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## Contents.

### A Colonial Statesman.

vignette

SSIR JULIUS VOGEL was born in London, on the 24th of February, 1835, In early life he had very delicate health, and was chiefly educated by Masters at home. In his thirteenth year he attended the London University School, where he remained until he was past sixteen. At this time he lost both his parents. After he left school he entered an office in the city. It was intended he should acquire a knowledge of mercantile pursuits, with the view of proceeding to South America where through his connection, good prospects would probably have awaited him. But when the Victorian Gold Fields became famous he was seized with the restless fever to visit them, which attacked so many young men, and he proceeded to the new El Dorado at the end of the year 1852. Before leaving, however, he went through a course of study on the chemistry and metallurgy of gold and silver at the Royal School of Mines, Jermyn Street. He was Dr. Percy's first pupil in the Metallurgical Laboratory of that Institution, and from that gentleman took with him to Melbourne a certificate of proficiency in the art of melting and assaying the precious metals. Some time after his arrival Mr. Vogel was concerned in various business pursuits in Melbourne and on the Goldfields. To oblige a friend who was ill he wrote an article for an up-country newspaper, and so first became connected with journalism, to which he afterwards devoted himself. He became editor of the *Maryborough and Dunolly Advertiser*, proprietor of the *Inglewood Advertiser*, and part proprietor of the *Talbot Leader*.

In 1861 he stood at the General Parliamentary Election for Avoca, an enormous district. He was unsuccessful, though he polled over two thousand votes. At the close of 1861 he proceeded to Dunedin, New Zealand. Gold had been discovered in great quantity in the province of Otago, and Dunedin speedily rose from a small town to an important city. Many thousands of people came over from Victoria. Mr. Vogel purchased a half share in the *Otago Witness*. He at once started at the same office the *Otago Daily Times*, the first daily paper in New Zealand. A few days after its commencement the office was entirely burnt down. Chiefly by the disciplined assistance of a company of the 70th Regiment stationed at Dunedin, a great part of the plant was saved. The fire occurred on Sunday morning, and, as a good example of the energy displayed in the early Gold-field days it may be mentioned that the paper came out as usual on the morning following with an account of its own disaster. Mr. Vogel edited both the daily and weekly papers for several years. In 1862 he became a member of the Provincial Council of Otago, and in 1866 became head of the Provincial Executive, a position he held until 1869. It should be explained that the Superintendent of the Province was elected periodically and that he acted with the aid and advice of his Executive who had to enjoy the confidence of the Provincial Council.

In 1863 Mr. Vogel was elected to the House of Representatives of the General Assembly (the Parliament of the Colony), which then met at the Seat of Government, Auckland. After this year the Seat of Government was transferred to Wellington. In 1869 Mr. Vogel had determined to leave Otago to take possession of and edit the

*Southern Cross* daily newspaper at Auckland which he had purchased. On his way up he attended the Parliamentary Session at Wellington, during which Mr. (now Sir William) Fox turned out the existing Ministry. At Mr. Fox's earnest desire Mr. Vogel joined the Government as Colonial Treasurer, Post-Master General, and Commissioner of Customs, on the understanding that he was to be free to retire at the end of the Session. Mr. Fox was Premier and Colonial Secretary, and Mr. Donald McLean was Native Minister.

There was no time for filling up the other portfolios. Despatches were received from the Imperial Government peremptorily recalling the troops. The outgoing Government could not be expected to take action. It was necessary that the new Government should be immediately formed. In making his first announcement to the House, Mr. Fox thus expressed himself: "As far as we have been able to obtain an insight into the state of affairs at this moment, we are, I might almost say, dismayed to find the extent to which we are now involved in general hostilities with the natives, and at the enormous cost of the operations conducted against them at so unfavourable a season of the year as the present. We believe many of those operations to be attended with the most ruinous results and imminent peril to the forces in the field, and that the amount of wear and tear and the costliness of these operations, caused by the time of year at which they are carried on, and by other circumstances, is such, that it is impossible for the country to face it. The intention of the present Government is to retire as far as possible from aggressive operations to throw themselves more into a defensive position."

We have purposely quoted these words, for they are the key to the Policy of Public Works which made Mr. Vogel so well known throughout the Empire. The general idea is that he came down with a policy of Public Works solely because he was convinced that it was desirable to advance the Colony by the stimulus of extensive Public Works and large public expenditure. To a certain extent that impression had to be maintained, for it would have scarcely been desirable or safe at the time to have admitted how much the Colony had to depend on the forbearance of the Maoris. No doubt he did as a matter of theory consider it perfectly safe to anticipate the future of a colony possessing such enormous natural advantages by borrowing money to qualify it to become the home of a large population. Still the theory cannot be considered the sole key to the situation. When Ministers thoroughly reviewed the position they were confronted with the enormous risks arising from the sealed condition of the interior of the North Island and its small population *vis à vis* to the large number of the hostile natives, who had been aptly termed "born warriors to whom every tree was a fortified work." We are now able to say that the conclusion Ministers arrived at was that there was but one desirable course to pursue and that was to use every means to maintain peaceful relations with the natives until native aggression was made impossible by an increase of European population, and by opening the interior of the island, in other words by a vigorously pursued policy of Immigration and Public Works. The Government were quite decided in believing that fighting the natives was the most expensive mode of dealing with them. Four weeks after Mr. Vogel took office he brought down the first of the eleven budgets he has delivered during his official career, without reckoning those presented to the Provincial Council of Otago. He showed by a short return what the natives had cost the Colony in the past. Up to March, 1869, the expenditure on natives and defence amounted to £4,843,000, of which £3,128,000 had been obtained by loans. When it is considered that the Home Government had spent a much larger amount in military, naval, and other operations, it must be conceded that it was expedient on the score of economy to say nothing of beneficence to substitute the policy of Public Works and immigration for one of military operations.

It must not be considered that this was altogether a novel view. Several distinguished public men had urged it. It was notorious that Sir William Fitzherbert had exerted himself to persuade his colleagues in the late Government to take it in hand. It was reserved to the Fox-Vogel Government to give it effect. At this distance of time it appears an easy matter to frame such a policy. But under the then existing conditions it seemed almost hopeless to devise any scheme which would obtain the necessary amount of support. The Colony was divided into two great parties, the Provincial and anti-Provincial, and the advent to power of Fox and Vogel meant the triumph of the former party. Yet it fell to them to inflict a heavy blow on their friends by taking out of the hands of the Provincial Government the construction of a class of Public Works which had hitherto been one of their functions. There was this difficulty that the Provinces were more or less distinct Colonies. There was a time when the Middle Island had more frequent and rapid communication with Australia than with Auckland. The Provinces too had recognised property in the Waste Lands within their limits. It had been a source of bitter complaint to the Middle Island Provinces that they had had to find out of income or by credit a large proportion of the moneys spent on the natives in the North Island. A policy of Immigration and Public Works in which the Middle Island was not to participate except in the shape of contributing to the cost would have been laughed to scorn. The Government then had to deal with three points. First to establish the necessity of substituting a policy of Public Works and Immigration for that of the previous dealings with the natives, and as regards this policy there was much of importance that it was neither safe nor expedient to discuss or to dwell on. Secondly, there was the need of evolving proposals acceptable to the people of the Middle Island as a whole and thirdly (perhaps the most difficult of all), the necessity to overcome the disposition of the Provincial Governments of

both Islands to resent an intrusion on their functions.

On the 28th of June, 1870, Mr. Vogel brought down the policy in the Annual Budget-The House was dismayed, almost paralysed at the completeness and boldness of the proposals. Some two or three members would have turned the Government out there and then by refusing an adjournment, but the good feeling of the majority revolted at the course.

When the members poured into the lobbies it was evident that they were greatly impressed, but few, if any, deemed it wise to express an opinion. The next morning Mr. Sefton Moorhouse, one of the most distinguished Provincialists and Statesmen in the colony, telegraphed from Christchurch where he had read the budget, a thorough approval of it, and then the reaction from the numbness of the previous evening followed. The principles of the proposals were hailed with acclamation and they were carried through that session, but with alterations, which, judged by the light of subsequent events, were truly deplorable.

Immediately after the Government came into office they had despatched two Commissioners, Dr. Featherston and Mr. (now Sir) F. D. Bell, to England to confer with the Imperial Government. After a great deal of exertion these two gentlemen persuaded the Home Government to agree to guarantee a loan of one million for Public Works and Immigration to be spent at a rate not exceeding £300,000 a year. Mr. Vogel, when bringing down his scheme, was able to make this gratifying announcement. His proposals were that the colony should construct a Trunk Railway through each island, that it should expend or procure the expenditure during the next ten years of ten millions on these Trunk-Railways, on Immigration, on Roads and on the extension of the Telegraph Lines. He proposed to constitute a Railway Estate of about six millions of acres, the land to be taken within the Provinces in proportion to the expenditure therein. He did not venture to propose a loan of ten millions. The colony was not in a position at the time to ask it, But he maintained that the expenditure could be arranged partly by loan, partly by payment in land, partly by guarantee. The plan was adopted during the session, but Parliament would not pledge itself to a through Trunk Line in each island, and the Provincial interest prevailed against the establishment of a railway landed estate. Considering the enormous magnitude of the proposals as compared with the Colony's then position, considering also as already explained that the adoption of the plan for the North Island was a matter of vital need to the security of life and property, the Government had no reason to complain of their success. It is rare indeed that large Government proposals are carried through in their entirety in any legislature. In most instances there are conditions and reasons the exact and precise nature of which cannot be fully stated. In this case the naked necessity of dealing with the native race by thoroughly opening up the North Island could not be unreservedly dwelt on, nor could the danger of the Middle Island, with its wealth and power largely increased, asking more for itself and feeling less disposed to permit comparatively unproductive expenditure in the North Island be fully dilated on. Again the land question was a very delicate one and to have sufficiently represented the cardinal mistake of allowing the land to be bought for speculative purposes depending on the enhanced value the railway would give it would have made the Provincial Government still less inclined to part with that from which they might hope to receive such large returns. But there is no denying that if effect had been given to the Railway Estate Proposal, New Zealand would now have only a nominal Public Debt. Equally if not more grievous still to Mr. Vogel's mind has proved the refusal to pledge the colony to a Trunk Line through the North Island, He has probably never felt himself at liberty in the presence of so many contending jealousies to fully state his views. But we happen to know that what he specially desired was, without destroying the Provincial form of Government, to break down the barriers between the inhabitants of the different Provinces. More particularly he desired to give to the thrifty, energetic and enterprising people of Auckland the opportunity to spread themselves to the South. The Trunk Line to Auckland has not yet been completed whilst more than a dozen of what may be termed branch lines of more or less importance have been completed or proceeded with. There are still hundreds of thousands of acres on the Western side of the Island between Auckland and Cook's Straits that by clearing and sowing with English grass at a comparatively small expense can be made to carry three sheep to the acre. If the Auckland people could have distributed themselves south by railway communication, the whole of the Island would long since have passed into useful occupation. The Wellington and Taranaki people have done a great deal, but the number of the latter was small and the former had much to occupy them to the east and north-east.

Almost immediately after the Session of 1870. Mr. Vogel left for England to arrange besides various other matters the means for carrying out the policy for which Parliamentary sanction had been obtained. In conjunction with Sir Penrose Julyan, Mr. Vogel called for tenders for £1,200,000 5 per cent debentures the first earnest it may be said of the Public Works Policy. The Loan was fully taken up at over the minimum. The net price obtained was £95 10s 10½d. A few days previously New South Wales had negotiated a small loan at a net price of £97 3s 8d so that the result was considered satisfactory as New South Wales Securities stood higher in the market than those of New Zealand. The Argentine at the same time issued a large loan on terms that yielded to the lenders 7¾ per cent. Amongst the other matters Mr. Vogel attended to was the Californian Service between Australia, New Zealand, and San Francisco, A temporary service was arranged by him during 1870

and it was by one of the boats of this service he came home by way of America. Whilst there he concluded arrangements for a more permanent service and also the terms of a Postal Convention with the United States.

In London he entered into negotiations, afterwards concluded by Dr. Featherston, for the assistance to be rendered the service by the English Postal Authorities. In connection with this service Mr. Vogel strongly recommended that the Navigation Islands should be placed under British protection a course quite feasible at the time. Had his advice been taken, the long train of disasters which were only recently terminated by the International Treaty between Great Britain, Germany and the United States would have been avoided.

Mr. Vogel made strong representations to the Colonial Office to permit the Colonies to enter into reciprocal tariff arrangements with each other. Lord Kimberley, the then Secretary of State for the Colonies, was very averse to the proposal. But the other Colonies took the matter up, a long correspondence ensued, and finally when the papers promised to become very bulky the Colonial Office gave in, and the Australian Colonial Duties Act was passed through the British Parliament in 1873, It is singular that up to the present time the Colonies have made no use of it. Sooner or later it is probable they will

Amongst the matters Mr. Vogel was instructed by the Government to most earnestly attend to, was that relating to the defence of the Colony by land and sea.

Mr. Goschen, who then presided over the Admiralty, consented to give instructions that the vessels on the Station should show themselves on the coast of New Zealand as often as possible. It was feared at the time that the total removal of the troops might lead the Maoris to think that the British Government had deserted the colonists.

Mr. Vogel had several communications at the instance of the Colonial and War Offices with Colonel (afterwards Sir William) Jervois, who was considered one of the greatest authorities on coastal defences. Colonel Jervois drew up the outlines of a scheme of defence of the principal New Zealand towns. Singularly when he became Governor of the Colony some years after he largely assisted to give effect to and elaborate his earlier proposals. Before he left England Mr. Vogel wrote the well known letter to the *Standard*, in which he urged at great length the policy of Federation of the whole British Dominions, This was probably the starting point of the consideration of the question which has extended over so many years but with scant results. Mr. Vogel also wrote a paper in the same cause in *Frazer's Magazine*, and during all the subsequent years he has frequently contributed articles on the subject in the *Nineteenth Century*, *Fortnightly*, and other magazines.

It should also be added that Mr. Vogel entered into a provisional arrangement with the firm of Brogden and Son for the construction of some part of the railways by guarantee. This was afterwards varied into a firm contract for construction which proved not profitable to the English firm.

Mr. Vogel returned to New Zealand in time for the Session of 1871. He was away from the Colony only seven months. It was during this year he was made a C.M.G. After his return he negotiated with Colonel (now General) the Hon. W. Fielding, who visited New Zealand at Mr. Vogel's suggestion, the sale of 106,000 acres in the Manawatee District for the purpose of forming a special settlement, subsequently known as the Manchester Block. It has become well settled, possesses a considerable population and one chief town, Fielding, and two smaller ones.

Up to the end of 1874 Mr. Vogel was actively engaged in co-operation with his colleagues in developing the Public Works Policy, He visited Australia twice, on the second occasion he was one of the delegates to the Inter-colonial Conference held at Sydney, in Jan. 1873. The principal object of the Conference was to settle the vexed question of the European Mail Service. On this occasion Mr. Vogel arranged with New South Wales to bear a share in the cost of cable communication with New Zealand.

In Sep. 1872 the Fox-Vogel Government was defeated by a majority of three, on resolutions moved by Mr. Stafford, Mr. Fox devolved on Mr. Vogel the leadership of the opposition to the Government which Mr. (now Sir Edward) Stafford formed. This Government was defeated upon a want of confidence motion moved by Sir Julius Vogel within a month of their taking office. The Governor refused them a dissolution and sent for Mr. Vogel to form a Government, The Hon. Mr. Waterhouse accepted the Premiership together with the leadership of the Upper House, and Mr. Vogel led the House of Representatives. Some months afterwards, when Mr. Vogel was in Sydney, Mr. Waterhouse resigned on the ground that not having formed the Government he had not sufficient influence in it. A temporary arrangement was made until Mr. Vogel returned to New Zealand, when he became Premier

It is time now to refer to two most important and lasting institutions, which Mr. Vogel succeeded in establishing, namely the Government Life Assurance and the Public Trust Department.

Early in the Session of 1869, before he took office, Mr. Vogel moved a resolution affirming the expediency of the Government undertaking the business of life insurance. As soon as he joined the new Cabinet he took the matter up and carried through an Act during the short remainder of the Session. He subsequently obtained from Sydney a set of tables to enable business to be commenced. The institution has proved an enormous success. The following figures show its position at the end of 1890:—Income during the year, £313,000; Accumulated

Fund, 31st December, 1890, £1,715,000.

In 1872 Mr. Vogel carried through an Act for constituting a Public Trust office under the management of a Public Trustee. The idea was suggested to him by the Hon. E. C. J. Stephens, of Christchurch, Canterbury. Power was given to the Public Trustee to administer intestate estates, estates under wills, trusts, and the estates of lunatics. Also to manage property of absent heirs, devisees, or owners. Special trusts for native estates have since been added. The Institution has been a great success, although lately the management had to be reorganised.

In 1874, Mr. Vogel presented to Parliament an elaborate set of papers he had prepared relating to forestry, and to the forest systems of different parts of the world. He also brought down a bill to establish State Forests in New Zealand. He proposed to take about three per cent. of the whole of the land for forest use, and to dedicate it to the purpose of extinguishing the public debt of the Colony. The objects to be specially served were the preservation of existing forests, the creation of new forests, and the establishment of forest industries. The measure was passed with some amendments by which the land was to be taken from time to time, with the concurrence of the Assembly or of the Provincial Governments. An annual subsidy of £10,000 was provided for expenses. Unfortunately, when two years later Mr. Vogel left the Colony to become Agent-General, this Act was repealed by his successors. It was during this year, 1874, that Mr. Vogel introduced his celebrated proposals, to incorporate either by Charter or Act of Parliament a Company to take charge of the trade and government of the unclaimed Pacific Islands. Experience has proved the wisdom of those proposals, and both the Colony and the Imperial Government have reason to regret that effect was not given to them.

Before the end of the Session of 1874, a resolution was affirmed which subsequently led to the abolition of the Provincial Governments. The Provinces of the North Island were only at first concerned the reason being that their finances were unequal to the strain they had to bear. The resolution that the Provincial form of Government should be abolished in the North Island, proposed by Mr. Vogel, was carried by 46 votes to 21.

At the termination of the Session about the end of the year. 1874, Mr. Vogel went to London to arrange for the negotiation of a large loan, and for the establishment of cable communication between New Zealand and Australia. On the way home in Italy, he was seized with serious illness, and it was with great difficulty he reached London. There, in conjunction with Dr. Featherston and Sir Penrose Julyan, he arranged for the negotiation through the Rothschilds of the loan for four millions at 4½ per cent. In May, 1875, Mr. Vogel received the distinction of K.C.M.G. Although still very ill, Sir Julius continued the negotiations for the electric cable, and finally concluded an agreement with the Eastern Extension Company to lay a cable between Sydney and New Zealand. Sir Julius was empowered by Act to commit the Colony to an expenditure of not exceeding £20,000 per annum for not exceeding 35 years. He succeeded in arranging for the construction of the cable for a subsidy of £5,000 a year, for ten years, from New Zealand, and for £2,500 for the same period from New South Wales.

By the advice of several eminent physicians, Sir Julius instead of returning to New Zealand for the Session of 1875, went to Wilbad in Germany to take the benefit of the waters. He returned to London much improved in health. He devoted himself during the rest of his stay in England to making the arrangements which afterwards were embodied in an Act to authorise the inscription of colonial stock. For some years before this time Mr. Westgarth had continually pointed out the inconvenience, unpopularity and risk of debentures, and advocated a system of registering debentures. Though the evil was admitted, the objections to the proposed substitute were too great to allow of Mr. Westgarth's plan being adopted. Sir Julius Vogel consulted the Solicitors in London to the Government of New Zealand, and became convinced that what the colonies required was a system analogous to that adopted with Consols. He first applied himself to making an arrangement with the Bank of England, and after lengthened negotiations succeeded in concluding a working agreement which still continues in force. He was then advised that to give it effect an Act of the English Parliament was necessary. He had a Bill drafted, and consulted Sir Stafford Northcote, the then Chancellor of the Exchequer, about it. That statesman warmly approved of it, as did also Lord Carnarvon, the Secretary of State for the Colonies, and the Governments of several of the Australian Colonies. When, however, Sir Julius returned to England early in 1877 the progress of the Bill had been stopped by disputes between the Treasury and the Bank of England regarding inspection of the Register. Another difficulty then cropped up concerning the right to sue the Colonies in England and their rights to sue. Sir Julius Vogel with the support of Sir Archibald Michie, Agent General for Victoria, and of Sir Arthur Blythe, Agent General for South Australia, and with the indefatigable assistance of Messrs. Mackrell and Maton, the solicitors before alluded to, managed to overcome all the difficulties, and the Bill was introduced into the House of Commons. There it met a new obstacle. One of Mr. Parnell's supporters blocked it, and Sir Julius Vogel was informed that if the block was not withdrawn the fate of the Bill was hopeless.

A representation to Mr. Parnell smoothed over the difficulty the block was withdrawn on the 3rd of August, 1877, and a few days afterwards the Bill became law. On moving the second reading in the House of Lords,

Lord Carnarvon said, "a great deal of the Bill which would be extremely valuable both to the colonies and England was due to the ability of that distinguished colonist. Sir Julius Vogel, who was Prime Minister of New Zealand for a long time and was now Agent-General for New Zealand in this country." The anticipations as to the effect of the measure were amply justified. It saved the colonies large sums by enhancing the value of their loans, Up to the present date 1891, fourteen years since the Colonial Stocks Act was passed, Stock has been brought under its operation to the value of over one hundred and fifty-million pounds sterling.

We have, however, anticipated events.

Sir Julius returned to New Zealand early in 1876, and received on his arrival in the Colony a splendid ovation. It was during the ensuing session that the death of Dr. Featherstone took place and Sir Julius Vogel resolved to accept the appointment. He found his health was too broken to stand the strain of the Parliamentary Session. He continued Agent General until Feb. 1881, but for a considerable previous period he was holding the office only until the arrival of his successor. At the end of 1879 he in conjunction with the Crown Agents, negotiated the loan for five millions. The needs of the colony at the time were most urgent, and probably it was only by the use of the new Act for inscribing Stock that the loan was floated. Option was given to the subscribers to substitute for their scrip or debentures Inscribed Stock under the new act. Upwards of twelve millions sterling were applied for in a few hours at and above the minimum of £97 10s. od.

At the General Election in Great Britain in 1880, Sir Julius stood for Penryn in the Conservative interest. He was defeated by one hundred votes. In 1884 Sir Julius returned to the Colony on private business. He was at once urged to return to public life and he joined the Government of Sir Robert Stout known as the Stout-Vogel Government. The position was very critical at the time. The out-going Government over which Major Atkinson presided had left a deficit of £152,000 for the year 1883-4, and during the present year when Sir Julius Vogel joined, a further deficiency was accumulating. The Colony was in a state of great depression owing to the low price of its chief products and fresh taxation would have been very unpalatable and burdensome. Sir Julius Vogel at once conceived and carried into effect a plan which was to give great relief to the colony for several years. In the early days of the Colony before 1870, large loans had been contracted, repayable by Sinking Funds or drawing funds, These were accumulating in 1884 at the rate of about a quarter of a million a year. Without at all interfering with the operation of the drawing or the sinking fund, Sir Julius Vogel arranged for the creation of debentures in aid of the revenue to an amount equivalent to the accretion of those funds.

The plan, though much questioned at the time has proved to be a great relief from the increased taxation, Sir Harry Atkinson when he took office in 1887 adopted and continued to adopt it, and Mr. Baila nee in the latest' formed Government has done the same. The years 1885-86 and 87 were very dull owing chiefly to the low price of productions. Towards the end of 1887, after a general election, the Stout-Vogel Government retired. It was in office a little over three years. The chief measures with which Sir Julius Vogel was associated during this term were an Act for the encouragement of Fisheries, an Act for incorporating Charitable Institutions and Hospitals, an Act for providing for Government Loans to Local Bodies, and various Financial Acts, including the one already referred to relating to the Sinking Funds, He also in the face of considerable opposition obtained provision for the purchase of large quantities of lands from the natives for the exclusive purpose of the North Island Main Trunk Railway. He contributed an elaborate paper to the Jubilee Conference at the Colonial Office on the subject of cable communication between the Colonies and England, He also greatly interested himself with his colleague, Mr. Richardson, in securing the construction of the Midland Railway to establish communication between the East and West Coasts of the Middle Island. The arrangements his Government had materially advanced were completed by the new Government, As a great deal has been said about Sir Julius Vogel's Loan Expenditure on public works it is but fair to him to give a summary of an official paper issued late in the year 1887, showing the distribution of expenditure during the years 1870 to 1887. The total amount of expenditure out of Loans on Immigration and Public Works during that time was £24,609,000, Of that amount £5,912,000 was spent whilst Sir Julius Vogel and Sir Harry Atkinson were in office together. £7,662,000 during the rest of Sir Julius Vogel's term of office. £8,339,000 during the rest of Sir Harry Atkinson's term, and. £2,698,000 during Sir George Grey's Government Sir Julius Vogel's average per annum was £1£508,000, Sir Harry Atkinson's was £1,781,000. Sir Julius returned to England in 1888 in a sad state of health from which he has gradually recovered. Beyond occasional contributions to Newspaper and Magazines he has not since taken part in public affairs. In 1889 he published a novel "A.D. 2,000," which we believe has had a good circulation.

Such is the bare outline of a busy and much occupied life. Sir Julius Vogel has always been attached to the Conservative party in England, because, as he has frequently stated, he attributed to the Conservatives a strong desire to maintain the unity of the Empire. He has uniformly urged that steps should be taken to strengthen the union of all parts of our dominions. He has repeatedly pointed out the danger of delay, because, as the Colonies progressed and became alive to their own powers, the difficulties of coming to terms would be increased, In New Zealand he has been an unceasing advocate of the development of the industrial resources of the Colony.

It has always been his favourite maxim that high wages meant general prosperity, and he has opposed every measure tending to artificially reduce the rate of labour. He conferred a vast benefit on the whole of the Colonies by the share he took in procuring the Act by which Colonial loans can be inscribed. The pecuniary gain to the Colonies from this Act has been enormous. Had the Act not passed when it did it would probably never have passed, for the local Governments of Great Britain were becoming aware that the Colonial inscribed stock would prove a strong competitor with municipal and local body loans. He will always be remembered in New Zealand as the parent of the Public Works and Immigration policy, and it is generally recognised that it is owing to the departures from his original proposals that the results have been somewhat less beneficial than they might have proved.

The Insurance and the Public Trust Departments (the latter of which as we have already mentioned was introduced by him, though at the suggestion and recommendation of Mr. Stevens) will probably prove enduring monuments of his industry and ingenuity. The want of support accorded to his proposals for securing to New Zealand the control of the islands of the South Seas, and the abolition of his policy for conserving forests, will constantly, in all probability, be a source of regret. Whatever success Sir Julius has achieved he has owed to his own exertions. He had no extraneous influence to help him in raising himself from a humble position in life to one of great prominence. He married in 1867 the eldest daughter of Mr. W. H. Clayton, architect to the Government of New Zealand, He has four children, of whom three are boys already grown to manhood.

vignette

## A Soldier of the Indian Mutiny.

vignette

Major General William Roberts Farmar is the second and only surviving son of Hugh Hovell Farmar, J.P., of Dunsinane; co Wexford, and was educated at Bruton School and Elizabeth College, Guernsey, and is now since the death of the Earl of Pomfret, in 1867, the present representative of the Farmar and Farmer family.

Mr. Farmar was gazetted as ensign in the 50th, the Queen's Own Regiment, on the 25th February, 1845, in which members of his family had served for a hundred years and after being presented at the Queen's Levée on the 23rd April, 1845, by his uncle Mr. Mynors Baskerville, M.P., for Herefordshire, En sign Farmar sailed on the 3rd June of that year with a detachment of his regiment in the Lady McNaughten, of about 500 tons, and on the 23rd September landed in Calcutta.

On the 20th October he left Chinsura by boat for Allahabad and the Upper Provinces with various detachments under the command of Captain Matthias, 62nd Regiment. After marching through Cawnpore, Allyghur, Delhi, and Jugraon, on the 19th January, 1840, the detachments marched into Bussean and were there inspected by Sir Harry Smith, who, in inspecting the 50th detachment told them that if they were like his other old 50th fellows they would be worth their weight in gold, and all sternly resolved to merit the praise, and here all had their last dinner for some days. Sir Harry's object was to relieve Loodiana, and, at midnight on the 20th January, the column started for a forced march of thirty-five miles, and at Budawal were met by the enemy in force with forty guns. In advancing and turning to the right for Loodiana the column was all the time under the fire of the enemy marching in the most perfect order as if on parade, till at last our artillery poured in some twelve or fourteen rounds with effect, and the 31st regiment executed the remarkable movement under such a fire of changing front to the rear on the centre, with a view to check the enemy and to cover the advance of the remainder of the force. Without water, and after a most harassing march through deep sand for the last six miles from Budawal, they reached Loodiana only to find the horses had been either taken by the Sikhs or led away by the Syees into the jungle for safety. There were no tents or any kind of baggage, but fortunately Mr. Farmar's Syee came up with his horse, bringing a very precious bottle of brandy to moisten many feverish lips. Without anything to eat, happily one of the men's tents was obtained and some sixteen officers took advantage of it, and were as comfortable as could be expected, where beds, blankets, and all warm clothing were unknown. One or two were fortunate enough to have their cloaks, Mr. Farmar among the number, and what with a little straw to lie on, and his saddle for a pillow, he got on tolerably, and it was not till the 25th the baggage came up.

He joined the head-quarters of his regiment on the 26th, and on the 28th Mr. Farmar marched at daylight with his regiment to attack the Sihks at Aliwal. The British force amounted to about 10,000 men, with 32 guns, and about 10 o'clock they came in sight of the Sikk army of 25,000 men. Marching slowly in line, suddenly the fire of 70 guns opened upon our army, but the line extending for two miles marched on in the steadiest manner possible, occasionally lying down. Mr. Farmar had the honour of carrying the Queen's colours of his regiment, and just as he came close to their guns he was severely wounded by a grape shot in the thigh, fired from a gun mounted on a camel, and was compelled to resign it to the next ensign, and here a curious circumstance may be recorded that several officers were either killed or wounded carrying the Queen's colours in this battle, when

the officer carrying the regimental colours escaped untouched.

Mr. Farmar lay where he fell till discovered by a medical officer roaming about the field in his work of mercy to the wounded, who bound a bandage round his leg above the wound to stop the bleeding, and passed on to attend to others. Ultimately he was picked up, put into a dhoolie, and carried to the field hospital some distance in the rear. There he found already several brother officers, Lieutenant Grimes 50th regiment, lying dead in the corner of the tent; next to him, Captain Knowles, 50th, whose leg was amputated; then Lieutenant Frampton, 50th, arm amputated; then came Colonel Rowland Smyth and Captain Fyler, 16th Lancers, both severely wounded in the glorious charge of the 16th Lancers in this battle, and besides between 20 and 30 officers and men more or less wounded.

Having seen the operations on his brother officers and on others around him, naturally he felt rather anxious about his own fate, but happily it was found only necessary to cut out the grape shot. All the wounded were as soon as possible sent into Loodiana, and when Mr. Farmar could be moved he was sent up to the hills to Simla for six months for change of air. The Sikhs were utterly routed, great numbers were drowned in the river Sutlej, and some 5,000 men were killed.

The effect of this victory of Aliwal was great on the army opposite to the Governor-General's camp, and the number of dead bodies floating down the river quite astounded them. This army just conquered also intended spreading all over the country, plundering in all directions, but this victory checked further advance.

It may be of interest to record that the 50th, the Queen's Own Regiment, in the battle of Punuiar, and in this campaign of two months against the Sinks, had in killed and wounded 40 officers, 15 sergeants, 4 drummers, and 695 rank and file.

Ensign Farmar gained his promotion to a lieutenantcy in the field. He returned home with his regiment, and landed in England on the 20th April, 1848, and being one of the supernumerary lieutenants, he was placed on half pay for a few months, but was gazetted to the 82nd Regiment on the 22nd December, 1848, which regiment he joined at Plymouth on the 28th March, 1849. After being quartered at Plymouth, Exeter, Weymouth, Portsmouth, Pembroke, Manchester, Glasgow, Stirling, Dundee and Edinburgh, the regiment was ordered in January, 1855, to Corfu, and Captain Farmar was sent in command of his depot to Clonmet in September. The 82nd arrived in the Crimea on the 4th September, and Captain Farmar being very anxious to join his regiment before Sebastopol, in January was sent with a detachment to Malta.

The Governor, Sir J. Pennefather, gave him a month's leave to go to the Crimea in February, at the same time informing him that if his Colonel wished to retain him, he would offer no objection. And so it was arranged, and he remained with his regiment until it embarked for England on the 10th July, 1856, in the Royal George, a three decker, which brought home, curiously enough, a wing of his old regiment, the 50th. In the following year, on the 20th May, Captain Farmar embarked with his regiment, expecting to be engaged in a war with China, but in the meantime news reached England of the Indian Mutinies, so on arriving at Singapore the regiment was ordered to proceed with the greatest despatch to Calcutta, where they arrived on the 12th of October, and on the 28th he marched by bullock waggons, travelling at night, for Cawnpore, and arrived there on the 16th November. On the 26th General Windham moved out with his small force to check the advance of the Gwalior contingent of 20,000 men of all arms with 50 guns and 5,000 Sepoys. On the 27th the enemy crossed the canal in force to attack our camp, and after many hours' fighting against overwhelming numbers the General ordered his whole force to fall back on the fort with a view to protect Sir Colin Campbell's line of retreat from Lucknow over the bridge of boats. In action, on the 28th, Captain Farmar had a rare opportunity offered him, and he captured two 18-pounder guns from the enemy under circumstances which elicited the commendation of his commanding officer, who wrote that "he had much pleasure in bearing testimony to his conduct on the 28th November, 1857, on the occasion of two 18-pounder guns being taken from the enemy, that he was the first officer up at them and had a most narrow escape, and that it was, as General Windham said, a most gallant and daring affair," and he added, "that many a man had got the Victoria Cross for much less." The capture of the two guns was also reported in General Windham's despatch as follows; "On the left advance Colonel Walpole with the Rifles, supported by Captain Greene's battery, and part of the 82nd Regiment achieved a complete victory over the enemy, and captured two 18-pounder guns. The glory of this well-contested fight belongs entirely to the abovenamed companies and artillery."

In the record of the 82nd Regiment it is stated: the two companies of the 82nd Regiment with Lieut. Colonel Watson were commanded respectively by Captains Farmar and Slater. Captain Farmar led his company to the capture of the two guns referred to in the General's despatch. He was the first man up to them, and had a hand to hand encounter with the native gunners who lay down under their guns and awaited the assault, rising up and rushing at their assailants when within a short distance.

Captain Farmar was immediately surrounded and would have been slain, but for the promptitude with which Ensign Waterford, a Cadet of the East India Company, temporarily attached to the 82nd, used his revolver, and the vigour with which Sergeant Godfrey of the 82nd, thrust his bayonet through a Sepoy in the act



of cutting down his Captain.

This Sepoy held the bayonet firmly fixed in his body with his left hand, while with his right he gave the Serjeant a sword wound in the wrist which caused him to be invalided, and from its effects he subsequently died. The men of the company soon dispersed and bayoneted thirty-five of the enemy and took the guns. For this exploit Captain Farmar received the Brevet Rank of Major, and Ensign Waterfield was promoted soon afterwards.

It is farther stated in the Record that seven men of No. 6 Company were presented on a Public Parade at Subathoo, with Medals, obtained through the intervention of Sir Hugh Rose, the Commander-in-Chief, in commemoration of their gallantry on the 28th November, 1857, during the defence of Cawnpore by Major General Windham. These men were a portion of Lieutenant-Colonel Watson's party on that occasion and assisted Captain Farmar to capture the two 18 pounder guns.

Captain Farmar served throughout the Mutiny, including the defeat of the Gwalior Contingent by Sir Colin Campbell, the capture of Futtchgurh, action at Kunkur, capture of Shahjehanpore and Bareilly, relief of Shahjehanpore and actions around. From Futtchgurh a plan was ably conceived by Brigadier Sir Thomas Seaton to harass the enemy and gloriously executed.

At 11 o'clock at night on 6th April, 1858 a force composed of 600 men of the 82nd Regiment, 100 Punjaub Infantry and 350 Horse, with a field battery marched with Brigadier Seaton on a secret expedition to surprise the enemy, and as day dawned the advanced guard came upon the enemy's picquets at Kunkur, which were sharply driven in, and the attack commenced. The enemy lost about 250 men, and all their guns, stores, ammunition, tents, standards and baggage, fell into our hands, with the loss on our side of five men. The distance to Kunkur was 22 miles, and the heat at midnight was overpowering and the dust suffocating, but not a man fell out. Having burnt their village the column marched again for Futtchgurh at four o'clock, and did not arrive there till 11, but so fatigued were the men that many did not reach the fort till four in the morning. Captain Farmar was no doubt glad to get back again to the fort to eat, and to drink, and to sleep off the fatigue after the march of 44 miles in the 24 hours, and the excitement. During the hot weather he was employed in keeping open the communications on the Grand Trunk Road between Mynpoorie and Cawnpore, and in the end of 1858 he was invalided home from fever.

On the 21st September, 1860, he was appointed Captain of Cadets at the Royal Military College Sandhurst, which appointment he held for ten years, and in April, 1872, the Commander-in-Chief gave him the appointment of Assistant Commandant at the Royal Victoria Hospital, Netley, where he continued to do duty till March, 1884, when he was retired with the rank of Major-General.

General Farmar has the medal for the Sutlej campaign and for the Indian Mutiny, and has also been given the Reward for Distinguished Service.

His son, Hugh H. R. Farmar, was gazetted on the 29th October, 1890, as a second lieutenant in the 60th King's Royal Rifles, and sailed with the 1st Battalion in the following month for India, to be quartered at Rawul Pindi.

He has gained early experience by his good fortune in serving with his battalion in the Miranzai expedition in April and May, 1891, under Sir William Lockhart, for which the Queen has commanded that the Frontier Medal with a clasp inscribed "Samana" shall be granted to the troops. General Farmar's next son, George Jasper Farmar, has just passed out of Sandhurst, taking a high place with honours.

vignette

## A Citizen of the World.

vignette

SSIR DONALD MACKENZIE, K.C.I.E., whose career suggests to us the above title, was born on the 11th of November, 1841. He was educated at various private schools, the last he attended being at Montgrennan in Ayrshire. He had lost both his parents before reaching his tenth year, and having no brothers, sisters, or other near relations who took a special interest in him, he was left very much to his own devices early in life. He had great difficulty in choosing a profession, and even recently has been heard to say that he has not quite made up his mind on the subject.

As a boy he was indolent, and his dislike to reading extended not only to all manner of school-books, but also to works which boys commonly read with avidity, He was willing to receive knowledge in other ways however, and fond of collecting orally all sorts of curious out-of-the-way information. It was perhaps fortunate for him that he was not very studious at this time and delighted rather in out-of-door exercise, for he was delicate and required muscular force rather than cerebral excitement.

When about sixteen he underwent a change physical and intellectual. He gradually became very robust, and

at the same time developed an insatiable appetite for study. His intellectual tastes, however, did not take any very definite direction, but they were sufficiently comprehensive, for, with boyish naiveté, he formed a scheme for making himself thoroughly acquainted with all branches of human knowledge. His guardians being wiser in their generation and more practical, insisted on his choosing some sort of profession, suggesting the army, the bar, medicine, civil engineering, etc. In order to get rid of their well-meant importunities he announced that he should prepare himself for the Scotch Bar. His reason for making this choice was that it secured for him the longest preliminary training—six years at the university. He began in the University of Glasgow, but was there only one term, after which he went to Edinburgh, where he remained for over five years. While keeping in view his boyish encyclopedic programme, he devoted his attention chiefly to the philosophic branches—metaphysics, ethics, psychology, etc., and at his M.A. examination he "took honours" in those subjects. He did not continue this line of study, for he had gradually come to the conclusion that metaphysics was a *cul-de-sac*, that philosophical studies were of little use except as a means of mental training, and that philosophy was interesting merely from the historical point of view. He had leanings also at this time towards natural science, and occupied himself with chemistry, anatomy, physiology, and medical jurisprudence.

In 1862 he began to travel on the Continent in summer, attending the Edinburgh University in winter. His first tour was confined to France, Belgium, Italy, Holland and Germany, His second tour included Austria, Turkey and Greece, and when returning home by the Lower Danube he caught a very persistent malarial fever, which had an important influence on his movements for some years. After vainly trying for many months to get rid of it in England, he was ordered by his doctors to try a change of climate. Paris was suggested as a place of residence and in order to utilise his time he entered as a student at the Ecole de Droit. A year's study at this establishment convinced him that the French law schools were far inferior to those of Germany, and he accordingly went in 1866 to the University of Berlin. Here he continued his studies in Roman law for two years, when the Austro-Prussian war and the consequent changes in Germany drew his attention to political affairs. He had arrived in Berlin a few days after Blind's attempt on the life of Bismarck, and had noticed then that the Chancellor was unquestionably the most hated man in Germany; while three or four months afterwards, when the Battle of Königsgrätz had been fought, he had become undoubtedly the most popular.

The autumn of 1868 was devoted to a tour in America, whence Sir Donald returned to his legal and political studies in Berlin. In the following year he removed his head-quarters to Heidelberg, where, after a few months he passed his examination as Doctor of Civil and Canon Law. When preparing for his examination he had made the acquaintance of one of the Professors, Dr. George Asher, and had been struck by the originality of his views on Roman Law and Roman History, and a project was gradually formed of writing with him a very learned and very thorough work on the aristocracy of ancient Rome. According to the programme the first thing Sir Donald had to do was to look through the whole of the Latin literature, and all the Latin inscriptions, and to note the names of all persons who had filled any public offices. Gradually he began to perceive that the work on the lines laid down, would occupy at least one life-time of average length, and his sympathies were more and more drawn to another subject—primitive institutions in general, and those of the Aryan races in particular. With the view of investigating this subject thoroughly he began to study Sanscrit and the ancient systems of Hindoo jurisprudence. Here again was a subject of study for at least a life time, but the prospect did not frighten him this time, for he had now pretty well decided to devote his life to study in Germany, and in order to give himself a sort of social status he determined to qualify for the position of a Privat-Dozent, or honorary professor of comparative law. His dissertation for this purpose was already begun when the whole course of his life was suddenly changed by an invitation he received to visit some friends in St. Petersburg.

