about as to the quality of the country. There were certainly more men in the field than ourselves. This induced Mr. Russell, as representative of the company, to write to Mr. Locke, our agent, to lose no time—to do the thing well and quickly—and authorizing him to incur any expenditure that was necessary. I am not able to say what he did; but he went several times: I know positively that he went two or three times. At any rate these negotiations extended over a period of six months or more. By the time we arrived at the determination to bring the thing to a close a year had well nigh elapsed. We came to the conclusion to give the affair up; we did so for many reasons. An additional reason was that there were disturbances in connection with Te Kooti. That was in itself sufficient to prevent any one leasing and stocking land in that part of the country. At that time
wool was low, and the marketable value of sheep almost nil. These reasons, and the difficulty surrounding the whole matter, were sufficient to induce us, after the matter was gone thoroughly into, to bring it to the House. The result was the expenditure of some money, and the credit of being able to say that we belonged to a very large company. My honorable friend the Attorney-General, amongst others, had the credit of belonging to that company; and all that was possible to be done in the right direction was done, the net result being expenditure, and no profits. The only other negotiation I know of was undertaken from the Wanganui end of the country. I think that was just at the termination of our arrangements with Mr. Locke. We employed a gentleman to go into the Wanganui side of the country, but he accomplished nothing, and no result has followed to this day. We have about as much now as we had at the start. Now, that brought the negotiations to a close. So far as I know, neither Mr. Russell, Colonel Whitmore, nor anybody else who formed the company, ever undertook any negotiation. From 1867 until last year, I spoke to a few people, but not to a great many, about this matter. I had no particular object in doing so, but I did speak to two or three or half-a-dozen people in reference to the matter. Now, I want to draw attention to this: that from the session of 1867 until the present time, I have talked very much to a great number of people in very many places in reference to this matter. On one occasion during last session, when Sir George Grey was addressing the House upon some question not unlike the present one, in relation to lands—when he was talking as the self-constituted representative of the poor man, and implying that every man who had more than fifty acres had a great deal more land than he ought to have—I remarked to an honorable member that I never had more difficulty in my life in restraining myself from getting up and telling the whole story in regard to these negotiations for leasing a large block of land in the North Island. I said, "Is it consistent that Sir George Grey should thus talk, when he had a great deal to do with inducing me to come to the North Island and take up grazing country, and to an extent that the very mention of would now frighten men?" I said that twelve months ago; I ask an honorable member now in this House to confirm this assertion. I admit that my one object in drawing attention to the matter was simply to prove that the honorable member for the Thames (Sir G. Grey), in connection with this subject, was as inconsistent a man as I have ever known of. You may say that object was unworthy, but I say nay—I say it was quite a proper thing to do. My object was not to assert that Sir George Grey, when he advised us to go into Maori land, had the smallest idea of doing anything outside the law, but simply to prove that, in my opinion, Sir George Grey was an inconsistent man in respect to this question. That explains why I have talked about this matter in season and out of season during the last twelve months. I have mentioned this matter not only to Mr. Ormond, but to at least twenty-five other people in and about the House. Now I come to another part of this matter which, I take it, at this particular moment the House is more interested in hearing of than of anything else. That is the story of the letters. In mind, as I said before, that I had been talking to a great many people in reference to this matter, desiring no injustice to Sir George Grey or anybody else. When I saw Mr. Locke in the street, remembering that he had been an agent and had been many times written to in reference to this matter, I asked him whether he could charge his memory so as to be able to tell me anything with regard to instructions in relation to the affairs of the company. He said, "I should be able to do so, as I have the letters with me amongst others which I brought down for some other purpose." Thereupon he pulled out a bundle of letters—a stack of letters. I said, "I am not going to stand here until you have examined all the letters you have got. But if you will take them home, examine them carefully, and tell me separate negotiations for leasing this business, to you as agent of the company, I shall be very glad to see them, to refresh my memory. Although my recollection is strong, and has been for ten years, in regard to the main facts of the matter, I should exceedingly like to see anything referring to the instructions you, and the negotiations in connection with the business. After two or three days, Mr. Locke brought me I cannot say how many letters—there may have been seven, eight, or nine. There was one from myself, and there were several from Mr. Russell. Before I go further, I want to say this: I read those letters very carefully, again and again, and I read them finally an hour ago with the distinct object of ascertaining what was in those letters; and I can speak positively as to their contents in every particular. I say deliberately that those letters relate exclusively and solely to matters connected with this company, except a part of one postscript. That postscript simply refers to a survey of some other distant lands, about which I know nothing. There is not an allusion in them to any other matter that Mr. Russell or anybody else need object in the least to see published—I mean assuming the desire is to see those letters published. Now, whichever interest the writer of those letters may have—he being the authorized correspondent of the company—I as a member of that company claim the same interest. Well, after I spoke to the Hon. Mr. Ormond and to many other members upon this subject, I had, as I say, an opportunity of consulting our agent, Mr. Locke, and seeing the letters containing the instructions of the firm, and I have discovered this: That all I ever said in relation to Sir George Grey giving myself and others introductions to the owners of this said country, our object being to take up a big section of it, and in respect to his relations with us, is fully confirmed by the letters referred to.

Mr. COX—Will the honorable gentleman be kind enough to repeat what he has just said?
Mr. COX.—What I stated in respect to the two facts—namely, that Sir George Grey had induced me to come to the North Island by his representations, and had given me letters of introduction, and that he himself for a season contemplated joining us in the venture—was confirmed more than ever by those letters; upon which Mr. Ormond said, "May I see those letters?" My answer was, "You may read those letters with the permission of Mr. Locke." I understood that the honorable member for Clive got that permission and read the letters, and gave them back to the quarter from whence they came, that is, the Attorney-General, who has held them for me. I wish to state now that, if I had been present the other day when my honorable friend raised this question, and if he had consulted me previously, I should certainly have objected to his mode of raising the question, apart from its being a very clumsy one. I should have said the proper way would have been for him to have stated the facts on my authority, and I should have confirmed them. That is the advice I should have given my honorable friend if he had consulted me; but I was not here at the time; I had to go away for a distinct purpose, on medical advice, to see if I could recover from a matter forward. I may be told that I might have been placed in the position in which no one could possibly tell when it was likely to come. I had to go away for a distinct purpose, on medical advice, to see if I could recover from a calamity that afflicted me. I did not know that my honorable friend was going to bring the matter forward. I may be told that I might have anticipated it from seeing the Order Paper, but I can only say that this notice had been on the Order Paper for some three weeks, and no one could possibly tell when it was likely to come on. I hope the House will believe me when I say that I was not aware that the honorable member for Clive intended to raise this question in the way in which he did. I have now stated the whole facts of the case, and do not intend to take up any more of the time of the House in speaking to it. I have stated exactly what took place at these interviews, at which no one but Sir George Grey, Mr. Russell, and myself were present, so that nobody else is in a position to give direct evidence on the subject, and anybody else who pretends to know anything of the matter must derive his information at second-hand. I have said that I should have objected to the course taken by my honorable friend, but I do not wish to be understood as condemning him absolutely and unqualifiedly. I have never myself been placed in the position in which my honorable friend Mr. Ormond has been placed, as well as certain other persons in the part of the country from which he comes. I have never had to face numerous accusations that I was corrupt, and that what I had acquired I acquired by questionable means. If it had been so I do not know myself sufficiently to be able to say what effect such charges, again and again repeated, would have had upon me. I have never, from happiness, been so ill in my time, and I think it is not in the least unlikely that if such charges, unsupported as they have been, had been made against me from time to time, my heart too would have beaten violently, and my tongue also might have run away with my reason. Sir, all the evidence that I am able to give upon this question of the so-called Taupo land transactions I have now given.

Mr. MACFARLANE.—Sir, in moving the adjournment of the debate, my object was that a very important question should not be decided at a very late hour and in a thin House. I may say now that, the more I have looked into this question and thought over it, the more impressed I am with the opinion that, if this motion were agreed to, it would lead to a great deal of mischief. It seems to me that the Supreme Court alone can decide this question. If charges so freely circulated as these have been are made, they should undoubtedly be brought before the Supreme Court; and, if a Committee of inquiry in this House were appointed, all it could do would be to bring up a report which would have the effect of interfering with the proceedings of the Court. That is my feeling, at all events; and I think I am perfectly correct. Whatever decision the Committee might arrive at, the matter could not rest there, but must go before the Supreme Court. It appears to me that the mover of this resolution is in this position: He is engaged in defending certain clients, and getting justice for them in relation to certain charges, and he says, was wrong improperly defrauded. If he is in a position to prove what he says, it seems curious that he should come to this House and ask for a Committee of inquiry, when he must know that the proceedings of that Committee must interfere with the proper proceedings in the Supreme Court. I feel rather strongly in the matter, and, feeling as I do, it will be my duty to assist in preventing the motion passing. With regard to the rumors which have been circulated, whether correct or not, in some respects, I do not dare to say; but this I may say, that I have known the Hon. the late Native Minister for many years, and, throughout all that time, it has always been said of him, even by the Press of the colony, that he has invariably been inclined to favour the Natives. When confiscated lands were taken, the best part of the land was given back to the Natives; and, if the Natives had not sufficient means to take them into the Supreme Court, the best of it was reserved for the Natives. In the face of these facts, it does seem strange to me that he should have allowed such proceedings as those of which the honorable member for Clive is accused. It was the duty of the Government to have taken notice of these charges long ago, and I believe it was the honorable gentleman's duty, seeing that they were repeated over and over again, to have caused these charges to have been investigated, and, if the Natives had not sufficient means to take them into the Supreme Court, to have supplied them with funds to do so. I am sure the Natives must themselves believe that they have been improperly deprived of their land, and my impression is that a great deal of their discontent arises in this way: The land in Hawke's Bay has increased immensely in value, and property which, some years ago, bought for no more than £100, is now worth several thousands; and the Natives who only got £100 for it must naturally feel discontented. We know that in the Town of Napier allotments which were bought for £5 are now worth £1,000, which must make the Natives dissatisfied. That will account,
to a great extent, for the state of feeling in Hawke's Bay. If the Natives were encouraged to go into the Supreme Court, and if the Government would assist them in doing so, I should be very glad to see a vote taken for the purpose. I see no other way of settling the dispute, and therefore I beg to move the previous question.

Mr. SPEAKER explained the mode in which "the previous question" was put.

Mr. J. C. BROWN.—I should like to ask the honorable member for Waipa whether the negotiations of the company were for the purpose of purchasing the land from the Natives or for leasing it.

Mr. COX.—Altogether to lease it. It was no part of our plan to buy an acre.

Mr. J. C. BROWN.—I desire also to ask—

Mr. SPEAKER.—The honorable member is not in order.

Mr. FOX.—The honorable member is constituting himself a Select Committee.

Mr. STOUT.—I presume the honorable member would be in order if he put several questions in the form of a speech to the honorable member for Waipa, and then that honorable member can reply, because he has not yet spoken on the amendment.

Mr. SPEAKER.—It is optional with the honorable member to do that, but it would be very irregular for an honorable member to get up and ask a question and wait until he receives an answer, and then to get up and ask another and wait for a reply. That would be totally incompatible with the proper form of debate. If the honorable member desires to put questions in that way, the only plan would be to move, That I do leave the chair in order that the House may resolve itself into Committee of the Whole.

Mr. J. C. BROWN.—I should have put this question at the same time when I asked the others, but I did not do so in consideration of the honorable member for Waipa's defective hearing. The question I wish now to ask him is this: Whether the Minister for Public Works had his authority to use those letters and quote from them, or to produce them. I shall put the question in writing.

Mr. W. WOOD.—The honorable member cannot hear a word you say unless you go close to him.

Mr. HURSTHOUSE.—The honorable member for Waipa, in his speech just now, referred to a certain member of this House to whom he had spoken of this transaction last session; and in doing so he chose me as his referee, for reasons best known to himself, but, I presume, because I was comparatively a stranger to him, and totally uninterested in any of these transactions or the transactions of any other member of this House. And I may say, Sir, that the honorable member told me last session the substance of what he has told the House now, though not nearly so elaborately. In relating the circumstances to me, use them to prove any corrupt motives on the part of the honorable member for the Thames, but merely, in our discussions with regard to that honorable gentleman, to prove his inconsistency in the remarks he made in this House during last session with regard to certain gentlemen acquiring large tracts of land in the North Island. If my memory bears me out it was during the debate on the Piako Swamp question. But I certainly understood from the honorable member for Waipa that Sir George Grey had, as he has just told us, been or intended to be a partner in an association for taking up land in the North Island. He distinctly led me to believe, however, that he imputed no corrupt motives to Sir George Grey in the matter, but merely stated the circumstances in order to prove to me the inconsistency of the honorable member for the Thames. With regard to the question before the House, it does not behove me to make any remarks. I would merely like to enter my protest against the style of debate. Being a young man who came to this House very verdant in politics, I was very much grieved at the low tone of the debate. It is not for me to impute improper motives to the honorable member for Auckland City East in wishing for this Committee. It is not for me to impute improper motives to any honorable member of this House; but I certainly consider that such a Committee would be of very little use, and that the Commission of Inquiry into these land transactions appointed by the House some years ago ought to satisfy most honorable members with regard to these Native land purchases. A Committee or Commission appointed now would merely travel over the same ground traversed by that very long and expensive Commission which sat at Hawke's Bay some years ago. For my part I shall vote against the Committee, or an inquiry of any sort.

Mr. STOUT.—I waited expecting to hear the Minister for Public Works withdraw the aspersions he has cast upon the honorable member for the Thames during this debate, because I think every one in this House who can take an unbiased view of the whole matter must come to the conclusion that what the honorable member said has not been borne out by the statement made to-day by the honorable member for Waipa. What I conceive to be the gist of the statement made by the Minister for Public Works was that, until this partnership promised the then Governor a share, the Governor was thwarting them; but, as soon as they promised him a share, everything went merry as a marriage-bell. That statement has not only not been borne out, but it has been absolutely and entirely contradicted. Another thing that was inferentially stated was that this company or partnership, or whatever it is termed, was to be for the purpose of acquiring large tracts of Native land. It now turns out that the object of the company was only to lease the lands for grazing purposes. That is the second statement. The third statement of the Minister for Public Works was that he had authority from the honorable member for Waipa to use these letters and quote from them, and, he believed, to produce them. I hold in my hand a written reply by Mr. Macfarlane
the honorable member for Waipa to the honorable member for Tuapeka, in which this is put on paper: "Ask if Mr. Ormond had any authority to use the letters and quote from them, or to produce them?" The answer of the honorable member for Waipa is, "Not from me." Sir, I say that in such a grave matter as this, when an honorable member of this House can stand up and lead the House to believe that the then Governor of the colony was thwarting a public company in every way and would give them no assistance until they promised him a share of some plunder, and now when that is absolutely contradicted by the gentleman from whom the information is said to have been obtained, and also when he can stand up in the House and say he had authority to quote and produce letters, when the honorable member who is said to have given that authority absolutely denies it—when the honorable member can do that, his position as a Minister of the Crown demands from him some explanation or some apology. It is derogatory to the dignity of this House that a Minister of the Crown can act as the Minister for Public Works has done. I have already spoken on the merits of the question, and I do not intend to say anything about it. But I think when I said the other night is borne out—namely, that I made against the honorable member for the Thames, and by the honorable member for Auckland City East; and I think any one who reads the speeches will say that my reply is as nothing when compared with the provocation I have received on many occasions. I do not say it is desirable that speeches of such a tone should be found in our debates; but I say that a man is only mortal, and will not stand the abuse and imputations such as have been cast upon me during the last two or three sessions, more than once, that I intended to bring the case before the House. Considerable comment has been made upon my speech on this question. It has been said it was an unnecessarily bitter speech. I have to say to the House that I have been under very gross and great provocation. I have read that speech since I delivered it; I have weighed it and compared it with the speeches and comments that have been made upon myself by the honorable member for the Thames, and by the honorable member for Auckland City East; and I think any one who reads the speeches will say that my reply is as nothing when compared with the charges which are levelled against me and the provocation I have received on many occasions. I do not say it is desirable that speeches of such a tone should be found in our debates; but I say that a man is only mortal, and will not stand the abuse and imputations such as have been cast upon me during the last two or three sessions by those honorable gentlemen. It is well known that I sat still during several different debates in which I was grossly attacked, and which attacks were totally unfounded, uncalled-for, and not justifiable. It was owing to my position on the Government benches that I did not reply to those
attacks earlier, but when I saw the papers arriving from the South day after day repeating the one story, and all agreeing that if I sat still I was virtually admitting the charges. I felt it was my duty, whether I sat on these benches or not, to challenge the statements made and to retort upon those who made them. It is very well to say that a Minister of the Crown should sit with his hands tied behind his back while he is attacked in this way, but it is impossible for a man to sit still while he is so slandered, and I felt compelled to reply to the attacks. I deprecate as strongly as any man the importation of such a tone into our debates. What do they lead to? What was the result of the gross charges continually made against my late honored friend Sir Donald McLean? Sir, I say they politically murdered him. Had not those false charges been made against him I believe he would have been here to-day.

Mr. REES.—They were not false charges.

Mr. ORMOND.—The false charges made against him, then you put into his grave. I say emphatically that this sort of thing ought to be put down. The House ought to stop these shameful personal attacks, because if they are made on one side it cannot be expected that they will not be replied to by the other side. There is one thing I remember in relation to the speech of the honorable member for Auckland City East. It would be a gross wrong if such were allowed; and I trust the "previous question," which has been moved, will be agreed to. It has been said, over and over again, that a large number of these cases are now in the Supreme Court; and to appoint a Select Committee of this House to go behind the Supreme Court would be unprecedented, and would be an unjust and unfair proceeding on the part of the House. I have stated before, and I will state again, that so much misunderstanding exists in reference to Hawke's Bay land transactions, and they have got into such a position owing to the imperfect and contradictory legislation of this House, that I do not believe there is any satisfactory manner of dealing with them excepting by a Commission to be appointed by this House, with exceptional powers. I believe that would be the proper course to take. How the Commission should be constituted, whether it should consist of Judges of the Supreme Court, or not, it is unnecessary. I am sure the people of Hawke's Bay will gladly hail the appointment of such a Commission. It would not only relieve the district and the owners of property in the district from the difficulty and inconvenience of the litigation from which they are now suffering, but it would also do away with the endless charges which are continually being brought, but which are utterly unfounded, and have been declared to be so by a tribunal appointed by this House.

Mr. BUNNY.—I do not desire to take up the time of the House by continuing a debate which not only the House but the whole colony will regret has taken place. But I do think, after what has been stated by the Hon. the Minister for Public Works—after what he stated the other night, and the statement he has just made—and the statement made by the honorable member for Waipa, that we ought to have the letters laid on the table of the House. The impression made upon my mind, when the honorable member for Clive was stating the contents of the letters, was that the Governor of the colony, Sir George Grey, at the time of the alleged transactions had become a partner in certain negotiations, that he was very anxious they should be pressed on very quickly, and that he wished his name to be kept out of the matter. I think, in fairness to all parties, these letters ought to be laid upon the table of the House.

The impression made upon my mind, when the honorable member for Clive was stating the contents of the letters, was that the Governor of the colony, Sir George Grey, at the time of the alleged transactions had become a partner in certain negotiations, that he was very anxious they should be pressed on very quickly, and that he wished his name to be kept out of the matter. I think, in fairness to all parties, these letters ought to be laid upon the table of the House.

Mr. Ormond.
settle upon it. I trust that the letters will now be laid upon the table, and that, moreover, "the previous question" will not be agreed to, but that there will be a majority who will say "Yes" to the proposal for the appointment of a Select Committee.

Mr. CARRINGTON. — In common with other members, I greatly regret the tone this debate has taken. It appears to me to be simply a personal quarrel between two or three honorable gentlemen. I may state that my impression, after the speech of the honorable member for Clive, was that the honorable member for the Thames, in his capacity as Governor, had acted most improperly, and I felt exceedingly sorry. However, by the statement of the honorable member for Waipa (Mr. Cox) my mind has been greatly relieved, and my opinion of the transaction materially altered.

Mr. BAREF. — I had not intended to speak upon this question, but I think it unadvisable to allow the honorable member for Clive to proceed without expressing my opinion upon the matter, and giving a reason for the vote I shall give; and I would have sacrificed many of the Heretaunga members to bring forward matters relating to the public records, and what I have heard in this House. What I specially rose to speak upon is this: that the Minister for Public Works has, in the most deliberate manner, and without any reason whatever, gone out of his way to attack the honorable member for Auckland City East. The point of that attack in no way concerned the question at issue. He attacked the honorable gentleman on matters relating purely to his private capacity. But it so happens that the honorable member for Auckland City East was a colleague of mine in the County Council of Westland many years ago. He was then one of the most respected citizens of Hokitika, and had the reputation of being one of the most charitable-minded men in the community, a virtue which I do not think will be attributed to the honorable member for Clive. If a general election were to take place, and if the honorable member for Auckland City East went down to his old district, he would find that he had thousands of admirers and supporters, and he would poll twenty to one against the honorable member for Clive or the best man the Government could bring against him. That is the best proof that he is held in great respect by the community in which he lived. I think the time has arrived when this kind of language should be put down with a strong hand. I deeply sympathized with the remarks you made a few nights ago, Sir, as to its being the duty of the House to aid you in putting a stop to the use of objectionable language; but when a Minister of the Crown sets the example of blackguarding each other all round—I can use no other expression—the House really should interfere, and put a stop to it once and for all.

When once a quarrel is started, it is difficult to bring it to an end. I listened with pain to the former speech of the honorable member for Clive, but it was more pitiful still to see him swallow half those bitter remarks this afternoon. Since hearing the speech of the honorable member for Waipa, the honorable gentleman has endeavoured to place a totally different construction on everything he said. What he did in the first place, was this: He endeavoured to make the House believe that the honorable member for the Thames had endeavoured to acquire a very large property from the Natives. Now it turns out that the land was not to be freehold at all. The honorable member for Clive said that the honorable member for the Thames had induced the honorable member for Waipa and one or two others to visit the North Island with the intention of acquiring this property; and, having done so, an agent was appointed to scatter ground-bait—the honorable
member for the Clive said the House would know what that meant, though I am not sure that I do. At any rate the House was led to suppose that the honorable member for the Thames, after the negotiations were entered into, attempted to draw back from his bargain; that letters would be shown to prove that the Governor's name was not to be mentioned; and that the bargain was broken because Sir George Grey expected to make better terms. That was the impression left on my mind. Then came the statement that he was offered a share in the company. Those were the accusations made, and I say distinctly that he has swallowed his own words. I extremely regret to see a Minister of the Crown placed in such a position. We shall have Hansard before us, and would be undesirable to appoint the Committee.

We came into this House we did not leave our honorable member for Clive with what should be the conduct of a gentleman according to my mind. Then came the statement that he was satisfied with the report. I extremely regret that during the last two days so many hard, unpleasant, and disgraceful things have been uttered within the walls of this House. I shall not attempt to apportion the blame between one member and another, but I cannot conceive any possible course that could lead more inevitably to the continuance of this state of things than the course which has been adopted by the honorable member for Clive to-day. When any gentlemen makes a statement injurious to the character of another gentleman, and finds subsequently that he has spoken without sufficient ground, he usually acknowledges his error, as a gentleman should do. Surely when we came into this House we did not leave our characters as gentlemen behind us; but I certainly cannot reconcile the conduct of the honorable member for Clive to-day. I think it was the conduct of a gentleman according to my idea. I did not intend to make any reference to the appointment of the Committee, but I have been somewhat amused by the reasons that have been given in the endeavour to show that it would be undesirable to appoint the Committee.

It seems to me that there is a great deal of misapprehension as to the object for which the Committee is asked. I take it that we have nothing to do with inquiries into the private dealings of private individuals in the purchase of land for private purposes. If the Committee is appointed it will have to deal with these matters in their political aspect. The question is not whether any block has been rightly or wrongly purchased, or whether the Natives have been swindled out of their land, but whether the mode in which the land transactions in Hawke's Bay have been conducted has been such as to lead to serious complications hereafter with the Natives. I think this would be a most important inquiry, because a large amount of land in the North Island still remains in the hands of the Natives, and in legislating in regard to this land it would be as well to know what results had sprung from our past legislation. Unless we know how far the law in the past has been beneficial or the reverse, we shall not be in a position to say with any degree of certainty in what direction the law should be altered. It is with the view of having placed before us such an inquiry as I am disposed to support the motion for the appointment of the Committee which has been asked for. I do not see that any good would arise from the appointment of a Commission. Why, Sir, have we not already had a Hawke's Bay Commission? Has the report of that Commission not been held up as being a settlement of the whole question on the one hand, and has it not been held up, on the other hand, as an object of scorn, and as a most illogical document? And what reason have we to suppose that any other Commission would be any more successful? If it were intended to make the Commission a sort of Court to settle the whole thing finally, then it might be of some use. But what is the Commission wanted for? I take it that it could only be to inquire into the aspersions which have been cast upon the honorable member for Clive and his friends, and I must say that I have no doubt that the Commission is wanted for that. The result of the first Commission is that doubts have been cast upon the gentlemen who formed the first Commission, and I should be very sorry to see doubts cast upon those who may form the next Commission. The honorable member for Motuoka has told us to-day that he was satisfied with the report of the Commission, because he thought it had settled everything comfortably; but is it not a fact that there have been a number of litigations in the face of the decision of that Commission? Is it not a fact that £17,500 was paid in the face of the report of that Commission? If the report of the Commission is of no more value than that, what is the use of such a Commission? I say that a Commission would be of no avail whatever. The object which a Committee might subsist in is the conduct of a gentleman as to what way the land transactions of Hawke's Bay have been carried on so as to lead to all this dissatisfaction and all this suspicion of wrong-doing in the past; and, when we know that, we shall be able to take steps to prevent such cases from arising in the future. With that view, and not with
the view of raking up the private affairs of any
honorable members, I shall support the motion for
the appointment of the Committee. I am
opposed to the appointment on political
grounds, with a view to the instruction of
members of the House and the public of New
Zealand, and also to the satisfaction of the Native
mind, which, I regret to say, has naturally been
disturbed by these transactions. For all these
reasons I am prepared to support the motion for
the appointment of this Committee, and I would
ask the Government to pause before they say that
they will have no inquiry. If they refuse to have
this Committee, what will it mean in the minds
of the Native people of New Zealand, whose
wrongs are thus to be put on one side? What
will it mean in the estimation of the European
people of New Zealand? They will think that
the object of the Government in opposing
the appointment of this Committee is that they wish
to hide something—that they do not wish certain
things to be made public. If everything has been
fair and above-board, and if there has been no
thing underhand, I do not see why the Govern-
ment should object to the appointment of this
Committee. The Government will make the
greatest possible mistake if they set their faces
against this inquiry. The very essence of our
political institutions is that there should always
be an inquiry where there appears to be any
ground for complaint. Then, if there are any
charges in regard to the land transactions of
Hawke's Bay, why should an inquiry not take place
concerning them? I trust that the Govern-
ment will think over the matter well before they
refuse to grant this Committee.

Mr. BOWEN.—Sir, as a member of this House
and of the Government, and as one who comes
from a part of the country where there have been
no direct purchases of land from the Natives, I
wish to say a few words in reference to the
motion before the House, and I will say those
few words as quietly and temperately as possible.
Nobody can say that in my place in this House
I have shown any tendency to be personal in
my remarks, or to interfere unnecessarily in personal
quarrels. I may say that I have the greatest
aversion to mere personal vituperation, as it is
neither convincing nor manly. The greatest
adepts I know at invective are French market-
women. During this and the last two sessions
the Government have been the subjects of the
most personal attacks I ever heard of, and
these attacks have been aimed at their per-
sonal honor to the greatest extent. They
have been accused of legislating for private
purposes and to obtain certain objects for
themselves; they have been accused of legis-
lating so as to enable them to bestow great
estates upon their friends. These charges have
been repeated over and over again. For my-
self I have never been able to understand how
I, as a member of the Government, could
give a large estate to a friend. Many other
imputations have been made; there are very
few leading public men in the country who
have escaped such imputations. It was only
the other night that this House was shocked
by an imputation being made against one of
the Judges of the Supreme Court, when it was
stated that my honorable friend the Premier
wished to bring a case into the Supreme Court
instead of having it investigated there, because
he had a relative on the bench of the Supreme
Court of New Zealand. Now, Sir, I say that
that was a gross imputation upon a Judge of
the Supreme Court. The members of the Govern-
ment have sat here night after night and week
after week, and have not replied to all these
attacks, for the simple purpose of getting on
with the business of the country, and of not delaying
the passage of Bills which have been before the
House. They have remained silent until they
have been taunted for their silence. My honor-
able friend the Minister for Public Works, who,
I venture to say, stands as high in the respect of
the people as any public man in this country, has
been attacked on several occasions as to matters
that really would, if they were proved, affect his
personal honor; he has sat silent here night after
night, until it has been taunted all over the
country with his silence, for he is a man who
refers work to talk; and when at last, provoked be-
yond measure by a resolution coming up which
obviously was aimed at him and his friends—
aimed at him not by words which were used
when the motion was brought forward, but by
language used repeatedly with reference to this
resolution—my honorable friend retaliated, he was
accused of being offensive and personal. There is
scarcely a member of this House who is not one
even among those who have spoken on this ques-
tion, who has not admitted that the language
which has been used respecting members of the
Government has been perfectly scandalous; and
yet, when a member of the Government at last
says anything in the way of retaliation, an
outrage is raised against the personality of his
remarks. I am not going to complain of such
speeches as we have heard from the honor-
able member for Geraldine and the honorable
member for Hokitika (Mr. Barff). It is for
them to consider whether they are gentlemen
who should lecture a man like my honorable
friend on what is right and what is wrong. I
say that there is not a member of this House
who, if he honestly spoke what he thought, alto-
gather independently of party feeling, would
not say that no man on the Opposition benches
has ever been provoked or insulted in such a
manner as my honorable friend the Minister for
Public Works has been provoked and insulted in
this House by two or three honorable members
opposite. I do not wish to go into the question
of land purchases now, but I will point this
out: that in most parts of the colony people have
been able to purchase lands from the Crown at a
much lower price than some who had the mis-
fortune of being the pioneers in the Native dis-
tricts. I believe that most men have paid more
for Native lands in the long run than those who
have purchased from the Crown. When we hear
such arguments adduced as that land has in-
creased enormously in value within a few years
after it had been purchased from the Natives,
when we hear it argued that therefore the land has
been unrighteously purchased, I wish honorable members would remember what the value of the land which has been purchased from the Crown has become within a very few years after it has been so purchased. Why, Sir, there are very few people who leave the mother-country and come here who do not come with the hope of being able to purchase land cheap, and with the hope that their properties will increase in value at a much greater rate than they would increase in the old country. If we had been in a position to purchase land at a high price, with little chance of its soon increasing in value, I think a good many of us would have stayed at home and bought estates in the old country. But the wrong that is done to honorable gentlemen who have lived in Native districts is this: that there is an attempt to mix up wrong-doing with fair transactions; that, whereas it is known that there have been a few wrongful transactions, it is attempted to include in one general category the whole of the land purchases, and to say, "All these purchases are rotten, all these purchases are illegal, and every person mixed up with them should have his title inquired into, and in the meantime should be held up as an enemy of the country." I say that in this manner the whole question has been unjustly and unfairly dealt with. The real unfairness of the proposal which is now before the House is this: that these questions are now avowedly going before the law-courts; writs have been already issued; and it is not right or fair that questions should be very inadequately inquired into, and very injudicially inquired into, as they will be before a Committee of this House, at the same time as they are before the Supreme Court of the country. I confess I was averse from the first to entertaining this motion in any shape; I was averse altogether to entertaining any amendment; but my honorable friend has become very sensitive about all that has been said about him, and was anxious that there should be an inquiry as to his own personal purchases, although he did not think it right that the whole of the land purchases, and the whole of the settlers in the Hawke's Bay District should be inquired into in this manner. He was, therefore, anxious that the amendment of the honorable member for Wairau should be adopted — the amendment which, through a mistake as to the forms of the House, was not put in the manner intended. In consequence of that amendment lapsing, the Attorney-General added, as well as he could, the purport of that amendment to the resolution which was before the House. As has been stated already, in a thin House that amendment was lost. The House refused to entertain the question of an inquiry respecting the transactions of my honorable friend himself, respecting those of the honorable member for the Thames, and respecting the legal proceedings in Hawke's Bay. The House having refused to entertain this question, I say we have reason to think we would not be justified in taking up the whole question of the land purchases in Hawke's Bay in the manner in which this resolution proposes to deal with them, and to appoint a Committee of inquiry into them. I feel confident that the House will not allow such an inquiry to go on while the question is before the Supreme Court; because it is contrary to every custom, it is contrary to every rule of fair Parliamentary dealing with questions of this sort, and it is one which could lead to no possible result, except to throw possibly a half-light, probably a false light, upon transactions which are about to be submitted to a jury. I hope, therefore, that the House will not vote for the resolution, but will vote for the previous question.

Mr. Hodgkinson.—I do not profess to understand this Hawke's Bay land question at all, but, as a member of this House, and having a regard for the credit of this House, I do regret exceedingly the course the Ministry propose to take in this matter. Whatever they may say, I am quite convinced that the country will look upon their opposition to the appointment of this Committee as an acknowledgment of the guilt of these honorable gentlemen. Certainly it will. I make no charge whatever myself. I wish to see them cleared, not for their own sakes so much as for the character of this House. Much as I am in opposition to those gentlemen, I should wish, for the sake of the character of this House and of the country, to see their characters cleared. Instead of courting inquiry we see them taking the same course as they have taken on various previous occasions. We see them setting their whips to work to bring in their Ministerial majority — if they have one — in order to stave off inquiry. That is precisely the course they adopted last session with regard to the Piako Swamp question. By the votes of their majority they prevented the merits of that case being inquired into by this House. Statements have been made in this House as to members of the Ministry acquiring large estates for their friends. What else can we expect, when we know that members of the Ministry did acquire large estates in an illegal and improper manner? What do we see this session? By the use of the Ministerial majority inquiry into the Piako Swamp transaction was staved off. Instead of the property of land at, virtually, 2s. 6d. an acre, what do we see now? The Attorney-General, who was one of the gentlemen immediately concerned, concurs with a new Land Bill, in which it is provided that the minimum price of land in Auckland Province is to be 6s. an acre. What can you think of such things as this? That is one case in which inquiry was staved off. We have had another instance this session in the case of Mr. Jones. The Attorney-General would not allow that case to go to a Committee, and the result was that there was an impression abroad that there were circumstances connected with the case that he did not wish to be made public. The same thing is attempted to be done in the present case. If the Ministry can obtain a majority to prevent this motion for a Committee being passed, I am quite sure public men, if they have any respect for the character of this House, and for the character of the Ministry, will not allow such an impression as this to be made abroad. What else can we expect, when we know that members of the Ministry did acquire large estates in an illegal and improper manner?
belong to such a House. I cannot understand the conduct of the Ministry at all. For my part, if any such charge against me had been made I should be inclined to move immediately the suspension of the Standing Orders in order that a Committee should at once be appointed and the most rigid inquiry made. As to the allegation that if the matter comes before a Select Committee it will have an influence in the Supreme Court, although not a lawyer I do not believe it; it is mere pretension. The real fact is that no inquiry is wanted—that there is a consciousness of wrong-doing. I am forced to give that construction to the matter against my own wish. If the Ministry would allow the Committee to be appointed, I should say I have no right to suspect that they have been evil-doers in these transactions at Hawke's Bay; but, if they refuse it, I have no hesitation in saying that it is an admission of wrong-doing, as was the case in regard to the Piako Swamp transaction. I hope, therefore, for the credit of this House and for the credit of the country, they will allow this Committee to be appointed.

Mr. WOOLCOCK.—I only wish to make a few remarks, and to give my reasons for the course I shall take in connection with this question when it comes to the vote. I agree with the honorable member for Franklin (Mr. Lusk) that this House has nothing to do with private parties, private business, and private transactions between parties; but, if any investigation on the part of this Committee would be the means of achieving any great good or of clearing up or solving this great difficulty that has been raised, I for one should be most happy to support the resolution. I fail to see, however, how this Committee, if appointed, can achieve the object which the honorable member hopes to achieve by it; and, while I say that it will not achieve the object it has in view, I say at the same time that it will be the means of inflicting a great deal of injury upon a large number of unoffending persons here from their homes, from their families, and from their daily avocations, putting them to a large amount of inconvenience and a great amount of expense. I do not think that the honorable gentleman who moved this resolution has any intention of inflicting such an injury or placing such a burden on the inhabitants generally of Hawke's Bay. But if such a course was taken, it is to inquire into all transactions in connection with Native lands in that district. Consequently, if we would inquire into all these land transactions, all the persons connected with them would have to come here to be examined, which means that a large percent-age of the settlers of Hawke's Bay would have to be summoned for that purpose. I fail to discover what this House has to do with the transactions of private persons with the Natives. As far as the honorable member for Clive is concerned, I say at the same time that it will be the means of inflicting a great deal of injury upon a large number of innocent and inoffensive persons to a great deal of cost and inconvenience. I understand that action is now being taken in the ordinary Courts of law, and that actions are now pending in connection with many of the purchases in Hawke's Bay. Supposing this Committee should sit, and make inquires as proposed into all land transactions with the Natives of Hawke's Bay, what then? Is it the intention of this House to take the law into their own hands, and to constitute themselves a separate tribunal for the settlement of all disputes or of all malpractices that may have arisen in connection with those transactions? I presume not. But, unless on the report of this Committee the House is prepared to take action and to take the cases entirely out of the law-courts and settle them on its own responsibility, I fail to perceive that we shall have any results of this kind. Therefore, instead of their conduct being con-
liken to hear an expression from the Government into the honorable gentleman's conduct. I should their intention, if this Committee is not appointed, to him a share of the spoils or plunder that he gave held for acquiring large blocks of land. He then

These utterances have been recorded in the annals of our Parliamentary proceedings, and must ever remain there. Unless the House shall take steps for the investigation of the truthfulness or otherwise of those accusations they will for ever stand against that honorable gentleman as facts, and it will be a reflection upon that honorable gentleman and upon this House should such accusations ever go without proper investigation. Therefore I maintain that, whatever becomes of the proposed Committee, this House cannot shirk the responsibility of making an inquiry, by Commission or otherwise, into the honorable gentleman's conduct. I should like to hear an expression from the Government on the point as to whether or not they intend to allow the whole matter to lapse, or whether it is their intention to institute, by Commission or some other means, an inquiry into the accusations that have been hurled against the honorable member for Clive.

Mr. MONTGOMERY.—When the Minister for Public Works had spoken, the impression upon my mind, and I think on the minds of other honorable members was, that he had prepared his speech very carefully, delivering it with as much desire to make it effective as a surgical operation. He was entirely without confusion in the matter, and the expressions he made use of were not expressions that came from him in the heat of debate. The expressions were calmly considered and couched over, and delivered with all the precision the honorable gentleman was capable of. When he came to the accusation against the honorable member for the Thames I noted particularly what he said, because I felt it was one of the most serious charges that could be made against a member of this House, especially a member occupying a position of so much prominence as the honorable gentleman has occupied for so many years in the colony. The impression made upon me, and I believe shared by all other members, was that he stated that the honorable member for the Thames, when Governor of the colony, induced certain gentlemen to come up to Wellington and form themselves into a company for acquiring large blocks of native land, 300,000 acres in extent; that, after they came up here, Sir George Grey, then Governor of the colony, had cooled in the matter; and it was only after they had promised him a share of the spoil or plunder that he gave them the facilities that he had previously withheld for acquiring large blocks of land. He then said that what he stated was absolutely true, that he had letters to prove it, and that the letters were in the room behind him. I felt that this was an accusation of such a serious nature against an honorable gentleman occupying the high position he did in New Zealand and throughout the whole British world could have even a shadow of foundation. I wished very much to see those letters, in order to see if they bore out the statement; but I did not wish those letters to be placed on the table in an informal manner. I objected to the formality, but I thought the letters were absolutely necessary to bring out the truth of the accusation or to disprove it. When I heard today the honorable member for Waipa (Mr. Cox), with the candour which has always characterized him since I knew him, state that Sir George Grey, then Governor, requested him and other gentlemen to form themselves into a company with the view of making a settlement which the honorable member considered Sir George Grey was under the impression would be advantageous even to the Natives, I waited patiently to hear the next. The next was that Sir George Grey either proposed, or it was proposed to him, that he should be a partner in the transaction. Nothing further took place beyond discussion at that interview; and two or three days afterwards Sir George Grey stated he could not be a partner in the transaction. It was after that that Sir George Grey furnished Mr. Cox with letters to the Natives, and Mr. Cox, in company with Colonel Whitmore, left for Napier, and proceeded to Taupo. Now the Minister for Public Works said that Sir George Grey would not give the company any facilities until after they had consented to him being a partner, and, to use the expression of the honorable gentleman, “After that, all went merry as a marriage-bell.” Now, the honorable member for Waipa has distinctly refused that statement. I can understand very well that during the conversation Sir George Grey or one of the other gentlemen present might have mentioned that he should be a partner, and I can understand Sir George Grey, after an hour’s or a day’s consideration, saying, “This would be inconsistent with my position as Governor of the colony.” That is exactly what Sir George Grey did say when he next saw those gentlemen. I felt that this was a grievious accusation against the honor of Sir George Grey, and I was very much gratified when I heard that he took the opportunity of giving notice this day that the question of his conduct relative to this matter should be inquired into by a Committee of this House. Giving such a notice as that showed him of the highest honor, as the great proconsul, felt that he would not fall in their estimation. I was glad to see him meet the accusation in that way, for I also felt that, if he could not do so, he should not hold a seat in this House one hour longer, and that he could no longer hold the

Mr. Wooleoek
position in men's minds which he has hitherto held. I say that the honorable member for Waipa has completely cleared Sir George Grey of the smallest suspicion of dishonorable motives. He has completely cleared him of having been a partner in this association; and he has completely cleared him of the statement made by the Minister for Public Works, that it was only on their consenting that he should be a partner that he gave them facilities for the acquisition of the land, for it was after he said he would not become a partner that he gave them those facilities. Having said so much, and having expressed my opinion as a member of this House should with regard to a man like Sir George Grey, I wish now to say another word or two with regard to what the honorable gentleman, the Minister for Public Works, said respecting the honorable member for Rodney. If there is one characteristic more than another in that honorable gentleman which is known to honorable members of this House, it is that of genial good-nature. I venture to say there is no man who speaks in this House and who speaks with the force that he does, who leaves a better impression with respect to the kindness of his nature than that honorable gentleman does; and I say that the attack made upon him by the Minister for Public Works was what we should never have expected from any person except one who was speaking bitterly under the influence of passion. I regret exceedingly that such attacks should have come from a Minister sitting on those benches, for I would wish honorable members to distinguish between the speeches made by members in opposition in the heat of debate and the speeches of Ministers. They are placed there because His Excellency the Governor and this House believe in their discretion. Discretion is the main characteristic which should distinguish a Minister; and if a man, after carefully conning over for days words which would cut into the very hearts of honorable members of this House, comes down and in the most cool and deliberate manner states that which is not borne out by facts, and casts aspersions upon men standing so high in the estimation of every one as the honorable member for Waipa has completely cleared Sir George Grey of the smallest suspicion of dishonorable motives, he has made statements which he found were not borne out by facts; if he had said that these letters on which he got leave to look were not to be used in debate, as the honorable member for Waipa says; if he had said that, and if he had at the same time expressed his regret for using such language, we could then have said that he spoke as an honorable man, desirous of making all the reparation in his power. But that is not what he did, and when he referred to the honorable member for Auckland City, East as a bankrupt, are we to have these things dragged into debate? Are we to tell each other, "You were a bankrupt this year; you were a bankrupt five years ago; that other man was a bankrupt ten years ago"? Are we to have these things dragged into debate, and expect to have the proceedings of Parliament carried on in a manner honorable to the country? Nothing could be more injurious to the tone which this House should preserve, nothing could more lower the Parliament of New Zealand in the estimation not only of New Zealand but of the whole of the Australian Colonies, than importing into our debates, by a Minister of the Crown, matters which no man should utter in this House—statements with regard to other members of the House in their private capacity and not as members of the House. In saying this I believe I speak the universal feeling of the House,—even of those who are friends of the honorable member. I wish also to say that I regret very much that there have been from time to time so many personalities used by both sides of the House. It is not advantageous. It does not further the cause of good legislation; and I hope, when this matter has been disposed of, we shall all of us be more careful not to throw out taunts which must wound the feelings of honorable members. Let us speak of men's policy alone. Let us speak of what they have said in this House, and of what they have done as public men; but do not let us go into private character. I shall vote for the question being put. I do not think this Committee can, at this late period of the session, inquire into many cases, but they can, at all events, inquire into one or two, and it will also enable the honorable member for the Thames to carry—namely, that an inquiry shall be made by the Committee into his case. I desire this for the sake of the honorable gentleman himself, and I desire it for the sake of the House itself. I wish it to be placed on record that there is not a shadow of foundation for the charge made by the Minister for Public Works. It is for these reasons I shall vote for the appointment of the Committee, and I only trust that the Government will accede to it. I do not see any necessity for dragging a number of cases before that Committee. I am in no way prejudging the case as one of those whom it is proposed to place on the Committee, but as a member of this House I express my opinion of the course that ought to be pursued. I say that the Minister of the Crown shrouding himself when imputations are cast upon him, and attempting to leave the impression that what he uttered was uttered under a state of excited feelings in con-
sequence of what took place in the course of former debates. These are the reasons why I felt called on to rise; and I hope the Minister for Public Works will, even at this eleventh hour, say that he regrets what he has done.

Sir G. GREY.—Before the question is put I wish to make a few remarks on some matters that have come out during the debate. In doing this I shall, in the first instance, point out that the transaction in which Mr. Russell and Mr. Cox were engaged was a perfectly lawful and legitimate transaction. The Natives had the same right at that time to deal with their lands as any European, provided certain formalities were observed; and had I chosen to have joined Messrs. Cox and Russell there would have been positively no impropriety in my doing so. The rule has been that where the Governor of a colony or ruler of a country has the power of fixing the price at which waste lands may be disposed of, and has the power of determining what lands may or may not be offered for sale, and has the power of deciding where roads may run and towns be established, in such case, as a matter of honor and delicacy, it would be quite improper for the person governing such a country to interfer in any way by purchasing land himself; but where a responsible government is established that objection is not held to exist. For example, the Queen in England purchases private property precisely as Her Majesty pleases, and there can be no impropriety, under such circumstances, in a Governor, like any other inhabitant of the country, purchasing any property in accordance with the law; in fact, the liberties of this country, in some respects, depend upon the existence of that rule, and if the people of the country elected their Governor it would be quite certain that he would have the same right of purchasing land as any other inhabitant of the country. Indeed, if any restriction could be placed on any person in such respect in a country possessing a representative Constitution and a responsible government, like Ministers, who are charged with such restrictions should be placed. I do not say that they are so placed, but simply that, if they should be placed on any persons, undoubtedly it would be upon Ministers, who have the power in some degree of regulating various particulars regarding public lands, the formation of roads, the establishment of towns, and various other matters which would give them knowledge, and place them in a position different from that of other subjects inhabiting the country. I do not say it would be a matter of policy to place such restrictions upon Ministers, but I simply point out that, if there are any persons on whom such restrictions should be placed, undoubtedly it would be the Ministry of the day. Therefore, in any remarks that I make I am not attempting to repudiate a transaction which was in a good deal of a mixed nature. In the next place I wish fully to relieve my honorable friend from any impression that I was the first person who suggested to Europeans to take up land in the interior of the North Island. I had been requested by large numbers of Natives inhabiting the interior to get people to occupy their runs and pay them a rent—not to purchase their lands, but to occupy the runs on a system of rental. The Natives particularly stated to me, so that there should be no misunderstanding, that they did not desire to let their runs for a period exceeding twenty-one years. I think I heard to-night from my honorable friend the member for Waipa that his supposition was that the runs should be taken on lease for, say, twenty-five to thirty years; but I do not know that that intention was entertained. I have no doubt whatever that, had the country been so occupied at the time I desired, had the Natives been in receipt of a rental, had Europeans possessed the advantage of having flocks and herds there, there would have been a large export of wool from the interior; the position of the Natives would have been very much better; and, if conjointly with those advantages a town had been established at Taupo—a very long distance from the part of the country we are speaking of, say eighty miles—I have no doubt whatever that, at the present moment, our settlements upon the Waikato would have been in a position of perfect safety, and that the whole of New Zealand would have been in a very different state from what it is now. There would have been no murderers flying into the interior, no protection afforded to such murderers, and altogether a change would have taken place in the country, placing it in an entirely different position from that which it now holds. It was with those views that I encouraged gentlemen I believed in every way most admirably adapted to benefit the Natives, and other persons who I thought possessed the same qualities, to see those Natives who were anxious that their runs should be taken; and I desired, if possible, that they should locate themselves there as runholders. I myself, personally, would just as soon hold land under a Native landlord as I would under a European landlord. In some respects, possibly, I should receive better treatment in some circumstances than if I held land under a European landlord; but to any conversations which may have taken place ten or eleven years ago, my own mind is a perfect blank. My honorable friend the member for Waipa or Mr. Henry Russell were in any degree to blame for going there or for requesting me to send them. If there is any blame it rests on me; but I deny that there is any blame in the transaction. The next thing I would say is this: that, with regard to any conversations which may have taken place ten or eleven years ago, my own mind is a perfect blank. My honorable friend has been able to detail his recollection of conversations, I have no doubt perfectly accurately according to his own conceptions. I take it that he is entirely satisfied of the accuracy of those conversations, which he relates in detail, been to absolute words; but my own mind is a perfect blank on the subject. I cannot pretend to recollect anything. But, at the same time that I cannot recollect any details, I am able to affirm certain circumstances positively. Now I will give an example of what I mean, to illustrate fully my position that, although I can
recollect nothing whatever of the conversations which took place, if anybody was to say to me, "Well, was so and so said?" — naming some most important thing — I could say, "I don't recollect." "Well, was so and so said?" — naming some most important thing — I could say, "I don't recollect at all." "Well," it would be said, "how can you speak to such a trifling thing as that, if you cannot recollect any of these other things?" My answer would be, "My rule has been never to recollect any of these other things?" My answer would be, "My rule has been never to recollect any of these other things?" My answer would be, "My rule has been never to recollect any of these other things?" My answer would be, "My rule has been never to recollect any of these other things?" My answer would be, "My rule has been never to recollect any of these other things?" My answer would be, "My rule has been never to recollect any of these other things?" My answer would be, "My rule has been never to recollect any of these other things?" My answer would be, "My rule has been never to recollect any of these other things?

I could affirm that as a positive certainty. Therefore, when I am told that I was for a certain time a partner in this transaction, I feel satisfied in my own mind that there has been some misunderstanding in the matter. Where it has been or how it has been I cannot tell, but that a misunderstanding may be very possible I can see from this: My honorable friend the member for Waipa admits that no mention was made to me that there were other partners in the transaction — that no names were given to me. Now I say that it is excessively unlikely that any man would go into a transaction of the kind without knowing who his partners were. I submit that to the House as certainly a probable thing. I think, therefore, that that circumstance alone would show that there must have been some misunderstanding between the two gentlemen and myself. Even in a short time a misunderstanding may take place, because I had a conversation with my honorable friend last night on this subject, and the impression left on my mind was that he said he did not mean to state that I had been a partner, but simply that I contemplated the possibility of so becoming. Then I understood my honorable friend to go on to say that, when they saw me four or five days after wards, I at once said that I could not be a partner in the transaction, and that therefore all he meant was that for four or five days the question in my mind was doubtful whether I would or would not become a partner; upon which I remarked that there was there clearly and logically a misunderstanding, because all he could say was that at one time such an impression was upon my mind; and it was quite possible that, if he had come to me ten minutes afterwards, I should have said there was a misunderstanding, and that I could not be so; but, simply because no explanation had taken place for four or five days, he had no means of knowing the state of my mind during the whole of that interval of time. That was my reasoning, Sir; and I still say, when the honorable member for Clive states that he now for the first time understands that I was only a partner for four or five days, that that is not a proper way of putting the thing. To show that these misunderstandings do take place, I would further pass to the kind of loose- ness of language which necessarily occurs in transactions of this kind. For example, the honorable member for Waipa said to-day that, in reference to the statements he made to himself, they were more than confirmed by certain letters. Now, that expression must mean that there is still something behind — that there is more than has been stated. I understand now from my honorable friend that in one of the letters the thing was this: that he said the letters were fully confirmed by the letters, and that it was a mistake in language. But these mistakes in language, when a person's character is attacked in a most important particular, are mistakes of a very dangerous and deadly kind. I simply instance this as one, and I do say that, in a case of such enormous importance as this, which involves the character of one who has followed an unblemished career for a long time, and a man who is advancing rapidly in years, there should be the fullest inquiry possible, in order to relieve that person from any imputations which may have been cast upon him. I think there should be some inquiry, and that there should be an official record of everything that takes place. I do think that, now we have arrived at this stage of the proceedings, the letters should be produced and published. I have said a word on that subject in the discussions that have taken place during the past few days. I have kept myself quite quiet upon that subject, because I saw that, owing to the informal way in which the Attorney-General laid those letters upon the table, they could not be used. He did it in such a way as absolutely to prevent them from being read. I saw this done, and yet I sat still. The honorable member for Christchurch City (Mr. Moorhouse), with whom I do not often agree, I am sorry to say, and also the honorable member for Avon, spoke upon the question of the production of these papers, and their speeches thoroughly convinced me I was right in the view I took of the matter. I felt certain that, if the letters had been laid upon the table in an irregular manner, some honorable gentleman would have found out that the transaction was irregular, and that the letters should not be allowed to go on record; but, as they were not laid on the table by His Excellency the Governor, or by order of the House, and that therefore they could not have been produced and read. I knew what the effect of what the Attorney-General did would be. I am under a great disadvantage myself in connection with these letters; and I shall ask for the production of them, because I understand that all parties consent to their production — at any rate, all except my honorable friend the member for Waipa.

Mr. OOK.-Certainly that is not the case. I am in favour of their being produced.

Sir G. GREY. — I think in that case there can be no objection whatever to the production of the letters, as all the parties are willing, and I hope the House will feel it due to me to direct that the letters be produced and read. I am told that the letters do contain — and that is the only reference to me — a distinct statement to this effect: "That the Governor declines, for State reasons, to take any part in the affair." Something of that kind is said to be in the letters. Then the letter, I am told, goes on to say, "but some other moneyed man will take his place." Evidently, therefore, it was desired to
get a moneyed man into the partnership. My own mind, as I said before, is absolutely a blank to get a moneyed man into the partnership. My own mind, as I said before, is absolutely a blank as to what actually occurred. I am in the hands of the House, but it is my opinion that ought to be allowed to be done. I would allow it, if I had the power of deciding, were another honorable member's character and reputation involved; and why should it not be allowed me? Of course our positions are different. But I may say if I were Governor of the colony without a Ministry, and acting upon my own responsibility, or Prime Minister under the present Constitution, I should grant this. I should instantly publish the letters, and give a Committee of inquiry if it were asked for by a person in my present position; indeed I would have allowed each of the Committees of inquiry that have been asked for. In such a case I should see my course quite clearly; and I think I have a proper claim and title to this in my case. I do not wish to trouble the House at any length, but I wish to say this: It has been stated that the real object in producing these letters was to show what an inconsistent man I am. My honorable friend here (Mr. Cox) said I was one of the most inconsistent men he had ever known. I have so great a personal regard for him that any remark of that kind is, I know, meant in a thoroughly good spirit. He merely thinks there is an inconsistency in my conduct, and he intends to do me a kindly act in warning me for the future.

But, on the other hand, I say I am not inconsistent. The alleged inconsistency, it seems, consists in my having favoured the acquisition of so large an extent of land. I knew nothing of the extent of land that was to be acquired, but I say this, that the acquisition of land may be very proper under certain circumstances. I remember that Mr. John McLean took up about 30,000 acres of land in Otago. He leased that land. There was no impropriety in that, because it promoted settlement. My belief in respect to this land was this: that we should keep land open for settlement. Eleven years have passed, or nearly eleven years have passed, and during the next ten years the greater part of that land may not be required. I cannot see any inconsistency in my conduct. If persons go on to mountain-tops where no other persons are, and choose to take up a considerable amount of land, and hold it upon lease until the land is required by other persons, I cannot see that they do harm to anybody. I have been told there were fifteen persons in this company—

Mr. WHITAKER.—There were five.

Sir G. GREY.—I think there must have been more than that. At any rate I understand now it was contemplated to take up 200,000 acres, and I do consider 200,000 acres on the mountain-tops for five persons for twenty-one years was not at all an exorbitant transaction; therefore I do not think myself in any respect open to the charge which has been made against me if all the statements made are correct, which I by no means admit. I think the course pursued was a proper one, because it really had the effect of keeping the land for the people; but I understand the whole is likely now to fall into private hands. If my plan had been followed up, such would never have been the case; therefore I hold myself perfectly free from any charge of inconsistency. To show how loose has been the language used on this subject, I may remark that it has been stated that I said fifty acres of land were sufficient for any man. I never said such a thing. I am aware that in some places like South Australia, which is divided in eighty-acre sections, families have grown comparatively wealthy, perhaps I may say wealthy, upon forty acres of land. But to say I would limit everybody to fifty acres of land under all circumstances is absolute nonsense. I never said anything of the sort. I have only this to say: I hope the House will do me justice. I have had one of the gravest possible charges brought against me—a charge which is now admitted to be substantially untrue, but for which no withdrawal or apology has been made; and I do think some historical record should be made on my behalf to show exactly what the accusation has been, and what has been the proof or disproof in reference to that accusation. With regard to the first part of that, I have applied to the Chairman of the Reporting Debates Committee to have the reporters' notes upon this discussion preserved, and I am going to ask the House to have these notes laid upon the table of the House, so that they shall be preserved as records. I think the House ought to do this; it owes it to me, it owes it to itself, it owes it to posterity that it shall do as I request—that the letters alluded to shall be produced, that it shall investigate the whole case, and that the strictest records shall be kept of what passed and of what the original transaction was. I think the House will feel with me that I really am entitled to that—that it will cast all other considerations to the winds, and see that justice is done. I ask that that should be done. Not only as a matter of justice to myself, but in order that it may stand as a record for all time. Having made that request to the House, I shall now trouble it no further.

Mr. REES.—I opened this debate not thinking for one moment that the very short speech I made would take us from the calm that existed—from that peaceful haven into so strong a sea. I certainly was not prepared for the debate which
has followed, and which, Sir, you will remember is the outcome of the few remarks I made in introducing the motion, which took about a minute or a minute and a half to deliver, and which are compressed into eight or ten lines of Hansard. So far from desiring torouse a feeling of repugnance in the minds of any honorable gentlemen, I deprecated the debate which had taken place some weeks prior, and hoped this motion would be agreed to without discussion, or at any rate that the discussion should be confined to the merits of the cause itself. These were my feelings; but, to my surprise, the honorable member for Clive, the Minister for Public Works, who was prepared with several books, evidently for the purpose of reference, got up and said he was sorry I did not repeat the statements I had previously made, because he desired to have an opportunity of contradicting them. I had no desire to shut him out. I had challenged him on one or two previous occasions to rebut charges I had made, and I told him that, if he wished to contradict those charges, he might take them as repeated for the purpose. I certainly was very much struck with the speech the honorable member made. It is unparalleled in the debates of the New Zealand Parliament as reported in Hansard. It stands by itself. None but itself can be its parallel. I do not propose to emulate either the tone or the manner of the honorable gentleman. I think it will be safely conceded by the House that if I desired to do so I could do so very easily. I could do that without rummaging Hansard, without raking up the garbage and filth that could be gathered together. I could, if I desired, tear the political tatters, and hold it up to scorn and contempt. I do not propose to do anything of the sort; but I propose, while fencing at the attacks made upon myself and the honorable member for the Thames, to comment upon the question itself and the claims it has to the consideration of the House and the country. I could well afford to pass by the personal attacks which the honorable gentleman had made, and the honorable member for Rodney and punish him I cannot understand. The honorable member for Rodney had said nothing, either in this or the previous debate. The honorable member for Rodney, always good-humoured, always sensible, went about his business without interfering with the honorable member for Clive at all, and yet he was abused in a manner which the honorable gentleman must feel ashamed of now. He regularly worried the honorable member for Rodney. Sir, there is an old story told of the British forces when they made one of their celebrated retreats through the Afghan passes. A member of an Irish regiment got behind his comrades, and, being hidden in the mountain passes, they could not see him, but they could hear his hoarse, and, on the last one, the word. "Beaten," said he, "I've caught a Tartar." They said, "Bring him along." He said, "I can't; he won't let me." "Well," said they, "come on." He answered, "Oh, he won't let me do that either." Now I think the honorable gentleman has caught a Tartar in the honorable member for Rodney. The honorable gentleman stated that I had been guilty of surreptitiously absconding from my creditors. If he did not know that that was untrue, he ought to have known. It seems to me that, whatever he may say about the public character or conduct either of members of the Ministry or of this House, those who attack the private characters of honorable members should take care that they speak the truth. I was surprised at the Attorney-General repeating the statement. Why, Sir, when I left Hokitika to go to Auckland the fact was perfectly well known in both places. We had a series of cricket-matches all up the coast, and the Attorney-General's house was the first house I stopped at in Auckland; and how he could impute anything of the sort to a professional man who has acted with him and for him, who has mixed intimately with him in society of every sort, is certainly astonishing. But I do not think I require to be sympathized with. I think the Attorney-General will feel more grieved than I shall by the proceedings he has resorted to. Then another accusation has been brought against me. I do not know that I understood the honorable gentleman correctly, but it has been represented in one or two of the papers that I am holding a seat in this House in defiance of the Disqualification Act, I being an uncertificated bankrupt. The honorable gentleman ought to know better, particularly the Attorney-General, who tells the House that he has been to the trouble to obtain papers from the Supreme Court about me. Sir, I should like to know if it is right for Ministers to search for records of the private lives of honorable members. Is it fair that Ministers should have the right to pry into the lives of persons who happen to be their opponents? Such proceedings are not only not gentlemanly, but not proper in any sense of the word. I feel it due to myself and to the House to mention this: that, owing to undue speculation in mining transactions, and having to meet a number of claims which I cannot understand, I was by those opposed to me in politics and business forced into the Bankruptcy Court; but the honorable gentleman knows well that I went from that Court without any loss of reputation. Every honorable member from Auckland will say that; and, moreover, the people of Auckland know this well: that ever since that time I have been paying, except what was necessary for the household uses of my family, every penny which I have received, until all that can possibly be claimed from me is paid; and I hope it will not be more than a year or two before I shall have paid off all that I owe. I should not have inflicted this matter upon the House voluntarily; but when these things, which may happen to any man, are brought up and placed in a discreditable light, I am justified in saying that there is nothing that I wish to do. I have a large banking institution at his back. I have no large estates obtained at the lowest possible prices. Why, Sir, one hundred acres of the land in Hawke's Bay would free me from all my debts, and I may perhaps be pardoned for...
referred to the matter after the conduct of the Minister for Public Works. And then I was told that I was elected to do the dirty work of Sir George Grey. Sir, Sir George Grey has no dirty work to do, and if he had he would not ask me to do it. I think the majority of the members of the Ministry—excepting the honorable member for Clive, with whom I have no acquaintance—know that I would do no dirty work, either for party or for individuals. I will do what I consider right, neither more nor less. I must say I was very much grieved, as a member of this House, to hear the imputations cast upon the Hon. Mr. Russell, who has no opportunity to defend himself against accusations made in this chamber. If the Government chooses to say hard things against him in the Waka Maori outside he can defend himself, but it is not right for any member of this House torender himself by dragging in the name of a member of another Chamber, who has no opportunity to defend himself here. The term which would properly stigmatize such conduct is a term which has been ruled as unparliamentary. I must say that I was grieved to hear the gentlemen on the Government benches applauding the honorable member for Clive when he attacked Mr. Russell, who could not lift an arm in his own defence or refute the aspersions cast upon him. It seems to me that the House has not considered the position in which the honorable member for Clive has placed the Ministry and himself in relation to this matter. It was made a Ministerial question. The Ministry applauded the honorable member for Clive, and the whips have been hunting up the Government supporters. But, Sir, let us consider how grave was the charge made against the honorable member for the Thames. He was accused by the honorable member not merely of being engaged in a questionable transaction, but also of prostituting his position as the Governor of the colony—as the representative of Her Majesty the Queen—to extort a bribe from certain persons who were entering into a certain undertaking. That was the charge he made: that Sir George Grey, being Governor of New Zealand, encouraged certain persons to obtain certain property, and that, when they were about to acquire that property, he withheld the light of his countenance until they had an interview with him, when he demanded that he should have a share in the business; and that, when they agreed to give him a share, he allowed them to proceed. The simple meaning of that is, that he was prostituting his position to the meanest purpose. It has been telegraphed all over New Zealand, it has, I have no doubt, been telegraphed to Australia, and I will be bound that it has been telegraphed even to England, that a gentleman who stands foremost among the Governors of the colonies of Great Britain has been openly accused in this Assembly of having prostituted his position, and power, and influence as the Queen's representative for such a mean and base purpose as this. When the Minister for Public Works dealt with the matter, I heard the other Ministers cheer. I do not know whether or not it is right to cheer such a thing as that, but this I say: Surely before such an accusation was made the person who intended to make it should have satisfied himself of the truth of it. The Attorney-General admitted that he himself was a partner in this transaction, but he at the same time said that he had never heard, before he came down here this session, that the then Governor, Sir George Grey, had anything to do with this matter. "But," he said, "I now have the distinct word of the honorable member for Waipa, which I will believe in preference to the word of Sir George Grey." Well, Sir, the honorable member for Waipa gets up and absolutely denies it. I ask, is the character of a man of world-wide reputation to be so lightly dealt with? Without taking into consideration what has been said by the honorable member for the Thames to-night, supposing that the statements of the honorable member for Waipa are taken as representing what really did take place, what do they amount to? They amount to this: that the Governor, wishing to assist in the work of colonization, offered his assistance to certain gentlemen to colonize, and they hoped that he would take a share with them. They simply understood, after one conversation with the Governor, that he would become a partner with them, but the honorable member for Waipa says that, in a subsequent interview two or three days afterwards, the Governor said, "In my position as Governor I have nothing to do with it." Sir, can that give a shadow of right to any honorable member to accuse the Governor of prostituting his position to extort a bribe? When the gentlemen waited upon the Governor they were probably told that he was too busy at that time, and that he would see them another time. At any rate, they did go away on one occasion, and when they returned the Governor said to them, "I cannot have anything to do with it, but I will render you any assistance I can." I appeal to any honorable gentleman to say whether what has been stated by the honorable member for Waipa affords anything like a shadow of foundation for the accusations of the honorable member for the Clive. I will ask the Minister of Justice whether that affords a foundation for building up such a superstructure. I will ask any member of the Government—I will ask the latest addition to the Ministerial benches, the honorable member for Taieri, whether there is any foundation for the accusations which are made by the Minister for Public Works. The honorable member for Clive came fresh, as he told us, from reading the letters which have been referred to so often, and he said that the Governor had acted in the way I have stated. Am I right? The honorable gentleman says "No." At any rate he said it might be proved in a moment. Well, let the letters be produced. I do not know who has the letters; but I will undertake to say, after what has been said to-night, that there is no such expression in any of those letters, because it would be inconsistent with what has been stated by the honorable member for Waipa. The honorable gentleman says that the honorable member for Waipa told him certain things, but the honorable
member for Waipa denies it. Is it possible that a man, after a life spent in the public service of the colony, a man who has received the highest honors almost that can be given to any subject of Her Majesty—is it possible for such a man to have these charges levelled against him by honorable members on the Government benches, and then for those honorable members to say, "I did not say this, I did not say that, or I did not say the other thing"? But the honorable gentleman said this was true, and that he had evidence to corroborate his statements. Well, we have had the evidence of the honorable member for Waipa, and now let us have the letters. I venture to say that there is not a word in the letters about the Governor having anything to do with this transaction. The letters which were written to the Natives were written as an evidence of good feeling by the Governor, after he had refused to have anything to do with the transaction. Now, when the honorable member for Waipa has stated what he has stated, it is clearly the duty of the honorable member for Clive to get up and say, "I apologize to the honorable member for the Thames." That is his duty. After having attacked the honorable member for Rodney, the honorable member for the Thames, and myself, the honorable gentleman proceeded to defend himself. I understood the honorable gentleman to deny that he had altered the two clauses of the Act of 1869.

Mr. ORMOND.—No.

Mr. REES.—Oh, he does not deny that he altered them then. But he sent a copy of the Act, with interlineations in his own handwriting, which interlineations altered the law, and it was seen by several persons in Napier. It was taken round by Mr. Tanner, and it showed that the Heretaunga lands were to be preserved. I am only stating what I have heard; but I am prepared to bring forward witnesses who will state on oath that what I have said is true. There can be no doubt that the honorable gentleman made these interlineations which altered the law. If the honorable gentleman altered the law to suit his own purpose there ought to be a Committee of this House to inquire into it, and, if it is found that such is the case, the House ought to put upon record its opinion of such proceedings. The Supreme Court cannot touch him if he did that; and, if the honorable gentleman used his position as Government Agent, the Supreme Court cannot deal with the matter. It is an action which this House alone can deal with, and that is why this Committee is asked for.

We have heard a great deal from the honorable member for Rodney, the honorable member for the Thames, and myself, the honorable gentleman proceeded to defend himself. I understood the honorable gentleman to deny that he had altered the two clauses of the Act of 1869.

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Evidence was clearly taken on oath, and I think honorable members would have thought that there was engaged on each side; and the honorable interpreter employed on each side; a solicitor seventy or eighty were allowed to be placed on honorable member for Clive said that I came to, and they were bound to be there every one there themselves. Their names were objected of them to prove their claims. There was an attempt to go round to every Maori house so as to bring evidence with regard to the valuation of the property. They contended that the Natives had ninety or ninety-one of the Natives were struck off out of the ninety, and the rest remained. I am confident of this: that the solicitor and interpreter of my honorable friend's party, and the witnesses, with the exception of half-a-dozen Natives, were perfectly satisfied, as was also the Revising Officer, that every one of these Natives had a right to vote. The Native has as much right to vote as a European if he has property in the district, just as much. The honorable gentleman said it was very dangerous to the community. I suppose he considers that it will be very dangerous to the country if he is not returned. From all I hear, I believe that every Native vote which goes on the roll is a vote against the honorable member. Knowing the Natives in his own district, although he has been Superintendent off and on, and been general head of the province for some twenty years, the feeling is such that every Native that goes on the roll is a safe vote against the honorable member for Clive. In the Town of Napier there were 105 Natives objected to, but all were left on the roll. The Court sat in the middle of the town, and the Natives were there to support their claims to vote. I appeared for the Natives. What was the result on that occasion? Why, all the objections were withdrawn. Another solicitor, Mr. Cornford, was there and had witnesses in attendance, and what happened? Every objection against the Native voters was absolutely withdrawn. Surely all the objections would not have been withdrawn if it had not been felt that the Natives ought to remain on the roll. When the Natives themselves thought that their own members in this House were not doing them justice, and found that they had power to return members, surely they were justified in placing themselves upon the electoral roll. The honorable member for Clive, through his friends, tried to prevent these Natives being put on the roll. Agents were employed, solicitors and interpreters were employed, to get up evidence; they were sent round the country to get evidence to show that these Maoris were not entitled to be on the roll. What was the result? In the honorable gentleman's own district there were ninety Natives who were said not to be entitled to votes—I presume they were objected to at the instigation of the honorable member, as they lived in his district—and the result was that seventy or eighty were allowed to be placed on the roll. They were all men of property, freeholders in the district. From what was stated honorable members would have thought that there was a regular conspiracy to put men on the roll. The Natives went up to where the Native Court sat. Mr. Olliver was the presiding officer. The honorable member for Clive said that I came there with hordes of Natives to get them put on the roll. I state that I never did anything of the sort. I did appear at the Revision Court to support the claims of Natives to be on the roll. I was there to do what I could to secure that the Natives should be on the roll according to law. There were hundreds of Natives, freeholders in Hawke's Bay, who applied to have their names placed upon the electoral roll. The honorable member for Clive, through his friends, tried to prevent these Natives being put on the roll. Agents were employed, solicitors and interpreters were employed, to get up evidence; they were sent round the country to get evidence to show that these Maoris were not entitled to be on the roll. What was the result? In the honorable gentleman's own district there were ninety Natives who were said not to be entitled to votes—I presume they were objected to at the instigation of the honorable member, as they lived in his district—and the result was that seventy or eighty were allowed to be placed on the roll. They were all men of property, freeholders in the district. From what was stated honorable members would have thought that there was a regular conspiracy to put men on the roll. The Natives went up to where the Native Court sat. Mr. Olliver was the presiding officer. The honorable member for Clive said that I came there with hordes of Natives. The Natives came there themselves. Their names were objected to, and they were bound to be there every one of them to prove their claims. There was an interpreter employed on each side; a solicitor was engaged on each side; and the honorable gentleman's party had two or three valuations and builders and people of that sort employed to go round to every Maori house so as to bring evidence with regard to the value of the property. They contended that the Natives had not a right to vote. What was the result? The evidence was clearly taken on oath, and I think
a thing would not be allowed if Europeans were the clients, on any consideration whatever. Then there comes this question: If the honorable gentlemen are not afraid of anything that may come out in Committee, why do they refuse it? In relation to this matter the other day we had very warm words between the Premier and myself. He challenged me and the Government to move that night for a Committee to inquire into these matters. I said I knew the honorable member would object to it; I was sure he would, because it comes to this: that in these matters, so long as the persons concerned are able, they will not have them dragged out to the light. If you drag them to a Court, the examination is confined within the four corners of the declaration; there is nothing like the examination that would be had before a Committee of this House. I felt sure when I was moving for the Committee that it would be opposed tooth and nail by the Government. The Hon. the Minister for Public Works said, "If you have anything to say against me, bring it before a Committee, and I will answer you; and if you make vague charges against me I shall ask the House to reprimand you." Of course it is easy to make statements like that. Every one could see the object; every one in this House could plainly see it. I must, before sitting down, give my opinion upon the use which has been made in this matter of private correspondence between third parties. Such a thing, I apprehend, was never known as a Minister of the Crown using private correspondence which had not been given for such a purpose. I understood the honorable member for Waipa to state that he had not authorized the use of this correspondence. I understood the Attorney-General and the honorable member for Clive to say that the honorable member for Waipa had authorized the use of these papers. I understood the honorable member for Waipa absolutely to contradict that statement. It amounts to this: that the honorable member for Waipa is not to be believed, on the testimony of the Attorney-General. Who ever heard of an honor- able member using the private correspondence of others for the purpose of raising up a charge against a political opponent? I trust we shall never again see that. On whichever side of the House a man may be, I trust we shall never see a proceeding of that kind again within these walls. I should really like to know from Ministers—especially from the Attorney-General and the honorable member for Clive—whose character is next to be assailed? Against whom are they going to rake up something next? They commenced with me, and I would advise them to go a little further, in order to see whether they can find out anything else. But I recommend it to them, as holding leading positions in the community, and as members of the Ministry, to consider whether such conduct is at all consistent with the position they hold in this House or in the colony. If they are going to say one or two other things, but if I did not wish inquiry into the proceedings of this House and of its members. It was the same last year as this year. However, I believe a time will come when we shall be able to get at everything. It is admitted on all sides that this Committee should be granted. The honorable member for Waitakere says an inquiry ought to be had. Then why should not there be an inquiry? The honorable member for Clive, on the other hand, I feel confident that any reasonable man who judges from the columns of the papers, or from what he sees here, must say the only rational con-
clusion to be arrived at from the persistency with which these investigations are eluded is that there is something to be concealed, that something has been done which must not be brought to light, that the secret chambers and recesses where those things are done must not be ripped open. The public will not consider themselves safe until that is done. Honorable gentlemen, members of this House, engaged in any transactions of the sort at all, will not be consulting their own good fame, will not be consulting the happiness of the district in which they live, will not be consulting the best interests of the House and of the country, while they refuse to have those inquiries. So long as inquiry is stifled suspicion must be roused, and so, time after time as these things are brought out, the opinion will be strengthened, not only amongst members of this House, but among people at a distance who read our proceedings, that there is something to conceal. Let us have this Committee appointed. Let us perform this public duty, and purge ourselves from what at present seems to be a great public wrong.

The question was consequently not put.

EDUCATION BILL.

The House went into Committee on this Bill. Mr. STOUT moved, That the Chairman report progress.

Question put, “That progress be reported, and leave given to sit again;” upon which a division was called for, with the following result:—

Ayes 9
Noes 86
Majority against...

AYES.

Mr. Baigent, Mr. Barff, Mr. Bastings, Mr. J. E. Brown, Mr. De Lautour, Mr. Dignan, Mr. Fisher, Mr. Gisborne, Mr. Hodgkinson, Mr. Johnston, Mr. Larnach, Mr. Lusk, Mr. Montgomery, Mr. O'Rorke, Mr. O'Roke,

TELLERS.

Mr. MacAndrew, Mr. Sheehan.

NOES.

Major Atkinson, Mr. Ballance, Mr. Bastings, Mr. Beetham, Mr. Bowen, Mr. Burns, Sir R. Douglas, Mr. Gibbs, Dr. Henry, Mr. Hunter, Mr. Hursthouse, Captain Kenny, Mr. Lumsden, Mr. Lusk, Mr. McLean, Mr. Moorhouse, Captain Morris, Mr. Murray-Aynsley, Mr. Ormond, Mr. Pyke, Mr. Pyke, Mr. R. G. Wood.

TELLERS.

Dr. Wallis, Mr. Wason, Mr. Whitaker, Mr. Woolcock.

Mr. MacAndrew, Mr. Manders, Mr. Montgomery, Mr. Pyke, Mr. Rees, Mr. Reynolds, Mr. Rolleston, Mr. Tole, Mr. W. Wood.

Mr. Reid, Mr. Richardson, Mr. Rowe, Mr. Seymour, Mr. Sharp, Mr. Stafford, Mr. Stevens, Mr. Swanson, Mr. Tawiti, Mr. Teschemaker, Dr. Wallis, Mr. Wason, Mr. Whitaker, Mr. Woolcock.

Mr. Fitzroy, Mr. Richmond.

The motion was consequently negatived.

Clause 39.—“Whenever the Board of any district shall be in receipt of rents or other profits derived from lands or other property vested in it or under its control or management, an account shall be taken, at such periods as the Minister may direct, showing the amount of such rents or
other profits; and, in computing the proportionate share which such Board would, under the provisions of this Act, be entitled to receive from the Government, allowance shall be made for such rents and profits; and such shares shall be paid subject to a deduction based upon the net amount of such rents or other profits.

"No such deduction shall be made in respect of moneys received from such special endowments as are mentioned in section fifty-one of this Act."

Mr. PYKE moved the omission of all the words after the words "or other profits."

Question put, "That the words proposed to be omitted stand part of the clause;" upon which a division was called for, with the following result:

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<tr>
<th>Ayes</th>
<th>Noes</th>
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<td>17</td>
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Majority for 23

The amendment was consequently negatived.

Mr. STOUT moved the addition of the following proviso:— "Provided always that no deduction shall be made for rents, issues, or profits, or interest arising from lands or moneys devised, or bequeathed, or granted, or at present vested in the Board for educational purposes in any educational district; and the word 'Board,' in this proviso, shall extend to and include the Boards created by 'The Education Boards Act, 1876.'"

Question put, "That the proviso be added to the clause;" upon which a division was called for, with the following result:

<table>
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<tr>
<th>Ayes</th>
<th>Noes</th>
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<td>16</td>
<td>38</td>
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Majority against 22

The amendment was consequently negatived.
Mr. McLean, Mr. Wason,
Mr. Moorhouse, Mr. Whitaker,
Captain Morris, Mr. Woolcock.
Mr. Murray-Aynsley, 
Mr. Ormond, Mr. Beetham,
Mr. Rees, Dr. Henry.

Mr. Barff, Mr. Pyke,
Mr. Burns, Mr. Reynolds,
Mr. De Lautour, Mr. Rolleston,
Mr. Fisher, Mr. Sexton,
Mr. Fitroy, Mr. Stevens,
Mr. Gisborne,
Mr. Hodgkinson,
Mr. Larnach, Mr. Stout,
Mr. Montgomery, Mr. W. Wood.

The clause was consequently agreed to.
Progress was reported, and leave given to sit again.

The House adjourned at five minutes past one o'clock a.m.

LEGISLATIVE COUNCIL.
Tuesday, 11th September, 1877.

Wakatipu Runs—Rabbit Nuisance—Native Lands Act—
Dunedin Drilled Reserve Bill—Auckland College and Grammar School Site Bill—Port Chalmers Waterworks Bill.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

WAKATIPU RUNS.

The Hon. Mr. HOLMES asked.—(1) Why the leases of runs 1, 2a, 6, 7, 22, and 23, Wakatipu, were allowed to be surrendered by solvent holders, and resold to the same parties at a much reduced rental? (2) Why the rents of the Wakatipu runs have been allowed to become so much in arrear? (3) What steps are being taken to recover such arrears of rent? (4) Are the members of the Waste Lands Board personally responsible for any loss that may be sustained by the State through their not enforcing the provisions of "The Waste Lands Act, 1872"? (5) In order that the Colonial Secretary might understand this question, he would shortly state some particulars in connection with it. The land comprised in what were known as the Wakatipu runs was originally held under ordinary squatting licenses, but was taken from the then holders and declared a common, and it had been devoted to that purpose for several years. It was found that it was not profitable as compared with the first letting, of £1,080 3s. 4d. per annum. Two runs had been surrendered since that, and these were to be re-let on the 19th instant; and it became a question whether the Government should not take into consideration the whole circumstances of the case before these runs were re-let. One peculiar feature of the matter was this: that, by the Act of 1872, the rent was payable in advance, and if it remained unpaid for fourteen days the Waste Lands Board had the power to enter upon the land and eject the tenant. He believed, however, that in no case had this been done; but the parties who had surrendered their leases had been allowed to occupy till a resale took place; so that they merely had to surrender and purchase again at the reduced price, without any trouble or any difficulty whatever, their stock still remaining on the country. There had never been a single instance in which the act of forfeiture had been carried out, and that was one of the reasons why his question had been placed on the Order Paper.

There were many considerations in connection with this matter which he would like to enter upon, but, as the subject was introduced in the form of a question, he could not go further into it for the present. But he would merely draw the attention of the Colonial Secretary to the fact that such a large area of country as this being allowed to be occupied in an illegal manner. For example, the arrears of rent, as shown by the return on the table, amounted, on the date when the return was made, to £26,443. Some of that rent had been due for twelve months, some for eighteen months, some for twenty-four months; and in one case the arrears were for two and a half years. It was a most extraordinary circumstance that the Waste Lands Board should permit tenants of the Crown to retain possession illegally under such circumstances.

The Hon. Dr. POLLEN, in reply, said that these leases were made by the Superintendent of Otago in the exercise of his power as a delegate of the Governor within the gold fields; that, so far as he could understand, the land was let at a rental of all proportion to its value, and that, in consequence, the tenants—some of them at least—became unable to pay the rent which they had undertaken to pay.

The Hon. Mr. HOLMES.—No.

The Hon. Dr. POLLEN took leave to say that the mode of introducing the consideration of a subject of this kind by such a number of questions as were put to him was a very inconvenient one. If these facts were to be rested, the proper way to do that—and he had no objection whatever to their being ascertained in that way—was to refer the whole question to a Select Committee. He was giving now the information...
which had been supplied to him on this subject, and was not expressing any opinion at all on the question. It was found that some, at least, of the tenants were unable or declared themselves unable to meet their engagements, and there arose a technical legal difficulty, to which he needed not at present refer, which interposed an obstacle to legal proceedings against the tenants. It appeared that the whole of the circumstances were taken into consideration by the local officers of the Government, by the Warden of the gold fields, by the Waste Lands Board, and finally by the Government on a reference from that body; and it was thought that, upon the whole, inasmuch as it was necessary to accept an arrangement in one case, it would be better to look the whole question in the face at once, and to endeavour to reduce the rents to something like a fair and reasonable standard; and that was what he understood had been done. To the second question asked by the honorable gentleman, "Why the rents of the Wakatipu runs have been allowed to become so much in arrear?" he could only answer by referring to what he had already said—that it was impossible to collect the rents from some of the tenants. With respect to the third question, as to what steps were being taken to recover such arrears of rent, he was told that instructions had been given to endeavour to recover those arrears; and, with regard to the fourth question, he was not able at present to give his honorable friend an answer.

RABBIT NUISANCE.

On the motion of the Hon. Mr. MANTELL, it was ordered, That there be laid upon the table a return showing, so far as the data in possession of the Government enable it to show, the number and description of ferrets, polecats, weasels, mungooses, and other animals supposed to be useful in abating the rabbit nuisance, imported into the colony since the 1st July, 1876, the ports at which they were landed, and the names of the importers or consignees.

NATIVE LANDS ACT.

The Hon. Mr. HART. — Sir, the circumstances which led me to place upon the Order Paper the motion which stands in my name are those: I received, in common I believe with other members of this Council, about three weeks before the commencement of the session, a copy of a draft Bill which was intended to be introduced into the Legislature during this session repealing former legislation in reference to the Native Land Court, and making other provisions as to the constitution and powers of that Court, and, among other things, repealing and altogether ignoring those portions of "The Native Lands Act, 1873," to which my motion refers. I thought, from the experience which this colony has had of the different Acts which have been passed in relation to dealings with Native land, and for the administration of justice between Native and Native by the Native Land Court, that much of the difficulty which has arisen might have been obviated if the subject of legislation on these matters were to receive a thorough discussion at the hands of this Council. There have two or three times been brought under the notice of the Legislature provisions relating to Native lands, introduced by statements of inconvenience arising out of previous legislation, but without a full and complete view of the probable consequences of the measures so introduced. As an illustration of what I am referring to, I need only point to those clauses in the Act of 1869 which altered the legal operation of grants issued to Natives where more than two names were included in the grant—altered the legal operation of those grants, which previously had been that each grantee was entitled to deal with his share as he pleased, and to sell it without the consent or co-operation of any other person named in the grant; to this state of things: that no such grantee could deal with his share without having the consent of a majority in number and value of those whose names were in the grant. The effect of this alteration was that, while the grants continued to bear on their surface an indication of the existence of the legal right of each grantee separately and solely to deal with his interest under the grant, there was an Act in existence which gave to that grant a different legal operation, and controlled the action of individual grantees under it. This Act was passed at a period during which transactions in Native land, particularly in the Province of Hawke's Bay, were rife; and it is a matter certain for comment, and one which deserves considerable attention, that no special notice was published, in that or any other part of the colony of which I am aware, calling public attention to the very great change which was being made in the legal operation of this document of title with which the Natives were then dealing. The consequence of this state of things has been that, as purchasers went on purchasing as they had been accustomed to do previously, many of the titles are now not only rendered doubtful, but, by the decision of the Court of Appeal in the case of Karaitianav. Sutton and others, they are declared to be absolutely invalid. The consequence of this is, that persons who have purchased and paid for interests in land under these circumstances are, by the technical legal operation of that Act, declared to be absolutely without title. If we contrast with this the action of the Corporation of this city the other day when passing a by-law which was to impose penalties for doing acts which were nuisances in themselves, and look at the extensive publication given to those by-laws, and consider that in the case of these Native lands no provision was made in the Act for giving notice, and that no notice was actually given, I think it must appear to the Council a matter of great regret that such a state of things exists. I think it is a matter of regret that a Native should be able to say, as I have been told and believe a Native did say, "I sold my land; I was paid for my land; I got the price I asked for my land; and I was satisfied." But Mr. So-and-so," naming a legal practitioner, "tells me a legal practitioner, "tells me the law will give me back my land, but the law will not give me back my rent," I do not think it is desirable that such a state of things should exist in the colony...
through ill-considered legislation, or legislation the effect of which was not sufficiently noti-
ified to persons likely to deal in Native land. I
understand a great deal of the difficulties arising
in the Provincial District of Hawke's Bay is owing
to the circumstances to which I am alluding.
I think it very desirable that we should ascer-
tain if possible what is that Native tenure of land
with which legislation on this subject has to deal;
and, in the hope that other honorable members
may bring their experience to bear on this sub-
ject, I shall endeavour, as far as my means of
observation have extended, to give some definition
of that right. In order to ascertain the Native
tenure of land it will be desirable to do as the
commentators on English law do. They go back
to the origin of it in the feudal tenure of some
centuries ago. When we go back to the first prin-
ciple of the tenure of land by the Natives, we find
it is the law of might,—

The good old rule, the simple plan,
That they should take who have the power,
And they should keep who can.

It is obvious that the right to land upon such a
principle could not exist in a single individual. It
was necessary that those who could take land
should form themselves into companies or
tribes; it was necessary that those companies or
tribes should be under some leader or chief; and
thus we have a very simple form of tribal govern-
ment and tribal right as existing among the
Natives previous to the arrival here of the Euro-
pean settlers. When an individual cultivated his
or her land a large share must go to the chief, in
order that he might exercise hospitality and per-
donish duties as chief; but the lands themselves
were the common property of the tribe. They
had not arrived at that stage in which the lands
of the clans of Scotland had, by a curious change
of circumstances, become vested solely in the chief.
They were lands belonging to the chief and tribe
in common. Under these circumstances it was
absolutely necessary that legislation should take
place. It was obvious to early European settlers that the Natives could not be dispossessed of their land by written instruments. The land claimed had to be identified by some means, either through the practice of the Court, according to my experience, before the passing of the Act of 1873 there was no such notice given. It is desirable, in order to show that I am not speaking without grounds, that I should repeat what I on a former occasion stated in this Council respecting my experience of the proceedings of that Court when sitting at Otaki some years ago. I had occasion to go there, on behalf of the province, to object to a claim for 10,000 acres of land put forward by a chief, whose claim appeared in the Gazette by a single name, the place, and the contents,10,000 acres,
and the name of the claimant, A.B., and others.
There were no boundaries, no description, nothing
by which the land claimed could be identified
in the slightest degree. As it was necessary, in
order to test this claim, that witnesses should be
examined who would be able to depose to acts of
ownership over the land in question in days past
by those who sold it to the province, I inquired,
on arriving at the Court, for a description of the
land included in this claim. I was told that I
could not see it, except as a matter of favour,
which I declined. I asked to see a plan of the
land, which I understood was prepared. I was
told that the plan would be produced when the
case was called on, but that I could not see it
beforehand. The case was called on, the plan
was produced, a tracing was taken of it, and
the case was adjourned for a week in order that
we might bring our witnesses. During that
sitting an illustration of the evil of this mode of
procedure curiously presented itself. A Native
put in his plan to satisfy the Court as to his claim,
and was about to have the order for the certificate
of his title made. While the Court was deliber-
ating whether it would impose any restrictions
as to alienation, some one called out in Court,
"Kati kati." "What was that?" said the Chief
Judge. A Native in Court replied, "I believe
there is some part of my land included in that
land." "But you should have your witnesses
here," said the Chief Judge. The Native replied,
"I was not aware that any part of my land was
going to be claimed by this claimant, and I
should not have known it now if I had not been
accidentally in Court." It seemed to me that
if that was the mode of carrying on business in
the Court, serious consequences might arise;
and I think, if honorable members will read the
report of Mr. Mackay in G.-8, Appendices to
the Journals of the House of Representatives
1873, they will find that what I apprehended
did occur. If honorable members will read
that report, it will give them a good illustration
of the value of carrying on the business of a Court with proper notice and proper
publicity. They will find that the friendly
portion of a tribe had reserves of 18,000 acres,
and managed to get rid of 15,000 acres by
sale, leaving themselves only 3,000 acres. Hav-
ing disposed of all the land of their own
that they could dispose of, they were per-
fectly willing to dispose of land belonging to
the residue of the tribe, who had become
Hau-Hau. When the Hau-Hau were communi-
cated with they sent a message to the effect that
the Court might proceed; but the practice of
the Court did not recognize the Court. We know what the ultimate
consequence was, and what very unhappy compli-
cations arose out of it. Now the clauses of the
Act of 1873 to which I have been referring were
inserted in that Act for the purpose of meeting

Hon. Mr. Hart
that difficulty, and were inserted for the purpose of throwing upon the Native Land Court Judges the actual responsibility of a thorough investigation of the title to the land, by making provision for first ascertaining who might be likely to be the persons to put in a claim to this land, and the grounds for putting a claim to the land, before any question of title could arise, and insuring that those persons having such claims should have notice whenever any claims to the land included in that district were laid before the Court. The Act made further provision. It provided that fifty acres per head for every man, woman, and child of the tribe should be first of all recommended by the District Officer as a reserve before any lands were authorized to be sold. That was making permanent provision for the Natives, so that they should not be impoverished by the sale of their lands. I regret very much that this provision of the Legislature was intended to have been swept away, and that, instead of maintaining this provision, the object of which was to secure that persons who might have a right in this land should have notice of application, and be present in Court if they thought fit, the matter was to be left so far at large as it was before the passing of this Act. The experience of Native Land Court management does not seem to have given the Judges of that Court any information as to what might be termed the real foundation of the administration of justice.

As an illustration of my meaning, I will now call the attention of the Council to a notice which I find in a General Government Gazette issued so lately as the 5th of the present month.

There are set forth as many as twenty claims, with the names of the claimants, the names and localities of the blocks, and the boundaries.

In the fourth column are set out the places where the plans will be deposited for inspection. For the information of persons interested in this land, it is stated in a marginal note that the plans may be seen in the Survey Office, Auckland; but the question whether there is a map or not is left open. A person anxious to see a map of the boundary may send a messenger to Auckland, and the map may or may not be there. I think it should be an instruction to the Clerk of the Court to state in the fourth column whether there is a map or not, and to file all affidavits of due service of process are filed ant has been served with notice of its proceeding.

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To my mind they have absolutely misconceived its object. Every Court of justice, when applied to for a judgment in the absence of a defendant, makes an inquiry, in the first instance, as to whether the defendant has been served with notice of its proceedings. The Judge takes no step until he knows that affidavits of due service of process are filed among the records of the Court. Now, the object of this preliminary inquiry was to ascertain who were the persons who ought to be served with notice of any proceedings in reference to land in a particular district. Their names and all the circumstances being put into a book of reference, that book of reference was placed before the Judge of the Native Land Court before he proceeded to hear a claim made by any person in that district.

Now, the whole of that provision was intended to have been swept away. I have therefore put this notice on the paper with the object of ascertaining what has been the practical working of the provisions of the Act of 1873, and what have been the difficulties arising out of them. It is of the highest importance that we should know what the effect of their operation has been, whether they were able through being unwell, I have not being able to do that justice to the subject which I would have wished, but I now move the motion standing in my name.

Motion made, and question proposed, “That a return of the names of District Officers appointed
under the twenty-first clause of "The Native Lands Act, 1873," the names of the districts to which they were appointed, the number of acres recommended by each of them to be reserved, the custody in which the books of reference prepared by such officers are placed, with a statement of the difficulties (if any) which they have encountered in the performance of their duties under the Act, be laid on the table." — (Hon. Mr. Hart.)

The Hon. Sir F. DILLON BELL.—I quite agree with the interesting remarks made by the honorable gentleman upon the subject which he has brought under the notice of the Council. I shall not on the present occasion say all I might wish to say upon what I consider to be the crying evils in the administration of the Native Land laws; but shall content myself by referring to one or two circumstances that took place in 1862, when I was Native Minister. When the Hon. Mr. Mantell and I introduced an Act which reversed the rule under which the Native title had been previously acquired, our object was to establish a simple and easy method by which the Native tribal title should be investigated, and become clothed with a title under English law. But I am quite certain that neither I nor my honorable friend had any idea that, within a very short time afterwards, the colony would have embarked in a course of legislation the effect of which was to set up a Court wholly beyond the control of the Government, and acting upon rules and practices of a kind only suited to strictly law courts. No one has any idea of the extent of its ramifications, or what its operations have been. It is a crying evil that the provisions of the successive Acts which we have passed have been neglected in the most flagrant manner. Not very long ago this Council appointed a Committee to inquire into the circumstances surrounding the dismissal of a certain officer by the Government, and in the Poverty Bay District the whole of the proceedings were set aside. To show that such was the case, I will quote one sentence from the report of the Inspector of Surveys, dated the 24th February, 1875. "The Act," says Mr. Heale, "provides that, before any claim shall be investigated, a survey of the land shall have been made, and that the survey shall be made under the control of the Inspector," but "the surveys in this district have been carried on in entire disregard of the provisions of the law." And again, "so much risk of error at the least hangs on the plans that it is out of the question for me to take the responsibility of adopting them, and it will be impossible now to complete the cases of the claimants by certificates of title or enrolling memorials of ownership." The instances which my honorable and gallant friend has given of the system, or, rather, want of system, which exists in regard to the publication of the notices of the meetings of the Native Land Court clearly show that, in regard to the investigation of Native titles, we are proceeding in a way which throws aside all the endeavours made in the successive Acts to guard the interests of the public. The honorable gentleman has asked for a return of the names of the District Officers who have been appointed under the Act, and I think that, if it is not a very surprising return, it will be a very amusing one. I do not believe that the honorable gentleman will ever get by his return any information about the difficulties which the District Officers have met with in carrying out their duties, for I doubt whether there were any District Officers to meet with them. It is only by an inquiry conducted by this Council that we should be able to find out what those difficulties are. I shall, however, hail with pleasure the production of this return, in order that we may see what effect the clauses of that Act had in securing that preliminary inquiry to which the honorable gentleman has referred, and which was one of the most valuable parts of the legislation of 1873.

The Hon. Dr. POLLEN.—There can be no objection to the production of the return asked for by the honorable gentleman, and I may say that the officers have already given instructions for the preparation of the document.

DUNEDIN DRILLSHED RESERVE BILL.

The Hon. Captain FRASER, in moving the second reading of this Bill, said that the object of the Bill was to carry out the provisions of "The Dunedin Drillshed Reserve Act, 1876." By that Act the Drillshed Commissioners were constituted a corporate body, and they now asked for power to borrow a sum of £5,000 for the purpose of erecting a drillshed. The Commissioners, acting under the Act of 1876, about two months ago leased a portion of the reserve for twenty-one years at a rental of upwards of £500 a year, and therefore the Council would see that there would be no difficulty as to the payment of the interest on the £5,000 which it was proposed to borrow. The reserve was now worth much more than it was some time ago, and the interest would easily be found.

The Hon. Dr. POLLEN said his honorable and gallant friend had told the Council that the object of this Bill was to carry out the purposes of the Act of 1876; but he (Dr. Pollen) had not been able up to this moment to arrive at the process by which it was proposed to accomplish that end. It appeared to him that this Bill proposed to do a great deal that was not intended to be effected by the Act of last year. That Act purported to intrust to several officers of the Volunteer force named in it certain lands which were specified in the schedule—very valuable lands in the City of Dunedin. The Act authorized those persons to set apart a portion of the reserve as a site for a drillshed, and required them to erect on that portion of the reserve a building which was to cost not less than £2,000. They were also authorized to let the remaining portion of the reserve for twenty-one years, and, although it was not stated in express terms, the inference was that it was clearly out of the revenue derived from the reserve that the money for the construction of the building was to be derived. If he
remembered rightly the Bill when brought down last year contained what he called the "usual borrowing powers," but the clauses giving those powers were, on the motion of his honorable and gallant friend opposite (Colonel Whitmore), eliminated from the Bill. The expressed opinion of the House regarding the Bill then and the object of the Bill, now as stated by the honorable the mover were certainly different. The Council was clearly of opinion at that time that there ought to be no borrowing powers granted to the gentlemen who were intrusted with the management of those lands. He thought that the Council acted prudently on that occasion. Personally, he would be sorry to see the proceedings of the Council reversed, as they would be if this Bill were passed. He expressed the opinion last year that it was not at all desirable that a Volunteer corps of any particular district should be so endowed financially as to make them in that sense independent of the State of which, in their character of Volunteers, they were the servants. He thought they were in that way introducing an innovation which, if it were made general, would be found to be very inconvenient, and which in its particular application would have the effect of simply making other Volunteer corps in different parts of the colony, whose services were given upon the usual terms, dissatisfied with their position, in view of the superior advantages enjoyed by the local corps of the City of Dunedin. That was an objection which he stated then, and his experience during the time he had had the honor to hold the office of Defence Minister had confirmed him in the opinion he then expressed—that it was exceedingly inexpedient to make such an endowment and to allow the revenue to be derived from it to be used in the way proposed. The Act of last year provided that accounts of the dealings with these reserves should be furnished every year on the 31st March, that they should be audited by the City Auditor, and being audited should be published in one of the local papers. It would be desirable, before the House proceeded to consider the measure the honorable gentleman had proposed, that it should have before it the specific information which that Act provided should be supplied—that it should know exactly what was being done with the remainder of these reserves, and what was really the financial condition of that very valuable property. He did not propose to make any motion with respect to this Bill, but he thought that, until the information which he had specified was before the Council, it would not be well to proceed further with the consideration of this measure.

The Hon. Colonel BRETT quite concurred with the views expressed by the Colonial Secretary. He was under the impression that the Hon. Captain Fraser was opposed to Volunteers altogether. He presumed the honorable gentleman was now going to raise a monument to the memory of this inefficient body, to be handed down to posterity. It would be in the remembrance of honorable gentlemen that last year a similar Bill to this was brought forward authorizing the acquisition of a site for the erection of this drillshed. The measure then met with the disapproval of nearly every member of the Council; they all spoke against it. To carry out this proposal would simply be to throw away money. They all knew that the Volunteers were on their last leg, and would soon retire into obscurity. The sooner they did so the better. They were something like the Russians—defeated and demoralized. He moved, That the Bill be read a second time that day six months.

The Hon. Dr. GRACE would like to ask the honorable gentleman in charge of the Bill what was the present necessity for the erection of this drillshed. Hitherto the Volunteers of Dunedin, in spite of the remarks of his honorable and gallant friend (Colonel Brett), had been, on the whole, an efficient body, and had distinguished themselves as marksmen at the various colonial contests. How had that efficiency been attained? The general principle on which the Act of 1876 was accepted by the Council was this: that it was desirable to foster the military spirit of the people. It was argued that, provided no distinction was made in favour of Volunteers, it was desirable to encourage a military spirit amongst the people. What was considered undesirable was the drawing of an invidious distinction between the two principal bodies of the colonial forces—the Militia and Volunteers. For his own part, in voting for the Bill of 1876, he did so essentially on the understanding that this drillshed was to be used generally by such armed forces as might be trained in the City of Dunedin. He did not think the Bill could recommend itself to the Council, unless it could be clearly shown that there existed at present a necessity for the erection of a drillshed. Military organization was not at present a more pressing necessity in Dunedin than in any other part of the colony. He hoped his honorable and gallant friend who moved the second reading would, in reply, state what were the circumstances which rendered it necessary to take immediate action, and why the funds accruing from this property should not be allowed to accumulate until there was sufficient to build a drillshed.

The Hon. Mr. BUCKLEY intended to vote for the amendment of the Hon. Colonel Brett. He thought it was a mistake in the first instance that the Dunedin Volunteers should have been endowed with this reserve, because Volunteers in other places would also have a right to apply for a similar advantage. Having, however, granted the reserve, he did not think they should go any further. It would be establishing a bad principle to grant power to borrow money on this reserve. The Volunteers were already receiving the profits arising from the leasing of the land, and that ought to be quite sufficient. The fact was, this was another instance of the desire to borrow which at present pervaded the whole colony, and which was exhibited in the numerous applications from Harbour Boards, Athenaeums, libraries, &c.; and he did not know what it would end in before the session terminated.

The Hon. Mr. HOLMES was quite opposed to the view taken by the honorable gentleman who had just spoken. There was no reason why this
Dunedin Drillshed [COUNCIL.] Reserve Bill. [SEPT. 11

The Hon. Mr. Holmes said it appeared to him a very strange thing that, an Act having been passed granting a site for a drillshed for the Volunteers of Dunedin, when those Volunteers applied for authority to raise money to build the drillshed their request should be refused. What would be the use of the reserve for the purpose for which it was granted, if a drillshed were not allowed to be erected upon it? It had been said that there was already a drillshed. That was true; but the building had become a nuisance and an eyesore, and was in such a state of dilapidation that, if not removed, it would tumble down through decay. The object of the present proposal was to do away with that building, and to erect a proper edifice that would suit the purpose intended, and be an ornament to the part of the town in which it was situated. The present building was of no use to any one. The ground yielded a rental quite sufficient to pay the interest on the amount proposed to be expended in the erection of the new building, which, it was anticipated, would be used for other purposes besides that of a drillshed. He could see no reason why this proposal should be refused: it would entail a burden upon no one. Perhaps one great reason why the Dunedin Volunteers had become so efficient, as it was admitted on all hands, they were, was that they had always possessed a drillshed; and the fact that they had made such good use of the privilege they had enjoyed in this respect should be rather an argument in favour of the extension of that privilege to others, than a reason for withdrawing it from those who, by all accounts, had used it faithfully and well.

With regard to the remarks of the Hon. Colonel Brett, if that honorable gentleman were to go to Dunedin and inspect the Volunteers of that place he would perhaps change the opinion he had expressed as to their being on their last legs.

The Hon. Colonel Kenny thought the honorable gentleman who had just spoken clearly showed that the Council was deluded into passing the Bill last session. It was the thin end of the wedge, and the honorable member now admitted it was introduced with the ulterior design of giving these borrowing powers. He said, 'What is the use of passing that Bill if you do not give these borrowing powers?' Then he (Colonel Kenny) would ask, why was not such a clause inserted in the Bill of last session? He believed that if such a clause had been inserted the Bill would not have passed. He would vote for the amendment.

The Hon. Colonel Whitmore said that, when the Bill of last session was under consideration, he objected to it on the ground that it was opposed to the principle of volunteering, the theory being that Volunteers themselves carried out their own work at their own cost. There was no assistance of this nature given to the Volunteers in England, and, as he had pointed out, the analogy between volunteering in England and in the South Island was very close. That was the reason for his objecting to the Bill of last year, but the Council must remember that they had carried that Bill, and had made this grant. As they had heard from the honorable gentleman who introduced this Bill, the drillshed was falling into disrepair; and, as the Council had recognized the principle of a public grant of land for the purpose of a drillshed, it was not a very great stretch to ask them to enable the Volunteers to raise, upon the security of the land which was granted to them, a sufficient sum to erect a suitable building. The drillshed at Dunedin was supported by a Government grant of land; and, admitting that it was right that the Volunteers should hold property which was not voluntarily subscribed, he maintained that it was in the interests of the public that they should have a suitable drillshed, and one large enough to serve the purposes of an Artillery Company. No artillery could be kept together unless the shed was sufficiently large to allow of ordinary gun drill. He did not know whether the Volunteer force of Dunedin was chiefly composed of artillery or whether there were any artillery at all there; but he knew there must in the future be some artillery there, and they must have a space in which to drill. Under these circumstances he was not disinclined to allow the sum of money, which appeared to be...
a reasonable amount, to be borrowed on the 
security of what had been given to the Volunteers 
last year. No doubt there was a feeling in the 
body of men obtained a grant worth £500 a year, they at once said, "Let us borrow £5,000." However, the grant had been given in this instance, and he was not going to continue to 
rail against the Bill of last session. He saw it was for the public interest to have a building in 
the city which would allow sufficient space and 
weatherproof accommodation for artillery, and he thought it was very much their business to 
facilitate such an object. When the time came 
that the nonsensical part of volunteering was 
removed, and when they came to look upon it in 
its practical aspect, he was sure that the only part 
of the system which would be maintained would 
be the artillery branch of the Volunteer service. 

The Hon. Dr. POLLEN desired to say that the 
objections he made to the Bill were not based 
there would ceaseto exist. The 13th clause provided 
for that event by providing that, if it should 
happen, the whole of the land described in the 
schedule should be vested in Her Majesty the 
Queen, and be a part of the demesne lands of the 
Crown. It struck him, looking at that clause, 
that the object of the Legislature was that the 
Volunteers should have vested in them an estate 
by the accumulation of the rents of which they 
might realize a fund for building a drillshed which would come back in its entirety to the 
Queen in the event of the discontinuance of those 
services. Now, by enabling the Volunteers to 
mortgage this land, they must contemplate all 
the consequences of mortgage. There might pos-
sibly be a sale under the mortgage. He did not 
think that the passing of this Act would be consistent with the principle of the Act of 1876. 

The Hon. Captain FRASER said he was placed 
in a very singular position, as he was battling for 
a cause in which he had no faith. This Bill had 
been put in the hands of the Hon. Mr. Menzies, who was to have introduced it to the Council. 
But he went away without making any sign, and then it fell to the Hon. Mr. Holmes. The Bill 
was floating about the Council, and, as he (Cap-
tain Fraser) did not want to see the other branch of the Legislature treated with discourtesy, he took the Bill up, and meant to see it through on 
its own merits. There was no drillshed now in 
Dunedin, and probably the Volunteer force would be more efficient if there was one. They 
had there the best Volunteer force in any part of the colony. He defied the whole colony to 
show another Artillery force such as that they 
had in Dunedin. They had no drillshed at pre-
sent, the old one having been turned into a 
skating rink. The Volunteers now wanted money 
to build a drillshed, and particularly a gun-room. 

Honorable gentlemen who did not know much 
about artillery said that the Volunteers should 
wait until the accumulated rents from this res-
serve would enable them to build a drillshed; 
but, in the meantime, what was to become of the 
guns? If it was proposed to do away with the 
Volunteers, he would be the very first to go for it. They could not afford to keep up the 
present Volunteer force. Marine and artillery 
corps were all that he should like to maintain. 

All the rest of the Volunteers had degenerated 
into shooting clubs, and the Government ought to 
be ashamed of supporting such an institution. 
He was in hopes that the Colonial Secretary would 
see the position of the country, and that they 
could not really afford to support these shoot-
ing clubs, the members of which visited various 
parts of the colony, got fitted, and had two free 
passes everywhere, in order to go and shoot at 
mark. The thing was perfectly ridiculous. 

However, this drillshed reserve at Dunedin had 
been handed over to commissioners, and he did 
not know how they could get out of it. The Act 
said that the minimum amount to be expended in 
ereciting a drillshed was £2,000. It was found 
that a suitable building could not be erected under 
£5,000. Of course, if honorable gentlemen were 
going to set their faces against all borrowing powers, let it be so. But they should not make 
leash of one and fish of another. He strongly 
recommended the Colonial Secretary to disband 
the Volunteers, and then the Government would 
enter into possession of this very valuable reserve, 
which was worth £30,000. In the present dark 
and dangerous financial position of the colony, he 
thought that would be a very wise course to 
adopt. However, as the Government did not see 
sfit to do that, he did not see how they could 
stick up this Bill and refuse to give any further 
borrowing powers. Without that, the reserve 
would be of no use whatever. His honorable 
friend talked about audit, but there was no audit 
yet because no assets had come in. In fact he 
did not know whether the whole of this Bell Hill 
was yet cleared off, and he was doubtful whether 
the whole of the reserve was clear. At present 
there were no assets whatever, but he would tell 
the Council what would happen. This reserve 
was in the very centre of the town, and if the 
drillshed was not erected it would become a place 
to shoot dead cats and dogs upon. It would 
become an abomination. He trusted, however, 
that the Council would allow the Bill to go into 
Committee, and it could then alter it in any way 
it chose.
The Hon. Colonel WHITMORE, in that case, would support the Bill. He would also have supported the larger proposal had it been brought forward.

The Hon. Mr. CHAMBERLIN said it appeared to him that there were many objections to this Bill. In the first place, it was proposed to take a portion of the land belonging to the Auckland Improvement Commissioners which was formerly an old barrack site. That site had been laid out for building purposes, and a very superior class of houses had been built upon it. There was no idea that a public school would be placed there, more especially a grammar school, and to carry out this proposal would deteriorate to a large extent the value of property which had been purchased upon the understanding that no building of the character should be erected there. Although the site granted to the grammar school might be somewhat inconvenient, it could not be removed, and it could not be adapted for a school site. He had heard nothing of the intention to introduce the Bill before he came to the Council, and he hoped further time would be given to consider the matter before the second reading of the Bill was agreed to.

The Hon. Colonel BRETT suggested that the motion for the second reading should be postponed for ten days, in order that time might be afforded to the persons affected to get up a petition against the proposal, if they thought fit to do so. If the street were a private street, the erection of a grammar school there would greatly deteriorate the value of the property in the neighbourhood. He would rather live anywhere than near a school, particularly one of such schools as these were in this country, for they were nothing else than bear-gardens. He thought time should be given to have the pros and cons. of the matter placed before the Council.

The Hon. Captain FRASER thought the Council ought to be thankful to the Hon. Mr. Chamberlin for placing so much information before it. It appeared that they had given certain reserves to the Auckland Improvement Commissioners, and now they were asked to take them away again. It had not been shown that the consent of the Improvement Commissioners had been obtained, and until that consent had been obtained he should not feel inclined to vote for the second reading of the Bill.

The Hon. Colonel KENNY moved, That the debate be adjourned for a week. He did not think that any harm would arise from postponing the matter for a week.

The Hon. Dr. POLLEN said he had no objection whatever to the adjournment of the debate. The objections which the honorable gentleman had taken to the Bill were not, he thought, tenable. The honorable gentleman feared that some portion of the reserve might be appropriated for the use of the grammar school, and he thought that those persons who
had leased portions of the land from the Improvement Commissioners might object to have the grammar school in their vicinity, for the same reason, probably, as that given by the Hon. Colonel Brett—namely, on account of the noise which the boys made whilst they were playing football and other games. He might state that the Improvement Commissioners were prevented from dealing with fifteen acres of the land. The Grammar School had been in its present position for the last four or five years, and, if any inconvenience existed now, it also existed when the leases were sold.

The Hon. Mr. CHAMBERLIN.—Would the honorable gentleman be kind enough to state the size of the site on which the grammar school now stands?

The Hon. Dr. POLLEN.—The present site of the grammar school belonged to the Improvement Commissioners, and the house and the land were leased from the Commissioners by the Board of Education.

The Hon. Mr. CHAMBERLIN.—What is the size of the site?

The Hon. Dr. POLLEN.—That is more than I can tell the honorable gentleman.

Debate adjourned.

PORT CHALMERS WATERWORKS BILL.

The adjourned debate was resumed upon the question, That the Bill be now read the second time; and the amendment proposed thereto omit the word "now," with a view to add the words "this day six months."

The Hon. Sir F. DILLON BELL said that when this question was last before the Council he promised to make some inquiries in regard to the Bill. In consequence of what took place on that occasion, he had put himself in communication with the learned gentleman who drew the Bill (Mr. Stout), a member of the other House; and, on the part of the promoters of the Bill, Mr. Stout had agreed to the proposal that the 2nd clause should be so altered in Committee as to provide that money should be borrowed and repaid strictly under the terms of the Municipal Corporations Act of last year. If, therefore, the Council would allow the Bill to be read a second time now, he would be prepared to make the necessary alterations in Committee, which would perhaps meet the views of the honorable member who had moved the amendment.

The Hon. Mr. MANTELL would like the honorable gentleman to say whether it was his intention to remodel the Bill in such a way that it would be impossible for the Corporation of Port Chalmers to raise any money under the Bill until it should have come under "The Municipal Corporations Act, 1876."

The Hon. Sir F. DILLON BELL did not know to what extent such a pledge as that might carry him. The Municipal Corporations Act contained clauses relating to waterworks, and enabling the Municipal Corporations to borrow money for waterworks, and it was under these that the Port Chalmers Corporation would now come.

The Hon. Colonel KENNY suggested that it might be better to withdraw the present Bill and bring in a new one. The Bill was not a long one, and very little delay would be caused by introducing a fresh one.

The Hon. Mr. MANTELL said the honorable gentleman's explanation had not been of so explicit a character as to justify him (Mr. Mantell) in withdrawing his amendment that the Bill be read a second time that day six months.

The Hon. Captain ERASER hoped that the Council would pass this Bill, because if it were not passed a great injustice would be done to many people. The late Mayor of Port Chalmers was one of these, and he had large claims for compensation for injuries which he had sustained by the water being taken away. If this Bill were thrown out by the Council they would be depriving the widows and the orphans of their just rights, and he hoped that the House would take a favourable view of the matter.

The Hon. Mr. BUCKLEY would have no objection to the second reading of the Bill if the honorable gentleman would promise that certain alterations should be made in it in Committee. He thought that the clause in the Municipal Corporations Act which related to borrowing and waterworks should be introduced into this Bill, and then before a loan was raised the ratepayers would have to be consulted as to whether money should be borrowed or not.

The Hon. Mr. HALL said that, if his honorable friend Sir F. Dillon Bell would undertake that the amendments which he had named should be printed on the Order Paper, so that honorable gentlemen might have a fair opportunity of considering them before they were called upon to pass the Bill, he would vote for the second reading of the Bill. He thought that that would be a more convenient course than introducing a new Bill. He reminded honorable gentlemen that the Bill had already gone through the other branch of the Legislature, and that, he thought, was a fact of which they should take advantage.

The Hon. Dr. POLLEN concurred in the opinion expressed by his honorable friend who had just spoken, and would vote for the second reading of the Bill on the understanding that the amendments referred to by the Hon. Sir F. Dillon Bell should be made in Committee. Under the Otago Municipal Corporations Act the Corporations were empowered to borrow money, but he did not know whether the Port Chalmers Corporation had availed itself of the opportunity or not. He did not think that there would be any difficulty in so modifying the Bill in Committee as to make it a workable measure.

The Hon. Mr. MANTELL said that, with the permission of the Council, and on the understanding that a delay would take place in the committal of the Bill so that honorable gentlemen might have time to consider the amendments, he would withdraw his amendment.

Amendment by leave withdrawn, and Bill read a second time.

The Council adjourned at five o'clock p.m.
Mr. SHARP asked the Postmaster-General, Whether he will arrange the departure of the English mails rid San Francisco and Suez from Nelson so as to give greater facilities to the public? He asked the question because the people in Nelson laboured under certain disadvantages in regard to the inconvenient hour selected for the despatch of the mails. In Nelson, for instance, the San Francisco mail closed on Thursday, while in Wellington it did not close till Saturday or Sunday, and yet Nelson was a day or two nearer Auckland than Wellington. Another reason for asking the question was that the boat which brought the Suez and Brindisi letters arrived generally on the same morning as that which was chosen for the closing of the mail rid San Francisco, so that very little time was given for answering letters received by the Suez mail. With reference to the Suez line the same objection applied, in fact still more strongly, as to the boats which brought down the mail. For instance, they received notice that the mails would close on Tuesday night, and the mails were closed about six or seven o'clock in the evening. The boat did not leave Wellington until midnight; it came into Nelson next morning, and left again by the same tide. Consequently the letters were delivered in Nelson about two hours after the mail-boat left. The people there did not, therefore, receive the advantage from the service to which they were entitled and in proportion to the payment made. He would suggest that an interval of twelve hours should be allowed between the arrival of the steamer and her departure, so as to give them time to answer the Suez letters, and to reply to letters by the same boat, as at present they were put to serious inconvenience.

Mr. McLEAN thought it would be impossible to make the alteration suggested by the honorable member with regard to the Suez mail, seeing that by present arrangements the contract terminated with the arrival of the steamer at Wellington.

Mr. SHARP merely asked for a detention of twelve hours.

Mr. McLEAN said it would be difficult to do so, unless a steamer were subsidized to proceed to Melbourne by the West Coast. With regard to the San Francisco mail, every endeavour would be made to give the Nelson people as long an interval for replies as possible. The only occasion on which they had reason to complain was when the accident happened to the Wellington steamer at the Manukau bar, which necessitated a departure from the date originally fixed for closing the mails. The "Hinemoe," however, was put on to convey the mails to Auckland. He did not think they could get a steamer to leave rid the West Coast so as to reach Auckland at the same time as by the East Coast without paying another subsidy. Every effort would be made to arrange the steamer's departure from Nelson so as to reach Auckland as near the mail-day as possible. The Government would do everything that was possible to be done without paying a double subsidy.
Mr. CURTIS asked the Government, If it is their intention to carry out the recommendation of the Gold Fields Committee in the matter of the petition of Antonio Zala, referred to this House on the 14th of August, 1874? He might state that a petition was presented by Antonio Zala to the House in the session of 1874, with regard to his claim to a reward for the discovery of a quartz reef in the Lyell District, Nelson. The petition was referred to the Gold Fields Committee, and, after an investigation of the case, they reported in favour of the petitioner, and recommended that a sum of £250 should be granted to him by way of reward. As Chairman of the Committee at that time, he gave notice of motion to make provision on the Supplementary Estimates for the sum named, but it happened to be at a late period of the session, and the motion never came before the House. He now wished to know whether the Government, without any further action, would be prepared to place the sum on the Supplementary Estimates, so as to carry out the recommendation of the Gold Fields Committee.

Mr. REID replied that it was ordered last session that the report should lie on the table. If the House now recommended that the Government should take some action, of course they would do so; but it was not usual, when a report was ordered to lie on the table, to take any further action in regard to it until the House moved in the matter.

WATER OF LEITH.

Mr. STOUT asked the Government, Whether they intend to make any provision, by the creation and endowment of a trust or otherwise, for the management of the Water of Leith, in Dunedin? He might state that the Water of Leith was not vested in the Municipal Council. Great damage had resulted from the banks of the Leith having been interfered with. A great deal of private property had been injured, as well as public streets, and, until the management of the Water of Leith was vested in some persons, still more serious loss would result. Of course, unless the Board of Management had power to levy rates or received an endowment it would be impossible for it to undertake such an expensive work. One proposal was to cut a tunnel through Hanover Street, and another proposal was to dam up the river all the way down. He believed, if a small endowment were given to a Board, when constituted the inhabitants would be willing to rate themselves for the preservation of their own property.

Mr. REID replied that the Government did not intend to introduce a Bill for the purpose of creating a trust for the management of the Water of Leith. When the Provincial Government was in existence they attempted the management of this river, and found it very unmanageable. Perhaps the honorable gentleman could suggest some method of dealing with this serious question. He thought the Corporation of Dunedin might undertake the control and management of the river.
a memorandum from the gaoler, practically to the effect that they could make no suggestions at all. There was no Inspector of Gaols, and therefore the Government had instructed the Superintendent of Police to inspect the different gaols, and to report to the Government upon them. The only desire on the part of the Government was that reasonable and fair economy should be exercised in the Dunedin Gaol. They hoped to reduce the expenditure by a reduction of the number of officers, as there were more officers than were required. It was absolutely absurd that thirty-three officers and a gaoler should be necessary to manage 115 prisoners. He might say that the rate of pay given to these warders was beyond all precedent in the colony. Some of the overseers were paid, with their long-service allowance, at the rate of £270 or £280 a year. The Government proposed to make such reasonable reductions as they could without interfering with the efficiency of the service. The claims of old officers would be considered as far as possible.

Mr. SEATON would like the honorable gentleman in the form in which the Government had taken into consideration the actual value of the labour which the prisoners performed.

Mr. BOWEN said that, on looking at the returns of prison labour throughout the colony, he found that the Dunedin Gaol was not the only prison where very good work was done by the prisoners. There was as much useful work done by the prisoners in other gaols of the colony.

THAMES VOLUNTEERS.
Mr. TOLE asked the Government, if the Defence Minister has received any official report of the case of Robert Gordon, William Mears, and William Rae, of the Thames Volunteer Rifle Rangers, from Major Cooper, Officer Commanding Thames District; and, if the Defence Minister will grant a Commission of inquiry, in terms of protests numbered respectively 1 and 2, forwarded for his consideration through Major Cooper? He put this question on the Paper at the request of Robert Gordon, William Mears, and William Rae. It was not for him to go into the specific facts of the case, as it might be made the subject of further inquiry. He had an ex parte statement in his possession, but it would all become him to go into it at present. He might, however, say that an inquiry had already been held and a report sent to the Minister for Defence, the nature of which these Volunteers did not know; but they seemed to be very much dissatisfied with the mode of conducting that inquiry, and they suggested that the Government should order Colonel Lyon to conduct another inquiry.

Major ATKINSON replied that the Government had received no official report of the case referred to. Since the honorable gentleman had put the notice of his question on the Paper, Major Cooper had been communicated with, and he stated that he had received no official report. All he was aware of was, that there had been some complaints, which had been inquired into by the captain of the company. Major Cooper had been directed to forward the reports.

GAOL STREET, DUNEDIN.
Mr. MACANDREW asked the Government, whether or not they intend to introduce a Bill during the present session for the closing up of Gaol Street, in the City of Dunedin? The Minister for Lands would not doubt recollect that some years ago negotiations took place between the Corporation of Dunedin and the Provincial Government of Otago having for their object the closing of Gaol Street and the extension of Cumberland Street, the Provincial Government undertaking to get an Ordinance passed authorising the shutting up of the former street. They did get the Ordinance passed which was desired, but it was disallowed by the Governor, and since then the street had remained open. He looked upon the closing of this street as an obligation which descended on the General Government as successors to the Provincial Government, and he had therefore given notice of the question.

Mr. REID replied that it was intended to introduce a Bill for the purpose of closing up a portion of Gaol Street, but not the whole of it. He believed one objection to the Governor's assent being given to the Provincial Ordinance was that if the street were closed altogether it would bring private property up to the walls of the Gaol, which it was thought would be undesirable. It was now proposed to introduce a Bill authorizing the closing of half the width of the street, and he imagined that that would meet the object of the honorable gentleman.

AUCKLAND AND NEWCASTLE RAILWAY.
Mr. HAMLIN asked the Minister for Public Works, whether he is aware that the train from Newcastle to Auckland does not call or stop at the following stations—namely, Pokeno, Tuakau, Buckland, Manurewa, and Papatoitoi—while it calls at less important stations; and whether he will cause the time-table to be altered so as to allow the train to call at the stations above enumerated? A time-table which he had received showed that the train did not stop at the stations indicated in the question, and he thought that was a great injustice to the people in the neighbourhood, because the stations were perfectly useless unless the trains stopped at them. The trains stopped at much less important places than those named in his question: in fact they stopped at stations made expressly to suit one individual. There were some eight or nine places between Auckland and Newcastle at which the train did not stop, and he therefore wished to know why that was the case, and whether the Government would alter the time-table.

Mr. ORMOND replied that he had received the following explanation of the matter:

"The reason why the morning train for New- castle does not stop at Pokeno, Tuakau, and other stations is to gain time, enabling this train to cross the south train at Pukekohe. A train stops at all these stations one hour and fifty
minutes only in advance of the train complained of. Passengers have often complained of the number of times our trains stop before even the extension to Newcastle; including flag-stations, it averages nearly once every three and a half miles between Auckland and Newcastle. Every other day a goods train, with passenger carriages attached, calls at all stations required, following the trains complained of. The Waikato passengers should have their convenience consulted quite as much as those between Auckland and Mercer (who already have a train stopping at their stations), and not be subjected to so many stoppages. Passengers from Waikato to these stations will seldom travel, and to two of the most important of these they can get by changing trains arriving about one hour later; and three times a week, as above stated, by goods train. The train stops at Pukekohe, Drury, Papakura, Otaihuhu, and following stations."

CAPE EGGMONT LIGHT.

Mr. CARRINGTON asked the Commissioner of Customs, When the Mana light is likely to be placed at Cape Egmont, as promised by the Government on the 29th July, 1875? He saw in the New Zealand Times, published on the previous day, a statement to the following effect:—

"The Government steamer 'Stella,' from a lighthouse trip to Mana, Cape Campbell, and the Brothers, arrived here on Saturday. At the latter place Captain Johnston fixed the new light properly."

He therefore thought it right to remind the Government of that to which he had called their attention on several occasions in the House—namely, the importance of placing a light on Cape Egmont. He would not go into the matter now because he had so fully explained it on former occasions, and would merely read the reply which he received to a question put by him on the 29th July, 1875:—

"Mr. REID was not aware that any portion of this gold field had been purchased for the purpose indicated. He had received no information of anything of the kind having been done."

OHINEMURI GOLD FIELD.

Mr. ROWE asked the Minister for Lands, If he is aware that portions of the lands included in the Ohinemuri Gold Field are being purchased for the purpose of extending Mr. Vesey Stewart's special settlement; and, further, if this is being done with the sanction and approval of the Government? He had received several communications from the Thames, by telegraph and otherwise, stating that portions of the Ohinemuri Gold Field were being acquired for the purpose stated in the question; and the people, both at Ohinemuri and the Thames, felt very strongly on the subject. A large portion of the land was already under lease to gold miners, and it was said that the freeholds of some of these sections had been acquired for the purpose referred to. He felt sure the Minister for Lands would be glad to give every information on the subject.

Mr. REID was not aware that any portion of this gold field had been purchased for the purpose indicated. He had received no information of anything of the kind having been done.

ONEHUNGA VOLUNTEERS.

Mr. O'RORKE asked the Premier, Whether the Government have rejected the offer of the services of a Volunteer corps proposed to be established at Onehunga; and, if so, whether they will lay before this House the correspon-
deence which has passed upon the subject? He believed it was the practice in all parts of the Empire to encourage Volunteers as much as possible, and, even if their services were not required, to do all that was possible to evoke a martial spirit in young men. It would appear to him incredible if he were told that, on the occasion of a Volunteer company offering their services, the Government should not only reject the offer, but should do so with a degree of contempt that must be most offensive to those who made offer of their services. He had been informed that some such thing had occurred with regard to the Onehunga Volunteers. The movement had commenced at that place since he last left, and it was initiated by a gentleman who held a commission as an officer of Volunteers. He was aware that, about five or six years ago, in consequence of some difference between the officer commanding the Onehunga Volunteers and the officer commanding the district, it was deemed necessary to disband the corps. He was not going to allude to that matter now beyond saying that the only complaint whatever as regarded the conduct of the men was that they to some extent sided with their officer; and, after a lapse of five or six years, that should be overlooked. Some of the young men of Onehunga, anxious to give their services and inspired by a feeling of irrepressible martial ardour, joined the Otahuhu Volunteers, a corps which was at four miles' distance from the town; but they were now desirous of enrolling themselves in a local corps. He would have thought that a gentleman like the Premier, whose passport to office as a Volunteer officer, would have done nothing to dash the hopes of young men anxious to give their services, and, if need be, their lives, to the country as Volunteers. He would have thought that a gentleman like the Premier, whose passport to office as Defence Minister some years ago was chiefly the fact of his being a Volunteer officer, would have done nothing to dash the hopes of young men anxious to give their services, and, if need be, their lives, to the country as Volunteers.

Major ATKINSON said his honorable friend could hardly expect him to be personally responsible for all the details of the Defence Office, as might be supposed from the honorable gentleman's words. The honorable gentleman, having been a Minister himself, must be aware that the ordinary business of the department was carried on by its immediate head. With regard to the question itself, he might tell the honorable gentleman, in the first instance, that the services of several companies of Volunteers had recently been declined, because the House would not vote more than a certain amount for Volunteers, and it was therefore not desirable to increase their numbers to any large extent. As regarded the application of the Onehunga Volunteers to be enrolled, he might say that thirty-six names were sent in, of which nine were those of men who had belonged to the company which was disbanded for misconduct some four or five years ago. There not being, without those nine, the requisite minimum number of names which would entitle the company to be enrolled, the Government did not think it advisable to accept the services of the corps.

Mr. O'ROKKE said that, according to the telegram which he had received, there were seventeen and not thirty-six who had applied to be enrolled.

Mr. O'Rorke

WELLINGTON SURVEYS.

Mr. BEETHAM asked the Minister for Lands, if he will give instructions that all sections purchased or applied for previously to the issue of the new survey regulations should be marked and pegged out on the ground, as provided for by the Wellington Survey Regulations, published in the Wellington Provincial Government Gazette of the 25th February, 1869? It had been brought under his notice that since the 1st January of the present year, persons in the country districts could only get the front pegs of their purchased sections put in. It was extremely hard upon them that, in consequence of the new regulations, they should have been deprived of the right to have their sections fully pegged out, as had been the case under the old regulations, which had been in force since the 25th February, 1869. He would point out that the Waste Lands Regulations, which provided that private individuals taking up land may have the surveys made on their own account, were very unsatisfactory. It would be very much better for the Government to undertake the surveys. He would refer to the statement in the Surveyor-General's report on this question. It stated,—

"Where tenure is by grant from the Crown this question, then, arises: Do the ground-marks, or the written descriptions, give possession in relation to extent and position? To my apprehension, the ground-marks give possession, they being actual and visible things done, the written descriptions being only accounts of those things which had been done. But why should not the written descriptions have the same validity as the ground-marks? Because they are not only secondary evidences of facts done, but also because they cannot in practice be made perfect, errors being attached to all the observations on which descriptions are founded—whether in bearing or distance: thus bearings and distances are always more or less in error, while the ground-marks may remain immovable notwithstanding."

He read that extract as bearing upon the question, because it was impossible for any private individual to take up land in those bush districts with any certainty as to boundaries, and he might not be in a position to survey the land himself. The land had been purchased with the full idea that the Government would survey it, and it was the duty of the Government to put the purchaser in possession of the land properly pegged and surveyed. He would not go further in the matter at present, but would simply ask the question standing in his name.

Mr. BEETHAM said the question of the honorable member was one that opened up a very large subject indeed—namely, the surveying of the waste lands of the Crown and the fixing of corner pins. It was quite true that certain regulations were in force in the Province of Wellington; they were published in 1869 by Mr. Jackson, Chief Surveyor of the province, and they required that sections of land should be marked and pegged out. It was also true that the surveys in Wellington had fallen to appear to the extent of 112,000 acres, with-
standing the largest staff of surveyors which had been employed. If they were to pursue the system recommended by the honorable member, it would not be possible, with the staff of surveyors available, to overtake the surveys and to keep pace with the applications for land. He had no professional knowledge of these matters; but, so far as he understood, there was no absolute necessity for putting in back section pegs. He believed that, in Canada, in the United States, and in the other colonies, no such system was pursued. That was the information he had received, and he believed it to be correct. Of course this was a matter with which the House might deal as it thought proper. He would point out that the bringing up of the arrears of surveys would cost £16,800, according to the calculation of the Surveyor-General. It must be borne in mind that many of these lands were sold at the rate of 7s. 6d. per acre, and the cost of surveying them as proposed would be 3s. an acre. He thought the course adopted in other parts of the colony of giving the front pegs and range lines merely in the survey of forest land would be sufficient. The regulations referred to were simply published for the guidance of the department and not under any statutory authority, and were liable to be altered at any time by the department.

EDUCATION BILL.

The House went into Committee on this Bill.

Clause 44.—Appointment and removal of teachers.

Mr. HODGKINSON moved, That, before the words “The Board” at the beginning of the clause, the following words be inserted:— “The Committee of each district, subject to the approval of.”

Question put, “That the words proposed to be inserted be there inserted;” upon which a division was called for, with the following result:—

Ayes 25
Noes 41
Majority against...

Ayes.

Mr. Baigent, Mr. Rolleston
Mr. Barff, Mr. Rowe
Mr. J. C. Brown, Mr. Seaton
Mr. De Lautour, Mr. Sharp
Mr. Fisher, Mr. Sheelhan
Mr. Gibbs, Mr. Stevens
Mr. Hamlin, Mr. Swanson
Mr. Hi-lop, Mr. Takunnoana
Mr. Hursthouse, Dr. Wallis
Mr. Johto, W. V. Wood
Mr. MacAndrew, Tellers
Mr. Manders, Mr. Hodgkinson
Mr. Montgomery, Mr. Murray

Noes.

Major Atkinson, Captain Morris
Mr. Baigent, Mr. Nahe
Mr. Ballance, Mr. Ormond
Mr. Bastings, Mr. Pyke
Mr. Beetham, Mr. Reid
Mr. Bowen, Mr. Bryce
Mr. Burns, Mr. Carrington
Mr. Curtis, Mr. Fitzroy
Mr. Fox, Mr. Gibbon
Mr. Harper, Dr. Henry
Mr. Kelly, Captain Kenny
Mr. Larnach, Mr. Lumsden
Mr. Ludg, Mr. Macfarlane
Mr. Maclean, Mr. Reynolds

Mr. Richardson, Mr. Seymour
Mr. Stafford, Mr. Stout
Mr. Sutton, Mr. Taiaroa
Mr. Teschemaker, Mr. Tole
Mr. Wakefield, Mr. Wason
Mr. Whitaker, Tellers
Mr. J. E. Brown, Mr. Woolcock

PAIRS.

For.

Mr. Bunny,
Mr. R. G. Wood.

Mr. Button,
Mr. Cox.

The amendment was consequently negatived.

Mr. MURRAY-AYNSLEY moved as an amendment, That, in the words “The Board of each district shall be entitled to appoint teachers,” the words “be entitled to” be struck out, with a view to insert the words “on the nomination of the Local Committee.”

Question put, “That the words proposed to be left out stand part of the clause;” upon which a division was called for, with the following result:—

Ayes: 33
Noes: 32
Majority for...

Ayes.

Mr. Major Atkinson, Mr. Lumsden
Mr. Baigent, Mr. Lukk
Mr. Ballance, Mr. McLean
Mr. Baigent, Mr. O’Rorke
Mr. Beetham, Mr. Reid
Mr. Bastings, Mr. Reynolds
Mr. Beetham, Mr. Seymour
Mr. Bowen, Mr. Stafford
Mr. Burns, Mr. Stout
Mr. Carrington, Mr. Sutton
Mr. Curtis, Mr. Tole
Mr. Fox, Mr. Wason
Mr. Gibbon, Mr. Whitaker
Mr. Hamlin, Mr. Woolcock
Mr. Harper, Tellers
Mr. Henry, Mr. Gibbs
Mr. Kened, Captain Morris
Mr. Larnach, Mr. Lusk
Mr. Barff, Mr. McLean
Mr. J. C. Brown, Mr. O’Rorke
Mr. Do Lautour, Mr. Reid
Sir R. Douglas, Mr. Reynolds
Mr. R. G. Wood, Mr. Seymour
Mr. Toke, Mr. Stafford
Mr. Wakefield, Mr. Wason

Noes.

Mr. Pyke, Mr. Richardson
Mr. Ry, Mr. Rowe
Mr. Seaton, Mr. Sharp
Mr. Sharp, Mr. Stevens
Mr. Shisham, Mr. Swanson
Mr. Takunnoana, Mr. Teschemaker
Mr. Wakefield, Mr. Woolcock.
Mr. Johnston, Mr. Macandrew, Mr. Macfarlane, Mr. Manders, Mr. Montgomery, Mr. Murray, Dr. Wallis, Mr. W. Wood.

Mr. Johnston, Mr. Macandrew, Mr. Macfarlane, Mr. Manders, Mr. Montgomery, Mr. Murray, Mr. Murray-Aynsley, Mr. Rolleston.

P. J. Johnston, A. McAndrew, H. Macfarlane, M. Manders, A. Montgomery, A. Murray, T. Tellers.

Mr. Johnston, A. McAndrew, H. Macfarlane, M. Manders, A. Montgomery, A. Murray, T. Tellers.

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Mr. Johnston, A. McAndrew, H. Macfarlane, M. Manders, A. Montgomery, A. Murray, T. Tellers.

Mr. Johnston, A. McAndrew, H. Macfarlane, M. Manders, A. Montgomery, A. Murray, T. Tellers.
The amendment was consequently negatived.

Mr. BOWEN moved, as an amendment, That, after the words "public schools," the following words be inserted: "and also scholarships open to all children of school age."

Question put, "That the words proposed to be inserted be there inserted;" upon which a division was called for, with the following result:

Ayes ... ... ... 51
Noes ... ... ... 10
Majority for ... ... ... 41

Ayes.
Mr. Dignan, Mr. Reynolds, Mr. Seaton, Mr. Seymour, Mr. Sharp,
Sir R. Douglas, Mr. Sheehan, Mr. Stafford, Mr. Stevens,
Mr. Fisher, Mr. Fitzroy, Mr. Gibbs, Mr. Sutton,
Mr. Hodgkinson, Dr. Henry, Mr. Hunter, Mr. Tairaroa,
Mr. Hursthouse, Mr. Johnston, Mr. Kelly, Mr. Tawiti,
Mr. Larnach, Captain Kenny, Mr. Larnach, Mr. McLean,
Mr. Lumsden, Mr. Manders, Mr. McLean, Mr. Meurthus,
Mr. Macandrew, Mr. Macandrew, Mr. Montgomery, Mr. Moorhouse,
Mr. Lusk, Mr. Parker, Mr. Parker, Mr. Parker,
Mr. Macfarlane, Mr. Pyke, Mr. Pyke, Mr. Pyke,
Mr. Manders, Mr. Pyke, Mr. Pyke, Mr. Pyke,

Tellers.
Mr. Stout, Mr. Wakefield.

Noes.
Mr. Burns, Mr. Hislop, Mr. Hodgkinson, Mr. Lumsden,
Mr. Macandrew, Mr. Reynolds.

Tellers.
Mr. Fitzroy, Mr. Gibbs.

The amendment was consequently agreed to.

Mr. STOUT moved, That the Chairman do leave the chair.

Question put, "That the Chairman do leave the chair;" upon which a division was called for, with the following result:

Ayes ... ... ... 18
Noes ... ... ... 42
Majority against ... ... ... 24

Ayes.
Mr. Bunny, Mr. Button, Mr. Cox, Mr. Nahe,
Sir G. Grey, Mr. Fox, Mr. Rees, Mr. R. G. Wood,
Mr. Hamlin, Mr. Richmond, Mr. Seaton,
Mr. R. G. Wood, Mr. Cox, Mr. Richmond,

Tellers.
Mr. Gisborne, Mr. Tole.

Noes.
Mr. Montgomery, Mr. Moorhouse, Mr. Murray-Aynsley,
Mr. Murthson, Mr. Murray-Aynsley, Mr. Ormond,
Mr. Nahe, Mr. Ormond, Mr. Ormond,
Mr. Lusk, Mr. Pyke, Mr. Pyke, Mr. Pyke,
Mr. Macandrew, Mr. Rolleston, Mr. Rolleston,
Mr. J. C. Brown, Mr. Rollston, Mr. Rollston,
Mr. De Lautour, Captain Russell, Captain Russell,

Tellers.
Mr. Gisborne, Mr. Tole.

For.
Mr. Button, Mr. Cox, Mr. Fox, Mr. Richmond.

Against.
Mr. Bunny, Mr. R. G. Wood, Sir G. Grey, Mr. Hamlin.
Mr. Hursthouse, Mr. Kelly, Captain Kenny, Mr. Larnach, Mr. Lumden, Mr. Manders, Mr. McLean, Dr. Wallis, Mr. Whitaker, Mr. Woolcock.

Tellers. Captain Morris, Mr. Wason.

PAS.

For. Mr. Bunny, Sir G. Grey, Mr. Hamlin, Mr. R. G. Wood.

Against. Mr. Button, Mr. Fox, Mr. Richmond, Mr. Cox.

Mr. Hursthouse, Mr. Kelly, Captain Kenny, Mr. Larnach, Mr. Lumden, Mr. Manders, Mr. McLean, Dr. Wallis, Mr. Whitaker, Mr. Woolcock.

Tellers. Captain Morris, Mr. Wason.

The motion was consequently negatived.

Progress was reported, and leave given to sit again.

The House adjourned at half-past twelve o'clock a.m.

LEGISLATIVE COUNCIL.