During his studies in primitive institutions, Russia had often crossed his path. In Haxthausen's great work he had learned something of the mir or village-community, and in a smaller work by the same author called "Transcaucasien" he had heard of a wonderful tribe called the Ossetes, who were supposed to be, as it were, a little stagnant pool left high up in a secluded valley of the Caucasus, by the great Aryan wave of migration as it rolled westward into Europe in pre-historic times. Haxthausen did not give much information about this wonderful people, but he said enough to suggest that (thanks to their long centuries of isolation) they still retained in good working order those primitive institutions which Sir Donald was laboriously endeavouring to construct out of the meagre fragmentary remarks of ill-informed ancient authors. The effect of this discovery may be readily imagined. It was as if some naturalist who for years had been endeavouring to reconstruct the skeleton of a Dinotherium were suddenly told that if he went to a secluded valley not far off he would find a whole herd of antediluvian monsters strolling about peacefully in the bright sunshine. What a chance had our enthusiast! He would get miles ahead of all rivals by simply describing accurately what he had before his eyes. He was younger then, and more sanguine than now and believed that he was about to make a "hit" such as Sir William Jones made by the discovery of Sanscrit. But in order to understand those wonderful Ossetian institutions he must understand the Ossetian language, which might turn out to be primitive Aryan speech; and in order to acquire the language of that barbarous tribe, he must learn the language of the only civilized people

in contact with them—the Russian. This might be done by accepting the invitation to St. Petersburg; so it was accepted, and he arrived on the banks of the Neva early in 1870.

The banks of the Neva is not a convenient place for learning Russian for anyone able to speak fluently the principal West European languages. He convinced himself of this very soon, and after a few months he left the capital of the Czars and settled in a remote village in the province of Novgorod, as is related at considerable length in the opening chapters of his "Russia." In proportion as he became better acquainted with the Russian people he became more and more interested in them, and he determined to spend a year in studying their peculiar character and institutions, but at the end of the year he found he did not understand them quite so well as he had imagined he did at the beginning. Another year had to be devoted to the object in view, and again he found that he had made much less progress than he had anticipated. It was not till he had been six years in the country that he felt he could speak with authority.

During the last two years of his stay he had put his materials in shape, and when he returned to England in the last days of 1875, he brought with him a gigantic mass of manuscript, which contained a very full description of the country, with copious historical details and no end of statistics. Having devoted six of the best years of his life to the work, and feeling an intense interest in the subject, he was entitled to hope that his countrymen would share his enthusiasm and appreciate the result of so much conscientious labour, but at first he was doomed to disappointment. "The Trade" did not believe that such a work could succeed. One leading publisher told him frankly that his book might be well adapted for Germans, but that it was altogether unsuited to the English public; and another great authority declared with equal frankness that if the manuscript were published, not a man, woman or child would ever read the ponderous volumes.

Under these circumstances he abandoned the idea of publishing in the ordinary way and thought of having a small volume printed for private circulation. For this purpose he began to boil down the big manuscript into modest dimensions and when the process was about three-fourths completed he unexpectedly received from Messrs. Cassell a proposal to write a popular book on Russia in two volumes. The idea of writing in a popular style was not at all in accordance with his German notions as to how a book should be written, but after a long discussion with the literary adviser of the firm he consented to write a serious work in a popular style, and undertook to deliver the manuscript in four months. In making the agreement he was no doubt influenced by the desire of utilising his materials; and it was natural that he should also wish to show his friends that he could write in a popular style if necessary. Having the whole material at his fingers' end he had no difficulty in fulfilling the terms of his agreement. By the end of the four months the work was already in type. A few weeks were devoted to the correction of the proof-sheets, and on the 1st of January, 1877, the two volumes appeared. On the day of publication the whole of the first edition was sold, and several editions more were sold as fast as they could be produced.

The reviewers were enthusiastic. Even the authority above-mentioned, who had predicted that no man, woman, or child would ever read the book, now remarked, when reviewing the book in its popular form (in the *Fortnightly Review*): "Here we must leave this valuable and instructive book. It is one of the stoutest and most honest pieces of work produced in our time; and the man who has produced it may securely enjoy the reflection which is by no means given to all of us, that even if he never does anything more, he will not have lived for nothing."

The American edition had perhaps as great a sale as the English one, and of the Tauchnitz edition a large number of copies were sold. How many translations were made into foreign languages cannot with certainty be said, because they were made for the most part without the author's permission, but he has seen translations in Hindi and Punjabi, French, German, Danish, Swedish, Russian, Hungarian, Croatian, Turkish (in part), Persian, Hindustanee, Bengalee. These translations were made without even a suggestion of the author. When an enterprising publisher in Lucknow asked permission to publish translations in the Indian vernaculars he was dissuaded by the author on the ground that they would probably not pay, but he persisted in his intention and afterwards communicated the fact that he had no reason to regret the venture.

About six months after the publication of "Russia" (in June, 1877) Sir Donald was offered the post of *Times* correspondent in St. Petersburg, and after some hesitation he consented to try it for a month or two. Personally the position was not at that time a pleasant one. The Russo-Turkish war was going on and public opinion in Russia was greatly excited against England by the hostile attitude of the Disraeli Cabinet, and by the fact that several Englishmen were serving in the Turkish army. By certain of the Russian newspapers Sir Donald was abused as an enemy of the Fatherland, whereas in England he was regarded as a Russophil, and as almost a traitor to his country. He suffered, in short, the common hardship of those who attempt to hold the balance fairly between two excited hostile factions; but he stuck to his post for about a year, and would probably have remained longer but that he unfortunately excited the suspicions of the secret police. Certain disclosures had been made in the *Times* regarding the policy and intentions of the Russian Government, and it was suspected, perhaps not unnaturally, but altogether unjustly, that he had obtained information by bribing officials in the

Russian Foreign Office. Soon he discovered that he was being carefully watched His Russian servant informed him that "some wicked people who evidently wanted to rob him" had offered him money and questioned him about Sir Donald's habits, and that one or two of them who hung about the door when Sir Donald was at home, always followed him when he went out. In the course of a few days he came to know these two personages by sight. Both had strongly marked Jewish features, and he found that they followed him about wherever he went. He had no reason to fear disagreeable consequences for himself, but he was afraid of compromising his Russian friends, and he accordingly sent in his resignation to the *Times*. In reply he was asked to go to Berlin for the Congress which was then about to assemble, and when that body dissolved a month later, he was requested to transfer his headquarters to Constantinople.

From July 1878 until September 1884, he remained in Turkey, studying the Eastern Question from the point of view of the Turks, and of the young nationalities who aspire to take their place. Again he was indicted of gaining information by bribery, and again the accusations were unfounded. In his opinion good information can be better obtained by other means. The Porte and the Palace tried in vain to discover what these means were, and the irritation in high quarters was at one time so great that he received a friendly warning never to go out at night unarmed.

During those six years he travelled from time to time in Bulgaria and some of the provinces still left under the direct rule of the Porte, and he spent one winter among the southern Slavs of Austria. When the Organic Statute was being elaborated for Eastern Roumelia, by the International Commission, he lived in Philippopolis in constant communication with the Commissioners, When the Rhodope insurrection was going on he passed through the disturbed districts, and when Prince Alexander of Bulgaria made his *coup d'état* he was present at the proceedings, and had a long interview with the Prince next morning.

He was in the island of Scio during the great earthquakes, when four thousand people perished, and he was present at the famous trial of Midhat Pasha, when he and the two brothers-in-law of the Sultan were condemned to death for the assassination of the Sultan Abdul Aziz, Immediately after the Battle of Tel-el-Kebir he went to Egypt, and was present at the trial and condemnation of Arabi and the other leaders of the insurrection. He remained in the valley of the Nile for six months, and published the results of his investigations in a volume entitled "Egypt and the Egyptian Question."

In September, 1884, he unexpectedly received a letter from Lord Dufferin, who had just been appointed Viceroy of India, offering him in very flattering terms the post of Private Secretary. The Designation is rather a misnomer, for the official in question has nothing to do with the Viceroy's private affairs. He is the link of connection with the various departments of State and with the outside world, his chief duty being to take as much of the drudgery as possible off the shoulders of his chief, so that the latter may have time to think. In an Empire containing over 250 millions of inhabitants, and possessing a highly centralised administration, the amount of work can be readily imagined. It will here be interesting to refer to a speech made by Lord Dufferin at the Mansion House on the 29th May, 1889, In the *Times* of the following day Lord Dufferin is reported to have said; "If the late Viceroy of India has survived the labours of his office and lives to dine with the present Lord Mayor of London it is because he had in Sir Donald Wallace an incomparable Private Secretary, who relieved him of half his labours, who enjoyed everybody's confidence, who completely effaced himself, and worked eighteen hours a day," For the Viceroy's Private Secretary there are no holidays. During the tours which were made in spring and autumn, Sir Donald's railway carriage and his tent were fitted up as his office, and even when out tiger shooting the daily work was regularly forwarded by telegraph and special messengers. Sir Donald Wallace was Private Secretary at a time when the Viceroy had many serious difficulties to grapple with First, he had to deal with complicated agrarian questions in Bengal and other provinces. Then he had the Russian menace on the north-west frontier, which threatened at one moment to lead to hostilities. Next came the annexation of Upper Burmah, and the reorganisation of the annexed territory in question. The unavoidable establishment of a protectorate over the Shan States necessitated some delicate negotiations with Siam, On the northwest the increasing proximity of a European Military Power made it necessary to construct strategic railways and put the frontier in a proper state of defence, and all this had to be done in the midst of the greatest financial difficulties, caused by the ever-increasing depreciation of silver in all the markets of the world, A fall of one penny in the average annual value of the rupee meant a loss of one million sterling to the Indian Government. The internal political agitation too (a legacy from Lord Ripon's administration) had also to be dealt with carefully and judiciously. Altogether Lord Dufferin had enough to do, and we have quoted his own words as to the services of his Private Secretary.

When Lord Dufferin retired at the end of four years, and Lord Lansdowne was appointed, Sir Donald Wallace was asked if he would take a new term of office, but he declined. He has an iron constitution, insensible to climate, independent of physical exercise, and capable of almost any amount of work, but his doctor was of opinion that he would either break down before the end of the term, or that he would carry on to the end and be useless for the rest of his life. He had already learned as much about India as he cared to know,

and therefore did not feel inclined to make the medical experiment. He remained, however, a few months as Private Secretary under Lord Lansdowne, and then came home through Persia, Central Asia, and Russia. An account of his ride through Persia was published in the *English Illustrated Magazine* (in the July, August, and September numbers), under the title of "Overland from India."

He arrived in England in June 1889, and started in the following February for south-eastern Europe. His object was to get into touch again with the young nationalities of the Balkan Peninsula, The simmering insurrection in Crete took him to that island, and he spent some weeks in investigating the origin and real character of the movement. In spite of the bellicose declarations and predictions daily dinned into his ears by the agitators, he came to the conclusion that there would be no disturbances for some time to come, and accordingly he went over to the mainland, and made a short tour in the Peloponnesus. Thence he proceeded to Athens, where his conclusions about the probable course of events in Crete were confirmed by conversations with Mr. Tricoupis and other leading politicians Mr. Tricoupis was evidently determined not to allow his great schemes for developing peaceably the resources of his country to be compromised by foreign complications. Sir Donald thought it well, therefore, to move on to Bulgaria, but before he had been long in Sofia symptoms of disturbance appeared among the Armenians, and some of their friends in England tried to convince the British public that a serious insurrection in Armenia was imminent. A stay of three weeks in Constantinople sufficed to convince him that it was a mere flash in the pan, and that a political agitation, the centre of which was in London, could only have the effect of increasing the sufferings of the unfortunate people in whose interest it was supposed to be carried on. He returned, therefore, to Sofia, where he had renewed his relations with his old Bulgarian friends. His conversations with Prince Ferdinand, Mr. Stamboloff, and other Bulgarians were of great use and interest. Having obtained a clear conception of the present political situation he passed on to Belgrade, but before he had quite found his bearings in the world of Servian politics he was unexpectedly requested by the British Government to go out to India for the purpose of accompanying the Czarévitch as Political Officer on a tour in India and Ceylon. He felt considerable reluctance to accept this mission because it interrupted him in his studies; but pressure was brought to bear on him and he finally consented. The tour in India had very little interest for him because he had been over the ground before in analogous conditions, but the visit to Ceylon was a new and agreeable experience for him. Fortunately for his peace of mind and comfort the Czarévitch turned out to be everything that could be wished, and this being so there was not the least difficulty of any kind. The stories which have been published about him and his suite being in constant terror of assassination are pure inventions. Sir Donald Wallace never saw the slightest symptoms of terror or even of anxiety in any member of the party.

Sir Donald's mission terminated at Colombo on the 23rd of February when he started for Egypt, and after remaining there for about a fortnight he returned to England.

## Past and Present.

### The Late Prebendary Havergal, D.D.

vignette

THE Rev. Dr. Francis Tebbs Havergal was the second son and fifth child of the Rev. William Henry Havergal, M.A., Hon. Canon of Worcester Cathedral, and Rector of Astley, near Stourport, at which place he was born on August the 7th, 1829.

The orthography of his unique surname has varied from Heavergill (which signifies the rising of the brook or gill) to Havergill, Havergall or Havergal.

At nine years of age he entered New College, Oxford, as a chorister, which position he retained for five years, At eighteen he obtained a bible clerkship at New, matriculating at this college in 1848. He graduated B.A. in 1852, M.A. 1856, B.D. and D.D. 1888. He was made a Deacon in 1852, and a Priest in 1853, by Dr. Hampden, Bishop of Hereford, whose diocese he always remained in. In the last named year he was appointed one of the Minor Canons of Hereford Cathedral; in 1861 he accepted the Vicarage of Pipe-cum-Lyde, which he held with his minor-canonry. Here he built a model vicarage, and commenced restoring the ancient church of S. Peter, In 1866 the Archdeacon of Hereford, Lord Saye and Sele, made him Sub-Treasurer of the cathedral for life; in 1873 Bishop Atlay appointed him his domestic chaplain in recognition of his services in connection with the raising of funds for the Pastoral Staff, presented to his Lordship by the diocese in 1873. In 1874 the Dean and Chapter of Hereford presented him to the living of Upton Bishop, near Ross. His severance with the Cathedral, however, was not of long duration, for in 1877 the Bishop conferred upon him the Prebendal Stall of

Col wall. In 1886 the Chancellorship of the Choir was offered him, but this post he declined.

Dr. Havergal was intimately connected with music and literature. His father will long be remembered by all lovers of sound ecclesiastical music, as it was through his exertions that a proper form of this art came into general use in this country. His reputation as a musician fifty years ago was such that he might have been Professor of Music at Oxford, had he not declined the honour on account of failing sight, The sister of the subject of our present notice was Miss Frances Ridley Havergal, the well known hymnologist whose writings in prose and verse are so widely known and whose Memorials have obtained an almost unprecedented circulation. Her poems find a place in every hymnal of note, while her name is always eagerly sought for on the Christmas and other cards.

Dr. Havergal was no mean musician, for, like his brother, the Rev. H. E. Havergal, Vicar of Copie, in Bedfordshire, he built his own church organ which for many years he played at all the services himself. As an author his name will not be forgotten. His first principal literary production was a "Visitor's Hand Guide to Hereford Cathedral," published first in 1863. This work extended over five editions, the last appearing in 1882. He was editor of the Hereford Diocesan Calendar from 1864 to 1874. His chief work of importance was "Fasti Herfordensis," published in quarto form 1869. This work has now become very valuable, and can hardly be procured at a sale under £5. His next effort was the "Mappa Mundi," a lithograph of the celebrated old map in the Cathedral, In 1881 he published "Monumental Inscriptions" in the Cathedral, a work which took twenty-five years to complete, owing to the tedious nature of such a task. In 1883 he published "Records of Upton Bishop," also a full illustration of the ancient glass in Credenhill Church; in 1886 appeared an account of the ancient glass at Brinsop Church, and in 1887 a large collection of words entitled "Herefordshire Words and Phrases." In 1889 he completed his last book, "Memorials of the Rev. Sir F. Ouseley, Bart.," his life-long friend, who died in 1888. He contributed many interesting papers to the Woolhope Field Club, of which he was a most valuable member; his knowledge of local antiquities was very extensive, and few members of that club had a deeper insight into ancient lore and knowledge pertaining to mediæval customs and manners.

The *Hereford Mercury* writing on his death, remarked "We may say he was essentially at home in the Cathedral, either brightening and taking part in its services or exploring and diving into its history and the antiquarian relics and remains with which it abounds. Here, so to speak, was the magnet to which all his attention was drawn, for he truly loved to write and speak of this grand old pile. . . . His researches present the idea of untiring exertion and never wearying penetration into what the world in general would call 'musty details,' but which form a valuable aid to students of history. His works are sufficient to make his name celebrated and honoured everywhere, and to mark his scholarly refinement, his deep learning, his love of ancient lore, and his desire to enrich our libraries, to extend our knowledge and to attract our minds into a channel where our thoughts are not too often found. He had a profound knowledge of ancient Latin, and was, speaking broadly, a man of very wide culture. By the lamented death of the Vicar of Upton Bishop, Herefordshire has lost one of her most representative men."

A notable instance of his true antiquarian spirit was shewn in 1867. The church of St. Mary Somerset, in London, was about to be demolished, and all the bodies in the vaults were to have been consigned to a common pit elsewhere. Amongst them lay the remains of Gilbert Ironside, D.D., seventy-ninth bishop of Hereford, who died in 1701. The Dean and Chapter having no funds at their disposal, Dr. Havergal set on foot a subscription throughout the diocese for the purpose of bringing the body of the bishop from London for interment in his Cathedral Church. His efforts were successful, and the episcopal remains were reverently laid in a specially prepared vault within the cathedral; a brass plate recording the date of the re-interment was fixed on an adjoining wall.

Dr. Havergal was Local Secretary for South Herefordshire for the London Society of Antiquaries. In politics he was a Conservative, and his ecclesiastical views were those of an earnest High Churchman. For many years he was Vice-President of the Herefordshire Branch of the English Church Union. In 1860 he was married at Hereford Cathedral to Isabel Susan, only surviving child of the late Colonel Martin of the East India Company, by whom he leaves two sons and three daughters. For the greater part of his life he had but indifferent health, which makes his remarkable energies all the more astonishing. He passed away peaceably after leading an honourable and consistent life, on Sunday July 27th, 1890, aged 60 years.

It is the intention of his widow and children to place, very shortly, at the head of his grave at Upton, a very beautiful churchyard cross, an erection he always much desired to see carried out. The design will be an exact copy of the original cross, a portion of which remains and is carefully preserved inside the church. This will form a fitting memorial to one who did so much for the Church of England, especially for that portion which lies in the County and Diocese of Hereford.

**Staveley Hill. D.C.L., Q.C., M.P.**

THE member for the Kingswinford division of Staffordshire was born at Dunstall Hall in that county, in 1825, and comes of an old family on both sides, He was educated at Birmingham Grammar School, in the house of Dr. Lee, the future first Bishop of Manchester, and in company with Rendall, Westcott, Evans, Lightfoot, Benson, and other celebrities. After leaving Birmingham Grammar School, Mr. Staveley Hill went to Exeter College, Oxford, where he took his degree, and was elected to a Staffordshire Fellowship at St John's, Having taken the degree of D.C.L, he was appointed one of the Examiners in Law and Modern History, in which capacity he participated in the award of a 'first class' to Sir Michael Hicks-Beach.

Mr. Staveley Hill was called to the Bar at the Inner Temple in 1852, and joined the Oxford Circuit, being elected the same night as Mr. Henry Matthews, Mr. Ward Hunt, and Sir Henry James. He soon obtained a large and varied practice, eventually be-coming leader of the Circuit. It is said that only the busy man can find time, and this would seem to be true in the present case; for in the midst of his many duties he found time to devote himself energetically to the Volunteer movement. He was in fact one of the first to join the Victorian Rifles in 1859. Although his Parliamentary practice had become exceedingly lucrative, he was induced by Mr. Disraeli to start upon a political career. He entered the House of Commons in 1868 as member for Coventry, which constituency he continued to represent until 1874 when he became member for West Staffordshire, representing that division of the county until 1885, From that year to the present he has sat for the Kingswinford division.

Mr. Staveley Hill is as well known on the other side of the Atlantic as this. He first went to Canada in 1881 to ascertain on behalf of his constituents what were its claims for emigration. He soon realised the advantages of the New World, and not only established a large cattle ranche in the Far West, but returned there himself in successive autumns. It was this experience that led to the publication of his well-known book "From Home to Home," which describes life among the foothills of the Rocky Mountains. The work is dedicated by permission to the Princess Louise and illustrated with beautiful sketches by the present Mrs. Staveley Hill, who has regularly accompanied him in his Canadian tours. During the last year, on the occasion of the destruction by fire of the University Library at Toronto, he initiated the movement which, under the Presidency of the Marquis of Lorne, has been the means of contributing some 30,000 volumes sent from this side the Atlantic to the new Library.

He has been a good political soldier, and has done more for his leaders than his leaders have done for him, but he holds a position that cannot be interfered with by the exigences of party warfare, and it is on this account that he will be remembered in the future,

We should add that he is J.P. and D.L. for Staffordshire. He was appointed Queen's Counsel in 1868 and Recorder of Banbury in same year, has held the position of Judge Advocate of the Fleet and Counsel to the Admiralty since 1874. He was appointed Deputy High Steward, Oxford University in 1874.

## The Rev. Chaloner Greville.

THE author of "Thoughts of other Days," is the youngest son of the late Robert Kaye Greville, LL.D., well known in scientific and literary circles as the accomplished author of the "Scottish Cryptogamic Flora," and other works, who in 1816 married a daughter of the late Sir John Eden, Bart., of [unclear: Windlestone] Hall and Beamish Park, both in the county [unclear: of] Durham, which he represented in more than [unclear: one] Parliament.

The subject of our notice, whose present [unclear: residence] are Moor Court, Kington, Herefordshire, and [unclear: La] Noria, Beaumaris, Anglesey, was at one time [unclear: intends] for the legal profession, and studied for some [unclear: time] with a firm of high repute in the Temple, and [unclear: afterwards] in the office of a leading writer to the [unclear: Signetin] Edinburgh. Circumstances led him to change [unclear: his] views, the result being that in 1850 he sailed [unclear: for] South Africa, and in partnership with Mr. F. W. Howden, entered into pastoral pursuits in the [unclear: Colony] of Natal. That Colony was not then in a [unclear: good] financial position, and the partners agreed to [unclear: remove] to Australia, where they arrived in November, [unclear: 1852], on the same day as the once celebrated "[unclear: Great] Britain" arrived in Melbourne on her first [unclear: voyage] to Australia. That city was very different [unclear: there] rom what it is now, when it has earned the title [unclear: of] "Marvellous Melbourne."

The cost of living was very great, and Mr. [unclear: Greville] like many other young men, determined to try [unclear: his] fortunes at the Gold Fields. With that view [unclear: he] proceeded to Forest Creek, now better known as [unclear: Castlemaine], where he remained for some three [unclear: months] He did not meet with much success, and his [unclear: health] failing, he returned to Melbourne, when he [unclear: shortly] afterwards entered into the Civil Service to which he was appointed by His Excellency C. J. Latrobe, "first Lieutenant Governor of Victoria. When responsible Government was introduced, Mr. Greville was selected by the present Right Hon, H. C. E. Childers, to form one of his staff in the newly-formed Department of Trade and

Customs. There he remained until 1880, having served for sixteen years as chief clerk of the Department.

While in the Civil Service Mr. Greville was licensed by the Bishop of Melbourne to assist the clergy of the Diocese by holding services, (It must be remembered that the circumstances of a Colony are very different from those of an old country like England,) The Rector whom Mr. Greville assisted had six churches under his charge, and ten, and sometimes eleven services to provide for every Sunday. His salary was but small, and he could not afford to pay a curate, even supposing he could have obtained one, so that he was largely dependent upon lay assistance.

On leaving the Civil Service, Mr. Greville having become interested in Church work, and not wishing to be idle, applied to the Bishop for ordination, which he received. Since his return to England he has, when health would permit, confined himself to giving gratuitous assistance to his brother clergymen when in need of help.

Mr. Greville belongs to an exceptionally clerical family. His grandfather, the Rev. Robert Greville, Rector of Bonsall, Derbyshire, was well known as an accomplished musician, and one of his glees, "Now the Bright Morning Star," remains to this day as a memorial of his genius. His son, the Rev. Eden Greville, was for a long time his father's successor as Rector of Bonsall, which living he afterwards exchanged for that of St. Paul's, Clapham. The Rev. Robert Greville's brother, the Rev. J. Greville, was for many years Vicar of Duston, Northamptonshire. The Eden family have supplied three Bishops to the Church; Robert John Eden, third Baron Auckland, Bishop of Bath and Wells; Robert Eden, Bishop of Moray and Ross and Primus of Scotland; and George Rodney Eden, Bishop of Dover, and Archdeacon of Canterbury, Mr. Greville derives his Christian name from his ancestors, the Chaloners of Guisborough, Yorkshire, one of whom was Ambassador to Spain in the reign of Queen Elizabeth, and accompanied the Emperor Charles V. in his expedition to Algiers. His son (also Sir Thomas) was Governor to Prince Henry, eldest son of James I. and the son of the latter Sir Thomas—Sir Edward Chaloner, D.D.—was chaplain to Charles I.

Mr. Greville has occasionally turned his attention to literature, although at present he has only published one work, "Thoughts of other Days," a volume of poems. Two of the poems from this collection entitled "Hymns for Harvest Festivals," have been set to very appropriate music by the organist of St. Anne's Church, Birkenhead.

From the particulars we have given it will be seen that the subject of our notice has done good and faithful service for the public, not only as a churchman, but in various positions of importance, at home and abroad, during many years. He has had a wide experience of men and the world, and success has deservedly followed his endeavours in each and all directions.

We should add that on leaving Australia, Mr. Greville was presented with an address and a purse of sovereigns.

## **William Rogers, C.E., F.G.S.**

THE late Mr. Rogers, whose portrait will be found on the opposite page, was born in 1846, at Melverley, in Shropshire, of which parish his father, the Rev. Henry Rogers, was rector for many years.

For generations the ancestors of Mr. Rogers occupied prominent positions as solicitors in the district of Oswestry, and he was the first of his family to enter the more practical profession of mining.

Like many other men who have gained distinction on lines which was not originally intended that they should pursue, Mr. Rogers was first entered for the medical profession and no doubt would have won no mean reputation as a doctor; but he had no strong proclivities in that direction, and what medicine has lost mining has gained.

Mr. Rogers received a good sound liberal education under Dean Harrison at the Liverpool Collegiate School, now Queen's College, and went to Wigan, in Lancashire, in 1863, at the age of seventeen, unknown, unrecommended, and unpatronised, and entered as a mining engineer's pupil with Mr. Isaac Perrins, commencing at the very foot of the ladder. In his case, and it proved not a disadvantage but an incentive, there was no royal road to distinction; he fought his way step by step, with indomitable perseverance, great force of character, and unquestionable ability.

There is probably no coal-field in the world that affords a better training-ground for young men willing to rough it than that of Lancashire; and Mr. Rogers' varied experience in these earlier days stood him in good stead in after life.

In 1867 he commenced practice on his own account, having just attained his majority, and rapidly built up a wide and a good connection. In 1870 he joined hands with his former employer, who died a year and a half later, and Mr. Rogers, whilst a very young man (twenty-five years of age), became the sole head of a large mining engineering business.

Collieries previously unproductive and unprofitable became large concerns, and realized substantial,



profits; and he made progress until there was no mining engineer in Lancashire, and few even in the United Kingdom, with a larger or more successful practice or a more influential connection.

So busy a professional man had little time for the public work which falls to aspirants for municipal and Parliamentary honours, but in November, 1888, the fellow-townsmen of Mr. Rogers, for the first time in the history of the borough, extending over six centuries, went outside the ranks of the Corporation, and unanimously elected him to the position of chief magistrate, and he became, in consequence of the recent Local Government Act creating County Councils, the first Mayor of Wigan as a county borough.

During his mayoral year he was made a county magistrate for Lancashire, and he received the Royal Manchester and Liverpool and North Lancashire Agricultural Society at a gathering which, mainly through his efforts, was the most successful meeting that had been held for many years.

There was a universal desire on the part of the Corporation and inhabitants of Wigan that he should continue in the mayoral office for a second year, and much regret was expressed that pressure of professional work made it impossible to accept. He was entertained at a banquet and had conferred upon him the honorary Freemanship of the Borough, being the first appointment under the Act of 1885.

Mr. Rogers was a man of splendid physique, a thorough Englishman, a keen sportsman, at home a real country gentleman, and an excellent practical speaker, always expressing himself with brevity and with clearness,

## **General Thackwell, C.B.**

JOSEPH EDWIN THACKWELL, Hon, Colonel Connaught Rangers, was born Sep. 7th, 1813, and is the youngest son of the late John Thackwell, J.P, and DX., of Wilton Place, Dymock, Gloucestershire; and Rye Court, Worcestershire, and nephew of the late General Sir Joseph Thackwell, G.C.B., K.H., Colonel 16th Lancers.

The subject of our notice entered the army on the 6th June, 1834, by purchase of an Ensigncy in the 90th Light Infantry. He embarked with the Regiment for Ceylon on Jan. 8th, 1836, and was appointed Acting Adjutant in December, 1838, being promoted Lieutenant in the 94th Regiment on the 23rd of the following October. He joined at Cananove in March, 1840. In January 1841 he was removed to the 22nd Regiment, and joined at Poonah, accompanying the Regiment to Scinde. He was appointed Adjutant in 1843, after the return from Scinde to Bombay. He became Captain, May 26, 1848, Brevet Major, Dec. 12, 1854, Lieut-Colonel, Nov, 2nd, 1855, Brevet Colonel June 35, 1861, Major-General, July 8, 1874 (ante-dated to March 1868), Lieut.-General, Dec, 22, 1878, and Hon. General retired in 1881. He was appointed Hon, Colonel Connaught Rangers, Dec. 23, 1889.

General Thackwell served in the 22nd Regiment in Scinde during 1842-3 under Sir Charles Napier, and was present at the Battle of Hyderabad, also in the Southern Mahratta country in 1844-5, including the investment and capture of Forts Punallar and Powreghur. He was aide-de-camp to General Sir Joseph Thackwell commanding the Meerut Division, from February, 1852, to May, 1853, when he returned to England and joined the Depot of the 22nd Regiment at Chatham.

On the breaking out of the Russian War he embarked for the East in April, 1854, as Brigadier Major to the 1st Brigade (Pennefather's) 2nd Division, commanded by General Sir De Lacy Evans. He landed at Scutari, and, when the troops arrived, proceeded to Bulgaria and thence to the Crimea. He was present at the affair on the Bulganack, Sep. 19, 1854, the Battle of the Alma, the Sortie of the 26th October, the Battle of Inkerman (where his horse was shot under him), and at the siege and capture of Sebastopol.

On the 4th August, 1855, he was appointed assistant Adjutant General, 3rd Division, under the late Sir William Eyre, K.C.B., and was employed as such until the army was broken up in 1856. In July of that year he accompanied General Sir William Eyre to Canada as Military Secretary. He returned to England in July, 1859, and on the 20th of the following March he was appointed assistant Adjutant General at Portsmouth for five years. In May, 1865, he became Deputy Adjutant General in Canada, and held the appointment till the 30th September, 1870. On the 1st April, 1873, he was appointed to the command of the 35 Brigade Depots at Bodmin, which he held until promoted Major General in July 1874.

General Thackwell has the medal for Hyderabad (1843), the Crimean medal with three clasps, and the Sardinian and Turkish medals. He is a Knight of the Legion of Honour, holds the 5th class Mejidie, and in June, 1869, was created a Companion of the Bath. He had the distinguished service pension of £100 until he retired on a fixed pension in 1881.

## **Major General Oliver, C.M.G.**

MAJOR GENERAL JOHN RYDER OLIVER is the eldest son of the late John Dudley Oliver, J.P. of Cherrymount (now Tigrony), in County Wicklow, Ireland, and his wife, Mary Susan, who was a daughter of the late Valentine Green, of Normanton Hall, Leicestershire. He is the head of a branch of the Olivers of Castle Oliver (now Cloghanodfoy) county Limerick, a family descended from Captain Robert Oliver, a distinguished army officer in the time of Cromwell, who received large grants of land in the south-west of Ireland in reward for his services. Several of this family were at different times members of the Irish Parliament, while others attained to a high rank in Army, Navy, and Church.

The subject of our notice was born at Ashby-de-la-Zouch Dec, 16th, 1834, and completed his education at Trinity Hall, Cambridge, where he obtained a mathematical scholarship. In September 1855 he was gazetted to a Lieutenancy in the Royal Artillery, having obtained a direct commission by the first competitive Army examination ever held, passing fifth out of a hundred and fifty candidates. In May, 1857 the company to which he was posted embarked in a small sailing vessel for service at the Cape of Good Hope, a voyage which did not in any way resemble the speed and luxury of the present day, A few days after the ship's arrival at Cape Town news was received of the outbreak of the Indian mutiny, and the company at once re-embarked in the *Penelope*, reaching Calcutta in September just as the news of the capture of Delhi was made known. Lieutenant Oliver took part in the subsequent campaigns up to March 1859, including General Windham's battles with the Gwalior contingent at Cawnpore, the battle of Cawnpore, the final siege and capture of Lucknow, the battle of Bareilly, the campaign in Rohilkund under Sir Colin Campbell, and the "final campaign in Oudh, He was mentioned in despatches, and for his services received the medal with clasp for Lucknow.

In 1860 he was appointed to a Battery of Horse Artillery, which soon afterwards returned to England, Exchanging to a Battery in India in 1863 he was attached to a newly-formed mountain Battery at Peshawur, and with it took part in the campaign in Bhotan, and was present at the capture of the strong Hill Forts of Dalimkote and Chamoorchee. He was again mentioned in despatches and received the Indian Frontier medal and clasp.

During 1865 and the following year he passed through the course at the Staff College, and afterwards as a Captain served two years at St. Helena, where, during part of the time he was specially employed by the War Office as an acting engineer, In 1869 he was recalled to England to take up the appointment of Brigade Major, R.A., at Aldershot, which post he held till promoted Major in 1874. He was for several months employed on special duty at the Intelligence Department in 1876, and in the following year was appointed a Professor at the newly founded Canadian Military College. In 1886 he succeeded Colonel Hewett, C.M.G., R.E., as Commandant of that Institution, which post he retained till his final return to England in September 1888, He retired from the Service with the honorary rank of Major General in December 1887, and on the 1st of January 1889 was made a C.M.G.

On his leaving Canada many complimentary articles appeared in the leading Canadian newspapers, from one of which the following is an extract: "General Oliver's name will always be identified with the Royal Military College, He was on its staff as a professor in its day of 'feeble things.' and he has had the satisfaction of watching its growth to its present proud position. In him the qualifications necessary for successfully managing such an institution were happily blended, and it is not detracting from the credit due to other quarters to say that not a little of the success of the College during the last few years was attributable to the admirable manner in which he discharged his responsible duties. General Oliver is an accomplished scientific officer, and has a long and active military record. He resigns his position at a time when the College has secured the highest reputation at home and abroad." This is a lasting acknowledgment of services that will not be forgotten.

General Oliver is the author of some scientific text books which were drawn up for the Government of Canada, and is a member of the Alpine Club. Four of his brothers were in the army. His second brother was Major C. V. Oliver, of the 66th, who was present with his regiment at the disastrous battle of Maiwand, and shortly afterwards died at Candaban

General Oliver has been twice married—first to Georgina, daughter of the late Mr. G. Harrison, of Standground, near Peterborough; and secondly to Mary, daughter of the late Mr. W. G. Hinds, manager of the Bank of Upper Canada, Kingston.

## The Rev. Arthur Brinckman.

THE REV. ARTHUR BKINCKMAN is the youngest son of the late Sir Theodore Brinckman, Bart. He entered the Oxford Militia, 1854, and 94th Foot in 1855, serving in Ireland, Gibraltar, and India. In consequence of the frequent and vexatious changes introduced into the service many officers retired from the Army about the year 1860, the subject of this notice among them.

Before returning to England Mr. Britickman spent two years shooting in Cashmere and Ladak, and it is supposed that he and Col. Peyton of the 87th were two of the most successful sportsmen who ever hunted in

these regions. His "Rifle in Cashmere," was published in 1862, and very soon became "out of print."

On his return to England he became, through the kindness of the late Bishop Wilberforce, a student of Cuddesdon College, and was ordained priest in December, 1864. In this year he married Edith, the eldest daughter of the Rev. H. H. Swinny, the principal of Cuddesdon, and returned with her to Cashmere in 1865 as an honorary missionary of the S.P.G. For the next two years he assisted Dr. Elmslie the medical missionary, his knowledge of the language being most useful in hunting up patients for the doctor.

In 1857 the cholera broke out, and the two missionaries remained alone at Lerinnuggur, do in what they could for the poor Cashmerees. Mrs. Brinckman fell a victim to this terrible disease, and her husband then returned to England with his child, He did not go to Cashmere for permanent mission work, but only as a volunteer for two years to try to do something for the Gospel amongst his old friends in that country Soon after his return, with the hearty sympathy of the late Sir T. D. Forsyth and other well known men, he endeavoured to call the attention of the Home Government to the mis-rule and oppression prevailing in the so-called "happy valley," and he placarded the walls of London with huge posters, calling attention to the "Wrongs of Cashmere," Things are now much improved, and the English Government have for some time caused Cashmere affairs to be better managed.

Mr. Brinckman then settled in Edinburgh for three years, studying medicine at the University for a time, and working in the Wynds in the Cowgate district, also acting as assistant Chaplain to the House of Mercy.

In 1870, in response to a pressing invitation of Mr. Upton Richards, he joined the staff of All [unclear: Saint] Margaret Street, remaining there for about [unclear: seventeen] years with a nominal salary. During this period [unclear: he] was for twelve years Chaplain to the nurses [unclear: a] University College Hospital, and Sub-Chaplain to [unclear: the] All Saints Sisters, with whose assistance he [unclear: founded] the St. Agnes Hospital for the Fallen in 1874. [unclear: To] this Institution, which has been recently enlarged, [unclear: he] is still the Chaplain. In the Jubilee year, 1887, [unclear: this] hospital buried its fiftieth patient in its own [unclear: private] graves at Brompton.

On his retirement from All Saints, Margaret [unclear: Street] thirteen members of the congregation, who [unclear: withhek] their names, privately presented Mr. [unclear: Brinckman] through one of the churchwardens, with the sum [unclear: of] five hundred pounds. He has twice been offered [unclear: a] bishopric in Africa.

Before his ordination, Mr. Brinckman enjoyed [unclear: some] reputation as a sportsman; besides his success [unclear: with] the rifle in the Himalayan, he has probably caught [unclear: as] many Thames trout as any gentleman who fishes [unclear: or] the river. It is a fact that he caught a Thames [unclear: trout] of nearly six pounds within an hour, the very [unclear: first] time he ever had a fly rod in his hand. This [unclear: was] many years ago, the well-known Thames [unclear: fisherman] Harry Wilder, being present at the time. He [unclear: also] won a foot race on the Curragh race course when [unclear: the] Lord Lieutenant was present in 1857, seven [unclear: winner] of other races having entered.

He has published a large number of books and pamphlets on a variety of subjects, his "Notes on the care of the sick" meeting with a warm approval from the highest authorities. His "Love beyond the Grave," has been quite a little boon to mourners, and has reached its seventh edition. He is a very determined opponent to the Roman Catholics, and seems to devote most of his energies to resisting their efforts, and to trying to do some useful work among the fallen. This latter work and his manner of doing it is not after the popular methods; his opinion is that it cannot be done too quietly and sensibly. At the time of the *Pall Mall Gazette* sensation, he was importuned by Mr. Stead to speak at the great meeting at St. James Hall; but told his correspondent that he did not agree with him, "politically, ecclesiastically, or morally." And when he received the circular asking ministers to advise their flocks to attend the great demonstration in Hyde Park, he told the All Saint's congregation that of course it was not for him to advise them where to go for their walks; but that if any of them did value his advice on the matter he, would say in reference to this circular, "wherever you go, keep away from Hyde Park."

As regards his military experiences, Mr. Brinckman has never regretted having been in another profession before taking holy orders, and says he should never wish to meet or know a nicer set of men than his old companions in arms. It is also his opinion that it would be a very good thing if the old Jewish law [unclear: was] in force, that no one should be a priest till he [unclear: was] thirty, and to have the opportunity of seeing the [unclear: word] a little before ordination.

We may mention that he is now endeavouring [unclear: traise] funds for the endowment of a bishopric [unclear: is] Cashmere.

## R. G. Webster, M.P.

ROBERT GRANT WEBSTER, the member for East [unclear: St.] Paneras, was born on Sep, 12, 1845, in a house [unclear: nea] Regents Park, belonging to the Countess of [unclear: Winter] ton. His mother and father were of Scotch [unclear: deseen] his mother being daughter of the Rev, John [unclear: Dodgsot] M.A., of Comely Bank, Perth. At one time [unclear: Mr.] Webster, senior, was an advocate, but [unclear: subsequent] became a merchant in China, and one of the [unclear: first] landowners in the British Colony of Hong Kong.

The subject of our notice has been heard to [unclear: say] that his first recollection of any event of [unclear: importand] was being taken to see the Duke of [unclear: Wellington] funeral in 1852. He was also in Paris with he parents during the Revolution of 1848 and the [unclear: expulsion] of Louis Philippe. After the usual [unclear: preparator] education Mr. Webster went to Cambridge, but [unclear: before] going to the University he spent a year on the Conti nent learning French and German. He matriculated at Trinity College in 1864, and took first class in Political Economy in 1867, the late Professor Fawcett, Postmaster General, being his examiner. He also attained the degree of L.L.B. in 1868, and in the following year was called to the Bar at the Inner Temple.

In the winter of 1869 and during 1870 Mr. Webster travelled round the world, a matter of more difficulty and danger at that time than at present. From Marseilles he sailed to Suez in the P. & CX ship *Nyanza*, and was present in Egypt during the time of the opening of the Suez Canal. He attended some of the fetes given in honour of the event, including the ball given at the Schumla Palace by the then Viceroy Ismael. The following reference made by Mr. Webster in a letter at the time is still of interest, especially in connection with the late Emperor Frederick. Alluding to the ball, Mr. Webster wrote: "The young Prince of Prussia was there with his staff, and a fine handsome young fellow he is, I was standing quite close to him and the Viceroy for some time."

Mr. Webster also visited India under very favourable circumstances, his uncle, General Dodgson C.B., introducing him to a number of friends, who were most hospitable to him. It was with his uncle, who had been Adjutant General to General Sir Henry Havelock, G.C.B., that he visited most of the important scenes of the battles during the mutiny, and enjoyed some excellent game shooting in the [unclear: Hite] layas.

On leaving India Mr. Webster visited the [unclear: Strai] Settlements, China, Japan, and America, and [unclear: whilst] Utah was introduced to the famous [unclear: Brigham] Young. The Alabama claims were at that time [unclear: in] open dispute between England and America, [unclear: but] that did not prevent the Americans from [unclear: showin] the greatest kindness and hospitality to Mr. [unclear: Webste] and his travelling companion, Sir William [unclear: Foulke] Bart., ex-M.P. for Lynn.

In 1871 Mr. Webster returned to England, [unclear: and] few years afterwards married Emily, daughter of [unclear: the] late Boswell Myddleton Jalland, J.P., D.L., of [unclear: Hold] erness House, East-Yorkshire, who was for [unclear: fifteen] years chairman of the Hull Liberal Association.

In the winter of 1888, Mr. Webster again [unclear: visite] China. It was in that year that "The Trade of [unclear: the] World" appeared, a work on which he had [unclear: been] engaged for two years. He was well repaid, [unclear: however] for it was most favourably received. Many of [unclear: the] views now expressed under the title of Imperial [unclear: Federation] were distinctly set forth, so that it did [unclear: good] pioneer work. He has also written several [unclear: politics] skits, including those entitled "How the good [unclear: shin] British Empire was steered through the [unclear: Easier] Straits" 1875; "Shoulder to Shoulder, Force [unclear: a] Remedy or Lessons in Massacre" 1882; and "[unclear: The] Law Relating to Canals" 1885.

It was not until early in 1880 that Mr. Webster began to take an active part in politics, being at that time asked to stand for Cockelworth by the Conservative party of that Borough, a constituency that had been represented in the Whig interest by one of Mr. Webster's cousins named Mr. John Steel now deceased, Mr. Webster entered the field, and although not successful he went through with one of the best fights ever made by a Conservative in that Liberal stronghold. From 1880 to 1885 he occasionally addressed meetings in support of the constitutional cause, and was asked to stand at one or two bye elections, but declined. On the redistribution of seats in 1885 he received invitations to contest three constituences. He ultimately consented to stand for East St. Paneras. He however was in a minority then by 266 votes, but was returned in July 1866 by a majority of 501.

Mr. Webster enters thoroughly into his Parliamentary duties, and is constant in his attendance. During the session of 1888 he spoke on several occasions in debate, and obtained a good hearing, notably when he addressed the house on the second reading of the Local Government Act, 1888. He moved several amendments during the committee stage of that measure, some of which were accepted, and are now contained in the Act.

He was asked to stand for the London County Council, but declined, believing that the work of Metropolitan members of Parliament is [unclear: sufficient] ample if carried out thoroughly. He is a [unclear: magistrat] and invariably makes his appearance at the [unclear: County] Quarter Sessions. He also served for sixteen [unclear: yeas] in the 3rd, Battalion, South Lancashire [unclear: Regiment] from which he retired in 1883 with permission [unclear: to] retain his rank of Captain, and to wear the [unclear: uniform] of the

Regiment.

We are indebted to the *St. Paneras Guardian* [*unclear: for*] many of the particulars we are able to give of [*unclear: Mr.*] Webster's career.

vignette

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Front Cover

Educational Institute of New Zealand. The Report of the Ninth Annual Meeting of the Council of the Institute,

Held at Christchurch, January 1892.

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## New Zealand Educational Institute.

The Ninth Annual Meeting OF THE COUNCIL OF THE INSTITUTE WAS HELD AT Christchurch, January 5th, 1892, and following Days,

When Were Present:

President:

- J. G. L. Scott, B.A., Christchurch.

Treasurer:

- W. T. Grundy, Wellington.

Secretary:

- Henry Worthington, Auckland.

And

Members of the Council.

THE SECRETARY read a letter from the Mid-Canterbury Institute, regrett that it would not be [*unclear: represented*] at the Conference.

A letter was also read from the Wanganui district, stating that that [*unclear: bra*] was practically defunct, as there had been no meeting held during the [*unclear: year*].

The Education Department wrote, stating that a grant of £60 had [*unclear: the*] voted towards the expenses of the annual meeting of the Institute this [*unclear: year*] and that it would be paid to Mr. Grundy.

## President's Address.

GENTLEMEN,—It is first my pleasing duty to welcome the delegates from the other provincial districts to Christchurch on behalf of the North Canterbury Institute. This is now the third annual meeting held in this city, and although many of you have come from districts which can boast of more natural beauties than Canterbury, I trust that your visit to Christ-church, although intended mainly for business, may not be altogether devoid of pleasure. If we cannot show you the diversity of scenery of Auckland, with its lovely harbour and gardens ornamented with the graceful Norfolk pines; although our city is not situated amidst a wealth of virgin bush, like the great city of the south; and although our nor'-westers and son'-westers may contrast so unfavourably with the charming restfulness which one feels in Nelson, yet we have beauties of our own with which I trust you will be duly impressed. You may have an opportunity of seeing some of our famed wheat land, rivalling in fertility the Taieri Plain, and perhaps carry back with you some of that confidence in the future of New Zealand which is characteristic of Canterbury. This Institute has now been in existence seven years, this being its ninth meeting, and it seems to me a fitting opportunity to take stock, as it were, of our position, and consider what we have done in the past, and what we may do in the future. Of the men who assisted in the formation of this Institute only four are present, to-day; of the rest some are still taking an active interest in the affairs of the District Institutes, and some have passed away. Of the latter, we all remember with regret our late esteemed fellow teacher, Mr J. B. Park, who, although not a delegate during the last few years, has taken a warm interest in the affairs of the Institute. He was an enthusiast in the cause of [*unclear: the*] fession, and a man whose warm [*unclear: friend*] and genial hospitality many of us [*unclear: because*] to remember. On looking [*unclear: thra*] the resolutions of the Institute which [*unclear: has*] been passed during these seven [*unclear: years*], cannot but be pleased to notice that [*unclear: ma*] of our suggestions have been acted [*unclear: a*] by the Education Department, [*unclear: although*] perhaps somewhat tardily, especially [*unclear: ft*] relating to the syllabus. I know [*unclear: this*] some dissatisfaction has been [*unclear: expr*]from time to time with the small

*unclear: re*] arising from our deliberations, but I [*unclear: i*] these complaints are made by men [*unclear: i*] take no part in the affairs of the [*unclear: Institut*] but expect reformation to be [*unclear: immedii*] evident without any active [*unclear: assistance*] their part. In the past we have [*unclear: give*] great deal of attention to the details [*unclear: of*] own work; for example, we have [*unclear: give*] our opinion at various times [*unclear: on*] maximum amount of arithmetic, [*unclear: grams*] geography, &c, which can be [*unclear: taught*] the course of twelve months. The [*unclear: ti*] may come when we shall be able, [*unclear: with*] neglecting those necessary details, to [*unclear: the*] a broader view of educational matters, [*unclear: i*] attack some of those larger questions [*unclear: which*] have so great an influence on the [*unclear: system*]

The question of irregular attendance [*unclear: for*] a long time, been trifled with; but [*unclear: time*] must come, if New Zealand [*unclear: children*] are to hold their own against [*unclear: immiruigni*] from older countries, when [*unclear: irregular*] will not be allowed. In order to [*unclear: see*] disastrous effect of irregularity, [*unclear: one*] only to pass through the schools in [*unclear: the*] agricultural districts and see how few [*unclear: day*] reach the upper standards. This does [*unclear: as*] appear to be owing to the children [*unclear: learn*] school at an early age, but because [*unclear: the*] attendance is so irregular that they do [*unclear: get*] through the standards [*unclear: during*] [*unclear: ordinary*] period of school life. It is often [*unclear: imposed*] that in agricultural districts child [*unclear: about*] is only required at certain seasons. [*unclear: From*] what I have gathered I understand [*unclear: that*] the irregularity extends over the [*unclear: whole*] year. The schools are closed during [*unclear: narvest*], but there are many other [*unclear: seasons*] in the year when boy labour is [*unclear: greatly*] in requisition; in fact, the children [*unclear: of*] small farmers appear, in many cases, to [*unclear: be*] sent to school only when they are in [*unclear: the*] way at home. Without entering into [*unclear: a*] consideration of that phase of the [*unclear: quesion*], which belongs rather to the politician [*unclear: and*] the political economist than to the [*unclear: educationist*], the matter seems to resolve [*unclear: itself*] into the consideration of these two [*unclear: questions*]. Is it for the good of the [*unclear: comunnity*] that all children should receive an [*unclear: education*] up to an agreed-upon standard? [*unclear: Is*] it possible for small farmers to send their children to school with reasonable [*unclear: regularity*], and, at the same time, to make [*unclear: their*] farms pay? If these questions can [*unclear: both*] be answered in the affirmative, then it [*unclear: evidently*] is the duty of the State to [*unclear: enforce*] attendance at school, even against [*unclear: the*] wishes of those parents whose selfish [*unclear: attention*] to their own interests makes [*unclear: them*] blind to their children's welfare. I [*unclear: have*] spoken mainly of country schools, [*unclear: where*] irregular attendance is most severely [*unclear: felt*] by the teachers, but the necessity for State interference is greater in the towns, where the absentees are not even profitably Occupied, but are rapidly acquiring in the streets an education which will fit them [*unclear: hereafter*] for the reformatory and the prison. It is well known that, although there is a "compulsory clause" in the Education Act, it is seldom put into force; but who will wonder when they consider the machinery employed? In the towns there may be, and probably are, thousands of children who are not attending any school, and whose names are not known to any School Committee. In the country, toe members of the local Committee cannot be expected to risk the odium which would inevitably result from a prosecution in which they would appear as complainants, and their neighbours, and probably fellow Committeemen as defendants.

The subject of technical education is also one which promises to require our most careful consideration. Of late years there has arisen in England a great cry for technical education, and there is no doubt that the manufacturing supremacy of England was in some danger from the want of such education. This cry has extended to New Zealand, and in deference to it our syllabus of instruction has been considerably increased within recent years. We now find that, in order to educate the artistic capacities of the few, drawing is enforced upon all children, both in town and country, while, even amongst ourselves, we have advocates for the teaching of fruit culture, carpentry, lathe-work, and so on. Agriculture and agricultural chemistry are now taught in many of our country schools, while there are specialist in those sciences who agitate for the teaching of these subjects in one form or another in our towns also, so as to give the children a liking for country life. The professor of science would insist upon physics and chemistry being taught in all schools, while airithmetic, which is getting such an old-fashioned subject, you know, might be taught in a few months of school life. Then there are others who, fearful lest our girls should be neglected in the general rush for more technical education, would add cooking to the number of subjects to be acquired, not forgetting that they must also become accomplished needlewomen by the age of fourteen. Whilst so many specialists are clamouring for a share of the school time for their favourite subjects, this Institute, as representing the teachers, who have been to a great extent ignored in the discussions, should meet the difficulty boldly, and point out that these constant additions to a syllabus must necessitate reduction either in the quantity or quality of the other work.

There is yet another matter to which the Institute may, in the near future, direct its attention without encroaching upon the functions of the statesman. I refer to the mode of electing Boards and Committees. No one who has taken any interest in the elections in the past, whether as candidates or as voters, can admit that the

method adopted is a satisfactory one. Considering the vast importance of the interests administered by our Education Boards, it is only right that those bodies should consist of capable as well as representative men. I notice that the opinion is gaining ground in some parts of the Colony that the present method of electing members of Boards on the basis of one vote for every School Committee, whether the Committee controls twenty or two thousand children.. should be altered. Since, however, the Boards, under present conditions, must be elected by Committees, how important it is that the latter should consist of men having at heart the good of the education system. When we consider the vast issue at stake, viz., the successful training of the minds of 120,000 children, indeed the intellectual welfare of the bulk of the coming generation of New Zealand's men and women, how important it seems that there should be no room for those personal animosities, trade jealousies and other petty feelings which so often militate against the usefulness of School Committees. The qualifications of teachers have so often been publicly discussed that we shall hardly be thought impertinent if at this annual opportunity for the discussion of our grievances we draw attention to the fact that sometimes among our Committees are to be found men whose main object in seeking election seems to have been to annoy some other member of Committee, or to induce the teacher to migrate to some other sphere. I have sufficient faith in the principle of election by householders to believe that the right men will be found patriotic enough to offer their time and services for the good of their districts, and that these men will be elected, if only sufficient opportunity be afforded for the accurate expression of the opinions of the voters. We teachers have had many opportunities of judging of the mode of elections in the past, and are pretty well agreed that neither of the two methods yet devised has been satisfactory. It is utterly impossible, for example, that the voice of the householders can be fairly expressed when all the electors of a town district are asked to vote personally on one evening in one room in the district. It is also impossible for a Chairman of an election meeting to say which candidates have the confidence of the voters when there is no electoral roll, no check on a man voting three or more times, or in two or three districts; and when the nominations may be made in the room at the time of the election. I admit that the [unclear: alteration] this condition of things is a matter [unclear: rtf] for the Parliament than for this [unclear: Iustitt] but teachers as a body feel the [unclear: necessary] in the inferests of education, for [unclear: it] change, and this is our [unclear: opportunity] pointing out where changes are [unclear: require]

I have alluded in my short [unclear: address] few only of the subjects which the [unclear: Institute] may do well to take into [unclear: consideration] in the near future, because [unclear: I] that the concentration of our [unclear: effect] upon a few points at a time is [unclear: a] likely to be effective than the [unclear: distrib] of our energies over a large [unclear: number] have one word to say with regard [unclear: to] Institute and its objects. I have [unclear: met] persona, and amongst them some [unclear: teach] who ask what good our Institute has [unclear: in] the past, and what it will do for [unclear: teas] in the future. I am afraid it would [unclear: be] no use to specifically name the [unclear: suggest] made by this Institute, which have [unclear: be] adopted by the Government, as [unclear: evidence] of our success in the past, because [unclear: I] afraid our interrogators are under [unclear: the] pression that all our efforts are or [unclear: oug'c] be in the direction of [unclear: reducing] teachers' work. Those who think so [unclear: his] a total misconception of what this [unclear: Insti] was framed to do. Our intentions [unclear: are] I hope, as were the intentions of its [unclear: the] ders, to endeavour to make the work [unclear: of] teacher of the greatest value to the [unclear: commumunity]; to improve the [unclear: surrounding] the teacher in his relations with his [unclear: committee] and the authorities [unclear: generally]; to induce the Government to [unclear: modify] regulations from time to time, so [unclear: that] capacity for usefulness may be [unclear: enhase] If the Institute is successful in [unclear: the] objects, the work of the teacher will [unclear: in] case be less in quantity, but will [unclear: be] far more pleasurable character, the [unclear: reach] of his efforts will be more [unclear: succes] and the country as a whole will [unclear: be] gainer. In conclusion, let me hope [unclear: the] present session will be marked [unclear: by] much unanimity as is compatible [unclear: with] free discussion of the subjects [unclear: on] order paper, and that when [unclear: unanimity] impossible the minority will [unclear: graceh] accept the views of the majority.

Mr D. White, M.A., asked the [unclear: meai] of the Council to accord Mr Scott [unclear: an] hearty vote of thanks for the [unclear: sensible] [unclear: practical] address they had just listened, It was not necessary to criticise the address, as the points on which the President had touched were such as they were in thorough accord with him upon. He regretted that Mr Scott had been compelled to say that the Institute had not done in the past what it might have done, but such was the fact. There were some who gave no support to the meetings of the Institute, but stood apart and offered impediments to their movements.

Mr R. D. Stewart seconded the motion, which was carried with acclamation and acknowledged by Mr Scott.

## Sessional Committees.

The President said that the next business was to draw up a scheme of the work for the Committees to transact during the Conference. Such a scheme had been drafted at the last Conference, but had not been approved, and therefore none had been drafted this year.

The following Sessional Committees were thereupon elected:—Standards of Education—Messrs R. D. Stewart (convener), W. T. Grundy, J. T. Campbell, J. W. Joynt, G. Wilmot, T. S. Foster, D. White, W. H. Clarke and G. W. Murray. Interpretation of Acts—Messrs J. M. Murray (convener), W. S. Fitzgerald, G. Stevens, G. Wilmot, G. Flux and R. D. Stewart. Amendments to the Constitution—Messrs W. S. Fitzgerald (convener), R. D. Stewart, W. F. Ford, H. Kitchingman, J. W. Joynt, J. Speight, G. Stevens, J. Bennie, C. A. Strack, J. M. Murray and G. Lippiatt, with power to add. Training College—Messrs J. Rennie (convener), G. Lippiatt, G. Flux, J. D. Campbell, J. W. Joynt, G. Wilmot, E. U. Just and D. White. Reforms and Improvements—Messrs D. White (convener), T. S. Foster, J. Rennie, W. H. Clarke and C. S. Howard. Teachers' Pensions—Messrs W. H. Clarke (convener) G. W. Murray, W. F. Ford, J. W. Joynt, D. White, J. Rennie, C. A. Strack and G. Wilmot. Uniformity of Books—Messrs D. White (convener), D. Ferguson, E. U. Just, R. D. Stewart, G. W. Murray and W. T. Grundy. Uniformity of Salaries—Messrs C. A. Strack (convener), G. Lippiatt, J. T. Campbell, G. Stevens, J. M. Murray and E. U. Just.

## Change of Delegate.

The President announced that in consequence of the unavoidable absence of Mr R. J. Alexander, delegate from North Canterbury, that branch had elected Mr J. Speight to represent them.

## Miscellaneous.

Mr G. Lippiatt, M.A., was appointed Assistant Secretary to the Conference.

Mr Stewart brought up the report of the Auckland branch of the Institute, which was adopted.

The Council then adjourned till 10 a.m. the next day.

## Wednesday, Jan. 6.

### Morning Sitting.

The Council of the New Zealand Educational Institute resumed its sessions at 10 a.m. In addition to those delegates present on Tuesday, Mr D. Ferguson, M.A., of Otago, attended.

The President, Mr Scott, said that the Directors of the Kaiapoi Woollen Factory had extended a cordial invitation to the delegates to visit the Kaiapoi Factory and the works in Christchurch, and that Mr F. Waymouth, Secretary to the Belfast Freezing Works, had invited them to visit the freezing works.

The invitations were received with applause.

### Standards of Education.

Mr R. D. Stewart moved the adoption of the report on standards of education.

The Committee reported:—That the reading books in use in the schools inculcate true moral teaching, and that the teachers are in complete sympathy with such teaching. The Committee reaffirms the urgent necessity for freedom of classification, and urges that great harm to education has resulted from the individual pass system of examination. In reference to a remit from Taranaki, asking the Institute to express its opinion that the spelling for Standard I. should not go beyond easy words of two syllables, the Committee has no recommendation to make. The Committee desires to place on record its appreciation of the efforts of the Minister for Education and the Education Department to give effect to the recommendations of the Council re the syllabus; it believes that the new syllabus is a great improvement on the old, and would urge that a year's trial should be given to the new before making any recommendations with regard to it, although, in the opinion of the Committee, the requirements in drawing are beyond what can be reasonably expected to be done in one year of school work. The Committee recommends that the syllabus be referred to the District Institutes, with the request that the Institutes will report on the working of the syllabus to next year's meeting of the Council; the reports to reach the Secretary to the Institute not later than Dec. 1, 1892.

Mr Pilkington seconded the motion for the adoption of the report.



The report as a whole was then adopted.

## Deputation to the Minister.

Mr D. White, M.A., a member of the Executive Committee, submitted the following report:—The Executive has to report that Messrs C. Watson, G. Macmorran, T. W. Grundy, and D. White met the Hon the Minister for Education at Wellington, in April last, and discussed with him the various resolutions at the last session of the Council. The interview lasted for over three hours, and the Minister evinced the greatest interest in the various questions submitted to his consideration. The Executive is pleased to be able to report that many of the proposals and suggestions brought under the notice of the Minister have been given effect to in the syllabus of instruction recently issued by the Education Department. The executive refer with particular satisfaction to the following changes that have been made in the standards of education :—(a) That grammar has been made a class subject in all the standards except Standard IV. (b) That the geography of Standards III. and V. has been considerably reduced, and (c) that in the matter of history, permission has been given to teachers to make a selection of events from each period upon which the examination will be based. The executive also brought under the notice of the Minister for Education that the [unclear: station] fund was being appropriated [unclear: the] building purposes. The Minister [unclear: na] specific reference to the subject [unclear: in] last education report, and [unclear: condemns] precedent as contrary to the spirit [unclear: a] intention of the Education Act. [unclear: A] executive recommends that the [unclear: thanfa] this Council be conveyed to [unclear: the] W. P. Reeves for his courteous [unclear: recep] of members of the executive and [unclear: for] recent beneficial amendments [unclear: to] standards of education.

Mr Grundy seconded the motion [unclear: for] adoption of the report.

The report was then [unclear: unanimw] adopted.

## Teachers' Pensions.

Mr G. Stevens brought up the [unclear: repot] the Committee on teachers' pensions, [unclear: when] was to the effect that the Committee [unclear: be] no recommendation to make. [unclear: Seven] speakers advocated some move being [unclear: may] in the direction proposed, but it [unclear: seemed] be the general opinion that nothing [unclear: co] be done during the present session.

## Training Colleges.

Mr J. Rennie, B.A., reported for [unclear: a] Committee on this question :—1. That [unclear: is] of the greatest importance to the [unclear: welh] of education that efficient training [unclear: collft] in the chief centres of population be [unclear: vided]. 2. That it is to be regretted [unclear: this] many educational districts are left [unclear: entifi] without any provision for the [unclear: training] teachers. 3. That Otago and [unclear: Canterbi] recognising the vital importance of [unclear: training] colleges, have maintained them [unclear: v] the greatest difficulty out of the [unclear: maintance] ance fund. 4. That, therefore, the [unclear: Minis] for Education be urged to reinstate [unclear: se] vote for training colleges, and [unclear: that] vote be allocat d in such a way that [unclear: even] Education District may participate in [unclear: the] benefits thereof.

At 12.40 the Council adjourned [unclear: this] 2.30 p.m.

## Afternoon Sitting.

The Conference resumed at 2.30 p.m.

The debate on the report of the [unclear: Training] College Committee was continued.

## Teachers' Certificates.

The Committee on this subject reported—1. That it is desirable to revive the obsolete regulation under which teachers of a certain standing were allowed to graduate. 2. That the Rev W. J. Habens be requested to bring this resolution before the Senate.

The report was adopted.

## Salaries.

The Committee on this subject reported—1. That it is desirable that the appointment, removal and payment of Inspectors should be placed under the Central Department. 2. That a Court of Appeal for teachers is urgently

needed; that this Court should consist of the Resident Magistrate of the district, the Inspector-General, and a member of the teaching profession, to be chosen by the Executive Council on the application of the District Institute in whose jurisdiction the matter has arisen. 3 That it is desirable that teachers be Civil Servants. The Committee has no recommendation to make. 4. That as an Executive already exists in each District Institute it is unnecessary to establish any other. 5. That it is desirable that a more uniform scale of salaries throughout the Colony should be adopted.

## **Attendance at Schools.**

The Committee reported as follows :—(1) That in order to make education really compulsory, it be recommended to the Minister for Education that it should be part of the routine duty of the police to visit schools at stated intervals to obtain lists of habitual absentees, in order to prosecute the parents. (2) That the employment of any child under the age of thirteen years who has not passed the fourth standard should be made illegal, and that it should be the duty of the police to prosecute parents and employers. (3) That the attention of the Minister for Education be called to the fact that the calculation of the educational grant on the strict instead of the working average causes country schools great disadvantage, and that in justice to these schools a return should be made to the working average."

The Report was adopted.

## **Auditors.**

Messrs Baldwin and Chapman were appointed Auditors.

The Conference at five o'clock adjourned till ten o'clock the following morning.

## **THURSDAY, JAN. 7.**

### **Morning Sitting.**

The Council of the N.Z. Educational Institute resumed at 10 a.m.

### **School Books.**

Mr D. Ferguson, M.A., brought up the Committee's report on the question of school books. The Committee unanimously considered that it was not necessary for the New Zealand Government to compile a set of books for use in the schools in this Colony, as private enterprise in New Zealand and England provided cheap, varied and excellent books of the kind required. He moved the adoption of the report.

Mr D. White (Otago) seconded the motion, saying that it would not have been necessary for the Council to express an opinion on the subject, had not the Hon the Minister for Education said in the House that he was in favour of introducing a uniform set of books for use in the Colony. Such an important statement rendered it necessary for the Institute to give a very decided expression of opinion. The expense to families through the change of residence was, in his opinion, overstated; or at any rate he had not heard much of it. He thought the Government would not be warranted in taking the matter in hand, as it was not called upon to do so, and especially as the English educational authorities had such facilities for providing what was needed.

### **Reforms and Improvements.**

Mr D. White, M.A. (Otago), reported on behalf of the Committee, on the question submitted by the Wellington branch, viz :—" That the Council should lay before New Zealand teachers, in printed form, the reforms and improvements that have been carried out by the Government at its suggestion." He moved the adoption of the report, which read as follows :—

"The Committee reports on the practical results of the deliberation of" the Council since its formation in 1885. The Committee regrets that the terms of the motion on the order paper restrict the inquiry to the reforms and improvements effected by the Council, inasmuch as some of the most important results in educational work have been brought about through the agency of the various district Institutes. The Committee calls attention to this fact in order to prevent any misconception that may arise from supposing that the facts presented in the report give any adequate idea of the practical outcome of the reports and discussions of the New Zealand Educational Institute on education and educational affairs. In order properly to estimate the work of the Council, your Committee wishes to emphasize the fact that the Council has not been in existence for more than

seven or eight years, and further that during the first few years whilst it was struggling to secure recognition it could not be expected that its proposals would receive that consideration which is now readily accorded to suggestions and resolutions passed by the Council. Briefly put, the 'remit' entrusted to your Committee seeks to set forth what the Council has done for the teachers of the Colony. Teachers and the University.—Owing to the representations of the Council the special privileges conferred on teachers, permitting them to proceed to the M.A. degree, were extended for several years, when a considerable number of teachers proceeded to graduation, who would not otherwise have been enabled to do so had it not been for the intervention and influence of the Council of the Institute. It is true that the privilege was withdrawn a year or two, but not without protest by the Council. The Council has asked so frequently that it almost appeared hopeless to further seek to induce the Senate to reintroduce the teacher's statute, but owing to the persistence of the Council in making representation on the subject the Senate was last year almost on the point of yielding to the request. On a motion to reinstate the clause in the statute of the University there voted for the motion eight, and against it nine. Your Committee submits that a view of the facts shows that the Council has done something for many teachers in enabling them to improve their professional status, and that it may be able to do still more if it values the encouragement and support of the teachers of the Colony. Teachers and the Standards of Education.—The Council of the Institute has given most of its time and directed most of its energy to this work. When the Council was first formed, nearly [unclear: the] whole of the subjects of instruction [unclear: were] treated as individual or pass [unclear: subjects]. 1885, at the suggestion of the Council, [unclear: this] principle of class examination was [unclear: fin] introduced into the syllabus. The [unclear: Seen] tary of the Institute drew up a full [unclear: statement] of all the reasons that could [unclear: be] advanced in favour of class [unclear: examination] and sent it to the Minister for [unclear: Education] Sir R. Stout. In the first place, the [unclear: important] principle was extended to [unclear: history] only, and in part to geography. [unclear: Subquent] representations to the [unclear: Education] Department had the effect of securing [unclear: some] securing advantages for the smaller schools of [unclear: the] Colony, notably the liberty to groups [unclear: ferent] standards in certain [unclear: subjects] instruction. Still more recently [unclear: liberi] provision was made for the better [unclear: teachings] of science in schools, by allowing [unclear: the] teachers themselves to prepare a [unclear: three] years' course of lessons. It is [unclear: scarcity] necessary to say that the recent [unclear: interview] with the Minister for Education was [unclear: the] means of securing beneficial [unclear: modification] in the standards of education. It may [unclear: be] advisable to re-state these in succinct [unclear: form]—(a) That grammar has been made a [unclear: class] subject in all the standards except [unclear: the] fourth; (b) that the geography of [unclear: Standards] III. and V. has been very [unclear: considerably] reduced in amount; (c) that the principle of stricter definition takes [unclear: the] place of vague enumeration; (d) that in the matter of history a period of a [unclear: hundred] years has been excised from Standard [unclear: VI.] and permission given to teachers to [unclear: make] a selection of events in each period [unclear: upon] which the examination may be based. [unclear: In] connection with this branch of the [unclear: Council's] work, your Committee would call [unclear: to] mind that it has been the consistent [unclear: aim] of the Institute from first to last to [unclear: try] and educate the public to the pernicious effects of 'passes' and [unclear: 'percentages.'] When individual passes and percentage were most in favour with the public and the inspectorate, the Council was offering strenuous opposition to the whole system. Teachers and Inspectors.—A member of the Institute represented that the Inspectors of his district had set examination paper which, in his opinion, were wholly beyond the requirements of the syllabus. The Council of the Institute appealed to the Minister for Education, when a memorandum was sent by the Minister to the Inspector informing the latter that he had exceeded the limits of his authority in setting questions of the kind indicated in the copies of the examination papers forwarded to the Minister for Education. The Council of the Institute has never refused to consider any representation referred to in the above - mentioned. Teachers and Teachers' Salaries.—On any occasion when any retrenchment has been imminent, when such retrenchment would have proved injurious to the cause of education the Council has made strenuous efforts to prevent its being carried out. Your Committee does not intend to present in detail all the statements that have been from time to time submitted to both Houses of Parliament. It will be necessary to instance the action taken by the Council when it was proposed by some to raise the school age to six, and by others to seven. The Council, in tabulated form, showed the result of any such action on the smaller schools of the Colony owing to the reduction of the capitation allowance, and made a comparative statement showing the school age in other countries and the Colonies. A printed copy, giving additional reasons against the proposal, was sent to every member of both Houses of Parliament. The statement was read in the House and the fact and reasons appear in the pages of *Hansard*. It reached members at an opportune moment and, according to the testimony of members of the House, was largely the means of preventing the school age being raised. Tour Committee wishes to call attention to the financial results of this action of the Council. Had the age been raised, teachers' salaries would have been reduced by a sum of, £10,000 had the age been raised to six, and by £20,000 if it had been raised to seven. It is scarcely necessary to say that

the Council deserves credit for the prompt and effective action taken on this occasion. Teachers and the Education Department.—The Council, by frequent interviews with successive Ministers for Education and with the Inspector-General, has been enabled to create and maintain very friendly relations between the Education Department and teachers—relations that cannot fail to be productive of good to the cause of education and to the teaching profession. To such an extent has the work of the Council been recognised as useful and important work that the Government has been pleased to show its appreciation thereof by an annual grant towards the expenses of the annual meeting of the Council. Your Committee is not quite sure how far it is fair to the Council to attempt to judge of the success of its work by parading on paper a number of specific reforms or modifications of the education system. In the opinion of your Committee much good and useful work done by such a body as the Council of the Institute must necessarily be of a somewhat intangible and indirect kind—of a kind, that is to say, that will not easily lend itself to precise and formal statement or definition. The influence and work of the Institute must not be judged of solely by the number of instances which the Institute may definitely point to as the result of its work and discussions, though even looked at from this point of view, the *résumé* which your Committee has presented shows some by no means insignificant results. The statement gives a very incomplete notion of the work done by the whole Institute, inasmuch as your Committee has confined its attention to giving information about the transactions of the Council, omitting altogether the large amount of useful work done by the various district Institutes. Your Committee recommends that the district Institutes be requested to prepare a statement of the results of their labours, and forward the same to the Secretary of the Institute before the next annual meeting. The Council will then be in a position to put the information in handy form, when your Committee recommends that the whole statement be printed for the use of members, and that copies of it will be sent to every teacher in the Colony. Your Committee is of opinion that such a step will have the effect of enlisting the sympathy and support of a large number of teachers who take at present little or no interest in the proceedings of the Institute.

Mr Worthington seconded the adoption of the report, suggesting the addition of a very hearty vote of thanks to the Committee for its labour.

Messrs T. S. Foster and J. Rennie having spoken on the subject, the report was adopted, and a hearty vote of thanks was accorded to the Committee.

## **Afternoon Session.**

The Council resumed at half-past two.

## **The Constitution.**

Mr W. S. Fitzgerald (Otago), brought up the report of the Committee on the Constitution, and after considerable discussion, the Constitution was adopted as follows :—(See page 13).

## **Ministerial Message.**

The President said that he had received the following telegram from the Hon the Minister for Education:—"To-day's Gazette will contain Order-in-Council providing that Inspectors shall so conduct their examination during the first six months of this year as to afford pupils opportunity of passing standards, as those standards previously defined; and with respect to drawing, Inspectors shall not exact full compliance during this year.

—W. P. Reeves." (Applause).

## **Travelling Expenses.**

On the motion of Mr Grundy, it was resolved to pay travelling expenses to the annual meeting as follows :—The Secretary and Treasurer in full, and the delegates at the rate of 15s 9d in the £.

## **Secondary Schools.**

Mr Joynt (Otago) moved, pursuant to notice:—"That this Council endorses the following resolution, passed at the Secondary Schools Conference, 'That the recent privilege already granted to those who have served as pupil teachers and to those who have attended a training college for a prescribed time of counting a pass in the Junior Scholarship examination towards the obtaining of a Class D teacher's certificate, even though they had not attained the age of nineteen years at the time of passing the examination, should be extended to pupils of secondary schools.'"

Mr Kitchingman (Taranaki) seconded the motion.

Mr D. White (Otago) moved an amend-ment—" That the proposal be submitted to the District Institutes for their consideration."

Mr Just seconded the amendment, which was carried.

## **Inspector's Conference.**

Mr Pilkington (Wellington), in pursuance of notice, moved—"That the Inspector-General be requested to consider the good that would result from the local Inspectors meeting together once even year."

Mr D. White (Otago) seconded the motion, which was carried unanimously.

## **Financial.**

The Treasurer, Mr Grundy, submitted the annual balance-sheet, which showed receipts £64,13s 8 J, expenditure Ml 17s M. There were arrears of subscriptions amounting to £24.

The statement was adopted.

## **Next Meeting.**

It was resolved that the next meeting of: the Council should be held at Wellington on Jan. 10, 1893.

## **Election of Officers.**

Mr Clement Watson, B.A. (Wellington), was unanimously elected President of the Institute for the ensuing year.

A hearty vote of thanks was accorded to Mr Worthington for his past services as Secretary to the Institute.

Mr W. T. Grundy (Wellington) was elected Secretary for the ensuing year, and Mr H. Worthington (Auckland) was elected Treasurer.

Messrs D. White (Otago), M'Morran (Wellington), T. S. Foster (Christchurch) were elected an executive for the year.

## **Votes of Thanks.**

Votes of thanks were given to the Minister for Education and the Secretary of the Department for their careful reception and courteous consideration of the recommendations of the Institute, and also for the grant to the Council for the travelling expenses of members; to the Chair-man and Board of Governors of the Canter-bury College for the use of the hall; to the Kalapoi Woollen Manufacturing Company, the Belfast Freezing Company and persons who had placed their industries open to the in pection of the delegates, and to the newspapers for the manner in which the proceedings had been reported.

## **Picnic.**

The President then invited all the delegates to the Council to a picnic to be held on Friday, on the other side of Lyttelton Harbour.

The President then declared the session closed.

# **Constitution of the New Zealand Educational Institute.**

- That the New Zealand Educational Institute shall consist of the following District Institutes:—Auckland, Wellington, Wanganui, Nelson, North Canterbury, South Canterbury, Canterbury Midland, Otago, Southland, Waikato, Taranaki, Marlborough, and such others as may hereafter be admitted.
- That the object of the Institute shall be to promote the interests of education in the Colony of .New Zealand.
- That there shall be a Council of the Institute consisting of its officers and of representatives of the constituent District Institutes.
- That the officers of the Council shall be a President, a Secretary, and a Treasurer; that they shall be

- elected by the Council from the members of the Institute, towards the close of the annual meeting; that they shall retire annually, but shall be eligible for re-election;. that the Secretary be a paid officer, and that the President, Secretary, and Treasurer of the Council shall be *ex officio* President, Secretary, and Treasurer of the Institute, and when acting in the name of the Institute shall so designate themselves.
- That the functions of the Council shall be to promote the establishment of District Institutes where not already existing, and to admit them into the Institute; to promote harmony and activity in the Institute; and to speak and act for and in the name of the Institute.
  - That a Committee of three members of the Institute be elected by the Council, which Committee together with the officers shall form the Executive.
  - That the Executive shall have power to act for the Council during the recess, under instructions from the Committees of Management of District Institutes, and in giving such instructions, each Committee of Management shall have a vote for each representative it is entitled to send to the Council.
  - That no District Institute shall bring before the Minister of Education or the Education Department any matter affecting the teachers of the Colony as a whole, except through the Executive of the New Zealand Educational Institute.
  - That a general meeting of the Institute may be convened by the Council, and arrangements made for the conduct of business at the request of a majority of the Committee of Management of District Institutes, voting as by Regulation 7.
  - That the Council shall meet annually during the Christmas vacation, at the chief centres of population, as named from year to year by the Council, and that only officers of the Council and representatives of District Institutes shall take part in its proceedings.
  - That each District Institute shall be entitled to send one representative to the Council for the first twenty members who have paid their annual subscription; two representatives for the first forty members; three representatives for seventy members; four representatives for one hundred members; and one for each additional forty members.
  - A quorum shall consist of one-half of the members of the Council, and in such quorum there shall be at least one of the officers of the Council,
  - That a fund to be called the "Legal Assistance Fund" be formed and maintained for the purpose of providing legal assistance for teachers who are members of the Institute, and that such contributions be paid to the Treasurers of the Branch Institutes, and by them transmitted to the Treasurer of the Institute not later than the first day of December of each year. Contributions to such fund shall be voluntary, and shall be administered by the Council for the benefit of those contributing.
  - That notice of business shall be given to the Secretary of the Council through Committees of Management of District Institutes, in time to enable him to communicate it to the editors of the New Zealand Educational papers at least two months before the meeting of the Council, and that no other business shall be brought before the Council without permission of the Council formally obtained.
  - That it shall be the duty of Secretaries of District Institutes to supply the Secretary of the Council with copies of the regulations of their Institutes, and of alterations which from time to time are made in them, with copies of their annual reports, and with abstracts of the proceedings of annual meetings of their Institutes; it shall be the duty of the Treasurers of District Institutes to supply the Treasurer of the Council with their annual balance-sheets, and lists of bona fide members of their Institutes; and it shall be the duty of the Council to prepare an annual report of its proceedings, append it to an abstract of District Institute reports, and circulate it throughout the Institute.
  - That each District Institute shall pay annually to the Treasurer of the Council, not later than the first day of December, the sum of two shillings for each of its members.
  - Any of the foregoing clauses may be amended by the Council at its annual meeting, provided that notice has been given three months previously to the District Institutes that such clause would be under consideration.

## Executive for 1892.

### President:

- C. Watson, B.A. Wellington.

## Treasurer:

- Henry Worthington, Auckland.

## Secretary:

- W. T. Grundy, Wellington.
- And
- D. White, M.A., Dunedin; T. S. Foster, M.A. Christchurch,
- G. MacMorran, Wellington.

## Past Presidents.

- 1885.—Henry Worthington, Auckland. 1886.—W. S. Fitzgerald, Dunedin.
- 1887.—Geo. Hogben, M.A., Christchurch. 1888.—James H. Harkness, B.A., Nelson.
- 1889.—Geo. MacMorran, Wellington. 1890.—David White, M.A., Dunedin.
- 1891.—E. M. C. Harrison, Auckland.
- 1892.—J. G. Lawrence Scott, B.A., Christchurch.

## New Zealand Educational Institute

### Balance-Sheet For the Year Ending December 31st, 1891.

### Travelling Expenses Account.

### Statement of Assets and Liabilities.

Examined and found correct,

J. Baldwin

T. H. Chapman.

Front Cover

The Fifteenth Annual Report of the Educational Institute of Otago  
1891-2,

Dunedin: COULLS, CULLING & CO., PRINTERS, &C., CRAWFORD STREET MDCCCXCII.

## Past Presidents—of the—Educational Institute of Otago.

- 1878—PROFESSOR JOHN SHAND, M.A., LL.D.
- 1879—SIR ROBERT STOUT, K.C.M.G.
- 1880—PROFESSOR JAMES G. BLACK, M.A., D.SC
- 1881—PROFESSOR D. MCGREGOR, M.A., M.B.
- 1882—JOHN B. PARK, ESQ.
- 1883—WM. MACDONALD, ESQ., M.A., LL.D.
- 1884—W. S. FITZGERALD, ESQ.
- 1885—WILLIAM MILNE, ESQ., M.A.
- 1886—JAMES REID, ESQ.
- 1887—ROBERT PEATTIE, ESQ., M.A.

- 1888—DAVID WHITE, ESQ., M.A.
- 1889—DAVID A. MCNICOLL, ESQ.
- 1890—ALEX. WILSON, ESQ., M.A.
- 1891—CHARLES CHILTON, ESQ., M.A. B.Sc.

# The Fifteenth Annual Report—of the—Educational Institute of Otago.

1891-92.

## Officers of the Institute.

### President:

- JAMES RENNIE, ESQ., B.A.

### Vice Presidents:

- C. R. SMITH, ESQ.
- D. FERGUSON, ESQ., M.A.
- W. DAVIDSON, ESQ.

### Secretary;

- JOHN R. DON. ESQ., M.A., B.Sc.

### Treasurer:

- R. G. WHETTER, ESQ., M.A.

### Librarian:

- JAMES JEFFERY, ESQ.

## Representations of institute on Committee of Management:

- D. WHITE, ESQ., M.A.
- A. MCLEAN, ESQ.
- C. CHILTON, ESQ., M.A., B.Sc.
- A. WILSON, ESQ., M.A.
- W. EUDEY, ESQ.

### Auditor:

- W. J. MOORE, ESQ.



# Fifteenth Annual Report—of the—Educational Institute of Otago,

1891-92.

THE Committee of Management have pleasure in laying before members the Fifteenth Annual Report of the Institute.

During the year six meetings have been held, and the attendance has been very satisfactory, the average attendance being eight. Soon after last Annual Meeting Mr J. H. Gray, a member of the Committee, removed to Victoria, and the Committee appointed Mr A. McLean in place of Mr Gray. The Committee desire to place on record their appreciation of Mr Gray's valuable services while he was a member.

As will be seen from the report following, various matters of interest to teachers were dealt with.

## MEETING OF THE COUNCIL OF THE N.Z. EDUCATIONAL INSTITUTE.

The Council of the N.Z. Educational Institute met at Christchurch in January of this year.

Our Institute was represented by Messrs D. Ferguson, W. S. Fitzgerald, Jas. Rennie and D. White.

The business transacted at this year's meeting of the Council was of a very important nature. The attention of members is particularly directed to the new constitution printed on page 13.

Copies of the report of the meeting of Council will be distributed among members at the Annual Meeting in Dunedin, and delegates will report as to the business done.

The next meeting of Council will be held at Wellington in January, 1893.

## FINANCES OF THE INSTITUTE.

Section 16 of the Amended Constitution of the New Zealand Educational Institute provides "That each District Institute shall pay annually to the Treasurer of the Council, not later than the 31st December, the sum of two shillings for each of its members." In order to meet the extra expense rendered necessary by this regulation, the Otago Branch at last Annual Meeting resolved "That the sum of 7s. 6d. be levied on male members of the Institute, and 4s. on female members, the whole of the sum thus accruing to go towards the funds of the Otago Educational Institute; Branches to levy any additional sum they may require."

This resolution was sent to Branches for their approval, and members of the Dunedin and Milton Branches have this year contributed on the above scale.

## REDUCTIONS IN TEACHERS' SALARIES.

At last annual meeting of the Institute the following resolution was carried:—

*"That a printed statement of the reductions teachers have suffered during the last few years, as well as of other changes in the finances of the Education Board, be drawn up by the Committee of Management and forwarded to the Board's Secretary and to members of the Board, before next meeting of the Board."*

Your Committee at once met, and drew up the statement which is printed as an appendix to this Report (Appendix A). This statement was sent to the Board's Secretary and to each member of the Board.