Wednesday, 12th September, 1877.

First Readings—Third Reading—Canterbury Railways—Ashburton Railway Bill.

The Hon. the SPEAKER took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Hokitika Gas Bill, Canterbury Domain Bill.

THIRD READING.

Timaru Mechanics' Institute Bill.

CANTERBURY RAILWAYS.

The Hon. Mr. HALL asked the Hon. the Colonial Secretary,—(1.) For what number of additional trucks for use on the Canterbury railways ironwork has been ordered from England; when, and how, those orders were transmitted, and when the ironwork may be expected to arrive in the colony? (2.) What other steps the Government have taken with a view of supplying the Canterbury railways ironwork has been ordered from England; and when the ironwork may be expected to arrive in the colony, the answer was, it was expected to arrive early in January. With respect to the second question, he was advised that there would be 480 more narrow-gauge wagons next year than were employed last year.

The Hon. Mr. HALL, in moving the motion standing in his name said, that, as honorable members were aware, the railways in Canterbury were employed to a very large extent in transporting agricultural produce: in point of fact, that was their principal raison d'être, one of their chief sources of revenue, and the way in which more than any other they could develop the resources of the country. He had already stated that, during the last grain season, and during many preceding seasons also, that transport had not taken place in a satisfactory manner. Any member acquainted with the circumstances of that part of the colony would, he was sure, bear him out in saying that great hardship had been inflicted upon the growers of agricultural produce by the manner in which their grain had been transported. What the cause were, it was of course difficult to state precisely—he did not wish to enter into a controversy on that subject—but the fact remained that during the grain season farmers who had sold their grain and who had brought it to the railway for delivery could have very little idea of when that grain would be forwarded. It might be forwarded in a couple of days; it was very likely that it would not be forwarded for a considerable time; and it very often remained in the railways sheds for weeks, and sometimes even for months, before it was forwarded to the persons to whom the farmer had sold it, or to the port from which it was to be shipped. Honorable members would agree with him that that was a state of things that ought not to continue. He need not say that the dissatisfaction created by it was very great indeed among the producing community of Canterbury. A traveller through that part of the country during the early months of the year would not only find the railway sheds blocked up, and remaining so, as he had himself seen, for weeks together, but he would see large stacks of grain piled up outside the sheds entirely unprotected, and exposed to the vicissitudes of the weather, because the railway authorities either could not or would not take it away. This not only exposed the farmer to a loss from the delay in the receipt of the price of his grain, but it almost prevented him from making any certain contract for the sale of his grain, because he could never tell when he would be able to deliver it; and, if he did make a contract with a grain merchant, and if the grain was not delivered until a couple of months of the time when it ought to have been delivered, he found himself in this unfortunate position: that, if the market at the time he had gone to the merchant would take his grain, but if the price had gone down the merchant might say, "You have not delivered the grain in time, and I will not take it, unless at the present market price." Now that was no light matter; it was a very serious injury...
to the farming community, and one which was
go ing to provide another 180 trucks. But if it
would not enter into any controversy as to the
cause of this. It was partly, no doubt, attribu-
table to bad management, but it was to a very
large extent owing to a scarcity of railway trucks.
It was worse last season than during any previous
season, because the quantity of grain grown was
much larger—it was increased by very nearly
1,000,000 bushels of wheat—and the railway was
unprepared for the increase. He was afraid the
same kind of thing was going to be not only
repeated but aggravated during the next season.
The quantity of land being brought under cul-
tivation was increasing every day, and it was
estimated that the produce of the next harvest
would be one-third more than that of any
previous year. Under such circumstances, it was
only reasonable to expect that the Government
would take such steps for increasing the number
of trucks as would leave no doubt that they
would be ready in time for the grain season;
but he gathered from the answer which he had
just received from the Hon. the Colonial Secre-
tary that it was by no means certain that
that would be the case. The honorable gentle-
man had stated that 480 additional trucks
had been ordered, and that the ironwork was
expected to arrive early in January. All the
Government could know at present on that
subject was, that they sent the order by tele-
gram. When the ironwork arrived, a great deal
would, of course, have to be done—the trucks
would have to be fitted. Having had some expe-
rience of administration, he submitted that it
was of the greatest consequence that the Govern-
ment should have some certain information as to
when this ironwork was likely to arrive. It would
be of the greatest use to them and their officers in
making arrangements for the transport of grain,
and to the contractors who would have to con-
struct the woodwork of these trucks—for he sup-
posed that would be done in the colony—to know
for certain when they might depend upon the ar-
ival of the ironwork. Therefore he thought he
was not asking too much when he proposed that the
Government should send an inquiry by tele-
gram to the Agent-General, asking him to let them
know by wire when the ironwork would arrive in New
Zealand. He would say a word upon the second
resolution. Honorable members were aware that
a portion of the railways in Canterbury were
upon the broad gauge, and that the Govern-
ment had for some time past contemplated alter-
ing them to the narrow gauge, with the view of
affording greater facilities for working. That
was a reasonable proposal, but the result of
that alteration would be that 270 trucks of
larger dimensions than the existing narrow-gauge
trucks would be entirely thrown out of use;
and therefore the number of trucks available
for the transport of produce during the early
part of the ensuing year would be diminished
by at least 300. The ironwork ordered from
England, therefore, would do no more than bring
up the carrying capacity of the Canterbury rail-
ways to what it was last season. He gathered
that, in some way or other, the Government were
Going to provide another 180 trucks. But if it
would not happen, as he was much afraid it
would, that these 300 trucks should not be ready
by the time the grain season commenced, in
what position would they find themselves if the
broad-gauge trucks had been thrown out of use
and the narrow-gauge trucks were not ready?
There would be a block and a confusion, and
a state of things in the transport of
grain which would be disastrous to the growers
in Canterbury. He therefore thought it
was a reasonable proposition that they should
ask the Government to postpone the actual
conversion of the broad-gauge line until they
had received the trucks which were to replace
those that would be thrown out of use by the
change, and were able to cope with the traffic
during the ensuing grain season. He would not
trouble the Council with any further remarks on
that subject, but would only say that it was a
matter which was felt very strongly in the dis-
trict in which he lived, and that the arrange-
ments of the Government for meeting the traffic
of the next grain season were looked forward
to with a considerable amount of anxiety. He
earnestly hoped to hear from the Colonial Secre-
tary that he was not opposed to these resolutions.
The Hon. Colonel BRETT rose to second the
resolutions of his honorable friend, who had made
such an exhaustive speech as to leave very little
to be said. He could only corroborate the state-
ments the honorable gentleman had just made.
He lived in a district which was wholly a grain-
growing district, and was therefore in a position
to form an opinion as to the grievances of the
farmers there in this matter. During last season
he had himself about 500 acres of grain to trans-
port to the station. He confessed that he had
had no difficulty, because he was always the first
to gather up his grain and send it off before the
farmers were able to do so. But he could posi-
tively declare that he knew of thousands and
thousands of bushels of grain which had remained
for weeks on the barn ground, exposed to the
weather. The goods shed was filled up to the
very roof, and there were no means of convey-
ing the grain to Christchurch. As his honorable
friend had pointed out, this grain had already
been sold by small farmers to merchants in
Christchurch on condition that it should be
delivered within a certain time. Owing to the
railway detention they all more or less failed in
carrying out their contract as to time; and, as at
the commencement of the season the price of
wheat was 6s. or 7s. and in a month or six weeks
had fallen to 4s., these unfortunate people had
to lose the difference. This was a very serious
grievance, and one of which he hoped the Go-

gnment would take notice. His honorable
friend Mr. Hall had suggested a remedy, which
he hoped would be applied. There were large
carpentering establishments and iron foundries
at Christchurch, where any number of trucks
could be made before next harvest; therefore he
trusted the Government would see the wisdom
and justice of entering into contracts for the
supply of a sufficient number of trucks to meet
all requirements. If the Government were not
sufficiently satisfied with what they had heard in the Council, he hoped they would make inquiries, when he was sure the authorities at Christchurch would substantiate what had been stated.

Motion made, and question proposed, "(1.) That steps should be taken by the Government for ascertaining, by telegraph, when the ironwork ordered for railway trucks for the Canterbury railways is likely to be delivered in New Zealand."

That, in view of the serious consequences which would result from a scarcity of trucks on the Canterbury railways during the ensuing grain season, it is inexpedient that the broad-gauge line in Canterbury should be converted to the narrow gauge, whereby 270 trucks will be thrown out of use, until satisfactory provision has been made for the replacing of those trucks."—(Hon. Mr. Hall.)

The Hon. Mr. HOLMES had much pleasure in supporting the motion. He could confirm it, not only as regarded Canterbury, but also as regarded Otago. A very considerable area of grain had been cultivated along the new lines of railway in Waireka and Maerewhenua, and large quantities of that grain were stacked and ready for delivery a long time before any means could be obtained to convey it to the port. The truck accommodation was by no means sufficient. The railway officials could not even afford a cover for the grain in order to protect it from the weather, so that grain which had been already more or less damaged by the inclement weather at the beginning of the harvest was still more deteriorated in value in consequence of this further exposure to the weather. There were no sheds at all on some of these railway lines, and he did not know that there was any shed accommodation on the branch lines at the present moment; yet this was one of the largest grain-producing districts in the whole of New Zealand. It was a matter of the utmost importance that farmers should be able to calculate to a nicety when they would be able to deliver their produce; because, when large vessels called, it was necessary that they should receive within a given number of days all the cargo they intended to take from the port; and buyers entered into arrangements with farmers on condition that the grain was delivered within a specified time. If the railway had sufficient carrying power, there would be no difficulty in the matter at all. The estimated crop of grain last year, principally grown in Otago and Canterbury, amounted to nine and a half million bushels, and he quite agreed with his honorable friend that the increased production this year would be something like one-third more than last year, and, if that was the case, the quantity of grain to be transmitted for shipment and sale would amount to between twelve and thirteen million bushels. Even granting that the trucks promised by the Government were forthcoming, they would be utterly inadequate to meet the necessities of the case. It must not be forgotten that this provision must be made before winter. The farmers wished to avail themselves of the railway traffic before winter so as to save themselves the trouble of erecting sheds or barns in which to keep their produce in safety. The farmers might have to pay for storage in town, but that would be a mere nothing compared with the expense of erecting sheds or barns for the purpose of storing their produce at home. With regard to the second part of the motion, suggesting the advisability of retaining the broad-gauge carriages and trucks until the others arrived, he would just say that it would be very impolitic to part with those means of conveyance, because there was no certainty that the trucks ordered would arrive in time. The harvest commenced in the latter end of January, threshing commenced in the middle of February, and, even granting that the ironwork of the trucks arrived in January, how was it possible to get any great number of them fitted up and ready for use by the time they were required? Besides, there was another consideration. He had lately seen a newspaper paragraph to the effect that New Zealand had offered part of its broad-gauge railway plant to Victoria, and that that bargain was almost completed. If that bargain was not completed, he considered it would be very impolitic, under the circumstances, to carry it further. He believed that all the power the railway officials could bring to bear upon the carrying capacity of the railways during the ensuing grain season would not be sufficient to meet the demands of the public. He had great pleasure in supporting the motion.

The Hon. Colonel WHITMORE said that a great deal of the alleged inconvenience that arose in this matter was due to the honorable gentleman who introduced this resolution and certain friends of his. It would be in the recollection of older members of the Council that in the year 1870 they expressed a very distinct opinion upon the subject of railway gauge in this country. If their action had not been balked by a proceeding unparalleled in his own experience, and unparalleled, he believed, in the Parliamentary experience of any country, there would not, by this time, have been any railway in Canterbury with a wider gauge than 3 ft. 6 in. If that were the case, the whole of the trucks necessary would have been ordered long ago, and this question would never have cropped up at all. He felt quite certain that there was a necessity for more railway rolling stock in the country, and he did not blame the Government on that account, because it was due entirely to the circumstance that the corn product and export of the last twelve months had so enormously exceeded all anticipations that could be formed beforehand. While, on the one hand, they were having meetings all over the country to insist on rolling stock being made in the colony, the honorable gentleman proposed they should be parties to hurrying on the importation of more rolling stock from England. That was a pity, because he thought they should support the general opinion that appeared to be expressed in all parts of the country that they were capable of doing a great deal of this work themselves. If this motion urged the Government to have a large additional quantity of rolling stock made in the colony he would have been disposed to support it, because there would be no waste even if 270 trucks were coming out. Their rail-
railway materials made here in addition to what they had at present. It was, indeed, for that reason, he did not think there would have to double their railway rolling stock. He would urge upon the Government that there would be no risk in doing that, and it was quite evident they could not overstock their requirements. At the same time, it lay with those who ruled the country in 1870, and ruled it with a rod of iron, that they could not forget that, when the Canterbury members, on their return home, did not receive a very great deal of commendation from the people of that province for what they had done. In a very short time the opinion of the whole country changed upon that subject; and, as on a great many other occasions, the Council was found to have acted, in the face of an arbitrary majority in another place, in a direction that was for the eventual good of the country. He would not vote against this measure unless the Colonial Secretary informed them that steps had already been taken; but he would never forget, as long as he was in the Council, the treatment they received in 1870 in this matter, of which he was reminded by the Hon. Dr. POLLEN. He omitted to say that the very fact of the change of gauge had been one of the chief causes of the difficulty in meeting the sudden pressure that occurred this year. He was informed that the very fact of shifting the cargo from the narrow-gauge to the broad-gauge wagons occupied so much time and required so much space that it had been one of the chief causes of the block.
He did not pretend himself to pronounce upon that subject. He spoke as he was advised, and he was bound to rely upon the opinion of those who, on the spot, had the best facilities for knowing, and who were responsible for the information they gave. But, judging from a layman's point of view, and without any special knowledge, it appeared to him that the statement that a uniform gauge would facilitate the working of the lines was at any rate reasonable. He therefore thought that, without more consideration than could be given during a discussion of this kind, it would not be prudent for the Council to commit itself to an expression of opinion that it would be inexpedient to alter the gauge. He could assure honorable gentlemen from Canterbury that this subject was not being lost sight of, and that every possible exertion would be used there and elsewhere to meet the pressure during the coming grain season. If that pressure were found to be greater than in the past they would all rejoice.

The Hon. Sir F. DILLON BELL thought there was a great deal of reason in what the honorable gentleman said, that upon the question involved in the second resolution the Government should be guided by officers of the Railway Department, and that the relief given in the general working of the lines by the conversion of the broad gauge would go far to remedy the difficulties that had arisen from want of proper accommodation. However, that was a point on which the Hon. Mr. HALL was likely to be better informed than himself. There was one point, however, on which he entirely differed from the Hon. Dr. Pollen. He was not going to contest the suggestion which the honorable gentleman made that the farmers should provide those buildings which he said it was their duty to have erected. It might be a great advantage to farmers to have such buildings; but that was not the point. When a farmer brought his grain to the Government station, was the Government to say to him, "It is your duty to have a barn; take your grain back, because we cannot carry it"? The Government ought to take this into consideration far more than they had hitherto done. The railways encouraged the cultivation of land, whereby the wealth of the country was being multiplied to an extent that excited the congratulations of the Colonial Secretary: but, while the Government congratulated themselves, they did not seem to be taking the slightest heed to make the provision that was absolutely necessary for this increased production. The Railway Department should at least be prepared to cover the grain from the inclemency of the weather. The squatters, if they had not good woolsheds, would go to the expense of a tarpaulin to cover their wool, and farmers would do the same in order to protect the grain, while it was in their own homesteads; but if the Government could not carry the grain when it came to the railway station they should at least provide some protection for it. Let the Minister for Public Works direct the engineers along the lines to be prepared with tarpaulins, to protect grain from damage whenever any unexpected delay occurred; that would be an easy and cheap job. The provision of that kind would cost the Government a mere trifle; and even if, in the first instance, a large sum were required for the purchase of tarpaulins, when the new trucks came from England the tarpaulins could be sold, and the only loss to the Government would be the difference between the first cost and the second-hand price; which would be utterly insignificant compared with the certainty of loss to those who were cultivating new land on a large scale this year.

The Hon. Mr. BUCKLEY quite concurred in the remarks which had fallen from the mover and seconder of these resolutions, and hoped they would be carried. With respect to the second resolution, he would only say, in reply to the Colonial Secretary, that that honorable gentleman must be mistaken as to what the effect would be of converting the broad into a narrow gauge. The only broad-gauge railway in Canterbury at present was the North line. There were only two small branch lines on which the gauge was changed—the Eyreton and the Rangiora. He had no hesitation in saying that, if the broad gauge was converted into a narrow gauge, and if the wagons thrown out of use by that process were not replaced at once by narrow-gauge wagons, the Government would find themselves in a difficulty. With respect to the Canterbury railways generally, he would only make one or two remarks. He understood the Colonial Secretary to say that blame had not been attributed to any one. He was sorry to say that in the remarks he was about to make he would be obliged to impute blame. Honorable members would be aware that, at any rate in Canterbury, after the General Government made the railways the practice for them to hand over the lines they constructed to be worked by the Province on behalf of the General Government, who, however, of course, found the plant and rolling stock. He would say, in regard to the Province of Canterbury, that he was a member of the Executive there for some time before Abolition took place, and he knew that, from the very first, applications were made to the General Government week after week for more trucks—they were constantly being applied to for an additional supply. On one occasion, when the line to Timaru was ready to be opened, the Provincial Government went so far as to say, "We decline to open the line at the present time, because we have not trucks to carry on the traffic;" and he contended that, during the whole time that the working of the Canterbury railways was in the hands of the Provincial Government, the General Government deserved blame for the deficiency of trucks. It could be proved, and was on record, that the Provincial Government was constantly applying for trucks, and could not get them. He remembered, also, that a request was made that the province should give up the iron-work of a number of trucks that were being landed at Lyttelton, in order that they might be sent to some other part of the colony—he thought Otago;
Canterbury Railways.

That circumstance had to some extent led to the want of trucks that had been since experienced. He might also mention that, some months before the provinces were abolished, the Provincial Government of Canterbury made out a list of rolling stock required to remain broad, and the rest be constructed with the narrow gauge. He did not think that had anything to do with the present question. At all events, as far as the Province of Canterbury was concerned, he believed the Provincial Government had constantly asked them to order more trucks.

The Hon. Captain Fraser, in reference to the remark of the Colonial Secretary that the injury to the grain was owing to the fault of the farmers in not erecting barns, observed that of late years it had been the custom for gentlemen holding large properties to let portions of their estates on lease for one or two years. Of course there were no barns erected in such cases, and the people looked to the Government to protect the grain. Were those gentlemen who held the land to be put to the expense of erecting barns, when they would not always be required? Certainly not; it was the duty of the Government to do these things.

The Hon. Mr. Hall said the Hon. Colonel Whitmore had stated that any inconvenience or hardship that was now being experienced was in a great measure owing to his (Mr. Hall's) opposition several years ago.

The Hon. Colonel Whitmore had referred to an occasion when a Bill was brought in at the close of a session which provided that a certain portion of the Canterbury lines would remain broad, and the rest be constructed with the narrow gauge. He did not think that had anything to do with the present question. At all events, as far as the Province of Canterbury was concerned, he believed the Provincial Government had constantly asked them to order more trucks.

The Hon. Mr. Hall said the Hon. Colonel Whitmore had stated that any inconvenience or hardship that was now being experienced was in a great measure owing to his (Mr. Hall's) opposition several years ago.

The Hon. Mr. Hall did not think it would be a profitable occupation of the time of the Council on an occasion of this kind to go further into that question—he might very well let it pass. Not that he would at all shrink from the discussion. At the proper time and place he would be quite prepared to go into that question and defend his action, but he did not think it would be worth while to do so now. What they wanted to do was to see if they could remedy the inconvenience now being felt, and not waste time in an unprofitable discussion as to what took place seven or eight years ago. If they did go into it, however, he was very much inclined to think that, after the experience they had had of the narrow gauge, they would arrive at a very different conclusion from that which the honorable member imagined.

The honorable gentleman evidently misunderstood his remarks when he suggested that he (Mr. Hall) proposed to bring the whole rolling stock from England. He did not propose anything of the kind. The ironwork for rolling stock had been ordered from England, and all he wanted the Government to do was to take steps to let them know how soon it could arrive in New Zealand. He quite agreed with the honorable gentleman that such material as could be profitably obtained in this country should be procured here, and he had not failed, in anything he had to do with the administration of public affairs, to give effect to that opinion. But that was not the question at the present time. The ironwork had been ordered from England and must come from there, and he wished to urge the Government to have it sent out as quickly as possible. The Colonial Secretary had expressed his satisfaction that the Government was not blamed in this matter. He was not going to say whether blame might not be imputed to the Government. He always wished to avoid that if he possibly could; it was, comparatively speaking, an unprofitable occupation at any time. He opposed Governments only when he was compelled to do so, and supported them when he possibly could; and, if there was a doubt on the question, as in the case of any other class of persons, he gave them the benefit of it. As he said before, he now purposely avoided anything of that kind. All he said was that a very serious state of things existed in Canterbury during the last grain season, that it threatened to be very much worse during the ensuing season, and that he wanted to do all he could to apply a remedy. His honorable friend did not quite reciprocate this proceeding, but turned round on the farmers, and threw blame on them. He thought a more intimate acquaintance with the grain-growing districts of the colony and of other new countries would have prevented the honorable gentleman from doing that. If the farmers in a new country were not to bring land into cultivation or grow grain until they had built barns to hold that grain, the country would comparatively speak for the cultivation must go far ahead of the buildings which farmers could possibly erect; but, as had been pointed out by the Hon. Sir Dillon Bell, the
pushed on the conversion of the broad-gauge line of the engineer; but there were a great many other cases in which he could judge as well as a very serious responsibility and be deserving the engineer, and this question was one of those.

The Hon. Dr. POLLEN said his honorable friend could hardly require him to bind the Government to abide by the decision of a Committee on such a question as this. He would make no objection to the appointment of a Committee to make an inquiry and furnish a report to the Council. The Hon. Mr. HALL would be quite content with the appointment of a Committee as suggested by the Colonial Secretary, and asked leave to withdraw the second resolution.

Hon. Mr. Hall
strongly to those works on the ground that if, after being constructed, they were washed away the town would be in danger, and the opinion of people residing in the neighbourhood was that it would be very much better to lengthen the bridge instead of putting up protective works halfway across the river. However, these works were erected at very great cost, and he was informed that there had not been any serious flood, such as occasionally came down the river, since their existence until this year, when the works were very much injured by the river getting behind them; and he was told by residents on the spot that there had been a large gang of men employed for a long time in turning the stream back again, so that the works might not be further damaged. While they were doing this a slight freshet came down the river and destroyed the labour of weeks; and, as the railway was not much required for grain, it had been employed in bringing up from some place—where he knew not—large blocks of stone and depositing them in the river. He hoped they would be serviceable. Still, it showed there was a danger that these protective works might not prove so substantial or effective as they were expected to be. There was another matter he would like to mention. In a letter he had received he was informed that, in order to prevent damage from fire in the event of sparks dropping upon the bridge, which, as it was used for ordinary as well as railway traffic, was boarded throughout, a considerable cost was incurred in providing tanks, and pipes to carry the water across the bridge, in order that it might be turned on in case of fire. About two years ago one of these pipes burst. Probably it might have been remedied at a very small cost, but his informant told him that from that day to this no notice had been taken of the injury. So that they came to one of two conclusions: either that the cost incurred in putting up the water apparatus was useless and therefore reprehensible, or else that the authorities were still more reprehensible in allowing it to remain out of repair.

Motion made and question proposed, "That there be laid on the table copies of any official or other reports received by the Government regarding any damage done to the protective works of the Ashburton Railway Bridge within the last three months."—(Hon. Mr. Acland.)

The Hon. Mr. HALL asked his honorable friend if he had any objection to add the words "together with an estimate of the cost of repairing the same."—

The Hon. Mr. ACLAND would accept the proposed addition.

Motion amended.

The Hon. Dr. POLLEN said there would be no objection to the production of the return if any such existed. When the motion was on the Paper a few days ago he informed his honorable friend that there were no such documents as he desired to obtain on the subject. What he understood was that the river—rivers in Canterbury being of a somewhat unmanageable and turbulent character at certain seasons of the year—had done some damage to the bridge at Ashburton, which

was in course of being repaired. What the real damage was he had not then an opportunity of ascertaining; but, if the motion were adopted by the Council, he would, of course, have a formal report made on the subject, and also an estimate of the cost of the necessary repairs.

Motion agreed to.

The Council adjourned at half-past four o'clock p.m.

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HOUSE OF REPRESENTATIVES.

Wednesday, 12th September, 1877.

First Readings—Second Reading—Third Readings—

Mr. SPEAKER took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Dunedin Reserves Bill, Dunedin Gas and Waterworks Bill, Lawrence Municipal Reserves Leasing Bill.

SECOND READING.

Auckland Foreshore Bill.

THIRD READINGS.

Port Chalmers Mechanics' Institute Reserve Bill, Tapanui Agricultural and Pastoral Reserve Bill.

SAVINGS BANKS.

Mr. DIGNAN asked the Government, Whether it is their intention to introduce, during the present session, any measure for the amendment of the Savings Bank Act?

Major ATKINSON replied that it was not the intention of the Government to introduce any measure to amend the Savings Bank Act.

BROTHERS Lighthouse.

Mr. ROLLESTON asked the Commissioner of Customs, Whether it is the intention of the Government to connect the lighthouse on the Brothers with the mainland by a telegraph wire?

Mr. McLEAN replied that it would be very desirable to have the whole of the lighthouses in the colony connected with the telegraph, but it would involve a very great expense, which he did not think the Government would be justified in incurring just now. He did not think it was more necessary to connect the Brothers Lighthouse by telegraph than to connect other light-houses of the colony.

COLONIAL MANUFACTURES AND PRODUCTS.

Mr. BURNS.—Mr. Speaker, it will be in the recollection of honorable members that last session I carried a motion through the House very much similar to the one now before us; and, if I may be allowed to give a simile on this occasion, I might compare that motion to the
ancient customs of the Egyptians, who, when the Nile was flooded, sowed their seed in faith on the bosom of the waters. The seed was apparently lost for a time to the human eye, but by-and-by when the waters subsided the little seed was found to be imbedded in the alluvial soil deposited on the banks of the river, and thereafter beautiful fields took the place of the rather unsavoury river waters, and shortly afterwards a good crop grew up and well repaid the man who sowed the seed. So with my motion of last year. We had come through a very animated discussion upon a certain question, and it so happened that my little motion followed just after, when honorable members were so absorbed in the muddy waters of debate that my little motion was lost sight of in the turmoil. Although it may have escaped the notice of honorable members, I am glad to say that a very good crop has grown out of this motion outside this House. It has got hold of the public mind, and the result is a very decent crop of petitions on the table of this House—petitions signed by the willing hands of the stout hearted artisans of this country, both employers and employed. I feel proud this day to be privileged to stand here in my place and again move a motion upon this subject which I have so deeply at heart. I feel more honored in taking up this question than if Her Majesty the Queen—God bless her—had conferred on me the highest honors in her power to bestow. There have been several meetings of these people all over the colony, and there has been one particularly in the City of Dunedin. A demonstration was got up there, and was one of the most creditable I have ever known of in this colony. It was no mob shouting and roaring through the streets in an excited manner. Everything was got up in a quiet, orderly way, and the result was a petition to this House, to which I shall refer presently. There has also been a petition from a number of employers of labour in the same city; but, as the honorable member for Dunedin City (Mr. Macandrew) has taken that matter up, I shall not trespass upon his privilege, and I shall only refer to what the working-men themselves have said in their petition:—

"The idea has got abroad that our aim is to get protective duties placed upon all imported manufactured material. We deny this: the great majority of us believe in free trade, pure and simple. We do not wish to interfere with the transactions of private firms. Our petition refers to manufactured material for the public service only, and our argument is that it is unfair and unjust to send the work Home when we have been induced to leave Home and come here in the assurance that the work would be done here. We think the granting of our prayer lies within the province of the Government, without discussing the merits or demerits of a protective tariff or free trade."

While we must admit that a sound government must legislate, and a wise Legislature have much to do with a nation's well-being and progress, yet principally it rests with the people themselves—upon their energy, industry, perseverance, and moral conduct. Who ever heard of a country possessing a contented and prosperous population when the people themselves were but partially employed or indolent? The country that hopes to progress must depend on itself to a great extent, upon its own resources, and work up its raw material, whether minerals or men. Therefore we contend that we go to a foreign market for that which we can produce, and to send money where it is lost to us when it could be retained here and employed here, is bad policy, and detrimental to the best interests of the colony."

Sir, such is the expression of opinion given by these men, and I must submit that it is given in calm and temperate language—language that would not disgrace the floor of this House or any other Parliamentary Assembly. If I might quote eight lines of our national poet in defence of what they say, I trust the House will pardon me:—

"To catch Dame Fortune's golden smile, Asiduous wait upon her, And gather gear by every mile That's justified by being red. Not for to hide it in a hedge, Nor for a train-attendant, But for the glorious privilege Of being independent."

That is the spirit which is actuating these men in applying to this House. They wish to have a hand in the building up of this country—a country that I am bound to say will one day become a great one. They feel that they have got energy and mind to throw into the work, and they say, "We are entitled to some little consideration at the hands of the House; we wish a fair field and no favour." And now, Sir, what do the working-men say themselves? The petition which has been before the Public Petitions Committee will express, in much better language than I can use, what they require. But I may first give a quotation from what the employers of labour say about that petition:—

"We, the undersigned employers of labour and factory-owners in Dunedin, being called upon to support the petition of a large number of unemployed mechanics, &c., cannot refrain from expressing our belief that the action being taken by the unemployed workmen in the foregoing resolutions is justifiable—indeed, laudable; and we are convinced that the New Zealand Government will give the matter due consideration."

Again respectful language that would not disgrace this House. And let us still further see what the working-men say:—

"In the first place, we consider it an injustice to us, insomuch as we were induced by advertisement which appeared continually in all the daily and weekly papers in Great Britain, and informed by responsible Government agents that we should find constant employment, with a high rate of wages, at our respective trades. The very fact that we applied for passages, stating our trades, and that we were accepted as such, is proof sufficient in itself that employment was plentiful in each trade. We do not say anything about the rottenness of such information and inducements, or the disappointment we experience. The fact is only too plain that, instead
of constant employment, we are often without employment at all. And not only this, but other labourers can be obtained, and the consequence is that we are seldom able to get work as general labourers. And, besides, many mechanics and others employed at various branches of trade are unable to do pick and shovel work. The reasons are very obvious, that it is as reasonable to expect a pick and shovel hand to enter an engineer's shop and work shoulder to shoulder with the mechanic as it is for the mechanic to compete with an experienced pick and shovel hand in his line. The result of this is that poverty is prevalent, acting, as it always does, not only as a destroyer of our comfort and happiness, but a decided clog upon the wheels of progress!"

Here, again, I trust the House will pardon me if I refer once more to the poet whom I have already quoted:

See yonder poor, o'erlaboured wight,
So subject, and vile,
Who bega brother of the earth
Unmindful though a weeping wife
And eeehislordlyfellow-worm

If I'm designedyon lordling'sslave,
By Nature'slaw designed,
Why was an independent wish
E'er planted in my mind?
If not, why am I subject to
His cruelty or scorn
Or why has man the will and power
To make his fellow mourn?

I am perfectly sure that such will not be the result of the motion before us. I am perfectly sure there is not an honorable member now listening to me who feels that I have not got justice on my side, that in the motion I have brought under their notice there is anything but a reasonable request, from people able to judge of the matter, to the men who are sitting around me, and who are well able to judge of the merits of the question, and who must feel that I submit a motion which it is fair and reasonable for the House to pass. And now, Sir, what is asked by this motion? I simply ask that, and I suppose, be thankful for getting it. The other day, on looking over a Dunedin paper, I saw an account of a piece of machinery which had been manufactured in Dunedin, and I will read an extract from that account. It says,—

"A large letter-press has been recently manufactured in the Government workshops, Dunedin, for the Railway Department. It seems to have been turned out in first-class style, and we understand that its cost is 50 per cent. less than that for which it could have been purchased in Dunedin."

I think that shows that the Government should try to have the rolling stock required for the use of the colony made here. Let there be public competition for the work, and I venture to say that in a short time you will get rolling stock manufactured here that will be a credit to the colony. That may not be done in a day or two, but it will be the case in time. Rome was not built in a day; the manufacturing cities of Glasgow and Manchester did not rise in an hour. It "riles" me to hear men saying that the thing cannot be done. The same thing was said to poor old James Brindley when he constructed the Barton viaduct; and the same thing was said to old George Stephenson when he proposed to introduce steam-engines to draw the railway-trains, and whilst making the railway across the Chat Moss, and yet in a few years Stephenson absolutely flooded England with railways from end to end. Look, Sir, at the various factories which are scattered over the colony. Look at the splendid woodware factories in Auckland and Dunedin, which are a credit to the colony, and which produce superior goods to any which can be imported; also two woollen factories that turn out good work, and are profitable to their shareholders. Look at our soap works. They turn out soap, scented soap espe-
cially, which is a sound good article, and much
to the imported article. Let any one
who understands such matters look at the 40-
ton crane lately built in Dunedin for the harbour
works at Oamaru. It is the largest machine of
the kind in the world, nothing of equal size and
power of a movable nature having ever been
constructed anywhere else—nay more, the manu-
facturers in the Home country could not or would
not turn it out at all—and yet an enteringprize
Dunedin firm was found equal to the occasion.
Let any one visit the works now in progress
at Oamaru. He will there see this immense
machine coolly lift a block of concrete, travel
along a line of rails for a considerable distance by
its own steam power, and deposit its load where
required on the harbour works. The dredge
"Vulcan," built by the same firm for the Otago
harbour works, is a credit to any builders in
any land, and the tender for it was actually cheaper
than for one of the same size and power to be
built in Glasgow, not to speak of the cost of trans-
porting the Glasgow-built article to this country.
Then we have the large steam hammer lately
erected at the Port Chalmers Graving Dock,
capable of forging a shaft of 14 inches diameter
and welding on a collar of 30 inches square.
This hammer is quite capable of forging wheels,
axles, and buffers for our rolling stock, out of old
rails and other old iron now literally rusting to
waste, to as great perfection as in any other place
in the world. I was quite delighted to witness
the working of this immense machine whilst on a
visit the other day, and I hope Government in-
tends keeping this hammer going to utilize old
material that at present is useless to the country
and only rusting away. I will now say a word
about the Government steamers, of which we
have heard so much. I have taken considerable
trouble in this matter. I have placed myself
in correspondence with, I believe, nearly every
manufacturing firm in New Zealand, and here is
the result:—Mr. Yeoman, of Auckland, says,
"Re 'Hinemoa' and 'Stella': either boat could
be built in Auckland for considerably less money
than in Dunedin, but you may rely on it that
we shall give these men a chance. Now let us look
at the Customs returns which have been laid on
the table. According to them the following is
the value of the railway material which was intro-
duced into this colony in the year 1876:—Trucks,
£43,660; locomotives, £25,651; other kinds,
£68,764; rails, 162,297; railway chains, bolts, &c.,
£18,760; bridge materials, £1,655: total, £312,777.
Now let us deduct the value of the rails, which
we are not as yet in a position to make, although
I believe that an honorable member of this House
is prepared to state that, if sufficient inducement
had been offered, those rails would have been
made here. The value of those rails is £162,297,
and if we deduct that the remainder will be
£150,460. That is the amount which was ex-
spended by the Government last year in bringing
material into the country, and I say it is a dis-
grace to us that so much should have been spent
in that way. I think that some of the masters
on which that money was spent might have been
manufactured in the colony if the Govern-
ment had only gone about the matter in a
proper manner. I am bound to say that, if
tenders had been invited for the construction of
those goods in the colony, and time had been
given to construct them, we should not now have
felt ourselves compelled to send out to England
for them. If that had been done we should not
now have had to go to England for a single truck
or carriage, or locomotive either. Let any one
compare the carriages which have been sent from
the old country with those which have been manu-
factured in this colony, and they will soon see the
difference. I think it would be admitted, after
a comparison had been made, that the carriages
which have been constructed in this colony are
more easy and more comfortable to travel in than
those which you may rely on from England, and
that in the matter of wear and tear they will
compare favourably with the imported article. I
may be wrong, the honorable member for Christ-
church will put me right if I am, but so far as
my experience goes it enables me to say that
the colonially manufactured article is far superior
to the other. There was one very unfair feature
about thereport laid on the table last year which
I only detected the other day. The imported
article is charged at £346, and the article made
in the colony is charged at £380—a difference of
£30 or £40. Well, Sir, the carriages built by
Findlay and Co. were not built from the model of
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I only detected the other day. The imported
article is charged at £346, and the article made
in the colony is charged at £380—a difference of
£30 or £40. Well, Sir, the carriages built by
Findlay and Co. were not built from the model of
those running on the Clutha line, but from the
model of those running on the Port Chalmers
line, and we have not been able to get the cost of
the plant on the Port Chalmers line. That is
most unfair. I am sorry to have to trouble you
all, but I feel that in Dunedin, to ask Mr.
Oliver, of the firm of Oliver and Ulph, who
imported them, what those carriages did cost;
but I am sure of this: that they came to within
Mr. MACANDREW.—Exactly the same.

Mr. BURNS.—I thought so. Now that is very unfair. I say, as in the story of the honorable member for the Thames, "Let us all start fair; don't cook the returns to make it appear that the colonial article is really dearer than it is." Let us have a fair field, and we will beat these imported goods. If they do not have no hesitation in saying that before long we shall have rolling stock manufactured in this country which will be a credit to any land—nay, more, I should not be at all surprised if we were able soon to send some of it to other places. There is foundry-plant in Dunedin, Auckland, and Christchurch which would be a credit to any country, and which is capable of turning out almost any class of work; but the proprietors say, "What is the use of it? The tenders are unfair; the time is too short." I am quite aware—and the honorable member for Christchurch will meet me there—that there is a difficulty about manufacturing locomotives, and I do not disguise the fact that there is; but we must try to overcome difficulties of that sort. If we do not, we shall find ourselves in a very awkward position some day. If a Continental war were to break out and England became involved, there would probably be an embargo placed on all shipping; and what position should we be in then? Unless we begin early, we should be in a most hopeless condition. We should be like a lot of raw recruits placed in front of a well-disciplined army. We should enter into this matter calmly, and in a business-like way. I would say to the Government, "Begin making locomotives in your own workshops if you like;" I would even make that concession. I know that as we have not all the raw material here we should have to import some of it; but I know that shortly we should be able to compete with the imported article, even in the matter of locomotives. But all this cannot be done at once. We know what can be done in the manufacture of carriages and trucks, and I ask the Government fairly to meet the case. Let portions of the locomotives be constructed elsewhere at first, if you like; but in a short time, I feel sure, we shall be quite independent of any other nation, and shall, in fact, be an independent nation ourselves, in this respect at least. I could say a great deal more upon the subject, but, as many other honorable members desire to speak upon the subject, I will now move the motion.

Motion made, and question proposed, "That Government be requested to call for tenders for any timber and iron piles and other iron and wood work required for bridges, wharves, and all other public works in course of construction by Government or by contractors under Government; also, for any iron or wooden ships of any class, dredges, lighters, &c., required for the public service of the colony. And that a clause be inserted in every specification giving sufficient time for the execution and delivery of the first article required."—(Mr. J.)

Mr. SHEEHAN.—I desire to add to the motion a few words of a very important character, which I think will meet with the approval of the House. I listened with very great pleasure to the speech of the honorable gentleman, who rose, I might say, almost to poetic eloquence, and displayed an amount of interest in this subject that I should like to see him take in many other subjects. The words I propose to add are these: "And, further, that the Government should take steps to insure the use of New Zealand coals instead of Newcastle or other foreign coals on the Government railways and in all public offices and institutions under the control of the Government." I wish I could speak as eloquently in support of this proposal as my honorable friend the member for Roslyn did in proposing his motion. It seems to me a real injustice to the people of this country, who are trying to make their way in it, that we should import an article that can be supplied as cheaply and of as good quality by our own colonists and from our own soil. I maintain that we could very well afford to give a little more for it, rather than have it brought from other places, because it would employ labour and keep capital in the colony. I have been told that it takes one large steamer a month to keep the Government in coal, and if this coal were brought from the Bay of Islands, the West Coast, or any other place in the colony where coal is to be found, we should keep this money in the colony, we should make employment for our own population, and take one important step in securing the advancement of the colony. Indications of depression in trade are not wanting at the present time; and nothing can be more productive of distress and want of employment than that we should continue to cut our own throats as we have been doing. We have coal in the colony quite as good as the imported article; and I hope my honorable friend will consent to the addition of these words, as they are quite in keeping with the spirit of his motion, and will assist to carry out the object he has in view.

Mr. ORMOND.—The Government recognize that the question is one of very great importance to the colony, and, Sir, the honorable gentleman is fully entitled to come here as champion of a cause in which he evidently takes such great interest. I am glad to be able to tell the honorable gentleman that the Government has already taken steps in the direction indicated by his motion. The Government engineers were instructed about a month since to prepare an estimate of all railway rolling stock that will be required for the next two or three years; in fact, the estimate is to include a list of all articles required for the
public works of the colony; and the object of the Government in having that estimate prepared is to place the Government in such a position that they may be able to call for tenders some time in advance, and so give the manufacturers in the colony a fair opportunity to compete for the supply of this class of articles. The engineers have also been asked to give an opinion as to what portion of the railway rolling stock can be manufactured in the colony and what portion cannot. That advice will be useful to the Government, but the Government will, of course, exercise its discretion as to how far it shall be acted upon, and will take every care to throw as much of the work as they can into the hands of manufacturers in the colony. We are quite aware that there are some portions of the rolling stock which can be turned out in the colony quite equal in quality to the English article, and we shall keep that point in view when we come to consider the whole matter. As to the utilization of the natural products of the country—timber for instance—we shall endeavour to use New Zealand timber wherever it can be used. Speaking for myself, I always have had strong opinions on this point, and have held that, where the difference in the duration of imported timber and our own was not very great, the colonial timber should be used. In some cases the imported timber has not proved so suitable as the colonial product. I have had evidence that the jarrah timber, which we have so largely imported, is not equal, under certain circumstances, to the colonial timber. There are two striking instances of this—one at Napier, where, about three or four years ago, some jarrah piles were driven alternately with totara piles. When the jarrah piles were examined some twenty months afterwards it was found that they had suffered from the operations of the teredo, while the totara piles remained untouched. In close contiguity there were standing totara piles, which had been in position for years, and were still sound. I am told by those who think jarrah timber very superior to the native timbers that the teredo only penetrates a certain distance into the wood, and does not work right through. I have taken steps to have a proper investigation made in order to discover whether that is the case or not, and I expect to receive in a short time reports and specimens of the timber; so that we shall have absolute evidence as to the suitability of that timber as compared with the totara in such works as that to which I have alluded. My honorable friend spoke of some inferior railway material which had been imported to the order of the Public Works Department. I do not know to what material he has referred, and therefore am unable to give any opinion on the matter, or to make any special remarks on what he said; but I do not think he is right in his opinion that great care has not been exercised in the inspection of the material at Home. Ever since the colony has been importing material we have paid engineers at Home, whose business it has been to inspect all material before it is sent out to the colony. Messrs. Bruce and Hemans, who have been acting in that capacity, and we have found that the persons in their employment have invariably inspected, with great care, the materials sent out for our public works. If mistakes have been made I think it will be found they have not occurred from any want of proper inspection. My honorable friend also spoke of the appliances for doing certain work in the part of the colony from which he comes, and the advantages of our having work done there. I quite agree with him in what he said; and, curiously enough, it happens that, just before I came into the House this afternoon, I was able to approve the expenditure of a thousand pounds in that part of the colony for the purpose of constructing some railway material. The Government workshop at Port Chalmers can turn out buffers and other articles, and we have old material to use up there. It is necessary to utilize the Government workshop in this way for this reason: that it is necessary to have employees there who can do the work required by the steamers which go into the graving dock, and they have to be kept in employment by work from the Railway Department. But still the Government recognize that it is very desirable that work of the kind should be done, as far as possible, by public tender; and, if we can once get a class of contractors able to construct what we want, it will be a great advantage to the colony, for competition would soon insure reasonable prices. I was not able to follow my honorable friend in the figures he quoted to the House as to the present relative costs of articles made in the colony and those imported. My own impression is that the cost of articles manufactured in the colony is considerably higher than that of the imported articles; but I am also aware that the relative prices are getting so much closer that we are justified in thinking the time is come when we shall be able to secure to our artisans a large part of the trade. With regard to the remarks of the honorable member for Rodney, and the amendment or rider which he has proposed to the motion, I may say that the Government entirely sympathize with that proposal, and so far as we can use New Zealand coal we are doing so, and desire to continue to do so to a larger extent. But it would not be advisable to follow that course when large extra expense is entailed thereby. Where New Zealand coal can be utilized at equal cost with the imported article it is our duty to see that it is used; and in that spirit the Government will not object to the rider proposed. We accept the motion and the rider in the sense that we shall as far as possible make use of the commodities of the country.

Mr. MACANDREW.—I am very glad indeed that the Government so far agree with the motion on the Order Paper; but, so far as referring the matter to the engineers of the colony to report upon is concerned, I am perfectly satisfied that, if any efforts to utilize the products and skill of the colony are to depend upon the reports and recommendations of the chief engineers of the Colonial Government, nothing whatever will come of it. I think the Government should take the bull by the horns themselves, and give explicit directions as to what everything that can be manufactured in the colony shall be manufac-
tured in the colony, even if it be at a little increased cost. I shall propose a further amendment, when the proper time comes, to the effect that orders from the Public Works Department now on the way to England for manufactured articles which may be supplied in the colony shall be countermanded, and that tenders be called for the manufacture in the colony of the articles so ordered. I do not know of what value the orders at present on their way to England may be. They may amount to hundreds of thousands of pounds, but, whatever the amount may be, I think we should get the work done in the colony if possible. I am quite satisfied that even locomotives can be made very well in New Zealand, although the cost may be a little more than that at which they can be imported. I know that two have been made in Otago, and are working very satisfactorily; and, if that is so, there is no reason why more should not be built here. I think one of the greatest mistakes in connection with the Public Works policy has been that we have not taken advantage, when spending our millions, of the opportunity of initiating and encouraging the manufacturing industry in this colony. That is a great mistake. Another serious mistake is that in connection with immigration. We have spent upwards of one million in immigration, and had we spent that money properly we should have had direct steam between Great Britain and the colony, by which means we could have introduced immigrants at no more cost than we have done by means of sailing vessels. The mover of the resolution has almost exhausted the subject, and I have little more to say; but I cannot help referring to those steamboats—the "Hinemoa" and "Stella." I do not know of a more reckless disregard of our interests than that. I believe the steamers could have been built in New Zealand waters at far less cost than that at which they were delivered here from the Clyde. It is generally supposed that the wages of the class of artisans who would have been engaged in building them are much higher here than at Home. It is a mistake. I think boilermakers and such class of workmen are paid about £3 a week on the Clyde, and in Dunedin they get 7s. or 8s. per day only. In reference to coal, I do hope the Government will give effect to the amendment if they can, and there is no doubt that it can be done. There are numberless fires burning in all parts of this building, and I think that New Zealand coal should be burned in place of Newcastle.

HON. MEMBERS.—It is Grey Valley coal.

Mr. MACANDREW.—I am glad to hear it. Then there is a great deal of imported paper used in the colony. During the past five years we have spent large sums of money in importing paper, because contractors in the colony are urgent for the material which has been ordered, and which is now in course of manufacture in England, I do not think the Government can accept the addition proposed by the honorable gentleman; and I will tell him why. The honorable gentleman proposes that we shall at once stop, by telegram, the introduction into the colony of the railway plant which has now been ordered. Does he know what the effect of that would be?

Mr. MACANDREW.—Yes.

Mr. ORMOND.—Well, I am very much astonished at the honorable gentleman making such an amendment. We are in this position: that, in the case of Canterbury railways, which are doing the greatest amount of work, we are absolutely dependent upon the importation of the rolling stock which has been ordered, and which will probably be now on the way to the colony.

Mr. MACANDREW.—My amendment is misunderstood. It does not apply to stock already ordered, but to orders which are in transitu, and have not yet reached London. I never dreamt of the Government counteracting orders that have already been given, and for which contracts have been entered into.

Mr. ORMOND.—I have read the amendment, and it appears to me to take in all rolling stock which has been ordered for the colony. I would tell the honorable gentleman that the wants of the colony are urgent for the material which has been ordered, and it would be in the highest degree impolitic to stop it. I think the Government have gone as far as the House should ask them to go in affirming the resolution as it now stands on the Paper. We have told the House that it is our intention to act thoroughly up to the spirit of the resolution and to the wish of the House and the country in this matter, and I do not think it is reasonable to ask us to be encumbered by amending the resolution in the way proposed by the honorable gentleman. The amendment might refer to plant which we could not at present get executed in the colony.

Mr. MACANDREW.—The plant required can be obtained in the colony.

Mr. ORMOND.—Beyond the plant that has been ordered, and which is now in course of being manufactured in England, I do not think any orders have gone home lately. I think some locomotives were ordered not long ago, which we could not get in the colony—which, as far as I am informed at present, could not be manufactured here, because contractors in the colony would have to import portions of such locomotives before they could construct them; and this could not be waited for, as the engines are very much wanted for carrying on the business of the railways. The honorable gentleman commented on remarks by saying that I had informed the House...
that I had called upon the engineers to report, and that the Government would be bound by the engineers' advice. I entirely contradict that statement; I said exactly the opposite. What I said was, that the Government had asked their engineers to report as to the rolling stock and material that would be required for the New Zealand railways and other public works for the next two or three years. I do not know where the Government is to go except to their engineers to get such information. Where else am I, a person uninformed on such matters, to get information as to what would be required, unless I avail myself of the services of those officers whom the colony pays to do these things? I said it was the duty of the engineers to advise the Government upon these subjects, but it was a matter for the Government to consider how far we should approve the recommendations of the engineers. If the engineers convinced us that there were parts of the railway plant which could be better manufactured in England than in the colony, and if our judgment was satisfied on that point, we should exercise our judgment and act accordingly; but, if we were not satisfied, we should not do so. I again state that I do not think this amendment is one which we can accept. I can assure the honorable gentleman and the House that we are thoroughly in earnest, and shall endeavour to carry out the wishes of the House in this matter; and I think the honorable gentleman should be content to leave it in that position.

Mr. J. E. BROWN.—I would like to ask the honorable gentleman if no supplies have been ordered from England since the 1st July last.

Mr. ORMOND.—A requisition for authority to order stores from England to the value of nine thousand pounds was submitted to me for approval within the last month, and I declined to approve it.

Mr. STOUT.—I do not see why the amendment cannot be put to the House as well as the original motion. What the argument of the Hon. the Minister for Public Works amounts to is this: he says, if we were not satisfied, we should not do so. It would be utterly futile, and would not affect the object the honorable member has in view. What does the motion say? This motion says, 'That Government be requested to call for tenders within the colony for any further rolling stock and other plant required for railway purposes; also for any timber and iron piles and other iron and wood work required for bridges, wharves, and all other public works in course of construction by Government or by contractors under Government; also for any iron or wooden ships of any class, dredges, lighters, &c., required for the public service of the colony. And that a clause be inserted in every specification giving sufficient time for the execution and delivery of the first article required.' The latter part would imply that these things were not to be manufactured in the colony, but that the time for the execution of the work should be so extended as to allow those who tendered for the work in the colony to get it done outside the colony. That is the meaning of the resolution, and it does not at all bear out the speech of the honorable member who brought it forward. If the honorable gentleman desired that the rolling stock and other plant required for railway purposes should be constructed in the colony, then his motion should have been so framed as to require that the work should be done in the colony. As now framed the tenders might go to the New Zealand merchants instead of to the manufacturers, and they are to get sufficient time to enable them to perform the work. I do not wish to move any amendment, but I would point out to the honorable gentleman in charge of the motion that it is utterly meaningless, and will not effect his object. One would understand by it that the work was not to be done in the colony at all. I do trust the Government will take steps to have the whole work done in the colony—to encourage industrial enterprise in every possible way. I think they could easily do that by paying a little additional sum over and above what is paid in England for the rolling stock for the various railways. We are told that trucks are required for the grain traffic in Canterbury. I consider that the trucks can be made in New Zealand cheaper than they could be procured at Home. The rolling stock and the locomotives might not at first be manufactured in the colony in a style equal to the Home standard. That could not be expected at first, but it will very soon approach the Home standard. I would ask the honorable member for Roslyn to amend his motion in such a way as to require that the work shall be done in the colony, and not merely that tenders shall be called for within the colony. As the motion now stands it does not mean anything at all.

Mr. REID.—I think the honorable gentleman who has brought forward this motion has acted very wisely in framing it as he has done. It does not say that all the works are to be procured in the colony, for the very good and obvious reason that many of the things required could not be supplied by any manufacturing works in the colony. The manufacturers would be very anxious indeed to furnish all that could be manufactured here, but very many parts of the rolling stock would be so expensive to get here that it would be far better for the contractors to get them from the old country. In fact, many of the large manufacturers at Home do not provide some parts of these things for themselves. It is a special branch of the trade to manufacture them; and therefore it was much cheaper to get those engaged in that special branch of the business to manufacture them. I think it was wise on the part of the honorable member for Roslyn not to make it imperative that all parts of the rolling stock, &c., should be manufactured here, but to leave it to the discretion of those who are tendering to manufacture so many or so much of the particular implements here as they can with ad-
vantage to themselves and to the country, it being understood that the preference would be given to the contractor who, other conditions being equal, would bind himself to manufacture within the colony the greatest quantity of the articles that were required. Doubtless we shall shortly find that all these parts will be manufactured in the colony; and I think the honorable member has acted wisely in not making that imperative in the first instance. The honorable member for Dunedin City (Mr. Stout) has referred to the question of providing trucks for the grain traffic in Canterbury, and said that we could manufacture the trucks here just as well and as cheaply as in England. We are aware of that, and they are manufactured here. There are no trucks imported from England now. There is work that the contractor himself would be obliged to import; but at the present time all the works that can be done in the colony are being carried out here. No good object would be served by making the addition to the resolution moved by the honorable member for Dunedin City, which is to the effect that we shall countermand by telegram any orders sent to England for articles that can be manufactured in the colony. Well, the Hon. the Minister for Public Works has already stated that no orders have recently been sent Home, and therefore it would be quite unnecessary to telegraph to countermand them. It is certain that by countermanding orders given some time back, would bind himself to manufacture the particular articles required would not be ready in time to carry on the works. There are two sides of the question we should look at. We have first to look at the great, natural, and proper desire to have as many articles as we can manufactured in the country—to keep capital in the country and to find employment for the people in the colony; but, on the other hand, we have to consider that we have more railways now constructed than we can supply with a sufficient quantity of rolling stock in order to develop them to the fullest extent, and in order to supply the demand that exists for carrying goods over those railways; and we should not do anything now which may have the effect of retarding in the slightest degree the placing upon these lines a sufficient quantity of rolling stock at the earliest possible date. We have to consider what we saw last season in Canterbury and, in fact, to some extent in Otago—that people who were legitimately depending upon these railways to carry out their work and to take their produce to market have been put to great inconvenience and loss through want of sufficient rolling stock. I think, if the resolution is taken as the Government intend to take it, in what I believe to be the true intent of the mover, and if we say that from this date forward we will obtain in the colony anything which can be manufactured in the colony as satisfactorily as elsewhere, that would be a far wiser course than that of telegraphing to countermand orders that may have been given in view of the necessity for making those railways useful and reproducing as soon as possible, we should not adopt the course suggested by the honorable member for Dunedin City.

Mr. PYKE.—I cannot understand that there are no orders at present in existence for material from Home. Unless my eyes deceived me I read this week in a Canterbury newspaper a report of a meeting calling upon the Government not to alter the gauge of the railways in that district nor to disturb the arrangements at present in use until the trucks ordered from England had come out. In that very fact there is proof of the necessity for having the material manufactured here. The people demand that the gauge should not be altered until the trucks are imported, because of the great inconvenience that must arise through the delay in getting those trucks from Home. This seems to me to be retarding and not promoting public works. In my opinion it would be very much better that we should even pay a far higher price for the articles manufactured here than that we should discourage the hosts of artisans whom we have been bringing out under the assurance that they would get constant work. Depend upon it that, if we are to go on importing from England all the articles we require for our railways, a large number of the very best men, who have come out here under inducements held out by us, will leave the colony and seek work in Australia, where railway enterprise is assuming a magnitude hitherto unprecedented in the southern hemisphere. We shall have our population depleted by the migration from our shores of the very men whom we should most seek to retain. I would go much further than the resolution of the honorable member for Boelyn, which, to my mind, really means nothing. I will therefore move, when the proper time comes, that after the word "tenders," at the beginning of the resolution, the words "for the construction" be inserted, and that the word "for" be changed to "of," so that the resolution may read, "That Government be requested to call for tenders for the construction within the colony of any further rolling stock," and so on.

Mr. MONTGOMERY.—I think the amendment suggested by the honorable member who has just sat down is required. I believe the remarks made by the honorable member for Dunedin City (Mr. Stout) apply. I do not think the mover of the resolution stated that he intended that these articles were simply to be ordered by merchants instead of by the Government. I should be inclined to go further than he has gone, and should like to see words added to the end of the resolution to the following effect: "That tenders for colonially-made articles be accepted if the cost does not exceed 10 per cent. upon that of imported articles of similar quality." It is of great importance that we should foster industry, and endeavour to keep our people employed, and also induce persons to come out to the colony, knowing that they would get constant employment.
Mr. MACFARLANE.—It appears to me that the best plan would be to call for tenders at once, and then, if they were within 10 per cent. of the cost of imported articles, they could be accepted; otherwise, they should be refused. I have myself imported locomotives, and my experience is that it is necessary to get the wheels, springs, and axles from England, but the rest of the articles can be made much better in the colony. Engineers have informed me that there are in England factories for the express purpose of making wheels alone. I believe it is the same with regard to marine engines. My experience is that to import trucks is simply a waste of money; and, with respect to locomotives, you only require to import the wheels, springs, and axles. With regard to marine engines, I find that colonially-made marine engines are vastly superior to, and cost very little more than, the imported articles. So much has that been felt to be the case that for the last five or six years every marine engine used in Auckland has been manufactured there, with the exception of one imported by the North Shore Steam Ferry Company, and I believe they find that they have made a great mistake. I hope the Steam Ferry Company, and I believe they find very little or rather, the imported articles. So marine engines, I find that colonially-made marine engines are vastly superior to, and cost very little more than, the imported articles. So much has that been felt to be the case that for the last five or six years every marine engine used in Auckland has been manufactured there, with the exception of one imported by the North Shore Steam Ferry Company, and I believe they find that they have made a great mistake. I hope the Steam Ferry Company, and I believe they find very little or rather, the imported articles. So probably, the imported articles.

Mr. SEATON.—I do not understand why the Government should refuse to accept the amendment. If nothing has been ordered from England it will not apply, and even if goods have been ordered and they are on the way out it will not apply, and consequently it can do no harm. I had not intended to address the House on this subject, but I may now say that early in 1872 I was sent home to assist the then Agent-General in trying to induce artisans to come out to the colony. I find that portions of the Press have tried to put wrong constructions on the inducements held out to these men. At a meeting of the unemployed held at Dunedin, a Mr. Chandler, said the Evening Star, or the editor of that Star, said,—

"It is entirely our own fault that no inducement has been held out to mechanics to come here. In fact only country mechanics should have come. That the Government is not responsible. But that as we have made our bed we must lie on it."

I myself have not seen the article referred to by Mr. Chandler, but, if such statements have been made, I must emphatically deny that they are accurate. When I went home in 1872 to assist Dr. Featherston in carrying out the Immigration policy, I was directed to take my instructions from that gentleman; and, with the permission of the House, I will read an extract from a despatch sent to the Agent-General by the Hon. Mr. Gisborne to the same effect:

"I need not further refer to the terms of the engagement of Messrs. Birch and Seston, which are fully set forth in the letters addressed to you, than to point that these gentlemen are directed to act implicitly under such instructions as you may see fit to give them."

Mr. Montgomery

My instructions from the Agent-General were clear and decided. I was to try and induce as many men to come to the colony as possible who had been trained to construct rolling stock, such as engineers, also plateayers, navvies, &c.; but to avoid, above all, holding out any inducements to them to settle upon the land. What the colony needed were men trained to these occupations, as the Government was going largely into the construction of railways, and an immense amount of skilled labour would be required for that purpose. When I went among men of this class, I found it very difficult to induce them to come to New Zealand. They asked whether any workshops were established for their different branches of trade. Of course I could not say that there were any, but I pointed out that the Government was going in largely for the construction of railways, and that workshops must be established. Wages were another obstacle. They were as high in Great Britain as I could offer, and many men refused to come out. It was only after a few had actually come that others could be induced to follow. I say, therefore, that the country is committed to a certain extent to employ these men, as they have been brought out under special inducements offered by us. I repeat distinctly that my instructions were to induce these men to come here on the understanding that they should obtain work in their different trades; and, under these circumstances, they have a very strong claim upon the country for employment. If the motion of the honorable member for Roslyn should be the means of finding them occupation, it will be productive of good in more ways than one, for it will show people that we are determined to keep faith with those who come among us—that they will have some certainty of finding employment; and we shall reap a rich reward from the large expenditure incurred by their introduction. Whatever opinions honorable members may hold regarding the administration of the Public Works and Immigration scheme, I think most men will admit that the introduction of skilled labour must be highly reproductive. Mr. McCulloch, in his "Dictionary of Commerce," puts the matter in much better terms than I can. I will therefore trouble the House by reading what he says on the course that has been adopted:—

"However extended the sense previously attached to the term 'capital' may at first sight appear, we are inclined to think that it should be interpreted still more comprehensively. Instead of understanding by capital all that portion of the produce of industry which may be applied to support man and to facilitate production, there does not seem to be a good reason why man himself should not, and very many why he should, be considered as forming a part of the national capital. Man is as much the produce of previous outlays of wealth expended on his subsistence, education, &c., as any of the instruments constructed by his agency; and it would seem that, in those inquiries which regard only his mechanical operations and do not involve the consideration of his higher and nobler powers, he
should be regarded in the same point of view. Every individual who has arrived at maturity, though he may not be instructed in any particular art or profession, may yet with perfect propriety be viewed, in relation to his natural powers, as a machine which it has cost twenty years of assiduous attention and the expenditure of a considerable capital to construct; and, if a further sum be expended in qualifying him for the exercise of a business or profession requiring unusual skill, his value will be proportionately increased, and he will be entitled to a greater reward for his exertions—a machine becomes more valuable when it acquires new powers by the expenditure of additional capital or labour in its construction. Smith has fully admitted the justice of this principle, though he has not reasoned consistently from it. The acquired and useful talents of the inhabitants should, he states, be considered as making part of the national capital. The acquisition of such talents, he justly observes, during the education, study, or apprenticeship of the acquiree, always costs a real expense, which is a capital fixed and realized, as it were, in his person. Those talents, as they make a part of his fortune, so do they likewise of that of the society to which he belongs. The improved dexterity of a workman may be considered in the same light as a machine or instrument of trade, which facilitates and abridges labour, and which, though it costs a certain expense, repays that expense with a profit.

I think that goes far to prove that the expenditure of large sums in the introduction of such a class was a wise course, and one likely to be very profitable to the country. It would be absolute madness to allow these men to leave the country if, by a little judicious encouragement, they can be kept among us. When we take into consideration our immense coal fields, and the probability of our becoming a manufacturing country; when we consider the enormous amount of iron that is being imported in the shape of rails, and that these rails require constant renewal, honorable members must see that iron will accumulate in immense quantities. That in itself is almost equal to having iron mines of our own, and we should consider what an immense profit it is to the country to retain these men in it. I can hardly imagine a case of more consummate madness than to allow these men, who have cost so much money, to leave the country. I had prepared a number of notes relating to this subject, but I will not trouble the House any longer. I will merely say that I wish to bring under the notice of the House the cases of the men who are unemployed and who have a claim on the colony for employment.

Mr. TRAVERS.—I have a few words to say on this subject, but before saying them I would like to call the attention of the House to a portion of the report of the Commissioner of Railways in New South Wales, in connection with the question of importing rolling stock for railways. It appears that, for some years after railways had been commenced in that colony, the rolling stock had always been imported, but that in 1876 it was suggested that the rolling stock should be manufactured in the colony. The matter was referred to the Commissioner of Railways, who reported as follows:

"Since the five-years contracts with Messrs. Mort, Vale, and Lacy for locomotives and with Messrs. P. N. Russell and Co. for rolling stock expired in June, 1874, the state of the labour market in the colony has been so unsettled as to deter tenderers from entering into contracts for the supply of rolling stock, except at much higher rates than former periods; and, with inconvenient reservations as to strikes. But, as the necessary amount of stock for working our railways must be obtained here or elsewhere, if our colonial manufacturers decline to tender on reasonable terms, there will be no alternative but to import the necessary stock from England, or manufacture it in our own workshops. The latter is the course adopted by most of the English and Continental railway companies, who, according to Dr. Lardner, in his work on Railway Economy, 'are not merely proprietors of railways and carriers upon them, but are also engine-builders and carriage- and wagon-builders upon a scale of almost unparalleled magnitude.' By this means the price of their rolling stock has been considerably reduced, as it includes only the actual costs incurred by the companies, without the profit that otherwise must be paid to the manufacturers.

"To remedy the existing deficiency in engine-power, tenders were invited in the colonies in November last, 1875, for the supply of eighteen passenger and six goods engines; and Messrs. Beyer, Peacock, and Co., of Manchester, were concurrently invited by cablegram to state at what price and within what time they could supply the former. For these no tender was received in the colony; but two were obtained for the goods engines—one from Mr. Shaw, of Ballarat, at £3,995; and one from Mr. Mort's Engineering Company at £4,050 each, delivered at Sydney. Mr. Shaw named no time for delivery. The time required by Messrs. Mort and Co. was seventeen months after acceptance for the first, and twenty-four months for the whole six.

"Messrs. Beyer, Peacock, and Co., England, tendered to supply the passenger engines for £2,650 each, free on board, and agreed to commence delivery within six months from the acceptance of tender. On the recommendation of the Engineer-in-Chief their tender was accepted, and they were asked to name a price for the goods engines. They stipulated for an increase of £170 each on their price for the passenger engines, to cover the increased cost for steel-cranked axles, additional size of boilers, and other extras. Their claim for extras was ultimately reduced to £135, and their tender accepted at £2,785 each for the goods engines. By adding £350 for freight, insurance, and erecting, the cost will be £3,135 each, or £18,810 for the whole six, while at the sums named in the tenders of the colonial manufacturers the six would have cost £23,970 and £24,300 respectively; and, with every desire to deal liberally with colonial manufacturers, the Government [HOUSE.]
could not ignore the principles of free trade so
far as to accept a colonial tender at so great an
advance on English prices.

"Since the expiry of the contract with Messrs.
Rusell and Co., tenders have been accepted for
the manufacture in the colony of 1,100 trucks
and wagons; and drawings and specifications are
in the course of preparation for passenger car-
rriages on a somewhat different principle from
those now in use. During last year two pas-
senger carriages, with increased accommodation
for passengers, with six wheels instead of four
as formerly, and with radial axle-boxes, to give
greater facility in traversing sharp curves, were
constructed by Messrs. Russell and Co., and
have given so much satisfaction that others will
be built after the same pattern. Smoking-car-
rriages have been attached to the suburban trains,
which would be satisfactory, or at a price lower
than that for which they could be imported. I
find that a considerable portion of the neces-
sary rolling stock could be manufactured in the
colony; but it is clear that such things as loomo-
tives could not be made in the colony of a quality
which would be satisfactory, or at a price lower
than that for which they could be imported. I
scarcely think, if manufacturers in New South
Wales, with all the appliances which they have,
are unable to turn out locomotives of satisfac-
tory quality and at a lower price than they would
cost if imported, we should be doing right in en-
couraging persons in this colony to enter upon
the work of constructing locomotives. The pas-
senger and goods carriages might very well be
manufactured in this colony; but, in my opi-
nion, our railways have not been sufficiently long
in existence properly to test the expediency of
relying upon the colonial as against the Home-
made articles. However, as I have said, I see
no reason why the railway carriages should not
be manufactured in the colony. I think it would
be very undesirable to permit the Government to
make experiments with locomotives, and it ap-
ppears to me that such things should still con-
tinue to be obtained from the manufacturers at
Home, who have facilities for turning them out
which we shall not possess in this colony for
many years. I cannot agree with the motion to its
full extent, and I think that it would not
be wise on the part of the Government to be
hasty in matters of this kind. I think that we
should obtain from the colonial manufactur-
er as large a portion of the material we re-
quire as he can construct satisfactorily; but I do
not think that the colony is yet in a position
to manufacture stock for the permanent ways or
the locomotives. We have not, for instance, the
propriate facilities for turning out iron wheels
with which to make rails. I think the Agent-General
should be instructed to watch the fluctuations in
the market and to take advantage of them. I
cannot forget that, in regard to one of the orders
sent from this colony to England, there was a
monstrous and iniquitous waste. Tenders were
called for the supply of the material required,
and a certain firm was paid a commission of
10 per cent. for merely examining the tenders
and advising the Agent-General as to which he
should accept. The amount of the tender which
was accepted was £260,000, and the gentlemen in
question were paid 10 per cent. on that amount.
I support the motion of the honorable member
for Roslyn to a certain extent, but I think the
Government ought to be very careful not to fall
into the error of giving an unheeding ear to what
may be a popular matter, because by so doing
they may sacrifice the real interests of the
colony at large. I am probably as desirous as
any man that local manufactures should be
encouraged in the colony; but at the same time
I am not prepared to sacrifice those principles
which, it appears to me, ought to guide the
finance of the colony—the principles which, if
conveyed in properly, are calculated to develop
the wealth of the country. So far from there
being no iron in the country, I believe there
is no country in the world in which there is a
larger supply of iron ores. I saw recently in the
Colonial Museum some specimens of what is
called band iron, which is as rich as any band
iron found in England, and which exists, in the
particular coal field in which it is found, in quan-
tities which would rival the mines of Stafford-
shire or Warwickshire. We have no reason to
fear that our mineral resources will not be ade-
quate to all the calls that may be made upon
them for thousands of years to come; but practi-
cally it is found to be too early in the history of
the colony to commence the manufacture of iron.
Iron is too cheaply produced in other countries to
enable us to compete with them, and our capital
can be better employed in other ways. I shall
support the motion, but I trust the Government,
in dealing with the matter, will be careful not to
sacrifice the public interest in their desire to
secure popularity by calling for tenders in the
somewhat heedless manner indicated in this motion.

Mr. GIBBS.—The honorable member for Wel-
lington City (Mr. Travers) has expressed my
views in better language than I could have ex-
pressed them myself, and therefore I am relieved
from the necessity of making any lengthened
remarks. I rise principally to express my hope
that the Government will not consider them-
selves bound any further than they would be
bound by the motion of the honorable member for
Roslyn. I think the country will be greatly in-
debted to the honorable gentleman if through
his agitation in this matter our manufactures are
developed; but I think, after the statement of
the Minister for Public Works, who accepted
the terms of the motion and said that the Govern-
ment intended to call for tenders for such por-
tions of the work as can be manufactured in the
colony, it would be a pity to bind them to accept
all tenders. It would be unwise to do so. The
extract read by the honorable member for Wel-
lington City from the report of the Railway Com-
missioner in New South Wales contained some
very valuable suggestions. It shows that we
must not go too far. It cannot be denied that many people have been induced to come to the colony by the assurance that they would get work when they arrived; but we should exercise all due caution, and, if the motion of the honorable member for Roslyn is carried, much good may result from it.

Mr. FISHER.—I listened with very great pleasure to the remarks made by the honorable member for Roslyn in introducing the motion. To my mind his speech was eminently practical, and had nothing of the “popularity” tone about it. He is a gentleman of a practical turn of mind, and from his remarks I should say that he felt fully convinced in his own mind that these articles can be produced in the colony at very little if any greater expense than they are being imported for. Now, if that is so, it is a proposal that ought to be carried out as far as possible. I do not say that the Government should accept tenders if they are excessive. I agree with the remark of the honorable member for Akaroa, who said that he thought it would be better to accept tenders in the colony provided they did not exceed the English cost by 10 per cent. We ought by all means to encourage manufactures, and I think it would be better to pay a trifle more for a colonially-manufactured article, in order to encourage enterprise and industry. It has been said that the colony is too young. Well, there must be a beginning some time, and why should we not begin now? What would be our position in the event of a European war, or on the occurrence of any other great calamity which would cut us off from the source whence we derive our supplies? Why, Sir, we are dependent upon England to this day for a pinch of salt, and I think honorable members who reflect upon that simple fact will agree that it is time we encouraged manufactures and industries of every sort. I am not going to trench upon the free-trade question, which is to some extent mixed up with this subject; but it is an established fact that the old country did not adopt the free-trade principle until her industries and manufactures were well established. Then there is this view of the matter to be considered: We have brought people to the country on the understanding that profitable employment would be found for them; but where is the employment? They are not all pick and shovel men. Many of them are skilled artisans, fitted to fill the highest positions in their respective trades; but where is the work for them? I trust the House will carry the motion, for it is time we ceased to be entirely dependent upon other countries for our manufactures.

Mr. RICHARDSON.—The speech of the honorable member for Wellington City (Mr. Travers) has rendered the remarks I intended to make almost unnecessary. I agree that the colony is bound to encourage manufactures so far as it is prudent to do so. I intended to refer to the report read by the honorable gentleman, and to a similar report furnished last year by the Railway Engineer of Victoria, who had larger experience in the manufacture of railway rolling stock than in New South Wales. This report shows that the results in Victoria have not been nearly so favourable as in New South Wales. I join with the honorable member in urging the greatest caution in this matter. The course adopted in this colony during the last few years has been very similar to that adopted in the neighbouring colonies, which commenced by importing all their rolling stock from Home. They next imported portions only, such as wheels, axles, and ironwork for their wagons and carriages, and it has paid them to do so. They afterwards only imported the wheels and axles. The honorable member for Waitemata has said that it was necessary to import the wheels and axles of locomotives. I entirely agree with him, and state that it is likely to continue so for many years to come; and I would tell him that the same remark applies to wheels and axles of carriages and wagons as to those for locomotive engines, for the reason that, even to the present date, there are few manufactories in England where these articles are made in large quantities. I think the course suggested by the Minister for Public Works is a prudent one, and the House could not do better than leave the matter with the Government.

Mr. LAENACH.—I entirely agree with the resolution; but I think the House should accept the suggestion of the Minister for Public Works in all good faith. To countermand all orders might interfere with the conduct of the business of the country. It might happen that engines or locomotives had been ordered, and if the order were countermanded it would take a long time to get them made out here: in fact, it would be necessary for tenderers to send Home for part of the material. Under all the circumstances I should prefer to accept the assurance of the Government. At the same time, I should like to hear the Government say that from this time forward they would not import any article that could be manufactured in the colony.

Mr. MURRAY-AYNSLEY.—Much as I would like to see this resolution given effect to, I do not think we should ever go so far as to countermand all orders sent Home. I know that in Canterbury we are badly in want of trucks, and we cannot get them made in the colony. I think it would be better to leave it to the Government to carry out the intention of the resolution. If tenders were invited for all the rolling stock required, only one or two firms could tender in each main centre, and they would get all the benefit. It is not the labouring man, the artisan, who would benefit most by it. It would simply mean that one or two firms would double their profits. I wish to see the foundry proprietors obtain a fair profit, and keep artisans in employment; but I cannot go so far as the honorable member wishes, or vote to have all contracts kept within the colony. Besides, I do not see that contractors could be bound by such a resolution. It is very probable that persons might contract to supply engines, and then import them. We could not bind contractors in that respect. The motion is worded rather vaguely in several respects, and I think we could not do better than leave the matter in the hands
of the Government with the expression of opinion which has been given.

Mr. GISBORNE.—I regard this resolution in the light of a broad direction to the Government that in carrying out the Public Works policy they should not import material from England to the exclusion of any effort on the part of the manufacturers of the colony to supply them with what is required. It is in that spirit I support the resolution, and not as in any way binding the Government to accept tenders from persons in the colony without regard to the excess of cost as compared with the imported article. In regard to locomotives, which the honourable member for Dunedin City (Mr. Macandrew) says can be manufactured in the colony, I hope the Government will act very cautiously in accepting tenders in the colony for the supply of them, because it is no joke to have imperfect locomotives. It might not only be drawing unnecessarily upon the pockets of the people, but might also occasion danger to the lives of travellers on the railways. I am sorry that, in the seventh year of our Public Works scheme, such a resolution should be necessary. I think for some years back we have been making a mistake in importing so much material, and I take some blame to myself in regard to it, as a member of the Fox Ministry, that we did not call for tenders in the colony not only for the construction of our railways but for the manufacture of railway material. I fell into the mistake, not an unnatural mistake, of supposing that we could get everything cheaper and better in England than here. I now think it would have been better if we had endeavoured from the first to get more in the colony instead of sending wholesale for everything from England. There is no doubt that the establishment of manufactures in the colony is most essential to its prosperity; therefore I should support, to a limited extent, the giving of bounties to encourage manufactures, for I think that if manufactures were established they would not only provide an outlet for the labour of the rising generation, but in a short time would turn out articles required in our public works of as good quality as, and lower in price than, those which we now import from England. At the same time I do not think the Government should give 10 per cent. more to colonial manufacturers than they give for the imported article. I shall support the resolution.

Mr. BASTINGS.—I think the House may congratulate itself on the unanimity of feeling which has been evinced on this subject, and the mover may congratulate himself upon the attention the matter has received from the Minister for Public Works. It appears to me that the honourable gentleman has almost anticipated the wishes of a large number of the members of the House. I can only say for myself that I am one of those members who would like to see the Government pay 10 per cent. more to the local manufacturer than to the English manufacturer. It has been said we are bound to give employment to those artisans whom we have brought out here at great public expense; but I look further, and hope to see these industries fostered for another reason, and that is that they would give employment to the rising generation. It is a matter of the deepest consideration by the parents of to-day to know what is to become of the sons who are growing up, and to whom they are bound to give some business. In Dunedin, we find there is a great disposition to make lawyers of them, and the consequence is that we have lawyers as thick as blackberries upon a blackberry-bush. I look upon it, indeed, as little short of a curse to the colony that so many youths should go into a profession which tends to the propagation of litigation, and to the abstraction from the pockets of the people of large sums of money in the shape of legal expenses. I would far rather see the youth of the country being trained as locomotive builders and engineers; but we can only raise up a class of that description by establishing and fostering these industries. As far as the motion of the honourable member for Rodney (Mr. Sheehan) goes, I quite approve of it. I remember that some years ago the Provincial Government of Otago decided to obtain locomotives from England built specially for the purpose of allowing of New Zealand coal to be burned in them. Whether that idea has been carried out I do not know; but of this I am quite sure, little trouble need be taken in order to allow of the Otago coal being burned, although at the present time I think there is scarcely a ton used on the various railways. Last month I was travelling on the Clutha line, and, happening to enter one of the stations in order to get out of the rain, I regretted very much to see that they were burning Newcastle coal at the station, while the Kaitangata coal was being carried right past the door. It is advisable in the interests of the country that this coal should be used more generally, so that the mines may pay for working; and I think the Government could do much in the way of encouraging the consumption by setting an example in the matter. It merely rests with the heads of departments to say that the coal shall be burned, to have the desired effect. There can be no reason why it should not be burned in those railway offices and in the Dunedin public offices. In regard to the motion of the honourable member for Dunedin City (Mr. Macandrew), I think the orders alluded to might be countermanded. If the orders are for trucks, they cannot be out here for another six months.

Mr. REID.—Only the ironwork is ordered.

Mr. BASTINGS.—In that case I think honourable members might rest perfectly satisfied with the assurances given by the Government. I have full confidence in the Government acting in good faith, and think the position they have taken up satisfactory.

Question put, "That the words proposed to be added be so added;" upon which a division was called for, with the following result:—

| Ayes |   |   |   | 20 |
| Noes |   |   |   | 33 |

Majority against... 13
Mr. Barff, Mr. J. C. Brown, Mr. De Latour, Mr. Dignan, Mr. Halifax, Mr. Joyce, Mr. Larnach, Mr. Lust, Mr. Macfarlane, Mr. O'Korke, Mr. Pyke, Mr. Seaton, Mr. Sheehan, Mr. Swanson, Mr. Takamoana, Mr. Thomson, Mr. Tole, Mr. Woolcock.

**Thomas Dignan, Mr. J. C. Brown, Mr. H. Hallance, Mr. J. B. Basting, Mr. Bowen, Mr. Burns, Sir B. Douglas, Mr. Fisher, Mr. Fox, Dr. Henry, Mr. Hunter, Mr. Johnston, Mr. Lumsden, Mr. Mander, Mr. McLean, Mr. Montgomery, Mr. Moorhouse, Mr. Pyke, Mr. Seaton, Mr. Sheehan, Mr. Swanson, Mr. Takamoana, Mr. Thomson, Mr. Tole, Mr. Woolcock.**

The amendment was therefore negatived.

Mr. STOUT.—It seems to me from the division that has taken place that there is a want of earnestness in this matter. If we are not earnest in the matter there is no use in wasting the time of the House. It appears to me to be a most vital question—in fact, it involves a change in the whole of the policy of dealing with the industrial enterprises in this colony. I believe it is absolutely necessary for the industrial enterprises in this colony that the Government should do something more than it has done in the past. I move, as an amendment, the addition of the following words: "and, further, that in every specification for the supply of rolling stock, railway plant, and bridge and rail-works material, due provision be made that all goods that can be manufactured in the colony be so manufactured."  

Mr. PYKE.—I shall support this amendment, and if it be thrown out I shall vote against the resolution. If we are not earnest in the matter there is no use in wasting the time of the House. It appears to me to be a most vital question—in fact, it involves a change in the whole of the policy of dealing with the industrial enterprises in this colony. I believe it is absolutely necessary for the industrial enterprises in this colony that the Government should do something more than it has done in the past. I move, as an amendment, the addition of the following words: "and, further, that in every specification for the supply of rolling stock, railway plant, and bridge and rail-works material, due provision be made that all goods that can be manufactured in the colony be so manufactured."  

Mr. SWANSON.—I take an entirely different view of the matter from that now expressed. I have voted for the resolution and the amendment, and I should have been glad to have seen the honorable member for Roslyn in the same lobby with me. I do not think the motion as now proposed to be amended could be carried, and I believe it would not be acted on if it was. I say, let us get what we can. The Government have assured us that, within certain limits, they will do certain things to give effect to the resolution, and I hope that will be able to do a good deal more. We have been wasting a great deal of money and spending it foolishly out of the colony. A great deal of skilled labour could have been beneficially employed upon very useful works in the colony by the expenditure of some of that money. Allusion has been made to the training of our young men in industrial pursuits, and that is a matter which ought not to be lost sight of. It is a matter to which the Government should give their attention. The honorable gentleman who alluded to it did not dwell sufficiently upon its importance. There are a great many advantages which would flow directly and indirectly from it. The industries of the colony would be encouraged by the Government taking the course indicated. I hope the motion will be carried unanimously. If people cannot get all they would like, permit them to get what they can; do not let us throw away what we have a chance of getting. The Government are disposed to go a certain length with us—not the length I should like to see them go, but an advance in the right direction. If the amendment proposed by the honorable member for Dunedin City (Mr. Macandrew) had been carried, I do not see any harm that could have come from it. As I understood it, it meant that if orders sent Home for work had not been given to the manufacturers they should be countermanded, but that if the orders were given they should be allowed to be executed. I do not think any harm could have come from that; but we have lost that, and now let us get all that we can and give employment to people in the country, many of whom are now idle. With regard to the "Hinemoa" and "Stella," I opposed the ordering of these vessels from Home. From the knowledge I have of the business I am sure we could have built these two boats in the colony equally well for less money, if we include the expense of bringing them out here. I did not intend to say a word on this matter, but was content to leave it to those who were more capable of speaking upon the subject. The mover of the motion will admit that I put myself to considerable trouble to obtain information for him in this matter. I hope the House will affirm the principle of the resolution, which has been admitted by the Government, and that we shall do what we can to get the work done in the colony at a fair price and within reasonable time.

Mr. FISHER.—I shall vote against the proposed amendment to the resolution. I firmly believe in the resolution. I think it would be a great mistake to pass a resolution so amended as to stop the importation of all the rolling stock that is wanted within the next four months. It would be a great mistake to do that. If we adopted this amendment it would injuriously interfere with the railway arrangements. There is a quantity of rolling stock urgently required, and it must be had within a certain time. I thoroughly approve of the resolution.

Mr. MANDERS.—I wish to say a few words on the subject before the House. I think the honorable members for Dunedin City (Mr. Macandrew and Mr. Stout) were not too warmly in their speeches. No doubt those honorable gentlemen had in their minds the
agitation that has been going on in Dunedin on this question. Doubtless, to some extent, they were vindicating the views expressed at the meetings held there. This resolution has been brought up by the honorable member for Roslyn at the express desire of the Committee of the organization got up in Dunedin on the subject. Judging from the newspaper reports and telegrams, the resolution is approved by that organization. It has been amended by the addition of certain words, and the Government have accepted the resolution thus amended. I approve of the views expressed by the honorable member for Newton, that we should accept the assurance of the Government—that we should accept what we can get, and not strive to obtain all we want. If the amendment just proposed were accepted, it would almost change the fiscal policy of this country—it would change, in point of fact, to a very great extent the government of the country in regard to these matters. If the amendment were carried we might as well do away with the Government altogether, and let the House have absolute control of the construction of railways and other public works. The honorable member who moved it wishes, no doubt, to place the Government in some difficulty in preventing the carrying out of work which this House and the country are anxious to see carried out. The honorable member for Roslyn is quite justified in taking a stand upon this matter, and in asserting the assurance of the Government that something will be done to carry out his object.

Mr. REYNOLDS.—I do not altogether agree with the honorable member for Dunedin City (Mr. Stout) in thinking that there seems to be a want of sincerity in this matter, or that honorable members who are supporting the Government on this occasion are insincere. I was as sincere in desiring the object sought for as the honorable member for Roslyn or the honorable member for Dunedin City. At the same time I do not think we should be acting at all rightly if we imposed on the Government conditions which might be found very prejudicial to the interests of the colony, and to the objects we have in view. We have the word of the Minister for Public Works that he thoroughly recognizes the necessity for encouraging our colonial industries, and that the Government will take such action as to comply with the purport of the resolution of the honorable member for Roslyn. Such being the case, I say that voting for any further amendment makes it irrespective of cost, and that we cannot accept. The House will no doubt accept the word of the Government in this matter, that we shall give effect to the wishes of the House in the matter. The amendment proposed by the honorable member is one which is not justified in asking for more than the Government have already agreed to that proposition as far as it was practicable; but the honorable member's amendment makes it irrespective of cost, and that we cannot accept. The House will no doubt accept the word of the Government in this matter, that we shall give effect to the wishes of the House expressed; but it is not reasonable to ask us to accept more direct instructions than those contained in the original motion as amended by the honorable member for Rodney.

Mr. J. C. BROWN.—I stated that a member of the Government is on the Public Petitions Committee, and from his action in regard to the report of the Committee on this petition I ascertained the mind of the Government.

Mr. J. C. BROWN.—I took down the words as they were expressed—that he knew the mind of the Government. I do not imagine that any honorable member of this House can know the mind of the Government except the members of the Ministry themselves. This is no new question that has now been brought before the House. It has been brought under the notice of the House and of the Government in various shapes. And what have the Government done to give effect to the wishes of the House? Absolutely nothing, except to send Home orders for material that could be very well manufactured in the colony. It is no news to tell them that railway carriages can be manufactured cheaper and better in Otago than they can be at Home. I doubt whether the honorable member for Roslyn is in earnest in this matter. A division took place a few minutes ago on the proposal of the honorable member for Dunedin (Mr. Macandrew) that orders which...
DECEASED WIFE'S SISTER MARRIAGE BILL.

Mr. HODGKINSON, in moving the second reading of this Bill, said that he would be very brief in his remarks, and he hoped that there would not be a long discussion on the subject. The principle of this Bill had been affirmed by the House five times, and it had been affirmed by the British House of Commons three or four times. He thought, however, that in the previous debates on the subject irrelevant matter had been introduced. One of the objections which had been raised to the Bill was that, as no petitions had been presented on the subject, the Bill was not necessary or required by the people. He did not attach any weight to that objection. The grievance which this Bill sought to remove was of such a kind that it could directly affect comparatively few persons, but in the case of those few it was a most serious grievance. There were too few in number to bring much pressure to bear on this House, and those who raised such an objection erewinced in reality the spirit of the unjust Judge, who would concede nothing to justice, but could be influenced only by incessant importance. In previous debates, as he had said, a great deal of matter had been imported into them which ought to have been kept out. He thought it was a mistake to have introduced the religious element into the debates. They should consider the question as it affected the well-being of society. They ought to consider whether a relaxation of the present marriage law would in any way be injurious to our social state, or in any way incompatible with our ideas of civilization. He did not think that a relaxation of the present law would be injurious to our social state or incompatible with our civilization. It had been stated that the relaxation of the present law would, to some extent, derange the present state of society. It was said, in fact, that if the law were relaxed there could not be that free family intercourse between the wife and her sister which existed at present. He thought that this was not a good argument against the Bill. In a very limited portion of society such a thing might occur, but he believed that in a short time it would be done away with. He certainly considered that the evils which it was said would result from a relaxation of the law were imaginary. He would quote a few words from the speech of a man of great eminence who spoke on this subject in the House of Commons. He alluded to John Bright, who, in his speech in the House of Commons, said,—

"Well, then I am told by a great authority that this Bill will abolish sisters-in-law. Now there is no man in the world who would be more sorry that sisters-in-law should be abolished than I should, for I know nobody more indebted to sisters-in-law than I am. In the New England States—and there is no more instructed and moral society in the Christian world than in the New England States—these marriages are not discouraged; they take place with ordinary frequency, and I never heard anybody from those States say that sisters-in-law were abolished, and that they were not the same valuable and the
same admirable and the same lovable persons in a family that they are found to be in so many families in this country. The assertion of abolishing sisters-in-law by the passing of this Bill appears to me preposterous and extravagant.

Another argument which was used against this Bill was that, if the present law were repealed, a widower could not, as he now did, retain the services of his sister-in-law, after the death of his wife, as housekeeper or governess for his children. But he did not attach much importance to that argument. But, even making the most of that argument, what did it amount to? It amounted simply to this: that a few individuals would be put to some slight inconvenience in obtaining housekeepers and governesses. The inconvenience to those people would only be slight. He would quote another eminent man on this subject—Mr. Gladstone. Speaking in the House of Commons, Mr. Gladstone said,—

"He was prepared to admit that, for the social purposes of that favoured handful of mortals who stood at the head of the social pyramid, it would be advisable to maintain this prohibition, and that of course was the handful of mortals out of which the House had been selected; but they ought not to allow their personal feelings and social traditions to blind them to the different circumstances of those who were not within the favoured precincts. They ought not to judge according to what they might think their own class required; it was their duty to look beyond that, and to consider the condition of the whole of society with respect to the maintenance of this prohibition. Looking beyond these narrow precincts, he confessed he had come to the conclusion that it was for the religious and moral advantage of the mass of Society."

These arguments were based on the assumption that affinity established the same relationship as consanguinity. To show the absurdity of this argument, he would point to the following: the same great variety of opinion on the subject, which would have more force than any other man who knows anything of their character and of more stainless lives. And yet, among the most respected in their several communities—men among the Roman Catholics, the Nonconformists, the Established Church, High Church and Low Church, including such a man as Dr. Hook, who might, perhaps, be described as the first parish minister of his day—when he considered the weight of testimony given by ministers of religion, without disapprobation, he was not conscious of any evil having arisen from them. In the Church of Rome, as they all knew, it was quite common to grant dispensations to contract such marriages, and it might be assumed that no member of that Church could urge that dispensations were granted for what was morally and religiously wrong. Then they had the authority of Cardinal Wiseman, who stated that such marriages were certainly not prohibited by the Scriptures, but were considered matters for ecclesiastical legislation. In the Presbyterian Church there was a great variety of opinion on the subject, but some of its most eminent divines, as, for instance, Dr. Chalmers, sanctioned the contraction of such marriages. Amongst the Independents, Baptists, and Wesleyans, such marriages were considered proper. As to the Society of Friends, Mr. Bright, speaking on this subject in the House of Commons, said,—

"The honorable member for Marylebone, Mr. Chambers, referred to the very small Society of which I am a member. Now I shall say nothing of the women of that society which I believe, any other man who knows anything of their character would not say, and I say that there are no women in the world to be found of purer character and of more stainless lives. And yet, I undertake to say it without fear of contradiction, that in that society these marriages are not in any way reproved or condemned."

Mr. Gladstone, when the Bill was before the House of Commons, said,—

"He felt bound to do what he could to assist the honorable member in charge of the Bill. For many years he had felt the pressure of this subject to be extreme. Among certain classes the change proposed would not be without a disturbing effect on domestic relations; but those classes were limited and select, and it was the mass of the community we must look to in dealing with such a question. When he considered the weight of testimony given by ministers of religion amongst the most respected in their several communities—men among the Roman Catholics, the Nonconformists, the Established Church, High Church and Low Church, including such a man as Dr. Hook, who, might, perhaps, be described as the first parish minister of his day—when he considered the pressure of motives which had induced so many persons who had practical experience of the consequences produced by the present law to support the proposed change, he did not shrink from the responsibility it would entail."
He had the fullest confidence that the Bill would pass through the House. Its principle had been already affirmed so frequently that he had no doubt it would be affirmed again; so that it was scarcely necessary that he should adduce further argument in support of it. He hoped reason, justice, and humanity would prevail, for he could conceive nothing more selfish or reprehensible than that a small and select class of society should be permitted to inflict such an injustice on the vast mass of society, especially when they had the highest authority for saying that the existence of such a law was productive of serious immorality. Mr. Bright, on this point, said,—

"The poor man is unable to contract such a marriage, and, by consequence, evils to morality often arise which it is not needful in a discussion of this kind to detail. The law is of that nature it is utterly impossible to make it just and equal to rich and poor. The rich can evade it; the poor have no outlets or loopholes."

He would also quote the opinion of a very distinguished man in America, Mr. Justice Storey, who said that in point of moral tendency these marriages were the best sort of marriages, and that he never heard the slightest objection to them founded upon moral or domestic considerations. And Lord Lyndhurst, who opposed the Bill, admitted that there was not a State more pure in the morals of its people than that of Massachusetts, where these marriages were permitted. He had no doubt that the Bill would pass through the House, and he would conclude by expressing the hope that, when it reached "another place," the genus loci of that other place would be found in a more rational and righteous frame of mind than on former occasions. The Bill would remove a great deal of injustice and oppression, and for that reason every politician of a generous disposition should be induced to take up the cause.

Dr. WALLIS thought it was much to be regretted that marriage with a deceased wife's sister business so frequently came before the House. He had heard that night with astonishment that a Bill proposing to legalize this sort of marriage had on many occasions passed the House. He could produce most irrebuttable arguments to prove that if this Bill became law it would have the effect of demoralizing a section of society. That had been proved over and over again, and still there were members of the House who continually obtruded the disagreeable business on their attention. In this respect the Bill resembled the conventional bad penny. It had turned up over and over again in the English Parliament, and was just as often kicked out. It had likewise been kicked out over and over again in this Parliament, and he was glad to think that the obtrusive business would now be left to the section of the House of Lords. The honorable gentleman said he did not intend to deal with the subject from a religious point of view, and yet he quoted Scripture as sanctioning these marriages. But it was a matter in no sense or way connected with religion. The Jewish laws and customs were no more binding upon them and were no more an example for them to follow than the Hindoo or Mahommedan laws. It seemed to him to be entirely a political or social question, and he would treat it as a political or social question. They ought, as far as possible, to keep their laws in harmony with the laws of the old country. The history and peculiar circumstances of the colony did no doubt lead to differences of various kinds between the legislation of the Home country and the legislation of New Zealand. Some of these differences certainly did not tend to produce any alienation or estrangement between the mother-country and the colonies; but there were other differences which did tend to produce such estrangement or alienation. For example, if the mother-country adopted a policy of free trade and the colony adopted a policy of prohibition serious differences would arise. A conflict of material interests was scarcely compatible with continued amity and good-will, and if that were true in the sphere of trade it was still more true in the sphere of domestic and private life. If the colony had adopted a policy of free trade, then it rendered legal what had been declared to be illegal and immoral in the mother-country. The Legislature of the Home country had declared it was illegal over and over again, and had refused to give its sanction to such a relationship. That being the case, the colonies should not attempt to make legal that which the old country had declared to be illegal. Legislation of that character had a far greater tendency to produce alienation and estrangement between the colonies and the mother-country than divergence of material interests, and on that ground alone he would oppose the Bill. The colony ought to wait until the Imperial Parliament legalized these marriages and set the colony an example in the matter. Again, legalizing marriage with a deceased wife's sister would be an injury to the deceased wife's sister, then it rendered legal what had been produced in favour of the Bill. It was openly stated that a deceased wife's sister was the natural friend and protector of a deceased wife's children. There was no doubt a great deal of sympathy between the wife's sister and the wife's children, but she was in no sense the protector of them. If this were the case, and if these marriages were so beneficial, then, in the interests of society, why not make a law compelling every widower to marry his deceased wife's sister? Again, it had been said that a man ought not to be prevented from marrying his deceased wife's sister. He would much rather see the man prevented from marrying the deceased wife's sister, than that the Bill should pass. He did not know that there was any great hardship in that. There were hundreds of women besides deceased wives' sisters whom men might marry, and if the man was a proper kind of man he would have no difficulty in finding some one to accept the offer of his hand. The House, no doubt, was aware
that deceased wives' sisters were not the only women whom the law declared, for the good of society, to be unmarriageable in respect of certain men. For example, a man was not allowed to marry his grandmother. He might have a dozen aunts by his father's side, and another dozen by his mother's side, yet he could marry none of them. If it were for the good of society that a man should marry neither his grandmother nor his aunts, he (Dr. Wallis) thought it was equally for the good of society that he should not be allowed to marry his deceased wife's sister. He had said already that such marriages were injurious to the children, injurious to the deceased wife's sister, and injurious to the interests of society. He proposed to point out, first, the injurious effect such marriages would have upon the children. This law would establish a new relationship between the children's father and the children's aunt, and there would be an end to the kindly offices and friendly visits of the aunt, for if she were to attempt to perform these she would do so at the risk of her reputation. If the Bill became law these would be an end to those kindly offices which were possible now. The children would be deprived of them. He did not suppose that one widower in a thousand desired to be married to his deceased wife's sister, but that one man, if he were able to get her for his wife, would deprive the children of the other nine hundred and ninety-nine widowers of those kindly offices of affection of which they were, under the present law, the recipients at the hands of the aunts. Then there was the injury done to the sisters of deceased wives themselves. If this Bill became law these women stood in quite a new relationship. They henceforth stood to their brothers-in-law in precisely the same position as all other marriageable women stood. They could no longer go about the house and perform acts of kindness, for if they did the world would be busy with their characters and reputations. It would be looked upon as a broken-hearted widower's widow, and sooner or later she would be whole-hearted again. So that these ladies would never feel themselves safe from the breath of scandal. Again, if the Bill became law, it would injure the interests of society. Hitherto sisters-in-law had entered the home free from suspicion, and not bringing with them the seeds of jealousy and all kinds of disturbances. The sister-in-law had been regarded as a sort of sacred personage; but if this Bill were passed her sacred character would be entirely done away with, and she would be brought within the region and range of men's animal passions. She would, as he had previously remarked, stand in the same position to husband and wife as any other marriageable woman, and this might have a most disastrous effect upon the purity and peace of the domestic relations. Suppose a man might, or might not, be true, he (Dr. Wallis) was married once, and had a wife who was beginning to age, and that she had a sister young and likeable as she herself might have been, and suppose this sister to be very fond of their children and much about their house. Possibly he might not be able to help getting very fond of that sister if she were no longer that sacred personage she had hitherto been. It might happen that he would be likely to be so unfortunate as to lose his wife, and, as it was a wise man's business to look to the future, it was quite within the bounds of possibility that he might look out for No. 2 wife to replace No. 1 who was shortly to go. That being so, it was very probable he and this sister-in-law might come to an understanding as to what should be the future relations between them. It might even be agreed that she should take the sister's place. Such a case as that might actually occur, and how disastrous it would be to the peace of family life if such a thing were rendered possible by law! The very fact of such a relationship being possible would be quite sufficient to breed jealousy and distrust, and to sow the seed of dissension in a hitherto peaceful household. He trusted that such a Bill would not become law. Again, it seemed to him to be exceedingly one-sided and unfair to the female sex of man, as they had been called. In all past legislation women had been treated cruelly, unfairly, and unjustly, and the law still continued them as an inferior and servile class. They were still deprived of all the rights and privileges that were given to all other human beings. Certain disabilities still attached to them, whether they were married or whether they were single. At the present day there seemed to be a feeling growing up that something should be done to emancipate women from their present unfair position. There was a strong social current flowing in this direction: that women should be placed in a better legal position than they now occupied. But it was with social currents as with rivers: wherever they found a strong current setting down the middle of a river there would always be found a backward eddy, a kind of refluent stream, at the banks. It struck him that the honorable member for Riverton (Mr. Hodgkinson) had somehow or another got into one of these backward eddies, these refruent eddies; and he hoped and trusted that he would prove the position of women and emancipate them from their legal disabilities, the honorable member's efforts were in an opposite direction. What would be the effect of this Bill if it became law? The effect would be to place all the sisters of wives in this colony in a false position in order that the wild fancy and vitiated taste of one-thousandth of the widowers might be gratified. There were two classes of personalities in the same position. There were the wives' sisters and the husbands' brothers. Why should there be any distinction drawn between these two classes? There seemed to be something extraordinarily one-sided in the proposals of this Bill. If the House was to deal with this matter at all, let it deal justly, and legalize the marriage of widows with deceased husbands' brothers as well as the marriage of widowers with their deceased wives' sisters. There was some thing like insincerity in the proposal, and he decidedly thought that the same law should be made to apply to both classes. However, he was certain that would not be done. He thought a compromise might be made in this matter. Let them
put aside this Bill altogether, and bring forward a corresponding Bill intituled “An Act to Legalize Marriage with a Deceased Husband’s Brother.” Let such a Bill become law, and let it be carried out for a century or two, and then, when the Assembly saw its moral effect on society, it would be in a position to pass such a Bill as this. This was only an experiment; and why begin the experiment upon dead wives and their sisters? They should begin the experiment upon dead husbands and their brothers. If the honorable gentleman would only bring forward a Bill to legalize marriage with a deceased husband’s brother, he would vote with him in favour of introducing such an experiment as that.

Mr. BARRFF did not wish to speak on the merits of this question; he merely wished to say a few words as to the origin of the movement in favour of marriage with a deceased wife’s sister. It was quite evident to him that it had nothing to do with the colony at all; it simply originated in the old country. There were not more than two or three consecutive mails which arrived from the old country papers being received on the subject of marriage with a deceased wife’s sister. It was there the movement was made. In a former Parliament some honorable members voted in favour of such a Bill because they had married the sisters of their deceased wives. That was the case in one particular instance at least. The simple fact was that there were two or three cases in the old country where very large inheritances entirely depended upon legitimizing bastards. That was really what it amounted to. It would be a great mistake if the House should lend itself to anything of the kind. He did not wish to go into the merits of the case, but he would give his vote against this Bill; he would give twenty votes, if he had them, against the passing of such a measure. No good argument had been adduced in favour of it, whereas the arguments used by the honorable member for Sclwju had proposed no alteration that was made in it, which he (Major Atkinson) believed the honorable gentleman in charge of it agreed to make.

Mr. LUSMENDEN, Mr. Macandrew, Captain Morris, Mr. Murray-Aynsley, Mr. O’Roke, Mr. HPVill.

The Bill was consequently read a second time.

CANTERBURY RIVERS BILL.

Mr. FITZROY moved, That Mr. Speaker leave the chair in order that the House might go into Committee on this Bill.

Mr. ROLLESTON thought the House would scarcely do wisely in ordering the committal of the Bill, which was, as he had previously explained, very objectionable in its features, and uncalled for. He was sure his honorable friend in bringing it forward did so in the belief that it was in accordance with the wishes of his constituents, but there were a considerable number of other Boards in the Province of Canterbury, besides that with which the honorable gentleman was connected, who had no wish whatever for this Bill, the provisions of which would be most mischievous to them. He therefore moved, That the Bill be read that day six months.

Major ATKINSON was rather taken by surprise at the motion of the honorable member for Avon. He had paid great attention to that honorable gentleman’s speech upon the second reading, and understood him to say that he would support the Bill if certain amendments were made in it, which he (Major Atkinson) believed the honorable gentleman in charge of it agreed to make.

Mr. ROLLESTON. — That was the Christchurch City Reserves Bill.

Major ATKINSON thought not; but at any rate he hoped the House would consent to go into Committees on the Bill, and there make the alterations that were proposed.

Mr. WAKKFIELD pointed out that the honorable member for Selwyn had proposed no alterations. He admired the manner in which the Premier supported those who supported the Government, but he was bound to say that the fact
of his having fallen into such a blunder as to con-
found that the Bills showed that he knew very little
about the matter. He would support the amend-
ment of the honorable member for Avon. The
Bill was one which was directed to the require-
ments of one river only, and would not in the
est least suit the other rivers in Canterbury. He
did not believe the Premier understood in the
slightest degree how the Bill would affect the
question. He would support the amend
ment of the honorable member for Avon. His recollection was that when
he moved the second reading of the honorable mem-
ber for Avon said that, if the classification clauses
were reconstituted or withdrawn, he would offer
no objection to the second reading. He had
given no reasons on moving the Bill into Com-
mmittee, because he had not thought it necessary
to do so. He might now say, however, that he
was ready to withdraw the classification clauses,
as he found they would materially interfere with the
Waimakariri River Board. As that was a
large district, and as the Board had borrowed a
considerable sum of money on the security of the
ratesable value of the district, and as the classifi-
cation clauses would interfere with those rates
and thereby reduce the security for the loan, he
did not wish to interfere with the arrangement.
He adhered, however, to the principle of the Bill,
which was that all members of Boards of Con-
servators in the various districts should be elected
by those who paid rates in the districts. That
was a better principle than that the Boards of Con-
servators should be elected by the members
of the Road Boards.
Amendment negatived, and Bill considered in
Committee. Progress was reported, and leave
given to sit again.

LOCAL OPTION BILL.
The House went into Committee on this Bill.
Clause 9.—"The Chairman shall, immediately
after the declaration of such subdistrict, after
voting papers in the form in Schedule A to
this Act annexed to be prepared, and shall,
Mr. Wakefield

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Mr. Wakefield thought the honorable member
for Geraldine was somewhat in error in what he
had stated regarding the action of the honorable
member for Avon. His recollection was that when
he moved the second reading of the honorable mem-
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Clause 12.—Chairman to declare result of voting.

Mr. TRAVERS moved, That, after the words "majority of," the following words be inserted: "not less than three-fifths of the voters thereat."

Mr. MONTGOMERY moved, as an amendment to the proposed amendment, that the word "two-thirds" be substituted for "three-fifths."

Question put, "That the word 'three-fifths' stand part of the amendment?" upon which a division was called for, with the following result:

Ayes ... ... ... ... 20
Noes ... ... ... ... 21

Majority for ... ... ... ... 1

Ayes.
Major Atkinson, Mr. Stout,
Mr. Baigent, Mr. Takamoana,
Mr. Fox, Mr. Tawiti,
Mr. Hursthouse, Mr. Wallis,
Mr. Lusk, Mr. Wason,
Mr. McLean, Mr. Whitaker,
Mr. Nahe, Mr. Woolcock,
Mr. Ormond, Mr. De Lautour,
Mr. Reid, Mr. Travers,
Captain Russell, Mr. Fox.

Noes.
Mr. Ballance, Mr. Seaton,
Mr. Barff, Mr. Sharp,
Mr. J. E. Brown, Mr. Stevens,
Mr. Fitzroy, Mr. Sutton,
Mr. Gisborne, Mr. Swanson,
Dr. Henry, Mr. Techemaker,
Mr. Joyce, Mr. Tole,
Mr. Lumaden, Mr. W. Wood,
Mr. Macandrew, Tellers,
Captain Morris, Mr. Hislop,
Mr. Pyke, Mr. Montgomery.

Mr. Travers's amendment was consequently negatived, and Mr. Montgomery's amendment agreed to.

Clause as amended agreed to.

Progress was reported.

Mr. FOX moved, That the Committee have leave to sit again on Wednesday next.

Mr. MONTGOMERY moved, as an amendment, that the words "Wednesday next" be omitted, and the words "Thursday week" be substituted in lieu thereof.

Question put, "That the words proposed to be omitted stand part of the question?" upon which a division was called for, with the following result:

Ayes ... ... ... ... 21
Noes ... ... ... ... 10

Majority for ... ... ... ... 5

Ayes.
Major Atkinson, Mr. O'Rorke,
Mr. Baigent, Mr. Reid,
Mr. Bastinge, Captain Russell,
Mr. Fitzroy, Mr. Takamoana,

Mr. Gibbs, Mr. Wason,
Mr. Gisborne, Mr. Whitaker,
Mr. Hunter, Mr. W. Wood,
Mr. Hursthouse, Mr. Woolcock,
Mr. Larnach, Tellers,
Mr. McLean, Mr. De Lautour,
Mr. Murray, Mr. Fox.

Noes.
Mr. Ballance, Mr. Sutton,
Mr. Hodgkinson, Mr. Swanston,
Mr. Joyce, Mr. Techemaker,
Mr. Lusk, Mr. Travers,
Mr. Macandrew, Dr. Wallis,
Mr. Seaton, Tellers,
Mr. Sharp, Mr. Hislop,
Mr. Sheehan, Mr. Stevens,
Mr. Montgomery.

The amendment was consequently negatived, and leave given to sit again on Wednesday.

SHAREBROKERS BILL.

Mr. LUSK, as the hour was late, would not make more than two or three remarks in moving the second reading of this Bill. It proposed to repeal two Acts which stood on the Statute Book—namely, "The Sharebrokers Act, 1871," and the amending Act of 1872—which Acts only applied to the Provincial District of Auckland. They were passed in such a form that they could only be brought into force in those parts of the colony in which the Governor proclaimed them, and, as they had not been proclaimed in any other part of the colony but Auckland, they had been found completely unworkable. They could not possibly be worked by the sharebrokers, and they could not possibly be complied with by the public, so that, as a matter of fact, they were dead-letters. An attempt was recently made, under the provisions of the Financial Arrangements Act of last session, on behalf of the Borough Council of Auckland, to enforce the demanding of sharebrokers' fees, but that was resisted on the ground that if they took out licenses they would subject themselves to heavy penalties. The sharebrokers had to comply with the Act of 1871 and "The Stamp Act, 1875," and under the former Act they would be liable to a penalty of £20, and under the Stamp Act to a penalty of £100. As they could not possibly comply with both, they naturally felt themselves in a position in which no citizens should be placed. He proposed, with the consent of the Government, under the circumstances to repeal these Acts; and, if it were thought necessary hereafter to bring in another Sharebrokers Act, no doubt that could be done, and the measure could be made to apply to the whole colony, and could be put in such a form that it would not conflict with other Acts.

Mr. WHITAKER would offer no objection to the second reading of the Bill; but it appeared to him to take away some of the revenue of the Corporation of Auckland under the Financial Arrangements Act, which provides that the fees for licenses should go to the different Corporations. He therefore thought the Corporation of Auckland should be consulted before the Bill was passed. He agreed with the honorable member
that the Act referred to ought not to remain on the Statute Book. It was very much objected to by the persons interested—namely, the sharebrokers—but the passing of that Act was entirely their own doing, as he would show to the House. The Bill originated in 1871, when the sharebroking business was exceedingly brisk in Auckland. A large number of persons were entering into the business, and the original sharebrokers were very jealous of them, and were desirous that something should be done to stop so many people from entering upon the business. They consequently applied to the Government of the day, which was Sir Julius Vogel's Government, and asked that a Sharebrokers Bill should be brought in. He (Mr. Whitaker) happened to be in Wellington at the time, although not a member of the House, and, as there was a great pressure of business, Sir Julius Vogel asked him if he would attend to this business, which he undertook to do. The sharebrokers in Auckland prepared the heads of the Bill themselves. It was put into form in Wellington, and then introduced into the House. After being introduced, it was sent up to the sharebrokers in Auckland, who were asked if they had any observations to make upon it. They did make observations upon the Bill, desiring that it should be more strict than it was as originally drafted. He felt at the time that those gentlemen who were so anxious for the Bill would soon get tired of it, and he suggested to them that they were going a great deal too far. However, at the meeting they held at Auckland, all the sharebrokers, with hardly an exception, being present, they were all very anxious that the Bill should pass, so as to prevent other people from encroaching on the business. It went on very well for a year or two; but after that the business became slack, they did not like to pay the £25, and they got very tired of the Act. Just before he came down here a deputation of sharebrokers waited on him to ask him to assist in getting the Act repealed. He replied that, as he went to get a great deal of trouble to get the Bill drafted and passed, he thought it would be considered very inconsistent if he now tried to get rid of it. He declined, therefore, to interfere personally; but he complied with their request that he would not oppose the repeal of the Act. He thought that, to a certain extent, the Act was unworkable; but he was not aware of the inconsistencies referred to by the honorable member for Franklin with regard to the Stamp Act. On the contrary, it appeared to him that there would be no difficulty in working the Act. The real objection was the payment of £25. It appeared to him that a Sharebrokers Act which was in operation in only one portion of the colony was not desirable. However, he presumed that a general Bill for the whole colony would not be passed this session, and he therefore had no objection to the second reading of this Bill.

On the motion of Mr. SWANSON the debate was adjourned.

The House adjourned at twenty-two minutes to one o'clock a.m.

Mr. Whitaker

Legislative Council.

Thursday, 13th September, 1877.

First Readings—Disqualification—Wakatipuumu—Hawke's Bay Lands—Dr. Campbell.

The Hon. the Speaker took the chair at half-past two o'clock.

Prayers.

First Readings.

Shipping and Seamen's Bill, Tapanui Agricultural Reserve Bill, Port Chalmers Mechanics' Institute Bill.

Disqualification.

The Hon. Mr. HALL—Before the Council proceeds to the business on the Order Paper I ask for permission to draw attention to a question of privilege. The question is, whether an honorable member of this Council, the Hon. Mr. Peacock, has or has not unwittingly vacated his seat in the Council. With the permission of the Council, I will briefly state the circumstances, and will then more, as has been done in similar cases, that a Select Committee be appointed to inquire into the whole subject. Under an Act of the General Assembly, called the Canterbury Rivers Act, Boards might be appointed for various districts in the Province of Canterbury for preventing the overflow of rivers. The Board for the Waimakariri consists of five members, three to be appointed by the Road Boards and two by the Superintendent. The Hon. Mr. Peacock was appointed by the Superintendent to act on this Board. The Act also provided that there should be paid to the members of the Board such sum as the Provincial Council, by resolution, might appoint; and the Provincial Council voted a sum of £250, so that each member of the Board received £50. Before the Abolition of Provinces Act came into operation no question whatever could possibly arise as to the Hon. Mr. Peacock being disqualified, but the Abolition of Provinces Act put the Governor in the place of the Superintendent in this and many other cases. Therefore it is argued, and I am told it is held by some legal authorities, that Mr. Peacock holds an office under the Governor of the colony. That being the case, it is a question whether clause 4 of the Disqualification Act of last session makes his seat vacant. That clause says,—

"No person, except as is hereinafter specially provided, accepting or holding any office, commission, or employment, permanent or temporary, under or from or by or at the appointment or nomination of the Crown or the Governor of New Zealand by virtue of his office as Governor, or at or by the nomination or appointment of any officer of the Government of the Colony of New Zealand by virtue of his office, to which any salary, fees, wages, allowance, emolument, or profit of any kind is attached, shall be capable of being summoned to or of holding a seat in the Legislative Council, or of being elected to serve as a member of the House of Representatives, or of sitting or voting as a member either of the said
Council or of the said House during the time he holds such office, occupation, or employment."

The 10th clause further says,—

"If any member of the Legislative Council or House of Representatives shall, by accepting any office, or by reason of his being concerned or interested, directly or indirectly, in any contract or agreement as mentioned in the 7th section hereof, become disqualified under the foregoing provisions from coming, if we are not voting in the said Council or House, the seat of such member shall thereby be vacated, and, if a member of the House of Representatives, his election shall thenceforth be void."

I think it may be taken for granted that the Disqualification Act was never intended to reach cases of this kind. Mr. Peacock has not accepted any office under the Governor, and has not done any of those acts which it was the object of the Disqualification Act to prevent. Still, it appears possible that he really has been brought, by the abolition of provinces, within the meshes of the Disqualification Act. I trust honorable members will agree with me that this is a case to be inquired into at once by a Committee of the Council, after which the Council will, if it thinks fit, take further steps in the matter. With these remarks, I move, That a Select Committee be appointed to consider and report whether the Hon. Mr. Peacock has vacated his seat in the Council; such Committee to consist of the Hon. the Speaker, the Hon. Major Richmond, the Hon. Colonel Kenny, the Hon. Sir F. Dillon Bell, and the mover."

The Hon. Colonel WHITMORE.—Honorable gentlemen will remember the circumstances under which this Disqualification Act was brought in in 1870. It was brought in in consequence of the corrupt administration of the Government of this colony, which appointed thirteen gentlemen from the other Chamber to permanent offices of emolument, for the purpose of preventing what was about to become a very dangerous practice in the colony. I think, if we are very careful in guarding that Disqualification Act, we shall be placing a very dangerous power in the hands of the Government to stifle public opinion and to demoralize this Legislature by appointing members to offices of emolument and profit. For that reason, I would urge members of this Council to be very careful how they allow a relaxation of the provisions of that Act under any circumstances whatever. Nothing is so easy as to make up a special case affecting our sympathies in any one instance, and nothing is more difficult than to refuse to grant the prayer of a petitioner who asks that his seat may not be declared vacant. I think the Legislature, in passing that measure, acted very wisely in entirely refusing to decide who had or had not forfeited his seat. That is found in England to be the only true way of insuring a pure representation in Parliament. Questions of disqualification are now tried, not by Parliamentary Committees, as they once were—which were generally ruled by party influence—but by the ordinary Courts of law of the country. That is the practice in England; and I think it would be safest for us to travel in the same direction. We ought to refuse to consider the questions of disqualification which may from time to time arise. The question is now one of law, and one which has been referred practically to the Supreme Court of the colony. I very much object to a former practice of promising ourselves in this way, and I blame myself that I did not urge more strongly on that occasion that we should not in any way interfere. At present there is nothing to prevent the honorable gentleman to whom reference has been made, any more than there was last year to prevent the honorable gentleman who moves this motion, from taking his seat in this Council.

An Hon. Member.—There is a fine.

The Hon. Colonel WHITMORE.—There is nothing to prevent him, except that he will become liable to an action before the Supreme Court of the colony, and no resolution of ours will make him free from such an action. The only way in which a member who has become voluntarily or involuntarily disqualified can be protected from the consequences is by an Act of Indemnity. I think it is the interest of the honorable gentleman and the country that we should be exceedingly careful in granting Bills of Indemnity to gentlemen who may become disqualified. One exception justifies another, and each one goes a little beyond the one before it; and in the end we shall find that the Act passed to secure the purity of Parliament has become a dead-letter. My advice to the honorable gentleman would be to resign his seat, and the Government will, in all probability, call him to the Council again. I do not speak without reason for what I say, and I think it would be safer for us to refuse to consider any question of disqualification at all. There was a time when each House thought it was the best judge in considering matters relating to its own members. That time has passed away, not only here, but in England. The consequence is that now-a-days these questions very seldom arise as compared with former times. I believe that the result of taking this matter out of the hands of Parliament itself has been very materially to prevent the practice of coming within the disqualification that exists in England, which there is practically only by bribery. We are not so much in danger of bribery in this Chamber, because, of course, it is almost impossible for an honorable member to gain his seat in this Council by bribery, and with the ballot there will not be great danger of bribery in the other branch. But what is a great danger is the unfair use of patronage by the Government; and, for that reason, I urge honorable gentlemen to resist this motion, on the broad ground that these matters are no longer left for us to consider, and that the question whether or not the honorable gentleman is disqualified is properly to be decided by the Supreme Court. If the honorable gentleman feels that he has come, however involuntarily, within the provisions of the Disqualification Act, I believe it to be his duty to resign his seat; and, if an honorable member innocently comes within the provisions of the Disqualification Act, I think the Govern
The Hon. Sir F. DILLON BELL.—I think the Hon. Mr. Hall has taken the right and usual course, but, as it is a subject of considerable importance, I think I shall be meeting the wishes of several honorable members in moving that the debate be adjourned until to-morrow, in order that honorable members may have an opportunity of considering the matter.

The Hon. Mr. HALL.—I have not the smallest objection to an adjournment. I submitted the motion at once, as is usual in dealing with questions of privilege. With the indulgence of the Council, I may be allowed to add a fact which I omitted. Since the Hon. Mr. Pencock became aware of the possibility of his being disqualified, he at once resigned his seat as a member of the Waimakariri Conservancy Board, and therefore he has incurred no penalty, and the only question is whether his seat was actually vacated.

Debate adjourned.

WAKATIPU RUNS.

The Hon. Mr. BUCKLEY, in moving the motion standing in his name, said honorable gentlemen would recollect that some questions were asked the other day in reference to this matter, and he was to some extent following the suggestion of the Colonial Secretary in bringing this motion forward. The answer given on that occasion were not at all satisfactory. There appeared to have been great irregularities in connection with the rents of those runs. In the first place, the holders were allowed to surrender the leases and then to obtain them at reduced rents. As would be seen from the returns on the table, large arrears were still due on those leases.

Motion made, and question proposed, "That a Select Committee be appointed to inquire into the circumstances connected with the non-payment of arrears of rent of the Wakatipu runs; with power to call for persons and papers, and to report in a fortnight. Such Committee to consist of the Hon. Mr. Hart, the Hon. Dr. Pollen, the Hon. Mr. G. R. Johnson, the Hon. Colonel Whitmore, the Hon. Mr. Hall, the Hon. Mr. Nurse, and the mover."—(Hon. Mr. Buckley.)

The Hon. Captain FRASER thought it would be very difficult for the Committee to report in a fortnight. He was in possession of the best authority on the matter, and he could say that no satisfactory information could be obtained in Wellington. They would require to send to Otago for the Chief Commissioner of Waste Lands Board, and for all the documents connected with the matter.

The Hon. Mr. HOLMES differed with the honorable and gallant gentleman with respect to the impossibility of obtaining information in Wellington. Fortunately for the proposed Committee the late Commissioner of Waste Lands in Otago now resided in Wellington, and also the late head of the Survey Department in Otago. They possessed the most intimate knowledge of the question, and could be examined by the Committee. There were also two other persons who could give accurate information with respect to this country. One was the late Superintendent of Otago, who was a party to the sale of these runs, and the other the Hon. Mr. Reid, who was Provincial Secretary at the time these transactions took place. Those parties were all cognizant of the rents of the runs. The Hon. Mr. Pencock himself would also be a valuable witness, and could give accurate information as to the nature of these transactions. It was necessary that an inquiry of this kind should take place, because there was not a doubt but that there was great mismanagement in connection with the administration of this affair. The Act of 1872 gave ample powers to the Government and Waste Lands Board: why did they not administer them in the same way as the ordinary runs of the country? Here were men permitted to overhold without paying any rent for a year, eighteen months, two years, and even for two and a half years, and yet the Government had taken no action whatever to compel payment. Why should not those parties have paid up like other Crown tenants? From the return on the table it appeared that a sum of £6,445 was now due for the runs as arrears of rent. The Act met every exigency of the case. The 138th section provided that the assessment was to be paid on the 1st October in each year, and, if not paid within fourteen days, the Board might issue a warrant, and any constable or bailiff might levy on the stock for the assessment. Section 140 also provided for forfeiture in the event of default of payment. What had been the case here? People in good circumstances—rich men—had been permitted to surrender their leases, and then, when the land was put up a second time, they bought back at one-half or one-third less than the original price, without having vacated the land for a single hour, and having had their stock on the country the whole time. That was an act of maladministration which nothing could justify.

Section 146 of the Act provided that lessees of pastoral runs which had been sold by auction should pay the rent yearly in advance. The 138th section, in defiance of that clause, these parties had been allowed to hold for years, although they paid no rent whatever. Section 148 provided for forfeiture for non-payment of rent, and the land might be leased again by auction. It had been stated on a previous day by the Colonial Secretary that there was some screw loose in the Act which prevented the Government from enforcing payment of the rent in the ordinary way. If that were the case, why was not the defect rectified two or more years ago, when this non-payment of rent commenced? Inquiry into this matter was absolutely necessary, because the administration in regard to it was a public scandal.

The Hon. Sir F. DILLON BELL said there was a point of even more importance to his mind than the one to which attention had just been called by the Hon. Mr. Holmes, and he hoped the Hon. Mr. Holmes would not be alined to the right to delay the commencement of the proceedings of the Select Committee if the Council should consent to its appointment. Two things had happened. One was that the Waste Lands
Board had taken upon itself to accept the surrender of some of the leases that were held by the persons concerned; at least such was alleged to be the case; and it had yet to be seen under what authority the Waste Lands Board could accept the surrender of any leases without enforcing payment of the rents due to the Crown.

The second point was that the effect of a true legislation which would probably take place this session. Now, it would be a very evil thing for the country if there was any risk of repeating the circumstances which took place in the case of the Wakatipu runs; and if, after people had undertaken to pay a certain rent, they should find themselves unable to meet their engagements.

An honorable gentleman reminded him that some of the holders of the Wakatipu runs were in a position to pay, and were men of means. That might be true enough, but, if they did pay, it would not be out of profits they had made out of the occupation of the runs; and it had nothing to do with the question. There were two points, then, which the Committee might well inquire into: first, why it was that the Waste Lands Board had not taken the necessary steps to make these people pay; and second, what were the means by which the public estate could be dealt with, to prevent such a thing occurring again, either in respect to people who would not pay, or in respect to people who could not pay. If the commencement of the inquiry were postponed until the Commissioner of Crown Lands could come up from Otago they would probably find two things would occur: first, that gentleman would know nothing at all about it, because the present Commissioner of Crown Lands and his department never had anything to do with anything of the kind; and, second, the expenses would be so large as to render it impossible for the Committee to obtain proper evidence.

The Hon. Captain FRASER might be allowed to explain that the Surveyor-General told him on the previous day that he knew little about the case—neither he nor Mr. Mackerraw; and that the only way the Committee could obtain proper evidence would be to summon Mr. Maitland, and ask him to produce all the documents in the office relating to this transaction.

The Hon. Mr. ROBINSON would make a few remarks in answer to the honorable gentleman who had just sat down, although that honorable
member would perhaps excuse him when he said he thought the principal part of his speech had no reference to the question before the House. He could not follow a few remarks that the honorable gentleman had made his speech on a future occasion. However, as far as his remarks had any application to the present question, the honorable gentleman had failed altogether in his argument. He told the Council that, in dealing with any question of this kind that might come before them in the future, they ought to take a lesson from what had already occurred—that these Wakatipu lands had been let considerably beyond their value, and that there had given occasion for the statement that the present leases were held at very much less than their value. That was a question he (Mr. Robinson) was not going into at the present time. When it came before them no doubt he would be able to take as fair and just a view as his honorable friend, and one quite as clear from prejudice. But he must say that, on the present occasion, he was quite sure had been exercised. As the Hon. Sir F. Dillon Bell had said, it was a matter of great political importance, especially at the present time. He thought, however, that the Hon. Mr. Robinson had rather misapprehended the tenor of the Hon. Sir F. Dillon Bell's observations. As he understood that honorable gentleman, he wished merely to impress upon the Council the necessity for inquiring into a matter of this kind, which was really of considerable importance. There might be many causes for the non-payment of these rents, and said, "You can't meet your engagements"? Hay had been rents due from persons in the part of the colony to which this motion referred which had nothing to do with the ability or inability of the tenants to pay; and he had no doubt that when the Committee came to inquire into this matter they would think it right to see if any political pressure had been exercised. As the Hon. Sir F. Dillon Bell had remarked, that point had a very great bearing upon matters now before the Legislature, because, if they were to adopt the system of deferred payments, as proposed by the Bill at present before the Waste Lands Committee of another place, it would be very right and proper that they should inquire very narrowly whether political pressure was brought to bear with reference to the non-payment of these rents. It had also a bearing of great importance upon points which were now being discussed, and as to which great variety of opinion existed: he referred to the assessment per sheep on the Canterbury runs. No doubt the Committee would be able to form some opinion as to what was really a fair assessment per head. They would probably find that the assessment at which these runs were let was altogether excessive, and that there were very just grounds for the people saying they could not pay them.

The Hon. Captain FRASER rose to a point of order. He was quite as much in favour of this Committee as any honorable member in the Council, and for that reason he thought the Hon. Mr. Miller was saying that which he ought not to say. The honorable gentleman was referring to what was taking place in the other House.
They were supposed to know nothing about that, and any reference to it instead of doing good would be productive of a great deal of harm. He wished to know whether the honorable gentleman was in order in referring to what was taking place before the Waste Lands Committee in another place.

The Hon. the SPEAKER thought such a reference undesirable. The simple question before the Council was whether it was desirable to appoint a Committee or not. Of course that must necessarily involve arguments for and against, but those arguments should not go into the merits of the case, which would be decided by the Committee, if appointed.

The Hon. Mr. MILLER had no wish to make any further reference to the matter, but, as far as doing any harm was concerned, it was a matter of public knowledge. They knew it must be discussed publicly; and, in fact, they were talking about it every day.

The Hon. Colonel WHITMORE said that, as had been pointed out by the Hon. Mr. Robinson, the question before the Council was whether or not certain rents were fair rents to pay for these runs and whether or not certain gentlemen had been twitted with paying too little, but whether or not a wrong had been committed on the public by the Waste Lands Board or any other body failing to procure judgments against defaulting tenants, and to enforce payment. That was the point which they were asked by the Hon. Mr. Buckley to inquire into by means of a Select Committee. There was every reason why the honorable gentleman should have brought forward this motion. There was only too great a danger of the Government not insisting upon the rights of the people in analogous cases to this. There were a number of immigrants imported into the colony who were to pay certain passage money. They became a strong political body, and were able to procure a cancellation of the claims against them. There were honorable gentlemen present who knew that that was the case. There were also certain runs which had been surrendered to the Government in the Province of Otago when the soleases were surrendered, and it was reasonable to suppose that he would be able to give the Committee some information. Then there were Mr. Macandrew, who was Superintendent at the time; and Mr. Reid, the present Minister for Lands, who, when those leases were surrendered, was not only Secretary for Public Works in Otago but also a member of the Waste Lands Board. So that there were at least three witnesses on the spot who could give information to the Committee.

Motion agreed to.

HAWKE'S BAY LANDS.

The Hon. Captain FRASER, in moving the motion standing in his name, said he would defer what he had to say until a future occasion.

Motion made, and question proposed, "That the report of the Select Committee of the Legislative Council on Public Petitions on the petition of Heta Tikibe referred back to the Public Petitions Committee, for the purpose of being brought down with the evidence on the case."—(Hon. Captains Fraser.)

The Hon. Captain BAILLIE would like the honorable gentleman to explain what particular object he had in making this motion, as the evidence was now on the table of the Council. To send the report back, therefore, for the evidence to be attached would be unnecessary and a waste of time.

The Hon. Captain FRASER, in explanation, said that when he gave notice of this motion the evidence was not on the table with the report. He made the motion not only in reference to this particular case, but in connection also with another case. A report was brought down about a
month ago, and laid on the table, on a petition from certain people resident in the Taieri District. He had been asked since then to move that the evidence be printed. He had searched for the evidence, but had not been able to find it.

The Hon. the SPEAKER pointed out to the honorable gentleman that he was exceeding the limits of an explanation.

The Hon. Mr. MANTELL, as the evidence had been laid on the table, would move as an amendment, That the word "the," between the words "with" and "evidence," be omitted, in order to insert instead the word "further." There was a desire on the part of several honorable members that the petition should be referred back to the Committee, in case of there being further evidence which it might be desirable to take.

The Hon. Mr. HALL would like to give a right vote on this matter, but he had not heard any explanation respecting it.

The Hon. Dr. POLLEN said that to refer back the report presented by the Select Committee in the way now proposed was, in effect, although indirectly, tantamount to an expression of censure upon the Committee for having performed the duty intrusted to it in an imperfect or improper manner. He did not think the Council should be invited to pronounce such a censure on the labours of the Committee without having more information than the honorable and gallant gentleman had given them. He understood that the whole of the evidence not brought down on the previous day with the report had now been placed on the table. If there were any further evidence which it would be desirable to obtain, that might be a sufficient reason for the reference of the petition back to the Committee; but he did not gather from his honorable and gallant friend that there was any purpose of that kind.

The Hon. Captain FRASER said he considered the report a lame and impotent one, and one which did an injustice. If the Committee had examined the Under Secretary, Mr. Cooper, he was satisfied the report would have been different. Unfortunately he (Captain Fraser) was present at another Committee when this report was drawn up. If he had been present he would certainly have protested against it. He had made inquiries in another place, and he was told that the investigations by their Committees are always exhaustive. However, it was not exhaustive. If Mr. Cooper's evidence had been taken the report might have been very different.

The Hon. Captain BAILLIE said that as he was interested as a member of the Committee he wished to make a remark on the subject. He was not inspired by the honorable and gallant gentleman, and did not know who was or who was not to give evidence. If he had known that Mr. Cooper could give material evidence he would most gladly have asked that gentleman to come before the Committee and give evidence. The Committee could not always know who was or was not able to give evidence. Petitions were laid on the table, and sometimes honorable members took a very active part in supporting those petitions, while at other times they were allowed to drift like tadpoles, and to find their own way through the world. The Hon. Captain Fraser was present in the Committee on the previous day, but they did the best they could, and examined Mr. Locke, who produced all the evidence he could. The Committee also referred to the report of the Commissioners appointed by Parliament, which was preceded over by Judge Richmond and Judge Maunie. Judge Richmond, it appeared, decided, at a point of law that the Natives had no standing, a Crown grant having been issued. No doubt Judge Maunie did not cordially agree with Judge Richmond. He said he was not quite clear. The two Native Assessors naturally differed from Judge Richmond. Evidently Judge Richmond gave his decision on a point of law, the line in the Crown grant having been decided with the assistance of a Native appointed by this House, and he being the agent of those Natives, it was held that they must abide by his acts. That was all the evidence before them, and he would have been only too glad if they could have got fresh evidence. But, even if they could, he would ask, was it possible to upset a Crown grant? He had that day seen Mr. Cooper, who said he was always under the impression that the Natives had a claim against the Government, but whether or not they could settle that was not the question. He would be only too glad to have the matter referred back to the Committee; if fresh evidence could be obtained.

The Hon. Colonel KENNY thought it a pity that it should be said that the Hon. Captain Fraser in bringing this motion forward desired to cast a slur on the Committee. He would suggest that the Hon. Captain Fraser should get the permission of the Council to alter his motion so as to state that the report should be referred back for the purpose of taking the evidence of Mr. Cooper.

The Hon. Colonel WHITMORE quite believed that it must be exceedingly tiresome to honorable gentlemen who devoted a great deal of time and patience to the investigation of these petitions to find that those who ought to further them did not take sufficient pains to bring them forward in a comprehensible manner. But in this particular case the petition was laid on the table by the Hon. Mr. Henry Russell, who had been seriously ill for four or five days, and who, prior to that, was engaged very closely in matters of such immediate personal concern as would, he was sure, excuse him in the opinion of every honorable gentleman for being unable to devote time to this petition. This case had been tried before the Hawke's Bay Commission, and there was a remarkable divergence of opinion about it on the part of the Commissioners, which should entitle the petition to a considerable amount of attention from the Council. The head of the Commission ruled that, as a Crown grant had been obtained although in error, there was no way out of the difficulty. That was not the sole instance in Hawke's Bay, he was sorry to say, where complications had occurred through having to rigidly accept the sanctity of a Crown grant.
while, probably, there was not an inhabitant in the whole of the province, nor even a law officer of the Crown, nor even the Judge who dismissed the case on appeal, who would not admit that a failure of justice had occurred through the unfortunate accident of a Crown grant having been issued. The Natives could not understand such subtleties. The Maori member who represented the district declared in the face of Parliament that, 'You may take the land, but you will take it over my dead body. You shall not take land which I have not sold with my consent, although you have made a mistake in the plan and it has been wrongly granted.' This was a similar case. There was no doubt about the right of the Natives to the land. It followed that the Government were bound to buy out the right of the European holding against the Maori. This was one of the cases that could not be decided in the Supreme Court; but a resolution passed by the Council might induce the Government to compromise, and might strengthen the Government in asking for means in another branch of the Legislature to carry their recommendation into effect. If the matter were referred back, he thought further evidence could be produced which would affect the judgment of the Committee. He observed that Judge Maning and the two Native Assessors disagreed with Judge Richmond in the report of the Commission on this case. Of course the former were persons who would go more by what was reasonable and equitable than what was strictly in accordance with law. He did not think it would be desirable to upset the Crown grant, but it would be desirable for the Government to make a compromise. The matter was very simple, but it was one on which the Natives placed great stress, and, for the sake of the small expenditure that would be involved, he did not think it was worth while to produce a feeling of injustice in the minds of a very large section of the Maori people.

The Hon. Mr. G. R. Johnson, as a member of the Committee, would like to say one or two words, especially as, when the case came on, the Hon. Captain Bailie was unfortunately absent, and he was deputed to make inquiries regarding the petition with the object of getting such witnesses as were necessary to be called. He applied to the Hon. Mr. Henry Russell, who presented the petition, and asked him what gentleman he wished to be summoned. He got from the honorable gentleman a list of names of witnesses, who were all called before the Committee. He might say that in that list Mr. Cooper's name was not included. Unfortunately he was absent at another Committee meeting when this report was drawn up; so he, therefore, could not say anything certain as to whether all the evidence possible had been produced.

The Hon. Mr. Nurse said the Hon. Captain Fraser had, as was not unusual with him, indulged in a little strong language in reference to this Committee, and, among other opinions, expressed the opinion that had he been present when the petition was referred to the Committee, he would have objected to it. The fact that the most important witness was examined in the honorable gentleman's absence, and that in spite of that he knew what conclusion he would have come to, showed how extremely impartial he was. Mr. Locke was examined on the last day of the inquiry, and stated that the burial-places of the tribe were not on this piece of ground in dispute. The report of the Committee was based on Mr. Locke's evidence. That the honorable gentleman should now come down and use what evidence for him was intemperate language was extremely curious. He had no objection to the report being sent back to the Committee, but only to the manner in which it was done.

The Hon. Mr. Acland said it was a remarkable thing that the form the motion had now taken, owing to the very simple amendment of the Hon. Mr. Mantell, was entirely different from that originally given notice of. The motion at first was that the report should be referred back to the Committee, not for the purpose of taking further evidence, but in order that all the evidence which had been taken should be attached to the report. They were now asked to refer it back for the purpose of taking further evidence. He thought it would be almost better to withdraw the original motion, and give a new notice of motion. That would put the Committee in a better position, because, as the motion now stood, it did seem to cast a slur on the Committee.

The Hon. Dr. Grace would simply take the opportunity of stating that, in this case, where a petition of Natives was concerned, he thought it was important that the greatest possible consideration should be extended to a motion of this kind. Although the motion might appear unreasonable, and for his part he thought that the manner in which the motion was recommended to the Council, without any introductory or explanatory remarks, was in some sense objectionable—yet they had a right to pass from that to the more important principle sought to be advanced. If any further light could be thrown on the subject by any concession on the part of the Committee or the Council, it was of great importance that such a concession should be made, and, from the remarks he had heard, he felt certain that the concession would be made. The more largely all these subjects were ventilated the better. When the merits of those cases were entered into, such large fundamental principles were touched upon that honorable members were alarmed, and they indulged in reasoning which, though generally relevant, was not of practical importance. It was at all times important to protect the sanctity of a Crown grant; but it was equally true that, which a judge of the Supreme Court gave his opinion on a subject of this kind, the exact value of his legal opinion was the material on which his judgment was based. But for the purposes of the Council, he thought that the whole question was touched when the Hon. Colonel Whitmore said that in cases of this kind it should be the duty of the Government, in order to meet the prejudices of the Natives, to purchase such lands in dispute and to convey them to the Natives in such a way that alone could the sanctity of the Crown grant be protected, and, at the same time, the rights of
British subjects be also protected. He was not intimately acquainted with the exact particulars of this case, but he was quite convinced that the Natives labour under the impression that they had been subjected to injustice in these cases.

Under such circumstances, and considering how difficult it was for the Natives to realize the intricacies of legislation, he thought this motion should be conceded by the Council.

The Hon. Mr. BONAR, after the discussion which had taken place, would hardly feel justified in voting against this motion, although, as it first appeared, he felt disposed to decline to send the report back to the Committee. But, on the broad principles of justice, and because it was always desirable, when possible, to obtain further evidence, he felt that the fullest opportunity should be given for a thorough inquiry.

The Hon. Mr. EDWARDS, as a member of the Public Petitions Committee, would like to say a few words on the subject. As far as the Committee knew when they framed the report, there was not likely to be any further evidence brought before them that would tend in any way to alter the decision they had arrived at. He differed from the Hon. Mr. P. Bell, who had given the evidence, and could see nothing to interfere with the correctness of Judge Richmond's report. Although Judge Richmond's conclusions were not concurred in by his fellow Judge, he (Mr. Edwards) had read the evidence, and could see nothing to interfere with the correctness of Judge Richmond's conclusions.

The Hon. Colonel BRETT, as a member of the Petitions Committee for six years, during which time the Hon. Captain Fraser had also been a member, could bear testimony to the zeal, ability, and anxiety which that honorable gentleman had always displayed in matters in which the Natives were concerned. Upon Native questions he was sorry to say a great many members of the Committee, including himself, were perfectly ignorant. He considered that the Council owed a debt of gratitude to the Hon. Captain Fraser for having brought this matter forward, because it appeared that there was an important witness to be examined. He did not know what evidence that witness would be able to give, but it might be of such a character as to entirely upset the report. Therefore he thought they should not treat the motion of his honorable friend with contempt. He would certainly support it as it stood.

The Hon. Mr. BUCKLEY intended to support the motion. The report of the Committee appeared a very bare one. He had heard some-thing of this case, and believed a great wrong had been done to the Natives. That being his opinion, he would like to see all the evidence taken that was likely to assist in a just settlement of the case.