The question of teachers' salaries and of classification of schools and appointments is at present under consideration by the Board, and the Committee of Management venture to hope that the members of the Board will take into consideration the facts placed before them in the circular referred to, as well as in the circular dealing with the Bonus System and with the classification of schools and appointments, which was sent to the Board in November of last year.

## BRANCH REPORTS.

Reports from the Dunedin and Milton Branches of the Institute are attached.

No report has been received from the Balclutha Branch. The Secretary of the latter Branch explains, however, that this is due to the fact that most of the teachers belonging to the Bal-clutha Branch have become members of the Milton Branch.

The Committee desires to congratulate the teachers of Milton and surrounding districts on the interest taken by them in the work of the Institute.

## CHANGE IN THE METHOD OF ELECTING DELEGATES TO COUNCIL.

The following resolution was carried at last annual meeting of the Institute:—

*"That the Committee of Management arrange for the nomination of members willing to serve on the Council of 1893, and for giving all members of the Institute an opportunity of voting for delegates to the Council, whether such members are present at the Annual Meeting or not."*

Acting on the above resolution, the Committee of Management asked Secretaries of Branches to send to the Committee the names of members willing to serve on the Council of 1893.

The following gentlemen were nominated :—

- By the Dunedin Branch: Messrs. Chas. Chilton, John Reid, and R. G. Whetter.
- By the Milton Branch: Messrs. W. McElrea and C. R. Smith.

Additional nominations will be received at the Annual Meeting, and as soon as possible after the meeting, an opportunity of voting for delegates to the Council will be given to all members of the Institute.

## THE ANNUAL MEETING.

The Annual Meeting will be held this year on Thursday and Friday, 14th and 15th July. Your Committee decided to alter the days of meeting at the request of members of the Milton Branch. It is hoped that the change will suit country teachers generally.

The Education Board has kindly agreed to send a circular to School Committees informing them of the date of our Annual Meeting.

The Dunedin and Suburban School Committees' Conference have agreed to recommend that the schools under their charge should be closed during the week in which our Annual Meeting is to be held; and as the date fixed coincides with the midwinter vacations of the High Schools, the University, and the Technical Classes Association, the Committee hope to see a large attendance of teachers at this years meetings.

## EDUCATIONAL REFORMS CARRIED OUT, AND IMPROVEMENTS SUGGESTED BY THE INSTITUTE.

The Committee desire to direct the attention of teachers to statement of the work done by the Institute, which is printed as an appendix to this Report (see Appendix B).

The Committee venture to hope that the perusal of this statement may induce many teachers, who are not at present members of the Institute, to connect themselves either with the general Institute or with one of its Branches.

JAS. RENNIE, *President.*

JOHN R. DON, *Secretary.*

vignette

## Annual Reports.

### Milton Branch.

*President*, R. PEATTIE, M.A.

Mr. C. Mahoney was elected Secretary, and Mr. J. Reid, Representative on the Committee of Management. In September, Mr. Mahoney received an appointment in another district, and this Branch lost the service of one who had been for twelve years a working member.

Only two meetings were held during the year, one in July and one in April. The April meeting was very well attended, and several new members were enrolled. The teachers of the district are in full sympathy with the aims of the Institute.

W. McElrea,

*Acting Secretary.*

### Dunedin Branch.

OFFICERS: *President*, MR. W. DAVIDSON; *Hon. Secretary and Treasurer*, MR. A. PIRIE.

During the year eight meetings have been held, at which, the average attendance has been fourteen. The total number of members of the Branch is fifty-one.

At last annual meeting Mr. James II. Gray was elected President, but he having accepted an appointment in Victoria, immediately wrote declining the office. At next meeting Mr. W. Davidson was elected.

The General Committee of Management submitted for the consideration of the Branch a report of their Financial Committee to the effect—"That a uniform rate of 7s. 6d. be levied on each male member, and 4s. on each female member of the Institute, the whole of the money thus accruing to go to the Institute." The matter was referred to a sub-committee to report to next meeting. The recommendation of the sub-committee was—"That the request of the General Committee of Management should be complied with, and in order that the Branch may be able to meet expenses that the annual subscription be raised to 10s. for male, and 5s. for female members, and that the change should come into operation at the beginning of next financial year." The recommendation was adopted.

The following programme for the year was prepared soon after the annual meeting, and papers have been read in accordance therewith, all of which elicited a considerable amount of discussion:—

*"Consideration of the Public Schools Bill now before the House of Representatives"*

Mr. D. WHITE, M.A.

*"Bodily Positions of Pupils in School"*

Mr. J. A. VALENTINE, B.A.

*"English Composition"*

Mr. W. A. PATERSON.

*"The Training of Teachers"*

Mr. JAS. RENNIE, B.A.

*"Natural Phenomena"*

Mr. GEORGE BALSILLE

*"Classification. Appointment and Payment of Teachers"*

Mr. W. DAVIDSON.

*"On the Position and Difficulties of a Country Teacher"*

Mr. W. G. ERASER.

The balance sheet to be read herewith shows the amount to the debit of the Branch to be £1 11s. 10d.

A. Pirie, *Secretary*.

vignette

## Appendix A.

### Reduction of Teachers' Salaries.

At a meeting of the Committee of Management of the Otago Educational Institute, held in the Normal School on 11th July, 1892, the subjoined statement was formulated and agreed to, and the Secretary was instructed to forward a copy of it to each member of the Education Board, as well as to the Board's Secretary:—

In accordance with the resolutions passed at the recent Annual Meeting of the Educational Institute of Otago, the Committee of Management of the Institute beg to bring under the notice of the Education Board the following statement relating to teacher's salaries :—

The Institute desires to call the attention of members of the Board to the several reductions which have been made in teachers' salaries during the past three years.

- In 1888, owing to the reduction in the capitation allowance, the fixed salaries of teachers were reduced by from 1 to 7½ per cent., and over and above this general reduction, all teachers receiving a bonus had the amount of their bonus reduced by £10.
- In 1891, by regulation of the Board, teachers' salaries were materially reduced (1) by abolishing all bonuses to teachers below division II. of their rank, and (2) by reducing the amount of the remaining bonuses by one-fourth.

The extent of reduction in the smaller salaries, by the abolition of bonuses, is shown approximately as follows:—Four teachers lose £30 each, six teachers lose £20 each, and 67 teachers lose £10 each, the total saving effected by abolition of bonuses being £910. It may be mentioned that the salaries thus affected are in almost every case under £200 per annum.

The extent of reduction in salaries by deducting one-fourth from the remaining; bonuses is shown

approximately as follows:—

Whilst teachers' salaries have been reduced by the above amount, it appears from the last report that the Board has seen fit to increase the salaries of some if not all of the Board's officials.

Seeing that the capitation allowance has not been reduced since 1888, and that the cost of maintenance (£3 13s. 2¾d.) is still under the statutory amount of £3 15s. for each child, the Institute is led to the conclusion that the above serious reductions have been caused by the Board's withdrawing large sums of money from the maintenance account to be used (1) for the purpose of building schools, and (2) for the purpose of maintaining the Training College.

With regard to the transfer of moneys from the maintenance account to building fund, the Institute find their opinion corroborated by the Hon. the Minister for Education in his report for 1890, the following being an extract from his report:—"In the case of Otago, the building fund will be nearly £3000 in debt to the maintenance fund when the outstanding liabilities under building contracts are discharged."

In connection with the maintenance of the Training College out of the capitation allowance, while the Institute is distinctly of opinion that a Training Institute for teachers is necessary, it is also of opinion that the cost of maintaining such an institution should be provided for by a vote from the general Government, especially as the local institution is training teachers for other educational districts. The Institute, therefore, hopes that the Education Board will continue to urge the Minister for Education to set apart a sum of money for this purpose.

Signed on behalf of the Committee of Management,  
J. R. Don,  
*Secretary.*

## **Appendix B.**

### **Reforms and Improvements**

#### **Carried Out at the Suggestion of the Educational Institute.**

The Committee of Management wishes to lay before the teachers of Otago some reforms carried out by the educational authorities at the suggestion of the Institute, as well as a number of improvements suggested at various times by the Institute.

#### **I.—Teachers and the University.**

##### **(a) Facilities for obtaining Degrees of N.Z. University.**

Owing to the representations of the Institute the special privileges conferred on teachers, permitting them to proceed to the M.A. degree, were extended for several years, when a considerable number of teachers proceeded to graduation, who would not have been enabled to do so had it not been for the intervention and influence of the Institute. In this way many teachers, who would not otherwise have had an opportunity of doing so, have been enabled to improve their professional status.

##### **(b) The Pass in Elementary Science for E and D Certificates.**

When regulations were issued by the Education Department in 1880, making it compulsory for all teachers to pass an examination in Elementary Science before they could receive a permanent certificate, your institute made arrangements with its President (Professor Black) for a course of lectures in Chemistry and a pass in this subject was held to exempt teachers from passing any further examination in Elementary Science.

##### **(c) Saturday Classes for Teachers.**

The very successful Saturday classes, which were kindly undertaken by Professors Shand and Black, and which were attended by a large number of teachers, would not have been held at all had it not been for the Institute.

#### **II.—Teachers and the Standards of Education.**

The Institute has given most of its time and directed most of its energy to this work.

##### **(a) First Introduction of Class Subjects.**

When the Institute was first formed, the whole of the subjects of instruction were, treated as individual or pass subjects. In 1885, at the suggestion of the Institute, the principle of class examination was first introduced into the syllabus. The Secretary of the Institute drew up a full statement of all the reasons that could be advanced in favour of class examination, and sent it to the Minister for Education, Sir R. Stout. In the first place, the important principle was extended to history only, and in part to geography.

**(b) Grouping of different Standards in small Schools.**

Later, the representations of the Institute to the Education Department had the effect of securing for the teachers of small schools the liberty to group different standards in certain subjects of instruction. It is scarcely necessary to point out that this change afforded considerable relief to teachers in small schools.

**(c) Three Years' Course in Elementary Science to be prepared by Teachers themselves.**

Still more recently liberal provision was made for the better teaching of science in schools, by allowing teachers themselves to prepare a three years' course of lessons.

**(d) Recent Modifications of the Syllabus.**

It is scarcely necessary to say that the recent interview with the Hon. W. P. Reeves, Minister for Education, was the means of securing beneficial modification in the standards of education. It may be advisable to re-state these in succinct form :—(1) That Grammar has been made a class subject in all the standards except the fourth; (2) that the Geography of Standards III. and V. has been very considerably reduced in amount; (3) that the principle of stricter definition takes the place of vague enumeration; (4) that in the matter of History a period of a hundred years has been excised from Standard VI., and permission given to teachers to make a selection of events in each period upon which the examination may be based. In connection with this branch of the Institute's work, your Committee would call to mind that it has been the consistent aim of the Institute from first to last to try and educate the public to the pernicious effects of "passes" and "percentages." When individual passes and percentages were most in favour with the public and the inspectorate, the Institute was offering strenuous opposition to the whole system.

**(e) Provision for Excepting Irregular Pupils.**

Previous to 1885, the Regulations of the Education Department made no provision for excepting pupils who attended irregularly. All failures were counted against the teacher of the school in which the pupil was examined. At the suggestion of the Institute a provision was introduced by Sir Robert Stout, then Minister for Education, making exceptions of those pupils who failed, but who had not made more than half the number of attendances during the three quarters preceding that in which the examination was held.

### **III.—Teachers and Inspectors.**

The Institute has frequently considered representations made to it by members with regard to the Inspectors' interpretation of the syllabus.

On one occasion a member of the Institute represented that the Inspector of his district had set examination papers which, in his opinion, were wholly beyond the requirements of the syllabus. The Council of the Institute appealed to the Minister for Education, when a memorandum was sent by the Minister to the Inspector, informing the latter that he had exceeded the limits of his authority in setting questions of the kind indicated in the copies of the examination papers forwarded to the Minister for Education.

### **IV.—Teachers and Teachers' Salaries.**

On any occasion when retrenchment has been imminent, and such retrenchment would have proved injurious to the cause of Education, the Institute has made strenuous efforts to prevent its being carried out. Examples of the action taken by the Institute are given below.

**(a) Representations made by the Institute to Parliament.**

Your committee does not intend to present in detail all the statements that have from time to time been submitted to both Houses of Parliament. It will be necessary to instance the action taken by the Institute when it was proposed by some to raise the school age to six and by others to seven. The Institute, in tabulated form, showed the result of any such action on the smaller schools of the Colony owing to the reduction of the capitation allowance, and made a comparative statement showing the school age in other countries and the Colonies, giving also a table showing that teachers' salaries were lower in New Zealand than in the neighbouring colonies. A printed copy giving additional reasons against the proposal, was sent to every member of both Houses of Parliament. The statement was read in the House and the facts and reasons appear in

the pages of *Hansard*. It reached members at an opportune moment, and according to the testimony of the members of the House, was largely the means of preventing the school age being raised. Your Committee wishes to call attention to the financial results of this action of the Institute. Had the age been raised, teachers' salaries would have been reduced by a sum of £10,000 had the age been raised to six, and by £20,000 if it had been raised to seven.

### **(b) Representations made to the Otago Education Board.**

During the last two years, the Institute has three times addressed the Education Board with regard to—

- The Bonus System.
- Reduction of Teachers' Salaries.
- Resolutions suggesting a scheme for the classification of schools and appointments.

These matters are at present under consideration by the Education Board, and the Committee trust that the members of the Board will give full consideration to the facts supplied by the Institute at various times during the last two years.

### **(c) Representation made by Institute to Auckland Education Board.**

In August, 1891, a motion was tabled by a member of the Auckland Education Board, "That in future no teacher in the Board's service shall be paid a salary exceeding £300." (The teachers in Auckland district, by the way, have no house allowance granted to them.)

Your Institute at once sent up a statement showing the salaries paid by Education Boards in other districts of New Zealand, and giving a number of reasons why the salaries of head-masters "should not be reduced as suggested in the motion. The proposal to lower the salaries was not carried.

In connection with the subject of teachers' salaries, the Committee may mention that in Otago teachers' salaries were formerly paid quarterly, and that the present system of monthly payments was adopted by the Board, at the request of a deputation from the Institute.

## **V.—Teachers and the Education System.**

### **(a) Attack on the Education System by the 'N.Z. Herald.'**

In February, 1891, an article appeared in the 'New Zealand Herald,' a newspaper published in Auckland, containing a number of misleading statements regarding the results of our education system.

At the request of the Hon. the Minister for Education, the Institute drew up an answer to the charges made in the article referred to, and forwarded them to the Minister.

### **(b) Action of the Institute at the last General Election.**

Before last general election of members of the House of Representatives, the Institute drew up a circular asking candidates for seats in Parliament to give their opinions concerning certain matters of interest to teachers, and especially with regard to (1) raising the school age to seven years; (2) limiting the course of instruction to the Fourth Standard; and (3) the Private Schools' Bill introduced by Mr V. Pyke. A copy of this circular was sent to every candidate for a seat in the Otago district, and the replies sent by candidates were published in the Press.

## **VI.—Teachers and Education Boards.**

On several occasions, both in Otago and in the other provinces, the opinions of the Institute with respect to complaints by teachers as to their treatment by Education Boards, have been laid before the Board concerned, and before the public of New Zealand.

This has only been done, however, on the matter being brought under the notice of the Committee by a member of the Institute, and when the case appeared to justify their intervention.

The case most recently under consideration is that of Mr. E. M. C. Harrison, of Auckland. The Executive of the Institute, acting on behalf of the teachers of the Colony, have sent a memorial to the Auckland Education Board, asking for further consideration of the case, and praying them to re-instate Mr. Harrison.

## **VII.—Teachers and the Education Department.**

The Institute by frequent interviews with successive Ministers for Education and with the Inspector-General, has been enabled to create and maintain very friendly relations between the Education Department and teachers—relations that cannot fail to be productive of good to the cause of education and to the teaching profession. To such an extent has the work of the Institute been recognised as useful and important

work that the Government has been pleased to show its appreciation thereof by an annual grant towards the expenses of the annual meeting of the Institute. Your Committee is not quite sure how far it is fair to the Institute to attempt to judge of the success of its work by parading on paper a number of specific reforms or modifications of the education system. In the opinion of your Committee much good and useful work done by such a body as the Institute must necessarily be of a somewhat intangible and indirect kind—of a kind, that is to say, that will not easily lend itself to precise and formal statement or definition. The influence and work of the Institute must not be judged of solely by the number of instances which the Institute may definitely point to as the result of its work and discussions, though even looked at from this point of view, the résumé which your committee has presented shows some results by no means insignificant.

vignette

## Educational Institute of Otago.

Fifteenth

Annual Report

—Will be Held in—

Y.W.C.A. Rooms, Moray Place,

—On—

14th and 15th July, 1892.

Programme of proceedings.

Thursday, 14th July, 11 A.M.

Adoption of Annual Report, Election of Officers and Members of Committee of Management,  
Appointment of Committees.

Report of Delegates to Council, 1892.

Thursday, 8 P.M.

Address by the President

—JAS. RENNIE, ESQ., B.A.

Discussion on Manual and Technical Instruction Bill introduced by the Hon. the Minister for Education.

Friday, 11 A.M.

"The Classification of Schools"

Mr. W. DAVIDSON.

Discussion of a motion forwarded to the Council by the Secondary Schools' Conference.

Friday, 8 P.M.

(a) "*Some Notes on the Development of the Brain in relation to Education*"

DR. JEFFCOAT.

(b) "*Reading aloud : a Test of Intelligence*"

R. PEATTIE, ESQ., M.A.

## Educational Institute of Otago.

### Statement of Accounts for the Year 1891-92.

RECEIPTS. EXPENDITURE. £ s. d. £ s. d. To Balance ... .. 0 18 8 By Coulls, Culling & Co.—Printing ... 6 19 0 " Subscription from Institute Members ... 4 12 6 Rent of Halls for Meetings ... 2 15 0 " Dunedin Branch ... - 15 1 6 " Advertising ... .. 2 16 0 " Balance from Conversazione ... 0 14 9 N.Z. Educational Institute... .. 10 0 0 Milton Branch... .. 500 " Deduction allowed to Milton Branch ... 0 15 0 " Secretary (postage, telegrams, &c.) ... 250 " Balance in hand ... .. 0 17 5 £26 7 5 £26 7 5

Audited and found correct,

W. J. Moore, *Auditor*.

R. G. Whetter, *Treasurer*.

July 1st, 1892.

The New Zealand Institute of Journalists. Constitution and Bye-Laws. vignette vignette Wellington:  
Fredk. G. Routh, General Printer, Feathkkston Street. 1892.

## Officers for 1892-3.

## **President:**

- E. T. Gillon, WELLINGTON.

## **Vice Presidents:**

- Wm. McCullough. AUCKLAND,
- G. R. Hart, CHRISTCHURCH.
- G. Bell, DUNEDIN.

## **Hon. Treasurer:**

- F. W. Weston, WELLINGTON.

## **Hon. Secretary:**

- Geo. Humphries, WELLINGTON.

## **Branches.**

### **Auckland Branch.**

- CHAIRMAN: Wm. McCullough.
- HON. TREASURER: G. M. Main.
- SECRETARY: A. S. Reid.

### **Wellington Branch.**

- CHAIRMAN: E. T. Gillon.
- HON. TREASURER: W. H. Atack.
- HON. SECRETARY: C. Earle.

### **Christchurch Branch.**

- CHAIRMAN: Geo. R. Hart.
- HON. TREASURER: W. H. Triggs.
- HON. SECRETARY: Geo. Capper.

### **Dunedin Branch.**

- CHAIRMAN: M. Cohen.
- HON. TREASURER: T. I. Walker.
- HON. SECRETARY: D. H. Cameron.

# **The New Zealand Institute of Journalists.**

## **Constitution.**

banner with the word 'constitution'

- The name of the Society shall be "THE NEW ZEALAND INSTITUTE OF JOURNALISTS."
- The objects and purposes for which the Institute of Journalists (hereinafter called "the Institute") is hereby constituted, are the following:—
  - ‡ Devising measures for testing the qualifications of candidates for admission to professional membership of the Institute by examination in theory and in practice or by any other actual and practical tests.
  - ‡ The promotion of whatever may tend to the elevation of the status and the improvement of the



qualifications of all Members of the Journalistic profession.

¶The ascertainment of the law and practice relating to all things connected with the Journalistic profession and the exercise of supervision over its Members when engaged in professions: duties.

¶The collection, collation, and publication of information of service or interest to Members of the Journalistic profession

¶Watching any legislation affecting the discharge by Journalists of their professional duties and endeavouring to obtain amendments of the law affecting Journalists, their duties or interests.

¶Acting as a means of communication between Members or others seeking professional engagements and employers desirous of employing them.

¶Promoting personal or friendly intercourse between Members of the Institute; holding conferences and meetings for the discussion of professional affairs, interests, and duties.

¶The promotion, encouragement or assistance of means for providing against misfortune.

¶Securing the advancement of Journalism in all its branches, and obtaining for Journalists as such formal and definite professional standing.

¶The promotion by all reasonable means of the interests of Journalists and Journalism.

- The Institute shall consist of a President, Vice-Presidents (not exceeding three in number), a Council, and such classes of Members as may be from time to time prescribed by By-laws of the Institute. The President and Vice-Presidents, and the Chairmen of Branches shall be Members of the Council.
- The President, Vice-Presidents, and Members of the Council shall hold office until the due election of their successors in accordance with the By-laws of the Institute.
- The Institute shall have such permanent officers as the By-laws of the Institute may prescribe, and such other officers as the Council may from time to time appoint.
- The government of the Institute and its affairs shall be vested in the Council.
- Any alterations of, or additions to, the Constitution of the Institute, or By-laws made thereunder, shall be made only at the Annual Meeting of Members, and six weeks\* notice of such proposed alterations or additions must be given to the Secretary of the Institute, who shall forthwith communicate the same to the Council and to all Branches.
- The By-laws of the Institute may provide with respect to all or any of the following matters :—
  - ¶The carrying out of any of the objects of the Institute, and the regulation of its proceedings.
  - ¶The qualifications, election, removal, and classification of Members of the Institute and the conditions of Membership (including contributions to the funds of the Institute).
  - ¶The qualifications, election, removal, continuance in office and duties of the President, Vice-Presidents, and Members of the Council, and the number of VicePresidents.
  - ¶The qualifications, appointment, dismissal, duties, and remuneration of the Officers of the Institute.
  - ¶The management of the funds and property of the Institute, and the conduct of the business of the Institute.
  - ¶The organisation of the Institute and the establishment of Branches.

vignette

## By-Laws.

banner with the word 'by-laws'

THE following shall be the BYE-LAWS OF THE NEW ZEALAND INSTITUTE OF JOURNALISTS.

## MEMBERSHIP.

1. The Institute shall consist of Members, Associates, Junior-associates, and Honorary Members.

2. Members shall be persons not less than twenty years of age, who are or who at some period prior to their election have been for at least two years in actual practice as professional Journalists. They shall be elected by the Branch, or by the Council after reference to the Branch Committee. Before electing any candidate the Council or Branch must be satisfied of such Candidate's qualifications and fitness for membership. A description of the qualification must be entered upon the form of application or nomination for election; and such election shall be by ballot. Candidates of less than two years' professional practice may be temporarily elected as Junior Associates, and shall become Members on completion of that term. Members who have filled the office of President or Vice-President, or who have been Chairman of a Branch for two successive years, shall be entitled to be designated Fellows of the Institute.

3. Associates shall be persons of not less than twenty years of age, ineligible as Members, but by reason of

their relations with Journalism, qualified to co-operate with Journalists in the advancement and service of the profession. The mode of election of Associates shall be similar in all respects to the mode of election of Members.

4. Junior Associates shall be persons not less than sixteen years of age, engaged (under indenture or otherwise) in training for the profession of Journalism. The mode of election of Junior Associates shall be similar in all respects to the mode of election of Members. Upon Incoming qualified for the class of Members, a Junior Associate may be transferred to that class by the ordinary course of election.

5. Honorary Members shall be persons who have rendered, or who, by reason of position, eminence, or experience, may be enabled to render, assistance in promoting the objects of the Institute. They shall be entitled to the ordinary privileges of Membership, except the right to vote. Honorary Members shall be nominated by Members of the Council or by Branches, and shall be elected by the Council.

6. Associates, Junior Associates, and Honorary Members shall be entitled to attend and to speak at General and Branch Meetings of the Institute, but not to exercise any vote in relation to the affairs of the Institute.

7. Women possessing the specified qualifications shall be eligible for the several classes of Membership, and the masculine pronouns, when used in these By-laws, shall be read as applying to both sexes.

8. The qualifications recognised by the Institute as constituting any person a Journalist within the meaning of these By-laws shall be the following :—

- That he is or has been professionally and habitually engaged as Editor of a Journal.
- That he is or has been professionally and habitually engaged upon the staff of a Journal in the capacity of a leaderwriter, writer of special articles, artist, special correspondent. Literary Manager, Assistant-editor, Sub-editor, Reporter, or Reader.
- That he is or has been professionally and habitually engaged in supplying Journals with articles, illustrations, correspondence, or reports.

9. The Council shall have full power to decide any question which may arise as to the qualification of any of any Candidate for any class of Membership. If in the opinion of the Council the qualification of any Member does not fully comply with the By-laws and Regulations of the Institute relating to the class to which such Member has been elected, the Council shall have power to rescind the election of such Member, or to transfer him to another class of Membership.

10. The Officers of the Institute shall be elected at the Annual Meeting of Members of the Institute

## **Contributions to the Funds.**

11. The annual subscriptions of Members, Honorary Members, and Associates shall not exceed £1 IS., and that of Junior Associates shall not exceed 10S. 6d., the amount for each year to be determined at each Annual Meeting of the Institute. All subscriptions shall be payable to and collected by the Treasurers of the respective Branches, who shall retain five-eighths of the subscription for local purposes, and shall remit threeeighths to the Treasurer of the Institute.

12. After the expiration of 1891 persons elected to any of the several grades of Membership shall pay an entrance-fee, in the case of Members and Associates of 10s. 6d., and in the case of Junior Associates, 5s.

13. Any Member or Honorary Member may become a Life Member by a single payment of not less than ten guineas. All such payments shall be invested, and the interest alone shall be appropriated to the current expenditure of the Institute, except by special direction of the Council.

14. The annual subscription is due upon election to Membership, and on the first of July in each succeeding year. All subscriptions must be paid before the first of October in the year for which they are due. Any Member whose subscription is in arrear shall not be entitled to vote at any meeting.

15. Every person elected a Member, Associate or Junior Associate of the Institute shall be liable for the payment of his annual subscription until he has signified in writing to the Secretary of the Institute or the Honorary Secretary of his Branch, at least one month before the end of the financial year, his desire to resign, or until he has forfeited his right to remain in or attached to the Institute.

16. Any person whose subscription is one year in arrear, that is to say, whose arrears and current subscription shall not have been paid on or before the first of October, shall be reported to the Council, who shall direct further application to be made for such subscription, and in the event of its continuing one month in arrear after such application, the Council shall have the power, after suitable remonstrance by letter, of erasing the name of the defaulter from the roll of the Institute.

17. It shall be the duty of the Treasurer of each Branch to collect the subscriptions of Members of his Branch, and to forward the due proportion of them quarterly to the Treasurer of the Institute.

18. The Council shall be empowered to receive legacies or donations in aid of any of the objects of the Institute.

## ANNUAL AND OTHER MEETINGS.

19. The financial year of the Institute shall be from 1st July to 30th June.

20. Once in each year a General Meeting of the Institute shall be held in Wellington, in the months of July or August, at a time to be fixed by the Council, a part of the business at which shall be to receive and deal with the report of the Council and the accounts for the year last preceding, and to elect a President, Vice-Presidents and officers for the ensuing year. The Council shall have power to convene a Special Meeting of the Institute at any time and place upon giving four weeks' notice to the Branches. The Council shall send the Business Paper to Branches at least one month prior to date of Meeting.

21. At the Annual or other General Meetings of the Institute, all Members shall be entitled to attend and vote. The votes of those Members who do not attend shall be exercised by the Branch Delegates as hereinafter provided.

22. The following regulations shall govern the election of the President and Vice-Presidents by the Annual Meeting :—

- Members only shall be eligible for the offices of President and Vice-Presidents.
- The Council shall each year nominate the persons who in their opinion, should be elected President and Vice-Presidents respectively for the ensuing year, but any Member may nominate a candidate for the offices.
- Nominations for the offices of President and Vice-Presidents must reach the Secretary of the Institute not less than six weeks prior to the Annual Meeting.
- Members voting in their individual capacity need not sign their voting-papers. Branch Delegates must sign their votingpapers, adding the names of the Branch which they respectively represent.
- The voting-papers, after being marked as prescribed above, shall be handed to the two Scrutineers appointed at the opening of the Annual Meeting, who shall retire for the purpose of counting the votes. Upon their return the Scrutineers shall hand a statement of the result to the President, who shall announce it to the Meeting.

23. All contested elections shall be by ballot.

24. The votes of the Branch Delegates at the Annual or other Meeting shall be equivalent to the total number of duly-qualified Members within the Branch represented, according to the latest returns to the Secretary of the Institute, minus the number of Members of such-Branch who may be present in their individual capacity. When two or more Delegates from any one Branch are present, the votes of such Branch shall be divided equally between them.

25. A Member, Associate, Honorary Member or Junior Associate desiring to bring any question before the Annual or other General Meeting of the Institute shall give notice to the Secretary of the Institute at least six weeks before the date of such Meeting. Notices shall have precedence in the order of business according to the date of the receipt of them by the Secretary.

26. The Annual Report and Statement of Accounts, and all proposals of the Council, shall be issued to Members, Associates, Honorary Members, and Junior Associates, either by circular or by publication in the official organ of the Institute, at least one month before the Annual Meeting.

27. At the meetings of the Institute any By-law may be suspended on a vote of four-fifths of the Members present.

## THE COUNCIL.

28. The Council shall be composed of the President, Vice-Presidents, and other honorary officers of the Council, and of representatives elected by the Branches, in the proportion of not more than one representative to every ten Members or fraction of that number. The Council shall take office after the Annual Meeting of the Institute. The Chairman of each Branch shall *ex officio* be a Member of the Council of the Institute.

29. The President for the time being shall be *ex officio* Chairman of the Council.

30. The Council shall meet as often as may be necessary to transact the business of the Institute.

31. Members of the Council (excepting VicePresidents who are not appointed representatives of Branches) attending the meetings of the Council, may be allowed their travelling-fares from the general funds of the Institute.

32. Any Member of the Council may with the consent of the Branch, appoint any Member of the Institute to attend Meetings of the Council and to act and vote for him, or may vote by letter or telegram, and shall, whenever practicable, be consulted.

33. The duties of the Council shall be to carry out the objects of the Institute as set forth in Section 2 of the

Constitution.

34. Should any of the offices of the Institute become vacant during the course of any year, the Council shall have power to fill such vacancies until the next Annual Meeting.

35. If any person, while he is a Member of the Institute,—

- Violates any fundamental rule of the Institute applicable to him; or
- Is convicted of felony or misdemeanour, or is finally declared by any Court of competent jurisdiction to have committed any fraud; or
- Is held by the Council on the complaint of any Member of the Institute, or of any person aggrieved, to have been guilty of any act or default discreditable to a Journalist

He shall be liable to be excluded from Membership, or to be suspended for any period not exceeding two years from Membership, by a resolution of the Council passed at a Meeting specially convened for that purpose, with notice of the object, at which Meeting there shall be present not less than nine of the Members of the Council, and for which exclusion or suspension not less than three-fourths of those present and voting shall vote, and the Member having first had an opportunity of being heard; but any such exclusion or suspension may be at any time revoked or modified by the Council at a like Meeting by such majority as aforesaid, subject to such terms and conditions (if any) as the Council think fit, and notice of any resolution for exclusion or suspension shall forthwith be sent to the person affected thereby. In the event of a three-fourths majority of the Council not voting for such exclusion or suspension, no entry of the matter shall be made upon the minutes.

36. The Council shall be empowered on behalf of the Institute, with the consent of a three-fourth majority of the Branches, to affiliate with any Institute or Society of a cognate character.

## **THE BRANCHES.**

37. When it is desired to form a new Branch, the names of the Officers and Members shall be submitted to the Council, who shall have the power of declaring it duly constituted.

38. A Branch may be formed in any part of the colony, but no Branch shall consist of fewer than five Members, or continue in existence if the number fall below five. Members of the Institute where there are no Branches, shall belong to the Branch nearest or most convenient to their place of residence.

39. Once in each year, before the Annual Meeting of the Institute, a Meeting, called the Branch Annual Meeting, and consisting of the Members resident within or specially attached to the Branch, shall be held to receive and deal with the report of the Branch Committee and the Branch accounts for the year last preceding, and to elect Branch officers for the ensuing year. Representatives of the Branch upon the Council, as provided in Bylaw 28, shall be elected at the Annual Meeting of the Branch. It shall also be a part of the business of the Branch Annual Meeting, and of such other Branch General Meetings as may be held, to instruct the Branch Delegate or Delegates to the Annual and other Meetings of the Institute as to the views of the Members of the Branch upon any question which may be under consideration. Each Branch shall elect two Delegates to vote for its absent Members at the Annual Meetings.

40. The officers of the Branch shall be the Chairman, Treasurer, and Secretary, with a Committee of such other Members as may be appointed by the Annual Meeting of the Branch.

41. The duties of the Branch Officers and Committee shall be as prescribed in various parts of these By-laws; to manage the affairs of the Institute within the Branch, subject to the Constitution of the Institute; to give every possible aid to the Council; to keep the Council informed of all matters which may require their attention; to give all possible information and assistance to Members who have need of them; and to uphold and extend to the utmost the power and usefulness of the Institute, and the interests of the profession of the Press.

42. It shall be the duty of the Branch Treasurer to collect the subscriptions of the Members of the Branch as provided in Bye-law 17.

43. For defraying the expenses peculiar to the Branch, the Branch Treasurer shall be entitled to deduct five-eighths from the subscriptions received by him. After making such deduction the Branch Treasurer shall forward the balance to the Treasurer of the Institute.

44. The Branch Committees shall have power at their discretion to pay from the Branch Fund all or part of the travelling-fares of the Branch Delegates incurred in attending the Annual or other Meeting of the Institute.

45. It shall be the duty of the Branch Secretary and Treasurer to supply the central office of the Institute with all necessary information respecting the Branch, including returns of members elected, subscriptions paid, &c.; and it shall be the duty of the Branch Secretary to act as corresponded of the official organ of the Institute.

46. Once in each year the Branch Treasure shall render to the Council an account of the Branch receipts and expenditure for the year last preceding.

47. Each Branch shall have power to make rules for the conduct of its own business, provided that such rules shall not be contrary to the spirit and tenor of the Constitution of the Institute.

## CERTIFICATES.

48. Upon receiving formal intimation of the election of any person to Membership of the Institute in any class, the Secretary shall issue in the Branch Secretary a Certificate of such Membership, bearing the signature of the President and of one or more of the Vice-Presidents of the Institute. The form of such Certificate shall be drawn and authorised by the Council. A fee not exceeding 5s. may be charged for the Certificate. The Council may also issue medallions to Members, the cost to be defrayed by recipients.

49. The Branch Secretary shall forward the Certificate to the newly-elected Member to whom it refers upon receipt of such Member's subscription and fee, and of any other payment which may be due from him.

vignette

Fredk. G. Routh, General Printer, Featherston Street.

The Pope, the Prelate, and the Printer. The Sweating System and the Law of Libel.  
£600 Damages Claimed.

*Being a full report of an action tried in the Supreme Court, Wellington, on the 14th, 15th, and 16th Dec., 1891, between J. S. Evison, Manager of the Catholic Times, and E. Thornton and J. W. Henrichs, President and Secretary of the Wellington Branch New Zealand Typographical Association, before His Honour Mr. Justice Richmond.*

Wellington, A.Z. Printed at Evening Post General Printing Office, Willis Street., and Published by The Board of Management Wellington Branch N.Z.T.A. MDCCCXCII.

## Introduction.

THE unusual interest taken in this case, as shown by the presence in the Court of a large number of influential citizens and members of the legal profession (during the three days occupied by the trial, and also the urgent request of a large number of Unionists and others, has induced us to make public in the form of a pamphlet, the notes taken on the occasion by our special reporter, Mr. E. J. Le Grove.

We have the more readily consented to do so, as we feel assured that the case deals with matters of more than usual interest to the public. In the first place, the question is discussed as to how far a trade-union may in its own interests interfere between employers and employed; then the question of the "sweating" system is introduced, and various definitions of the evil, as understood, are given; next, a careful perusal of the evidence on both sides, and the verdict arrived at, must to the mind of the thoughtful reader offer the suggestion that the advisableness of amendment in the existing law of libel is a question worthy of the immediate consideration of our legislators; and finally, it places before the reader this important question: "Is the retention of the present Special Jury system desirable as an adjunct to our progressive civilization?"

It is not our intention to offer an opinion, or in any way attempt to prejudice the mind of the reader. We simply place before the public a very full and thoroughly impartial report of the proceedings, of a large portion of which, owing to the limited space at the disposal of the local newspapers, it must at present necessarily be in ignorance.

We, therefore, now place ourselves in the hands of an impartial public, and rest content to allow it to judge us on the merits of the case, assuring it that in taking the steps we did, we were actuated by no personal motive, but merely by an honest desire to do what we, as trade unionists, conceived to be our duty.

The Publishers.

WELLINGTON.

9th January, 1892

**J. S. Evison, *Manager Catholic Times*, Versus  
E. Thornton and J. W. Henrichs, *President and  
Secretary Wellington Branch N.Z.***

# Typographical Association.

Messrs. GULLY and GRAY for the Plaintiff, and Messrs. JELICOE and POYNTON for the Defendants.

A special jury was empannelled to try the case as follows:—Messrs. C. W. Benbow (foreman), Joseph Anderson, C. M. Luke, S. Brown, W. F. Shortt, Frank Allen, Jas. B. Hutchen, R. W. Barcham, A. Luff, Clialres Tringham, Jas, Wall, and F. J. White.

## Statement of Claim.

The plaintiff, by Alexander Gray, his solicitor, says:—

- The plaintiff is a journalist, and at the time of the commission of the wrongful acts hereinafter mentioned was and still is the Editor and Manager of the *Catholic Times*, a newspaper published at Wellington.
- The defendants are the President and Secretary of a voluntary association of persons catling themselves the Wellington Branch of the New Zealand Typographical Association.
- On the 28th day of September, 1801, the defendants at Wellington, in a letter addressed to his Grace Archbishop Redwood, the proprietor of the said newspaper and the employer of the plaintiff, published of and concerning the plaintiff the words following:—

*"New Zealand Typographical Association, Wellington Branch. "Evening Post Office,*

*"28th Sept., 1891.*

*"To Archbishop Redwood.*

*"Your Grace,—I have the honour, in accordance with instructions, to forward the enclosed letter [meaning thereby the letter set out in paragraph 6 hereof], and to inform you that failing receipt of a favourable reply by the 5th proximo, it is the intention of the Board of Management to publish the same in the principal newspapers in the colony.*

*"I have also to inform your Grace that the members of the Board decline under any circumstances to communicate with or recognise in any way the present Manager of the *Catholic Times*, but would with pleasure enter into negotiations with any other person it would please your Grace to appoint.*

*"Your obedient servant,*

*"(Signed) J. W. HENRICHS, Secretary."*

- The defendants meant thereby that the plaintiff was not a fit and proper person to bo continued in his employment as Manager and Editor of the said *Catholic Times*, and that he was not a fit person to enter into communication with the defendants upon matters connected with his said business or employment.
- The said publication was false and malicious.
- On the 28th day of September, 1891, the defendants, in another letter addressed to his Grace Archbishop Redwood, published of the plaintiff the words following, that is to say:—

*"New Zealand Typographical Association, Wellington Branch.*

*"September 28, 1891.*

*"To Archbishop Redwood.*

*"Your Grace,—We have the honour, on behalf of the Wellington Branch of the New Zealand Typographical Association, to make a final request that you will receive a deputation from this body In regard to the *Catholic Times* office, which, we are given to understand, is conducted on the treating system, inasmuch as a certain sum of money is paid weekly to the manager or overseer, who is permitted to appropriate to his own use and benefit such amount aa represents the difference between the sum received and that paid in wages to his subordinates.*

*"Your Grace will doubtless recognise the serious evils of such a system when we point out that, as a consequence, the maximum wage paid to a journeyman compositor in that office is £2 58 per week, as against the minimum of £3 paid by other employers; and that an excessive number of boys is employed to the detriment of capable men who have families to support, and who are resident in the city.*

*"This condition of things is so utterly opposed to the precepts laid down in the recent Encyclical of*

*His Holiness the Pope, as also to the utterances of Cardinal Moran on the Labour question, that we are tempted to attribute your previous refusals to receive a deputation to the fact that you have been wilfully kept in ignorance of the above" [meaning that the plaintiff, dishonestly and contrary to his duty, had concealed from the said Archbishop, his employer, information concerning the conduct of the business of the said newspaper, which it was the duty of the plaintiff to disclose to his employer, or had wilfully deceived his employer in matters connected with the said business; and that the plaintiff had been guilty of such concealment, with the object of improperly and dishonestly making a profit out of the funds supplied to him for the purpose of carrying on the said business], "and we humbly beg to assure you that in making this request we are actuated by no other motive than a desire to obtain a fair day's wage for a fair day's work, and that our request is preferred entirely in a conciliatory spirit.*

*"We trust your Grace will favourably consider our request and honour us with a personal reply, as hitherto our communications have been referred to the Manager of the Catholic Times (an individual who at different times has conducted a Freethought journal, lectured upon a Freethought platform, and ultimately accepted the management of a religious paper) a degradation which we humbly submit we have done nothing to deserve." [Meaning that the plaintiff was a person of such disgraceful character that it was degrading to the defendants to be asked to hold communication with him.]*

"We are, Sir,

"Yours respectfully,

"(Signed) E. THORNTON, President.

"(Signed) J. W. HENRICHS, Secretary."

- And the plaintiff says that the whole of the letter set out in paragraph 6, the defendants meant that the plaintiff was not a fit and proper person to be continued in his employment aforesaid.
- The said Last-mentioned publication was false and malicious.
- By reason of the premises the plaintiff was injured in his character, credit, and reputation, and in his business as a journalist.

Wherefore the plaintiff claims in respect of the libel set out in paragraph 3 the sum of three hundred pounds (£300) by way of damages, and in respect of the libel set out in paragraph 6 the sum of three hundred pounds (£300) by way of damages, and prays judgment for the same.

## **Statement of Defence.**

The defendants, by Edwin George Jellicoe, their solicitor, say:—

1. They admit that they wrote and published to his Grace Archbishop Redwood the letters set out in paragraphs 3 and 6 in the plaintiff's statement of claim, but they deny that they published them, or either of them, or any part thereof, maliciously.