The Hon. Captain FRASER said the desire evinced to stifle any further investigation must prove to the Council that his motion was a very good one. The Hon. Sir F. Dillon Bell said that Judge Richmond took a legal view of this case, and decided it upon a point of law, and that the Public Petitions Committee had no other course than to frame their report upon that decision. Honorable gentlemen were not perhaps aware that that good man Judge Manning on the same occasion refused to give any opinion at all; he said he could not see his way clear, and would rather not give any opinion at all. The two Native Judges decided against Judge Richmond and in favour of the Natives. That evidence was brought out very strongly by Mr. Locke, who was a Government official; and Mr. Locke told the Committee that the first purchaser was Mr. Cooper, who could give them every information about the matter. He (Captain Fraser) was absent from the Committee next day, and he was at a loss to know what they could have been thinking about not to call Mr. Cooper. That gentleman could of course have given them every information about the matter, and could have told what were the original boundaries; and yet the Committee, without making any further inquiry, brought down their report. It was not at all clear that the report of Judge Richmond was founded on equity. Besides, the High Court of Parliament was a Court of equity, and they were bound to take an equity view of everything. He had always spoken in favour of the Natives and advocated justice for them. He had had no personal interest in the matter, and knew none of the parties concerned. He was sure the right feeling of the Council would induce them to adopt the motion.

Amendment agreed to, and motion as amended carried.

The Hon. Captain FRASER moved, That the report of the Select Committee of the Legislative Council on Public Petitions on the petition of Te Hapuka and others be referred back to the Public Petitions Committee, for the purpose of taking the evidence of the Hon. Mr. Russell; and that the report be brought down with all the evidence.

The Hon. Captain BAILLIE suggested the addition of the words, "and such further evidence as may be available."

Amendment agreed to, and motion as amended carried.

DR. CAMPBELL.

The Hon. Mr. ROBINSON, in moving the motion standing in his name, said that, as he had been given to understand from the Colonial Secretary that he had no objection to lay the petition or communication from the medical practitioners of Christchurch on the table, it would be quite unnecessary for him to do anything further than move the motion of which he had given notice.
Motion made, and question proposed, "That there be laid upon the table a copy of a petition or a communication sent to the Government relative to the case of Dr. Campbell by the members of the Christchurch Hospital Staff; and that the Government inform the Council what steps they propose taking with reference to this matter."—(Hon. Mr. Robinson.)

The Hon. Dr. POLLEN was not clear as to the mode in which his honorable friend desired to have the information with respect to the course there be laid upon the table a copy of a reference to this matter. As he had informed the honorable gentleman, he had no objection to lay these papers upon the table of the Council if the Council should think it proper to order their production. But he was bound to say that by interfering in the question, at the present stage of the proceedings at any rate, the Council would be committing a mistake. The gentleman immediately concerned, Dr. Campbell, had himself applied for a copy of the documents that were forwarded to the Government, with the view of taking action in the matter; and he thought that under those circumstances it would be well, at present at least, for the Council to abstain from any interference. He had himself carefully read the papers over and considered all the circumstances in connection with the subject, and the determination at which he had arrived was that in the present condition of the case it would not be just to the Government to interfere in any way. The whole account of the affair was inconclusive and altogether unsatisfactory. There had been a good deal of sentiment imported into the case; and, as it was a matter which had been already before the Courts, and which might again, in another form, be brought sub judice, he thought it would be as well that the Council should follow the example of the Government in that respect and abstain, at present at least, from any interference.

The Hon. Colonel BRETT quite concurred in the views expressed by the Colonial Secretary. He could not see how the Council or the Government could interfere in a professional matter. Dr. Campbell had acted unprofessionally, how could the Council interfere? If he gave a wrong dose of medicine it would be considered an unprofessional act, or if he amputated a limb which might have been saved; and was the Council to interfere in matters of that kind? This was a little paltry disturbance.

The Hon. Mr. ROBINSON—No.

The Hon. Colonel BRETT.—Well, it was a matter the Council had had no business to interfere with. The learned profession of medicine wanted to convert the Council into a laundry in which to wash their dirty linen, and he hoped honorable members would not allow that to be done. If it were done, he hoped there would be a most stringent inquiry. He was personally acquainted with Dr. Campbell, who was the medical adviser for his family, and he considered that if he gave an不通 professional conduct, to raise his voice against this inquiry. If, however, there was an inquiry, he trusted it would be a searching one, and that Dr. Campbell would have an opportunity of clearing his character of the suspicions that had been cast against him, and as to the justice of which he (Colonel Brett) had his doubts.

The Hon. Mr. MANTELL said that three honorable gentlemen had spoken on this question, and he knew just as little about the subject-matter of it as he did before the motion was first introduced. Each of the honorable gentlemen had spoken of Dr. Campbell as somebody or some person or thing with which he was perfectly familiar, and of the petition as something with which he was thoroughly well acquainted, and in the same way of the whole business—the Christchurch Hospital staff, and so on; but he (Mr. Mantell) declared that he knew nothing about it at all. He heard a rumour about somebody having given a Dr. Campbell £500, or something of that sort. That was all he knew. The honorable gentleman who brought this resolution before the Council had not given them any explanation at all. The Colonial Secretary, whose mind was replete with knowledge on this and every other subject, followed, but had thrown no light on the matter, except that the Council ought not to inquire into the case at present. He (Mr. Mantell) was also of that opinion.

An Hon. MEMBER.—Why?

The Hon. Mr. MANTELL.—Simply because no reason whatever had been shown that they should discuss the question. It was a very inconvenient form of debate in which the reasons in favour of a motion were only given in reply, after honorable members had spoken in total ignorance of what was to be added in support of the motion. So far as he could gather from the Colonial Secretary and from the Hon. Colonel Brett, it did not seem to him that this case, so far as it had been brought before them, was one in which they could interfere with any benefit to individuals, or exert the authority of the Council with any benefit to itself. An honorable gentleman asked him to say why he did not think it was a case for investigation. His answer to that was, simply because he knew nothing whatever about the case; and he thought that a case which was submitted in this mysterious manner to the Council had better be dismissed. It came in such a questionable shape that he would not speak to it. He would move "the previous question," for the same reason that the mover had given—namely, that he was entirely in the dark as to the merits of the case.

The Hon. Mr. BONAR would be very glad to second "the previous question," for the same reason that the mover had given—that he was entirely in the dark as to the merits of the case.

The Hon. Mr. HALL said there was a great deal of force in what had fallen from the Hon. Mr. Mantell to the effect that the Council was placed in a position in which it ought not to be placed in this matter. But he would ask the Council to remember the remarks made by the honorable gentleman who moved the resolution. That honorable gentleman said that, as he understood the Government would not object to this proposition, he would not trouble the House with any speech on the
subject. Now if the Colonial Secretary did not object to the motion it was only fair that he should have the opportunity to explain it. Mr. Robinson and then no doubt that honorable gentleman would have given his reasons for moving his resolution. He (Mr. Hall) knew a little of this case. He could not say he knew much, but he should like to know more, and he thought more ought to be known. The fact was, it was not proposed to deal with Dr. Campbell merely as a professional man, but as a public officer—one of the staff of the Hospital, an establishment under the control of the Colonial Government. The Colonial Government was asked by the whole of the medical staff of that Hospital, with the exception of Dr. Campbell, to have an inquiry into that gentleman's conduct, which they said had been such as to disqualify him from continuing in a position of trust and confidence. The Colonial Secretary said upon that, "We had better not interfere in the matter." He (Mr. Hall) thought that was a very unfortunate position for the Government to assume. He sincerely trusted that his honorable friend Mr. Robinson would press for the production of this paper. He had hoped to hear from the Colonial Secretary that the Government would at any rate grant an inquiry into this matter.

An Hon. Member.—What is the charge? The Hon. Mr. Hall said the facts were well known, as they transpired during a trial which took place in Christchurch. Dr. Campbell was attending a Mr. McKay. Within a day of the patient's death he obtained from him a gift of a very considerable sum of money—£500. The circumstances connected with the transaction were such that when the case was tried Dr. Campbell's counsel, after a day's hearing, accepted a nonsuit. Now, if a medical man acted in that way, although he might be the professional attendant of his gentleman whom he had been attending, and the deceased gentleman, it was very well known, was given to drink, and sometimes suffered from delirium tremens. In fact, during the time he was under treatment he was in an unsound state of mind. He was removed to the house of his very intimate friend of Dr. Campbell's, and was kept there until his death. None of his friends were allowed to ask him a single question. During this gentleman's lifetime, Dr. Campbell had been his medical attendant as well as the medical attendant of the Hon. Colonel Brett. The deceased gentleman, it was very well known, was given to drink, and sometimes suffered from delirium tremens. In fact, during the time he was under treatment he was in an unsound state of mind. He was removed to the house of a very intimate friend of Dr. Campbell's, and was kept there until his death. None of his friends were permitted to see him except one, who succeeded under threat of bringing another medical practitioner. He was allowed to see the deceased in the presence of Dr. Campbell, but he was not allowed to ask him a single question. Shortly before the man's death he made over to Dr. Campbell £520 or £530 worth of property, and the latter also received a cheque covering the value of those goods and chattels. After the man's death he presented the cheque at the circumstances he was about to bring forward had been more or less explained in the course of their remarks to the Honor. Mr. Robinson, and that the Council had a very great interest in the matter. He did not think there was any law existing by which a medical practitioner who was placed in a position of great confidence and trust could be subjected to the same penalty as a solicitor, who might be struck off the roll. This case was one which brought out very forcibly how much trust was placed in a medical man, and how much the medical profession felt that shaking that trust must injure their calling. The case had been so far explained by the Hon. Mr. Hall that he would say no more on that point. The particular case before the Council he believed to be a very strong one, and he hoped the Government would see its way to produce the papers, and possibly to inform the Council that, as soon as preliminary steps were taken by the gentleman, who they thought was entitled to a certain amount of forbearance, a proper inquiry would be made. He hoped the whole subject would be properly inquired into at the earliest possible period, and all the information elicited that could be obtained.

The Hon. Mr. Robinson felt that he had placed himself in a false position with the Council in moving the resolution without making any remarks. But at that time, as the Hon. Mr. Hall had been kind enough to explain, it was clearly understood that there would be no objection on the part of the Colonial Secretary to lay these papers on the table. He could not help saying that he thought the honorable gentleman had not acted quite fairly on the question. He had had a conversation with the Colonial Secretary that morning, and he was given to understand that the papers would be laid on the table. For that reason he simply moved the motion without any remarks, and it was not because he had not a great deal to say on the motion. His reason for bringing forward the resolution was in consequence of an action which took place some time ago in the Supreme Court between one of the medical practitioners of Christchurch and the gentleman whom he had been attending, and who died. During this gentleman's lifetime, Dr. Campbell had been his medical attendant as well as the medical attendant of the Hon. Colonel Brett. The deceased gentleman, it was very well known, was given to drink, and sometimes suffered from delirium tremens. In fact, during the time he was under treatment he was in an unsound state of mind. He was removed to the house of a very intimate friend of Dr. Campbell's, and was kept there until his death. None of his friends were permitted to see him except one, who succeeded under threat of bringing another medical practitioner. He was allowed to see the deceased in the presence of Dr. Campbell, but he was not allowed to ask him a single question. Shortly before the man's death he made over to Dr. Campbell £520 or £530 worth of property, and the latter also received a cheque covering the value of those goods and chattels. After the man's death he presented the cheque at the
bank, but payment was refused on the ground
that the signature was unlike that of the de-
cedee. Dr. Campbell then commenced an action
in the Supreme Court, but he was nonsuited, and
his solicitor upon that said to the Judge, "Hav-
ing elicited to be nonsuited, there is an end to
the case altogether." No further proceedings
had been taken up to the present time. The
Hon. Colonel Brett said this was not a proper
place to introduce such a question, but he
imagined his honorable and gallant friend
forgot that this medical practitioner was an
officer under the appointment of the Colonial
Secretary and his colleagues.

The Hon. Mr. ROBINSON said this medical
man was one of the visiting officers of the Hos-
pital, and the Government must have accepted or
confirmed the appointment; and, consequently,
he looked upon the General Government as being
amenable for the actions of their servant. The
state of the case was this: Very nearly the whole
of the medical men in Christchurch were visiting
surgeons of the Hospital, and he had good autho-
ritv for saying that the whole of the medical staff
would resign their appointments unless actions
were taken upon a petition which they had sent
to the Colonial Secretary. That petition was
signed by all the medical staff with the excep-
tion of one, who was absent. He thought the
Council would agree with him that at any rate
this communication should have been acknow-
ledged. One reason which had been given by
the honorable gentleman for not producing the
papers was that Dr. Campbell was courting in-
quiry himself. Well, it struck him as very
extraordinary that Dr. Campbell should court
inquiry at all. How did Dr. Campbell know
what had taken place? Surely the Government
had not informed Dr. Campbell of the receipt
of the petition from his professional brethren of
Christchurch without acknowledging the receipt
of the petition to those who sent it. If Dr.
Campbell wished to know anything about the petition, on
what was he to proceed? If the paper had been
laid on the table in the first instance without
remark, honorable gentlemen would have been
able to peruse it, and could then have judged for
themselves what further action, if any, should
be taken.

The Hon. Dr. GRACE said the circumstances
of this case were all new to him, and he had only
just learned from the petition read, and from
the extract from the report of the proceed-
ings in the Supreme Court. He would briefly
observe that in this instance the Government
necessarily occupied towards the staff of this
Hospital the position which any Board would
occupy towards the medical men of an institu-
tion founded by trust moneys or public sub-
scription. Under these circumstances it was
clear that the duty of the Government was one
not to be shirked. It was a duty of the staff, by the staff in general, it was the bounden
duty of the Government to inquire into such
charges. That was a duty no Government was
justified in shirking. It was an integral part
of their administration, and to shirk this duty
was to show utter incapacity for the adminis-
tration of public affairs. He was told that the
Government had not even acknowledged the
receipt of this petition. It was very important
that the Council should bear in mind the great
importance to the State in general of the posi-
tion which medical men occupied in society. If
medical men—if members of the medical staff
of an institution—were not jealous of their
reputation, what guarantee was there to the
State that they would be careful of their con-
duct towards the State and towards the unfor-
tunate people confided to their care? Was not
honor among a highly intellectual educated body
of great importance? Were material interests of
so much importance that all quasi-sentimental
interests were to be left out of consideration in
working the machinery of the country? He
thought no one for a moment would take such a
view of the subject. He would say, without
hesitation, that the Government were bound to
hold an inquiry, not only in protection of the
public interests, but in the interest of the in-
dividual against whom the charges were made.
He was astonished to hear his honorable friend
Colonel Brett say, when his family physician
was charged with a gross crime, "Do not let us have
an inquiry into this matter." If any friend of
his (Dr. Grace's) offered him such protection he
would scorn it. The thing was as clear as day.
The sole purpose in life of this Dr. Campbell
should be to seek the fullest inquiry, such as could
be conducted by this Council alone. They could
take evidence that could be taken nowhere else,
and this was the judiciary he should appeal to.
He would have expected that Dr. Campbell would
send up a counter-petition praying for inquiry.
He regretted that instead of doing so he was sup-
posed to be taking the matter into the Supreme
Court. What guarantee had they that he would
ever proceed further in the Supreme Court than
to take out a writ? The duty of the Council
was clearly to carry this motion; and the duty
of the Government was equally clear: it was, to
carry this motion himself. Well, it struck him as very
extraordinary that Dr. Campbell should court
inquiry at all. How did Dr. Campbell know
what had taken place? Surely the Government
had not informed Dr. Campbell of the receipt
of the petition from his professional brethren of
Christchurch without acknowledging the receipt
of the petition to those who sent it. If Dr.
Campbell wished to know anything about the petition, on
what was he to proceed? If the paper had been
laid on the table in the first instance without
remark, honorable gentlemen would have been
able to peruse it, and could then have judged for
themselves what further action, if any, should
be taken.

The Hon. Dr. GRACE condemned no one.
The Hon. Colonel BRETT dared say Dr. Campbell would make an explanation which would satisfy the Council. They had only got the report of a paper. They knew that the papers of this country were very untruthful, and could not be depended upon. It was not fair to give credence to a report attacking a man's character without a reply. They had heard that Dr. Campbell was taking action in the Supreme Court, and, if the Council took action now, it would prejudice his case very much. He thought that the least they said about this matter the better. What punishment could this Council inflict? They had no power to take him off the rolls, or to take his certificate from him. All they could do would be to remove him from the staff of the Hospital. The Supreme Court was the proper place in which to allow this gentleman to exonerate himself.

The Hon. Dr. POLLEN hoped that before the discussion closed the Council would allow him to say one or two words. That morning his honorable friend Mr. Robinson spoke to him about this subject, and he then said he thought it was a mistake to interfere in this business at all, but if the Council desired the papers to be produced he had no objection to their production. He might be permitted to say that after the discussion which had taken place he was more confirmed than ever in the view he had expressed, that in interfering at the present stage of the proceedings the Council was making a mistake.

Debate adjourned.

The Council adjourned at five o'clock.

HOUSE OF REPRESENTATIVES.

Thursday, 13th September, 1877.


MR. SPEAKER took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Hokonui Education Reserve Bill, Settlements Works Advances Bill, Volunteers and Others Lands Bill, Dunedin Gaol Street Contraction Bill, Otago Harbour Board Bill.

THIRD READING.

Oamaru Atheneum Reserve Bill.

MURIMOTU BLOCK.

Mr. BALLANCE asked the Government, if they will lay before this House all correspondence and papers not already in possession of the House referring to the negotiations between the Government and the Native owners, and between the Government and Europeans, for the leasing or purchase of the Murimotu Block?

Major ATKINSON replied that there would be no objection to lay the correspondence upon the table.

WAKA MAORI.

Mr. REES asked the Premier, (1.) On whose advice the plea of justification was pleaded in the action lately brought by the Hon. H. R. Russell against the Waka Maori for libel? (2.) Out of what moneys the verdict and costs are to be paid?

Major ATKINSON replied to the first question that the plea of justification was put in upon the advice of the gentlemen employed in defending the action. He might add that the Law Officers of the Crown subsequently consulted with those gentlemen, and came to the conclusion that the plea of justification could be maintained. To the second question he might reply that the amount would be placed upon the Supplementary Estimates for the House to deal with.

CANTERBURY LAND.

Mr. MONTGOMERY asked the Minister for Lands, If he will lay before this House, on an early day, a return showing the number of acres of land, not yet surveyed, which have been purchased from the Crown in the Provincial District of Canterbury; also showing the number of surveyors at present employed in each county of that district, and the number employed on the 1st January, 1877; and if he will state what increase he proposes to make in the survey staff? He was aware that there were very large arrears of survey, partly because the amount of land sold during the last two or three years in Canterbury had been very large. He was informed that the quantity of land unsurveyed was over 400,000 acres. He wished also that the Minister for Lands would inform the House of the number of surveyors employed in each county of the provincial district, as he was aware that in some parts there were not as many surveyors employed as were necessary. He would like to know the number employed on the 1st of January, 1877, and the increase to the staff which had been made since that time, and also if it was proposed to further increase the staff. In asking this question he did not wish to cast any blame on the Survey Office. He might also state that, in several parts of the country, and especially in that from which he came, the surveys were inaccurate, these inaccuracies having occurred some years ago. Perhaps the honorable gentleman would be able to state what action would be taken to remedy these inaccuracies. He could state, from his own knowledge, that many men were unable to fence in their land, because they did not know their boundaries.

Mr. REID replied that the area of land at present unsurveyed was 560,861 acres. There were employed on the 1st January last the following number of surveyors in each county:—Ashley, 2; Selwyn, 2; Akaroa, 3; Ashburton, 3; Geraldine, 2; Waimate, 1; making a total of 13. On the 1st August, 1877, there were employed—In Ashley, 3; Selwyn, 4; Akaroa, 4; Ashburton, 3; Geraldine, 4; Waimate, 3; making a total of 20. It was pre-

Hon. Dr. Grace
posed to have a staff for the year 1877-78 of 18 surveyors belonging to the department and about 10 contractors, making a total of 28.

**BEET-ROOT SUGAR.**

Mr. SHARP, in moving the motion standing in his name, said it would be necessary, in the first place, to read the report of the Committee, which was as follows:—"That, in order to afford sufficient encouragement to capitalists and manufacturers to enter upon the production of beet-root sugar in New Zealand, a guarantee should be given by the Government that it shall be free from excise duties up to the end of ten years from the present time, and that the Customs duties should remain as at present upon all imported sugar for the same period." Before proceeding to discuss the motion it would be advisable to state to the House very shortly what had been done in reference to the matter in previous sessions. In 1871 a Joint Committee of both Houses was appointed to consider the question of encouraging colonial industries, and amongst the different questions brought before the Committee was the question of encouraging the growth of beet-root and the manufacture of sugar from it.

Mr. REYNOLDS asked Mr. Speaker whether this question, which affected the revenues of the colony, should not first be discussed in Committee of the Whole.

Mr. SPEAKER was not prepared to say that he was about to make in introducing the subject, offered him. He had the means and the skill at his command; it was for the House to say whether he should go on.

Mr. SHARP, in moving the motion standing in his name, said it would be necessary, in the first place, to read the report of the Committee of the Whole. Probably the best course for the honorable member to adopt would be to move, That the Speaker should leave the chair, in order that the House might go into Committee of the Whole.

The House then went into Committee of the Whole to consider the report.

**IN COMMITTEE.**

Mr. SHARP moved that the report of the Committee be agreed to.

Mr. STAFFORD would like to point out that such a motion could not properly be passed by the Committee. How could any Government guarantee that during a period of ten years any particular law would not be passed? The Government could not guarantee their own occupation of those benches for ten years, and how could they guarantee that any Government which succeeded them would not pass a certain law? If he had the honor of holding a seat in a future Parliament he would not consider himself bound by any such guarantee on the part of the present Parliament. It would be absurd to pass the resolution in its present form. He was quite willing to join in giving encouragement to the manufacture of beet-root sugar in the colony, but he hoped the House would find some more rational way than that now proposed. The House had had before it the matter of the distilleries in New Zealand, but in regard to them there was no guarantee whatever given. It was only under
and the remarks he had since heard merely went in the same direction as his proposition. He understood the honorable member for Timaru to object to the Committee entertaining the question still.

Mr. STAFFORD.—What is the purport of the report of the Committee? We are asked to agree to a report the contents of which we do not know.

Mr. SHARP.—The report was brought up about a fortnight ago, and ordered to be printed. He understood that it had not yet been printed. It simply recommended that no excise duty should be levied on beet-root sugar for a period of ten years from this date, and that the Customs duty on sugar should not be reduced lower than it was at present for the same period. There were the main recommendations embodied in the report. He was about observing to the House the origin of the action taken by the Committee this year. Action was first taken by a Joint Committee on Colonial Industries appointed in 1871. It would be necessary for him to give some statistics with reference to what had been done during the several years that had elapsed since that time. They were very long, but he had merely taken out the more salient points, so as not to weary the House. The first Committee was appointed in 1871, and the most valuable evidence was that given by Mr. Krull. His evidence was to the effect that since the introduction of beet-root sugar on the Continent the increase in the percentage of saccharine matter was very considerable—that they were now able to get a greater percentage of saccharine matter than when they commenced the cultivation. That gentleman also pointed out that the cost of producing sugar was about 30s. per cwt.—that, although in New Zealand the cost of labour was undoubtedly far higher than that on the Continent of Europe, yet, on the other hand, on the Continent the manufacturers and growers had to pay a yearly rent of from 45s. to 86s. per acre. The tables show that in order to produce 600 tons of sugar per annum it would be necessary to employ capital to the extent of £35,000; that it would be necessary to cultivate about 4,000 acres of beet-root; and that the quantity of labour employed would be very considerable. On that point the witness was not very specific. From what he (Mr. Sharp) could gather from the other reports and evidence laid on the table, it would appear that from fifty to one hundred hands would be the amount of labour to be employed. Mr. Krull also went on to show that in 1867 the production of beet sugar became a settled industry. Now the production of beet sugar increased very rapidly. In 1860—630,000 tons— to 1875, 1,205,000 tons. Price of sugar reduced from 1 cent. per lb.; after 1860, no further protection. Value of imported sugar, £436,000. Imports for 1876, about 14,000 tons. Having shown from these tables the enormous expansion of the manufacture of sugar during those periods, it would be for the Committee to consider two things: First, how far the proposal of the Committee would interfere with the present system of taxation or with future systems of taxation in the country; secondly, whether it was wise to agree to the proposals which were recommended by the Committee. The Committee that year considered the subject with a great deal of care. The Committee recommended that a bonus of £2,000 should be given for the first 100 tons of sugar produced. Although that inducement was offered, nothing had been done from that time to the present. In 1872 there was a similar Committee appointed, and they affirmed this recommendation. In 1873 the same thing took place. In 1874, 1875, and 1876 apparently nothing was done. Last year no doubt honorable members would remember that Sir Julius Vogel, who was then Premier, laid upon the table of the House a very lengthy and exhaustive report on the whole subject, and furnished tables which afforded very interesting information as to the increase of growth and enormous production of sugar in Europe. He had extracted the following from the tables attached to that report:—

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<th>Year</th>
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<tr>
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The conclusion at which I have arrived is that for seven years an advantage equal to one penny per pound in the way of a difference between the import and excise duties on beet sugar should be given, that for the next four years three farthings should be allowed, and for a second four years one halfpenny. Admitting that this would to some extent affect the revenue, unless the excise duty were fixed at the present rate of import duty, I am of opinion that, as years pass and the production of beet sugar becomes a settled industry, the revenue will be well able to dispense with a larger return from sugar in consideration of the immense advantage of the industry, especially when it is regarded from the European point of view of its value. I am also of opinion that the consumers of sugar would within a not very long time continue to gain by being enabled not to purchase the article cheaper than they can at present.”

Now at present, so far as he could ascertain, the duty on imported sugar was £126,000 per annum, and the quantity imported was 14,000 tons. From the evidence given to the Committee...
from Auckland it would appear that the largest quantity the manufacturers would undertake to produce was 500 tons a year. It would be for the House to say what effect this would have on the revenue, and whether they would be justified in encouraging this production of sugar yearly. The duty upon 500 tons of sugar would be about £4,500 in round numbers. They would therefore have to consider whether it was worth while, by sacrificing so much of the revenue, to offer an inducement to manufacturers and capitalists to commence operations. Of course they must not consider that the whole of the £4,500 would be lost, because they had also to take into account that this industry would afford employment to a considerable number of people—from fifty to one hundred persons and their families. They had also to consider that these people would form an addition to the population of the State, and be contributors to the revenue. The House had to decide whether they would give up this amount of revenue in order to encourage the establishment of the manufacture of beet-root sugar and the growth of beet as a colonial industry. They had also to consider that the proposed encouragement was asked for only for a limited time, and beyond that time the manufacturers would have to put up with any alteration which might be made in the Customs duties or in any duties that might be put upon imported sugar. If a manufacturing industry of this kind should turn out to be successful in a financial point of view, there was no doubt it would lead to the establishment of other manufactures, and that it would be adding very considerably to the productive powers of the colony. There was also one particular point which struck him very much in reading over the report a second time. "By the adoption of the proposal, not only would they be encouraging a new industry, which would in itself employ a considerable amount of labour, but it appeared that the growth of beet was also favourable to the production of other crops. At page 10 of the report the following would be found:—

It was urged by the honorable member for Nelson City (Mr. Sharp) that this was a matter of great importance. No doubt that was a fact, and it formed a very good reason why honorable members should have before it at least the report, if not the evidence taken before the Committee.

Mr. SHARP begged the honorable gentleman's pardon, but he should have stated that, immediately the report of the Committee was brought up and laid upon the table of the House, he had informed the Colonial Treasurer what was the nature of the report and the motion he intended to move in respect of it.

Mr. PYKE continued to say that there was no doubt the report was technically before the House, but really it was not before the members of the House, and they were asked to concur in the recommendations contained in a report which they had never seen, and with the contents of which they could not possibly be acquainted. The acoustic properties of the chamber unfortunately were such that it was difficult to hear all an honorable member said if he raised his voice ever so much, and it was practically impossible to catch the contents of a report read at the table of the House. He intended to move, as an amendment to the motion before the House, That the Chairman report progress and ask leave of the House to move in respect of it.

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Mr. KELLY.—That would have to be arranged for.

Mr. MACFARLANE said he was exceedingly sorry to hear the honorable member for the Dun-370


tain speak upon a subject on which he was evi-


dently ignorant. If gentlemen would take the
trouble to go through the documents published on
this subject they would find the manufacture of
sugar from beet-root was one of the principal in-
dustries of the world, and was likely to become a
great industry in New Zealand. Any gentleman
who read the reports obtained and furnished to
the House by Sir Julius Vogel would come to
that conclusion. His (Mr. Macfarlane's) desire
was to see the interests of New Zealand advanced,
and he was sorry to find honorable gentlemen so
ignorant on the subject.

Mr. PYKE said he admitted he was ignorant
of the matter, and he objected to discuss the
subject before he had had an opportunity of read-
ing the report.

Mr. MACFARLANE said his motion had been
before the House for some time, and the honorable
gentleman might have taken the trouble to read
a little on the subject.

Captain BUSHELL said he did not rise to
speak on the main question, but there appeared
to be two amendments before the House which
they might discuss, and he hoped the motion for
reporting progress would not be agreed to. He
did not approve of the motion of the honorable
member for Dunedin City (Mr. Macandrew), for
reasons which he should give when the House
came to consider it. However, he thought they
had sufficient to debate without discussing the
Committee's report.

Mr. REYNOLDS, in answer to the honorable
member for Waitenata (Mr. Macfarlane), said he
did not think half-a-dozen members of the
House knew that his motion was to come before
them, and he might add that in former days
such a motion would not have been received by
Mr. Speaker. An honorable member, in giving
such a notice of motion, should state exactly
what his proposals were, and if necessary incor-
porate in the motion a digest of the contents of
the report. Speaking to the question, he said he
thought the House had had sufficient experience
already to prevent it passing such a resolution as
that proposed by the honorable member for New
Plymouth. A few years ago, distilleries were
proposed to be established, and the House was
told it was of the greatest importance to the
colony that they should be so established. Their
establishment was to be the means of giving a
great impetus to the agricultural interest, and it
was said that it would largely encourage the
growth of barley. And the House was led away
by those arguments. What had been the result?
In a few years the colony lost a considerable
amount of revenue, and then had to pay somewhere
about £20,000 as compensation to the distillery
owners. It was calculated that from one bushel
of barley three gallons of spirits could be pro-
duced: the duty upon imported spirits being
12s. per gallon, and that upon spirits manufac-
tured in the colony being but 6s., for each bushel
of barley consumed in the distilleries the colony
would have compensation.
in such a course. In California beet sugar was
received but 18s., whereas if an equal amount of
spirits had been imported the revenue would
have benefited to the extent of 36s.; thus there
was a loss to the colony of 18s. for each bushel of
barley so used. The whole number of persons
employed in connection with the distilleries
amounted to between twenty and thirty. In the
same way, if they were to encourage the manufac-
ture of beet sugar, he fancied the number of
persons employed in that manufacture would be
much fewer than that named by the honorable
gentleman who introduced the resolution. The
honorable member said there would be between
fifty and one hundred persons employed, but he
was under the impression that there would not
be half that number.

Mr. SHARP.—I said in growing the beet as
well as in the manufacture.

Mr. REYNOLDS thought the honorable mem-
ber had only referred to those employed in the
manufacture. As the honorable member for
Timaru said, the House was not in a position to
bind the colony for a period of ten years, and if
an Act to that effect were passed by the Legisla-
ture he, for one, if he were a member of a new
Parliament and found that it acted injuriously,
would not hesitate to repeal the Act without
giving sixpence compensation. If the intention
was to encourage the manufacture of beet sugar,
then, by all means, adopt the amendment of the
honorable member for Dunedin City (Mr. Mac-
andrew), and the House would know exactly
where it was; but they should not attempt to
interfere with the Customs duties. The duties
raised on sugar for the year ending the 30th
June, 1877, amounted to £126,883, and the
revenue was not in so flourishing a condition that
it could give that amount up; whereas it might
be half that number.

Mr. TRAVERS would vote against any bonus
being given for this industry, as he saw no
advantage likely to arise from it. Before a reso-
lution of this kind was adopted the House ought
to know whether there was any large amount of
capital in the colony which could not at present
be profitably employed, and which could be used
for the purpose of producing beet sugar. As far
as he could understand from the ordinary rates
of interest ruling here, capital found ample
employment. There was none unemployed, none
seeking an outlet here, and therefore there was
no necessity for offering encouragement for the
employment of capital in this industry. If there
was sufficient unemployed capital to justify the
introduction of this industry, that capital could be
so employed, and profitably too; but it appeared
to him to be wild political economy to offer a
bonus to people to remove the capital that was at
present profitably employed and devote it in what
might be termed a somewhat speculative direc-
tion. He could see no advantage to the colony
in such a course. In California beet sugar was
at present being produced without any bonus,
because it was found to be an industry suf-

ficiently profitable to justify the employment of
capital in it without bonus. He ventured to say
that as soon as the manufacture was found
sufficiently remunerative here capital would be
employed in it; and it appeared to him that
anything of this kind, savouring as it did of
protection, was not calculated to advance the
interests of the colony. After all, the cultivation
of beet was not to be encouraged by the laying
out of a farm or two of 1,400 or 1,500 acres in
extent, and growing beet upon it, and establish-
ing a factory. The system in Germany was that
beet was cultivated in all parts of the country,
and the raw sugar was extracted from it at the
factories, and afterwards prepared for the market
at the refineries. The mere offer of a bonus
to some individual to set up a factory of that
kind was not calculated to advance the interests
of the country in the slightest degree. His
opinion was that as soon as persons skilled in
this industry found it profitable they would
embark in it without any bonus. The offer of
a bonus of this kind, whether in money or in
a reduction of the duty on the Home-manufac-
tured article, simply meant making the general
public contribute to the encouragement of half
a dozen individuals who chose to embark their
capital in the industry. The whole system of
protection was to make the poor poorer and
the rich richer. That was the real result of
everything in the nature of a protective policy.
It would be asking the poor man to pay so
much more for his sugar in order to enable
people with capital to employ it in the manu-
facture of beet sugar. It meant the impost of
additional burdens on those least able to bear
them. That was the result of a protective policy,
and wherever anything of the kind was pro-
posed he would raise his voice against it. He was
satisfied that when the time arrived for embar-
ing in the industry that time would be when
there was sufficient spare capital in the colony,
when there was more money than there was now,
and when people had not to pay so high a rate
of interest for it. It would not answer, so long
as money found abundant employment at large
remunerative rates, to offer a bonus to people
to divert it from its legitimate employment into
channels which were to a certain extent specula-
tive. No one doubted the advantage which would
accrue to the colony from the introduction of a
large number of industries, but it appeared to
him the time would come in its natural course
when there would be capital to invest in these
undertakings. The House might just as well
offer a bonus for the production of wool and
other articles—in fact, adopt to the fullest extent
the protective policy of the United States, which
had, unquestionably, gone far to destroy their
trade. But if this colony was going to imitate
America and Victoria in their protection policy
it would find itself in very much the same diffi-
culties as those countries were in, in developing
its resources.

Mr. GISBORNE did not altogether agree with
the principles of political economy laid down by
the honorable gentleman. He was quite as much
opposed to protection as the honorable gentleman was, but he did not look upon this proposition as a protection policy. It was laid down by the best writers in support of free trade that in a young country specially adapted to a special industry the granting of bonuses for the establishment of such an industry was not an infringement of the principles of free trade. John Stuart Mill himself went so far as not to object to giving such limited protection to industries in young countries. Bounties were much better than protective duties, because, when once duties were imposed and then interfered with, it gave rise to claims which it would be very difficult to resist afterwards. On the other hand, if bounties were given the amount was known and the condition of a certain quantity of the article being produced could be imposed. When the manufacturer proved that he had produced the required quantity of the particular article, he received his bonus, and then the relation of the State to him in that respect finished, and he went on with his manufacture on his own account, because, having once established his manufacture, he was, as a general rule, bound for his own sake to continue it. A limit of time could also be fixed when a bounty was given, and in that way in a young country the promoter of the industry had an encouragement to go on until his industry was profitable to himself. It might be said that the giving of a bounty was imposing a tax upon the consumers of the article, but it must be remembered that in a very short time the consumer would obtain an actual benefit, because, when the industry succeeded—and he was of course presupposing that the country was adapted to it—the consumer would get the production of manufacture cheaper than if he imported it from Home. Besides, they must look at the impetus given to the industry of the colony by having local manufactures, and by thus giving means for the employment of colonial youth, whom it was now matter of consideration to heads of families to get employment for. Therefore, if this country is to be made rich and self-reliant, the House ought, by a system which he contended in no way violated the principles of free trade, to encourage manufactures. It was upon that ground that he had on the previous day supported the resolution of the honorable member for Roslyn calling upon the Government, if possible, to obtain rolling stock and other railway material in the colony, and not to send Home for it. The principle had already been recognized in the colony. A bonus had been offered for the production of paper, and, he believed, another for cloth. Was not the establishment of those manufactures to a great extent the result of that boon? But what had been the effect of some revenue duties? Look at the effect of placing a revenue on imported beer. It has been the means of establishing many breweries here which would not otherwise have been established. And, although the honorable member for Dunstan did not approve of the quality of the colonial beer, he thought that generally the beer brewed in this country was very good; and the effect of the establishment of the industry had been to stop the importation of a great deal of beer from Home. The money that would have been sent Home had been spent in an industry in the colony, and had provided employment for a great many people. And a bounty on the establishment of a beet-root sugar factory would probably result in the employment of foreign capital in the establishment of the industry here. That was the opinion he had formed on the subject of the establishment of manufactures in the colony, and he was prepared to consider favourably any definite and practical proposal to encourage the establishment of beet-root sugar manufactories. They had plenty of evidence to show that it was a useful and profitable industry, and the able and exhaustive report furnished by Sir Julius Vogel last year determined the question as to the value of such an industry being established in this country. But then came the question, what was the best means of affording this encouragement? He quite agreed with the honorable member for Timaru that it was impossible for the Legislature to bind a future Legislature, and to say, "We shall not reduce the duty upon imported articles for a certain number of years, and we shall not impose excise duties." Such a promise would be absolutely valueless, and would only give rise to claims for compensation should a change be decided on. That was the reason why the distillation duties created such difficulty. In that case the Legislature said that the excise duties should never be more than half the import duty, and, when claims for compensation were made in consequence of a change, the Legislature settled the matter by buying off all the distilleries in the colony. They first created an industry, then they destroyed it, and they had to pay for its destruction. That was his objection to the proposal contained in the report of the Select Committee. That objection, in a modified degree, applied to the proposal of the honorable member for New Plymouth, who proposed that a bonus up to a certain amount should be given, in case of a change of Customs duties, upon all beet-root sugar manufactured, and he did not provide in his original resolution for the possibility of a future Legislature imposing excise duties. The proposal was open to objection on that ground. He would prefer, if it was to be considered at all, to consider the question on the basis of the proposal of the honorable member for Dunedin City (Mr. Macandrew). He did not commit himself to accepting that proposal, because he was not positive as to its distinct terms, but he understood it to be a proposal of bounty on a certain quantity of manufacture produced. That system, he believed, had been successfully adopted in other cases, and it might be successfully adopted in this case. He was prepared to give the proposal his best consideration, and he hoped progress would be reported, in order that they might have these various proposals and the report of the Committee in print before them in order to select the system which would be most likely to bring about the object in view without in any way violating the principles of free trade. If they once resorted to

Mr. Gisborne
protection, as the term was popularly understood, he agreed that it would lead, as was pointed out by the honorable member for Wellington City (Mr. Travers), to making the poor poorer and the rich richer. He considered the proposal of the honorable member for Dunedin City (Mr. Macandrew) did not violate the principles of free trade, and if it had the effect of establishing the beet-root sugar industry the result would be most beneficial to the country.

Mr. SWANSON said the honorable member for Wellington City (Mr. Travers) seemed very much exercised in his mind about the probability of diverting capital from industries in which it was at present employed into channels which might be attended with very doubtful results. The fact was that not a single sixpence of the money intended to be spent in the establishment of this industry was at present employed in any other industry in the colony. A gentleman now in Auckland wished to enter into this business. He knew where the money was to be found, and he simply said this: "I can make money and do you good at the same time if you will let things go on as they are now. Do not put a tax on me, and leave the import duty as it is." Now, could they afford to do that? That was the question. The gentlemen referred to asked for nothing. The money was not here, the machinery was not here now, but it could be made here, and, if favourable conditions were held out to him, he would be prepared to save how many tons of sugar he would produce in the first year, and so on. The member for Wellington City likewise said, "Let us do as they do in California." Beet-root sugar is produced there, but let any one take a cargo of sugar to that country he would soon see what a heavy duty they have put on it. The Americans took care that some difference was made between their own people and the stranger. It was just as legitimate for the House to offer encouragement for the establishment of this industry as it was for a man to give an apprentice-fee with his son when he sent him to learn some trade that would be the means of enabling him to provide for himself during the rest of his life. He did not admire this bonus system; because, in many cases, people merely went in to get the bonus and then let the industry drop. If anything of the sort was to be done, he would first like to see people put up their machinery on their property, and let the colony advance upon it without interest. Then, if they left or abandoned the business, there would probably be enough to return the money advanced. As long as they carried on their business there would be nothing to pay, but when they ceased their plant and property would come to the colony, and the proceeds might be applied in some other way. The bonus system had been tried in Auckland. They offered a reward for fish-curing, which increased the production of iron, and when the bonus was paid the industries ceased. A glass factory was established. The Provincial Government advanced money on the security of the ground and plant; but in this case, if the industry failed, the province could recoup itself at once. But when a company came here and said, "We will produce so much sugar on condition that you will not trouble us for a certain number of years," he did not think that was an unreasonable request to make.

Mr. TRAVERS said the honorable gentleman misapprehended him. It might be all very well to say that there were persons ready to spend £50,000 or £100,000 in establishing a sugar industry in Auckland on condition that the duty was not reduced for ten years, but that was asking the whole people of the colony to pay 1d. per pound duty for ten years in order to enable those persons to establish that industry. It was asking the House to pledge itself to saying that, no matter what the circumstances of the colony might be, it would not take off any portion of that duty; so that every individual who consumed that article would have to pay 1d. a pound, or more, in order to enable some person to establish the industry. Surely that was asking the colony to do a great deal. There was not the same objection to the proposal of the honorable member for Dunedin City (Mr. Macandrew). There the persons were to receive a certain sum of money. In effect the colony said, "We will pay a bonus of one-third of the full amount of the capital employed in the erection of the necessary works, on the production of a certain quantity of sugar." The amount given would be no very great charge upon the colony; but he had grave doubts as to whether any persons could establish sugar factories under such a system. A reward had been offered, but nobody had ever thought of claiming it. It might have been too small. Then increase it if desirable. The Mosgiel factory in Otago had been referred to. He knew a factory established in another part of the colony for the manufacture of tweeds which had succeeded remarkably well, and would have been a very great success if the person who established it had had sufficient capital. He never received any bonus, and yet he produced tweeds, perhaps not so famous as the Mosgiel tweeds, but sufficiently good to command a sale in every part of the colony. The Mosgiel factory might have been aided by a bonus, but certainly the Nelson one was not, and his own impression was that bonuses were not at all necessary to secure the establishment of these industries.

Mr. SWANSON.—The answer to all this is, that the whole time the Nelson factory was at work it was protected, and the one at Mosgiel is so now, to the tune of 10 per cent.; and he thought that, if the House was going to do anything in the way of bonuses, the proposition of the honorable member for New Plymouth was decidedly the best that had been made; but, if there was going to be anything very different from that proposal, let the colony take some substantial security to insure that the industry shall go on.

Captain RUSSELL said that his great objection to bonuses was this: that, where large bonuses were offered for the establishment of factories, people were induced to start those factories simply for the purpose of obtaining the bonuses, and after they had obtained them they
might shut up their factories and go away. The giving of bonuses simply meant the subsidizing of one firm. The report of the Committee, however, did not propose to give a bonus for the manufacture of beet-root sugar. He believed that if the recommendations contained in the report were carried out people would be induced to form a company for the manufacture of beet-root sugar. They would put up good buildings, and, having done that, they would probably produce sugar of first-class quality. He would support the motion of his honorable friend the member for Nelson City (Mr. Sharp), and he might say that he intended to support any scheme for the promotion of local industries. He had no doubt that if the manufacture of beet-root sugar were once started in the colony the time would come when it would not be necessary to import any sugar at all. If the sugar were manufactured in the colony, the money which was now spent on it outside would be kept inside the colony. A good deal had been said about the payment of subsidies; but it should be remembered that they subsidized steamerers for carrying mails, and they paid bonuses to members of Parliament—they paid themselves £200 a year, and gave themselves free railway passes, and he thought that was a considerable bonus. They gave protection to the auctioneers by only allowing certain persons to sell; they proposed to give protection to manufacturers of railway carriages, &c.; they gave a bonus to persons who had large families by relieving them from the payment of the capitation-tax; they gave bonuses for the manufacture of cloth, for the discovery of gold, and for the manufacture of beer. He thought that, as they gave bonuses for all those things, they should also give a bonus for the manufacture of sugar.

Mr. JOYCE was understood to say that the honorable member for Wellington City (Mr. Travers), in his holy horror of protection, seemed to have overlooked the fact that the manufacture of beet-root sugar had been a success in France. The honorable gentleman had said that the effect of the protection policy was to make the poor poorer and the rich richer. The honorable gentleman overlooked the fact that the manufacture of beet-root sugar had been carried on in France without protection, and that at the present time this sugar was being exported to England. He thought that that one fact was worth any amount of the theory in which the honorable member for Wellington City seemed to be so fond of indulging. The reason why special legislation in regard to the manufacture of beet-root sugar in this colony was required appeared to him (Mr. Joyce) to be this: that a protective duty of 1d. per pound was not sufficient in the first instance, the difference being needed to make up for the inferior quality of the article as at first produced for beet-root sugar. He believed that the honorable member for Dunstan about the "horrible whiskey" and the "poisonous stuff" which was made here, he could only say that the sale of that liquor was increasing so rapidly that the Government became alarmed, and they were glad to put a stop to distillation in the colony. While referring to protection, he might say that every cask of beer was protected to the extent of £3 sterling, because a great portion of it was water. The freight on so much water and the duty of 1d. per gallon which was paid protected colonial beer, and the result was that it was sold at one-half the price of the imported article. He believed that if people would pay the same price for colonial as for imported beer, it could be produced of quite as good quality. The honorable member for Timaru had said that it would be absurd to adopt the report of the Committee because a succeeding Parliament might feel inclined to alter the law before the ten years named in the report had expired. He held that this Parliament could commit the colony to giving the protection asked for for a term of years, and that no future Parliament would endeavour to upset the agreement. Great Britain owed many of her most important industries to the judicious granting of similar special privileges. The effect on the revenue of giving this protection to the manufacturers of beet-root sugar would be very slight indeed, although he should be glad if it turned out otherwise. Bonuses had already been given to woollen manufacturers, and some seven or eight years ago a bonus was given to certain persons who had started the business of fish-curing, the bonus being guaranteed for several years in advance. He could not see anything objectionable in the proposals of the Committee, and, as he would be sorry to see any project for the manufacture of beet-root sugar in the colony fail, he hoped the motion would be agreed to.

Mr. FOX was understood to say that the honorable gentleman who had just sat down was not quite correct in his statements regarding the exportation of beet-root sugar from France. The fact was this: that the French people could produce sugar in their country, and that they had made the manufacture of the article one of their industries; but they could not produce it at as low a price as the English article could be purchased for, and the consequence was that, having glutted their home market, they were obliged to give a heavy bonus to encourage the export of their sugar to Great Britain. In fact, they had actually to give a bonus of three sous in the pound to their own manufacturers to send their sugar to England. That was the effect of protection upon the manufacture of beet-root sugar. That was the usual result that followed whenever they departed from sound rules of political economy. He objected to the thin edge of protection being introduced into this country. With reference to the proposal to encourage the beet-root sugar trade, he was not sure that he did not smell a rat as to the real object of the proposal. The honorable member for Nelson City was not altogether unconnected with the manufacturing of intoxicating liquors. He did not wish to make any remarks which was paid protected colonial beer unpleasant. It was a well known fact that a large part of the profit of the beet-root sugar trade produced in France, Prussia, and other places consisted in the manufacture of beet-root brandy, which was exported in enormous quantities. He did not like to be led into voting in favour of a
proposal for the encouragement of the manufacture of sugar to be followed by the production of brandy or other intoxicating drinks. He would not object to the giving of a subsidy for the growth and manufacture of beet-root sugar in this colony, on the understanding that it was confined to its legitimate purpose. The honorable member for Port Chalmers (Mr. Joyce) then he brought forward a similar motion, asked him if he would support him in it. He told the honorable gentleman that he had an objection to protective duties. The honorable member intimated that all the Government would be asked to do was not to impose an excise duty. He (Mr. Fox) said if that was all the Government would be asked to do he would give the motion his support. They now found that the Government were asked not only not to impose an excise duty, but not to reduce the import duty on sugar. He could not agree to support that. He thought it would be a dangerous thing for them to do. They should not be asked to pledge themselves not to reduce the duty on an article which was a necessary of life, not only to the working-classes, but to all classes of the community.

Mr. Sharp did not know whether honorable members had been confusing the honorable gentleman in his mind, but he had certainly got hold of the wrong pig by the ear this time. He (Mr. Sharp) had nothing to do with the manufacture of brandy or spirits; he was simply a brewer. If he had asked the House to remit the duty on sugar he might have been fairly open to attack, but in this instance the attack had been made through mistake. With regard to the manufacture of refined sugar, he would quote what Sir Julius Vogel said in his report upon that point:

"No doubt [speaking of the remission of duty on the export from France] this does operate as a bonus on exported sugar, and has been a great grievance to the English producer, because it has flooded the English market with refined sugar at a much less price than a similar article could be produced at in England."

Of course there was no doubt that underlying this question to a certain extent were the principles of free trade and protection. But they were not asking the House to put a prohibition duty on sugar; they were simply asking that the revenue on sugar should not be touched. It was simply one of those duties which the Legislature imposed on certain articles for the purpose of creating revenue; and, so long as the duty was not levied to such an extent as to make it a burden, he thought it was a perfectly legitimate duty to be levied, and it should not be called, therefore, a protective duty. With regard to what had fallen from the honorable member for Port Chalmers, he would point out that he did not think it was at all probable—he did not think any member in the House or any one out of it would be affected by any alteration in the tariff. He thought it would be right and fair on the part of any one who contemplated starting this industry to ask that the Government should not come down and say, "Now you have manufactured an article here, we will make you pay the same duty upon it as is paid for importing a similar article." Why should the colony adopt a different course with regard to this article from that which was taken with reference to other articles? In regard to what had fallen from the honorable member for Wellington City, he might state that it was not proposed to interfere with capital. Their object was to introduce capital, to introduce labour, and afford that employment which a large manufacturing industry like this would be very likely to afford if once commenced. The honorable gentleman also objected to the present duty on sugar being increased—that it would be unwise for the colony to keep up the price of sugar. He would point out that the honorable gentleman had apparently forgotten or had not heard what he (Mr. Sharp) had already read to the House as to what had been the effect in France—namely, that the price of sugar in France had been reduced from 6½d. per lb. in 1816 to 2½d. per lb. in 1865. Now would it not be a boon to consumers of sugar to establish such an industry when the result would probably be the same as was shown in other places? Another matter which appeared to be lost sight of was this: that it was not sought to establish this protective duty for any considerable length of time. It was proposed to fix the limit at ten years. That period had been fixed because the evidence brought before the Committee showed that it would be almost impossible to import material, to import skilled labour, to grow beet-root, and to be in full working operation under two and a half years. They were really asked to protect those who embarked in this industry for seven and a half years. No doubt the Government must obtain revenue from some source or another, and, while it was not contemplated to reduce the duty on imported sugar, the number of hands that would be employed in producing sugar to any great extent must contribute very largely to the revenue of the colony. So far as he was personally concerned, he had no objection, if it could be done, to give way in favour of the motion of the honorable member for New Plymouth (Mr. Kelly). He might add, in answer to what had fallen from the honorable member for Wanganui (Mr. Fox), that it was by mere accident that it had fallen to him to propose the resolution. He had happened to be elected Chairman of the Committee, and at the request of the members of the Committee he had proposed this resolution. In no other way had he been connected with the matter.

Mr. Joyce said the remarks of the honorable member for Wanganui (Mr. Fox) as to 3d. per lb. bonus having been paid to manufacturers of sugar in France might or might not be correct; but, in connection with the comments made by France in reference to the fostering of her industries, he (Mr. Joyce) might relate a little of his experience of thirty years ago. The class of
French workers in iron were then comparatively unskilled, and so superior was the quality of English manufactures of various wares that the English merchants would have, but for protection, held the whole of the Continental markets at command. The inferiority of the French workmen pervaded every branch of manufacture at that time, but as soon as prohibitive duties were imposed the various industries were firmly established. The French succeeded by means of these prohibitive duties in inducing skilled workmen to take up their residence in that country, and by this means the tide of affairs was completely changed. As a result, at the present time the French and Belgian workmen were a terror even to English manufacturers, and turned out some of the best wares in the world. The policy of protection could scarcely be condemned when it had proved so profitable.

Amendment agreed to.

Progress reported, and leave given to sit again.

Newmarket Tolls.

Mr. O'RORKE, in moving the motion standing in his name, said he had put a question to the Government recently on this subject, and the answer he had received led him to suppose that they were not thoroughly conversant with the facts of the case. The answer was that the Government intended to take no action in the matter of this toll-bar, and that any action that ought to be taken must devolve on the local bodies. The real facts of the case were that there were no local authorities to take action. The County Council of Eden, within whose boundaries the toll-gate was situated, had refused to bring the Counties Act into operation, and for a period of some months the General Government had been receiving the tolls collected. There had been no distribution of the tolls among local bodies, and there had been no expenditure upon the roads. The rental of the gate amounted to something like £1,700 a year, and the present lease would expire at the end of this month; and he believed it would be impossible for the Government to do anything in the matter. The proposition he made had an alternative, and he thought it was fairly open to the consideration of the Government whether the toll should not be abolished. Parallel to the main line of road upon which the monies derived from this toll-bar were spent ran the railway, and of course the traffic on the Great South Road had fallen off, and as soon as the railway was brought into more satisfactory working order the traffic on the road would be still further decreased. The Borough of Onehunga, which contributed £600 or £700 a year to this toll-bar, and which, under the Provincial Government, had some return for its contributions through the road from Newmarket to the Onehunga Wharf being maintained out of these funds, was anxious that the toll-bar might still have to be abolished. He believed, from what he had heard, that the Government were anxious to get rid of the money which was accruing, but that they were in doubt upon whom the money should be bestowed. In regard to the position of the toll-bar, he thought an injustice had been done for years ago when it was removed from the position it then stood in to that in which it at present stood, because formerly all passing along the road, whether from Remuera, Otahuhu, or Onehunga, had to pay tolls; but, by shifting the turnpike more towards Onehunga, the Remuera settlers— who were a class remarkably well able to pay—were allowed to escape payment, while the Onehunga settlers, not nearly so wealthy, were still held liable to tolls. Possibly, if an amended Counties Act were going to be introduced by the Government, some provision might be made to meet such cases as this. For himself he would be satisfied if the Government would make some arrangement whereby the revenue derived from tolls should be returned to the people of the district by being expended upon the main road under the old system in force before the provincial form of government had been abolished.

Mr. O'RORKE proposed, “That, in the opinion of this House, the toll-bar at Newmarket, in the Provincial District of Auckland, should either be abolished at the termination of the present lease, on the 30th September instant, or the revenue arising therefrom should be expended upon the Great South Road and Onehunga Road, in accordance with the system of expending the same which prevailed under the late Provincial Government.”—(Mr. O'RoRke.)

Mr. WHITAKER said no doubt the Onehunga people did contribute a large amount to the tolls collected at this bar, but it was within the limits of Eden County. As the Counties Act had not been adopted, however, by the Council of that county, there was no body in a position to receive and expend the money. Something, no doubt, ought to be done, inasmuch as the road was getting out of repair. There was a considerable amount of money in hand, and the yearly revenue was some £2,000, he believed, and some of this ought to be expended in making the road at least passable. There was another thing to be remarked: The county would have to maintain its own roads; and, being a main road between the waters of Waitemata and the Manukau, should the Council decline to keep it in order the toll-bar might still have to be retained and the tolls collected applied to keeping this road in repair. When the amending Counties Act came before the House, probably something would be done with a view of making arrangements to meet cases of this kind. He hoped, therefore, that the honorable member would consent to withdraw this motion for the present, until he saw the propositions in the Counties Act Amending Bill.

Mr. O'RORKE would like to know whether he was to understand from the Attorney-General that in the meantime the old system would be carried on.

Mr. WHITAKER said the road would be
Mr. HAMLIN wished to know whether it would include the Great South Road.

Mr. O'BORKE—under the circumstances, asked leave to withdraw the motion until such time as the proposed Counties Bill was introduced.

Motion by leave withdrawn.

COLOMBIAN MANUFACTURES AND PRODUCTS.

The interrupted debate was resumed on the question, That Government be requested to call for tenders within the colony for any further rolling stock and other plant required for railway purposes; also for any timber and iron piles and other iron and wood work required for bridges, wharves, and all other public works in course of construction by Government, or by contractors under Government; also for any iron or wooden ships of any class, dredgers, lighters, &c., required for the public service of the colony; and that a clause be inserted in the specification giving sufficient time for the execution and delivery of the first article required; and, further, that the Government should take steps to insure the use of New Zealand coals, instead of Newcastle or other foreign coals, upon the Government railways, and in all public offices and institutions under Government control.

Motion agreed to without further debate.

AUCKLAND DEFENCE FORCE.

Mr. LUSK moved, That this House is of opinion that the claims of the members of the Auckland Defence Force to grants of land, in recognition of the services rendered by them to the colony, should be recognized, and that the Government be requested to take such steps as may be requisite to give effect to this resolution. It would be necessary for him to offer a few words of explanation to the House as to the circumstances which led to the claim now made on behalf of the members of the Auckland Defence Force which was embodied in the year 1863.

Mr. GISBORNE asked whether this question should not be considered in Committee, as it referred to giving grants of land.

Mr. SPEAKER called upon the mover to explain whether the grants of land referred to in the motion were grants authorized by any Act at present in existence.

Mr. LUSK said they were not. The claims were for grants of land, without specifying any particular quantity of land.

Mr. SPEAKER ruled that the resolution must be considered in Committee of the whole House.

Mr. LUSK moved, That Mr. Speaker leave the chair in order that the House might go into Committee to consider the resolution.

Major ATKINSON moved, That all the words after "colony" be omitted, with the view of inserting "should be referred to the Public Petitions Committee."

Mr. LUSK accepted the amendment, in the hope that the matter would be inquired into and settled during the present session.

Amendment agreed to, and motion as amended agreed to.

WASTE LANDS.

Sir R. DOUGLAS moved, That the name of Mr. Seymour be added to the Waste Lands Committee. There was a large amount of land in the Province of Marlborough, and many interests were involved; and he hoped the motion would be agreed to.

Mr. REYNOLDS would not object to the motion; but at the same time it was not desirable, after a Committee had been sitting so long, and particularly such an important Committee, that additional names should be added to it. It might as well be that every member of the House should be placed on the Waste Lands Committee simply because he took an interest in the waste lands. He (Mr. Reynolds) took a very great interest in the waste lands of his province and also in the waste lands of the district which he represented; but, if it were to be the practice to put on all such members, there would be no limit to the number of the Committee. The Government had nominated the various Committees in the early part of the session, and any additional names should have been then proposed.

Mr. LARNACH was most decidedly opposed to the addition. Three-fourths of the business of the Committee had been gone through; and, if additions were to be made, he would like to be put on the Committee himself.

Mr. GISBORNE also thought it an extraordinary thing to add members to the Committee at this stage of the session. He understood the Committee had gone half through the Land Bill, which was the most important part of their work, and it would be an exceedingly dangerous thing to add members to the Committee now, because any decision the Committee might have come to on this important question might be reversed. In addition to that, there would be no knowing when the work of a Committee would come to an end. It was a bad precedent, which could only be followed by bad results. He hoped the honorable gentleman would withdraw the motion.

Mr. REID quite agreed that, as a general rule, it would not be advisable to add members to the Committee at this period of the session; but it had not long commenced its functions, so that no great harm would be done by making the addition. The motion had been on the Order Paper a long time, and the honorable member had not had an opportunity to bring it forward earlier. It should not be forgotten that there might be very important questions affecting Marlborough brought before the Committee, and there could surely be no great objection to the name of the honorable member for Waiaru being added to the Committee.

Mr. MACANDREW said that had the motion come on at an earlier date he should not have opposed it; but the Committee had got through the most important part of its business, and it would
not be wise to make the addition now. He hoped the honorable gentleman would withdraw the motion.

Mr. WAKEFIELD thought this the coolest proposal that had been made this session. A month ago he proposed to add the name of the honorable member for Dunedin City (Mr. Macandrew), and the Minister for Lands then said that the Committee was too large and clumsy, and that the House should not hastily add names to it. But he knew perfectly well why it was proposed to put the honorable member for Wairau on the Committee. The Government wanted to have another representative there.

Mr. REID—Absolutely incorrect.

Mr. WAKEFIELD had his own opinion about the matter. He rather fancied that the honorable gentleman feared the result of the Committee's deliberations would upset his calculations in regard to the Land Bill, and that that was why he wished the name of the honorable member for Wairau placed on the Committee. If this practice were once begun, where would it end? The Committee ought to be a judicial body, beyond the reach of party feeling, and he hoped the motion would be withdrawn. The bland smile on the countenance of the Minister for Lands convinced him that he was correct in what he had said. The Committee was getting on very well, and it would be unsafe now to introduce into it an element of confusion. The honorable member for Wairau knew a great deal about land in his own district, a district where the principal subjects to be discussed were cattle imported, diseased cattle, rabbits, and scab; but they did not want to have the question of the land laws of the colony interfered with by questions affecting diseased cattle, rabbits, and scab. These three savoury subjects should be kept entirely apart from the question of land: in fact, land and zoology should not be mixed up together.

The hour of half-past five o'clock having arrived, Mr. Speaker left the chair.

House resumed.

Mr. Speaker resumed the chair at half-past seven o'clock.

POLICE FORCE.

The adjourned debate was resumed on the question, That this House resolve itself into a Committee of the Whole, to consider of a respectful address to His Excellency the Governor, praying that he will be pleased to place on the Supplementary Estimates a sum sufficient for the continuance of "long-service pay" to all police officers who have hitherto been in receipt of such pay in any part of New Zealand, inclusive of arrears now unpaid.

Major ATKINSON believed that he had already spoken on this subject, but he thought it might save time if he were allowed to give a short explanation. He had made further inquiries into the matter, and, as at present advised, he was prepared to place a sum on the Estimates for the purpose named in the motion. He had, however, not yet obtained all the information he could wish, and he would be glad if the honorable gentleman who moved the motion would either defer or withdraw it.

Mr. PYKE thought the honorable gentleman might at once assure the House that he would make some provision on the Estimates for the continuance of the "long-service pay" to the men who had been receiving it.

Major ATKINSON said he intended to do so. Mr. PYKE thought they should have a distinct promise on the Estimates, and that the matter was comparatively so small that it was not worth while to postpone it. As he was at present informed, the whole amount involved was only £1,500 a year. If the Government would give him a distinct pledge that they would put the amount necessary for this purpose on the Estimates, he would cheerfully withdraw his motion.

Mr. MACANDREW understood that the Premier had given such a promise.

Major ATKINSON said he had given that promise.

Mr. SHARP said that, when the honorable member for the Dunstan first brought his motion forward, it was intended, to apply to all of those men in the whole of the colony who had been in receipt of "long-service pay," but now it appeared that he only wished fourteen officers to be provided for.

Mr. PYKE had made inquiries, but he could only ascertain the names of fourteen men who were entitled to this extra pay. If the honorable member for Nelson City (Mr. Sharp) knew of any others, he would be happy to put their names on the list. He would withdraw his motion if the Government would assure him that they would make provision for payment to every man who was entitled to it by reason of his long service.

Mr. REID said the Government would treat the cases of all these men according to their merits.

Motion by leave withdrawn.

HAWKE'S BAY LAND PURCHASES.

Mr. ORMOND.—Sir, I desire to take the opportunity of the motion on this subject by the honorable member for Dunedin City (Mr. Stout) being dropped to make a short personal explanation in respect to some remarks made in my speech during the debate last week. I then used some expressions with regard to the honorable member for the Thames (Sir G. Grey), in making which I now find that I was under a misapprehension. Honorable members will remember that in the statements I made I referred to the length of time the honorable member for the Thames had been supposed by me to be a partner in the Taupō land transaction, and of the proceedings taken in that matter while he was a partner. I find by the statement of the honorable member for Waiapu that I was under a misapprehension in regard to that point; that the honorable member for the Thames had not been a partner for the length of time I imagined from the information I had received previous to making my speech. That being the case, the observations I made reflecting on the honorable
member for the Thames, when speaking of the instructions given to the agent as to the use of "ground-bait" and other matters, were of course unfounded as regards the honorable member for the Thames, for it appears the honorable member for the Thames was not a member of the company when those instructions were given, and therefore was not personally interested. I therefore wish to withdraw the comments I made upon the honorable member for the Thames as having been first cordial with regard to the scheme of taking up the 200,000 acres at Taupo, then cold, and then, when made a partner, again most cordial. I had distinctly gathered that purport from what I heard from this honorable member for Waipa, and I think other members of the House had gathered the same from his remarks. I intended on Monday last to have asked the honorable member for Waipa to state to the House what he had told me on the subject, for of course it would have been most improper for me to have made such a statement without good authority; but I was astonished on that day to find that my honorable friend had gone south. I was therefore precluded from doing then that which I am now doing. I consequently telegraphed to the honorable gentleman to the following effect:—

"To A. Cox, Esq.—With respect to statement that I made that Sir George Grey first cordially assented, then became cold, and, when admitted as partner, again cordially entered into scheme, I ask you to telegraph me what you told me on this subject.—J. D. Ormond."

This is Mr. Cox's reply:—

"As to Sir George Grey putting obstacles in our way until we agreed to let him join in the venture, what I desire to say is this: At the opening of the second interview, before scarcely anything was said by myself or Mr. Russell, Sir George Grey put the question that I have already referred to. [Mr. GISBORNE: What question? — Mr. ORMOND: As to whether he could be admitted a partner in the concern.] My impression at that interview, before he was preoccupied, but not so much unwilling to speak on the affair as inattentive and cold with regard to the matter, but certainly not putting obstacles in our way. That immediately after he put the question and received a satisfactory reply, he entered heart and soul into an all-round discussion of the proposed operations. Distinctly understand that this was my own impression; whether Mr. Russell was similarly impressed, I know not.—ALFRED COX."

I merely wish to put this on record because the honorable member for Waipa did not refer to it in his statement; and it is only fair to myself to say what was the honorable gentleman's statement to me on the subject. That is all I desire to say. I have already stated that I was under a misapprehension when I made comments upon the conduct of the honorable member for the Thames as amounting to something like corruption, and I therefore wish to withdraw what I said in that respect.

Mr. GISBORNE.—Does the honorable gentleman withdraw the charge he made against the honorable member for the Thames: that he had first thrown obstacles in the way, but, when he got a share in the venture, he tried to facilitate it?

Mr. ORMOND.—I have read the telegram from Mr. Cox on that subject, and I merely said what I was told. What I said was, that I was under a misapprehension in saying that the honorable member for the Thames was a member of the company at the time the instructions were given to the agent, and when he assisted the company to get the land: if he had been a partner, he would, in my opinion, as Governor of the colony, have been guilty of improper conduct. I find he was not a member of the company, and therefore I desire to withdraw that charge.

Sir G. GREY, later in the evening, said,—

Sir, before the Orders of the day are called on, I wish to say a few words of a personal nature. The usual rule followed is that if any honorable member is about to make a statement regarding another honorable member of this House he gives the other gentleman warning that he intends to do, in order that the gentleman regarding whom the statement is to be made may have an opportunity of being present. I am told that the honorable member for Clive, without having given me any notice, this afternoon made a statement regarding myself in his place in the House. I trust that the House will allow me to ask the honorable member to repeat his statement in my presence. Notice ought certainly to have been given to me by the honorable gentleman that he intended to make certain statements regarding myself. I trust that he will now be courteous enough to repeat what he said in my absence. I wish the House to understand that up to the present moment I have never seen the documents which are said to contain the charges against me, and it is an unparalleled thing that documents containing charges against a man should be read when he himself has no knowledge of them or of their contents. The telegrams which were read this afternoon by the honorable member for Clive are stated not to be in the House at present, and therefore I will move the adjournment of the House until they are produced. I think that this intelligence, which is now being communicated all over the colony, should be made known to myself. I have been treated with discourtesy in not having been informed that these statements were to be made against me, and, for the reason I have stated, I beg to move the adjournment of the House.

Mr. GISBORNE.—The honorable gentleman, in answering my question this afternoon as to whether he withdrew the charges which he had made against the honorable member for the Thames, erred the question altogether. I heard him read the telegrams which have been
referred to, and after he had done so I asked him whether he withdrew the charges which he had made against the honorable gentleman of corrupt conduct on the ground that he had altered his demeanour in connection with certain land purchases after he had been promised a share of the profits. The honorable member confined himself to a repetition of what he had said—that he was under a misapprehension with regard to Sir George Grey being a member of the company when the instructions to Mr. Locke were issued. I was under the impression when the telegrams were read that Mr. Cox in no way imputed misconduct or malversation of office to Sir George Grey as Governor of New Zealand. The honorable member for the Thames was charged by the Minister for Public Works, first, with being anxious to promote a speculation, that he then threw obstacles in the way, and that he afterwards withdrew those obstacles on being promised a share in the profits of that speculation. It is the usual practice, when a member makes a statement with regard to an honorable gentleman, to wait until the honorable member is in his place, or else in courtesy to mention to him beforehand that he is going to make the statement, in order that the honorable member may have an opportunity of attending in his place. That course has not been pursued in this instance, and the result is that the imputation of corrupt conduct on the part of the honorable member for the Thames is telegraphed all over the colony, and the accused has not an opportunity of answering or even hearing the telegrams read. It is only just that before this evening's sitting is closed the honorable member for the Thames should hear what these telegrams are, and distinctly understand from the Minister for Public Works whether he withdraws the charge against the honorable member of corrupt conduct on account of the proceedings to which I have referred—namely, that the honorable member for the Thames withdrew opposition to the project upon condition of having a share in the profits.

Mr. REYNOLDS.—I do not think the honorable member for the Thames will urge his motion. It is scarcely fair to that honorable gentleman that he should be placed in that position. I think it would be almost impossible to keep the statement out of print, no matter what the nature of it might be, and the worse it is the more widely will it be circulated. I think, therefore, it is necessary that an opportunity should be afforded the honorable member to reply to the statement, whatever it may be, at the very earliest possible moment.

Mr. MACANDREW.—I think the whole matter could be settled by the honorable member for Clive agreeing to produce the telegrams this evening. I understand that is all that is required. I certainly think the honorable member ought to have been present when the statements were made. I hope the House will see that justice is meted out to him.

Mr. ORMOND.—I have already said that I would furnish the honorable member for the Thames with copies of the telegrams. There was no want of courtesy on my part in not communicating with him. I was not aware when I came to the House that the motion of the honorable member for Dunedin City would not have been moved. I expected a debate upon it, and that is the reason why I did not communicate with the honorable member for the Thames. What I stated in the House, before the adjournment, was this: that, with regard to the statement of the honorable member for Waipa (Mr. Cox), I found that I had been under a misapprehension in regard to part of the statement I made with reference to the honorable member for the Thames when I spoke on Thursday night last. What I said to-day was this: that on that occasion I had spoken of certain circumstances and of the instructions which had been given to the agent of the company for the acquisition of certain land at Taupo. I had been under the impression, when I made that statement, that the honorable member for the Thames had been a partner in that company—had been a party to the instructions, and assisted to secure the land. That was my impression when I made that speech. It was not until I heard the statement of the honorable member for Waipa (Mr. Cox) that I became aware that the honorable member for the Thames had only been a partner for a limited time, and consequently, that being the case, it was not possible that the honorable member for the Thames could have been in the company, a partner of it and interested in it, at the time instructions were given which referred to "ground-bait" being scattered, and those other matters of which I spoke. That being the case, I consequently said this afternoon that I desired to withdraw all that I had said founded upon that misapprehension. I then went on to say that on another point I had made a statement to the House which had not been borne out by the statement made by the honorable member for Waipa, I mean that I did not exceed in my statement what had been conveyed to me by the honorable member for Waipa, that was in respect to the statement which I
had made that I had been told that, in the first place, the then Governor of the colony had been assisting a company, that before he was admitted to be a member of the company he had been cold, that then he proposed that he should have a share, and, when that was acceded to, he had been again cordially assisting. I was disappointed that the honorable member for Waipa did not explain, in his statement to the House, what he did say to me on that subject. I intended on Monday last to call upon the honorable member for Waipa to state to the House really what he did say to me. When I came here I found the honorable member for Waipa had gone south. I telegraphed to him and asked him to telegraph what he really had stated to me. I will now read for the information of the honorable gentleman the telegrams exchanged between the honorable member for Waipa and myself bearing on this point. When I found the honorable member for Waipa was not here on Monday, I telegraphed to him, wishing to get his statement as soon as possible, to put myself right. (The honorable gentleman here read the telegrams.) My sole object in getting from the honorable member for Waipa an answer on this subject was because he had omitted to refer to it in the statement he made to the House. I was on that account severely taken to task on this matter by the honorable member for Akaroa and others. I thought it due to myself that I should have from the honorable member for Waipa an expression as to what he himself recollected that he had told me. I had ascertained myself before that other members of this House had been informed by the honorable member for Waipa last session exactly in the same direction as I had been. Therefore I felt assured I had not exceeded my authority when I made the statement I did. I have already said, in regard to the other point upon which I have admitted I had misapprehended the honorable member for Waipa, that I withdrew the remarks I made under misapprehension.

Mr. W. WOOD.—I would like an explanation of the latter part of the statement, because it appears from it there had been a partnership. I paid great attention to the statement made by Mr. Cox, and understood him to say that there was an interview a few days after the first, when the very first words used by Sir George Grey were that he would have nothing to do with the transaction. I suppose, from that, he must have contemplated being a partner, and then said he would have nothing to do with the matter. That is not cleared up, I think, as it should have been by the honorable member for Clive.

Mr. SHEEHAN.—I have heard it said that an apology half made is an additional insult; and certainly the apology just offered is "neither fish, nor flesh, nor good red herring." What is the position of affairs? First of all the honorable gentleman uses as evidence certain letters which he could not produce without a serious breach of confidence. Upon these letters the most dramatic and telling portion of his speech was based: that was that the honorable member for the Thames had kept these people, the promoters of the project, in suspense till they promised to give him a share in the proposed speculation. He then finds out his mistake and offers a half-sort of apology. He ought to have said at once that the letters did not bear out the imputation he had made. I do not know whether the honorable gentleman (Mr. Ormond) or the honorable member for Waipa (Mr. Cox) cuts the more pitiful figure in this transaction. Which of the two are we to believe? The honorable member for Waipa says he never intended the letters to be used, that the imputations made were not borne out by the letters, and that the letters were brought forward not for the purpose of proving Sir George Grey had been a partner in the transactions, but for the purpose of showing that the honorable member for the Thames does not now hold the same views he used to hold in reference to acquiring large blocks of land. But the honorable member for Clive used the letters to make most unfounded statements, and says they were given to him by the honorable member for Waipa for the purpose of supporting those statements. Whom are we to believe? Perhaps it would come with a bad grace from a "low-class practical" to suggest what constitutes gentlemanly conduct, but it seems to me that people who use letters without the permission of the owners, and put an interpretation upon them which turns out to be incorrect and unfair, ought, if they have a spark of gentlemanly feeling, to frankly apologize for having so acted. I may say that I very much regret what took place on Thursday last. I should be glad if many things which I said had been left unsaid. But the honorable gentleman and I were fighting our own battle—perhaps we had a right to do so on account of old scores—and I regret very much indeed that the honorable member for the Thames should have been brought into our quarrel by the honorable member for Clive having levelled charges against him, which, I am happy to say, have completely broken down. And when the honorable gentleman found that the charges had broken down there was but one course open to him: that was to have said, like a man, "I was wrong; I am sorry for it." If he had done that he would have had the sympathy of the House; and I can only hope he will do this even now, before it is too late.

Mr. DE LAUTOUR.—I happened to be in the very thin House this afternoon when the honorable member for Clive chose to make his apology, and I can testify that what he has just said is substantially what he said this afternoon. My own inclination when I heard what he said was to move the adjournment of the House, but my second impression was that the matter was beneath the notice of the honorable member for the Thames, and that his friends should take no notice of the matter. As to the apology, I think it is perhaps all that could be expected, for we know it is impossible to spin a silk purse out of any material. It cannot be done. It was an apology such as the dance of an elephant on a tight-rope; but I do not think the honorable member for the Thames need press the matter any further. I
really think, especially as this is a private members' day, that the honorable member may well content himself with receiving the assurance of the House and the country that the charges are unduly by himself

Mr. REES.—I think that the remarks which have fallen from the honorable member for Clive are even worse than those which fell from him the other evening. He now says that the honorable member for Waipa last year conveyed to him exactly the same impression.

Mr. ORMOND.—With regard to the telegram. Mr. REES.—With regard to the telegram? I understood him to say with regard to the charges made against the honorable member for the Thames. There is not a single member of this House who will agree with him in the course he has adopted. The honorable member's colleagues do not approve of his conduct, and they ought to express their opinion. They ought not to allow their colleague to act as he has done and is doing. They have already sufficiently covered themselves with disgrace in reference to this matter; but there are some men who are so dull and obtuse that it is quite impossible to infuse into them any very high sentiments of honor. I look upon it that the position the honorable member for Clive has taken up is much worse than before. He withdraws some charges, but still charges the honorable member for the Thames with having prostituted his position as Governor of the colony, as the representative of Her Majesty the Queen, to benefit himself. He still leaves that charge open. He has made a most shameful imputation upon the honorable member for the Thames, based upon private letters, which he had no right to make use of, which no reputable man would have made use of, but which, even if he had had a right to use them, do not bear out his statements. We may very well leave the matter to public opinion in this country. But there is this danger: Although we know these charges to be false, there is a possibility that in other countries the refutation may not accompany the charge. Charges against one so widely known and respected as the honorable member for Clive will be noised abroad outside the colony, and it is well that the charges should have been so speedily refuted. Mr. REED.—Has Mr. Russell given his consent? Mr. REES.—Yes; he gave it.

Mr. REID.—The letters cannot be laid on the table, except in defiance of the order of the House, unless Mr. Russell gives his consent. As soon as that has been obtained they can be produced.

Sir G. GREY.—Who has got them? Mr. WHITAKER.—I have.

Sir G. GREY.—Then why not send to Mr. Russell for his consent? Mr. WHITAKER.—I am only too anxious to get rid of them.

Mr. SPEAKER.—This discussion is irregular, as the honorable member has replied. Motion for the adjournment of the House by leave withdrawn.
It is as follows:—

read an extract from Captain Symonds's letter.

time hold a position equal to that of Colonel

the Nativessaw the letter that Captain Symonds

with the Otago Block for the sum of money

retained by the Maoris for themselves out of that

I think the area of land purchased on that

occasion was over 400,000 acres, and the land

retained by the Maoris for themselves out of that

area was about 9,000 acres. I will now refer to

what took place at the time the deed was signed. The Natives said that they did not agree to part

with the Otago Block for the sum of money which Colonel Wakefield promised to give them. The sum of money agreed to be given to them was £2,400, and the Natives refused to take that amount. Colonel Wakefield then went to Dunedin to Mr. John Jones, and remained there for a week. He then sent a message to Taiaora, and to Tuhawaiki and others, requesting them to go to Port Chalmers. When he went there, the Natives asked him for a very large sum in payment for their land, but Colonel Wakefield said he would not give them a high price for the land. He said they should take the sum of £2,400 settled upon, and that they should have pieces of the land reserved for them—that the Europeans and the Maoris were to take pieces of land alternately in the Otago Block. The Natives asked him what he meant by saying they should take a piece each—the Maoris and the Europeans. He made a diagram on a piece of paper which showed what he meant, and it was through this that they agreed to conclude the sale, and to accept the sum of £2,400. It was then that the deed of sale was signed. The Natives say that all these things were stated when the deed was read out to them. At that time the Natives were unable to read or write. The deed was written by Colonel Wakefield, and it was read by an interpreter named Clarke. The Natives state that all these questions were set forth in the interpretation given to them at the time, but they have ascertained that they are not set forth in the deed. The Maoris are very much distressed on account of these things not being set forth in the deed. Subsequently the Natives saw the letter that Captain Symonds sent to Mr. Richmond. Captain Symonds at that time held a position equal to that of Colonel Wakefield. In confirmation of what I say I will read an extract from Captain Symonds's letter. It is as follows:—

"The Natives having expressed their anxiety to make some special provision for the future benefit of themselves and children by reserving certain portions of land within the limits of the purchase which they now partially occupy, the management of which, to a certain extent, they were desirous of retaining in their own hands, I approved of their selections, four in number, three of which—namely, Omate, Pukekura, and Taieri—I personally inspected, accompanied by Colonel Wakefield, Mr. Clarke, and the three most influential chiefs, and saw the boundaries pointed out and marked off. With regard to the fourth, at Karoro, I suggested to Tuhawaiki that he should retain a portion of land on that river, where some of his family resided, the precise limits of which should be hereafter defined by an agent appointed by His Excellency the Governor for that purpose, as I found it impracticable to visit that part of the purchase without materially delaying the proceedings and exhausting the patience of the Natives.

"I pursued this course as regards Native reserves from the conviction that the system heretofore adopted in other purchases of large tracts was beyond the comprehension of the aborigines; and at the suggestion of Colonel Wakefield I left the further choice of reserves—namely, the tenth part of all land sold by the New Zealand Company—to be decided by His Excellency the Governor, without making any express stipulation with the Natives on the subject."

Mr. Alexander Mackay also made a report, which was laid on the table of this House in 1874, from which I will read the following extract:—

"With reference to the claims raised by the Natives to 'tents' within the Otago Block purchased by the New Zealand Company in 1844, there is ample evidence to be obtained, by all who choose to peruse the Parliamentary papers published by the Imperial Government and the New Zealand Company's reports, of the intention to make these reserves on the same principle as obtained in the other settlements founded by the company."

"Reference to Captain Symonds's report on the Otago purchase, dated 2nd September, 1844, will show that he abstained, at Colonel Wakefield's request, from inserting in the deed of cession any express stipulation with regard to further reserves. Allusion is also made to the subject in Colonel Wakefield's report to the secretary of the company, under date 31st August, 1844 (side New Zealand Company's 17th report, p. 142), in which he states that these reserves cannot be made till the surveys are completed and selections are made."

"Major Richmond, in his letter of the 23rd May, 1844, to Governor Fitzroy, also alludes to these reserves, and states his intention to appoint Captain Symonds to select them."

"The 13th clause of the agreement of 1840 empowered the Imperial Government to make reservations of lands within the company's settlements for the benefit of the Natives (side Lord Stanley's despatch to Governor Fitzroy, dated 18th April, 1844)."

"Mr. Harrington, the Secretary to the New Zealand Company, in communicating to the principal agent the amended terms of purchase for the Otago Association Block, distinctly admits on the part of the company the right of the Government
to make reserves for the Natives in that block in addition to those lands which, as they were merely excluded from the purchase, could not be considered Native reserves under the New Zealand Company's scheme. Evidence of the intention to make such reserves on the part of the founders of the settlement is also to be found in the 6th paragraph of the original prospectus of the settlement of 1815.

"The original scheme of the New Edinburgh Settlement composed 2,400 properties, the price of each property being fixed at £120 10s. The proportion for the Natives, therefore, had the original intention been carried out to set apart 'tenths,' would have been 240 properties, consisting of 60 town acres, 2,400 acres of suburban land, and 12,000 acres of rural land, or 14,460 acres in all, representing a total value of £29,920; to this a further sum should be added for thirty years' interest, to be calculated on the basis of a fair rental for the land according to its relative value."

I wish to tell the House that these tenths agreed to be given by Colonel Wakefield have never yet been given. There are some acres of land, however, set apart in accordance with this promise — the Princes Street Reserve, for instance, which was set apart by Mr. Mantell in 1855; and there was also a reserve at Port Chalmers. The total area of these two reserves did not exceed four acres. That is all the land reserved out of the Otago Block as Native reserve. The reserve in Princes Street has since been taken from us. We have been robbed of it by the Europeans in the City of Dunedin. It has been granted by the Governor of the colony to the Superintendent of Otago. All that remains to the Maoris now is the reserve at Port Chalmers, which is not more than three-quarters of an acre. The Imperial Parliament passed a law to enable the New Zealand Company to buy land, and their purchases should have been conducted strictly in accordance with it. These matters have been left in suspense for a long time, and I ask now how they are to be settled. That is one of the reasons why I have introduced this Bill. I have introduced it in order that the Natives may be enabled to bring their claims before the Supreme Court. What I have stated is the first part of my subject. I will now come to the second one. I cannot explain the whole of what I wish to say, because I am not conversant with the English language. I will now refer to what is known as Mr. Kemp's purchase. Mr. Kemp went to the Middle Island to purchase land in the year 1848. The extent of land in the Middle Island included in his deed was twenty millions of acres. That deed was executed by my father. Mr. Kemp was sent by the Governor to the Middle Island to purchase land in that year. His instructions were that he was to go on to the land he was to purchase and to see the Natives there. Advice from Mr. Kemp asked the Natives to make reserves for the Natives in that block in addition to those lands which, as they were merely excluded from the purchase, could not be considered Native reserves under the New Zealand Company's scheme. Evidence of the intention to make such reserves on the part of the founders of the settlement is also to be found in the 6th paragraph of the original prospectus of the settlement of 1815.

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that hospitals would be erected for them in all their villages, and that the Government would establish schools for the education of their children. The Natives then asked Mr. Mantell what was meant by a "large price," but he would not explain; he merely said that the Government would give them a large price for their land. The Natives then asked him what he meant by "hospitals," for at that time they had no idea what such institutions were. He told them that if they were taken ill and went into a hospital they would be cured; that if their legs were broken and they went into a hospital their limbs would be mended. The Maoris thought it would be a very fine thing indeed to have their legs mended when they were broken, and to be cured when they were sick. Then they asked him what he meant by "schools." Mr. Mantell was writing a letter at the time, and he showed it to them and said, "If you go to school you will be able to write as well as I am doing now." He said to them, "If you want to communicate with your friends at a distance there will be no necessity for you to go to them in person, for you can write to them." The Maoris thought these were splendid things which they were going to have, and therefore they accepted the balance of the purchase-money which Mr. Kemp had agreed to pay them. It was in consequence of these promises of Mr. Mantell that the Natives gave up that portion of the inland country which they had said was not included in the purchase. Not one of the hospitals or schools which were promised at that time has been established yet. You will perhaps say that I am wrong in what I am stating; but I will show that it is true by reading a part of a letter dated "London, July 5, 1856," which was written by Mr. Mantell to the Secretary of State. The extract from the letter says,—

"Since August, 1848, I have been employed as Commissioner for the acquisition for the Crown of Native lands in the Middle Island of New Zealand, Provinces of Canterbury and Otago. The enclosed map shows the extent so acquired by me.

"By promise of more valuable recompense in schools, in hospitals for their sick, and in constant solicitude for their welfare and general protection on the part of the Imperial Government, I procured the cession of these lands for small cash payments.

"The Colonial Government has neglected to fulfil these promises, and appears to wish to devolve the responsibility on the General Assembly.

"This would not be just, and is fortunately impossible. It may be true that the Crown lands have been ceded to that body, or even to the Provincial Governments; but the promises of the Crown to the Natives can now only be fulfilled by the Imperial Government, it not having retained sufficient influence in the Legislature of the colony to compel them to do what has been made by its means for the welfare of the Natives.

"The Natives are now utterly unrepresented in the General Assembly; they are, in respect of their original lands, denied the franchise which they would exercise with at least equal judgment with the whites, while among the latter the suffrage is practically universal.

"I have said that the Government has neglected to fulfil its promises to the Ngaitahu. I am aware that to build and endow schools in the Province of Otago £200 were given, and £250 for hospital expenses. Such inadequate sums as these do not affect my statement.

"No officer is charged to look after the interests of the southern tribes: indeed, the duties of the only Native Department, excepting the nominal department of Native Secretary, maintained in the Islands—the Native Land Purchase Department—consisting principally in the acquisition of Maori lands at the lowest possible price, are in practice, as I am prepared to show, highly prejudicial to the best interests of the Natives.

"Nor can the Ngaitahu rely on the Bench of Magistrates for protection when so strange additions are made to the Commission of the Peace by Her Majesty's representative that I almost hesitate to record them. One instance may be mentioned as not likely to come to your knowledge from other sources.

"A man under heavy sureties to keep the peace for a severe assault on a clergyman was, while so under bond, although ignorant and illiterate, and notorious for his violent conduct, gazetted as a Magistrate.

"With reference to the promised schools, I enclose the reply of the Governor to an application on behalf of the only Native school in the South, a school not maintained by the Government, but by a mission society in Germany, and the head of which, small as are the means at his disposal, has done and is still doing wonders for the good of the southern Natives.

"In the transfer to the local Legislature of the land, in respect of which the unfulfilled promises were made, the Natives were not a consenting party. It is therefore not in the power of the Government to declare that, having divested itself of those lands, the former owners must look to the present managers for the completion of the contract. Nor has the contract been an unprofitable one to the Europeans.

"I have myself acquired from the Natives about 30,000,000 acres, which could not have been worth less than £2,000,000 sterling.

"For this the Natives received about £5,000 and the repudiated promises which form the subject of this letter. This sum has long since been repaid to the Treasury by sale and rents of a minute fraction of the 16,000,000 acres under my management as Commissioner of Crown Lands.

"The Natives' proportion of 15 per cent. on all proceeds of land sales, if it has been set apart from those of southern sales, has been misapplied. On this account at least £5,000 seems to have been due in 1864, but barely a tenth of this amount has been allotted to the Ngaitahu, although they have through my agency ceded to Her Majesty a far larger extent of land than has ever been or will ever be so ceded by all other tribes together."

You will see by this letter that what I have stated previously to reading it is quite correct.
None of all these things has yet been fulfilled. I will tell the House that. These promises have been before the Government for the last thirty years, and they have not been fulfilled yet. I cannot therefore remain silent when these promises have been lying so long unfilled. It is for these reasons that I ask to introduce this Bill, to see whether these statements of mine are correct, or whether the statements of those who are resisting are correct; and that a fair investigation may be made into the question according to law, setting aside the communications that have been addressed to the Government before the Natives made an appeal to this House. During the first year that I had a seat in the House, I had a Committee appointed to inquire into the question. The Committee recommended that inquiry should be made by the House and by the Government. This is the report of the Committee appointed in the session of 1872:

(1.) That the evidence taken by the Committee in reference to the claims of the Natives of the Middle Island, though far from complete, leads them to the conclusion that these claims have not hitherto had that consideration which they deserve.

(2.) That the evidence in reference to the claims for the Princes Street Reserve convinces the Committee that this case has been hitherto dealt with rather on legal and technical grounds than, as the Committee considers it should have been given. The grievance with which the Committee was charged was that these claims had not been treated in the interests of the Natives, with regard to the broader consideration of equity and good faith.

That report was brought before the House, but I do not know what action was taken upon it. The Native Minister said that the Government would consider the question during the recess—that is, the period between the session of 1872 and that of 1873. I waited, but the Government took no action, even up to the meeting of Parliament. In the year 1873 another application was made to Parliament, and another Committee appointed. The report of the Committee is as follows:

"Your Committee have the honor to report that they have carefully considered the matter referred to them. During last session a Committee of this House sat for a similar purpose, and the whole of the evidence, documentary and otherwise, taken by them has been considered by your Committee.

"The Legislative Council having appointed a Committee for the same purpose, the two Committees have had several conferences upon the matter referred to them.

"Mr. Taiaroa

Your Committee regret that, from a variety of causes, they are not able to make such a specific recommendation as would lead to a settlement of the claims during the present session.

"A great deal of trouble was taken to arrive at some basis of settlement, but without result.

"Your Committee report that during the negotiations for the purchase of portions of the Middle Islands, various promises of an important character were made on behalf of the Government to the Natives. Several promises have never yet been fulfilled, notably those in connection with—(1) schools; (2) hospitals; (3) appointment of persons to watch over Native people of the district; (4) reservation of land formerly occupied and cultivated by the Native people.

"The final result of your Committee's labours is embodied in the following resolution carried unanimously by your Committee:

"That this Committee recommend that the Government undertake the immediate settlement of the claims of the Natives of the Middle Island during the recess, either on their own responsibility or by the appointment of two Commissioners—one to be nominated by the Government, the other by the Natives—and whose decision will be final and binding on both parties; Commissioners to have power to appoint an umpire in case of disagreement.

"Your Committee hope that Government will give immediate effect to this resolution, in order that the good faith of the colony pledged to the Natives of the Middle Island may be honorably kept, and a fair settlement made of a claim which will become more serious and important with every year of delay."

This report was also laid before the House, and it was objected to that these Commissioners should be appointed. The Government requested again that the matter should be left to them to consider during the recess. I urged the question upon the Government, but they took no action with reference to the report of the Committee. On the 18th August, 1874, I asked the Native Minister a question with reference to the report of the Committee that was brought up in that year, and this is what he said in reply:

"An admission had been made by the House that there were certain unfilled promises to the Natives in the Middle Island; and he would take an opportunity early next session to suggest some means of adjusting those claims. He was very much opposed to arbitration in this case, as he did not consider it the best mode of settling the question."

The Government did not fulfil that promise which they made to this House. In 1875 the Government proposed to appoint Mr. Justice Williams as Commissioner, but he declined to undertake the work. I afterwards applied to the Government to go on with the matter without delay, and I came to Wellington. The Native Minister then proposed to appoint Mr. Fenton to go to the Middle Island and inquire into the grievances of the Natives there. Mr. Fenton replied to the effect that he could not go to Wellington. Last year when I came up to Wellington I had
a telegram sent to Mr. Fenton asking him why he did not go to the Middle Island. He said that he was not going to the Middle Island; that he was making some report with reference to the petition. The House has seen the report which Mr. Fenton made, as it was laid before the House last session. The object in proposing Mr. Fenton was that he should go to the Middle Island himself and make personal inquiries of the Natives into their grievances. I asked the Native Minister why Mr. Fenton did not go to the Middle Island, and he said Mr. Fenton replied that he did not like travelling by sea; that it made him sea-sick. I cannot exhaust this matter in this speech now. If any one would go into the whole question it would take three days and three nights to do so. I have shown the reasons why I introduced this Bill. The object is that the grievances of the Natives in the Middle Island should be investigated by some Court. I hope the House will give a fair consideration to this Bill, and not throw it out on frivolous grounds, because it is a very important matter, and deserves great consideration at the hands of the House. If the House throws this Bill out, then I shall know that the House is very much afraid of it, because honorable members will be afraid to allow of an investigation of the case. An honorable member near me is laughing at that statement. If he had had such a grievance as this—if he had been suffering under such a grievance—he would have answered the application of the Maoris. If it had been the Natives who had made these promises and not fulfilled them, you Europeans would have said, "What a lying race these Natives are!" I will not say you are just people, because you have trodden upon the laws and trodden upon the deeds which ought to have assured us our rights. The law under which the New Zealand Company purchased land has been broken; and you have also trampled upon the documents by which the Commissioners agreed to fulfill these promises. I hope the honorable member has been speaking English. Possibly I might have been Native Minister, instead of Dr. Pollen. Now I stand here and am obliged to have my speech interpreted by another person. I once more admit that I have no knowledge. I spent several hours to-day in investigating the matter, but the only one I could find is that which I have alluded to, and which appears to have been made in 1844, specifying certain reserves which, I understand, the Natives are in possession of at the present time. Under these circumstances I think the only course to be adopted is to postpone the second reading until the contracts referred to are set out. So far as I am aware these claimshave nothing to rest upon, and I do not quite understand what is meant by the provision, "that the judgment of the Court shall be in accordance with equity and good conscience." It is a matter exceedingly difficult to deal with, and I think, if the debate is adjourned, and if in the meantime these contracts are set out, we shall be in a better position to go into this matter. I therefore move, That this debate be adjourned.

Mr. Rees. — I think that this is a matter which ought to be dealt with at once. It seems to have been put off from year to year, and promises of all kinds have been made. Investigations have been held from time to time, and the reports of the Committees of this House which have investigated the matter seem invariably to have been in favour, to some extent at least, of the claims of the Natives. It seems to have been admitted that there is a claim in equity and good conscience as between the Governor and the Maoris in relation to this matter, and yet absolutely nothing has been done to satisfy that claim. Now the Attorney-General comes down.
and says he has not had time to look thoroughly into the question. I think the Government ought not to have left the matter till to-day. This subject has been before the House for a considerable time. The Bill has been printed for weeks past; and a matter of such importance, not only to the Maoris, but to the European community, ought not to have been neglected till to-day. If these reserves were really promised, it was the duty of the Government to have looked into the matter. The arguments which the Attorney-General has used are not, I submit, good arguments at all. The honorable gentleman says, so far as he can see, there is nothing in the claim—that there are no reservations made in the deed by which the Maoris can claim. It is not that there should be any reservations made. It has been decided in the Courts at Home that, where a man disposes of property for money or money's worth, that is a good consideration, and evidence can be given in respect to the transaction either in a Court of law or a Court of equity. It was held at one time that, unless it appeared by some written document that such were the terms of the bargain, no evidence of consideration could be given; but that idea has been exploded, and it has been held that such evidence can be given. I take it that this Bill is intended to provide means whereby it may be discovered whether certain gentlemen, when they were obtaining land from the Natives, did make the promises it is alleged they made. If the promises were made it is a standing disgrace to us that the reserves for the Natives have not been made.

Mr. WHITAKER.—There is no evidence in the papers of the reserves being promised.

Mr. REES.—That is not the question. The question is of far greater importance than merely whether the promises appear on the papers. If the Natives were induced to give up their lands on the strength of these promises it matters very little whether the promises were on paper. What did the Natives know about committing things to paper? The contracts were made between a powerful nation and poor ignorant persons, who knew nothing of the forms and ceremonies of our law. If the Natives were induced to part with their lands on the faith of these proudses it is

money, not that their claims shall be made a charge upon the land, but that their claims may be investigated by a properly-constituted tribunal.

They say, "Let a jury judge of the facts, and then let the Court give judgment from those facts according to equity and good conscience." The Attorney-General put it, that the jury are to judge according to equity and good conscience. There is a clause in this Bill which shows clearly the distinction between the functions of the Judge and of the jury. By the 16th section it is provided,—

"Upon the trial of the said issues of fact, the jury shall specifically find by their verdict wherein and in what respects (specifying them in detail) the promises and stipulations contained in the said contracts or agreements have not been fulfilled."

That is what the jury is asked to find. What the Natives say is this: "We cannot get our case heard here. The law will not allow us. We cannot sue the Crown. If it was a private individual who broke his promises and took away our land we could bring him to the Supreme Court and get a judgment; but we cannot sue the Government. We are shut out, because we cannot sue the Crown, and therefore cannot sue the Government, who are servants of the Crown." The preamble clearly shows what they mean. It says,—

"Whereas by the ninth section of 'The Crown Redress Act, 1871,' it is provided that no person shall be entitled by virtue thereof to prosecute or enforce any claim against Her Majesty the Queen in the nature of an action for specific relief for the performance of, or any action for damages for the breach of, any contract for the purchase of waste or other lands of the Crown: And whereas there are at present no means whereby the validity of the claims hereinbefore mentioned and referred to can be tested in any Court of justice in the colony:

It is a matter of law that the Crown cannot be sued; but in other colonies as well as in this certain Acts have been passed by which, under certain circumstances, you can sue the Crown; but you cannot in New Zealand sue the Crown for specific performance or for damages for breach of contract. So that, if all the Native land in the Middle Island had been obtained upon any promises, and if those promises had been broken, the Natives would have no redress whatever. They could not get a penny of money or an acre of land, and they could not institute any suit against the Crown. It is that which brings the Natives to this House. They say, as the honorable gentleman who moved the second reading of this Bill said, "We have petitioned this House time after time, and the House has referred the matter to Committees, which have taken evidence and reported to the House in our favour; but we are in the same position as the Maoris were in the beginning. We can get nothing. Ministers have always promised, but they have never done anything." That is nothing extraordinary with the present Ministry, but the fact remains that the Natives have again and again urged these claims upon the country, and the country has
always pushed them aside. There is no justice in that. I ask any honorable gentleman how he would like to see his family so treated—how he would like to see the settlers in his district have their farms and their settlements taken away from them by the strong hand, and under some contract that certain money should be paid to them, and then to be told afterwards, "We cannot be bothered with you!" or, on the other hand, "We feel that you have a good case, but we will do nothing for you." It is absolutely contrary to all justice that such a thing should be done. Therefore, if the language used by the honorable gentleman was not altogether Parliamentary, it was language which might very naturally be drawn from any person under the circumstances. The Maoris come here, and say, "Give us a fair chance to show whether we have a good claim or not. This land was taken from our fathers, who gave it in good faith, and on a fair and clear understanding. We say that we have performed our part of the contract, and that the Government have not; and all we ask is that we may be allowed to prove it." I say it is establishing a dangerous precedent that any Government should break a contract, and if we allow it we shall simply be condoning what is not only a breach of faith, but a breach of common honesty, especially where one side has all the power and the other none, where one side has reaped all the benefit and the other none. I should not have spoken to-night but for the application of the Attorney-General to postpone this Bill—his cry of "Put it off," put it off." In the meantime what do the Maoris say? "We have a claim, and we only want such a chance of having it investigated as any member of this House would have if he acted in the same manner. Let us plead in a Court of justice, and if the facts are in our favour all the Government will have to do is to give us justice; and if the facts are found to be against us, or if the Judges decide against us, then they will have the judgment of the Court, and our mouths will be closed." I submit to the House, with very great respect, that by refusing to give these Natives an opportunity to have their case heard we shall be committing an act of gross and flagrant injustice. It is no use mincing terms. No member of the House would do such a thing. He would at once say, "I won't shut you out; if you have a claim against me, go into a Court of justice and show what it is worth." I say that what we would not do as individuals we should not do as a House, especially under the circumstances under which this Bill has been brought in. I hope the Attorney-General will withdraw the application for an adjournment, and allow the Bill to be read a second time, and then before we go into Committee the Government can see how the evidence bears upon the case. They should do all they can to facilitate a trial of the case, and so come to a conclusion for the House, and not leave a blot and a stain upon the Government of the country in regard to their treatment of the Maoris of the Middle Island.

Mr. REYNOLDS.—The honorable member who has just spoken says that promises have been made which have been unfulfilled, and the honorable gentleman who introduced the Bill said the same thing; but I say that there is no evidence of any promises having been made which have not been fulfilled. I have been in the colony for a considerable number of years and have had several opportunities of investigating the case which is now before the House, and I can safely say that I have never been able to find any evidence of claims being made prior to the year 1852; and all these transactions took place in the year 1844. If such claims existed, why did not the honorable gentleman's father—old Tizard—make them against the New Zealand Company, and why did not the other Natives make their claim against that company? No claims were ever made, and it was only after Europeans took the matter up that these claims began to come in. I do not wish to bring the names of parties into discussion in this House, but I could name persons who took the matter up and agitated until the Natives believed they had certain claims against the colony. There is no doubt that several Select Committees of the House have investigated these claims; but upon what proofs have those Committees gone? They have not gone upon the deeds themselves, but upon the evidence of Europeans, who say that so and so is the case. If it were so, why is there no evidence of it on the deeds themselves? They say that such-and-such promises have been made; but there is no evidence to show that such promises ever existed. I think it is quite right to adjourn the debate, in order to enable the Attorney-General to look up the deeds and explain to the House exactly how the matter stands.

Mr. ROLLESTON.—I do not think the honorable gentleman who has just sat down is very complimentary to the Committees who have sat and come to a conclusion year after year upon this matter. I speak as one who has taken considerable interest in the question during a long series of years, and, so far as it has fallen within my power and functions to do so, I have endeavoured in one part of the country to rectify what I considered to be grievances on the part of the Natives. I think there is evidence in some of these deeds that there is considerable room for the rectification of wrongs. I never, with the exception of the honorable member and a few others, heard that any one doubted for a moment that these deeds were mere skeletons or memoranda of agreements rather than agreements themselves, and there is no doubt the country is bound to deal with these agreements in accordance with the interpretation of the individuals connected with them at the time. There is no doubt they were accompanied with pledges which have never been perfectly given effect to. I say that a whole generation has passed away without any reasonable effort to fulfil the promises made with respect to these deeds. They have to some extent been rectified more recently. I believe the claims arising out of Captain Symonds's deed are growing day by day to such a magnitude that it will be impossible by-and-by to meet them. Whatever may be the merits of this case, I do not think it has had
sufficient investigation at the hands of any one up to the present time. There is no doubt the late Sir Donald McLean led the Natives of the Middle Island year after year to believe that these claims would be investigated. Reports from Commissioners came here year after year, and upon those reports promises were made that a full investigation would be given; and that investigation must come in one form or another. I am speaking of course with regard to the Ngaitahu deed, which is to be found amongst the papers relating to the Natives of the Middle Island. I am not conversant with the decisions of the Court down south, in Otago, although I have always understood that they have not been thoroughly given effect to. I believe Mr. Fenton's report of last year was decidedly against the claimants, but that does not do away with the fact that, whatever may be the merits of the case with regard to the land and deeds, promises have been made year after year by the late Sir Donald McLean that there should be a formal investigation. Until that has taken place the Natives have a just right to be dissatisfied, but whether this Bill is the right way to remove that dissatisfaction I will not undertake to say. It is so involved in legal considerations that I cannot pretend to be a fair judge of the matter, but some investigation will have to be made before a feeling of satisfaction can exist amongst the Natives of the Middle Island. To throw back the second reading of the Bill at this stage of the session is to endanger the progress of a Bill which, though nominally and technically a private member's Bill, is really a Bill involving large public considerations. To throw it back now would be a great misfortune to the Bill, and I would suggest to the Attorney-General that it would be only a fair thing to allow the Bill to be read a second time now, in order that the speech of the honorable member for the Southern Maori District, which has evidently been prepared with great care, may be before us when we go into Committee on the Bill. We shall then also be better prepared to consider what the Government have to say upon the matter. I confess that I have not hitherto taken so much interest in these claims, partly for the reason that I thought they were somewhat exorbitant. I felt convinced that a claim for £2,000,000 could not be sustained; but I have never doubted in my own mind that these Natives had claims up to a certain point, and these claims will, sooner or later, have to be decided by some competent tribunal.

Mr. PYKE. — I trust the Government will withdraw their opposition to the Bill, and allow it to go to its second reading. It simply asks that these Natives should have the same rights and privileges as a European would have if he were wronged.

Mr. SHEEHAN. — Perhaps the honorable gentleman who moved the adjournment is not aware of what has taken place during the last five or six years. This subject has been before the House ever since 1873; and in that year, at the request of Sir Donald McLean, the honorable member for Wanganui (Mr. Fox) and myself were appointed a sort of sub-committee to settle these claims. Sir Donald McLean always admitted that there were unsatisfied claims, and said that he was willing to satisfy them. Committees of this House have on three occasions reported that there were claims which ought to be dealt with in a fair spirit, and the House would only be doing what is just by reading the Bill a second time. The claim made is certainly a very large one, but that there is some foundation for it one can for a moment doubt. Every year that goes by will only make the claims more difficult to determine, and the best policy is either to settle them at once or refuse them absolutely. I shall support the second reading of the Bill.

Mr. SUTTON. — I shall vote against the motion for adjournment if it goes to a division. I hope the House will consider this matter thoroughly, and accord to the Natives of the Middle Island a means of settling their claims upon the colony. I was surprised to hear one honorable member say that in his opinion the Natives have no just claim. I have for years past read reports presented to this House by Commissioners, who reported in favour of the claims. I remember that two or three years ago, when the question came up in the House, Sir Donald McLean stated that the only difficulty was the extent of the claims. The claims have always been admitted; and I have no doubt whatever that had these claims existed in the North Island instead of in the South Island they would have been settled long ago. The Bill contains one important feature which should commend itself to the House. The Natives first ask permission to go into a Court of law to try their claims; but before doing that they adopt this very unusual course: they propose not only to pay their own costs, but to give a bond that they will pay the costs of the other side. Under these circumstances I feel inclined to look very favourably on the Bill, unless it can be shown that the claims, such as they are, can be settled in some other way and settled expeditiously. I am very much averse from putting this matter off year after year, and saying, "We'll get Mr. Commissioner So-and-so to go down and settle it." The only effect of such a course is to make a settlement more difficult than ever. Whether the Bill passes or not, I hope, before the session closes, to see this matter placed upon such a basis that it may be fairly settled.

Mr. GISBORNE. — The whole question seems to turn on the point whether the Crown, in purchasing the land, gave certain promises to the
Natives which are now unfilled as to part of the consideration to be paid in addition to purchase-money. I do not agree with the honorable member for Port Chalmers that because these promises are not contained in the deeds themselves they are not to be recognized. As a point of honor, considering that we are a civilized race dealing with an uncivilized race, it is our duty to recognize any arrangements made by our Commissioners. They should be immediately fulfilled, and that Mr. Mackay, who was a Commissioner appointed expressly by the Government in 1874 to report on the state of the Middle Island Natives and on their alleged claims on account of unfilled promises, makes these remarks:

"Considering the grievous delay the Natives have been subject to, it is highly important that a final adjustment of these questions should be effected as speedily as possible, in order that the Government may no longer be reproached with overlooking their rights.

"The general question of the obligations of the Government on account of unfilled promises to these Natives has been before the House of Representatives the last two sessions, and their right to consideration admitted; but the chief difficulty hitherto has been to determine the value of those promises, and, with a view to facilitate the settlement of the question, I propose to submit certain propositions for the consideration of the Government.

"According to the evidence given by the Hon. Mr. Mantell on the 27th April, 1872, before the Select Committee of the House of Representatives appointed to inquire into and report upon the unfilled promises to the Natives in the Middle Island, the promises concerning the establishment of schools and hospitals, &c., for their benefit, are confined to the Ngaitahu Block, purchased by Mr. Kemp in 1848, for which the sum of £2,000 was paid; but, in completing the settlement of the question, Mr. Mantell was instructed by Lieut.-Governor Eyre to inform the Natives that the money paid them was not the only or principal consideration for the cession of their land, but that certain benefits should be conferred upon them besides—obligations that have never been carried out to the present time, a period of twenty-six years, except in a manner that cannot affect the general question."

Again, Mr. Mackay says,—

"It would seem, by a despatch dated 25th March, 1848, from Governor Grey to Earl Grey, having reference to a visit of the former to the Middle Island and also to the tenor of the directions given to Lieut.-Governor Eyre respecting the purchase of the territory comprised within the Ngaitahu Block, that the settlement of the Native claims was intended to be on the following basis—namely, that ample reserves for their present and reasonable future wants should be set apart for the claimants and their descendants, and registered as reserves for that purpose; and, after the boundaries of those reserves had been marked out, the rest of the Natives to the whole of the remainder of the block should be purchased for £2,000, the payments to be spread over a period of four or five years. The amount fixed on was considered to be as large a sum as they could profitably spend, or as was likely to be of any benefit to them."

In regard to the "tenths" which Colonel Wakefield promised the Natives, Mr. Mackay says,—

"With reference to the claims raised by the Natives to 'tenths' within the Otago Block, purchased by the New Zealand Company in 1844, there is ample evidence to be obtained, by all who choose to peruse the Parliamentary papers published by the Imperial Government and the New Zealand Company's reports, of the intention to make these reserves on the same principle as obtained in the other settlements founded by the Company."

"Reference to Captain Symonds's report on the Otago purchase, dated 2nd September, 1844, will show that he abstained, at Colonel Wakefield's request, from inserting in the deed of cession any express stipulation with regard to further reserves. Allusion is also made to the subject in Colonel Wakefield's report to the Secretary of the Company under date 31st August, 1844 (vide New Zealand Company's 17th Report, page 142), in which he states that these reserves cannot be made till the surveys are completed and selections are made.

"Major Richmond, in his letter of the 23rd May, 1844, to Governor Fitzroy, also alludes to these reserves, and states his intention to appoint Captain Symonds to select them.

"The 13th clause of the agreement of 1840 empowered the Imperial Government to make reservations of lands within the Company's settlements for the benefit of the Natives (vide Lord Stanley's despatch to Governor Fitzroy, dated 16th April, 1844).

"Mr. Harrington, the Secretary to the New Zealand Company, in communicating to the principal agent the amended terms of purchase for the Otago Association Block, distinctly admits on the part of the Company the right of the Government to make reserves for the Natives in that block in addition to those lands which, as they were excluded from the purchase, could not be considered Native reserves under the New Zealand Company's scheme. Evidence of the intention to make such reserves on the part of the founders of the settlement is also to be found in the 6th paragraph of the original prospectus of the settlement of 1846."

"The original scheme of the New Edinburgh Settlement, composed 2,400 properties, the price of each property being fixed at £120 10s. The proportion for the Natives, therefore, had the original intention been carried out to set apart 'tenths,' would have been 240 properties, consisting of 60 town acres, 2,400 acres of suburban land, and 12,000 acres of rural land, or 14,460 acres in all, representing a total value of £239,920; to this a further sum should be added for thirty years' interest, to be calculated on the basis of a fair rental for the land according to its relative value."

"I trust it will be understood that, in advocating the cause of the Natives, I am not actuated
by feelings of sentimentalism, my only desire being to assist, as far as lies in my power, to make the several questions clear to all who may interest themselves in them; and all that is urged is that a fair and generous view of the case should be taken, when the circumstances are thoroughly comprehended, more especially as these claims are purely of an equitable character, and could not be taken into a Court of law excepting in the form of a petition of right, the promises upon which they are based not having been entered in the deeds of purchase, as full reliance at the time was placed in the honor of the Crown that they would be fulfilled to the letter."

Now, are we going to take advantage of their exclusion under such circumstances as these? The report from which I have just been reading is by Mr. Mackay, and it is to be found in Vol. 4 of the Appendices of 1874. Mr. Fenton's report, which is of a later date, seems to me to be a report on a petition from the Natives themselves. Mr. Fenton says that the grounds of the petition are these:

"1. That the Native sellers of the Middle Island were promised that one acre in every ten should be returned to them under an arrangement made with Mr. Wakefield in 1841.

"2. That Mr. Kemp obtained the signatures to his deed by intimidation.

"3. That the boundaries of the land are wrongly set forth in the deeds.

"4. That Mr. Mantell caused the Natives to yield their territory by threats.

"5. That at the sitting of the Native Land Court they were ignorant of their rights and of the mode of enforcing them; and that that tribunal was inefficient, as evidenced by its failure to deal satisfactorily with the Princes Street Reserves.

"6. And, generally, that the chiefs who signed the deeds were unaware of what they were doing, and should not be held to have transferred territory of enormous value to the detriment of their more intelligent children."

It is stated clearly that Mr. Mantell gave a promise on behalf of the Crown that certain hospitals and schools should be established, and that he also made other promises which are shown by Mr. Mackay's report never to have been fulfilled up to 1874; and they have not been fulfilled since. Mr. Fenton, although he thinks that most of the claims of the Natives will not hold good, in his report, which is dated July 10th, 1876, makes this remark:

"There remains then, as far as I can see, no ground whatever, either in law or equity (technical or moral), for the position taken by the petitioners, and if the petitioners were Europeans I can conceive no reason why any favourable consideration should be given to their prayer; but I am bound to add, though possibly you will think I am going beyond my duty, that it would be becoming the dignity and honor of the Crown not to inquire too minutely into the abstract rights of these persons, but to deal with them in a parental and liberal spirit. That they have not taken this ground themselves, I submit should not be used to their disadvantage. They represent the small remnant of a nation, our predecessors in the country; and, if any error is made on our part in our relations with them, I think it should be on the side of liberality. Nothing would be so dishonoring to our name as the fact that these people were living in want."
in having the inquiry. I hope the Attorney-General will withdraw his amendment.

Sir G. GREY.—Sir, I desire to state that the
promises alleged to have been made to the Na
tives were so made. At least I have every reason
to believe that such was the case. I, as Governor
of this colony, gave instructions, at the time these
lative promises were so made. At least I have overyreason
of this colony, gave instructions, at the time these
promises were alleged to have been made to the Na
General will withdraw his amendment.

Sir R. DOUGLAS.—I have taken some in
interest in the question now before the House, and
must say this: that, if such a transaction had
occurred in the North Island, honorable mem
bers, instead of being out of the House and
thinking nothing of this debate, would all be here
earnestly paying every attention possible to the
subject. If there had been a transaction in the
North Island of this kind I do not know what
language would have been used to characterize it.
We have had some long and warm debates
with regard to land transactions in the North
Island. Here we have listened to a debate this
evening concerning a land transaction in which
the Natives have been, to my mind, defrauded of
their land—a debate of the tamest kind possible.
Each honorable member who rose to speak said
that this Bill should be allowed to go into Com
mittee, with scarcely any feeling in the matter.
They just expressed a hope that the opposition
going into Committee would be withdrawn,
and that is all they had to say about it. I think,
when the future historian of New Zealand looks
over the debates that have taken place in this
House, and contrasts what has been said about
this transaction with what has been said about
other transactions in the North Island, which
only involved a few thousand acres while this
transaction involves millions of acres, he will be
somewhat astonished. His astonishment will not
be the less when he comes to consider the noise
made over the North Island transactions re
specting a few thousand acres of land, whereas
this transaction, about which little or nothing
is said, involves millions of acres of land belong
ning to the southern Natives, who were unable
to defend themselves in any way. They were
few in number, and without arms. The Eu
ropeans took advantage of this, turned them off
their land, and left them very nearly pennis
less. There is one portion of this transaction
with which I have been made acquainted by the
honorable member who introduced this Bill: I
refer to the Princess Street Reserve. Where were
the protectors of the Maoris when this reserve
was handed over to the City of Dunedin? It is
a very valuable reserve. The protectors of the
Maoris who made out the grant to the Natives of
the Princess Street Reserve put up a stone house
upon it, and the Natives were absolutely in pos
session; and yet, from what I hear from my honor
able friend (Mr. Taiaroa), the Natives do not know
how the land was parted with. It was simply
taken from them. It was leased to Europeans,
and the rents accumulated to $5,000, and now they
are to get $5,000 to withdraw all claim to the land
—absolutely less than the amount of the rents.
That is not a transaction which reflects credit on

Mr. TAKAMOANA.—I have a word to say
about the proposal made by the Government for the adjournment of this debate. This is a Bill
brought in by the Maoris. You are an assembly
of chiefs. Do not say that there is nothing in
the matter. You know very well that the other
Island was stolen. Let us find out who the
thieves were. Let this assembly of chiefs find
out who these thieves were. Taiaroa does not
accuse any one personally; he only wants to know
where the theft lies. I therefore ask that this
debate be not adjourned. Let it be gone into by
this House, so that it may be speedily settled, and
that we may prevent Taiaroa taking it to England,
where it will all come to grief. That is all.

Mr. W. WITHERS.—Sir, shall I have no objection

to withdraw the motion for the adjournment of the
debate. We shall have a much better oppor

tunity of discussing all the difficulties in con
nection with this matter in Committee than upon
the second reading. Therefore I wish to withdraw
the amendment I moved for the adjournment.
In doing so, I desire to say that the Government
feel themselves free and unfettered as to what
course they will take when the Bill goes into Com
mittee.

Motion for adjournment of the debate by leave
withdrawn.
those who had the charge of looking after the interests of these Maoris. I think, if right is to be done, it is high time that right should be done at once—done quickly. My only fear is that when it comes before a Court of law a compromise will be entered into. The Maoris will be told, "Oh, take a few thousand pounds, and settle your claim." If I were in their place, I would let the whole claim go rather than take anything except what was absolutely right. In my opinion, the Natives have been disgracefully robbed, and they should never take a few thousand pounds to settle a claim of this kind. I feel very strongly on this subject. This is a different matter altogether from land being taken from the Natives by force of arms, where blood was shed over the matter, and the Maoris gave up their land; but here is a case something like a man can defraud another. If I agreed with another honorable gentleman that I should buy more about it.

They never got an aerod of the land. They have of it, on the understanding that they were to up their land; but here is a case something like a man can defraud another. If I agreed with another honorable gentleman that I should buy more about it.

I need not go into the question of the reserves for hospitals, schools, and matters of that sort. The honorable member for Totara has already pleaded the cause of the Natives in these respects. These matters are altogether outside the question raised by the honorable member for the Southern Maori District. These are new breaches of promises, new claims which he has not put forward, and which he might quite well put forward, with all the force of argument which the honorable gentleman displayed. The question is simply this: When the Middle Island was bought from the Natives it was purchased upon the distinct understanding that it was to be surveyed into blocks, and that for every ten blocks surveyed there was to be one block set apart for the Natives. This is the simple fact of the case. We do not want to hear any legal quibbles on the question. We simply know that these Natives peaceably and honorably gave up their land—gave up full possession of it, on the understanding that they were to receive every eleventh block that was surveyed. They gave up their land. They have been defrauded of their land as cleanly as one man can defraud another. If I agreed with another honorable gentleman that I should buy land from him, and that I should be at the expense of surveying it, that I should divide it into blocks of a certain quantity, that I was to have ten blocks and he was to have the eleventh, and if I were afterwards to take the whole and give him nothing, that would be exactly the manner in which the Government of the colony have acted with regard to the Natives in the Middle Island. There is no getting out of that. That is the exact state of the case. We have first of all Sir Donald McLean. What did he say? My honorable friend the member for the Southern Maori District went to him and said, "We want this. We calculate that such and such a sum would be the value of our land at the present time. Give us that sum." And what was he told? He was told, "You are a thief." Sir, he had not stolen anything. He had not even got his rights. And yet he was a thief. A thief to claim that which was due to him just as fairly as the money which any one of us may place in the bank as a fixed deposit! It was an honorable claim, which an honorable Government would have honorably recognized and done its best to fulfil. Then the Attorney-General gets up and says he has carefully considered this matter and gone through all the papers.

Mr. WHITAKER.—I did not say so.

Mr. WAKEFIELD.—He denies everything, Sir. If I repeated to him the words he has just uttered, he would immediately get up and say, "I did not say that."

Mr. SPEAKER.—The honorable gentleman must not make such remarks.

Mr. WAKEFIELD.—Then, Sir, I ask you to protect me and all members of the House from the constant interruptions we are forced to suffer at the hands of the Attorney-General.

Mr. SPEAKER.—I did not notice any interruptions.

Mr. WAKEFIELD.—One had need have the temper of an angel to put up with the constant interruptions of the Attorney-General. I shall endeavour for the future to cultivate an angelic frame of mind, and if he interrupts me I shall raise my voice to such a pitch that will enable me to be heard, and so drown his interruptions. I shall state what I believe him to have said, and allow him the opportunity afterwards to correct me. He said, Sir, that the Natives have no substantial claim. It is not a question whether they have or have not a substantial claim. We are simply asked to allow them to appeal to the Supreme Court of the colony, in order that they may obtain the inquiry they wish. The Attorney-General prejudices the whole case. He did not wait to allow the members of this House to say whether the Natives should be allowed to appeal to the Courts of the colony to decide whether they have a true claim or not. He said, in bar of judgment, in bar of a trial, they have no claim at all. It was a very improper statement for him to make—one who is the solicitor of the colony. He says there were two contracts, and he can find the other one and not the one man can defraud another. If I agreed with another honorable gentleman that I should buy land from him, and that I should be at the expense of surveying it, that I should divide it into blocks of a certain quantity, that I was to have ten blocks and he was to have the eleventh, and if I were afterwards to take the whole and give him nothing, that would be exactly the manner in which the Government of the colony have acted with regard to the Natives in the Middle Island. There is no getting out of that. That is the exact state of the case. We have first of all Sir Donald McLean. What did he say? My honorable friend the member for the Southern Maori District went to him and said, "We want this. We calculate that such and such a sum would be the value of our land at the present time. Give us that sum." And what was he told? He was told, "You are a thief." Sir, he had not stolen anything. He had not even got his rights. Yet he was a thief. A thief to claim that which was due to him just as fairly as the money which any one of us may place in the bank as a fixed deposit! It was an honorable claim, which an honorable Government would have honorably recognized and done its best to fulfil. Then the Attorney-General gets up and says he has carefully considered this matter and gone through all the papers.

Sir R. Douglas
the honorable gentleman objects to the case going to the Supreme Court to be tried—and why? Because he cannot find a contract. I can find the contract in five minutes if I look for it. I can even send a messenger this moment, and get the contract. And yet we are told that the claim is not a good one, simply because the honorable gentleman cannot find a contract. The Natives say they have claims which have been recognized, and they ask the Legislature to allow them to bring the matter before the Supreme Court. They will pay the costs, only let them bring the matter before the tribunal which we all pretend to trust; and yet the Attorney-General objects to it. He has no confidence in the Supreme Court, I presume. Then it is said that my honorable friend the member for the Southern Maori District has not set out his claims in the Bill. Sir, I want to know if we are an Assembly of attorneys—an Assembly of hair-splitting lawyers; or are we an Assembly of legislators called upon to consider public questions, and to deal with them in a fair and liberal manner? How could the Attorney-General expect my honorable friend, a man who has no knowledge of the English language, no knowledge of our laws and customs, no knowledge of those quibbles and points of law upon which the Attorney-General seems always to rely for a righteous judgment—how could he expect him to come down here and set out cases? He might as well ask the honorable gentleman to argue a case before a Judge and jury. The question is whether he has given us sufficient arguments to justify him in asking the House to read this Bill a second time, in order that the claims of the Middle Island Natives may be settled in a fair and reasonable manner. It is not a question whether he has sufficiently proved his case. He is not such a cultivated man as the Attorney-General, he has not so many legal quibbles, and it is scarcely probable that he will be able to please the highly acute and legal mind of that honorable gentleman. I do so like the Attorney-General. There is something so beautiful, so charming in the manner in which he differs from his colleagues. There is something so deliciously cool in the manner in which he will contradict the other honorable gentlemen who are associated with him. He tells us that these Natives have no claim whatever. Let us see what one of the honorable gentleman’s colleagues says. About a fortnight ago the Native Minister said,—

"There was a movement going on amongst the Natives of the Middle Island at present, which, although it had to some persons a somewhat alarming appearance, need not, I think, be regarded with alarm. The Natives in the Middle Island had claims which ought to be and must be recognized, and the present movement was simply to put a moderate and perhaps not ungentle pressure upon the Government, in Maori fashion, in order to draw its attention to the condition of affairs complained of. The Natives in that respect are doing what we do ourselves. It was a Maori mode of expressing the ‘great indignation’ which was commonly felt in particular localities with the notion or want of action of the Government. He was sorry these claims had not had consideration long ago, but circumstances over which the Central Government had not control up to this time prevented them. Those circumstances having now been removed, he hoped the time had come when these claims would be met in a fair and liberal spirit, and he trusted, if the Natives did not get all they demanded, they would at least receive substantial and reasonable consideration for a claim which was not perhaps legal, but which was in every respect equitable."

Those are the words of the Native Minister, delivered to the Legislative Council on the 21st August, 1877. And yet the Attorney-General comes down to this House and says he has gone into the whole matter, and has come to the conclusion that the Natives have no substantial claim. It is delightful, it is charming to see such agreement between these honorable gentlemen. I have nearly finished all I have to say, but I feel very strongly upon this subject. I have written upon and transcribed the greater part of the data upon which my honorable friend the member for the Southern Maori District is proceeding, and I have come to the conclusion that the Natives have substantial claims—claims for which, seeing the large amount of property they have given up, two millions is not an extravagant or exorbitant price. As the honorable gentleman knows very well, they have a claim to one-eleventh of the Middle Island. Why, the land sales in Canterbury alone last year realized a million, and yet we are told a claim for two millions is in full settlement is a thievish proposal, and that they have no substantial claim. Why have they not a substantial claim? Simply because we are strong and they are weak—because we have power and they have not. There are hundreds of claims in the North Island not half so righteous, not half so substantial, but which are recognized because we are afraid to oppose a claim in the North Island, however badly it may be founded, if it is prosecuted to the last degree. The Natives in the North Island will have the “pound of flesh,” and an ounce over too. The Natives in the Middle Island have parted with their lands peacefully on the terms and conditions prescribed by the Europeans, trusting to the promises we made them; and now we tell them they have no claims. Let us consider for a moment what the Natives of the Middle Island have done. We have had in the South no wars, no sick titles. We live there in the most absolute peace, in the most absolute possession, and there is not the least vestige of any attempt or desire to interfere with our personal safety. We have heard in this House of members being taunted with their poverty, but I would rather own a moderate estate, I would rather be a beggar, than possess a large estate the title to which is smeared with rum and blood, and spotted with as many crimes as there were signatures to the grant. We are afraid to grant a greater gift to the Natives in the Middle Island. We live there as totally free from any inter-reference or trouble as if we were in England; and this
owing to the manner in which the Natives gave up their land. If they had been strong enough to force us to do them justice we should have been treated in just the same way as were the settlers in the North Island. When William Wakefield went there and contracted with them to sign the deed of cession they did so in the full belief that they would have every detail of their agreement carried out to the letter. They have not had one article of it carried out; not the slightest respect has been paid to the stipulations; one-eleventh part of the land has not been reserved as was bargained for. If the Natives had had the power they would have forced us to do them justice—they would have shot us for our breaches of faith; and that would have served us right, for we have grossly wronged them. Let us read this Bill a second time, and give it fair consideration in Committee. Let us put it in the shape that it may be required to assume in obedience to our laws and customs. Let us help my honorable friend Mr. Taiaoera to do what he is endeavouring to do—to get these claims settled, which have now been outstanding for more than five-and-twenty years, and which will remain unsettled for more than twenty-five years more if they have to trust to the honor of the Attorney-General and the Government.

Mr. MANDERS.—I know a little about this matter in consequence of my having been a member of the Provincial Council at the time the claims were presented for settlement. I may say I came up here with the full intention of voting for the second reading of the Bill, and I should have done so had it not been for the arguments of the honorable member for Auckland City East and the honorable member who has more recently spoken, the honorable member for Geraldine. I shall now vote for the adjournment, because I think there is something more in this question than has been brought forward by the honorable gentleman in charge of the Bill. I agree in the opinion of the honorable member for Avon that these claims will grow in magnitude year by year, and that we ought to settle them; but I do not think we are going the right way about it when we hear such challenges thrown out by the honorable member for Auckland City East and the honorable member for Geraldine against the Attorney-General of the colony, who should be best able to advise this House as to what is the proper course to take. Those honorable members had no right to accuse the Attorney-General of saying that the Government would not allow the case to go into the Supreme Court. I shall certainly vote for the adjournment of the debate as against the second reading of the Bill. Such charges would tend to make an individual member like myself hesitate in voting as I wished to do. I do not believe for a moment that the Government want to prevent the Natives of the Middle Island going into the Supreme Court. I do not believe that the title-deeds to the lands in the North Island are smeared with blood, or that the acquisition of them has been accompanied by great crimes. I do believe that the Government want to see justice done; but I think, after such speeches as those of the honorable member for Geraldine and the honorable member for Auckland City East, we should be in a calmer frame of mind to consider the matter. I have always been ready to acknowledge that the Natives of the Middle Island have claims; and I again agree with the honorable member for Avon that these will go on increasing year by year. They must be recognized, but not in the heat of discussion, and when such charges are being hurled against the Ministry, who can have no object in resisting these claims. They are the Government of the country, carrying out the views and wishes of the country, and will, I am sure, meet these claims in a proper manner, and protect the finances of the colony. That is, in my opinion, their only object. I wish to give the honorable member who introduced this Bill every assistance in having his claims properly heard; but, when it comes to such accusations as have been hurled against those who have to protect the colonial chest and revenue, it is hardly the time when we can calmly consider the subject. I shall therefore support the adjournment of the debate.

Mr. TAWITI.—I think the honorable gentleman who has just sat down spoke under a misapprehension. He is not aware that my honorable friend the Attorney-General with drew his proposal to adjourn the debate on the second reading. With regard to the Bill itself, I approve of the course which the honorable member for the Southern Maori District has taken; because this is the seventh year during which he has brought his grievance forward for the consideration of the House. The honorable gentleman in opening his speech on the second reading made reference to the Treaty of Waitangi, and went on detailing everything until the matter was brought before this House. Everything was done under the laws of the country. If he had acted in an improper way in bringing his claims forward, then we should be justified in rejecting them; but, as he has brought them forward in a proper manner and under the Queen's laws for a favourable consideration of this House, why should objection be made to them? The authority of the Queen was given to both these Islands for the protection of both; but through the administration of affairs by the Queen's officers the Queen's name has been treated with disrespect, and we, the Maoris, are ashamed that the Queen's name should have so been used; but it has not been our fault, but the fault of the people who dealt with our parents and who did not deal fairly with them. But now we know better—we are further advanced; and therefore the honorable member for the Southern Maori District has brought forward his grievance to be dealt with by the House. I have risen to speak upon this matter because it has reference to the Natives. It is through the Queen's authority that we have been brought into this House to look into all grievances affecting the Native people. This is a grievance which the Maoris feel, and with the honorable member for the Southern Maori District has referred to—that the Natives have been robbed of their lands. Nothing has been
said about the lands that have been dealt with fairly. The Government Commissioners who have been dealing with the land in the Ngapuhi District lately have dealt fairly, and did not act wrongly. Had the Ngapuhi District been asserted, the Ngapuhi would have protested in this House against such unfair dealing. But, through the representations which have been made here by the honorable member for the Southern Maori District, I have discovered that the Commissioners acted unfairly with reference to the lands at this end of the Island, and also with regard to the Middle Island. I hope the House will give every consideration to his request. I do not know what will happen to the honorable gentleman. Something may happen to him on account of his distress, if his case is not given consideration. I shall be glad if the matter is allowed to go to the Supreme Court. It is not a case of who is to bear the loss. If the honorable member's people lose, they will have to pay. For the reasons I have stated I support the second reading of the Bill.

Mr. REID.—I think the honorable member for Wakatipu may very well be excused for not knowing that the motion for the adjournment of the debate was withdrawn, after the rather startling speech of the honorable member for Geraldine. No doubt the honorable member was under the impression that the honorable gentleman was fighting boldly and fearlessly and generously on the part of the Natives, in order to obtain from this House its consent to the second reading of the Bill. The honorable member for Wakatipu is now no doubt aware that the speech of the honorable member for Geraldine was made not so much to secure the second reading of the Bill as to make an attack upon the Attorney-General. He must now see that the honorable member for Geraldine has taken advantage of this Bill, as he does of every Bill that is brought forward, to obtain so desirable an object. It is a most fascinating occupation to the honorable member for Geraldine to make attacks upon the members of the Ministry, and especially upon the Attorney-General. That honorable gentleman says, and probably very truly, that he has studied this matter for a long time, and he asserts that the Natives had received a promise to get one-tenth part of the Middle Island.

Mr. WAKEFIELD.—No; one-eleventh.

Mr. REID.—Then be it so—one-eleventh, although I do not see how, as they were to take one out of every ten parts, they were to receive one-eleventh of the Middle Island. The honorable gentleman did not tell us where there was any evidence of this promise having been made. I am not aware of any even implied promise that they should receive anything to that extent. It has been asserted that there was an implied promise in that respect so far as the original Otago and Canterbury settlements were concerned, but that is a very different thing from the whole of the Middle Island of New Zealand. The Otago Association block was only about 400,000 acres, but I cannot say how large the block belonging to the Canterbury Association was.

Then the honorable gentleman says he does not prejudge this case, although he expresses his opinion that there was a specific grievance, and that, if this grievance were allowed to go on, it should soon become so great that two million sterling would not be sufficient to do the Natives justice. He also asserted most strongly that the Natives were entitled to one-eleventh of the Middle Island. Perhaps that was not prejudging the case. To my mind it is prejudging it most decidedly. I think that, in a very important matter like this, and one which involves a very large expenditure to the colony, the Government should be bound to take every care they could in looking after the interests of the colony. There was no opposition to the Bill itself. What was proposed was that this debate should be adjourned, with the view, as was expressed, of having the whole matter with which we are dealing before the House. I maintain that the second reading of such a Bill as this is to a certain extent an affirmation of the principle involved. Supposing this Bill were read a second time without debate or opposition, and through some misadventure it did not pass this session, it would be a very strong argument next session that the claims of the Natives should be recognized if those who brought the matter forward could then say that they had not only the reports quoted to-night, but that they had also the affirmation of the House to a Bill the provisions of which were in their favour. It is therefore necessary that the Government should deal carefully with a question of this kind, and not carry any matter without due consideration and without seeing to what extent we are committing ourselves. I would ask, if the honorable member has thought so much over this matter for many years, why is this the first time we have heard so strong an expression of opinion from him?

Mr. WAKEFIELD.—I spoke last session upon it.

Mr. REID.—I do not remember that the honorable gentleman brought the matter forward last session. I say that the Government have acted quite rightly in asking that the whole of the information should be before the House. As the House is desirous of advancing the Bill a stage, we will accede to that wish on consideration that the Bill is open to amendment in Committee, and that the schedules shall be fully set forth before the House is asked to consider the clauses. There are some portions of the Bill which we cannot accept, because they open up a number of old claims which I do not think either the honorable member for Avon or the honorable member opposite at all calculated upon. I think it would be far better to settle this matter by means of a Commission; but if it is to be dealt with by Bill it should be so guarded that there will be nothing indefinite about it. It should not be left to persons to assess the claims at what they assume to be the value of the property at the present time. There must be some definite terms fixed, so that those who may have to make the award shall have a clear basis to go upon, and not merely their own idea of what the value should be. I will not take up the time of the
House further. I will simply add that I think it is uncalled for, during the discussion of a Bill of this sort, to make such a warm attack upon the Government as was made by the honorable member for Geraldine. The just claims of these Natives ought to be respected; but, when the honorable gentleman challenges us that we do not give these Natives the right to go to law, I would point out that he asks us to give them a privilege which is not enjoyed by other people. There is this distinctive character about the Bill: it gives these people a redress which is not open to Europeans.

Mr. NAHE. — I think the honorable member for the Southern Maori Electoral District has very fairly explained the reasons which induced him to bring forward a Bill to settle the arrangements made by the Government Land Purchase Commissioners in former days. He has shown the reasons which led to the Natives giving up their lands to the Native Land Purchase Commissioners. This is the first time I have heard that these Commissioners promised that one tenth of the land should be given to the Natives, and that schools and hospitals were to be erected in the Native settlements. He has pointed out that none of these promises have been fulfilled. I imagine that the Natives of the Middle Island have simply given their lands away because they were so few and the land they owned was so large in extent. This Island contains a greater Native population, and the land is less in extent. I find that the Natives of the Middle Island are still quite Maoris: that is, that they are not advanced. I thought that they should have been, if fairly treated in respect of the disposal of their lands, on an equal footing with the Europeans; but now, from what the honorable member for the Southern Maori District says, I find that their land has been stolen from them, and therefore they are not on an equal footing with the Europeans. Certain Government officers have acted in a similar manner in respect to land in this Island. The honorable member for Geraldine speaks truly when he says that if these things occurred here great trouble would be the consequence. The troubles in this Island have been very great, and they have happened from small causes. I hope the House will agree to the second reading. If the Europeans are afraid that they will be found in the wrong and the Natives in the right, and bring that forward as an excuse for not allowing the Bill to be read a second time, that will be a wrong course to take. I would say, Don’t be afraid of it, because what is done will be done according to law. This House is established for the purpose of making laws, so that every one may take advantage of those laws, and if it passes this Bill it will do right.

Mr. TAIAROA. — I am very glad the subject has been di-cussed, no matter what view honorable members may have taken, for or against the Bill. I am also glad the Government have withdrawn the proposal for adjournment. I adjourned the Bill on a previous occasion at the request of the Attorney-General, who intimated that he had some proposal to make, and I gave him about three weeks to make it. I wish honorable members to understand that a similar Bill was introduced in another place by the Hon. Mr. Mantell, who was concerned in these matters. It passed its first and second readings, but the Government asked the Hon. Mr. Mantell to withdraw it because, they said, they would come to some understanding during the recess. I consider I gave the Government ample time to bring their measure forward, and it was stated in another place that if the Government did not bring forward their proposal this Bill ought to pass. That is the reason I have introduced the Bill here. I wish to act in a proper spirit in regard to this matter. I have done my duty in bringing it forward, but if the matter comes to a division I shall feel it my duty to walk out of the House and not vote on either side. I do not wish it to be said afterwards that I brought in a Bill in which I had a private and personal interest, and voted on it. I have said what I have to say, and I will leave it to the House to agree to the second reading or throw it out.

Question put, "That the Bill be read a second time," upon which a division was called for, with the following result:

| Ayes | 43 |
| Noes | 3 |
| Majority | 40 |

Ayes.

Mr. Ballance, Mr. Barff, Mr. Beetham, Mr. Bowen, Mr. J. C. Brown, Mr. J. E. Brown, Mr. De Lautour, Mr. Dignan, Sir R. Douglas, Mr. Fisher, Mr. Fitzroy, Mr. Gisborne, Mr. Harper, Dr. Henry, Mr. Hislop, Mr. Hodgkinson, Mr. Hunter, Mr. Joyce, Mr. Larnach, Mr. Lumden, Mr. Lusk, Mr. Manders, Mr. McLean, Mr. Montgomery, Mr. Moorhouse.

Tellers.

Mr. Reid, Mr. Richardson.

Mr. Seaton.

Mr. Reynolds, Mr. Wason.

The motion was consequently agreed to, and the Bill read a second time.

On the question, That the Bill be committed on Wednesday, Mr. REYNOLDS said,—I trust the Secretary for Crown Lands will at once impound the whole
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of the land revenue of the Middle Island. Now is the time to do it. There is a very large Land Fund in Canterbury, and I think that, if this Bill passes, a clause should be inserted giving the Secretary for Crown Lands the power to lay his hand upon the whole of the land revenue of the Middle Island, and to keep it in the Treasury awaiting the settlement of claims of the Natives.

Mr. PYKE.—The honorable gentleman has no right to prejudge the case in any such way; and I am quite certain that the Minister for Lands will not be so foolish as to follow his advice.

Motion agreed to.

SOUTH RAKAIA ROAD BOARD BILL

Mr. J. E. BROWN, in moving the second reading of this Bill, explained that its object was to cancel a Proclamation, issued by the Governor on the 28th July last, by which the South Rakaia Road District, in the Provincial District of Canterbury, was divided, on the petition of a certain portion of the ratepayers of that district. As honorable members were aware, there were two South Rakaia Road Board Bills before the House—one introduced by the honorable member for Coleridge, and the other by himself. He did not know that he would have brought in a Bill for this purpose had it not been that, on seeing the measure presented by the honorable member for Coleridge, he found that he could not approve of its object, and thought it was his duty in the interests of the Road Board district concerned, and, in fact, of all these districts throughout the colony, to take a step in this direction. In order that the House might thoroughly understand the question he would ask its forbearance while he stated some of the circumstances connected with the dispute or difficulty which had arisen in the South Rakaia Road Board District. A dispute arose among the members of the Board—in fact, he might say between the Chairman, who was the honorable member for Coleridge, and the rest of the members. It was an unfortunate dispute, and he would not refer to it further than to say that feeling ran very high between the Chairman and the members; that the honorable member for Coleridge resigned, and appealed to the ratepayers of the district; and that at the new election the honorable gentleman was defeated. Certain steps then ensued, and a certain course was taken by the Board, and immediately after that a petition was got up, had caused a grievance in the minds of the people in that district, and had led to some very unfortunate disputes, and to high words and very strong feeling. On the 28th July, six days after the honorable gentleman presented his petition, there was a Proclamation issued by the Government according to the request of the petitioners; and a district thirty-seven miles long by about eight miles wide, containing 110,000 or 120,000 acres, was separated from the original Road Board district. But, more than that, the old Board was abolished, and, of course, all the moneys belonging to the Board were tied up, contracts could not be let, and the members of the old Board were, in common parlance, simply snuffed out of existence. Now, he did complain, and so did every ninety-nine persons out of a hundred in the Provincial District of Canterbury, that the Government had exercised the power under the Abolition Act to divide this district without consulting the members of the original Road Board and also the people in that portion of the district. If such a petition had been sent to the Provincial Government which existed only a few months previously, the Superintendent of the Province would have taken quite a different step. If he had thought proper he could, under the provisions of the Road Board Act of 1872, have referred the matter to the Provincial Council, where the subject would have been discussed and where the wishes and feelings of the people would have been consulted. No (Mr. Brown) said that the boundaries of this district as determined by the Proclamation were not satisfactory to the people. On one side it consisted of the new district of Mount Hut, named, he believed, after the property of the honorable member for Lyttelton. The eastern boundary was a railway, and part of the boundary was a street through the little township, which was a centre, and was, in fact, in two different Road Board districts, which was exceedingly inconvenient. But that was not the only difficulty. In the new district there had been expended by the Road Board a sum of £24,511 1s. 7d., but in the remaining portion the amount which had been expended was only £1,151 15s. 10d. The funds of the district amounted to £13,250, and if these funds were to be divided the result would be that the new district which had been formed would receive about £12,500, while the old district would only receive about £750. He thought

opposed to the petition, and that a counter-petition would be forwarded to the Government. Parliament met on the 19th July. Three days afterwards the honorable member for Coleridge came up to Wellington, and he found, on reference to the papers that had been laid on the table of the House, that on that day the honorable member presented a petition asking for the separation of a certain portion of the old South Rakaia Road Board District. That petition was signed by forty-seven ratepayers out of eighty-two in that portion of the district. The boundaries of the district, to say nothing of the manner in which the petition was got up, had caused a grievance in the minds of the people in that district, and had led to some very unfortunate disputes, and to high words and very strong feeling. On the 28th July, six days after the honorable gentleman presented his petition, there was a Proclamation issued by the Government according to the request of the petitioners; and a district thirty-seven miles long by about eight miles wide, containing 110,000 or 120,000 acres, was separated from the original Road Board district. But, more than that, the old Board was abolished, and, of course, all the moneys belonging to the Board were tied up, contracts could not be let, and the members of the old Board were, in common parlance, simply snuffed out of existence. Now, he did complain, and so did every ninety-nine persons out of a hundred in the Provincial District of Canterbury, that the Government had exercised the power under the Abolition Act to divide this district without consulting the members of the original Road Board and also the people in that portion of the district. If such a petition had been sent to the Provincial Government which existed only a few months previously, the Superintendent of the Province would have taken quite a different step. If he had thought proper he could, under the provisions of the Road Board Act of 1872, have referred the matter to the Provincial Council, where the subject would have been discussed and where the wishes and feelings of the people would have been consulted. No (Mr. Brown) said that the boundaries of this district as determined by the Proclamation were not satisfactory to the people. On one side it consisted of the new district of Mount Hut, named, he believed, after the property of the honorable member for Lyttelton. The eastern boundary was a railway, and part of the boundary was a street through the little township, which was a centre, and was, in fact, in two different Road Board districts, which was exceedingly inconvenient. But that was not the only difficulty. In the new district there had been expended by the Road Board a sum of £24,511 1s. 7d., but in the remaining portion the amount which had been expended was only £1,151 15s. 10d. The funds of the district amounted to £13,250, and if these funds were to be divided the result would be that the new district which had been formed would receive about £12,500, while the old district would only receive about £750. He thought
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A great injustice had been done to the people of that portion of the district, and not only had they cause to complain, but every Road Board in Canterbury had taken the alarm. He had received telegrams from people whom he did not know even by sight complaining that there was no safety for them at all, because the Government might at any moment issue a Proclamation severing their districts and dividing their funds. He had been importuned by various persons in the South Rakaia District to try to have the law altered so as to prevent the Government from acting in this arbitrary manner without consulting the people; and if an opportunity offered he would certainly move in that direction. Only that day he had received a letter stating that a Road Board in the Provincial District of Canterbury had been for several months applying to the Government to have their district divided, and that, though not one person opposed the application, they could not get an answer from the Government. But, in the case of South Rakaia, it was only necessary that the member for the district should come to Wellington and at once become the recognized “whip” of the Government, and six days afterwards the district was severed. It was a remarkable fact that the honorable member for Coleridge should be in Wellington for six days when the thing was done: it was done with what the honorable member for Avon had the other day called “indecent haste.” He was willing to believe that the Government had been misled in regard to the matter, and that they had acted hastily; but he was given to understand now that they would not commit the same error again. It was absolutely necessary, in order to give confidence to the Road Boards in the Provincial District of Canterbury, that a Bill should be passed cancelling and annulling the Proclamation which was made on the 28th July last. He believed that the elections were held on the 11th of the month, and a petition was presented to the House a few days previously from the inhabitants of the district which was severed, praying that their portion should again be divided, but the reply that the Government gave was that they would wait until the elections were over, and then they would consult the various Road Boards on the subject. It was true that a majority of the people in the district did petition for separation, but that was no reason why the Government should have granted their request so hastily as they had done. In that case also they should have waited and consulted the Road Boards. Unless what he (Mr. Brown) required were done, he did not believe that any men would be found in the Provincial District of Canterbury who would be willing to take seats on a Road Board. In fact, he had received letters stating that some of the present members intended to resign unless some improvement was made in the existing state of things. Respecting the petition which had been presented by the people of another division of the district, and in which it was stated that the persons who signed the other petition did not represent the majority of the people in the district but that they themselves did so, he had only a few words to say. He was not acquainted with the persons who had signed that petition, but he held in his hand a list of their names, and he found, on comparing the list with the electoral roll, that fourteen of them were not voters of the district which had been severed, and that, therefore, they were not entitled to have any voice in the matter. As he understood that several other honorable members wished to speak on the subject he would say no more, but would content himself with simply moving the second reading of the Bill.

Question put, “That the Bill be now read a second time;” upon which a division was called for, with the following result:

Ayes ... ... ... ... 26
Noses ... ... ... ... 19

Majority for ... ... ... ... 6

Ayes.
Mr. Bullance, Mr. Reca,
Mr. De Lautour,
Mr. Dignan,
Mr. Fisher,
Mr. Fitzroy,
Mr. Gisborne,
Mr. Hislop,
Mr. Hodgkinson,
Mr. Lusk,
Mr. Montgomery,
Mr. Murray,
Mr. Nahe,
Mr. O'Rorke,
Mr. J. E. Brown,
Mr. Rolleston.

Noses.
Mr. Barff,
Mr. Beetham,
Mr. Bowen,
Mr. Burns,
Sir R. Douglas,
Mr. Burns,
Dr. Henry,
Mr. Larnach,
Mr. Lumsden,
Mr. McLean,
Mr. Moorhouse,
Mr. Ormond,
Mr. Reid,
Mr. Seymour,
Mr. Sutton,
Mr. Tawini,
Mr. Whitaker.

Pairs.
For.
Mr. J. C. Brown,
Mr. Bunny,
Sir G. Grey,
Mr. Hamlin,
Mr. Macandrew,
Mr. Sheehan,
Mr. Tole.

Against.
Captain Morris,
Mr. Kelly,
Major Atkinson,
Mr. Carrington,
Mr. Williams,
Mr. Fox,
Mr. Richmond.

The Bill was consequently read a second time. Mr. J. E. BROWN moved, That the Bill be ordered to be committed on Wednesday next at half-past seven o’clock.

Mr. WASON objected to the motion. Through an unfortunate mistake in an honorable member not rising to address the House in sufficient time, the question before the House had been allowed to go by default, and he trusted that honorable members would not allow the one-sided statement they had just heard to prejudice their minds in favour of the very unjust motion proposed by

Mr. J. E. Brown
the honorable member for Ashley. He did not see why the committal of this Bill should take precedence of other business on the Order Paper, more particularly as there was another Bill on the same subject, of which he had already given notice. It seemed to him that this was a proceeding which the House would not sanction in any way. He had no doubt the honorable member made a justifiable statement of the matter from his own point of view; he did not know how far the House would agree with his (Mr. Wason's) view of the subject. He had himself dealt with the question in a manner entirely in accord with the wishes of the people, and, when the House came to see the two Bills on the subject, it would, he felt sure, come to the conclusion that the Bill of the honorable gentleman was uncalled for, that it was unreasonable, and against the wishes of the entire people residing in that district. The honorable gentleman gave a statement of certain disputes which had arisen, and to some extent gave a fair description of them. The honorable gentleman went on to say that the boundaries were objected to by the people, and all he (Mr. Wason) could say in reply to that was that he had already introduced. The money in hand would be divided fairly and equitably between the districts in proportion to the rateable value of the property in the districts, and also in accordance with the money spent on each tide of the road. He trusted, when the South Rakaia Road Bill No. 1 came on for consideration, the House would see any justification for the honorable gentleman asking the House to take such an unusual course. As to the insinuations thrown out by the honorable member, he would treat them with contempt and as being entirely uncalled for. He would oppose the motion for going into Committee of the whole House in order that his (Mr. Wason's) Bill might be brought under the consideration of the House. He moved as an amendment the omission of the words "at half-past seven o'clock."

Mr. BRANDON did not see why this Bill should have precedence of other Bills on the Order Paper.

Mr. GISBORNE said, the House having agreed to the principle of the Bill reversing the Proclamation of the 29th July, he thought the sooner the Bill was made law the better. The Road Boards had been contending for a long time against the separation of the district. He knew the view of the Road Boards was that all parts of the province should be treated equally. It would be seen that the statements made by the honorable member for Ashley were, in some instances, absolutely incorrect. It would be seen that a line of railway formed the natural boundary of the Road Boards from Selwyn to Rangirata. The difficulty with regard to the expenditure of the money was entirely obviated and got over by the Bill which he (Mr. Wason) had already introduced. The money in hand would be divided fairly and equitably between the districts in proportion to the rateable value of the property in the districts, and also in accordance with the expenditure of the money. He could show that the spirit of the law had been violated. What was the course adopted by the honorable gentleman? Two or three days after the opening of the session that honorable member transmitted a petition to the Governor, who, without giving any publicity to the petition, without ever consulting the Road Boards of the South Rakaia District, issued a Proclamation severing the district. Thus the spirit of the law had been violated by the Government in this case. In the New Provinces Act of 1856, it was provided that before a province could be separated into two portions it was required that all parties should first have an opportunity of being heard on the subject. As soon as all parties had been heard, the Governor had to consider the whole question. In every Road Board District Act the same principle had been accepted; in the Municipal Act, too, it had been accepted; and the same principle prevailed in the Counties Act which was passed last session. In the latter Act it was provided not only that the Governor should not sanction the division of a county until he had laid the petition upon the table of the Assembly, and did not, thirty days after, receive a resolution condemning the proposed separation. In this case that prevailing principle had been ignored. A majority of persons, it may be, in the portion severed, petitioned the Governor, but there was no publicity. The petition was to be given full publicity to, but that the Governor should not sanction the division of a county until he had laid the petition upon the table of the Assembly, and did not, thirty days after, receive a resolution condemning the proposed separation. In this case that prevailing principle had been ignored. A majority of persons, it may be, in the portion severed, petitioned the Governor, but there was no publicity. The petition was to be given full publicity to, but that the Governor should not sanction the division of a county until he had laid the petition upon the table of the Assembly, and did not, thirty days after, receive a resolution condemning the proposed separation. In this case that prevailing principle had been ignored. A majority of persons, it may be, in the portion severed, petitioned the Governor, but there was no publicity. The petition was to be given full publicity to, but that the Governor should not sanction the division of a county until he had laid the petition upon the table of the Assembly, and did not, thirty days after, receive a resolution condemning the proposed separation. In this case that prevailing principle had been ignored. A majority of persons, it may be, in the portion severed, petitioned the Governor, but there was no publicity. The petition was to be given full publicity to, but that the Governor should not sanction the division of a county until he had laid the petition upon the table of the Assembly, and did not, thirty days after, receive a resolution condemning the proposed separation.
this was done another petition was received from the part of the district which had been erected into a new district, asking the new district to be divided again. But the Government did not treat that in the same way, and he wished to know what had occurred to make them take a different view in one case from what they had done in another. Such action as the Government had taken struck at the root of the whole security of the Road Boards, and the sooner the Abolition Act was amended in that respect and a just and proper principle brought into operation the better it would be for the interests of all. By carrying the second reading of this Bill they had affirmed the principle that the Proclamation should be cancelled, and the sooner the Bill was got into Committee the better it would be for all parties.

Mr. HARPER did not see that any case had been made out why this Bill should be treated exceptionally. The honorable member for Totara had shown them that the Abolition Bill would be better if it were amended in certain particulars, but that was not the question now before the House. In this case, everything required by law had been done. He had read the petition—the petition which had been sent up for the division of the district, and also the counter-petition. He found that the petition which had been sent up was signed by a majority of the inhabitants of the district, and it was a curious fact that the counter-petition did not in the slightest degree object to the division of the district, but simply objected to the name being taken away, and objected to certain boundaries which had been fixed. These objections were very slight, and, as he had said before, did not apply to the main question at issue. A telegram was sent up by the South Rakaia Board to say that the petition was coming, and asking the Government to stay action; but it seemed to him that the counter-petition sent up was not in accordance with the tenor of the telegram. He did not think the case had been fairly stated by the honorable member who moved the second reading of the Bill. The Bill which the honorable member for Coleridge had already introduced had for its object, he understood, the giving back to the South Rakaia Board its name, and also to provide for the distribution of funds. That seemed now to be the only question at issue. Under these circumstances he did not see that there was any necessity for this Bill at all; and certainly, until the Bill of the honorable member for Coleridge was before the House, there was no reason whatever why this Bill should be treated in an exceptional manner.

Mr. MOORHOUSE, in confirmation of what had been stated by the honorable member for Coleridge, said he had been asked by a gentleman who took the place on the South Rakaia Road Board formerly occupied by the honorable member for Coleridge, to support an endeavour to secure the retention of the old name, and a fair distribution of the funds. He advised that gentleman to go to the honorable member for Coleridge to state his case, and see if that honorable gentleman would endeavour to have the grievance remedied. He had read that Bill, and found that it gave exactly what Mr. Brown—the gentleman to whom he referred—had asked him to obtain. That was a fortnight ago. What complications might have arisen since then he was not aware, and he knew nothing at present to induce him to change the opinion he then formed on the case. He understood that the Bill proposed by the honorable member for Coleridge suited all parties, and he should still support that measure. He could not see any reason why the Bill at present under the consideration of the House was to be treated in a different way from any other Bill. There were two reasons against that. Firstly, he believed the Bill of the honorable member for Coleridge would do all that was required; and, secondly, it was exceedingly unfair to other honorable members who had Bills on the Order Paper that this one should be directed to take precedence of them. There was not sufficient reason shown for a departure from the ordinary course, and he trusted the honorable gentleman who had charge of the Bill would do what was fair, and let it go into Committees when its turn came.

Mr. BOWEN quite agreed with what had fallen from the last speaker. He knew nothing whatever about the dispute between the honorable member who introduced this Bill and the honorable member for Coleridge, or the parties they represented; but he saw no reason why this Bill should not go into Committee in its ordinary turn the same as any other Bill. He might state that he had no Bills of his own on the Order Paper, but there were other members, who were not present that evening, who had, and he thought it would be unfair to them if any preference were given to this Bill.

Mr. BOWEN remarked that the second reading of the Bill had been rather a surprise. No doubt the honorable member who had moved the second reading of the Bill had done so in a speech which was temperate from his own point of view, but he had not shown any reason why the unusual course should be taken which had been proposed. In reference to the matter in dispute, though he had only heard particulars of the case after the separation had been given full effect to, he had heard both parties speak of the matter, and he was perfectly satisfied, from what he had heard, that if the district were reunited a separation would take place again at once. He said nothing as to how the district might be divided, but it could never be made a happy family again, and some division must take place. He would frankly state that the Colonial Secretary had told him about the matter. That gentleman said that the whole business had been completed without any delay, on the petition of the ratepayers, according to law. From what transpired afterwards, there was an appearance of hurry about the matter. It was the first case of the kind which had occurred, and there was no precedent; but he felt that if action had been taken Hastings there was every reason for taking care that this should not occur again. It would be necessary first to see what the Road Boards really wanted, and then to do what would satisfy the justice of the case. The question now was, what would be fair to all parties? He did not think it would be
well for the district to go back to its old condition, because then the whole matter would have to be fought over again. He believed that the Bill which the honorable member for Coleridge brought in was really that which would meet the views of all parties, as the honorable member for Christchurch City (Mr. Moorhouse) had said. But, at any rate, he would like to see the matter further discussed; and, as the two sides to the question were now before the House, it would not be right to rush into Committee on this Bill, as the honorable member for Ashley proposed to do. He knew that the great grievance of the eastern side, or the Acton District as it was called, was that its name was taken from it, and therefore its existence was, as it were, suspended at present. The honorable member forgot to mention that the Bill introduced by the honorable member for Coleridge proposed, in providing for the equitable partition of the funds, that the amount of previous expenditure on each side of the old Road Board should be taken into consideration. All honorable members of the House would then very soon know that the wishes of the people were much better than it had complained of and rush hastily into any action without taking the whole subject into due consideration.

Mr. STAFFORD said it was very difficult for honorable members who had no personal knowledge of the district to know how much reliance they were to place on the conflicting statements in reference to this Bill. The honorable member for Cheviot said that no objection had been raised to what had been done, except on the part of one portion of the district to the loss of its name. It had, however, been interjectionally stated that they complained of the alteration of their boundaries. That involved a very large question, and if nothing better came out of this measure it would be of use as determining that a better division of the district might find itself liable to pay a great many more thousands of pounds than it otherwise would pay for the contracts which had been already entered into. That would be clearly an injustice to the district. Honorable members really knew nothing of the diversity of opinions in the district on the question of boundaries. He said nothing as to the necessity for division, for he was not competent to speak upon that subject, nor did he wish the House to establish the principle that no Road Board should hereafter be divided, because that would cause great hardship and discontent; but he would like to see a provision made whereby the question could be fairly considered, and sufficient time be given to every ratepayer in the district to express his opinion. If the question were remitted back to its original position, and machinery provided for ascertaining the wishes of the people, the House would then very soon know that the wishes of the people were much better than it could from ex parte statements made by those members of the House who had a knowledge of the district. He himself had no personal knowledge of the district, and had had very different representations made to him on the subject from people living there; but he had come to the conclusion that the Bill of the honorable member for Ashley, with some machinery such as he had suggested, would be the best, and would enable such a division of the district to be made hereafter as would meet the wishes of the great majority of the ratepayers. He might be allowed to add that he did not think the honorable gentleman would be wise in pressing the committal of the Bill at half-past seven o'clock on Wednesday, because he would thereby get the opposition of all those other members who had business on the Order Paper for that day, and who would not like to see their business shelved.

Mr. MURRAY-AYNSLEY said the division on the second reading of the Bill was taken rather by a surprise, and without the House being really aware of the merits of the case. There was therefore no necessity for going into Committee in a hurry. There was a petition on the table of the House, signed by forty-eight ratepayers out of seventy-one in the Upper District and by sixty out of eighty-two in the Acton District, all in favour of separation. Why, then, should the House be in a hurry to press through a Bill for the sake of about forty persons and against the wishes of one hundred and eight persons? There were only forty-three ratepayers who had not signed on either side. The House had been misled by the temperate speech of the honorable member for Ashley. He would like to know what the people in the district were to do if they wanted to separate. They had to follow the law as it stood, and there was no other way before them. It was the wish of a majority of the people in the district to have separate Road Boards; and the honorable member for Ashley, on the part of one or two persons who were discontented on account of matters altogether distinct from
separation and who had got into some squabbles, brought this Bill forward. The honorable gentleman did not represent the wishes of the majority of the people who wanted to separate be joined together again, and compelled to lose two or three months in going over the whole process once more before they could get to work? Tenders had to be called for and contracts entered into, so that roads might be made without delay; and this Bill would do a very great injury to the district. If the House wanted really to injure the district, let it do so openly, and make the separated parts join again. He hoped the House would not be in a hurry to force on these people a union which would be distasteful to them. He had no doubt that the House was aware of all the circumstances it would never have consented to the second reading of this Bill. He would not take up the time of the House at that late hour, but would say what he had to say further on a future occasion.

Mr. Rolleston said he also would not detain the House at that late hour; but the honorable member for Lyttelton and the honorable member for Cheviot used the word “district” in a sense that would lead to a great deal of misapprehension. No doubt they knew that the Government would not have done what they did unless the people had petitioned for it. Forty out of seventy of the ratepayers petitioned for it, and it was done; but his honorable friend used the words “majority of the whole district,” and that would lead the House to believe that a majority of the original district were in favour of the proposal. But the real fact was that that was done without the knowledge of the Road Board and without the knowledge of a great many other people. It was done, as it appeared to him, covertly, and without the knowledge of a considerable number of ratepayers, who were likely to oppose it. The members of the Road Board were not aware until the last day or two when a majority was secured, and only one member was asked to sign the petition. That was on the 16th July. Now, that was what was objected to—that the petition was secretly circulated, and that publicity was altogether avoided. He was sorry to have to make a statement of this kind, because he was generally in accord with the views of the honorable member for Lyttelton, and he felt it in rather an awkward position in being compelled to speak against him. The honorable member for Ashley put the question very fairly, but he did not think the honorable member for Lyttelton had put it fairly. He felt bound also to take notice of what the honorable member for Christchurch City (Mr. Moorhouse) had said. The honorable gentleman said one member of the Road Board was up here. He (Mr. Rolleston) had not the pleasure of knowing him, but he saw one or two other members who were come to Wellington, and they asked him whether he would meet them and discuss the subject. He told these gentlemen that he was not responsible in any way, but as he had been Superintendent of the Province and as he was a member of the House he did meet them. They told him what they had told the honorable member for Christchurch City; but they went further; they asked whether it was not possible to get this back as they were before, and he agreed with them that they ought to be put back. He had since heard from the Chairman of the Road Board that the district was altogether dissatisfied with the present state of things; and, if the House read the Bill a second time and affirmed that the Government had acted hastily in the matter, it would give the only security that the Road Board would have that such a thing would not occur again. He could not agree with the Minister of Justice that this was a departmental matter. A thing done by the Governor in Council could hardly be said to be a departmental mistake.

Mr. Bowen.—I did not use that expression. Mr. Rolleston said the Colonial Secretary had allowed that it had been done in a hurry; and that was not a proper way to deal with such matters. If the House had not read the Bill a second time it would have failed in its duty; but he would not refer further to the matter at that hour.

Mr. Hodgkinson rose to make a very mild remonstrance against the time of the House being taken up in the discussion of such small subjects as these. He hoped the honorable member for Timaru would before long devise a machinery which would obviate this kind of thing. He was responsible for the fact that the great national Parliament of New Zealand should be engaged for hours discussing such insignificant matters, and it devolved upon him to provide that machinery he spoke of. They had been engaged for some time that day discussing a toll-bar and certain holes in a road, and in that discussion they had no smaller personages than the Premier of the colony and the Attorney-General taking part. Really this was a complete burlesque on parliamentary government. He really hoped that this system would not long continue, and if the honorable member for Timaru would attempt to bring his machinery into operation he would be happy to assist the honorable gentleman.

Bill ordered to be committed on Wednesday.

The House adjourned at ten minutes past one o'clock.

LEGISLATIVE COUNCIL.

Friday, 14th September, 1877.

First Readings—Third Reading—Christchurch Resident Magistrate—Disqualification—Invercargill and Bluff Railway—Native Land Purchases—Canterbury Railways—Dr. Campbell—Native Appeal Court Bill.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Masterton and Greytown Lands Bill, Oamaru Athenaeum Reserves Bill.
THIRD READING.
Destitute Persons Bill.

CHRISTCHURCH RESIDENT MAGISTRATE.
The Hon. Colonel WHITMORE, before the Council proceeded to any business, wished to ask the Colonial Secretary a question without notice, which when he had explained, he thought honorable gentlemen would agree that he had ample excuse for deviating from the ordinary rule. He wished to know whether the Government had had its attention called to a case which had been brought before the Resident Magistrate at Christchurch of a peculiarly horrible kind, and in which very trifling punishment had been awarded by that Magistrate for a very aggravated assault—in fact, as it was described in the Lyttelton Times, "an attempt to commit the worst crime of which mankind is capable." He also wished to know whether the Government proposed to take any steps in this matter. It was not necessary to go into the subject at any length. Honorable members were perfectly aware of what the circumstance was to which he alluded. The particulars of the case were such that the less said in way of explanation perhaps the better. Honorable gentlemen had no doubt read what he had just quoted in a telegram which appeared in the New Zealand Times that morning. He felt sure that, as the subject had been mentioned in the public prints on a former occasion, the Government would be in a position to inform the Council that they had taken immediate steps to inquire into it, and were prepared to express an opinion on the matter.

The Hon. Dr. POLLEN said his honorable and gallant friend could hardly expect him to give an answer to a question of this kind without notice. He would remind the honorable gentleman that judicial business was not in the department of the Colonial Secretary, a question without notice, which when he had explained, he thought honorable gentlemen would agree that he had ample excuse for deviating from the ordinary rule. He wished to know whether the Government had had its attention called to a case which had been brought before the Resident Magistrate at Christchurch of a peculiarly horrible kind, and in which very trifling punishment had been awarded by that Magistrate for a very aggravated assault—in fact, as it was described in the Lyttelton Times, "an attempt to commit the worst crime of which mankind is capable." He also wished to know whether the Government proposed to take any steps in this matter. It was not necessary to go into the subject at any length. Honorable members were perfectly aware of what the circumstance was to which he alluded. The particulars of the case were such that the less said in way of explanation perhaps the better. Honorable gentlemen had no doubt read what he had just quoted in a telegram which appeared in the New Zealand Times that morning. He felt sure that, as the subject had been mentioned in the public prints on a former occasion, the Government would be in a position to inform the Council that they had taken immediate steps to inquire into it, and were prepared to express an opinion on the matter.

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The Hon. Colonel WHITMORE trusted the honorable gentleman would inform the Council, at his earliest convenience, what steps had been taken or were intended to be taken. That, he presumed, would be within the honorable gentleman's power after he had had an opportunity of referring to his colleague.

DISQUALIFICATION.
The adjourned debate was resumed upon the question, That a Select Committee be appointed to consider and report whether the Hon. Mr. Peacock has vacated his seat in this Council. That the Committee consist of the Hon. the Speaker, the Hon. Major Richmond, C.B., the Hon. Colonel Kenny, the Hon. Sir F. Dillon Bell, and the Hon. Mr. Hall. Report to be brought up within a week.

The Hon. Mr. MANTELL had only one remark to make. From the circumstances, as stated by the honorable the mover, it appeared evident that technically the Hon. Mr. Peacock's seat in the Council was vacated. The report of the Committee, he thought, must inevitably run in that direction. But at the same time, in common with the rest of the Council, he would be glad to see this accidental loss of that honorable gentleman repaired as soon as possible. Question put, "That the motion be agreed to;" upon which a division was called for, with the following result:

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
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INVERCARGILL AND BLUFF RAILWAY.
The Hon. Mr. NURSE asked the Hon. the Colonial Secretary, If any member of the Government had received a petition from the inhabitants of Invercargill, with reference to the running of trains on Sunday on the Invercargill and Bluff line; and, if so, whether the Government will accede to their request?

The Hon. Dr. POLLEN said a petition had been received from the inhabitants of Invercargill with regard to the running of trains on Sunday on the Invercargill and Bluff line; but since that petition had been received a communication had been made to the Government that a counterpetition was being got up and would shortly be presented. Pending the receipt of that counterpetition, the Government had taken no action in the matter, but the question was still under consideration.

NATIVE LAND PURCHASES.
The Hon. Mr. BUCKLEY asked the Hon. the Colonial Secretary, When the usual annual reports referring to Native land purchases will be presented to Parliament?

The Hon. Dr. POLLEN had to inform the honorable gentleman that the usual annual reports referring to Native land purchases will be presented to Parliament.

CANTERBURY RAILWAYS.
The Hon. Mr. HALL moved, That a Select Committee be appointed to inquire into and report upon the provision which has been made, or which it may be desirable to make, for the conveyance of grain on the Canterbury railways during the ensuing grain season; with power to call for papers and persons. That such Committee consist of the Hon. Dr. Pollen, the Hon.

The motion was consequently agreed to.
Mr. Buckley, the Hon. Mr. Bonar, the Hon. Mr. Holmes, the Hon. Mr. Edwards, the Hon. Mr. Acland, and the mover.

The Hon. Mr. PHARAZYN would suggest to the honorable gentleman whether he would not arrive at a better conclusion through the Chamber of Commerce at Lyttelton, who would have all the information it was possible to obtain on the subject, and who could put themselves in communication with the Minister for Public Works. By that means the honorable gentleman would accomplish his object much more easily than by the appointment of a Select Committee.

The Hon. Mr. HALL said that since the discussion which had taken place in the Council on this subject he had received a telegram showing that the question had already been under the consideration of the Chamber of Commerce at Christchurch, who had addressed the Government on the subject, and apparently without any more satisfactory result than he had obtained. He would state the substance of the telegram which he had received, and which he supposed was sent in consequence of the discussion that had taken place in the Council being reported in the Canterbury papers. It stated,—

"Railway Trucks.—The addition of 480 trucks, after deducting 278 gauge, will bring the total number up to 1,037, equal to 2 7-10ths per mile. Compare with this the grain production of South Australia, which is 4 1-6th trucks per mile. See Canterbury Press, August 29, Chamber of Commerce report."

So that his honorable friend would see that the subject had been before the Chamber of Commerce, and that they had drawn attention to the facts, and proved that the supply of trucks per mile was very much shorter on the Canterbury railways than in other grain-producing countries.

Motion agreed to.

DR. CAMPBELL.

The interrupted debate was resumed upon the question, that there be laid upon the table a copy of a petition or a communication sent to the Government relative to the case of Dr. Campbell by the members of the Christchurch Hospital staff; and that the Government inform the Council what steps they propose taking with reference to this matter. And the previous question."

"The previous question" was negatived.

Question put, "That the motion be agreed to" upon which a division was called for, with the following result:—

| Ayes | ... | ... | ... | 15 |
| Noes | ... | ... | ... | 6 |
| Majority for | ... | ... | ... | 9 |

NATIVE APPEAL COURT BILL.

The Hon. Dr. POLLIN, in moving the second reading of this Bill, said,—Amidst ourselves it is not an uncommon result that in lawsuits both parties are dissatisfied with the verdict, and I think it may be accepted as a general rule that one of the parties is discontented. That rule affects ourselves, and it applies with peculiar force to suits in which individuals of the Native people are concerned. They have not yet acquired our philosophy in these matters, and their disposition generally is not to rest quietly and to accept without submission an adverse decision, especially in respect to their lands. The applications for rehearing of cases before the Native Land Court have been in the past numerous, and they are becoming in these latter days more numerous, perhaps, than they were before. There are reasons for this into which I need not now enter, but the fact is that applications for rehearing cases already decided by the Native Land Court are now numerous. These applications are often based upon grounds which appear to be, and no doubt are from our point of view, frivolous. A man will say he has been prevented attending the sitting of the Court by the necessity of his being present at a feast a hundred miles away, or that he has been in the vicinity of the Court when the case was called on but was not informed about it, or that he is generally dissatisfied with the result. When these applications for rehearing have been referred for the opinion of the Judges of the Native Land Court, and refused by the Governor in Council, the matter has not been allowed to rest there, but the Natives have, in the regular course, made their appeal to Parliament by petition. These petitions having been presented are, in the ordinary course, referred to the Native Affairs Committee, and have drawn forth from that body an expression of opinion upon the subject which has received the irrevocation of the representatives of the people in another place, and then has been communicated to the Government. With the permission of the Council I will read an extract from what is called a "General Report," presented by the Native Affairs Committee to the House of Representatives during last session. It says,—

"Inasmuch as most of the Maori petitions which are being referred to this Committee are virtually in the nature of appeals from the decisions of the Native Land Court, and inasmuch as this class of petition is likely to be very numerous in the future, the Committee is of opinion that the establishment of a competent Court of Appeal—the jurisdiction of which shall be confined exclusively to cases dealt with by the Native Land Court — would enable such petitions as aforesaid to be dealt with much more intelligently than they can now be dealt with, and would be conducive to that fair and just redress..."
of grievances which it is the desire of this Committee to see secured to the Maori race.

"Resolved, therefore, That the Executive Government be recommended to take the matter into its favourable consideration, with a view to giving effect to the opinion of the Committee.

"JOHN BAXTER."

"Chairman."

"23rd August, 1876."

The report of the Committee was formally adopted by the House of Representatives in the following resolution:

"Resolved, That this House doth concur in the recommendation contained in the General Report of the Native Affairs Committee, brought up on the 23rd August, 1876."

It was in compliance with the opinions thus expressed, as well as from a general conviction existing as to the advisability of the course proposed to be pursued, that this Bill has been prepared. It has been sufficiently long in the hands of honorable gentlemen to enable them to make themselves acquainted with its contents; and it has also, I find, been translated into the Maori language, in compliance with the Standing Orders of this Council. What the Bill proposes to do is to establish a Court of Appeal for the exclusive consideration of Native cases. The Court of Appeal is to be constituted of the Chief Judge of the Native Land Court, one of the other Judges of the Court, and an Assessor chosen by them jointly. It is provided that, before an appeal can be made, there must have been a rehearing of the case in the ordinary course as is already provided for. That being done, if the person to whom the decision is adverse is still dissatisfied, it will be competent for him to proceed, in the manner prescribed in this Act, by petition. The condition—and I think the Council will admit it is an important and necessary one—on which this appeal shall be granted is that the appellant shall give, in the first instance, evidence of his own belief in the bona fides of his claim by making a deposit of a fixed sum of money in the Court in the manner prescribed in the Bill, and shall also give the necessary security for the costs of the suit he is about to institute. I need not point out to honorable gentlemen the fairness of requiring such security to be given. If these Courts were absolutely open to these kinds of appeal without security being given for the bona fides of the promoter, injustice and a great deal of injury might be imposed upon the opponents of claimants, and would certainly be imposed upon the Government by the necessity of holding these Courts of Appeal in different parts of the colony. I need not, I think, do more than indicate the general objects of this Bill. There are technical provisions which are subjects for consideration in Committee, but I will only call the attention of honorable gentlemen to the clause which provides that the decisions of this Court of Appeal shall be absolutely final. I think it will be admitted that it is highly desirable that there should be an end to litigation of this kind, and a final closing of the door to further operations.

The Hon. Colonel WHITMORE.—Sir, when I first heard the honorable gentleman give notice of his intention to introduce this Bill I applauded him. I was very much gratified to learn that he intended to bring in a Bill with this general object; but a perusal of the Bill before us has exceedingly disappointed me, and I am sure it will disappoint that race for whose benefit it was supposed to be framed. This Bill travels as far in a direction opposed to English ideas of law as it does in a direction contrary to the wishes and hopes of the Maori people. The honorable gentleman has said very truly that this Bill was suggested to the Government by the Native Affairs Committee. An immense number of appeals from the Native Land Court came before Parliament every session, and the Native Affairs Committee very properly suggested that a more satisfactory way of dealing with those appeals would be to constitute a Court that could inquire into and give a satisfactory decision upon them. That was a very good reason why the Government should bring in a Bill; but before they brought in this Bill I think they should have consulted some little upon the sentiments of the Maori people, which at this moment are exceedingly pronounced. They do not wish and they are determined not to have matters of Maori custom in regard to the ownership of land decided, not only without their concurrence, but often in opposition to their views. They wish to have questions of the ownership of land according to Maori custom relegated as much as possible to those persons who thoroughly understand the subject. From having attended at several of these Native Land Courts, I feel quite certain that that Native Land Court Judge who has most graduated in the school of Maori custom is an infant in this matter as compared with the ordinary Native Assessor. He is, in point of fact, generally ruled in all his decisions on points of Native custom by that officer. I say that that officer is a lawyer, and that this proposal of appeal from Fenton to Fenton—from the Chief Judge to the Chief Judge—would be considered a monstrous proposition if it were intended for the ordinary European subjects of the Queen in this country. Native matters have now assumed very large proportions. While we do not allow a District Judge, except with consent, to have jurisdiction even as high as £200, notwithstanding his being a barrister of high legal attainments, we are willing to allow what we are pleased to call Judges of the Native Land Court to adjudicate upon matters perhaps two hundred times as great as the extreme jurisdiction granted to a District Judge. We call them Judges, and say they hold very responsible positions and so on; but for all practical purposes they are just as much off the law. The exception of the term as a man whom we call a judge of wines or races. It is a term that has been made conventional, but it does not convey to a lawyer the idea of a Judge. Those Judges—with the exception of the Chief Judge—are none of them lawyers—none of them gentle-
men who have been trained to the law. They were originally either Native interpreters or subordinates in the Native Land Purchase Department. They may be considered to be very well instructed in matters of Native custom; but even there everybody will admit their very inferior acquaintance with the subject compared with the Natives themselves. Well, those gentlemen, with that training, are allowed to adjudicate upon cases which involve tens of thousands and sometimes millions of pounds. That is the way the law is administered. According to this proposed Bill, before a claimant can get to the Native Appeal Court he must get a rehearing. Presuming all the facts have been brought before the Court, and that there is no further evidence, on what ground should that rehearing be essential to the admission of an appeal? The policy of this country in regard to Native lands has been toitures the Natives to come to the Court, and to make the charges and costs as light as possible. But we go on a different principle here. We first begin by compelling the Native to have a second rehearing; and that he can only have by the consent of the Crown. We then oblige him to send a sum of £20 together with an application to the Chief Judge, who may, upon his own <i>pros dixit</i>, declare this appeal—which may be an appeal against himself—to be frivolous. Before the case can be heard, if the Chief Judge is satisfied, the Native must further give large security. How is the unfortunate appellant to do this? Maoris have very seldom large sums of money in the bank, and all their money is generally invested in land. If A considers that he has been unjustly deprived of his land by B, and if he gets by this tortuous process to the Appeal Court, how is he to give security when all the property he possesses is given to B? The result of the procedure proposed will be that when an appellant does get a rehearing he will not have enough money to go to this Appeal Court. If we are to make the Appeal Court satisfactory to the Natives, we ought to make it a very cheap and simple process indeed. Then, I think our true policy would be to get as soon as possible out of the false principle we have got into of disregarding the opinion of the Natives in these matters of ownership of land. Under this proposed Act any two of the Native Land Court Judges—because the Chief Judge need not necessarily be present—might actually hear and finally decide on cases of the utmost importance, without the smallest legal knowledge, and without the right being granted to the Maori of appealing by counsel. I think this Bill should have provided that the appeal from the Native Land Court should be to the Supreme Court, and that a Judge of the Supreme Court should hear the appeal, assisted by a jury of three or five Maoris, selected from an approved jury list, who might decide upon matters of Maori custom. That, I think, would be satisfactory to the Maoris, because, as regards the ownership of land, no Maori will ever believe in the wisdom of the decision of a European, and it will be satisfactory to the Europeans, because they do not believe in the Native Land Court. They do not believe that men who have been for the greater part of their lives nothing but interpreters, and who have had no legal training at all, should be intrusted with important matters affecting their fortunes. At present, at an ordinary sitting of the Native Land Court, practically all that was required was to bring about some sort of compromise between the conflicting interests of claimants; and it was patent that one of the interpreters who have had familiarity with the Natives, would be able to ascertain satisfactorily enough which side, according to the Maori view, had the best of the discussion. He might register or record that view, and all that the Native Land Court Judge should have been was a registrar for registering the titles as they were ascertained and agreed to by the Maoris themselves in the Native Land Court. That is the position which we ought to give him. We should not bestow upon him the misnomer of Judge. There is nothing in the office analogous to that of Judge. He has not the position, training, or education of a Judge. These matters are assuming such large importance that I believe it will not satisfy either Europeans or Natives to have points of law decided by such persons. As I have said, I think the Chief Judge himself is competent to sit with a Judge of the Supreme Court; but many of those cases will be appeals against the decisions of the Chief Judge himself, and it cannot possibly be satisfactory to the Maoris that he should so sit; and it ought to be our interest to satisfy the Maoris. I think neither the Chief Judge nor any Judge should be allowed to dismiss those cases on the ground that they are frivolous, because, although it may be clear to his mind that the appeal is frivolous, yet we must remember that we have to deal with an ill-educated and almost barbarous people who look upon these matters in a very different light from that in which we are apt to regard them, and who cannot be induced to believe that they are fairly dealt with when their claims are flippantly thrown on one side because they may appear frivolous to the Chief Judge. This Bill also provides that the appellant shall serve all the notices. Now, why should those Natives who have already so much thrown upon them under the Bill be bound to give all those notices and incur the consequent expense? I do not think it is fair to place that upon the claimant, and it will be contrary to what the Natives feel is justice. I see that many cases of hardship will arise under this Bill. The Chief Judge usually sits in Auckland. An appeal is bound to be heard at the next Appeal Court, and the consequence will be that as a rule witnesses and claimants will have to travel a great distance. Then there is another fault in the Bill. If the Chief Judge and the other Judge or the two Judges differ, what happens then? The case is quashed. The original award is practically left as it was, and there is no provision for reconsideration or appeal. I do not suppose judging by a notable instance that occurred in 1879, that the Maori
Assessors' vote will be allowed to weigh with the vote of the Judge: in fact, I think it would probably be ignored, as it often has been before. The result would be that if two Judges did not agree the first decision would be affirmed. Now, Sir, it ought to be our policy to encourage the Native Court to the Executive Government to inspire them with a full belief in the honesty of our intentions and in the impartiality and justice of our Courts. They have that feeling in regard to the Supreme Court, and I would urge upon the honorable gentleman the advisability of making use in Native matters of that most valuable instrument that is ready to our hands. I feel that this Bill will never answer the purpose for which it was introduced. It will never satisfy the Maoris or the Europeans. It is wrong in principle, and will lead to inconvenience and perhaps to disturbance. I shall therefore move, That the Bill be read a second time this day six months. 

The Hon. Sir F. DILLON BELL.—I am sorry my honorable friend has moved that the Bill be read a second time this day six months, as I would rather the Council would express the opinion that it was not advisable to pass a Native Appeal Court Bill until the legislation now pending upon the whole subject of Native lands is brought before Parliament. The Government introduced into the other branch of the Legislature a Bill effecting large alterations in the mode of dealing with Native lands, but that Bill has been withdrawn, and another has been introduced to suspend all purchases of Native lands until another law can be passed, which they intend to bring down next year. If my honorable friend the Hon. Colonel Whitmore had not moved his amendment, I should have proposed until another law can be passed, which they and could not be worked in a satisfactory manner. I observe that according to one provision no appeal can be entertained until after the cause has been reheard; but this rehearing, under the 58th section of the Native Lands Act of 1873, can only take place by authority of the Governor in Council, so that, supposing a man is dissatisfied with the decision of the Native Land Court, he has first to appeal to the Executive Government to determine whether there are really grounds for a rehearing, whereupon the cause is relegated back again, and the rehearing takes place. It seems to me that the establishment of an Appeal Court makes this a wholly unnecessary step. So long as there was an appeal from the Native Land Court to the Executive Government, and the Executive Government had the power of determining whether the cause should be reheard, there was some consistency in the proceeding; but now it is proposed first to appeal to the Executive, then for the Court to rehear the cause, and then, after the rehearing, to have a new appeal made to the Appeal Court. There are other provisions in the Bill which, if we went into Committee, would obviously require very great alteration. It is proposed that the Native Appeal Court shall have the power to remove any proceedings before it into the Native Land Court, which Court may refer the cause back to a single Judge; and then it is provided that the Judge of the Native Land Court before whom the case was first heard shall not be disqualified from hearing the appeal. The consequence is that, if an appeal is made from the decision of Judge A, the cause may be referred back to the same Judge A to decide the appeal by himself. Such a proposition is at variance with all principles which regulate Courts of Appeal. Another part of the Bill provides that the Chief Judge is to be satisfied that the petitioner has reasonable cause for appeal; the Judge may declare the appeal to be frivolous, and may refuse to hear it; so that an appeal which the Executive have already determined to be reasonable may afterwards be declared frivolous by the Judge. If he declares it to be reasonable, he may at his own arbitrary pleasure fix the amount to be paid into Court as security for costs. Now that is not a provision which should form part of the machinery of any Court of Appeal. The first thing to be done is to give appellants themselves the means of knowing certainly what the amount of security and costs will be. But perhaps the most curious part of the whole Bill is this: If the appellant fails to appear in person to support the appeal, the judgment appealed against is to be affirmed by the Native Appeal Court; and even in case of sickness, or any other just or reasonable cause, the appellant may only elect a spokesman if the Appeal Court is satisfied of the sufficiency of the reason, and if the Court approves of the person elected as spokesman. That is extraordinary. If an appellant does not appear it is reasonable enough to provide that his appeal shall be dismissed, but if my honorable friend presses his amendment I shall vote with him. The Bill is extremely faulty, and could not be worked in a satisfactory manner. 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would be better to adopt the resolution I have suggested.

The Hon. Mr. BUCKLEY.—This Bill is so unsatisfactory that the only course to take is either to vote for the amendment of the Hon. Colonel Whitmore or to suggest that the Bill should be withdrawn. My opinion with respect to Native lands is that the proceedings in all the Native Land Courts should be as simple and inexpensive as possible. Our legislation, however, has been quite in the opposite direction. According to the provisions of this Bill cases must first be tried in the Native Land Court, then there is to be a rehearing, and, if necessary, finally an appeal. Now I do not see why this expensive process should be gone through. The first hearing in the Native Land Court should be quite sufficient. I do not object to the establishment of the Appeal Court, but I think that at least one Supreme Court Judge should be a member of it. I understood the Colonial Secretary to say that the Bill was the outcome or recommendation of the Native Affairs Committee, who stated that one object they had in recommending the establishment of the Appeal Court was that it would relieve them from the necessity of rehearing these cases. I scarcely think it will have that effect, because the petitions for rehearing will still go before the Committee. I think the Bill should be withdrawn.

The Hon. Colonel KENNY.—I cannot give a silent vote upon this subject. I agree with what has fallen from Sir Dillon Bell. I think his arguments quite irresistible, and I do not expect that any honorable gentleman will be able to rebut them. Having regard to the present condition of the Native policy of the Government, I think it would be exceedingly injudicious on the part of the Council to pass this Bill. In fact, it contains principles which I know are as obnoxious to a great many honorable members as were those contained in the Native Land Bill. I know, without going further into the matter, that there are principles in this Bill which would have been objected to in the Native Land Court. I shall oppose the second reading, and vote for one or other of the proposals now before the Council, admitting that I prefer the suggestion of the Hon. Sir Dillon Bell.

The Hon. Mr. NGATATA.—I have seen this Bill, but it does not appear at all satisfactory. It is something like "The Native Reserves Act, 1877," which provides for leases extending over sixty years. I cannot see any necessity for that. The Europeans have not been in New Zealand sixty years yet. I must say the Native Appeal Court Bill is not at all clear to me. I do not approve of the clause which says that the petitioner should deposit £20 as a pledge of good faith. It also says that the matters in dispute shall be referred to the Chief Judge of the Native Land Court, or such other Judge as he may appoint. I think it would be much better that a Judge of the Supreme Court should consider all appeals against decisions of the Native Land Court. I do not feel competent to say much more about the Bill, as I have not closely studied its provisions. I shall vote for the amendment.

Hon. Sir F. Dillon Bell

The Hon. Mr. BONAR.—As one who has had but little experience in the mode of administering the affairs of the Native Land Court, I confess, after a perusal of the Bill, I feel very much the same difficulties as those which presented themselves to the Hon. Sir Dillon Bell. There are many provisions in the Bill which appear somewhat inconsistent. I feel that there is a great deal of force in the remark that if a Court of Appeal is necessary—and it is admitted on all hands to be desirable—a Supreme Court Judge should be associated with Native Land Court Judges. I do not know whether there would be any special objection to such a Court being appointed, but I think it is much more desirable than leaving the case to be decided by the Judges who tried it before. Another inconsistent provision is the one which enables the Appeal Court to remit cases to the same Courts to be heard a third time. That is inconsistent with the idea of an Appeal Court. There is a further difficulty in clause 19, which states that no appeal shall be entertained by the Native Appeal Court unless notice thereof shall have been lodged in the Native Land Court within three calendar months. I do not know how long it takes to obtain a rehearing.

The Hon. Colonel WHITMORE.—Seven months.

The Hon. Mr. BONAR.—Then this provision would prevent the rehearing, because I apprehend that the three months will begin from the first hearing in the Native Land Court. I was also a good deal puzzled as to the mode of procedure in the case of the non-appearance of the appellant. In the event of his not appearing, judgment is to go against him. And there is a subsequent provision, in clause 22, which provides that some one may appear as spokesman in his behalf, but then, if the spokesman is not approved of by the Court, the judgment will fall through. That does not seem in accordance with the ordinary practice of the Supreme Court. I do not know whether there would be some higher tribunal to which these matters should be referred. I feel, however, after the decision arrived at by the Committee of the House last session, that a Court of Appeal should be established, and I am therefore unwilling to vote against the Bill. I would suggest that the Bill should be read a second time and referred to a Select Committee, as was done in the case of the Reserves Bill. The Committee would bring up a report upon the matter which might be satisfactory to the Council, and they would then have an opportunity of remedying existing defects without throwing out the Bill.

The Hon. Dr. POLLEN.—I have already explained to the Council the cause of the action of the Government in this instance. I have read the report presented by the Native Affairs Com-
mittee to the other branch of the Legislature, and the resolution of the House adopting and indorsing that report. Immediately upon the receipt by the Government last year of that expression of opinion, the Bill of which I have moved the second reading was prepared under the auspices of the late Native Minister. It was submitted to the Chief Judge of the Native Land Court, who expressed a general approval of it, and particularly of those portions of it which were intended to prevent the recurrence and the continuance of frivolous appeals against the decisions of the Native Land Court. Again this session the attention of the Government was called to this subject in another place, and an assurance was then given that a Bill of this kind should be introduced into the Assembly. The objections which have been made by honorable members in the course of the discussion appear to me to be objections which might more properly be made and considered in Committee. I have not heard any honorable member say that there ought not to be an Appeal Court, and that is really the question involved in this Bill—whether or not, under the circumstances which I have stated, provision should be made for the institution of a Court of Appeal. If that question were settled, and settled, as I think it ought to be, in the affirmative, then would come properly the consideration of the manner in which that Court should be constituted. The honorable and gallant gentleman who has moved that the Bill be read a second time this day six months based his objection to it generally on a statement that the Maoris would not accept the decisions of the Native Land Court at all; but I do not know where my honorable friend derived his information on that subject. All I have to say on the point is that the evidence of facts is entirely against him, and that the very existence of the Native Land Court and the extensive nature of its operations in every part of the colony are entirely in opposition and a complete answer to the views he has expressed on that question. The honorable gentleman has said that there is a kind of anomaly in the constitution of this Court of Appeal; that it was, I think he said, "an appeal from Philip drunk to Philip sober;"—I am, unfortunately, not always able to catch the honorable gentleman's observations.

The Hon. Colonel Whitmore.—The honorable gentleman has improved my remark. I simply said it was "an appeal from Fenton to Fenton."

The Hon. Dr. Pollen.—I think that in adopting the proposed constitution of this Court of Appeal we should simply follow a practice which has already been established in the case of the Supreme Court. There is no one, I think, who would say that the Court of Appeal—the superior Court of the colony—should be constituted outside of the circle of the Judges themselves; and I do not know why a different rule should be applied in the case of the Native Land Court. I will not institute any comparisons which would be injudicious, but I venture to say this: that there are amongst the Judges of the Native Land Court at this day gentlemen who are distinguished by talent, by legal knowledge, and by special experience and acquaintance with the nature of the work which they are called on to do, and that the duties could not possibly be better discharged by any men who are to be found in the Colony of New Zealand. I apprehend that there are not many men in New Zealand at present whose knowledge of constitutional law—not superficial knowledge—is greater than that of the Chief Judge of the Native Land Court, Mr. Fenton; and I am not aware of any man in New Zealand who has earned and who deserves more the confidence of the Native people by long devotion to their interests than that gentleman.

The Hon. Colonel Whitmore.—The honorable gentleman must not misunderstand me. I never for one moment disputed that. I said the Chief Judge was a lawyer, and of high attainments. I merely spoke of the other Judges, who are not.

The Hon. Dr. Pollen.—Then, Sir, that being so, in my opinion no satisfactory reason has been given why, in the constitution of this Appeal Court, we should travel outside the Judges of the Native Land Court. The Bill provides that the Chief Judge himself shall be President of the Court of Appeal. It is perfectly well known to me, and also probably to those honorable gentlemen who have watched the proceedings of this Court, that the general administration occupies so much of the time of the Chief Judge that he does not ordinarily hear cases himself. Therefore, as it is provided that the hearing of these appeal cases shall always take place before him, we have I think all the security which the honorable gentleman himself could desire to have for impartiality in a Court of Appeal. My honorable friend Sir F. Dillon Bell has suggested that it would be better that, until the legislation which will be proposed at a future time shall be completed, no action for the constitution of this Court of Appeal should be taken. In the meantime the evils which this Court of Appeal is proposed to remedy will still be in existence, and, whatever may be the character of the future legislation, it appears to me that the establishment of such a Court as this will certainly be necessary.

The Hon. Sir F. Dillon Bell.—Perhaps I may have been speaking under a misapprehension. I may have been wrong in assuming that it had been declared the intention of the Government to bring in a Bill suspending the operations of the Native Land Court until the next session. If I was wrong in that, of course my remark would not apply.

The Hon. Dr. Pollen.—The Bill does not, even in the form in which it is proposed to be brought in, suspend or interfere with the operation of the Native Land Court. Supposing that the limitations proposed to be made by that law were to be given effect to, there would still be a very large class of cases—the very largest, probably, in the colony at this time, those in which the Government itself is concerned as purchaser—which, as I understand, it is not at all proposed to interfere with. There would also be for the decision of this Court of Appeal the cases which
have already been reheard by the Native Land Court, and for which an appeal would still be open; and there are the questions involved in all the cases, and they are very numerous, in which the interests of the Government as a purchaser of land are concerned. In that interest as much as in any other I think that, supposing we agree as to the necessity for a Court of Appeal, we ought not to say that this is not the time. If it be a right thing to have a Court of Appeal it is as necessary now as, probably more necessary than, it would be at any future time. As I have said before, the objections which have been made to this Bill are very many of them objections to details, and such as might be removed by discussion in Committee. But I think, for the reason I have given, that, unless honorable gentlemen have made up their minds that there must be no Court of Appeal at all, it will not be well that the Council should adopt the summary mode of dealing with this question which my honorable and gallant friend has proposed.

The Hon. Mr. MANTELL.—I refrained from speaking earlier in this debate because I believed, when my honorable friend the Colonial Secretary sat down after moving the second reading of this Bill, that he had not said all that he had to say in favour of this measure. I now have the advantage, not enjoyed by previous speakers, of knowing the whole, as I understand, of what the honorable gentleman has to say in defence of the Bill; and I must say that it leaves me still convinced that the wisest course the Council can take is to shelve the measure at once. If an Appeal Court is wanted by the Natives—and I doubt whether they want an Appeal Court at all—certainly let them have something different from what is proposed in this Bill. If the Natives require bread, give them bread. Do not, when they ask for bread, give them such a stone as this. Why, it is making the pursuit of the Natives after justice a hurdle-race of a most dangerous and difficult kind. Each clause proposes an additional obstacle to be got over by the Natives before he get to this Court of Appeal. And if he gets to the Court of Appeal, and if his appeal is decided—possibly by the Judge who has heard the case himself—to be frivolous, why, he has at last to come, as he can come now, to Parliament. The honorable gentleman has now told us that this Bill was prepared immediately on the report of the Native Affairs Committee of another branch of the Legislature last session, recommending the constitution of a Court of Appeal. With regard to that, I would make this remark: that, when a Committee of either branch of the Legislature reports in favour of legislation being taken in a particular direction, it would, it seems to me, be much more appropriate and show a greater desire to carry out the intentions of that Committee if the measure so desired were introduced into the House whose Committee had recommended it, because that House would, in the members of its Committee, have the advantage of the advice of a number of gentlemen who had recently and thoroughly gone into the subject. I am not going to travel over the same ground again, or reiterate the arguments to which the honorable gentleman has made such replies as he has had it in his power to make. I have no doubt the reply is satisfactory to the honorable gentleman, but I must say that it does not deal with the great objections I have to this Bill. If the Council agreed not to read the Bill a second time I can fancy the honorable gentleman, and his colleague, the Leader of the Opposition, would have been rid of this Bill. I hope this opportunity will be afforded to the honorable gentleman in a very short space of time, and that the next time a Bill on this subject is brought before us it will be of such a nature that we can see some hope of amending it in Committee. I can see no hope of amending this Bill in Committee. I shall vote against the second reading of the Bill, and I hope it will be disposed of at once.

The Hon. Dr. GRACE.—I wish to take the opportunity of making a few remarks with regard to the general subject. I regret that I have not heard the terms in which this Bill has been recommended to the consideration of the Council; nevertheless this appears to be a measure of such serious importance as to deserve the most careful consideration. I had come to the conclusion that a Native Appeal Court was a desirable institution to be established; but I had thought that the proposed Court was not such as would give satisfaction either to the Natives or to the Europeans. I think there is no doubt that we must very soon establish some other institution which will take up and deal with the whole of those complex questions which are to be determined in the interests of the country. If we had associated with the Native Land Court Judges or the Judges of the Supreme Court we should have an efficient Court of Appeal. It will be borne in mind that in the Act of 1873 the Government distinctly reserved to themselves the supervision over the proceedings of the Judges of the Native Land Court. Under the 20th clause of the Act of 1873, the Judges of the Native Land Court were deprived of all independence; and to establish a Native Appeal Court upon a similar basis would be to produce a very inefficient machinery for the settlement of this very difficult question. If the Hon. the Colonial Secretary would make this concession, and be willing to have one Judge of the Supreme Court for each Court of Appeal, I could have no objection to the passing of the Bill. I would not object, nor do I now object, to affixing the principle of the necessity for the establishment of such a Court. The whole measure would have to be altered so as to make it workable with the introduction of a provision enabling a Judge of the Supreme Court to sit in each Court of Appeal. With regard to the machinery provided for the working of the Court of Appeal, I do not think it is by any means bad. I think it would only be necessary to strengthen the hands of the Court of Appeal when clothing it with the dignity and importance which the
presence of a Judge of the Supreme Court would necessarily give to it, and to enable it to deal with the whole of these questions. It is difficult to overrate the importance that attaches to the whole of this subject, and we should, in justice, devote our attention to the consideration of the whole subject of dealing with Native lands. These are matters that do not admit of delay. I regret that the Native Minister did not bring down the Native Land Court Bill to this Council. Very possibly it might have been framed in such a way as to recommend itself to both the Natives and the white people of this country. I think a very important omission will have taken place if some provision is not made for a settlement of the Native difficulties which are very largely agitating the country, and teaching the Natives to be dissatisfied with our legislation.

The first of the cases was one which must have struck every one who read the telegrams in the newspapers last evening. A man was brought before the Resident Magistrate at Christchurch charged with a crime which could not be described in words. He would say no more as to what it was. Had the crime been completed, and had the person who was alleged to have committed it been convicted, he would have been liable to imprisonment for life. The evidence showed that he had only been prevented from completing the offence by the presence of a third person. But, had the crime been attempted, he would have been guilty only of the attempt, and the minor offence necessarily involved an aggravated assault. It was clear, from the evidence which had been adduced at the trial, that there was at any rate a case of aggravated assault. The defendant was represented in Court by a lawyer of high ability and position, and the case was heard at length. A very powerful appeal was made to the Magistrate, by the lawyer to whom he had alluded, to deal as leniently as possible with the prisoner, because no object would be gained in taking the case before a higher tribunal.

The Magistrate considered the case, and ultimately decided not to send it to a higher Court, on the ground that there might be a loophole in the evidence, and the jury might not be able to convict. On that ground he sentenced the prisoner to six months' imprisonment. Had the case gone to the Supreme Court it would have been equally competent for the jury to convict the accused of the minor offence, if the evidence failed to prove the major one. The case was reported in the local papers, and, if the facts were stated correctly in those papers, it was one into which the Government should inquire, because it seemed to him that the Resident Magistrate had shown himself to be entirely unfit to perform his functions properly. There was another case which had occurred, and in which the same Resident Magistrate was concerned. On the very day on which the case to which he had already referred had been brought up, an abandoned woman, which he supposed meant a woman of the town, which had occurred, and in which the same Resident Magistrate was concerned. On the very day on which the case to which he had already referred had been brought up, an abandoned woman, which he supposed meant a woman of the town, was brought before the Resident Magistrate at Christchurch charged with drunkenness and some act of indecency, and she, being convicted, was sentenced to twelve months' imprisonment in the common gaol. There was a third case with which the same Resident Magistrate had dealt.

CHRISTCHURCH RESIDENT MAGISTRATE.

Mr. FOX asked the Minister of Justice, If his attention has been called to recent decisions of the Resident Magistrate at Christchurch? He would state the facts of these cases as briefly as possible, his object being to attract the attention of the Government and of the House to the position in which the Resident Magistrate who acted in the matter stood, and how far he was to be trusted in the office which he occupied.

The amendment was consequently given a second reading, and the question put, "That the word 'now,' proposed to be omitted, stand part of the question;" upon which a division was called for, with the following result:—

| Ayes | 90 |
| Noes | 13 |

Majority against... 77

ATHRS.

Mr. Bonar, Mr. Holmes,
Colonel Brett, Mr. G. R. Johnson,
Mr. Edwards, Mr. Selmann,
Dr. Grace, Dr. Pollen,
Mr. Hall, Major Richmond, C.B.

NOES.

Sir F. Dillon Bell, Mr. Mantell,
Mr. Buckley, Mr. Ngatapa,
Mr. Campbell, Mr. Paterson,
Mr. Chamberlin, Mr. Phayrn,
Captain Fraser, Mr. Robinson,
Mr. J. Johnston, Colonel Whitmore,
Lieut.-Colonel Kenny,

The amendment was consequently agreed to, and the Bill ordered to be read a second time that day six months.

The Council adjourned at five o'clock p.m.

HOUSE OF REPRESENTATIVES.

Friday, 16th September, 1877.

First Reading—Third Reading—Christchurch Resident Magistrate—North of Auckland Mails—Canterbury Immigrants—Reserves on Railways—Railway Material—Dunedin Artisans—Education Bill.

Mr. Speaker took the chair at half-past two o'clock.

PRAYERS.

FIRST READING.

Distribute Persons Bill.

Census Bill.
Mr. WAKEFIELD asked the Government, Whether they will take steps to afford to immigrants settled on reserves in Canterbury an opportunity of acquiring a freehold of the land which they occupy? He might say that during the influx of immigrants into Canterbury the Superintendent settled a number of them on the reserves because there was no other land available for them at the time. Many of the immigrants had been economical, and had put up houses, which they were now living in, but they had no tenure whatever of either the land or the houses. He had been requested by his constituents to endeavour to get the Government to take steps to afford those people an opportunity of acquiring a freehold of the land they occupied.

Mr. REID replied that the Government had contemplated having these lands surveyed in small allotments, with the view of disposing of them to such persons as were in occupation. Of course these lands were very valuable, and it could not be expected that they would be sold at the ordinary upset price. The surveys would be made as soon as possible; but there were other surveys in Canterbury which required to be completed and which were of more consequence than these, but even they could not be made for some time to come. It was intended, however, to have the survey made as soon as possible, and, if the land could be sold without disadvantage to the public interest, of course it would be sold, and, if possible, to the occupiers.

Mr. ROLLESTON wished the honorable member to state whether his answer would apply to those cases where cottages had been put up on reserves made for other specific purposes.

Mr. REID said his answer applied only to lands not reserved for other specific purposes.

RESERVES ON RAILWAYS.

Mr. WAKEFIELD asked the Minister for Lands, Whether he will presently make arrangements by which the extensive reserves on the lines of railway may be thrown open for settlement? There were a number of reserves along the lines of railway which were at the present moment unoccupied. If offered for sale they would be easily bought up by persons who had to go to their daily employment by rail. Those reserves were at present a public nuisance, and the general feeling was that they should be utilized in some way or other.

Mr. Fox
Mr. Murray-Aynsley said the honorable gentleman was introducing debatable matter.

Mr. Speaker said the honorable member could not introduce any debatable matter.

Mr. Wakefield was simply mentioning a fact, in order to make his question intelligible to the Minister for Lands. His attention had been drawn to this matter, and therefore he had put the question. He would make no further remarks upon it.

Mr. Reid had simply to repeat what he had said in reply to a previous question. Inquiry would be made with regard to these reserves. He believed it was possible some of these reserves might be laid off as villages and sold along the line. The same delay would arise in this case as in the other. There was great difficulty in getting surveyors to overtake the work. Careful inquiries would be made with the view of villages being laid off in suitable localities. It was the intention, if necessary, to have the reserves re-proclaimed by the Governor, inasmuch as there was a doubt whether the Proclamation made by the Superintendent would not lapse after a very short time.

Railway Material.

Mr. Pyke asked the Minister for Public Works,— (1.) What orders for railway plant, including railway trucks and ironwork for trucks, have been sent to England within the last six months? (2.) Whether such plant has been contracted for, or otherwise? (3.) What is the contract price or estimated total cost of such plant? (4.) When such orders were despatched from New Zealand, and when such plant is expected to arrive in the colony? He merely put this question with the view of setting at rest some doubts in the minds of honorable members as to the quantity of railway material which had been ordered. He did not wish to make any comments, but simply to ask the question.

Mr. Ormond, in reply to the question, would read the following memorandum:

Estimated f.o.b. in England.

Memo., May 4, 1877,—
4 locomotives...... £4,000
100 sets wheels and axles, axle-boxes, and ironwork...... 5,000
Telegram, July 2,—
300 sets wheels and axles, axle-boxes, and ironwork...... 15,000
Memo., May 4, June 20, July 28,—
5 miles rails...... 8,400
Spikes...... 425
44 miles rails...... 35,000

Total...... £62,825

He could not tell to what extent those orders had been contracted for; but it was probable that the whole of them, with the exception of the last order for rails, would have been contracted for. In reply to the fourth question, he might state that the whole of the plant would be in the colony by January, 1878.

Dunedin Artisans.

Mr. Reynolds asked the Minister for Public Works, Whether the Government will give effect to the report of the Public Petitions Committee on the petition of 1,065 artisans and others in the City of Dunedin?

Mr. Ormond found that the report of the Public Petitions Committee on this subject was as follows:

"That in the opinion of the Committee preference should be given to the local producers and manufacturers of all material and plant required by the Colonial Government, provided the price does not exceed that for which it can be imported, adding the duty and other expenses, if any."

It was the intention of the Government to carry out the recommendation of the Public Petitions Committee.

Education Bill.

The House went into Committee on this Bill.

Clause 53.—District high schools may be established by Board.

Mr. Hodgkinson moved, That the words "with the express sanction of the Minister previously obtained" be struck out.

Question put, "That the words proposed to be left out stand part of the clause?" upon which a division was called for, with the following result:

Ayes...... 36
Noes...... 13

Majority for...... 23

Ayes.

Mr. Ballance, Mr. Bowen, Mr. Curtis, Mr. Dignan, Mr. Fox, Mr. Gibbs, Mr. Gisborne, Mr. Harper, Mr. Hunter, Mr. Lumshed, Mr. MacFarlane, Mr. Manders, Mr. McLean, Mr. Montgomery, Captain Morris, Mr. Murray, Mr. Murray-Aynsley, Mr. Ormond, Mr. Reid,

Tellers.

Mr. Beetham, Mr. Burns.

Noes.

Mr. Bastings, Mr. J. C. Brown, Mr. De Lautour, Mr. Hinlop, Mr. Johnston, Mr. Joyce, Mr. Luik,

Tellers.

Mr. Hodgkinson, Mr. Macandrew.
P A I R S.

For.  
Major Atkinson,  
Mr. Beetham,  
Mr. Hursthouse,  
Mr. Teschemaker.

Against.  
Sir G. Grey,  
Mr. Wakefield,  
Mr. Bunny,  
Mr. Fitzroy.

The amendment was consequently negatived.

Question put, "That the clause stand part of the Bill;" upon which a division was called for, with the following result:—

Ayes ... ... ... ... ... 38  
Noes ... ... ... ... ... 10  
Majority for ... ... ... 28

A Y E S.

Mr. Ballance,  
Mr. Beetham,  
Mr. Bowen,  
Mr. Brandon,  
Mr. Curtis,  
Mr. De Lautour,  
Mr. Fisher,  
Mr. Fox,  
Mr. Gibbe,  
Mr. Giborne,  
Mr. Harper,  
Mr. Hislop,  
Mr. Hunter,  
Mr. Lumden,  
Mr. Macfarlane,  
Mr. Manders,  
Mr. McLean,  
Mr. Montgomery,  
Captain Morris,  
Mr. Murray,  
Mr. J. C. Brown,  
Mr. Dignum,  
Mr. Hodgkinson,  
Mr. Johnnson,  
Mr. Joyce,  
Mr. Lusk,  
Tellers.

N O E S.

Mr. Baigent,  
Mr. Beetham,  
Mr. Burton,  
Mr. Curtis,  
Mr. De Lautour,  
Mr. Fisher,  
Mr. Fitzroy,  
Mr. Gibbe,  
Mr. Gibbe,  
Mr. Gore,  
Mr. Hislop,  
Mr. Hunter,  
Mr. Joye,  
Mr. Kelly,  
Dr. Henry,  
Mr. Rolleston,  
Mr. Seymour,  
Mr. Smith,  
Mr. Swift,  
Mr. Tawiti,  
Mr. Travors,  
Mr. Wailis,  
Mr. Whitaker,  
Mr. Whitaker,  
Tellers.

P A I R S.

For.  
Major Atkinson,  
Mr. Hursthouse,  
Mr. Teschemaker.

Against.  
Sir G. Grey,  
Mr. Bunny,  
Mr. Hamlin.

The clause was consequently agreed to.

Clause 54.—Course of instruction in high schools.

Mr. PYKE moved, That, after the word "regulations," the following words be inserted: "and such fees shall be sufficient to defray the whole expense of such higher education."

Question put, "That these words be there inserted;" upon which a division was called for, with the following result:—

Ayes ... ... ... ... ... 34  
Noes ... ... ... ... ... 28  
Majority for ... ... ... 6

A Y E S.

Mr. Ballance,  
Mr. Beetham,  
Mr. Bowen,  
Mr. Brandon,  
Mr. Bryce,  
Mr. Burns,  
Mr. Curtis,  
Mr. Gibbe,  
Mr. Harper,  
Dr. Henry,  
Captain Kenny,  
Mr. Larnach,  
Mr. Macfarlane,  
Mr. Manders,  
Mr. McLean,  
Mr. Moorhouse,  
Captain Morris,  
Mr. Ormond,  
Mr. Barff,  
Mr. Murray-Aynsley,  
Mr. O'Sullivan,  
Mr. Pyke.

N O E S.

Mr. Baigent,  
Mr. Beetham,  
Mr. Burton,  
Mr. Curtis,  
Mr. De Lautour,  
Mr. Fisher,  
Mr. Fitzroy,  
Mr. Gibbe,  
Mr. Gibbe,  
Mr. Gore,  
Mr. Hislop,  
Mr. Hunter,  
Mr. Joye,  
Mr. Kelly,  
Mr. Rolleston,  
Mr. Seymour,  
Mr. Smith,  
Mr. Swift,  
Mr. Tawiti,  
Mr. Travors,  
Mr. Wailis,  
Mr. Whitaker,  
Mr. Whitaker,  
Tellers.

P A I R S.

For.  
Major Atkinson,  
Mr. Hursthouse,  
Mr. Teschemaker.

Against.  
Sir G. Grey,  
Mr. Bunny,  
Mr. Hamlin.

The amendment was consequently negatived, and the clause agreed to.

Clause 76.—Of what School Fund to consist.

Mr. MONTGOMERY proposed the omission of the words—"(1.) Of capitation fees to be levied as hereinafter provided."

Question put, "That the words proposed to be omitted stand part of the clause;" upon which a division was called for, with the following result:—

Ayes ... ... ... ... ... 34  
Noes ... ... ... ... ... 28  
Majority for ... ... ... 6

A Y E S.

Mr. Baigent,  
Mr. Ballance,  
Mr. Bowen,  
Mr. J. C. Brown,  
Mr. Burns,  
Mr. Curtis,  
Mr. De Lautour,  
Mr. Fisher,  
Mr. Fitzroy,  
Mr. Gibbe,  
Mr. Gibbe,  
Mr. Gore,  
Mr. Hislop,  
Mr. Hunter,  
Mr. Joye,  
Mr. Kelly,  
Captain Kenny,  
Mr. Larnach,  
Mr. Macfarlane,  
Mr. Manders,  
Mr. McLean,  
Mr. Montgomery,  
Captain Morris,  
Mr. Murray-Aynsley,  
Mr. Ormond,  
Mr. Pyke,  
Mr. Reid,  
Mr. Reynolds,  
Mr. Richardson,  
Mr. Rolleston,  
Mr. Seaton,  
Mr. Seymour,  
Mr. Sharp,  
Mr. Stafford,  
Mr. Stevens,  
Mr. Stout,  
Mr. Sutton,  
Mr. Swanson,  
Mr. Thomson,  
Mr. Tolc,  
Mr. Travers,  
Mr. Wakefield,  
Mr. Wason,  
Mr. Whitaker,  
Mr. Woolcock,  
Mr. O'Sullivan,  
Mr. Pyke.

N O E S.

Mr. Baigent,  
Mr. Beetham,  
Mr. Bowen,  
Mr. Curtis,  
Mr. De Lautour,  
Mr. Fisher,  
Mr. Fitzroy,  
Mr. Gibbe,  
Mr. Gibbe,  
Mr. Gore,  
Mr. Hislop,  
Mr. Hunter,  
Mr. Joye,  
Mr. Kelly,  
Mr. Rolleston,  
Mr. Seymour,  
Mr. Smith,  
Mr. Swift,  
Mr. Tawiti,  
Dr. Wallis,  
Mr. Wason,  
Mr. Whitaker,  
Mr. Wason,  
Tellers.
The amendment was consequently negatived, and the clause agreed to. Progress was reported, and leave given to sit again.

The House adjourned at a quarter to one o'clock a.m.

HOUSE OF REPRESENTATIVES.
Monday, 17th September, 1877.

First Reading—Education Bill.

Mr. Speaker took the chair at half-past two o'clock.

Prayer.

FIRST READING.
Otago Museum and Dunedin Athenæum Bill.

EDUCATION BILL.

This Bill was further considered in Committee.

Clause 79.—Committees may levy capitation fees.

Mr. DE LAUTOUR moved, as an amendment, the omission of the words “Each committee,” with the view of inserting the words “The Minister” in lieu thereof.

Question put, “That the words proposed to be omitted stand part of the clause,” upon which a division was called for, with the following result:

Ayes ... ... ... ... 31
Noes ... ... ... ... 38

Majority against ... ... ... ... 7

Ayes.
Mr. Baigent, Mr. Ballance, Mr. Beetham, Mr. Bryce, Mr. Byrne, Mr. Carrington, Mr. Douglas, Mr. Fox, Mr. Gibbs, Mr. Harper, Dr. Henry, Mr. Kelly, Mr. Lumsden, Mr. Macfarlane, Mr. Mander, Mr. McLean, Captain Morris, Mr. Rowe, Mr. Tawiti, Dr. Wallis, Mr. Wason, Mr. Whitaker, Mr. Williams, Mr. Woolcock.

Tellers.
Mr. Burns, Mr. Hunter.

For.
Major Atkinson, Sir G. Grey, Mr. Beetham, Mr. Wakefield, Mr. Bunny, Mr. Curtis, Mr. Dignan, Mr. Fisher, Mr. Fitzroy, Mr. Giborne, Sir G. Grey, Mr. Hamlin, Mr. Hiel, Mr. Johnston, Mr. Joyce, Captain Kenny, Mr. Larnach, Mr. Luik, Mr. Macandrew, Mr. Montgomery, Mr. Murray, Mr. Nahe, Tellers.

Mr. De Lautour, Mr. Hodgkinson.

Against.
Mr. Baigent, Mr. Barff, Mr. Bastings, Mr. J. C. Brown, Mr. Bunny, Mr. Curtis, Mr. Dignan, Mr. Fisher, Mr. Fitzroy, Mr. Giborne, Sir G. Grey, Mr. Hamlin, Mr. Hiel, Mr. Johnston, Mr. Joyce, Captain Kenny, Mr. Larnach, Mr. Luik, Mr. Macandrew, Mr. Montgomery, Mr. Murray, Mr. Nahe, Tellers.

Mr. De Lautour, Mr. Hodgkinson.

Paibs.
Mr. Baigent, Mr. Ballance, Mr. Beetham, Mr. Bryce, Mr. Carrington, Mr. Byrne, Mr. Carrington, Mr. Douglas, Mr. Fox, Mr. Gibbs, Mr. Harper, Dr. Henry, Mr. Kelly, Mr. Lumsden, Mr. Macfarlane, Mr. Mander, Mr. McLean, Captain Morris, Mr. Rowe, Mr. Tawiti, Dr. Wallis, Mr. Wason, Mr. Whitaker, Mr. Williams, Mr. Woolcock.

Tellers.
Mr. Burns, Mr. Hunter.

For.
Major Atkinson, Mr. Cox, Mr. Hursthouse, Mr. Sutton.

Against.
Mr. J. E. Brown, Mr. R. G. Wood, Mr. Kennedy, Mr. Shrimski.

Paibs.
Mr. Baigent, Mr. Ballance, Mr. Beetham, Mr. Bryce, Mr. Byrne, Mr. Carrington, Mr. Curtis, Mr. Fox, Mr. Gibbs, Mr. Harper, Dr. Henry, Mr. Hunter, Mr. Larnach, Mr. Lumsden, Mr. Macfarlane, Mr. McLean, Captain Morris, Mr. Murray-Aynsley, Mr. Ormond, Mr. Reid, Mr. Reynolds, Mr. Richardson, Mr. Seymour, Mr. Stafford, Mr. Tawiti, Mr. Teschemaker, Dr. Wallis, Mr. Whitaker, Mr. Williams.

Tellers.
Mr. McLean, Mr. Murray-Aynsley, Mr. Ormond, Mr. Reid, Mr. Reynolds, Mr. Richardson, Mr. Seymour, Mr. Stafford, Mr. Tawiti, Mr. Teschemaker, Dr. Wallis, Mr. Whitaker, Mr. Williams.

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The clause was consequently struck out.

Clause 85.—Public schools to be conducted in accordance with regulations. Course of instruction in public schools.

Mr. Barff moved, That the word "History" be omitted.

Question put, "That the word proposed to be omitted stand part of the clause;" upon which a division was called for, with the following result:—

Ayes 54
Noes 6

Majority for 48

The amendment was consequently negatived.

Mr. Larnach moved the omission of the words, "But no child shall be compelled to be present at the teaching of history whose parents or guardians object thereto."

Question put, "That the words proposed to be omitted stand part of the clause;" upon which a division was called for, with the following result:—

Ayes 54
Noes 4

Majority for 50

The amendment was consequently negatived.

Mr. W. Wood moved, as an amendment, That after the 2nd subsection the following words be added: "and that teaching shall be entirely of a secular character."
Question put, "That the words proposed to be added be so added;" upon which a division was called for, with the following result:—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority for</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>19</td>
<td>20</td>
</tr>
</tbody>
</table>

Ayes.

Mr. Ballance, Mr. Bastings, Mr. Brandon, Mr. J. C. Brown, Mr. Bruce, Mr. Curtis, Mr. De Lautour, Mr. Dignan, Mr. Fisher, Mr. Gibbons, Mr. Gisborne, Mr. Hamlin, Mr. Hodgkinson, Mr. Hunter, Mr. Johnston, Mr. Joyce, Mr. Kelly, Captain Kenny, Mr. Lumsden, Mr. Montgomery.

Noes.

Mr. Baigent, Mr. Bowen, Mr. Carrington, Mr. Fox, Mr. Gibbs, Mr. Harper, Dr. Henry, Mr. Lumsden, Mr. Macandrew, Mr. Barff, Mr. Burns, Mr. M. M. Aynsley, Major Atkinson, Mr. Cox, Mr. Hursthouse, Mr. Murray-Aynsley, Mr. Pyke, Mr. R. G. Wood.

The amendment was consequently agreed to.

Subsection 3.—"The school shall be opened every morning with the reading of the Lord's Prayer and a portion of the Holy Scriptures. With this exception, the teaching shall be entirely of a secular character; and no child shall attend at the reading herein provided for if his or her parents or guardians inform the committee or the teacher, in writing, that they object to such attendance."

Mr. CURTIS moved, That the words "The school shall" be struck out, with a view to inserting the words "The school may, if the committee think fit to direct," in lieu thereof.

The words were struck out.

Question put, "That the words proposed to be inserted be there inserted;" upon which a division was called for, with the following result:—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority against</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>35</td>
<td>16</td>
</tr>
</tbody>
</table>

Ayes.

Mr. Baigent, Mr. Bowen, Mr. Burns, Mr. Carrington, Mr. Fox, Mr. Gibbs, Mr. Harper, Dr. Henry, Mr. Lumsden, Mr. Macandrew, Mr. McLean, Mr. Montgomery, Mr. Reid, Mr. Richmond, Mr. Rolleston, Mr. Stevens, Dr. Wallis.

Noes.

Mr. Baigent, Mr. Bastings, Mr. Brandon, Mr. J. C. Brown, Mr. Bryce, Mr. De Lautour, Mr. Dignan, Sir R. Douglas, Mr. Fisher, Mr. Gisborne, Mr. Hamlin, Mr. Hodgkinson, Mr. Hunter, Mr. Johnston, Mr. Joyce, Mr. Kelly, Captain Kenny, Mr. Sheehan, Mr. Hodgkinson.

The amendment was consequently negatived, and the remainder of the subsection struck out.

Clause as amended agreed to.

Clause 91.—Exemptions.

Mr. GISBORNE moved, as an amendment, That, after the words "That the child is," in subsection 1, the following words be inserted: "being regularly instructed at any school other than a public school, or is."

Question put, "That the words proposed to be inserted be so inserted;" upon which a division was called for, with the following result:—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority against</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>29</td>
<td>6</td>
</tr>
</tbody>
</table>

Ayes.

Mr. Baigent, Mr. J. C. Brown, Mr. Dignan, Sir R. Douglas, Mr. Sharp, Mr. Sheehan, Mr. Stevens.

Noes.

Mr. Baigent, Mr. Bastings, Mr. Brandon, Mr. J. C. Brown, Mr. Bryce, Mr. De Lautour, Mr. Dignan, Mr. Richardson, Mr. Roe, Mr. Seaton, Mr. Seymour, Mr. Sharp, Mr. Stuart, Mr. Swanson, Mr. Taitaroa, Mr. Wollock.

The amendment was consequently negatived, and the remainder of the subsection struck out.

Clause as amended agreed to.

The amendment was consequently negatived.

Progress was reported, and leave given to sit again.

The House adjourned at half past twelve o'clock a.m.

LEGISLATIVE COUNCIL.
Tuesday, 18th September, 1877.


The Hon. the SPEAKER took the chair at half past two o'clock.

PRAYERS.

SECOND READING.
Hokitika Gas Company Bill.

THIRD READINGS.
Dunedin Drillshed Reserve Bill, Port Chalmers Waterworks Bill.

WELLINGTON NATIVE RESERVES.
The Hon. Mr. MANTELL, in moving the motion standing in his name, said the only reason he had for believing that any such arrangement had been made was the publication in a Wellington newspaper, the Evening Argus, of the 15th January last, of the following paragraph:

"A corroboree was held among the Natives at Te Aro Pa on Saturday afternoon, the object of the meeting being the division of £4,000 to be paid to the tribe for certain reserves throughout the town. When Wellington was originally laid off Colonel McCleverty reserved one-tenth of the sections—literally one-tenth of the town—for Native purposes. The Hospital Reserve was one of these reserves, and as it had, in some manner mysterious to the Natives, passed away from them, they brought an action some time ago to recover possession of the site. In this action they were unsuccessful, and, as it was a test suit by which their right to all the other sections was to be determined, their claim to the 'tenth' has passed away. Sir Donald McLean stood by the Natives although the Supreme Court was against them. He expressed his intention to give the £4,000 as compensation. These intentions have now been fulfilled by the money having been paid over to-day."

It was unnecessary, after such an incoherent mass of incorrectnesses as were embodied in that paragraph, for him to say that it would be advisable that some more authentic information on the subject should be laid before the Council and before the public. What he was anxious to ascertain—for he imagined that some such transaction had taken place between the Government and the Natives—was this: whether that arrangement was made on a fair and equitable basis, or whether it was made simply on Native-land-purchase principles, which were—to part with the least possible amount of money. His idea of the proper way of managing that would have been to have had the property—which no doubt was, he would say, inequitably taken from the Natives, and granted by a former Government to the Hospital and College Trustees—to have had that property valued by efficient persons, and to have offered the sum so arrived at to the Natives in compensation for it. The Supreme Court had distinctly laid down that, the Crown fearing that the New Zealand Company might dispose improperly of the reserves if they were left in charge of that Company, the Secretary of State for the Colonies required that the Colonial Government should take possession of them. The Supreme Court found that the Crown was not bound by any trust which it had not most deliberately and specifically assumed; and, although there was no doubt about this being the position of the case, yet there was not evidence of a sufficiently deliberate assumption by the Crown of trusteeship on behalf of the Natives of those reserves to divest them of the character of Crown lands at the disposal of the Crown for any purpose whatsoever. That, he thought, in plain language, was the judgment of the Supreme Court. Of course it was a judgment which it was competent for a Supreme Court to give; but it was a judgment to which, if a private individual gave it in the presence of a patriotic Englishman of the old John Bull type, and if he said that the Crown was capable under
any circumstances of taking advantage of those whose property it held although not under a deliberately assumed trust, he would probably have received the old John Bull answer, and found himself knocked down at once. In fact, a John Bull of the old type would say, "This is totally incompatible with a proper respect for the honor of the Crown, and it is impossible that the Crown can take advantage of it." It was not the first instance in which the grand determination laid down by Lord Stanley, in a dispatch of his that had been too often quoted to be worth quoting again, had been departed from, for the very Commissioner, Colonel McCleverty, who was appointed by the Imperial Government to make the arrangement between the Natives and the New Zealand Company, became, innocently enough, a party to transactions which were in violation of the original compact with the Natives with regard to the tenths. Of course they all knew that the plan of the Company was to set apart a tenth—although it came up to an eleventh—on behalf of the Natives in their early operations. Trouble arose with the Natives because some of the country as well as town sections allotted to settlers were still in the occupation of the Natives, who did not understand that they were to give them up. Consequently troubles arose which, honorable gentlemen would remember, lasted for some time, until Her Majesty sent out a Commissioner to make this arrangement. The Company had in the meantime proposed to the Secretary of State for the Colonies that the Natives should be reimbursed for these lands which they had reluctantly parted with out of the tenths which had been set apart for them under the New Zealand Company's scheme. Lord Stanley received that proposal with indignation, which was not too violent a word to characterize the language that he used in his despatch, and he insisted upon it that the Natives were not only entitled to cultivations and burial-grounds, but to these tenths. On the Commissioner arriving, however, he gave effect to the very proposals of the Company which Lord Stanley had declared to be so extremely improper; and it would be found from Mr. Swainson's return of 1866—a continuation of which he thought it would be well to have laid on the table—that a large number of the more valuable of these reserves were given to particular Natives. It would be found also, on proper investigation, that these were given in order to induce the Natives to vacate the lands to which Lord Stanley alleged they were entitled in addition to the tenths. He (Mr. Mantell) merely adverted to this in order to show that a laxity to the detriment of the Natives in the administration of these lands had obtained from a very early period. What he now wished to ascertain was, whether or not the same laxity had occurred in this last transaction, if, indeed, such transaction had taken place.

Motion made, and question put, "That there be laid on the table a return setting forth any arrangements which may have been made during the recess between the Government and the Natives in the matter of certain reserves in the City of Wellington, originally set apart for the Natives under the scheme of the New Zealand Company, but afterwards granted by the Crown to certain public trusts and private persons."—(Hon. Mr. Mantell.) Motion agreed to.

NATIVE LAND PURCHASES.

The Hon. Mr. Hall, in moving the motion standing in his name, said his object was to obtain in a clear and succinct form information showing the result of the land-purchasing operations of the Government during the last few years. During the last session the late Native Minister, Sir Donald McLean, made a statement in his place in Parliament giving very full and detailed information upon that subject down to the 30th June, 1876; and he had no doubt there would be a corresponding statement this year bringing that information down to the present time. But, he thought, hardly anything which was felt to be a very general want—namely, that there should be a short, clear statement of what the Government had spent upon the purchase of Native lands during the last seven years, what they had got for it, what lands they had sold, what money they had received for that land, and what remained on hand—in short, a clear picture of the financial result of the land-purchasing operations of the Government under the Public Works Act. He had endeavoured to arrange this return so as not to give any unnecessary trouble. He believed there would be no difficulty in furnishing the return, and trusted the Colonial Secretary would not see any objection to it.

Motion made, and question proposed, "That there be laid on the table a return showing—(1.) The amount of land bought from the Natives by means of the expenditure of the £263,580 9s. 6d. stated in the Financial Statement to have been expended for this purpose. (2.) The amount spent up to the 30th June, 1877, on the survey of such land, and on any other expenses connected therewith, and not included in the sum above mentioned. (3.) The extent of such land which has been already sold, granted, or reserved, and the amount of purchase-money received by the Government to the same date. (4.) The extent of such land remaining unsold and available for sale to the same date, distinguishing the provincial districts in which it is situated. (5.) The extent and position of any blocks of land on which payments have been made to the Natives, but of which the Government has not yet acquired a complete title."—(Hon. Mr. Hall.)

The Hon. Dr. Pollen said the information desired by the honorable member was to a great extent pre exhibited, and would be laid before Parliament in the course of a day or two. But there was a portion of the return which it would not be possible to obtain so quickly—that portion covered by the third and fourth sections of the resolution. The administration of these lands, as his honorable friend knew, was no longer in the hands of the Government. As soon as it was purchased and handed over, the land came under the administration of the Waste Lands...
Boards in the several provincial districts, and it would be necessary to refer to them before the information specified in the third and fourth sections of the resolution could be obtained. With that exception, the information which the honorable gentleman desired would be in the hands of the Council in the course of a day or two.

The Hon. Colonel WHITMORE did not so much rise to refer to the particulars of this motion as to ask the Colonial Secretary a question, which he hoped the honorable gentleman would be able to answer—namely, why so many returns ordered by the Council were never produced at all. Last year he moved several resolutions, which were agreed to in the Council, and the returns asked for were never furnished. This year he had moved for two returns, which had not been produced. Consent on the part of the Government was not followed by action, which was hardly respectful to the Council, and was sometimes an inconvenience to public business, because very often motions were dependent upon the production of these papers, and action was not taken that ought to be taken during the session in consequence. With regard to the motion before the Council, he believed that, although a great deal of useful information might be received, very large allowances should be made for the Government if the return was unsatisfactory. The purchase of land under the Public Works Act had been an unfortunate experiment, and was not now in the possession of the honorable gentleman, which was hardly respectful to the Council, and was sometimes an inconvenience to public business.

The Hon. Mr. MANTELL wished to suggest a postponement of the debate for the reason that no unnecessary delay was allowed to occur in obtaining the information, and that, when it was received, the return would be laid on the table in the shape in which it was moved for, because it was only in that shape that it would give a clear idea of the result of the operations referred to. Motion agreed to.

AUCKLAND GRAMMAR SCHOOL SITE BILL.

ADJOURNED DEBATE.

The Hon. Colonel KENNY said that on Tuesday last he moved the adjournment of the debate on the second reading of this Bill because he understood that certain telegrams and documents were expected to arrive from Auckland.

Hon. Dr. Pollen

The Hon. Mr. CHAMBERLIN begged to second the adjournment of the debate. He had telegraphed to a gentleman in Auckland interested in this particular site, and his reply was to the effect that the residents were very much discontented. He believed he would have a petition in a few days, and he would like to see the petition before he made any further remarks.

The Hon. Dr. POLLEN thought the honorable gentleman who asked for the adjournment should at least give some other reason than that he expected other telegrams. He thought they were entitled to know the grounds on which the honorable gentleman expected to be able to successfully oppose the passing of the Bill. He spoke disinterestedly, but he knew that the matter was of very considerable importance, and that it was very desirable that it should not be shelved in any way by a postponement of the kind now proposed because some information which was not now in the possession of the honorable gentleman, but which might be expected at some future time.

The Hon. Colonel KENNY might say that he did not expect any telegrams, but he believed some were in the possession of the Hon. Mr. Chamberlin.

The Hon. Mr. CHAMBERLIN said he had telegraphed to Mr. Sharland, one of the residents in Prince Street, as follows:

"Wellington, 11th September, 1877.

Do the residents on the Auckland Improvement Commissioners' grounds desire to have permanently fixed amongst them the Auckland Grammar School? If not, send petition immediately. Debate adjourned. Please reply."

"J. C. Sharland, Esq., Auckland."

The reply was as follows:

"Auckland, 12th September, 1877.

The residents I have seen do not desire Grammar School."

"H. Chamberlin, Wellington."

On the strength of that, he expected a petition. He also sent the following telegram to Judge Fenton, one of the Improvement Commissioners:

"Wellington, 12th September, 1877.

What extent of land do Improvement Commissioners intend giving in exchange to Public Grammar School, and where?"

"H. Chamberlin."

"F. D. Fenton, Esq., Auckland."

The reply was as follows:

"Auckland, 13th September, 1877.

The Commissioners have made no arrangement with the Grammar School, and know nothing of the Bill."

"F. D. Fenton, Commissioner."


The Hon. the SPEAKER asked if he was to understand that the honorable gentleman desired a postponement of the debate for the reason that he expected further information.
The Hon. Mr. CHAMBERLIN said he expected a petition which he believed had missed the mail.

The Hon. Dr. POLLEN understood there was no petition, but that a few Auckland residents had a strong objection to noisy school-children in their neighbourhood. He did not think sufficient ground was shown for postponing the consideration of this Bill.

The Hon. Mr. HALL must say that the telegrams had turned out to be considerably less formidable than he expected, especially the one which the honorable gentleman had so candidly read to them. That telegram was certainly what lawyers called a leading question. He would suggest to the mover and seconder of the adjournment whether the case would not be fairly met if they now allowed the Bill to be read a second time, on the understanding that the committee would be postponed.

The Hon. Colonel BRETT had expressed strong views on this subject; and, as he was supported by the apathy shown by the residents of Auckland, he hoped the Bill would be read a second time without interruption.

The Hon. Mr. ROBINSON thought they ought to pay attention to those honorable gentlemen who asked for an adjournment. They must know more about the matter than the Hon. Colonel Brett, for instance. There was no great hurry, as the session was not likely to come to an end in a week. He did not think any inconvenience would arise, and he hoped the Council would agree to the proposed postponement.

The Hon. Captain FRASER said the telegrams read by the Hon. Mr. Chamberlain showed that the people of Auckland knew very little about this Bill. Property, however, might be seriously injured by this school being placed in its immediate vicinity, and he therefore thought greater time should be given for objections to come down.

The Hon. Mr. MANTELL felt sure that, if the Hon. Colonel Brett would only consider that there might be rude, uncouth boys in Auckland as well as in Canterbury, who might be very disagreeable to those people who apparently knew nothing about the Bill, the honorable gentleman would not object to sufficient time being given to both sides to consider the question.

The Hon. Mr. PATERSON thought that on all questions of local interest they ought to be guided in a great measure by those acquainted with the locality. He saw no occasion for hurrying on the Bill, and thought they should wait for the further information that was expected.

The Hon. Mr. BONAR intended to vote for the postponement of the Bill for a week, but his reasons were different from those of the honorable gentleman who moved the adjournment. He would like to see the general education measure before this Bill was passed. This Bill might interfere with the general system of legislation in connection with all these reserves. It seemed that this property was vested in the Central Board of Education, but by this Bill it was proposed to vest it in a particular school.

The Hon. Colonel WHITMORE thought the reason why business usually went so smoothly in the Council was because they were accustomed to the invariable courtesy, and desire to meet the wishes of honorable gentlemen, which distinguished his honorable friend the Colonial Secretary. His example, as a rule, pervaded other members of the Council, and led them to give and take as far as could be done without injury to public business. He felt surprised that on this occasion they had a little deviation from the ordinary rule. This was not the first time he had noticed what appeared to be antagonism towards one of the honorable gentlemen who asked for the adjournment, and that might possibly explain so extraordinary an exception to the general practice of the Colonial Secretary. He hoped the honorable gentleman would not further object to the postponement. He did not know anything of the merits of the question, but from what he had heard he felt inclined to vote for the second reading. Notwithstanding that, out of courtesy and consideration for those honorable gentlemen who took an interest in the measure, he thought they should grant this concession, and agree to an adjournment.

The Hon. Colonel KENNY wished to explain that he had moved the adjournment simply because the honorable gentleman could not do so, as he had already spoken. He had no such motives as the Colonial Secretary had imputed to him.

The Hon. Dr. POLLEN was not aware that he had imputed any motives. He certainly did not intend to do so, and if his words conveyed any imputation he would be most happy to withdraw them.

Debate adjourned.

CANTERBURY DOMAINS BILL.

The Hon. Mr. HALL, in moving the second reading of this Bill, said it applied to a number of pieces of land in the late Province of Canterbury which from time to time had been set apart as places of public recreation. They were administered under the provisions of an Act of the General Assembly passed in 1872, under which Act the Superintendent and Provincial Council had power given them to vest the management of the reserves in local bodies. They had done so, and the management generally speaking had been satisfactory, and those pieces of ground were places of recreation much appreciated by the public as a rule, and, very properly, admission was entirely free; but it happened occasionally that, in different parts of the province, as no doubt in other parts of the colony, entertainments and exhibitions were got up which could only be supported by means of an entrance fee to the ground. Such matches, such cricket matches between the colonial cricketers and the All-England Eleven, flower shows, meetings for athletic sports, and so forth. These were all sources of considerable amusement and interest to the public, and could only be supported by public contributions. One way of getting these contributions was by making a small charge upon all persons who attended. As the law now stood, that charge could not be made compulsory, and could be collected only from those who voluntarily
paid an admission fee. The consequence was that, as a rule, these exhibitions could not be held in many public places where it would really be for the convenience of the public and was the desire of the public that they should be held. They had to take place on private grounds which were much less convenient, and very much less accessible for the purpose; but there an admission fee could be charged. It had therefore been suggested by bodies managing those domains in Canterbury that, for a limited number of occasions during the year—which were fixed at fourteen in the Bill—they might be authorized to make a charge for admission to a limited part of these domains when such exhibitions took place. He thought if honorable members would look at the matter in that light they would see that it was really an addition to the enjoyment of the public, and practically would make those spaces of ground more available for their amusement and recreation than at the present moment. It had been suggested to him that the same privilege might advantageously be extended to other parts of the colony. When that suggestion was made, however, the Bill had been drafted. But if that was the view of the Council, expressed in any clear manner, he would be perfectly ready to co-operate with those honorable gentlemen in amending the Bill as to make it applicable to other parts of the colony.

The Hon. Colonel BRETT had much pleasure in seconding the motion for the second reading of the Bill, which was highly approved of throughout Canterbury. He would like to see a clause inserted in the Bill fixing the amount of the fee. He would not wish to see a large sum fixed—it might be not exceeding 1s. or 1s. 6d. He would not like to be placed at the mercy of the local bodies managing those domains. Those domains were public property, and the public ought not to be taxed too highly for admission. He would also like to have an assurance from his honorable friend that the Domain Boards consented to this Bill, and that it was not objected to by the neighbouring inhabitants. The Domain Boards deserved credit for the condition into which they had brought those grounds. They were the finest places for athletic sports in the world. They were nicely grassed and surrounded by trees, under which young ladies and gentlemen could sit in the summer and see all the sports that were going on.

The Hon. Mr. BUCKLEY thought the Bill deserved the serious attention of the Council, because it introduced for the first time what he thought was a dangerous principle—namely, a charge for admission into public recreation grounds. It referred not only to the domains in Christchurch, but to all other recreation grounds throughout the Province of Canterbury. He thought that when the object of the Bill became known there would be strong objection to it. In all parts of the colony these domains were free to the public, and he maintained that they should continue to be so. He would move, That the Bill be read a second time that day six months.

The Hon. Mr. ROBINSON had great pleasure in seconding the motion of the Hon. Mr. Buckley. He thought it would be very injurious to pass such a Bill. The honorable gentleman who moved the second reading said it was very desirable that cricket-matches and other sports should be held in these public recreation grounds, but that, as the law stood at present, those amusements could not be carried on there. He particularly alluded to the cricket match with the All-England Eleven. He (Mr. Robinson) happened to be present at the last cricket match between the All-England Eleven and the Canterbury cricketers. It was held in these very grounds. It was true they had no legal power to make any charge, but a man stood at the gate and collected from those who thought proper to give. He had no doubt the receipts on those occasions were very large indeed, and he supposed they were handed over to the funds for defraying the expenses of the visiting cricketers, which could not have been done unless there was some authority to collect the money from the people compulsorily. These grounds were set aside for public recreation, and, on occasions of the greatest recreation and amusement, it was now proposed that everybody should be charged for entering them. They were not particularly for the poor people, a great many of whom having large families resorted to these places on the occasion of large cricket-matches, when holidays were generally given, and when they took advantage of the shady trees so splendidly described by the Hon. Colonel Brett, and of the beautiful walks and seats, and so on. It must not be forgotten that these trees and seats and the other improvements in the grounds had been made at the expense of the very people on whom it was proposed by this Bill to levy a charge for walking into the grounds and looking at the sports. It would be very wrong indeed to do such a thing. Those grounds were set aside for purposes of public recreation, and the Council ought not to trench one single inch upon that object. For these reasons he would support the amendment of the Hon. Mr. Buckley. The Bill was quite unnecessary, and every honorable member in the Council would see at once that it was legislation in the wrong direction.

The Hon. Captain FRASER intended to support the amendment of the Hon. Mr. Buckley. He would be very sorry to see a Bill of this kind pass the Council—a Bill interfering with the rights and privileges of the people. The domain was the domain of the people, and not the domain of certain members of the Council or of certain persons in Canterbury; and the next thing they would hear of would be that the people were to be excluded in order that certain persons might play lawn tennis or anything else. This was introducing the narrow edge of the wedge, and as long as he held a seat in the Council he would object to anything of the kind. This was a Bill which ought never to have been introduced into the Council.

The Hon. Mr. MANTELL was rather surprised to find that a Bill of this kind should have met with so much opposition, not, he thought, of a very reasoning kind. As to the argument about excluding the people from the place—that it was their own park, and this, that, and the
The Hon. Colonel BRETT.—Sentiment.

The Hon. Mr. MANTELL said the honorable and gallant member might call them sentiment, but he rather thought the honorable member's picture of ladies reposing under the trees was more sentimental than anything which had fallen from those who had opposed the Bill. For his part, if there were anything that could reconcile him to the rejection of this measure it would be the hope that a general measure might be introduced which would enable all bodies having charge of these domains throughout the colony, on certain occasions, to make a charge for admission, for the reason that these grounds were, in many towns, the only places in which many of the exhibitions could possibly be held, and these exhibitions could not be held unless there was something to come in from some other source than that of subscriptions to defray the expenses. Of course in many of the younger towns there were vacant spaces belonging to private individuals where these things could be held. Time was, he remembered, when they used to meet every evening on Thorndon Flat, in Wellington, and play cricket with the greatest freedom. Time was when the gallant Major of the Volunteer Cavalry used to review his troops (fifteen) on that same ground. He had no doubt his honorable friend Major Richmond remembered those glorious periods very well indeed. But those vacant spaces gradually got occupied, and the only places in which public exhibitions of a certain kind could be held were those spots which had been fortunately reserved from the encroachment of buildings. His own regret in regard to this Bill was that it was not made general. The number of days throughout the year he perceived to be limited to fourteen, which he considered was not at all too great a number. It would be impossible, in Wellington for instance, to have a match with an All-England Eleven, or with any visiting cricket club, without being able to charge for admission, and to use the only place which, fortunately, although reserved and intended as a wet dock for shipping, had remained as dry as drainage of an imperfect kind could make it up to the present time. He hoped the Council would think twice before rejecting this thin end of the wedge, as the Hon. Captain Fraser called it. It was the thin end of a wedge of a most useful kind for splitting up the old stump of prejudice which would deprive the people of the proper enjoyment of their reserves. The charge of admission would never exceed sixpence or a shilling, and that was nothing to the working-man or to his wife and family, who would rather rejoice in paying it. He regretted that the Bill was not more general in its application, and thought the Canterbury people deserved credit for being the first to move in this direction. He might mention that, if permission had not been given to make charges for admission to the Great Exhibition of 1851, it could not have been held in Hyde Park at all, and he did not know where else it could have been erected without being a financial failure.

The Hon. Colonel WHITMORE thought the honorable gentleman made a mistake there. The charge was not for admission to Hyde Park, but to the Exhibition building, and only as much room was occupied as was necessary to give elbow room to the building.

The Hon. Mr. MANTELL said the extent covered by the Exhibition was fourteen acres, which was a much larger area than the Basin Reserve in Wellington.

The Hon. Colonel WHITMORE said the proportionate size of fourteen acres out of a hundred and something odd, which was the area of Hyde Park, was only a very small amount, and entirely destroyed the analogy between what was here asked to be done and what was done at Home. There was a great deal to be said both for and against this Bill, and he felt balanced in the way he should give his vote. But what would influence him in giving his vote was this: that although, perhaps, when population was greater, and when there might be difficulty in getting private grounds for these entertainments, it might be necessary to make special charges for admission to the grounds, and thus to raise money to defray expenses, he thought the time had not yet come in New Zealand when there should be any difficulty in getting private grounds; and there were always certain persons whose prejudices it would shock and whose notions of liberty would be affronted by being refused admission to what they might happen to consider their park. The necessity, he thought, had not yet arisen, and there was no other ground of public necessity likely to be shown why these entertainments should not be held somewhere else than in the public domain. At the same time he was not very sure upon the matter. The arguments on each side were nearly equally balanced; but, considering that there was no pressing necessity for this Bill, he would be disposed to take the safe ground of voting against it.

The Hon. Dr. POLLEN would support the second reading of the Bill. He thought that the power which was proposed to be given to the Canterbury Domain Board was one which they might very reasonably ask for; and, seeing that these sports were got up for the amusement and entertainment of the many, he was unable to see that their privileges with respect to the use of these domains could be invaded by the authority which it was proposed to give by this Bill.

The Hon. Sir F. DILLON BELL hoped that, if the Council read the Bill a second time, it would only be upon the condition that it should be made general in its application, and also, which was of far more importance, that instead of giving Domain Boards power to apply the Act at their pleasure in connection with any particular objects, they should endeavour to define the purposes for which any charge might be made. Above all, it would be absolutely necessary to prevent the erection of booths and drinking-shops in any domain. He believed that, on the occasion of any great exhibition or of the holding of sports, advantage would be taken of doing as was regularly done in
Dunedin in the Forbury Company's ground, and letting drinking-booths by tender. He would resist that in any public recreation reserve. At the same time honourable members would, he thought, see, on reflection, that under proper safeguards payment of entrance money might well be allowed. He had often thought himself what a good thing it would be if they held school feasts in these public domains. This had been often talked about by people who were fond of seeing children together; but the difficulty had been that, in order to have thoroughly good school feasts in these public domains, the expenditure of money was necessary, as well as complete organization, and they must have control of the place where the children were to meet; but he could not imagine anything which would be more gratifying to the inhabitants of a large town than to be able to have frequent gatherings of the various schools in domains. As in the case of Hyde Park, there might be occasions on which exhibitions of a scientific character and of great value might take place in New Zealand, just as they had taken place in Melbourne and Sydney; but nothing of the sort could be done if there was no power to make a charge for admission. In the case of the exhibition at Dunedin they took possession of a reserve there, certainly without any legal authority, and built a large building, which had since been converted into a hospital. He was himself disposed to be the champion of public recreation grounds and public rights in connection with them. At Dunedin, however, they got that building erected and held an exhibition, which did a great deal of good, and, indeed, it would have been a great pity if they had been then stopped at the threshold of the undertaking by the impossibility of charging anything for admission.

The Hon. Mr. PATERSON was afraid that this would be a dangerous experiment to make. They all knew very well how jealous people were of their rights, especially of their right to recreation in public grounds. If the Council interfered with them in this respect, and told them that on certain occasions they must not enter the domains, unless they paid for permission to do so, he was very much afraid that an element might be brought into play that would not be very agreeable. Besides, he did not see why public ground, set apart for public purposes and for the recreation of the people, should be taken from them even for one day. The place was theirs for public use, and, because a few gentlemen came from England or anywhere else to play cricket, he did not consider that to be a sufficient reason for excluding the public from their own special grounds, and telling them they would not be allowed to enter without paying. In his opinion such a step might lead to very serious consequences were the people to take the matter into their own hands. It was at all events a risk; and the Council would do well to consider if the object to be attained was worthy of the risk to be incurred. For those reasons, he would vote against the second reading of the Bill.

The Hon. Mr. BONAR said the first consideration of this Bill led him to think it was inadvisable that such a measure should pass; but, after the debate which had taken place in the Council, it did really seem that part of the original purpose for which these reserves were set apart would be carried out and, in fact, materially assisted by passing, at all events, some such measure as this. It appeared to him that the great object aimed at was to provide amusement for the great mass of the people, and he knew from his own experience that, without some provision enabling a charge to be made, such amusements could not be provided. It was necessary either to put a temporary restriction upon the right of the people to enjoy these domains, or else to deprive them of the amusement they would derive from such gatherings as this Bill was intended to provide for. (No.) That might not be the case in Canterbury, where there was plenty of open ground, but it was so in Westland and other places, where the land had first to be cleared before it could be available for recreation. He thought, however, that a measure like this ought to have a general application, and should not be limited to any particular provincial district. They ought to consider this question as a whole, because, as soon as they passed a Bill for Canterbury, they would be required to pass Bills for other parts of the colony, and it was far better that a well-considered measure should be brought down, which would apply to the whole of these reserves, than that it should be left to each provincial district to apply for legislation on the subject. It would be possible, perhaps, in framing this Bill, to provide that a certain amount should be expended in improving the grounds, so that the public would derive a permanent benefit.

The 4th clause, he observed, provided that the whole of the proceeds might be handed over to those who had taken part in the match, or be given as prizes, and he thought it would be well to reserve some of the proceeds for the improvement of the reserves. These, of course, were matters of detail which could be considered after the second reading. For those reasons he intended to support the second reading of the Bill, but would reserve to himself the right, if the Bill was not to his satisfaction, of voting against the third reading.

The Hon. Mr. PHARAZYN said there were so many arguments for and against this measure that he was very much in doubt as to what course to take. He considered, however, that the balance of opinion was in favour of the general measure, and would therefore suggest to the mover whether it would not be better to adjourn the debate, in order that honourable members might have an opportunity of considering the measure more fully. He would move that the debate be adjourned.

The Hon. Mr. HALL had no objection to offer to the adjournment. Perhaps, under all the circumstances, it might be best to adjourn, with the view not merely of more fully considering the measure, but also to give an opportunity of considering that the Honorable gentlemen should be met who wished to see the Bill made a general measure.

Debate adjourned.

Hon. Sir F. Dillon Bell
HIMATANGI CROWN GRANTS BILL.

On the question that this Bill be read a third time, the Hon. Mr. MANTELL said he desired to say a few words of congratulation to the Council for having been the first House of the Assembly to pass this Bill. At the same time, he wished to call the attention of the Council to a subject which went some before it at a latter period in some shape or other, and to this fact: that, while they did this justice in one Island, it was a species of justice they did not recognize for in the other Island. In this case, the grounds for returning the land to the proprietors of the Himatanga Block were stated in the preamble to be these:—

"They were by Native custom the owners of the said Himatangi Block, and they did not join in the said sale, and did not receive any of the purchase-money; therefore, and in equity and good conscience, the said Himatangi Block ought to be given back to the said hapu."

Now, just upon these particular grounds Heremaia Motae and his relatives had retained their block of land in the Provincial District of Canterbury. Heremaia Motae and his hapu had an idiosyncrasy amongst them. They resisted from the earliest day all temptations to part with that miserable spot of land from the Little River to the mouth of Lake Ellesmere. When the speculators went down Heremaia Motae and his tribe resisted all temptation, and when the French went down and purchased Banks Peninsula these Natives abstained from touching a penny of the purchase-money; they would not sell a bit of the land. It had belonged to their ancestors for hundreds of years before, and they would not part with it. Then came the visit of Mr. Kemp, in the beginning of 1848. He made a purchase of the land from Kaiapoi down to the hills at the back of the Molyneux, across to Milford Haven; but he did not set foot upon the ground. From that purchase the owners of this piece of property held aloof, and did not touch a penny of the purchase-money. Then he (Mr. Mantell) was sent down. The Government having decided that the deed obtained by Kemp was worthless, he was instructed to obtain the signature of a Minister was appended for the best advice. He imputed no blame to the honorable gentleman who signed the document in the witness-box, and he had been surprised ever since that that course was not taken. The presentation of that instrument and its reception by the Chief Judge of the Native Land Court had underlain the distrust he felt towards that institution from that time up to the present. His distrust was created then for the first time, and that distrust replaced his confidence in the Chief Judge, which until then had been unbroken from the time he induced him, with great difficulty, to take the office of Chief Judge.

Heremaia Motae and his friends were left entirely out in the cold, and, to his (Mr. Mantell's) great surprise, the legal adviser of the Natives made but a faint objection to this instrument. It was simply signed by a name; and he objected to this sort of procedure—he did not see how the Crown could step in in such a summary way and stop a case under adjudication. He did not take the simple course of placing the gentleman who signed the document in the witness-box, and he had been surprised ever since that that course was not taken. The presentation of that instrument and its reception by the Chief Judge of the Native Land Court had underlain the distrust he felt towards that institution from that time up to the present. His distrust was created then for the first time, and that distrust replaced his confidence in the Chief Judge, which until then had been unbroken from the time he induced him, with great difficulty, to take the office of Chief Judge. His reason was this: that, of all persons thoroughly conversant with the Native Lands Act, the Chief Judge was the most conversant with it. He, of all persons in the colony, must have been thoroughly well aware that the reference of a deed, as provided by Statute, to be made by the Governor under his own hand, and by nobody else. Then, again, he had considerable doubt whether among those then present surrounding the Chief Judge there was any one capable of drawing this order of reference but the Chief Judge himself. The signature of a Minister was appended for the best of reasons and under the best advice. He imputed no blame to the honorable gentleman who signed, but it must have been known to the Judge that the signature of a Minister was insufficient for the purpose of that order. However, having said so much, he would advert no more to that subject at the present time; but he would simply again call the attention of the Council to the fact that, in spite of the gallant action of these Natives in retaining this bare, miserable strip of soil, and in spite of their abstinence from any participation in the payment for the land, Heremaia Motae and his people were dispossessed of their land by the Native Land Court, and when the case was called on they challenged the validity of the deed. They tried to prove that they had not been parties to it, and challenged the deed with such effect that the case was postponed by the Court. Next day the Canterbury papers came out with sensational articles, which was very unusual for Canterbury, asking whether the land belonged to the Maoris or to the settlers. All attention was fixed upon the matter, and all Canterbury trembled in its shoes; but they did not know the strength of the rock on which they rested. Next morning, when the Court met, an instrument—which was subsequently validated by "The Ngaitahu Lands Validation Act, 1886"—was submitted to the Court, and the latter immediately decided, on the authority of that instrument or deed, that there was an inchoate purchase referred to the Court by the Governor, instructing them what steps should be taken to fulfil the contract with the Natives. Heremaia Motae and his friends were left entirely out in the cold, and, to his (Mr. Mantell's) great surprise, the legal adviser of the Natives made but a faint objection to this instrument. It was simply signed by a name; and he objected to this sort of procedure—he did not see how the Crown could step in in such a summary way and stop a case under adjudication. He did not take the simple course of placing the gentleman who signed the document in the witness-box, and he had been surprised ever since that that course was not taken. The presentation of that instrument and its reception by the Chief Judge of the Native Land Court had underlain the distrust he felt towards that institution from that time up to the present. His distrust was created then for the first time, and that distrust replaced his confidence in the Chief Judge, which until then had been unbroken from the time he induced him, with great difficulty, to take the office of Chief Judge. His reason was this: that, of all persons thoroughly conversant with the Native Lands Act, the Chief Judge was the most conversant with it. He, of all persons in the colony, must have been thoroughly well aware that the reference of a deed, as provided by Statute, to be made by the Governor under his own hand, and by nobody else. Then, again, he had considerable doubt whether among those then present surrounding the Chief Judge there was any one capable of drawing this order of reference but the Chief Judge himself. The signature of a Minister was appended for the best of reasons and under the best advice. He imputed no blame to the honorable gentleman who signed, but it must have been known to the Judge that the signature of a Minister was insufficient for the purpose of that order. However, having said so much, he would advert no more to that subject at the present time; but he would simply again call the attention of the Council to the fact that, in spite of the gallant action of these Natives in retaining this bare, miserable strip of soil, and in spite of their abstinence from any participation in the payment for the land, Heremaia Motae and his people were dispossessed of their land by the Native Land Court.
in a document which the Chief Judge must have known was equally worthless with the original deed. He mentioned this in the hope that some portion of his remarks might be placed on record, and that hereafter, when they got rid of that greed for Native land which affected them all, this case might be brought up again, and those men might receive some reward for their gallant pertinacity in refusing to part with the land which their forefathers had bequeathed to them.

The Hon. Mr. HALL was exceedingly surprised by what had just taken place, and he was led to doubt whether he understood the rules of debate or the custom of the Council. In fact, he thought he must be entirely ignorant on the point, for it seemed to him that nothing could be more entirely out of order than for an honorable member, on the question of the third reading of the Himatangi Crown Grants Bill, to rise and make a speech not on that subject at all, but on an entirely different subject, relating to a different part of the colony. He must say he felt surprised that the honorable gentleman should have been allowed to proceed with remarks which appeared to him, from his small experience of Parliamentary custom, to be utterly and entirely irrelevant and out of order. Although the honorable gentleman had referred in a good-natured and good-humoured manner to what had taken place in Christchurch, still it would have been only fair if the honorable gentleman had given notice to the persons alluded to before he made that speech.

The Hon. Mr. MANTELL said he thought he had done all that was necessary when he mentioned to the Colonial Secretary his intention of calling the attention of the Council to the parallelism which existed between the two cases on the third reading of the Bill; but he would also have mentioned it to the Hon. Mr. Hall that morning had he had an opportunity to do so. The Hon. Mr. HALL was quite sure the honorable gentleman was the last person in the world who would do anything he conceived to be unfair; but it would be affecting on his (Mr. HALL's) part if he pretended not to know that the "Minister" alluded to was himself. He was then Postmaster-General, and at the time he was the only Minister in Canterbury. Upon the best legal advice which he could obtain, he took certain action which the Hon. Mr. Mantell thought was exceedingly objectionable. He could only say that, without being able to refer to documents, and without being able to refer to Acts, he could not now take it upon himself to reply in detail respecting a transaction which took place nine years ago. He was sure the Council would not expect him to do so. He would say generally that he remembered a sitting of the Native Land Court at Christchurch on that occasion perfectly well, and he remembered also that the Judge of the Native Land Court expressed to him his opinion, after the whole affair was over, that the Provincial Government of Canterbury had behaved in a very liberal and praiseworthy manner in reference to this case. If it could have been at all shown that Heremaia Motae or the other Natives had any other claim which was not satisfied they would not only have opposed no obstacle, but would at once have agreed to satisfy that claim in a fair and liberal manner. That was the general statement which he could make, and he thought that that was all the Council could expect him to do without having had any warning that this matter would come on.

The Hon. Dr. POLLEN said that the Hon. Mr. Mantell, in speaking to this motion, had charged the Council with not being disposed to recognize with equal readiness the justice of the claims made by the Natives in the North and South Islands.

The Hon. Mr. MANTELL.—No.

The Hon. Dr. POLLEN said the words he had taken down were, "We do not recognize justice equally in both Islands."

The Hon. Mr. MANTELL explained that when he said "We" he spoke of themselves as a people generally, and not as a Council. He was speaking of their practice as pakehas, and not as a Council.

The Hon. Dr. POLLEN was glad that the honorable gentleman had given that explanation, because it made it unnecessary for him to refer further to the question he was about to refer to. There was evidence of a contrary disposition on the part of the Council. The present measure was intended to do justice to some of the Natives of the North Island, and a day or two previously he had the pleasure of proposing a Bill of a similar character to complete the promises and engagements made with the Natives in the South Island. He was quite sure that, if the honorable gentleman himself, who knew so entirely the circumstances connected with the claim of Heremaia Motae, would bring a Bill to the Council, it would receive careful and considerable attention. If he might venture to say so, that would perhaps be a course more conducive to the interests of the Natives concerned than to put on record the statements just made to the Council.

Bill read a third time.

TAPANUI PASTORAL AND AGRICULTURAL ASSOCIATION BILL.

The Hon. Mr. HOLMES, in moving the second reading of this Bill, said it was introduced for the purpose of vesting in trustees twelve acres of land forming part of the commonage of the Township of Tapanui. In 1876, 500 acres of land were Crown-granted to the Superintendent of Otago as commonage for this township, and the object of the present measure was to set apart twelve acres out of the 500 acres as a show-ground for the Tapanui Pastoral and Agricultural Association. This Bill vested the land in five of the principal residents in the locality. Of course as soon as Abolition took place the land became vested in the Governor. Before money was spent upon it—and money would have to be spent in order to fence it, erect sheep and cattle pens, and to make it otherwise suitable for the purpose—it would be necessary to vest the land in trustees. Any money derived from entrance fees, after paying the necessary expenses, would go to the improv-
ment of the ground. It was not intended that the trustees should have power to part with the land. They would not be at liberty to alienate it for any other purpose; neither would they be at liberty to lease it for more than three years. He might also state that the vesting of the land in trustees had the concurrence of the inhabitants of Tapanui. A meeting was called recently for the purpose of considering the question, and the following resolution was carried unani-

mously by the members present.

“That the Bill introduced into the General Assembly to vest twelve acres of the Tapanui Commonage in the Pastoral and Agricultural Society for show purposes is a measure that claims the hearty concurrence and support of this meeting.”

The Bill was a very simple one, and merely vested the land in trustees for this specific purpose. The Hon. Dr. POLLEN said that, in the discussion which took place to-day on the second reading of the Canterbury Domains Bill, he was very much struck with the earnestness of the expressions of regard for popular rights which fell from honorable gentlemen, and he particularly remembered the caution which his honorable and gallant friend Captain Fraser gave them against permitting the introduction of the thin end of the wedge in these matters. He was quite sure that, in taking charge of this Bill, it had not occurred to his friend the Hon. Mr. Holmes that this was, in point of fact, an Enclosure Bill, and that in its general character it was one of those measures which had been in all time used as an instrument of oppression, by which popular rights in the very broad sense had been taken away. He had not sufficient local knowledge to know what were the circumstances of Tapanui, but looking at this Bill he found its object was to take away part of its commonage. He understood commonage to be land set apart by public bounty for the use of their friend the “poor man”—the place whereon his cow and his goose, his bit of a pig, and the other members of his family might graze or disport themselves. The object of this Bill was to deprive the “poor man” of the use of twelve acres of this common, and to enclose it and appropriate it to a specific purpose. He was not going to declare that the purpose to which it was to be appropriated was not a laudable one, or that the Bill was not a proper one; but he desired to point out to the Council, in view of what his honorable friend had called the introduction of the thin end of the wedge, the particular character of the Bill. If the Council thought it was desirable, in view of the general advantage to be derived from the holding of agricultural shows in the Tapanui District, to enclose a portion of this common, he was quite content he had done his duty in pointing out the nature of the measure.

The Hon. Captain FRASER considered this Bill was much worse than the Bill introduced by the Hon. Mr. Hall. As to the resolution which the Hon. Mr. Holmes had read, he (Captain Fraser) would like to know, who composed that meeting? Auctioneers, publicans, and stockgrowers, he supposed; not the people at present in the enjoyment of the common—they were never consulted. This Bill was simply a proposed diversion of the commonage from the purposes to which it was devoted; and he would move, That the Bill be read a second time that day six months.

The Hon. Mr. BONAR said his attention had been directed to the very point alluded to by the Hon. the Colonial Secretary—namely, that this Bill proposed to divert twelve acres from the purposes of the commonage to special purposes of an agricultural and pastoral exhibition reserve. He felt very much towards this Bill as he had done towards the last. Was it in the interests of the community at large and in the interests of those using this commonage that such an institution should be established? Was it in their interest that the reserve should be set apart for the purpose of an agricultural and pastoral show-ground? He saw that provision was made that the reserve should be used once a year for this purpose. He felt inclined to support the second reading of the Bill, knowing that it would be referred to the Waste Lands Committee, where evidence could be taken as to the value of the ground to be alienated from the reserve, and generally as to the advisability of making this alteration in the commonage.

The Hon. Mr. BUCKLEY was glad to hear the remarks of the Hon. the Colonial Secretary. He observed there were on the Order Paper in another branch of the Assembly a great number of Bills very similar in character to the present one. In fact, much of the private business before the Assembly had reference to these reserves, and the whole matter should be carefully gone into. He certainly thought that they should not be called upon to pass this Bill without some distinct expression of opinion being given, on the part of those who had hitherto enjoyed the benefits of the reserves, whether they would be willing to dispose of it as was proposed in the Bill. He was not at all satisfied with the resolution read by the honorable gentleman who had moved the second reading of the Bill, and he thought the best course would be to adjourn the second reading of the Bill for a fortnight, so as to have an expression of opinion from those who had hitherto enjoyed the common. He moved, That the debate be adjourned for a fortnight.

The Hon. Mr. BONAR observed that this Bill had been already before the other branch of the Legislature, and possibly some opportunity had been given to the inhabitants of the district to see what was proposed. It was usual, when a Bill of this sort went before the Waste Lands Committee, to take evidence in reference to it, and perhaps it would meet the objection of the Hon. Mr. Buckley if the Bill was now read a second time and then referred to the Waste Lands Committee to make all necessary inquiries. Debate adjourned.  

PORT CHALMERS MECHANICS’ INSTITUTE BILL.

The Hon. Sir F. DILLON BELL, in moving the second reading of this Bill, said that some sections of land had been reserved by a Provincial Ordinance—the Port Chalmers School
Reserve Sale Ordinance — for the purpose of a Seamen's Institute. The object of this Bill was to take the land proposed to be given for the seamen and to vest it in the Port Chalmers Mechanics' Institute, where the seamen were to have access. The Bill appeared to be an innocent one, and he did not think it was open to objections which had been made to similar measures. The Port Chalmers Mechanics' Institute was a respectable institution, and the vesting of these reserves in that Institute would carry out the original intention of devoting a part of the land for the purpose of a Seamen's Institute. At the same time, if the Council should think it wise to postpone the matter until the opinion of the people of Port Chalmers could be obtained, he would offer no objection; but he thought the Bill would not have been introduced in the other House by Mr. Reynolds unless that gentleman had very good reason to believe that the people of Port Chalmers wished it to be passed.

The Hon. Captain Fraser said he had remarked to the promoter of this Bill that there might be some difficulty about the diversion of this reserve, but that gentleman had told him that there really was no diversion, because the Seamen's Institute merely had a lease of the reserve from the Superintendent, and it was never given over to them. Therefore this Bill proposed no diversion whatever of the reserve from its original purpose.

The Hon. Mr. Bonar said this was one of a class of Bills that deserved careful consideration, perhaps not so much in the Council as with the Executive Government. It appeared to him that it would be much better if some general provision could be made by which all the questions relating to these reserves might be dealt with without requiring a special Act in each case to be passed by the Assembly. In 1875, a general provision was made in the Public Libraries and Mechanics' Institute Act which enabled all the different bodies to be incorporated, and gave them power to do all that was necessary in connection with mechanics' institutes and Athenæums. The only thing it did not give them power to do was to borrow money and to sell the particular pieces of land to be vested in them. He thought, if a simple amendment were made by way of addition to that Act, giving the Governor in Council power, by some sort of machinery, to vest lands which had been either already set aside by the Superintendent or vested in him for these purposes in the particular bodies which were incorporated under that Act — if that were done, and perhaps some general power given of borrowing under certain restrictions such as existed in nearly all these Bills that came before them, they might save a great deal of legislation which at present seemed to be superfluous and undesirable to be passed in the Assembly. He was sure such a course would save time, and he was convinced that all the objects of these different little bodies would be perfectly well met and in a much easier way than by going to the Assembly for a special Act for every little Mechanics' Institute in the country. He threw this out as a suggestion to the Council, and more particularly to his honorable friend the Colonial Secretary. He had no desire to throw any more burden upon that honorable gentleman than he had already in connection with these matters, but he thought the proposal he had made would simplify very much their proceedings in the Council in connection with this class of Bills.

With respect to this particular measure, he had looked at the different Ordinances which were referred to, and he found that this Bill proposed slightly to alter the original intention of the Provincial Council. He found that the Port Chalmers School Reserve Sale Ordinance of 1874, which included a portion of the lands referred to in this Bill, provided that those lands, not being required for school purposes, might be sold, but that the proceeds and profits were to be subject to appropriation thereafter by the Provincial Council. Subsequently the Port Chalmers Seamen's Institute Ordinance was passed, by which the Superintendent was allowed to lease certain lands for a period of three years. He did not know why that limitation was fixed, but he thought there must have been some good reason. He would be glad, however, if the honorable gentleman in charge of the Bill would tell them whether there was such an institution as that referred to in the Bill.

The Hon. Sir F. Dillon Bell. — There is not.

The Hon. Mr. Bonar apprehended that that was the reason why it was sought to place the reserve in the hands of the Mechanics' Institute, and it appeared to him, from the very short term specified in the Seamen's Institute Act, that it must have been doubtful whether such an institution would be established. Clause 2 of this Bill provides that,

"The lands described in the schedule to this Act shall be and are hereby absolutely, without any further transfer or deed of conveyance, vested in and transferred to the Port Chalmers Mechanics' Institute, and it shall have full power to sell, mortgage or dispose of such lands for the purposes of its Institute."

Now he did not know whether this was the ordinary way of dealing with these things, and he would like to know whether it might not be creating some little difficulty if, a Crown grant having perhaps already been issued to the Superintendent for the same blocks of land, they passed an Act saying that, without any further transfer at all, these lands should be absolutely vested in this particular body. In clause 5, also, provision was made by which, in consideration of obtaining these lands from the Seamen's Institute, the Mechanics' Institute was bound to provide a suitable reading-room at the Port. He did not know whether this was comprehensive enough to insure that such a room would be open at all times to seamen and be furnished with proper books and accommodation. He would be glad to see the provisions of this Bill, in this respect, made more explicit, so as to insure what was a most desirable object in all ports — namely, that the sailors should have a room to which they could go and read the papers and useful books instead of knocking about the town. He would be glad to see some
CROMWELL ATHENÆUM BILL.

The Hon. Captain FRASER, in moving the second reading of this Bill, said its object was to vest certain reserves set aside for the Cromwell Athenæum in that institution. These reserves had been Crown-granted to the Superintendent of the late Province of Otago for the purpose of forming an endowment for the Cromwell Athenæum, which was a corporate body with perpetual succession and a common seal. The first two reserves mentioned in the schedule were insignificant; the other two, however, were of more value. And he might say that two pastoral gentlemen had agreed to the Provincial Government, "We will extinguish the right to our lease, and without compensation, over certain portions of our run, on condition that you make them into reserves for the benefit of the Cromwell Athenæum." That was done. He might say that one of these reserves, containing only 175 acres, was of some value. There were three very good farms upon it, with farm buildings. Since the Abolition of Provinces Act was passed the tenants refused to pay the rent, and no rent had been paid to the Athenæum since then; and one of the objects of this Bill was to obtain power to recover those rents. This was the petition of the Cromwell Athenæum. The following information as to the present pecuniary position of the Athenæum was supplied by Mr. John Kershaw, the President of the Athenæum:

"Total assets, including building, books, and furniture, but not land endowment, £1,500; total liabilities, £250: balance to credit, £1,250. Last year's revenue, £150; estimated further revenue, including rent from land endowment, £250. It was upon the faith of obtaining rentals from the endowments that the liability was incurred."

He could appeal to his honorable friend Mr. Bonar, who he thought would inform the Council that there was no place in the colony where it was so important to have an athenæum or a reading-room as a gold field. Honorable gentlemen in the Council had very little idea of what a diggings town was. Imagine a long dusty street with iron and wooden shanties, nothing to relieve the eye, nothing to occupy the mind, nothing but billiards, drinking, and gambling—gambling, drinking, and billiards, from morning till night. Now, if they had an athenæum with a reading-room well supplied with books, numbers of people would go there, and they might be very certain that, when once a man began to read and to have a taste for intellectual occupation, there would be no fear of his going through the liquor bars of the drinking-shops into a lunatic asylum, or through the hells behind the bars into the gaol. This Bill sought power to raise £1,000 for the purpose of paying off the present liabilities and furnishing the reading-room. As the Bill would have to go before the Waste Lands Committee, he would say no more except to move that it be read a second time.

The Hon. Mr. NURSE would like to know what the private subscriptions were to this Athenæum. He only asked the question as a test point in regard to other cases; because it seemed to him that most of these athenæums were managed in a very extraordinary manner—were, in fact, circulating libraries at the public expense. They obtained large endowments and paid very small subscriptions, and were really not public institutions at all, the public being excluded, and only subscribers allowed to use the libraries and museums. The observations of the Hon. Mr. Bonar had suggested these points to his mind, and he thought it would be well if they went thoroughly into the matter on this occasion, and decided that these institutions should be either public or private, and not half-and-half.

Debate adjourned.

The Council adjourned at five o'clock p.m.
HOUSE OF REPRESENTATIVES.

Tuesday, 18th September, 1877.

First Readings—Third Reading—Land Bill—Advertising on Telegraph Poles—Telegrams—Timaru Resident Magistrate's Court—Ahuriri Bridge—Mrs. McManus—Wanganui Gas Bill.

THIRD READING.

Mr. Speaker took the chair at half-past two o'clock.

FIRST READINGS.

Havelock Athenæum Endowment Bill, Oamaru Reserves Bill, Lawrence Athenæum Bill, Havelock Athenæum Bill.

LAND BILL.

Mr. Curtis.—Sir, the Waste Lands Committee wish to ask for your ruling on a question of considerable importance and of some difficulty which arose in the course of their proceedings. The Committee were considering the Land Bill — "An Act to regulate the Sale or other Disposal of the Lands of the Crown in New Zealand." An honorable member proposed to introduce a new clause into the Bill, which was as follows:—

"The Receiver of Land Revenue in each provincial district of the colony shall, as soon as possible after the end of each of the quarters ending March, June, September, and December in each year, make out a return showing the lands disposed of by sale or by deferred payments in each county or part of a county within the provincial district; and the said Receiver of Land Revenue shall, within one month from the end of each of the quarters above specified, pay over to the Treasurer of the County Council of the county within which such lands have been so disposed of twenty-five per cent. of the moneys arising from the disposal as aforesaid of lands within such county, and which have been paid over to him as Receiver of Land Revenue during the preceding quarter; such twenty-five per cent. of moneys so arising to be expended by such County Council in the construction of roads and bridges within the county: Provided that no part of the moneys so paid over to the county shall be expended in repairs or maintenance."

As chairman of the Committee, I refused to receive that clause or to allow a discussion in Committee with the view of its being inserted in the Bill. I did so on this ground: that it appeared to me that there was nothing whatever in the clause which related to the sale or disposal of the waste lands of the Crown, and, further, that the clause proposed to deal with the public revenues in such a way and to such an extent as I think it would not have been the intention of the House to refer to the Committee without a special reference on the subject. It appeared to me that if a clause of this kind were admitted for the consideration of a Select Committee to which it was not specially referred, there was nothing to prevent another clause being introduced defining that the whole of the land revenue—the proceeds of the sale of waste lands—should be colonial revenue, and not be in any way treated as it is at present—namely, as belonging to the particular provincial district in which it is raised. On this ground mainly, I declined altogether to entertain the clause. There was also this further ground, that it was a question of public policy in connection with the disposal and sale of waste land, which the Committee could not entertain unless the matter was specially referred to them. Some members of the Committee took a different view from mine, and I have therefore, by direction of the Committee, now to ask your ruling upon the subject—whether that is a clause which should have been entertained, and which it was competent to the Committee to introduce in the Bill under discussion.

Mr. Speaker.—The question raised by the honorable member is one of very great importance, and I am not prepared ex tempore to give an opinion upon it. I will, however, examine further into it, and will give my ruling to-morrow or next day.

ADVERTISING ON TELEGRAPH POLES.

Mr. Swanson asked the Commissioner of Telegraphs, What steps it is necessary for a person to take to obtain the exclusive use of the telegraph poles for advertising purposes within a given district?

Mr. McLean replied that this matter was under the consideration of the Government last year, and a Bill was prepared with a view of giving effect to the desire expressed in the question. Difficulties, however, came in the way, and the Bill was never brought into the House. Under that Bill telegraph poles could be let for advertising purposes, and a very fair revenue would accrue by their being cut up into sections, and tenders being called for the right to advertise on them. The difficulty in the way was that if boards were allowed to be affixed to telegraph poles in municipalities they might interfere with the footpaths. The matter was now being considered, with a view to seeing whether it would be necessary to bring in a Bill to deal with the matter. The Government had full powers at present to let telegraph poles for advertising purposes, so long as they did not interfere with the footpaths.

Mr. Swanson.—Do I understand that you will give effect to the wish here expressed in some shape or other?

Mr. McLean.—Yes; it is quite our intention to do so.

TELEGRAMS.

Mr. Larnach asked the Government, What number of telegrams, and the cost of same, have been sent to the Agent-General and any other person, in connection with the Public Works and Immigration scheme, during the last twelve months, say 31st August, 1876, to the present time?
Mr. ORMOND replied that the number of telegrams sent to the Agent-General in connection with the Public Works Department for the period from 31st August, 1876, to the present time was seven. No other person in England had been wired to by the department. The cost had not yet been ascertained, as in some cases one or two words only were sent, and were included in a telegram relating to other services. For example, one telegram was "Employ Bruce," and another simply "Inconvenient." With regard to the Immigration Department he might say that since the 31st August, 1876, three telegrams had been sent to the Agent-General at the cost of the department, which, as nearly as could be ascertained, had been £68 5s. 4d. No other telegrams had been sent of the nature referred to by the honorable member.

TIMARU RESIDENT MAGISTRATE'S COURT.

Mr. WAKEFIELD asked the Minister of Justice, Whether he proposes to take any steps with regard to altercations between the Bench and the Bar in the Resident Magistrate's Court at Timaru? He did not know whether the honorable gentleman had noticed that the Resident Magistrate's Court at Timaru had been brought into great disrepute through altercations between the Bench and the Bar. So much had this been the case that the Resident Magistrate had, on more than one occasion, to leave the Bench suddenly, in order to prevent a disgraceful scene.

Mr. REES would like to mention that he had received a petition signed by 200 or 300 people—respectable farmers and settlers—in the Waimate and Timaru Districts, in relation to this matter, praying that the Minister of Justice might be asked to take some steps to prevent a line of conduct which might involve a serious infringement of their liberties.

Mr. BOWEN said his attention had been directed to the fact of some altercations having taken place between the Bench and the Bar at Timaru, and he had communicated with the Resident Magistrate in order to obtain more accurate information. On receipt of that information he would make further inquiries into the matter.

H. B. RUSSELL.

Mr. MURRAY asked the Premier, What the Government are doing to carry out the resolution of the Public Petitions Committee of 1876 upon the petition of the Hon. H. R. Russell (No. 2), presented to the House on the 18th October, 1876? The Public Petitions Committee indicated a certain course last year which ought to be taken, and the House had, on the 15th October, unanimously passed a resolution affirming that report. He would like to know from the Government whether they intended to disregard the decision of the House, or whether they would bring in a Bill dealing with the matter.

Mr. REID said the Government were considering the terms of a Bill to be introduced with a view to extending the time within which roads might be made in the Province of Hawke's Bay. There were many matters to be considered in connection with the subject, especially with reference to the making of roads over lands on which the right of the Crown had lapsed, and it was considered desirable that the Bill should only apply to land that had not been otherwise improved than by fencing. The cases of Mr. Russell and Mr. Kinross were exceptional cases, as they had considerably improved their properties; and, seeing that the laying out of roads through their properties would be of mutual advantage, the right to take roads through both properties would be taken in the Bill.

WAITOA LAND.

Mr. MURRAY asked the Premier, If the Government intend to continue the office and department of the Agent-General after the expiry of Sir Julius Vogel's twelve months' engagement?

Mr. WHITAKER said it was the intention of the Government to continue the office.

Mr. MURRAY asked if it was understood that the present Agent-General was to continue in the office. There were rumours that he intended to resign and accept some private position.

Mr. WHITAKER said there might be such rumours, but he was not aware of it.

AGENT-GENERAL.

Mr. MURRAY asked the Premier, If the Government have permitted Mr. F. A. Whitaker to acquire Hunia Blocks Nos. 1, 2, 3, and 4, extending to several thousands of acres, on the Waitoa River? He confessed that it would have been better to have brought this subject before the House by way of motion, but there were already so many motions on the Order Paper that it would be utterly impossible to get it on in anything like reasonable time. He would merely refer to one or two facts, and would, as far as possible, refrain from introducing any debatable matter into the question. In 1875 a Bill was introduced into the Legislative Council by the Government the preamble of which was to this effect: "Whereas a large portion of the Piake District has lately been purchased and is in treaty for purchase on behalf of the Government from aboriginal natives." The Bill further declared that, in exchange for certain lands, which are low and swampy, and the title to which is disputed by the Natives resident thereon, "it shall be lawful for the said Frederick Whitaker to select an equal number of acres out of land between the Piake and Waitoa Rivers, if the same be available, and, if not, then out of other Crown lands which may be agreed on by the Governor and the said Frederick Whitaker." The Bill was rejected; and he wished to know whether the Government, in allowing Mr. Whitaker to buy this land, had not attempted to evade the decision which the Legislature arrived at in 1875 that no exchange with Frederick Whitaker should be permitted, and that he should not be allowed to acquire this land which the Govern-
ment was negotiating for. The Attorney-General stated before the Public Petitions Committee in 1875 that he had sold 3,000 acres of land at Hunia to Mr. Fraser, in expectation of getting it from the Government. The report of the Committee and the evidence were before the House, so that there could be no dispute about the facts. He merely wished to elicit information in order that he might found a motion upon it afterwards.