2. The words set out in paragraphs 3 and 6 of the statement of claim were not written or published with the meaning alleged by the plaintiff.

3 The words were written and published by the defendants without malice and in the belief that they were true, and under such circumstances as to make them a privileged communication.

Particulars are as follows:—

The New Zealand Typographical Association, referred to in paragraph 2 of the statement of claim, is a society formed for the purpose of watching over and fostering the general interests of the printing trade in New Zealand, and of promoting the welfare of its individual members, and of acting in conjunction as far as possible with Trade Union Societies in and outside the colony, and it became right in the interests of the printing trade in New Zealand, and in promoting the welfare of the members of the said Society, that the Society should inform Archbishop Redwood, as being the proprietor of the newspaper called the *Catholic Times*, and a person interested and entitled to be informed thereon, of the system upon which the said newspaper was being printed and conducted, with the view of having certain social evils remedied; and the defendants, in the honest belief of the performance of their duty as President and Secretary respectively of the said Society, did inform the proprietor of the said newspaper of the several facts and matters contained in the said letters.

4. The statements of fact contained in the said letters, according to their natural meaning, apart from the innuendo alleged by the plaintiff, are true, and the opinions expressed in them, whether right or wrong, were honestly held and expressed by the defendants.

5. The alleged libels are not in fact defamatory or libellous, but are honest expressions of opinion by the defendants as officers of the New Zealand Typographical Association as aforesaid.

Filed and delivered by Edwin George Jellicoe, of the City of Wellington, defendant's solicitor, whose address for service is at the office of Messrs. Jelliooe and Glascodine, solicitors, Custom-house Quay, Wellington.

Opening his case, Mr. Gully said the action had arisen from an attempt made by the Wellington Branch of the New Zealand Typographical Association to coerce plaintiff into joining their Union, and it would necessarily involve the question of how far Unions were justified in going in the exercise of their legitimate rights. Trades Unions were admittedly entitled to combine for the purpose of improving the status of their own members, and had the power of enforcing obedience to their own laws as between themselves, but they had no right to interfere improperly with or attempt to coerce persons independent of their Associations into joining. That was a distinction to be borne in mind in considering this case. If Trades Unions had some wrong, they had within the limits he had suggested a perfect right to use among themselves all proper and reasonable methods to get other persons to yield. It would be seen how far beyond reasonable limits defendants had gone in this case. It would be necessary to give a brief outline of the circumstances under which the alleged libel had been committed. The *Catholic Times* was and always had been a non-Union paper. It was published first of all by Messrs. Lyon A & Blair, but in [unclear: 1886] was published as an independent affair. [unclear: Evises] had been connected with the paper since [unclear: March,] 1889, partly as editor and partly as manager. [unclear: At] the time these transactions took place he [unclear: held] both positions. The story began in July, [unclear: 1890,] when the Wellington Branch of the [unclear: Typographical] Association for the first time approached [unclear: Evises] with the object of persuading him to make [unclear: the] *Catholic Times* a Union office. For a time [unclear: the] negotiations were carried on legitimately [unclear: and] justifiably, and did not go beyond what might [unclear: be] termed proper limits. Counsel then sketched [unclear: the] transactions, which were afterwards detailed [unclear: in] evidence, and referred to a number of [unclear: letter] which passed between the parties during [unclear: 1899] leading up to an interview, at which it was [unclear: promised] by plaintiff that the subject would be [unclear: considered] definitely early in the following year. [unclear: As] interval of eight months ensued, during [unclear: which] nothing was done. On the 19th of May, 1891, [unclear: the] Typographical Association proceeded to [unclear: communicate] with his Grace Archbishop Redwood, [unclear: will] the object of obtaining a personal [unclear: interview]. Their answer was that Mr. Evison was [unclear: controlling] the paper, that the matter was within his [unclear: proper] power, and that the Archbishop did not see [unclear: any] reason why it should be taken out of his [unclear: hands]. The Association then suggested that they [unclear: should] have an interview with Mr. Evison, as the [unclear: Archbishop] refused to communicate with them. [unclear: Erson] asked them to state in writing what [unclear: the] grounds were on which the deputation wished [unclear: the] wait upon him. The Association wrote to [unclear: the] effect that they desired the *Catholic Times* to [unclear: be] worked in accordance with the rules of the [unclear: Typographical] Association. Evison wrote in [unclear: reply] that as he had no intention of altering the [unclear: arising] arrangements, he must decline to [unclear: receive] the deputation; that his motives for not making [unclear: the] *Catholic Times* office a Union office were [unclear: gracefully] given to the two deputations which [unclear: called] upon him in July and August of the [unclear: previous] year; and that the recent strike and its [unclear: disastrous] effects, from which the office was [unclear: suffering] common with other businesses, was an [unclear: addition] reason why he could not disturb present [unclear: business] arrangements. The Association had a [unclear: further] communication from the Archbishop to the [unclear: effect] that he approved of the position Mr. [unclear: Evison] has taken up, and that he considered that Mr. [unclear: Evison] was the proper person to decide what was [unclear: to] be done. After this nothing more was done, [unclear: either] by writing or by word of mouth, until the [unclear: last] letters, the subject of this action, were [unclear: written]. The question for the jury was whether the [unclear: last] letters were of a character to justify a [unclear: verdict] against the defendants for damages. The [unclear: defendants] discovered in 1891, and after [unclear: that] negotiations, that Mr. Evison was not a proper [unclear: person] to communicate with, and stated that [unclear: they] would publish the correspondence.

Mr. Jellicoe submitted that there [unclear: was] publication in the newspapers.

Mr. Gully—No; but there is a threat of publication.

His Honour—The publication relied [unclear: upon] is the sending of the letters to the [unclear: Archbishop].

Mr. Gully—Yes, your Honour.

Counsel then proceeded to quote from [unclear: the] letters of September, and suggested that [unclear: the] meaning was that Mr. Evison was a little [unclear: to] hard in the mouth, and did not suit the [unclear: dignity] of the Association; that the manager was [unclear: not] proper person to communicate with; and [unclear: the] they would be glad if the Archbishop [unclear: would] appoint some other person to communicate [unclear: with] them. Why the Association refused to [unclear: communicate] with the manager he did not know, [unclear: he] it looked as if there was a suggestion that [unclear: Evison] should be got rid of altogether. On the [unclear: 20th] September the Association made a final request, in which they referred to the Pope's Encyclical,



and utterance of Cardinal Moran, and proceeded to insinuate that Evison had prostituted his honesty by having in the past been a Freethinker, and accepted now the editorial chair of a religious paper. The Association threatened to publish the letters in the principal newspapers of the colony. Counsel asked what right these people had to write to the proprietor of this newspaper, and suggest that the paper was not being conducted in a proper way? They stated that it was a degradation to communicate with the manager, and threatened that, unless their request for an interview was complied with, they would publish the letters in every newspaper in the colony. They said that the paper was conducted by a manager or overseer under the "sweating" system, and they had in no way withdrawn or modified these statements, but had repeated them. Counsel then went into an explanation of the term "sweating," and said that it involved a case where a middleman made an unholy profit, and, according to the Sweating Commission, it was grinding the faces of the poor. It meant that the middleman took advantage of the necessities of his employes, and ground them down. The other side would scarcely dare to say that that was done in the *Catholic Times* office.

Mr. Jellicoe—Is this the opening?

His Honour—My opinion of an opening is that the counsel should state what he is going to prove, but I cannot prevent an address to the jury. Probably the most telling address to the jury is the first.

Mr. Jellicoe—What I object to is this, that my friend is telling the jury what he is going to

Mr. Gully said he would leave that. He would have said that there was no sweating whatever in the discreditable sense of the word. The facts were that Cooper, who was the registered printer, undertook with the late Mr. Bunny to print the paper for £14 per week, and continued to do so until the present time. The amount paid to the hands was less than the Typographical Union laid down, but there was no improper profit made out of the management, and Cooper would say that he never made more than reasonable wages, and sometimes perhaps a little less. Counsel then detailed the circumstances under which Cooper brought out the paper. It had been suggested that this alleged system of sweating was withheld or concealed from the Archbishop. They had absolutely no foundation whatever for such a suggestion. If true, it would have been most discreditable on Evison's part. It was absolutely untrue that anything was concealed from the Archbishop. On the contrary, the relations between the Archbishop and Evison had always been satisfactory. The next item was the statement that it was a degradation for the defendants to communicate with Evison. They said he was an individual who at different times had conducted a Freethought journal, lectured upon a Freethought platform, and ultimately accepted the management of a religious paper. He thought that was a kind of comment better left out. When they got to discussing a man's religious belief, that was going beyond proper limits. What right had they to say that Evison was not honest in holding Freethought views, or comment on when he undertook the management of this journal? That was a matter for his employers. If the Archbishop was satisfied, what right had this irresponsible body to interfere? Evison had promulgated certain views, and had lectured on a public platform, although his lectures were upon general subjects as well as Freethought. And why not? The objection was that he was false to his own conscience in conducting the *Catholic Times*. If so, it was not true. Evison had always been an advocate of Home Rule and State aid to Catholic schools, and these were the cardinal points on which a paper of this kind was conducted. The Archbishop knew Evison's views, and so far from turning his back on Evison was only carrying out the views which he held before he took charge of the paper. Counsel deprecated any body of persons interfering between employer and employed as these people did. When they suggested that it was a degradation to communicate with Evison, they suggested that he was a person of bad character, and that he was not a fit person for any honest man to have anything to do with. How long had they been in finding this out? There were about twenty letters between the parties and two interviews. They had communicated with him for about 14 months, and then suddenly discovered that he was not a fit person to communicate with. That was the libel, and it was for the jury to say whether he (counsel) had been straining anything too far in putting his construction on the letters. If the statements contained in the letters were true, could the Archbishop in all conscience continue Evison in his employment? He (counsel) submitted that if there was any sweating going on and if Evison was not fit to communicate with, and not fit to hold the position he did, that was a fair and reasonable test as to the nature of this libel. Had these matters which were charged against Evison been true, it was perfectly plain that the Archbishop would have found it inexpedient to continue Evison's employment on the paper. That appeared to be obvious on the face of it. If in communicating with the Archbishop, the officers of the Association had confined themselves to matters relevant to the *Catholic Times* joining the Union, they would have been within their proper limit. If they had only been argumentative or used a few strong expressions with a view to persuade the Archbishop to come into their Union, nothing would have been said about it; but the attack was on private character, which could not be relevant as to whether the paper should join the Union or not. What on earth had it got to do with Trade Unions whether Evison was a Freethinker or not. It was a question of personal fitness between Evison and his employer. The attitude the Association took up must be considered outside that legitimate for Trade Unions to take up. It was for the jury to consider whether it was really a justifiable way of carrying out the principles advocated by Trade Unions, and whether it was not on

the whole a discreditable charge against Evison.

Joseph Spence Evison, plaintiff in the action, said that he was manager and editor of the *Catholic Times*, and had occupied the position since 1889. The terms on which he was appointed were £5 a week, which was afterwards increased to £7. It was understood from the first that the amount should be £7 as editor and manager. The salary was reduced when a separate editor was appointed, but when he again took the dual position it was increased to £7. His duties were the entire supervision of the office, the purchase of material, &c. The agreement with Cooper was made about the time he became editor, or a little later. It was made by the late Mr. Charles Bunny. Cooper was printer and publisher. The contract was made at his (witnesses') suggestion, and was to the effect that there should be a certain fixed weekly sum paid to Cooper, out of which he should provide all labour for composing and printing the paper. The office despatched the paper. Cooper gave Mr. Bunny, and, he thought, himself a statement of what the work could be done for and leave a fair profit. Witness satisfied himself that the sum was reasonable, and Bunny made the agreement. Cooper was to provide the men. He was able to tell whether they were satisfactory men. Witness was not to be troubled with the complaints or engagement of the men. The agreement was to relieve witness of dealing directly with the men. No complaint was ever made to him. The Typographical Association first approached him in 1890, when they requested him to meet a deputation, which he did on July 18, 1890. The deputation consisted, he believed, of Mr. M'Girr (President), Mr. Henrichs (Secretary) and D. P. Fisher, who was a member of the Board. [A shorthand report of the interview was put in.] A lengthy discussion took place, at the end of which witness explained the particulars of the manner in which the office was conducted by Cooper. The object of the deputation was to induce him (witness) to make the *Catholic Times* a Society office. It was said that witness had not got competent men—not proper journeymen. He asked what was to be done with his men if he discharged them and took on Society men, and he understood that they were to take their chance. He did not remember the exact words. Understood that if the men had not committed certain offences against the Society they might be admitted on payment of a fine and proving their qualification. He replied that he would thoroughly consider the question, refer it to his employer, and communicate with the Society at a later date. Received a copy of the rules. [Put in.] At a meeting on 28th July received a verbal estimate from D. P. Fisher as to what the paper could be printed for by Union labour, which amounted to either a few shillings more or less than what it was then costing, £14 8s. At this interview he told the deputation substantially the same as before—that he would see his employer, and communicate with them later on, but held out little hope of any alteration in the arrangements being made that year. Suggested that they should again approach him in 1891 if nothing were done. Sent a letter stating that existing arrangements could not be interfered with that year. [Letter and reply put in.] Nothing more occurred until May, 1891, when Henrichs wrote to Archbishop Liddell, requesting him to receive a deputation, to which he (witness) replied. [Letters put in. I Received no farther communication until receipt by the Archbishop of the two letters complained of, which His Grace produced. A letter was sent to the President or Secretary by Messrs. Campbell and Gray, dated 30th September. Had never received anything beyond his actual salary.

It is alleged that at one time you conducted the *Rationalist*, a journal published in Auckland?—Yes; I both edited it and conducted it.

During what year?—1885-86.

About a year altogether?—I think, with vicissitudes, about a year.

You were also a lecturer at one time, and lectured over a considerable part of New Zealand?—Yes.

Upon what subjects?—On various subjects.

Including lectures on what is called Freethought?—On what is conventionally called Free thought.

Are you what is commonly called an Atheist?—No, and never was.

You have published views on what is called Freethought?—Yes.

Your own views?—Yes, at the time.

When you joined the *Catholic Times* was any stipulation made as to advocating the tenets of the Catholic Church?—Do you mean dogmatic tenets?

Yes.—Certainly not; nothing of the sort. I was simply asked whether I could conscientiously support Home Rule and the Catholic [unclear: education] schools.

Did you consent?—Yes, I conscientiously [unclear: consented].

Had you done so before?—I had [unclear: invariably] advocated Home Rule. I had lectured on [unclear: it] subject years ago, and had also always held [unclear: the] parents had a more sacred right over their [unclear: children] than the State. I consider that [unclear: Catholic] schools are entitled to State aid under the [unclear: present] system.

What meaning does the word "[unclear: sweating] carry in your mind?

Mr. Jellicoe—I object, your Honour. [unclear: The] is no meaning put upon it in the [unclear: statement] claim.

Argument ensued as to the meaning of [unclear: the] word "sweating," which his Honour [unclear: said] the jury could interpret themselves.

Examination continued—

You were perfectly aware of the [unclear: arrangement] made with Cooper?—Perfectly aware.

What has been the practice in the [unclear: payment] the men weekly?—A cheque has been drawing [unclear: upon] the Archbishop for the whole of the [unclear: salaries] to wages, but a detail has been given of how [unclear: a] amount was arrived at.

Does that show the items of the £14 8s?-[unclear: lately] because the sum has not varied. [unclear: If] sums varied they would be stated. If there [unclear: ti] a variation a memo, would be sent to [unclear: account] the variation.

Then I understand the actual salaries are [unclear: same] on the statement?

Mr. Jellicoe—Including the details of [unclear: the] £148s?—No, that would appear as wages. [unclear: It] call that wages and everything else salaries, [unclear: just] for the purpose of book-keeping.

Cross-examined by Mr. Jellicoe—

You say you lectured throughout New [unclear: Zeland]?—Yes.

Between years 1883 and 1886?—Yes.

In many plaoes?—In a variety of towns.

In the course of your lectures did you [unclear: adnw] any of the opinions you professed in the [unclear: Rea] *alist* paper when you conducted it?—Oh yes.

On the public platform?—Yes.

At the time you conducted the [unclear: Ratum] newspaper did you deny that Christianity [unclear: is] part of the law of the land?

Mr. Gully—Mr. Evison stated quite [unclear: clear] that he did conduct the *Rationalist* and [unclear: express] the same views in it as when he lectured [unclear: upon] public platform I think he should not be [unclear: the] to go into details.

Mr. Jellicoe—My friend asked the [unclear: write] to Bay this—" I never was an Atheist."

Witness—I do not recollect saying [unclear: the] Christianity was part of the law of the [unclear: land] that it was not.

Did you not in your publications strike at [unclear: a] very root of Christianity?—What is the very [unclear: less] of Christianity? I have no desire to fence, [unclear: tali] these questions it is necessary that both [unclear: ei] should know what they are talking about,[unclear: also] am not going to answer before I know what [unclear: you] mean.

Did you in your publications deny the [unclear: exists] of almighty God?—Never.

Did you deny in your publications the [unclear: divist]; of Christ?—Yes.

Mr. Gully—I submit that this is not [unclear: releii] or decent.

Mr. Jellicoe—This gentleman has come [unclear: he] to complain of the last portion of the letter, [unclear: so] I am defending my clients.

His Honour—Itisnot needed to justify [unclear: for] statement of your client, Mr. Jellicoe, that [unclear: the] witness in the box has at different times [unclear: condoa] a Freethought journal, lectured on a [unclear: platforms] advocated Freethought views. It is not denied. It is true—everything is admitted.

Mr. Jellicoe—He made the statement that he never was an Atheist, and advocated certain principles which I shall put in evidence to contradict.

His Honour—We are going into theological questions, and I must say that it is very unfortunate that such topics should be mentioned here. Perhaps Mr. Gully's question as to Atheism was improper. I deprecate most earnestly the line of cross-examination, and could not imagine that it was necessary for the defence.

Mr. Jellicoe—Did you, in your publication, ridicule the Scriptures?—Portions of them.

Did you ridicule Almighty God?—You must explain that phrase. What do you mean?

You are editor of the *Catholic Times*?—I want to know your definition. I say no, I never ridiculed Almighty God.

Mr. Gully—Mr. Jellicoe should give the exact expressions which he charged witness with [unclear: tling].

Mr. Jellicoe—I am not bound to produce any documents.

His Honour—The difficulty is this: The particular conception of Divine nature may be quite inadequate and unworthy—not only unworthy, but debasing, degrading to a particular writer. What he aims at in these conceptions it would not be fair to read as aimed at the existance of God or not. I hesitate, because I do not dare-I am unwilling—to utter in Court words that would imperfectly express his meaning, because it is not the proper place. I see the wittoss's difficulty. He says, "First define your terms before I give my answer."

Mr. Jellicoe—Suppose I show that the plaintiff, as editor of a newspaper, wrote a blasphemous libel, surely that would support the conference in the letter of my clients when they anyj they considered it a degradation to

be referred to him?

His Honour—I do not think this matter refers to the particular degradation implied by the defendants. It seems to me that the degradation meant is that the Archbishop, instead of Miring the deputation himself, turns them over to an inferior (the manager), just the same as it might be considered a degradation by a person to have to correspond with an Under-Secretary instead of a Minister.

Mr. Jellicoe—Apart from the plea of truth, this gentleman has come here to ask for damages for an attack on his character. Suppose I can show by cross-examination that he is a blasphemous libeller, surely that is a matter for the jury to consider when estimating damages.

His Honour—That issue is not raised at all.

Mr. Jellicoe—It is a question of damages. No issue is required.

His Honour—As to blasphemous libel, that items to me irrelevant. As you deny the [unclear: jninendo], your position is inconsistent with your pleading

Mr. Jellicoe—They are not irrelevant, I submit. Surely, sir, I am entitled to show what the plaintiff's real character is.

His Honour—If you accept the innuendo as truly stating your meaning that he was a disgraceful character, and that he was so disgraceful best your clients could not have converse with him, your position is inconsistent with your own [unclear: leadings]. There is a difficulty about it. I do not agree that the words within parenthesis in the letter bear out the meaning imputed to them by the plaintiff.

Witness—He asked me if I ridiculed the Scriptures. I have ridiculed the anthropomorphous conception of the Deity, not the Deity itself.

Have you not in your papers and lectures exposed the Christian religion to ridicule?—The good parts of the Christian religion, no. What were considered the weak parts of the Christian religion and its practices, yes.

Have you ever scoffed at the Roman Catholic Church in your publications or in your lectures?—Not in my lectures, nor do I remember doing so in my writings.

Not in the *Rationalist*?—I do not remember doing so.

Under what name did you edit the *Rationalist*?—"Ivo."

This is a copy of your paper, edited by "Ivo," printed and published by Joseph Evison?—(Paper examined by witness)—Yes, that paper was conducted by me.

Counsel read an article from the paper as follows:—

*"The Holy Virgin Mary.*

*"It must be extremely gratifying to all our Christian friends to learn that the Virgin Mary is still quite lively. A few years ago she was knocking around the village of Knock in Ireland. Now the irrepressible young Jewess has been playing a little game of hide and seek in a gooseberry bush, or thicket of some sort, at the village of Corano, in the blessed land of Italy . . . . We gather some very interesting information from the above narrative. 'The Virgin Mary' is now according to the most moderate computation 2000 years of age, but not a wrinkle mars her damask cheek.—She is just as young, beautiful, and attractive as when Isaiah fell a victim to her charms. Then again, it is quite refreshing to notice how considerate is Jesus Christ to his sainted mother.—He has most generously 'allowed her once more to come on earth.' What a dutiful son he is! He never did allow himself to be tied to her apron strings on earth, and now just as a sort of quid pro quo, he kindly permits his mother to walk to little Jesolina. Once more, someone has given the mamma a new dress. She is now clothed in blue,—white has evidently become unfashionable in heaven. Mary is no doubt the leader of the fashions in the 'hupper suckles' of celestial society, and woman-like she wants a change. But can it be that the ladies there wear blue flannel petticoats? Had Mary's white dress gone to the wash? Had she appeared to Jesolina en deshabelle? Perish the thought!—No it was a new dress made by the most accomplished modiste in the New Jerusalem, and it fitted so admirably and looked so charming that Mary with natural feminine vanity wanted to shew herself off. . ."*

Mr. Gully—My friend has held out the suggestion that this was written by Mr. Evison. My friend ought surely, apart from the nature of the publication, to have ascertained whether Evison wrote it or knew of it.

Mr. Jellicoe—He said he edited and conducted the *Rationalist*.

Witness—I say so now. But there was a syndicate of four persons who contributed to it. I never wrote such rubbish as that.

Then there is a page of Bible contradictions; did you write that?—No, I copied it.

Mr. Jellicoe—I put this paper in.

Mr. Gully—I submit that my friend has read something to the jury which has not come from Mr. Evison. He read it to the jury, and wishes to put it in, not because this article is relevant. But because there is something else in the paper. He conducted the paper the same as he conducts the *Catholic Times*.

Mr. Jellicoe—I ask for the paper to go in.

His Honour—The whole paper?

Mr. Jellicoe—Yes.

Witness—I swear I did not write what Mr. Jellicoe has read. Although I was editor and conductor of the paper, there was a syndicate of four who had an equal right to publish matter.

Mr. Jellicoe—Supposing you, Mr. Evison were referred to a person who was like this writer in the *Rationalist*, would you consider it a degradation?—Certainly not, if the writer was honest in his belief.

Is this your paper of the 30th November, 1835?—I should like to see it.

Mr. Gully—Surely Mr. Evison should see what he is alleged to have written.

Mr. Jellicoe—I am or cross-examining the witness.

His Honour—If Mr. Evison conducted the paper, he is responsible for what appeared in it. Of course it must not be assumed that everything in the paper is written editorially. But *prima facie* is there not enough to justify Mr. Jellicoe—can I stop it being read to the jury? I would willingly do so if I could find legal warrant. I think from a public point of view it is decidedly scandalous, and being scandalous I would like to prevent it, but I am bound by rules of law in the matter.

Mr. Jellicoe (to witness)—Do you know Bishop Luck, of Auckland?—No, I never saw him.

Was he Archbishop of Auckland?—No, I believe he was Bishop of Auckland.

Did you attack Bishop Luck in the *Rationalist*?—I have no remembrance whatever of doing so.

Did you ever attack what was called the "Pastoral" of that Bishop?—I do not remember it, sir.

Under what name did you write in your paper: "Ivo?"—"Ivo." Now, here is a letter signed "Ivo."

## "An Open Letter.

To Mr. JOHN EDMUND LUCK, who, without sufficient warrant, and therefore illegally, styles himself Bishop of Auckland.

"Sir,—The church to which you belong has a pleasing fiction, to the effect that it received its power from St. Peter; that saint who is chiefly remarkable for having denied his Lord. Whatever gift you may have received from the sainted poltroon in question, modesty was certainly not one of them . . . . You cannot be modest because you call yourself a Bishop! . . . On Sunday, October 18, you caused to be read in the churches beneath your control a document, which, in accordance probably with the eternal fitness of things, you term a 'Pastoral.' You are doubtless aware that the word pastoral has at least two distinct meanings. It is used to signify a poem describing the manners of shepherds. It is employed also to denote a diction of a spiritual pastor. You use the word in its latter significance; you would be equally justified in employing it in its other purport, because your pastoral now under notice carries strong internal evidence that you regard your flock, not as composed of reflective men and woman, but as dumb driven cattle . . . . . But while I may pity your weakness; while I may condemn your irritability, and must condemn your brutality of expression, to which I am about more particularly to refer. I cannot but feel flattered thereat; for by your very intemperance you reveal to me that not only is the Rationalism you so virulently attack in your pastoral, becoming a power, but that you know and feel its power. Whenever, in history, your church was frightened, it, like all weak, wicked, and wanton things, became cruel and vindictive. Let us congratulate one another that the time having passed away once and for ever, when it was possible for you to use on 'heretics' the favourite weapons of your faith—the hangman's rope and the faggot—you may now only display your feebleness and your fear by a liberal employment of virulent but harmless epi-thets. So much clear gain at least has [unclear: Freetbound] grasped, inasmuch as you can no longer [unclear: torti] our bodies, and must be content to essay [unclear: only] wounding of our minds. Sourrility is, after [unclear: all] acceptable exchange for the stake; 'tis [unclear: easier] smile at the billingsgate of a bishop than [unclear: at] rack of an inquisitor. . . . Now the [unclear: sentai] I have just quoted from your pastoral is, doubt, eminently convincing and [unclear: consoling] your sheep—your dupes; but I ask you to [unclear: for] for a moment your clerical habit of mental [unclear: ergling], and to tell me, as from one man of [unclear: the] world to another, whether you really believe [unclear: that] this rodomontade of yours really [unclear: deceives] sensible man. You talk of 'carnal man.' [unclear: What] are you, a dignitary of Rome, so angry, [unclear: and] resourceless, that you are actually [unclear: compelled] descend to the pitiful cant of [unclear: Method] 'Carnal man!' Come, define your terms. [unclear: What] mean you by the expression? Do you attach [unclear: to] special significance to the word carnal: [unclear: To] carnal, I take it, is to be fleshly, sensual. Do [unclear: you] a priest of the moat fleshly and sensual [unclear: priestb] in the world, dare to use such a term [unclear: regard] any other body of men? I [unclear: have] that the literature of France teems [unclear: with] the foulest accusations against your [unclear: priesthood] know that, before the French Revolution, you [unclear: priesthood] was the vilest and most corrupt [unclear: you] the face of the earth. I know; yes, [unclear: and] know, all this to be true, and yet

you [unclear: do] smuggle in this word carnal with [unclear: reference] Freethought, in order to further hoodwink [unclear: the] you get your living by hoodwinking. [unclear: Fie!] John Edmund Luck, your methods are as [unclear: steal] untruthful. Will you, in these columns or [unclear: rtf] where, compare the lives and morality [unclear: of] a dozen of New Zealand Roman Catholic [unclear: pris] with any dozen of prominent New Zealand [unclear: every] I thinkers; the priests to be named by [unclear: me] infidels by you? Come, here is a test, [unclear: will] you accept or refuse it? I will answer for [unclear: you]. It will decline publicity, as your church [unclear: has] declined it; and you will be wise so to [unclear: do.] Your church, sir, is founded on Faith, and [unclear: Frui] is a rock. Therefore, your church is [unclear: founded] a rock. How beautiful! how truly [unclear: sublia] but still how illogical! Mr. Luck's [unclear: churchs] rock; Mr. Luck says so, what further [unclear: will] would we wish? Freethought is froth; '[unclear: tis] Luck says so, and that is conclusive. [unclear: But] Luck writes a long pastoral about the [unclear: dun] which his rock is exposed from—what?[unclear: -to] froth What a soft, soft rock Mr. [unclear: Luck's] must be; or shall we say how [unclear: laughable] logic, and how mixed the metaphors of [unclear: this] herd who feeds his lambs on a rock. [unclear: Next] Mr. Luck, I will do myself the honour of [unclear: fin] criticising, not only your pastoral, but [unclear: the] of your church, your rock. At presently [unclear: his] only endeavoured feebly to point out that [unclear: it] absolutely necessary for a popish priest [unclear: to] his own temper beneath control, and [unclear: that] mon sense may be dispensed with by one [unclear: was] like yourself, not a 'carnal man.' If I [unclear: have] persuaded one of your dupes to think, I [unclear: shall] well content.

"Ivo."

Did you write that?—Sometimes copy [unclear: made] up by other people, who signed [unclear: my] I do not deny that I edited and [unclear: conducted] paper.

Mr. Gully—Surely, my friend cannot [unclear: suppose] that he is creating a favourable [unclear: impression] this sort of thing. The paper should be [unclear: put] witness's hand, so that he may say [unclear: whether] wrote what was referred to.

His Honour—The only reason I do [unclear: not] is this: If the matter was not written [unclear: by] Evison, it was published in the paper [unclear: which] edited, and it will turn out that he was [unclear: to] extent responsible for it. He admitted that the wticles are Hilly and foolish. They had as little wit as decency. These, he says, were not written by him, but by some persons connected with the paper; but *prima facie* I must take it that ho was responsible for what appeared in the paper. He might say that not only were some of the articles not mine, but they were put in for some person by my employers. Even then, I am not certain that he was not responsible by remaining in such employment. Therefore, I cannot say that Mr. Jellicoe is not justified in assuming that Evison was responsible, more or less, for what appears in the paper. I would willingly stop this sort of thing if I could, but the case is in Mr. Jellicoe's hands, and I cannot interfere.

Mr. Jellicoe (to witness)—Is that your letter?—My answer is that I take responsibility for that letter. It is an answer to Bishop Luck's pastoral alluding to the Freethinkers of Auckland II being the froth and scum of society. I did not write the whole of that letter, but I take full responsibility for it. We have never attacked until we were attacked.

". . . . We do not deny God; i.e., so long as the word God represents nothing to us; so long as it is a word that is not the correlative and: expression of something clear and distinct. We do not propose (to use the words of Mr. Bradlugh) to 'tilt against what may be nothing nowhere.' We believe that there is one existence; or substance (call it what you like), which is i eternal and infinite, and of which we only know [the modes; men, animals. Colonial Bishops, what not. If God is alleged to be other than this existence, then we say there is no God. We do not look upon the Universe as an uncaused event, or as a something caused out of nothing. We leave such assumptions to Theists. We say the universe is eternal, that it had no beginning, and can have no end. Modes of existence may not be Eternal, but existence is. We do not believe that God first created himself out of nothing, and then out of the nothing remaining made something and called it the universe. We leave such theories to 'competent thinkers,' and to Mr. Hadfield "

Did you write that?—It was contributed by all sorts of persons.

You supervised it?—I was editor.

You see the note at the end?—I think the note] is mine. They were prosecuting us for selling the paper on Sunday.

[Artiole referring to lecture of Miss O'Gorman, the "Escaped Nun," put in.

You have heard of Miss O'Gorman.?—I have heard of her, but never heard her lecture.

## "Tracts for the Times.

## "V.—Miss O'Gorman and God.

. . . 'Her whole lecture was little more than a relation of her doings with her three noted friends, Archbishop Wood, Archbishop Spalding, and God. Her conversion took place at midnight, while alone in her own room, and after her escape from the convent For some reason she cursed the Catholic God, and immediately the Protestant God took advantage of the opportunity and made her a Protestant. The Protestant God then impressed upon her the necessity of advertising him to the detriment of the business of the Roman Catholic God. She determined to do so. She determined to go about lecturing, and God acted as advance agent for her first lecture. She wanted to hire a hall to give the lecture in, but the loser refused unless a certain deposit was given. She had not the money, but God "softened the heart" of the lessor, and he gave her the hall without requiring a deposit, and, if her lecture proved ft failure, without charge. God also applied his softening influence to the Editor of a Protestant paper, who consequently advertised and gave prominence to her lecture without any guarantee of payment. What a convenient God this would be to those who are not considered "good marks." God also helped her to address the large audience that assembled to hear her first lecture. Perhaps "helped" is not sufficient; perhaps it would correspond more nearly to what Miss O'Gorman said if I wrote, "God addressed the meeting, merely using Miss O'Gorman as an instrumont." Since then this Protestant God has been taking good care of her, although once he permitted the followers of the Roman Catholic God to send a bullet through her bonnet. This is Miss O'Gorman's God. This is the God she "threw over" the Catholic God for. Think of him—a sort of powerful flunkey to her!

Did you write that?—I do not remember even seeing it.

Are you ashamed?-I cannot toll until I hear the whole of it. There may be things in it of which I nifty be ashamed, but I cannot tell until I hear all of it.

Are you ashamed of having edited and conducted a paper like that 1—My dear sir

Don't "dear sir" me!—No. I am not ashamed of it I think I may have made a great mistake in editing it, but I am not ashamed of it.

You wrote another letter to Bishop Luck?—I really cannot remember until I see it. 'Paper handed to witness] Though not the writer of this I accept responsibility for it.

It is signed "Ivo"?—Yes-

[Rationalist of 8th November, 1885, containing article on education handed in.]

*"Catholic children receive more religious training than any other children—how is it that there are more criminals among these than among other children:-Catholic children form the largest proportion of those "hoodlums," Ac, of whom the editor of the Bell writes. How is this? Freethinkers' children are taught absolutely no religion so-called. Will the editor descend to particulars, and point out the children of any Freethinker who can be characterized as "hoodlums, &c.? Will he point out any of these religionless children who are criminals or in reformatories? Here is ft practical test of the value of religion as a moral agent. We will take any twenty children haphazard from any Christian Sunday School, the editor to take a similar number from a Freethought Lyceum. The forty so chosen shall be publicly examined on morality. We will pay.£5 to any charity if the young Freethinkers are not better acquainted with morality, better mannered, and more amenable to discipline than the juvenile Christians."*

That is in the paper of 8th November, 1885. Now, you have sworn that you always advocated State aid to Roman Catholics?—No; I said I had always advocated the superior right of the parent in the education of children to that of the State, and consequently I could conscientiously—

You said "right under the present system." That is what you said. I will just read a portion of this paper.

*"In this .... very same pastoral, nay, in the very sentence of it now under reply, you abuse the education laws of the country, simply because those laws prevent you obtaining the complete mastery over the minds of little children; preclude you in a measure from inoculating them with your own gross superstitions, and keeping them in the black bondage of Romish ignorance. And you, and your brother Bishops are for ever gnashing your teeth on this subject of secular education; and yet you admit Protestant children into your convent schools, and solemnly contract to give them no religious education at all. You either keep that promise and give, for money, a 'godless' education; or yon ignore your solemn contract, and promise that which you do not perform; of which of these crimes, may I ask, are you guilty? Do you, for a moment, suppose that, to still your insensate ravings, the people of this country will forego the one great boon that they possess—free, secular, and compulsory education? The miserable and petty distinctions of caste are already making themselves felt enough in this New Zealand; whose only salvation consists in being free and democratic; but still I do not think you will persuade us to add another link to the chain of ignorance and superstition, by allowing you and your brother priests to teach your revolting dogmas at the public expense. Endeavour then, Mr. Luck, to become a good citizen, by respecting a law which, of all laws, most undoubtedly obtains by the wish and desire of the majority. Be content with the baleful influence you already exercise, nor tempt your doom by that intrigue and agitation, so familiar to the gentlemen of your cloth."*

Did you write that?—I say I take responsibility for that, and that it was written five years ago.

There is an article about the "Vice-Regent of Heaven." Are you ashamed of that?—No, sir; I am not ashamed at all. Would you kindly let me look at it. Whatever I wrote I wrote believing it to be true according to my lights.

Even if true do you consider it decent?—There is nothing at all indecent or obscene. It is an answer to an attack on Freethinkers by Bishop Luck, who called us the froth and scum of society. We answered in a similar strain, but not perhaps with the same learning. Others were mixed up with me in the *Rationalist*. Some of this matter may have been written by other persons and been altered or amended by me.

If as you say you advocated State aid for Roman Catholic schools how do you justify your previous writings?—Even as Freethinkers we say that the first duty of the parent is to instruct the child in preference to the State—that is, if the parent is able to do it. Therefore I see no hypocrisy in my advocating State aid to Catholics.

Is that your writing on page 5 of the same paper? Who was "Memphis" in the *Rationalist*?—I do not know; but if I did I do not know that I would be justified in telling you.

Not if you were?—I was not.

Here is another article "The Devil among the Churches." That is the heading. Do you say you did not write that?—Yes; I swear I did not write it.

But you accept responsibility for publishing it?—I was the editor of the paper.

Your Honour, I call attention to it, and ask the jury to look at it. In my opinion it is dreadful, and I am ashamed to read it. I put it in.

His Honour—My previous observations applied to the first article you read. With regard to this I am not prepared to say—I cannot say there is nothing scandalous or indecent in it. With regard to State aid to Catholic schools, that is fair ground.

Mr. Jellicoe—On page 2 of the *Rationalist* of June 6 we find—[Already referred to.]—Did you write that?—I did not write that, but there is nothing there, as far as I can see, to object to.

Do you stand by that?—I have altered my opinion since, but there is nothing disgraceful about that.

Look at the *Rationalist* of the 27th June, 1886. There is an article there headed "The Genuine God"?—That is a letter written to the editor, at you can see.

But if the letter is sent to the editor you, as editor, approve of it?—Oh, no; editors receive number of letters they do not approve of any agree with.

I say if the writer of that had been brought up on a charge of blasphemous libel he would have been liable to conviction. The next article is headed, "Some Reasons for Disbelieving in the Christian God "It is signed" Ivo"?—Yes, that I have no objection to, but I object to you taking isolated passages.

Do you stand by that?—I stand by it in the sense of my frame of mind then—not now it was written five or six years ago.

You told Mr. Gully you never were an Atheist:—I never was an Atheist.

In your publication, the *Rationalist* you adopted, I believe, to some extent the principles of the late Mr. Charles Bradlaugh?—To a certain extent.

When did you abandon what you call Rationalism?—When did I abandon the promulgation of Rationalism? I have not lectured since about five and a half years ago—since my connection with the *Rationalist*.

Have you never lectured since?—I may have: lectured once, but I have not lectured for about five years.

Can you give me an idea when you joined the *Catholic Times* how long it was when you last lectured?—About two and a half years. I have: been on the *Catholic Times* two years and three quarters. I think my last lecture was in November, 1886. I have a suspicion that I delivered lecture subsequently, but cannot fix it.

You have called yourself a Freethinker?—A Secularist.

Have you ever abandoned what you called the principles of Rationalism?—Have I ever made public recantation? No; I have abandoned the teaching of Rationalism.

Since you joined the *Catholic Times*?—Long before I joined the *Catholic Times* I determined never to speak on that question again. I came to the conclusion that I was doing more harm than good. I regretted the whole of my propaganda which was forced upon me, I imagined, by the position at the time.

I suppose you then became a convert and thought that the principles you had advocated to some extent Mr. Bradlaugh's principles and opinions—were wrong?—I cannot say I think they were wrong.

His Honour—You cannot examine the witness on his private opinions.

Mr. Jellicoe—I think your Honour will see what I mean by the next question. (To witness,—Have you during your connection with the *Catholic Times*—since the death of Mr. Bradlaugh—made an attack upon his opinions of principles?—Never one word; not in the [*unclear*: *Catholic*] *Times* or elsewhere.

Do you accept responsibility for what appear in the *Catholic Times*?—I accept [*unclear*: editor] responsibility.



That is you accept responsibility for all matter outside the advertisements?—Correspondences might give opinion. I should not shut out all opinion.

Do you write the "Wellington Watchman" column?—Yes.

Have you not attacked the memory of Mr. Bradlaugh in connection with his opinions and principles?—Certainly not

Or attacked the principles of Freethought?—I have attacked Sir Robert Stout and Mr. Ballana, who are both Freethinkers,

On Freethought?—I may have attacked some of the tenets of Freethought. But if you say abused Freethinkers, I say no.

Have you not attacked the principles [unclear: and] opinions promulgated in the *Rationalist*?—I [unclear: may] have attacked some of the opinions. I think it is highly probable.

And in the *Catholic Times* you have also in your writings supported the Roman Catholic Church—the Church you previously reviled?—I do not know what you mean.

Have you not supported the Catholic Church?—I certainly have not gone against the Catholic Church.

Mr. Gully—These questions are not fair. My friend wants to ask the witness if he approves every particular paragraph written. The witness is expected to go over the whole range of what he has written, and everybody else.

Mr. Jellicoe—Pardon me, I ask him if he has written under the head "Wellington Watchman" certain matter. (To witness)—You say you have attacked some of the principles you previously advocated?—I think it possible—quite possible. A man's mind is not stationary.

You joined the *Catholic Times* when?—In March, 1889.

Did you inform Archbishop Redwood at the time of the principles and opinions you had promulgated in the *Rationalist*?—I was engaged in the first place by Mr. Bunny.

I ask a distinct question: Did you at that time inform Archbishop Redwood that you had previously promulgated certain opinions in the *Rationalist*?—I did not give him that fact. I think he knew it.

Do you think he knew anything of the articles produced this morning?—I do not know. I have never shown any of them to him.

It was not part of your business to supply him with copies of the *Rationalist*?—No.

Coming to the interview which you had in July 1890, with Messrs. M'Girr, D. P. Fisher, and Henrichs. At that interview was it not pointed out to you by the deputation that your office, the *Orthotic Times*, was undercutting the other printing offices in the city?—The deputation asked me a question to that effect, and I told them no.

You denied it?—I denied it.

Did you know at that time that the other offices were working under Association rules?—I knew that some of them were. Dwan did not work under Association rules, and I am not quite sure that the *New Zealand Times* did.

The *Evening Post*?—Always, I believe. Being a wealthy paper it could afford to work under Association rules.

Did not the deputation tell you that your office was able to undercut every other printing office in consequence of your paying a lower rate of wages to your employes?—They asked me whether it was so, and I told them no.

Did they not tell you distinctly that you were paying a lower rate of wages than any other office in town?—They asked me if it was a fact that Cooper "farmed" the paper, and I told them of the arrangement which was made. Did you not say, sir, that you could not see how the Association could suffer if you were paying lower wages than other printing offices in town?—I do not remember that remark.