Mr. ORMOND said the answer of the Government was that no such permission had been given.

GREY COAL.

Mr. REES asked the Government, whether they have or have had during the last twelve months any contract for the supply of coal with the Brunner Coal Company or any other mining company at the Grey?

Mr. ORMOND replied that the Government had not had, nor had they now, such a contract.

COUNTY COUNCILLORS.

Sir R. DOUGLAS asked the Attorney-General, if it is lawful under the Counties Act to pay any salary or mileage to County Councillors? The question was one of some importance, as some County Councillors had received salaries, and a great many others were in doubt as to whether they could receive salaries or not.

Mr. WHITAKER said provision was made in the Counties Act for the payment of Chairmen of County Councils, but there was no provision for the payment of County Councillors, and the Councils were not authorised to make such payments.

TAWHIAO AND Rewi.

Mr. TAIAROA asked the Premier,— (1.) What action the Government propose in reference to the demand of Tawhiao and his people that their lands in Waikato may be given back to them? (2.) Whether the Government have given any effect to the request of Rewi Maniopoto for the return of certain confiscated lands, the Government had no intention of complying with that request. As to the third question: Many thousands of acres of the Waikato had always been available to say of those people who chose to come in and take them up. Those lands were still available, and if the Natives desired to occupy them they could do so.

AHURIKI BRIDGE.

Mr. SHEEHAN asked the Minister for Public Works, whether any provision is made in the proposed Public Works expenditure for the year for the construction of a bridge across the Port Ahuriri Harbour?

Mr. ORMOND said that the Public Works Estimates were not yet definitely settled, and the question of a bridge across the Ahuriri Harbour was under consideration.

Mrs. McMANUS.

Mr. BURNS asked the Government, if effect has been given to the recommendation of the Public Petitions Committee in the case of Mrs. McManus; and whether the House will be informed of the result at an early date? The report of the Committee was as follows:—

"The petitioner prays for inquiry into the circumstances of the illegal imprisonment of her son by certain Justices of the Peace, and that relief be afforded her. I am directed to report that the Committee, having made inquiry into petitioner's case, and invited the Justices of the Peace who sat on the Bench when the petitioner's son was ordered to be imprisoned for one month to offer any explanation to the Committee they thought desirable, are of opinion that the explanations offered by the Justices is unsatisfactory, and no justification of their action in illegally imprisoning petitioner's son for an offence unknown to the law. The Committee therefore recommend that the petitioner's case be referred to the Government, and the Justices called on to show cause why reparations should not be made by them to the petitioner and her son; and, in the event of their not making fair reparation, that they be called on to resign or be struck off the list of Magistrates."

He wished to know whether the Government was prepared to take any action upon that report.

Mr. BOWEN said he had forwarded copies of the report to the Magistrates concerned, and until they received a reply it would be impossible to take any action in the matter.

COUNTIES BILL.

Mr. GISBORNE asked the Government, when they will introduce the Counties Act Amendment Bill? In the Governor's speech, delivered two months ago, it was intimated that an act amending the Counties Act would be introduced during the present session. There was a strong desire in many parts of the colony to
know the nature of this Bill, and he wished the Government to state what course it would take.

Mr. WHITAKER said the Bill would be introduced as soon as the Order Paper was relieved of some of the business on it.

DISQUALIFICATION.

Mr. REES—Sir, in moving the motion standing in my name, I have to say that I have been informed that Mr. Martin Kennedy, the member for Grey Valley, has entered into a contract with the Government for the supply of coals, although, at the same time, his brother-in-law, who acts as his clerk, appears as the contractor. I believe that a gross mistake was made in the Disqualification Act last year, and I think that this Committee should be appointed in order that inquiries may be made with the view of rectifying the error. With the permission of the House, I should like to make an addition to my motion, so that it would also be the duty of the Committee to inquire whether or not the Attorney-General is a member of this House. A great deal was said last year about Mr. Whitaker’s connection with the purchase from the Government of the Piake Swamp, and—

Mr. SPEAKER.—I think the honorable member should confine himself to the motion of which he has given notice. If the honorable gentleman wishes to include the Hon. the Attorney-General in his motion it would be more convenient that he should give notice of his intention to do so.

Mr. REES.—My only reason for wishing to add the name of the Attorney-General to the motion was that it might save trouble. I was only informed recently about Mr. Whitaker; but I will take your advice, Sir, and give notice of motion with respect to the Attorney-General for to-morrow. Regarding Mr. Kennedy, I can only say that I believe the evidence which will be brought forward will show that he has entered into a contract to supply the Government with coal. I think it is absolutely necessary that the Committee should be appointed to report on the 7th section of the Disqualification Act, in order that inquiries may be made with the view of amending it. I beg to move the motion standing in my name.

Motion made, and question proposed, "That a Select Committee be appointed to inquire as to whether Mr. Martin Kennedy has forfeited his seat in this House by being a contractor with the Government."—(Mr. REES.)

Mr. ORMOND.—Sir, it is not for the Government to interpose and say that the House should not appoint a Committee to inquire into a matter of this kind; but I will ask the House to consider whether there has been a prima facie case made out. The honorable member to whom reference has been made is not now present. From certain inquiries which I have made I find that the honorable member for Grey Valley is not a contractor for the Government; but he is the manager of the Brunner Coal Company, and the Government has contracts with other persons for the supply of Brunner coal. That company, Mr. Kennedy, is an incorporated company, and was registered at Greymouth.

Mr. MONTGOMERY.—How many shareholders are there in it? There must be seven shareholders to make it an incorporated company.

Mr. ORMOND.—I do not know how many shareholders there are in it. I think that, if it is necessary to inquire into the working of the 7th clause of the Disqualification Act, it would be better to move a motion to the effect that an inquiry should be made, and not drag into the matter the name of any member of the House.

Mr. REES.—I asked the question distinctly the other day as to whether the Government had any contract with the Brunner Coal Mining Company, and the Government replied "No." Their contract, therefore, must be with somebody else. I believe, from information I have received, that the contract has been made for Mr. Martin Kennedy’s benefit, although another person’s name is used as that of the contractor. My information is to the effect that, while Mr. Kennedy’s brother-in-law and clerk was the contracting party, the contract was really for the benefit of Mr. Kennedy.

Mr. ORMOND.—What is the name of Mr. Kennedy’s brother-in-law?

Mr. REES.—Martin Minogue. Is he the contractor?

Mr. ORMOND.—Yes, I believe so.

Mr. REES.—I believe that the signature of this brother-in-law was written on the contract deed by Mr. Kennedy himself.

Mr. McLEAN.—There is no contract with Mr. Kennedy.

Mr. REES.—Well, I am surprised to hear members of the Ministry contradicting each other in this way. However, if it be the case that Mr. Martin Kennedy has obtained a contract from the Government in another person’s name for his own benefit, he can be dealt with under the Disqualification Act. I believe that the money which is received from the Government for these coals is paid into Mr. Kennedy’s own account at the bank. I believe that Mr. Minogue declares himself to be simply a clerk of Mr. Kennedy’s. The 7th section of the Disqualification Act provides that any person shall be incapable of being summoned to or of holding a seat in the Legislative Council while they are contractors, but, as regards this House, a person is incapable of being elected while he is a contractor, but he can enter into a contract immediately afterwards. I think that that is a gross mistake in the Disqualification Act, which should be rectified at once. I think that a Committee which could take evidence, would be better able to deal with this matter than the House could possibly be. I have ventured to bring the matter before the House, because I believe that I have a prima facie case.

Mr. ORMOND.—All I can say is that Mr. Minogue has a contract with the Government to supply the Government offices with coal. It appears on the papers that he is the principal, he gives sureties for the due performance of the contract, and we know nothing about anybody else in the transaction. We are aware, however, that the coal comes from the Brunner Coal Company’s mine, because there were two tenders sent in, one to supply Newcastle coal and the other to supply
Mr. BOWEN moved, That out of the Public Account 532 [Sept. 18 £250,000 be granted to Her Majesty by way of imprest for the service of the year ending June, 1878.

Mr. REES said the wording of the motion was clearly incorrect. He understood this £250,000 was wanted for public works. These could not be regarded as part of the services of the year, for the contracts might not have been authorized. Mr. BOWEN said the resolution was in similar terms to those passed on previous occasions. The money was required for Government contracts.

Mr. REES urged that in that case the money could not be required for the services of the year. The contracts, he presumed, had to be determined upon by the House. They might never be determined upon, and this money would be voted to meet expenditure really not contracted. The House ought to have some knowledge of how much of the money was required for public works, and how much for current expenses.

Mr. BOWEN said the greater part of the money was required for contracts entered into last year.

Mr. THOMSON said it was a very unusual thing for three Imprest Supply Bills to be passed in the course of one session. Parliament had been in session only two months, and this was the third Imprest Supply Bill. It was a very unusual circumstance.

Mr. BOLLSTON said he would be glad to know when the House would have before it a statement of the Provincial Liabilities Account. It seemed to him that there could be no intelligent discussion on the subject of finance until the House had that statement before it. As they had now been in session nine weeks, honorable members had a right to expect to see it brought down.

Mr. BOWEN said the Colonial Treasurer had been endeavouring to get these accounts up to the end of the year. They had to be supplied by the Provincial Auditors of the different provinces, and they would be laid on the table as soon as obtained.

Resolution agreed to and reported to the House.

The House went into Committee of Ways and Means.

Mr. BOWEN moved, That out of the Public Account there may be issued and applied, towards making good the supply granted to Her Majesty by way of imprest for the service of the year ending the thirtieth day of June, one thousand eight hundred and seventy-eight, in addition to the sums mentioned in the Civil List Act. “The Imprest Supply Act, 1877,” “The Imprest Supply Act, 1877 (No. 2),” and other Acts, any sums of money not exceeding in the whole two hundred and fifty thousand pounds (£250,000), to be charged in the manner hereafter to be expressed in any Act or Acts passed in this present session of Parliament for appropriating the public revenues of the colony for the year ending the thirtieth day of June, one thousand eight hundred and seventy-eight.

Resolution agreed to, reported to the House, and agreed to, and Bill read a first time.

DISTRICT RAILWAYS BILL.

Mr. ORMOND.—In moving the second reading of this Bill, I may say that it has been before honorable members for a very considerable time, and the House is well acquainted with its provisions. I will therefore only briefly state some of its main features, and give a general sketch of what the Government propose to do under this Bill. The Government very carefully considered during the recess the whole question of the railway policy, and, as has been stated to the House in the Public Works Statement, we came to the conclusion that we should recommend to the House that it should, for the present, confine its operations to the construction of main trunk lines in both Islands. In coming to that conclusion we were fully aware that it would be necessary that a large number of districts would have to be connected with those trunk lines by branch railways, but we did not see our way to recommend this House to make provision for any branch railways throughout the colony. It had then to be considered how this object could best be attained, and in the Bill of which I am now moving the second reading we feel that we have devised a means by which most of the districts in the colony which it is essential should be connected with the main trunk lines by branch railways will be enabled to be so connected.

The honorable member for Dunedin City (Mr. Macandrew) on a recent occasion pointed out a very large number of railways which he held were necessary for the opening and settlement of the Provincial District of Otago, and I think it will be admitted that in most cases the provisions of the measure before the House will enable those railways to be constructed. The main principle of the Bill is that the lands of the districts through which these branch railways shall go shall contribute a part of the interest on the money which they will cost. The Bill leaves in the hands of the people themselves and of the County Councils in the districts in which railways may be proposed—leaves in their hands the absolute settlement of whether they will have these railways or not, and so devolves upon them the duty of providing for them. Under this Bill, if a railway is desired in any district the district has to interest itself to get a company organized. The company, if organized, has then to prepare a plan of the railway; it has to prescribe the district through which the railway shall go; it has to prepare a list of the owners of the land within the district, and to give proper notices. When the company has complied with these conditions, it has to describe fully its objects and purposes, the terms on which the railway is to be constructed,
and how it proposes to carry on its business. That information being supplied, the company has then to get the consent of the majority of the County Council of the district or districts through which the railway may run, and the Council has the right to negative the further proceeding with the railway. If the Council does not object, then the ratepayers have to be appealed to, and their votes taken; and if the majority agree that the railway is necessary and desirable, and are willing that their land shall contribute to the cost, then, on their signifying approval, the company only requires the approval of the Governor, who is to see that it is capable of carrying out the work. In all this, the wish and intention of the Government was to give facilities for the construction of railways, and at the same time to leave to the people of the districts themselves to say whether their lands should be made liable for part of the interest on the cost of the railways. They are to have entirely in their own hands the power of saying whether they will have these railway benefits or not. Another thing the companies have to do is to classify the land in the districts through which the railways will run, and to furnish an estimate of the rates which the lands will have to bear, classifying them in such a way as they think will be acceptable to the people themselves, and in proportion to the benefit they will derive from the construction of the railways. All these provisions having been complied with, the company can proceed with the construction of the railway, and the Bill gives facilities for carrying out the work. I need not specially refer to these provisions. The gauge of all these railways is to be the uniform gauge of the railways in New Zealand, the narrow gauge. The Bill also provides that the Governor shall have power to purchase these railways when it may be thought necessary to do so. In this respect, the Government has come to the conclusion, since the Bill was first circulated, that it is necessary to propose an alteration in the provisions. The alteration that we propose is that the Governor shall be entitled, about five years after it has been taken from the Railway Companies Bill already on the Statute Book; but we do not intend to ask the House to affirm them, and propose to leave entirely to the companies the fixing of rates and the management of their railways. We shall not interfere with them except in this respect: It is provided that at the commencement the companies shall propose for approval the maximum rate they will charge, and also define the number of trains they will run; and we shall insert in the Bill clauses providing that, these conditions having been complied with, all the rest shall be left in the hands of the companies themselves. The next important part of the Bill to which I shall refer is that with regard to the aid to be given by the colony to these undertakings. The rate which may be imposed under this Bill on any land in a railway district is limited to 6 per cent.; and it is proposed that the colony shall supplement that 5 per cent. by a sum not exceeding 2 per cent. out of the Consolidated Fund. This will be a very material assistance, and will largely tend to this measure being availed of. We also propose that the rate to be raised upon the land shall be levied by the Borough or County Council of the district in which the railway is situated—that machinery being the best, as we think, for this purpose. It is next proposed that when the profits on any railway amount to 7 per cent. of the levying of any rates for the payment of interest, and the guarantee from the colony, shall cease. We shall also add a proviso that there shall be no rates payable and no guarantee receivable from the Government until the railway line is open for traffic. A difficulty arose as to how the waste lands of the Crown were to be made to contribute towards the rates to be levied for these branch railways; and what is proposed by the Bill is that Crown lands shall be rated the same as other lands, and the amount of such rates shall be allowed to accumulate until the land is sold, when they will be added to the upset price and the money received be paid to the company. These are the general provisions. In the first clauses of the Bill as we have brought it down. Since it was introduced, however, we have had conveyed to us by the Press the opinions of persons and public bodies in different parts of the colony as to how this measure may be made most available, and we have come to the conclusion that, in addition to the present provisions of the Bill, we can extend its operation very beneficially. There will therefore be clauses brought down enabling any company that desires to enter into a railway speculation in any district to do so, but without any guarantee from the ratepayers of interest on the undertaking. I am led to believe that in the southern districts there are several cases in which, if facilities are given, railways will be constructed by companies without any guarantee from the lands in the districts through which the railways will run. It will simply be a matter of speculation on the part of the companies themselves; but we have added to the Bill a provision that a guarantee on the part of the colony, out of the Consolidated Fund, of interest not exceeding 2 per cent. may be extended to such undertakings. It would
manifestly be placing large powers in the hands of the Government if it had the power to approve of a railway and pledge the colony to this guarantee without its having gone through all the conditions which fence in the guarantees in regard to the companies which carry on under the former part of the Bill. I propose that this guarantee shall only be payable to a company, and they shall have no claim to it until both branches of the Legislature shall have affirmed by resolution that it is desirable that a guarantee not exceeding 2 per cent. shall be paid until the railway is running at a profit. Although necessarily such railway companies as these will not have to receive the same assent as the other companies, we propose that the County Council and ratepayers shall have plans furnished to them of the proposed railways in such a way that, if they think it undesirable for the district to have the railway, they shall be able to petition the Governor against it. In that way the Governor will be placed in a position of knowing the feelings of the people of a district in regard to such railways as may be proposed to be constructed. In this instance also, as in regard to other railways to be made under the provisions of the Bill, it will be the duty of the Governor to ascertain that the company is in a position to carry on the undertaking and to give proper security in that behalf. I take it this Bill will be recognized as being for the general benefit of the community—that it will be received by both sides of the House as in no way having party considerations attached to it; and I feel sure the assistance of the House will be given in putting it into a shape useful to the colony. It is very desirable that it should become law at as early a date as possible, because we are given to understand that there are companies already being formed anxious to take advantage of it.

Mr. TRAVERS.—I understood the honourable gentleman to say that the Government were to have power to exercise the right of purchase after five years. Now I think that is too short a period. It is not only to be called on to invest its money at 7 per cent., but at the end of five years, or as soon as the undertaking presents any prospects of profit, the Government are to have power to take the line off its hands by paying it a sum equal to the estimated cost of construction, less an amount for depreciation which will probably mean a reduction of more than 10 per cent. on the cost. That, I think, does not offer satisfactory inducement to people to embark in undertakings of this kind. It would be far better to give a longer period to people who are willing to embark in railways in the colonies, for it is scarcely probable that such undertakings will become sufficiently profitable during the first five years to make them attractive to capitalists. As a rule these railways will be constructed through thinly-peopled districts, and it would be much better to extend the time to twelve or fourteen years, so that the companies might have some chance of reaping the benefits of their outlay. I see no reason why the Government should not at any time purchase a railway within a given maximum period, provided they pay to the company the full value of the railways, and not merely the estimated original cost less depreciation. I cannot think that this Bill really offers any large inducements to construct railway lines. I should agree to a proposal to extend the measure so as to allow companies to construct railways of this kind without guarantee at all, or with the moderate guarantee which the Government proposes. It would be as well to allow companies to construct lines upon the prospect of profit which the district would offer to them, without any interference from the Government at all. I do not apprehend that any evil consequences will result to the colony through enabling companies to construct railway lines and to hold them for a long period. They are amongst the ordinary industrial undertakings of a civilized country, and it is quite easy to provide for the working of such railways in a manner not to interfere with the working of the railways in the hands of the Government. I quite agree with what has fallen from the Minister for Public Works, that this is a measure which, if carried out satisfactorily, will offer to the public an opportunity of investment which will be advantageous to those who invest as well as to the public at large; but the term at which the right of purchase may be exercised must be made longer. In the case of tramways to be laid down in cities the term is longer, and the terms under which they are to be taken over are more advantageous. I see no reason why railways in thickly-peopled boroughs should be treated with greater relaxation than the class of railways contemplated in this Bill. I shall support the Bill, but I trust the honourable gentleman in charge of it will bear this point in mind when the Bill goes into Committee. There is another matter which requires some modification, and that is the power of veto given to the County Councils. That will require to be very carefully looked after, because the inducement to construct a railway may be dependent entirely upon being able to reach any given point from another given point. It may happen that a portion of the ratepayers or persons occupying a district intended to be intersected by a line may oppose its construction, although it might be extremely useful to them if they could be induced to agree to it. It is true that where the ratepayers are to have a burden imposed upon them of 5 per cent. on the capital expended they ought to have a substantial voice in the undertaking; but at the same time there should be some means of preventing persons who may be blind to their own interests from defeating a work which may be beneficial to their neighbours. I think it is not altogether wise to place powers of this kind in the hands of the ratepayers, even though the cost is to be defrayed out of rates. When the Public Works policy was first proposed by Sir Julius Vogel it was intended that a very large proportion of the charge for interest upon the capital constructing the lines should be defrayed by property in the vicinity of those lines; and it was not considered necessary, when the Government projected a line from one point to another...
to another, to consult the ratepayers along that line as to the advisability of constructing it. There should be some appeal against the refusal of a portion of the ratepayers to accede to the construction of a line, so that the legitimate object of the Bill should not be altogether defeated by any section of ratepayers residing at the point intended for the termini refusing to pay the necessary contribution. It is difficult to meet all objections in a Bill of this sort, but, if the Government saw that the construction of a railway would be beneficial to a district as a whole, they should have power to construct the railway despite the opposition of a portion of the ratepayers. I shall assist as much as I can to put the Bill into a form that will be satisfactory to the colony, and also to those capitalists who may be disposed to embark in undertakings of the kind.

Mr. MACANDREW.—As I understand it, the Government will not object, when the Bill goes into Committee, to accept any modifications, alterations, or additions which may make it into a workable measure. I rather think it cannot; but I approve of the principles of the Bill, and in Committee shall propose certain alterations which I think will improve it.

Mr. BURNS.—I wish to point out to the honorable gentleman in charge of the Bill that it will be necessary to insert some further words in clause 12. It must be borne in mind that a great portion of the country is governed by municipalities, and it is but fair that the Borough Councils should receive the same power as the County Councils. It will be remembered that, in the early part of the session, I moved a motion with regard to a district railway, and at the request of the honorable gentleman I withdrew that motion. With regard to that railway, I may explain that it runs almost entirely through an extensive municipality, which would receive great benefit from the railway. I merely refer to that matter in order that it may receive attention at the proper time, when I shall propose to add the words "in each borough." Many of these boroughs are very large, and it is only fair that they should receive proper consideration.

Mr. GISBORNE.—I wish to offer no objection to this Bill; on the contrary, I recognize that it is a valuable measure; but I hope the suggestions which have been offered will be accepted in Committee. I chiefly rose to call attention to the point which has already been remarked upon by the honorable member for Roslyn. There is a provision under the 14th section under which the consent of the counties is to be taken, but there is no provision under which the consent of the ratepayers of a borough is to be obtained. Now, boroughs are interested in these railways. A railway may run through a borough; and, to render this anomaly still greater, the boroughs are actually called upon to contribute to make up the interest—

Mr. ORMOND.—The 17th clause does that. Mr. GISBORNE.—I do not see why the proprietors of railways should be obliged to apply to counties and not to boroughs for permission to make railways. I am very glad that the honorable gentleman has consented to make the concession which he has done, and I will do everything I can in Committee to assist in making the Bill a workable measure.

Mr. MANDERS.—I have in my hand some telegrams, which I will not trouble the House by reading, but I may say that as soon as this Bill was placed in my hands I sent copies of it to people in the district which I represent, and they have replied that it would suit them very well. I am quite certain that the Bill will be acceptable to the country settlers in Otago. It may not suit the honorable members for Dunedin City, who desire to have the main lines coming to a central point in the city; but it will suit the members who represent the country districts. I quite agree with the honorable member for Wellington City (Mr. Travers) that five years is too short a period in reference to the Government's right of purchase. I do not know whether the Minister for Public Works has given that subject his full attention; but I think that the time should be fixed at more than five years, especially in the up-country districts. I hope that the honorable gentleman in charge of the Bill will give that matter his earnest consideration. It is my intention to give my hearty support to the Bill.

Mr. ROLLESTON.—I should like to take this opportunity of bringing under the notice of the Minister for Public Works a matter which is not intimately connected with this Bill—namely, the necessity of laying out railways which, though they may not be required now, will be required in the future. There are different gorges and other natural openings throughout the country which railways could be taken through. In our desire to get railways we have neglected to look after the work of colonization as we should have done. We had a promise from the Government last year—a promise which the present Minister for Public Works has not yet had time to give effect to—that we should have a system of railways carefully laid out, with full reports upon them. I would suggest that the Government should take action under the Public Works Act to make railway reserves on which immigrants could settle; and then the railways would be profitable. Where there is a system of free selection
of land it is necessary that lines of railway should be laid down, and reserves should be made in connection with them. It has been a matter of regret to me in the past that no action of this kind has been taken by the Government. Indeed, the reverse has been the case. For instance, a line of railway was made by one Ministry along the west coast of the Island, and it ran through some of the very best land in the colony; but by a succeeding Ministry it was absolutely thrown away. Difficulties are no doubt coming in respect of money for carrying out public works, and these difficulties will be largely increased unless we have means for settling people on our land. I wish to say, with regard to the reserves which now exist for ferries, &c., that, though such reserves may not be required now, I hope the Government will not part with them unless they are sold for the purpose of bond fide settlement.

Mr. STOUT.—I think that this Bill is generally admitted to be a good one. I object, however, to the County Councils having anything to do with the railways, because in many cases where a railway passes through a small part of a county the Council will regard the railway as a matter of no interest whatever. If the County Councils have anything to do with the railways there will be a great deal of log-rolling carried on as to the route to be adopted. I think that there should be some alteration made in regard to the time which should elapse before the Government could exercise their right to purchase. I think that five years should be given for a trial of the railways, and that the Government should not exercise their right for five years after that, because the first five years would not be sufficient to enable the railways to have a fair trial. I think it would be fairer to say that the limit should be ten years, and that even then more than six months' notice should be given of the intention of the Government to purchase the lines. If a short term is fixed upon, capitalists will go in for that speculation which will return a large profit, whereas the capitalist would be prepared to construct railways; and it has turned out that I was right. I say now that unless this Bill is made more liberal no capitalists will undertake the construction of railways. I think that they should not purchase them for fourteen years. A good deal has been said by the honorable member for Dunedin City (Mr. Stout) and the honorable member for Dunedin City (Mr. Travers) about vesting power in the County Councils. They should not have full power in the matter, because it is well known in some cases rivalry exists. One section of the people would wish the traffic of the county to go one way and another would wish it to go the other way, and the consequence would be that a majority of the County Councillors might object to the construction of the railway altogether. I was in Otago recently, and while there I met many capitalists who I believe would be prepared to construct railways under this Bill if certain concessions were made—and the principal concession, I believe, is the lengthening of the time which must elapse before the Government can purchase. If the time is so extended and the Bill becomes law in that shape, I think it will be a great public good, especially in the South, and, I have no doubt, in the North. There is another question: I think the Government should have a supervision over the direction that these railway lines shall take. It is of no use pointing to such matters now, but I know of many of our railways which would have been of greater advantage to the districts in which they have been constructed, and more profitable too, had they been taken along different routes from those upon which they have been built; and I think, when the construction of a railway under this Act is proposed, there should be obtained an intelligent opinion as to the best course of lines, and I am sure, and I could fortify my opinion by a large mass of evidence if it were necessary, that a great amount of money could have been saved in facilities for the construction of branch railways wherever the circumstances of districts require them."

There was also a suggestion made by one of the speakers at this meeting, Mr. Gillies, that might be given effect to—namely, that the debentures issued by the companies contracting the railways should be taken over by the Government. I think that if these suggestions were adopted we should have a better system than the one proposed in the Bill, because the Government would have the money in hand, and the debenture-holders would then have some security. And that is a question which will come up now: What security will debenture-holders have for their money? While we were in Committee on the Railway Companies Bill in 1876, I pointed out that the Bill would not have the effect of inducing capitalists to come into the country and construct railways; and it has turned out that I was right. I say now that unless this Bill is made more liberal no capitalists will undertake the construction of railways. I think, therefore, that the Government should alter the Bill in the way recommended by the Chamber of Commerce in the resolutions which I have read.

Mr. BASTINGS.—I am sure that the Government will express their willingness to extend the period in which they can exercise their right of purchasing these railways. I think that they should not purchase them for fourteen years. A good deal has been said by the honorable member for Wellington City (Mr. Travers) and the honorable member for Dunedin City (Mr. Stout) about vesting power in the County Councils. They should not have full power in the matter, because it is well known in some cases rivalry exists. One section of the people would wish the traffic of the county to go one way and another would wish it to go the other way, and the consequence would be that a majority of the County Councillors might object to the construction of the railway altogether. I was in Otago recently, and while there I met many capitalists who I believe would be prepared to construct railways under this Bill if certain concessions were made—and the principal concession, I believe, is the lengthening of the time which must elapse before the Government can purchase. If the time is so extended and the Bill becomes law in that shape, I think it will be a great public good, especially in the South, and, I have no doubt, in the North. There is another question: I think the Government should have a supervision over the direction that these railway lines shall take. It is of no use pointing to such matters now, but I know of many of our railways which would have been of greater advantage to the districts in which they have been constructed, and more profitable too, had they been taken along different routes from those upon which they have been built; and I think, when the construction of a railway under this Act is proposed, there should be obtained an intelligent opinion as to the best course of lines, and I am sure, and I could fortify my opinion by a large mass of evidence if it were necessary, that a great amount of money could have been saved in
Otago, and many main roads now required would not have been necessary, had this matter been attended to; and I have no doubt the same thing has occurred in other parts of the colony. I shall have great pleasure in supporting the second reading of the Bill, and I hope the Government will consent, when we go into Committee, to the proposed modifications being made.

Mr. KELLY. — I shall support the second reading of the Bill, but I think there should be some provision for making railway reserves. Reserves should be made on each side of the line. There is, no doubt, perfect agreement upon this point, but the difficulty appears to be to know how to do this properly. Reserves were made in Taranaki for railway purposes, but they were sold for revenue purposes. The difficulty is to know how to tie up such reserves so as to insure that they should be devoted to the purposes for which they are intended. These reserves of which I have spoken extended for half a mile on the side of the line for a distance of thirty miles. The land was set aside strictly for railway purposes, the intention being that the proceeds should be devoted to the construction of a railway. But, instead of the Government carrying out this intention, what did they do? Happening to become short of money they seized quite ignoring the purposes for which the land was set aside. Now, if those reserves had been continued to be held and had been leased, they would have now been worth a hundred thousand pounds. The people of that district have reason to complain, for although intended that the proceeds of the reserves should be devoted to railway purposes, the intention being that the proceeds should be devoted to the construction of a railway. I hope the honorable gentleman in charge of the Bill will think this matter over and see his way clear to put some provision in the Bill to meet cases of this kind, some of which, I am quite certain, do exist.

Mr. LARNACH. — I think the Government are to be congratulated on having introduced so good a measure. However, in my opinion it would be well to give greater security to capitalists lending money, by fixing a minimum of seven years and a maximum of twenty-one before the expiration of which the railway could not be taken over. A maximum of twenty-one years might be fixed, leaving the taking of the railway within that time a matter to be arranged between the Government and the persons making the line before commencing the works. I shall support the Bill.

Mr. MURRAY-AYNSLEY. — I think the Government might improve their Bill by giving a longer time before the right to purchase should be exercised by the Government. It might be arranged that the Government should not obtain the right until seven or fourteen years had expired; but it might also be provided that, in the event of the Government desiring to take over a railway before that period had elapsed, then a premium must be paid to the company. Unless a longer period than five years were given, no money would be put into these enterprises. There is another provision forbidding a company to mortgage. I think that clause should not be allowed to stand, for you must allow the promoters to raise money outside capital, and when they want to get money from the bankers they must have power to give security. I think the Government might easily protect themselves by providing that in the case of disputes it shall only be necessary for them to pay the money into Court and take over the line.

Mr. ORMOND. — The objections or rather the modifications proposed by various honorable members do not affect the principle of the Bill, which seems to be generally accepted. They are matters of detail of a practical character; and
the Government will be most happy, when the Bill goes into Committee, to give every attention to them. As to the length of time during which a company is to have possession of the line, that will be a question for the House to settle. We selected the period of five years, but that may be extended. The Dunedin Chamber of Commerce, as has been stated, while generally approving of the principle of the Bill, thinks a term of seven or ten years would be sufficient, while some honorable gentlemen think there should be a much longer term. However, that must be settled when we get into Committee. I think we might proceed in the direction indicated by the honorable member for Lyttelton (Mr. Murray-Aynsley), and we might give the Government power to take a railway at any time before the minimum period laid down, where such a step is absolutely necessary in the public interest, by giving compensation in the shape of an increased rate of payment for the railway, and in that way making an arrangement satisfactory to both parties. It must be evident to the House that there should be reserved in the Government power to enter upon and take possession of these railways under certain circumstances. For instance, a railway might be constructed to open up a particular district, but in the course of five years a settlement might grow up beyond that, to which it would be desirable to carry the railway. In such a case the Government should be able, on paying reasonable compensation, to take possession of the line. I would be prepared to have clauses introduced to amend the Bill in that direction. It does not appear to me that the terms proposed are such as would not induce the investment of capital. At present 7 per cent. is not a rate of interest which is not generally acceptable. It is very good interest; and, in addition to the 7 per cent. for five years, there is 10 per cent. profit on the transaction, making the transaction a really good investment if a perfectly safe one. The company would be the best judge of whether it was desirable to enter upon the undertaking, and if it were thought a safe undertaking I do not think the terms stated are unsatisfactory. This, however, is a matter which can be settled in Committee, and the Government will be very glad to give effect to the expressed wishes of the House. Another point of considerable interest has been referred to—namely, the right of veto by the County Council. Although I have brought this Bill forward I am not at all wedded to that particular provision. I put it in the Bill thinking that it might be required to make the Bill acceptable. I should be very glad if the Committee generally agreed to confer no power of veto on either the County Councils or the boroughs. There may be cases in which the County Council of a large district might veto the construction of a railway which would benefit a portion of the district. It would meet all the circumstances of the case if the Bill gave the ratepayers a potential voice in the matter: at all events I should be prepared to accept a modification of the Bill in that direction. With regard to the observations made by the honorable member for Avon and the honorable member for New Plymouth, I fully recognize that the principle which was brought forward by the honorable member for Avon is one which it is absolutely necessary to carry out. We have not been in a position lately, within the last year, to determine where the trunk lines were going; but I say distinctly, as soon as we are in a position to know where our main trunk lines are to run, it will be the duty and care of the Government to make those reserves for settlement, and thus to give effect to the views which have been expressed upon that subject. As to the question raised by the honorable member for Picton,—that of making reserves to provide means for the construction of railways,—that is a very large question. I am not prepared to say whether the Government would be willing to give assent to that or not. It involves very large considerations, which I think would more properly be dealt with in a separate measure. This is a Bill for a particular purpose, and I hardly think that is a purpose which could properly be included in it. I am very glad to find that this Bill has met with such general approval.

Mr. Burns.—What about the powers to Town Councils?

Mr. Ormond.—I have already expressed the opinion that I think it would be a very good thing not to give the power of veto to the Town or County Councils, but to vest it in the ratepayers.

Bill read a second time.

E D U C A T I O N  B I L L.

This Bill was further considered in Committee.

Clause 100.—Regulations may be made by Order in Council.

Question put, "That the clause stand part of the Bill;" upon which a division was called for, with the following result:

Ayes 47
Noes 15

Majority for 32

A Y E S.

Mr. Baigent, Mr. Ballance, Mr. Beetlem, Mr. Bowen, Mr. Bryce, Mr. Carrington, Mr. Curtis, Sir R. Douglas, Mr. Fisher, Mr. Gibbs, Mr. Giiborne, Dr. Henry, Mr. Hunter, Mr. Johnston, Mr. Kelly, Captain Kenny, Mr. Lumden, Mr. Macfarlane, Mr. McLean, Mr. Montgomery, Mr. Ormond, Mr. Frye, Mr. Reid, Mr. Richardson, Mr. Rolleston, Mr. Rowe, Mr. Seymour, Mr. Sharp, Mr. Stafford, Mr. Stevens, Mr. Swanson, Mr. Talaroe, Mr. Taiwiti, Mr. Teshemaker, Mr. Travers, Mr. Wakefield, Dr. Wallis, Mr. Wason, Mr. Whitaker, Mr. Williams.
The clause was consequently agreed to.

Mr. CURTIS moved the insertion of the following new clause:— "Whenever any twenty-five or more householders in any education district shall signify in writing to the Education Board of such district their desire to be constituted into a separate body for educational purposes, it shall be the duty of the Board to convene a meeting of such householders for the election of a School Committee in the manner provided in Part III. of this Act, and it shall be lawful for the Board to grant the Committee so elected such aid in books, school apparatus, and money as the Board shall think expedient, or, at the option of the Committee, such aid may be granted in money only, inclusive of the value of such books and school apparatus as would otherwise be supplied by the Board: Provided always that every such Committee shall provide a schoolhouse or schoolhouses to the satisfaction of the Board, and shall appoint and pay the teacher or teachers of such school or schools, every such teacher having first obtained a certificate of competency as provided in section forty-four of this Act: Provided also that all books used in any such school shall be approved by the Board; and that, in every respect wherein no special exception is made in this section, every such school shall be a public school under this Act, and subject to the provisions which this Act makes for the conduct, management, and inspection of public schools; and that every such school shall be open to all children between the ages of five and fifteen years without fee or payment of any kind."

Question put, "That the clause be read a second time;" upon which a division was called for, with the following result:—

Ayes 18
Noes 31

Majority against.

The clause was therefore not read a second time.

Progress was reported, and leave given to sit again.

The House adjourned at ten minutes to one o'clock a.m.

LEGISLATIVE COUNCIL.

Wednesday, 19th September, 1877.

First Reading—Shipping and Seamen's Bill—Cromwell Athenæum Bill.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

FIRST READING.

Wanganui Gas Bill.

SHIPPING AND SEAMEN'S BILL.

The Hon. Dr. POLLEN, in moving the second reading of this Bill, said it had been prepared with the object of consolidating and codifying the law in force in this colony on the subject of shipping and seamen, and of placing the whole of the laws relating to this very important subject in one compendious and convenient form on the Statute Book. Honorable gentlemen would know that the fountain, so to speak, of legislation on this subject was the Imperial Parliament itself. Legislation on this subject in the colony had not been original in its character, but had been confined to an adaptation by Statute of the several provisions of the Imperial Acts which had from time to time been passed relating to this question. In 1854, in Great Britain, the
attention of Parliament was given to this important question, and in that year was passed an Act, called the Merchant Shipping Acts Repeal Act, which repealed no less than forty-eight Statutes, running from the time of Elizabeth downwards, bearing upon this subject. In that year, also, was passed an Act known as "The Merchant Shipping Act, 1854," which might be taken to be the basis of Imperial and, so far as they were concerned, colonial legislation upon this subject, and which was referred to on all occasions as the principal Act. In 1858 there was passed in this colony a short Bill adopting certain specified provisions contained in the Third Part of that Imperial Act of 1854 to which he had just now referred. From that time till 1869 there was no colonial legislation on the subject. In the meantime several amending Acts had been passed by the Imperial Parliament, altering and amending the Act of 1854; and in 1869 was passed an Act known as the Merchant Shipping Adoption Act, which followed very much the course taken in 1854—that was, by specifying by number the clauses and provisions of the Act of 1854 and of subsequent Acts which it was desired should be brought into operation in this colony; it provided an interpretation of terms, and made a very great improvement upon former legislation, but left a very serious defect still remaining, which was that, whilst the clauses of the Imperial Act were brought into operation, they were referred to simply by numbers without being quoted in extenso, and this made it extremely difficult for any person outside the circle of the Customs and mercantile community to know what the actual condition of the existing law really was. A good deal of individual inconvenience resulted from the necessity of referring on all occasions to the Imperial Statute. Since that time, as honorable gentlemen might see from the schedule of this Bill, various Acts had been passed in this colony bearing upon this particular subject. This Bill, as he had said, was a consolidation of the existing laws regarding merchant shipping and seamen brought down to the present time. There was not in it anything that was new. It did not purport to make any local enactment, but simply showed, not by reference to the numbers of the clauses, but by an entire quotation and re-enactment of the clauses, the whole of the law relating to this subject at present in operation. The clauses which had not been specifically enacted before in this colony, but still, as Imperial Acts, had been operative, were contained in the clauses which were numbered inclusively from 153 to 164. They related to the survey and detention of unseaworthy ships, a subject which had engaged the attention of philanthropists and others on the other side of the world, and the importance of which he was sure would be recognized here. There were clauses which were also new between clauses 221 and 287 relating to the appointment and duties of Receivers, and which were also new in the sense in which he had used that term in regard to other clauses.

Hon. Dr. Pollen

They were clauses in the Imperial Statutes, but they had not been applied directly to this colony. There were also new clauses between clauses 265 and 287. These related to salvage. They were the most important portions of the Bill, and were the only portions to which he need refer as clauses not already in operation in the colony. The preparation of the Bill, as no doubt honorable gentlemen must have observed, involved a great deal of labour. Marginal references were made in print, from which they would readily find the sources from which the clauses had been taken. They indicated particular Acts, either local Acts or Imperial Acts, from which respectively each clause had been copied. The Act of 1854 being regarded as the parent Act, whenever reference was made to a section without further indication than the number of the section honorable gentlemen would understand that the reference was to the Imperial Act of 1854. He did not think he need detain the Council with any further observations on this subject, and would therefore move, That the Bill be now read a second time.

The Hon. Mr. Buckley hoped that, if the second reading were now agreed to, the Colonial Secretary would put off the committal for a week. He understood that most of the clauses of the Bill had been copied from Imperial Acts, and no doubt many of them would require alteration, in order to suit the circumstances of the colony.

The Hon. Mr. Bonar agreed with the last speaker. It was really impossible to make oneself acquainted with the contents of the Bill without further time being allowed. While prepared to affirm the principle by voting for the second reading, he hoped the honorable gentleman would consent to a postponement of the committal. He certainly thought it would be very advantageous to have an Act of this kind, which would put all the laws on the subject in a convenient form.

The Hon. Sir F. Dillon Bell would not presume to put any obstacle in the way of the Bill. He expressed his regret at the postponement of the committal of the Bill, but he thought the very clear statement of the Colonial Secretary ought to satisfy honorable members that a great part of the Bill only consolidated and gave effect to what was already the law of the land. The exceptions were some new provisions which all those who took an interest in the course of legislation on the subject of shipping would, no doubt, join in approving the principle of. It appeared to him they might very well take as early a day as possible to commit the Bill. Their work would soon be accumulating, and, as there was nothing on the Order Paper for the following day, perhaps they had better go on with this.

The Hon. Colonel Whitmore said that, if the Hon. Mr. Buckley had not suggested the postponement of the committal of the Bill, he would have felt it his duty to enter his protest against coming charges, and in connection with unseaworthy ships which in themselves required time.
and there were also many other subjects of the greatest importance in connection with this measure. Among the members of the Council there were gentlemen connected with commercial enterprise, and they had at all events one member who had served in the Navy. They might be able to enter upon the discussion at once, but the greater number of members of the Council would require time to consider a matter of this kind. This subject was strange to himself, and he would not be prepared to come down next day and consider it. He hoped the committal of the Bill would be postponed for a week.

The Hon. Mr. Nurse said that, as the Hon. Colonel Whitmore had referred to him, he wished to say that he was not in the least prepared to consider this Bill at once. He had not even looked at it, owing to the pressure of other business. He thought they might be allowed a little time to look over the Bill, and he did not think there was any real reason for committing it immediately.

The Hon. Mr. Miller said it was not to be supposed that any honorable member had sufficient experience of these matters to criticise a Bill of this kind. They might take it for granted that the provisions were of a desirable nature, inasmuch as a great part of the Bill was copied from an Imperial Act. He believed the real difficulty was not in framing provisions, but in insisting on carrying them out. At present he believed there were large steamers going to sea which carried more passengers than were allowed by law, and which did not carry the boats that they ought to carry. There was a penalty provided for this by law, but that penalty was never enforced. There were large ocean steamers running in certain parts of the world—he did not wish to refer to any particular vessels—which depended entirely on steam, and which were so undermasted and insufficiently provided with canvas that, in the event of their machinery breaking down, there was a risk of loss of life probably equal to that which occurred in connection with the catastrophe of the loss of the "Titanic." As a matter of fact, he, on one occasion, welcomed a Bill like this, which consolidated all the laws referring to these matters, and put them in a plain intelligible shape. He believed the Bill was carefully and well drawn, but, as he had said, the great difficulty appeared to be to insist on the law being carried out. He believed that difficulty would increase as time went on, because there was no doubt whatever that they were now upon the eve of an age when they would see steam superseding the sailing vessel to an extent they had probably never imagined. With those large ocean steamers, which depended entirely on machinery, going to sea with nothing like sufficient boats, and nothing like sufficient canvas, and carrying a great many more passengers than was authorised by law, it would take a very great deal of care and trouble on the part of the proper authorities to see that these provisions were carried out. The object of this Bill existed at Home at the present moment, but he knew for a fact that they were not complied with. He had no doubt the Colonial Secretary would allow honorable members time to look over the provisions of the Bill.

The Hon. Dr. Pollen had no desire to hurry the progress of the Bill. The subject was a very important one, and he would of course be happy to receive the advice and assistance of honorable members who had made themselves acquainted with it. The objection he entertained was not to a postponement, but simply to the length of time for which it was proposed to postpone the committal. He hoped the Council would consent to the Bill going into Committee on Friday next. If it should happen on that day that there were honorable members who had not had time to consider the Bill in all its bearings, he had no doubt the question of its further postponement would then be considered by the Council. In the face of the circumstance, however, that it was not improbable that in a few days the Council would have more business to transact than they might desire, it would not be advisable to postpone the consideration of so large a measure as this longer than was absolutely necessary to give honorable gentlemen an opportunity of making themselves familiar with its contents.

Bill read a second time.

CROMWELL ATHENÆUM BILL.

ADJOURNED DEBATE.

The Hon. Mr. Buckley said that his remarks with respect to this Bill referred more to the question of Library Bills generally. There could be no doubt as to the great value of these institutions, and that they should be supported. Hitherto they had been largely supported by the Provincial Government in the country districts of the part of the country in which he lived; but he could not see why they should not come under some general Act. On looking up the Acts on the subject, he observed that there were already on the Statute Book two different measures. There was "The Public Libraries Act, 1869," the 3rd clause of which provided that the Act might be adopted by a majority of the ratepayers; and power was given to rate for the purpose of a library, and also to borrow money, but only upon income, and not upon the site or upon endowments. That Act, however, seemed to have been a dead-letter, and in that Act also there were no borrowing powers. With respect to this particular Bill, and the subject of borrowing generally, it was not long since the Council was congratulated upon having at last got rid of the small municipal Bills which were
always coming up to the Council with provisions for borrowing. If it were necessary that these institutions should have the power to borrow, he thought the Public Libraries Powers Act should be extended so as to give them that power. However, there was the question as to how far that power should be limited. He noticed that in this Bill the power was asked to borrow not only on the site of the library itself and the buildings, but also on certain endowments which had been made. Now, although it might be right to give the power to borrow on the site and buildings, it could hardly be right, and perhaps this was the first case in which such a thing had been asked, to give power to borrow on the endowments. By reference to the 3rd and 4th schedules of this Bill it would be seen that endowments, to the extent of 184 acres and 85 acres respectively, had been given to this institution, the revenues arising therefrom of course to be devoted to the purposes of the Athenæum. It was not only asked in this Bill for power to borrow on the site and buildings, but also on the endowments. That was a power which he thought should not be allowed. He would not object to the second reading of the Bill, but thought that in Committee some alteration should be made in regard to the borrowing powers.

The Hon. Dr. Pollen said the object of the Bill was to appropriate certain lands which had been already granted to the Superintendents of the Province of Otago for the specific purpose to which they were now proposed to apply them. The Bill of his honorable and gallant friend, he observed, notwithstanding his general objection to borrowing, conveyed the usual borrowing powers, but not, he thought, with that clearness which was desirable, for there was not only no provision for the repayment of the capital authorised to be borrowed, but no provision even for the payment of the interest on the loan. The chief clause of the Bill enabled the trustees and managers of this Athenæum to appropriate all the rents, issues, and profits arising from the land, and all moneys borrowed on the security of the lands, for the maintenance of the Athenæum, and for the payment of all debts incurred by the institution. He did not know whether in the word "debts" would be included the money about to be raised by mortgage or not. But, if it were not so included, the condition of the Bill would be that there was really no provision for the payment of principal, or even interest. However, this was an objection which might be removed by amendment in Committee; but it was one which it would be necessary to attend to, because people who had money to lend were apt to give themselves airs on this subject of security, and it would be well to make the terms of the clauses clearer, so as to remove any doubt on that point.

The Hon. Colonel Whitmore said the principle of this Bill was the vesting in the Cromwell Athenæum properties which had been hitherto held by the Superintendent. That was the chief necessity for the measure. The second necessity was to have provision made for facilitating the development of the institution in a general way. He had no doubt honorable gentlemen were quite prepared to accede to the principle of the Bill, but he agreed with the Hon. the Colonial Secretary that the wording of the 5th clause was very defective, and that there should be some provision for entering in and taking possession of the rents in case of default. He very much approved of the general principle of de-barring these bodies from actually mortgaging the fee-simple of their lands, but he could not agree with the Hon. Mr. Buckley that power was given in the Bill to mortgage the actual property. As far as he understood, that power was confined to the rents and profits. There was a provision expressly preventing a mortgage from selling, and that in itself, he thought, would amount exactly to what the honorable member wished to arrive at. The Bill was not beyond improvement in Committee, and he should be happy to support the Colonial Secretary in the amendment he had indicated. There could be no doubt the second reading of the Bill ought to be carried.

The Hon. Mr. Buckley said that when speaking on another Bill he referred to "The Public Libraries Powers Act, 1875." It was then pointed out by an honorable member that there might be some difficulty in bringing these different institutions under the operation of that Act. It appeared to him that the provisions of the Public Libraries Powers Act were very general, and would embrace nearly all Bills of this kind that came before them. The preamble set forth, "Whereas it is expedient to declare that certain powers shall attach to public libraries, mechanics' institutes, museums, and other such literary or scientific bodies." That description was very general indeed, and the facilities that were given for incorporation under the Act were such that he thought there would be no great difficulty or inconvenience in any of these bodies being brought under the operation of that Act. He would also like to see an amending Act passed, which might, if it were thought desirable, give power to the Governor to vest in the trustees of these institutions the endowments of land which had already been set aside, and which were at present vested in the Superintendents of the different provinces in trust for these bodies. A simple Act of that sort would prevent a great deal of legislation coming to the Council. If necessary there could be some provision inserted with reference to borrowing, and the usual clauses that appeared in these various Bills. He apprehended that there would be very little difficulty in their assenting to the second reading of this Bill; but he would point out to the honorable gentleman in charge of it that there were some points which ought to be considered before the Bill passed through Committees, clauses dealing with which, for his own interest, ought to be properly framed and prepared before the Bill came on for further consideration. He would allude especially to one point: This Bill proposed to deal and interfere with, to a certain extent, an Ordinance which was already in force—namely, "The Cromwell Athenæum Ordinance, 1873." By that Act provision was made for the establishment of the Athenæum, and power was
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Athenæum Bill.

given to lease the lands in altogether a different way from that provided in this Bill. Yet he found that the Otago Ordinance was still left un-repealed. He would point out to his honorable and gallant friend that there might be some difficulty in consequence of this. He observed that in the 3rd section of this Bill the term for which the lands might be leased was limited to twenty-one years, and on reference to the Otago Ordinance he found that power was given there to lease the reserves for ninety-nine years. Now if they passed this Bill without in any way repealing the Otago Ordinance, those two different powers would exist concurrently, and the two provisions might clash. He would very much rather see the Otago Ordinance repealed altogether, and the provisions which might be required to be retained embodied in one Act, so that the institution would not be partly under a General Assembly Act and partly under an Otago Ordinance. He was sure there would be no difficulty in recasting this Bill for the purpose of enabling that to be done. As was pointed out by the Hon. Colonel Whitmore, the power to borrow sought by this Bill was not so much with respect to the endowments of land as to the rents and profits. He would say no more at present except to express a hope that they might get some machinery of a very simple kind which would prevent so many of these Bills coming before them. Of course he could understand a difficulty arising where it was sought to alienate a trust from its original purpose. A case like that would properly come under the consideration of the Legislature. But where lands had been already set aside and were now vested in the Superintendents, there would be no great difficulty in making a provision by which they could be transferred under a general Act instead of application being made to the Assembly in each case.

The Hon. Captain FRASER quite concurred in what had fallen from the Colonial Secretary, and, if the Bill went into Committee, would be very glad to accept an amendment of the 5th clause in the direction indicated by the honorable gentleman. With regard to bringing this and other similar cases under a general Act instead of application being made to the Assembly in each case.

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Mr. MONTGOMERY.—I would suggest that the question of whether Mr. Fisher is disqualified or not be referred to the Committee to be appointed to inquire into the case of Mr. Kennedy, as one Committee could inquire into both cases. The honorable member for Heathcote will not come into the House until the matter is decided by a Committee, or until your ruling, Sir, is given.

Mr. REYNOLDS.—It has always been the rule that, in cases of this kind, the Government should submit a Committee for the approval of the House.

Mr. MONTGOMERY.—I may say I spoke to the Attorney-General on the subject, and he said this was a question for the House to decide, and in a perfectly cordial manner stated that he would be ready to have the matter settled in a fair way.

Mr. WHITAKER.—The letter has only just this moment been read, and I have only now for the first time been informed of it. I will consider what course ought to be pursued, and, before we proceed to the Orders of the day, will give the House my opinion upon the subject.

Subsequently Mr. WHITAKER gave notice of motion for the appointment of a Select Committee to inquire into the alleged disqualification of Mr. Kennedy and Mr. Fisher.

Mr. REES.—I would ask the Government if they will do the same thing in relation to the notice of motion for a Committee to inquire as to whether Mr. Frederick Whitaker is disqualified as a member of this House.

Mr. WHITAKER.—I have no objection.

LAND BILL.

Mr. SPEAKER.—My opinion was asked yesterday as to whether a certain proposed new clause could be introduced by the Waste Lands Committee into the Land Bill. I have considered that question, and am clearly of opinion that it is beyond the scope of the Select Committee on Waste Lands to entertain that question. The proposed clause is an appropriation clause, and there is nothing in the Land Bill, so far as the ruling, Sir, is given.

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Mr. Speaker

NATIVE OUTRAGE.

Mr. MURRAY asked the Premier, What course the Government has taken, or propose to take, to maintain the Queen’s authority against the recent lawless acts of Natives upon the West Coast of this Island in rescuing a prisoner from the custody of the police?

Mr. BOWEN said the matter was now in the hands of the Civil Commissioner and the police, who were taking steps to bring the offenders to justice.

KATIKATI BLOCK.

Captain MORRIS asked the Premier, If the Government are prepared to make any concession to the settlers on what is known as the Stewart Block, at Katikati, Tauranga, in the direction of issuing Crown grants to those settlers who have sufficiently improved their farms before the expiration of the time specified in the agreement between Mr. George Vesey Stewart and Mr. O’Borke? He saw by the agreement made between Mr. Stewart and Mr. O’Borke that, “At the expiration of three years from the date of occupation, there being no such usual residence, Crown grant shall issue if one-fifth is under cultivation.” A great many of the settlers had more than a fifth part of their land under cultivation, together with good houses and other substantial and expensive improvements; and he understood that Dr. Pollen, when last in that neighbourhood, promised that some consideration should be given to these settlers.

Mr. RSH said the Government were not prepared to make any concession to the settlers on the Katikati Block. He believed the terms upon which they held their land were not at all too stringent, and it would not be desirable to interfere with the conditions under which these people took up their land.

Captain MORRIS thought Dr. Pollen should not make promises if they were afterwards to be ignored in this way.

OTAGO RAILWAYS.

The adjourned debate was resumed on the question,—(1.) That, with the view to opening up the interior and outlying districts of the Province of Otago, and of providing for the beneficial occupation and settlement thereof, it is expedient that the under-mentioned lines of railway be constructed forthwith, that is to say,—From Awamoko, up the valley of the Waitaki, as far as the land suitable for agriculture extends; from Palmerston to Waihemo; from the Moa-giel and Outram Line to Lake Wanaka, via Strath Taieri, Naseby, Clyde, and Cromwell; from the Main Trunk Line to Catlin’s River; from Waitaki Harbour to Wyndham; from Waiahi to Tapapui; from Gore to the Elbow; from Invercargill to Seaward Bush; from Otautau to Takitimu; from Orepuki to Waiau. (2.) That, inasmuch as the larger portion of the lines hereinbefore mentioned must needs pass through an extensive area of available country not yet alienated from the Crown—the sale of which will realize much more than will cover the cost of the whole, and the settlement upon which will increase very materially the general revenue of the colony—
steps be at once taken to survey such lands into suitable allotments, a large proportion of which should be withheld from sale, pending the completion of the respective lines. Also, that provision should be made for regulating the area of allotments, so as to enable and encourage those who may be employed in the construction of such lines to acquire and settle down upon land contiguous to the works upon which they may be employed. (S.) That a respectful address be transmitted to His Excellency the Governor, requesting that he may be pleased to give effect to the foregoing resolutions. And the following amendment thereto:—To strike out the words "Province of Otago" in order to insert the word "colony"; to strike out the word "undermentioned" in order to insert the word "trunk"; to insert the words "through both Islands" after the word "railway"; and to strike out all the words after the word "forthwith," so that the resolution should read as follows:—"That, with a view to opening up the interior and outlying districts of the colony, and of providing for the beneficial occupation and settlement thereof, it is expedient that the trunk lines of railway through both Islands be constructed forthwith." Mr. LARNACH.—I trust this subject will receive due consideration, and be dealt with upon its merits. I believe that a very large return would be the result if these various lines of railway were constructed. I should like to bring under the notice of the House the fact that, at the present time, the Government are selling land at from £1 to £2 per acre in various parts of the colony where there are no roads or any means of communication. If lines of railway were made to these lands there is not the least doubt but that large settlement would take place in various districts, and that these lands would fetch something nearer £10 per acre. It is for these reasons that I advocate this matter should be carefully considered by the House before rejecting any part of this motion, or rejecting it in its entirety. Without detaining the House, I shall merely instance some of the lines of railway proposed to be made, and which it would be most important to have carried out with all convenient speed. The Mosgiel, Outram, and Strath Taieri line would go through a vast tract of fine country, and would induce a very large settlement in a very short time. I should be glad if the Government would, at the earliest possible time, take some steps to have this line of railway formed, or give such assistance as would lead to its construction. Another important line proposed to be constructed is that from Gore to the Elbow, which would run through a very large tract of land almost as level as the floor of this chamber. No cuttings would be required, and no timber to fell. It could be ploughed up at once by double- or three-furrow ploughs without the least obstruction. I feel convinced that this line would pay twenty times over the cost of its construction. The land that would be opened up there, and which now fetches from £1 to £2 an acre, would soon advance considerably in value if this line were constructed; it would at once advance to £10 and probably to £20 an acre. I do not desire to detain the House longer, as other honorable members may wish to speak on the subject; but it is for these reasons that I do not hesitate to ask a fair consideration of this question. I shall support the motion —although I fear it will not be carried—on the ground that I desire to see works of this kind carried out, in order to raise the price of the public estate and induce settlement.

Mr. MACANDREW.—Before the question is put, I should like to say a few words in reply. This question has been postponed from time to time for the last few weeks, chiefly for the purpose of ascertaining what were the provisions of the District Railways Bill which we read a second time yesterday, and how far the provisions of the Bill would obviate the necessity for such proposals as those contained in the resolution. I do not think that that Bill will afford the means of achieving the objects sought by these resolutions. Probably there are one or two of the lines mentioned to which it might apply, but, speaking generally, I fail to see that any practical action in the most important of the lines alluded to in the resolution can be taken under the District Railways Bill. I may say I am desirous of making one slight amendment in the resolution as proposed, and that is to insert in the place of the word "forthwith" the words "without unnecessary delay." The word "forthwith" seems to stick in the minds of some honorable members as involving an impossibility. Of course I intended the word to be taken as merely indicative. I do not suppose the lines can be constructed by a stroke of the pen, and I shall ask for leave to amend the motion in the respect I have alluded to.

Leave given to amend the motion.

Mr. MACANDREW continued.—In reference to the arguments of various speakers, I do not think it necessary or desirable for me to occupy the time of the House by going into them at any length, but I may just allude to one or two. The Minister for Public Works (Mr. Ormond) was the first who spoke, and his objection to the resolution was that other parts of the colony will be asking to do the same thing. I cannot see that that is a valid objection at all, because the proposals do not involve any expenditure on the part of the Colonial Government. I think I showed, in submitting the propositions to the House, that the proceeds of a small proportion of the land opened up by these railways would be sufficient to cover the whole cost of construction. Therefore there was really nothing in such an argument. If another part of the colony wants the same thing there can be no objection to agreeing to it. The honorable gentleman also said the lines proposed would cost two millions of money; but, according to my idea of the matter, they would not cost half that. A great many of the lines indicated would pass over perfectly level country. Except about fifty miles the country to be traversed would be as level as a bowling-green, and the lines could be constructed, I believe, at a cost of under £5,000 a mile. I certainly think the resolution should be agreed to. If the honorable member for Nelson City (Mr. Curtis)
the honorable member for Marlborough (Mr. Seymour) had brought forward similar propositions in respect of the parts of the colony which they represent, and if they could have shown that such railways could be made without the colony having further recourse to the money market, I should have been very glad to have supported them. I think every district in the colony which is in the position of Otago ought to be enabled to make railways in the manner I propose. Another objection was that, if this policy were to be carried out, it would result in the lands of the colony being forced into the market. I do not think so. These railways could not be made in a day, a month, or a year. It would take two or three or four years to construct them, and if the sale of the land was spread over such a period it would not be doing any more than gradually feeding the land market. I put it to the House that these lines are absolutely necessary for opening up settlement if settlement is to be provided for in Otago. In fact, the main lines, so far as they go—except the line to Kingston—do not open up land for settlement. We have a main line along the coast, running parallel with which there is a splendid highway by water, but that does not open up the land. I think it is one of the great mistakes of our Public Works policy that so much money should have been expended in lines such as that I have alluded to, and which do not open up the interior nor place the fertile plains and valleys of the interior in connection with the seaports. The Minister for Lands seemed to think that some of these lines could stand over for a few years; but I think the sooner we commence these lines the better, for I am certain that their construction will result in a large accession to the population of the colony. If one of the lines which I have included in my resolution—the main central interior through Strath Taieri—were made, there would immediately be an influx of settlers, and I believe very shortly hundreds of thousands of tons of wheat would be produced every year for shipment, not one ounce of which will be lost from that honorable member and others. Then I think the House will not refuse to agree to these proposals. If the fate of these resolutions should be that they are thrown out, it will afford another proof to the people of Otago of the hopelessness of expecting anything in the way of progress under the new order of things. I shall not detain the House longer, but beg to move the resolutions.

Mr. PYKE.—I should like to ask whether, in the event—which I hope will not occur—of these resolutions being negatived, it will be competent for an honorable member to bring forward a motion for the construction of one of the lines mentioned; or will he be debarred from doing so?

Mr. SPEAKER.—I do not think any honorable member would be debarred from bringing forward a motion for any special line. This is a large and general proposition, and the negation of it would not debar a motion being brought in with respect to a special line.

Mr. MACANDREW.—I should just like to make a suggestion that the Government ought to go into this matter themselves, and I think a practical way would be by means of the County Councils or a Board of Works. In my opinion, a Board of Works would be best; but, at all events, "where there's a will there's a way," and, if the Government agree to the proposition I make, and if the House affirm it, there need be no difficulty in providing machinery.

Mr. MONTGOMERY.—I was not in the House when the honorable member spoke, but I understand he made reference to me, saying that I had stated that although I believed in the principle of the resolutions I would vote against them. What I said was, that I could not conscientiously vote for pledging the colony to an expenditure of large sums of money without some estimates of the cost of the proposed works, and I could not vote for the expenditure on these works without taking into consideration other parts of the colony. I sympathize with the honorable gentleman's motion in so far as he believes that it would be advantageous to his district, but I do not at all sympathize with pledging the colony to any works. I say, that this motion would be part of the colony without regard to the wants of other parts. I simply rose to make this explanation, because I understand the honorable gentle-
Mr. MACANDREW.—I may explain that I took notes of honorable members' speeches on this subject, and I have opposite the name of the honorable member that he said the principle had his entire support, but he must vote against the motion. That is simply what I said, and I added that it was an unsatisfactory kind of support. If I said anything to hurt the honorable gentleman's feelings, I must beg to apologize.

Mr. MONTGOMERY.—My words are on paper. I am quite sure I have not in any way altered my opinion about these resolutions. What I intended to convey was this: that, if a railway could be constructed, through a portion of the country which could not otherwise be opened up, by means of taking land for the purpose, it would be a sound principle to devote a portion of the land fund of the locality in aid of the cost of the railway; but I did not approve of money being recouped afterwards.

Mr. De LAUTOUR, in moving the motion standing in his name, said that the petitioner, John Foley, was the manager or agent of a company of miners working together at St. Bathans, in Otago. Although the petition was presented to the House by him (Mr. De Lautour), he did not wish to approach the question as a local advocate, because he considered the decision upon the petition was of considerable importance to the colony as a whole, as tending to decide a question of policy with regard to aiding enterprise of an arduous nature upon the gold fields. Up to the present time it had been the policy of the House, rightly or wrongly, to give considerable assistance to mining enterprise where there had been any special difficulty, and where there had been a hope that public benefit would ensue. They had no knowledge on the gold fields that there was any intention to reverse that policy, which had been in some cases fruitful of benefit and in others probably the reverse. But, considering the great changes that had taken place in the colony during the last year or two, it was natural to find that there was a feeling of anxiety on the gold fields as to whether this policy was to be continued or not; and many cases, which must receive public assistance from some body or another, were in a great measure suspended or hung up. The local bodies were not inclined to interfere and take upon themselves burdens which their finances would not bear, although by implication it seemed to be supposed in some quarters that they should undertake these burdens. The Gold Fields Committee, in considering this petition, were unable to advise the House in any degree upon the general question indirectly raised. It would have been improper for them to advise the House as to a question of policy which had been in existence for some years; but they did think that, if the Government intended to deal with questions of this nature in anything like an evasive manner, it was high time that the Ministry should lead the House either in saying that the policy which had been in existence for some years should stand or that it should cease. It should be clearly set at rest, so that members of the House should be relieved from bringing petitions into the House which the Government, by a foregone conclusion, had decided to refuse. He thought they had had burdens enough of the kind thrown upon them, and they should be relieved by a frank exposition of the intentions of the Government in matters of the kind. The report of the Committee upon this petition was naturally of a bald character, because no evidence was taken; but, in explanation of that, he might say that the petitioners corresponded with the Government some months previous to the session, and had asked for an inquiry into the case in order that the officers of the Government might be in a position to state whether the claim was a good one or not. The Government obtained a report from the Warden of the district, and together with the report of the Warden on the case, was laid before the Committee in support of the petitioner's claim. There appeared to be no doubt that the claim was
a fair one, and he was content to base it upon the inquiry before the Warden. It would be easy to relate the arduous nature of the work undertaken by the company and the miles of races constructed, but he preferred to let the claim rest upon the official documents. That being the case, it was unnecessary—and, in fact, it would have been unjustifiable—to put the country to the expense of obtaining any further evidence in regard to the matter. He had not asked the House to go into Committee for the purpose of voting the £800 required as he might have done, for the reason that he considered that this matter was directly in the hands of the Government, and he was quite willing to accept the decision of the Government on the subject. It was, as he had said, a question of great interest to the gold fields, and it might be taken as a test question. The papers relating to the matter were in the hands of the Government, and he would be quite content to take the decision of the Government regarding them, and he hoped they would approach the question in the same fair manner that he had done. He did not want them to give their decision that day, but, say, in a week or so. He moved the motion standing in his name.

Motion made, and question proposed, "That, in the opinion of this House, the report of the Gold Fields Committee upon the petition of John Foley, of St. Bathans, should be given effect to."—(Mr. De Lautour.)

Mr. REID hoped the honorable gentleman would agree to postpone this motion for a short time. He had sent for the papers relating to the matter, but he had not yet been able to get them. He would, however, inform the honorable gentleman that the money which had been voted for expenditure on gold field enterprises had all been spent, and that therefore the Government were entirely powerless to enter into any new arrangement unless more money were voted. He would not like to commit himself by saying anything more in regard to the matter until he had seen the papers, and he therefore hoped that the honorable gentleman would allow the debate to be adjourned.

Debate adjourned.

COLONIAL MANUFACTURES.

Mr. MACANDREW, in moving the motion standing in his name, said it would facilitate matters if he read the report of the Public Petitions Committee which was referred to in the motion. The report was as follows:—

"The petitioners state that they can manufacture the material for carrying out the Public Works scheme of equally good quality and at prices that will favourably compare with the imported articles. The petitioners pray that the matter receive the serious consideration of the House. Having taken evidence on the subject-matter of the petition, I am directed to report that the Committee are of opinion that an opportunity should be offered of enabling manufacturers to compete in the construction of rolling stock with the imported articles, and that ample time be allowed for the completion of contracts.—T. KELLY, Chairman."

He now asked the House to concur in the recommendations of the Committee.

Mr. BURNS seconded the motion.

Motion made, and question put, "That this House doth concur in the recommendation embodied in the report of the Public Petitions Committee upon the petition of eighty-two employers of labour in the City of Dunedin, and recommends the Executive Government to give effect to such recommendation."—(Mr. Macandrew.)

Motion agreed to.

A. STITT.

Mr. CURTIS, in moving the motion standing in his name, would not trouble the House with a long speech, because he thought that the matter could be better discussed in Committee. The person named in the motion was a contractor in Nelson, who had sustained severe losses in consequence of accidents in the execution of his contract through no fault of his own. That person had lost £2,400 by these accidents, and last year he sent in a petition to the House for compensation, his petition being referred to the Public Petitions Committee. The Public Petitions Committee recommended that he should be paid £800 as compensation. The Provincial Engineer had reported on the matter, and expressed his opinion that £800 would be a fair amount to pay the contractor by way of compensation. When the report of the Committee was brought before the House the then Minister for Public Works objected to its adoption on the ground that a Government contractor was liable for any loss that might arise in connection with his contract before the Government took the contract over. Again, this year, the contractor had sent in another petition, and the Public Petitions Committee had sent up the same report as they brought up last year.

Motion made, and question proposed, "That this House will, on Wednesday next, resolve itself into a Committee of the Whole, to consider of a respectful address to His Excellency the Governor praying that the sum of £800 be placed upon the Supplementary Estimates, in order to carry out the recommendation of the Public Petitions Committee in the matter of the petition of Alexander Stitt."—(Mr. Curtis.)

Mr. ORMOND said that the Government had no objection to the motion, and they agreed with the honorable gentleman that the question might be better discussed in Committee.

Motion agreed to.

TAPANUI AND WAIPAHI RAILWAY.

On the motion of Mr. BASTINGS, it was ordered, That this House will, this day week, resolve itself into a Committee of the whole House to consider of an address to His Excellency the Governor praying that a sum of £50,000 be placed on the Supplementary Estimates for the construction of a railway from Tapanui to Waipahi.
SURVEYORS.
Mr. TRAVERS, in moving the motion standing in his name, said he observed that provision was being made for carrying on surveys by contract last year, and there was a good deal of importance attached to the employment of skilled and properly-qualified surveyors. The question had excited some attention out of doors, and it would be desirable to ascertain what was the nature of the regulations now in force with regard to the examination of surveyors who might be desirous of entering into practice, and the mode of carrying out such examinations, so that the public might know that the examinations were of a satisfactory character, and that the surveys of the colony would be placed in competent hands.

Mr. REID seconded the motion. If the inquiry of the Committee would tend to allay any feeling out of doors, he would be glad to see such a Committee appointed.

Motion made, and question put, "That a Select Committee, consisting of Mr. Reid, Mr. Carrington, Mr. Moorhouse, Mr. Rolleston, Mr. Brandon, and the mover, be appointed to inquire into and report upon the regulations now in force relating to the examination and admission of surveyors to practice, and upon the nature of such examination; three to be a quorum; to have power to call for persons and papers, and to report in a fortnight."—(Mr. Travers.)

Motion agreed to.

CATLIN'S RIVER.
On the motion of Mr. LARNACH, it was ordered, That this House will, on Wednesday next, resolve itself into a Committee of the Whole to consider of an address to His Excellency the Governor praying that he will cause to be placed at the entrance of Catlin's River.

WASTE LANDS.
The interrupted debate was resumed on the question, That the name of Mr. Seymour be added to the Waste Lands Committee.

Sir R. DOUGLAS should not have thought of proposing that the name of Mr. Seymour be added to the Waste Lands Committee had he known that there would be any objection raised to it. He did not wish to praise that honorable gentleman, but, as far as he knew, he (Mr. Seymour) was held in the highest estimation in this House. He did not know that there was any honorable gentleman in the House to whom he would more willingly refer any question connected with public matters than to that honorable gentleman. He (Sir R. Douglas) was quite astonished at the tone the debate on this motion had taken. It appeared almost as if certain honorable members were afraid of that honorable gentleman's name being added to the Committee lest he should be influenced by the fact of being a runholder himself. Such an idea never entered into his (Sir R. Douglas's) mind, and he only regretted that he had been the means of bringing that honorable gentleman's name before the House, and that such a tone had been given to the debate. Seeing that the Waste Lands Committee might, he thought, concluded its sittings, he would not press the motion, but would ask leave to withdraw it.

Motion by leave withdrawn.

ORDER OF BUSINESS.
Mr. MACANDREW, in moving the motion standing in his name, admitted that it related to a very difficult matter, which had occupied the Standing Orders Committee on various occasions. At the same time there was a very great grievance to be overcome in some way or other. He had himself a number of notices of motion on the Order Paper for the last five weeks, and they never got up; they had been slipping up and down from day to day. They were not important, but they might be of very great importance, and the session might come to an end without any opportunity being afforded of bringing them forward. He thought some arrangement might be come to whereby, at all events, a special day, or so many hours a day, should be set aside for disposing of undebatable matters. There were a great many matters on the Order Paper that were not debatable and that would be unopposed—matters which had been on the Paper for several weeks. He hoped the House would agree to refer this question to the Committee. No possible harm could be done, and some remedy might be devised for what they must all recognize was a very great hardship.

Motion made, and question proposed, "That it be an instruction to the Committee on Standing Orders to consider and report as to what means, if any, can be adopted whereby the business introduced by private members may be dealt with by this House in the order of the dates on which such business appears on the Order Paper."—(Mr. Macandrew.)

Mr. REYNOLDS said that any honorable member who looked at the Order Paper and at the Standing Orders must see that the present arrangement was most unsatisfactory. Those who gave a notice of motion earliest in the session stood the chance of not carrying it at all, and, once on the Order Paper, they could not discharge it, and put it on again for some other day. A few years ago the Standing Orders were altered so as to make provision for business following in succession, as had been the custom in the various Provincial Councils of the colony; and he thought the only way to get rid of the present difficulty would be to alter the Standing Orders, so that that system might be reverted to next session. There was never any difficulty under the Standing Orders of the Provincial Council of Otago, and he understood that the same Standing Orders prevailed in other Provincial Councils of the colony. The plan there was that, if a person gave notice of motion for to-day and something occurred to prevent it coming on to-day, then it would come on in the ordinary course, and then, if anything occurred on the next day, it would go on to the third day, and so on. It would be much better if the same practice were observed here. Under the present system it was almost
impossible for new members to get their business done. Old members knew the way in which to act, but young members had to be in Parliament two or three sessions before they learned to work the Order Paper. He hoped the motion would be agreed to, and that the system he had referred to would be again adopted in the House.

Mr. MONTGOMERY agreed with what had fallen from previous speakers. It was extraordinary how Orders were moved up and down the Paper. For instance, there was a motion of his which the other day was standing No. 10 on the Paper; now it was down to 32. He supposed that next time he looked at it it would be No. 54. It was time an alteration was made.

Mr. LUMSDEN was glad this question had been brought forward, for he wished to mention his experience. The other day the Invercargill Gas Bill—a matter on which there would be very little if any debate—was No. 11 on the Paper; now it stood as No. 53. Such a tremendous fall in the barometer seemed to indicate to him that it would not be dealt with at all.

Mr. WHITAKER explained that the Order the honorable member for Invercargill referred to would now be treated as Government business. An amendment had been sent down by the Governor, and that would be dealt with by the Government. This being a private members' day, however, it had sunk to the bottom of the list with all other Government business. No doubt when the honorable member took the Paper tomorrow he would find that it had got up high as suddenly as it had previously sunk low.

Mr. KELLY said he had no objection to see the matter referred to the Standing Orders Committee, but at the same time he was of opinion that the old system was far more unsatisfactory than the present. The reason why motions had not come on lately was owing to a block in the business, caused by party debates; but, if honorable members desired motions to come on on any particular day, they could generally arrange that by giving notice for a particular day in the future. He had never any difficulty in doing so.

Mr. HODGKINSON said he could corroborate what had been said as to the marvellous way in which motions receded down the Order Paper. He had placed a notice on the Paper, but it kept getting lower and lower, until he began to despair of its ever coming on; so he had put the matter in the form of a question, and thus got what he wanted.

Mr. BURNS thought a member had a very good chance of getting his motion disposed of if he gave notice of it for a particular day, unless of course a Government row occurred. He had had reason to complain himself, and he thought the principal cause of motions being postponed was the fact of the Government making so many questions Government questions, and thus creating debates. With respect to the honorable member for Riverton (Mr. Hodgkinson), however, he had noticed that that honorable member generally gave notice of motion for a Government day. He had done that several times, and when he did so he could not expect that his motion would come on on that day. He (Mr. Burns) thought there was not the slightest necessity for any alteration if members would use a little discrimination in giving their notices of motion.

Sir R. DOUGLAS said there seemed to him to be a very simple plan for getting over this difficulty. Let the House start each week with a clean sheet. That would be much the better way. He knew, of his own experience, that motions were a very long time coming on, and he might mention that the one he had just spoken on had been given notice of a long time ago. If it had come on within a reasonable time there would have been no necessity for his withdrawing it. He thought the House would be able to get on very well if they were to adopt his suggestion.

Mr. SWANSON said that a great many remedies had been proposed, but he thought the right one had not been hit upon yet. He thought that the Standing Order which forbade any new business being taken after half-past twelve o'clock should be done away with. Business went on a great deal quicker when the House was thin, and he felt sure that, if the House would agree to go on with the business while the ball which had been spoken of was going on, honorable members when they came back would find the Order Paper with less business on it than there is now.

Mr. REID thought the real cause of complaint was that they had a very great deal of business to do and very little time to do it in. The plan proposed by the honorable member for Dunedin (Mr. Macandrew) he did not think would have any effect whatever. It would result in leaving the block just as much as it was before, but with this disadvantage: that no member would ever be in a position to know when his motion was coming on. If honorable members adopted the suggestion which had been thrown out, and gave notice of motion ten days or a fortnight in advance, they would be pretty certain to secure their motion being dealt with. If the proposal were adopted it would not secure a greater amount of work being done, and would do away with the facility with which honorable members could calculate when their business was likely to be brought forward. Honorable members could now tell pretty well when their business would come on. He had no objection to see the matter referred to the Committee on Standing Orders, because he felt quite certain that that Committee would not recommend the alteration evidently sought after by the honorable gentleman who had moved the motion.

Motion agreed to.

MAIN ROADS.

The debate was resumed on the question, That, in the opinion of this House, it being now established that the counties are unable to make provision for the construction and maintenance of the main arterial roads of the colony, it is imperative that immediate and permanent provision should be made by the Government for the gradual construction and maintenance of the same.

Mr. DE LAUTOUR said he believed he had possession of the chair when the debate was...
interrupted. He did not wish to add much to what he had said—merely that, unless there was some provision made to provide for the wants of the interior of the colony, it would have a most detrimental effect upon our commerce. The handicap that was put upon the work of colonising by the want of roads was a very serious one, and, unless some such provision as that now before the House were carried, traffic in the up-country districts must inevitably be stopped for months in the year. The House must face the question as to what aid should be given to these arterial roads. Many of the counties were inhabited by a population which could hardly be said to be a resident population yet, and it seemed to him that it was impossible that the ratepayers could find the money to make roads of a permanent character which should be of benefit to the future settlers. It could not be done; and he hoped the Government would seriously consider the matter, and be able to find a solution of the difficulty.

Mr. HODGKINSON would move an amendment to this resolution, but in doing so he might say that he had no wish to controvert what had been said by the honorable member who introduced the subject—namely, that it was now established that counties were unable to make provision for the main arterial roads of the colony. His object in moving an amendment was to prevent what might be the very evil results which would ensue if the resolution were carried as it appeared on the Order Paper. If it were so carried, he imagined the result would be that the matter would be left during the recess in the hands of the Colonial Government, who would then be able to select such roads as they thought proper; and that would put them in a very invidious position. He was not accusing the present or any other Ministry of doing what was wrong, but it would be placing any Ministry in a very false position if they were called upon, as a matter of favour, to construct certain arterial roads in particular parts of the colony. The consequence would be that great pressure would be brought to bear upon them by various members of Parliament, and there would always be a suspicion that certain districts got more than others. The resolution, if carried in its present shape, would lead to what had been already seen in regard to railways. He was afraid there would be political roads as well as political railways, for the simple reason that, wherever the greatest number of votes could be brought to bear, the Ministry would have to yield, even though they might have the best intentions. His amendment was to strike out all the words after “colony,” with a view to inserting the following: “it is necessary that, until District Boards of Works, or Councils, or other institutions capable of undertaking such works, are established, provision be made by the General Government for the construction and maintenance of the same; and that the Government be requested to prepare a schedule of such arterial roads, and place on the Estimates the sum required for each.” The amendment would do away with any evils that might otherwise result in the direction he had indicated. The Government would have to submit their schedule to the House, which would have an opportunity of expressing an opinion upon it, and everything would be above-board, and there would be no reason for any suspicion in regard to what the Government might do during the recess. Then, as to the necessity of something being done, he thought it could scarcely be controverted. The Minister for Lands, in replying to the honorable gentleman who moved the resolution, said that machinery was already established in the colonies for carrying out these works. But in that the honorable gentleman did not express the general feeling of the colony. He knew that in regard to the county in which he lived there was a great deal of roadwork which was quite beyond the powers of the county to undertake. In fact, the main trunk roads in the late Province of Southland were still unmetalled, although they should have been completed fifteen years ago. For example, within ten miles of the Town of Riverton there was a great part of the main road still unmetalled, very much cut up, almost in a state of nature, and nearly impassable. There were besides many up-country roads that ought to be made. If the resolution were passed he brought in by the honorable member for Waikai, the Ministry would be pressed with applications from all parts of the colony to make these roads; so that he thought, if anything were done by the Colonial Government, it was very desirable the resolution should be put into the shape which he had submitted to the House, and a vote taken upon each road, so as to prevent any suspicion of anything unfair on the part of the Ministry.

Mr. STAFFORD said the question which had been submitted to the consideration of the House by the honorable member for Waikai was a very large question indeed, and one which, he ventured to say, until there was some alteration in the present system, would crop up repeatedly in subsequent sessions, simply because it would be found that, in those parts of the country where railways had not been constructed and there was no immediate prospect of their being constructed, there must be an injustice to the inhabitants, who were called upon to contribute largely to the Consolidated Fund and to the cost of the railways, unless some general provision was made by the State to afford them means of locomotion. That was an opinion he had held ever since the Public Works system was initiated. He had foreseen, as others had, that it would not be within the means of the colony, in the earlier years of the carrying out of that policy, to establish railways throughout the colony; and he had felt that, while Parliament was calling upon the resources of the country and the contributions of every inhabitant towards the construction of these railways, it would be committing a very great injustice upon districts where the railways were not made by leaving them in their original state of absence of means of locomotion. But, beyond that question, on which he thought there could not be two opinions, the present question of expediency. It must be evident to all that there were large districts in New Zealand separated by chains of hills and mountains from
facilities for communicating with the ports to
which they sent their exports, and from which
they got those necessaries of life which all
were more or less obliged to use. It was, to his
mind, very inexpedient that, because those dis-
tricts had not got the best kind of road—the
railroad—they should have none at all. Many
of those districts were sparsely settled, simply
because there were no means of locomotion; and
to leave to the inhabitants of these sparsely-
settled districts the whole burden of opening
up communication would be both unjust and
inexpedient. The instances adduced by the
honorable member for Waikaia in moving his
resolution referred mainly to those districts of
which the honorable gentleman had a personal
knowledge; but there were many members of
the House who knew of numerous other districts
having just as great a claim in consideration as
those to which the honorable gentleman re-
ferred, and which were in an exactly similar
position. The honorable member for Riverton,
in speaking to the resolution, had very properly
position. The honorable member for Riverton,
whoever they might be, might be subjected to
pressure which it would be very difficult to
resist in some instances, and which, if acceded
to, might give an advantage to some parts of the
country at the expense of others. He quite
agreed that the House should have a schedule of
the proposed works placed before it. He did not
know what the honorable member for Waikaia
might mean by the phrase "arterial roads." For
his own part, he did not think a large district
should have a number of roads made in it simply
because it was large; and he would define arterial
roads to be roads going from one capital town to
another, or which communicated between one
county and another, and which it was not the
object of one county only to see established. He
had long seen that it would be found that a
range of hills might be at the back of one dis-
trict in a county and intervening between the
district and the next county. The county next
the seaboard might comprise a considerablr
portion of that range, but it would have no object in
making a road over the range, because it
would have communication with its own port;
but the county behind it must get over the range
in order to communicate with the port, and yet
could not construct a road through the land
belonging to the county nearest the port. He
might give an illustration what might almost
be seen from the windows of the House—namely,
the Rimutaka Range, between the Counties of
Hutt and Wairarapa. It was true the colony
had seen fit to establish a line of railway, which
was already in course of construction, between
those counties; but it might have happened
that no authority was given for the construction
of that railway. He might say, in parenthesis,
that in his opinion this line had been taken in a
wrong direction, and that it would have been
much more cheaply and more rapidly executed
if it had been taken by Okaki and through the
Manawatu Gorge. However, it was too late to
comment upon that now. If they had not had
that line of railway, what would have been the
position of the inhabitants of the Wairarapa?
They could not have come into the territory of
the Hutt County to execute a road over that por-
tion of the Rimutaka Range which was in that
county; and was it to be supposed that the inhabi-
tants of the County of the Hutt would voluntarily
subscribed to take a road for the benefit of the
people of the Wairarapa? That illustration was
probably applicable to half a hundred other
places. The fact was that, until they could supply
that means of communication which was
superior to all other means—namely, rail-
ways—they were bound to furnish to all parts of
the country, as nearly as possible, equal
advantages to those possessed by the inhabitants
of districts through which the railways ran, as
long, at least, as the Consolidated Fund was
made to provide for the payment of the cost of
the railways constructed. He was quite
aware that, under the scheme of finance sub-
mited to the House by the Government for
the present financial year, there was really no-	hing left against which to charge the cost
of constructing main arterial roads; but, in view
of the opinion universally expressed this session,
that there must be a very material alteration in
the whole scheme of finance, this question could
not be fairly put aside. It must be grappled
with whenever the present system of finance
was reconstructed; and a reconstruction of that
system could not be indefinitely postponed with
advantage to the country. Prominently it ap-
ppeared to him a first duty to make provision for
bridging dangerous rivers. They had had a
statement placed before the House showing that
some of the most valuable and enterprising
settlers of this country had lost their lives
through the want of bridges over these rivers.
Many of them were aware, of their own know-
ledge, of the deplorable loss of life that had re-
sulted from the want of this provision, but until
that return was placed before the House they
had had no idea of its serious extent. It was not
the lazy class who had been sacrificed, but those
who were most energetic and pushed into the
wilderness to find out places on which to settle
themselves and their families. From want of
bridges nearly 5,000 souls had lost their lives in
this country. He was aware that many rivers
where most of those lives had been lost had since
been bridged, but there were yet a large number
of rivers unbridged and still inviting destruction
of others from month to month and year to year.
He trusted this subject would not be lightly
attained to by the Government. It was a ques-
tion that would become stronger year by year,
and it should be the very first duty of the Legislat-
ure to determine that there should not be any portion
of the inhabitants of the colony without as fair
means of having access to the seaboards as was
already possessed by those who had railways.
He did not know how his honorable friend the mem-
ber for Waikaia was disposed to treat the amend-
ment of the question before the Government, but
it did not appear to him to be in any sense
objectionable. He thought the House should
have a well-considered system of arterial roads

Mr. Stafford
before it, previously to authorizing the construc-
tion of any particular line, and he thought the 
honorable gentleman would see that he might 
best attain the object he had in view by accepting 
the amendment of the honorable member for River-
ton.

Mr. BASTINGS was disposed to accept the 
amendment of the honorable member for River-
ton. It would be advisable that a schedule, de-
fining what were main arterial roads, should be 
prepared by the Government, because, as had 
been stated by the honorable member for Timaru, 
he (Mr. Bastings) had framed the motion upon 
information gained in the part of the country 
with which he was personally acquainted. How-
ever, it was very probable that many other parts 
of the country were in the same condition, and 
that his own district was not an isolated case. 
He would therefore accept the amendment of 
the honorable member for Riverton.

Mr. GISBORNE would add his humble tes-
timony to that of the honorable member for 
Timaru as to the necessity for giving every pos-
sible consideration to this very important ques-
tion. The abolition of the provincial system 
had left a great gap to be filled up, and it was 
now found necessary that there should be some 
proper authority to construct and maintain main 
arterial roads and to bridge dangerous rivers. A 
county might not only be divided by a mountain 
range: it might be divided by a dangerous river; 
and one county might not be interested in bridg-
ing that river, while the interests of the other 
county would be all in that direction; yet the 
latter county ought not to be put to the whole 
expense of bridging the river. And then, with 
regard to roads: Take the case of the Hokitika 
and Christchurch Road—

Mr. DE LAUTOUR.—The Government have 
undertaken to maintain that road.

Mr. GISBORNE said that showed that the 
Government admitted the principle that they 
should take charge of the main arterial 
roads. These roads throughout the South and 
Centre, however, might be interested in the maintenance of that 
road for the purpose of driving cattle across, and 
therefore it was only right that the Government 
should keep it in proper repair. He gave a de-
finite of what he thought should be considered 
a main arterial road when the motion first came 
up for discussion, and the honorable member for 
Timaru had followed out the same idea. It was 
that a road in which more than one county was 
directly interested should be classed as a colonial 
road, and should be taken charge of by the colony. 
He did not say that that was the best system. 
His own idea was that large counties, or, in fact, 
provincial districts, should take charge of the 
administration and maintenance of these roads; 
but under the present system, with so many small 
counties, that was impossible, and therefore it 
was incumbent upon the Government to provide 
some system for keeping the main arterial roads 
in a proper state of repair.

Captain MORRIS hoped the Government 
g would give the matter their serious considera-

Speaking for himself, he entirely approved of the 
motion. There were 140 miles of road in his own 
district, only six miles of which passed through 
Native land; and it was utterly impossible that 
the Road Boards could keep such a large extent 
of road in repair. They had not the money 
themselves, and it would be difficult for him to 
say from what source it should come; but he 
would point out this anomaly: that at the present 
time subsidies were paid to Borough Councils, 
which were wealthy bodies, and might very well 
do without the money in order that it might be 
given to the out-districts, which required it very 
badly. There was a regular rush in all parts of 
the colony to create municipalities and Borough 
Councils, and large amounts were paid to those 
odies in the shape of subsidies, while the out-
districts were in a comparatively neglected state.

Mr. BURNS said this was the most cheerful 
discussion he had heard for a long time. The 
honorable member for Timaru particularly, and a 
great many other honorable members, who had 
been dead against the provinces for years, were 
now debating questions which were never heard 
in that House before. All these matters were 
formerly dealt with by the Provincial Councils, 
and very properly so; but what would be the 
effect of this new system? There had been a 
nice little fight at the Taieri, and he was not at 
all sure that it would not be brought into that 
Assembly. There was a bridge there that had 
cost £20,000 or £30,000, but it was on its last 
legs, and who was to replace it? The Provincial 
Governments had been abolished, and, in spite of 
the Counties Act passed last year, here they 
were coming back to the old story—the House 
was asked to do the work of the Provincial Go-

germents, and it was not fit to do it. He 
could not help thinking that there was a retri-

butive retaliation in all this. Those who were in 
such a hurry to abolish the provinces were now 
finding that the shoe pinched them.

Mr. WOOLCOCK said the whole tone of the 
debate was to the effect that the county sys-
tem was a failure, because, if the main arterial 
railways, to improve the local Road  
Boards and County Councils?
AUCKLAND COLLEGE AND GRAMMAR SCHOOL BILL.

Mr. LUSK moved, That Mr. Speaker leave the chair in order that the House might go into Committee on this Bill.

Sir G. GREY wished to move an amendment to that motion—namely, That the Bill be referred to a Select Committee. His reasons for moving that amendment were these: The institution which the Bill dealt with had been in existence for over twenty-six years. It was established under a deed of trust the conditions of which were not set forth in the Bill. During the whole period of twenty-six years, no difficulty had arisen in reference to carrying out the conditions of the trust, except in one instance, and then, he believed, the difficulty arose through the fault of one section of the trustees. It was an undoubted fact that the inhabitants not only of the city but of the whole isthmus of Auckland had a great interest in the matter with which this measure dealt. The Bill represented that, in point of fact, the intention was only to establish a college and grammar school in the City of Auckland; but the intention of the trust deed was that grammar schools should be established not only in the city but throughout the whole isthmus of Auckland. These grammar schools were to afford, amongst other things, education similar to that given in the primary schools, but also a classical and higher order of education. It was intended that the schools should be open in the evening, say up to ten o'clock, for the purpose of enabling the young men of the colony to complete their education. The higher branches of learning formed no necessary part of the education to be given at these schools, unless the students themselves wished to be taught such subjects as the Greek and Latin languages. When the trust deed was considered twenty-six years ago, it was thought that a considerable portion of the population would be enabled by these grammar schools to receive a certain amount of education which they could not receive in the ordinary schools. It was considered that the night schools especially would be of great benefit in this respect. The funds arising from the endowments had already reached a very considerable amount—rather more than £1,900 a year, he believed—and they were rapidly increasing. This Bill, which dealt with large interests, had been introduced without the knowledge of the inhabitants of the City of Auckland or of the isthmus of Auckland. He himself was the principal founder of these schools, and he was assisted in the work by men of very great eminence. The trust deed contained very few provisions, which were very briefly but very clearly stated. It had been found that the terms of the deed had been very easily carried into practice. That sufficient publicity had not been given to the Bill was proved by the fact that when the Bill was read a second time a few nights previously he had never seen it; and it had only then been accessible to honorable gentlemen for two days before it was read a second time. At that time he had no knowledge whatever of the Bill. It was brought in by the Chairman of the Auckland Board of Education to have a nominated Board, and its members in no way represented the people who were most nearly concerned in the matter. He believed that the honorable gentleman who had introduced the Bill was the only member of the Education Board who knew anything of the measure.

Mr. LUSK.—No.

Sir G. GREY said he understood that such was the case; but at any rate he himself had no knowledge of it, and he was certain that other members of the House who were interested in the matter had no knowledge of it. He submitted that this Bill was to a certain extent a private Bill. It was a Bill in which a large number of Her Majesty's subjects were concerned, and he submitted that the people who were interested in it ought to have had due notice given to them that it was to be brought forward; and not only that, but the Bill ought to have been published in the district where it was of so much importance that its provisions should be known. In truth this Bill revolved—although it was not stated in so many words—the deed under which the Grammar School at Auckland was established. All the powers which were given by the trust deed for dealing with the trust lands, and for making regulations connected with the grammar schools or colleges, were, under this Bill, to be given to persons who were to be called "governors." He held that the Bill was quite unnecessary. The only necessity which could be said to have arisen for a measure of this kind arose from the fact that the abolition of provincial institutions had done away with the means of electing trustees for the management of the grammar schools. The Bill proposed that the governors who should in future have the management of these institutions should be seven in number, three of them being nominated by the Governor and four elected by the Education Board. He was not satisfied that a Board of Governors chosen in that way would be a good Board. At present, three of them were nominated by the Judge of the Supreme Court for the time being. He believed that the best body to which the management of these institutions could now be handed over would be the Education Board, provided that it was an elective Education Board. To that it might be answered that in all probability persons would be elected as members of the Education Board who would not be by education fitted to deal with such matters; but he apprehended that the larger the subjects were which they gave the Education Board to deal with, and the greater the call which they made upon the members of that Board to consider important subjects, the more likely there would be intelligent men offering themselves as candidates for seats on the Board. Therefore he thought that the Education Board which was to be elected under the new Education Bill should be the body to replace the original trustees. If, however, that were not done, another course might be adopted—
Then there would be a responsible Minister at
namely, to leave the management of these insti-
tutions in the hands of the Minister of Education.
They would have a gentleman who was fitted
to the head of affairs, and if anything went wrong
the House could always come down upon him.
They would have a gentleman who was fitted
by education, and by a knowledge of the whole
colony, and by his position, to manage these
institutions. They would obtain the services of a
person who, he thought, would be in every way
competent to perform the duties which were
originally intended to be performed by trustees.
He would go further, and say that such a Board
as was proposed in this Bill would, in his opinion,
be a body that, under any circumstances, would
not be a very fitting one to manage institutions
of this kind. If the three gentlemen nominated
by the Governor were all of one mind and
belonged to one sect, it was very probable that,
out of the four elected members, one would be
generally got to take their view of matters; and
the whole control of the institution would pass
into the hands of one man, or of one family, and
of persons responsible to nobody but to the
Courts of the country. They would be irre-
sponsible to the public, because they would only
have the power of electing four of the trustees.
He considered that a Board such as the one pro-
posed would inflict very great disadvantage upon
the public. In the other case the Education
Board would be amenable to public opinion; the
Minister of Justice would be amenable to pub-
lic opinion also, and responsible to that House.
If either of the two courses he had pointed out
were not acceptable, by the appointment of a
Select Committee the subject would receive full
consideration, and some other better mode of
appointing governors would perhaps be found.
The whole thing was a matter of very great im-
portance. It was the first step the House had
made in the matter. He was not aware that
the position of Governor, for certain special pur-
poses, rendered it, in his mind, just to the pub-
lic. He would say that all these circumstances
rendered it, in his mind, just to the people of Auckland, just to the people of the colony, as setting an example for future proceedings. Such a Com-
mittee would be able to give a calm and unim-
passioned consideration as to whether the trust
deed, which had worked well, should be set aside
by a Bill of this sort without the inhabitants of
the district having full information on the sub-
ject, or without any of the people of Auckland
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tion, they were persons in no way responsible to
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just to honorable members of this House that
they should refer this question to a Select Com-
mittee, instead of hurriedly passing a measure
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subject. It might be moved as an amendment, That the Bill be referred to a Select Committee to report upon it.

Mr. REES would support the amendment of
the honorable member for the Thames. He was
surprised that the honorable gentleman in charge
of the Bill did not at once accept it. The land
proposed to be dealt with was set apart by the
honorable member for the Thames, when he held
the position of Governor, for certain special pur-
poses. He (Mr. Rees) represented in the House
a district in which part of this property was
situated, and he could say that he had not been
consulted in the matter. He was not aware that
such a Bill was to be introduced. He had heard
the second reading of it; but he also heard that
there was some misunderstanding between the
honorable member for Franklin (Mr. Lusk) and
the honorable member for the Thames with
respect to it. The trust deed was a very old
one; but the object of the foundation was very
clear. The object was, first, "to reserve land as
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and support of a college and grammar school
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college and grammar school, and also for the
discipline and examination of the same, the
conditions upon which students shall be admitted,
and the fees to be paid in respect of such
admission, and, in general, touching all other
matters, purposes, and things regarding the said
college and grammar school." He was not at all
prepared to say that, under the present
circumstances, it would not be wise to have some Bill in
relation to this matter; but the House should
not be asked to legislate on a matter affecting
the whole Province of Auckland, by a Bill dealing
with endowments which in a few years would
bring in many thousands of pounds per annum,
without first subjecting it to the consideration
of a Select Committee. The people of Auckland
knew nothing about what had been done, and the
Auckland members knew nothing about it. The
honorable gentleman in charge of the Bill was
asking the House to do more than it should be
asked to do. If the Bill went to a Select
Committee, on which no doubt some Auckland mem-
bers would be placed, it would then be thoroughly
examined. He had been told the other day
absolutely that the provisions of this Bill did not
conflict with the provisions of the trust deed.
He had now seen a copy of the trust deed, and
to his mind the Bill conflicted very materially with
the trust deed. He was also opposed to the
proposed Board, as he thought a better governing
body could be had. He objected to the Bill in
the name of his constituency, which was largely
interested in this matter. He did not know why
honorable members from Auckland had not been
consulted in reference to this Bill. He would
ask if the honorable members for Auckland City
West had been consulted.

Mr. DIGNAN said he had only the same in-
formation on the subject as the honorable mem-
ber himself.

Mr. REES.—All the honorable members from
Auckland were told about the Bill was that it
did not conflict with the trust deed. They had
not seen the trust deed. He would therefore ask
the honorable gentleman to bill the papers to his
constituency to the whole Province of Auckland in fact, that
this Bill should not be allowed to pass without
its being first considered by a Select Committee.
The funds derived from this endowment would
be applicable to all the districts in the province,
and therefore the whole province would be
affected by the passing of this measure. The
opinion of the people who were immediately
interested in the matter ought to have been
obtained before a Bill of that kind, dealing with
enormous endowments in a manner never con-
templated by the original founder of the trust,
Sir George Grey, should be disposed of in the
manner proposed to be adopted in respect to this
Bill. He trusted the House would consent to the
Bill being referred to a Select Committee.

Mr. LUSK was rather surprised at what had
fallen from the last two honorable gentlemen who
had spoken. He had not been in the House and
account of the statements that had been made,
for he thought it was due to himself that
those honorable gentlemen should have consulted
him on the subject before making the state-
ments that they had made. The Bill, which had
been read a second time, and which it was now
proposed to go into Committee upon, was, as had
been stated, a Bill dealing with very large and
important interests, and it was necessary for
honorable members to understand in what posi-
tion the matter now stood. The trust deed, a
copy of which was before the House, many years
ago vested certain lands in certain trustees for
the establishment of a college and grammar
school or schools on the isthmus on which Auck-
land stood. That trust was held for some years
by the original trustees, and afterwards handed
over to the Board of Governors. Subsequently,
by an Act of the Assembly, the trust was vested in
the Superintendent of the Province of Auckland.

Subsequently to that, action was taken by the
Provincial Council, and a Board of Governors
was appointed for the Auckland College and
Grammar School. Of that Board of Governors
he (Mr. Lusk) was a member, and for some
years that Board of Governors acted exactly as
it was proposed the Board of Governors to be
appointed under this Bill should act. They were
the first—not, as the honorable member for the
Thames stated, twenty-six years ago, but some
ten or eleven years—they were the first to
establish a grammar school under this trust,
and that grammar school had been continued from
that time until now with great and increasing
success. In the year 1872 a Bill was brought in
by himself into the Provincial Council of Auck-
land and was passed, having for its object the
establishment of a system of education; and by
that Act the two trusts, the Common School and
College and Grammar School, were both placed in
the hands of the same Board—a Board which
was partly nominated and partly elected in very
much the same proportions as were proposed in
this Bill. By the Act of last session that body
was continued for one year, and all property
belonging to the Board as constituted by the
Provincial Ordinance was placed upon the same
trust. What did this measure propose to do?
Simply to enlarge the Board? The Provincial
Council of Auckland thought fit to do, and re-
constitute the old Board appointed by the Provincial
Ordinance. It was proposed by the 10th clause
that—

"All money, property, matters, and things
whosoever vested in or acquired by the Board
of the Education District of Auckland by virtue
of 'The Education Boards Act, 1876,' or by
any other Act, in trust for the establishment
and maintenance of the Auckland College
and Grammar School, shall, on the coming
into operation of this Act, be vested in the Board
hereby constituted, subject nevertheless in all
respects to the same trusts and liabilities as
attached to the said property in the hands of the
Board of the Education District aforesaid."

He thought, if honorable members who had
referred to the Bill in such very strong language
had looked at that clause, it would have been
obtained in the manner proposed to be adopted in
respect to this
Bill. He trusted the House would consent to the
Bill being referred to a Select Committee.
in the trust, they would have seen that the course they had taken was very ill-considered. As regarded the interests of the people of Auckland, which were said to be overlooked and neglected, he was really very much surprised and somewhat amazed to hear such statements. This Bill was brought in by him at the request of the Board of the Education District of Auckland. It was drawn up by him at their request, and submitted to them. He had received a reply that they thought its provisions were in all respects such as would promote the interests of the institution, and suggesting a very slight alteration in the constitution of the Board. He had yet to learn that it was the duty of every member bringing in a Bill for a public purpose, which he had some special reason for bringing in on account of his official position, to call a meeting of the electors of a district which might be partly interested, and ask them what provisions they would like to have in the Act. He thought this was carrying the idea of representative government to a very extraordinary pitch, and he did not conceive that that was the way to get a suitable Act for the management of such an institution. It seemed to him that the people who could best judge of the way in which that Act should be framed were the people who had the practical charge and management of the matter. He would be very sorry to think that he had been in any way guilty of a want of courtesy to Auckland members. He might say that, as soon as he had received the approbation of the Board, which was the real promoter of the Bill, without a moment's delay he had the matter brought under the notice of the Auckland members at a meeting. To the best of his knowledge he then stated what in his belief was in the original trust deed; and now, having a copy of that deed, his opinion as to its contents was altered very slightly, if at all. He contended that there was nothing whatever in the terms of this Bill which conflicted necessarily with the provisions of the deed. It was true the deed spoke of more than one grammar school, but any one who knew the facts and was acquainted with the working of the school knew that the one school at present established was amply sufficient for the wants of the people situated on the isthmus, and it would be absurd to erect a second school. So far as the present time was concerned the whole of the objects of the trust deed were being carried out with the exception of evening classes. Not once, but several times, attempts had been made to establish evening classes, but, unfortunately, nobody would attend them. It therefore appeared to the trustees undesirable to keep up the farce of evening classes which were not wanted by the community. Of course, if this property were vested in any trustees whatever, they would be bound, whenever the necessity arose, to make provision for those evening classes. They would also be bound to establish such other grammar schools as might be required in accordance with the terms of the Act. The only object he had in view was to promote the well-being of this institution, in which he took a great deal of interest. He believed the institution was one of the most flourishing in the whole colony, and had turned out as many students of excellence as any other institution in New Zealand. Owing to the liberal way in which scholarships had been given out of the funds of this institution, a great deal of benefit had been extended, not merely to the people in Auckland, but in different parts of the province. Under these circumstances he could see no earthly advantage in referring the matter to a Select Committee. By putting in two or three words in the Bill they could render the persons who carried out the Act responsible for complying with all the terms of the trust deed. It was therefore, he thought, absurd to talk of the Bill being compared with the trust deed by a Select Committee. To refer it to a Select Committee was simply to consign it to oblivion. The Minister of Justice had nearly passed an Education Bill through the House which would absolutely leave this educational establishment in no one's hands. It would absolutely put an end to the trust, and under these circumstances something must be done. In refusing to have the Bill consigned to a Select Committee he was merely refusing to have it burked. He did not suppose that the honorable members who wanted to have the Bill referred to a Select Committee wished to have it burked, but they ought to know by this time what the fact of referring it to a Select Committee at this stage meant. They must know that very shortly everything that could possibly be dropped would be dropped, and therefore to treat a measure of this kind in that dilatory manner was equivalent to dropping it altogether. On the part of the Board, which had done much to utilize this trust, he could not consent to the proposal of the honorable member for the Thames. He regretted that it should be necessary to dissent from that honorable gentleman, but in the interests of the institution he felt conscientiously bound to do so. Mr. MACFARLANE was sorry a matter of such great importance had not come from the Government. A Bill had already passed its third reading dealing with an Education reserve, and he knew that that measure was now regarded in Auckland with great dissatisfaction. He therefore thought they should proceed in this case with great caution. Mr. GISBORNE would be sorry to do anything to delay the passing of the Bill this session, and, if the honorable gentleman thought that referring it to a Select Committee would prevent its passing, he would not vote for it. At the same time he thought some more information should be given in Committee as to those endowments, and as to the change proposed to be effected by the Bill. He doubted, as far as he saw at present, whether these lands had ever been vested in the Education Board at all. At first there was a grant to certain trustees. The Education Board Act of last session, in section 22, said,—

"All lands heretofore reserved as sites for schools or as endowments for educational purposes in and for any province, and granted under the Public Reserves Act, 1854," or any Act amending the same, and vested in the Superin-
tendent of such province or any Board or other body, and subject to the provisions of any Provincial Ordinance or Act, shall vest in the Board of the district immediately upon the first constitution thereof under this Act, subject to any contracts or engagements theretofore lawfully entered into relating to such lands.

Those lands were not stated in the preamble to have been granted under the Public Reserves Act. They were granted by Sir George Grey in the education districts. The subsection referred to other lands. It said,—

"Any other lands which have been heretofore reserved as sites for schools or as endowments for educational purposes in and for any province, but which have not been granted to or vested in the Superintendent of such province or any Board or other body, may be granted to or placed under the management of the Board by the Governor if he think fit."

He did not know whether the Governor had placed those lands under the management of the Board, but it was not so stated. Then, if none of these things had been done — if the land had neither been vested under the Public Reserves Act in the Superintendent or in any other person or body, nor had been placed by the Governor under the management of the Board — he did not see how they had come within the jurisdiction of the Education Board.

That showed that the Bill should not be hurried through Committee, but that a full explanation should be given of the exact position of these endowments of land. It was clear that, whatever power the Board had, if it possessed any, over these endowments, it could only be for the exact purpose for which the land was originally conveyed, and he thought this Bill, if it was passed, should follow exactly the same course. In fact, he understood it was the intention of the Bill to do so, because in the 10th clause it said,—

"All money, property, matters, and things whatsoever vested in or acquired by the Board of the Education District of Auckland by virtue of 'The Education Boards Act, 1876,' or by any other Act, in trust for the establishment and maintenance of the Auckland College and Grammar School, shall, on the coming into operation of this Act, be vested in the Board hereby constituted, subject nevertheless in all respects to the same trusts and liabilities as attached to the said property in the hands of the Board of the Education District aforesaid."

Therefore, whatever trusts and liabilities were mentioned in the grant should be observed exactly in the Bill. As far as he had seen of the measure, he did not think that course had been precisely adopted. If the honorable gentleman in charge of the Bill would assure him that he had no intention of hurrying it through Committee in any way, but would give full consideration to these points, he would vote for the committal of the Bill, but not otherwise.

Mr. WHITAKER had considered this Bill carefully, with a view of seeing how far the trust was preserved. It was necessary only to go back to the Act of 1876, which provided that the property should vest in the Education Board.

Mr. Gisborne — Which clause of the Act of 1876 vests it in the Board?

Mr. WHITAKER. — Section 9. However, apart from that altogether, he thought it would be admitted that it would not be desirable to send the Bill to a Select Committee, because the probable result would be that it would not pass through the House this session, and this very important trust would be left unprovided for until next year. Now he, for one, was quite prepared to make the Bill strictly in accordance with the original trusts as they were described in the grant; and, if the Bill were allowed to go into Committee, they could, without referring back to any other Act whatever, insert the specific words contained in the Crown grant. That, he thought, would remove all the objections of the honorable member for the Thames and the honorable member for Auckland City East. It, for one, would not be a party to varying or changing the trust, and, when the part of the Bill came on in which such a provision could properly be inserted, he would support any motion, or, if necessary, move one himself, to the effect that the trusts as they appeared in the original grant should be preserved and maintained. With regard to the proposed constitution of the Board, he would not make any great objection to its being partly nominated and partly elected, nor should he object if the proposition of the honorable member for the Thames were carried out, that the management should be vested in the Minister of Education. But he thought it would be a pity to shelve the Bill by sending it to a Select Committee, and would therefore support the motion for the committal of the Bill.

Amendment negatived, and Bill considered in Committee.

Mr. REES moved, That the Chairman report progress, and ask leave to sit again.

Question put, "That progress be reported, and leave asked to sit again;" upon which a division was called for, with the following result:

Ayes ... ... ... ... 16
Noes ... ... ... ... 22

Majority against ... ... ... ... 6

Ayes.
Mr. Baigent, Mr. Barff, Mr. Dignan, Sir G. Grey, Dr. Heron, Mr. Macandrew, Mr. Pyke, Mr. Reynolds, Mr. Seaton.

Tellers.
Mr. De Lautour, Mr. Rees.

Noes.
Mr. Bowen, Sir R. Douglas, Mr. Fox, Mr. Gisborne, Mr. Hamlin, Mr. Hunter, Mr. McLean.
over by the Corporation to the Otago University, the old Botanical Gardens Reserve was handed to the late Provincial Government and the Dunedin City Council, when evidence between the late Provincial Government included in the schedule was of no practical value as a recreation ground. In fact, it adjoined the Town Belt, and the distinct condition upon which the Council agreed to give up possession of the old Cemetery Reserve by way of exchange was that the whole of the Cemetery Reserve should be handed over to the City Corporation for general purposes. However, since the arrangement was entered into the Government had taken the greater part of the Cemetery Reserve for a district school site. The Council concurred in this being done, and now merely asked that the remnant of the land, consisting of only seven acres inclusive of the old Cemetery, might be legally vested in the Corporation of Dunedin.

Mr. STOUT pointed out that the Bill gave power to the City Council of Dunedin to lease reserves which had been set aside for recreation purposes. He had received a letter from the Town Clerk of Dunedin which stated that the Provincial Government had promised to give power to lease these reserves; but he thought, under the circumstances, it would be better to refer the Bill to a Select Committee in order to impose proper safeguards, because they ought to be careful not to give any Corporation too much power in dealing with such reserves.

Mr. REID said this was the first he had heard of any promise made by the Provincial Government to give power to lease these reserves. He did know that the land was vested in the Corporation, subject to its being available as a recreation reserve. If there was such a promise it could only have been given as a tentative measure. He should be sorry to see power given to the Corporation to lease the land. That would be a great mistake, because really there was a large principle involved in the Bill. If the honorable member would allow sufficient time to elapse after the second reading to ascertain what the nature of the promise was, he would not object to the progress of the Bill.

Mr. BOLLESTON thought it would be as well to refer the Bill to the Waste Lands Committee. It might then come up again in about a week, but if it were referred to a Select Committee it might be difficult to get it on again. There were three or four Otago members on the Waste Lands Committee, and they would thoroughly understand the effect and object of the Bill.

Mr. MACANDREW thought the suggestion a very good one, and recommended the honorable member in charge of the Bill to accept it.

Mr. LARNACH accepted the suggestion.

Bill read a second time, and ordered to be referred to the Waste Lands Committee.

DECEASED WIFE'S SISTER MARRIAGE BILL

Mr. REID said this was the first he had heard of the Bill. Clause 2.—Marriage with deceased wife's sister valid.

Mr. PYKE moved That the word "valid" be omitted, with the view to insert the word "invalid."

Question put, "That the word "valid" be omitted stand part of the question;" upon which a division was called for, with the following result:

Ayes 26
Nees 17
Majority for 9

AYES.
Mr. Ballance, Mr. Reid,
Mr. J. C. Brown, Mr. Richardson,
Mr. Bryce, Mr. Rowe,
Mr. De Lautour, Mr. Shirimsaki,
Mr. Fox, Mr. Stevens,
Mr. Hamlin, Mr. Swanson, 
Mr. Dr. Henry, Mr. Taiaroa, 
Mr. Kelly, Mr. Teschemaker, 
Mr. Larnach, Mr. Wason, 
Mr. Lusk, Mr. W. Wood. 
Mr. McLean, 
Mr. Montgomery, Teller. 
Mr. Mr. Ormond, Mr. Hodgkinson, 
Mr. Roe, Mr. Stout. 

Mr. Baigent, Mr. Murray-Aynsley, 
Mr. Bowen, Mr. Reynolds, 
Mr. Mr. Dignan, Mr. Seaton, 
Mr. Fitzroy, Mr. Tole, 
Mr. Harper, Mr. Whitaker, 
Mr. Hunter, Mr. Williams. 
Mr. Lumsden, Teller. 
Mr. Macandrew, Mr. Pyke, 
Mr. Moorhouse, Mr. Travers. 

Mr. Beetham, Mr. Reid, 
Mr. J. C. Brown, Mr. Richardson, 
Mr. De Lautour, Mr. Shrimski, 
Sir R. Douglas, Mr. Stout, 
Mr. Fox, Mr. Swanson, 
Mr. Hamlin, Mr. Taiaroa, 
Dr. Henry, Mr. Teschemaker, 
Mr. Kelly, Mr. Wason, 
Mr. McLean, Mr. W. Wood. 
Mr. Montgomery, Teller. 
Mr. Mr. Ormond, Mr. Hodgkinson, 
Mr. Roe, Mr. Rowe. 

Mr. Baigent, Mr. Pyke, 
Mr. Ballance, Mr. Reynolds, 
Mr. Mr. Barff, Mr. Seaton, 
Mr. Bowen, Mr. Sheehan, 
Mr. Bryce, Mr. Tawiti, 
Mr. Burns, Mr. Tole, 
Mr. Dignan, Mr. Whitaker, 
Mr. Fitzroy, Mr. Williams. 
Mr. Gibb, Teller. 
Mr. Giiborne, Mr. Harper, 
Mr. Hunter, Mr. Murray-Aynsley, 
Mr. Lumsden, Mr. Travers. 

For. Against. 

The amendment was consequently negatived.

Mr. REYNOLDS moved, That the Chairman do now leave the chair.

Question put, “That the Chairman do leave the chair;” upon which a division was called for, with the following result:—

Ayes: Mr. Baigent, Mr. Pyke, 
Mr. Ballance, Mr. Reynolds, 
Mr. Barff, Mr. Seaton, 
Mr. Bowen, Mr. Sheehan, 
Mr. Bryce, Mr. Tawiti, 
Mr. Burns, Mr. Tole, 
Mr. Dignan, Mr. Whitaker, 
Mr. Fitzroy, Mr. Williams. 

Majority against: Mr. Baigent, Mr. Pyke, 
Mr. Ballance, Mr. Reynolds, 
Mr. Barff, Mr. Seaton, 
Mr. Bowen, Mr. Sheehan, 
Mr. Bryce, Mr. Tawiti, 
Mr. Burns, Mr. Tole, 
Mr. Dignan, Mr. Whitaker, 
Mr. Fitzroy, Mr. Williams. 

The CHAIRMAN said he did not feel disposed to give his vote in favour of legalizing these marriages, and would therefore give his casting vote against the motion.

The motion was consequently negatived.

The clause was consequently read a second time.

Question put, “That this clause be added to the Bill;” upon which a division was called for, with the following result:—
Mr. Macandrew.

Mr. Larmach.

The motion was consequently negatived.

For.

Mr. Macandrew.

Mr. Larnach.

Against.

Mr. Beetham.

Mr. Hodgkinson.

The Bill reported without amendment.

On the motion that the Bill be read a third time, Mr. TRAVERS moved, That the Bill be read a third time this day six months. He said that it had been stated during the discussion in Committee that the House had no evidence before it of any alteration in the social relations of society in consequence of a measure of this kind having been passed into law in Melbourne. The law had not been altered in Melbourne sufficiently long to furnish any evidence as to the effect the alteration would make upon society, and he submitted that the House was not justified in making experiments upon society when there was an opportunity or when there might be expected to be an opportunity shortly of seeing how the law operated in a sister colony. If it had found to be a good law in that colony, the fact would soon become known; but, until they had some evidence of that character, he personally objected, and he trusted the House would support him in the opinion that the House was not justified in making experiments upon society to gratify the desires or fancies of any particular section of the community. As he had said before, he believed if the women of New Zealand were to be polled to-morrow there would be a great majority entirely opposed to any legislation of this kind. They were legislating simply as men, and without regard in any possible degree to the feelings of the weaker portion of the community, who had no practical voice in this legislation. When women had a more practical voice in the election of members for the Assembly, then would be the time to bring forward a measure of this kind, and let the women know that the question was to be discussed, so that they might deal with it when they were dealing with the representatives who were being elected. But, before the women had any substantial voice in the legislation of the country, he apprehended that the Assembly was not in any degree justified in legislating in regard to the relations with which it proposed to deal. They should first satisfy themselves that the change proposed would be sanctioned by the other portion of the community. They were not attempting to promote a ground for urging this measure upon the country, that, forsooth, children might find a greater amount of tenderness if our social relations permitted the placing of their aunt in the position of their mother. He apprehended that there would be no result of the kind. So far from that, it would have the effect of preventing that intimacy which should exist between members of the same family. If aunts were tender to their deceased sisters' children they would be so without becoming the wives of the husbands of those sisters. The House had not got before it any demand for such legislation as this. No notice whatever had been taken of the subject during the elections. He did not know of a single instance in which a member had brought this matter before his constituents at his election. If the women of the country believed in a Bill of this kind, they could easily have made their views known to the House; but there was no expression of opinion from the women in favour of it. The House was to take the ipse dixit of some few members that it would be acceptable to the women of the country. But his opinion was that it would be by no means acceptable, and would produce a complete disorganization of society. It was said that in instances where these marriages had been made the parties were still received in society. Society was apt to be good-natured in matters of this kind, and he did not think the House was justified in passing such a measure as this. Of course it was useless to appeal to those who had made up their minds on the question, as, for example, the honorable member for Newton, who argued that there was no harm in it. If the House considered the matter as one purely of breeding, they might take the view of the honorable gentleman, who said that persons who formed this connection produced children as vigorous as those whose connection was formed under the present usages of society. There was no doubt that the breed would not be affected. It might be that this was a matter only of sentiment, but it was a matter of sentiment which had lasted in the social relations of England for hundreds of years. He knew of no instance in which the law of England allowed the marriage of a man with his deceased wife's sister. There was the canonical law, and the law of England respected that law, and, when people contrived notwithstanding that law to contract illegal marriages, Parliament stepped in, and made those marriages not only voidable, but void. Those marriages were always voidable; and were made void by Statute in order to prevent the evil consequences which would ensue from attacking marriages of that kind after children had been born. When the law had once declared those marriages to be absolutely void, people contracted them with a full knowledge of the results that were going to follow. Before marriages within the prohibited degrees were made void, being only voidable during the lifetime of the parties, the issue were not illegitimate; but, in
order to prevent the serious results that must
ensue from attacking marriages of this kind,
the law made them absolutely void. It was now
proposed, however, to make that which was bad
according to the customs of society good under
the law. The honorable member for Newton
might say that the issue of marriages of this kind
were in no degree inferior in physical or in mental
capacity, or in the power of money-grubbing and
accumulating cash, to the children of parents who
contracted marriages according to the usages of
society. He granted that. If the honorable
gentleman would turn to a work which he would
find in the library, and which was written by a
gentleman who had investigated these matters in
the most philosophical spirit, and who had carried
out his experiments in a manner that would not
allow of discussion, he would find that breeding
in-and-in was not followed by injurious physical
consequences so long as proper precautions were
taken to select the pairs. If the object were to
produce physical animals he could see no objec-
tion, so far as that went, in men marrying their
own daughters, sons their mothers, or grandsons
their grandmothers, if they chose. That experi-
ment had not yet been tried; but the honorable
gentleman would find, if he looked into the his-
tory of civilization, that there were communities
in the world where that practice was carried out,
and which had not deteriorated in physical
capacity, or, indeed, in mental capacity, according
to the standard of the race. If they were going
gradually to relax all those usages which had
been recognized for centuries as proper rules
of society, and to adopt the habits of savage
tribes occupying the interior of Java, they would
very likely find marriages licensed be-
tween persons much more closely related than
a man was to his deceased wife's sister. If it
was merely a physiological matter, let them carry
it out to its legitimate issue, and allow of all sorts
of marriages between the sexes; let them only
prohibit marriages between diseased people; let
them work out this matter to its true and legiti-
mate issue; and then he would go in with the
thought that the gentleman would find, on an exami-
ation of men and women before they were
permitted to marry, which would insure a good
sound physical stock. But let them understand
what they were doing. Let it be understood
that society in its present aspect was to be up-
rooted; that they were to meet each other
with the understanding that "free love" was
proposed, and that a system advocated in
America was to be the rule of this country and of
other portions of Her Majesty's dominions. If
they were to take the example of America they
had better study her institutions thoroughly. In
all probability many men would be disposed to
follow the doctrine of Brigham Young and
others, and not restrict themselves to a single
wife, but legitimize all their children, no matter
who the mother might be. Others, again, might
like to change their wives according to fancy, on
the "left", or the "right", or both. They was in their
power to legalize. But what he submitted was
that by confusing the relations and usages of
society, and by attempting experiments in social
conditions, they would be opening a door with
very little idea how far it would swing. All
experiments of this kind ought to be avoided;
but, if they were going to experimentalize, they
should first ascertain the wishes of the other party
to the contract. Before, by the exercise of their
will, they said that they should be in a position
to make improper advances to their stepsisters
in view of their wives' decease, they should ask
the opinion of those wives. He had seen a draw-
ing in the House which fully illustrated what
he meant—a picture of a sickly wife dying on
her bed, and the sister, like a phoenix, throwing
herself into the arms of the sorrowing husband.
That was the picture which would present itself
to the woman's eye when, no longer possessing
the charms which attracted her husband in the
first instance and feeling that she was on the
point of quitting this world, she saw a strong
and hearty sister coming in between herself
and her husband. She would picture to her-
self her husband watching the fading roses
in her own cheek, and turning from her to the
more robust charms of her sister! Those were
the pictures that would present themselves to the
wife. How would the honorable member and
others feel, when they were dying or sick, the
saw their brothers interfering with their wives?
They would not like to see their brothers making
arrangements with their wives to marry them
after their own death. There was nothing
to prevent such arrangements being made. If
this Bill was passed there was nothing to pre-
vent a man making an arrangement with his
wife's sister to marry her on his wife's death.
There was nothing on the face of the earth to
prevent it. The rules of society would not
then condemn any such bargains. It would
not be considered at all improper that the man
should make arrangements of that kind. A
man would be justified in making advances to
his wife's sister during her life, and in making
a contract to marry her after his wife's death;
and that would in all probability have to be
sanctioned by the rules of society, if they were
so far relaxed as they would be by the passing
of this Bill. He had felt it his duty to oppose
the Bill in all its stages. It was an attack
upon the best feelings of society. It was a Bill
to serve men's own purposes, and was not in any
degree for the advantage of the other sex. It
was a Bill simply to administer to their own
desires. To his mind it was simply a prurient
measure, which would not be sanctioned by any
woman who had right principles in her. When
he saw upon the table of the House petitions
from unmarried women and married women ask-
ning for such a change in the law, then he would
believe that such a measure was one which would
receive their sanction; but when he saw it was
merely proposed to be passed without regard to
the interests of the other sex he could not think
it sprang from the pure motives which honorable
members chose to parade before the House for
the purpose of securing its passage through the
House.

Mr. SWANSON had not thought he was half
so important a personage as he now found himself

Mr. Travers
to be. But, notwithstanding all that had been said by the honorable member for Wellington City, he (Mr. Swanson) could not help pointing to an illustration which had not been made use of by any honorable gentleman on his (Mr. Swanson's) side. He did not confine himself to the physical view of the question, nor was he going to use any arguments on the point as to whether the breed was going to be deteriorated. He would deal with the matter from a broader point of view, and ask, What did the daily life of the people of the Hebrew race prove in respect to this matter? Were there more scandals in their families than in ours? Were their women not received in every society, from the Queen downwards? Were their men not eligible for every office, from a policeman to a Premier? Was there not as much love and kindness and affection, as much mutual assistance, among them as amongst any other people, and did not that love take a very tangible form in that there were none of that people dependent upon public charity? Did they not make sacrifices for their religion? Yet these marriages were common with those people hundreds of years before we were heard of, and are lawful with them now. He did not say one word against the Canon law. Those who were disposed to obey the Canon law would obey it still. One would think from the tone of the honorable gentleman's oration that he had nothing to do but to hold up his finger or throw his handkerchief at a deceased wife's sister, or any other woman, and she would be glad to avail herself of the offer. All he could say was that, if this was so, the honorable member's experience was very different from that of other people. Any one who heard the honorable gentleman's speech would think that deceased wives' sisters were to be compelled to marry the husband, who was free to do what he liked. All he said was that, if this was so, the honorable member's experience was very different from that of other people. One who heard the honorable gentleman's speech would think that deceased wives' sisters were to be compelled to marry the husband, who was to have absolute power to make slaves of them. As to the picture referred to by the honorable member, he (Mr. Swanson) saw it, and thought it was a very apt sketch; but the wife would object to any woman, never mind whose sister she was. Did anybody think that a wife would agree to her wife marrying a girl placed at her disposal if she had little children? The chances were that she would be rather in favour of it: in fact it was proverbial that a stepmother was harsh, and, at times, cruel. He had known two or three cases where the husband had married the deceased wife's sister, and he had never seen the children suffer through such an alliance; and, if the children had a voice in it, whom would they prefer—the aunt, their friend, or the stranger? All experience was in favour of it. And, being in favour of that view of the question, he would also vote for marriage with a deceased husband's brother if such a Bill were brought in. There could be no more objection in one case than in the other. If he were to be put under the sod to-morrow, his brother would be perfectly welcome to take his place. If his brother chose to make such an arrangement it would not trouble him in the least. He failed to see why the honorable member should manifest such great horror upon the matter. The Bill was merely permissive; they should let the women judge for themselves. They were perfectly free agents, and nothing that they could do would prevent these marriages. And then the honorable gentleman talked about the canonical law prohibiting such marriages. But he did not tell the House that the Church claimed and exercised the power to give a dispensation when it saw fit. If such marriages could be contracted under the canonical law, why should the Parliament not have power to sanction such an arrangement? The Churches claimed the power to grant dispensations, and why should not the Parliament have an equal right? The fact was that they had quite as legitimate a power to do so as ever the Churches had.

Mr. TRAVERS.—Not since the Reformation.

Mr. SWANSON.—The Church claims all the power now it ever had. They had precedents for it, and no bad effects had resulted from it. Then it was said that they should wait until such a law was passed in England. But why should they wait till then? The colonies had taken the lead of the old country in many things; they were the first to adopt vote by ballot, and the Home country had followed, and would probably follow them in this matter too. If the House wished to legalize marriage with a deceased wife's sister, he would strongly advise it to do so while the present Parliament lasted. If it was a desirable thing to bring about, and if it was to be done at all, they had better do it before the opportunity passed away. As to the statement that the matter had not been discussed during the elections, it was a sufficient answer to say that the matter was perfectly well known to all their constituents. But were any of them rejected on that account? Not one in the province from which he came, at all events. But he could tell them this: that a good many were rejected for having voted for the abolition of the provinces. That, however, was altogether beside the question. It was perfectly open to the honorable gentleman to oppose the Bill, and it was equally legitimate for him (Mr. Swanson) and other honorable members to support it. He would not have troubled the House at that late hour but for the fact that the honorable gentleman directed the whole of his speech to the few remarks which he (Mr. Swanson) made in Committee.

Question put, "That the word 'now' stand part of the question;" upon which a division was called for, with the following result:—

| Ayes | 26 |
| Noses | 17 |

Majority for 9

AYES.

Mr. Ballance,
Mr. Beetham,
Mr. J. C. Brown,
Mr. De Latour,
Mr. Fox,
Mr. Haunui,
Dr. Henry,
Mr. Kelly,
Mr. Luck,
Mr. McLean,
Mr. Moohouse,
Mr. Rowe,
Mr. Shrimski,
Mr. Stevens,
Mr. Swanson,
Mr. Tairoa,
Mr. Takamoa,
Mr. W. Wood.

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Mr. Kelly,
Mr. Luck,
Mr. McLean,
Mr. Moohouse,
Mr. Nahe,  Teller.
Mr. Ree,  Mr. Hodgkinson,
Mr. Reid,  Mr. Stout.

NOMS.
Mr. Baigent,  Mr. Reynolds,
Mr. Barf,  Mr. Seaton,
Mr. Bowr,  Mr. Sheehan,
Mr. Digvan,  Mr. Tole,
Mr. Fitroy,  Mr. Whitaker,
Mr. Harper,  Mr. Williams.
Mr. Johnstoun,  Tellers.
Mr. Lumsden,  Mr. Murray-Aynaley,
Mr. O'Rorke,  Mr. Travers.

PAIRS.
For.  Against.
Mr. Larnach,  Mr. Macandrew,
Mr. Richardson,  Mr. Hunter.

Amendment negatived, and Bill read a third time.

The House adjourned at twenty minutes past one o'clock a.m.

LEGISLATIVE COUNCIL.
Thursday, 20th September, 1877.

First Readings—Disqualification.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.
Dunedin School Reserves Bill, Deceased Wife's Sister Marriage Bill.

DISQUALIFICATION.
The Hon. Mr. HALL.—I am acting in strict accordance with precedents which have obtained in the Council in similar cases to the one now under consideration in moving, on behalf of the Committee, the resolution of which I have given notice. The facts of the case have been so fully stated in the report of the Committee appointed to consider whether Mr. Peacock's seat has been vacated that I need not add very much to that report. Since the report was made, I have received a communication from Mr. Peacock to the effect that a slight error as to date was made in his evidence before the Committee, which error is embodied in their report, but which does not affect the question at issue. Instead of being appointed under the Act of 1870, he was appointed under the Act of 1868; but, for all present purposes, the terms of those Acts are the same. Therefore the merits of the case were not affected. Under the Canterbury Rivers Act of 1868 Mr. Peacock, as he states, was appointed by the Superintendent to be a member of the Board of Conservators of the Waimakariri River. Under the Act the members of that Board were entitled to be paid for their services, out of the funds of the Board, such sum as the Provincial Council might by resolution determine. The Provincial Council did determine that the members of the Board, which consisted of five, should be paid for their services a sum of £250 a year, being £50 each; and accordingly they have received that sum since that time.

The Hon. Mr. MILLER.—Paid by whom?
The Hon. Mr. HALL.—Paid by themselves out of the funds of the Board.

The Hon. Mr. MILLER.—What is the origin of the funds of the Board?
The Hon. Mr. HALL.—If my honorable friend will wait until I have done I will give him all the information he requires. The funds of the Board consist to a large extent of rates, but not exclusively, for under the Financial Arrangements Act of last session the Board is entitled to a subsidy out of the Land Fund, of £1 for every £1 raised by it by way of rates; and therefore its funds are to a certain extent drawn from the Colonial Treasury. It must be admitted that to a certain, although no doubt to a very small, extent the £250 a year which is paid to the members of the Board is drawn from the Colonial Treasury. Now the Superintendent, by the Acts I have referred to, had the power not only to appoint two members of this Board, but by the Act of 1870, which is now in force, he had this further power: "The Superintendent may in like manner remove the persons so appointed and their successors in office or any of them, and shall forthwith fill up all vacancies among the persons so appointed and their successors in office, whether caused by removal or otherwise." Therefore these gentlemen were within the power of the Superintendent to this extent—that he could remove them from office at any time he thought proper. It was in the power of the Superintendent to remove Mr. Peacock, and appoint another person in his place. By clause 7 of the Abolition of Provinces Act it is provided,—

"All powers, duties, and functions which immediately before the date of the abolition hereunder of any province, were, under or by virtue of any law not expressly or impliedly repealed or altered hereby, vested in or to be exercised or performed by the Superintendent of such abolished province, either alone or with the advice and consent of or on the recommendation of the Executive or Provincial Council of such province, or which, by virtue of 'The Public Reserves Act, 1854,' or any Act amending the same, or by virtue of any Waste Lands Act or any regulations made thereunder, or otherwise howsoever, would but for this Act have been exercised only under an Ordinance of such abolished province, shall, on the day of the date of the abolition of such province, and for the purposes of the district included within such abolished province, vest in and be exercised and performed by the Governor."

Clearly, therefore, the power of removing Mr. Peacock and appointing another person in his place rested with the Governor, and therefore he held office under the Governor. Then the Disqualification Act of last session says,—

"No person, except as is hereinafter specially provided, accepting or holding any office, commission, or employment, permanent or temporary, under or from or by or at the appointment of nomination of the Crown, or the Governor of New Zealand by virtue of his office as Governor,
Disqualification.

[COUNTCIL.]

Disqualification.

or at or by the nomination or appointment of any officer of the Government of the Colony of New Zealand by virtue of his office, to which any salary, fees, wages, allowance, emoluments, or profit of any kind is attached, shall be capable of being summoned to or of holding a seat in the Legislative Council, or of being elected to serve as member of the House of Representatives, or of sitting or voting as a member either of the said Council or of the said House, unless during the time he holds such office, occupation, or employment.

In other words, any person holding such office under the Governor is disqualified. It might be argued that Mr. Peacock, having resigned his office on the Waimakiriri Board of Conservators, which he did on the 10th of the present month, is no longer under the operation of that clause. But then clause 10 goes on to say:—

"If any member of the Legislative Council or House of Representatives shall, by accepting any office, or by reason of his being concerned or interested directly or indirectly in any contract or agreement as mentioned in the seventh section hereof, become disqualified under the foregoing provisions from continuing to sit or vote in the said Council or House, the seat of such member shall thereby be vacated, and, if a member of the House of Representatives, his election shall henceforth be void."

Under those circumstances the Committee were able to come to no other conclusion than that the seat of Mr. Peacock had become vacant, and they reported accordingly. I think I am expressing the unanimous feeling of the Committee when I say they arrived at that conclusion with very much regret, because it is not through any direct action on the part of Mr. Peacock that he finds himself placed in this position, nor was it, probably, in the contemplation of Parliament at the time the Act was passed that a gentleman should, under such circumstances, be disqualified. But honorable gentlemen will agree that it is not safe or right for us to interpret Acts of Parliament under the influence of any such feeling. We must take the very words of the Act, and must carry them out without favour or affection in any way; and, if hardship is found to result, other steps must be taken for redressing that hardship. I do not know that I need add anything more. I have endeavoured to put before the Council the reasons which induced the Committee to declare that in their opinion Mr. Peacock's seat has been vacated; and I am acting in strict accordance with precedent when I follow up that report by moving, as I now do, That the Council concurs in the report of the Committee. Whether any other steps should be taken by the Council or by anybody else is a matter, I submit, for after-consideration. We must first of all declare whether or not we concur in the report of the Committee. I do not know whether we shall hear from the Colonial Secretary any intimation of the views of the Government on the case. Speaking for myself, I may say that it will be a matter of great gratification if we hear that, in some way or other, the Government propose to take steps for removing what we consider to be a hardship.

Motion made, and question proposed, "That this Council concurs in the report of the Committee appointed to report whether the seat of the Hon. Mr. Peacock has become vacant; and that a copy of this resolution be forwarded to His Excellency the Governor."—(Hon. Mr. Hall.)

The Hon. Dr. POLLEN.—I rise to second the motion of my honorable friend for the adoption of the report, and, after it has been put in the usual way, I shall beg the House or your ruling as to the effect of the report upon its being adopted by the Council. I believe that the terms of the Disqualification Act of last year are not so precise as the gentlemen who constructed that Act meant they should be. I was myself one of those who, on that occasion, were operated upon—who were under the harrow, so to say; and I abstained from any effort to perfect that particular machine, and consider it with no great feelings of admiration. I believe it is not so complete as it was intended to be made; and it will be desirable for the Council, before they proceed to the consideration of this matter, to know precisely what will be the result of the adoption of this report as far as the honorable gentleman is concerned to whom it refers. I do not know, and no doubt you will be good enough, Sir, to tell us, whether the provisions of the Privileges Act, under which, I apprehend, the Council would act in this business, are sufficient for the purpose, and whether, on the mere adoption of this report declaring the seat of Mr. Peacock vacant, his seat becomes ipso facto vacant.

The Hon. the SPEAKER.—It was not until within a few minutes of the Council meeting that I understood it was likely that this question would be put to me. All honorable members are aware that in the Imperial Parliament there are law officers, attached, I think, to both Houses of Parliament, to whom the Speaker can refer in all difficult cases; and, as this is essentially a law question, I have very great doubt of being able to give anything like a satisfactory ruling. All I can say is this: that, so far as I am able to judge, the declaration by this Council that the seat is vacant will have no effect, because ipso facto the seat has been vacated by the Act, if it is vacated at all. This declaration, therefore, will give no additional force. To my mind it appears that, so far as this Council is concerned, it is a harmless declaration; because, should any one proceed against Mr. Peacock, the Courts will be open to them to obtain the penalty or not as the case may happen to be. We cannot enforce the penalty, nor can we declare the act penal: the Act itself has done that, if it is penal. While I say that, I think it right to add that, by the 36th section of the Constitution Act, there are certain causes enumerated by which a seat may be vacated; and by the 37th section I find that, "Any question which shall arise respecting any vacancy in the said Legislative Council on occasion of any of the matters aforesaid shall be referred by the Governor to the said Legislative Council to be by the said Legislative Council heard and determined." Now it appears to me that this is a case in point. If there was any doubt, I think it was the duty of Ministers to
represent the fact to the Governor, and then it would have been sent here to be determined, because these are simply analogous cases. In instance, that might be more "solvent debtors, public defaulters," &c. Well, this is an invasion, or is supposed to be an invasion, of a Statute of Parliament; therefore I think it is one of those cases which might have been very rightly transmitted by His Excellency the Governor to be heard and determined by this Council. I think that is a very desirable course to pursue; but I think there is one still more desirable—namely, that in all such cases,—in disputed elections or anything like a forfeiture of the privileges of either House,—the case should be referred to the Judges of the land, who are the proper legal authorities to decide it. Therefore it will be, I think, for the Council to determine whether they will proceed to the adoption of this report, or postpone the further consideration of it until such time as the Government may move in the matter.

The Hon. Colonel WHITMORE.—Speaking to the point of order you have just raised, Sir, I wish to draw attention to the fact that I mentioned the circumstance when the question was brought under consideration at first. I then stated that I thought, although there was one single precedent in point, it would be wise to reject that precedent, and not to proceed in a direction which could only lead to embarrassments. What could be a greater blow to the dignity of this Council, than that, after such a resolution as we have just had brought before us, and which I presume we shall affirm, a law-court should come to an opposite conclusion? Or, rather, supposing our Committee having reported that the seat was not vacant, the Supreme Court had afterwards fined Mr. Peacock, and declared that the seat was vacant, what sort of position would this Council have held? And no resolution this Council can pass could possibly be a bar to such an action or to such a declaration by the Supreme Court. The direction in which Parliament evidently intended to go was to take all such cases out of the hands of Parliament, out of the region of party influences, and leave them in the hands of the Supreme Court. I think we should have been wiser not to have had the Committee; but, as we have had it, and since we have had the advantage of your ruling, Sir, I presume this precedent will never be followed again. I shall support the report of the Committee in the affirmation we are requested to make, on the principle that we agreed to the Committee, and that they could have come to no other conclusion, and therefore are entitled to have their report adopted. Still, Sir, honorable gentlemen should not lose sight of the fact that we are rendering ourselves liable to a very decided slap in the face, which may some day come if we declare a seat not to be vacant which afterwards may be decided by the Supreme Court to be vacant. I wish to put weight upon this because, unfortunately, on a former occasion some honorable gentlemen regarded this as a personal matter, and voted against their feeling of what was due to the Council for fear of putting a slight upon an honorable member whom we all value. But I spoke to that effect in this Council and in view of such cases arising hereafter when I took the course I did even to the length of dividing the Council upon the question.

The Hon. Sir F. DILLON BELL.—Speaking, Sir, to the question of order and privilege to which attention was called by the Colonial Secretary, and upon which we have just had the advantage of your counsel, I would wish to point out that the subject to which you referred is one which did not escape the attention of members of the Committee. It seems to me that, under the Constitution Act, the course which the Governor is directed to take in the case of vacancies is necessarily limited to the cases which are there named; and were the Governor to use the instruction which is given to him by the Constitution Act, for cases which that Act did not contemplate, he would be going outside the authority which then Act gave him. But, outside of the Constitution Act, it will be remembered that this Council, as well as the other House of Parliament, has taken special powers by the Statute law, which complements the powers which the Constitution Act gave to the Governor. The Privileges Act has, by a somewhat peculiar course, had the effect of placing both the Houses of Parliament in this country on exactly the same footing of privilege and power as the House of Commons is in England.

The Hon. the SPEAKER.—From a certain date.

The Hon. Sir F. DILLON BELL.—From a certain date. Our Privileges Act declares that whatever privileges and powers the Commons House of Parliament possessed on a given day, should thenceforward be deemed to be held by both Houses of Parliament in New Zealand; and at one time, as honorable members will no doubt very well remember, this statutory declaration was made use of in a most able and comprehensive argument which was adduced by Mr. Sewell, being then a member of this Council, in support of the view which he laid down that, by reason of the wide powers so given to the Legislative Council, the Council had the power to deal with questions involving the appropriation of money. But honorable members will remember quite well what the determination by the Law Officers of the Crown was, that the issue was submitted to them by consent of both Houses of Parliament—namely, that, notwithstanding the apparently clear and definite words used in our Statute, the ordinary lex et consuetudo Parliamenti must be held to interpret that Statute in the sense that the Legislative Council ought not to, and did not in fact, possess the powers of appropriation which Mr. Sewell had argued it did possess. Well, if we proceed to inquire in what direction the power which the House of Commons has in England would be applicable to us here in any particular case, we shall see this: Admitting the view, as I think it must be admitted, that the Governor could not exercise the authority which the Constitution
Act gives him in certain specific cases by applying it in another, and supposing, for instance, that some unfortunate event should happen by which, outside of the cases limited in the Constitution Act such, for example, as the commission of an act which, although not made penal by the Constitution Act, should be considered disgraceful by the Council—such, for instance, as the commission of an act which, although not made penal by the Constitution Act, should be considered disgraceful by the Council. But, the moment we attempt to apply this power of the House of Commons— as, for instance, they did in the case of O'Donovan Rossie—to such a case as the present, we should be met with the point—which you, Sir, explained so clearly and, as we all admit, so accurately—that, if the Hon. Mr. Peacock's seat has been vacated, it has been vacated by the operation of law, with which we have no power whatever to interfere. It would, therefore, be incompetent for us to say that any resolution we pass on the question of the vacancy which the Committee say has actually occurred by the operation of law ought or ought not to be followed up by any further steps; and our resolution, though it would declare our opinion, could neither create the vacancy nor prevent it, and must therefore be presumed to have any legal effect of its own. My honorable friend the Colonial Secretary asked you, Sir, to rule what would be the effect of the resolution; but I think every one of us, who has given any attention to the subject, must be quite sensible that the resolution can have no effect beyond the expression of our opinion that the law has itself created the vacancy which we presume to have occurred. The Council asked the Committee to investigate the circumstances, and advise the Council whether the circumstances were such as to bring Mr. Peacock within the operation of the Disqualification Act.

The Committee say that in their opinion these do bring him within it; and it is now proposed that the Council should express its opinion in conformity with that of the Committee. What we must be careful not to do, is to pretend that any resolution of ours does by its own force create the vacancy. If the circumstances are such as the Committee may be rightly presumed to have found them, then the vacancy has taken place by operation of law, and the Council is neither competent to hasten that operation nor to stay its effect.

The Hon. Mr. Hart.—While fully admitting that the report of the Committee can have no legal operation, that it can neither add to nor deduct from the effect of a statutory enactment of the colony, it may be that the report of the Committee was such as to bring Mr. Peacock within the operation of the Disqualification Act. For, if they do, it would be the duty of the Speaker of this Council to reject the vote of the Hon. Mr. Peacock. As a step taken for the information of the Council, I think it was perfectly in order, and in the right direction. It is quite true that if the Committee had found otherwise—that is to say, had not taken the facts or bearing of the law, and had reported that, in their opinion, the case of the honorable gentleman did not come within the operation of the Statute—that would not alter the fact. If they could so mistake the case as to assert that, in their opinion, he had not come under the operation of the Act, the fact of their so reporting would not render him less liable to penalties if he voted in the Council. Therefore it think it is a convenient step, even as regards the honorable gentleman's own circumstances, that the matter should be investigated, and that he should be placed in a position of caution, so that he might not incur the penalties de die in diem which he would be incurring if any malicious person brought an action at the end of the session. I therefore think a very correct step was taken, and I think the honorable gentleman himself will see that, so far from being an act adverse to him, it is an act entirely the contrary. In truth it is simply a warning to him, on the facts as found, that if he had held his seat and voted he would render himself liable to penalties; and it is also an intimation to the Hon. the Speaker that it might be his duty, under the circumstances, to decline to accept the honorable gentleman's vote, if attempted to be given.

The Hon. Mr. Campbell.—There seems to be some doubt as to whether the Hon. Mr. Peacock has vacated his seat in the Council. As far as I can make out, this is merely a report of a Committee of the Council, who have taken no legal opinion on the subject referred to them. I think it very desirable that the Government should bring in a Bill to declare that all those who hold seats on Boards or Trusts shall be relieved from any penalty under the Disqualification Act. The Hon. Mr. Hall and the Colonial Secretary are of course aware that a similar Bill was passed last year in respect to their particular seats. That Bill was passed through both Houses in order to remedy what was really not the intention of the Legislature in respect to those particular seats. As the Hon. Mr. Peacock is really the victim of ex post facto legislation, I think it very desirable that a Bill similar to that passed last session should be introduced by the Government in order to indemnify him against the consequences of action which has not been sought on his part. It appears to me that the sooner the Disqualification Act is rectified and brought more into consonance with the views of the people of the colony the better. I understood that the object of the Disqualification Act of 1870 was that no member of either House of Parliament should have any contract with the Government in connection with the construction of railways. We have since so amended, altered, and otherwise added to the Bill that it is almost impossible for any member
of either House to accept those offices for which they are best qualified. The Hon. Mr. Mantell occupied a position in connection with the Museum, but he was very naturally at a loss even travelling expenses. In the House of Commons officers in the Army and Navy hold seats, and are paid out of a vote by Parliament. It might happen that it would be very desirable to have an officer of the New Zealand Government in this Council, or in the other branch of the Legislature. I will move the following amendment to the motion:—

"As there seems to be some doubt as to whether the Hon. Mr. Peacock has not inadvertently come within the provisions of 'The Disqualification Act,' 1876,' the Government are requested to introduce a Bill to remove such doubts, and to provide that members of Boards, or Trustees appointed by or holding offices under the Governor, shall be held not to come within the provisions of the said Act."

The Hon. Mr. MILLER.—I have great pleasure in seconding the amendment.

The Hon. Colonel WHITMORE.—I would ask, as a point of order, whether this amendment can really be put as an amendment to the motion of the honorable gentleman. I do not deny that it would be a very reasonable suggestion on a motion for appointing a Committee, but I am inclined to think that our proper course would be to accept or refuse the report of the Committee. I would be very much more disposed to accept the honorable gentleman's suggestion if he would introduce a Bill to remove such doubts, and not move this amendment as an alternative course to that indicated by the Committee.

The Hon. Mr. MILLER.—The Hon. Mr. MILLER.—I am sure the Hon. Dr. POLLEN.—It appears to me that the Hon. Mr. Campbell wishes to get to, I shall be unable to vote for the amendment. If this is the proper way to deal with this question, then I ask, what did the Council appoint the Committee for? It was to gather the facts and report whether there was any reasonable doubt on the subject. Now the Committee do not entertain any reasonable doubt. It is true they did not take a legal opinion. That was because the case appeared to them, on full consideration, to be so clear that they did not require a legal opinion. If there had been any serious doubt in the matter, doubtless the Committee would have thought it right to take a legal opinion. I trust my honorable friend will not press his motion, but will allow the report of the Committee to be dealt with. He can afterwards come forward and take whatever steps he may think fit.

The Hon. Sir F. DILLON BELL.—I should like to express my own individual assent to the proposition that the fact of having been inadvertently brought into the meshes of disqualification is not even travelling expenses. In the House of Commons officers in the Army and Navy hold seats, and are paid out of a vote by Parliament. It might happen that it would be very desirable to have an officer of the New Zealand Government in this Council, or in the other branch of the Legislature. I will move the following amendment to the motion:—

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The Hon. Sir F. DILLON BELL.—I should
Mr. Campbell was not influenced by any desire whatever to traverse the motion of the Hon. Mr. Hall. I think he has taken a very proper and common-sense view of this question. It appears to me that we are all of us anxious to—at least we all wish we could—put an interpretation on the Disqualification Act which, unfortunately, it will not bear. It is admitted on all sides that Mr. Peacock has become disqualified unknowingly; and it does appear to me that, that being the case, it would be only a commonly graceful act—certainly one which ought not to be in any way reprehended—on the part of the Council to add to a resolution such as that proposed by the Hon. Mr. Hall a recommendation that, under the circumstances, a Bill should be brought down to indemnify Mr. Peacock.

The Hon. Mr. Hall.—That is not the proposal.

The Hon. Mr. Miller.—The amendment of the Hon. Mr. Campbell is a recommendation in that direction.

The Hon. Mr. Hall.—It is to supersede the original motion.

The Hon. Sir F. Dillon Bell.—It proceeds on the basis of "doubt."

The Hon. Mr. Miller.—I understood that no legal opinion was passed by the Committee, and of course there may be some doubt on the question. We know as a matter of fact that legal opinions have been expressed at variance with the decision arrived at. I do not for a moment think that the Committee have arrived at a wrong opinion. I do not see that the clause of the Disqualification Act can bear any construction except that put upon it by the Committee.

But I cannot see why the Council should not agree to the amendment proposed as a mere common act of charity, because there is no doubt whatever that the Hon. Mr. Peacock has accepted this office and fulfilled the duties connected with it without the slightest idea that he would become disqualified. Certainly I think the circumstances are very hard indeed. Under the Statute I do not know that the Mayor of the New Zealand University might not become disqualified. Some of the rates out of which he is paid are voted by the Government, although he may not be appointed by the Governor. Certainly a member of the New Zealand University might be held to be disqualified. It seems to me that in the desire—which no doubt is laudable so far as it goes—to keep the Parliament free and uncorrupt, we have ridden our hobby a little too much. We have overdone it. I do not think we need suspect each other of misdealing so much as to be so very stringent. As pointed out by the Hon. Mr. Campbell, in the Imperial Parliament there is not this overstrained view of members of Parliament accepting office. I maintain that in many instances this Act is extremely injurious and detrimental to the public good. We do not know what has been lost to science by the fact of Mr. Mantell not being allowed to make his exploration. For only his might have collected rare botanical specimens in distant parts of the colony. I do not know what action my honorable friend Mr. Campbell will take. I do not suppose he will press anything upon the Council which is distasteful to honorable members; but the view I took of his amendment was that it was simply a graceful act on our part to do all in our power to assist Mr. Peacock in getting out of a difficulty into which he has got unknowingly.

The Hon. Colonel Whitmore.—You have not yet ruled, Sir, upon the point I submitted to your consideration.

The Hon. the Speaker.—These are very large legal questions, which come upon us suddenly, and I was disposed to take a few minutes to think over the subject before I gave a decision; but members rose, and that interfered with the continuity. So far as I can see, on a hasty consideration, I do not think this amendment either traverses or was intended to traverse the original motion. I think, however, if my honorable friend will allow me to suggest, that, if it were withdrawn, it might reasonably come as an addition to the original motion, for this reason: that if the Council adopt the report of its own Committee, still there are considerable doubts, and I have heard them expressed by legal gentlemen outside this Council, as to whether the seat is vacant or not. The law is construed in different ways, and therefore I think the Hon. Mr. Campbell is right in imagining that there are doubts as to whether the Hon. Mr. Peacock has vacated his seat or not. I do not see why the amendment, with an alteration, might not be placed as an addition to the original motion after it is adopted, as I imagine it will be, by the Council.

The Hon. Mr. Campbell.—I am willing to accept your suggestion, Sir, and will ask leave to withdraw my amendment for the present.

Amendment by leave withdrawn.

The Hon. Mr. Robinson.—I desire to say only a few words with regard to the original motion. I was one of those who opposed any Committee being appointed to inquire into this question, and for the reason that it seemed to me absurd. We have arrived at no conclusion whatever. Nevertheless, I think good has arisen as far as Mr. Peacock is concerned. It seems to me there would have been less difficulty in introducing the amendment if there had been no Committee at all. If the report of the Committee had been accepted at once, then a resolution could have been brought down on very good grounds. Instead of saying, "Whereas doubts now exist, " there would have been an excuse for saying that, as it appears from the decision of the Committee appointed by this Council that Mr. Peacock has vacated his seat in a manner never intended by the Disqualification Act, there are very good reasons for bringing in a resolution such as that moved by the Hon. Mr. Campbell. But we cannot deal with that resolution until the report of the Committee is affirmed by the Council. I am very much surprised that several honorable gentlemen were very much in favor of the appointment of a Committee to inquire into this matter should now be the only members who oppose the report of the Com-
The Hon. Colonel KENNY.—Is the honorable gentleman in order in discussing the amendment after it has been withdrawn?

The Hon. Mr. ROBINSON.—I am speaking to the original motion, and I say I think it would be better to affirm that resolution. If that had been done there would have been very good grounds to bring down the amendment. I am now giving reasons why the Council should affirm this report; consequently I do not think I am out of order. Now the amendment spoken of by the honorable gentleman goes a great deal further than was ever intended when he proposed it. Several remarks have been made with regard to Bills of this nature that were brought in to relieve those gentlemen who were, as the Colonial Secretary observed, under the harrow last year; but there were particular reasons on that occasion. The interest of the country was more at stake, and it was a very different thing: It was just putting some little matter right with regard to gentlemen whose position as Ministers was different from that of private individuals; but, as far as individuals even were concerned last year, it will be in the recollection of honorable members that Mr. Montgomery, whose partner happened to sell his interest, said it is of opinion that the seat is vacant; but, supposing Mr. Peacock comes into the House and takes his seat, I can myself see no objection to his doing so. He would be just in the very same position as if this report had never been brought down at all; and, from the advice I know he has got, I should not hesitate in accepting this resolution without any amendment being attached to it; and, if anything further is to be done, let it be brought down by itself in a substantive form afterwards.

The Hon. Mr. BONAR.—I am glad the Hon. Mr. Campbell has adopted the suggestion which was made to him. It appears to me that the resolution which he proposed as an amendment is one which will come much more properly as a substantive motion, and I imagine that he has only withdrawn it with a view of bringing it forward in that form after this resolution has been disposed of. It seems to me to be right that, having appointed a Committee, we should deal with this report either one way or the other. It is almost unnecessary, after what has been said, to add that it is my belief that if Mr. Peacock is disqualified it is entirely through inadvertence, and, if a technical breach, is certainly not a moral offence against the Disqualification Act. It has been done quite unwittingly. Therefore I apprehend that members would be disposed in every way in their power to give Mr. Peacock assistance in order to relieve him from that difficulty as far as is consistent with the law. There is one point, however, in connection with the motion itself, as it now appears on the Order Paper, to which I would like to call the Hon. Mr. Hall's attention. It appears to me that if we adopt the resolution in its present form we shall scarcely be doing full justice to the honorable member who is affected by it, because the motion simply goes on to say that the Council concurs in the report of the Committee appointed to report whether or not the seat of Mr. Peacock has become vacant, and that as a consequence doubts may have arisen; but, as I have already said, by this report, so far as my honorable friend Mr. Campbell's amendment is concerned, those doubts are removed, and that would be a much better reason if the report is affirmed than we should otherwise have. I think that, after giving the Committee the trouble to make all these inquiries, and as it appears to me they have acted with very great judgment, having strictly scrutinized the whole matter, as I gather from the remarks of the Hon. Mr. Hall, the Council should, in the first instance, accept this resolution without any amendment being attached to it; and, if anything further is to be done, let it be brought down by itself in a substantive form afterwards.

The Hon. Captain FRASER.—On all former occasions of a similar nature Committees have been in the habit of consulting the Law Officers, and I think it is a very important point that the Committee in this case did not consult the Attorney-General, because, if they had, the whole of this lengthy discussion would have been avoided. I have spoken to a lawyer, for whose analytical mind I have the highest respect, and he said the Committee were entirely wrong, and that Mr. Peacock's seat is not vacated at all by his position on the Board of Conservators. That is also the opinion of several other lawyers; and are we to be called upon to support the decision of the Committee with these doubts in our mind? I cannot give my vote in that direction. I should like to have a legal opinion on the matter—the opinion of the Attorney-General; and I think it is due to this Council, before we proceed further, that we should have such an opinion.

The Hon. Mr. BONAR.—I am glad the Hon. Mr. Campbell has adopted the suggestion which was made to him. It appears to me that the resolution which he proposed as an amendment is one which will come much more properly as a substantive motion, and I imagine that he has only withdrawn it with a view of bringing it forward in that form after this resolution has been disposed of. It seems to me to be right that, having appointed a Committee, we should deal with this report either one way or the other. It is almost unnecessary, after what has been said, to add that it is my belief that if Mr. Peacock is disqualified it is entirely through inadvertence, and, if a technical breach, is certainly not a moral offence against the Disqualification Act. It has been done quite unwittingly. Therefore I apprehend that members would be disposed in every way in their power to give Mr. Peacock assistance in order to relieve him from that difficulty as far as is consistent with the law. There is one point, however, in connection with the motion itself, as it now appears on the Order Paper, to which I would like to call the Hon. Mr. Hall's attention. It appears to me that if we adopt the resolution in its present form we shall scarcely be doing full justice to the honorable member who is affected by it, because the motion simply goes on to say that the Council concurs in the report of the Committee appointed to report whether or not the seat of Mr. Peacock has become vacant, and that as a consequence doubts may have arisen; but, as I have already said, by this report, so far as my honorable friend Mr. Campbell's amendment is concerned, those doubts are removed, and that would be a much better reason if the report is affirmed than we should otherwise have. I think that, after giving the Committee the trouble to make all these inquiries, and as it appears to me they have acted with very great judgment, having strictly scrutinized the whole matter, as I gather from the remarks of the Hon. Mr. Hall, the Council should, in the first instance, accept this resolution without any amendment being attached to it; and, if anything further is to be done, let it be brought down by itself in a substantive form afterwards.

The Hon. Mr. BONAR.—I am glad the Hon. Mr. Campbell has adopted the suggestion which was made to him. It appears to me that the resolution which he proposed as an amendment is one which will come much more properly as a substantive motion, and I imagine that he has only withdrawn it with a view of bringing it forward in that form after this resolution has been disposed of. It seems to me to be right that, having appointed a Committee, we should deal with this report either one way or the other. It is almost unnecessary, after what has been said, to add that it is my belief that if Mr. Peacock is disqualified it is entirely through inadvertence, and, if a technical breach, is certainly not a moral offence against the Disqualification Act. It has been done quite unwittingly. Therefore I apprehend that members would be disposed in every way in their power to give Mr. Peacock assistance in order to relieve him from that difficulty as far as is consistent with the law. There is one point, however, in connection with the motion itself, as it now appears on the Order Paper, to which I would like to call the Hon. Mr. Hall's attention. It appears to me that if we adopt the resolution in its present form we shall scarcely be doing full justice to the honorable member who is affected by it, because the motion simply goes on to say that the Council concurs in the report of the Committee appointed to report whether or not the seat of Mr. Peacock has become vacant, and that as a consequence doubts may have arisen; but, as I have already said, by this report, so far as my honorable friend Mr. Campbell's amendment is concerned, those doubts are removed, and that would be a much better reason if the report is affirmed than we should otherwise have. I think that, after giving the Committee the trouble to make all these inquiries, and as it appears to me they have acted with very great judgment, having strictly scrutinized the whole matter, as I gather from the remarks of the Hon. Mr. Hall, the Council should, in the first instance, accept this resolution without any amendment being attached to it; and, if anything further is to be done, let it be brought down by itself in a substantive form afterwards.

The Hon. Captain FRASER.—On all former occasions of a similar nature Committees have been in the habit of consulting the Law Officers, and I think it is a very important point that the Committee in this case did not consult the Attorney-General, because, if they had, the whole of this lengthy discussion would have been avoided. I have spoken to a lawyer, for whose analytical mind I have the highest respect, and he said the
The Hon. Mr. BONAR.—If that is so I am perfectly satisfied.

The Hon. Mr. HALL.—That was my understanding.

The Hon. Mr. CAMPBELL.—And also any legal opinion that might be given.

The Hon. the SPEAKER.—The Committee has not taken any legal opinion.

The Hon. Mr. BONAR.—I am very glad to find that the intention is to forward the evidence also. I did not gather from the wording of the motion that such a course would be adopted. There was one very important point which was raised in the course of the discussion—namely, as to whether Mr. Peacock had subsequently been appointed by the Governor. That was a very important question, and it was answered in the negative. It is of course desirable that these facts should be placed before the Governor.

The Hon. Colonel WHITMORE.—I rise to answer one or two remarks made by the Hon. Mr. Miller, because I do not wish to allow what he said to pass without comment. He said we were all anxious to put an interpretation on the Act which it will not bear. I do not desire, and I do not think the majority of the Council desire, to place upon it an interpretation it will not bear. They certainly do not wish to strain it at all

The Hon. Mr. MILLER.—County Council Chairman.

The Hon. Colonel WHITMORE.—The County Council Chairman is excepted specially by the Act. Why is he so excepted? Honorable gentlemen will remember that the Act tells us, but we must remember the spirit of the legislation of last year. There may be legal opinions obtained and there may be justifications suggested which may save an honorable gentleman's seat, but this is not the place in which to bring them. The proper place to take those opinions to is the Supreme Court. And it is not only my belief that the Committee are right in what they have said— I have never wavered from that; I am quite certain they are right technically speaking and legally speaking—but, further than that, I believe that the only way to get over this difficulty is to bring in an Act of Indemnity. But I say it is not our duty even to suggest that such an Act should be brought in, because we should be stultifying our own action of last year. The Government are aware, probably, how innocently this honorable gentleman has come under the provisions of the Act, and, as he was their servant in a sense, they ought to have protected him by warning him. The Government may consider that it is their duty to stand by that gentleman and bring in an Act of Indemnity; and I think it is now ten times more their duty than it was when they brought in an Act of Indemnity to protect themselves. That is my view of the case. I say it lies with the Government; and there is only one course of two to be taken. One course is for the Government to bring in an Act of Indemnity if they consider that Mr. Peacock should be protected, as I think; or else the honorable gentlemen ought to resign his appointment, and be reappointed; and as to that, every honorable gentleman must know that we cannot limit the prerogative of the Crown, and can express no opinion. In the one case I think it is not our duty, and that we should be acting contrary to precedent in this Council; and in the other case honorable gentlemen must know that we have no right to interfere, and that we should be at once informed that we were trenching upon the prerogative of the Crown if we attempted to do so. So I say we cannot take no action whatever, it would have been much better to have had no Committee. But as we have had a Committee, appointed by the voice of the majority of the Council, it is our duty to support the report of that Committee if we think it right, and I, for one, think it is right. I very much regret we cannot accompany the report with a recommendation or a few words which would show what we all feel—that we should be delighted to see Mr. Peacock
on the fact that no legal opinion was sought. Human as it is, I insisted upon legal opinions here and legal opinions there. I was not satisfied with the opinion of the Attorney-General, but I insisted upon one or two points. Great stress has been laid to the extent which tried almost his patience; superhuman, it is, I feel certain that the honorable gentleman would recover, presuming he did recover it, just a little less valuable than it had been before. I also wish to say that this is not, as the Hon. Mr. Campbell said it was, a case of ex post facto legislation. An honorable gentleman sitting near me says ex post legislation facto, and that is very much more what it is than what the honorable gentleman said it was. It is just precisely the reverse. While on this subject, I wish to notice what the Hon. Mr. Robinson said as to the difference between our position and that of members of another branch of the Legislature. We are not so fortunately placed as they are. We cannot go to our constituents. If we vacate our seats we can exercise no influence at all to recover them. That is one reason why I can well understand honorable gentlemen desiring, perhaps, that we should strain a point, and it is a reason which might very naturally influence all of us. We should not like to give up our seats, because we should hardly know how to get them again, and should naturally turn to the honorable gentlemen with whom we have been associated so long. But I say this is just one of those cases in which we should put personal feeling on one side, and I feel certain that the public will understand the honorable gentleman, and that by reappointing Mr. Peacock or indemnifying him; but, if we attempt to do it, I think we shall be showing that last year we strained at gnats and this year are prepared to swallow a camel.

The Hon. Mr. MILLER.—I said a graceful act.

The Hon. Colonel WHITMORE.—Well, a graceful act of charity. I do not think that is a proper way to put it at all. We should be doing a very foolish thing, in my opinion, if we did anything of the kind; and we should be rendering, to a certain extent, the seat which the honorable gentleman would recover, presuming he did recover it, just a little less valuable than it had been before. I also wish to say that this is not, as the Hon. Mr. Campbell said it was, a case of ex post facto legislation. An honorable gentleman sitting near me says ex post legislation facto, and that is very much more what it is than what the honorable gentleman said it was. It is just precisely the reverse. While on this subject, I wish to notice what the Hon. Mr. Robinson said as to the difference between our position and that of members of another branch of the Legislature. We are not so fortunately placed as they are. We cannot go to our constituents. If we vacate our seats we can exercise no influence at all to recover them. That is one reason why I can well understand honorable gentlemen desiring, perhaps, that we should strain a point, and it is a reason which might very naturally influence all of us. We should not like to give up our seats, because we should hardly know how to get them again, and should naturally turn to the honorable gentlemen with whom we have been associated so long. But I say this is just one of those cases in which we should put personal feeling on one side, and I feel certain that the public will understand the honorable gentleman, and that by reappointing Mr. Peacock or indemnifying him; but, if we attempt to do it, I think we shall be showing that last year we strained at gnats and this year are prepared to swallow a camel.

The Hon. Mr. MANTELL.—The only item of any importance, and it is of very small importance, that I have to mention in connection with this subject is my thorough agreement with the view of the Committee. I will not travel over the ground which has been already journeyed over by honorable members, but I must refer to one or two points. Great stress has been laid on the fact that no legal opinion was sought by the Committee or brought before the Council. Now I have had some experience of legal opinions upon this very point. The Hon. the Colonial Secretary will remember how, to an extent which tried almost his patience, superhuman, it is, I insisted upon legal opinions here and legal opinions there. I was not satisfied with the opinion of the Attorney-General, but I must have that of nearly every legal gentleman whose opinion could be obtained; and the honorable gentleman was kind enough, in an excess of good-nature, to obtain all those legal opinions for me. Those legal opinions would have been highly satisfactory indeed had it so happened that there had been any conscientiousness among them. One legal authority said that a member of this Council undertaking public duties might travel at the expense of the public; another went so far as to say that he might even pay his expenses out of his own pocket; another had doubts about expenses, and was a little shaky upon the travelling. But any honorable gentleman who thinks that light would be shed upon a simple common-sense question like this by the interpretation of one of our own Acts by obtaining legal opinions will either refer to those opinions and be silent on the question afterwards, or else he will move that we should not content ourselves with one legal opinion, but accumulate a further mass of experience which will deter us hereafter from troubling gentlemen of the long robe at all until they agree among themselves or are capable of agreeing among themselves. The Hon. Mr. Miller spoke about an act of charity. I do not consider it is, an act of charity at all so far as the part of the Government either to appoint a member of this Council or to reinstate him when he has left this Council. On the contrary, the light in which I—and probably with less right than the great majority of the members of the Council—am fond of regarding our relations with the public in this Council is that, if there is any favour in the matter—and I am prepared to go further and think there is favour in the matter—it is one conferred on the Colony of New Zealand by honorable gentlemen accepting seats in this Council, and if I desired, as I do desire, to see the honorable gentleman whose case is the subject of this discussion once more amongst us, it is not as an act of right to the honorable gentleman, but it is that I feel we have suffered a loss in being deprived of his services, or that we shall suffer a loss unless we regain them. That is the way in which I candidly and frankly regard it, and I believe that that is the view in which honorable gentlemen generally regard it; and I think that by this time the Council has reached this point: that there is not one member of the Council who, by any superhuman amount of secrecy at the ballot or anything of that sort, would be ostracized by the remainder of the Council. I have been referred to by name once or twice, and my experiences, or that which was supposed to be my experiences, have been adverted to in terms which do not exactly coincide with my recollection of those experiences. It would appear, probably, from the mode in which the expression unintentionally cast itself on the speaker's lips, that I had applied for expenses and been refused them—that I could not get them. An honorable gentleman near me says "Quite right." It would have been quite right, and an act of charity on the part of the Colonial Secretary. I have had experience of legal opinions upon these cases, for then I should have lost my seat in the Council. However, I took extreme care to sail clear of difficult, and I must say that...
I feel safe upon the subject, for I performed services for a certain period without pecuniary reward, without credit, and — there again the delicacy of the Government is shown — without even thanks. I am quite sure the only reason which prevented the honorable gentlemen opposite from giving me thanks was a fear that it might bring me within the Disqualification Act. So far as that goes, I feel perfectly safe, and I feel that I have done all I could, and all any reasonable being could, to keep beyond the clutch of the Disqualification Act. The Hon. Mr. Miller made a sarcastic reference to my poor services. He said he did not know what benefit of the Disqualification Act. The Hon. Mr. So far as that goes, I feel perfectly safe, and I site from giving me thanks was a fear that it feel that I have done all I could, and all any services. He said he did not know what benefit to science and to the world at large had been lost by my not being able to travel on the Govern routine and drudgery of the office, and could have expended a few hundred pounds with great benefit to the State, although I should perhaps have inflicted injury upon myself. I hope there will be no modification of the Disqualification Act in the direction indicated by the honorable gentleman. It would be fair for the Government to bring forward a measure to relieve honorable gentlemen of penalties to which they had inadvertently rendered themselves liable; but I do not think it would be wise to tamper with the Disqualification Act. Of course, if the measure came before us, the honorable member in whose charge it might happen to be would probably adduce reasons that might change my opinion on that subject; but, as at present advised, I do not think it would be wise to alter the Act. The mere fact of the smallness of the remuneration has nothing to do with the case. If it is only sixpence or a shilling it does not matter, and does not exempt a member from the Disqualification Act. After all, it is only the old plea of “It is only a little one,” which was not held to be a good plea when it was originally made, and I hope it will not be looked upon in that case. I feel confident the Council can do nothing but adopt the report of the Committee, whatever subsequent steps may be recommended.

The Hon. Mr. HALL.—There is only one remark I wish to make in reply: that is that the Committee did not lose sight of the necessity that steps should be taken to follow up this resolution. But, upon consideration, they felt that that was not the question remitted to them. They felt that it was remitted to them to decide whether the seat was vacated. In the resolution now proposed and drafted with the concurrence of the Committee it is proposed that the report and resolution should be sent to His Excellency. We thought that as far as we could go in the way of suggestion to the Government, and we felt sure there would be an expression of opinion in the Council that we wish to see the Government move in some way towards remediying the hardship that has been inflicted.

Motion agreed to.

The Council adjourned at a quarter past five o'clock.

HOUSE OF REPRESENTATIVES.

Thursday, 20th September, 1877.


Mr. Speaker took the chair at half-past two o'clock.

PRAYERS.

MAORIS’ CROWN GRANTS.

Mr. NAHE asked the Attorney-General, Whether, under the existing law, Maori lands held under Crown grant and occupied by the aboriginal owners are liable to highway or county rates?

Mr. WHITAKER said the 4th subsection of clause 37 of the Rating Act, which dealt with the question, was as follows:—

“Lands over which the Native title has not been extinguished, and lands in respect of which a certificate of title or memorial of ownership has been issued, if in the occupation of aboriginal Natives only.”

The question then was, whether or not a subsequent Crown grant destroyed the exemption. It appeared to him that all lands in respect of which a certificate of title or memorial of ownership had been issued were exempt from rates, whether Crown-granted afterwards or not. He did not know whether that was the intention of the Legislature, but that, it appeared to him, was the effect of the law as it stood.

SALE OF SPIRITS TO NATIVES.

Mr. SUTTON asked the Attorney-General, Whether the Government intend during this session to bring in a Bill to amend the law referring to the supply of spirituous liquors to Natives? He was induced to put this question on the Order Paper for two reasons. In the first place, he thought a great deal of uncertainty existed in the country at large and amongst members of the House as to what was the state of the law with regard to the supply of liquor to the Natives. The only Act which he had been able to find bearing on the subject was an Ordinance which was passed in 1847, which made it absolutely illegal, under a penalty of £10, to sell or give spirituous liquor to the Natives. He believed that that law was still in force, but, as far as he knew, it had never been acted upon, and he hoped that, for the credit of the colony, it never would be acted upon.

An Hon. Member.—It has been frequently acted upon.

Mr. SUTTON was sorry to hear that, for he thought it would be a very hard thing if a Native member were debarred from going into Bellamy’s for the purpose of having a glass of wine. His second reason for asking the question was that he had seen, in one of the Hawke’s Bay papers, a notice from the Inspector of the Armed Constabulary, warning publicans that the various Acts regarding the supplying of people of the Native
race with liquor were to be strictly enforced. He begged to ask the question standing in his name.

Mr. WHITAKER replied that he believed the Act of 1847 was still in force, and that it had been frequently acted upon; and the Government had no intention of making any alteration in the law this session.

TIMARU RESIDENT MAGISTRATE'S COURT.

Mr. WAKEFIELD asked the Minister of Justice, What amount was received for fees and fines in the Resident Magistrate's Court at Timaru for the financial year ending 30th June, 1877; and what amount was expended in salaries and expenses on account of the same Court? His only object in asking the question was to ascertain whether the revenue of the Resident Magistrate's Court at Timaru was sufficient to cover the expenses of the Court.

Mr. BOWEN said that the answer to the question of the honorable gentleman, as it appeared on the Paper, was that the sum received from fees and fines in the Resident Magistrate's Court at Timaru, for the year ended the 30th June last, amounted to £590 2s. 2d., and that the salaries and expenses of the Court for the same period amounted to £670. In some of the towns of the colony the amount received from fees and fines exceeded the cost of maintaining the Court, but that was not by any means the case in less populous districts.

Mr. WOOD would remind the honorable gentleman that the Bluff Harbour was a very important one, and the Harbour Board required assistance, which assistance could only be given by the Government with the sanction of the House. The honorable gentleman himself had taken a great deal of interest in a similar matter last year, when he obtained £100,000 for Lyttelton Harbour. The honorable gentleman himself had last year assisted in passing a Bluff Harbour Board Bill. The endowment which was then given was much larger than that which was proposed to be given now. The Harbour Board required money wherewith to perform certain works which they had undertaken, and if they were not allowed to borrow they would have to throw up those works and come to the colony for assistance. The proposed endowment, on which a loan would be secured, was their own land. He felt that the Committee was entitled to an expression of opinion from the Government upon the subject. There was another harbour, in his own district, for instance, which the Government had come to the conclusion that the Bill should not be introduced. There were other harbours in the colony which required consideration. There was the Waitaki Harbour, in his own district, for instance, which had been referred to should be made by the Government. He held that Harbour Boards should be assisted as much as possible to carry out works in connection with the harbours.

Mr. MANDERS was understood to say that the Bluff was a port of colonial importance, and he hoped, therefore, that the Bill would be considered from a colonial point of view.

Mr. SHEEHAN did not think that the Commissioner of Customs had given any reason for making an exception in regard to this Bill to the rule which was followed in the case of other Harbour Board Bills. He hoped the Committee would allow the Bill to be introduced.

Mr. ROLLESTON explained that he had no objection to this particular Bill, of which he knew nothing whatever; but he thought that the Government should express their general opinion with respect to these Harbour Board Bills.

Mr. W. WOOD would remind the honorable gentleman that the Bluff Harbour was a very important one, and the Harbour Board required assistance, which assistance could only be given by the Government with the sanction of the House. The honorable gentleman himself had taken a great deal of interest in a similar matter last year, when he obtained £100,000 for Lyttelton Harbour. The honorable gentleman himself had last year assisted in passing a Bluff Harbour Board Bill. The endowment which was then given was much larger than that which was proposed to be given now. The Harbour Board required money wherewith to perform certain works which they had undertaken, and if they were not allowed to borrow they would have to throw up those works and come to the colony for assistance. The proposed endowment, on which a loan would be secured, was their own land. He felt that the Committee was entitled to an expression of opinion from the Government upon the subject. There was another harbour, in his own district, for instance, which the Government had come to the conclusion that the Bill should not be introduced. There were other harbours in the colony which required consideration. There was the Waitaki Harbour, in his own district, for instance, which had been referred to should be made by the Government. He held that Harbour Boards should be assisted as much as possible to carry out works in connection with the harbours.

Mr. REYNOLDS did not intend to oppose the introduction of this Bill. He thought that the Bluff Harbour Board really required some consideration from the House. There was another Harbour Board in connection with which, some three years ago, a similar promise was made. The honorable member for Riverton had endeavoured to bring in a Bill relating to that harbour, but he was prevented from doing so, because the Government had come to the conclusion that the Bill should not be introduced. There were other harbours in the colony which required consideration. There was the Waitaki Harbour, in his own district, for instance, which he hoped the Government would consider in the same friendly light as they regarded the Bluff Harbour. He thought honorable members should be allowed to introduce Bills without first requiring the assent of the Government. If the Government did not approve of them, they could
object to them on the second reading. The Government would otherwise have a great deal of power in their hands. He did not say that they would wrongfully use that power. The sooner the case was put to the people the better. Honorable gentlemen should be allowed to introduce their Bills, and the House could afterwards decide whether they were important measures or not—measures which ought to be passed into law. They had been informed by the Commissioner of Customs that there were only two Harbour Bills which the Government approved—the Wanganui Harbour Bill and the Bluff Harbour Bill. He believed there were other harbours in the colony quite as important as either the one or the other of these harbours. He merely rose to say that he did not agree with the principle laid down by the Commissioner of Customs that the Government should have the right to refuse any Bill introduced by a private member.

Mr. REID said that, when the Government assented to the introduction of a Bill, it did not imply that they were bound to support it. The Government could not be accused of favouritism with regard to this Bill, as the honorable member in charge of it had not been an out-and-out supporter of the Government; he had only been a supporter when his judgment was convinced by argument. There was no doubt that the Bluff Harbour was one of the most important in the colony; it was second to none in the colony. There was no doubt that something must be done to render the harbour more accessible to vessels, and to extend the wharfage accommodation. If this could not be done without a very large outlay of money, the Harbour Board should be allowed to raise money for the purpose on their own terms. That was a very important point for the Government to consider. The other point was, how the money was to be spent. Unless careful inquiries were first made, the expenditure of the money might injuriously affect the harbour rather than improve it. The construction of a wharf, pier, or embankment in the wrong place in a tidal river might actually destroy the harbour. There ought to be some comprehensive plan laid down by which all harbour improvements should be first approved by competent authorities before they were carried out. No harbour works should be allowed to be undertaken unless with the approval of the Government, after careful inquiry and upon the best professional advice, and under special Act.

Mr. GISBORNE.—It was not the law now.

Mr. REID.—That is the law now.

Mr. GISBORNE.—It was not the law as he understood it. He thought harbour improvements could be taken up and carried on if only the Government approved. In England a special law was, he thought, required to be passed before any particular harbour improvements could be executed. Here it simply rested on the recommendation of the Ministry of the day: if the Minister for Public Works approved of the scheme the harbour works could be carried out. The construction of harbour improvements was one which required a great deal of consideration and care, otherwise the works carried out might do much more harm than good to the harbours concerned. Of course the Commissioner of Customs was aware of the system adopted in England, which
had worked well, and it was one that might be followed with advantage. It secured the carrying out of harbour improvements effectively, and the borrowing of the money on the best terms.

Mr. McLean said the points referred to by the honorable gentleman had been carefully provided for by the Harbour Board Bill which had been prepared. There was already an Act in existence which provided that Harbour Boards could not commence the construction of any works before they were first submitted to and approved of by the Marine Engineer—they could not be commenced without his approval, after a strict investigation as to the effect such works would have upon the harbour.

Mr. Gisborne had not seen the Bill referred to; he was alluding to the law at present in force. Leave granted, and Bill read a first time.

DISQUALIFICATION.

Mr. Whitaker.—Sir, it will be in the recollection of honorable members that yesterday a question was raised as to the disqualification of Mr. Martin Kennedy and Mr. Fisher, and it was arranged that the question should be referred to a Select Committee, which, it was pointed out, the Government were the proper persons to submit to the House. In pursuance of that arrangement I gave notice of the motion which I now beg to move. As the House fully understands the question, I need not detain it by making any further remarks.

Motion made, and question proposed, “That a Select Committee be appointed to inquire into and report upon the alleged disqualification to sit in this House of Martin Kennedy, the member for Grey Valley, and J. T. Fisher, the member for Heathcote. The Committee to consist of Mr. Bowen, Mr. Gisborne, Mr. Stout, Mr. Macandrew, Mr. Stafford, Mr. Harper, Mr. Rees, and the mover; five to be a quorum; to have power to call for persons and papers, and to report in a fortnight.”—(Mr. Whitaker.)

Mr. Rees.—I would ask the honorable member whether, in pursuance of his promise yesterday, he will include the other matter in reference to the honorable gentleman himself in the motion.

Mr. Whitaker.—I should have no objection; but the honorable member for Akaroa, who, I believe, communicated with the honorable member for Auckland City East, stated that it was desirable that my name should be on the Committee, and therefore it is desirable that the other matter should not be referred to it until the two other questions are disposed of.

Motion agreed to.

LIBRARY.

Mr. Rolleston wished to ask a question of the Government with reference to the interim report of the Library Committee brought up on a previous day. That report stated that the Speakers of the two Houses, on behalf of the Library Committee, had an interview with the Government, who had promised to reappoint, at an early date, the Commission who had taken charge of the library building, and that they would place a sum on the Supplementary Estimates for the purpose of commencing the building. He wished to know whether any steps had been taken to reappoint the Commission.

Mr. Ormond replied that the Government had not yet taken any steps as to the reappointment of the Commission. They had promised to do so, and to place a sum of money on the Estimates for the building. The matter was still under consideration.

S. Reid.

Mr. Pyke, in moving the motion standing in his name, said he understood the Government desired that the matter should be referred back to the Committee, in order that some further evidence might be taken. He would therefore merely place himself in order by moving the motion, and would accept an amendment from the Government to the above effect, if it should be moved.

Motion made, and question proposed, “That, in the opinion of this House, the report of the Gold Fields Committee upon the petition of Stephen Reid and others should be given effect to.”—(Mr. Pyke.)

Mr. McLean might say that the recommendation of the Gold Fields Committee was that the persons referred to in the motion should be paid a sum of £500, the costs of a suit tried in the Supreme Court, Dunedin. It was evident that the Committee had not had sufficient evidence before them to enable them to come to a proper decision; and the Government therefore desired that the matter should be referred back to the Committee, so that further evidence might be taken. He would move, as an amendment, That the matter be referred back to the Committee.

Amendment agreed to.

Otago Central Railway.

Mr. Pyke, in moving the motion standing in his name, regretted that a matter of such importance as this—of such national importance, he might say—should not have fallen into the hands of some one better fitted to take charge of it than himself. His position in connection with it was simply that of Chairman of the Committee; but he might say that it was a cause which he had very much at heart. It was a matter which would tend very greatly to promote the prosperity not only of that portion of the colony in which he resided, but of the colony at large. The question which was submitted to the Committee was a many-sided one. The first question that the Committee had to consider was which of the seven lines projected would be the best and most useful not only for the people on the sea-coast, but also for those in the interior. He had taken the liberty of laying on the table maps which had been supplied to the Committee; so that, if honorable members desired to enlighten themselves, they could refer to them. The maps were prepared in accordance with the report of Mr. Blair, District Engineer. The seven routes proposed were these:—Route No. 1, Kingston to Cromwell via Frankton, coloured green on
the map; Route No. 2, Waipahi to Cromwell via Teriot, coloured yellow on the map; Route No. 3, Lawrence to Cromwell via Clutha Valley, coloured purple on the map; Route No. 4, North Taieri to Cromwell via Strath Taieri, coloured red on the map; Route No. 5, Palmerston to Cromwell via Macaroe's, coloured neutral tint on the map; Route No. 6, Palmerston to Cromwell via Shag Valley, coloured blue on the map; Route No. 7, Oamaru to Cromwell via Maerewhenua Pass, coloured brown on the map.

The House would at once perceive from these multitudinous plans of railways into the interior, that the Committee had a somewhat arduous task to determine, first, which of these lines would open up the largest area of land for settlement, and secondly, which would present the least engineering difficulties; and contingent on the latter was the probable future extension of the line. The Committee had to select for the Provincial District of Otago not merely a branch line, but a main trunk line in the true meaning of the term—a line having a relation to Otago similar to that which the Great Western or Great Northern had to England, penetrating into the interior and drawing to it from all sides the traffic of the interior. The Committee found that the fourth line, namely that leading from Dunedin through North Taieri to Cromwell via Strath Taieri, had these advantages: First, it was the most central; secondly, it was the easiest to construct; and, thirdly, it opened up most land fitted for settlement. These were three great advantages that could not be overlooked in dealing with a question of such magnitude as this. Any honorable member looking at the maps on the table would see that it was the most central line; that it proceeded from the chief port of the provincial district, and travelled straight through the centre of the district to Cromwell. But that was only the beginning of the end, as he would show presently. It was a line to which all other lines must necessarily converge. Otago was divided in its centre by a high and rugged range of mountains, through which three passes led—the Dunstan Pass, between Clyde and Cromwell—a pass which, in its importance, resembled the Schiipka Pass of the Balkans; and the Lindis Pass, at the head of the Waitaki Valley. The Dunstan Pass was the most central, and, no matter by what route the traffic went from the coast to the interior, it must go through that Pass. The Oamaru-Waitaki line—one of those which the Committee considered—must one day converge into this line at Naseby, and so must the Palmerston and Shag Valley line, whilst the Waipahi-Tapanui and Lawrence Extension lines would meet it at the Dunstan. Then there was the great loop-line from Kingston to Cromwell, of which no doubt the House would hear a good deal. But, of all these lines, the only one that would really unite Dunedin with the interior was the one which the Committee selected. He could show that line coloured purple, although some of them were extremely important. But he wished to point out to honorable members from Canterbury that this line, in its further continuation, must eventually communicate direct with Christchurch by the Lindis Pass and Upper Canterbury Plains, and that there are no other means by which such connection can possibly be made. He would also draw the attention of the honorable members from Westland that this was the only possible line by which there could be established direct communication between the east and west coasts of the Middle Island. That was a fact, and his assertion could be supported by irrefutable data. Therefore there was no doubt that the present small village of Cromwell would be the centre of many great lines leading from Dunedin, having Queenstown and Southland lines on the right, and Canterbury and the upper districts on the left, and going straight ahead to the West Coast. The next point the Committee had to consider was which was the shortest route between the interior and the chief ports of the district; and, in ascertaining that, they did not go upon any vague statements, but had the carefully-prepared report of Mr. Blair, the District Engineer, before them. This was what Mr. Blair said:

"The Strath Taieri route is the shortest from Dunedin to Cromwell; its gradients are easy, and it brings all the interior plains into direct communication with the capital and the best harbour."

The table of distances appended to the report showed that from Cromwell to Dunedin it was only 129 miles. The Palmerston, Shag Valley, and Maniototo line, which had been very much advocated, was 148 miles in length. The Kingston and Kawarau Valley line was 270 miles. In point of fact, the line of which he had been speaking was as direct a line as could possibly be laid. There was no denying that. The difference in the length to be constructed was very slight—13 miles, whilst it would be 20 miles shorter than any other line. The distance was a matter for serious consideration by the settlers, in connection with the railway charges, for it would necessitate their paying an enhanced price for the articles they obtained from the coast, and increase the cost of transporting them to market. And, after all, it was from this standpoint that the question should be regarded: How will it affect the settlers? The question as to how it affected the various ports upon the coast was of secondary importance. The persons to be considered were those who were to be placed in direct communication with the seaports of the colony. They were the persons whose interests were to be considered. He did not speak from a Dunedin point of view, nor from an Invercargill or Oamaru point of view. The settlers in the interior want to get to the coast, and the question was, which was the best and cheapest route to it. He should inform the House that the Oamaru and Waitaki line and the Palmerston and Shag Valley line both met the Strath Taieri line on the Maniototo Plains; so that the question really was, which was the best route from the point of view of the colony? By the Strath Taieri line nineteen miles would be saved, and that was a very important point, as he had said before, on account of the extra carriage. There was no—
other point to which he might refer. The greatest altitude obtained—according to the best evidence that the Committee had—between Dunedin and Cromwell at Strath Taieri was 1,500 feet. On the Shag Valley line the highest altitude was 2,100 feet, and on the Oamaru line it was 5,000 feet. Gentlemen there was an altitude of 2,500 feet; and, besides that, there was a necessity for a long tunnel through one of the mountains, which did not, in his judgment, render it at all advisable that the line should be carried that way. Then they came to the very important question of the character and nature of the land which the respective lines would open up. The Committee had taken undoubted testimony from Sir Dillon Bell, a gentleman who some persons had hoped would give his evidence a little advantage to the Alisterstou Committee this: After agreeing with what Mr. Pigeon and Cromwell rid Struth Taieri was 1,500 feet; and, besides that, there was a difficulty of access of which he had spoken. If the line passed into this country the whole of the wealth to which he had alluded would speedily find its way to the City of Dunedin. Then the line went for twenty-two miles over what was called the North Taieri to Bier Taieri section. The value of the land in that section had been depreciated without any necessity whatever. It would end what the Surveyor-General said of the land; and his opinion might well be taken against any amount of wild assertion. The following was an extract from his evidence:

"The whole of this—the land on the Deep Stream—will ultimately be agricultural land, because I have seen excellent crops of oats and turnips taken off that land, and land which will do that is fit for anything: that is at an elevation of 2,500 feet; so that ultimately, when the population spreads, a great deal of what is now called pastoral will become agricultural land.

It was not fair for any one, after such evidence as that, to say that the land was only fit for sheep. This first twenty-two miles, which was the most difficult part of the line from an engineering point of view, having been passed, the railway line would emerge upon one of the most beautiful valleys that the eye of man ever rested upon—that of Strath Taieri. The land was rich enough to grow any production upon earth that the skill and the toil of man could produce; and of this land there was a large quantity—110,000 acres of as fine a soil as ever had been turned by a plough or handled by a spade. It was quite true that some 8,000 acres of this had been sold and settled, and that the settlers had left it; but what was the cause of that? Simply the difficulty of access. To get to this land, only thirty miles from the lower end of the Strath, a person would have to travel about fifty or fifty-five miles over hills, gullies, and ranges which intersect the intervening country. The line if made would place this most valuable country in immediate connection with the sea board, and would render what was at present a wilderness one of the most important settlements in the whole of Otago. Then they had the evidence of Mr. McKerrow, Assistant Surveyor-General. This gentleman formerly occupied the position of reconnoitring surveyor in Otago, and in that capacity had travelled over

Mr. Pyke
more of the country, seen more of the country, and was more capable of giving an opinion upon this subject than any other man in the country. And if honorable gentlemen would address themselves to the evidence that gentleman gave they would no doubt learn a good deal from it. His words were as follow:—

"From North Taieri to Blair Taieri the country may be described as semi-pastoral, semi-agricultural, the pastoral predominating. From Blair Taieri to Hyde it passes through a very fine agricultural district. From Hyde to the Taieri Lake the country is again semi-pastoral, semi-agricultural. Then from the Taieri Lake to Rough Ridge on to the Poolburn the country may be said to be half agricultural and half pastoral. It is a great level plain, rather a high elevation probably for growing wheat. Then from Poolburn Gorge to Clyde it passes through a very fine valley (Manuherikia), of which a belt four or five miles wide may be said to be all agricultural."

That was the evidence of Mr. McKerrow. He (Mr. Pyke) knew the country well. He did not pretend to have the acquaintance with it that Mr. McKerrow had, but he had been over it many times, and could testify to the accuracy of this description. After passing through the valley into which the Strath contracts at the head, and proceeding by the Taieri Lake, you come to the Great Maniototo Plain—an immense plain, for that part of the world at any rate. There was to be found in that plain splendid land, about sixteen miles in each direction, which was described by Mr. McKerrow as half agricultural and half pastoral. He (Mr. Pyke) knew much of it to be of very rich quality indeed. The Plain brought them into immediate communication with the important mining district of Mount Ida, and that should not be forgotten in considering the advantages of this railway route. The line then passed on to Alexandra, where fresh gold workings were being found every day, and where they had discovered gold in old river-beds far overhead, which he had always maintained would be the case: in fact, the extent of the gold deposit could not even be guessed at. From Alexandra the line would continue to Clyde, and thence to Cromwell, along the banks of the modern Pactolus, where Nature constantly replenishes the auriferous treasures which are as constantly riddled by man. In seasons of flood the golden sands brought down by the river are deposited in the crevices of its rocky bed; whilst in winter its sources are chained in icy fetters, thus enabling the miners to gather the gold so deposited. But the value of the railway did not end there. Above Cromwell there was a magnificent country. Rolling downs, forty miles in length, extended from the Kawarau River to the twin-lakes of Hawea and Wanaka, and from Mount Pisa to Grandview. Much of this country was of great fertility; but at present there was no settlement upon it, if he excepted one or two blocks of small extent, and a few acres which had been taken up by permission of runholders. Up to the present time the agriculturist had been barred from entering upon this country, but it must and would be populated some day. This vast plain was destined to be the home of thousands of industrious families; but what was it now? A melancholy waste, where the wind sighed through the sedges as mournfully as in a cemetery. But, drear and desolate as it was now, it was a magnificent country. This part of the country also abounds with mineral wealth, with gold, antimony, and plumbago certainly, and with copper probably. The Valley of the
Bannockburn—a tributary of the Kawarau River—was known to be auriferous throughout. That valley—which, in the glacial period, formed the main waterway from the interior to the East Coast, and which, at different times, was separated by deep gullies or ravines, and gold was found in every cliff wherever it had been tested. Towering over the valley were the lofty Carrick Ranges, which were formed from base to summit with veins of golden quartz. In another direction were the famous Bendigo Reefs; and it should not be forgotten that the Cardrona Gold Field also opened into the Upper Clutha Plains at Lake Wanaka. So that, as they proceeded, they found mineral wealth and agricultural wealth abounding everywhere; and not only that, but lignite was to be found everywhere along the road from the Taieri to the Bannockburn. The Valley of the Clutha was the only possible outlet to the settlers of the Makarora Valley and the Hunter Valley, which formed part of Canterbury; and he claimed, on their behalf, that this work should be carried out. He had now a few words to say on the engineering part of the project. If honourable gentlemen would look at page 64 of Mr. Blair's report they would see what he had to say upon this matter. There were in that report one or two remarkable passages to which he wished to call the attention of the House. Mr. Blair spoke of a tunnel at the commencement of the work, which he estimated would be from twenty to thirty chains in length; and he went on to say,—

"With the exception of this tunnel there is no engineering difficulty worth mentioning between North Taieri and the Taieri River. The Taieri River runs between steep hills and rocky gorges from the Mullocky to the Ninthorn, a distance of seventeen miles, and in a less degree all the way to the Sutton, five miles further. It is here that all the really heavy works between Dunedin and Cromwell are met with."

And then he went on to say,—

"Once at the Ninthorn there are only two points on the whole distance to Cromwell—ninety-seven miles—that entail anything approaching heavy works: these are, seven miles along the Taieri River, near Hyde, and two miles in the Poolburn Gorge, between the Ida Burn and Manuherikia Valleys; the remaining eighty-eight miles may almost be taken as surface-forming."

Surely the Committee were right in saying that such a line as that would be a profitable one, and should be made. Above Cromwell, to the foot of Lake Wanaka, there is only a rise of 320 feet in forty miles. And then they come to the Haast Pass—a huge gap in the Southern Alps—affording a natural gateway from the East Coast to the West, at an altitude of only 1,700 feet above the sea level, so that there would not be the slightest difficulty in taking the railway down to the sea level, and communicating there with a fine country watered by the Thomas, the Haast, the Clarke, and other rivers, and reaching the coast at Open Bay and Jackson's Bay. There were one or two other points to which he wished to call the attention of the House. First of all, as to the quantity of land which this line would open. Mr. McKerrow, when called upon to give evidence upon this point, said that the amount of land fit for agricultural settlement that would be opened up by such a line would be 1,200,000 acres; and he gave these answers:

"The Chairman. Beyond Cromwell, do you know the country; how far towards the West Coast?—Up to the forest of Makarora.

"Would that open up a large area of land?—It would. There is 1,085,000 acres from Cromwell to Makarora Bush."

So that, in round numbers, about 2,250,000 acres of land would be opened up by this line. And then Mr. Blair told them that the Chief Surveyor had furnished him with the following areas of the various blocks of agricultural lands still in the hands of the Crown below Cromwell:

- Strath Taieri, including Moonlight Flat, 110,000 acres; Maniototo Plain, 180,000 acres: Ida Burn Valley, 70,000 acres; Manuherikia Valley, 120,000 acres: total, 480,000 acres.

Mr. McKerrow did not entirely agree with that, and it was only fair to tell the House so. He estimated the acreage of agricultural land between Dunedin and Cromwell at 440,000 acres; but, after all, there was not a very great disparity between the two. Well, then, what was the value of this land? First of all, take the value for settlement. Mr. Macandrew put this question to Mr. McKerrow:

"How many families do you think could be located there?—Mr. Reid said 1,000. I consider that a family could do very well on every 1,000 acres of it. If you have 1,000 families settled, that means 5,000 people."

Now, if that number were multiplied by five they would more nearly approach the number that would be settled upon it, because in good land the holdings would range at from 50 to 200 acres. Then what was its value for revenue purposes? The same witness, in reply to a question, said:

"I really believe you could sell 400,000 acres at 30s. an acre, that is £600,000, and the remainder would sell on an average at 15s. an acre; that would bring it up to £2,300,000, after the railway is constructed."

A very intelligent gentleman who gave evidence before the Committee, Mr. John Roberts, was asked a question regarding the increased value of the land, and he replied, "The value of the land would be increased perhaps from 6s. to 7s. 6d. per acre. The price of agricultural land would be enhanced from £1 to £1 10s. per acre beyond present upset price." He (Mr. Pyke) thought that even then Mr. Roberts had understated the increased value of the land. Another important consideration was that, for the most part, all this country was private property. The line would not pass through private land; in fact they had it in evidence that it would not pass through more than one-eighth of the land of private property. Although the people had been praying ever since 1862 that the land should be opened for settlement, as yet only about 10,000 acres of country had been thrown open. The people would be very glad to take up the land if it were opened for settlement, and he would under-
take to say that if the railway were made in the manner proposed there would not, in a short time, be an acre of land which had not been taken up. Engineers, surveyors, and settlers were unanimous in their opinion that the route now recommended by the Committee; and he had great pleasure in directing the attention of the House to the evidence of a member of the Ministry, Mr. Donald Reid, who, in reply to a question, said, "Clearly the line by Strath Taieri is the line that will do the greatest good to the interior of the province; it will open up the greatest area of land for settlement, as well as meet the requirements, in my estimation, of the interior districts; it will bring them in direct communication with the chief seaport." He entertained the hope that the evidence given by Mr. Reid would induce that gentleman's colleagues to vote for the proposed line. The Public Works policy of the past had had its day, and, to his mind, it had been, in some respects, detrimental to the interests of the colony. The idea in connection with that policy was to make coastal lines of railway, but he thought that coastal lines would generally be huge failures. He hoped that the House would that night inaugurate the Public Works policy of the future. Let them open up the interior and develop the resources of the country, and they would be doing far better than making more coastal lines of railway. The lines of railway which had been constructed under the Public Works policy had not by any means been an unmixed benefit. On the contrary, they had drained away our gold-producers and farm labourers, and had taken them from the interior to the sea-coast, where they remained because they could get higher wages, and it was found that, when once people had tasted the sweets of town life, they would not go back to the country. It was doubtless the knowledge of this fact that induced the Otago Main Central Railway Committee to adopt a suggestion which had been made at a public meeting held in the Town of Clyde—namely, that when these railway works were commenced they should not crawl slowly from the towns into the country districts, but that the work should be begun simultaneously at both ends. He believed that if this were done the whole 120 miles of railway would be completed in three years, a period which would contrast very favourably with the time occupied in making the Winton-Kingston and the Dunedin-Lawrence lines. They had been told that if work were carried on from both ends of the Winton and Kingston line the labour market would be disturbed; but in truth the greatest disturbance of the labour market had been caused by working slowly upwards from the coast. Whoever did the work, he hoped that both ends of the line would be begun at the same time. The proposals contained in the report were very plain indeed. The Committee said, first, to the Government, "Will you make this line? We have told you the advantages of it; will you make it?" If the Government said, "No," the Committee said, "Well, then, will you bring in a Bill to enable a private company or the counties to make it?" He would prefer that the counties should undertake the work of making the railway. The line, if made as proposed, would pass through three countries—namely, the counties of Taieri, Maniototo, and Dunedin, and it was only natural that a line so large to do the work on certain conditions. The terms on which those counties would make the line were these: that for every pound expended on the work the Government should endow the counties with £1 worth of land; and if they got that land they would be prepared to hand over the lines to the Government without making any charge whatever for them. The counties calculated that their profit would arise from the increased value of their lands through the construction of the railway; and a still greater gain would accrue to the Government. He did not think that the Government could get railways made on more profitable terms than those. He hoped that no petty local jealousies would prevent the main trunk line from being made. There was no desire to take the land out of the ordinary operation of the law: it could be dealt with by the Waste Lands Board in the same manner as now. He trusted that the House would support his motion, and he implored the Government, if they had any regard for the prosperity of the country, not to throw any obstacle in the way. He hoped that both the House and the Government would aid him in getting the recommendations of the Committee carried into effect. There were numbers of men now in the colony who had been brought out at the expense of the colony, and who were only waiting to see what the Government would do this session to provide them with employment, and, unless something were done in that direction during the present session, they would leave the colony and go to Victoria and New South Wales, where very extensive public works were about to be commenced and where they would be certain to obtain employment. He hoped that the House would agree to his motion.

Mr. JOYCE was sorry that he should have to oppose the motion of the genial member for the Dunstan, and he would have to trespass slightly on the patience of the House while he explained his reasons for so doing. In the first place this report was essentially what he should call a "monocular" report. It was, in fact, a one-sided report. He might also say that in the construction of the Committee—unintentionally, no doubt—an injustice had been done to the southern portion of the Island. The Committee was composed of gentlemen who knew very little of the southern portion of the Provincial District of Otago. It was composed of gentlemen who were directly connected with Dunedin, and the Otago Main Central Railway Committee so constituted should look at the matter in a one-sided way. The Committee began by considering the necessity for constructing a railway to connect Clyde and Cromwell with a port, and they decided that such a railway was necessary; but they omitted to say from what point
the railway should be made. They had simply considered the interests of Dunedin, and they overlooked the fact that a railway already extended 100 miles from Invercargill to the district of Cromwell. He felt that it was a very difficult thing to raise at the close of an able speech like that which the honorable member for the Dunstan had delivered. That speech reminded him of something which he once read in a book called "Wild Will Enderby," which was written by a gentleman for whom he entertained feelings of sincere esteem. The author of that book was one of the jolliest fellows he knew. The book was highly descriptive, but his descriptions, if he had viewed them from an entirely opposite point, would have been equally conclusive. With regard to the report of the Committee, he would say that, if route No. 1—namely, from Kingston to Cromwell via Frankton—had been considered by a Committee which had been appointed on the same principle as this one, it would have been dealt with in exactly the same manner. An honorable member behind him advised him to read Mr. Blair's report. Well, all he could say was that Mr. Blair was a "monocular" surveyor, and he also looked at the thing from one point of view. The honorable member for the Dunstan had referred to a map. Well, it was said that there was nothing so delusive as figures, but he thought there was—namely, a map in the hands of one person, unseen by others, and referred to by him for his own specific purpose. An honorable gentleman had just handed him the map, and he would briefly refer to it. He would say that whereas the distance from Dunedin to the point desired to be reached—Cromwell and Clyde—was fully 200 miles, and in which a very rough country had to be traversed, the distance from the Bluff was only 150 miles, of which 100 miles were already nearly covered by railway. He would say, then, that it would be a distinct waste of money if the object was to establish communication between a sufficient seaport and the townships of Cromwell and Clyde. He did not say that it might not be desirable to open up this country by a branch railway, but he did say that the colony, having already constructed so much of the line to these places, would do wrong now to leave off and commence on the other side, and carry on an expensive work for the ports and the townships of Cromwell and Clyde. He would say, then, that it would be a vastly more important question, involving the expenditure of millions of money. Without opening up the whole question of Centralism versus Provincialism, they could not disguise from themselves the fact: that in bringing these local matters before the House very few members had any knowledge of them; they could not decide upon them from paying for these works with the lands of the colony. He had seen so much jobbery and so much cheating carried on under the system that he could not say what would be the result of it. He had never seen so much injury done to the best interests of the colony, he had never seen the value of its lands so much depreciated, as at the time when they were given, in lieu of money, for the carrying out of public works. It was ruinous to the district in which the system was adopted, and he should be sorry to see it adopted in the present case. Unless they could borrow money on the security of their lands, it would be better to go without the works. It would be better to do this than to put the lands into the hands of speculative contractors, and for the nominal value of one pound get ten shillings' worth of public works. He did not intend to trespass further upon the time of the House. He would earnestly ask that this motion should not be agreed to, at all events until further consideration could be given to the subject—until a fresh Committee was appointed to consider the best method of reaching these places from the nearest seaport.

Mr. MANDERS moved the adjournment of the debate, as he thought this was a matter which should receive further consideration.

Mr. STOUT hoped the motion for the adjournment of the debate would not be agreed to, as he did not see why this matter should not be disposed of at once. Strictly speaking, the report had been before honorable members for more than a month, and surely they ought now be able to decide upon it. The report of Mr. Blair had simply been adopted by the Committee, who approved of the line recommended by him. The report did not set forth anything new. If honorable members would refer to the Appendix attached to the Public Works Statement, they would see that Mr. Blair had given a report on the line and had recommended a certain route. The Committee simply adopted his professions opinion.

Mr. SHRIMSKI would certainly support the motion of the honorable member for Waikato for the adjournment of the debate. The report of the Committee was entirely one-sided, and did not represent what it should do. It represented the view taken of the subject by people in Dunedin City, regardless of the requirements of other parts of the province. There were honorable gentlemen in the other branch of the Legislature—the Hon. Mr. Holmes, the Hon. Mr. Miller, and the Hon. Mr. Campbell—who could have given valuable information to the Committee, but neither of those honorable gentlemen had been called upon to give evidence. He decidedly objected to the report, as being one-sided and unfair.

Mr. HODGKINSON would support the adjournment of the debate. This was really a most important question, involving the expenditure of millions of money. Without opening up the whole question of Centralism versus Provincialism, they could not disguise from themselves the fact: that in bringing these local matters before the House very few members had any knowledge of them; they could not decide upon them from
their own local information; they must be guided by the report of the Committee and the various facts stated. Under such circumstances they should have time given them to make themselves acquainted with the subject before they could come to a proper decision upon the matter. This was a rather peculiar day. They had a very thin House, as it was not expected that any important business would be brought forward. He really thought such an important matter should be adjourned in order to give honorable members sufficient time to make themselves acquainted with the subject before they gave their votes. He would take another opportunity of going into the matter. He would merely urge upon the House the necessity of careful deliberation in dealing with such an important question as this, which involved the expenditure of millions, or at all events enormous sums, of money. Of course they understood that payment was to be made in land, and not in money; but still land represented money. It was a very great undertaking, and, before the House was asked to come to a vote, time should be allowed honorable members to make themselves acquainted with the subject. He had no wish whatever to deprive the people of Dunedin of the opportunity of opening up these lands by branch railways, but on a great colonial question like this the House ought not to be taken by surprise—they ought not to try to get a catch-vote in a thin House on such a large question as this; and therefore he hoped the debate would be adjourned.

Mr. Macandrew could not see how the House could possibly be taken by surprise, as this question had been on the Order Paper for the last six weeks. It was the very backbone of the resolution he had proposed on the previous day, and which was unfortunately lost by the local jealousies which he was very sorry to see so trans\-parent in this House on a question of this kind. He could not see any object whatever to be gained by postponing this question. Let them consider the subject during the adjournment than they could possibly receive from the one-sided report given in by Mr. Blair. They might also do well to spend a little more time in getting further information than that the Committee had deemed necessary to have brought before them. All resolutions arrived at. He was not present at the meeting at which the report was adopted, and he (Mr. Macandrew) was quite prepared to take a division on the matter, and stand or fall by it.

Mr. Joyce, speaking upon the question of adjournment, said the map produced had not been seen by one section of the honorable members of the House. If honorable members would simply look at this map and compare the proposed route to reach Cromwell and Clyde from Dunedin and Port Chalmers, and from Invercargill and the bluff, he would then be content with whatever decision was arrived at. If they came to a decision without first examining this map, they would be doing an act injurious to the interests of the district he represented.

Mr. Hislop would support the adjournment of the debate for several reasons. If this report were now adopted, on the suggestion made by the house, it would not be likely that they would have a few moments' notice be introducing a new policy of public works. He thought it would be well for the House to further consider the subject before they adopted a suggestion at so short notice, which would alter the Public Works policy. Another reason why the House should pause before they adopted this report was this: He believed if they adopted the report hurriedly, as was now attempted to be done, honorable members would be voting, not from conviction, but simply from the influence of those political motives, a system which he had heard so strongly denounced by some of those honorable members who were now pressing the adoption of this report. He chiefly referred to the honorable members for Dunedin City (Mr. Macandrew and Mr. Stout). They had heard those honorable members at various times in that House denounce the way in which works had been carried on under the Public Works policy, by the construction of railways for political support. He thought there was no doubt that, however great the respect which some honorable members might entertain for the engineer from whose report this one had been drawn up, unless some further inquiries were made they were not likely to arrive at a proper judgment on this question. He thought the engineer, Mr. Blair, had been a partisan in this matter. If honorable members would look at the report of Mr. Blair, they would find that he coolly told them that he took certain other persons' representations with regard to one line that had been suggested, and he coolly altered some of their figures, without stating the reasons why he altered those figures. He (Mr. Hislop) did not pretend to enter into the matter of the report now; he only wished to say that a reason why the debate should be adjourned was that the House might receive further and better information concerning the subject during the adjournment than they could possibly receive from the one-sided report given in by Mr. Blair. They might also do well to spend a little more time in getting further information than that the Committee had deemed it necessary to have brought before them. Although he was a member of the Committee, he was astonished when he read this report, for he could not see that it in any manner carried out the evidence given before the Committee, or the resolutions arrived at. He would reserve his remarks until he spoke on the main question, when he would take the opportunity of addressing to the House a few observations which he thought would lead it to agree to the resolution.

Mr. Fox would urge on the honorable gentle-
man who had charge of this resolution the wisdom of agreeing to the adjournment, seeing that the report had only been put into the hands of honorable members since they took their seats that afternoon, and they had not yet had time to give it proper consideration. There was no member of the House who had been engaged more thoroughly than he did with the principle involved in this motion, the opening up of that great block of land in the interior of the Middle Island through which it was proposed that this line should run; but it was a matter for serious consideration which was the line most likely to be advantageous to the district and which could be most cheaply constructed. Honorable members were not at that moment in a position to give an intelligent decision on that point. He might say that he was prepared to vote for some such line as that proposed, but time should be given for considering which would be the best. When the Public Works scheme was first introduced, he remembered saying he hoped the country would not stop at the expenditure of £10,000,000, but would go on even to £100,000,000, so long as that expenditure would develop the resources of the country; he held the same opinion still, always subject to this condition: that the public work first decided upon—the main trunk line—should be completed before the Government engaged itself in the execution of any other works. There was no member of the House who would vote more cordially than he would for such a resolution as this; but at present he was altogether in the dark with respect to it. He therefore hoped the honorable gentleman would give the House a little more time for consideration, and then the resolution would be more likely to be carried.

Mr. LUMSDEN could not say that he was taken by surprise by the motion of the honorable member for Dunstan, because it had been on the Order Paper for several days; but it was somewhat of a surprise to him to have the report put into his hand just as the motion was about to be moved. He would not object, he was quite willing to give those gentlemen who were anxious to have this railway constructed an opportunity of thoroughly considering the report, and it would hardly be fair to take honorable members by surprise, especially as the report appeared to him to be somewhat one-sided. He was not aware that any gentleman was examined by the Committee who had a special knowledge of the country in the direction of Southland. He was quite willing to give those gentlemen who were anxious to have this railway constructed an opportunity of bringing their motion forward in a proper way, and he would therefore vote for the adjournment. If the debate were adjourned he thought he would be able to make a few remarks which would show that there was another line into the interior which could be constructed at much less cost than the one proposed. He distinctly said that the line he would suggest ought to be constructed; and he was anxious that honorable members should be in a position to weigh well the whole question.

Mr. ORMOND thought that the request for an adjournment of the debate was so reasonable that it would not doubt be agreed to. As had been said by several honorable gentlemen, the report, embodying as it did a very important principle, had only been in the hands of honorable members since the House met that day. He was not prepared at the moment to state the mind of the Government on the subject, and would therefore support the motion for adjournment.

Mr. PYKE said that, as several honorable members had expressed a desire to have an adjournment of the debate in order that they might make themselves more thoroughly acquainted with the subject, he would not object, feeling satisfied that, the more fully the report he had the honor of submitting to the House was looked into, the greater would be the support which it would receive.

Mr. TRAVERS thought it was due to the gentleman upon whose surveys this proposition was to a great extent based, to call the attention of honorable members to the fact that the determination of the best route to open up the interior of Otago was referred by the Government, through their Engineer-in-Chief, to Mr. Blair, as District Engineer for Otago, a gentleman who had been engaged in that district for several years on the construction of Government works. He found attached to the Public Works Statement a report by Mr. Blair, as District Engineer for Otago, to the Engineer-in-Chief, in which he referred to no less than seven routes as being suggested for the purpose of opening up the interior of the provincial district, and, after full consideration of these routes, he recommended to the Government the adoption of the route approved of by the Select Committee as that which was best calculated to carry out the object in view. As far as he could understand, the object which the Government had in view was to connect the interior with some centre of population on the seaboard by the nearest and most practicable route, which would open up the largest area of land available for settlement. It appeared to him that it was a question whether the Government would fail to be directed to a gentleman of such experience and local knowledge as Mr. Blair. The starting-point seemed to have been left entirely to that gentleman’s discretion.

Mr. SPEAKER pointed out that the honorable gentleman should confine his remarks to the question of the adjournment of the debate.

Mr. TRAVERS was doing so, and was endeavoured to show that there was sufficient information before the House to enable it to come to a conclusion without adjourning the debate. The information before the House was amply sufficient for that purpose, and, if Mr. Blair’s report was not based upon instructions from the Government, it was, unquestionably, misleading the House to have attached that report to the Public Works Statement. Mr. Blair said,—

“...In accordance with your instructions, number and date as per margin, I have the honor to submit the following report on the various routes suggested for a railway into the interior of Otago, all of which are shown in distinctive colours on the accompanying map. A knowledge of the configuration of the country, and the examination
of the map, determines the proposition to be the connection of the Upper Clutha Valley to the main line of railway and the seaboard by the shortest and easiest route that will in its course open up the most good country for settlement."

If the District Engineer, after considering this matter, placed before the Government a report based upon his local knowledge and careful examination, that report, having been before the House for a considerable time, should enable honorable members to determine whether or not the suggested route should be selected, without adjourning the debate. Very little was gained by adjourning debates of this kind, because in the interval the attention of honorable members was drawn away from the subject by a vast amount of other matter; and, in point of fact, little consideration was given to it by those who, like himself, must be perfectly impartial in the matter, in comparison with that which would be given if it were dealt with at once. His own impression, gathered from speeches he had heard upon the subject, was that there was a great deal of purely local jealousy mixed up with the question; and the outcome of the remarks of some honorable gentlemen seemed to be that if Invercargill had been selected as the terminus of the main line Dunedin and Oamaru would have opposed, and, if Oamaru had been selected, then Invercargill and Dunedin would have been discontented. What the House, however, had to look to were the impartial opinions of an engineer who had been requested by the Government to report on the best line, and who was responsible to the Government only; and when that officer presented a report and expressed opinions which were backed up by the report of a Committee which had examined gentlemen who were above suspicion, it appeared to him there was quite sufficient before the House to justify it in coming to a conclusion. He was sorry that the honorable member who had proposed the motion had consented to a postponement of the question, because he (Mr. Travers) thought the honorable gentleman would, in all probability, find that the matter would not receive the same amount of consideration upon the adjourned debate as it would command if proceeded with at once.

Mr. BURNS said there was no doubt that the honorable member for Wellington City (Mr. Travers) had hit the nail upon the head. He (Mr. Burns) had been somewhat sorry that the honorable member for the Dun-tan (Mr. Pyke) had agreed to the adjournment of the debate; but, upon second thoughts, he believed the course taken was wise, for the matter in question was investigated in an impartial manner the more apparent would it become that the Committee had arrived at a just decision; there could be no question about it. If honorable gentlemen travelled the whole length and breadth of New Zealand, they would not find another case exactly like this. The line went almost entirely through Crown lands, and he wished to call the attention of the House to the fact that not a single penny had been spent in that part of the country with regard to roads. There had been no settlement on the lands, simply because settlers could not get access to it. He had always held that the cheapest way of opening up the country was by making railways instead of macadamized roads, and here was a case in point to which it would be well for the House to give very serious and grave attention. The honorable member for Waitaki had not treated the case fairly. That honorable gentleman knew very well that his own City Council of Oamaru had obtained a report upon this subject, which, if it were laid upon the table of the House, honorable members would see was more damaging to the proposed Oamaru line than the report of Mr. Blair. He (Mr. Burns) did not find fault with the efforts of the Oamaru people, but he thought it would be much better if they would direct their attention to opening up the valuable country at the head of the Waitaki River. Let them seize the opportunity that was before them in that direction, instead of coming to the House and opposing reasonable propositions for opening up the country in another direction—propositions which he (Mr. Burns) thought would benefit the country to the extent of many thousand pounds. He very much regretted to see honorable gentlemen take what he conceived to be an unfair course, and endeavour to get the line taken through an impracticable country, and, finding they could not meet the arguments, move an adjournment for the express purpose of doing a little log-rolling.

Mr. W. WOOD said, although he himself might approve of the adjournment of the debate, he did not wish to speak on that point now. He had risen to a point of order. He wished to know whether it was proper for an honorable member to say that other honorable members were doing something for the "express purpose of log-rolling."

Mr. SPEAKER said it was very undesirable that honorable members should make such observations as had fallen from the honorable member for Ro-lyn.

Mr. BURNS humbly apologized, but he certainly considered the honorable member for Waitaki and those who were acting with him were using the forms of the House for the purpose of what might be termed in Parliamentary language obstructing.

Mr. W. WOOD rose to a point of order. He wished to know if the honorable member for Ro-lyn was justified in imputing motives.

Mr. SPEAKER said certainly not; and perhaps it would be better if the honorable member would confine himself to speaking to the motion for adjournment.

Mr. BURNS regretted to find the honorable member for Mataura so 'tetchy' upon the matter; but of course, if he were ruled out of order, he would bow to the ruling. It was an acknowledged fact in all Parliamentary practice that when an honorable member moved an adjournment he generally had some object in view, and he was sorry to think that the object in view here was to gratify a little personal jealousy by seeking to throw over a really good proposition. Let the honorable member for Waitaki (Mr. Hislop), the honorable member for Wallack, and the honorable member for Riverton bring forward a...
similar plan to open up the Waitaki or other districts which offered so good an opportunity as—

Mr. JOYCE must interrupt the honorable member. He had not, until the discussion commenced, exchanged a single word with the honorable member for Riverton or any one else, and he was certainly not acting in concert with any one. He had addressed the House simply upon what he had heard fall from the honorable member for the Dunstan.

Mr. BURNS said if the honorable member had allowed him to proceed he would have seen that there was no desire on his (Mr. Burns's) part to accuse him of doing anything wrong. He was merely going to say that there was a good deal of local jealousy. The Southland members had their Kingston line. He (Mr. Burns) did not object to that; and why should the honorable member for Wallace object to a line which would open up another part of the country?

Mr. SPEAKER reminded the honorable member that he was travelling into a discussion of the main question.

Mr. BURNS had not intended to do that. He merely wished to show that those honorable members ought not to have proposed the adjournment of the debate. He, however, thought the honorable member for the Dunstan was wise in agreeing to the adjournment of the debate, and he hoped, when the matter again came on for discussion, the whole facts of the case would be laid before honorable members. He was quite sure, if that had been done, there would be no impartial member found but who would agree that the report before the House was a fair one. He only wished to say, further, that gentlemen who thought the land revenue should be colonized revenue ought to be able to see that if this proposal were carried into effect it would be of great benefit to the colony. If this line were made, the land through which it would pass would be worth at least two or three times its present value, and would sell readily. If full information were laid before honorable members he had no doubt of the result upon their minds.

Mr. W. WOOD would not detain the House long, because he did not intend to indulge in the kind of remarks which had been made by the honorable member for Roslyn. It seemed to him (Mr. Wood) that that honorable gentleman had taken the opportunity of making one speech on the main question, instead of that of adjournment, while reserving to himself the right of making another. The honorable member for Wellington City (Mr. Travers), the honorable member for Dunedin (Mr. Macandrew), and the honorable member for Roslyn (Mr. Burns), had indulged in charges against several honorable members which should not have been made, and which were not justified. Such remarks might have been reserved for speeches on the main question, and even then it might have been considered desirable to pause before expressing such feelings. He assured the House he had no jealousy. He wished to see Dunedin and every part of the Provincial District of Otago, and of the colony, prosperous and progressive; but certainly he was not prepared to express an opinion upon this matter until he had seen the papers, and had had an opportunity of judging whether the evidence taken was trustworthy, and had been considered in connection with any other evidence which might or should have been taken. It might even be considered yet worth while to take such evidence if it had not been taken, for it would be as well to have full evidence in reference to works which would involve the expenditure of so much money. The honorable member for Dunedin City (Mr. Stout) had said the matter had been before the House for three weeks, but the twelve pages of evidence had not been before the House many minutes; and, as the evidence had been taken and printed, it should be at least read before it was acted upon. Members had not yet had an opportunity of reading it.

Mr. DE LAUTOUR merely rose to say that the honorable members for Waitaki took action in this matter long before this Committee was appointed. The honorable gentlemen prepared a Bill which he believed to be right; and, so far from showing any one sidedness in the matter, they gave way when the Government said they did not see their way to consent to the Bill. They were quite content to wait until the Government introduced the District Railways Bill, and those honorable members were very far from deserving condemnation. He had no doubt the adjournment would show to the honorable member for Roslyn that that was the case.

Debate adjourned.

PROVINCIAL OFFICERS.

On the motion of Mr. O’RORKE, it was ordered, That there be laid before this House a return showing the names, offices, and term of service of the several Provincial Government officers whose services were dispensed with in consequence of the passing of the Abolition Act, together with a statement of the amount of compensation granted in each case.

WAITOA LANDS.

Mr. MURRAY, in moving the motion standing in his name, said he did so merely with the object of clearing up a matter that had been brought under his notice, and because he thought it better that there should be no lurking suspicions. He thought the best means of placing the matter before the House was to appoint a Committee to inquire into it; and, as he understood it was the intention of the Government to accept the resolution, he would not enter upon the arguments which he would otherwise have thought it necessary to bring forward. He would therefore move the motion without any further remark.

Motion made, and question proposed, "That a Committee be appointed to inquire into certain land transactions in connection with the purchase of the Punia or Huria Blocks, 1, 2, 3, 4, and other lands in the Waitoa District, by Mr. F. Whitaker, jun., and by Mr. James Mackay, Government Land Purchase Commissioner, in the purchase or other negotiation in connection with..."
Mr. WHITAKER said that a few days ago the honorable member for Bruce asked, "If it was true that the Government had permitted Mr. F. A. Whitaker to acquire Hunia Blocks Nos. 1, 2, 3, and 4, extending to several thousands of acres, on the Waitoa River?" He must confess that when the question was put on the Paper he was quite ignorant of what the honorable gentleman intended. The F. A. Whitaker referred to was not himself, as he knew nothing of any Hunia Blocks, and he was, therefore, quite abroad in the matter. The Minister for Public Works, who answered the question, asked him if he knew anything about the matter, but the only reply he could make was that he had no information. If the honorable member for Bruce had put his question in a more definite form, he would probably have received an answer that would have been satisfactory to him. It was obvious, however, that the honorable gentleman himself had no very definite information upon the matter, because he had varied his notice in two or three different ways. He at last put a motion on the paper asking for the appointment of a Committee "to inquire into certain land transactions in connection with the purchase of the Pumia or Hunia Blocks, 1, 2, 3, and 4, and other lands in the Waitoa District, by Mr. F. Whitaker, jun., and by Mr. James Mackay, Government Land Purchase Commissioner, in the purchase or other negotiation in connection with these or other lands in the Waitoa District, and also any proposed exchanges between the Government and Mr. F. Whitaker, sen., and any alleged sales to one Fraser."

Mr. MURRAY explained that the motion had become confused by the word "senior" appearing where the word "junior" should have appeared, and vice versa.

Mr. WHITAKER only mentioned the matter to show that the honorable gentleman's information was not very definite. If the honorable member had applied to him, he would have furnished him with such information as would have enabled him to put his motion into an intelligible shape. He would not claim the House long, although, if he were to tell the whole story, it would take a long time. It was necessary, however, that he should give a short explanation, because the motion might make it appear that he had been engaged in transactions which he ought not to have engaged in. The explanation was this: Before the foundation of the colony a gentleman named Webster bought a very large tract of land consisting of 80,000 acres. The purchase was made somewhat near forty years ago. Subsequently to the purchase Mr. Webster sold portions of the land to five different persons. These gentlemen were called upon to make good their claims before the Land Claims Court of that day—a Court constituted to inquire into all purchases of land made prior to a settled form of government being introduced into the colony by the British Government. The Court awarded 5,000 acres to one of these purchasers, and about 6,000 acres to others, making altogether 11,019 acres. Soon after the awards which were made in 1813, Crown grants were issued to these different people for these 11,019 acres. During this time Mr. Whitaker had nothing to do with the land; but subsequently Mr. Abererombie, one of the gentlemen who purchased from Mr. Webster, mortgaged his share to the Bank of Australasia, and it was held by the Bank for some years. The other gentlemen either held their land or sold it to other persons. Subsequently to these sales and the mortgage, he, in the year 1854, purchased the Bank's interest in Mr. Abererombie's land from the Bank of Australasia. There was very considerable difficulty with regard to the boundaries: the boundaries intersected, and there seemed a strong probability that they would all get into lawsuits. To avoid this he began to purchase the adjoining lands, with the object of forming a cattle-station. The land surrounded one of the chief Native settlements belonging to the Ngati-poua tribe. Some difficulty occurred about this also, and the matter was allowed to stand over for some time. He was afraid to enter upon the formation of a cattle-station in the middle of this Native district, because he knew that trouble would arise out of it. Subsequently, for the purpose of clearing up the difficulty as to boundaries, the case was brought before the Land Claims Settlement Commissioner, Mr. Bell (now Sir F. D. Bell), and he came to the conclusion that the only way of dealing with the matter was to cancel all these grants, have a proper survey, and then make new grants to the different persons entitled to them, which by the Land Claims Settlement Act he was empowered to do. He did so, and the matter was so far satisfactorily settled in the year 1861; but just about that time the Native war broke out at Tamuaki and extended to Waikato. The Natives of this district, which is called Maukoro, joined in the rebellion, and this particular spot and another settlement seven or eight miles distant were made a sort of hospital for the wounded. It was impossible, therefore, at that time to make a survey, and Mr. Commissioner Bell's award directed that the matter should stand over till the restoration of peace. At that period, and for long after, the district was in such a state that it was not safe for Europeans to go into it, and the consequence was that the matter was from time to time postponed during the whole time the war was going on; and he was unable to get possession of his land or even to make a survey of it. After the war was over, the Natives became Hau-Haus; but latterly they had become more friendly, and three or four years ago Mr. Whitaker entered into negotiations with them for the purpose of having the land surveyed. While those negotiations were going on, the Government desired to purchase a tract of land belonging to the same Natives on the
Mr. Whitaker advanced the money required, and as soon as they get their title, which they would do in six months from the time the land passed through the Court, they would be able to give him a good title. The matter now stood in this way: that the Natives belonging to the Maukoro, to take his land, which was now surveyed, and for which he could get a Crown grant whenever he pleased, and then that they were to get for him a grant of the land at Waitoa. Some of the land for which he had paid money had been provisionally transferred to him, and he had entered into an agreement to transfer the Maukoro land as soon as a title was obtained from the Natives for the land he was to get, which would be in a few months. That was the position of affairs at the present time. With regard to himself, he could only say that he did not hold a single piece of land which had been acquired by him from the Natives, except in this transaction which he had described. He had held such lands in a few cases some years ago, and then it was only for a short time, when he had transferred them to the Government, at the request of Sir Donald McLean, receiving only what he had paid and interest. The land referred to in the motion had been a source of trouble for nearly forty years; it had cost him a great deal of money, more than he should ever get, and caused him a great deal of trouble; and his only desire now, of course, was to have this outstanding matter settled as soon as possible.

With regard to the sale to Mr. Fraser, which was mentioned in the resolution, the only explanation he had to give was this: He had agreed to sell some of the land, which the Government had consented to grant to him, to Fraser, and the latter had paid him £1,000 as a deposit; but, as the Government broke their contract to give him a title, he was obliged to return the money to Fraser, with interest and damages, as the sale could not be completed. He would be glad if the honorable member for Bruce would consent to the addition of the following words, by way of amendment to his motion—namely, "and also to inquire into and report on the claim of Mr. F. Whitaker to compensation for the breach of an agreement made between him and the Government on the 22nd September, 1874, in reference to the land referred to." If it were found by the Committee that the Government had entered into a contract with him which they had broken, and for which he was entitled to receive damages, he thought he ought to receive them. Mr. F. Whitaker, jun., was named in the resolution, but he had had no connection with these lands whatever, further than acting for him (Mr. Whitaker). He might say that the name of the block in question was neither Punia nor Hunning, as stated in the proposed resolution, but Puninga. He hoped the honorable member would consent to the addition of the words he had proposed. He saw no objection to the names for the Committee that had been proposed, but he thought it might be made a little more clear to the people presumed the honorable gentleman would not object to two other names being added to the Committee.

Mr. Murray said he was willing to accept...
the amendment proposed by the Hon. the Attorney-General.

Motion as amended agreed to.

The House adjourned at half-past five o'clock p.m.

LEGISLATIVE COUNCIL.

Friday, 21st September, 1877.

Oamaru Athenæum Reserve Bill—Dr. Campbell—Imprest Supply Bill No. 3.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

OAMARU ATHENÆUM RESERVE BILL.

The Hon. Mr. MILLER, in moving the second reading of this Bill, said its object was to vest certain reserves, which were granted to the Superintendent of Otago in trust for the Mechanics' Institute at Oamaru, in certain trustees. There were two reserves, one in the Town of Oamaru and the other in the Wyndham District in the southern part of the province. It appeared that the latter reserve, which was described in the Second Schedule, was so distant from the Oamaru people that they could not conveniently administer it; and it was desirable that they should have power to sell this reserve, and to reinvest the money in land, without any power to sell. In the 10th clause of the Bill power was given to sell the reserve described in the Second Schedule by public auction or by private contract. Honorable members might object to its being sold by private contract, and probably it would be as well to confine the power to sale by public auction. There was a power to borrow given in clause 4, which was sought in order to enable the members of the Athenæum to erect a new building. In the early days, when there were very few members of this body, they put up a building suited to the time, and which, as the town had progressed, was no longer suitable for the accommodation of the increased number of members of the society, and, rather than patch it up, they desired to erect a new building which would afford proper accommodation and would be attractive in other respects. There was a fund of £220 accumulated for the purpose of assisting in the erection of the new buildings; and that, with the power to borrow a sufficient sum on the reserve.

The Hon. Colonel BRETT.—State the probable amount.

The Hon. Mr. MILLER said the amount would, of course, depend upon agreement. He believed it would be about £800 or £900, but he had no accurate information on that point; at any rate, it would not be a very large sum. A great deal had been said in the Council lately about the inconvenience of members coming to the Assembly with Bills of this kind relative to Athenæums and similar institutions; and an opinion had been expressed that it would be advisable that some general measure should be passed; but in the meantime it seemed to him that the course which it was necessary to take in introducing Bills of this nature was, in fact, a necessary consequence of the abolition of the provinces. He did not see how they were to avoid bringing in these Bills. Last session, he believed, several similar measures were introduced. There was a Bill passed, he thought, vesting certain reserves in trustees, for the same purpose as this Bill contemplated, in Napier, another for Milton, and one for some other place. Until the Government brought in a general measure it was necessary, of course, that Bills should be brought in for dealing with various localities. He apprehended that there could be no doubt in the minds of honorable members as to the advantage and benefit of societies like these Athenæums and mechanics' institutes. They were, as honorable members perfectly well knew, adapted to improve the habits, tastes, and morals of the community in which they existed, and probably there was no better way of preventing persons from resorting to publichouses than by assisting institutions of this kind. Therefore he thought it was the duty of members of the Legislature to do all in their power to extend and assist these societies, and, at any rate, not to put any obstacle in their way that was not absolutely necessary. He begged to move the second reading of the Bill.

The Hon. Captain FRASER had great pleasure in supporting the Bill. As an Acting Visiting Justice of the Otago Gaol, he was sorry to say they got too many criminals from Oamaru, and he thought if a comfortable reading-room were provided there would be fewer of them. Probably one reason why so many criminals were sent from Oamaru was that the Police Sub-Inspector or Sergeant was kept there too long, until he made friends with the publicans, and formed a clique; and, although there was one of the most active and, in fact, one of the best Resident Magistrates in the colony stationed there, there hardly ever occurred a case of a publican being brought to the bar of justice for encouraging drunkenness. Under the provincial system, if it were attempted to remove an Inspector or a Sergeant of Police there were all sorts of remonstrances from his friends. But under the new régime he believed those officers would be removed probably every six months or so. When that took place, and when his honorable friend Mr. Miller got an Athenæum and reading-room well furnished with books, he believed there would be less crime in that place. He objected to the 10th clause, and could see no reason why the land should be sold. Probably the honorable member in charge of the Bill would inform the Council in his reply who was in possession of the land at present, and whether there was any revenue derived from it. It would be very easy, he thought, to call for tenders and lease the land; and if it were leased to a respectable person—and it was to be presumed it would be—then there would be no further trouble; but whatever the trustees of the Athenæum recovering the rents. He was greatly in favour of the Bill as a whole, and would support the second reading.

The Hon. Mr. ROBINSON quite concurred.
with all that had fallen from the Hon. Mr. Miller as to the desirability of those institutions. There was no doubt it had been a very good effect throughout the country, and probably be the means, if carried, to a great extent of taking the place of the Local Option Bill. It appeared that, in the first instance, there were certain lands vested in the Superintendent of Otago for assisting this institution in defraying the necessary expenses. Now it seemed to him that all that was proposed by this Bill was to change that property which had been granted for the maintenance of the institution; and the only reason the honorable gentleman had given for moving in this direction, as far as he understood, was that a portion of the property was situated at some distance from Oamaru, and that it was rather difficult for the trustees to manage it to the best advantage. In order to get over that difficulty, the honorable gentleman proposed, by this Bill, to dispose of the land and reinvest the proceeds in other land. He also proposed to give full power to the trustees to sell, manage, or deal with those lands in any way they might think proper. It was true that by the last clause but one of the Bill it was proposed that the moneys should be reinvested; but it seemed to him that there was no cast-iron rule laid down, and there was every reason to fear, while the money was in transit, that it might not reach the destination for which it was intended; and the consequence would be that, instead of having these institutions which the honorable gentleman had so justly described as being very desirable in all parts of the country, there would be no funds to carry them on at all. And, again, if these properties were in some outlying district, the chances were that, if they were left alone in their present shape, the increase in the value of the endowments would be much greater than the amount derived by the reinvestment. His opinion was that it would have been better to leave the endowment as it stood than to make any alteration. In their present position these endowments would, in a great measure, carry out the objects of this desirable institution; but he had seen transactions of this kind take place before, and it was not at all safe to alter endowments and change the manner of their administration, nor would it be safe on all occasions to allow these properties to be sold and the money to be reinvested.

The Hon. Mr. MENZIES said that, having been a member of the Provincial Council of Otago at the time when the large reserve described in the Second Schedule of the Bill was made, and having some local knowledge, he knew both the circumstances of the case and probably the value of the land at the present time; and the Council would understand that he was prepared to support the Bill when he said he believed that the proposal contained in the body of the Bill was a very judicious one, as the land was given in order to endow the institute, and appeared to have been given freely, and the Council should in no wise the trustees of the institute might have as to the mode of its disposition. He did not think it was meant to be a permanent endowment, and yield a certain revenue; but it was true that the the in-stuffe would be able to apply it in any manner which would be most desirable in the interests of the society. He had known other cases in which very considerable sums were expended in erecting places for the accommodation of Athenaeums, and, judging from that experience, he should say that a very judicious application of the money to be obtained by letting the endowment described in the Second Schedule would be in erecting such a building as would yield a revenue probably very much in excess of that likely to be derived for years to come from the endowment as it now stood. He was familiar with the land. It was very far arable land, and if fenced and cultivated might yield a fair revenue; but to put it into that condition a considerable outlay would be necessary, and he apprehended that the institute was not in a position to spend money in that way at the present time. It would yield, he did not doubt, a very good price if sold, and it was in a district in which land was likely to rise in value in the course of a few years. He quite agreed with the remarks of the Hon. Mr. Robinson, for no doubt the investment would be a better one if it were made a permanent investment by the lands being left unsold until, in the ordinary course and owing to the progress of the colony, an increased value would insure a large revenue from it. But he thought the Athenaeum might fairly be allowed to judge whether it was more advisable to apply the funds to be derived from the sale of that land in any other way. There was one instance, which would be familiar to some honorable members, where an Athenaeum, having an endowment considerably larger than the one mentioned in the Second Schedule of this Bill, but which had not been Crown granted, raised money upon the security of that endowment, and with the money so raised erected a large building, which not only gave ample and very superior accommodation to the members of the Athenaeum for all their purposes, but also enabled them to give accommodation to shopkeepers in the lower part of the building, and yielded thereby a rental which enabled them to pay interest on the money raised and left a considerable surplus, and which in future, no doubt, would be far larger than the land would have yielded had it been unencumbered. He had no doubt that by-and-by the body to which he had referred would come to the Assembly and ask to be allowed to sell that land. He thought the Council should not fetter too much the operations of mechanics' institutes. The best corrective of any improper action on the part of the committee would be public opinion in the locality, and in the South at least he could say that the community generally took a very active interest in the proceedings of any such bodies; so that the control of their actions might be very safely left to the public.

The Hon. Colonel BRETT thought the only objectionable part of the Bill was the borrowing clause. The amount might probably be very small; but why ask for power to borrow at all? Why could not the members of the society do all
that was necessary amongst themselves, and, if this building were required, themselves collect the money? He did not see why they should come to Parliament and ask for power to raise money. He objected to passing borrowing clauses in all these small Bills, and would oppose that portion of the measure.

The Hon. Colonel WHITMORE said it was quite obvious to his mind that if they carried this principle of selling endowments and reinvesting in land to any great length there would be a continual leakage, a continual loss, upon every transfer and change, which in a very short time would materially diminish the endowments originally given. At the same time he could quite believe that there were instances in which it might be absolutely necessary for the convenience of the public that property should be acquired—possibly by Improvement Commissioners, as in London,—and that there should be some means by which land which had been granted as an endowment to a body should be conveyed to individuals or bodies. But he thought the proper way to overcome this difficulty was that in such cases Private Bill clauses could be introduced into Parliament, as it would be at home, in order to sanction the particular transaction; and in that case proper evidence would be taken of the necessity of the course, and of the fairness of the consideration likely to be given. That was the only case in which he would be disposed to allow an endowment to be varied which had been granted to one of these useful bodies. It was unnecessary to say anything about the great advantage which these institutes and Athenaeums were in the country. On that point very few people would be found to differ. He wished, however, to remark that there was every day becoming impressed more and more upon his mind the absolute necessity of retaining in Parliament some kind of control over these endowments which the country had given to numbers of educational, literary, and public bodies, which were rapidly getting beyond all reach. It was of course the intention of the Legislature and of the provinces in endowing these bodies that certain functions should be performed by them; but in many parts of the country it might happen, and he apprehended it often did happen, that the duties of these bodies were but imperfectly carried out. He wished to know whether they were not to, he might almost say, practically irresponsible in this to the Government and the country for the proper administration of these reserves. The same intention appeared to pervade them all, so that every Bill required a special examination. He would commend this to the consideration of honorable gentlemen who had any more such Bills to bring forward. In the event of the Council deciding that the land should be sold, he thought some restriction should be imposed that the land should not be sold for less than the upset price of land in the district. It would be wise to put that in as a precautionary measure. They should not lose sight of the fact of the general effect of all these Bills, and that they were completely altering the system of the reserves. Originally those reserves were vested in the Superintendent in trust for the various objects for which they were intended, and in such case there was a public officer who was responsible to the Government and the country for the proper administration of those reserves. The Assembly was landed over large numbers of acres of land to, he might almost say, practically thousands of men, because, although no doubt those gentlemen who were appointed as trustees were, many of them, men of undoubted character, occupying high positions, still honorable members knew that there were a large number of those small bodies springing up all over the country, and that, from
time to time, some of them ceased to have operation, and the lands, being vested in trustees, remained in an idle condition, or, if they were occupied, the tenants were persons who paid no rent. In the over ten years, an examination of the state of affairs some years ago proved that a large number of valuable reserves were lying utterly useless, without any proper amount of revenue being derived from them; and he thought they were running a risk of the same thing occurring in handing over so many of these small reserves to trustees. Honorable gentlemen should not lose sight of this fact: that it was not very long since upwards of half-a-million acres of land in one provincial district of the colony were set apart as reserves, and now applications were coming up to the Assembly, one after another, to interfere with those reserves, so that really this opened up a very large question, which should not be lost sight of in dealing with these respective Bills.

The Hon. Mr. BUCKLEY said of course there was no pressing necessity for the transfer of these reserves to trustees, and no application would be made in that direction if it were not for the desire to borrow. If the governing bodies of these different Athenaeums did not require power to borrow, there would be no necessity for having the reserves vested in them. That was what brought about this extraordinary state of things. Of course, if the Council granted the application in one case, there was no reason why they should not do so in another. When he had pointed out with regard to the Cromwell Athenaeum Bill would apply in this case, and even with additional force, for this particular institution was already incorporated under the Public Libraries Powers Act, and of course possessed under that Act every requisite power except that of borrowing. If they allowed one of these institutions to borrow, they must allow them all to do so.

The Hon. Mr. PATTERSON had no intention of offering any opposition to the Bill, as he conceived it was a measure which was calculated to do a great deal of good in the district to which it applied. A great deal was said about the question of borrowing, and as to whether power should be given to such bodies to borrow money on their properties, or to exchange these properties for others more suitable and convenient. No doubt much might be said on both sides of that question. He understood that the great object of raising money in connection with these institutions was to enable them to erect suitable buildings for reading-rooms and libraries. On this point he would say that there was no place of the kind he had ever seen which was less attractive, and apparently less suited for the purpose for which it was intended, than the Athenaeum at Oamaru, and he could certainly say that there was a new building with proper accommodation in connection with Native reserves, an object could be accomplished most satisfactorily by selling one piece of land and buying another, or by borrowing on the land, he thought the trustees themselves might be allowed to decide. The piece of land proposed to be sold was situated at a considerable distance from Oamaru, and it might not be so convenient to the trustees to manage it either in regard to letting or selling as it would be if the land were close at hand. He would not be disposed to place unnecessary obstacles in the way of the Athenaeum Bill, which the local bodies thought desirable to carry out the purpose for which they were incorporated, and certainly the Town of Oamaru stood in much need of the change proposed to be made. It might be necessary in Committee to make some alterations in the Bill, but he would vote for the second reading.

The Hon. Mr. MILLER, in reply to the Hon. Captain Fraser, said that, as far as he knew, no revenue whatever had been derived from the land. He understood the Committee had not been able to lease it. There could be no doubt that the Hon. Mr. Robinson was quite right, and that the land would increase in value; but it was really a question for the members of the Athenaeum to consider whether it would not be better for them to deal with the land at once and erect a larger building. The great object of course was to get a larger building, whatever would be necessary in the way of making the institution more attractive, and to obtain a larger number of subscribers, and consequently, a larger revenue. The Hon. Colonel Whitmore said that Bills of this kind should be treated as private Bills, but he (Mr. Miller) was at a loss to understand how a Bill which dealt with public land could be treated as a private Bill.

The Hon. Colonel WHITMORE said the honorable gentleman was entirely mistaken. He did not say that this Bill should have been introduced as a private Bill. What he said was that permission to sell the land should be asked for through the medium of a private Bill, in the same way as such Bills were introduced into the Imperial Parliament.

The Hon. Mr. MILLER said that, so long as the land was public property, a private Bill dealing with it could not be introduced. That question, he thought, had been argued before. With regard to selling the land in this case, when the Bill was in Committee the propriety or otherwise of adopting that course could be discussed. No doubt the question was open to discussion; but, because there was a doubt, that was no reason why an honorable member should vote against the second reading. The Hon. Mr. Robinson was not quite so logical in his remarks on that point as he usually was, for, after having praised the object of the Bill, he said he would vote against the second reading because he objected to this sale.

The Hon. Mr. ROBINSON said he did not praise the object of the Bill. On the contrary, he condemned its object, and praised the institution for which the endowment was made.

The Hon. Mr. MILLER thought the honorable gentleman sincerely remembered his remark on that point as he usually was, for, after having praised the object of the Bill, he said he would vote against the second reading because he objected to this sale.
much better that it should be so, with proper supervision by the Legislature.

Bill read a second time.

DR. CAMPBELL.
The Hon. Dr. POLLEN, in laying upon the table a return to an order of the Council on the motion of the Hon. Mr. Robinson, said the return was strictly confined to the terms of the order: that was to say, it contained a copy of the petition or communication forwarded to the Government by the medical staff of the Christchurch Hospital. With respect to the latter part of the order, which required the Government to inform the Council what steps they proposed to take in the matter, he would just read to the Council a communication received by the Government from Dr. Campbell. It was addressed to the Hon. Mr. Howson, and was as follows:

"From the enclosed article, which appeared in the North Canterbury News, you will see that it has gone out to the public that a memorial has been forwarded to the Government by the medical and surgical staff of the Hospital, praying for my removal as Surgeon to that institution. This memorial is said to be signed by all except one, while in reality Dr. Parkerson was not consulted at all, and Dr. Prins again refused to subscribe to it. Inasmuch as my private professional character is openly and publicly brought into question, I would respectfully ask you if such a memorial has been presented to you, and, if so, could I get a copy of it?

"I am sorry to have to trouble you in the midst of your many public duties, but when you consider the article referred to I think you will agree with me that I am entitled to an explanation from the memorialists; and, feeling all along that I have acted with the most perfect conscientiousness, and under the able advice of my legal advisers (Messrs. T. S. Duncan and George Harper), I feel that I am bound to ask an inquiry, especially from the Government, who placed me in my position in the Hospital. I feel also that, if the acts imputed to me were true, I am no longer fit to occupy that position, nor that of having my name any longer retained on the Medical Register of New Zealand. If you can find time to reply by telegram, I shall deem it an honor and favour."

The course the Government proposed to take was to forward to Dr. Campbell a copy of the petition or communication—that, in fact, had already been done—and in due course to make an inquiry into the circumstances of the case.

IMPREST SUPPLY BILL No. 3.

This Bill was received by message from the House of Representatives, and read a first time.

The Hon. Dr. POLLEN moved, That the Bill be read a second time.

The Hon. Colonel WHITMORE would like, before the Bill passed through the Council, to record his dissatisfaction at the system of governing the country by Imprest Supply Bills. It was the first time in the history of New Zealand that sums of money being advanced by way of imprest supply during such a short period of the session, and he thought the Bill should not be passed through without some explanation on the part of the Government.

The Hon. Mr. ROBINSON was sorry that his honorable friend had sat down without proposing some means for carrying on the government of the colony without the necessity for these measures. The honorable gentleman must have forgotten that the session commenced at a much earlier period than was usually the case, and that they had advanced further into the current year than on former occasions. Under these circumstances, he did not see how the Government could have got on without these Imprest Supply Bills.

The Hon. Dr. POLLEN shared in the regret expressed by the honorable and gallant gentleman that they should have been obliged to have recourse to Imprest Supply Bills for carrying on the business of the country. It would have been very desirable if it had been otherwise, but it was not so; and, sitting there as members of the Council, they had no responsibility, on that account at least. With respect to the amount which had already been voted, £500,000, and the sum mentioned in this Bill, the honorable gentleman who had last spoken had pointed out the fact that already three months of the financial year had expired; and, seeing that, by the Financial Statement made by the Colonial Treasurer in another place, the estimated expenditure for the year was set down at over three millions, the sum of £750,000 for four months of the year could not be held to be excessive. He did not doubt that the Council would allow the Bill to be read a second time.

The Hon. Sir F. DILLON BELL said there could be no doubt that the Hon. the Colonial Secretary could not have any blame cast upon him for the proceeding in which the Council was now engaged; but he (Sir F. Dillon Bell) thought it could not be without regret that the Council found itself, at so late a period of the session, obliged to concur in a grant of supply so large an amount, before the other House of Parliament had thought fit to vote any of the estimates, to decide the financial requirements and financial conditions of the year, and to make up its mind on the proposals which the Government had thought it their duty to propose to that House. It was, of course, no part of the business of the Council to criticise the course which the other House might take in the conduct of its business, and he would not have spoken if it had not been that he looked with grave concern at the financial position in which the country was placed by the resolution which had traversed the financial proposals with which the Government opened the session. For, before the House of Representatives had come to any decision upon the Budget proposals, the Government had been asked for a distinct pledge that next session they would bring down financial proposals based on a complete alteration of the present system of taxation. He hoped the Council would express its opinion to the country upon those proposals. To the House of Representatives belonged the function of determining the finances of the year, but to...
Parliament as a whole belonged the duty of deciding on fundamental changes affecting the whole future finance of the country. The Council ought not to absolve the Government from blame for forecasting, apparently, given so distinct a pledge, not relating to the finance of the present year but for the finance of the future, without making any communication to the Council on the subject. It must be admitted that the proposals to which the Government had pledged themselves were fraught with very serious consequences to the country, and the Council was entitled to some expression of opinion from the Government, as to the causes for which the country was to be led into an entirely novel system of finance, a system which would make the position of New Zealand entirely exceptional among the colonies in these seas.

The third reading of the Bill was to be taken this evening that it was necessary to send Home a large remittance to England which closed on the 22nd September a further Imprest supply of £250,000 was asked for.

The Hon. Mr. HALL thought that, in justice to the Hon. the Colonial Secretary, it ought to be stated that during the afternoon, when the Hon. Colonel Whitmore was not present, it was stated as a reason for asking the Council to assemble in the evening that it was necessary to send Home a large sum by the mail which closed on the following day.

The Hon. Colonel WHITMORE said he was not aware of that.

The Hon. Mr. HALL said that, if he was not mistaken, the amount asked for by this Act was the same as was voted last year. The first Imprest last year was for half a million, and on the 22nd September a further Imprest supply of £250,000 was asked for.

The Hon. Dr. GRACE would take advantage of this opportunity to make a few remarks in reference to the opinion expressed by the Hon. Sir F. Dillon Bell, on the second reading of the Bill, to the effect that it was to be regretted that the Government thought it necessary to pledge itself in advance to another change in the colonial finance for the future. With the views which the honorable gentleman had expressed on this subject, it appeared to him that the honorable gentleman might have gone to a greater extent in the consideration of the question; because they found that not only had the Government pledged itself in advance, but practically the opinion entertained by all sides of the House in another place was in favour of a complete alteration in their mode of taxation. Under these circumstances, it appeared to him that it would have been competent for the honorable gentleman, in accordance with the custom which had previously obtained in the Council, to have sought to create public opinion by tabling a series of motions which would have opened up a discussion on the whole subject, and which might thus influence the country in a direction which he no doubt sought to see advanced. He was not at the present moment prepared to commit himself to an expression of any specific views on the subject. He concurred to this extent with the honorable member, that it was a pity that any Government, having submitted definite propositions, should feel it incumbent upon itself, apparently for the protection of its then position, to lay down the finance for the future, thus embarrassing its own financial policy and generally imperilling the finance of the country. But, if this were so, it was the more incumbent upon honorable members like the Hon. Sir F. Dillon Bell to raise the whole subject in the fullest manner, and to submit the entire question for the consideration of the colony. The incidence of taxation which would be thus enlarged upon was a subject pregnant with interest to all of them. The experience they had had of the subject up to the present time showed clearly that it was by no means one which was thoroughly understood, or the importance of which was sufficiently appreciated by the country. He would venture to suggest to the honorable gentleman that it would be well worth his while to open up the whole subject for the consideration of the Council, and thus seek to influence public opinion on the matter.

The Hon. Sir F. DILLON BELL would only
trouble the Council with a few words. It appeared to him that this second occasion on which they had been suddenly asked to concur with the other House in granting an imprest supply without the House of Representatives having exercised its constitutional function of determining what was to be the finance of the year, offered a fair opportunity to him to say that the Government were blamable for entering into any pledge before the country to change their whole system of finance, without taking any notice, apparently, of the necessity of having the matter discussed in the Council as well as in the other House; and to express a hope that it would not be long before the Council did express its opinion on that subject. They were entitled to comment upon the public acts of the other House of Parliament; and they knew that the other House had, with the sanction of the Government, declared its opinion that the Government was next year to bring down an income-tax, and therefore a finance based on a principle totally different from that which had hitherto regulated their finance. If the Legislative Council separated this session without declaring its opinion upon so serious a question, it would be considered by the country to have abdicated one of its highest functions.

The Hon. Colonel KENNY did not desire to be censorious, but he thought the Council would agree with him that, when the honorable gentleman representing the Ministry in that Chamber had any knowledge that a Bill of importance, requiring the suspension of the Standing Orders, was likely to come before the Council, it was becoming that he should inform honorable members upon the subject, or, if he did not take that course, that he should at least have placed himself in communication with the Speaker. Many of them were aware that at the morning sitting it was impossible to suspend the Standing Orders in consequence of the absence of many members who thought that no business of large importance was likely to come before the Council. The mail was going out to-morrow, and very serious consequences might have attended the lapse of this measure.

The Hon. Dr. POLLEN desired to explain that he had himself no knowledge that this Imprest Supply Bill might possibly come on to-day. If he had been guided by the rumours in the lobbies or by statements in a local paper that day, he might have entertained some doubts, in the event of the Bill coming to the Council, whether another honorable member instead of himself might not have had the duty of moving its second reading.

Bill read a third time.

The Council adjourned at five minutes to eight o'clock p.m.

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**HOUSE OF REPRESENTATIVES.**

Friday, 21st September, 1877.


Mr. SPEAKER took the chair at half-past two o'clock.

**PRAYERS.**

**FIRST READINGS.**

Mataura Reserves Bill, Education Reserves Bill, Land Drainage Bill, Dunedin Boys' and Girls' High School Bill, Rabbit Nuisance Bill.

**SECOND READING.**

Himatangi Crown Grants Bill.

**THIRD READINGS.**

Friendly Societies Bill, Industrial and Provident Societies Bill.

**WAIKATO LAND.**

Mr. HAMLIN asked the Government, If they will lay before this House copies of all papers and correspondence relating to the sale by the Provincial Government of Auckland, in the year 1874, of a block containing 6,000 acres of land adjoining the Awaroa and Waikato Rivers, and the subsequent refusal to complete the sale of a large proportion of the land sold, on the plea that the land was included in a Native reserve? In the year 1873 an Act was passed by the House which bound Volunteers who were in possession of scrip to exercise it in one year after the passing of the Act. The provincial authorities offered a block of 6,000 acres for selection or purchase, in consequence of which notice a number of Volunteers had exercised their scrip, and many of them had paid money besides to the Government. But prior to the issuing of their grants a surveyor was sent to survey the different sections, but the Natives would not allow the survey to proceed—indeed, they took his instruments and placed them in a waka, and sent the surveyor and all home. Up to the present time the men had had no redress whatever. The case, to his mind, was one of peculiar hardship. He was, however, anxious that all the papers and correspondence relating to the subject might be laid on the table of the House prior to moving further in the matter.

Mr. REID said that the Government had no objection to lay copies of the documents referred to on the table.

**PACIFIC ISLANDS.**

Sir G. GREY asked the Government, When a reply will be returned to a respectful address presented to His Excellency the Governor last session, requesting that he will cause to be laid before this House copies of all correspondence between the Governor of New Zealand and the Secretary of State for the Colonies, from the year 1846 to 1853, inclusive, relating to the annexa-
tion, or abandonment, of the Fiji Islands, the Friendly Islands, New Caledonia, or any other islands in the Pacific Ocean?

Mr. BOWEN replied that, on the address being presented last year, a search was made; but no papers relating to the subject were found. He would be glad if the honorable member for the Thames would indicate the dates of the correspondence, and then the Government would endeavour to obtain copies of any despatches he wished to have.

Sir G. GREY said he had been informed by the Private Secretary last year that all the documents could easily be obtained.

Mr. BOWEN said that his answer to the question was based on information supplied to him by the Private Secretary. If the honorable gentleman would give the assistance asked for, it would facilitate the search.

Sir G. GREY said that at present he had no means of referring to his books for the dates, but he understood that copies of the correspondence could easily be obtained.

Mr. BOWEN said the Government would endeavour to obtain copies of the correspondence.

AGENT-GENERAL.

Mr. GIBSON asked the Government, Whether they propose to continue the appointment of Sir Julius Vogel as Agent-General after the expiration of his period of engagement as defined in the letter of the Colonial Secretary to Sir Julius Vogel of 19th October, 1876—namely, "for one year certain from the date of your arrival in England"? That letter said,—

"You will observe that no definite time is assigned in the commission to the duration of the office. It is, however, understood, as expressed in my letter of the 6th ultimo, that, for the reason therein assigned, the appointment is only for one year certain from the date of your arrival in England."

It was a matter of considerable public interest to know whether the Government intended to continue the engagement of Sir Julius Vogel after the date specified. He asked the question standing in his name with the view of obtaining information on the subject.

Mr. WHITAKER said that no arrangements had been made in reference to the Agent-Generalship, but there was no intention on the part of the Government to continue the appointment of Sir Julius Vogel for any longer period than was absolutely necessary.

CUSTOMS DUTIES.

Mr. STEVENS asked the Commissioner of Customs, Whether he will lay before this House a return showing the results of every item of the ad valorem Customs duties for the past two years?

Mr. McLEAN said he had the return asked for now in his hand, and, with the permission of the House, he would lay it on the table.

SOUTH ISLAND NATIVES.

Mr. LUMSDEN asked the Government, If they will lay before this House a return showing the numbers of Native population in the several districts in the South Island, and the area of reserves set aside for Native purposes in these several districts? Several statements had been made in this House as to the way the Natives in the South Island had been treated in respect of their land claims: in fact, it had been broadly stated that they had not received a single acre of the land to which they were entitled. Some of the best lands in the South Island had been reserved for Native purposes, and it was very desirable that the House should know the exact state of affairs in respect to those reserves.

Mr. WAKEFIELD.—The honorable gentleman is introducing debatable matter.

Mr. SPEAKER.—I hope the honorable member will not introduce any debatable matter.

Mr. LUMSDEN.—I have already finished my remarks.

Mr. ORMOND said the Government would be happy to lay the return on the table as soon as possible.

AUCKLAND LUNATIC ASYLUM.

Mr. TOLE wished to ask the Government a question without notice, If they have received any particulars respecting the destruction by fire of the greater portion of the Auckland Lunatic Asylum, and the loss of life occasioned thereby? Also, if the statement is true, as reported in the newspaper telegrams, that the General Government allowed the policy of insurance on the building to lapse?

Mr. BOWEN replied that it was unfortunately the case that all but one wing of the Lunatic Asylum was burned down yesterday. One of the female patients lost her life. All the other patients were secured, and had been placed in the old Hospital and Immigration Barracks. Dr. Skene had been sent at once to Auckland to see what could be done in the matter. With regard to the question of the policy of insurance, there was a discussion in this House last year as to whether the Government should continue to insure the public buildings, and there was a general expression of opinion by the House that the Government should be their own insurers, and should not insure the public buildings. The insurances on the public buildings throughout the country were allowed to lapse. As honorable gentlemen were aware, there were now a large number of public buildings of all sorts in the hands of the Government, and it would not be worth while for the Government to pay insurance upon them.

DISQUALIFICATION.

Mr. PYKE rose to speak on a question of privilege. Some days ago an honorable member of the House handed to Mr. Speaker a letter intimating that he was disqualified from sitting in the House owing to an appointment he had held. Some days had elapsed before any action was taken in the matter, but it now appeared that a Committee was appointed "to inquire into and report upon the alleged disqualification to sit in this House of Martin Kennedy, the member for Grey Valley, and J. T. Fisher, the mem-
Mr. BOWEN moved the second reading of this Bill, and at the same time begged to lay on the table a statement of the amount expended since the commencement of the year. It would be seen that on the 17th, the date to which the accounts were made up, there was only a balance of £18,000 left, and £25,000 had to be sent Home at once for immigration purposes.

Bill read a second time.

Mr. BOWEN moved, as a matter of urgency, that Mr. Speaker leave the chair, in order that the House might go into Committee on the Bill.

Mr. BARFF would like to say that it would be advisable, especially in a case of urgency, at that period of the session, that the honorable gentleman who moved the second reading of the Bill should state the special object for which the money was required, more particularly as it was not many days since another imprest supply had been granted.

Mr. ROLLESTON must say, for his part, that he thought the course now pursued was one hardly known if known at all before in the history of the Parliament of New Zealand—namely, that a
third Imprest Supply should be asked for before any portion of the Estimates had been gone through, before a single Government measure of any importance had been passed, and before there had been any discussion on the question of finance. It might be said that the Government was not to blame, and that the House could have discussed the finances of the country if it had chosen to do so; but he contended that it was impossible for the House to do so, so long as honorable members had not the account of the provincial liabilities before them. In the absence of that account the House must be without knowledge of the nature of the services charged upon provincial liabilities before them. In the absence of any information that account, and, until they knew that, it was impossible really to understand the state of the finances of the country, or how far it was a matter of fact that current services had been placed on loan during the last year. It would be wrong to let this Bill pass without calling attention to the extraordinary circumstances of the case. The Bill no doubt was necessary, and it would be a very great inconvenience at the present time to delay payments that might be due. The Government made every effort to bring the business through, before a single Government measure had also had their measures prepared in ample time. They could not, therefore, hold themselves in any way responsible for the delay in discussing the finances of the country. He must remind the honorable gentlemen, when he spoke of this being an unprecedented course, that last year the first Imprest Supply Bill was for half a million, and the second for a quarter of a million. The present Bill was to grant a third quarter of a million for the current year. He had just laid on the table a statement of the amount already expended, and the honorable member would find that it was absolutely necessary, to carry out the services of the country, that the amount now asked for should be granted. Honorable members must be aware that the expenditure on the construction, maintenance, and management of the railways, which was very large, must be provided for. As he had said before, the supply was urgently required, because £25,000 had to be sent Home at once for immigration purposes. The amendment was consequently negatived, and the clause agreed to.

Mr. BOWEN said it was scarcely fair for the honorable member for Avon to throw upon the Government blame for there having been no discussion on finance. The Financial Statement was made by the Colonial Treasurer earlier in the session this year than he believed it had ever been made before in the history of the House. The Government made every effort to bring the business before the House as soon as possible, and had also had their measures prepared in ample time. They could not, therefore, hold themselves responsible for the delay in discussing the finances of the country. He must remind the honorable gentleman, when he spoke of this being an unprecedented course, that last year the first Imprest Supply Bill was for half a million, and the second for a quarter of a million. The present Bill was to grant a third quarter of a million for the current year. He had just laid on the table a statement of the amount already expended, and the honorable member would find that it was absolutely necessary, to carry out the services of the country, that the amount now asked for should be granted. Honorable members must be aware that the expenditure on the construction, maintenance, and management of the railways, which was very large, must be provided for. As he had said before, the supply was urgently required, because £25,000 had to be sent Home at once for immigration purposes. The amendment was consequently negatived, and the clause agreed to.

Mr. CARRINGTON moved the insertion of the following new clause:—"Notwithstanding anything contained in 'The Rating Act, 1876,' or in any amending Act, no rates shall be levied on any lands or buildings used for public school purposes."

Mr. DIGNAN moved, That the word "public" be omitted from the clause.

Question put, "That the word proposed to be omitted stand part of the clause;" upon which a division was called for, with the following result:

<table>
<thead>
<tr>
<th>Ayes</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>34</td>
</tr>
<tr>
<td>Majority for</td>
<td>14</td>
</tr>
</tbody>
</table>

Ayes.

Mr. Baigent, Mr. Reynolds,
Mr. Beatham, Mr. Richardson,
Mr. Bowens, Mr. Rolleston,
Mr. Burns, Mr. Rowe,
Mr. Carrington, Mr. Seymour,
Mr. Curtis, Mr. Shrimski,
Mr. Fox, Mr. Stafford,
Mr. Gibbs, Mr. Stevens,
Mr. Gidborne, Mr. Stout,
Mr. Hodgkinson, Mr. Sutton,
Captain Kenny, Mr. Swanson,
Mr. Larmach, Mr. Teschomaker,
Mr. Lumden, Mr. Thomson,
Mr. Lusk, Mr. Wakefield,
Mr. Macfarlane, Mr. Watson,
Mr. Manders, Mr. Whitaker,
Mr. McLean, Mr. Woolcock,
Mr. Montgomery, Tellers,
Mr. Murray-Aynsley, Mr. Kelly,
Mr. Reid, Mr. Seaton.

Noes.

Mr. Barff, Mr. Macandrew,
Mr. Bastings, Mr. Sheehan,
Mr. J. C. Brown, Dr. Walls,
Mr. De Lautour, Mr. W. Wood,
Sir G. Grey, Tellers,
Mr. Hislop, Mr. Dignan,
Mr. Joyce, Mr. Tole.

The amendment was consequently negatived, and the clause agreed to.

Mr. CARRINGTON moved the insertion of the following new clause:—"No school-teacher in charge of a public school shall be paid by the committee a less salary than £130 a year."

Question put, "That the clause be read a second time;" upon which a division was called for, with the following result:

<table>
<thead>
<tr>
<th>Ayes</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>13</td>
</tr>
<tr>
<td>Majority for</td>
<td>30</td>
</tr>
</tbody>
</table>

Ayes.

Mr. Baigent, Mr. Reynolds,
Mr. Beatham, Mr. Richardson,
Mr. Bowens, Mr. Rolleston,
Mr. Burns, Mr. Rowe,
Mr. Carrington, Mr. Seymour,
Mr. Curtis, Mr. Shrimski,
Mr. Fox, Mr. Stafford,
Mr. Gibbs, Mr. Stevens,
Mr. Gidborne, Mr. Stout,
Mr. Hodgkinson, Mr. Sutton,
Captain Kenny, Mr. Swanson,
Mr. Larmach, Mr. Teschomaker,
Mr. Lumden, Mr. Thomson,
Mr. Lusk, Mr. Wakefield,
Mr. Macfarlane, Mr. Watson,
Mr. Manders, Mr. Whitaker,
Mr. McLean, Mr. Woolcock,
Mr. Montgomery, Tellers,
Mr. Murray-Aynsley, Mr. Kelly,
Mr. Reid, Mr. Seaton.

Noes.

Mr. Barff, Mr. Macandrew,
Mr. Bastings, Mr. Sheehan,
Mr. J. C. Brown, Dr. Walls,
Mr. De Lautour, Mr. W. Wood,
Sir G. Grey, Tellers,
Mr. Hislop, Mr. Dignan,
Mr. Joyce, Mr. Tole.

The amendment was consequently negatived, and the clause agreed to.

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<tbody>
<tr>
<td>Noes</td>
<td>34</td>
</tr>
<tr>
<td>Majority against</td>
<td>14</td>
</tr>
</tbody>
</table>

Ayes.

Mr. Baigent, Mr. Rees,
Mr. J. C. Brown, Mr. Seaton,
Mr. De Lautour, Mr. Sheehan,
The clause was consequently negatived.

Progress was reported, and leave given to sit again.

**ADJOURNMENT.**

Mr. MACANDREW moved, That the House do now adjourn.

Question put, "That the House do now adjourn;" upon which a division was called for, with the following result:—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>24</td>
</tr>
</tbody>
</table>

Majority against... 9

The motion was consequently negatived.

DISTRICT RAILWAYS BILL.

Mr. ORMOND moved, That Mr. Speaker do now leave the chair, in order that the House may go into Committee on this Bill.

Mr. MACANDREW moved, as an amendment, That the word "Monday" be substituted for the word "now."

The amendment was negatived, and the House went into Committee on the Bill.

IN COMMITTEE.

Clause 6.—Copies to be deposited.

Mr. ORMOND moved, That the following words be omitted: "not being in a borough, as the Council of any county wholly or partially included therein may determine;" with a view to inserting the following words: "as the Governor may determine."

Question put, "That the words proposed to be left out stand part of the question;" upon which a division was called for, with the following result:—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>20</td>
</tr>
</tbody>
</table>

Majority against... 14

The words were consequently struck out.

Mr. PYKE moved, That the Chairman report progress, and ask leave to sit again.

Question put, "That progress be reported, and leave asked to sit again;" upon which a division was called for, with the following result:—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>26</td>
</tr>
</tbody>
</table>

Majority against... 15

The motion was consequently negatived.
Mr. Joyce, Mr. W. Wood. 
Mr. Macandrew, Mr. Pyke. 
Mr. Montgomery, Mr. Sheehan. 
Mr. Murray, Mr. Sheehan.

Mr. Baigent, Mr. Reynolds. 
Mr. Bastings, Mr. Richardson. 
Mr. Beetham, Mr. Rolleston. 
Mr. Bowen, Mr. Seaton. 
Mr. De Lautour, Mr. Stevens. 
Mr. Gibb, Mr. Stout. 
Mr. Giborne, Mr. Swanson. 
Mr. Harper, Mr. Whitaker. 
Mr. Hunter, Mr. Williams. 
Mr. Lumden, Mr. Woolcock. 
Mr. McLean, Mr. Murray-Aynsley. 
Mr. Ormond, Mr. Busns. 
Mr. Reid, Mr. Wason. 
Mr. Pyke

Mr. Baigent, Mr. Reynolds. 
Mr. Bastings, Mr. Richardson. 
Mr. Beetham, Mr. Rolleston. 
Mr. Bowen, Mr. Seaton. 
Mr. De Lautour, Mr. Stevens. 
Mr. Gibb, Mr. Stout. 
Mr. Giborne, Mr. Swanson. 
Mr. Harper, Mr. Whitaker. 
Mr. Hunter, Mr. Williams. 
Mr. Lumden, Mr. Woolcock. 
Mr. McLean, Mr. Murray-Aynsley. 
Mr. Ormond, Mr. Burns. 
Mr. Reid, Mr. Wason. 

The words were consequently inserted, and the clause was passed as amended.

Clause 12.—Company to apply to County Councils for approval of proposals.

Mr. ORMOND moved the insertion of the words "a notice," in lieu of the words "an application," which had been struck out.

Question put, "That the words proposed to be inserted be so inserted;" upon which a division was called for, with the following result:

Ayes ... ... ... ... ... 41 
Noes ... ... ... ... ... 12 

Majority for ... ... ... ... ... 29

Mr. Pyke

Mr. Ballance, Mr. Reid. 
Mr. Bastings, Mr. Reynolds. 
Mr. Beetham, Mr. Richardson. 
Mr. Bowen, Mr. Rolleston. 
Mr. Buny, Mr. Sharp. 
Mr. Burns, Mr. Stevens. 
Mr. Carrington, Mr. Stout.
Mr. Curtis, Mr. Fox, Mr. Gisborne, Mr. Hamlin, Mr. Harper, Mr. Hunter, Mr. Kelly, Captain Kenny, Mr. Larnach, Mr. Lumsden, Mr. Lusk, Mr. McLean, Mr. Montgomery, Mr. Ormond, Mr. Sutton, Mr. Swanson, Mr. Tawiti, Mr. T. Hechemaker, Mr. Thomson, Mr. Wakfield, Mr. Wason, Mr. Whiskaker, Mr. Williams, Mr. W. Wood, Mr. Woolcock.

Tellers.

Mr. Hodgkinson, Mr. Sheehan.

Mr. Baigent, Mr. Barff, Mr. J. C. Brown, Mr. Dignan, Sir R. Douglas, Sir G. Grey, Mr. Joyce, Mr. Sutton, Mr. Swanson, Mr. Tawiti, Dr. Wallis.

Tellers.

Mr. Macfarlane, Mr. Rowe.

Mr. SHEEHAN moved, as an amendment, That the words "Cook, East Taupo, West Taupo, and Kawhia" be added to the schedule.

Mr. BOWEN moved, That the word "Cook" be omitted from the proposed amendment.

Question put, "That the word proposed to be omitted stand part of the amendment;" upon which a division was called for, with the following result:

Ayes 29
Noes 29

Majority for 0

Mr. STOUR gave his casting vote in favour of retaining the word, in order to maintain the connection between the counties.

Mr. BOWEN'S amendment was consequently negatived, and Mr. SHEEHAN'S amendment agreed to.

Otago—"All that area in our Colony of New Zealand, being the Counties of Waitaki, Vincent, Maniototo, Waikouaiti, Taieri, Peninsula, Bruce, Tuapeka, and Clutha, as described in 'The Counties Act, 1876,' and including all boroughs therein."

Mr. THOMSON moved the omission of the words describing the district, in order to insert the following words: "All that area in the Provincial District of Otago that constituted the Province of Otago before the passing of 'The Otago and Southland Union Act, 1870,' excepting always the Counties of Lake and Fiord, but including that part of the Provincial District of Canterbury at present in the Counties of Waitaki and Vincent."

Question put, "That the words proposed to be omitted stand part of the schedule;" upon which a division was called for, with the following result:

Ayes 26
Noes 19

Majority for 7

Mr. BAIGENT, Mr. Barff, Mr. Burns, Mr. Carrington, Mr. Dignan, Mr. Fox, Mr. Gibbs, Mr. Hodgkinson, Mr. Johnston, Captain Kenny, Mr. Lumsden, Mr. McLean, Mr. Ormond, Mr. Sheehan.

Tellers.

Mr. Joyce, Mr. W. Wood.

Mr. Baigent, Mr. Barff, Mr. Bostings, Mr. J. C. Brown, Mr. De Lautour, Sir G. Grey, Mr. Lusk, Mr. Montgomery, Mr. Murray, Mr. Nahe, Mr. McLean, Mr. Ormond, Mr. Sheehan.

Tellers.

Mr. Reynolds, Mr. Bart, Mr. Bastings, Mr. shrimskie, Mr. Stout, Mr. Tawiti, Mr. Taiaroa, Mr. Travers.

Mr. Baigent, Mr. Barff, Mr. Lusk, Mr. Montgomery, Mr. Murray, Mr. Nahe, Mr. McLean, Mr. Ormond, Mr. Sheehan.

Tellers.

Mr. Reynolds, Mr. Bart, Mr. Bastings, Mr. shrimskie, Mr. Stout, Mr. Tawiti, Mr. Taiaroa, Mr. Travers.

Mr. Baigent, Mr. Barff, Mr. Bostings, Mr. J. C. Brown, Mr. De Lautour, Sir G. Grey, Mr. Lusk, Mr. Montgomery, Mr. Murray, Mr. Nahe, Mr. McLean, Mr. Ormond, Mr. Sheehan.

Tellers.

Mr. Reynolds, Mr. Bart, Mr. Bastings, Mr. shrimskie, Mr. Stout, Mr. Tawiti, Mr. Taiaroa, Mr. Travers.

The CHAIRMAN gave his casting vote in favour of retaining the word; in order to maintain the connection between the counties.

Mr. BOWEN'S amendment was consequently negatived, and Mr. SHEEHAN'S amendment agreed to.

Mr. STOUT moved, That after the word "Clutha" the following words be inserted—namely, "and Lake."

Question put, "That the words proposed to be inserted be so inserted;" upon which a division was called for, with the following result:

Ayes 29
Noes 29

Majority for 0
Ayes
Mr. Hislop, Mr. Seaton,
Mr. Lusk, Mr. Shrimski,
Mr. Macandrew, Mr. Thomson,
Mr. Montgomery, Mr. Tol.
Mr. Murray, Tellers.
Mr. Nahe, Mr. Bastings,
Mr. Reynolds, Mr. Stout.

Majority against ... 13

Atks.
Mr. Hislop, Mr. Lusk,
Mr. Macandrew, Mr. Montgomery,
Mr. Murray, Mr. Nahe,
Mr. Reynolds, Tellers.

Noes.
Mr. Baigent, Mr. Ormond,
Mr. Ballance, Mr. Reid,
Mr. Barff, Mr. Richardson,
Mr. Beetham, Mr. Rowe,
Mr. Bowen, Mr. Sutton,
Mr. Burns, Mr. Tawiti,
Mr. Carrington, Mr. Wason,
Mr. Dignan, Mr. Whitaker,
Mr. Fox, Mr. Williams,
Mr. Gibbs, Mr. W. Wood.
Captain Kenny, Tellers.
Mr. Lumsden, Mr. Hodgkinson,
Mr. McLean, Mr. Murray-Aynsley, Mr. Joyce.

The amendment was consequently negatived.

Mr. REYNOLDS moved, That the heading “Education District of Southland” be omitted, for the purpose of substituting the word “and,” with the view of embracing the Education District of Southland in that of Otago.

Question put, “That the words proposed to be omitted stand part of the schedule;” upon which a division was called for, with the following result:

Ayes 23
Mr. Baigent, Mr. Ballance,
Mr. Barff, Mr. Bowen,
Mr. Burns, Mr. Curtis,
Mr. Gibbs, Mr. Gisborne,
Mr. Hunter, Mr. Lumsden,
Mr. Macfarlane, Mr. McLean,
Mr. Murray-Aynsley, Mr. R. Douglas,
Mr. Ormond, Mr. Baigent,
Mr. Reid, Mr. Bowen,
Mr. Rowe, Mr. Curtis,
Mr. R. Douglas, Mr. Gibbs,
Mr. Hunter, Mr. Lumsden,
Mr. Johnstone, Mr. Macfarlane,
Mr. Murray, Mr. McLean,
Mr. Ormond, Mr. Murray-Aynsley,
Mr. Reid, Mr. Murray-Aynsley,
Mr. Reynolds, Mr. Ormond,
Mr. Bastings, Mr. Baigent,
Mr. Brown, Mr. Burns,
Mr. Dautour, Mr. Gisborne,
Mr. G. Grey, Mr. Hislop,
Mr. Hodgkinson, Mr. Lumsden,
Mr. Larnach, Mr. Macandrew,
Mr. Macfarlane, Mr. Murray-Aynsley,
Mr. Murray-Aynsley, Mr. Reid,
Mr. Ormond, Mr. Reynolds,
Mr. Bastings, Mr. Ormond.

Tellers.
Mr. Hodgkinson, Mr. Joyce,
Mr. Bastings, Mr. Ormond.

Majority for ... 12

Ayes.
Mr. Bastings, Mr. Barff,
Mr. De Lautour, Mr. Gisborne,
Mr. G. Grey, Mr. Hislop,
Mr. Hodgkinson, Mr. Lumsden,
Mr. Macfarlane, Mr. McLean,
Mr. Murray-Aynsley, Mr. Reid.
Mr. Seaton, Mr. J. C. Brown,
Mr. De Lautour, Mr. Hamlin,
Mr. Rolleston, Mr. Seaton.
Mr. Shrimski, Mr. Stout,
Mr. Thomson, Tellers.
Mr. Burns, Mr. Reynolds.

Majority for ... 3

Noes.
Mr. Baigent, Mr. Ballance,
Mr. Barff, Mr. Bowen,
Sir R. Douglas, Mr. Gibbs,
Mr. Hunter, Mr. Johnston,
Mr. Lumsden, Mr. McLean,
Mr. Ormond, Mr. Reid,
Mr. Rolleston, Mr. Seymour,
Mr. Travers, Dr. Wallis.
Mr. Bastings, Tellers.
Mr. Shrimski, Mr. Seaton.

Mr. Bastings’s amendment was consequently negatived.

Mr. Ormond's amendment passed, with the word “seven” substituted for “five.”

New clause.—Regulations, tolls, &c.

Mr. MONTGOMERY moved the addition of the following proviso: “Provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton per mile or otherwise, in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of railway under the same circumstances; and no reduction or advance in any tolls shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the railway.”

Mr. Stout
Question put, "That the words proposed to be inserted be so inserted;" upon which a division was called for, with the following result:

Ayes ... ... ... ... 15
Noes ... ... ... ... 25

Majority against ... ... ... ... 10

Ayes.
Mr. Baigent, Mr. Pyke,
Mr. Barff, Mr. Swanson,
Mr. Gisborne, Mr. Thomson,
Sir G. Grey, Mr. Travers,
Mr. Hanlin, Mr. W. Wood,
Mr. Hodgkinson, "Tellers",
Mr. Lumden, Mr. Montgomer,
Mr. Macandrew, Mr. Rolleston.

Noes.
Mr. Bastings, Mr. Reynolds,
Mr. Bowen, Mr. Richardson,
Mr. Burns, Mr. Seaton,
Mr. De Lautour, Mr. Serton,
Mr. Harper, Mr. Sutton,
Mr. Hunter, Mr. Techemaker,
Mr. Hursthouse, Mr. Wason,
Mr. Johnston, Mr. Whitaker,
Mr. Larnach, Mr. Williams,
Mr. Macfarlane, Mr. Woolcock,
Mr. McLean, "Tellers",
Mr. Ormond, Mr. Gibbs,
Mr. Reid, Mr. Murray-Aynsley.

The amendment was consequently negatived, and the clause agreed to.

Progress reported, and leave given to sit again.

SETTLEMENTS WORKS ADVANCES BILL.

Mr. Reid, in moving the second reading of this Bill, said it had been framed with a view to enable the Government to open up lands for settlement before they were put up for sale. In some localities lands put up for sale by the Crown were comparatively inaccessible, and it was thought desirable that before these lands were put up for sale they should be to some extent opened up by roads, so that those taking them up might be in a position to occupy them at once. Without such a measure as this, lands might be sold at a price much below their value, and they were moreover likely to be for a long time unoccupied. The sale of lands before roads were made was also likely to cause those lands to fall into the hands of speculators, while persons really wishing to settle upon them could not buy them because they could not get at them. The Bill was not at all a large one, and very small. It gave the Governor power to say what sum should be spent in making these lands available, and it enabled the Government to arrange with the local governing bodies—the County Council or the Road Board—to carry out the work. It also provided that a certain sum should be placed on the land, in addition to the upset price, which was to be repaid to the Treasury when the land was sold. It was therefore contemplated that the money once spent in this way should be recouped to the Treasury, and re-expended on similar objects from time to time.