At that time did you know whether there was a Master Printers' Association in existence?—There was a Master Printers' Association.

Did you join that?—Yes, and afterwards resigned.

When did you join the Master Printers' Association?—I really could not tell you.

A week or two before?—I imagine six or seven months; I may be wrong.

And you obtained a copy of their tariff on joining?—I could not tell you, sir, one way or the other. I do not think I did. I rather think not.

When did you become acquainted with the tariff?—I do not know whether one was supplied me or not, I may have had it.

You obtained information from it?—I did not obtain information, for I am as wise now as ever.

Did you not receive a copy of the tariff and then retire from the Association?—If I received it it had nothing to do with my retiring from the Association.

How long were you a member?—A day or two.

I ask is it not a fact that by joining the Association you obtained certain information as to the tariff and then retired?—I swear not.

Why did you retire in a few days?—Because I reconsidered the position altogether with my employer and then withdrew. The Archbishop never saw the tariff.

Did you confer with the Archbishop before joining the Master Printers' Association?—After joining. Before retiring?—That I will swear; I am on my oath.

Did you not tell the deputation that the rate of wages you were paying was below the tariff of the Master Printers' Association?—The Master Printers' Association had no tariff of wages. There was a tariff of charges against the public—a totally different thing.

Did you not tell the deputation that the *Catholic Times* was paying a lower rate of wages than the Master Printers' Association?—I do not understand your question. I never discussed with the deputation whether I was paying less or more.

Did you not, after you heard what was alleged by the first deputation, namely, that the Master Printers complained that your tariff was less than theirs, promise to consult the Archbishop about the matter?—I do not think I did. I think they were pretty well satisfied with our charges. They were not very much under theirs. We were doing little or no jobbing.

Mr. Gully—My friend is confusing the tariff of the Master Printers' Association with the wages of the printers,

His Honour—The two may go together. The low rate of wages may induce low charges.

Mr. Jellicoe—That is so. (To witness)—Did you not ask the deputation to give an estimate of the cost of what you would mark in the *Catholic Times*?—No, it was for the whole of the *Catholic Times*.

Do you remember the deputation asking whether the paper was "farmed"?—I do not remember the expression. They might have done so. My idea of farming was that a man was paid so much for getting out the paper and selling it. I told them they were misinformed, but that Cooper got a certain sum for printing the paper.

Did you say it was nothing to you how many employes were on the paper?—Undoubtedly I said it was nothing to us.

It was nothing to you how many men and boys were employed?—Nothing in the ordinary acceptance, so long as nothing improper was going on.

Did you tell them you had no control over the men?—I said that Cooper was allowed to choose his own men, but if anything improper was brought to my notice I should have to interfere.

If you agreed to give Cooper £14 8s a week would it have been any concern of yours what he paid the men?—It would have been if there was any "sweating" done.

You object to "sweating"?—I should have objected to "sweating", very much.

Was not an improper number of boys in proportion to men employed?—Who rules the proportion? They complained that there was an improper number of boys.

You said that was Cooper's business?—I do not remember saying anything of the sort.

Do you remember one of the deputation pointing out that Cooper was making a good thing out of it?—Yes.

What rate of wages did they tell you they understood Cooper was paying to his men?—I think £2 5s as the maximum.

What was the minimum paid at the *Evening Post* office at the time?—I have no knowledge; I do not know.

Did they not tell you the minimum was £3 in other printing offices in town?—Yes, by most of the other printing offices.

What was the average number of men employed by Cooper?—Do you mean "hands" or men? How do you differentiate between boys and men?

What do you mean by "boys"?—Youngsters; young fellows under 18.

How many boys were there?—There were three or four men over 18.

How many boys?—About four; they fluctuate.

Two pounds five shillings was the maximum wage at the time?—I think so. Of my own knowledge I do not know. I asked Cooper what they were receiving, and he said one or more had £2 5s, to the best of my belief.

It was after the deputation saw you that you asked Cooper?—Earlier I think. Probably before the deputation approached me, in order that I might answer what might be asked.

How many were receiving £2 5s?—I had a general impression that two out of the four were getting that.

What was the average rate paid to the boys?—That would depend upon capacity. I think from 10s to 30s; perhaps more.

Did you give that information to the deputation?—No.

Why not?—It was no duty of mine to impart information to an irresponsible body.

When they said that you not only undercut the wages, but undercut the charges of the employers, you never

undeceived them?—They made statements which I contradicted, but I did not take them into my confidence.

Cooper received £14 8s and distributed it among the workmen, retaining any difference himself?—Yes.

And you do not call that sweating?—Certainly not. Neither does the Royal Commission.

You promised to consult the Archbishop and send an answer. Did you at any time prior to sending an answer communicate with the Typographical Association, or any member of it as to what you intended doing—between July, 1890, and the letter of September, 1890, giving your final decision?—No.

Did you inform the Archbishop that Cooper was paying a maximum wage of £2 5s when the minimum in other offices was £3?—I imagine so. I talked over the whole circumstances with his Grace on more occasions than one.

Did you tell his Grace what the difference was that Cooper put into his pocket?—Yes, I told him what I thought it was; about £2 10s or £2 17s 6d out of the paper.

Then these men did all the jobbing work?—No, Cooper did all that.

Did not some of the men assist?—They may to a certain extent.

How much out of the jobbing did Cooper make?—I cannot tell exactly. The Archbishop has the accounts of the jobbing.

How did you pay Cooper for the jobbing?—He charged for the composition at a rate.

Can you give the average Cooper made weekly?—He would make weekly out of the jobbing about £2.

I am speaking of the period July to September, 1890?—I think during 1890 we were doing very little jobbing. He would make about £5 a month.

Is that the information you gave the Archbishop at the time?—Yes.

Has the rate of wages increased?—Yes, I believe so. Of course it has increased Cooper's wages.

I am not asking about Cooper, but the wages paid to the men.

In answer to His Honour, witness said Coon charged the office for composition and machining the office finding everything else. The amount paid for this was over and above the £14 8s, paid for getting out the paper.

Mr. Jellicoe—I ask, if the jobbing has increased, has the wages paid to the men increased:—I think so. Since the early part of this year some of them have been getting £2 10s.

More than one man?—Two or three, I believe.

That is 10s under the minimum?—10s [unclear: under] what some of the offices pay—the *Evening* [unclear: pce] for instance. That is an exceptional case. [unclear: It] the wealthiest paper in the town.

We will take the *Evening Press*, which is [unclear: even] wealthier, and the *New Zealand Times*. Is [unclear: not] £3 the rate there?—I do not know. I [unclear: believes] they pay what they call the Association rate.

Even Giles' office? Is not yours the only [unclear: office] which is sweating in town?—I won't answer [unclear: the] question in that form. I say the assertion is [unclear: not] proved.

You are undercutting the tariff in [unclear: advts]:—We charge a special tariff. We admit [unclear: there] is no comparison between a weekly paper [unclear: and] daily paper.

His Honour—There is no pressure?—[unclear: No] sir.

Mr. Jellicoe—There is a pressure for [unclear: advts] (To witness)—You wrote a letter of the [unclear: 20th] May, 1891, answering a letter of the [unclear: Association] of the 19th, addressed to the Archbishop?—[unclear: About] that date.

"*Catholic Times*, Willis-st. "Wellington, N.Z.

20th May, 1891.

"*The Secretary Wellington Typographical* [unclear: Association].

"SIR,—In reply to your letter of 19th [unclear: instant,] addressed to his Grace the Archbishop of [unclear: Wellington], I am directed by his Grace to state [unclear: that] the management of *Catholic Times* being [unclear: entrusted] entrusted to the Manager, his Grace sees [unclear: no] quite reason why he should interfere, and [unclear: does] not think any good or useful object would [unclear: it] attained by his reception of the proposed [unclear: desputation] of the Typographical Association. His [unclear: Grace] must therefore [unclear: decline] to receive the depots in question.

"His Grace further desires me to point out [unclear: this] he has been informed that the Association [unclear: promised] to wait upon the Manager *Catholic* [unclear: Times] early in 1891, i.e., in January, 1891, and did [unclear: not] do so.

"I am, Sir,"

*Your obedient servant,*

"J. EVISON,  
"Manager C. Timet"

Is that the letter?—Yes.

When did you get that direction from [unclear: it] Archbishop?—The very same day that I [unclear: wrote] the letter—I cannot be certain.

Do you mean to say the Archbishop told [unclear: you] to write in that strain?—Undoubtedly he told me [unclear: to] write the letter, I cannot say as to the strain.

Did the Archbishop tell you, when he gave [unclear: you] the direction to write the answer of the 20th, [unclear: that] he himself had replied to Henrichs?—No, I [unclear: do] It not think he did.

You know the Archbishop's writing, I [unclear: believes] Look at that letter:—

"St. Mary's Cathedral, "Wellington, N.Z.,

19th May, 1891.

"SIR,—In reply to your letter requesting [unclear: the] favour of an interview with a deputation from [unclear: the] New Zealand Typographical Association, I [unclear: beg] say that you do not specify in your communication the object of that interview. Before I can give a definite answer to your request, I shall be obliged by your giving me more definite information on the matter, and then I hope to comply with your request.

"Yours truly,

"†FRANCIS REDWOOD,

"Archbishop of Wellington."

"To J. W. Henrichs, Esq."

Is that the Archbishop's writing?—Yes, I think I have seen that before.

Then on the day following you wrote your letter of the 20th, saying you had been directed by His Grace, &c. Will you explain these two letters?—There had been an understanding between the deputation and myself that they should approach me in the early part of 1891. They had not done so, and it is quite possible that when His Grace received the Association's letter he had no knowledge of this. When he saw me I said it was an attempt to get behind me and at him, and he then instructed me to write.

You had a strong objection to this request?—I had a strong objection to persons who had promised to approach me trying to report me to my employer.

But the Archbishop says he hoped to comply with the request, and you say you prevented him?—I had no power to prevent him doing any thing. I had no doubt he would give proper weight to anything I said to him.

Nothing took place between 1890, when you promised to meet the deputation in the early part of the year, and the date of these letters?—No, the Association never approached me.

Did you approach the Association or any member of it?—No.

Mr. D. P. Fisher was a member of the deputation.

Is this the *Catholic Times* of 31st October, 1890 (handed in)?—Yes.

You edited it, and are responsible for the literary matter it contains?—Yes.

Your letter of September, 1890, promised to meet the deputation in the early part of the following year, and this is an article which appeared about D. P. Fisher, one of the deputation?—Tea. I attacked him as an agitator, not as a compositor.

You have attacked other people?—I have attacked other people. I daresay I have attacked you.

Did you attack the Association?—I may have attacked the Association for fostering the strike and then refusing to go out when asked to by their fellow-workmen.

Don't you know that the Typographical Association really brought the strike to an end in 1890?—No, I am not aware of that.

What reason did you give in May, 1891, or previously, for refusing to go into the Association?—I had given a variety of reasons. I had promised to reconsider the matter early in 1891, but they did not come for the decision.

Why then did you object to the Archbishop receiving the deputation in May, 1891?—Because I considered

they should deal with me, as I had reconsidered the matter. I could not help them going to the Archbishop, but I objected to it very strongly. The Archbishop was consulted as to all subsequent letters.

Did you not tell his Grace that it was an impertinence for these people to go behind your back?—I simply said there was no occasion for putting ourselves in the hands of these people. I was not very much against the Archbishop's receiving the deputation, but I was to making different arrangements in the office.

Your own opinion was that he should decline?—When the Archbishop asked my opinion I pre sume I gave it that way.

Two of the letters you call libellous, and claim £600?—Yes.

Did the Archbishop know at the time you were first employed by him that you had conducted a Freethought journal and lectured on a Freethought platform?—Yes.

Did he know the terms on which Cooper was printing the paper?—Yes, but I do not suppose he knew what Cooper was paying individual men. He knew that Cooper got £14 8s, and that he produced the paper for that amount.

Did the Archbishop know that the men were getting less than what was paid in other offices?—I imagine he knew that less, for instance, than what was paid in the *Evening Post* office.

Cross-examined at length as to the letters of September, witness said the Archbishop took them to him and asked his opinion about them. He replied that there was but one answer, which should go through his solicitor, as the letters were grossly libellous. Witness consulted his solicitors, and a draft of the letter they drew up was approved by the Archbishop. Although £300 was claimed for each letter, he considered that the letters should be taken in conjunction. The meaning he drew from the letters was such as he considered 99 people out of 100 would draw. The letters were decidedly defamatory, taken together. He was not the person who received the £14 8s, but the money went through his hands. He was the overseer and supervisor, not Cooper, and he considered the references directed against himself. The reference to concealment imputed disgraceful motives to him as manager; He denied that the system of work in the office was sweating, or even bad, and believed that his Holiness the Pope referred to a totally different state of things in his Encyclical. He had not the slightest objection to the Typographical Association interfering with the *Catholic Times* office, so long as they kept within proper bounds, otherwise he would not have received the deputation. The defendants were not aware that the Arch bishop knew that he had conducted a Freethought journal and lectured on a Freethought platform, and did not know that he was not likely to lose his employment. He did not object to-the state ment of fact, but to the inference conveyed that he was an unfit person for compositors or any other persons to communicate with. He could conceive a man conducting a Freethought journal and lecturing on a Freethought platform being an estimable person, if he was sincere and his moral character was good.

Would you consider a man who conducted a paper containing such scurrilous articles as were read this morning a fit person to conduct a reli gious paper?—Yes, if a certain time had elapsed and he had changed his views.

Re-examined by Mr. Gully—As a matter of fact you have conducted the *Catholic Times* since March, 1890, without complaint?—As far as I know.

I understand you to say that there were several persons connected with the management of the *Rationalist*?—Four besides myself. A portion of the time I had a sub-editor.

Had you a complete control over the matter introduced into the paper?—Not a complete con trol.

A syndicate printed it?—Yes.

The *Freethought Review*, edited by Mr. Ballance, defended Freethought, did it not? also the *Echo*, edited by Sir Robert Stout?—Yes.

I further understand that several persons had a hand in writing these letters to Bishop Luck?—Yes.

Mr. Jellicoe—I say he is responsible for them, as they were signed "Ivo."

Mr. Gully—With regard to the two letters for which you have accepted responsibility, and portions of which you appear to have written, was there any provocation for writing them?—Dr. Luck issued a pastoral, attacking Free thinkers in general terms as sensual and immoral, and the froth and scum of society; and the letter read was a reply to that portion of his pastoral. The pastoral was very bitter, and the reply to him, I am ashamed to say, was quite as bitter.

I should like you to explain a little more as to what you mean, when you say that from the views you held then, you were not ashamed of these letters you have taken responsibility for?—From the strong views I held, and seeing that the *Rationalist* was started as a 6ghting paper, and that the Freethinkers of Auckland were getting unmitigated abuse. It was a fight, not carried on with absolutely good taste, but it was a fight.

You did not profess to justify what appeared in the paper?—I did not profess to justify at the time much that appeared in the paper, still, other people had a different idea as to the propa ganda.

The article of the 25th Oct., 1885, was a copy from the *Secular Review*, was it not?—It was a reprint from the *Secular Review*, a paper gene rally acknowledged to be an ably-conducted Freethought paper. The *Review*

was misled by an American paper which published it from a filthy publication called *Maria Monk*, and I was misled also. The article appears on the face to have been taken from the *Secular Review*.

You have never made a definite attack on Freethought?—No.

You have changed your views?—I have changed my views, but cannot define how. I think, on calm reflection, that the views expressed in the *Rationalist* were an utter mistake. An honest mistake, but the method and views were wrong.

Have you ever professed to be—taking the word in an extreme sense—an Atheist?—No, and I have never met a rational man who was. I have held views that this world was all we are certain of, and that we should make ourselves happy and comfortable in it, and let the other take care of itself. I never denied the existence of God, or attempted to do so. I may have denied the existence of the character Jehovah, or the anthropomorphic conception. That is a very different thing.

Did you ever deny the existence of the Deity as promulgated in an orthodox sense?—I think it would be fair to say that I attacked rather the practice of the Christian Churches than Christianity itself—nothing that was good and true.

Mr. Jellicoe—The publications will speak for themselves.

Further re-examined, witness said to a certain extent his mind was a blank regarding the Archbishop's letter of 20th May. He was strongly under the impression that his Grace told him to give a formal answer. It was perfectly untrue that he had attempted, for his own purposes, to sway the Archbishop. It was absurd to say so. He never had an animus against Fisher when he wrote the paragraph previously referred to, nor against the Association. When he discovered that the article he reprinted from the *Secular Review* was a hoax he did not publish an apology for it, because the *Rationalist* had ceased publication, and he himself had the matter pointed out to him at Napier.

## Second Day.

### TUESDAY, DECEMBER 15.

Hugh M'Kenzie, employed on the staff [unclear: of] the *Catholic Times*, deposed that he was [unclear: present] at an interview between Mr. Evison and a [unclear: deposition] from the Typographical Association, [unclear: and] took shorthand notes, of which a true [unclear: transcript] was then in Court.

Report read and put in.

Archbishop Redwood examined.

You are Roman Catholic Archbishop of Wellington?—Yes.

And proprietor of the *Catholic Times*?—Yes.

The *Catholic Times* was first printed at the office of Messrs. you and Blair?—Yes.

In what year?—I think 1888.

And afterwards printed in the *Catholic Time Office*, Boulcott-street?—Yes.

After the paper was printed in Boulcott-[unclear: street]. Mr. Bunny was conductor or manager of [unclear: this] paper?—He was, sir.

And Mr. Cooper was the foreman printer?—Yes.

At that time were the wages of printers [unclear: and] compositors paid directly by the office?—Yes they were.

We have been told that an arrangement [unclear: was] made with Mr. Cooper by Mr Bunny. Were [unclear: you] cognisant of that?—Not when it was made; I [unclear: may] afterwards.

How long after?—I do not remember; it [unclear: was] told to me.

The arrangement was made in March, 1889, [unclear: and] you knew some weeks afterwards?—Yes.

On your return to Wellington was the [unclear: arrangement] made known to you?—Yes, it was.

Did you approve of it?—I did.

What has been the practice since that time [unclear: with] regard to paying wages?—The practice has [unclear: been] as you heard yesterday. A cheque is given [unclear: by] me or my representative every week for all [unclear: the] salaries or wages. As regards the editor we [unclear: all] his salary, and wages for the compositors; that [unclear: is] the lump sum paid to Cooper.

£14 8s?—Yes.

To whom is the cheque given?—To Mr. Evison

His Honour—One cheque?—Yes.

Mr. Gray—I understand a cheque is given [unclear: to] Mr. Evison for the whole sum every week, and [unclear: he] has to distribute the money?—Yes.

Has any complaint been made to you, or [unclear: have] you heard any complaints on the part of [unclear: the] as to wages?—I have never heard any [unclear: complain] of any sort with regard to wages.

Evison has told us that he joined the [unclear: paper] about March, 1889?—He did. I was in [unclear: Euro] the time it was done by my representative, [unclear: and] of course I approved of it.

At the time you were told of the [unclear: engagement] and gave your approval did you know of [unclear: Evison's] former connection with a Freethought [unclear: journal]:—I was told so, and that he had been a [unclear: Freethought] lecturer.

And did you know anything about his [unclear: proclivities] at that time?—I was led to [unclear: understand] that it was a considerable time since he had [unclear: advo]cated Freethought tenets; and that his mind [unclear: was] considerably changed on many points.

Of course you have often had [unclear: conversation] with Evison. Has he ever pretended to be [unclear: a] convert to the Roman Catholic or any [unclear: other] religion?—No, sir, he never has.

Were you satisfied with his views generally [unclear: as] politics and the policy of the paper, apart [unclear: from] religion?—Yes, I was.

Apart from religion, what were the main [unclear: points] of the [unclear: paper]—The main points of the [unclear: paper], apart from religion were Home Rule for [unclear: Ireland] and State aid to Catholic schools.

Was he in any sense required by you in any way to advocate the tenets of Roman Catholicism?—Certainly not. There were others on the staff who provided for that purpose.

Mr. Jellicoe—Mr. Loughman?—For a time. There are others on the staff who attend to that work themselves.

Mr. Gray—Do I understand that Mr. Evison's work was purely editorial?—Purely editorial, except as to the advocacy of these two points.

As manager what are his duties?—They are the same as he detailed yesterday. He has to provide materials, &c., and superintend the whole work ing of the office.

Practically he has the entire management?—Yes.

Did you yourself frequently attend at the office?—Very frequently. Almost daily when I was at home.

Who is the medium of communication between yourself and the office?—Mr. Evison.

Did you hear of the request of the Typo graphical Association in July, 1890, that Mr. Evi son should meet them?—Yes, I did.

Was that reported to you by Evison?—It was.

Did Evison report to you the result of the interview?—He did, sir.

With regard to the correspondence read yester day. You have received some of the letters which have been read?—I did.

Were the replies sent by Evison forwarded by your instruction and with your approval?—They were. Did you approve of his action in the matter?—I did.

You received a letter in the month of May asking you to receive a deputation?—I did.

And you sent the reply read yesterday, written by yourself?—I did, sir.

What did you do after sending that reply?—I communicated the substance of it to Mr. Evison, and we discussed the whole matter.

Was the matter turned over to him?—It was, and the letter read yesterday was sent.

Was that letter sent with your approval?—I cannot say that I saw the letter before, but I saw it afterwards and I approved of it.

Do you remember receiving these two letters of 28th Sept.?—Yes.

You read them of course?—I read them of course. Do you wish me to look at them now?

If you please. You will see in the first letter the words "Failing receipt of a favourable reply by the 5th proximo, it is the intention of the Board of Management to publish the same in the principal newspapers in the Colony." In what sense did you understand that?—In the sense of a threat—a sort of coercion to me to force me to lire that interview, which was the first step in working the office on union principles, which we did not see our way to do at the time.

Look at the next paragraph, "I have also to inform your Grace that the members of the Board decline, under any circumstances, to communi cate with or recognise in any way the present manager of the *Catholic Times*, but would with pleasure enter into negotiations with any other person it would please your Grace to appoint." What did you understand by that statement?—I had to take that statement in connection with the letter, to interpret it with the letter. Of course I took that in the sense that Evison was made out to be a person so disreputable that he was not fit to deal with, and that, by implication, he was not a fit person for me to deal with, *a fortiori*; and that the best thing I could do was to discharge him from my office.

His Honour—He was not fit for them to deal with and *a fortiori*. He was not fit for you to deal with?—Yes, your Honour.

Mr. Gray—And that you would discharge him or conform to their views?—Yes.

Will you look at the next letter—they were received together, I think?—Yes.

New Zealand Typographical Association, Wellington Branch, 25th September, 1891.

To Archbishop Redwood.

Your Grace,—We have the honour, on behalf of the Wellington Branch of the New Zealand Typographical Association, to make a final request that you will receive a deputation from this body in regard to the *Catholic Times* office, which, we are given to understand, is conducted on the sweating system, inasmuch as a certain sum of money is paid weekly to the manager or overseer, who is permitted to appropriate to his own use and benefit such amount as represents the difference between the sum received and that paid in wages to his subordinates.

What do you understand by that?—That has to be read also in connection with what follows, where it is said that Evison was wilfully concealing that state of things from me.

Mr. Jellicoe—Where do you find those words, was "wilfully concealing that state of things from me."

Mr. Gray—He was wilfully kept in ignorance. (To witness)—Will you kindly say what you understand by the statement about the sweating system?—That was a direct charge that the office was conducted under the sweating system, and that Evison was responsible for continuing that system, and was wilfully concealing from me a state of sweating—that is the substance of it.

You have seen the paragraph, "This condition of things is so utterly opposed to the precepts laid down in the recent Encyclical of His Holiness the Pope, as also to the utterances of Cardinal Moran on the Labour Question, that we are tempted to attribute your previous refusals to receive a deputation to the fact that you have been wilfully kept in ignorance of the above." What do you understand by that?—First of all it made me smile because it seemed to me a strange combination of impertinence and absurdity.

Of course your Grace has read the Encyclical referred to, and you are acquainted with the utterances of Cardinal Moran?—Certainly.

So far have you discovered anything in the conditions existing in the *Catholic Times* office which is condemned by His Holiness the Pope or by Cardinal Moran?—Certainly not; quite the contrary.

Did you take any other view than that it was a combination of impertinence and absurdity? Did you think anything more about it?—Taken in connection with the former paragraph, I thought it was a charge of sweating against Mr. Evison, and, indirectly, against myself.

Did you understand that the charge of sweating was preferred for the benefit of any person?—Certainly; it was for the benefit of Mr. Evison or the overseer.

You read it in that sense?—I read it in that sense.

As a matter of fact, had your repeated refusals to meet the deputation arisen from a suppression or concealment of anything in the *Catholic Times* office?—Certainly not.

As a matter of fact, are you familiar with the conduct of business in the office?—I think I may say I am very familiar with it. I take great interest in it, and generally superintend every thing myself.

The last paragraph says:—

"We trust your Grace will favourably consider our request, and honour us with a personal reply, as hitherto our communications have been referred to the manager of the *Catholic Times* (an individual who at different times has conducted a Freethought journal, lectured upon a Freethought platform, and ultimately accepted the management of a religious paper) a degradation which, we humbly submit, we have done nothing to deserve."

What do you understand by that?—I understood that it conveyed this sense. That Evison was a person who was of such a—I hardly like to use the word—worthless fellow that he was unfit for them to deal with, and unfit for me. I looked upon it as a gross libel at the time.

You have told us what construction you put upon these gentlemen's statements: assuming what you conceive they allege was true, could you have retained Evison in your service?—I could not. I should not.

The last paragraph refers to Evison's antecedents. You knew before what his connection had been with that paper and with Freethought. Did you consider that it was necessary that you should be informed by those people of his connection with Freethought?—I did not.

You were aware of it?—I was aware of it—that was sufficient.

As far as your Grace can see, had that matter anything to do with the subject in hand or with Trade Unionism?—It seems to me entirely irrelevant.

It was a matter between Evison and his employer?—Yes.

You have already told us that you understood the letter to contain a charge of sweating?—Yes.

What do you understand by sweating?—It is not easy to define. I understand sweating to mean a condition of things where a middleman or sub-contractor pays his men inadequate wages and derives unlawful profits, and that such men are under the necessity of taking what is offered to avoid starvation. That the sweater makes capital out of the miseries of his employes. That I understand to be sweating. The sweated person is obliged to



take what is offered to him, in fact he sweats under the oppression.

You say the sweated person is obliged to take what is offered or starve?—Well, perhaps not so far as that. It is making an unlawful profit by paying wages which men have to accept because they cannot get other employment.

### **Cross-Examination By Mr. Jellicoe.**

Do I understand you to say that there can be no sweating without starvation?—I say there could—that is an extreme case.

I suppose you condemn sweating?—I do, sir.

That is, you condemn a middleman making an unfair profit out of his employes?—What do you mean by unfair, that word is very elastic?

I want your definition of sweating, would you say it was sweating for a sub-contractor, or middleman, to under-pay his employes, or to pay less than the minimum wage?—Before I can answer I should like to know what the minimum wage is.

Would you consider it sweating for a middle man, or sub-contractor, to pay his employes less than the maximum rate paid in any particular trade?—I would not. There might be circumstances where that happened and there was no sweating at all.

Would you consider it sweating for a sub contractor, or middleman, to pay less than the minimum rate of wages paid in the same trade?—Not in every case.

Supposing the minimum rate of wages paid to compositors was £3 per week, would you consider it unfair for a middleman or sub-contractor to pay his employes in the same trade 45s per week?

Mr. Gully—How can a person pay above or below a maximum or minimum rate unless the rate is fixed? There is no such thing as a tariff fixed by an irresponsible body.

Mr. Jellicoe—Would you consider it unfair for a middleman or sub-contractor to pay his employed 45s per week when the minimum rate was £3 per week?—It would all depend upon the case. It might in some cases and might not in others. The question is too vague.

When you returned from Europe you say you found Evison had been engaged in the capacity of manager?—He was editor at that time, and they became editor and manager.

How long was he editor?—Not very long. I do not remember the date. Then Mr. Loughnar became editor, and later on an arrangement was made that Mr. Evison should become editor and manager.

Do I understand that at that time the arrangement with Cooper existed?—To the best of my recollection it did. I cannot swear it.

The arrangement with Cooper was that he should be paid £14 8s per week to produce the paper?—I paid the money to Evison and he made the arrangement.

You knew Cooper received £14 8s for the production of the paper?—Yes.

Did you know at that time how much he paid to the employes?—I did to some employes. I was told by Evison the details.

What information did Evison give you on your return from Europe as to the rate of wages paid by him to the employes?—I cannot remember the details. He told me at the time—it went in at one ear and out of the other.

Had you any idea that it was less than other men were getting for the same class of work a town?—I was always led to believe that they were receiving good wages according to their capacity, and I consider that they were fairly well paid; also that they were perfectly satisfied.

That is what you understood?—Yes.

We have been told that there was no detailed account ever rendered to you of the various payments made by Cooper to the employes. That is so, I suppose?—I think so; although I know Cooper had a pay-sheet.

Did you ever inspect the pay-sheet?—I cannot say I did.

From that time up to the present what do you say was the average per man employed by Cooper—£2 5s per week?—I am not prepared to enter into these details. It is a matter of detail.

Have you been at any time posted with that detail?—Certainly, at different periods.

Do you know what the proportion of boys to men was?—A fair proportion. I do not know exactly. Besides the word "boys" is so very elastic.

His Honour—Of course. Mr. Jellicoe, many of your questions suggest that there is a charge of sweating made against Archbishop Redwood. The Association has not made that, and it is not relevant. We are now considering whether the proprietor conducted it on the sweating system that is not in issue here.

Mr. Jellicoe—The witness in his examination-in-chief said he was perfectly acquainted with the details.

A discussion ensued as to who was responsible for the sweating, if it really existed. Mr. Jellicoe contended that the charge of sweating was really the only complaint made by the Association. If the sweating did not exist there was no foundation for writing the letter. If the sweating did exist, there was a foundation for the letter.

The other side had contended that by innuendo Evison was accused of the sweating, which was denied by defendants.

His Honour said he was only anxious [*unclear*: to] save time. A good deal of the examination did not touch Evison at all, but the proprietor of the paper. Mr. Jellicoe had been a long time at the bar, and he thought that he would respect his (the Judge's) ruling.

Cross-examination continued—I will refer to the letter of 28th September, The first paragraph runs as follows:—

*"Your Grace,—We have the honour, on behalf of the Wellington Branch of the New Zealand Typographical Association, to make a final request that you will receive a deputation from this body in regard to the Catholic Times office, which, we are given to understand, is conducted on the sweating system, inasmuch as a certain sum of money is paid weekly to the manager or overseer, who is permitted to appropriate to his own use and benefit such amount as represents the difference between the sum received and that paid in wages to his subordi nates."*

I understand you to say that a certain sum of money has been paid weekly to Cooper, and that Cooper appropriated the difference between the amount paid and the amount received?—I admit that, but deny that that is sweating.

I did not ask your opinion. Is that a fact?

His Honour—Of course that is so.

When they attribute the fact to wilful conceal ment, how can you say that that applies to Evison. The letter does not say that you were kept in wilful ignorance by Evison or by any body?—They say there that Evison has kept me in ignorance of that fact.

I ask you to show that to me. Why do you say Evison?—Because they knew very well that Evison refused to receive the deputation, and the whole of the context alludes to that.

Was it Evison who received the weekly sum?—It was Evison who received the weekly sum and handed it to Cooper. There is no distinction between the overseer and the manager.

It was your hand that paid the money to Evison, and then Evison paid it over to Cooper?

It was Cooper, in fact, who was paid the weekly sum referred to in the letter. Was that not so?—Yes, that was so; but I say the whole letter is against the overseer, and Evison is the overseer. The person who received the sum of money weekly is Evison, and he is charged with appropriating that money. The letter does not say Cooper but the manager or overseer, and therefore Evison, not Cooper, is charged. That is distinctly stated.

You say the person who retained the difference between £14 8s and the money paid to the subordi nates was Cooper?—That has nothing to do with the letter. It is Mr. Evison who is referred to.

Can you give me the slightest idea, from information in your possession of the average number of boys employed by Cooper and paid out of this money?—As I have said already my memory does not furnish me with these details.

His Honour—There is only one question I wish to put. The evidence says that the money was paid to Evison. You are also aware that Cooper's hands distributed the money among: the men. Would not the word "overseer" suit Cooper?—He is not the overseer; he is a mere printer.

With regard to wilful ignorance, I understand you to say that must refer to Evison, and that he must have kept back from you what was going on in the office. The other letter refers to a certain amount paid by the manager or overseer. You understand that that refers to Evison?—I look upon the words as synonymous. Evison was meant in both.

You say the term "overseer" applied to Evison?

Mr. Gully—It is quite consistent, because Evison was cognisant of the system.

His Honour—It would have been a different thing if the Association had published the letter in the newspapers.

Mr. Gully—You will understand that the letter was published to the Typographical Board. It is difficult to gauge the extent. It might have been published to a large class of people.

His Honour—The publication is admitted, I think.

Mr. Jellicoe—Only to the Archbishop.

His Honour—That would be less mischievous to Evison, than it would have been, had it been published in the newspapers of the colony.

Further cross-examined, witness said he did not know that the only person who employed compositors was Cooper. He knew now. He did not consider Cooper the overseer. Overseer and manager were synonymous terms—Mr. Evison was both. Never knew in detail what Cooper paid the men. Knew that he was making a low profit. Knew that Cooper was doing fairly well out of the jobbing, but was not making a good thing out of it at all. Did not know if any of the compositors were Roman Catholics—there might be some. The office was competing with other offices in jobbing. Considered it right for the office to undercut other offices in jobbing,

providing the wages were fair; every business man tried to undercut his neighbour fairly and honestly. Could not see the inference that injury would be done to the whole trade, if other offices were brought down to the level of the *Catholic Times* office. Evison was appointed to advocate Home Rule and State aid to Catholic schools, not to have superintendence over the religious part of the paper. The sub-editor and himself looked after religious matter. An attack on Freethinkers would be a religious matter for him to see to. Mr. Ballance and Sir Robert Stout were criticised as politicians, not as Freethinkers. A pastoral was an official letter written by a Bishop to his flock. Thought he had seen copies of the *Rationalist*.

Mr. Gully—Are we going to have that matter dished up again?

Mr. Jellicoe—You may call it dishing up if you like.

Argument ensued as to the relevancy of questions relating to matters antecedent to Evison's employment on the *Catholic Times*, at the conclusion of which his Honour said he could rule against Mr. Jellicoe under the circumstances, but the matters connected with the *Rationalist* were for the moral sense of the jury.

Mr. Jellicoe (to witness)—Will you kindly look at the *Rationalist* of 6th June?

Witness—Am I obliged to look at this?

His Honour—I do not think you are. Surely, Mr. Jellicoe, you will not question that.

Mr. Jellicoe—Very well, your Honour. To witness—You heard some extracts read from the *Rationalist* yesterday. Did you hear the letter signed "Ivo" read?—I do not see what that has to do with the matter.

Assuming the writer of that letter to Bishop Luck and the writer of other matter from which extracts were read yesterday to be now editor of a religious paper, would you consider it a degradation to be referred to him?—I cannot make an assumption of that kind. I am not entitled to assume that it is the same person.

You are entitled to assume that it is the same person when he says he is responsible for the letters signed "Ivo," to say nothing about the fact that he was conducting the paper. Would you consider it a degradation to be referred to the writer of the two letters to Bishop Luck?

Mr. Gully—Is it not necessary to take into consideration the circumstances under which they were written?

His Honour—Of course the question is too vague. No note is taken of the time which has elapsed and possible change of mind. It applies to a past state of things, and you ought to let the witness know to what state of things you refer.

Mr. Jellicoe—My friend said that Evison's connection with the *Catholic Times* did not involve a change in his views.

Mr. Gully—I object to my friend putting words into my mouth I did not use.

His Honour—Mr. Evison said yesterday that he had changed his views with regard to the propaganda, but nothing as to his theological views.

After further argument, cross-examination proceeded.

Having regard to the decency exhibited in the publication of these matters, would you consider it an honour, in 1891, to be referred to the writer?—I should neither consider it an honour nor a dishonour. The position is all changed. He may have changed in five or six years. A man is not a humbug for having changed his views.

Evison told us yesterday that it was thought necessary to reply to the attack made upon Freethinkers by Bishop Luck. I ask you if the Bishop of Auckland referred to Freethinkers, including the conductors of the *Rationalist*, as the froth and scum of society, would you have reason to differ from him?—I would not take my opinion from the Bishop of Auckland; I should form my own opinion on it.

Supposing you were referred to a person whom Bishop Luck included among the froth and scum of Auckland, would you consider it a degradation?—I do not see that that is relevant. I would not like to endorse any statement without knowing the circumstances. Some Freethinkers are men of respectability from a worldly point of view. Otherwise our Premier and other colonial lights would be very small indeed.

There is a paragraph in the *Rationalist* I should like you to look at. Will you look at it?—Not unless I am obliged to do so.

Mr. Jellicoe (to His Honour)—I am asking him to look at a libellous part of the letter. I consider it grossly libellous, and I ask your Honour to allow the witness to give his opinion.

Witness—I am willing to give my opinion, but that is not fit reading. I will read it if your Honour obliges me.

His Honour—I do not think I can. I do not think the question is relevant. If the Arch bishop objects to reading such stuff, I do not think I can compel him.

Mr. Jellicoe—Very well, your Honour. (To witness)—Having had your attention called to some of the writings in the *Rationalist* edited by Evison, do you consider him a fit and proper person to edit the *Catholic Times*?

Mr. Gully—Now.

Mr. Jellicoe—Now.

Mr. Gully—How can that be relevant?

Mr. Jellicoe—I ask his Honour to rule.

Mr. Gully—The proper question is whether he thought at the time he was a fit and proper person. My friend may have persuaded the witness now by all this vilification.

His Honour—It comes in this way: The character of Evison is assailed by these officers. If he is not a fit person to edit the *Catholic Times* he is not a fit person to refer the Typographical Society to.

Mr. Gully—I do not object.

Mr. Jellicoe—I may ask the question?

His Honour—Yes.

Mr. Jellicoe (to witness)—Having regard to the extract a from the *rationalist* read yesterday, are you of opinion that the writer of some of these and the publisher of others is a fit and proper person to edit the *Catholic Times*?—If you asked me if that paper was a fit publication I should say no, but if you say the publisher after years when he had ceased the propaganda and had changed on certain points, I think he is.

Mr. Gully—You say he is. I wish your Honour to take the answer.

Re-examined by Mr. Gully—Apart from the insinuations contained in the second letter of September, have you ever heard a word against Mr. Evison?—No; I have not.

Frederick Stephen Cooper, printer of the *Catholic Times*, examined, said:—After the paper was taken from Messrs. Lyou and Blair, in 1888, an arrangement was made with him by the late Mr. Bunny to print and publish the paper for £14 a week. The sum had since been increased to £14 8s, on account of the wrapper being addressed, for which he had to employ a boy at 8s per week. Did not seek to lower the wages of the men when the change took place; £2 per week was paid to the men with the exception of one, M'Alister, who received £2 5s.

Mr. Jellicoe—Did you keep a pay-sheet?—No, I only got the money for about an hour, I received it on Saturday morning, and paid it [*unclear: at*] about half-past twelve. I do not see what [*unclear: I*] wanted a pay-sheet for.

By Mr. Gully—The wages were the same in 1890, except where casual hands were brought in. Did not reduce any of the hands so as [*unclear: to*] make an unholy profit. An increase was made in 1891 to M'Morin, Dungan, and Knewstub to [*unclear: £1*] 10s; Power, £1 10s; Halpin, £1 2s 6d; [*unclear: Drisool*]; 15s; Coogan, 10s; and two boys at 10s and 8s Was able to make an increase because the jobbing increased. The £14 8s covered wages and salary. Made charges and was paid so much for jobbing work. There was very little jobbing at the start, but it gradually increased. Made about £1 per week from jobbing, bringing his own wages up to about £4. The men were not dissatisfied or they would not have stopped three years. If they had had cause for complaint they would have seen Mr. Evison. The man was about 22 years or so, single, and had been eight or ten years at the trade. Never had any communication with Archbishop Redwood. Never shared any money with Evison, and he never applied for it. Evison knew how much witness was making out of the arrangement. Had been twenty years at the trade, and had taken Buperkt positions on three different occasions.

Cross-examined—I suppose you know what other offices pay as the minimum rate?—Which office do you refer to? Tell me as to the *New Zealand Times*.

I shall ask you what I please—"I am not going to be bounced, Mr. Jellicoe.

His Honour—I will stop counsel if he goes too far.

Mr. Jellicoe—Do you know that last year, at all events, every office in town was paying a minimum rate of £3 per week to journeying compositors?—No; I do not know.

Did you make any enquiry?—I must say that the *Evening Post* paid £3 a week. Why should I make any enquiry? I never recognised the Typographical Association.

Further cross-examined, witness said he knew that Society offices paid 10s a day, but the *Catholic Times* office was never a Society office and was not, being a religious paper, considered a good paying concern. The office did not undercut because it had not got the plant to do it. Had employed a man named Finucane at 32s 6d per week in 1891. He was a journeyman, but had never received £3 a week before he worked for witness. Would not be surprised to learn that Finucane was being paid Society rates at the *New Zealand Times*. Had paid a compositor named Castle, who was now getting 1s per thousand lines (Society rates), 30s a week, but he had finished his term of apprenticeship with witness. That was this year. Did not cease to employ him because he wanted Society rates, but because there was no more work for him. Would swear that. Did not know if he had taken anybody on in Castle's place; perhaps he had taken on Driscoll at a lower rate. Was a practical printer and fixed his own rate of charges. Did not know the scale of prices in other offices. Was not going to lose customers by a fixed tariff.

Re-examined—Would not allow a man to dictate to him in the matter of wages; if he was not satisfied would tell him to go. Castle got work on the *New Zealand Times* through witness, after qualifying himself at the *Catholic Times* office. Paid him 30s per week of 43 hours. Believed men in the Government Printing Office

during the recess did not make more than £2 5s or £2 10s, and they were paid la Id per thousand. Witness described the system under which men and boys were paid in other offices in town, and was reminded by Mr. Jellicoe that a little while before he had stated that he knew nothing about the other offices, as it was no concern of his.

John Rutherford Blair, stationer and printer, examined by Mr. Gray as to the general meaning of the alleged libellous letters, said if he had had such letters written to him about his manager, he should consider there was something very considerably wrong in his management calculated to destroy his (witness') confidence in him as a servant. Had not seen the letters before. If the Society considered they could not communicate with a manager, he should think they would state that with a view to getting him removed from his office, because if he was unfit to be communicated with by the Society, he was I unfit to be communicated with by anybody else. If the Typographical Association made the allegation that they were unable to communicate with the manager, it was a very serious position for anybody carrying on a printing business to be placed in. It would be difficult to say what the effect would be when there were so many trade society troubles. If his own manager were placed in that position, would feel the difficulty very much indeed, as it might lead to a breach with the Society, or to the discharge of his manager. Thought one or the other would be the result. Had had a great deal to do with the *Catholic Times*, and knew a great deal about it. Considered the references to manager or overseer meant Evison. The charge of sweating was a very serious charge to make. Messrs. Eyre and Spottiswoode, at Home, had resented it very bitterly. Could scarcely say that the system in the *Catholic Times* was sweating, as he (witness) had had something to do with it. The late Mr. Bunny consulted witness about the best way to get the paper out, and he (witness) made suggestions which might have led to the present arrangement. Considered it was a desirable arrangement at the time, and thought so still. Could see nothing improper in the arrangement, and saw very good reasons for it. Considered that the reference to his Grace being kept in wilful ignorance of the system of alleged sweating meant that Evison concealed it from him, so that he might derive some advantage from it. Could not see any other reason for making the charge.

Cross-examined—Was manager of his own business, but had two other managers. The man in charge of his composing room was called the foreman. Did not know that he ever called him the overseer. Overseer and foreman were convertible terms. Always addressed the man in charge of his composing room as foreman, in documents and otherwise. Had printed the *Catholic Times* for Archbishop Redwood at one time, and sold him the plant for printing it elsewhere. Cooper went from witness' office with the paper. Believed he recommended Mr. Bunny to make the arrangement with Cooper. Did not think it was because they wanted the paper to pay, so much as to overcome a difficulty about the adjustment of accounts between Mr. Bunny and the Archbishop. Witness was interested in the plant. He saw good reasons for the arrangement, because the Archbishop was not in trade, and was frequently from home, and it was desirable that he should know his limit of expenses. Knew some newspapers to be as good a sink for money as one could find. Thought the *Catholic Times* had a very good chance of paying. Would certainly not consider the system of sub-contracting, where a man employed whom he liked, and at what rates he liked, a good one for his (witness') business, because he was on the spot. Did not see that the Archbishop could do otherwise. Would not approve of sub-letting a newspaper to an individual under the conditions on which he (witness) carried on his business. If he were in the position of Archbishop Redwood he would probably like to make a similar arrangement as that existing with the *Catholic Times*, to rid himself of the trouble and worry. Understood that the letters conveyed a direct charge of sweating. Had not given the letters a careful perusal, but was giving his opinion to the best of his ability under the circumstances. There were degrees of sweating, but the general opinion formed by the public on reading the letters would be that a charge of sweating was conveyed. The degree was not distinguished. If he were asked if he believed in sweating he would say distinctly that he did not. Did not consider the system in the *Catholic Times* office conducive to the welfare of the men altogether. His own establishment was carried on under Society rules, and he paid Society rates. The minimum for journeymen compositors was £3. It would depend very much on the work he was engaged on whether a man was underpaid at £2 or £2 10s a week. Of course it would be a less wage than the minimum, but the work on the *Catholic Times* was plain, straightforward work, not skilled work. Skilled work would be thrown away on the *Catholic Times*. Did not think that office could do the same class of job printing as his establishment, as it had not the plant. The work done there was not of any consequence. He knew all about it. He knew that they could afford to turn out work at less than his office, but he could afford to let them. They did not interfere with the trade of the town. They had a special trade of their own, which he probably would not get if he did it for nothing. Their paying less for their labour had not the slightest influence. As to their lower charges resulting in other offices having to reduce the cost of labour down to the level of the *Catholic Times*, so far as his experience went he did not think the influence went one way or the other. Did not think that it followed that he agreed with underpaying men. He had said that the office was paying below the minimum rate.

Mr. Gully (to Mr. Jellicoe)—Are you not going to ask the question whether the witness considers the

*Catholic Times* is underpaying the men?

Mr. Jellicoe—I am conducting my own cross-examination, Mr. Gully.

Further cross-examined, Witness said he had not strained the natural meaning when he gave his opinion about the inference to be drawn from the Society refusing to communicate with Evison. The serious charge came in where the Union refused to hold further communication with Evison. If the Secretary wrote the letter, it was in accordance with instructions from the Society.

His Honour thought there was a difference between making a serious charge against a person and saying one would not hold communication with him. It was very serious for a person in an official position for others to say "We will not have anything to do with you." That was an announcement of their will and pleasure. It was a serious injury to him, but it was not a charge against him. It might be a wanton injury, but a Society had a right to say it would not communicate with any person. It might be very despotic, but it was not a charge. The classics told them that Aristides was banished because he was too virtuous, too good for those he lived amongst.

Witness considered it a very serious business for the Typographical Association to refuse to hold communication with Evison, as it might have resulted in him losing his employment, and if he lost his position he perhaps would not get another in N.Z. Witness never knew Evison as "Ivo." Had been brought into connection with him as editor and manager of the *Catholic Times*, and that was all he knew about him. His opinion of the last paragraph of the letter was based upon knowing nothing about him. Had heard the plaintiff's evidence the day before only partly.

A long argument ensued as to whether witness should be asked questions concerning evidence previously given concerning Mr. Evison's ante cedents, with a view to elicit an opinion as to the justification of the officers of the Typographical Association in writing the last paragraph. His Honour thought it was one of those points on which the jury would form their own opinion. Finally the questions were allowed.

Mr. Jellicoe—Well, supposing the manager of the *Catholic Times* to be "Ivo," and the writer of some of the matter you heard read yesterday, would you consider it to be degrading a person to ask him to deal with him or to have any business connection with him?—If "Ivo" had written these letters in January and had changed to the *Catholic Times* in February, I would think it a disgraceful proceeding—I mean as these things are looked upon. With regard to the *Rationalist* and other religious papers, there is generally very little to choose between them.

His Honour—You sold both, I suppose?—No, I sold neither of them.

Mr. Jellicoe—But that is not an answer to my question, Mr. Blair; it is only a way of getting out of it?—I have not known anything of Evison. I know nothing as to his change of opinions I think the circumstances disgraceful, but they occurred five or six years ago, and I do not think they have anything to do with him now.

I have asked you whether you would consider it to be degrading to be referred to "Ivo," as the writer of some of the matter you heard read yesterday?—Some of the matter I heard read yesterday was stupid, silly, and that sort of thing.

Indecent?—Some of it was indecent.

Would you consider it disgraceful to be referred to the writer?—Not particularly.

Do you think it likely that some people would take another view of it?—Certainly.

Re-examined—You can conceive other people taking an extreme view on the subject?—Yes.

You have been asked about the sweating system and said it was not a desirable one. You have heard of the system in the *Catholic Times*. Do you say that that was an undesirable thing?—I do not think that was the case. As far as I know I do not think there was any attempt at sweating.

Nor still?—No.

Mr. Gully—That is the case, your Honour. The whole of the letters which have been read are put in.

Mr. Jellicoe formally applied for a nonsuit, on the ground, first, that the words charged in the claim as defamatory were not capable in law of the meaning imputed to them in the innuendo. If the words were not capable of the alleged defamatory meaning there was nothing to go to the jury.

After argument, his Honour decided to let the case go to the jury, taking a note of the application for a nonsuit on the grounds stated.

Addressing the jury, Mr. Jellicoe said that he agreed with his learned friend that workmen had no right to abuse the power which combination gave them, but he thought they would find from the facts of this case that instead of the Typographical Association misusing the power vested in them by reason of combination, they had acted in a manner commendable in every sense of the word. The masters, as was known, had combined in connection with what was termed the Master Printers' Association, and the employes had combined in connection with what was called the Typographical Association, and from what was known of the history of the two Associations a great deal of good had been done by their operation. The Typographical Association, in the year 1890, became aware that what they conceived was an improper system had been adopted in the *Catholic*

*Times* office—a system which struck at the very root, not only of the rate of wages current in the town, but at the rate of remuneration for work done by the employers. They became aware that under the very nose of the *Evening Post*, which was a Union office run on Union lines, was an office where the wages were reduced, at all events, to the extent of 15s a week, and possibly they came to the conclusion that here was a newspaper run in the interests of a particular branch of the community which, if it paid a proper remuneration to its employe's, could not live a single day, with the result that this office competed with every other office in Wellington for jobbing work and otherwise, and in that competition was able to under-cut all with regard to the tariff. They knew that other employers could not continue to pay the current rate of wages long under such circumstances, and that the result would be that the minimum rates would be brought down to the level of the *Catholic Times*, which could not exist an hour if it paid the proper wages. The Court had been told by Mr. Blair that a newspaper was a capital sink to put money into. Well, the proprietors were anxious to steer clear of that sink as far as possible. They were desirous that the paper should pay its way, and they had endeavoured to make it pay its way by underpaying their employe's. The result was that the workmen in other offices were likely to suffer because these people desired to run a journal of their own. They had heard what took place in 1890, when a deputation waited upon Mr. Evison. He (counsel) did not know what the jury thought about that interview, but he imagined they would set between the lines that the deputation was not likely to be deceived by what was said by Evison. He (counsel) asked them to look at the very first of the shorthand writer's notes. Evison the day before would have had the jury believe that: nothing had been said about "farming," but he (counsel) would direct their attention to what occurred when the President asked Evison to explain the system on which the office was worked. Evison replied, that "they had not come to cross-examine him. He made no admission," &c. That would indicate how the deputation had been received. They (the jury) would see by that report what kind of a man was in communication with the Typographical Association. Having found out what they heard at that interview, the deputation knew that if an arrangement could not be effected, wages might be brought down and a strike caused in the printing trade. Could it be said that the Association were acting unfairly when they conceived that the arrangement between Cooper and the proprietor, Archbishop Redwood, was what was called one step in that system which had been denounced by every civilized country in the world as "sweating?" Said the Archbishop, in his interpretation of "sweating," "it is the middle man who has been struck at in every country of the world." It was the middleman or sub-contractor who should be wiped off the face of the earth. Well, here was a middleman or sub-contractor who was producing a weekly paper for a sum of £14 8s, and was at liberty to employ what labour he pleased, at what rates he chose, and to exercise his own discretion as to whether he employed men or boys. The way in which he exercised his discretion was shown by what Cooper himself said. He said a man named Castle was serving out his time, and on the expiration of his time was entitled to £3 per week. At the time he left he was in receipt of 30s a week, and, said Cooper, when he went away to work as a journeyman compositor on the *New Zealand Times* I put up Driscoll, and advanced his wages to 15s a week. The jury could see the grave evil likely to result from such a system. If a middleman received £14 8s a week they might be quite certain that he would endeavour to make as much as he could for himself out of it. Leaving the employment of men to such a man might lead to great abuse if he was an unfair man. He (counsel) did not suggest that Cooper was an unfair man. He made no suggestion, but still the charge was open to any man unfair, and the Typographical Association, representing a portion of the printing trade, came to the conclusion that to place such discretion in Cooper's hands was unfair, in proper, and prejudicial to the interests both of compositors and employers. What did they do? The jury had heard the result of the interview the previous day from the shorthand writer's notes. Did Evison give them any reason for refusing to join the Association? Did he give them any information about the system on which the journal was printed and published? The shorthand writer's notes gave no information upon which the Association could act. The notes showed conclusively that he did not refuse to join the Association, or to pay his men the same rates as those paid by other employers in town. He said, "I will put this matter before my proprietor. It may be necessary that we should see you again and perhaps we may come to terms." They would hear that Evison sent round a copy of the *Catholic Times* and marked what he desired an estimate for, and they (the jury) would hear afterwards that Evison in no way received the deputation with the decency and respect which members of a body like the Typographical Association were entitled to receive. Finally, on the 1st September, Evison replied that they had determined not to join the Association, that existing arrangements would not allow them, but that they would consider the whole position early in the following year. Here the matter ended until the strike which occurred shortly after, and which, the jury would be aware, the Typographical Association deprecated and did their best to bring to a close, when the editor of the *Catholic Times*, who was so thin-skinned as to complain of these two letters, made a very unfair, certainly a vindictive and bitter attack, upon one of the deputation who previously waited upon him. They had heard the article read, and they had seen the manner in which Evison hit out against anyone who stood in his way, whom he disagreed with, or thought he had a right to criticise. The new year came, and Evison said the Association never communicated with him, and he determined in his own

mind to tell them to go to Halifax if they liked. But it had to be borne in mind that the Association, like other bodies in the town, was governed by a Council and Board of Management, and it was changed from time to time in its individuality. That was to say, the members of the Board of 1891 were not necessarily the same members as those of the previous year. Nothing had been said about the possibility of the new Board taking a different view of Evison's management of the paper. In May, the Archbishop was approached by the new Board, and his Grace was very fair and honourable in his reply, to the effect that he should be obliged by their giving definite information, and then he hoped to comply with their request. That was the attitude the Archbishop took up on the 19th May. It might fairly be assumed from this that the Archbishop considered the request a reasonable one, and was prepared to meet it in a fair spirit. But the gentleman who had refused to be examined in the previous year came upon the scene. Said Evison—"I wrote the day following [notwithstanding that the Archbishop hoped to comply with the request] to Henrichs, the Secretary, that I was instructed by his Grace to state that the management of the *Catholic Times* was entirely entrusted to the Manager, and his Grace sees no reason to interfere." The jury might wonder why the Archbishop had changed his front in so short a time, but the answer was supplied by Evison, who said he found the Association had communicated with the Archbishop, and he did not like them going behind his back. The jury could easily infer the rest. He probably persuaded the Archbishop, or the Archbishop was, perhaps, prepared to yield, that the best thing to do was to say that the *Catholic Times* was left to the management of Evison, that he (the Archbishop) refused to have anything to do with the Association, and that they had better go direct to Evison on that occasion. Later on, the Association again attempted to induce his Grace to grant them an interview, and said that they then made a final request. Then followed the letters which the jury were asked to say constituted the libel, and here they might consider the circumstances under which Evison brought the action. At the first blush of the thing he came to the conclusion that the only answer that could be sent to the Typographical Association must be sent through his solicitors. The Association were entitled in all courtesy to receive an answer from His Grace, and it must strike one as curious that it was considered that the only answer must be sent through Evison's solicitors. They had in this connection to remember how Evison had behaved when he said that he refused to be cross-examined by the deputation. He (counsel) suggested that Evison saw in these letters damages. He went to a lawyer and action was taken. It was for the jury and his Honour to determine whether Evison was to go forth to the world with a character—for that was what it amounted to—which they might not think he was entitled to, and £600 in damages. Coming to the first letter, for which £300 was asked, the jury would have to distinguish it from the second in their findings and say whether it was libellous, and if so, what damages plaintiff was entitled to recover in respect of it. The Association might have thought that if they could not get the Archbishop to come to reason they were entitled to appeal to the bar of public opinion, and all knew that sometimes public opinion was a tribunal which adjusted very serious grievances and wrongs. However, no appeal was made, and the jury need not trouble themselves about that. What was relied upon by the other aide was the statement by the Secretary—"I have also to inform your Grace that the members of the Board decline under any circumstances to communicate with or recognise in any way the present manager of the *Catholic Times*." The jury had to bear in mind that the £300 could only be claimed against Henrichs for this letter, not against the Association. Supposing that they (the jury) had been members of the Board, Would they not consider themselves quite justified in saying that they declined to enter into communication with Evison, or anybody else? Was it to be said that because they declined to communicate with him (counsel) or his learned friend, either were entitled to bring an action claiming £300 damages, and because they so declined that therefore they assumed that he or his learned friend was not fit for his position or employment? How many of them were not in the habit of taking likes and dislikes and preferring to communicate with one man in preference to another? Take a case. Suppose one of their number was referred to him (counsel). Might he not say, "I do not like Jellicoe; refer me to some one else." Because he said that was it to be suggested that he (counsel) would be entitled to say, "Here's £300 sticking out of this. I will bring an action and ask the jury to decide." It was said by Mr. Blair that the letter meant that if a man was not a fit person to communicate with the Typographical Association, he was not a fit person for the proprietor of the *Catholic Times* to have anything to do with. From their experience of the world, the jury would know that when they wanted to transact business with employers of labour, they tried to get to the fountain head, and if they had a complaint to make they were treated with courtesy. If they went lower down to the manager they got scantness, and if they were referred to a subordinate they were sometimes told to go to—he (counsel) would not say where. That was the kind of thing which had to be considered when people sought to have grievances redressed, and he considered the Board had a right to say that they would communicate with whom they pleased. He then came to the second letter. That was the other £300. "We have the honour, on behalf of the Wellington Branch of the Typographical Association"—therefore the jury might assume that the Secretary and President were acting as the mouthpieces of the Board, not on their own responsibility,—to make a final request that you will receive a deputation from this body in regard to the *Catholic Times* office, which, we are given to understand, is conducted on the



sweating system." There was no charge of sweating. There were various degrees of sweating, and there must be so until the system of employing middlemen or sub-contractors was altogether abolished. It was the system to which they called attention, and they said that they were "given to understand" the *Catholic Times* was conducted on that system. Then they sought to justify the statement—"Inasmuch as a certain sum of money is paid weekly to the manager or overseer, who is permitted to appropriate to his own use and benefit such amount as represents the difference between the sum received and that paid in wages to his subordinates." They might have been right or they might have been wrong in assuming that the *Catholic Times* was conducted on the sweating system, but they left no doubt about the meaning they conveyed to the Archbishop as to the system of which they complained. They said, "You pay a certain sum weekly to your manager or overseer. He receives the money and pays what he pleases, and any difference over and above what he pays he puts into his pocket." When the jury read the second paragraph they found their meaning made perfectly clear. "Your Grace will doubtless recognise the serious evils of such a system when we point out that as a consequence the maximum wage paid to a journeyman compositor in that office is £2 5s per week, as against the minimum of £3 paid by other employers, and that an excessive number of boys is employed to the detriment of capable men who have families to support, and who are resident in the city." Then they raised a question which involved the other employers in town, the question of charges and wages paid to other compositors in the different offices in town. They struck, no doubt, at one of the evils of which they complained. He (counsel) would ask the jury to bear in mind who was the person who received the £ 14 8s—the person to whom the deputation were referring in the interview of the previous year—Mr. Cooper. They might call him what they liked, printer or overseer, but he was the person who employed the labour of the men whose wages the Archbishop was asked to reconsider, and whether the Association called him manager or overseer, he was the person referred to, and no one else. For the purposes of this action, they were asked to believe that it was Evison who was referred to, but it was the middleman or sub-contractor who was alluded to, and whose system the Archbishop was asked to reconsider. Then they went on to say: "This condition of things is so utterly opposed to the precepts laid down in the recent Encyclical of his Holiness the Pope, as also to the utterances of Cardinal Moran on the Labour question, that we are tempted to attribute"—they made no charge, they say they are tempted to attribute" your previous refusals to receive a deputation to the fact that you have been wilfully kept [unclear: in] ignorance of the above." Where is the suggestion that his Grace the Archbishop had been wilfully kept in ignorance of a condition of things which the Archbishop swore that he knew existed? They were entitled to assume it. If the *Catholic Times* was carried on under a system which was practically condemned by his Holiness the Pope, and practically condemned by the utterances of Cardinal Moran, then anybody of men would naturally assume that the Archbishop of Wellington, who was the representative of the Pope, and was to some extent bound by the utterances of Cardinal Moran, must be ignorant of such a condition of things if such a condition of things existed. The other side construed the meaning of this to be that Thornton and Henrichs accused Evison of refusing to disclose to the Archbishop the state of things referred to. Where was the evidence of this, that he refused to disclose anything to the Archbishop? Evison had said if he thought anything wrong was going on, he would have communicated with the Archbishop. Mr. Cooper was master of his own affairs; therefore, it was ridiculous to say that Evison was the person aimed at. It was the printing of the paper, and that only, which was complained of—what went on in the composing room alone. Another interpretation sought to be put upon it was this: If the jury could not say that the words meant that Evison had distinctly concealed from his employer information connected with the business, then they ought to say that they meant that Evison had wilfully deceived his employer in matters connected with the business, and that he was guilty of concealment with the object of improperly and dishonestly making a profit out of the funds supplied to him for the purpose of carrying on the business. Where was the evidence to support that, that Evison had wilfully deceived his employer and that he was making a profit out of the funds supplied to him for carrying on the business? Why, the money was never paid to him for his own use. He received the money for Cooper, the middleman or sub-contractor, and Cooper alone had to deal with the profits and employ whom he thought fit. He (counsel) thought he would be insulting the common sense of the jury if he suggested that there was anything in either the letters or the innuendo leading them to give damages. He then came to the concluding words of the paragraph—"We humbly beg to assure you that in making this request we are actuated by no other motive than a desire to obtain a fair day's wage for a fair day's work, and that our request is preferred entirely in a conciliatory spirit." The jury would be able to judge of the conduct of the Archbishop—and he (counsel) would say that in his Grace's presence—in not deigning to send a personal reply. The honour of a personal reply, that was all the Typographical Association asked. "We trust your Grace will favourably consider our request and honour us with a personal reply, as hitherto our communications have been referred to the manager of the *Catholic Times* (an individual who at different times has conducted a Freethought journal, lectured upon a Freethought platform, and ultimately accepted the management of a religious paper) a degradation which we humbly submit we have done nothing to deserve." All true! Facts not only true in themselves, but known by the

Archbishop to be true at the time that he referred the Typographical Association, for the third or fourth time, to Evison, from whom no reasonable explanation had been received. That being so, the Association said, We have been referred to the manager over and over again. He is an individual such as we describe—describe truthfully; it is a degradation to be referred to him—a degradation which, we humbly submit, we have done nothing to deserve. What had they done to deserve the treatment they received at the hands of the Arch bishop? They were referred to an individual who, counsel suggested, to put it mildly, was a humbug, who had been connected with a number of people in Auckland—Freethinkers unworthy the name—who had banded themselves together for the purpose of publishing the scurrilous rubbish read the previous day, men whom a Bishop of the Church of Home referred to as the froth and scum of society. He (counsel) said that when the Typographical Association were referred to a man like that, when they were refused a personal interview, and were referred to a man whom the Bishop of Auckland included among the froth and scum of society, they were entitled to say it was a degradation which they did not deserve. Well, it was this individual, this man "Ivo," who was referred to in the last paragraph of the letter—a man who, only a few years ago, could only write in the language of the paragraphs which the jury had looked at the previous day. When an important section of the community who respected sacred things, and had a perfect right to respect sacred things, were referred to such an individual, they might consider, and fairly consider, that such a reference was degrading to them. There were other people—as he had observed to his Honour in arguing the question of law—who might not consider it degrading from a business point of view to have anything to say to such a person; but when that person was found expressing his opinions in the manner which his Honour had described as indecent and dreadful, and reviling in the most scurrilous language not only the Church he now upheld in the publication of which he was manager and editor; when they found him attacking in the vilest language ever used on earth the Christian religion and everything that was beautiful in that religion, and referring to the priests of the Roman Catholic Church as sensual and vile; when they found him attacking State aid to schools which he now supported, and referring to the children as hoodlums; when they found him dealing with such matters, whether he referred to the Roman Catholic Church or to the Church of Bishop Hadfield, in the most abominable language—language for which they would be justified in trying him for blasphemy—he (counsel) said if they tolerated such a state of things they would bring a curse upon themselves and upon the colony. So long as they disregarded sacred things and encouraged people to revile them, they could not be surprised if crime followed. The jury had been told that the plaintiff was not an Atheist, but he (counsel) asked them to look at one of the paragraphs of the papers produced. His Honour had said yesterday, and the jury would say he was right, that the editor of this paper, "Ivo," must be held responsible for the matter which he allowed to appear in it. He referred the jury to the paragraph relating to Bishop Hadfield.

Mr. Gully objected. "Ivo" had not accepted responsibility except inferentially.

Mr. Jellicoe said plaintiff had accepted responsibility for the matter under the head "Mixed Spice," although he said the matter was supplied,

Mr. Gully said it had not been proved that "Ivo" wrote this article, and he asked his Honour to rule whether it could be treated as it was now.

Mr. Jellicoe said the paper was edited and conducted by "Ivo." The whole of the paragraphs had not been read to the jury, but they had been put in as evidence. He submitted that he could have put the whole of the papers in without asking a single question. He could simply have asked him about the lot.

His Honour—I do not know whether I can rule against it. Whether it is fair or not is another question.

Mr. Jellicoe—That is so, your Honour.

His Honour—I cannot say that editorial responsibility is destroyed. As I said yesterday, if he continued to edit a paper written up by a syndicate, whatever discredit it attaches to the paper attaches to him.

Continuing, Mr. Jellicoe referred to the paragraph concerning Bishop Hadfield, which contained the words:—" We do not deny God so long as the word God represents nothing to us." If they found a man controlling a paper like that, if they found a man writing such scurrilous letters to the Bishop of Auckland in 1885, and afterwards found him conducting a paper in this town, whether on behalf of the Wesleyans, the Plymouth Brethren, the Roman Catholics, or any other denomination, would they not come to the conclusion that he was a humbug? And if a man was a humbug, although he might otherwise be of estimable character, would they not think it of the utmost importance to them whether they should be referred to such a man? That was all the Typographical Association had done. Evison had brought the Association into Court; he had challenged them to say what his character was, and the jury were asked to give him damages—damages to a man who, a few years ago, himself was guilty of the most blasphemous libels—to give him damages forsooth because someone had said they would rather not have any communication with him! He (counsel) did not propose to say any more at that stage, because he would have to call before them witnesses who would explain the reasons for the existence of the Typographical Association and its objects, and the reasons for the signing of the two letters by the President and Secretary respectively, addressed to Archbishop Redwood; and he

thought the jury would agree with him when the evidence was before them that everything that could be done was done by the Association, who were to be commended for the action they had taken throughout their negotiations with the *Catholic Times*. He would only add this, that if Mr. Evison, by bringing himself into Court, had disclosed himself as "Ivo," the responsibility for that must rest entirely upon himself.

William Peter McGirr, printer, employed at the Government Printing Office, examined by Mr. Jellicoe, said at one time he was employed at Messrs. Lyou and Blair's. Mr. Tepper was in charge of the composing room then, and was called the overseer. In the trade an overseer was the man who took on and discharged hands. Sometimes the manager also had that power. In the Government Printing Office the overseers could not discharge hands, but in private offices that duty was generally left to the overseer. Was a member of the Typographical Association in 1890, and had always been since he was a journeyman. The Board of Management of the Wellington Branch was constituted by the President, Vice-President, two Trustees, the Secretary, three members from the Association, and representatives from each office. The Association was a voluntary one, and was not incorporated by law. Was President of the Branch in 1890, when the Secretary was instructed to write to the *Catholic Times* office requesting an interview, with the object of getting the office made a Society office. Was one of three (Henrichs, D P. Fisher, and himself) who waited on Evison in July, 1890. Had no idea that a shorthand writer was present taking notes. Saw a young man present and asked who he was, and was told by Evison that he was merely doing his work. Spoke under the impression that no notes were being taken. The notes as read were pretty well accurate. Evison seemed amicable, and the result of the interview was that Evison said he would go into the matter. There was another interview afterwards, and during the interval an estimate for producing the paper was sent to Evison. Believed the amount was £16, or £2 more per week than it was then costing. Evison said the difference was neither here nor there, and that he had no objection to working the office on Society lines if that was all the difference. He then said he would consult with his employer and give an answer later on. Before the deputation left they spoke about Cooper and his employes, and said they could be admitted to the Society if they had served their apprenticeships. If any had wilfully betrayed their fellowmen, for their own benefit, they would have to be dealt with by the Board. The office would be allowed to keep its bound apprentices. Said that they had no intention of asking him to discharge Cooper, as he had sole control of the printing department. Evison said he would consult Cooper. Believed Evison gave some information about the number of men and boys employed, but was not sure, also that Cooper received £14 odd with which to pay the hands. Evison promised to give an answer some time the next week. The disastrous strike took place shortly after, and the Union did not trouble further about the matter until early the following year. The second interview took place somewhere about October. Fisher was a member of the Typographical Association then, but resigned when appointed Secretary to the Trades and Labour Council. Had not seen the criticism on Fisher in the *Catholic Times* until it was referred to yesterday. The next step taken was an instruction by the Board of 1890 to the incoming Board of 1891 not to lose sight of the business connected with getting the *Catholic Times* into the Union, as the Master Printers' Association wished the Typographical Association to do something, as the *Catholic Times* people were undercutting and competing unfairly. Witness was not on the new Board, and had had nothing to do with it since the middle of June. They were anxious about getting the *Catholic Times* worked on Society lines, because they heard that Evison had betrayed the Master Printers' Association. Heard that from the [unclear: mas] in the street. Understood sweating to mean subcontracting where a man contracted to do work on which he employed men at less than recognised rates. That was called "farming" or sweating in the printing trade.

### Third Day.

Examination of W. P. McGirr continued: The incoming Board of 1891 received instruction from the outgoing Board to re-open negotiations with the *Catholic Times* office.

At this stage argument ensued as to the relation of the two Boards, which was settled by Mr. Gully admitting that the two were a continuous body.

Cross-examined by Mr. Gully, witness said he was not on the Board when the two letters of September were sent to the Archbishop, but he knew they were sent. The members of the Association generally did not necessarily know, but the outgoing Board would. The letters were suggested by the outgoing Board, because it was thought that the Archbishop did not know that the men in the office were sweated. The Board were anxious that the men should work under the Society rules. That might have involved the discharge of some of the boys or men that had not served their time. If men had been working there at the time they would have been permitted by all means to join the Society, as the object was to foster the interests of the men not to drive them away. The Society fined men if they had done anything to injure their fellows. Candidates for membership were examined as in a court of justice before they were admitted to the Society.

His Honour said they were not trying trades unionism.

Argument ensued as to the question of privileges raised by Mr. Jellicoe at an earlier stage of the case. His Honour wished to give his decision as the point then, but Mr. Jellicoe said he was not prepared to ask for it to be dealt with until his Honour had heard the evidence he would call in support of the plea.

Cross-examination continued—Did not consider the term sweating harmless in any sense whatever. It certainly carried something discreditable with it. Sweating was sub-contracting where the sub-contractor asked a man to work for less than he ought to do. If there were no Association there certainly could be sweating. No man was allowed to "farm" by the Association. When a man worked under a sub contract for less than the recognised rate of wages he was sweated by the sub-contractor. Did not know anything about bricklayers. Finucane was entitled to and had been getting £3 a week and went to work for 32s 6d. That was sweating.

Re-examined—Admitted certainly that there were degrees of sweating. If the thin end of the wedge were inserted the minimum rate of pay would go down and down.

His Honour—What do you say is your authority?—Our Association has a book of rules, and we recognise, with the employers in the city, that a journeyman belonging to our Association is worth 10s a day, or £3 a week, and any man employed as a sub-contractor—like Cooper—who pays a man less, is considered to be sweating,

His Honour—Your answer comes to this:—Your Association has fixed a rate of wages which has been accepted by the master printers in the city?—There have often been meetings of the master printers, and they say they would not expect a journeyman printer to work for less than 10s a day.

His Honour—It is not a matter of the fixing of wages by the employe?—No; the rate is fixed with the consent of the master printers.

Mr. Jellicoe—If there were no Printers' Association the wages would be fixed by the market rate?—Yes; it would be fixed by the employer, and if he paid the usual rate we should call him an unselfish employer.

You know that the letters were to be sent?—

Yes.

Were you present at the meeting when the letters were decided on?—No; but it was under my instructions. I was dealing with the *Catholic Times* during my term of office, and I said the Archbishop was not cognisant of the sweating. We thought that if he knew he would not condescend to it, and that if it were pointed out to him he would immediately stop it. We wrote the letter believing that he would stop it. I believed that the Archbishop would not allow the sweating unless he was kept in ignorance of it.

Robert Thomson, member of the firm of Brown, Thomson & Co., printers, &c, said his firm belonged to the Master Printers' Association. The person in charge of the composing room was called foreman or overseer, which meant one and the same thing. The man Finucane served his time with witness' firm, and his time was up about January last—He was then a journeyman, and was entitled to the usual rate of wages, £3 a week. If he worked at the *Catholic Times* office for 32s 6d a week, witness would say he was simply giving that office the benefit of his experience. Finucane was a very fair tradesman indeed. Had not thought very much about the term "sweating," but if a journeyman compositor had to work for 32s 6d, would call that sweating, as the term was usually employed. Knew that Finucane had to support a widowed mother and sisters. Was present at the meeting of the Master Printers' Association when Evison joined. Believed Evison was supplied with a copy of the tariff, and left the Association a day or two after. The Master Printers were governed as far as practical by the tariff. Did not think the *Catholic Times* interfered with the trade to any great extent, as that office did very little jobbing. That office did undercut, because it employed so many boys, and he had heard customers say they could get their work done cheaper there. Paid Finucane £3 a week for five or six weeks.

John Rigg, printer, employed at the Government Printing Office, said he had been a member of the Typographical Association for 13 years, and was a member of the Board of Management for this year. Had had no personal communication with Evison. Finucane made an application to the Board to be admitted to the Association, and lodged a complaint in reference to the *Catholic Times* office, the result of which was that he was admitted, or re-admitted, to the Union, and a Committee was appointed to draw up a letter to Archbishop Redwood, requesting him to grant the Board an interview. Witness was a member of that Committee, together with the President (Thornton), the Vice-President (Vaney), and the Secretary (Henrichs). Had previously seen copies of the *Rationalist*, but did not subscribe to it. Knew the paper was edited by a man who went by the name of "Ivo." When the Committee was set up, knew that Evison managed the *Catholic Times*. Had never heard "Ivo" lecture, but had seen his advertisements. In settling the form of the letters, the career of "Ivo" was discussed. The Committee had power to send the letters, but they were afterwards submitted to the Board. Personally, Evison was a perfect stranger to him, and any opinion he formed of him was formed on his knowledge of the *Rationalist* and Evison's previous career. The reference to sweating in the letters was based on Finucane's statements to the Board. The reference to the weekly sum paid to the manager or overseer referred to Cooper principally. There was a doubt as to who received the money; therefore the term manager or overseer was used, meaning one or the other. Attention was called really to the sweating system. The references

to the precepts of his Holiness the Pope and the utterances of Cardinal Moran were put in because it was understood that both condemned the sweating system. The reference to the Archbishop being kept in wilful ignorance explained itself. The Board could not believe the Archbishop was aware of the facts, and therefore they said they were "tempted to believe" that the matter had been kept from him.

Why did you consider it a degradation to be referred to Evison?—There were two reasons: We considered the Archbishop did degrade us in a certain sense by referring us to an inferior. The other reason was that I considered it a degradation to be referred to any man who, in my opinion, was a religious adventurer—a man who would sell his religious belief for the purpose of making money by it. It is a considerable degradation to be referred to a man who would sell his belief to the highest bidder.

Then in referring to the Freethought journal, you were referring to the *Rationalist*?—Yes.

And the scurrilous stuff published in the *Rationalist*?—Yes.

Mr. Gully—Let him answer. Don't put it into his mouth.

Examination continued—How long have you been at the trade?—Nineteen years, I think; perhaps a little over.

What capacity did you consider, when you wrote that letter, that Cooper held in the *Catholic Times* office?—He was the overseer.

Why do you say that?—Because those are his duties.

Is a person performing Cooper's duties in other printing offices in town termed the overseer?—Yes.

You say amongst compositors—Mr. Gully—I say my friend should let the witness answer.

Mr. Jellicoe—Have you heard the person in charge of the composing room called anything else among compositors?—No.

What is the minimum rate of wages in town paid to compositors?—In Wellington, £3.

Supposing Finucane had served his time, was a journeyman compositor who had been in receipt of £3 a week, and was obliged to take 32s 6d a week, what would you say to that?—I would say he was being robbed of the value of his labour.

What term would you call it in the trade?—It is sweating.

What do you understand by sweating?—Generally, sweating means working for less than the recognised rate of wages. A man can sweat his own labour. In the next place, as we have had it stated in Court, a sub-contractor, where a man takes work at a price and employs labour to make the cost fit in with the amount received. It does not follow that he makes a profit himself; he might be content to only make a wage. If he employs men at less than the recognised rate of wages, he sweats them.

His Honour—And himself, too?—Yes, probably. The worst phase of sweating is where advantage is taken of the necessities of the worker. For instance, where the workman is told by the sweater either to accept what he offers or starve, the man might be compelled to yield. That is the worst phase of sweating.

Mr. Jellicoe—Suppose Finucane was out of work, and was compelled to accept what was offered or starve, and could only get 32s 6d to support his widowed mother and sisters, that would be the worst phase of sweating?—Yes.

What do you consider boys?—A boy is an apprentice or person who has not served the recognised term of apprenticeship.

Was there any expression of ill-will to Evison when the letters were brought up by the Secretary?—No, certainly not.

As far as you are concerned he was a stranger to you?—Yes.

By Mr. Gully—After the letters were sent they were submitted to the Board, who adopted them. Had taken no part in previous negotiations. The charge in the letters was formulated against the office, not against Evison. Took action on Finucane's statement in connection with inquiries made with regard to the farming, from members of the past Board. Considered the two in conjunction sufficient, without seeing Evison or anybody else. Considered it a degradation to communicate with him on the two grounds previously stated. Looked upon it as a degradation to be referred to an inferior, when the Board were desirous of having an interview with the Archbishop, who had been written to in most respectful terms.

You think it a degradation to be referred to anything less than an Archbishop?—I do not subscribe to that.

Your second reason was that you considered Evison a religious hypocrite, and that it was a degradation to communicate with him at all?—I told you that I thought he was a religious adventurer.

That is what you meant in this clause of the letter?—I say that was one reason for writing that part of the letter which appears within parentheses.

That he sold his religious principles to the highest bidder?—That was my opinion.

What right had you to jump to such a conclusion as that?—The same right as every man has to form an opinion.

And to publish it?—To publish it if he thinks it necessary as his opinion.

You made no inquiry—you did not try to ascertain whether Evison was prostituting his views?—I made no inquiry.

You formed your own opinion?—Yes.

You heard the Archbishop state yesterday the true position of matters between Evison and himself?—I think I heard the Archbishop say that Evison was not required to write up the dogmas of the Church.

Does that alter your opinion about Evison being a religious adventurer?—No, it does not. I hold that as editor he is responsible for what appears in the paper. If what appears in a paper is scurrilous, I hold that the editor is responsible.

You still consider that Evison is a religious adventurer, although you have been told that none of the views which really represent the dogmas of the Church come from him in any shape or form?—Let me make myself clear. I consider that a gentleman who has conducted a Freethought journal, lectured on a Freethought platform, and then conducts a religious journal, is a religious adventurer.

You say that in spite of everything?—I say that in spite of everything.

Although the publication of the Freethought journal under his reign dates back six years, that makes no difference?—None whatever.

You are a very charitable person?—I claim to be as charitable as most men.

You assume that no man has a right to modify his views during a period of six years?—A man has every right to change his views. I could give many instances where Freethinkers have changed. But when a man changes his views and takes up a position where it pays, I should judge him accordingly.

Further cross-examined, witness said he had seen several copies of the *Rationalist*, but had not studied or subscribed for it. Had looked at various portions not knowing what was written. Thought it was not fit for any respectable person to read. Did not know whether any extracts had been recently printed by anybody connected with the Association. Remembered the letter of Messrs. Campbell and Gray reaching the Board, and the instructions being given to defend the action. There was no threat to publish the correspondence with the Archbishop. Information was given of such intention because it was considered to be a duty to give him notice.

Mr. Gully—You threatened to publish their letters, and would have done so if the writ had not been served upon you?

Mr. Jellicoe submitted that it was not for witness to say what was intended. After argument his Honour said the question should not be pressed.

Asked by his Honour, witness said he believed Finucane was a member of the Union before he went to work at the *Catholic Times* office, and was re-admitted after explanation.

Edward Thornton, one of the defendants in the action, examined by Mr. Jellicoe, said he was a compositor in the employment of Messrs. Book & Cousins. He became President of the Wellington Branch of the Typographers' Association on 22nd August last, and was a member of the Board of Management. The evidence given in Court in connection with Finucane's statements to the Board were perfectly true. Had been in the printing trade since he was 11 years of age. The rate of wages for journeymen compositors throughout the year had been £3 per week. If a journeyman were paid 32s 6d per week, would decidedly say that that amounted to sweating.

His Honour—It seems that in your day they did employ boys?—Yes, I was a boy.

Mr. Jellicoe—We all have to make a be ginning.

His Honour—I suppose you began as a devil?

Witness—Yes, I suppose I was a devil them.

Mr. Jellicoe—A great many members of the Bar begin by devilling.

Mr. Gully—Yes, and some men never end it

Continuing his evidence, witness said the man in charge of the printing room was called the overseer, that was the term universally used in the trade. In consequence of Finucane's communication regarding the *Catholic Times* witness made inquiries from a member of the previous Board. A committee was set up, of which witness formed a member, to act in the matter. Up to that time had had no personal acquaintance with Evison. Had not the slightest ill-will towards him. Knew that he (Evison) had gone by the name of "Ivo." Had heard a good deal about his career in connection with the *Rationalist* and also as a lecturer. Understood that the *Rationalist* was a scurrilous publication. In drafting the letters, "Ivo's" previous career was discussed. Understood from what Finucane has said and from what he had heard from the previous Board that a certain amount of money was paid to the manager or overseer of the *Catholic Times* to bring out the paper. The reference to the overseer in the letter applied to Cooper. Did not say in the letter that the money was paid to Cooper, because there was a doubt as to how the money eventually got to Cooper's hands. The letter asked simply for an inquiry by the Archbishop. The clause in the letter stating that they were "tempted to attribute," Ac, was put in because from what he had read as to the sentiments contained in the Pope's Encyclical, and from what he had seen in the cable message as to Cardinal Moran's utterances, he thought the Archbishop must have been kept in ignorance

of the way in which the *Catholic Times* office was being conducted, so far as related to composers. Did not mean that Evison was wilfully concealing anything from the Archbishop—nothing of the kind. Could not place any such meaning on the letter. Considered it degrading for the Society to be referred to a person who had conducted a paper of the description of the *Rationalist*. That was his opinion still; he was perfectly honest in that opinion. They had had no desire to get Evison out of his employment; the matter was simply a personal one as concerned the Association.

Cross-examined, witness said he considered it really degrading to communicate with a man whom he believed was editing a religious paper under false colours. That had a great deal to do with him as a member of the Association, and with the Association itself. They objected to Evison's character, and wanted to avoid having anything to do with him. It might have been a matter of sentiment. The word "foreman" was used as well as "overseer" in printing offices, but the latter word was more frequently used. Had heard that there had been negotiations with the *Catholic Times* office previous to becoming a member of the Board in 1891.