Mr. Barff would like to know whether this Bill was intended to apply to the Jackson's Bay Settlement, because, if so, he had a few remarks to make with respect to it.

Mr. Reid said the Bill was not intended specially to apply to any part of the colony. He had not had the Jackson's Bay Settlement in his mind when preparing the Bill. It was intended to enable the Government to open any blocks of waste land for settlement which at present might be inaccessible.

Mr. Barff must then take it for granted that the Bill would apply to the Jackson's Bay Settlement. It was a remarkable fact that some time since he saw a telegram in a Westland paper—sent from Wellington—saying that an honorable gentleman on the Government benches, in placing papers on the table with respect to the Jackson's Bay Settlement, had stated that the Government were prepared to advance a further sum of £6,000 towards that settlement. As he (Mr. Barff) was in the House when those papers were laid on the table, and had not heard such a statement made, it seemed to him rather peculiar that such a statement should have been telegraphed. And now, when he asked a direct question whether this Bill was to apply to Jackson's Bay, he received what he must consider, with all due respect to the honorable gentleman, a fencing answer. He had been a resident on the West Coast from the commencement of settlement there, and he desired to state to the House that he had throughout been a strong opponent of these special settlements in very outlying and inaccessible districts. He believed that that system had been a mistake from the beginning, and considered that, wherever there was any money to be spent in opening up the country, it would be better to endeavour to improve accessible country before settlement commenced than to spend large sums of money in a reckless manner in forcing settlement where the ordinary capacity of the country did not offer fair facility for settlement, except with such outside aid as had been afforded in the case of the Jackson's Bay Settlement. The Jackson's Bay Settlement was no exception to the rule, for, as to the Karamea Settlement, honorable members were aware what a failure that had been. Jackson's Bay might be a very good place, but he thought an immense amount of money had been wasted there, and he was surprised to find, from papers received by the last mail from Hokitika, that the Colonial Secretary had, in reply to a request from the County Council, declined to appoint a Commission to inquire into all matters connected with the Jackson's Bay Settlement. He was not prepared to say there had been any maladministration of the funds voted by the colony for carrying on that settlement, but he knew that there was a great amount of dissatisfaction in the public mind, both with regard to the administration and with regard to the settlement itself. He had received scores of letters from settlers in Jackson's Bay, and they all proved that there were two sides to the question—that, while the Resident Agent and a few others...
asserted that the place was fit to grow silk and mulberries, many of the settlers declared that it was impossible to get boots for their feet or food for their mouths. Furthermore, many of the settlers were very deep in the Government books, and this further advance from the colonial funds was merely intended for the purpose of clearing off the debts which these men had incurred in getting food for their families. He did not believe that Jackson’s Bay would in our time be anything like a decided success. It was true there was some very good agricultural land in the vicinity of the Okuru River. He was personally well acquainted with the district, and he was therefore well aware that some of the land was of first-class quality; but such land was limited in quantity, and there was therefore room for only a comparatively small number of settlers. The rest of the land was not fit for cultivation. As to the large industries that had been mentioned as likely to be carried on at Jackson’s Bay, they were mere myths. It had been said that there was a good port, from which large quantities of timber might be exported at some future time; but he knew that some gentlemen had expended considerable sums of money, and had engaged persons to inspect the country, but they had been unable to discover any timber that would justify them in bringing a plant to the place. He did not wish to discourage the Government from giving aid to the settlement, because he felt that the settlers at Jack-on’s Bay had been induced to go down there under peculiar circumstances, and it would be almost inhumanity to deny further assistance. It would mean starvation. At the same time he thought, if the Government had as much information upon the subject as he had, they would take further time to consider both sides of the question. He regretted that they had, according to the West Coast papers, refused the request of the County Council of Westland that a Commission should be appointed to inquire into the whole case. He would not object to a small sum being expended to bring on the settlers for a short time farther, but he hoped the Government would, before expending any large amount of money, make themselves better acquainted with the prospects of the district than they evidently were at the present time. He would not say anything further on the matter, but it seemed to him that greater hopes had been held out in respect to this settlement than the circumstances of the case appeared to warrant.

Mr. REYNOLDS could not say that he was prepared to support the second reading of the Bill. He could not help calling to remembrance the number of Acts passed in previous sessions, under which advances had been made for specific purposes—advances which were to be repaid, but which never had been repaid and never would be. He had before him the Loan Allocation Act of 1869, and the Native Land Court Advances Act of 1869, by which the colony was induced annually to make advances to the Native Land Court with the full understanding that the moneys were to be repaid out of the fees to be charged in the Court. He would ask the honorable member in charge of this Bill how much of those advances had been repaid to the colony. He would also ask whether there was any probability of the money advanced under the Treasury bills authorized to be issued last session under the Financial Arrangements Act being repaid to the colony. Then there were other advances referred to by the honorable member for Hokitika, such as the advances made to the Jackson’s Bay and other special settlements; and there was not the least chance of a single penny of that money coming back to the colony. Then again, there was the loan of £50,000 to the Pumping Association, which had also been wiped off as a liability. He held in his hand a list of the advances made to one province in particular—namely, the Province of Taranaki. The land revenue of that province for the past year amounted to £8,410, and the cost of the administration of the Land Department amounted to £9,316, and yet, under cover of an Act of that House, a payment—an illegal payment, he might say—had been made to the Harbour Board of New Plymouth, which had received one-fourth of the gross land revenue of the province for the year. Then he found that there were grants in aid to the extent of £23,500 out of loan to pay the provincial liabilities, and out of Treasury bills a sum of £7,500 to make up deficiency of land revenue, notwithstanding the fact that one-fourth of the land revenue had been handed over to the Harbour Board. He believed that any advances made under this Bill would be treated in pretty nearly the same way. He felt thoroughly convinced that they would never be returned to the Treasury, and he would therefore very much prefer to see the House vote in the regular way any necessary sums for settlement works advances, because they would then know exactly what they were doing. He felt bound to oppose the second reading of the Bill.

Mr. MACANDREW sympathized very much with the remarks of the honorable member for Port Chalmers, because he could not help feeling that this system of advances was a great mistake. It gave a great deal too much power to the Government of the day, and enabled them to make advances in “the right quarter.” He had no objection to see money spent in opening up settlement, but it should be voted by the House for specific purposes, and the money required should be placed upon the Estimates. He would not oppose the Bill, but he did not like the complexion of it at the first blush. He felt very much inclined to agree with the honorable member for Port Chalmers.

Mr. GISBORNE thought it an inconvenient time, on the second reading of a Bill, to raise a question as to the merits or defects of any particular special settlement formed under the authority of the Assembly. He had not seen Jackson’s Bay, although it was part of the district he represented; but, from information he had received from eye-witnesses, who were in no way prejudiced, and on the authority of the admirable member in charge of this Bill how much of those advances had been repaid to the colony. He would also ask whether there was any probability of the money advanced under the Treasury bills authorized to be issued last session under the Financial Arrangements Act being repaid to the colony. Then there were other advances referred to by the honorable member for Hokitika, such as the advances made to the Jackson’s Bay and other special settlements; and there was not the least chance of a single penny of that money coming back to the colony. Then again, there was the loan of £50,000 to the Pumping Association, which had also been wiped off as a liability. He held in his hand a list of the advances made to one province in particular—namely, the Province of Taranaki. The land revenue of that province for the past year amounted to £8,410, and the cost of the administration of the Land Department amounted to £9,316, and yet, under cover of an Act of that House, a payment—an illegal payment, he might say—had been made to the Harbour Board of New Plymouth, which had received one-fourth of the gross land revenue of the province for the year. Then he found that there were grants in aid to the extent of £23,500 out of loan to pay the provincial liabilities, and out of Treasury bills a sum of £7,500 to make up deficiency of land revenue, notwithstanding the fact that one-fourth of the land revenue had been handed over to the Harbour Board. He believed that any advances made under this Bill would be treated in pretty nearly the same way. He felt thoroughly convinced that they would never be returned to the Treasury, and he would therefore very much prefer to see the House vote in the regular way any necessary sums for settlement works advances, because they would then know exactly what they were doing. He felt bound to oppose the second reading of the Bill.

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stand that this Bill was particularly applicable to special settlements. He understood its object to be that, where tracts of Crown land were inaccessible from want of roads or other facilities for settlement, the House should have the opportunity of voting such sums of money as might be required to meet the necessities of each case. 

Hon. MENDEN.—No, no.

Mr. GIBSON pointed to the 2nd clause, which said that, "Out of all moneys voted by the General Assembly there may from time to time be issued and applied advances of money for the purpose of constructing works to or in any blocks of land opened or to be opened for sale or occupation." A schedule of proposed works should be submitted for consideration, and the House could then decline to vote the money if it chose. They all knew that in many cases the want of facilities for entering upon Crown lands materially affected the value of those lands. In those cases the Government would be able to make roads, and the outlay would be recouped by the increased proceeds derivable from the enhanced value of the land. That was a reasonable proposition. He looked upon it as an encouragement to settlement and colonization, and he was therefore inclined to support the second reading of the Bill; but at the same time he did not wish to put a large lump sum into the hands of the General Government to be used just as they liked as an advance to any settlements or tracts of Crown lands. He would be prepared in Committee to consider any proposition that would restrict the Government in that direction. He was, however, bound to say that this Bill, with that change, would be a valuable aid to the progress of colonization in the country.

Mr. HODGKINSON would be compelled to vote against the second reading of the Bill unless the Minister for Lands gave the House some explanation of it. The honorable member for Port Chalmers made some extraordinary statements with regard to Taranaki, and it was impossible to vote for the second reading of the Bill if it led to such results as those pointed out by the honorable gentleman. He confessed that he had rather wondered at the glibness of the members for Taranaki to the Government, but possibly the House had now a solution of that matter. If that province was to be favoured in such a manner, it was very much in the position of a pocket borough; and that state of things was not at all desirable. With regard to the new settlements at Jackson's Bay and Martin's Bay, he always thought that the forming of such settlements was very impolitic; but, the people having been sent there, it would be very unfair to desert them, and some moderate aid should be afforded.

Mr. MANDERS would support the second reading of the Bill, reserving to himself the right to object in Committee to any proposals made with reference to the Jackson's Bay Settlement. He would also ask the Government in Committee to bring down a schedule of all sums they proposed to expend, and in what place and how they proposed to spend the money. He cordially endorsed the remark of the honorable member for Hokitika (Mr. Barff) that the settlement at Jackson's Bay had been forced into existence. It had been made a kind of pet settlement. A large amount of money had been spent upon it, and he was quite certain that the gentleman who had been very influential in establishing the settlement was anxious that some money should be spent there. He did not say that the present Government had themselves been the means of forcing that settlement; but what was wanted was that any further expenditure of money should be prevented, and that there should be no more pressure on the part of gentlemen coming from Hokitika in their own steamers. He was sure the influence brought to bear on the Government came from Hokitika, and he maintained that the expenditure on the settlement was an extravagant waste of the colonial revenues. Italians had been brought there; and soon, he supposed, they would have silk and cheese manufactories established for them. Saw-mills might be established there, but they would require to grow the trees first. Martin's Bay had been a pet settlement of Otago, but the Provincial Government had never followed out the project. They were asked to carry out special provisions made for Jackson's Bay, a place which had been established with an extraordinary amount of public money, partly obtained out of loan which would have to be borne by the taxpayers of the colony, while another place, with a greater amount of colonizing power and population, was neglected.

Mr. MONTGOMERY thought this was a very important Bill, giving the Governor very great power. He thought the honorable member for Totara had not noticed the 4th clause, which was as follows:

"The Governor, by Order in Council, shall determine what works, if any, shall be constructed under this Act, and shall fix the amount to be advanced and expended during the then current year in the construction of such works."

That did not mean a schedule of specific works and an amount of money to be voted for each work. It meant that a lump sum should be voted, and that the Governor should expend it during the year in any way he thought proper. He ventured to say there would be pressure put upon the Government to have certain works done in certain localities, and he could conceive no better means could be put in the hands of the Government to obtain support than this. He could not vote for the second reading if the Bill were to contain the principle that the Governor should have power to expend a lump sum of money, to be voted by the House, in any part of the country that the Governor or Minister for Lands thought proper. He should only vote for the Bill on condition that the Minister for Lands in his reply stated that he would bring down a schedule setting forth the works required to be done and the amount of money required for each work.

Mr. STOUT thought, if the Bill was read a second time, it was of so much importance that it should be referred to the Waste Lands Committee, and that, in the order of reference to the Committee, there should be such ample
power given as to allow of its considering the amendment given notice of by the honorable member for Clutha in connection with the Waste Lands Bill when that measure was under consideration of the Committee. The present Bill laid down the principle of repayment, and it was of very many to be opposed by the objections that might be raised against it; but, unless some stringent precautions were taken, he was afraid the repayment proposal would never bring in much to the colony. It would be very desirable to introduce the principle advocated by the honorable member for Clutha — namely, that a certain percentage out of all land sales should be devoted to the making of roads. That was a far better principle, and would be a greater encouragement to settlers to purchase land. By that means he believed they would also secure a better price for their land than they received at present. One need only look at the Waste Lands Bill to see the vast disparity between the prices of land in the various provincial districts, in some provinces the price being £2 an acre, and in others from 5s. to 15s. an acre. He looked upon this Bill as one of the first of many to be passed by the House as an admission — if further admission were wanted — that the county system had broken down. By this Bill the Government were attempting to do what the provinces did. The honorable member for Marsden added, "and what they failed to do." He supposed that, now that the honorable gentleman had got a county at Whangarei, he was quite satisfied. Everything in the Whangerei District no doubt worked smoothly; and, to use the words of an eminent member of the House, everything went "as merry as a marriage-bell." Other districts, however, were not so situated, and this Bill was an admission that the county system was a complete failure. The district which had clamoured most for the county system — Canterbury — had not adopted the Act, and had only one county. On the other hand, those districts that did not wish for the county system and were content with their Provincial Government had taken up the question of a local government. What did that show? That they previously had a system of local government there, and that those people who had clamoured for local government did not want it. The honorable member for Waiatepu said something about the Lake County. He (Mr. Stout) would like to know what the Lake County had done for Martin's Bay, for instance. The Lake County was a perfect farce, and one-fourth of the rates in it were expended in salaries. They had, he believed, engaged the services of the honorable gentleman as clerk, and also several other eminent men. He only wished the Government had laid on the table the votes of the different County Councils for road formation: they could then be compared with the votes of the Provincial Councils for the same works. The contrast would be very marked indeed. This Act merely meant that the Government were undertaking what the Provincial Governments used to do, and a new department was to be created. He did not see how they could oppose the Bill, because it was one of the first-fruits of Abolition, and if the Provincialists opposed it they would be accused of preventing Abolition from being carried to its proper end. Well, let them take that Bill; and he hoped that, when the Bill was taken, the people would see exactly what it was, and go back to the old system. He regretted that he had not said more. He agreed with another honorable gentleman who had spoken, and who had said that the Bill gave enormous powers to the Government. He felt sure that no British Ministry ever asked for such powers.

Mr. Wakefield would oppose the Bill. He considered that it was altogether unnecessary; and, if passed, it would be a breach of many engagements which the Government had entered into. The Government had referred the Waste Lands Bill to the Waste Lands Committee, and it followed that, having taken that course in regard to the Waste Lands Bill, they should also refer this to that Committee. The honorable member for Dunedin City (Mr. Stout) had said that the Provincial District of Canterbury had asked for the county system. There had never been any demand on the part of that provincial district for the county system. There had been a great many elections in Canterbury, but there never yet had been one word said in favour of counties. The honorable gentleman spoke as if he understood that province; but he would undertake to say that there was no part of the world which the honorable gentleman knew less about than Canterbury.

An Hon. Member. — Siberia?

Mr. Wakefield. — The honorable member might know something of general geography; he had no doubt that he knew more of even Siberia than of Canterbury. The county system was never once mentioned in any one electoral district in Canterbury during the late elections. In fact, the county system was never discussed in New Zealand until Sir Julius Vogel broached it when he met his constituents at Wanganui and brought forward this famous county system. During the whole of the elections not a single word was said about the county system — not in Canterbury, at any rate. He was a candidate for a seat in the House, and was returned by one vote on the simple question of Provincialism versus Abolition; but in his election he never referred to the county system. In the year 1866, he (Mr. Wakefield) occupied a subordinate position to the Hon. Mr. Stafford, and he assisted that honorable gentleman to prepare a Bill which proposed a county system; and he had told his constituents that, if ever there were a county system, the system proposed in that Bill might be the basis on which it would be formed; but he had never said a word to his constituents about the county system which was proposed by Sir Julius Vogel. The honorable member for Dunedin City had said that Canterbury clamoured for the county system; but it never did so, and the honorable gentleman had no right to say that such was the case. The honorable member would oppose the Bill for the reasons he had stated; and he was surprised that the Minister for Lands should have brought it down, when his other Bill — the Land Bill —
was hanging in the scales. In fact, he had reason to believe that it had been knocked to pieces by the Waste Lands Committee; and he was astonished to see the honorable member coming down with this Bill. He knew that the measure would, as he had said, oppose the Bill; and he hoped that both himself and his honorable friend the member for Dunedin City would go into the same lobby with equally good reasons for their opposition to it.

Mr. REES said that the honorable member for Dunedin City had stated that this Bill was one of the necessary consequences of Abolition, and he had further stated that there had been a desire expressed in Canterbury for the county system, which statement had been refuted by the honorable member for Geraldine. Whether the Bill was the result of Abolition or not mattered not to him. In his opinion it had been brought in owing to the desire of the Government to obtain votes. It practically said this: If there are any members who wish to have money spent in their districts, all they have to do is to give us their votes and they will get what they require. He never saw such a bid for votes before. The 4th section of the Act said this: “The Governor, by Order in Council, shall determine what works, if any, shall be constructed under this Act, and shall fix the amount to be advanced and expended during the then current year in the construction of such works.” It would work in this way: Suppose there was a member from Stewart’s Island in the House, all he would have to do would be to go to the Government and say he wanted a road made from one end of the island to the other. The Government would give him the money if he gave them his support. He held that public money should only be spent in those districts where works were absolutely required. He could understand, if it were necessary to have a harbour of refuge at Taranaki, that the Government should come and ask the House to spend the money necessary to construct this harbour of refuge. He could also understand the Government saying that roads were required in Auckland or Hawke’s Bay. He would have no objection to money being spent for such purposes. But this Bill did nothing of the sort. It simply said that the money might be expended in any way the Governor in Council thought fit; but everybody knew that the Governor had nothing whatever to do with it. It was the Ministry of the day who had the real power in the matter. The Bill was about the most barefaced thing he ever saw in his life. It was a Bill to provide for the expenditure of public money, which had to be borrowed, and which, as an honorable member near him suggested, would probably be raised by Treasury bills.

In England, a report had been circulated, by means of large and important periodicals, to the effect that last year the colony had a surplus of £148,000, which surplus everybody in the colony knew to be fallacious, and which, as soon as the House went into Committee of Supply, he would deal with. On going into Committee of Supply he would take the opportunity of reading a statement in connection with the subject which he had prepared, and which he intended to send to the Times, one of the leading English newspapers. This Bill provided simply that money should be spent in the purchase of votes. A Bill was brought down which said that the Governor in Council— which meant the Ministry of the day— should determine what works should be constructed. He supposed that, if his district wanted £5,000 to expend on public works, he could get it if he chose to go and interview Ministers, and promise them his support. He had no doubt he would be able to get the money if he showed, as he could show, that the works would be beneficial to the district, and promised to support the Government whenever he was required to do so. He hoped the House would throw out the Bill. He appealed to every honorable gentleman to think before he voted for it. If money were required for necessary public works, let it be obtained on a proper foundation. He had never asked for any favour for his district. He had never asked for or received a single penny of public money for expenditure in that district; and he had always advocated spending money in country districts where public works were required. He hoped the honorable member in the House not to vote for a Bill which was simply brought forward as a means for buying votes. Surely the Government could carry on without a thing like that. Had such a Bill ever been introduced into any Legislative Assembly in the world? It stood by itself. They had heard a great deal in the House, and they had seen it canvassed a good deal in the public papers, which to a certain extent were, of course, the exponents of public opinion, as to the state in which the House was getting by the use of strong language and accusations being made; but all the strong language that had been used in the House, and all the accusations that had been made, everything which had been said in the House of a recriminatory character between members on each side of the House, simply faded away into utter insignificance before a Bill like this—a Bill which meant that the Government were to indulge in the purchase of votes. A Bill was introduced which said that the Government in Council would determine what works should be constructed, and which he intended to send to the House, whether of a party character or of a character to gain an influence, an underhand influence, in the House. It was one of the very worst, if not the worst of all. He would ask honorable members to vote against this Bill, for it meant nothing which could possibly be of any use. If there was anything to be gained for the public benefit, for the wel-
fare of the people of New Zealand or even of the districts of the colony, he would support the Bill; but he saw nothing of the sort. He saw simply this: that the Governor in Council was to have the power to appropriate the public moneys as he chose. That was introducing a principle, he held, never before been introduced into the House, or into any Legislative Assembly; and the boast of the Commons of England, upon which the Representative Houses in the colonies were modelled, was that they had the power of the public purse. The purchases made in the days of Walpole of rotten boroughs were nothing to this. They did not then buy boroughs by the expenditure of public money, but by giving rank and title and office to private individuals—a thing which at once brought its own punishment, and gradually and surely worked its own destruction. But this was putting a poison into the body politic. It was introducing as a method of law which hitherto had been the subject not only of invective in the House, but of serious complaint throughout the country—the system of purchasing votes with public money. This Bill was an attempt to legalize that system, and to put it into law. He hoped, however, that the members of the House would not submit to anything of the sort; and even if honorable members had claims for their districts—there were many honorable gentlemen, representatives of different districts, which districts had claims on the public purse, districts that had been neglected, districts which had to stand by calmly and patiently and see the public money being spent on other well-favoured districts, while they, who had to pay their share of the taxes, had none of the expenditure—he would ask those honorable members not to give their assent to this Bill, because it was not an honest Bill. It was a Bill which simply provided, not by public auction, but by private sale, for the purchase of the votes of members of the House. He trusted that the Bill—which was called the Settlements Works Advances Bill, but which really meant a promise to lay down money in certain districts if certain votes were given—would be rejected. He did not believe there was a member of the House who would refuse to vote for what the Bill professed to aim at: that was the bond fide advance of public funds in order to have the result of the analyses of silver and nickel ores furnished in a compendious form for the information of those who took a special interest in the subject.

Motion made, and question proposed, "That there be laid upon the table a return showing all analyses of silver ores made at the Colonial Laboratory, in continuation of that laid upon the table last session; and a return showing all analyses of nickel ores made at the Colonial Laboratory since its institution."—(Hon. Mr. Mantell.)

The Hon. Mr. MILLER asked if the honorable gentleman would have any objection to add the word "copper." Some very interesting specimens of copper had been sent up from the South, the analyses of which was of considerable importance. There was no doubt there was very pure copper in some parts of Otago.

The Hon. Mr. MANTELL said it was of course for the honorable gentleman representing the Government to say whether or not he would accept the motion with the proposed addition. For his own part he was most desirous to have all the information possible on the subject.

The Hon. Dr. POLLEN had no objection to the Council obtaining any information on this

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very important subject which it was in the power of the Geological Department to convey. He was not aware whether any assay of copper ore had been made, but, if there had been, there would be no objection to furnish the result.

The Hon. Captain FRASER said there were some people in Otago who were under the delusion that they had payable copper ore there, and perhaps if the analyses were published they would get rid of that delusion.

The Hon. Mr. BONAR said an analysis had been made of some very valuable copper ore which was discovered at a convenient situation in the Sounds. It was a matter of great importance that as much publicity as possible should be given to the results of the researches which had been made in this matter. It would be of immense value to the colony if they were able to get minerals worked in anything like large quantities in what was at present an uninhabited district.

The Hon. Mr. MILLER stated that he had brought a specimen of ore from Otago which he believed contained 80 or 90 per cent. of copper. He had forgotten the particulars of the analysis, but it was said in the Laboratory to be a specimen of remarkably pure copper ore.

The Hon. Captain FRASER was perfectly certain there was no copper ore in the South richer than that at the Great Barrier Island, which formerly belonged to certain gentlemen at Auckland, who shipped to England a large quantity of copper ore at a considerable loss. There was no land carriage at the Great Barrier, the ore being shipped close to the mine.

The Hon. Mr. MANTELL said, as silver, nickel, and copper had been included in the resolution, it might perhaps be advisable to add gold; and he would ask the leave of the Council to withdraw his motion, in order that he might bring it forward in a more comprehensive shape on another occasion.

Motion by leave withdrawn.

LOTTERIES.

The Hon. Mr. HALL, in moving the motion standing in his name, said he had been induced to bring it forward from reading in the Canterbury papers a series of advertisements, of which the following was a specimen:

"Morton's No. 6 Grand Festival on the Canterbury Cup. — 1,000 Members at £1. — First horse, £400; second horse, £200; third horse, £100; non-starters (divided), £150; starters (dividend, £150—less 10 per cent. for expenses. Will be drawn as soon as full by a committee of the subscribers. — J. W. Morton, Treasurer."

This so-called "Grand Festival" advertisement was followed by others in the same strain, which offered prizes from £500 downwards. He imagined that, although called a "Grand Festival," it was nothing more than what used to be called a sweep, and sometimes an art-union, but which, in point of fact, was nothing more nor less than a public lottery—a lottery in which the public were invited to take shares which might entitle them to a prize of £500, £100, or some other sum. It was an admitted principle of their legislation that public lotteries were a species of gambling which were demoralizing, and which ought not to be tolerated in a well-ordered community; and the law was supposed to prohibit them. He had therefore been rather surprised to find the extent to which this system of lotteries now prevailed, and the public—he might say, barb-facéd—manner in which they were advertised. He could hardly suppose that the Government did not consider the law on the subject sufficient, because this year they had not brought forward the Bill dealing with lotteries which last session passed through the Council but lapsed in another place. He presumed that the matter had escaped the attention of the Government; and he hoped, therefore, to hear from the Colonial Secretary, that their attention having been called to it, they would take such steps, by giving instructions to the police throughout the country, as would put down a system which he believed, contrary to law, and which certainly, if allowed to extend as it threatened to do, would have a very demoralizing effect upon a very large portion of the community.

Motion made, and question proposed, "That it is desirable the attention of the Government should be directed to the lotteries which are advertised to be held in connection with horse races at various hotels in the colony."

The Hon. Mr. BONAR said that a year ago he brought this matter forward, and, in consequence of his doing so, the Lotteries Bill was introduced last year; and already this session the subject had been mentioned in the Council by his honorable friend Mr. Lahmann, with reference to a similar state of things on the West Coast, where the evil had extended to such a degree that some steps ought to be taken at once. Within a very few months something like £10,000 worth of lotteries or sweeps were going on; and they were confined to a very small area and a limited population. He was certain that it was not a good thing for the community to have such a state of things going on amongst them. Many people took shares in these lotteries—as was the case also at Home before they were stopped—when they could not afford to pay their just debts. People invested £10 or £20, which was not always their own money, in the hope of getting a rich prize. This was a subject which deserved careful consideration, with the view of putting the evil down. It was not confined to horse-racing, but extended in every direction. In the last papers from the West Coast he saw that horses and drays were put up as prizes at art-unions, and also buildings, ships, &c. — in fact, any article or thing which the owners desired to dispense of. This was not a good state of things. An undue value was placed upon the goods, and people went into the lotteries simply for the sake of speculation. He would support the motion.

The Hon. Dr. POLLEN said honorable gentlemen would remember that last session there was a Bill brought into the Council which, if it had been passed, would have had the effect of removing all doubt as to the power of the police to put a stop to these sweeps, the objectionable..."
character of which he was ready to admit; but, unfortunately, on that occasion the virtue of the Council took such a severe expression—including in one category of crime, so to say, the fair swindlers who did them out of their half-crowns at charitable or religious bazaars with those men who, in an instance not of less objectionable sweeps—that it was found impossible to proceed further with the Bill in the form in which it then was. He thought now, as he did then, that it was in the power of the police to put a stop to these sweeps; and it would be his duty to make inquiries and see whether that was really the case or not. He admitted the necessity of some action in this direction.

The Hon. Mr. ROBINSON did not think that, since he had had the honor of a seat in the Council, the attention of the Government had ever been drawn to a system more vicious or demoralizing than the one to which his honorable friend had just directed their attention. These sweeps, or lotteries, or art-unions were becoming an intolerable nuisance, and could be seen go where you will. The whole of the furniture in public-house bars besides the liquor, which in a great many instances was bad enough to poison people, comprised dice-boxes and dice. They would scarcely find a public-house counter without them. With regard to the lotteries, they were assuming such proportions that hotels, intended for the accommodation of people who were travelling, and for the comfortable residence of those who required to use them, were not available for that purpose while these sweeps were going on, and which extended over a long period during race-time. On those occasions these places became regular hells, and hells of the worst kind, for they demoralized the youths of the town. As had been observed by an honorable member, young men were inclined to spend money in these lotteries without at the time having the money in their pockets, being probably in expectation of winning some great prize, and thus recouping the outlay, and without taking into consideration what the consequences would be if they were unsuccessful, which of course was the case with ninety-nine out of a hundred. The publichouses at which these sweeps were held were literally crammed while they were going on, and it was almost impossible for any one to get into them. A short time ago he was down in Canterbury, and he called at an hotel that was recognized to be one of the best for general accommodation, and one to which people went with their families when they came to town. He wanted to see a gentleman from Timaru, who was to meet him there. He was shown into the commercial-room, and, on inquiring for the gentleman he wished to see, he was told that no such person was staying there. He went round to several other hotels, and at last, accidentally, met the person he was seeking, who at once took him back to the hotel at which he at first inquired; and it was then seen that his name was on the plate. The landlady said she "did not know," and they seemed to care nothing about customers of that kind, their attention being devoted to the bar and the sweep.

In the principal commercial-room in that house, although it was then early in the racing season, the walls were hung round with advertisements of art-unions for race-horses, a certain number of horses to be put up, each being assessed at a certain value, and the affair so arranged as to make it appear that each person would get a prize. He asked what the prize put upon one horse in the lottery was about three times the value of the whole lot. He hoped the Government would take some action in this matter, and that it would be in the power of the police to put a stop to such a pernicious system. He really could not tell what it would end in. They were going to great expense in police and gaols, and at the same time were sinking at a system which really found employment for them. For these reasons he hoped the law would be put in force, and that the police would be very vigilant in seeing that such a system was not allowed to continue any longer.

The Hon. Mr. MANTELL said it was sufficiently manifest, from the Colonial Secretary having introduced a Bill last session to deal more efficiently with these so-called art-unions and these racing sweeps, that it was held by the Government at that time that further legislation was necessary in order to effectually put a check upon them. From what the honorable gentleman now said, or from the fact of which he now reminded them, it appeared that their extreme virtue on that occasion was the cause of the rejection of the Bill in another place. He would venture to suggest to the honorable gentleman that he should introduce, and the Council should pass, a Bill which would not err on the side of extreme virtue, and, while including these sweeps and lotteries in the category of crimes on the Statute Book, should allow charitable and religious bodies to be the only bodies to be authorized to carry on this gambling for the future. He was willing, for his part, to abate the extreme virtue of last session to that extent; and he was quite sure that the Council would carry the measure, and it would be impossible for the other branch of the Legislature to decline to give it their sanction. Then it would remain to be seen how long the religious and charitable bodies would desire to enjoy this distinction. He thought it was evident that, while they had energetic Magistrates, the law as it stood at present could be enforced against these people; yet it was also evident that, with the average run of Magistrates, the law could not be enforced, not so much on account of any inherent defects of the law as on account of the desire of Magistrates to conciliate the people about them, and so forth. He would suggest that the Bill of last session should be introduced deprived of its extra-virtuous clauses.

The Hon. Mr. HALL was very glad to hear from the Colonial Secretary that he believed the present law was sufficient to put down those lotteries. If he understood the honorable gentleman rightly, he would take advice on the subject, and if necessary, would issue orders to the police. Perhaps he might allow the Council to see how long the religious and charitable bodies would be disposed to enjoy this distinction. He thought it was evident that, while they had energetic Magistrates, the law as it stood at present could be enforced against these people; yet it was also evident that, with the average run of Magistrates, the law could not be enforced, not so much on account of any inherent defects of the law as on account of the desire of Magistrates to conciliate the people about them, and so forth. He would suggest that the Bill of last session should be introduced deprived of its extra-virtuous clauses.
to pass over without an alteration of the law. Upon that point he would accept the suggestion of the Hon. Mr. Mantell, and would even accept a law leaving to the religious bodies a monopoly of the right of gambling, which his honorable friend the Colonial Secretary exerted himself to preserve for them last year, when he took under his wing those fair gamblers whom he had now referred to. He was quite willing to concede that point to his honorable friend, if he would make the law stringent in other respects. He hoped, however, that some action would be taken. The session would probably last for another month; so that there would be ample time, if the law was not in a satisfactory state, to amend it.

Motion agreed to.

AUCKLAND GRAMMAR SCHOOL SITE BILL.

ADJOURNED DEBATE.

The Hon. Colonel BRETT was authorized to state that the promoter of the Bill had no objection to withdraw clause 5.

The Hon. Mr. BONAR would urge upon the mover of the second reading of this Bill, as he did on a previous occasion, to consider whether it was wise for the Council to deal with a particular reserve when they knew that, in another place, there was a Bill dealing with the whole of those reserves. He apprehended that it was better that the whole question of those education reserves should be dealt with at one time. He therefore thought it would be better to postpone consideration of this Bill; and he would move, that the debate on the second reading be postponed for a fortnight.

The Hon. Dr. POLLEN made no objection to the postponement, as it would be well to know what would be the final determination in respect of those reserves. A fortnight, perhaps, was more than was required, and a postponement for a week might meet the case.

The Hon. Mr. BONAR did not object to the motion being altered for the postponement of the debate to that day week.

The Hon. Mr. HALL said that, as the Colonial Secretary had agreed to the postponement, he did not object. He only rose to point out that the Hon. Mr. Bonar was under a misapprehension as to the character of the Bill promised to be brought forward in another place. That Bill was to deal with reserves not specially appropriated. He apprehended it would not at all touch the kind of reserve proposed to be dealt with in this measure.

Debate adjourned.

The Council adjourned at five o'clock p.m.

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HOUSE OF REPRESENTATIVES.

Tuesday, 25th September, 1877.


Mr. Speaker took the chair at half-past two o'clock.

PRAYERS.

THIRD READING.

Provincial Laws Evidence Bill.

DISQUALIFICATION.

Mr. WHITAKER brought up the report of the Disqualification Committee, which was read as follows:—

"The Select Committee appointed to inquire into and report upon the alleged disqualification to sit in the House of Mr. J. T. Fisher, the member for Heathcote, have the honor to report—"

"That, having taken evidence in the matter of Mr. Fisher, member for Heathcote, and his alleged or supposed disqualification, they have agreed to the following resolutions:—"

1. That Mr. Fisher was appointed a member of the Board of Conservators of the South Waimakariri River District by the Superintendent of Canterbury in the year 1869.

2. That, by the 3rd and 4th sections of 'The Canterbury Rivers Act, 1870,' the Conservators of the said Board then existing were incorporated under that Act, and, until a certain resolution named in the 4th section was passed, the members of the Board of Conservators should be appointed and removable by the Superintendent as they then were.

3. That the members of such Board were entitled to be paid for their services such sum or sums of money out of the funds of the Board as the Provincial Council might from time to time by resolution determine.

4. That no such resolution, your Committee has been officially informed and believe, was ever passed since the passing of 'The Canterbury Rivers Act, 1870.'

5. That Mr. Fisher resigned his membership of the Board in May or June of this year.

6. That, even if the office of member of the Board of Conservatives under the Canterbury Rivers Act of 1870 is an office in contemplation of the 4th section of 'The Disqualification Act, 1876,' still no salary, fees, wages, allowance, or profit of any kind by law attached to the office.

7. That the Committee are therefore of opinion that Mr. Fisher is not disqualified.

8. That, as the Legislative Council has, in a similar case, come to a different conclusion from your Committee, and as some of the members of the Committee have doubts on the question, your Committee would recommend that a short Bill should be introduced to set those doubts at rest, and that such Bill should be treated as one of urgency.—FREDERICK WHITAKER, Chairman.

"Dated 25th September, 1877."
tioner were involved in the inquiry, and it was highly desirable that the question raised should be at rest as quickly as possible.

Mr. McLEAN said the Government had received the report of the Committee, but, as the inquiry was made at the instance of the Public Petitions Committee, the report and papers would be sent to them. He might say, however, that the report exonerated the medical officer and the matron of the Asylum from all the charges made against them by Mr. Butler. When returned from the Committee there would be no objection to laying the report on the table.

SAND-DRIFTS.

Mr. MACANDREW asked the Government, whether or not their attention has been called to the importance of taking steps towards checking the sand-drifts which are operating so injuriously upon various harbours throughout the colony; and if it is intended to take any action in the matter? He put the question on the Paper with the view of calling attention to a subject which was admitted to be of more importance than a great many others to which the House devoted its attention. Honourable members were doubtless aware that throughout New Zealand large tracts of public land had been and were being destroyed by drifting sand, and many of the harbours of the colony had been greatly injured from the same cause. Several very valuable reports upon the subject were to be found in the "Transactions of the New Zealand Institute." The subject had also engaged attention some years ago in the other branch of the Legislature. He would be glad to learn from the Government that their attention had been directed to the matter, and that some steps would be taken to remedy the evil.

Mr. McLEAN said the Government had received no communication from any quarter regarding these sand-drifts; but their attention had been called to the matter, and a number of grasses had been purchased this year in order to experiment at the Manukau Heads. He was not yet able to say what the result of that experiment had been; but, as the honourable gentleman had drawn the attention of the Government to the subject, they would take care that it was inquired into, and see what could be done in the matter.

AHIKOUKA BLOCK.

Mr. SHEEHAN asked the Premier, whether effect will now be given to the report of the Native Affairs Committee on the petition of Matisha Mokai in reference to the Ahikouka Block? The petition had been before the House for five years consecutively, and for the last three years the Native Affairs Committee had reported in favour of the petitioner, and had recommended the issue of the Crown grant for his land. The report of the Committee, which was much stronger on the last occasion, stated that there was no reason whatever for withholding the Crown grant. He hoped the honourable gentleman would answer the question in the affirmative.

Mr. ORMOND stated that, in consequence of pressure of business, he was not at that moment in a position to answer the honourable gentlemen, but would do so next day.

HAWKE'S BAY LAND PURCHASES.

Mr. WOOLCOCK asked the Government, if it is their intention, during the recess, by Commission or otherwise, to institute inquiries into the charges of malpractice made by certain honourable members of this House against certain Government Agents, in connection with the Hawke's Bay Native land-purchase question?

Mr. BOWEN said the question of appointing a Commission to inquire into the charges indicated by the question would occupy the attention of the Government.

DROWNED.

Mr. STAFFORD asked the Premier, whether the Government will lay before this House a return of the names of all persons who have been drowned in any river or stream in New Zealand from the 30th June, 1875, to the 30th June, 1877, giving the names of such river or stream: in continuation of a return ordered on the 16th September, 1875?

Mr. BOWEN said the return would be laid on the table as soon as possible.

TIMARU RAILWAY STATION.

Mr. STAFFORD asked the Minister for Public Works, when the Government will take steps to obviate the notorious danger and inconvenience to which persons are now subjected at the railway station at Timaru, owing to the manner in which the railway line has been constructed and the insufficiency of the accommodation at that station? He did not know whether the Government had been informed of the insufficient and peculiar nature of the accommodation at the Timaru Railway Station. For instance, there was a bend at the station, so that when the first two carriages were opposite the station-master's office he could not see the remainder of the train, and it was utterly impossible to see an approaching train. Then, again, all the goods warehouses were at the opposite side of the line, which necessitated constant crossing, and consequent danger to the officials and others having business there. The line should be straightened either by cutting the hill away or by reclaiming land from the sea.

Mr. ORMOND said the Government would take steps to inquire how the difficulty could best be met.

SETTLEMENTS WORKS ADVANCES BILL.

ADJOURNED DEBATE.

Mr. SHEEHAN intended to propose, as an amendment, that this Bill be read a second time that day six months; and he would explain the reasons which induced him to adopt that course. The two principal features of this Bill were these: First, that provision should be made for charging the expense of the works proposed to be carried out upon particular blocks of land where roads and works were to be carried out; secondly, to enable the Governor in Council to disburse sums of money in such a manner as he might think proper on such works. In the first
place, he failed to see the necessity or the justice of making the expenditure on these works a charge upon any particular block of land. There would hardly be any case where it would not be found that these roads and bridges would affect the value of other property besides the land proposed to be sold and upon which it was proposed to put a special tax to meet the expense. It was entirely a new principle. Why did they not adopt this principle before? Why was it not done twenty or thirty years ago? If they sold the land, the proceeds should become part of the land revenue of the provincial district, and should be available, like other revenues, for the purpose of making roads and bridges, and carrying on the work of government in that particular district; and there was no reason for making the cost a special charge upon any particular block. Instead of making those works a charge upon any particular block, they should affirm the principle that part of the proceeds of the land should return to the block for the purpose of carrying on necessary public works. He considered the Bill highly pernicious and objectionable, because it interfered with that simplicity which should characterize all their land laws. They did not want a number of special conditions attached to the sale of blocks of land. To his mind the Bill was also a blot upon any good system of finance. The land should be put up to sale by public auction irrespective of any conditions as to roads and bridges. He now came to the second principle of the Bill. He regarded the proposal to place a lump sum of money in the hands of Ministers, to be disbursed as they thought proper, as a most iniquitous and unconstitutional principle. It was the very worst outcome of the Vogelian policy that had been pursued by the Assembly during the last five years, and since he had been a member of it. There was no person in the House prepared to deny this statement: that, if they had now to begin to consider their Public Works policy, they should never leave such enormous powers in the hands of Ministers — they should never give to the Government the power of spending millions on millions upon indefinite work, and leave to the Ministry the power of settling where those works were to be carried out, without any information as to the cost, or the route, or the public benefit that would accrue from the construction of those railway works. The result had been that in various parts of the colony they had what were termed "political railways" constructed.

He made bold to say that under a different system —under the system which had been pursued in humber Legislatures than this House — where they would have required specific information as to the nature of the work, the details connected with it, its probable cost, and information of that kind, they would have had the greater portion of their public works carried out for one-half the money those works had already cost them. For some years past they had had an opportunity of noticing how this principle worked. They had year after year seen enormous sums of money spent in out-of-the-way places, and very frequently in districts in which there was not a very large amount of Government land. The expenditure, they had been told, was for the purpose of furnishing employment for the Native people, a plea under which very many expensive blunders had been committed. He remembered a case—that of a line of road made between Hawke's Bay and Wellington. A large sum of money was spent, and the road was made; and a few days afterwards the then Native Minister proposed to make another road. The engineer called his attention to the fact that the road which it was proposed to make ran parallel with that already in existence, connected the very same places, and was altogether unnecessary. The reply was an admission of the truth of all those arguments, but an intimation to the engineer that grave political considerations rendered the road a necessity. That was how roads had been made and bridges had been built in the past, under a system of irresponsibility; and in this connection he might mention that it was most interesting to look at the figures of the expenditure which had taken place in the four provinces of Auckland, Hawke's Bay, Taranaki, and Wellington. The contrast was exceedingly remarkable, whether instituted from the point of view of population, revenue, taxation, or any of the conditions which generally influenced the House in coming to a decision respecting the distribution of public money. Honorable members might depend upon it Hawke's Bay and Taranaki did not come out of the transactions badly. They had had a lion's share—several lions' shares, in fact. It might very well be accepted as a fact, as his honorable friend the member for Auckland City West (Dr. Wallis) had the previous day remarked, that Taranaki was the "little Benjamin" of the colony. And how had that come about? Simply because the provinces of Hawke's Bay and Taranaki had always managed to have a man in power for one of their representatives, to look out for a good share of the public expenditure; and that influence was still strong enough to see that those two sections of the colony would have their usual good luck under this Bill if it became law. The House had been told, when the subject of Abolition was before it, that roads and bridges were never again to be heard of in the House; but that promise had, as yet, scarcely been borne out. They were continually hearing of roads and bridges, and on the Order Paper he had frequently observed notices of motion respecting roads and bridges which had been familiar to him in the past as a Provincial Councillor. There were just as many demands for roads and bridges now as formerly; and, by the provisions of this Bill, it now seemed as if the Government were going to redeem the promise made by a late member —Sir Julius Vogel— that the House should hear nothing of roads and bridges in the future. The House was asked in this Bill to give the Government thousands of pounds with which to build bridges, never itself receiving any information as to the cost of the bridges, or as to how the money was spent. In lower assemblies than that House — in the old Provincial Councils — they would never accept such a principle as that of
handing over large sums of money to the Government of the day to be spent as it pleased. No vote could have been regarded more jealously in the Provincial Councils than that of contingencies, simply because it involved the handing over of a lump sum of money to the Government of the day, to be used in an unexplained manner and for undefined purposes. But that was what the House had been in the habit of doing—giving over large sums of money to spend as it pleased the party in power to spend them; and the House was now invited to extend the principle. In politics, as in other matters, kissing went by favour. There were two ways in which you might move Ministers. One was by a majority in the House; but they could also be moved by backstairs influence. Sir Julius Vogel had once told his (Mr. Sheehan's) constituents that they could not expect to have roads and bridges made for them, because he always voted against the Government; and no doubt, under such a Bill as this, that principle could be carried out to perfection. Those persons who gave the Government a large amount of support would get the largest amount of public works in their district. They were, to his mind, treading on very dangerous ground in the matter of this Bill for another reason. Year by year the House was giving up some portion of its own proper duties, rights, and privileges to the Governor in Council. Take the case of the Counties Act, for example, which was passed last year. There was one clause in that Act, which he believed had been proposed, or, rather, suggested, by the honorable member for Clive, that had turned out to be a most ingenious device. It absolutely overrode all the clauses in the Act, and gave to the Governor in Council all the powers which that House possessed. He contended that it was very improper of the House to abrogate its functions in that way. Several evils arose from it. In the first place, the House acquired the habit of doing its business without fair consideration. When a Bill came before them, honorable members, instead of studying it thoroughly, said, "Oh, we will stick a clause in it enabling the Governor in Council to do this, that, and the other, and we will get away soon." It enabled Ministers to avoid their real work. Any kind of measures were brought down, Ministers knowing they would get ample power, by means of general clauses giving power to make regulations, to enable them to make up for all their deficiencies. That was the most dangerous principle. Honorable members ought to require that a Bill should leave the House in such a shape that the Governor in Council should only have administrative powers in respect to it. The House ought to insist that before moneys were spent full particulars should be set out on the Estimates. Let the expenditure be scheduled, so that the House might have a control over it. Of course Ministers must have some discretionary power, and he had no doubt that any fair and reasonable departures from the Estimates would be accepted when explained. But the House ought to have an account of these works. He would ask, what had the Government been doing all the year, that a schedule of the required works had not been prepared? The Government had not only just come into office. They had had the whole of the recess, and yet the principal thing they seemed to have done was to prepare Bills, which were withdrawn as soon as introduced, or so altered, immediately the House began to consider them, as to be scarcely recognizable in a short time. The information he had alluded to should have been laid upon the table before this. He did not wish to take up the time of the House, for it appeared to him, the reasons he had given were sufficient for reading the Bill a second time that day six months; but he would again impress upon honorable members the danger of the House parting with its own powers and dispossessing itself of its own peculiar functions and handing them over to Ministers. If they were going to continue to give the Government in Council power to make laws and to indulge in uncontrolled expenditure, they might as well carry the things out to its logical result, and go "the whole hog at once," by passing a Bill to rest all duties and powers possessed by the House in the Governor in Council, and go away home. That seemed to him to be the outcome of the present system. And, in speaking in this way, let him not be misunderstood. He did not attack the motives of the honorable member who had charge of this Bill, nor was he necessarily to be held as imputing improper motives to other members of the Government; but human nature was human nature, and he was sure that the honorable gentleman who introduced the Bill, in his kindness of heart, would be quite unable to refuse the demands of a smiling genial supporter who happened to insist upon a road or a bridge being made for him. And, moreover, he knew very well that there were many members who would endeavour to force works out of a Government when it had a small or an uncertain majority. They all knew how these matters were arranged at a time when an important vote was coming on. He had had some experience in that respect under the old institutions, which, like his honorable friend the Minister for Lands, he remembered with respect, and he knew what it was to have a number of followers who were prepared to throw one over. The best way to manage such people was to use them as long as possible, and then throw them over when you had done with them. He had seen some instances of that sort even in this House. He had seen gentlemen following a Ministry up to a certain point, and then refusing to go any further, just as an important measure was about to come on. It was well to dangle a bunch of carrots before their nose until you were sufficiently strong to throw them overboard; but what he should like to see was a Government strong enough to refuse any requests at once: therefore he hoped the Bill would not be passed. The House ought to protect Ministers as much as possible from intimidation of such a nature as he had referred to. He had no desire to allude particularly to the present Ministry, but he must say he thought public men in office ought to be protected from their supporters. They ought to be in a position to tell their supporters, "We cannot do this; we
have no power; you must go to the House." There was only one other matter which he wished to refer to. It might be said, "If you throw out this Bill you are preventing the waste lands of the Crown being opened up." He denied that such would be the consequence of rejecting the Bill. Ministers should be able at once to give the House some information as to the particular sections of the country proposed to be opened up, and the probable cost of doing it; and he had no doubt whatever that, if that information were given, three-fourths of the House would be willing to give them reasonable control of money to open up those lands. He was not opposing the opening up of the country. He believed they had made a great mistake in the past in not having more thoroughly opened up the country. If they spent money in giving reasonable access to the land it would bring a much better price. In the past the land had been thrown away, simply because no money had been spent in opening it up and making it fit for settlement. He moved, That the Bill be read a second time that day six months.

Mr. STAFFORD said a great deal had fallen from the honorable member for Rodney with which he entirely concurred. He had always objected to the system of Orders in Council which had grown up of late years, and he should always object to any extension of the system; but at the same time it seemed to him that the honorable member for Rodney was somewhat inconsistent in some of his remarks. He (Mr. Stafford) had at once protested against the remark made by a late member of the House, Sir Julius Vogel, to the effect that the words "roads and bridges" should not be mentioned in the House, and he deprecated its being brought up session after session whenever anything was said on that subject. He protested against being at all bound by any such expression of opinion on the part of one member of the Assembly, and against any Government being bound by it. It should therefore not be adduced as a reason why the House should not take action in a particular direction. He hoped that the House would often hear of the necessity for carrying out such works as roads and bridges, and would not be deterred from taking any such action as it thought proper in regard to them by anything that might have been said by an honorable member in the past. There were, as was fairly stated by the honorable member for Rodney, two questions involved in this Bill. The one was whether advances should be made in order to open up country; and the other was whether those advances should be made in the shape of a lump sum, voted to the Governor in Council to distribute where he pleased. The first principle had his entire support, and to the second he was entirely opposed. He thought the direct object of any of these advances ought to be made known to Parliament beforehand. He was glad to hear from the honorable gentleman who had just spoken that great benefit would be obtained in two ways by these advances—one to the revenue of the country, and the other to the settlement of the country. He knew of many parts of the country where land had been sold for 5s., 6s., 7s., and up to 10s. an acre, and where, if roads had been formed and the land drained, it would have fetched as many pounds. The House heard a great deal last session about the Piako Swamp, and it was then stated that it was the duty of the Government, instead of selling that land in a large block, to have improved it and made it accessible by roads, and cut it up into small blocks. He was certain if that had been done the colony would have got as many pounds for the land as it had got shillings, to say nothing of the number of families that could have been settled on the land. The present Bill proposed something in the same direction. There were not only swamps that required to be reclaimed, and to have roads and bridges made through them, but there were large tracts of forest lands on which families could not settle through want of means of access. He might just instance the Seventy-Mile Bush, and the forest between Wanganui, Taranaki, and Mokau, into which people had no means of getting at present. There were many thousands of acres of land throughout the colony for which many families would be only too glad to pay a good price in order to become owners of it, if only that land were once opened up. Instead of this Bill being rejected altogether, he thought it was one that could be so altered and improved in Committee as to become a very valuable measure. He contended that the country should be opened up in advance of settlement. Let the House, then, make provision in that direction, and reject those clauses of the Bill which, in their present shape, enabled the Governor in Council to determine where the money was to be spent. The honorable member for Rodney, however, rather overstated the case in this respect, in saying that advances would be made as a matter of great favour. As he took it, the Bill was not intended to affect settled districts, but rather districts not settled, and where there was no one interest specially dominant over another. Besides, as the blocks of land to be opened were afterwards to be sold by auction, it was impossible to say what particular persons were to be benefited by the expenditure. It would depend upon the result of the sale by auction who were to become owners of the land. He therefore thought the House would be unwise in determining not to proceed further with the Bill. Let honorable members see whether it could not be so amended in Committee that they could agree to its being read a third time. He would vote for the second reading, reserving to himself the right to take further action with regard to it afterwards.

Mr. KELLY would support the second reading, because he considered that a measure of this kind was necessary in order to promote settlement throughout the country. This was a question that had been dealt with by the Waste Lands Board of Taranaki. There was a large quantity of forest land in that district which would be most valuable for settlement if it were opened up; but when the Provincial Government had proposed it, it was found that there was no money with which to carry out the work. When the Provincial
Government was in existence it opened up these lands by cutting roads through them a chain wide, and then the land was sold on the deferred-payment system. The Board now, however, found it impossible to put these lands up for sale on the deferred-payment system, because people could not possibly get on to the land to live on it. It was a question for the House now to consider seriously on whose shoulders the duties which the Provincial Governments carried out in former times should fall. Was it on the House itself or on the local bodies? The County Councils were utterly incapable of carrying out the duty, and therefore he thought the House should do so. There was no doubt the Bill was susceptible of alteration in the way of improvement; but that was no reason why the second reading should be rejected. In the Provincial Councils, when lands were offered for sale, the Government brought down proposals as to the mode in which the land should be opened up. Something of the same kind could be done by the General Assembly if the House recognized the colonizing duty imposed upon it. If the Government brought down year by year bills for the works there was no doubt the House would cheerfully vote them. That was the direction in which the Bill ought to go, and he held that, as a general principle, it was wrong to trust such large sums of money to the discretion of the Governor in Council. Holding these views, he would vote for the second reading, hoping that the Bill would be altered in Committee in the direction he suggested.

Mr. Rolleston said the question seemed to arise whether it was in order to bring in such Bills as this that the General Assembly had destroyed the provinces. He would like to know on what grounds the honorable member for New Plymouth supported the policy of Abolition: on what grounds the honorable member for Marsden supported that policy. Was it not that the people should have their own power of self-government? Was not the bait held out, in order to obtain support for that policy, that the people were to have real local governing bodies endowed with substantial revenues raised by themselves and expended by themselves? Was not that phrase, "substantial endowments," attributed, rightly or wrongly, to the honorable member for Timaru? And was it for this that the House was now to have such measures as this brought down to it, and to be asked to say, in effect, that the country was incapable of local self-government, and that the Governor in Council was to appropriate from day to day as he pleased the moneys of the people in opening up the country for local settlement? He hoped the country had not come to that state yet. He must say he was astounded at the assurance of a Government which so recently had Sir Julius Vogel at its head, in bringing down a Bill of this character. He never read anything that astounded him so much as this Bill, introduced as it was when the echo of the words of Sir Julius Vogel was still almost in their ears—a Bill absolutely reversing his policy. It showed the dreadful state to which Parliamentary government had got when a Government which had identified itself with the policy of Sir Julius Vogel, and had assisted in giving effect to it, brought down a measure of this character. Let him remind the House for one moment of what was said by Sir Julius Vogel last session:

"We purpose, then, to constitute districts—divorced from the towns, and not possessing powers of legislation, but endowed with clearly-defined duties, revenues, and authority to augment revenue. We shall call them counties; and we aim at separating them from road districts, towns, and colony in regard to their duties and finance. With the finance I have chiefly to do; and the essence of our plan is that the counties, the road districts, and the towns will not be able to pledge the credit of the colony, whilst their own credit and revenue will be sufficient to enable them to perform the work assigned to them."

Mr. O'Rorke, I dreaded doing away with the provinces because I thought we should have to sit here in judgment on local works, and that gradually we should find creeping upon us the demoralizing system of mutual compromise called by the Americans "log rolling," and by us avoided this difficulty. If our system be carried out, the name of any particular road or bridge—of any work, indeed, but the buildings for the Government services and the main railways of the country—should rarely be heard in this House: at least, not for purposes of supplication, though it might be as the subject for congratulation at the triumph of the form of local government that could give to the country the works it required without the necessity of Parliamentary intervention."

It appeared that Parliamentary intervention was to be done away with. What by? Not by insisting upon that local government which they had had so much preached to them; but by putting the whole power into the hands of the Governor in Council. He had never heard of anything more monstrous. He hoped, in the name of the counties themselves, which, certainly up to the present time, had been a failure, that the Government which had created them would not do such a wrong as to insist upon a measure which must utterly destroy them. If this Bill passed there would certainly be an end of the form of local government which had been known as the county system. He was indeed surprised to hear the honorable member for Timaru say he would assist in passing a Bill the principle of which was decided to destroy that form of local government which the honorable gentleman had so strongly advocated. The House had already heard, in the discussion on the construction of main roads, that the counties were unable to perform those duties; and there was now on the Order Paper a resolution containing a statement which was not contravened even by the most earnest advocates of the abolition of the provinces—a statement in these words: It bring now established that the counties are unable to make provision for the construction and maintenance of the main arterial roads of the colony."

This Bill was, to his mind, one of the most complete reversals of the policy of local government...
that it was possible to conceive. It was making a perfect farce of the whole thing, if Ministers now sitting on the Treasury benches were to bring down Bills directly controverting the policy for which they voted last session. He would vote for the amendment, That the Bill be read a second time that day six months.

Mr. Reid was not going to follow the honorable gentleman who last addressed the House with reference to the action of Parliament in abolishing the provinces. That was a question in respect to which probably his (Mr. Reid's) opinion might quite as strong as that of the honorable gentleman; but he thought he took a far wiser and more politic view of matters than the honorable gentleman when he endeavoured to meet the altered circumstances that now existed in consequence of the abolition of the provinces. The provinces were things of the past; but, if the honorable gentleman thought it was not so, and if Parliament desired to see them reinstated, the more statesmanlike way, and that which would enable the House to come to a decision, would be to bring forward a resolution declaring that Parliament would retrace its steps in that direction. But, until the honorable gentleman and those who agreed with him took that course, he thought it was only a waste of time to harangue the House about what had occurred in consequence of the abolition of the provinces. He was not prepared to say that before the abolition of the provinces such works as these were carried out as they should be. As to the statement of the honorable member for Rodney, he (Mr. Reid) had also had some little experience of the provincial system, and he was in a position to say that these works were comparatively uncared-for, for the simple reason that the people were sufficiently anxious to make provision for the construction and maintenance of roads in their own immediate localities; whereas, in the case of Crown lands, no roads were made through them at all, because members of the Councils were naturally anxious to get the money spent in opening roads to their constituents. That was the effect of the provincial system. There were many thoroughfares opened up which to some extent led to the sale of waste lands; but he could not remember one single instance where roads were opened up with the view of rendering lands available for sale. The honorable member for Avon had spoken somewhat warmly and strongly upon the provisions of the Bill, and many other speeches were delivered on the previous evening, but none of them were remarkable for any great amount of argument. The only one which he had heard which contained any argument was that of the honorable member for Rodney, who gave some very good reasons why he opposed the Bill; but there was one speech, that of the honorable member for Auckland City East, which he regretted to hear delivered in that House. He was sorry that some of the honorable member's expressions were allowed to pass without remonstrance. For instance, the honorable gentleman said that this Bill was brought in with the simple object of buying the votes of honorable members.

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If the roads were not formed under such authority as given in this Bill, they would have to wait till the Assembly met before they would be able to proceed, and so the lands would be tied up for an indefinite period. These were the reasons which induced the Government to ask the House to give them power to determine when and where these sums were to be expended. The power that was asked was great, but the sum to be expended was not so very great. The total sum to be spent in this way would be £50,000, a vote that would recoup itself from time to time, it being a first charge on the sales of land in the different localities. Then there was another difficulty in the way of the House dealing with the matter by means of Assembly appropriation in schedule. If the principle of the honorable member for Rodney was to be adhered to—if they proceeded to appropriate the moneys before the lands were opened up—they would require at the same time to reserve the land from sale, and it would be reserved for a long time from the market; whereas, if it were left in the hands of the Government, the roads might be made immediately after the line of road had been surveyed. He did not know that anything he could say further would induce honorable members to vote for the second reading of the Bill, but he must say that it was unfair that in discussing matters of this sort they should always have the question of Provincialism brought up.

Mr. Rolleston.—Oh. Mr. Reid—Oh. Mr. Rolleston—Oh. The honorable member might say "Oh!," but he (Mr. Reid) failed to see what advantage was to be gained by these continual references to the past. If the honorable gentleman believed it was of use, instead of continually referring to it, he ought to have the courage of his opinions and bring forward a resolution to test the feeling of the House in regard to it. If it were put in such a shape as that it could possibly lead to any good result he would not object; but provincialism was a thing of the past, and could not have any effect upon present legislation. As would be seen by reference to the Bill, the moneys were virtually to be voted upon the recommendation of the Minister, but, if honorable members were aware of localities where these moneys could be spent with advantage, it was quite in the power of the House to determine that a portion of the money should be spent in those localities; but it would be unwise to hamper the hands of the Government entirely in this matter. It would be better to leave in the hands of the Government sums to be voted as circumstances might require. Of course the Government would be responsible to the House for the expenditure of those votes; but, if the House could not intrust the Government with the distribution of so small a vote to be applied throughout the colony in the opening up of lands which were present inaccessible, the better solution would be to put in power a Government to whom such works could be intrusted.

Mr. Rees proposed to answer the remarks of the Minister for Lands by reading a speech of his (Mr. Reid's) delivered last session on this very question.

Mr. Reid—Mr. Rees would read some extracts from the speech. The honorable member spoke to-day with simulating purity of intention (Mr. Rees) said on the previous evening about the Bill being a means to buy up votes. This was what the honorable gentleman himself said last session:—

"I cannot believe that we shall get the best men to take seats on these County Boards. I think that these Boards will become such an intolerable burden to those who are to deal with them that they will be left, perhaps, to people who should not be allowed to have anything to do with them. I believe that the best people will in many instances abstain from having anything to do with them. Our system would, I think, do away with the log-rolling and trafficking for support, the promising of this, that, and the other, when the time comes that votes are valuable.

What did that mean? Was not that a distinct statement that the very thing he (Mr. Rees) wanted had happened—the buying up of votes—would be the outcome of this central system of government? Most decidedly it was. And yet the honorable gentleman blamed him for making such a statement.

Mr. Reid.—Read the context.

Mr. Rees said that was just what he intended to do, and he thought the context would show what little reason the honorable gentleman had for affecting to place himself on a pedestal of purity. The speech went on to say, "I do not say that anything of the sort will happen in regard to this Ministry, and I am speaking of the Parliament of the future." The honorable gentleman himself was such a virtuous character, and his colleagues were such virtuous characters, that it was not likely to happen to them. Of course not. It was to happen to their children. He detected this sham hypocrisy. What he wanted was the truth, and when the honorable member went over to the Government benches he displayed the real features that were behind the mask. And now, did the honorable gentleman want to hark back from what he had said? It would seem, from what he said, that he did.

Mr. Reid really ought to remember what he said in the days when people believed in his sincerity, when he did not occupy the unfortunate position he now occupied—a position which had done more to shake the confidence of the people in their public men than anything that had happened during the last five years. He believed that the people of Otago—he knew that the people of Auckland—looked upon that gentleman's going over to the Ministry with the greatest dissatisfaction: in fact, they hardly knew now in whom to place any dependence or trust. And then the honorable gentleman, who wanted more of context, went on to say, "If we leave all these things to be dealt with by this House, we shall most assuredly lower the tone of the House until it reaches that depth that nobody will desire to be a member of it." What did that mean? Would the honorable gentleman recall what he said ten months ago?
Mr. REID.—No.
Mr. REES.—No. The honorable gentleman, having listened to the Siren song which took him over from the Opposition to the Government side of the House, was vacillating between Scylla and Charybdis. He was like Mahomet's coffin, hanging between heaven and earth; and that was the position he would occupy in days to come. Then the honorable gentleman went on to say, "We hear what goes on in Victoria, and we may come to the same level." He (Mr. Rees) did not think it would be long before the honorable gentleman came to that level, and perhaps even a lower one still. The honorable gentleman, in his speech last year, further said,—

"But this spirit of localism—this conversion of Parliament into an assemblage of men convened merely to represent the grasping covetousness, the unscrupulous desires of their respective districts, and to engage shamelessly in the national scramble for plunder from the Treasury—this strikes at the root of all political honesty and independence, and, as it begins in greed, it ends in degradation and corruption."

Those were the honorable gentleman's words last year. But he was not then a member of the Ministry. At that time he did not want the Ministry to have uncontrolled power over £50,000. He said they might be brought to the level he had referred to—by doing what? Why, by doing exactly what he was now asking them to do—namely, to allow the Ministry to have the uncontrolled expenditure of public money. He (Mr. Rees) thought that the best name for this Bill would be "The Members Corruption Bill." The honorable gentleman might argue that the Government was a just Government, and that it wished to do good to the various districts of the colony; but it would hardly be said that the bringing in of such a Bill was not Parliamentary bribery. He had heard a great deal, both inside and outside of the House, about the recriminations which took place in this House, which mainly indeed were caused by the members of the Government; and the honorable gentleman got up and deprecated the continual personal references. He (Mr. Rees) himself had never deprecated these personal references, and anything he had said he was prepared to substantiate; but he deprecated the circulation of slanders when there was no foundation for such slanders. He would always be happy to apologize for anything he might say when it had been shown that he was in the wrong. If wrongs existed it was only right that they should be brought to light, or there would be no safety in a deliberative Assembly like that. Ministers had always refused to allow any investigation to be made into those matters when they were brought up. The Minister for Lands might try to pass it off with a laugh, but he (Mr. Rees) knew why he did so. It was because he felt that the position which he now occupied was contemptible. It was easy to tell from the outside how the works were going on within; and anybody who marked the demeanour of the honorable member for the Taiieri could see that, instead of the smile with which that honorable gentleman used to enter the House, he now entered with a step which was heavy with regret. It was a laboured effort on his part to put on a pleasant exterior. If the honorable gentleman would take his advice—and he believed he was a far truer friend than any of those with whom the honorable gentleman was connected, although he did sometime attack him—and the advice of those who knew him before he (Mr. Rees) ever heard his name, he would change his position; and, if he did not accept that advice, there was little doubt that before long his position would be changed for him. He was surprised to hear the honorable member for Timaru say he would support the Bill, but he was not at all surprised to hear the honorable member for New Plymouth say so. But they all knew that the members for Taranaki were not elected because they were possessed of great intellect or learning, or because their political life had been brilliant, but simply because they knew best how to go round the corners and get Government money for expenditure in their province. Of course, in making these remarks, he excepted the honorable member for Grey and Bell (Mr. Carrington). He believed that in Taranaki, at the present time, so cordially were the members of the present Ministry hated that, if the honorable member for New Plymouth were to turn round now and change his views, he might be supported by the people of his district at the next election.

Mr. KELLY said he would be happy to resign his seat if the honorable member for Auckland City East thought he could get it.

Mr. REES did not want the honorable gentleman's seat. It was, however, a fact that the feeling in Taranaki was such as he had described. The honorable member for Taiieri and the honorable member for Marsden had set up a false standard of Parliamentary purity. Why, the honorable member for Marsden was continually trying to get what he could for his district.

Sir R. DOUGLAS asked Mr. Speaker to say whether it was right for an honorable member to assert that another honorable gentleman was continually trying to get what he could for his district.

Mr. SPEAKER did not think it was right for an honorable member to do so. He did not think that any good would result from such a course. Such a statement was calculated to give offence to the honorable member who was referred to, and in his opinion it could only lead to recriminations.

Mr. REES would of course bow to Mr. Speaker's ruling, but he would relate what took place in the English House of Commons while a certain subject was under consideration. A member of the Government asked a leading member of the Opposition how it was that the Government had earned the bad opinion of the nation, and the reply was, "By their continued treachery and deceit." He did not know of any Legislative Assembly in the world in which words of harsher import had not been used than those which he had used that day.

Mr. SPEAKER said that the case referred to by the honorable gentleman, and that to which
the honorable member for Marsden had drawn his attention, were not analogous. The case which occurred in the House of Commons was quite different. One of the cases which was stated in the strongest Parliamentary language, had been made on the Government by a member on the opposite side; but, while such was to be deprecated, it was quite consistent with Parliamentary debate. The two cases were altogether different. It was quite a different thing when the Speaker's attention was drawn to the fact that one honorable member had declared that another was seeking to get all he could for his own district—all the difference, in fact, which there was between a general and a specific charge.

Mr. REES would submit to Mr. Speaker's ruling, but he would speak generally, and say that the Ministry were simply supported by their friends for the sake of what they could get. He heard honorable gentlemen say "No!" but had they heard what had been said in the lobbies, and outside the House, and in the newspapers? They had been told that the Ministry were simply supported by their friends for the sake of what they could get. He had not heard any arguments from him in relation to this Bill. The argument he (Mr. Rees) had adduced was to his mind a forcible argument against the conduct of the Government in this position: that their supporters could say to them, "You have got money for the purpose of opening up Government lands, would the people or the House deny it to them? Not at all; the House would willingly grant the money. Let the honorable member bring down a statement of the money required and of the objects for which it was wanted. Let him say, "We want £25,000 for opening up this block of land, £10,000 for opening up another block, and £15,000 for opening up another block," and the House would be glad to assist them; but he (Mr. Rees) hoped that the House would not hand over to the Government £50,000 to spend it just as they liked. That would be placing absolute power in the hands of the Ministry. Instead of being the administrators of the affairs of the country they would be making them the rulers of it. He apprehended the system of responsible government would run adrift if that were allowed. That was not the intention of responsible government at all. As he took it, the Ministry were permitted to administer the will of this House and the other branch of the Legislature so long as they had the confidence of this House especially. They were placed in that position strictly for the purpose of directing the affairs of the country. They were not to have the finances of the country handed over to them to do as they liked with them. He therefore hoped the Bill would be read a second time that day six months, and not at once. The honorable member said he had not heard any arguments from him in relation to this Bill. The argument he (Mr. Rees) had adduced was to his mind a forcible argument. It was this: that the principle of handing this money over to the Government for expenditure, without the House having any control over it, was a wrong principle. As it was well put by the honorable member for Bodney, it was placing the Government in this position: that their supporters could say to them, "You have got the uncontrolled expenditure of this money: if you do not help us, we will turn you out of office." What happened a few weeks ago? If
the Government had accepted the amendment of
the honorable member for Rangitikei (Mr. Bal-
lamore), and that Bill they would have been
turned out of office by these two supporters
He (Mr. Rees) made a statement to that effect
in the House, and the Government did not deny
it. Honorable members said "Hear, hear!",
and Ministers were afraid to contradict the
statement; they knew it to be true. Any Govern-
ment with self-respect would have said, "If that
is the price of your support, you may take it
away; if we cannot remain in office without
sacrificing every atom of self-respect, we will go
out of office." But no; they still clung to their
seats, and endeavoured to get every power placed
in their hands. They introduced this and other
such Bills in order to keep themselves in power
if they possibly could, without any regard to
what was for the good of the country. They were
not able even to carry on the work of the coun-
y up to the present time. On the Order Paper
there were a hundred Bills and Orders of the
day to get through, in addition to forty or fifty
notices of motion. They had been ten weeks in
session, and there was not a single thing done,
nor was there the possibility of anything being
done. An honorable member said he (Mr. Rees)
talked too much. All this session had been taken
up with Government business. The Government
had taken three days of the week, and, although
they had been sitting from half-past two o'clock
in the afternoon until half-past seven in the
morning, nothing had been done. The
Ministry were not fit to conduct the legislation,
and they should give place to men who could
take up anything that had been said against
the Ministry, that the House would refuse to
read this Bill a second time at once. If the
Government would bring down a well-considered
scheme—if they would ascertain the definite
objects for which the money was required—the
House would no doubt willingly vote for grant-
ing the amount. He trusted that, under the
present circumstances, the House would resolve
only to read this Bill a second time long after
the session of Parliament had closed.
Mr. DE LAUTOUR did not think it would
seriously embarrass the Government if this Bill
were rejected, but he did think that it would
embarrass the country if some Bill of this kind
were not passed. He could not at all agree in
the strong denunciations which had been hurled
at this Bill and at the Government. He was
quite ready himself in his small way to hurl
denunciations at the Government; but, if they got
a good measure from the Ministry—he did not
care who they were—they should try and pass it.
That was what he rejoiced the Government
were not passing; that in this Bill they had rejected
one Bill to day; he thought it might be taken as
having finally left this House. He alluded to the
District Railways Bill. Although the Bill now
under consideration was a much smaller measure,
it was still necessary for the country. Of course
it was all very well to say that very large powers
were given to the Governor in Council. He
thought if the question were looked into they
would find that they must lodge some power of a
large nature somewhere. The honorable mem-
ber for Auckland City East very plausibly stated
that he would support a well-considered scheme
for the expenditure of the money if brought
down; but how could any Ministry tell what
lands the Waste Lands Boards were to open up
during the year? It was entirely in the discretion
of the Waste Lands Boards what hundreds or
what blocks of land they would open up. The
rejection of this Bill or that would mean noth-
ing to the Ministry, that the House would refuseto
think that they talked too much about their
self-respect: that would be the gauge of the
Ministry's position. He hoped, in view of the great
trust
of the waste lands, that the House would refuseto
think that they talked too much about their
self-respect; they knew it to be true. Any Govern-
ment with the force of law, the less honor
they would have to protect. He thought the
time would come when the majority of members
returned to this House would consider that their
honor should be above suspicion. If it was the
case, as one was led to imagine, that so many
members were willing to do all sorts of grievous
wrongs, he would say that that time would
cure itself; there would be a reaction in the
country, and men would be sent to this House
who could be trusted. They would not cure
that by suspending any Ministry of the day, who
were their servants and the servants of the colony.
It was very difficult, in a debate of this character,
to take up anything that had been said against
this Bill. He had listened to the speech of one
honorable member with great pleasure, but he
could not understand how he grappled with the honor-
able gentleman in his denunciation of the Bill.
That honorable gentleman said, "Let us have
placed before us a scheme of works." If the
House would look into the matter they would
see that, if this Bill was to be confined in its
operation to works which could be put in
a schedule, it was not needed at all. It was really
to provide for the action of the Waste Lands
Boards, which were in theory, and he hoped
Mr. De Lautour

Mr. HODGKINSON regarded this Bill with very different feelings, according as he looked at it from two different standpoints. Regarding it from the standpoint taken by the honorable member for Auckland City East— with reference to its intention, and to its effect upon the House— he looked upon it with strong feelings of reprobation. He did not hesitate to say that it would, in fact, be placing in the hands of the Government a sum of £50,000 for secret-service money— to be spent in the corruption of members of the House, under the pretence of benefiting the outlying districts. That would be the practical result of it; if not the intention, that would be the result. The honorable member for the Taieri, the Minister for Lands, certainly did try to make it appear that this was a Bill for the benefit simply of the extreme outlying districts, and that it was not intended to influence honorable members; but it was quite plain, from the speech of the honorable member for New Plymouth Town (Mr. Kelly), that he expected to get a great deal of advantage from this Bill for his district. They knew that in times past the Province of Taranaki had derived very great advantages from the distribution of money in this sort of way, and they also knew that the Taranaki members had always been amongst the most adhesive followers of the Ministry. They would see the same in the future. There were many other districts besides New Plymouth which would derive advantage. He had a district in his mind now which would very likely derive advantage, the member for which, from having been an ardent and strong Provincialist, had become one of the most docile and faithful adherents of the present Ministry: he referred to a district near Invercargill, where there was a large tract of country called the Seaward Bush, on which it might be thought beneficial to have money spent in opening up the country. So that it was idle to say there were no members of Parliament who might be influenced. He did not make any charge against particular members; but, as the honorable member for Rodney said, human nature was human nature, and it was not desirable that even members of the Ministry should be subjected to temptation. So much had been said as to the evil results of this measure that it would be superfluous for him to repeat what had been said on the subject. He would say no more on that matter. He regarded the Bill, from every point of view, as an evidence of the utter failure of the Abolition, and he must say that in that respect he regarded it with very great complacency indeed. A more thorough admission of the complete breakdown of this scheme of Abolition could scarcely be afforded than that afforded by such a Bill as this, accompanied by the speeches of the honorable member for the Taieri and the honorable member for Timaru. When the honorable member for Timaru was speaking, he (Mr. Hodgkinson) thought that, if the honorable gentleman had been placed in a sort of focus penitentiae and had had to make a most humiliating confession of the utter failure of the "grand national system of centralization," he could scarcely have said more in that direction than he did. The same thing was particularly noticeable when the honorable gentleman was speaking in regard to the main arterial roads of the colony. The honorable member for the Taieri deprecated what he called the continual recurrence of Provincialism in the discussion of questions in the House; but it was idle to deprecate such a recurrence. References to Provincialism must recur and would recur. The honorable gentleman assumed that the matter was settled; but it was nothing of the kind. They had only entered upon the very commencement of the strife. The simple fact was that the honorable member for Timaru and his party, with the connivance of a corrupt and weak Ministry who, when on the hustings as Provincialists, were enabled to carry out this wretched, impolitic system of centralization, of which the country was now experiencing the ill effects. To suppose that the matter was completely settled was idle. So far from that being so, it was apparent to every one that this scheme of centralization, so far as it had gone, would not work at all, and was an utter failure. The honorable member for Timaru himself virtually admitted it when he contended that money should be voted for main arterial roads. The honorable member said he did not feel bound by what was stated by a former Premier, Sir Julius Vogel, to the effect that they would never hear of such a matter as a road or a bridge in the House except by way of congratulation. But why did the honorable gentlemen vote with Sir Julius Vogel so persistently all last session, following him into the lobbies with the utmost docility on every possible occasion? Was he acting a consistent part in doing that, if he believed in a system of centralization so different from that described by Sir Julius Vogel? With regard to the counties, when the Counties Bill was before the House last session he (Mr. Hodgkinson) ventured to assert that it never would succeed, and that the counties, in fact, would be like so many premature births or abortions that in that respect they now see? As a matter of fact, about thirteen or fourteen had been "hung up," and were not to be put in operation at all, and, as to the others which had been put into operation, he believed that, almost without exception, they were pronounced to be failures. (No.) In the part of the colony in which he lived that was the feeling, and the general opinion there seemed to be that it would be
better to let Road Boards do the work; and he believed that would be much the best thing that could be done, there being District Councils or some other such institutions to carry out greater works. So far was he from considering that question settled that he had no doubt in his own mind that the force of circumstances—in fact, he might say nature itself—would compel the next Parliament to undo what the present Parliament had done, and those who lived a very few years longer would see something like the old system restored again. This Bill was a complete admission of the failure of the centralization system, and of the necessity for having recourse to something very much like the old provincial system. But, although the most obnoxious features of this Bill might be got rid of, and the Government allowed to give the reasons why he supported them, he certainly did not do so for anything they could give him. If they could give him anything for his support, he certainly would not be there. If he were in such a position as to have to come to the Ministry for a personal advantage he would not be in the House: under such circumstances he would not stand for any electorate. And as regarded his constituents, he had sufficient confidence in the present Ministry to believe that they would give any matter that came before them an impartial consideration. Both last session and this session he had urged upon the Government several matters on behalf of his constituents, and they had given fair consideration to them, and endeavoured to act as fairly as possible.

An Hon. Member.—Rakaia.

Mr. WASON said honorable members had before alluded to Rakaia. The facts of the case were entirely before the House. They were not of the slightest moment to him individually, but affected a section of his constituents, who sent a petition to the Government which he recommended should be carried out. He was not going into the merits of the Bill under discussion. The honorable member for Mount Ida had fully answered all the arguments which the honorable member for Auckland City East had urged against it. But what he wished to advert to was the entire unjustifiability of the charge which the latter honorable gentleman had brought against so many members of the House—namely, that they were simply actuated by the lowest and basest motives which could possibly influence men in supporting the present Ministry. He could conceive no imputation which would have a more degrading effect if allowed to go unchallenged in that or any other House. With regard to these charges which were so constantly made, he had recently come across an extract which would apply to this case, and to those who were constantly hurling abuse and charges of corruption against the Government. It was as follows:

"Above those classes was the lower portion of the middle class, whose faith lay for the most part in a free and cheap Press perpetually exposing political jobs and calling persons in high stations by hard names. The right to abuse public men by wholesale was especially delighted in by this class, who confounded freedom of thinking with license of vituperation. They liked small, sneaking jobs for themselves, and their prurient imagination pictured to them all the officials in Downing Street as engaged from morning's dawn till evening's close in manufacturing jobbery. Doing jobs by day and defending them by night was the manner in which, according to their notions, the least illegal jobs were employed. They judged others by themselves. They enhanced the sugar of their customers, sold sloe-leaves with tea, vended a concocted poison called British brandy, were profuse of puffing their wares, and
sometimes very shuffling in the weights with which they served the public; and they clamoured loudly against jobbery and jobbers.”

That seemed to him a very fair criticism of many of the charges that had been made against the Ministry, who were constantly being accused of buying support. Then the honorable member for Auckland City East attacked the honorable member for the Taieri in a most unjustifiable manner, and Hansardized to an enormous extent. He considered that the practice of Hansardizing was most objectionable. The speeches of honorable gentlemen were quite long enough without re-capitulating all the arguments of a previous session. He himself to a certain extent supported the Opposition last session on the question of Separation; but after the Separation question was over, with the honorable member for the Taieri, he supported the Government. He never went to one Opposition caucus. He understood from a perusal of a speech of the honorable member for the Taieri that he attended one Opposition caucus, when the only programme that was laid before them was that of opposition to the Estimates. That was the only Opposition programme last year. And what other programme had been submitted to them this session? Nothing but, “Abuse the Government.” Had any member of the Opposition or of the Great Middle Party they heard so much about brought down one measure, or signified what policy the country should be guided by? What grounds had they ever given for turning out the present Government except, “Put us in; we are better men; put us in, and we will show you what we will do”? So far as he could see, the policy of the Great Middle Party was—Nothing. All they had heard as yet was that there were to be Colonial Secretaries and Postmasters-General so soon as the Opposition could get into office. It was very easy to make recriminations of that sort, if charges were continued to be brought against the Government and their supporters. He supported the Government because he thought it was necessary to support a party, and he could not support the Opposition. Of course, the honorable member for Auckland City East was consistent. He admired that honorable gentleman because he had supported his party. Party was essential to constitutional government, and he would like to see all members in the House support either one side or the other, and not continue to talk on one side and vote on another, as some honorable members had been in the habit of doing. It was this uncertainty which had created so much delay already. To use the expression of the honorable member for Auckland City East, he would say that it was those members, strung up between heaven and earth, between one party and the other, like Mahomet’s coffin, who frustrated good government and delayed the business. He considered it to be the duty of every honorable member to support either one party or the other. For Ireland, he thought the honorable member was travelling rather beyond the subject under discussion.

Mr. WASON was answering the arguments of honorable members on the other side, who wanted to know why he and others supported the Government. He wished to give a reason why he supported the Government, and, having done that, he did not know that he had much more to say. However, if he was ruled out of order he would stop at once.

Mr. SPEAKER had not ruled the honorable member out of order. At the same time, he thought it was desirable that honorable members should not travel too far beyond the question under consideration.

Mr. WASON would trespass on the time of the House no longer. He had merely explained his position, feeling it his duty to refute the assertion of the honorable member for Auckland City East, that the Government were kept in office by their supporters from the worst and basest motives.

Mr. GISBORNE had heard with considerable regret the speech of the Minister for Lands, because he understood the Bill of the Government in a manner different from that which was shadowed forth in the speech of that honorable gentleman. He objected entirely to a Ministry—he did not care who formed the Ministry of the day—having £50,000 placed in their hands to expend just where they pleased in giving facilities of access to inaccessible waste lands of the Crown. He had spoken in support of the second reading of the Bill on the previous evening because he thought the principle was a good one; but, had he known that the Government proposed to give no information how the money was to be spent, he certainly would not have supported the Bill. He thoroughly believed that, if money were spent in opening up the waste lands of the Crown, it would be a highly profitable expenditure, and, in the increased value it would give to the land, would soon recoup the colony. When he said he would support the second reading of the Bill, it was conditionally that certain alterations were made in it when they went into Committee; that the Government were not to be intrusted with a lump sum of money to be expended for what purposes and in what manner they liked. His opinion was that a schedule should be brought down of the works to be done, and that it should be approved of by the House, so that honorable members would know in what districts the money was to be spent. He saw no difficulty in the way of such a modification being introduced in Committee, but he understood the Minister for Lands to say that the Government would not entertain such a proposal. If that were the case, he could not support the second reading of the Bill, because he was utterly opposed to such a principle as giving the Government power to spend the money just as they liked. He objected to see Ministers intrusted with the expenditure of so much money as £50,000 for allocation during the recess in such manner as they pleased. There had been considerable misrepresentation, not in the heat of the moment, but out of it. As giving the Government power to spend the money just as they liked. He objected to see Ministers intrusted with the expenditure of so much money as £50,000 for allocation during the recess in such manner as they pleased. There had been considerable misrepresentation, not in the heat of the moment, but out of it. As giving the Government power to spend the money just as they liked. He objected to see Ministers intrusted with the expenditure of so much money as £50,000 for allocation during the recess in such manner as they pleased. There had been considerable misrepresentation, not in the heat of the moment, but out of it. As giving the Government power to spend the money just as they liked. He objected to see Ministers intrusted with the expenditure of so much money as £50,000 for allocation during the recess in such manner as they pleased. There had been considerable misrepresentation, not in the heat of the moment, but out of it.
MINISTER for Public Works he was, of course, the organ of the Fox Government, and whatever he proposed was the result of the joint resolution of the whole of the Ministry. In that schedule certain public works which the Government were desirous to see constructed were set out, and he stated that, if additional claims were made for railways, the Government would consider them upon their merits. He added that even if the Committee approved of them the Government would not feel itself bound to give its approval or to put them in the schedule: however, he could not prevent members proposing additions to the schedule. He did not say that was the most judicious proceeding, but it was a far different proceeding from that which he had been represented as having proposed. There was no such thing as a blank schedule thrown down upon the floor of the House, nor were members invited to help themselves to railways. The Government had agreed to consider new claims, and they could not do otherwise. If additional railways were agreed to by the House the Government would have to consider them again, and, if they were placed in the schedule, the Act had to be approved, not only by one House, but by the other also. Therefore there could not have been anything so very unjust or preposterous in his plan as had been made out. It was very different from what was now proposed—that £50,000 should be given to Ministers as a kind of Parliamentary ground-bait to spend during the recess. If he could not get an assurance from Ministers that a schedule would be inserted in this Bill setting forth exactly how the Government proposed to spend the money, he could not support the second reading.

Sir R. DOUGLAS said he would like to say a few words with reference to the remarks of the honorable member for Rodney, who seemed to think that his district had suffered rather hardly because, as Sir Julius Vogel had put it, a member who continually opposed the Government could not expect roads and bridges for his district. He thought they were the best men in the House. He would make no allusion to the District of Rodney, with the District of Marsden, which for some years past had been represented by a Government supporter. The gentleman who preceded him in the representation of the district had been a consistent supporter of the Government, and since he had held a seat in the Assembly he (Sir R. Douglas) had supported them from conviction, because he thought they were the best men in the House. Take, then, the area of population in those districts. The District of Rodney had an area of 490,000 acres; its population was 2,663; and it had received, out of the £50,000 granted for roads in the North of Auckland, £13,233. The District of Marsden, whose representatives supported them consistently, received only £29,000. If a Ministry existed by venal support, and if that was the way a consistent supporter of a Ministry was to be treated, he did not think Ministers would get many supporters on such terms. But it was simple nonsense to say the Ministry purchased votes—simple nonsense; and he was surprised to hear honorable gentlemen day after day hurling such charges against Ministers. He thought a certain amount of discretion must be left in the hands of Ministers, in order that they might determine what parts of the country should be opened up. If the counties were not to be supplied with funds for the purpose of opening up the country, then he, and those members who thought with him, must look to the General Government to do it. There were certain propositions in the Waste Lands Bill which would, if carried, promote this very necessary work, inasmuch as it was provided that certain of the proceeds from the sales of land should be returned to it in the shape of public works. If those propositions were carried he should attain all he desired; but a person could never be certain what would pass the House, and, as it was desirable to have two strings to your bow, he should support this Bill in the meantime, though it might not be necessary if the provisions in the Waste Lands Bill were carried. If it were not passed, however, this Bill would be required. However, he thought the Government should put a schedule in the Bill, and let the House see what works were to be done. The House would discuss the schedule, and no doubt the Bill would then be satisfactory to all parts of the colony. He should support the second reading of the Bill on the understanding that a schedule or something analogous should be put in.

Mr. WHITAKER had not the slightest intention to follow the honorable member for Auckland City East into personal matters. He generally endeavoured to lay those matters aside, and he had become so accustomed during the last few months to personalities that he had no desire to make any reply to the observations of the honorable member. It appeared to him that there would be some difficulty in preparing a schedule. In the first place, the Government were not in possession of sufficient information to do so. They knew what lands were required. However, he thought the difficulty raised could be got over by means of an amendment in Committee; and the Government would consent to the 6th clause being made to read as follows: “The Governor by Order in Council shall, on the recommendation of the several Waste Lands Boards, &c. The Waste Lands Boards were not political, and simply dealt with the administration of the lands. They knew what lands were likely to be sold if brought into the market. If some amendment in the direction he had pointed out were made, he thought it would remove many of the objections urged by honorable members as to the political element—buying votes, as the honorable member for Auckland City East
put it. He was sorry that such charges were made. He was sure that, so far as the Government were concerned, no such idea had entered their heads. The House might depend upon it that, in their present financial position, the Government would try to get as large a sum of money as possible, and, when applications came in, in reference to blocks of land which were saleable, the first object would be to open the land and concur in the recommendation of the Waste Lands Board.

Mr. CARRINGTON would support the second reading of the Bill, because he thought that without it there would be a great defect, as works that were required would not be undertaken or completed. Twelve months ago he was fully prepared for the discussion that took place that afternoon; and it was for that reason that he had done all in his power to prevent the passing of the Counties Bill. His desire, in supporting the Abolition Bill, was to do away with legislation in the Provincial Councils, and therefore he urged the Government — privately of course — not to pass the Counties Bill. He thought that the Superintendents and Executive Councils should be left in power for a year or two. Everything could then have been settled by the Executives and Road Boards, and instead of ten Legislatures we should have had only one, and should have thereby gradually organized a satisfactory Constitution.

Question put, "That the word 'now,' proposed to be omitted, stand part of the question;" upon which a division was called for, with the following result:

Ayes ... ... ... ... 36
Noes ... ... ... ... 36

Ayes.
Mr. Baigent, Mr. Murray-Aynsley, Mr. Ormond, Mr. Reid, Mr. Richardson, Mr. Richmond, Captain Russell, Mr. Seymour, Mr. Stafford, Mr. Sutton, Mr. Tawiti, Mr. Wason, Mr. Whitaker, Mr. Williams, Mr. Woolcock.

Tellers.
Sir R. Douglas, Captain Morris.

Noes.
Mr. Ballance, Mr. Barff, Mr. Brandon, Mr. J. C. Brown, Mr. Bunny, Mr. Curtis, Mr. Fisher, Mr. Gisborne, Sir G. Grey, Mr. Hamlin, Mr. Hislop.

Tellers.
Mr. Rolleston, Mr. Seaton, Mr. Shrimski, Mr. Stevens, Mr. Stout, Mr. Swanson, Mr. Taitara, Mr. Takamoana, Mr. Teschemaker.
Mr. REYNOLDS rose to a point of order. The hour of half-past five o'clock having arrived, he thought that, according to the Standing Orders, the question could not be put.

Mr. SPEAKER thought it was quite capable of being put. It could be discussed no doubt; and then, according to usage, the Speaker would announce that he would resume the chair at half-past seven. He thought it was very much better, desired to proceed, they should adjourn the debate, and allow the committal of the Bill to be fixed for a certain time.

Hon. MEMBERS.—Time, time.

Mr. SPEAKER.—The House surely could not wish that this question should be left suspended. He would put the question, which was, "That the Bill be ordered to be committed on Friday next."

Mr. STOUT rose to a point of order. He understood that, if a division was taking place when the hour of half-past five arrived, all that could be done was simply to take the division, and no new question could be put. He therefore submitted that it was incompetent for the Minister for Lands to move any such motion as that he had just moved. He (Mr. Stout) thought the Standing Orders and "May" would bear him out.

Mr. BARFF maintained that, the hour of half-past five having arrived, there was no House, and no business could be done. The Standing Orders provided that the House should continue to sit until half-past five o'clock; then Mr. Speaker leaves the chair, resuming it at half-past seven o'clock p.m.

Mr. SPEAKER.—Do I understand it to be the general desire of the House that I should resume the chair at half-past seven?

Hon. MEMBERS.—Yes.

Mr. SPEAKER then left the chair.

HOUUS RESUMED.

Mr. SPEAKER resumed the chair at half-past seven o'clock.

Mr. SPEAKER put the question, "That the Bill be ordered to be committed on Friday next."

Mr. STOUT begged to point out that a Bill of this character ought to be referred to the Waste Lands Committee. He would call attention to Standing Order No. 305, which provided that "Every Bill affecting the waste or public lands of the colony shall be submitted to the Waste Lands Committee, as it clearly affected the price of waste lands.

Mr. ROLESTON would like to know the precise point which the Waste Lands Committee would have to consider in this matter. He did not know whether he was in order in asking the honorable gentleman in charge of the Bill what point it was which the Committee would have to determine. It was a revenue question rather than a question of the disposal or letting of waste lands, and the Committee might find itself in the position in which it was placed on the previous day, when the Chairman declined to entertain a question affecting the revenue. He saw in this Bill nothing whatever altering the administration of the waste lands, as that administration would be guided by the Bill which had already passed its second reading.

Mr. REID had not moved that the Bill be referred to the Waste Lands Committee. It was the honorable member for Dunedin City (Mr. Stout) who did so. He understood now that Mr. Speaker ruled that it should be so referred. He believed the question which the Committee had to deal with was the sale, letting, and disposal of the waste lands, and this Bill affected the sale of those lands, inasmuch as it determined that the price of waste lands in any block opened up by any works formed under the Bill should be increased by an amount sufficient to cover the cost of those works.

Mr. WHITAKER pointed out that the words of the Standing Order were of the widest character: "Every Bill affecting the waste or public lands of the colony." It appeared to him that Mr. Speaker's ruling was perfectly correct, and he was astonished that the honorable member for Avon should have disputed it.

Mr. ROLLESTON had not disputed Mr. Speaker's ruling. He had asked a question with regard to a matter which would seriously affect the conduct of the Bill in the Waste Lands Committee, and in the hope that he would get an expression of opinion from the Ministerial benches upon it.

Mr. SHEEHAN thought Mr. Speaker's ruling was correct, and that the Bill should stand referred to the Waste Lands Committee; but the Government ought to have known that before and should not have left it to an honorable member to call Mr. Speaker's attention to the Standing Order, and then called him to assist them in their difficulty.

Sir G. GREY submitted that it was very un-
satisfactory that the Government should before dinner have moved that the Bill be committed on Friday, and that then, after having gone to two divisions in which they showed distinctly that they had not sufficient strength in the House to enable them to conduct the government of the country, they should come down after dinner and avail themselves of the Standing Order in order to escape the consequences.

Ministers.—No.

Sir G. GREY said distinctly that was the case. The Government ought to have known the law before dinner. Their legal adviser, the Attorney-General, ought to have told them what the law was.

Mr. SPEAKER said the honorable gentleman was out of order. The only question now before the House was whether, as a matter of order, this Bill should stand referred to the Waste Lands Committee.

Sir G. GREY thought he might put it to the Government whether they were in a satisfactory position to carry out the government of the country. No business whatever brought forward by them had been got through during the session, and they had that evening been twice defeated on a division. He must say he almost doubted whether it was necessary to refer the Bill to the Waste Lands Committee. Certainly the Attorney-General would have advised the Government to that effect if it was the case. He could not fancy anything more unsatisfactory than the present state of affairs.

Mr. SPEAKER said the honorable member for Avon had asked him a question the purport of which he understood to be whether the ruling given on a former occasion did not apparently clash with the present ruling. The former case referred to the appropriation of revenue, which was very distinct from a question of fixing the price of land. Whatever revenue might arise from fixing the price of land, whether it would produce an increase or a diminution of the proceeds, was quite distinct from the appropriation of any revenue so produced. The clause that was objected to by the Chairman of the Waste Lands Committee, and which was referred to the Speaker for his ruling, was an appropriation clause; but there was nothing of that character in the Bill now under consideration. The greater part of this Bill referred to the question of the price to be put on the land; and when he turned to the Standing Order, which said, "Every Bill affecting the waste or public lands of the colony shall be submitted to the Waste Lands Committee," he could have no doubt that this Bill came within that category. It could not be said that it did not affect the waste lands of the Crown.

Mr. ROLLESTON presumed there was no longer any question of committing the Bill on Friday next, and therefore the honorable member in charge of the Bill would have to ask leave to withdraw his motion to that effect. He could only express his satisfaction that this was a Ministerial question, and that Ministers were going to abide by it.

Mr. SPEAKER said that the motion for committal the Bill on Friday was superseded by the Standing Order, and therefore there was no necessity to withdraw it.

Mr. BARFF would also point out that the Minister for Lands was not in order when he moved that motion. It had nothing to do with the proceedings of the House, any more than if it had been made in one of the Committee-rooms, because it was moved outside the hours during which, under the Standing Orders, the House sat.

Bill referred to the Waste Lands Committee.

EDUCATION RESERVES BILL.

Mr. BOWEN rose to move the second reading of this Bill.

Mr. BARFF said the Bill was only distributed at thirty-two minutes past seven o'clock, and he would ask the honorable gentleman whether it was reasonable to expect the House to discuss a Bill of such a very important nature after two minutes' consideration.

Mr. BOWEN regretted that the Bill was not distributed earlier, but he had done his best to hurry it on. He wished to proceed with the second reading in deference to the opinions of a great many members of the House, who were anxious to see this question of the reserves dealt with before the House came to the consideration of the amendments in the Education Bill. He hoped no opposition would be offered to the second reading. The object of the Bill was to insure the fair distribution of the proceeds of the教育 reserves in the various educational districts of the country. He had been in communication with several gentlemen who took an interest in educational matters, and the general desire was that one-fourth of the education reserves throughout the country should be devoted to the maintenance of secondary education, and three-fourths to primary education. That was the principle embodied in the Bill. The whole of the reserves in each provincial district were to be placed in the hands of Commissioners, whose duty it would be to apportion the proceeds of the reserves for primary and secondary education within the districts according to the population as ascertained from time to time by the census. That, he believed, would be the most convenient and equitable method of distributing the revenues from reserves. The other provisions of the Bill were a re-enactment of the original clauses in the Education Bill dealing with reserves as originally brought down, and the necessary machinery for the distribution of the revenue from the reserves, in the manner he had described. He hoped the House would allow the Bill to be read a second time at once.

Mr. MACANDREW hoped the honorable members of the Committee would withdraw his opposition, and allow the Bill to be advanced a stage. The principle might be summed up in a few words: it was simply the principle that one-fourth of the educational reserves should be set aside for secondary education. All the rest was mere detail, and could be modified in Committee.

Mr. WAKEFIELD trusted the honorable gentleman in charge of the measure would give
honorable members a little time to consider the provisions of the Bill. No one was more anxious than he was to go on with this Bill and the Education Bill, but he certainly would like to have time to consider the provisions of this Bill now before them. It was a measure of great importance, and the honorable gentleman would be studying the convenience of members if he would consent to a delay of an hour or two. No doubt the honorable gentleman himself thoroughly understood the Bill, but other members did not, and it was far better that members of the House should think out these matters for themselves than to have them wrangling in Committees over things they did not thoroughly understand.

Mr. CURTIS also hoped the honorable gentleman in charge of the Bill would consent to a short delay. The Bill had just been distributed, and members had not had an opportunity of considering it. As far as he could see, its provisions did not by any means accord with the principle sketched out by the honorable gentleman when the Education Bill was discussed in Committee on the previous evening. He observed by the schedule that it was proposed to hand over the great bulk of the reserves in the Province of Nelson to the Province of Canterbury, and to give the remainder of the reserves to the Westland District. In answer to a question put during the discussion of the clauses of the Education Bill, he understood the honorable gentleman to say that the proceeds of these reserves would be distributed over the whole of the provincial districts according to population; but, according to the 2nd clause of this Bill, they would be distributed within the educational district, which placed the matter in a totally different position. He had only been able to glance through the Bill in a cursory way, and possibly his present impressions might not be quite correct, but this only showed the necessity of giving time to consider the Bill in a proper manner.

Mr. BOWEN said he would not object to postpone the second reading for an hour or two, as he had no desire to take the House by surprise. He was the more willing that a little time should be given for consideration, as the honorable member for Nelson City (Mr. Curtis) would then see that the Bill fulfilled the condition of the Bill being taken on a private members’ day. Mr. BOWEN hoped honorable members would agree to take the Bill on the following day. If not, he would ask the House to take it to-night. His reason for wishing to proceed with the Bill was that the clauses referring to education reserves were withdrawn from the Education Bill, and therefore it was very necessary to get this Bill on. He had already told honorable members that he would not proceed with the third reading of the Education Bill until this Bill had been brought before the House. He understood that the Bill would have been distributed sooner, but regretted that he had been disappointed.

Mr. STOUT moved, That the second reading of the Bill be taken at half-past ten o’clock that night.

Mr. REES did not intend to oppose the Bill, because he thought it was one that ought to be brought on speedily if it had to be brought on at all. He would like to say, however, that, if the Government had any more Bills to bring down, he trusted they would give honorable members an opportunity of seeing them before they brought them down. They were simply playing at Government now. They were like a number of children coming out of a nursery. The House had already been sitting for ten weeks, but it was only now that the Bill was thrust into their hands, a few minutes before they were asked to read it a second time. He hoped that, if the Government had any other Bills to bring down, they would give honorable gentlemen an opportunity of seeing them before they were proceeded with.

Mr. MANDERS had not yet had an opportunity of reading the Bill, but, at the same time, he could not agree with the remarks of the honorable member for Auckland City East. That honorable gentleman had asked, in effect, “Why are the Government measures not brought forward earlier?” Why, the opposition of the honorable gentleman himself was one of the principal causes why the Government measures were not proceeded with. The same remark applied to the honorable member for Dunedin City (Mr. Stout). It seemed to him that those two hono-
able gentlemen came down to the House in order to air their importance, and to fill the columns of the papers with the speeches which they had inflicted on honorable members. He protested against the honorable member for Auckland City East taunting the Government with not bringing in their measures. That honorable gentleman had wasted the time of the House, and had brought disgrace on the Assembly. The honorable member for Wairarapa also wanted the Bill postponed, because, he said, honorable gentlemen had not had time to consider it in consequence of it not having been brought down sooner. But whose fault was it that it was not brought down sooner? It was the fault of those who would not allow the Government to proceed with their business. They tried to delay everything by a side-wind, and they were trying to out the Government from office in order that they might take office themselves.

Mr. HODGKINSON thought that the Government should be congratulated on the admirable defence which had been made on their behalf by the last speaker. They had a champion who was worthy of them. He should say, after the speech of the honorable member for Waiapapa, that the honorable member for Auckland City East would never be able to hold up his head again.

Mr. WAKEFIELD, speaking strictly to the question as to whether or not the Bill should be gone on with at half-past ten, said he thought it would be better to postpone the matter until next day. If they went on with the Education Bill they would be fully occupied until half-past ten, and, when that hour had arrived, they would be compelled to stop what they were doing and go on with this Bill. There were not five members in the House, he believed, who were acquainted with the nature of the amendments which it was proposed to make in the Education Bill, and therefore that Bill would not be finished by half-past ten o'clock. With regard to this Bill, he could only say that there was no urgency at all for considering it that night. They had not yet had an opportunity of reading the Bill; and he was bound to say that the course taken by the supporters of the Government, notably the member for Waiapapa, was not calculated to help the Government at all. He hoped his honorable friend the member for Dunedin City would withdraw his motion. The honorable member in charge of the Bill had not shown that there was any necessity for taking it that night, and therefore he would ask him to postpone the matter until Friday.

Mr. MOORHOUSE hoped the honorable member in charge of the Bill would not consent to postpone the matter. On looking over the side-notes he found that the Bill was simply a machinery Bill. It merely provided for the appointment of officers and for the management of certain reserves, and any two men of business in the House could dispose of it in an hour. He failed to see the cogency of the arguments which had been used for delaying the Bill, more particularly as the Government had promised the House that they would not go on with the Education Bill until this Bill had been brought down.

Sir G. GREY did not think it right to hurry on this Bill. He had had no opportunity of reading the Bill. The honorable gentleman in charge of the Bill had distinctly stated that his promise was that the Education Bill should not be proceeded with until this Bill was before the House. The Bill was now before the House, and his promise had been fulfilled, but he could not see what advantage could be gained by reading the Bill a second time before honorable members had seen it. He believed that the Bill involved several very important questions, and he thought therefore that it was only just to give honorable gentlemen a fair opportunity of seeing what the provisions of the Bill were. He would oppose the second reading of the Bill that night, and, if it was not read a second time that night, he would support a motion for the adjournment of the subject till Friday. It would be unfair to insist upon the second reading of a Bill which had only been placed in the hands of honorable members a few minutes previously. The Government could have put the Bill into the hands of honorable members fully a month ago, and there was no reason why they should not have done so.

The Order of the day was postponed until half-past ten o'clock.

EDUCATION BILL.

On the Order of the day being called on for the consideration of the report of the Committee on this Bill, Mr. O'BORKE wished to state to the House the position in which the County of Cook was placed in consequence of proceedings which had taken place in Committee on the previous day. It would be in the recollection of honorable members that on the division lists being corrected they were submitted to him, and the numbers appeared—Ayes, 29; Noes, 29. On that being reported to him by the tellers, he, as Chairman, gave his casting vote that the County of Cook should be included in the Auckland Education District. The Clerk of Committee, in making up the minutes to-day, discovered that one member was "told," twice—once on each side; that the name of the Hon. the Minister for Lands appeared on the "Ayes" as well as on the "Noes." He referred to the honorable member, who told him that his vote was given with the "Noes;" and therefore he took the honorable gentleman's name off the list of "Ayes." That reduced the "Ayes" to 28, and the "Noes" stood at 29. That being the case, he was not entitled to give a casting vote. He had further to state that he had taken the County of Cook out of the Auckland Education District, as it had no right to be put in, there being no tie, and consequently no occasion for his casting vote. The position of the County of Cook now was that it did not appear in any part of the schedule, and the schedule would have to be recommitted in order to place the County of Cook in the schedule.

Mr. BOWEN moved, That the Education Bill be recommitted for the purpose of adding the
County of Cook to the Hawke's Bay District in the Second Schedule.

Mr. SHEEHAN moved, as an amendment, the omission of the words "Hawke's Bay," for the purpose of inserting the word "Auckland" in lieu thereof.

Mr. GISBORNE, before the Bill was recommitted, wished to ascertain from the Minister in charge of it whether he would make any temporary provision for the separate schools which had been established in Nelson, Westland, and Hawke's Bay under clauses similar in purport to that moved by his honorable friend the member for Nelson City. The managers of those separate schools had acted bond fide on the law in force applicable to them. They had erected school buildings, and had received aid under that law. If this Bill passed in its present shape, those schools would be suddenly brought to a standstill, the buildings would be thrown on the managers' hands, and the State aid would be stopped. He believed that both in England and in Victoria the equitable rights of similar schools had been recognized, and temporary provision made for their support until they were able to make other arrangements. He wished to ascertain from the honorable gentleman whether he was prepared, in this Bill or in any other way, to make such temporary provision. While on the question of recommitting the Bill, he would draw the honorable gentleman's attention to the 76th clause, which he thought would require amendment. That clause stated that the school fund should consist of the proceeds of the capitation-tax. The provision for the capitation-tax had been eliminated from the Bill, and therefore this clause, if not amended, would be inconsistent with the other provisions of the measure.

Mr. BOWEN, in reply to the first question, said that a good part of the present year had already passed, and there was no doubt it would be not only right but necessary to make provision for the payments that were required for this year in such schools as were carrying on the work of education as aided schools in the parts of the country alluded to by the honorable gentleman. The Government did intend to propose to the House to make some temporary provision until those districts were in a position to provide the means for education.

Mr. MONTGOMERY would like to say a few words before the question was put, particularly as the honorable member for Auckland City East on the previous night made a statement that the people of the County of Cook would rather like to be attached to Auckland than otherwise. The very contrary was the case. They had a very great objection to being attached to Auckland. There were also other reasons besides the objection of the people. The district was at least thirty-six hours from Auckland by steam, and only about twelve hours from Napier. As far as the wishes of the people were concerned he was certain that he knew what their wishes were better than anybody else in the House, and they had a very great objection to Auckland. One of the things impressed upon him was if possible to break connection with Auckland in education matters.

Question put, "That the words 'Hawke's Bay,' proposed to be omitted, stand part of the question;" upon which a division was called for, with the following result:—

Ayes: Mr. Baigent, Mr. Ballance, Mr. Bowen, Mr. Burns, Mr. Carrington, Mr. Curtis, Mr. Fitzroy, Mr. Fox, Mr. Gibbes, Mr. Giborne, Mr. Henry, Mr. Johnston, Mr. Kelly, Mr. Lumaden, Mr. Macfarlane, Mr. Manders, Mr. McLean, Mr. Murray.

Noes: Mr. Barff, Mr. J. C. Brown, Mr. Bunny, Mr. De Lautour, Mr. Dignan, Mr. Fisher, Sir G. Grey, Mr. Hamlin, Mr. Hianlop, Mr. Hodgkinson, Mr. Joyce, Captain Kenny, Mr. Larnach, Mr. Lusk, Mr. Macandrew, Mr. Montgomery, Mr. Moorehouse, Mr. Murray, Mr. O'Rorke, Mr. Paigent, Mr. Pearson, Mr. Perry, Mr. Piers, Mr. Pyke, Mr. Rolleston, Mr. Seaton, Mr. Sharp, Mr. Shrimski, Mr. Stout, Mr. Swanson, Mr. Thomson, Mr. Tolm, Captain Kenny, Mr. Travers, Mr. Wakefield, Mr. Wallis, Mr. W. Wood, Mr. Rees, Mr. Sheehan, Mr. Sheehan's amendment was consequently carried.

Bill considered in Committee, and reported to the House.

Mr. BOWEN moved, That the Bill be read a third time.

Mr. SHEEHAN.—I hope this motion will not be pressed. The Bill has been considerably altered in Committee, and a measure of such importance ought not to be read a third time until we have it before us in its corrected form, so that we may see exactly what it now contains. I have no wish to delay it unduly; let the postponement be ever so short; but still we should see what the Bill contains before we read it a third time. I think it would be very unusual at this stage of the session if a Bill of such importance were passed through as proposed.

Mr. BARFF.—I may remind the honorable
member for Rodney that if the Government press this motion it will be only on a par with what they have been doing throughout the session. They distinctly pledged themselves that they would not carry this Bill through until the Education Reserves Bill had been passed. They said, or they led us to understand, that they intended to take the two through conjointly; but the Education Reserves Bill has scarcely been introduced into the House. The honorable member for Dunedin City (Mr. Macandrew) has said that the whole matter is in a nutshell. He may think so, but I am not prepared to make that an excuse for letting the Bill pass. On behalf of my constituents, and the important interests I represent, I protest most earnestly against the third reading of this Bill, because the whole principle of it is bad. We have a new educational system forced upon us. Our old systems are entirely abolished, and it cannot be expected that this Bill will satisfactorily fill their place. I protest against the measure as it now stands, though I am free to admit that it might have been made a workable Act had the Government possessed the least tact; but, with—I should say not be in order in saying a sufficient majority was in the majority that will vote through almost anything, they have brought out of Committee a Bill which, if it passes its third reading, will inflict very great injustice and hardship on a large section of the community of New Zealand. I therefore raise my last protest against it, and I shall divide on it, and use my best endeavours to throw out this Bill or anything connected with it, in order to prevent it becoming law.

Mr. WAKEFIELD.—The honorable member in charge of the Bill certainly did state that he would not press the further stages of the Bill until the Education Reserves Bill had been passed or considered. I understood him to say that the other Bill should come first, and there seems a very good reason why it should, for the Education Reserves Bill is really an integral part of the other Bill, and it would be a matter of expediency, to have been proposed in another shape. I think the other Bill should be taken first: in fact, I do not see how we can pass this Bill without satisfying our minds as to the contents of the other Bill. If the other Bill did not pass, this Bill would be of no value. I think, therefore, it would be better to take the Education Reserves Bill before we go any further with this. I think the honorable gentleman will see himself that it is so: in fact, I do not presume for a moment that he intends to press the third reading of this Bill.

Mr. GISBORNE.—I wish shortly to state the reasons why I shall vote against the third reading of this Bill. No doubt it has been materially improved in Committee; still it contains a number of clauses which will prevent me voting for it. When it came down to us at first, it was essentially a centralizing Bill. In Committee we have localized it to a certain extent. It was intended to meet the popular cry for what is called compulsory, free, and secular education. When it was originally brought before the House it was compulsory: we have made it optional. It was said to be free, but it was not free: in Committee we made it so by eliminating the capitation tax. It was also said to be secular, but it was not, because it contained a religious clause. We have eliminated that clause, and now it is secular. It was said to be a national Bill. It is not a national Bill, because it ignores the conscientious convictions of one-seventh of the nation; and that is the reason why I shall vote against its third reading. Curiously enough, conscientious convictions are recognized in the matter of history, but the holders of them are not recognized as sharing in the privileges of the schools by sending their children to the schools. The Bill takes the money of this denomination—I am not speaking of any particular denomination, but of all persons in a similar position—it takes the money of these denominations and applies it to the State schools; but practically does not allow their children to enter the schools of the colony. It would have been much better if there had been a short Bill passed making the present Boards elective, and providing the necessary funds for this year, in order to allow of the special systems which have grown up in different provinces to be continued. This Bill destroys these systems, and in the case of Westland, Nelson, and Hawke's Bay it breaks them up altogether, and, I fear, will introduce religious discord where at present there is concord. This Bill has been introduced by the Government as a result of Abolition, and what I object to is their attempt to introduce a system of absolute uniformity throughout the colony. I believe that this uniformity is, in many respects, repugnant to the wishes and detrimental to the interests of various provinces which have been colonized from different centres and are influenced by different circumstances. That is what the General Government are trying to do. They have destroyed local self-government, and are trying to substitute another system of self-government which will utterly fail. When a King of Naples asked Lord Holland to make him a Constitution, he replied, "You might as well ask me to build up a tree." Well, the General Government have utterly destroyed instead of pruning the trees of provincial local representative institutions, and they are trying to build up trees in their place. In that course I think they will utterly fail. They have substituted for the provinces a sickly shrubbery of counties, which cannot perform the proper functions of local self-government. The result is that we are reverting to a centralizing form of government, and I think that is the evil at the root of this Bill. We are forcibly destroying systems which are working well in three provinces of New Zealand, and reducing them to a Proroguesian uniformity with a system which might perhaps work well in other provinces. The people in the provinces which I have named are satisfied with their systems; and why not allow them to go on? It is no true that there is any fatal defect—namely, that it is not a national Bill; that is a measure which will be injurious to the interests of education in the provinces I have referred to—that I am compelled to vote against the third reading of the Bill.

Mr. HODGKINSON.—My object in rising is
to urge the Minister in charge of the Bill to postpone the third reading till the Bill has been printed. So many alterations have been made in Committee that I am sure honorable members do not know how the measure now stands. For my own part, I may say that I have not yet made up my mind as to whether I shall vote for the third reading.

Mr. MACANDREW.—Speaking to a point of order, Sir, I should like to know if it is usual that a Bill should be read a third time in the manner now proposed, after it has undergone so many material alterations.

Mr. SPEAKER.—The course pursued has been quite in order. There have been a great number of amendments; and if it had been proposed, as soon as the Committee had reported, that the Bill be read a third time, it would have been contrary to practice; but if, after a Bill was reported by the Committee, a day was fixed for the future consideration of the report—as was done in this case—it on that occasion became quite in order to move the third reading.

Mr. GISBORNE.—I would point out that there has been an amendment made to-day of a material nature. The County of Cook has been again included in the Auckland District.

Mr. SPEAKER.—I do not think that can be considered a material alteration.

Dr. WALLIS.—I rise to state shortly why I shall give my hearty vote for the third reading of this Bill. I have been surprised by the statements made to-night, especially by the honorable member for Hokiitika, and also the honorable member for Totara. Both these honorable members all through this discussion have done everything they could to make the Bill defective; and now, because it is defective, they say they will vote against the third reading. Especially has the honorable member for Totara acted in this way. He has voted to make this Bill intensely sectarian, and he now complains that we are doing an injustice to a portion of the population whom he would have satisfied somewhat even; in reference to this matter, I feel very dissatisfied with the conduct of the Opposition on the one hand, and with the conduct of the Ministry on the other hand. During the whole discussion relative to education the Opposition have erred egregiously in two respects. The Bill, as introduced to the notice of the House, was an excellent Bill—characterized by what the people want—characterized by being thoroughly unsectarian. The Opposition members have converted it from being unsectarian into being secular and sectarian. That is the great mistake that the Opposition have fallen into, and I feel that the consequences will one day recoil on their own heads. With regard to the secular character which the Opposition have affixed to the Bill, I cannot but bear in mind that they have been aided and abetted by the Roman Catholic vote; and they, the Catholic members, have no right to complain that a secular Bill has been passed in this House, for they have contributed to pass that Bill. Again, although the Roman Catholic members of this House have aided the Opposition on that point, the Opposition have done another injury in reference to this measure. They have inflicted a great wrong upon the Roman Catholic section of the community. The secular State schools you are going to have are to be exempted from all local rates; the Opposition have virtually enacted that Roman Catholic and all denominational schools shall henceforth pay a rate. I say this is a grievous wrong. All schools ought to be alike taxed or exempted from taxation. But, while I say that the Opposition have been short-sighted in their action towards the excellent measure introduced by the Government, I think that the conduct of the Ministry has also been very short-sighted, and I am surprised at them. The Opposition, by making the Bill secular, and inflicting a wrong on the Roman Catholic community, have given Ministers a vantage-ground; and I am astonished that they have not availed themselves of it. We have, as it were, put weapons into their hands with which, if they had sense to know how to use them, they might annihilate the Opposition. If the Government had taken their stand on this measure as originally introduced—if they had taken their stand on doing equal justice to Protestants by making education unsectarian, and to Catholics by subsidizing their schools—what would have been the consequence? They would come to this House and find themselves in a minority, and that would furnish them with a splendid opportunity for dissolving and appealing to the country. I am sure the country would send back sixty members, at least, to support such a system of education. The whole country is in favour of unsectarian education; the only people who are not are a few newspaper men, and a few infidels and inebriates, especially from the gold fields. I speak of people outside——

Mr. BARFF.—I do not know whether the honorable gentleman is entitled to use the term "infidels from gold fields" towards members of this House who oppose the Bill on proper grounds. I must say I think the freedom of debate is somewhat elastic. The honorable gentleman says that the only persons opposed to the measure are a few infidels on the gold fields.

Dr. WALLIS.—I spoke of people outside the House.

Mr. SPEAKER.—I understood the honorable member to speak of persons outside the House.

Dr. WALLIS.—Here was a splendid opportunity provided to the Ministry to take their stand on this measure as originally introduced, and go to the country. I make these remarks because I feel thoroughly dissatisfied with the conduct of the Opposition on the one hand, and with the short-sightedness of the Government on the other. They may not like any advice coming from me, but they had such an opportunity afforded them as may not occur again for a long time. If they had but taken their stand upon making education unsectarian, and done justice to the Catholics, and if they had gone to the country, I can predict—that although I am, perhaps, no prophet nor a prophet's son—that at least sixty out of eighty-eight members would be returned to support the Ministry.

Mr. TOLE.—The honorable gentleman (Dr.
WALLIS) seems to be very sure upon one point. He evidently came with the intention of passing an Education Bill containing one simple clause favourable to the Bible in schools, and I believe if he had got such a clause inserted he would be entirely satisfied with the measure. He wishes that the Bible, read without any note or comment, should be forced upon the Roman Catholics without any compunction, and therefore would compel them to adopt his principles of religion. That, of course, the Roman Catholics do not wish. I exceedingly regret that the honorable gentleman should have referred to the religious persuasions of other honorable members. I understood that this House was not concerned at all with religion; that it knew no religion: that it was to pass a secular measure, and, if it got a secular result, that that was all the State required. That I believe also to be the Catholic case, although I am not here to advocate it. They say, "If we attain a certain standard of efficiency in secular education, that is all the State should require, and the State should recognize and aid it with pecuniary support." Therefore I do not understand what the honorable gentleman means when he talks of the effect of striking out the religious clauses. When he was a candidate for a seat in this House for Auckland City West, in addressing his constituents he hired a Catholic hall, and indeed was more Catholic than the Catholics themselves; and yet he would now want his Bible to be read in these State schools, without note or comment, and to force it upon the Roman Catholics, upon whose votes chiefly, I believe, he counts in the House. That is what I disapprove of, and that is why I and others who are by no means a majority in this House voted for striking out the clause compelling the Bible to be read. I am sorry that the amendment of the honorable member for Nelson City (Mr. Curtis) was not carried, because I think it would have led to peace and happiness in the country. But I shall not now go over the weak arguments of the opponents of that clause. It is useless. There is, however, one statement to which I wish to give a contradiction, and that is the statement of the honorable member for Franklin (Mr. Lusk), who usually makes statements of a very bold character indeed, and so positively that they are almost bound to carry a certain amount of weight with them. He spoke, moreover, with authority as being Chairman of the Education Board of Auckland. Speaking to the new clause proposed by the honorable member for Nelson City, he said, amongst other things, that there was no use in passing it because there were really only three Roman Catholic schools in Auckland which gave elementary teaching. I felt somewhat surprised at the statement, and was convinced that it could not be correct; but I was not prepared at the time to stand up and contradict it with the same boldness with which it was made; and, in the absence of information, I remained quiet. I telegraphed, however, to Auckland, and I find that, instead of only three such Roman Catholic schools in the province, there are no less than twenty-six. I desire to state that now, as an authorized contradiction to the statement of the honorable gentleman. I think it is to be regretted that arguments which are supported by statements of that kind should be used in opposition to an important clause in an Act of this Legislature. It was with the view of making that contradiction that I have now risen, and also to point out the want of foundation of the remarks of the honorable member for Auckland City West (Dr. Wallis) with regard to the action of honorable members who he supposes are inconsistent in their conduct.

Mr. TRAYNOR.—I shall not oppose the third reading of the Bill, because I believe, as it stands now, it is one likely to be useful to the country. It will be acknowledged that I am not one who generally compliment the Government on their measures, but I must now compliment the honorable member who introduced this Bill on the comprehensiveness of his measure. I do not mean to say that it is without blemish, for no Bill is likely to be that; but I must compliment the honorable gentleman upon it, and also upon the great patience he has displayed in carrying it through the House. Although the measure may have to be amended in sessions to come, still the honorable gentleman has really accomplished something that will be of use to the country. I was very sorry to hear some of the remarks of the honorable member for Auckland City West (Dr. Wallis), especially in relation to religious matters. Any one who knows the honorable gentleman must feel that he does not wish to give offence by his remarks, but still I agree with the honorable member for Eden that it would be wiser if such things were not said. If I may be allowed to do so, I should like to bear my testimony, with regard to gentlemen of the persuasion to which the honorable gentlemen alluded, that there are in this House who more conscientiously attend to their duty or who give more impartial votes than they do. Notwithstanding the previous disabilities under which persons of that persuasion laboured in England, I believe it is the unanimous verdict of the British Parliament at the present time, and has been for years, that votes upon all subjects of national importance are given with no greater
zeal, no greater study, no greater truth by any portion of that Parliament than by the members of the Roman Catholic persuasion. I am certain those gentlemen are actuated by what they absolutely believe to be right, and no man can reach a higher standard than that. I was, however, somewhat pleased to find that, although some of the pet ideas of the honorable member for Auckland City West were struck out of the Bill, still he would support it. I should have preferred seeing the Bill in its perfect shape before we read it a third time; but I believe it is absolutely necessary that some mental and political pulpit should be provided for another place, and therefore we ought perhaps—without establishing a precedent, however—to pass the Bill a little faster than we generally do. If, then, I might presume to give advice to the House, I would say that we should pass this Bill as fast as we can.

Mr. REYNOLDS.—I am very glad to hear that the honorable and learned member for Wellington City intends to propose some other source out of which to maintain education than that provided in this Bill. I trust the Government will give the matter some consideration, because I believe that is the only defect in the Bill as we are now asked to pass it. To my mind it is a mistake altogether to throw the maintenance of schools entirely on the consolidated revenue, and I believe we must find some means beyond that fund from which to supply the necessities of education. I regret exceedingly that the rating clauses were struck out, but I trust some measure may be introduced which will supply that defect and which will meet with the approval of the House.

Mr. ROLLESTON.—I did not speak on the second reading of this Bill for several reasons, principally because I really found it impossible to get up any enthusiasm upon a measure which, however well prepared—and it is admitted on all hands to have been thoroughly well prepared by the honorable member in charge of it—yet was a Bill the purpose of which was simply the introduction of uniformity where that uniformity would necessarily produce a great deal of hardship, and where there would be a great deal of centralizing in a matter which, to my mind, depends for its success upon localization and individuality in the various parts of the colony. No measure could be more satisfactory than that under which education has been working in Canterbury, and whatever changes might be made in it would in all probability be for the worse and not for the better. It would be a case of levelling down of what we already have, rather than levelling up the educational system of the colony; and I think, looking at this Bill as it now stands, that that is really the case. However, it is impossible not to recognize that the Ministry were placed in this position: Together with the cry for Abolition there was at the same time a determination on the part of a majority of this House—and presumably on the part of the people of the country as they understood the question of Abolition—to have one uniform law in matters of this kind. There was a general belief in this House, to which Ministers responded, that nationality consisted to a great extent in uniformity, and, as is shown in this Bill, in centralizing power in the hands of the Government sitting at Wellington. Therefore I could not but feel that the honorable gentleman, with the task he had before him, did the best under the circumstances; and, now that the Bill has gone through, I believe there is a general admission on the part of the House that it has been carried through with very great credit to the honorable member in charge of it. Little as one likes the Bill, it is impossible not to recognize that he has done the best with it that could be done. I think the measure is faulty in a number of particulars. I think it fails entirely of any indication that it is part of a general system of education such as was promised to us. I think the election of the Boards is essentially faulty, and that there is an entire misconception of the functions of those Boards as distinguished from those of the Local Committees. I think, further, that the Bill is unsatisfactory in respect to the way in which it deals with the primary-education reserves which have been set aside, particularly in the Provinces of Canterbury and Otago; and, generally, I feel that, at the present time, the whole question of the future financial arrangements with regard to education is in a very uncertain condition. I wish, therefore, that the Government this evening would accede to what I believe to be a very common wish amongst honorable members—that the Bill should be reprinted before it goes to its third reading. I believe that would be more satisfactory to the House; and I think, too, that we are entitled to know, before the Bill is read a third time, what proposals the Government intend to adopt to make up for the very large loss of revenue which the Committee insisted upon in this Bill, and also for the increase they have made in the funds that are to be voted for education. We know from the statement of the Colonial Treasurer that there is not sufficient margin to admit of this £25,000 being taken out of the consolidated revenue without its being taken from some other services. At the present moment the House is without any information as to how the Government intend to make their finance balance in this matter. Under these circumstances, the Government would meet the wishes of the House if they would allow this Bill to appear with its amendments before it is read a third time. In the meantime I think the House is entitled to some information as to what arrangements may be made in Committee of Supply in order to compensate for the disarrangement that must result from the proposals contained in this Bill.

Mr. LUSK.—I should not have risen to speak at this stage of the Bill but for the remarks made by the honorable member for Eden (Mr. Tole), which have a distinct reference to myself. It is due to the honorable gentleman that I should frankly say that I did misrepresent the position of the Catholic schools in the Province of Auckland. I very much regret having done so, and can assure the honorable gentleman that I did so in entire ignorance of the facts. I was aware, from my own personal knowledge, that there were...
Catholic schools at Auckland, Onehunga, and the Thames; but I was not aware that the boys and girls were kept in two separate schools. My impression was that the boys and girls were kept in one school. I know that there were many Catholic schools in operation at one time; but many have ceased to exist during the last two or three years, and the scholars have gradually joined the State schools. I can assure the House that my remarks were made in perfect good faith, and that I had no intention to misrepresent the facts of the case. It is not necessary that I should reiterate my views upon the Bill itself. I think it has been very greatly improved by the action of the Committee. Many of its most objectionable features have been removed, and some valuable alterations have been made in it. I trust that when the Bill is put into operation many of the defects which I still see in the measure will make themselves apparent in such a manner that they may be eliminated without seriously interfering with the system of education which it inaugurates. I can only trust that, the House having taken so much trouble with the measure and having endeavoured honestly to make it a success, it will be allowed to pass in another place, in order that the first step may be taken in establishing a system of education which shall give satisfaction to the colony as a whole.

Mr. MANDERS.—When this Bill was first introduced to the House I stated that I should not be able to give the Government that hearty support which I usually gave to most of their measures. But the Bill has been considerably amended since that time. It has received so much anxious care from gentlemen who have made the subject of education their special study that it has assumed a form in which I think the House may safely pass it. I shall vote for the third reading. I had expressed myself to the effect that, if the religious clauses were not eliminated, and the amendment of the honorable member for Christchurch City (Mr. Curtis) adopted, I should vote against the third reading. But the Bill seems to have assumed a very satisfactory shape, and I feel every satisfaction in voting for the third reading. I had received letters from three Roman Catholic associations in my district, making certain representations with regard to the Bill; and, while I could not allow myself to be controlled by any outside body, or by any section of this House, I do say this: that, having passed this Bill upon a purely secular basis, we may, in all good faith, say to the people of the country, "We give you a system which is the best we can devise. We leave you to find out where it is imperfect. We have done our best with it; and now we ask you to test it by practical experience." That, I think, is as fair a position as we could have arrived at, and I shall therefore heartily support the third reading of the Bill.

Sir G. GREY.—I think the House has a right to see this Bill printed in its amended form before being asked to vote for the third reading. If that is not done I shall certainly oppose it. The conduct we have witnessed is, so far as I know, altogether without a parallel. First of all, an attempt was made to force the Education Reserves Bill through the House without giving honorable members an opportunity to read it. I confess that I could not conceive what the effect of that Bill would be without several hours' consideration. It is all very well to say, "You can read it through in an hour," but I defy any man who is in the habit of weighing and estimating the provisions of a Bill to determine what its effect would be upon all classes in this country without several hours' consideration. And now an attempt is made to compel us to read this Bill a third time without an opportunity of considering it in its complete form. I cannot carry all the amendments in my head—I cannot tell what their effect would be; and on this ground alone I shall oppose the third reading. But there are several other serious objections to it in my mind. The honorable member for Totara, whose remarks were objected to, wisely stated that a very wrong thing had been done in depriving three provinces of the systems of education framed by their Legislatures, and to which they had become attached. I trust that, when the Bill itself, I think it has been very greatly improved by the action of the Committee. Many of its most objectionable features have been removed, and some valuable alterations have been made in it. I trust that when the Bill is put into operation many of the defects which I still see in the measure will make themselves apparent in such a manner that they may be eliminated without seriously interfering with the system of education which it inaugurates. I can only trust that, the House having taken so much trouble with the measure and having endeavoured honestly to make it a success, it will be allowed to pass in another place, in order that the first step may be taken in establishing a system of education which shall give satisfaction to the colony as a whole.

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has lapsed. Perhaps the Minister of Education has arranged to have that provision inserted in another place; but that would have been, under the now totally-altered form of the Bill, a most beneficial change, and it is one the expectation of which led me to allow the Bill to pass in its present shape without making objections to it. That is connected with this other point: the formation of Education Boards for such immense districts. That is an act of very great injustice, particularly to the large District of Auckland. As I have said before, it is utterly impossible that the School Committees of the Educational District of Auckland can be fairly and properly represented at the Education Board; and it comes to this: There will be in the Town of Auckland a certain clique who will bus themselves with Education and other Boards established by the Government, and who, I believe, will, to a considerable extent, draw a livelihood from those sources. That is not affording the people of New Zealand a fair choice of representatives on the Education Board. While you in appearance confer that privilege upon them, you practically take it away. Nothing more unfair was ever done. You limit the choice of representatives to persons resident in the capital of the province, or in its immediate neighbourhood; and, in spite of every effort that may be made, I am certain the education funds will not be devoted solely to education purposes. I feel certain that that is connected with this other point: the formation of Education Boards for such immense districts. That is connected with this other point: the formation of Education Boards for such immense districts. That is connected with this:

The House rejected my views upon that subject. They were determined that these large education districts should in some instances be established; yet they give—and I approve of their making Wanganui an education district—to Wanganui an Education Board, a place not nearly as large as the Thames, to which they refuse the same privilege. There could be nothing more unfair. And this has been done in other parts of New Zealand. An Education Board is given to Taranaki; and it is refused to the Thames. On what principle has the House acted? Clearly the Government have acted on the principle of getting votes to carry their Education Bill through. Now, Sir, I say this: that trusting the large votes of money, which this House will intrust, to the Education Boards to administer throughout their great districts is to say nothing more nor less than, "We are giving up to you power to expend very large sums of money in a manner over which we have no control." The House will exercise no adequate control over the expenditure of these Boards, and I believe it is absolutely without parallel that a legislative body should permit such large sums of money to be disposed of by individuals whose actions they cannot control. I showed the other night that even the very members of an Education Board themselves did not know how the funds were spent; and how can this House know how the funds will be spent? I agree with the honorable member for Dunedin City (Mr. Stout) on the subject. Under the circumstances I have stated I shall not support the third reading of the Bill, and I may say that one of my reasons for that is that we have not seen the Bill in a printed form, which is the form in which we have a right to expect to see it before we are asked to assent to it.

Question put, "That the Bill be now read a third time;" upon which a division was called for, with the following result:

| Ayes       | 43 |
| Noes       | 16 |

Majority for 27

Ayes.

Mr. Baigent,
Mr. Ballance,
Mr. Bowen,
Mr. Brandon,
Mr. Burns,
Mr. Carrington,
Mr. Curtis,
Mr. Fisher,
Mr. Fox,
Mr. Hamlin,
Mr. Harper,
Mr. Joyce,
Mr. Kelly,
Captain Kenny,

Noes.

Mr. Ormond,
Mr. Rees,
Mr. Reid,
Mr. Reynolds,
Mr. Richardson,
Mr. Richmond,
Mr. Rolleston,
Mr. Sharp,
Mr. Shrimski,
Mr. Sutton,
Mr. Swanson,
Mr. Tawiti,
local self-government — I oppose it. This is not

as I was in no way led to take that action with the view of preventing Poverty Bay having the best possible provision for insuring good education in the district. I went solely on this ground: that, until such time as the Government were prepared to deal with the whole question of subdividing the various districts, we should maintain them as they now exist. When the Government have made up their minds to subdivision, the various education districts, I should be prepared to vote for a modification of the two counties so as to enable them to be governed from Napier for educational purposes. Sir, I shall vote against the passing of this Bill.

Sir G. Grey
Mr. BARFF. — I wish to know whether the Government have any intention of allowing members to see the Bill as amended in a printed form before passing it finally. A question of that kind was raised before the last vote was taken, and it was treated with that contemptuous silence which always distinguishes the gentlemen on the Government benches when they think they have a majority at their back. It appears to me that the Government are breaking the pledges to seo the Bill as amended in a printed form on occasion in regard to this Bill. No later than last night, the honorable gentleman in charge of the Bill, in answer to a remark of my own, said that the Government did not intend to push this Bill through until the Education Reserves Bill went through the House. I am not at all surprised to find that that pledge is broken. After all the wonderful fictions we have had from the Minister for Public Works, and after we find that, notwithstanding those ingenious fictions of his concerning the honorable member for the Thames, he still remains a member of the Ministry, we are not surprised to find that other members of the Government are not able to understand the distinction between truth and fiction. The Government pay very slight attention to the wishes of the House in connection with the final passing of this Bill. I would say this, following up the remarks made by the honorable gentlemen who have spoken on the subject, that I do feel that a very great injustice is being done to many districts in the colony in depriving them of a system of education which has hitherto worked well. When I look round the House and see the honorable gentlemen who represent the various parts of the colony, I am very much inclined to doubt whether the constituents of the majority of those honorable gentlemen will agree with the votes which they have given to-night to deprive them of educational systems under which they have worked with so much satisfaction to themselves in the past. In my own district I believe the so-called educational system will create anarchy and confusion; it will set neighbour against neighbour, and will give rise to dissension from one end of the district to the other. I have no hesitation in saying that this Bill will inflict a great injustice upon a large and very important community, although an honorable member representing a constituency in Auckland refers to my constituents in common with other gold fields constituencies, as "gold fields infidels." I would rather be the representative of what the honorable member called "gold fields infidels" than of— I do not know whether I should be in order if I said it— bigots. My constituents are as much men, and have as much political vitality in them, as the inhabitants of any district in the colony. I feel that my district has been treated very badly by the wholesale measure which has now been read a third time without that consideration being given to it which should be given to a measure of this sweeping character. Sir, a measure of this kind cannot be passed through in any workable form unless sufficient time has been given to the country to consider it. I do not forget in the neighbouring colonies how long it took the Government to put through a measure of this kind. The Governments of the other colonies, no matter how much they may have wished to push on these radical events, have had some regard to popular opinion; but here popular opinion in this matter has been thrown aside altogether. When thinking of the final passing of this Bill, I recollect what was said by an honorable gentleman on the Government benches in connection with the Waste Lands Bill. I believe I am not wrong in referring to that. I recollect a very peculiar coincidence with reference to the Land Bill and the Education Bill now before the House—a remarkable coincidence, which shows that the Government are working in a wrong direction, and that they admit it. It was stated that those who wished to see a uniform land law, generally wished to have their own system adopted. There was no better evidence of the fact that those systems had worked well than the wish expressed by the representatives of the various districts to have their own particular system adopted. This applies not only with regard to the land question, but it applies with far greater force to the question of education. I am bound to give this measure every opposition in my power. I can only say that the honorable gentleman who has taken charge of the Bill, and who appears to have drafted it probably in a very careful manner,—certainly carefully enough to do an immense amount of mischief,—will not have any great cause to congratulate himself upon the result of his measure, at all events in the civilized portions of the colony where we had in operation a workable and satisfactory system of education. I am not alluding to a place like Wellington.

Mr. WAKEFIELD. — The honorable member for Auckland City West (Dr. Wallis) has made one of the strongest speeches that have been made in this House against the passing of this measure. He said that when the Bill came down in the first instance he strongly approved of it; that it conveyed his views entirely; that it comprised every element which he considered should be embodied in a Bill of the kind; and therefore he supported it. He then went on to show that the Committee cruelly and wickedly extracted from the Bill every element of good that was in it—everything that he had any respect for—and that they left the Bill totally devoid of every one of those elements for which he had so high a regard; and yet he supported the third reading of the Bill. He supported a Bill which contains nothing that he had any respect for. He tells us that this is an infidel Bill, and that it is the worst kind of seculism; and yet he voted for the third reading. If he had been a consistent man he should have come down and said boldly, "I supported the Bill at its second reading because it contained everything that I respected and admired; but, now that everything that I respected and admired has been extracted from it, it is now an inferior measure, an atrocious measure, and therefore I shall vote against the third reading." That is the course he should have taken. The honorable gentleman is now
a strong supporter of an infidel Bill which outraged his feelings as a Presbyterian minister. The Bill has been torn to pieces in such a style that I am astonished that any honorable friends should support it any longer. I know that of the local papers favorable to Ministers, but not so favorable now as a week ago, parted with the back, and said that he deserved very great credit for the persistent manner in which he conducted the Education Bill through all its troubles. Well, it has had some troubles. When the Bill was brought down it contained capitation clauses and religious clauses; but all its main principles have been dragged out of it. First of all the capitation principle was dragged out of it, then the compulsory principle, and finally the religious principle was utterly dragged out of it. And yet there is a great deal to admire in the persistent manner of the honorable gentleman when he continues to force his Bill through in spite of every principle having been dragged out of it. What is the Bill worth now? It is worth nothing. If that had been all the harm that had been done to it, it would have been of little consequence; but we have had it pulled to pieces in a variety of other ways, and we have had the very worst features of the Bill left in. We have now got a measure intended to be constructed on one basis constructed on a totally different basis, without any of the parts being altered so as to harmonize with its changed condition. We have got these Boards to be elected in a manner which, I venture to say, is the most pernicious and objectionable of the odious function of having to administer the country into a state of utter confusion. We have endowed them with certain powers which might possibly have exercised in a beneficial manner if the whole Bill had been carried through. I do not say they would have done so; I do not think they would; but they might have so exercised them. It is utterly impossible, however, that they can use those powers now except in a most pernicious and objectionable way. The poor School Committees have been left altogether out in the cold. Luckily we saved them from the odious function of having to administer the Bill in a state of utter confusion. We have endowed them with certain powers which might possibly have exercised in a beneficial manner; but still they are there. They are left in a miserable state; and what have we got? We find that, in regard to compulsion, the Bill is absolutely a correct account of what happened. The poor School Committees have been left altogether out in the cold. Fortunately we saved them from the odious function of having to administer the Bill in such an utter fog over the Bill that he does not know what he is doing now, where he started from, what troubles he has been through, and what stage he is likely to be landed on next. That is absolutely a correct account of what happened. One day the honorable gentleman got up from the chair where he was conducting the Bill, and he said it would never do to have the compulsory clauses enforced in one part of the country and not in another; and the next day he got up and said it was quite the proper thing that the Committees should have a permissive power to say whether the compulsory clauses should be enforced or not. The honorable gentleman cannot deny it. It is an absolute fact, and is on record.

And yet he says "No" when I ask him whether he blows hot and cold another. Perhaps he blows lukewarm, and considers that a proper compromise between the two. Now, the question arises whether the Bill ought or ought not to be passed at the present moment. I say it ought not. The honorable gentleman has given us a distinct promise that this measure should not be passed until the Education Reserves Bill had been considered by the House. The honorable gentleman is not in the habit of saying to this House what he does not mean. I am certain that when he makes a statement here he means to carry it out, but he seems to me to have been forced by untoward circumstances into such a position that he cannot deal fairly with the House. He remembers himself that it was his own doing. We did not ask him to scratch out
the reserves clauses from the Bill; we came to these clauses; we were ready to consider them — ready, if need be, to pass them. What does the honorable gentleman say? He takes up the Bill, looks at it, and says, "I shall not press these clauses upon the Committee. I ask the Committee to let them stand over, as I propose to bring in a Bill to deal with this part of the question separately," and therefore he says, "Mr. O'Rorke, I shall ask the Committee to let clauses 104 to 110 stand over." Very well, they were struck out of the Bill without a word of discussion. Nor was it said, "Tell us your intentions. What are you going to do on that point?" We did not ask such questions. We felt that there was a propriety about the matter which should be observed. We felt that the honorable gentleman knew what he was doing, and, after his Bill had been pulled to pieces, it was of course only courteous to let him go away and arrange the disjecta membra in such a manner as might possibly come to some good end. Very well, what does the honorable gentleman do? He comes down with his Bill to-night, after making three or four apologies for its not being here before. The messenger shies it in our faces when we are too busy even to look at the title. We are asked, "Have you had a copy of the Education Bill?" while we are listening to something else altogether, and in two minutes — some honorable gentleman who has a stop-watch checked the honorable gentleman as if he were a race-horse — in two minutes from the time when the Bill was distributed we were asked to discuss the second reading. Sir, the House was in a buzz. There is no looking over these facts: they are not by any means proper. There is no doubt the House, that next to a clever man, an obstinate man is the grand result he has obtained. I have been told that, next to a clever man, an obstinate man is the ablest member of society. Well, clever men sometimes fail to accomplish their ends; but I think obstinate men fail still worse. I am not going to discuss the Education Reserves Bill now, because it is not the proper time; but I will simply say that it would have been wise for the honorable member to have postponed it. The Bill is drawn in such a style that the grammar of it is perfectly ridiculous. A mere cursory glance at it shows that the first thing that will have to be done will be to appoint some honorable members an Educational Committee in order to put the grammar right. We have read this Bill a third time, and we have had a division upon it. Will anybody tell me that that division represented the true opinions of this House upon the Bill? It represented nothing of the kind. It simply represented those honorable members who hurried into the lobby without ever having had time to think what was going on, and who, rather than throw the Bill out, said, "Oh, let us give the Bill a chance. Let it go to another place, and let us cast on the honorable gentlemen there the responsibility of throwing it out." It was done in that way, because nobody supposed for a moment, after the assurances which we had from the Government, that we should go to the third reading. The bell was ringing. We were hurried into the House. The first thing one heard was that the question of the third reading of the Education Bill was about to be put; and we had to divide upon it then and there. I will just say one word as to the position the honorable gentleman, the Minister of Justice, has taken up in the matter, and I hope he will take my remarks in good part. Several questions have been put to him in the most moderate language and in the most proper terms by honorable gentlemen who are sincerely desirous of furthering this matter, but not one answer could we get from him. It was one of the most astounding speeches I ever heard. I am not going to refer to it now. We may have other opportunities of doing so. But the honorable gentleman has placed a few rods in pickle for himself, which I think will be quite as much as he could desire. He has appointed an Educational Committee on the Ministerial benches, and it would be very satisfactory to the House, and would certainly further the public business if they would condescend to get up and

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answer reasonable inquiries put to them, not by out-and-out opponents as I suppose they choose to consider me, but by such mild opponents as my honorable friend the member for Totara, for instance. When he puts a reasonable proposal to the Minister, the honorable member stays at him as if he were going to eat him, and never gives him the least answer in the world. Hence these debates—

...early, "Oh, you do nothing but abuse us." We do not abuse them. We simply ask them reasonable questions. If they would take the trouble to conduct the debates in a rational manner, and in the manner which the forms of the Legislature contemplate, we should not have any of these difficulties. We should discuss our Bills in a proper way, and not have any of these painful scenes which I am sorry to say are... 

Mr. BARFF. — As a point of order, I wish to call attention to the fact that the House has already ordered that the Education Reserves Bill should come on for second reading at half-past ten o'clock. That time has now arrived, and the question arises whether the debate on the second reading of that Bill can supersede the debate now in progress.

Mr. SPEAKER. — The House directed that at half-past ten the Education Reserves Bill should be taken up again. I, for one, raised the very question that another debate might be proceeding at that time. However, I was overruled, and it was decided that the Education Reserves Bill should be fixed to be taken at that hour. I think, therefore, that we should now go on with it. I was in possession of the House when you vacated the chair, and I shall claim the right to resume my remarks whenever this debate is to be taken up again.

Mr. SPEAKER. — I think I shall best test the feeling of the House by putting the question, That this debate be now adjourned...
journeyed; upon which a division was called for, with the following result:—

**Ayes** ... ... ... ... 18
**Noes** ... ... ... ... 42
Majority against ... ... ... 24

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Mr. Barff, Mr. J. E. Brown, Mr. Bunny, Mr. Dignan, Mr. Fisher, Mr. Gisborne, Sir G. Grey, Mr. Hodgkinson, Mr. Larnach, Mr. Macandrew, Mr. Manders, Mr. Barff, Mr. Montgomery, Mr. O'Rorke, Mr. Seaton, Mr. Stevens, Mr. Travers, Mr. W. Wood, Mr. W. Wood, Mr. Wakefield, Tellers.

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Mr. Baigent, Mr. Bowen, Mr. Brandon, Mr. Burns, Mr. Curtis, Mr. De Latour, Sir R. Douglas, Mr. Fitzroy, Mr. Fox, Mr. Hamlin, Mr. Harpur, Mr. Hursthouse, Mr. Joyce, Mr. Kelly, Captain Kenny, Mr. Lumaden, Mr. Macfarlane, Mr. Manders, Mr. McLean, Mr. Moorhouse, Mr. Murray, Mr. Murray-Ayneley, Mr. Ormond, Mr. Reid, Mr. Reynolds, Mr. Richardson, Mr. Rolleston, Mr. Sharp, Mr. Shrimski, Mr. Stafford, Mr. Stout, Mr. Sutton, Mr. Swanson, Mr. Tawiti, Mr. Teschemaker, Dr. Wallis, Mr. Wason, Mr. Whithaker, Mr. Williams, Mr. Woolcock, Mr. Gibbs, Captain Morris.

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The motion for the adjournment of the debate was consequently negatived.

Mr. WAKEFIELD.—I believe, Sir, I am in possession of the chair.

Mr. SPEAKER.—The position is an anomalous one. I do not think, strictly speaking, that the honorable member has any right to proceed; at the same time, I think it would only be courteous to permit the honorable member to finish his address. I say that in order that it may not be taken as a precedent.

Several Hon. Members.—No, no.

Mr. WAKEFIELD.—I claim to be heard as a matter of privilege. I claim to be in the same position as an honorable member who has been interrupted in the middle of his speech by Mr. Speaker leaving the chair at half-past five o'clock. I claim that, as a matter of privilege, I am entitled to continue. I leave it entirely to you, Sir, and to the members of the House, and I am sure I shall receive fair-play.

Mr. REYNOLDS.—Possibly the honorable member for Geraldine may be right enough, but I think he must see there is no desire on the part of the House to enter into any long discussion.
by the Minister of Justice in regard to the proceedings this evening. We had a debate as to whether the Education Reserves Bill should be gone on with or not, and it was decided, after a somewhat exciting debate, on a division, that we should take the Bill at half-past ten. The evening wore on, and the debate on the Education Bill was conducted with a certain amount of animation on both sides of the House until the hour for adjournment arrived, and then, in accordance with usual custom, you, Sir, left the chair for a period. When we came back, what happened? The honorable gentleman had departed from his clear and honorable engagement that the Education Reserves Bill should be taken at half-past ten. He deceived the House and deceived his own supporters by not going on with that measure. And then, I may say, for the first time I lost all confidence in the honor and integrity of the honorable member. Throughout this House and throughout out his own supporters there must have been a feeling that he had delayed the House and acted as no honorable man should act. What is party government? Is it to be said that there is anything wrong in taking advantage of the forms of the House? When we kept the debate going, and everybody knew very well that what we were doing was being done in order that our wish should be carried out, and that the Education Reserves Bill should be taken first, in accordance with the promise which the honorable gentleman gave a few days ago,—the honorable gentleman came down and—I will not trust myself to use the words, but I will say—by a device deprived us of the power of following the clear course which he himself had forced us into in the first instance. That was neither right nor proper, and he knows it, and will regret it before he has done with this matter. Let us see what we are going to do now. The question is, Shall we pass this Act to make it, and will regret it before he has done with this measure to-night? I can only say that nothing could have been worse. I grieve to have to say these things, but he has done to-night that in which even his best friends cannot support him, and which, I am sure, he himself will much regret. My feelings are such that I shall not be able to go on.

Mr. O'BORKE.—I merely rose before the House adjourned to state in a few words the reason why I voted against the third reading of this Bill. I am free to confess that there is in it a good deal of which I approve; but my objection to it is a radical one. I believe if a different system of education had been adopted in this colony a large money saving would have been the effect, and good education given, with moral and religious training, which is not recognized in this Bill. The reason why I shall vote against the passing of the Bill is because we are not availing ourselves of the appliances which are to our hand, or which could easily be called into existence. Under this Bill about £150,000 will be appropriated to education, and I believe I should not be exceeding the mark if I said that £200,000 of that would have been saved if we had availed ourselves of the denominational system which at present exists, or which could be called into existence. While speaking on that point I wish to correct a mistake made by my honorable friend member for Newton when alluding to the denominational system which prevailed for ten or twelve years in the Province of Auckland, and which he described as having broken down through inherent defects in the system itself. I was in Auckland throughout the whole of that time, and was intimately acquainted with gentlemen under whom the Education Act of 1857 of the province was worked, and, so far from that system having broken down through inherent defects in it from its being denominational, I contend that it was a marked success, and that it only broke down through the poverty of the province, which was no longer able to contribute the small dole that had kept education alive from the North Cape to the Waikato. Ten years ago, for a sum of £3,500 a year, including the salary of the inspector, we were able to maintain in a decent condition some eighty schools. Let the House mark that—eighty schools for £3,500 a year. I suppose that at the outside our schools now number some two hundred. What do they cost? Will it be nearly within twice or three times that amount? No; £50,000 a year will be nearer the amount. That is the price which we are paying for this secularism, and these are the reasons which induced me to oppose the third reading of the Bill. There is a good deal in it of which I do not disapprove, and I have had an opportunity of seeing the manner in which it was conducted through the House. I think the honorable gentleman in charge of it displayed a thorough mastery of its contents, and it is very creditable to him that he has been able to carry this measure through the House, even at the sacrifice of some of the principles that were first embodied in it.

Mr. SWANSON.—I am not usually in the habit of contradicting other members, and more
especially my honorable friend the member for Onehunga; but I certainly cannot stand being accused of having deliberately misled the House. I repeat again that the denominational system in Auckland broke down utterly—

Mr. O'RORKE.—Through want of money.

Mr. SWANSON.—Through want of money! Why, Sir, they had and have now enormous public money that princes might live in; and they apply their wealth principally to their own religious purposes and in carrying out their own denominational views. Look at that valuable property at Parnell! How much of that has been applied to the education of the province? Look at the Three Kings! How much of that magnificent estate was or is applied to the education of the Province of Auckland? Do not let us say any more upon the matter. As I have already said, we went fully into the subject, and it will be seen by the records now in the House that the whole system was simply bad, worse, and worst. The children at one of these schools were in such a state that they had to be taken to a lake, washed, and ointment applied with a brush in order to make them clean. That is a specimen of what the denominational system did for Auckland. That is the way in which they looked after the children intrusted to their charge. I hope we shall have no more of such a system. What was the good of inspection if the Inspectors were not allowed to go into the schools? There was proof of that, too, in the records of the province. Then, some of these denominational schoolmasters pretended that they had a number of scholars in their schools which they had not. But let us say no more of these things. Let us try and do something for the future if we can, but let us not return to a system which broke down utterly, and which, I am sure, the Province of Auckland has no wish to see revived. It was not only the scarcity of money that made it break down; it was because only in the large centres of population the denominational system could be carried on. We had such as Grace, Ramosche, Otahuhu, and Auckland City, where there was a large population, the system might exist; but in the sparsely-populated districts it was impossible for the denominations to keep up schools. The number of Catholics, Presbyterians, members of the Church of England, Wesleyans, and others was not sufficient in these districts to keep up each a school. The records of the House contain the examination that we made into the matter, and I believe that examination was as exhaustive as it could possibly be. I was Chairman of one of the Committees of inquiry. I can answer for it that a full record was kept of the evidence given by the clergymen themselves, and they said everything in favour of the system and very little against it. The proof was overwhelming that the system broke down ignominiously.

Mr. O'RORKE.—I may be allowed to remark that the honorable gentleman did not form any part of the provincial system of education that was established under the Provincial Act of 1857. The Education Board had nothing to say to the management of St. Stephen's School, which was in existence long before the provincial system of 1857, and has survived that system, which expired in 1867, through lack of funds. The inquiry respecting the endowed establishments of St. Stephen's, St. Mary's, and the Three Kings, conducted by my honorable friend the member for Newton took place long after the expiration of the mixed system of religious and secular instruction which prevailed, to the great satisfaction of the people of the Province of Auckland, up to the end of 1867. The inquiry referred to took place in 1869, at which no one, as far as my memory serves me, connected with the former Board of Education was examined. The eighty schools to which I referred were under the Education Board, and were maintained for £2,500 a year.

Mr. SWANSON.—The endowments were part of the public estate, the buildings were erected with public money, and we were paying £10 each for those scholars, at any rate; and I think that shows that the province had something to do with them.

Motion, That the Bill do pass, agreed to.

Upon the question, That the following be the title of the Bill: "An Act to make provision for the better Education of the People of New Zealand,"

Mr. TOLE.—I propose, as an amendment, That the following be the title of the Bill: "An Act to make provision for the "better Education of the People of New Zealand,"

Mr. BOWEN.—The title of the Bill is not very material. The words used are those which appear in the Acts recently passed in other colonies. I would point out that the words suggested by the honorable member for Eden do not comprise everything that the Bill proposes to do. On the whole, though I do not object to the suggested title, I think the title as it stands is more comprehensive.

Mr. REES.—The remarks of the Minister of Justice are very reasonable, but they do not detract from the force of the amendment moved by the honorable member for Eden. Without wishing in any way to import any matters of dispute, I submit that it would be very much better to substitute the title proposed by the honorable member for Eden. It is perfectly unnecessary that the title of the Bill should impute that the past régime has been a failure. It cannot be said that we have achieved perfection in educational matters, but we have this to be thankful for: that the youth of New Zealand are far beyond the average of the youth of many older countries in educational attainments. I see no reason, therefore, for saying that this Bill is to provide for the "better" education of the people of the country. In bringing in a new scheme of education we should deal with that which is passing away as gently as possible. The less we are inclined to tread upon the toes of these connected with the old system the better. The mere triumph of the defeat of the past system is useless. It has been decided that there shall be a national system of education, and the title of the Bill should convey that idea. I am sure that neither the honorable
gentleman in charge of the Bill nor any other honorable member would wish to see words in the title which would give offence to those who have been identified with educational matters in the colony in the past.

Mr. BOWEN.—The words were not put in with the idea of hurting any one's feelings. Perhaps it would meet all objections if the word "better" were omitted.

Mr. MACANDREW.—I hope the honorable member for Eden will accept that suggestion. There is no doubt that the Bill will make worse and not "better" provision for the education of the people of New Zealand. That is my opinion, and that is why I opposed the third reading. The only objection to the title is that it would imply that there had been no education before in New Zealand.

Sir G. GREY.—This is really an amendment of importance. What I contended for originally was that the Government, if they wished to give a title of this kind to their Bill, ought to have brought down a complete system of education, which would provide for primary schools, secondary schools, and colleges. An Act which would provide for all these objects would really be an Act to make "better" provision for the education of the people of New Zealand. They ought distinctly to have traced out a system of that kind, and to have regarded this as one brick in the general plan — one portion of the edifice; and, as this is only one part of the general system which should have been introduced, it would be much better to make it "An Act to make provision for the Establishment and Maintenance of Public Schools in New Zealand." Then there should be another to provide secondary schools, and another to make provision for the establishment of colleges. That would be making provision for the better education of the people of New Zealand. I hope the amendment of the honorable member for Eden will be adopted.

Mr. STAFFORD.—The amendment of the honorable member for Eden is certainly as capable of being construed as derogatory and as much an affront to the School Committees as the existing title. Does the honorable gentleman mean to say that there are no public schools at present? The amendment would appear to infer that this was the first time public schools have been heard of in New Zealand. I agree very much with what has fallen from the honorable member for the Thames. This is only a portion of a complete system of education. To my mind a better title for the Bill would be, "An Act to give Elementary Education in the Public Schools of New Zealand."

Mr. MOORHOUSE.—Will it not be better to call the Bill "An Act to make further provision for the Education of the People of New Zealand"?

Mr. HODGKINSON.—I shall support the amendment of the honorable member for Christchurch City; but it will be better to add the words suggested by the honorable member for Eden, so that the title would read, "An Act to make further provision for the Establishment and Maintenance of Public Schools in New Zealand." That would be a much more sensible title than the present one, which implies that the people of New Zealand have not been well educated. It implies that the education has not been good previously but that this Bill would make it better. Well, I hope it may be better, but I think it may be a great deal worse. In some of the provinces we were perfectly contented with our educational system. It was working very well indeed, and, in my opinion, should have been left alone. I think that the present title of the Bill casts a slur on the old educational institutions, and, to my mind, it might be altered with advantage. It is called "An Act to make provision for the better Education of the People of New Zealand." Now not only does that imply that the school-children were not educated before, but it also implies that the old people of New Zealand require to be better educated than they are. That is casting a reflection on a great many people in the colony. For my own part I wish I were better educated; but there are many other persons in the colony who do not require to be better educated than they are. The title which the Government wish to give the Bill is not one that would be given to it by a committee of scholars of the old provincial schools. We, as a people, are as well educated as any other people in the British dominions, and I do not think that such a title should be left in the Bill. I do not think it is necessary to go into this question of primary or other schools. I imagine that this is a comprehensive title, and that it includes schools of all kinds. If I am in order I will move, That the word "further" be inserted after the word "make," in the amendment of the honorable member for Eden. The title will then read, "An Act to make further provision for the Establishment and Maintenance of Public Schools in New Zealand."

Mr. SHEEHAN.—I think the House should accept this proposition as a fair compromise in regard to the title of the Bill.

Mr. TOLE.—I must say I did not think the title of the Bill cast any slur upon the past education of the people of New Zealand. That was not my reason for moving the amendment. Throughout the Bill provision was made solely for public schools, and, the House having refused aid to private schools, the proper title of the Bill should be as I have suggested. This would meet also the objection of the honorable member for Dunedin City (Mr. Macandrew), who was of opinion that the present Bill would not educate the people.

Mr. Hodgkinson's amendment was negatived.

On the motion of Mr. WHITAKER the word "better" was struck out, and the word "further" inserted.

Mr. Tole's amendment negatived.

Mr. WAKEFIELD.—The honorable member for Timaru has suggested that the words "elementary instruction" should be put into the title of the Bill. I agree with him, and I move that those words be inserted.

Mr. SPEAKER.—The honorable member is not in order in moving this amendment except by way of addition, the House having already decided
that the title shall stand thus: "An Act to make provision for the further Education of the People of New Zealand."

Title as amended agreed to.

EDUCATION RESERVES BILL.

Mr. STOUT said that, as he had moved the adjournment of the second reading until half-past ten o'clock, he hoped honorable members would now allow the Bill to be read a second time. From the 20th section of the Bill it would be seen that it would have to be referred to the Waste Lands Committee, and when Bills had to be referred to Select Committees it was not usual to discuss them on their second reading, but on the motion for going into Committee. If the Bill was not read a second time and referred to the Waste Lands Committee there was a possibility that it would not pass this session. He therefore trusted there would be no objection to the second reading of the Bill.

Bill read a second time, and referred to the Waste Lands Committee.

The House adjourned at half-past twelve o'clock a.m.

LEGISLATIVE COUNCIL.

Wednesday, 26th September, 1877.

First Readings—Examination of Witnesses—Metalliferous Rocks and Ores—Deceased Wife's Sister Marriage Bill.

The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

FIRST READINGS.

Agricultural and Pastoral Societies Bill, Queenstown Athenaeum Bill, Education Bill, Provincial Laws Evidence Bill.

EXAMINATION OF WITNESSES.

The Hon. Captain FRASER would like to ask the Hon. the Speaker's opinion with regard to the proceedings in the Public Petitions Committee. He wished to ask whether a witness, having given his evidence, could be permitted to remain, and on the following days cross-question other witnesses.

The Hon. Captain BAILLIE said he would like, before any decision was given, to state the facts of the case. It was with reference to the petition in connection with the Te Aute Estate. Certain Natives had presented a petition to the Council, and it had been referred to the Public Petitions Committee. That petition made a statement inimical to the conduct of the Rev. Samuel Williams, who sent a letter asking if he could give evidence and be present during the cross-examination of witnesses, as his character was affected. As the petition was really against the Rev. Mr. Williams, he, with the concurrence of the Committee, told him he could give his evidence as against the petitioners, and that he might examine the witnesses. That was the case as it at present stood.

The Hon. Colonel WHITMORE wished to point out that this was a very important matter with regard to the conduct of all Committees. Honorable gentlemen who had been associated with him for the last three weeks in an inquiry would know how very difficult it was to keep within the time at their disposal, in cases in which people felt very strongly, unless some kind of order was conserved. They had found, in the Committee to which he referred, that the only way they could get through the business was to allow one statement to be made, and another statement to be made following it. Running commentaries all the way through, on one side or the other, they had practically been obliged to discourage. The honorable gentleman who had brought up this question seemed to allude to a practice of something of the same character, and he hoped that in his ruling the Hon. the Speaker would bear in mind that it was very necessary to economize the time of members of Committees, to enable them to get through their really arduous work within the limits of the session.

The Hon. Mr. NURSE would like to remove from the mind of the Hon. the Speaker any impression made by the Hon. Colonel Whitmore as to this being a case of running commentaries. The person whose character had been distinctly aspersed was allowed to cross-question witnesses against him pretty much as was done in any Court of Justice. The Committee, by a majority, decided that that should be done. Therefore it was not at all a question of making running commentaries, but whether a person whose conduct was called into question should have the usual means of defending himself.

The Hon. Colonel BRETT wished, as a member of the Committee, to say that very great irregularities were committed, such as a gentleman putting questions and answering them himself, and putting evidence into the mouths of witnesses. He thought that was an irregularity, and he objected to it. The Rev. Mr. Williams made some remarks reflecting on the veracity of a witness, and he told the reverend gentleman that he had no business to do so; that the members of the Committee themselves were the best judges of the matter. The Rev. Mr. Williams very properly apologized to the witness for what he had done, and regretted that, through ignorance, he had asked the question.

The Hon. Mr. MANTELL trusted that the ruling of the Hon. the Speaker would be confined strictly to the question submitted, and that it would not be based on any consideration of detailed facts as to what had occurred recently before the Committees. He knew that, in Committees of the English House of Commons, which were open to people to attend, it was constantly the practice to pass in questions which the persons present wished to have put to the witnesses. So long as the questions were strictly put through the Chairman, he did not think that in that case they should always be written questions—he did not see that any objection could arise, because those questions could only tend to elicit the truth of the subject. He thought that, when one party interested was to be allowed to cross-examine...
through the Chairman, all persons interested on the other side should be notified, so that they might enjoy the same advantage.

The Hon. Captain BAILLIE said that, from what had fallen from honorable members, the Council might fancy there had been irregularity in the Committee in this case; but he had had the honor of presiding over the Public Petitions Committee for some years, and it had invariably been the rule when there had been disputes, especially of a personal character, to cross-examine the witnesses. It was true the questions were not always written and submitted to the Chairman; but when they were in possession of a shorthand reporter, who took down the questions, they were put with the permission of the Chairman. That course effected a great saving of time, for an examination would take much longer time if every question had to be written. The Hon. Mr. Mantell had suggested that the opposite party should have a notification of the inquiry, so that he might appear in person or be represented. He might state that the parties on the other side were present at the inquiry in question.

The Hon. Captain FRASER said the reason he brought this question forward was that when he went to the Committee he found the Rev. Mr. Williams, who was there, he understood, by courtesy, cross-examining witnesses. He proposed to the Committee that they should adjourn until such time as they could take the opinion of the Council as to whether the Rev. Mr. Williams should be allowed to proceed as he was doing. He was told in the Committee that he could not get a seconder, there being only two members present besides the Chairman. He then insisted that, if Mr. Williams was to be allowed to cross-examine the witnesses, he should be compelled to do so through the Chairman, and not, as he had done on the previous day, ask the questions direct, and, as he (Captain Fraser) was informed, browbeat the witnesses. He wished to explain that Mr. Williams, after listening to the evidence, brought up a long series of irrelevant questions, every one of which was contradicted by the evidence. The only remark he made was, that the reverend gentleman should write out his questions the day before, and not keep the Committee waiting.

The Hon. Mr. MANTELL said the Chairman of the Petitions Committee did not appear to consider that it was at all necessary or expedient that the questions should be in writing and should be submitted to the Chairman; but he thought it was expedient to put the questions in writing in order that the Chairman might decide whether a question should be put or not.

The Hon. Captain BAILLIE said a serious charge had been made against the Committee—namely, that one witness was allowed to browbeat another. He most emphatically denied that statement.

The Hon. Captain FRASER said he was told so by a member of the Committee. The Hon. Captain BAILLIE could appeal to the other members of the Committee to bear him out in saying that such a thing did not occur.

The Hon. the SPEAKER said the matter referred to him was outside the question of browbeating, and he thought that could not be gone into at present. With regard to the question submitted to him, the rule appeared to be as follows:

"When Select Committees have been appointed to inquire into matters in which the private interests, character, or conduct of any persons appeared to be concerned, petitions praying to be heard by counsel have been referred, and counsel ordered."

From the observations of the Chairman he understood that the character of one witness was concerned.

The Hon. Captain FRASER said this was the first time he heard that the personal character of the Rev. Mr. Williams was impugned.

The Hon. the SPEAKER said it was stated that the character of that gentleman was impugned by the petition: in that case he had a right to appear by counsel. Then, if the private interests of any other individuals were concerned, they should also have the same right. He understood the petitioners considered that their private interests were concerned, and therefore he thought that there was a legal right on their side to be heard by counsel. If any individual wished to be his own counsel it was quite right that he should be heard before the Committee, but he conceived it was not right otherwise for any other persons to interfere in the examination of witnesses. According to strict rule all questions were to be put through the Chairman, and he was not aware that any member not on the Committee was privileged to put any question. If members were not allowed to put questions, so much the more would not other persons be allowed to do so.

METALLIFEROUS ROCKS AND ORES.

On the motion of the Hon. Mr. MANTELL, it was ordered that there be laid upon the table a return showing all analyses of metalliferous rocks and ores containing gold, silver, copper, lead, antimony, and tin, which have been made at the Colonial Laboratory since its institution.

DECEASED WIFE'S SISTER MARRIAGE BILL.

The Hon. Mr. MANTELL, in moving the second reading of this Bill, said that, from the sensation produced on the report of its passage through the other branch of the Legislature, he was induced to think it was one upon which some honorable members felt strongly, even though they might not think very deeply. The Bill was one which had been before the Council on several previous sessions. He imagined that every argument that could be adduced on this occasion had been brought forward on previous occasions, and had been met on previous occasions. For his own part, he thought he should be paying a very small compliment to the good sense of the most reflective members of the Council if he did not suppose that many of those who were formerly opposed to this Bill had, on reconsideration of the strong arguments in its favour, changed their minds in that respect. The Bill was one to
remove a disability which, as he believed, should never have been created by law. It was to remove an offence which was merely a statutory offence, and not an offence against society, against property, against morals, or against religion, because their conceptions of what was meant by the word "religion" varied so infinitely. The one argument which survived, among those which had been adduced against this measure, was simply that this was not yet the law in England. Well, if they waited for England's example in this and other measures which they might wish to introduce, and which were not the law in England, they would have to wait a very long time. But on the other hand, if they followed the course taken by the neighboring colonies they would aid very materially in expediting the period at which the English Statute Book would be relieved of this foolish limitation. Because it was not as in the case of the abominable license which was given and sanctioned, he believed, by the English law and by English authorities, lay and clerical, of the marriage of first cousins. To that he held, as everybody else held, that there were the very strongest objections. But that remained; nobody complained of it; and those who were loudest in deprecating the marriage of a man with the sister of his deceased wife never uttered a word against the marriage of first cousins. The one was a mere case of affinity, and consequently there could be no objection whatever to the union of the parties; the other was a case of consanguinity, which in many instances was followed by its own curse in the most lamentable effects on the offspring. He did not expect that the second reading of this Bill would be affirmed by any large majority during the present session. But even if it should not be affirmed by a bare majority—even if the Bill should be lost this session—he could assure the House that the principle was not now receding annually so long as he was a member of the Council, until the day came when it would be affirmed by the Council. It was one of those laws which they would have to give their assent to finally, and therefore the present was a time when they could pass it gracefully. There was always great satisfaction in doing the right thing in a graceful manner, and he strongly urged the Council to give their hearty support to this measure.

The Hon. Mr. MENZIES said the honorable member who had moved the second reading of the Bill had said so very little in its favor that, perhaps, if he had not referred to the disposal of the arguments used on former occasions, he (Mr. Menzies) might have been led to let the Bill go to the vote without saying anything. But the reference which the honorable gentleman made to the arguments which had been used on former occasions, and which he conceived ought to be sufficient to secure for this Bill a favourable majority on the present occasion, must exist in the honorable gentleman's own imagination to a very great extent, for the strongest and most conclusive arguments on this subject from two different points of view were used against the Bill. It seemed to him that there were two points from which the question could be viewed. The second was expediency, but the primary one was whether the object of this Bill was right or not. Taking the primary view first, they inquired, was there any principle in the law against this marriage? Although little reference had been made to that particular aspect on this occasion, in former discussions the fact of the existence of an authority on the subject was clearly admitted in the assumption that these marriages were not forbidden. This was not simply a question of expediency, but a question of morals. Now, in that authority they found the principle broadly laid down that no man could marry, after his wife's death, a relation of that wife nearer in blood than he could of his own. Having laid down the principle, the authority proceeded to specify a number of cases—a sufficient number to show how the principle would apply. The cases of relations by consanguinity were first stated, and rather in detail, and then those by affinity; a few were instances sufficient to show that the prohibitions applied to the laws which they would have to give the marriage of the wife to a near-in-law, just as they applied to the man's own relations. The phrase "near of kin" was applied, and the rule, he thought, could be fairly adduced that the relationships of the husband extended to those of the wife, and that conversely the relationships of the wife extended to those of the husband. They found that in certain parts of that authority the father's sister and the mother's sister were in the prohibited degrees; because the phrase "nearness of kin" would apply to them. If the sister came within the description involved in this phrase, then a fortiori the wife's sister must also come within the description, and within the prohibited degrees. In a former debate upon this subject, it was stated, by an honorable member who was not now present, that the only prohibition to this union was contained in a single verse. Now, the fact was just the contrary. For the sake of argument that particular verse was omitted from the context it would all harmonize, and the view for which he contended would be altogether uncontradicted and unchallenged in the rest of the context. The assertion that only one verse gave this apparent sanction was corroborated by the fact that that verse was not in harmony with the context; moreover the sense of the verse was ambiguous, and, as the Council also was aware, the translation was not fully agreed in by all commentators. He did not think his honorable friend had met this argument. It was quite true he went into a lengthened argument to show that the position taken up in harmony with the one which he (Mr. Menzies) had now stated was not a correct one; but he must take the liberty of denying altogether that the arguments which the honorable gentleman brought forward on a former occasion in any way overturned or unsettled the argument which was adduced by himself and others on this particular point. To his mind, and, he trusted, to the minds of other honorable members, this argument would answer the first question—Was it right? And if honorable gentlemen agreed with him they would say that it was not right, and that the Bill should not pass. The question of expediency,
Deceased Wife's Sister

[COUNCIL.]

Marriage Bill.

[SEPT. 26]

which only came in in a secondary way, was a social one. He thought the arguments used in 1878 by the Hon. Mr. Stokes, on the social question involving the expediency, had never been answered. He observed that various honorable members had had communications from a society, or persons professing to be a society, formed for the purpose of bringing about a reform of the marriage laws. For some years past they had had every session documents placed in their pigeon-holes from this society. It professed from time to time to give the opinions of various men of considerable standing at Home, statesmen and ecclesiastics, in favour of this proposal. Whether those opinions were correctly given or not he was unable to say, but he would say this: that the representations which had been made in one of the papers that came from this source during the present session, with reference to the action taken by the Council on former occasions, were so grossly inaccurate that it must lead to some distrust of the other statements, coming as they necessarily would with a bias from the same quarter. For example, in stating the vote come to in the Council in previous sessions, and giving the list of names, there were no less than twenty-three errors and omissions. It represented his honorable friend Mr. Hall as having voted for this Bill, when the Council must remember very well that on the only occasion when that honorable gentleman voted on the question he voted the other way. His honorable friend Dr. Grace and himself were also represented as having been staunch partisans of the Bill. He would oppose the measure on this as he had done on former occasions, and would very willingly vote for any amendment that might consign it to the usual limbo of lapsed questions.

The Hon. Colonel WHITMORE very much regretted that he was not present at a former debate on this subject, because he should like to have added his little quota to the throwing out of this Bill. He regarded it as an inopportune and cowardly Bill. He said a cowardly Bill, because, before all things, this was a woman's question. That sex trusted them to make laws for them, and they, in return, in betrayal of the trust, introduced a Bill for the women which they would not introduce for themselves. When he said they would not introduce it for themselves he meant exactly what he said; for there was no proposal, and never had been a proposal, to introduce the converse proposition to this. No honorable gentleman had had the courage to come and ask that a marriage with a deceased husband's brother should be rendered legitimate by law. An honorable gentleman sitting near him said he had moved that as an amendment. He was not aware that he had ever seen it as a printed proposal in a public Bill, and he felt very certain that it never would be brought forward as a separate Bill. Women — to a woman, he might almost say; but, at all events, an enormous proportion of women were entirely opposed to this Bill. They abhorred this Bill; and yet they who knew them, and who knew that that was their feeling, introduced a Bill diametrically contrary to the views, wishes, and instincts of that sex which trusted them to make laws for it. Therefore he said it was an eminently cowardly Bill. It was a Bill to gratify certain desires of certain men, but it was not a Bill that was intended to gratify the wishes of the women, for whom it was proposed to make the law. They could very easily tell what a woman's feeling would be on this subject from what their own feeling would be under analogous circumstances. If any one of them, in a state of things in which it was legal for a woman to marry her deceased husband's brother, found, when his own health was shaky, that the intimacy of his brother with his wife became rather obvious, what would his feelings be? And was it not to be supposed that a woman, who had so much sickness and prolonged confinement to the house and to her bed, would regard with the same natural feelings of aversion any intimacy that she might see between her husband and her sister who she knew perfectly well could marry after her decease his? Of course it was revolting to women so placed, and it would be more revolting to them at a time when disease gave a jaundiced impression of surrounding occurrences. But there could be no doubt that if they broke down the barrier that at present existed between the persons who were related in that degree they broke down also a social institution; for at the present among English people the brother-in-law was almost, and, he might say, in many cases entirely, regarded as a blood relation. Consequently in how many instances did it occur that the wife of a man was enabled to stretch out her hand and assist her sisters in an impoverished family? How often even did it also occur that an invalid wife received great assistance from her sister, who naturally went to her aid and enabled her to get to her household duties? All these things must stop if this Bill passed. The moment that evil tongues could make free with modest reputations, those moral advantages which now existed in that relation of life would, to a very great extent, be destroyed. He had said that this was a cowardly proposal. It was more: it was a very one-sided and very class proposal. It was a rich man's Bill coming in under the guise of a poor man's Bill. It was pretended that this was a Bill to protect the morals of the poor. It was a Bill to gratify the desires of the rich, and he would proceed to prove that proposition. A rich man, who could hire a governor or a housekeeper to look after his family after the decease of his wife, could look with great equanimity upon a law which deprived him of the assistance of his sister-in-law. But the poor man, who could not afford to hire a governor or anybody else, was practically left to perform a woman's office to his children. He knew that his sister-in-law could not take that position which she at present can take, except at the cost of her reputation. Therefore it is a rich man's Bill. A rich man's Bill they knew it to be, because whence did all this agitation come that reached such an extraordinary distance from England? Was it the poor that sent them these circulars mail after mail detailing to them how they had voted, what
were the prospects of success, and what individuals had been induced to give a quasi-favourable verdict upon this matter? No, it was the rich. And what was more, they were rich persons who were exceedingly well known in society at Home. They were told that in societies where this law prevailed no evil influences were found to obtain. He really could not enter into that question. He was prepared to admit that possibly there might be no physical defects in the offspring of such marriages. But that was not the question to be decided. He maintained that, whatever happened in those countries, such marriages would have a fatal effect on a society constituted as theirs was. Among all the nations of the world the English were distinguished pre-eminently as the nation that best understood the private home and private intercourse, and they might fairly claim to be authorities on that subject. If anything was required to prove that, he need only ask honorable gentlemen who had travelled outside Great Britain in Her Majesty's dominions if they had not remarked the extraordinary proportion of private homes in British cities. In England and all the towns were the private residences of private families. It was the ambition of all unmarried men to acquire such homes for themselves, and it was the ambition of every woman to rule over such a home undisturbed and alone with her husband and family. That was not the case with the great bulk of the world. Even their American cousins had drifted away very greatly from their traditions in this matter. That being the case, of all people in the world they ought to be the people to whose opinions upon the subject of matters affecting the sanctity of home ought to be attached most weight. In England he had no hesitation in saying that the entire Roman Catholic community and the great bulk of the Church of England, and the great majority of the English people, abhor and detest this proposal. There was another argument he wished to adduce in connection with this Bill, and it was derived from the relation of the stepmother to the step-children. There was no position in life in which sometimes there was more cruel hardship than that of step-children. It very often happened that the step-parent had no feeling for the step-children, and was cruel towards them. Those children at least could hope for an asylum and sanctuary in the family of their deceased mother, where they could be sure of sympathy. But when that family was also the family of the second wife—of the stepmother—where could those poor wretched children turn for succour, even for words of sympathy? It was not natural to suppose that the grandparents, who were the parents of both wives, would sympathize with the grandchild against their own daughter. Thus the poor children were left without a friend except that of the stepmother, and very often of her own children. In these circumstances took part with his wife. Turning to another point, he wished to say that it was almost a criminal omission in the Constitutions of these colonies that there was not introduced a clause especially barring this subject of legislation from these inferior Legislatures. Like coinage and other things, he thought it ought to be retained in the hands of the Imperial Parliament. So long as their relations with the Home country were as intimate as at present, and so long as persons inhabiting this part of the Empire were certain to have more or less interest in the succession of property at Home and vice versa, this question of marriage was one that ought to be taken care of. He did not think it should be left only to Her Majesty's assent; the subject should be taken away from them altogether, and they ought to have nothing to say in the matter. This led him to the point that, so long as it was not the law of England that a man might marry his deceased wife's sister, he would always vote against such a law in New Zealand. He would not be led away from that opinion because one or two insignificant colonies had chosen to rush into this kind of legislation. Those colonies, although in one sense at their door, had little or no connection with them. The people of this colony were closely related to the people of England, and comparatively few to those in the colonies referred to. The people of those colonies would soon find the inconvenience of having their children legitimate in one country and illegitimate in another. They might accept that position if they liked, but so long as they could prevent it in this colony they ought to do so. Perhaps there might not be many individuals in this country whose inheritance of title would be affected by the law, but in many instances settled property would be affected by the illegitimacy of persons born in this country. Legitimacy which was not recognized by law in England would of course be a bar against inheritance there. The fact of a few radical reformers like Mr. Bright or Mr. Gladstone, or one or two eminent divines, being in favour of this proposal, made very little impression upon him. Very often people favoured proposals of this kind from political reasons; but, if there was one thing more than another that would induce him to vote against this proposal, it was that Mr. Bright or Mr. Gladstone had supported it. He would not like to be hurried, as those gentlemen allowed themselves to be hurried, into extremes that would upset the whole custom of the country. This proposal might be the kind of thing that was popular among those who were called Red Republicans, but that was just one reason why sober Englishmen, with conservative opinions, should resist every argument, however strongly put, that took them in a direction contrary to their national instincts. Their instincts were almost certainly right, whereas all those arguments which were used in favour of marriage with a deceased wife's sister were just as often used against the truths of religion. This proposal was supported by Mr. Bright and the Society of Friends, who formed a very small portion of the English people. But however small their number, they should take their opinions on the subject of marriage from the Quakers. So far as he could perceive, the reason why the Jewish community followed this rule was, that by inference it might be made out to be permitted by a verse in Leviticus. As honorable members were aware, that passage
did not directly permit these marriages, and only sanctioned them by an inference which after all might not be correct. As far as he could make out, that verse might just as well be taken as an authority for marrying half a dozen wives at one time. He had looked over the English Statutes on the subject, and he could only find one Act in anything like modern times with any bearing upon the question. As honorable gentlemen knew, that Act was one which had been passed merely to gratify certain powerful Peers and commoners in England, and one or two powerful families depended for their legitimacy upon that Validation Act. He could find no other authority in law for such marriages. There were two or three Acts passed in the time of Henry VIII., who ought to be a good authority on marriages. That showed for how many years the English people had been content to abstain from disturbing their marriage laws, and he presumed that they had been content to leave them undisturbed because they felt that they could not interfere with the subject without upsetting society. The Act of 1835 did not in any way upset anything. On the contrary, it distinctly affirmed that such marriages as these for the future were to be considered void whenever they took place. It professed to declare this, because the law had till then been that these marriages could only be set aside by action in the Ecclesiastical Court during the lifetime of the parties. He had only heard one argument that came home to him in favour of the Bill, and that was an argument that was urged rather in joke than in earnest. He had heard an honorable gentleman say, either in the Council or in another place, that the best argument in favour of the Bill was that under such an arrangement a man would only have one mother-in-law. Among the many arguments adduced in favour of this measure he did not think a better one than this could be found. He believed that there were exceedingly few people who wished to get rid of their deceased wives' sisters, and, according to modern principles, even at all events, it was the rule that the few must give way to the wishes of the many, and therefore he thought that, when a measure of this sort would give offence in so many households, the few persons who "cast sheep's eyes" on ladies who ought to be sacred to them ought very properly to give way. He would move, That the Bill be read a second time that day six times given in its adhesion to the Bill more or less, and between the years 1849 and 1863 a very large number of petitions were presented to the House by the people of England. He did not know the number of petitions, but at any rate they had contained in the gross upwards of two million signatures. Besides that, there were twenty-six spiritual lords and twelve Judges, and a large number of the most eminent peers in England, who had given in their adhesion to the proposal to alter the law in the direction indicated by this Bill. Surely these facts must have some weight with the Council. If men of such great eminence and great ability favoured the Bill, their influence should lead the Council to approve the Bill. When such men as Archbishop Whately, Archbishop Tait, Cardinal Wiseman, the Chief Rabbi of London, and the Chief Rabbi of Wellington approved the Bill, the Council might very well pass it. Again, the Catholic Church had no objection to the measure, for there was no difficulty whatever in getting a dispensation from the Pope. The Bill had already been carried in Canada, at the Cape of Good Hope, and in the sister colonies of Australia, the result of it being now in the latter place that a man might take the lady over there, marry her, and she would return with him as his lawful wife. The present law was notoriously evaded, and the only result of refusing to amend it as now proposed was that the offspring of such marriages were disabled from inheriting property in the colony. He had no doubt he should be twitted with having on the last occasion that this Bill was before the Council walked out to avoid voting; but that had nothing to do with the matter. His opinion was now just the same as formerly, and he should endeavour to do all he could to induce the House to do what he believed to be an act of liberality and generosity, by legitimizing a number of children who were now considered to be born out of wedlock. He trusted that the honorable members opposite would act with humanity and also with intelligence by assisting to pass the second reading of the Bill.

The Hon. Colonel Whitmore said he had of the women of England he thought otherwise, and he was quite sure that the honorable gentleman had altogether misrepresented them; and, further, he was quite sure that honorable members who had wives, mothers, and sisters would agree with him (Colonel Brett) in the position he took. He believed that it was the general opinion throughout the world that the women of England were the purest and most amiable women in the world. There was one little magic word which exercised a spell upon them—a word of one syllable—and that was love, which exercised so great an influence upon them as to keep within their breasts nothing but pure and upright feelings. He did not intend to go into the religious question on this Bill at any length, but he challenged any member of the Council to quote any portion of Scripture which this Bill, if passed, would be in defiance of. He felt that if they rejected this Bill they would be doing a gross injustice to those unions which had already taken place. The House of Commons, he believed, had already more than sixty times given in its adhesion to the Bill more or less, and between the years 1849 and 1863 a very large number of petitions were presented to the House by the people of England. He did not think a better one than this could be found. He believed that there were exceedingly few people who wished to marry their deceased wives' sisters, and, according to modern principles, even at all events, it was the rule that the few must give way to the wishes of the many, and therefore he thought that, when a measure of this sort would give offence in so many households, the few persons who "cast sheep's eyes" on ladies who ought to be sacred to them ought very properly to give way. He would move, that the Bill be read a second time that day six times given in its adhesion to the Bill more or less, and between the years 1849 and 1863 a very large number of petitions were presented to the House by the people of England. He did not know the number of petitions, but at any rate they had contained in the gross upwards of two million signatures. Besides that, there were twenty-six spiritual lords and twelve Judges, and a large number of the most eminent peers in England, who had given in their adhesion to the proposal to alter the law in the direction indicated by this Bill. Surely these facts must have some weight with the Council. If men of such great eminence and great ability favoured the Bill, their influence should lead the Council to approve the Bill. When such men as Archbishop Whately, Archbishop Tait, Cardinal Wiseman, the Chief Rabbi of London, and the Chief Rabbi of Wellington approved the Bill, the Council might very well pass it. Again, the Catholic Church had no objection to the measure, for there was no difficulty whatever in getting a dispensation from the Pope. The Bill had already been carried in Canada, at the Cape of Good Hope, and in the sister colonies of Australia, the result of it being now in the latter place that a man might take the lady over there, marry her, and she would return with him as his lawful wife. The present law was notoriously evaded, and the only result of refusing to amend it as now proposed was that the offspring of such marriages were disabled from inheriting property in the colony. He had no doubt he should be twitted with having on the last occasion that this Bill was before the Council walked out to avoid voting; but that had nothing to do with the matter. His opinion was now just the same as formerly, and he should endeavour to do all he could to induce the House to do what he believed to be an act of liberality and generosity, by legitimizing a number of children who were now considered to be born out of wedlock. He trusted that the honorable members opposite would act with humanity and also with intelligence by assisting to pass the second reading of the Bill. The Hon. Dr. Grace said he might be al-
lowerd to correct the misapprehension the last speaker had fallen into as to Cardinal Wiseman or other authorities in the Catholic Church being in favour generally of this measure. As such misstatements had been made, it might be well to inform the members of the Council what the position of affairs really was. The Catholic Church looked upon marriage as a sacrament, and taught that with the sacrament went the grace of God to enable the contracting parties to practise the virtues conducive to happiness in marriage. The consequence was, that the Catholics looked upon this as purely a moral or religious question, and, for purposes of morality or religion, considered the teaching of the Church above all laws. So far from the statement of his honorable friend, that it was easy to get dispensation, being strictly accurate, there was no doubt whatever that it was a very difficult thing to get such dispensations. It was true that sometimes, owing to exceptional circumstances, dispensations were granted in favour of marriage with a deceased wife's sister, just as in the case of contemplated marriages between first cousins; but it was not right to say, because permissions were given in these exceptional cases, that it was easy to get permission, nor was it right to say that a large section of Her Majesty's subjects who professed Catholicity looked upon the proposal with any thing like favour. The fact was, it would not affect them at all, because a Catholic, practising his religion, would not, in consequence of this law being passed, consider himself entitled to marry a deceased wife's sister. The Hon. Mr. HALL said he hoped to have heard some arguments against this Bill, but, though there had been a great deal of very vehement assertion, there had been very little argument. The Hon. Mr. Menzies, from whom he regretted to differ, had gone back to Leviticus, and, though he had not argued from a particular verse, contended that the whole tenor of the chapter supported his view of the case. The Hon. Capt. Eraser had not better grounds for his argument, the Hon. Mr. MENZIES was sorry to interrupt the honorable gentleman, but he had said just the contrary to what his honorable friend was representing him to have said. He had argued that, although the particular verse alluded to did prohibit the marriages, that was not the only prohibition, for the whole of the context supported that verse. The Hon. Mr. HALL wished to understand whether his honorable friend gave up the argument from Leviticus, and the allegation that it contained a Divine prohibition of these marriages; or did he argue that it was merely a matter of social expediency? The Hon. Mr. MENZIES regretted that he had failed to make clear his own decided conviction that the whole context of Leviticus, and not the particular verse, did prohibit such marriages. The Hon. Mr. HALL was to understand, then, that his honorable friend still rested upon Leviticus. He was sorry they had not heard more from the opponents of this Bill, because he maintained that the ovum probandi lay with those who took that side of the question. If they wished to place a restraint upon a man's freedom of action, particularly in that most important event in a man's life, the choice of a partner who was to have the care of his children, they were bound to give some good reasons for it.

The Hon. Captain FRASER.—We have done that long ago.

The Hon. Mr. HALL considered that if the Hon. Captain Fraser had not better grounds for interrupting him he should not interrupt at all. That was the position he started from—that it rested with those who wished to restrain a man's freedom in the matter, to show reasons for it. Attempts had been made to show that these marriages were objectionable on several grounds. It had been said that it was a religious question, and that these marriages were prohibited by the Word of God. Then, again, it was said that it was socially inexpedient that these unions should be allowed. The first of these was an argument that was chiefly relied upon in former discussions upon this subject; but, if honorable members had read the debates upon the subject in the mother-country, they would see that the opponents of this Bill had abandoned that position, and that the weight of authority was almost entirely against them. People of strong religious views had practically given up that position as untenable, and now opposed the measure on the ground that it was socially inexpedient that these unions should be contracted. That was the ground upon which they should discuss it. The so-called social objections to these marriages were—he would put them as concisely as possible—that it would drive a sister-in-law from a widower's house; that it would introduce the demon of jealousy to the domestic hearth; and some people went so far as to say that it would undermine the foundations of society. That was such an extremely wild and extravagant statement that he could hardly reply to it. It was asserted that such a law would drive a sister-in-law from a widower's house; that she could not possibly live in the house without forfeiting her reputation. He failed altogether to understand how this should apply to all marriages with young children, if he had the means, must have some woman in his house, and if she were not his sister-in-law he would have a governess or a housekeeper. It was open to him to marry either of them, and yet neither would forfeit her reputation by living in the house. Why, therefore, should society interfere if the governess happened to be a sister-in-law? If society did so, it would be doing a very unjust thing: he did not think that society would be so foolish. Then it was said the proposed change would disturb the peace of families; that wives would be always imagining that their sisters were looking forward to the time when they would succeed to their position, and that the husbands would have ideas of the same kind. But if that must really be the case with sisters-in-law, why should not the same feeling prevail with regard to other relations who lived in the house from time to time, and who would not be precluded from marrying the widower? For instance, a first cousin was not precluded from marrying a first cousin; and why should a wife not be jealous of a first cousin living in the house,
who would naturally be on terms of very con-
siderable intimacy with her husband? There
was no more reason for jealousy in the case
of a sister than there would be in the case of
any other near relation. As a matter of fact, if
honorable members read what had been written
and what had been said on this subject, they
would find that in very many cases, when it
appeared probable to the wife that she would
have to be succeeded by some one, the woman of
all others by whom she was anxious to be
succeeded was her sister. She was the person
who would be most likely to make a kind,
affectionate, and loving mother to her children.
It was moonshine to say that such an altera-
tion of the law would introduce the demon of
jealousy into the domestic circle. He need not
say anything about its undermining the founda-
tions of society, except to remark that the ex-
perience of other countries made the statement
appear positively absurd. He would ask honor-
able members to look at the experience of other
countries, and whether it now appeared for
good reason that had ever arisen to the evils which were pre-
dicted to arise from it. He believed that New
Zealand and Great Britain were now the only
countries in Christendom in which such marriages
were not allowed. In Germany, in America, and
in all the Australian Colonies they were per-
mitted; and had anybody brought forward any
proof that the evils referred to had fol-
lowed—providing, of course, there was no law now pro-
posed in those countries? This proposal had
been strenuously opposed by some leading men;
and if there had resulted from these unions in
any other country any such evils as were now
predicted, did it not stand to reason that some
proof of it would have been brought forward? In
the absence of any facts of that kind, they might
assume, if they did not know it from their own
experience, that no evils had resulted. He
would trouble the Council with one or two
quotations from a debate in the House of Com-
mons, which bore on the question. In the
debate in 1870, in that Assembly which they
were accustomed to look up to as their model,
the opinion of Judge Story was quoted; he was
a man who was admitted to be an authority of
weight. These were the words of Judge Story,
quoted by Mr. Denman in the debate in the House of Com-
mons debate, said this:—

"In point of moral tendency these marriages
were the best sort of marriages, and he had never
heard the slightest objection to them founded
upon moral or domestic considerations."

That was not the testimony of an unknown
man, but of a man whose opinion would carry
weight amongst persons who knew anything of
American statesmen or American Judges. Mr.
Chambers, also speaking in the House of Com-
mons debate, said this:—

"He believed that the opinion and practice of
the whole civilized world were sufficient refuta-
tion of the arguments which had just fallen from
his honorable and learned friend, and which had
been used a thousand times before. His honor-
able and learned friend argued that a sister-in-
law could not live with her brother-in-law, in
case of the removal of these unions of blood
without giving rise to their mother, or suspicion;
but the thing was done at present without any mis-
chievous results throughout the whole civilized
world. Lord Lyndhurst had admitted that there
was not a State more pure in the morals of its
people than that of Massachusetts, where these
marriages were permitted."

Then Lord Houghton, better known as Mr.
Monckton Milnes, said,—

"Where was there a society better representing
all that was purest and most religious in this
country than the higher classes in New England?
Now, persons well entitled to speak on this point
would assure them that, so far from any social
inconvenience or disorder occurring in New En-
gland from a union of this kind, it was deemed
one of the most healthful, one of the wisest, and
one of the most pious unions that a man could
contract; while it was certain, where it was not con-
trasted, there was not the slightest difficulty in
the wife's sister remaining in the house, provided
the gentleman was sufficiently respectable."

In the Australian Colonies, from which they
were most able to draw actual experience, these
marriages were now authorised, and no proof had
been brought forward to show that any great
social evil had resulted from allowing them. He
had never heard any such evil alleged. Honor-
able gentlemen were paying a very poor compli-
ment to the people of New Zealand. Their argu-
ment amounted to this: that the morals of the people
of this country were not to be trusted to
the same extent as those of the people of other
countries, and that what produced no evil effects
in other countries would be an irresistible tempta-
tion to the people of New Zealand. That was
what their argument came to. He did not think
the morality of the people of New Zealand was a
more delicate plant than that of our countrymen
in the Australian Colonies, or of people of our own
race in America. He thought they were justified
in assuming that there was no reason, in the ex-
perience of other countries where these marriages
were permitted, to justify the prediction of evil to
result from them which they had heard from many
honorable members. There was one argu-
ment in favour of the Bill which he had never
heard answered—namely, that the sister of a de-
cese wife was, of all women in the world, the
one most likely to make a good mother to her
sister's children. If there was any woman who
might be expected to treat such children with
motherly love and affection it was the sister of
their mother. Another reason in favour of the
Bill was that it was very desirable that men
and women should know something of each
other's character before they married. Sometimes
they had not this knowledge, and in some cases
the result of that ignorance was very unsatis-
factory. Was it not likely that a man would
be more thoroughly acquainted with the character
of his wife's sister than with that of a stranger?
If both parties possessed this knowledge of each
other they would be more likely to judge cor-
rectly whether they would live happily together.
The Hon. Colonel Whitmore had said that this was really a rich man's and not a poor man's question; but he (Mr. Hall) altogether disputed that assertion. As the honorable gentleman had stated, a poor man could not afford to keep a governess or a housekeeper; and if the wife of a poor man died, leaving him with a large family, it was only natural that one of his wife's relations, probably his deceased wife's sister, should come to his assistance, and keep his house and manage his children. Now, when they considered the limited accommodation which generally existed in the houses of the poorer classes of society—although, no doubt, the people here were better off in that respect than in England—when they considered the manner in which persons in that class were often compelled to live, they would ask the Council whether it was not exceedingly likely that, if they prevented a man marrying the sister of his deceased wife, who was living in his small house and taking care of his children, they would be encouraging immorality instead of discouraging it. He knew instances in which relatives were placed in a position of great temptation, and he thought it was cruel to say that a man so situated should not marry the woman who, after all, would make the best mother to his children. As had already been said, the rich man could evade the law. He could marry the sister of his deceased wife by simply going to another country—by going even to the Australian Colonies. They could marry in another colony, and then return here, and the marriage would be binding on their consciences, and would be recognized to such an extent that the wife would be received in society. But the poor man could not afford to do anything of that sort. He could not be married here unless he concealed from the clergyman the fact that there were legal impediments in the way of his marriage. That appeared to him to be one of the most important features of Lord Houghton's case. With the permission of the Council, he would read the opinions of a class of men who were especially qualified to express opinions on the subject. He referred to the parochial clergy of large cities. The opinions which he had referred to took place. Lord Houghton, an opponent of the prohibition of marriages with a deceased wife's sister, addressed the parliament with the words—

"I believe such marriages as you wish to make lawful are lawful according to the letter and spirit of Holy Scripture, and I hope the civil and ecclesiastical law will speedily be made conformable to the divine law."

Then the Dean of Lichfield, Mr. Champneys, who had charge of one of the most populous parishes in the East of London, said,—

"It appears to me, therefore, that first, as Scripture shows that there is nothing immoral in such a connection, and, secondly, as it is obvious that much evil would be prevented, many poor children saved from misery and ruin, by having that person over them who, in a majority of instances, would be the next best substitue for a mother, my own mind is led to believe that the law of man ought to tally in this respect with the law of God."

Dr. Vaughan, who was the incumbent of a very large parish in the North of England, gave similar testimony. The last opinion he would quote was that of Dr. Hook, Dean of Chichester, previously Vicar of Hull. A man looked up to for his learning and piety by people of all denominations. He said,—

"People in general do not consider such marriages improper. They cannot be proved to be improper by Scripture. The question is therefore one of expediency, and my experience as a parochial minister induces me to think the measure expedient." He would put the opinions of those men in opposition to those of the honorable members of the Council who said that this was not a poor man's question. It was said that the feeling of society was against these marriages. He absolutely denied that such was the case. It was quite true that for many hundred years the people of England were content to go on with out any alteration being made in their marriage law. But why? Because they could, until thirty years ago, contract marriage with a deceased wife's sister. Such marriages were, indeed, opposed to the canonical law, and therefore could be set aside; but he had only heard of very few, if any, cases in which any attempt was made to upset them. People were content to live under that condition of things until Lord Lyndhurst's Act prevented the clergymen of England from celebrating marriages between men and their deceased wives’ sisters at all. Ever since then there had been constant agitations for a change in the law, and the people, through their representatives in the House of Commons, had continually raised their voice in condemnation of the prohibition. He thought it was clear that public opinion was in favor of the Bill. There was another fact which showed that public feeling was not against a relaxation of the law, and that was the fact that, even under the law as it now stood, a great many of these marriages referred to took place. Lord Houghton, an eminent man, whom he had already quoted, in a speech which he made in the House of Lords, said,—

"Lord Lyndhurst's Act, however, unreasonable as it was, did nothing whatever to check these marriages. They went on just as much as ever;
and he could bring before their Lordships hundreds of cases which he had seen with his own eyes, some in connection with his own property and in his own neighbourhood in the North of England, where the law was inoperative to prevent marriages, or where, if marriages did not take place, something worse occurred."

Practically the law was not an actual prohibition for those people who could afford to go out of the colony to get married. He thought the tendency of public opinion was also shown by what had taken place in the neighbouring colonies. This Bill had been debated in the Australian Colonies, and one colony after another had gradually given way and passed it. It had been resisted in each of those colonies by the Upper House of the Legislature; but, in one colony after another, the Upper House had given way to the force of public opinion, and now New Zealand was the only Australasian colony in which marriage with a deceased wife's sister was not lawful. An honourable gentleman near him said that it was the same in Tasmania; but he was mistaken. In this colony for several years past this Bill had passed every year through the popular branch of the Legislature, showing very clearly what the opinion of the people at large in New Zealand was. They had also now this fact: that the Bill had been passed by a new Parliament. The proposal was not, perhaps, much disguised when the last House of Representatives was elected, but before the present House was elected it was perfectly well known that the subject would come before the House, and the result was that the Bill before them was passed by a large majority of the new House of Representatives. He thought that clearly showed that the voice of the people of this colony had been expressed in favour of this change in the law. If they canvassed the people they would find that they condemned the present law. There was one other objection which had been brought forward during this debate, which he thought it right to notice, and that was that this measure was only introduced in the interest of a few persons—that it was only advocated by some persons from very exceptional motives, and for very improper reasons. That was a very unjust and, he ventured to think, a very offensive argument. He would not trouble the Council with quotations from the speeches of eminent authorities who were in favour of the repeal of the law; he would simply read a list of some of them, and he would leave the Council to say whether those persons were at all likely to be influenced by such motives as had been referred to. Among the eminent men who had advocated this change were Archbishops Musgrave, of York; Bishop Sewell; Bishop Thirlwall; Bishop Kay, of Lincoln; Bishop Coplestone, of Llandaff; Bishop Auckland, of Bath and Wells; Bishop Bickersteth; the Bishop of Limerick; Bishop Villiers, of Durham; the Bishop of Cork, the Bishop of Down and Connor, the present Archbishop of Canterbury, Cardinal Wiseman, John Wesley, Mr. Gladstone, Earl Russell, Mr. Bright. With reference to what had fallen from the other side, it would be seen that Cardinal Wiseman was among the persons who had recommended that the civil prohibition against these marriages should be repealed. The recommendation, in fact, that a Bill should be passed such as that now before the Council, and it should be left to the Roman Catholic Church to deal with any case in which a Roman Catholic wished to marry his deceased wife's sister. It was undeniable that the heads of the Roman Catholic Church were against this civil prohibition. In addition to the names mentioned, they had John Wesley, Mr. Gladstone, Lord John Russell, and John Bright. Those were the men who advocated this change in the law. He had no fear, when the names of those who advocated this Bill were shown on the one side and the names of those who opposed it on the other, that their claim to the respect of their fellow-men, their acknowledged purity of life and motives, would be considered at all inferior to that of the opponents of the Bill. The real objection to this Bill was a mere sentiment. He believed that was the only sentimental objection to these marriages. He did not at all undervalue sentiment: it was a very useful thing. He would say to those honorable gentlemen who were actuated by this feeling, let them indulge their sentiment by all means in their own cases, but let them not indulge it at the expense of other people. Let them not marry their deceased wife's sister if they did not wish to do so; but, if another man, as respectable and as worthy as they were, believed that it would be for his own happiness and for the welfare of his children that he should marry his deceased wife's sister, let not their sentiment stand in his way. He would only say, in conclusion, that he believed the weight of argument and the weight of authority were entirely in favour of this change; that public opinion in the old country had been shown to be in its favour. Public opinion in this colony had been shown to be in its favour. It had been carried, as he had pointed out, gradually in the other Australian Colonies, and it was now only resisted by the House of Lords in England, and by a majority of the Legislative Council in New Zealand. That was the position in which this question stood. Those were two highly respectable bodies, no doubt—the House of Lords in England, and a majority of the Legislative Council in New Zealand. They knew very well that the passing of this Bill was only a question of time. The time must come when such a law would be passed. Let them make the time as short as possible; let them not stand in the way of the passing of a measure which he believed would be of very great moral and social advantage to the people of this colony.

Mr. ACLAND would not detain the Council very long, but he could not help making one or two observations in regard to the speech made by the honorable member who had last sat down, and he would begin by a reference to the honorable gentleman's last statement. The honorable gentleman stated that this measure was only opposed now by the House of Lords in England and by a small majority of the Legislative Council in New Zealand. In the first place, he must say that he could not help remarking that the weight of argument and the weight of authority were entirely in favour of this change; that public opinion in the old country had been shown to be in its favour. Public opinion in this colony had been shown to be in its favour. It had been carried, as he had pointed out, gradually in the other Australian Colonies, and it was now only resisted by the House of Lords in England, and by a majority of the Legislative Council in New Zealand. They knew very well that the passing of this Bill was only a question of time. The time must come when such a law would be passed. Let them make the time as short as possible; let them not stand in the way of the passing of a measure which he believed would be of very great moral and social advantage to the people of this colony.
one of the volumes of the English "Hansard" for 1875 he would have discovered that the measure had been thrown out by a majority of the House of Commons—by a majority of 29 —but, in fact, it had been rejected by the House of Commons five times since the agitation in favour of it. It was during the years between 1869 and 1874 that there was a majority in favour of it; but, when it was brought before the new Parliament in 1875, they threw it out by a majority of 29. Therefore that showed very clearly that public opinion in England was not increasing so very much in favour of this Bill. It had been kept afloat thereby a sure had been thrown out by a majority of the very early supporters and advocates of this Bill, some thirty years ago. He was anxious to marry his deceased wife's sister. He was a very wealthy man, and of course he aided those who were agitating in favour of such a change in the law. The law was not altered, so he went to Denmark, where such marriages are allowed, with the lady in question, married her, and returned, and on his return was surprised to find that several of his former friends dropped his acquaintance. The honorable gentleman also stated that he thought the onus was thrown upon the opponents of this Bill to show why it should not be passed. He (Mr. Acland) entirely disagreed with that. This was an alteration of the law which had been longed for within the last few years. Marriage with a deceased wife's sister had always been considered as illegal under the Canon law, but after a time the Imperial Parliament took up this position: that such a marriage should not be declared void unless application was made to the Ecclesiastical Court during the lifetime of the persons—no injustice should be done to the children of such persons by commencing a suit after the death of the parties who had infringed the law. For some few years that clause had borne an agitation kept up in favour of this measure. The Hon. Colonel Brett mentioned that there were a very large number of petitions to the Imperial Parliament in favour of such a measure—that two million persons had signed them. No doubt there had been a good deal of discussion on the question, but he had taken the trouble to get some facts. It was stated in the House of Commons on one occasion that the signatures had been obtained at 10s. 6d. per hundred. That being the case, he would leave honorable members to consider what value was to be attached to petitions thus signed. That fact was absolutely stated in the House of Commons, and it had not been contradicted. Then, with regard to the statement that this was altogether a poor man's question, it was also stated in the House of Commons that, out of 1,503 cases that had been investigated by the Committee, only forty of them were connected with the working-classes—that the majority of such marriages were contracted among persons in the middle classes. He was not going to take up the objection to the Bill on the religious ground, because he had been read-
mother-country, so long would he be found in the ranks of those who voted against an alteration to be made in the colony. These were the grounds on which he would vote against the Bill.

The Hon. Mr. MILLER could not agree with his honorable friend Colonel Kenny, who said that no reasons should be given why honorable members should arrive at a conclusion upon theological grounds. He was one of those who thought that it was of very great importance that they should clearly understand what was the real meaning of the passage or passages in Scripture so often referred to, because he would be very sorry indeed to vote for this Bill if he thought there was any Divine prohibition in that chapter against these marriages. The Council had, at any rate, cleared away the ground to this extent: that it was admitted on all sides that, whatever prohibition there might or might not be in that celebrated chapter, the only authority that could be produced in regard to it was what might be called an inferential authority. The Hon. Mr. Menzies himself had shown that the only reason why that chapter could be cited as an authority was that it stated that a man must not marry his deceased wife’s sister. He was glad to hear it admitted on all sides that there was no Divine prohibition, because that seriously affected the arguments which might be used for or against the Bill. If there was no Divine prohibition, what reason had they for voting against the Bill? That was what it came to. There was no reason in the world, so far as he could see, why he should not vote for the Bill if there was no Divine prohibition. It was perfectly impossible for him to understand what the social argument meant. It seemed to him the most natural, the most sensible, the most reasonable, and the most proper thing for a man to do, if circumstances admitted of it, that he should, when he had lost his wife, marry the woman who would be the best and most natural guardian of his children. As to the argument that by passing this Bill they would be driving the sister-in-law away from her brother-in-law’s house, it was perfectly incomprehensible to him. He thought that the sister-in-law would be much more liable to scandal under present circumstances than if the Bill were passed. He might be wrong, but he had thought the matter out a great deal, and could come to no other conclusion. Having come to that conclusion, he could not possibly vote against the Bill. He had no desire to introduce violent changes. On the contrary, he thought that they should be introduced with great circumspection and care. With every respect for the Hon. Mr. Mantell, he thought this Bill was of sufficient importance to have demanded a little more serious argument in its introduction than the honorable gentleman used. Honorable members were told, “Touch the prohibited degrees and you do not know where you will end.” In the first place, he did not look on this as a prohibited degree; but, if it were so according to the law of 1885, still it must be perfectly clear to any one who read the preamble of that Act that marriage with a deceased wife’s sister was not repugnant to the feelings of the people of England before the passage of the Act. The preamble of the Act itself showed that these marriages were, so to say, winked at, and were only voidable by the Ecclesiastical Courts during the lifetime of the parties concerned. Honorable members might therefore rest satisfied that at that time these marriages were not looked upon as either immoral or criminal. The Hon. Mr. Acland, who was one of the strongest opponents of the Bill, told the Council of cases within his own knowledge in the mother-country in which, by his own admission, persons who had contracted these marriages had gone back to England and had been received into society. In some instances, no doubt, according to the honorable gentleman’s statement, these persons were not admitted, but in others they were. The fact of the matter was that there were very few cases in which persons who had contracted these marriages were banished from society for that reason. There was no doubt in the world that the statements of such gentlemen as the Dean of Chichester and the Dean of Carlyle, which had been referred to by the Hon. Mr. Hall—clergymen who had charge of the largest parishes in England—had very great weight, and it was distinctly stated by those clergymen that under the present law there was a very great deal of immorality existing amongst the poor. That was undeniable. He need not take up the time of the Council any longer. The Hon. Mr. Hall had gone so well through all the arguments that it was quite unnecessary to make further reference to the matter. He only wished to say that the Council should look at this as purely a social question, and discuss it from a social point of view. He felt that he would be doing very wrong if he voted against the second reading of the Bill, because he considered that there was no person who could more naturally assume the position of the deceased wife than the lady to whom the Bill referred.

Debate adjourned.

The Council adjourned at five o’clock p.m.

HOUSE OF REPRESENTATIVES.

Wednesday, 26th September, 1877.


Mr. SPEAKER took the chair at half-past two o’clock.

PRAYERS.

FIRST READINGS.

DEBT AND BANKRUPTCY.

Mr. MACFARLANE asked the Minister of Justice, If he would lay before this House the following returns:— (1.) From the Resident Magistrates' Courts of Wellington, Christchurch, Waikato, and Auckland, of all cases for debt tried before those Courts during the last two years; also showing the names of the litigants, the amounts claimed, and the amount of the verdict in each case, together with the amount of costs awarded, and any further information that can be given as to the ultimate result of each case, especially where imprisonment followed the judgment; (2.) also returns from the Supreme Courts of the same cities, setting forth as fully as possible each case of bankruptcy or insolvency and applications to Court for protection during the same period, showing the names of the insolvents, and the amounts of assets and liabilities as sworn to; together with the particulars of each case, and the result of the same, including the sums paid in dividends; also the number of cases yet in Court awaiting adjudication? The returns would not be expensive, and, if furnished, would convince the House that the administration of justice was very imperfect and unsatisfactory. They would also show that imprisonment for debt, although abolished by the House some years ago, was virtually carried out by the inferior Courts in a far more disastrous form than previously. Another feature in the administration was that the law costs incurred in the Resident Magistrates' Courts were out of all proportion to the sums claimed; and, as a matter of fact, he believed the effect of the returns would be to convince the House that a minimum should be fixed below which cases should not be taken into Court. He held in his hand reports of four judgments which were given in one day against different parties, and in each case the defendants were ordered to pay forthwith, or to be imprisoned with hard labour for periods ranging from one to three months. The sums sued for in those cases ranged from 10s. to £3.

Mr. BOWEN said the returns would be laid upon the table as soon as possible.

REV. T. GRACE.

Mr. FOX asked the Government, Whether they are prepared to compensate the Rev. T. Grace for the losses incurred by the late Commissioner Beckham, whose report in Mr. Grace's favour was adopted by the Petitions Committee in 1871, and which the late Native Minister, in 1874, promised to have adjusted? The question related to the claim of a gentleman whose property at Taupo was destroyed during the war of 1869. He would not trouble the House with a statement of the case, because it was already in print, and was to be found either in the report of the Public Petitions Committee, which inquired into the case in 1871, or in a discussion which took place in the House in 1874, a report of which would be found in the 16th volume of Hansard, page 854. He merely wished to call the attention of the Government to the case in order that they might do what was right in the matter. The claim had stood over for three or four years, which he believed was owing not so much to the neglect of the Government as to the absence of the claimant from the colony for two or three years. He had only one remark to make in reference to the claim, to which he hoped the Minister of Justice would give his attention. It was this: that, at the termination of the discussion in 1874, the then Native Minister (Sir Donald McLean) expressed his intention of adjusting the claim; but he appeared to have been under a misapprehension as to the basis of the claim. It appeared that the damage had been done not so much by the Natives as by our own troops. He wished to call the attention of the honorable gentleman to that fact. He did not think the claim should be allowed to stand over any longer.

Mr. BOWEN said that he had just got the papers in this case. They were rather voluminous, and the Government had not had time to determine what action should be taken; but they would consider the question, and give the honorable gentleman an answer in a few days.

"PRACTICAL STATUTES OF NEW ZEALAND."

Mr. MACANDREW asked the Minister of Justice, If it is the intention of the Government to supply the various Courts of justice throughout the colony with a copy of the "Practical Statutes of New Zealand," lately edited by Mr. G. B. Barton, Barrister-at-law? Some time ago the Provincial Government of Otago arranged with Mr. G. B. Barton to edit an edition of the Provincial Ordinances for the purpose of supplying the Resident Magistrates' Courts throughout the province. They were supplied, and were found to be of great advantage. There were some fifteen hundred Acts on the Statute Book of the colony, and a synopsis such as that which was asked for would be very valuable.

Mr. BOWEN said the Government supplied all the Courts of law in the colony with copies of the Statutes of New Zealand, and they did not think they would be justified in going to the expense of supplying to all the Courts an edition which would necessarily from year to year become more unreliable. In the present state of the colony the Statute law is always undergoing great alteration, and it is necessary for those who administer it to have the law as it exists before them. The Government provides copies of the Statute law of the colony to every Court of law in the colony, and they did not consider it necessary to supply each Court with a copy of a collection of laws which would to a certain extent become obsolete year by year.

FISHERIES.

Mr. MACANDREW asked the Attorney-General, If the attention of the Government has been called to the necessity of legislative action being taken in order to the protection of seine fisheries throughout the various harbours of New Zealand during the spawning season; and if the Government will take such action this session? Attention had been directed during the last few years to the wanton destruc-
tion of fish which had taken place in the waters of Dunedin and in other parts of the colony. Ground fish, such as flounders and soles, were being rapidly exterminated, and he put the question in the hope that the Government would pass a measure dealing with the subject this session.

Mr. WHITAKER said this was the first occasion on which the attention of the Government had been called to the subject. It was no doubt a very important question, but he could not promise the honorable member that a Bill would be introduced this session. He would promise, however, that the matter should be inquired into before next session, with a view to imposing restrictions upon the taking of fish out of season.

GOVERNMENT BUILDINGS.

Mr. WAKEFIELD, in the absence of Mr. Stafford, asked the Minister for Public Works, When the House will be informed of the action promised by the Attorney-General, on the 31st July last, to be taken with respect to the effective drainage of Government buildings?

Mr. ORMOND said the Attorney-General had answered a similar question at an early period of the session. Since then arrangements had been made for draining some of the Government buildings in Wellington. Steps had been taken to get a report on the Museum and other public institutions with regard to the want of drainage in them.

HACKER J. FORBES & CO.

Mr. FOX asked the Minister of Justice, What has been done in the case of Hacker v. Forbes and Dalrymple, and whether he will lay before this House the depositions and any correspondence connected with the case?

Mr. BOWEN said that the papers connected with the case had been sent for by the Government, and they would shortly be laid on the table of the House. Mr. Dalrymple had been struck off the list of licensed brokers under the Land Transfer Act. The papers had been sent to the Chief Justice, with whom rested the appointment of Accountants in Bankruptcy, for his information.

CHRISTCHURCH RESIDENT MAGISTRATE.

Mr. FOX asked the Minister of Justice, Whether he will lay before this House the information and depositions taken in the case of the charge against Needham for attempted rape at Christchurch, and any correspondence thereon with the Resident Magistrate who disposed of the charge under the Summary Jurisdiction Act?

Mr. BOWEN replied that the only thing in the shape of correspondence which had taken place was a letter which had been written to the Resident Magistrate, asking him to forward the information and depositions taken in the case. The documents had come up by the last mail, and would be laid on the table of the House.

WAIMEA ROAD BOARD.

Mr. RICHMOND asked the Government, If they have received the account of receipts and disbursements of the Waimea Road Board, in the Provincial District of Nelson; and, if so, when it will be laid before this House? He had looked into the returns which had been laid on the table, but he had failed to find the information which he required with regard to the Waimea Road Board. He hoped that the Government would lay the account asked for on the table.

Mr. ORMOND said that the return of the Waimea Road Board had not yet been received by the Government, but when it was received it would be laid upon the table in the ordinary course.

GERALDINE COURTHOUSE.

Mr. WAKEFIELD asked the Minister for Public Works, Whether it is intended to build a Courthouse at Geraldine? The building at present in use for the purposes of a Courthouse was also used by the County Council and the Road Board. He thought the place was of sufficient importance to warrant the Government in building a Courthouse.

Mr. BOWEN said that when representations were made that sittings of the Resident Magistrate's Court were necessary at Geraldine the Government made an arrangement with the Road Board for the use of their offices, the Road Board clerk being paid a small salary to act as Clerk of the Court. The Road Board had since found that they required the undivided services of their clerk, and represented that, if another clerk were put into the office, it would cause great inconvenience. The Government were informed that a room added to the Constabulary Station would meet all present requirements. The Government intended to make the necessary provision for the Court by adding a room to the Police Station, as suggested; and in the meantime the Road Board Office would be used.

PROVINCIAL RECEIPTS AND EXPENDITURE.

Mr. REYNOLDS asked the Government, When the return moved for and carried by the House on the 25th July last (No. 9 on Order Paper of that date) will be laid before this House? On the 25th July, over two months, the House passed a resolution ordering the production of a return showing the total amount of consolidated revenue received in each province or provincial district for the years 1874-75 to 1876-77. Also, the amount expended within each province or provincial district during said periods—1st, out of consolidated revenue; 2nd, out of loan. Such return to specify—(1) The portions which have been expended for general purposes (all others excepting Native and Defence); (2) those which have been expended for Native and De-
fence purposes; (8) the percentage each such expenditure bears to the revenue derived from each province or provincial district." He had waited anxiously to see the return laid on the table, and had called several times at the Treasury about it, but it was not yet forthcoming. The return should have been prepared weeks ago. It was necessary that the return should be laid on the table, because it would enable honorable members to determine as to the claims of the various districts of the colony when they were voting supplies. He was sure that any man who understood the accounts of the Treasury would be able to prepare the return in less than a week.

Mr. BOWEN said he was informed that his honorable friend had discovered the most difficult form of return which the Treasury could be called upon to furnish. Three clerks in the Treasury had been working at night for some time past at the return, and were still at it. It would be prepared as soon as possible, but it could not be promised for any particular day.

AGENT-GENERAL.

Mr. LARNACH asked the Government.— (1.) The total expense to the colony of the Agent-General's Department each year since its first establishment in London up to the 30th June last? (2.) The total allowances, in commissions and otherwise, made each year to any engineer or other person out of New Zealand in connection with the Public Works and Immigration scheme during the same period?

Mr. ORMOND said that he proposed to get a return prepared which would give all the information asked for, and he would lay it on the table in a day or two.

AHIKOUKA BLOCK.

Mr. SHEEHAN asked the Premier, Whether effect will now be given to the report of the Native Affairs Committee on the petition of Matiaha Mokai, in reference to the Abikouka Block?

Mr. ORMOND said that Committees of both Houses had reported on this matter, and had made a certain recommendation, but the late Native Minister was of opinion that difficulties might arise with the Natives if the recommendation were carried out. Therefore they hesitated to issue a grant. So far as the Government were now able to ascertain, the difficulties in the way were not at present so considerable as they had been. The Government, therefore, proposed now to give effect to the recommendation of the Native Affairs Committee; but before doing so they would like to ascertain definitely that no difficulty would arise.

WAKA MAORI.

Mr. LARNACH.—I beg to move that motions Nos. 1 to 20 inclusive be postponed, with the view of taking up No. 21 in order that it may be discharged. My reason for doing so is that, on the motion going into Committee of Supply, I intend to move, in substitution thereof, the following motion:—"That this House disapproves of the action of the Government in continuing to publish the Waka Maori newspaper at the public expense in defiance of the vote of this House, and in allowing its columns to be used for the publication of libellous matter." I am induced to do this from the number of scurrilous rumours which are at present floating in the political atmosphere of this House. In justice to the Government and to the country, I think it is desirable that the Government should have an opportunity of considering and offering explanation on this matter at once—that it should be fairly debated by the House, and a decision come to of guilty or not guilty. It is with that object alone that I am induced to move in this matter.

Mr. REYNOLDS.—It is scarcely fair to other honorable members who have these notices of motion on the Order Paper.

Hon. MEMBERS.—It is merely to discharge the motion.

Mr. REES.—The object is that Motion No. 21 be discharged from the Order Paper.

Mr. REID.—I wish to know whether there is anything else to be substituted in place of the one proposed to be discharged. If so, I think the honorable member for Port Chalmers has been misled. The motion to be substituted might take as long a time to discuss as the one proposed to be discharged.

Mr. LARNACH.—The honorable member for Taieri is under a misapprehension. I explained the motion which I intended to substitute in place of the one I ask should be discharged.

Mr. REES.—The honorable member stated his object clearly, in language which any man of ordinary sense could understand. He stated that he desired to give notice to move, on going into Committee of Supply, a certain resolution; so that, if the honorable member for Port Chalmers has been misled, he has been misled by the Hon. the Minister for Lands.

Motion agreed to.

On the motion of Mr. LARNACH, the motion for resuming the interrupted debate on the question, " (1.) That this House is of opinion that it is unjust and unconstitutional for any Ministry to use the influence of the Government and the moneys of the State, on their own authority, for the purpose of defending an action brought by one citizen against another for an alleged libel. (2.) That, after the deliberate vote of this House in Committee last session, striking out the item asked by the Government for the Waka Maori newspaper, and the strong expression of the opinion of this House that the Ministry should not support that paper as before, this House considers the conduct of the Government in still continuing to carry on the Waka Maori is highly reprehensible," was discharged.

DUNEDIN STAMP OFFICE.

Mr. LARNACH, in moving the motion standing in his name, said that he had been induced to bring this matter under the consideration of the House from the great inconvenience experienced by the people in the Province of Otago and the City of Dunedin, owing to the want of the establishment of an Imperial Stamp Office in the City of Dunedin—
Mr. WHITAKER.—If I understand the motion of which notice has just been given by the honorable member, it is intended as a vote of want of confidence in the Government.

Mr. SPEAKER.—The honorable member can only speak on Notice of Motion No. 1.

Mr. WHITAKER.—If I am right in interpreting the notice of motion given as a vote of want of confidence in the Government, then I would say that no other business should be transacted by the House until that motion is disposed of. What I therefore propose to do is at once to move the adjournment of the House, and that the Committee of Supply should be put as the first business to-morrow.

Mr. SPEAKER.—I beg to state to the House that it is most inconvenient that a debate should be interrupted even for the purpose of making a Ministerial statement. The motion now before the House must first be disposed of, and then the Attorney-General can make any statement he may think necessary.

Mr. BOWEN.—As a point of order, I beg to say, Sir, that the motion of the honorable member for Dunedin City (Mr. Larnach) was barely heard at this side of the House, and the honorable gentleman had only said two or three words when my honorable colleague the Attorney-General got up to make a statement. I think it is according to ordinary precedent that no business whatever should be proceeded with when such a motion as that of the honorable gentleman has been given notice of.

Mr. SPEAKER.—The motion now before the House must be disposed of before any other question can be entertained. If the House does not desire to proceed with it the debate can be adjourned.

DUNEDIN STAMP OFFICE.

Mr. LARNACH begged to point out that ever since the Stamp Act had been in existence the people of Dunedin had suffered great inconvenience from the want of an officer there. The merchants and traders of that city, if they had large cheques or other documents to stamp, were obliged to send them to Wellington. The same was the case in other parts of the colony, and it was a source of great inconvenience to the public. It was a condition of affairs in which the community should not be placed, and which was not at all creditable to the Government of the colony. He hoped the House would agree that so important a portion of the community as the citizens of Dunedin should have a Stamp Office. He could not see that the expenditure entailed on the Government would be very great, as there were many high officers in Dunedin under whose charge the stamp and dies might be placed, and who could undertake the duty of stamping the documents required. By doing that, very great convenience would be afforded to the public, and the House would only be doing justice to the most important city in the colony by as assenting to the motion. He had letters from the Chamber of Commerce of Dunedin, and from some of the leading merchants, which bore out what he had just said. He trusted the House would support him in this motion.

Mr. MACANDBEW begged to second the motion, and pointed out that no additional expense would be involved on the colony in carrying it out, while it would undoubtedly be a very great convenience to the people of Dunedin.

Motion made, and question proposed, "That the Government be requested to make early arrangements for the establishment of an Imprest Stamp Office in the City of Dunedin, for the purpose of facilitating the conduct of business generally, and for the convenience of the mercantile and trading community of that portion of the colony."—(Mr. Larnach.)

Mr. BOWEN said this question was a very debatable one, and one which the Government would feel themselves bound to oppose. The subject was brought up last session, and the proposal was then rejected by the House. If carried out at Dunedin, there was no reason why it should not be so in other places; and it would involve a large additional expenditure without any adequate return. As the matter was distinctly debatable, it should not, under present circumstances, be discussed until the motion of censure on the Government, of which the honorable gentleman had given notice, was disposed of. He would therefore move the adjournment of the debate.

Mr. MURRAY thought it was not very generous on the part of the Government to propose to take almost the only day left for private members' business to dispose of Government business. He trusted the House would not agree to the adjournment of the debate. He might say that if the proposal of the honorable member were carried out it should be made to apply to other centres of population besides Dunedin.

Mr. SPEAKER said the honorable gentleman should confine his remarks to the question of adjournment.

Mr. MURRAY would do so, and trusted the House would consider the convenience of private members, and allow private business to be proceeded with on that day. If the Government wished to regard a mild vote of censure as one of no confidence, the Opposition could not deny the perfect right of the Government to consider themselves the custodians of that which so intimately concerned their honor and political existence; but he thought, if they wanted to go into the matter of which the honorable member (Mr. Larnach) had given notice, they could do so on Friday, one of their own days, and then the country would not suffer by the loss of time.

Mr. SHEEHAN would ask the honorable member for Dunedin City (Mr. Larnach) to agree to the adjournment of the debate. The honorable gentleman should accept the legitimate consequences of the motion of which he had given notice; and the established rule was that no other business should be taken when a motion of want of confidence was brought forward. It was particularly desirable in the present case, because the result of the honorable gentleman's motion might be that he would have the adminis-
tration of affairs himself, and then he could dispose of this other matter.

Mr. WHITAKER would point out that the rule was, when a motion of want of confidence was given notice of, that the Government should have an opportunity of at once adjourning the House, and of not carrying on any more business until that motion was disposed of. He trusted the House would accede to that rule, and, when the present motion was disposed of, he would state to the House what course the Government would adopt in order to bring on the motion of which the honorable gentleman had given notice.

Mr. LARNACH would have no objection to the adjournment of the debate, if that was the wish of the House.

Debate adjourned.

WAKA MAORI.

Mr. WHITAKER.—I now propose, with the permission of the House, to put the Committee of Supply the first thing on the Order Paper for to-morrow. As to-morrow will not be a Government day, I have no command over the Order Paper, and as much as this motion must be disposed of before we proceed to other business, and as we are anxious that there should be no delay in carrying on business, I will ask the House to allow me to put Supply on first for to-morrow, with the understanding that the motion of the honorable member for Dunedin City will be then taken. I say this because there are several other notices of motion on the Paper to be moved on the question for going into Supply, and I wish this to take precedence. I beg to move, That the House do now adjourn.

Mr. SHEEHAN.—I hope that the House will agree to that proposal, and will take this question up to-morrow at half-past two o'clock. There is going to be a struggle between the two sides in the House, and they will require time to make their arrangements. I certainly think the Government ought to have the remainder of the day in order to arrange their worldly affairs. For myself I may say that we shall be prepared to take up the gauntlet whenever the Government is ready.

Mr. SPEAKER.—I understand that I shall be justified, unless the House otherwise directs, in putting Supply on as the first Order of the day for to-morrow, with the understanding that the motion of the honorable member for Dunedin City (Mr. Larnach) shall then be taken.

Mr. REES.—I should like to ask in what position the Attorney-General stands in the House. I put a motion before the House some time ago with regard to his position under the Disqualification Act, and I understood that he wished to have the matter referred to the Select Committee which was appointed to inquire into the two other cases of alleged disqualification; and it was so referred. I should like to know, then, whether the honorable member has any right to sit in the House before that Committee has reported, and I have been waiting for some time to see what would be done—in fact, I have waited until the last moment in order to put this question.

Mr. WHITAKER.—There was a distinct understanding, to which I think the honorable gentleman was a party, that the two cases which were brought before the Disqualification Committee should be heard and disposed of first, and that the case against myself should then be considered. I am certain the honorable member for Akaroa will bear me out in this statement.

Mr. MONTGOMERY.—Hear, hear.

Mr. WHITAKER.—I am not going to deviate from that understanding, and I shall take measures to have my name brought before the Disqualification Committee as soon as the other cases are disposed of.

Mr. MANDERS.—Speaking to the adjournment of the House, I may say I am very glad that a resolution has been proposed on so important a point. I am sure it will be satisfactory to the country that a step of this nature has been taken, and that a decisive vote will follow, so that we shall have no more of useless talk and aimless discussion. The position taken up by the Attorney-General is a very fair one, and I am glad to find the Ministry have amongst them one who is ready to accept the challenge that has been thrown down.

The House adjourned at half-past three o'clock p.m.

LEGISLATIVE COUNCIL.

Thursday, 27th September, 1877.


The Hon. the Speaker took the chair at half-past two o'clock.

PRAYERS.

GOLD RETURNS.

The Hon. Mr. BONAR, in moving the motion standing in his name, said his object was to have the quarterly and annual returns of the quantity of gold exported from the different parts of the colony made clearer, so as to show the quantity exported from each place. At present the object of these returns was to show the respective places at which the gold was found, but in the returns published this did not appear so clearly as would be the case if his motion were given effect to. In fact he might say he had known several persons, in commenting upon the export of gold from the colony, to draw unfavourable comparisons, owing to the particular way in which these returns were published. If honorable members would refer to the report upon gold fields, Return No. 6, they would find that under the head of "Westland" was included a portion of the Town of Greytown and the Town of Hokitika; and under the head of "Nelson" another portion of Greytown, and also the Town of Westport, to which was added the small quantity of gold which came from Nelson. This might appear a small matter at first sight, but when it extended from year to year the result was unfair to the districts from which the gold came. Honorable members would see that this was the case when he told them that
Westland was represented as having exported only something like £2,000,000 worth of gold, whereas in reality from the West Coast £14,884,000 of gold had in expectation been paid or still was present between Nelson and Westland. — (Hon. Mr. Nurse.)

Mr. Bonar.)

The Hon. Dr. POLLEN said there would be no objection on the part of the department to comply with the terms of the motion so far as it was possible to do so, and he would assent to the resolution with pleasure.

The Hon. Mr. BONAR was glad the Government was willing to adopt the motion. His special reason for bringing it forward was that he had seen, in a leading mercantile journal published in another colony, some comments which had arisen entirely from a misapprehension of the facts.

SPORTING LICENSES.

The Hon. Mr. NURSE, in moving the motion standing in his name, said he desired to have this return because he thought that, in the part of the colony from which he came, licenses could not be collected as they were not always put in force. His object was to endeavour, if possible, to enable them to be collected, and the acclimatization societies thus subsidized.

Motion made, and question proposed, "That, in all future returns showing the quantity of gold exported from New Zealand, the total export from the West Coast ports of Hokitika, Greymouth, and Westport be shown as the export of the West Coast, instead of being subdivided as at present between Nelson and Westland." — (Hon. Mr. Nurse.)

The Hon. Mr. NURSE, in moving the adjournment of the debate he did so because the usual hour of adjournment was approaching, and not with any intention of prolonging the discussion on a subject upon which honorable gentlemen had no doubt long since made up their minds. It might, however, be proper that he should say a few words in justification of the vote which he would give on this question. His vote would follow on the present occasion the direction which it had taken on all former occasions when this Bill had been under discussion in the Council. He had said before, and would repeat, that this question for him had two aspects, one of which he ventured to call the practical one, and the other might be described as the emotional aspect of the question. Looking at it from a practical point of view, he asked himself what was the existing necessity in this colony for the proposed change in the law. There was no evidence outside of any demand for such a change. It did not appear that there were a great many persons in New Zealand who desired to be permitted to marry the sisters of their deceased wives without incurring the penalties which at present prevented such unions. He asked himself, then, supposing that the law were passed, what would be the good of it? It would certainly not be a complete law, inasmuch as the offering of marriages contracted under it in the colony would not, in England or outside New Zealand, have the rights which under other circumstances they would enjoy. They had not been for so long a time separated from their mother-country—the old ties were not so completely torn up—as to make such a change of the law a matter of no importance to families in this colony whose connections with the old country still existed. It was important that there should not be a law in this colony permitting and encouraging such unions, when the consequences of them hereafter might be extremely serious to innocent persons. That was what he regarded as the practical view of the question. He knew of no necessity for the law at present. There were one or two cases in which marriages of the kind had been made; they were made to repair wrongs which should not have been perpetrated; but he were unwilling to lease the land from the trustees for so short a period as twenty-one years, especially for works of such permanent utility.

The trustees were willing to make a donation of an acre of land to each of those institutions, and it was in order to enable them to give effect to that desire that this Bill was introduced. He might say it would have originated in the other House; but the members for Wairarapa, thinking it so desirable that the Bill should pass during the present session, and recognizing that there was a large number of Bills on the Order Paper of the other House, believed they would attain their object quicker, perhaps with greater certainty, if the Bill were first passed through the Council.

Bill read a second time.

DECEASED WIFE'S SISTER MARRIAGE BILL.

The Hon. Dr. POLLEN said that when he moved the adjournment of the debate he did so because the usual hour of adjournment was approaching, and not with any intention of prolonging the discussion on a subject upon which honorable gentlemen had no doubt long since made up their minds. It might, however, be proper that he should say a few words in justification of the vote which he would give on this question. His vote would follow on the present occasion the direction which it had taken on all former occasions when this Bill had been under discussion in the Council. He had said before, and would repeat, that this question for him had two aspects, one of which he ventured to call the practical one, and the other might be described as the emotional aspect of the question. Looking at it from a practical point of view, he asked himself what was the existing necessity in this colony for the proposed change in the law. There was no evidence outside of any demand for such a change. It did not appear that there were a great many persons in New Zealand who desired to be permitted to marry the sisters of their deceased wives without incurring the penalties which at present prevented such unions. He asked himself, then, supposing that the law were passed, what would be the good of it? It would certainly not be a complete law, inasmuch as the offering of marriages contracted under it in the colony would not, in England or outside New Zealand, have the rights which under other circumstances they would enjoy. They had not been for so long a time separated from their mother-country—the old ties were not so completely torn up—as to make such a change of the law a matter of no importance to families in this colony whose connections with the old country still existed. It was important that there should not be a law in this colony permitting and encouraging such unions, when the consequences of them hereafter might be extremely serious to innocent persons. That was what he regarded as the practical view of the question. He knew of no necessity for the law at present. There were one or two cases in which marriages of the kind had been made; they were made to repair wrongs which should not have been perpetrated; but he
thought that such cases as these should not be pleaded in justification of the interference of the Legislature in the direction proposed. The emotional side of the question was one which concerned himself: a proposal of this kind with him grated upon the traditions of a faith which was lost all reverence; it seemed to him to violate and amongst Irish people, had the sacredness of a religion. The objections to these marriages of affinity might really be said to be entirely of a sentimental or emotional character. There were not with respect to them the same physiological objections which existed to marriages of consanguinity—between persons who were "near of kin" by blood. It was no doubt upon the results of observations and experience in old days that the quasi-law to which they constantly referred on these subjects was founded. The observation of the deterioration of animals of all kinds, including the human animal, from too close intermixture of blood had no doubt led to the prohibition which had come down to us with the sanction of the authority. Some day, perhaps, the objections to all these marriages of affinity might be swept away. The movement was manifestly in that direction, and it was growing in strength. Even in that Council he was advised that there would to-day be more votes given in favour of the second reading of this Bill than on any previous occasion. He had amused himself in speculating that some day or another there would be another force added to that of the deceased wife's sister, which was not at present, to this Bill, and it was the strongest point made on the other side of the world, to whom his honorable friend had referred, as well as "my lords" on this side, would have now and then a mauvais quart d'hеure until her rights were established. In the meantime, he was content to wait. Whenever, by the legislation of the British Parliament, the necessity for a change in the law was shown, he was prepared to sink his own personal objections and vote for a Bill which should follow the Imperial legislation on the subject; but until then he would oppose the alteration in the law.

The Hon. Mr. ROBINSON said he had not intended to say anything at all—for he thought the subject had been worn almost threadbare—but for several speeches that had fallen from honorable gentlemen, and particularly one which had come from an honorable gentleman to whose arguments and remarks great weight had always hitherto been attached by the Council. He referred to the Hon. Mr. Hall. That honorable gentleman on a former occasion voted against this Bill: on this occasion, without rhyme or reason, he had attempted to put forward a great many arguments why the Bill should become law. He should have expected that, in the first instance, the honorable gentleman would have given the Council some very good reasons for changing his mind, but on that point he had been silent, and not a word had they heard from the honorable gentleman. At this he was not astonished, for he thought it would have been quite impossible for the honorable gentleman to have given any reason. As great weight had always been attached to the remarks of the honorable member, and as he had made a very serious speech on the previous day, it was only right that attention should be drawn to the change in his opinions on this subject. He thought it necessary to draw the attention of the Council to this change of opinion in the honorable gentleman. In speaking the other day he (Hon. Mr. Hall) referred particularly to several points in the speech of the Hon. Colonel Whitmore. Among other things the honorable gentleman tried to show that this was not a law for the rich, but a law for the poor. How did he show it? He said the Hon. Colonel Whitmore clearly showed that this was not a rich man's Bill, insomuch as the rich man, if he lost his wife, could engage a governess or some other person to look after his children, or could go to another part of the world where this law prevailed; and marry his sister-in-law. Now, as he (Mr. Robinson) understood his honorable and gallant friend, that was not the drift of his argument at all. He wished to show that if the poor man lost his wife he would not be able to hire a person at a high salary to look after his children, and he would be debarred, in consequence of this Bill becoming law, from taking his sister-in-law into his house. Such was clearly the case. He was really quite astonished at the statement made by the Hon. Mr. Hall, having changed his mind without any good reason for it. Probably if the honorable gentleman had to speak again he would tell the Council that he had not properly considered the Bill. If that was the case, all he could say was that
The honorable gentleman in his speech made a not correct. The honorable gentleman stated that the House of Lords and the Legislature, he would say, of Canterbury. A man got up and made a very long speech against the Bill. He had voted against it.

The Hon. Mr. ROBINSON said there was no honorable gentleman in the House who had so much experience who was so irritable on being interrupted as the Hon. Mr. Hall. He could not help observing the other day that, when his honorable and gallant friend, Captain Fraser, made a slight remark, the Hon. Mr. Hall turned round and read a long and severe lecture to the honorable and gallant gentleman. As a young member, he must say that he thought the Hon. Mr. Hall had just taken a very mean advantage of him.

The Hon. Mr. HALL rose to a point of order. He would ask the Hon. the Speaker whether he was not a well-understood Parliamentary privilege, if one member misrepresented another, for the member so misrepresented to point that out at the time, as he had done on the present occasion.

The Hon. the SPEAKER, if he might be allowed to do so, would point out to the Hon. Mr. Robinson that the expressions he made use of were not strictly in accordance with Parliamentary usage. He thought such expressions were not desirable, and he was sure the honorable gentleman would regret having used them.

The Hon. Mr. ROBINSON would very much regret having made use of any words that the Hon. the Speaker might rule to be not in accordance with the usages of the Council. In using the word "mean," he did not intend to apply it in the literal acceptation. Perhaps he should have said that the honorable gentleman was scarcely giving him fair-play. If the Hon. Mr. Hall complained so much of being interrupted by the honorable and gallant Captain Fraser, he should remember that he (Mr. Robinson) was much more likely to be thrown out of the course of his argument, not having had so much experience in Parliamentary debates. When interrupted he was, he thought, talking about the inconsistency of the Hon. Mr. Hall, and also about the great mistake the honorable gentleman had made in not giving some good reason for his change of opinion. That change seemed to have come about so suddenly that he was as much astonished as he would be if, on some future occasion, the honorable gentleman got up and made a very long speech against the runholders, he would say, of Canterbury.

The honorable gentleman in his speech made a great many quotations; but many of them, if not all, were, as was shown by the Hon. Mr. Acland, not correct. The honorable gentleman stated that the House of Lords and the Legislative Council of New Zealand were the only deliberative Assemblies at the present time which opposed this measure. He did not think that that was quite correct, but if it was, he could say that he was proud to see that the House of Lords had shown such good sense as to follow the precedent afforded by the Legislative Council of New Zealand.

The honorable gentleman told them that Great Britain and New Zealand were the only two places in which this law at the present time did not prevail. He thought the honorable gentleman would admit that in that he had made a very great mistake. He (Mr. Robinson) understood this law did not prevail in France, in Prussia, in Italy, in Greece, or in Russia. The honorable gentleman also said it prevailed in all the Australasian colonies. But it did not prevail in Queensland, in Western Australia, in Tasmania, or in New South Wales. He gave no proof of those statements, and when they were questioned he admitted that he might be wrong. He (Mr. Robinson) thought the honorable gentleman was very wrong, and on future occasions he would listen with a great deal of suspicion to his quotations. It was strange that none of the honorable gentlemen who spoke in favour of this Bill had given any reasons why it should be passed. The Hon. Mr. Hall laid down a strange doctrine when he told them that it was not the duty of an honorable gentleman introducing a Bill to give reasons why the Bill should be passed although it might propose to repeal a law that had existed for a thousand years.

The Hon. Mr. HALL never said so. The Hon. Mr. ROBINSON understood the honorable gentleman to say so, but of course he was subject to correction. He thought the honorable gentleman said it was not the duty of honorable members supporting this Bill to give reasons why the Bill should be passed, although it might propose to repeal a law that had existed for a thousand years.

The Hon. Mr. HALL said that was quite right.

The Hon. Mr. ROBINSON maintained that what amounted to the same thing as he had stated. The Hon. Mr. Miller was another gentleman who voted against this Bill in 1872, 1874, and 1876, and yet he now got up and made a long speech showing why this Bill should become law. He called upon them, by all that was sacred, not to give their voices against this measure in which the interests of so many families were concerned. But the honorable gentleman gave no reason why this change should take place. He might have twenty thousand reasons, but he did not favour the House with a single one. Then there was his honorable and gallant friend, Colonel Brett. On a previous occasion that honorable gentleman got up and told them that he was very peculiarly situated with regard to his family, and said he could give very good reasons why this Bill should not become law. Indeed, it would be in the recollection of the Council that the honorable gentleman said, on one occasion, that he had a very handsome sister-in-law, and he thought his...
domestic happiness was likely to be interfered with. He did not know whether the honorable gentleman said it was in consequence of his looking pleasant at the young lady; but he said that, in order to set all matters right and to please all his friends at home, who had very great influence, he would have to oppose the Bill. But yesterday the honorable gentleman got up in such a way that if it had been fifty years ago he would have expected that any one who took the opposite side might have a chance of turning up his toes to the daisies on the following morning. The honorable and gallant gentleman was very indignant because the Hon. Colonel Whitmore said that those who were trying to pass this measure were acting in a cowardly manner. If the Council would permit him he would read an extract from Hansard. It was not often that he Hansardized anybody, but on the present occasion, as he thought it was so very much to the point, he could not help doing so. His honorable and gallant friend Colonel Brett on a former occasion used words in opposing this measure which, for the life of him, he could not see were different in meaning from the words used by the Hon. Colonel Whitmore. He found that the Hon. Colonel Brett said,—

"He had on three or four occasions spoken at considerable length on this subject, and he only rose to give one good reason why honorable members should not pass the Bill. It would be very ungenerous, unmanly, and unkind to carry such a Bill, for by doing so they would diminish the marriageable market, and thus inflict a hardship upon the ladies."

In fact, he thought the words in the quotation were very much stronger than those used by the Hon. Colonel Whitmore. His reason for particularly referring to what had fallen from the honorable gentlemen supporting this measure was simply to show to the Council how little faith or weight was to be attached to anything they had said. Of course every one had a right to his own opinion; but, when honorable members' opinions varied in this way, he thought it was due to the Council that they should give reasons for the change. He would now make a few remarks bearing more directly on the question. A great deal had been said about many children having been born outside the recognized law of matrimony—that they suffered great hardship—and that the Council ought to pass this law, which would give them all the rights of Her Majesty's subjects. But why not carry the argument a little further, and pass a law to legitimize all the bastards in the country? There was, he thought, as good reason for one as for the other. Another reason brought forward in favour of this Bill was that they already recognized marriage between first cousins. He did not agree with that; he thought the relationship might be too close. But were they going to remedy the evil by this law? Why not bring in a Bill to do away with such marriages? The Bill before the House would not only perpetuate such marriages, but would increase them. The question of marrying a deceased wife's sister had been almost worn threadbare, and he had very little to say upon it. He thought he could see, from his position, many objections to it. A man might have a family of daughters: one or two might be married, and the father might be very desirous to be able to take his sons-in-law into his house, and receive them as his own sons; but how could he do so if this Bill became law? Brothers-in-law would then be in a very different position. The moment this Bill passed, a brother-in-law would have no more right to take his sisters-in-law to the theatres, to chaperon them at parties and take them about, than he would to take any other lady to whom he had been introduced. He heartily and sincerely disagreed with the Bill, and would vote against it. An honorable gentleman who had been particularly asked for reasons why the Bill should become law remarked that it did not matter what was said, for if he lived a thousand years he would vote for the Bill; so that he (Mr. Robinson) thought it would be only a waste of time to give further reasons against the Bill.

The Hon. Captain Fraser had not intended to say a word upon this matter if his name had not been dragged into it. He had acted wrongly in interrupting the Hon. Mr. Hall, and, although it was true that that honorable gentleman had delivered a lecture to him, he had forgotten it. But there were some things said by the Hon. Mr. Hall that he had not forgotten. The honorable gentleman said that this law existed in all parts of Christendom with the exception of Great Britain and New Zealand. Well, as he (Captain Fraser) had a practical knowledge of the greater part of Europe, he was astonished to hear that the law existed in Belgium, in France, in Portugal, in Spain, in Italy, in one-half of Switzerland, in the Tyrol, and in the whole of Eastern Austria. The honorable gentleman asked if the people of New Zealand were better than their Australian cousins. In reply to that he would say, "The cold in clime are cold in blood." Morality was often affected by climatic influences. When he was in India he was aware that more cases were sent before the Divorce Court than from all the rest of the Empire. The Hon. Mr. Miller had said that, amongst the working classes, if a sister went to live with a brother-in-law she fell. Now, he considered that was a libel on the class, as he believed that that was more likely to occur where there was high living than where there was a struggle for very existence. Children under this Bill could not inherit at Home, because there they would be illegitimate; and any married woman going to England from this colony might be required to show a certificate that she had not been married to her brother-in-law before she was admitted into virtuous society. This deceased wife's sister was an impudent hussy, and he hoped that they would never see her face again in the Council.

The Hon. Mr. Chamberlin said that on every occasion on which this Bill had been introduced he had voted for it, and he would vote for it a thousand times provided he heard no sufficient argument to alter his opinion. Up to the present time he had not heard such an argument. It had been said that the women generally objected to this Bill, and married ladies in
Deceased Wife's Sister [COUNCIL.]

Marriage Bill. [Sept. 27]

He begged to differ from that opinion. In fact, he knew a great many ladies, both married and single, who were in favour of the Bill. He had even heard the wives of members of the Council speak very strongly in favour of it. He knew a gentleman in the colony who held a very high position, and who was very strongly in favour of the Bill. That gentleman considered that this was the best kind of marriage that a woman could possibly make, because, as a rule, a sister-in-law would have a very good opportunity of knowing the character and disposition of the man she might possibly be wedded to. The same would be the case on the other side. The man would have every opportunity of seeing the disposition and capacities of his wife's sister. He referred to her intellectual capacities, and to her capabilities as a housekeeper. He would also have an opportunity of seeing whether she was devoted to his children or otherwise. The case must be very different when he went abroad to find another wife. It was only natural, when a man was once married and had a family, that he should be desirous of marrying a second time. Of course he must be like a fish out of water if he had no one to take charge of his children. It was evident that honorable members were afraid of their wives, and of what was called "Mrs. Grundy." Was it possible that any men could have so low an opinion of the purity of mind of their countrywomen as to suppose for a moment that they were capable of any other than the purest of thoughts when they entered the homes of their brothers-in-law, during the long sickness of their sisters, to be the guardians of their children probably after the death of their sisters? No honorable member could doubt for one moment the purity of the motives of a deceased wife's sister living in his house, nor could any one deny that she must naturally become the guardian of her sister's children after her sister's death. Who was there likely to take such good care of his motherless children as a man's sister-in-law? She had had every opportunity of learning the temper and disposition of the children; and in ninety-nine cases out of a hundred she would feel better disposed towards them than any other woman could be. As to supposing that a wife would be jealous because after her death her sister could marry her husband, it was an insult to common sense. Every man, as a matter of course, if he had the opportunity of finding a fit and proper woman for a second wife, or even for a third wife if he were so unfortunate as to lose his second, would marry again; and was it to be imagined for one moment that the poor wife on her death-bed would suppose that her husband was not to be married again? Was it to be supposed that she would be jealous of her sister? He could not think so for one moment. Was there any more impropriety in a sister-in-law staying at a widower's house than any other woman—a governess, for instance, or a housekeeper with a small allowance, or even the sister of the man himself? If he was quite as much in either case. He did not care in what position the woman was, Mrs. Grundy was as likely to talk of one as of the other. There should be no impediment whatever placed in the way of a widower marrying again. It had been said that there had been no agitation or expression of public opinion in favour of this Bill, nor any petitions. If there had been no petitions in favour of it, there had been none against it. It was also said that it was not a measure which affected a large proportion of the population. That might be so as far as the colonies were concerned; but the question affected a large proportion of people in the old country; and, unfortunately, it affected just that portion of the population who could not make themselves heard, and had not the means of doing so. But let them be just; let them legislate for the weak as well as for the strong. At any rate, a Bill of this character could not possibly do any real harm, no one being obliged to marry a deceased wife's sister, nor a sister obliged to marry her brother-in-law. If this Bill were not passed, a large number of people would be condemned to live a life of social degradation. It might be said that this state of things was a proof of want of purity in the female sex, but in ninety-nine cases out of a hundred he maintained that the man was to blame, not the woman—man was the tempter. Now, let them see how the present law affected different classes of people, excluding in the present argument the people in good positions and the very wealthy. He would take, for instance, the poor settler or small farmer. He was a married man with a young family to support, and had his wife's sister living in the house. She was perhaps an orphan, too well brought up to go to service, and had no other resources but to live with her married sister. After a time she became attached to the children, and the liking was perhaps mutual. The wife died; and what happened? The maiden aunt remained, because she had no other home to go to; she could not marry under the present law, and, after a time, did worse. If this Bill were passed, in ninety-nine such cases out of a hundred the brother-in-law would say, "Well, dear, you have lost your sister; I have had an opportunity of seeing your good qualities, and I think you are admirably adapted to take the place of the lost one." Then take the case of a poor mechanic. He loses his wife. Her sister is out at service perhaps. She had been in the habit of visiting and staying at her sister's house, and therefore had had every opportunity of judging her brother-in-law's character. A poor mechanic, as a rule, lived in a two- or three-roomed cottage. He had, perhaps, five or six children, and probably only two rooms—the one a bedroom and the other serving as kitchen, sitting-room, and everything else; or he might have also an outhouse. The poor man found it very inconvenient to sleep in the kitchen or the outhouse, and human nature was of such a character that, after a time, cohabitation took place. Now, if this Bill were passed, the woman would first stipulate that she should be married. Amongst that lower class of people he was obliged to have some woman in the house to take care of his children. He was away all day at work, and must have some one to attend to his family duties, and if his deceased wife's sister lived in the house immorality would in-
Deceased Wife's Sister [COUNCIL.] Marriage Bill.


It was not a rich man's but a poor man's Bill; and it chiefly affected the classes to which he had alluded. The honorable and gallant gentleman also went on to say that it was a mistake of the British Parliament to give power to the New Zealand Assembly to legislate on this question; and some honorable members were in favour of waiting until the British Parliament had agreed to this measure. He did not understand that at all. He thought the British Parliament had shown that it appreciated the Colonial Assembly much better than they did themselves. It seemed very strange that they should have so small an opinion of themselves as to consider that they had not brains sufficient to legislate on a simple matter like this. It did not want much brains to say whether it was right or wrong for a man to have the power to marry his deceased wife's sister. He was sorry to find that, for various reasons best known to honorable gentlemen themselves, this measure had few friends in the Council. What did they think one honorable gentleman said that morning about the Bill? Why, he said, "Kick her out. Kick the deceased wife's sister out." Another gentleman, a member of this Parliament—he would not say of this Council—the other day actually said a great deal worse than that, a great deal worse. He said, "Damn the deceased wife's sister."

An Hon. Member.—He meant the Bill.

The Hon. Mr. Chamberlin. — No; he said the deceased wife's sister. If he meant the Bill, it was much the same thing. He showed that he was not a friend to the female sex, or he would never damn a woman as he did when he damned the Deceased Wife's Sister Marriage Bill. He presumed the word meant consigning to perdition. Did any honorable member wish to do that? With these few remarks, he would vote for the second reading of the Bill.

The Hon. Mr. Bonar said it was not his intention to go into this subject, as it had been so fully discussed; but he felt bound to rise in his place in the Council and protest against the style of argument brought forward by some honorable gentlemen in support of this Bill. Surely it must be a very weak case indeed that required the universal condemnation of a deceased wife's sister, and a charge of universal immorality. That was not the style of argument which ought to be introduced into the Council. He should be very sorry indeed if such a state of things existed in the country, but he maintained that it did not. The principal argument, and almost the only one, brought forward in favour of the Bill was that the deceased wife's sister was the most natural or, at all events, the best guardian for the children; but those who were seeking to pass this Bill were taking away that very guardian from those poor children. He was speaking for a large number of families in other colonies where this law was in force, and where the deceased wife's sister did not reside with the husband, and therefore the
children were deprived of this natural guardian who was paraded so much before the Council in connection with this Bill. While the deceased wife's sister might be the natural guardian as long as she simply remained the deceased wife's sister, yet if she got married to her stepson, and had a family of her own, she then ceased to be the guardian of her sister's children, and simply took the position of stepmother; and honorable gentlemen knew what that was. These facts alone were sufficient to warrant him in voting against the Bill. If they passed the measure they would be simply holding out encouragement to colonists to occupy a false position, a position which they would be deprived of the moment they went to other parts of the Empire; and they would be doing a wrong thing. He was content, along with those who spoke on the same side, to wait until the Imperial Parliament removed the present disability; then he would not stand in the way further. Upon these grounds, he would vote against the Bill, as he had done on former occasions.

The Hon. Sir F. DILLON BELL, like his honorable friend, had not intended to say a word on the subject, and he would not be actuated by any of them. There were honorable members, like himself, who were willing to entertain a proper consideration of the question, but who were offended when, on the one side, they heard arguments addressed to the Council from what he could not help considering a totally false position, a position which they would have to repair until the happy day, when he saw in the distance, when the Council would favourably regard this measure. However, this was one of those questions that produced more arguments, more temper, more reference to Holy Scriptures, and a less satisfactory result, than probably any other question that came up during the whole course of the session. He had to express his thanks to those honorable gentlemen who repaired that measure—his omission—that was, his having abstained from going properly into the arguments that had been used year after year and session after session in favour of this Bill. He thanked not only the gentlemen who had repaired that omission—which he did not deplore, because it had been the means of producing better arguments than he (Mr. Mantell) could have used—but also those honorable gentlemen, without exception, who had spoken against the Bill. There was nothing which a staunch advocate of the measure had so much to be thankful for as the repetition of the old, worn-out, threadbare arguments against the Bill. Not a new argument had been produced against the measure on this occasion. As Leviticus was usually quoted on these occasions, he procured a copy of the Bible the last time this question was under discussion. When quotations were made on the one side, he tried quotations on the other side; but, when his quotations appeared to be inconvenient to those opposed to the measure, he was told that they were erroneously translated, or that there were doubts as to their correctness. He yielded to no man in reverence for the Bible, but his reverence was of this character: He respected all those who implicitly believed and followed the precepts of the Bible, and he would not say a single word that would raise the slightest doubt to the firmness or strength of their spirit in the minds of any of those persons. But when the Bible was simply taken up as a cudgel he treated it in a very different way. As
a staff to support men through life, he reverenced the Bible, and treated it with every respect; but, if any gentleman chose to raise the Bible against him—as was done in the Council—as a cudgel, he would deal with it the same way as he would deal with any other cudgel. He dismissed altogether that argument, because they could come to no reasonable conclusion from the authority of the Bible on the subject. The two honorable gentlemen who sat side by side, and referred to the religious argument, would scarcely agree as to the version of the Bible from which they quoted. He found no fault with any honorable member for the vote he might give on this question. He thought it was one of those questions on which honorable gentlemen who felt themselves totally unbiassed, as he did, should be held free to express an opinion in favour of an improvement in the law, and to argue it in that temperate manner in which it should be argued; but, on the other hand, he found no fault with those honorable members who thought they were prohibited by their religion from supporting such a measure, and vessels. He thought every honorable gentleman in the Council had a right to vote on this question just according to his own impression, not only as to the right or wrong of it, but with regard to his material, as the Royal assent would naturally follow. As to the objection raised that if this Bill were passed ladies married here would no longer be looked upon as the measure in so much better hands, and he would repeat his thanks to those honorable gentlemen who had spoken so bitterly and incorrectly against the Bill.

Mr. Chamberlin, Mr. Mantell, Mr. Gray, Mr. Miller, Mr. Acland, Mr. Menzies, Mr. J. Johnston, Lieut.-Colonel Kenny, Mr. Menzies, Mr. Paterson,
The amendment was consequently agreed to, and the Bill ordered to be read a second time that day six months.

INVERCARGILL GAS BILL.

On the Order of the day being read for the consideration of the amendment proposed by His Excellency the Governor, in clause 3 to insert the following proviso: "Provided that the authority of the said Act shall have a preference in exercise of the powers conferred by the said Act, and the debentures and other securities issued under the said Act shall be a first charge on the special rates, and upon the works erected or purchased by the said Council in exercise of the powers conferred by the said Act, and the debentures and other securities issued under this Act shall be a second charge on the said rates and works."

The Hon. Dr. POLLEN said the question to which this amendment referred had been already discussed in the Council in the debate on the second reading of the Bill. He need not, therefore, go into the arguments adduced on one side or the other, but would content himself at present with moving that the amendment be adopted.

The Hon. Mr. MENZIES supposed that, from the fact of this amendment having the concurrence of the Colonial Secretary, the Council would understand that the Government would not assent to the Bill except with this addition to clause 3. He thought that was a fair inference, and, if such was the case, he apprehended there would be no alternative but to accept the amendment proposed. The Colonial Secretary could not fail to remember that, when this proposition was first brought before the Council by an independent member, the matter was fairly discussed, and, on a division, was rejected by the Council. Before the Council was asked to pass the amendment he thought some reason should be adduced why they should accept what, after deliberate consideration, they had previously rejected. His objections to the amendment were undiminished. He thought it extremely unfair to the Corporation concerned to have the value of their new loan lessened by the insertion of such a proviso, giving priority to the present bondholders. The present bondholders obtained the current loan at a very low rate—he was told the price of the debentures was £85. Surely that profit ought to satisfy the present mortgagees without obtaining this additional advantage, to which, as the Hon. Mr. Bonar had pointed out, they were not in any way entitled. He would not detain the Council on the subject, because, as he had already said, the concurrence in this clause was a sine qua non to the Royal assent, and it was imperative that the power to borrow should be obtained by the Corporation. He would say, if it was right in the case of one public body to give priority to the holders of debentures already issued, then the same rule ought to apply to colonial loans. If any proposal for a future colonial loan came under the consideration of the Council, he would not fail to remind the Colonial Secretary that the Government had deliberately laid down a precedent, and in all consistency they ought to follow it out.

The Hon. Mr. HART might explain, for the satisfaction of the Hon. Mr. Menzies, the reason why this proviso should be inserted. An Act was passed some time ago by the Assembly enabling the proprietors of the Auckland Waterworks to raise a second loan. In that case lenders of money on the second loan were to be placed in the same position as lenders of money on the first loan. When the second loan was attempted to be floated in London it was objected to on the ground that the proposal contained a breach of faith in altering the nature of a bargain already entered into with the first lenders, and thus altering the character of the security. The legal advisers of the body intrusted with the floating of the loan advised that body not to do it, on that account. With that example before their eyes, he did not think it was desirable to follow the same course in this instance.

The Hon. Mr. BUCKLEY, as one of those who took a part in the previous discussion, wished to make a few remarks in reply to the Hon. Mr. Menzies. If the honorable gentleman looked into the principle of the question, and understood it as a business man, he would see that his argument amounted to nothing. If the Council passed the Act without a proviso such as that now proposed, it would be simply an act of repudiation, or, rather, it would be authorizing the Invercargill Corporation to commit an act of repudiation on future occasions. The honorable gentleman went so far as to say that he would urge the Government to insert a proviso like this when they brought forward a proposal for a colonial loan. There would be no repudiation in a colonial loan if no proviso of this sort were inserted, because the colonial loans really had no security attached to them; but, in the case of the Invercargill gas loan, security was given in the first instance over the works and rates, that being distinctly laid down in the first Bill. If the rates failed, the bondholders had only to apply to the Supreme Court to have a Receiver appointed, who might enter the works and take all rents and profits until the money was paid. It was quite a different thing with respect to the colonial loans. In fact, he thought there was still a part of one of their provincial loans not consolidated: he referred to the loan contracted by the Province of Canterbury for the Lyttelton and Christchurch Railway. It was well known to many that a considerable number of those loans had never been consolidated, and the holders declined to take consolidated debentures;
and why? Because under the first Loan Bill they had the right, in case of any default in the payment of interest, to go to the Supreme Court and ask to have a Receiver appointed, who might step in and take charge of the railway in the same way as they could under the first Invercargill Gas Loan Bill.

The Hon. Mr. BONAR said that, after what had fallen from the Hon. Mr. Menzies, there appeared to him to be really no alternative but to accept the recommendation of the Governor. But, without wishing to favour anything having the appearance of repudiation, he felt that a great injustice was done to this Corporation by proposing that the claims of the present bondholders should be a first charge. This would put the Corporation at a disadvantage, and would appear the appearance of repudiation, he felt that a step in and take charge of the railway in the same way as they could under the first Invercargill Gas Loan Bill.

But, without wishing to favour anything having appeared to him to be really no alternative but to accept the recommendation of the Governor. Had the Hon. Mr. BONAR said that, after what had fallen from the Hon. Mr. Menzies, there appeared to him to be really no alternative but to accept the recommendation of the Governor. But, without wishing to favour anything having appeared to him to be really no alternative but to accept the recommendation of the Governor. The Hon. Dr. POLLEN understood that this clause was proposed in consequence of a similar provision being contained in another Bill of a like nature; and thought that, under the particular circumstances of this case, there was not much ground for complaint about the imposition of the proposed condition. The Borough of Invercargill was not constituted under the Act of 1876, and had power, by the Act under which it was constituted, to borrow, under certain conditions, as much as £100,000.

The Hon. Mr. MENZIES said the honorable gentleman forgot that the Otago Ordinance was subsequently amended, and the power of borrowing altered. However, the Hon. Dr. POLLEN said, even if it were so, still there was not much reason to complain on the subject. After this Bill had passed the Council, he discovered that the objects to which the money proposed to be borrowed was to be applied were not entirely of the character which the title of the Bill would lead them to expect; and that, instead of its being borrowed only for the extension of the gasworks and for a specific purpose, it was intended to apply a considerable portion of the loan to recoup some advances that were made from the bank, and enabling the Borough Council to undertake some works which it would otherwise be impossible for them to carry out. He therefore thought that, from this point of view, it was not desirable to give excessive facilities for the accumulation of these loans; and it appeared to him, under the circumstances, to be reasonable to impose a condition similar to that imposed by private individuals with respect to successive mortgages of their estates—namely, that there should be a priority of claim.

Motion agreed to.

**CANTERBURY RIVERS BILL No. 2.**

This Bill was received by message from the House of Representatives, and read a first time.

The Hon. Dr. POLLEN moved, That the Standing Orders be suspended to allow the Bill to pass through all its stages.

The Hon. Sir F. DILLON BELI said he would not object to the proposal if the Bill were one simply to remove the disqualification which had been declared to attach to the members in question. But the Bill went further. It not only removed the disqualification, but left it in the power of the Governor immediately to reappoint those members, or other members, to the same office, to which emolument was attached. Although it did not now appear that the money which had been received by the honorable gentlemen in question had been in accordance with an actual vote of the Provincial Council of Canterbury, still the question remained whether it was not an office to which emolument attached. They ought to be careful about that. Whether the Board of River Conservators was a Board to which members of Parliament might be properly appointed with salaries was a question for discussion. For his part he did not care a bit about it. But it would go under cover of a proposal purporting only to remove a disqualification which had already occurred, if they left the point open to exactly the same difference of opinion arising again. He would therefore ask the Colonial Secretary whether, on the part of the Government, he would consent to words being introduced which would prevent the appointment of any member to the Boards named in the Bill so long as there was any salary attaching to the same.

The Hon. Mr. HALL thought that was hardly a question they should consider at present. By suspending the Standing Orders they would only be deciding that the question was a pressing one, and that they would deal with it summarily. The particular way in which they should deal with it, he submitted, a question which they should not consider until they came to the discussion on the Bill itself. He had not seen the Bill, and when he did he might be able to agree with his honorable friend; but at present the only question before them was the suspension of the Standing Orders.

The Hon. Mr. ROBINSON thought all doubt was set at rest by the terms of the 2nd clause of the Bill, which were to the effect that, notwithstanding anything in "The Disqualification Act, 1876," contained, no member of a River Board constituted under "The Canterbury Rivers Act, 1870," should be disqualified. So that, if this Bill were passed and the honorable gentleman who was affected by it were to take his seat in the Council, the Disqualification Act would not apply to him if he continued to be a member of the River Board. He would be capable of being reappointed without coming under the Act. He quite agreed that if that were not so they would only be wasting their time in passing the Bill.

The Hon. the SPEAKER pointed out that the proper time to take exception to any of the provisions of the Bill would be on the motion for the second reading or in Committee.

The Hon. Dr. POLLEN said he had moved the suspension of the Standing Orders in order that this Bill might be considered at once, and passed through all its stages, as a matter of Parliamentary courtesy, seeing that it was passed in...
a similar way in another place, and that the position of an honorable gentleman of the other House was affected by it as well as that of an honorable member of the Council. But probably the necessity for passing the Bill was not so urgent as to make it necessary to deprive honorable gentlemen of the opportunity of considering the question, and expressing their opinions on the point which had been raised by the Hon. Sir F. Dillon Bell. If that were so, he had no desire to press the motion for the suspension of the Standing Orders, or unduly to hurry the consideration of the Bill.

The Hon. Mr. MILLER apprehended that it was not the wish of honorable gentlemen to delay the passage of this Bill in any way whatever. It seemed to him that when the Bill was in Committee honorable members could raise the point already referred to by moving to omit the words "or be," and the discussion could take place on that amendment.

The Hon. Mr. RICHMOND said it would be an injustice towards a member of the Legislative Council if the Bill were not passed. A member of the House of Representatives had been admitted to his seat on the strength of this Bill, and it would be a great injustice to the member of the Council who happened to be in a similar position, if the same course was not taken in this case.

The Hon. Colonel WHITMORE, before they got any further into the discussion, wished to express his surprise that the last speaker should have fallen into exactly the same fault that several much younger members had committed, and gone into a discussion on the Bill upon the question of the suspension of the Standing Orders. The only question they could consider now was whether or not the Standing Orders should be suspended.

The Hon. Colonel KENNY did not see the urgency for suspending the Standing Orders in this case. It had been said that the honorable members concerned had suffered great injustice. Well, they had done so for many days past, and one day more would not make very much difference. He thought there ought to be some distinction as to the urgency of cases requiring the suspension of the Standing Orders. It was all very well to adopt that course in a former case. Whether or not, it ought not to be thought it would be a very unfortunate thing for the country if it were deprived of the services of members of the Legislature in carrying out the work of such offices as were referred to in the Bill. It was very creditable to the members of the Legislative Council that they came forward so readily and gave up so much time gratuitously to the performance of public duties. There were a considerable number of persons who would find it impossible to give up their whole time unless some allowance were granted; but if they looked into the matter he thought they would find that there was scarcely a member of the Council that not many in another place, who were not performing gratuitous services to the country at this moment, for which they were desiring of the highest commendation. If, by an overstraining of the Disqualification Act, the country were deprived of the services of those gentlemen in that

Hon. Dr. Pollem
way, it would be neither more nor less than a national misfortune.

The Hon. Mr. G. R. JOHNSON would like to make a few remarks in regard to the subject, because he felt strongly upon it. Before referring to the Bill itself he must express his deep regret at what had occurred in the case of the honorable member of the Council who was understood to be referred to in the Bill. He would regret very much indeed if that honorable gentleman's seat was affected, and if he did not again appear to take part in the proceedings of the Council. He was sure the honorable gentleman's knowledge of business, his good sense, and other qualifications rendered him a most efficient member of the Council. At the same time he could not help entering his protest against the Bill, which he thought was utterly wrong. It was neither general nor particular. He believed that at the present time there were rumours and surmises current as to how far the Disqualification Act of last year applied to various members of the Legislature. There seemed to be doubts as to whether there were not other members besides those referred to who would eventually be found to have incurred the penalties of disfranchisement. Under these circumstances, he thought it was very unwise to pass an Act of this description, which was simply intended to apply to one particular office out of many throughout the whole colony. On the other hand he maintained that it was not particular. It did not mention any particular persons. He would much rather that the Bill named the gentleman whom it was intended directly to affect. In such a case, he would not object to vote for the Bill, although he thought, on principle, that it was very questionable whether they should pass any Bill of the kind. He could not shut his eyes to the fact that the gentleman affected were members of the Legislature, and therefore ought to have a thorough acquaintance with the laws of the country. No doubt it was an oversight on their part not to resign the offices they held in time to prevent the consequences that had taken place; but, at the same time, in the Courts of law it was no excuse to say that one had overlooked certain clauses in some particular Act. That was not held to be a sufficient excuse for ignorance of the provisions of any Act. Therefore he thought such a plea should not hold good in cases of this kind. On this ground he thought it was very doubtful whether it would be right to pass a special Act of this description even if it applied to certain members by name, and he certainly thought it was decidedly wrong to pass an Act of this description applying to one particular office out of many others of the same description existing throughout the colony. Moreover, he could not but think that the title of the Canterbury Rivers Act Amendment Bill was a misnomer. It clearly should be the Disqualification Act Amendment Bill. Altogether he thought the Bill in its present form was not one that should be sanctioned by the Legislature. The 5th clause of the Act of 1870 might be said to be too stringent, but yet the principle was laid down there, and the Act was fairly distinct and clear in all its provisions. The 4th clause provided,—

"No person, except as is hereinafter specially provided, accepting or holding any office, commission, or employment, permanent or temporary, under or from or by or at the appointment or nomination of the Crown or the Governor of New Zealand by virtue of his office as Governor, or at or by the nomination or appointment of any officer of the Government of the Colony of New Zealand by virtue of his office, to which any salary, fees, wages, allowance, emolument, or profit of any kind is attached, shall be capable of being summoned to or of holding a seat in the Legislative Council, or of being elected to serve as a member of the House of Representatives, or of sitting or voting as a member either of the said Council or the said House during the time he holds such office, occupation, or employment."

In clause 5 particular cases were exempted from the operation of the Act. These were cases which had been duly considered and formally specified. Now they had a Bill placed before them adding another exception to the operation of the 5th section, and in a form which he did not think would recommend itself to the Council. If they were going to amend the Act and introduce another exception he thought the subject should be brought before them in the form of a Disqualification Act Amendment Act. If he might express an opinion regarding it, he certainly thought that the law should be allowed to take its course in this particular case, with the hope and wish that the honorable gentleman who was referred to in this Bill would in due course be again appointed to the Council. But he must confess that he regretted it should be thought necessary to take this course regarding that gentleman's position.

The Hon. Mr. BUCKLEY said the Hon. Mr. Johnson imputed that there was blame attached to the honorable members referred to in this Bill. He did not agree with the honorable gentleman. He thought the blame, if any, attached to those who prepared the Disqualification Act of last session, for not making the necessary exceptions. As he understood the disqualification referred to, it arose this way: Under the old Act the members in question were nominated by the Superintendent, and on course of the abolition of provinces this power was transferred to His Excellency the Governor. Therefore the difficulty could have been met by a provision in the Disqualification Act of last session, providing that members of these Boards should be exempt. He held in his hand another Bill, called the Canterbury Rivers Act Amendment Bill. By that measure one of the objectors to the present Bill would be to a great extent done away with. The present Boards were partly elected and partly nominated, but, by the measure which was before another House, it was provided that the whole of the members of the Board should be elected. In future, therefore, there would be no disqualification attaching to a seat on one of these Boards, because the members would be elected by the ratepayers.
The Hon. Mr. HALL said they were not sure that the Bill the Hon. Mr. Buckley referred to would become law. Therefore it was hardly safe to regulate their proceedings on the assumption that that would be the case. When the Disqualification Act was under discussion in the last session he ventured to express his disapproval of it, and pointed out that it went too far, and that its operation would be much wider than honorable members contemplated or than was at all desirable. He pointed out that it would include many cases which would be a misfortune to the colony, as it would prevent the colony from availing itself of the gratuitous services of many gentlemen whose services might be very valuable, and who might be very glad to render them. Many months had not passed before the truth of his surmises was established. He thought the suggestion which had fallen from the Hon. Colonel Whitmore was one that might very fairly be adopted. With regard to this and many other cases of the same kind, he maintained that persons who were willing to render services to the country in their own districts ought not to be disqualified because the office to which they might be appointed might have attached to it some paltry allowance, which those persons really did not care about, and did not wish to receive. So long as they were willing to undertake those duties gratuitously, and so long as there could be no shadow of an imputation that they were in any way under the influence of the truth of his surmises was established. He thought the suggestion which had fallen from the Hon. Colonel Whitmore was one that might very fairly be adopted. With regard to this and many other cases of the same kind, he maintained that persons who were willing to render services to the country in their own districts ought not to be disqualified because the office to which they might be appointed might have attached to it some paltry allowance, which those persons really did not care about, and did not wish to receive. So long as they were willing to undertake those duties gratuitously, and so long as there could be no shadow of an imputation that they were in any way under the influence of the Government from pecuniary motives, the country should be allowed to avail itself of their services. Therefore he would be very glad to see this provision put into the present Bill and in a great many other Bills.

The Hon. Mr. J. F. DILLON BELL was inclined to agree with what fell from the Hon. Mr. Johnson if the Bill had only been drawn up to cure the disqualification of the honorable members affected. Honorable members would, however, remember that the only object of the Disqualification Act—so far as anybody had been able to discover its object—was to prevent members of Parliament from receiving public money. The object was to prevent the Executive Government of the day from influencing members of the Legislature by having power to appoint them to salaried offices. What ought to have been done, therefore, was to say that, since there had been doubts expressed in the other House as to the effect of the Disqualification Act upon honorable members holding certain River Board offices, a Bill should be passed to the effect that if they received no pay they should not be disqualified. The addition which his honorable and gallant friend had suggested did exactly the contrary. If the object of the Bill was that the Governor could immediately appoint those members to salaried offices, or, which was of, perhaps, more consequence, appoint some other honorable gentlemen to such offices, then, while they were pretending to maintain the principle of the Disqualification Act, they would be allowing the Executive of the day to appoint some supporter to an office worth £50 a year; but, if a member happened to be an opponent, to deprive him of it. He thought they could not put themselves into a position of greater absurdity. If they made such a provision, while they would be giving power to the Government to reappoint Mr. Peacock and Mr. Fisher to offices worth £50 a year, in the case of the Hon. Mr. Mantell, who was doing a very great service to the whole country, it was to be said that we must not give any allowance to him lest it should be said that he is selling his services to the Government. He thought this would be perfect nonsense; and he must say that the Government of the day, having had ample time to consider this question, should have been more careful about the points involved. He would suggest an amendment in the 2nd clause, so that, instead of "member of the Canterbury River Board District," it should read "member of any River Board;" and at the end of the same clause he would move the addition of the following words: "unless such member shall receive any payment for his services, or travelling expenses as such member." He would also propose to amend the title, as it was simply a Bill to amend the Disqualification Act, and had nothing to do with any amendment of the Canterbury Rivers Act.

The Hon. Dr. GRACE said it was clear from the remarks of honorable gentlemen that the Hon. Mr. Johnson had taken up the logical position in this argument. If the Council were to accept this Bill, either in its present form, or in that very much improved form suggested by the Hon. Sir F. Dillon Bell, it must be evident that it could only be viewed as a measure of expediency. He presumed that the Bill was introduced under false colours by the Government, through their anxiety to avoid opening up the whole question of the disqualification of members. Such being the case, and as expediency must rule in these cases, he would raise no objection to the second reading of the Bill, reserving to himself the privilege of voting for the amendments which had been suggested. At the same time, he thought it was his duty to point out that the Hon. Mr. Johnson for pointing out what was the true logical position in this matter. The question of expediency must necessarily enter largely into the subject; but a clear, straight look at an important subject ought always to be taken by members of the Council, and therefore he thought that the Bill ought never to have been introduced, at any rate under its present title. However, as it appeared to be generally agreed that all the objects to be subserved would be secured by amendments, he would offer no objection to the second reading.

The Hon. Mr. MANTELL thought that to the Bill in its prospective shape, as indicated by honorable members who had spoken, no one would be prepared to offer any objections. Yet he thought it was to be deplored that hitherto there had not been any instances in which a Disqualification Act had been carried out to its bitter end. No sooner was there an infraction of it on the part of any member of the Legislature than they were immediately called upon to "whitewash" him. In fact, a whitewashing Bill was the natural out-
come of a Disqualification Bill, and it was the only outcome. The Hon. Dr. Grace had referred to the logical position of this Bill; and the Hon. Sir F. Dillon Bell had referred to his (Mr. Mantell's) geological position. It was very true that, for about two and a half years, he had had the pleasure of discharging certain duties in connection with the Geological Department. But honorable gentlemen must credit him with this: He considered that, as he had had the honor of being in the Civil Service, and had learned his duties at the expense of the State, receiving a salary ranging from sometimes 8s. a day up to an aggregate of £150 a year, while probably he was not earning so much, he owed something to the State; and he rather rejoiced at having had an opportunity of repaying it, and was not prepared at present to strike a balance in which he would hold the State to be his debtor. When he first saw this Bill, remembering ns he did their constant proneness to apply the white wash brush whenever an infraction of the Disqualification Act was discovered, his idea was that six months hence would be time enough for the second reading. But it was of no use to go in for violent or hostile measures. It had been shown how the Bill might be improved to a certain extent by making it general, which he held to be absolutely essential, and by applying disqualification to the receipt of salary or payment of expenses, and not to the holding of offices by the very gentlemen who were perhaps the best qualified in the country to hold them. But there was one other point to which he objected, and which he thought it would hardly become them to pass without comment. It was in the preamble of the Bill. It was there stated, "Whereas doubts have been entertained as to whether a member of a River Board constituted," &c. Now, if they simply entertained that as a matter of doubt, which had been decided, by probably the best Committee to which they could have referred it in the Council, to be a matter of certainty, they would be paying but scant respect to the decision of that Committee. The Bill would probably run just as well without the preamble; the preamble was no part of its enacting clauses. He was aware that a different decision had been come to elsewhere on the very same question: at the same time, they had to regard the matter with a view to what had been decided in the Council. The report of the Committee stated, "The question resolves itself into this: Whether, under the above circumstances, the seat of Mr. Peacock has, by the operation of 'The Disqualification Act, 1876,' been vacated. After giving the subject most careful consideration, your Committee are of opinion that Mr. Peacock's seat has been vacated." Now, there was no indication of doubt there. Perhaps, by sacrificing the preamble, altering the title, and materially modifying the enacting clauses, they would be able hereafter to reconcile it to their consciences that they had assented to the second reading of this Bill.

The Hon. Dr. POLLEN said that by reminding honorable gentlemen briefly of the history of this Bill he might be able to remove some apprehensions which, from the observations that had been made by different honorable gentlemen, he found to exist with respect to its character. Honorable gentlemen would remember that a question as to the disqualification of an honorable member of the House of Representatives arose, which was referred to a Select Committee. The Committee reported recommending the introduction of a Bill to relieve that honorable gentleman from the disability which he was under. The report of the Committee having been adopted by the House, he took it that, although the Bill bore the name of the Attorney-General, it could not be regarded in the sense in which honorable gentlemen had regarded it—as a Government Bill in the ordinary meaning of that term. It was a Bill prepared by a member of the House of Representatives at the order, as he understood, of a Committee of Privilege of the House; and it had been adopted by the House. Under ordinary circumstances, a Bill coming to them thus, the Council might hesitate to alter its provisions or deal with it in the usual way; but as it referred not only to a member of another Chamber, but also to an honorable gentleman who was a member of the Council, he took it that they would not be travelling out of the ordinary routine, and that no offence would be given, if the Council thought it necessary, under the circumstances, to make any alterations it might consider requisite. He agreed to a great extent with the observations which had been made by the Hon. Sir F. Dillon Bell, and thought that it would be quite proper and right to limit the operation of the Bill.

Bill read a second time, considered in Committee, reported with amendments, and read a third time.

The Council adjourned at nine o'clock p.m.

END OF TWENTY-FIFTH VOLUME.

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