J. W. Henrichs, the second defendant in the action, said he was a compositor employed by Messrs. Blundell Bros., of the *Evening Post*. Had been Secretary to the Board since March, 1890. Accompanied McGirr when the interview with Evison took place in July. Had not the slightest idea that a shorthand writer was taking notes at that interview. The evidence of McGirr as to the interviews was substantially correct. Formed one of the Committee, *ex officio*, to draft the letters referred to. Had no desire to injure Evison, and had no ill-will at all. Knew him as "Ivo" before he (witness) came to Wellington, seven or eight years ago, when Evison was lecturing in Wanganui. Knew also that he had conducted the *Rationalist*. Had seen portions of the *Rationalist* ridiculing the Scriptures. "Ivo's" career was mentioned when the letters were being discussed. Witness wrote the letters. In making the statement about the degradation, relied on what was known of Evison. It was considered a degradation by the Committee. Any personal aversion witness might have would have to be swallowed if the Committee thought it advisable to communicate with Evison. Witness would have preferred to have nothing to do with him. The standard rate of pay for composers was £3 per week. The man in charge of the composing room was known either as foreman or overseer. In witness's office Mr. Blundell had the supervision, but the man under him was called the overseer, the man who gave out the copy to the composers when Mr. Blundell was not present. Should say paying a journeyman anything under £3 would be sweating. Of course there were degrees of sweating. A man who only got £2 would be more sweated than a man who received £2 10s. Would say that Finucane, in working for 32s 6d a week, was being sweated, and that his employers were imposing on his inexperience. Finucane's inexperience arose from the fact that he had only been a few months out of his time. The reference to concealment in the letter certainly did not mean that Evison had improperly and dishonestly been making a profit out of the funds supplied to him. The full extent of the meaning was that a system was carried on which it was thought the Archbishop could not be cognisant of. It mattered little who was concealing the matter—in fact the committee did not know. They had no desire to get Evison out of his employment, nor did they care whether Evison or anybody else managed the *Catholic Times*. What difference could it make to them? The whole extent of the concluding paragraph of the second letter was that they did not care to have anything to do with Evison for reasons of their own.

Cross-examined, witness said the Committee had no intention of damaging Evison in any way in couching the letter, but a different construction had been placed upon it. If there was anything discreditable to Evison in the letter, it was not intended. Witness was a paid officer of the Board. With regard to the apparent inconsistency of the Board in holding communication with Evison the previous year and declining to do so this year, witness wished to state that the Board this year was differently constituted, and when the matter came before the new Board and it was found that he (witness) had written to Evison they disapproved of his action, and decided to have nothing to do with Evison. His (witness's) letter was the only one sent to Evison this year.

R. C. Harding, master printer, said he had been employed at Lyou & Blair's. His definition of sweating was that condition of things where an employer or manager or overseer relieved himself from the responsibility of the payment of wages. Instead of undertaking direct control, such a man paid a middleman a sum of money to take control and pay what wages he thought fit. A sweating office was one where the work was sublet. Sweating did not necessarily involve the payment of less than standard wages; it was where the work was left to the discretion of someone below the proprietor, who thus divested himself of responsibility. The results varied according to the men employed and the circumstances of the case. Had been in Court throughout the trial, and had heard explained the system on which the *Catholic Times* was worked. Considered that that office was correctly described as an office where the sweating system was carried on. The *Catholic Times* office would be described in the trade as a "rat office" in addition to being a sweating office. That meant that they were sweated rats. An overseer was necessarily a practical printer, who gave out the work and had the oversight of the office. The word foreman was synonymous. The word foreman was not the term used generally by printers; the term varied with different trades. Asked to give an opinion as to his interpretation of the letters, witness said that if there were a charge made against anybody it was against the Archbishop, who was primary

head of the office, and was therefore responsible. The next paragraph confirmed that view. The reference to the Encyclical and Cardinal Moran's utterances he should consider ironical. The Board had failed to get satisfaction from the Archbishop, and they practically said, "We shall publish to the world that you are, in defiance of your ecclesiastical superiors, conducting a paper on the sweating system." That was the interpretation witness put upon it. He did not see any attack, either direct or indirect, upon the manager. He knew "Ivo" as every other journalist in the colony knew him. Was in business in Napier when "Ivo" was lecturing there, but did not go to hear him. Heard of "Ivo's" connection with the *Rationalist*.

Mr. Jellicoe—Can you understand, any reasonable person thinking it a degradation to be referred to such a person?

Mr. Gully objected to the question being put.

His Honour thought it was one for the moral sense of the jury.

Plaintiff was recalled by the defence to give evidence with reference to what he had stated the previous day as to his connection with the *Rationalist*.

Mr. Gully objected. His connection with the *Rationalist* had been admitted. He objected to any further questions. It could not make the least difference whether Evison was proprietor of the paper.

His Honour said that was in his discretion. He wanted to know what Mr Jellicoe was going to ask the witness.

Mr. Jellicoe said he proposed to ask him whether he did not go (amongst others) to Mr. Stidolph to induce him to take shares in a syndicate for the purpose of bringing out the *Rationalist* in Wellington.

His Honour held that the question was irrelevant.

B. J. Finucane, a journeyman compositor, said he had served his apprenticeship at Messrs. Brown and Thomson's, and afterwards received from them journeyman's wages. Was now employed at the *New Zealand Times* office at £ 3 a week. Had previously applied at the *Catholic Times* office for a job, and had received there 32s 6d a week. Was out of work before that. Circumstances at home made him go to that office for a job. His mother was not in good health, and his being out of work used to prey upon her mind. Was glad to get the job, because it was better than walking about doing nothing. Went on as a temporary hand and worked there about four months. Cooper afterwards got him a billet in the *N.Z. Times* office. Would not have gone to work at the *Catholic Times* office if there had not been trouble at home. Wanted more money from Cooper, but he said that that was all he could pay. Went to the office of his own free will because there was nothing better offering.

Robert Vaney, compositor in the *NZ Times* office, examined.

You were a member of the Committee which drew up the letters addressed to the Archbishop?—I was.

Are you a member of the Roman Catholic Church?—I am.

Did you agree with the letters that were written by the Committee?—Most decidedly I did.

Mr. Jellicoe said that was all the evidence he proposed to call. He asked his Honour to deal now with the plea of privilege, and also to say whether any other meaning could be put upon the alleged libel than that charged in the innuendo. Counsel quoted the second volume of the last edition of Roscoe, page 791, where it was laid down that the plaintiff must prove the innuendoes if traversed. The result of that argument was that where words were capable of two meanings, one innocent and the other libellous, the Judge must withdraw the matter from the jury unless the plaintiff gave evidence establishing the libellous meaning. With regard to the question of privilege, it was alleged that the defendants, as President and Secretary of an Association, had a duty to perform to the Association. It was further alleged that the Association had a duty to perform in protecting the interests and welfare of each member. Defendants alleged that they acted under a sense of duty, and if his Honour could see in the evidence reasons for the exercise of such a duty, then his Honour must rule that a *prima facie* case of privilege had been made out. Counsel quoted cases in point, and submitted that there was abundant evidence to show that defendants had a right in the interests of the Association to inform Archbishop Redwood of certain facts which were conceived by the Association to involve a serious evil, with a view of having the evil remedied.

His Honour said if the Association had only informed the Archbishop of facts they would not want privilege at all. Privilege was only wanted where matters stated were not facts.

Mr. Jellicoe cited cases to show that he was not so limited. He claimed that defendants performed their duty in the interests of society, and that the occasion was a privileged one.

After further argument,

His Honour said he had no hesitation in saying that the Association did not stand in any such definite relation to the Archbishop as to make the communication a privileged one. The Association was a voluntary body upon which no duty was imposed of interfering with the relations of employer and employed in cases where, at all events, the employe was not a member of their own body, Finucane was not a member of their body, but he did not know whether that would make any difference. He was perfectly clear that it was not a privileged occasion, therefore the defendants must justify the truth of this statements. With regard to the other



point, the Association had a perfect right to say with whom they would not communicate. The case of Henty, quoted by Mr. Jellicoe, made that clear. In that case the issue of instructions by a company to all its branches not to accept the paper of a certain bank was very prejudicial to the bank, but the firm was quite within its rights. Similarly though the Association's refusal to communicate with Evison might be very prejudicial to him, it had a right to take that attitude if it saw fit.

Mr. Jellicoe, addressing the jury, said they were now coming to the close of this unfortunate case, and he for one regretted that it had occupied so long; but he thought they would come to tie conclusion, notwithstanding the length of time occupied, that good work had been done, not only by the defendants, whom he represented, bringing before the Archbishop the state of things which existed in the heart of the city, but by his friend bringing before a class jury—because they knew that in the year 1891 special juries were supposed to be connected with capital more than labour—case which affected labour generally and the Typographical Association in particular, which would give them (the jury) an opportunity of showing that they at least were prepared to deal fairly by labour when labour dealt fairly with capital, as in this case, by endeavouring to [unclear: protect] both the interests of those employed and the capitalists who employed them. The witnesses called on behalf of the defence would, he suggested, compare very favourably with those on behalf of the plaintiff. He would ask them to consider for a moment the manner in which the witnesses on the other side had given their evidence. None of the witnesses for the defendant! had attempted to conceal or veil anything. [unclear: Thornton] and Henrichs, he thought they would say were a credit to labour when they were foal giving evidence in that Court so fairly that [unclear: is] might be said they were giving it against themselves. On the other hand, could it be said that the plaintiff's witnesses were disinterested? Mr. Evison was asking for a character which would free him from the discredit attached to his connection with the *Rationalist* and his public [unclear: les]turing in New Zealand. He was also [unclear: interested] in point of pocket, because naturally he did not want to lose the action. That might involve the loss of his situation—he was not sure of this however, because if the Archbishop before this action thought him a fit and proper person to conduct the *Catholic Times*, there was no reason why he should not continue to conduct [unclear: their] journal. Therefore the plaintiff was interested in point of character and in point of pocket. The Archbishop was also interested—he said it with the greatest possible respect for his Grace—because he was the proprietor of the *Catholic Times*, and could not help feeling deeply interested in the charge referred to in the letters considered to be libellous. Said his Grace—"I considered the letters grossly libellous and impertinent. That part of the letter referring to the precepts laid down by the Pope and the utterances of Cardinal Moran would suggest that I had been violating them by allowing sweating in my office," and he further said, "I considered it indirectly fit charge against myself." When he was interested directly in the *Catholic Times* and the system under which it was worked, and was asked to consider and condemn it, and allowed it to continue in spite of the protests of the Typographical Association addressed to him from one year's end to another, when he refused to receive a deputation from that body for the purpose of considering the request—a request couched in perfectly polite and courteous language—then in fact he was condemning himself as the proprietor of that journal. Therefore he (counsel) said the Archbishop—with the greatest possible respect to him—was so far interested that he desired to secure at the hands of the jury a verdict in favour of Evison. And he was interested from another point of view. He was interested—and he was bound to tell them that he was interested—because he and his Church had left the conduct of a sectarian paper to the editorial conduct of such a person as the man who had been disclosed to the jury as "Ivo." Therefore he (counsel) suggested that Archbishop Redwood was an interested witness. Was Cooper disinterested in the verdict which they were asked to pronounce? How did he receive the cross-examination first addressed to him on behalf of the defendants? He disclosed himself as a hostile witness; and why hostile? Because he had no reason to desire a change in the system on which the paper was conducted, in which they saw abuse, and which he was anxious to continue to the detriment of the men employed in other offices, to the detriment of the trade, and for his own benefit. The only other witness called on behalf of the plaintiff was Mr. Blair, a candid friend whom they all respected. He (counsel) did not know what class of spectacles he saw through, but they were spectacles which no other man could understand. He could not understand how any man breathing could bring himself to see in the letters what Mr. Blair saw unless he had been led away by his own strong will or feeling. Therefore he suggested that Mr. Blair was not altogether disinterested, but was interested in the strong views he held. After all, what did it matter what Mr. Blair or anyone else thought about the letters? The jury did not want Mr. Blair or Mr. Wigglesworth—a gentleman whom he (counsel) had called to give the same kind of evidence on behalf of the defence but did not examine—to say what they thought about the letters. It was for the jury and his Honour to say what interpretation the letters bore, and he (counsel) was quite content to accept at the hands of a class jury in Wellington—even from those representing capital more than labour—a fair and honest interpretation of the two letters which had been written. Evison had said that the letters contained a charge of sweating against himself. That was a statement not supported by his learned friend. The defence said that the charge of sweating

could in no sense be attributed to him because he never was the authority concerned in the employment of labour in the *Catholic Times* office. It was the manager or overseer—the middleman, in fact—who was referred to; it was the abuse brought about by the middleman that the Association aimed at; and the charge itself, if it were anything more than a representation by the Association of something which they had heard and were anxious for the Archbishop to consider, was levelled against the office and the system adopted there. He (counsel) regretted exceedingly that his Honour had ruled the day before in such a manner that he (counsel) was prevented from roving out of the mouth of the Archbishop the sweating system in operation in the office, for that ruling prevented him from proving that the complaint was directed against the office, against the proprietor himself, perhaps, but not against Evison. He (counsel) had suggested the day before, and he now repeated it, that without sweating it was not possible to produce the *Catholic Times* and carry it on as a newspaper. If that paper had to be kept alive it could only be kept alive by the sweating of labour. If that were a fact—and if they went into the figures they would find it was—then in the interests of the printing trade, in the interests of capital, and in the interests of the public, that paper should cease to exist. If a paper could not be carried on by paying fair wages to those employed in its production, without undercutting the trade and bringing down the tariff of the Master printers and the wages of other compositors to the level which the proprietors of such a paper chose to recognise, he said the sooner it was swept off the face of the earth the better. Let them look at the figures for a moment. Cooper in 1891 received £14 8s for farming the paper. He paid thereout £12 10s 6d, retaining the difference for himself, and that difference, plus about £2 a week for jobbing, was, he said, the average of profits he derived as the overseer. Out of the £ 12 10s 6d he disbursed, he said he had to pay three men £2 10s a week each. The market rate for these three men in town would be £9 a week. The wages of the other employés would have brought the expenses up to £14 6s a week if a fair rate had been given to these men, but deducting his own profit, Cooper had only £12 10s 6d with which to meet these expenses. He (counsel) said that if a paper could only afford to pay £12 10s 6d to meet legitimate expenses amounting to £14 6s, the sooner it shut up the better. If they took the previous year they would find things even worse, because there was less jobbing done, and consequently less profit to go towards payment of Cooper's salary. Deducting his own salary he would have about £ 11. If he had paid three compositors fair and honest wages he would have been left with £2 to discharge other wages amounting to £5 6s; so that during the whole of last year and six months of the present the office would have been in a state at bankruptcy if it had not sweated the labour for the purpose of carrying on the paper. The jury knew that if they desired to run a news paper they must put their hands into their pockets to subscribe the money. He therefore suggested that the reason the bargain was made with Cooper was that the paper should be carried on at the expense of labour and with a view as far as possible to avoid the necessity of his Grace the Archbishop putting his hand into his pocket to contribute towards the loss. When the jury came to consider their verdict it was necessary to regard the light in which the letters were written by the Association. The plaintiff during 1885 and 1886 had admittedly, to put it mildly, displayed offensive levity and applied indecent expressions to sacred persons and sacred books. His design therefore was to occasion that mischief to morality which tended to destroy it. His intention was to insult those who believed in God and to cast abuse and ridicule upon the doctrines of those who believed in God, to cast abuse upon their religion and to bring the various forms of worship into disgraceful contempt. He attacked Christianity in his writings and in his lectures. He said, "In my lectures I promulgated the same opinions which I published to the world when I conducted the *Rationalist*." Now, if that was so he (counsel) would be entitled to tell them that if they went back as far as Blackstone, when the laws were not so elastic as they were at present, the law recognised morality. "Morality," said Blackstone, "is weakened by irreligion and is overthrown by infidelity." He (counsel) said morality was necessary to society. Bishop Luck had thought fit to issue a pastoral warning the people of Auckland against men whom he fitly described as the scum of society, and the scum of society, according to the Bishop, included the man "Ivo," and they now knew who that man was. He (counsel) said it was a libel on what was called open Freethought, and on Free thinkers as a sect, to connect them with such a trio as the syndicate of the *Rationalist*. No one but the scum of society, whether in Auckland or anywhere else, could write such detestable filth as that contained in the two letters addressed to Bishop Luck, and signed "Ivo." He (counsel) was content to rely upon those two letters and no more; but if they looked at the other matter and saw how the plaintiff had attacked other churches could they not see that a very grave abuse and a very grave evil had existed in Auckland in those days? Let them imagine young men being induced to listen to that sort of thing—the reviling of Christianity and indecent attacks on the Scriptures. What must have been the result? Had not Society been injured—gravely injured by that man? Yet that man now, Archbishop Redwood had said, in spite of what Bishop Luck knew to the contrary, was a fit and proper person to edit and manage the *Catholic Times*! Well, he might be. Judging from the papers to which he (counsel) had referred the previous day (counsel held up a copy of the *Catholic Times*) he might be a fit and proper person to conduct it. Still, there it was; the Archbishop had accepted him as a fit and proper person, and he must be deemed a fit and proper person by the jury and in the eyes of Roman Catholics. But although the Archbishop took exception to Bishop Luck's

pastoral—for it came to that—when the Bishop was warning the people of Auckland against the scum of society, the jury were entitled to ask whether there was reason or justification for that exception. Where was the reason for suggesting that Evison had changed? Had there been any evidence to suggest that he had abandoned his own opinions? Did Archbishop Redwood say so? No! He said this, and this only, "He was only required to advocate two principles—Home Rule and State aid to Catholic Schools." It did not matter to them as a sect what his principles were. He might be, for all they cared then and may care now, the man "Ivo. So long as "Ivo" could be found to advocate Home Rule and State aid to Catholic schools he was a fit and proper person to conduct their journal. "But if what the Association say is true," said the Archbishop, "I could not retain plaintiff in my service." He swore it distinctly yesterday. Why, it was all admitted to be true! Although the Archbishop had declared there that he would not retain the man in his service any longer if true, it was admitted and proved to be true by the publications produced—in the publications, they must bear in mind, that his Grace shrank from looking at—the publications, let them remember, of his own editor! He absolutely shrank from them, and appealed to his Honour for protection! He refused to degrade himself by looking at the publications of the man who edited the *Catholic Times*; but although he refused to permit himself to suffer this degradation, he said, "It is impossible for the Association to consider it a degradation to have anything to do with 'Ivo' "Well, the matter was in the jury's hands. He asked them to review the letters, and he ventured to say as reasonable men they could not place upon them the defamatory meaning which his friend sought to put upon them in consideration of a very good pecuniary sum. He ventured to think the jury would hesitate a very long time before they would say that the Typographical Association or any other body, whether connected with capital or labour, were not free to exercise their own discretion with regard to persons with whom they would communicate. One word and he was done. Driscoll, they had been told, had been taken on at 15s a week to fill the place of one of the men discharged, who had been paid £2 5s. In 1891 Cooper had generously increased the men's wages to £2 10s, in consequence of the increase of jobbing; but he did not tell them that there was no overtime included in the extra sum. The jobbing must have involved overtime, and were they going to say that Cooper did not get a quid *pro quo* for what he gave them?

Mr. Gully objected to his friend telling the jury that there was nothing to show that overtime was not included. Forty-eight hours a week had been mentioned.

Mr. Jellicoe said 48 hours had been mentioned when the men were receiving £2 a week, not what they received the additional 10s.

Mr. Gully said his friend had been careful not to ask the question.

His Honour said he had not taken all the details of the money paid.

Mr. Jellicoe then referred to the case of Finucane. The office had taken advantage of his necessities, and was that not a fair instance of what his friend had said the previous day about grinding the faces of the poor? Here was a man who was absolutely compelled to take what labour was offered to him, because his mother and sisters depended upon him for their bread and butter. They were facing starvation, yet advantage was taken of the necessities of this man, who ought to have been paid, if not sweated, the minimum of £3 a week. He had to accept the hard bargain of 32s 6d, and after a short time, according to Cooper, because there was not sufficient work, was sent about his business, and Driscoll was given 15s to do the work. And yet, at this time, according to both Cooper and Evison, the jobbing was on the increase. What was that but sweating? He asked the jury to decide the case free from party influence. What his clients had done had been done in the interests of society. They had been trying to bring about, as far as possible, that peace and goodwill which ought to have been extended to them at the hands of the Catholic community.

Mr. Gully said the case had been pressed against! the plaintiff without scruple and without stint. Those who had instructed counsel on the other side had thought it necessary—reckless of relevance, and he might say regardless of decency—to press the case against him with one object, that was to show that he was a person of such a degraded character—so bad that the Association could not communicate with him, and so bad that he came within the meaning of Bishop Luck's expression that he was part of the scum of the community. How did they do that? By digging up the bones of a paper six years old, his friend playing the part of the gravedigger. On one of these papers was written, "This is all I can find," and those words seemed to him (counsel) significant. Far from being influenced by these Rationalistic writings, they had picked out the worst of them, and said he is responsible for everything that appears within the four corners. They had vilified his character in every possible way. In cross-examination his friend had flaunted these papers before the jury, he had read the worst one of the lot, and then suddenly discovered that he could not read any more without doing violence to his delicacy. That was one stage of the case to show that plaintiff I was a hypocrite, and they would have to consider whether the charge had been brought home. The jury must look at the surroundings which had led the Association to decline to communicate with the plaintiff. It had been suggested that all these papers had come from the pen of Evison, but in cross-examination he had told them that he was connected with the paper as editor, and was only one of a number responsible. Apart from the letter to Bishop Luck, which was a reply to an

attack on the Freethinkers of Auck land, nothing else had been brought home to Evison. Counsel then referred to the case of Bradlaugh and Foote, which had been mentioned by his friend the previous day, and contended that it was a very different thing for a man to be branded as an Atheist and to be accused simply of holding Freethought views. There was a wide distinction which he would leave the jury to decide. But why should that sort of thing be dragged in? If a man had picked a pocket five years ago, or had served a term in gaol for a bankruptcy offence, or any other form of vice, would it be proper, simply because he had been doing his duty, to malign him to his employer? They had no right to do that. They might use all legitimate arguments, but they had no right to attack a man's personal character and interfere with the relations between him and his employer. Was there to be no limit to the time in which a man's sins could be brought up in Court? How long was a man to live before he could live down an act of folly or misfortune, or even any thing else? They knew that a simple debt was barred after six years, and even in the case of felony committed ten years ago if they accused a man of it in writing or alleged it, although it might be perfectly true, they would be liable for damages. These were matters of common sense and common morality. Was not Archbishop Redwood right when he said that after a man had ceased the publication of a paper, or given up lecturing, he did not think it mattered much or unfitted him to occupy such a position as Evison occupied at the present time. He (counsel) did think it was a shame that all these things should be dragged up after they had been forgotten, and revived under altered conditions, for he (counsel) was prepared to believe plaintiff when he said the whole thing was an utter mistake.

Mr. Jellicoe—He said he was not ashamed.

Mr. Gully—He said he was not ashamed in this sense; that a man who gives vent to opinions which he thinks he ought to give vent to at the time, has no reason afterwards to be ashamed. He said he was ashamed of the method. Continuing, counsel said it was the bringing up of these things six years old to justify an allegation that a person was not fit to communicate with that he regarded as objectionable. He asked on which side was there the greater hypocrisy—was it on the side of the man who after years had so changed his views as to take part in a sectarian journal, or on the side of men who said it was a degradation to communicate with him because six years before he had been connected with a secular paper? Who was the humbug? He did not believe for a moment that defendants had been actuated by the consideration that they believed the plaintiff to be a religious adventurer. There must be great difficulty in believing that. He suggested it was not the reason, or they would have declined to communicate with him at all. In the first place, they did not know anything about these papers, and therefore could not refuse to communicate with Evison on account of his connection with papers of which they were ignorant.

Mr. Jellicoe said McGirr and other wit-nesses said distinctly they had seen the publications, and considered them scandalous.

Mr. Gully said they had seen the paper once or twice. None of them professed any sort of intimacy with the paper. How was it that, if they considered him an unfit person to communicate with, they had communicated with him for a period of twelve months? One of the defendants was at every interview, signed every letter, and was cognisant of all the negotiations which went on, and his letters showed whether he was in such a condition of mind that he declined to communicate with him. Why, at the beginning, the correspondence was perfectly polite and full of courtesy towards him, the man whom afterwards it was such a dreadful thing to communicate with. The interview of July wound up with a vote of thanks for his courtesy.

Mr. Jellicoe did not think this was fair. They did not know that the Board of Management of that year knew anything of the man's previous career.

His Honour—Henrichs said he had known him six or seven years.

Continuing, Mr. Gully asked if it was likely a man could conscientiously refuse to communicate with another after writing letters to him over a period of 12 months? That was Henriehs' position. Thornton had been on the previous Board. Did they suppose that he was not aware of the previous communications. Did they think these gentlemen were going to refuse to communicate with a proprietor on any matter because his manager held Freethought views? Mr. Rigg had said that it was a degradation to be referred to a subordinate. He considered it a degradation to be referred to anything less than an Archbishop. To his (counsel's) mind this Freethought cant made the defendant's case worse than before. Coming to the letters he asked the jury to read them together. He suggested that they contained three stings. First, that they made a charge of sweating; secondly, they made a charge that the proprietor had been kept in wilful ignorance; and third, that it was a degradation to communicate with plaintiff, either because he was a turncoat or generally because he was disreputable person. He did not care two straws about the statement that the *Catholic Times* paid a fixed sum to be distributed among the men. What he complained of and put as a test was the effect this would have had if it had been put into the public newspapers.

His Honour—I do not think that a fair test, as it did not appear in the public newspapers. The effect of the publication of these two letters to persons who knew nothing of the circumstances might have been more disastrous to Evison than the publication to the Archbishop.

Mr. Gully asked the jury to consider the effect these letters would have had on their minds if they had been in the position of the Archbishop, and were told that this person was carrying on their business on the sweating system, that they were kept in wilful ignorance, and that it was a degradation for the Association to communicate with them. That was the sting. He would take the three stings, as he did not wish to dissociate any part from the rest. First as to the sweating: they had had a train of witnesses in the box who had told them that there was no sweating at all, only a harmless system of sub-contracting. Let them take the case where a sub-contract was let to a bricklayer, who parcelled out the money he received to the men working on the contract. Would they call that sweating? What sweating really meant was where there was an abuse of sub-contracting, and it was only where there was an abuse that people had any right to characterise it as sweating. What an absurdity it was other wise! These young fellows might have had experience as printers, but they had had no business experience, and were going to abolish sub-contracting through their guilds. The jury must come to the conclusion that the system in the *Catholic Times* office was a perfectly harmless system of sub-contracting for business convenience, which did not in the least deserve to be characterised as sweating. Finucane was the person who complained to the Union, and without a word of enquiry, the latter jumped to a conclusion in a haphazard fashion.

Mr. Jellicoe—The witnesses said they did inquire.

Mr. Gully—Not at the *Catholic Times* office. Surely they ought to have made inquiry from men acquainted with the facts. They ought to have gone to Cooper or to Evison. In the case which had been held up to them, the young fellow was walking about doing nothing, and went to Cooper and asked for a job. Cooper did not want him as a regular hand, and offered him wages which he (Finucane) probably would not have accepted on a permanent billet. Surely Trades Unions must recognise that there should be some little latitude, some elasticity in their rules providing for a young man getting a job. Where was the tyranny in giving Finucane a job? The question could not be limited to sub contracting Defendants referred to the Encyclical of the Pope and the utterances of Cardinal Moran. These condemned sweating, but it was the sweating they had all heard of as existing in the Old Country. That was the kind of sweating referred to and condemned in these two propaganda. Neither the Pope nor the Cardinal was probably aware of the detailed management of the *Catholic Times* office. It was a general condemnation of what was known as sweating, containing these three elements:—First of all, longer hours than usual among the industrial classes; secondly, starvation wages; thirdly, the abuse of sanitary conditions. The third probably did not apply out here, but the other two did, and neither was present. His friend had said that if a man could not pay Union wages he must shut up shop. That meant that all the small concerns which could not go into the Union gates should be abolished altogether. The second sting was the reference to Archbishop Redwood being kept in wilful ignorance. That was plain English and a plain charge. Something had been said as to whether Cooper or Evison was meant, but he (counsel) did not think it mattered. His friend had said it applied to both, and therefore not to either. But if it was said that A or B had committed a theft how could it be said that both were not injured?

Mr. Jellicoe—I submit that that is unfair

His Honour—You must not interrupt and say it is unfair, Mr. Jellicoe. You have had your say, and cannot interrupt because you think the counsel is straining the evidence. His arguments may seem all unfair. If the evidence is mis stated the other side may interrupt, but if he is only misusing arguments you must not interrupt.

Mr. Gully, continuing, said if A or B were accused, both had a right to complain. It was absurd therefore to throw the whole responsibility on the overseer when the manager was blamed. Evison was the person aimed at; he was the person through whose hands the money percoated; he was the person who had direct control of the office. The third sting was the degradation. Defendants had shown by their own evidence that they considered it a real degradation to communicate with Evison; by their own words they had said repeatedly that he was a person of such a shameless character that they could not communicate with him. Counsel referred to the evidence, and asked the jury to consider whether the defendants had justified themselves or not.

His friend with execrable taste had referred to the Archbishop as an interested witness rendered unfair by his connection with the paper. To his (counsel s) mind the Archbishop seemed to give his evidence with absolute courtesy and without bias. The only fault was that he showed a little more charity in looking at things than those who were attacking Evison were disposed to court Coming to the question of damages, he said the first publication took place to Archbishop Redwood, but these statements were also published to the members of the Board, whose duty it was to know what was going on, and in considering the plea of justification set up they had to consider what had come into the light of day and become circulated throughout the length and breadth of the colony.

Mr. Jellicoe asked his Honour to take the jury's meaning as to the innuendoes.

His Honour said—Gentlemen of the Jury,—At this stage of the case you have been at so long and hard, it will not be necessary to detain you very long with my charge. Counsel in addressing you have themselves got rid of no small amount of the extraneous matter introduced on one aide and the other. Of course you will

understand you are not sitting there to try the merits of trade unionism, neither are you trying the merits of the system on which the *Catholic Times* is conducted. You are solely and purely asked to say whether the letters are defamatory of Mr. Evison, and if in your opinion they are defamatory then it is your duty to say what damages he is entitled to. I will hand to you the original letters to begin with. First of all is the covering letter, which I pass by, because its importance is only referential. It is only by reference to the other letters that it can have anything like a defamatory meaning. As regards the principal letter, it has been referred to as consisting of three paragraphs but in point of fact you will see there are four. I have marked the divisions as A, B, and C. The first two are the same subject matter, and the whole contain what Mr. Gully calls the three stings of the alleged libel. You will also have put into your hands the statement of claim with what are called the innuendoes, which are the interpretation which the plaintiff puts upon the different portions of the alleged libel. The plaintiff has sought to prove these innuendoes, and you may think some of them proved. On the other hand, you may think they, or some of them, stretch the meaning unduly of the clauses to which they are applied. You will be justified in giving him a verdict if you think any of these innuendoes are really made out, and if you are satisfied that the letter as so explained is really defamatory. The question as to whether the matter is libellous is for you to decide. It would be my duty to withdraw the documents if I say that they could not by any possibility be libellous. That is rarely done now, and it may be that they may have a defamatory meaning. You have to say. I do not say they have. I have to leave the case to you. Furthermore, independent of the innuendoes, if the natural meaning you would yourself extract from the several paragraphs of the letter is libellous in your opinion, you will also be justified in finding a verdict for the plaintiff, even if particular innuendoes are not proved, because plaintiff under the law may recover if the writing in its natural meaning is defamatory. Even if you should reject the whole interpretation, if you think that *per se* it is defamatory, that is good legal ground for a verdict. I have little to say after what has been said about the paragraph Paragraph 1—I shall call it A—is an imputation that a certain sum of money is paid weekly to the manager or overseer, that the men are paid what he chooses to pay them, and that he keeps the balance himself. That is termed what is [*unclear: it*] ordinary usage an opprobrious term, sweating, and plaintiff is, it is alleged, accused of sweating. Now the charge is, as Mr. Gully has pointed out, that the money was paid to the manager or overseer, and it is contended on the part of the defendants that Mr. Evison was neither the manager nor the overseer. Mr. Blair said he should have understood that the plaintiff was manager or overseer, but to me the most probable explanation of the term is that given by Mr. Rigg, whose statements are entitled to authority, and the President of the Association. Mr. Rigg puts it in this way: "To whom were you referring as manager or overseer?—I considered Cooper was the overseer. There was a doubt, and we said manager or overseer; either one or the other." As Mr. Rigg is a member of the Committee, I think that his interpretation is probable, and that the meaning in the letter was to refer to either one of two persons, for they did not know whether it was Evison or Cooper they desired to incriminate by making the accusation. But as Mr. Gully said and I think justly, even if put in the alternative it is defamatory. It may be said that A or B stole a pig, or did so and so. That is injurious to both A and B, and similarly any injurious or defamatory remark may be injurious to either of two persons charged. But there is a construction which has struck me throughout the trial, namely, that the imputation was not one likely to be injurious in a high degree to Evison, seeing that it was made to the Archbishop. Archbishop Bedwood actually knew the facts of the case; he knew perfectly well that if sweating was carried on in the office Evison was not responsible for it. Therefore it was not likely to hurt Evison very much to make a charge against him which the Archbishop must at once have been aware was an unfounded one. It is not a complete answer, but it would affect the amount of damages anyone would give for what is called sweating under the first head. You have to consider under this head whether there was anything anybody could consider sweating. That would come in incidentally. I am not going to say anything about that, because it was abundantly treated by the witnesses on both sides. With regard to the charge under the head B, that the Archbishop was kept in wilful ignorance of the state of things existing in the office, or the way in which his business was carried on, I may say of that, as I said of the other, that the statement was not likely to damage Evison with the Archbishop. Although it may be defamatory, at the same time it is not likely to damage him very much, because the Archbishop knows perfectly well that he was not kept in ignorance, but was perfectly well instructed as to what took place in the office, except that he did not know about the detailed expenditure of Cooper. Had the allegations been published in one of the news papers of the colony, it would have been different, but that does not apply at all. If they had been addressed to strangers who had not the means of knowing the actual truth, they were much more likely to be injurious. But I think there is a great deal in the evidence of Mr. Harding, that the whole of this passage is ironical, that the persons who wrote it had not the slightest idea that the Archbishop was kept in ignorance, but that it was a rhetorical device for throwing the Encyclical at the Archbishop's head and bringing it under his notice; that he must have known what was going on in the office, and that the system was condemned by his Holiness the Pope and Cardinal Moran. That may have been ironical. However, the plaintiff takes it literally, and says that it is an accusation against him of absolute concealment from the Archbishop, and inasmuch as it

would be his duty as manager to reveal the state of things to the proprietor of the paper if it existed in the office, the imputation of concealment is defamatory. Now we come to what seems to me the important part of the alleged defamatory libel, the reference to the manager to which so much allusion has been made, in which the writers treat it as a degradation to have communication with him. They say they feel degraded at being asked to communicate with such a man. I agree with Mr. Gully that the witnesses for the defence have put their own construction on that. It seems to me the true construction, and the construction which Mr. Jellicoe adopted as well as his clients, for several times yesterday he said he treated this concluding part of the letter as an imputation upon Evison as a humbug. It is more correctly implied in the word hypocrisy. It is in fact an imputation which the plaintiff suggested, and also that, as far as I can understand, which several witnesses for the defence themselves—he might say their own friends—endorsed. Mr. Rigg was very emphatic on this. He was asked, "Why do you consider it a degradation?—For two reasons. We consider the Archbishop degraded us by referring us to an inferior. The other reason was that it was a degradation to be referred to a religious adventurer—a man who would sell his religious belief to the highest bidder." And again, on cross-examination, the term "religious adventurer" is taken up by Mr. Gully, who asked if that is meant by the last paragraph in the letter, and the answer is that it is. Well, of course, there is no doubt that such an imputation as that is defamatory. It has been decided that an accusation of hypocrisy is libellous. There is a distinct decision on that. Now the only thing for you to say is whether these words are capable of that meaning. It is for you to consider whether that is a fair interpretation of the terms used in the concluding paragraph, whether that paragraph means that Evison was a hired advocate of religious opinions that he opposed. Now the facts stated are, as Mr. Jellicoe says, perfectly true. It is quite true that Evison at different times conducted a Freethought journal, lectured on a Freethought platform, and has accepted the management of a religious paper. That is all perfectly true; but when you read the whole sentence and find that these facts render it in the opinion of the defendants degrading to have communication with him, then you see where sting three comes in. It is not a mere assertion as to these three facts, but there is something behind involved in this assertion that it is a degradation to communicate with him. What that is it is your function to infer, and to give a verdict for plaintiff if you think the inference is a reasonable one. The facts stated do not bear out the charge of hypocrisy, because a man who has conducted a freethought journal may see the error of his ways, as Mr. Evison says, and may with the most thorough good conscience not only conduct a religious newspaper in the sense that Evison conducts this paper, but may advocate religious principles. Of course I need not cite instances of great converts—I am ashamed of bringing great names into a case like this—but they are very numerous. There is the saying, "The greater the sinner, the greater the saint." There is no doubt that may be so. Men of passion when they have turned the right way have been as noted for piety as they were before notable for impiety. The greatest doctor of the Latin Church—and he belonged to all of them—St. Augustine, is an instance, and there are many others. I merely mention this to show that a mere matter of change of opinion is not uncommon. What is it that gives the sting to this? Is it a sting? If you think there is a sting in it you may possibly think there underlies this an imputation of a hateful character, namely, hypocrisy, and a venal advocacy of religious ideas. As I have said, the covering letter adds nothing. The force, whatever force it has, is simply this. It expresses the result at which the Association had arrived of non-communication with this gentle man, and the alleged ground of that is expressed in the three paragraphs of the letter. In this part of the letter also it has occurred to me that it is not at all unlikely that this particular topic was referred to in the correspondence with the Archbishop as likely to be specially disagreeable to him. We have nothing to do with that. No doubt it was desired by the Association to get at the Archbishop, that Evison was considered a buffer to be pushed out of the way, and that at all costs they had to get face to face with the Archbishop, so as to succeed in their object—for which a great deal may be said—to put down the cheap publication of this paper. Of course, gentlemen, we have seen the witnesses for the defence, and they seem to me a remarkably intelligent set of young men. Their object in maintaining their professional position seems to me a laudable one in itself. The methods pursued may not always be so worthy of praise. But to maintain the respectable position of compositors seems to me to be a worthy object in which we are all interested, and all public men are interested in having intelligent, respectable men in that position. I should be very sorry to see them degraded, or their emoluments diminished, but we really have nothing to do with a topic like that. I think, gentlemen, I have said all I need say to guide you in this matter. It is not a matter of law, it is a case of libel, and the whole construction of these documents rests upon you. Anything I have said as to the meaning of the document is merely in the way of suggestion—it is for you to construe it, contrary to the usual rule, where documents are construed by the Court. But defamatory libel is an exception. Gentlemen, I think I have nothing to add for your guidance—you will look here at the statement of claim.

Mr. Jellicoe asked if his Honour had [unclear: let] the jury to decide whether the letters were [unclear: lib]lous *per se* or were capable of the innuendoes [unclear: paid] upon them. The question was involved in [unclear: the] points raised in support of a nonsuit. He [unclear: had] contended that they were not libellous [unclear: per ad] and were not capable of the construction [unclear: put] upon them.

His Honour said he had left the matter [unclear: to] the jury. If he had thought the writings [unclear: incapable] of a defamatory meaning it would have [unclear: been] unquestionably his duty to nonsuit. He did [unclear: not] reserve nonsuit questions unless he felt [unclear: any] serious doubts about points of law. With [unclear: regard] to the matter of the innuendoes, under [unclear: their] system they had no pleading.

The jury then retired, and thirty-five [unclear: minutes] afterwards returned with a verdict (based on [unclear: the] whole of the letters) for plaintiff, awarding [unclear: £5] damages.

Mr. Gully asked his Honour to certify for [unclear: a] special jury.

Mr. Jellicoe said the application for [unclear: a] special jury had been opposed, and a [unclear: common] jury could have tried the action quite as [unclear: well]. The special jury was a class jury.

His Honour said he did not think the [unclear: References] to a class jury were called for. His experience went to show that special juries [unclear: sometimes] smote employers very hard. Mr. [unclear: Jellicoe] had gone into questions of divinity, which [unclear: surely] he did not think a common jury was a fit [unclear: tribunal] to deal with.

Mr. Jellicoe said he did most truly consider [unclear: a] common jury quite capable.

After further argument the Court certified [unclear: for] a special jury, a second counsel, and two [unclear: days] extra trial, with costs according to scale.

Mr. Jellicoe said he would move for [unclear: leave] to ask for a new trial, and execution was [unclear: stayed] until after the vacation in order that this [unclear: might] be done.

vignette

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On Lightning in New Zealand Mines.

A Paper Read Before the North of England Institute of Mining and Mechanical Engineers.

By George J. Binns.

General Meeting at Newcastle-Upon-Tyne,

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## On Lightning in New Zealand Mines.

BY GEORGE J. BINNS.

The writer begs to offer the following notes as an addition to the literature on this subject:—

I.—At the United Alpine Quartz Mine, situated near the Township of Lyell, and about 2,000 Feet above the sea-level, in the midst of the dense forest which covers this portion of the South Island of New Zealand, there was, on the 31st August, 1885, a very severe thunderstorm. The manager, Mr. Martin Conradsen, who was outside the adit-level at the time, states that he saw a flash of light strike the flat-sheets, and at the same moment the saw in the hand of a carpenter appeared to become a sheet of flame: he immediately dropped it. In the main drive, which was excessively wet, and laid along its whole length of 1,500 feet with 14-lb. iron rails, spiked in and not fish-plated, were two truckers and a horse; both the former received shocks, and the latter was knocked down on to his knees. At a distance of 1,700 feet from the entrance to the mine, and about 70 feet above the level, quite away from any metallic connections, were two men who stated that they had felt a shock as if they had been hit.

II.—The effects of the same storm were felt at the Koranui Coal Mine, near Westport. This colliery, which has since been abandoned, was 2,500 feet above the sea, surrounded by trees about 40 feet in height, with a dense undergrowth, and connected with the railway at the foot of the mountain by a series of five endless-rope inclines, laid with 14-lb. to 18-lb. rails, and having 3-inch circumference steel ropes. In addition to this was a double telephone wire, connecting with the five stations. No lightning conductors were employed. Mr. Jemison, the manager, informed the writer that on the date referred to he was in the mine at a distance of 560 feet from the level-mouth when he "heard a noise like a gunshot;" saw a "very bright light which he could have read by, which lasted several seconds and which appeared to pass by." At the same place were two men, both of whom felt a severe shock, which "seemed to rush up them, and a lifting sensation was felt." The rails in the mine were steel, and 14 lbs. per yard; the road was not fish-plated; there was a flat-sheet where the men were standing, and between them and the surface ran a signal wire and a steel rope, the latter passing at the in-by end round an arrangement of three 2-foot pulley wheels. This portion of the mine was somewhat wet.

The influence of the discharge was felt by all the men below ground, approximately fifty in number, who thought that an explosion had occurred; the area occupied by them was about six acres.

During the storm a pony about 14 hands in height, standing outside the mine, was knocked down, and Mr. Jemison who stood near, felt the force of the shock and found that the hair on his forehead was singed. On the



surface incline all the five brakemen were considerably affected, and at the signal stations the copper wire was broken and fused and the telephones deranged. It was subsequently found impossible to maintain a system of electric signals. No explosive gas was ever found in the mine.

III.—On the same date, at the Banbury Coal Mine, belonging to the Westport Coal Company, Limited, which is about a mile from the Koranui Mine, and separated by a very deep valley, two men came out during the thunderstorm and complained that they had been fired at. There was at the time a serious labour disturbance, and the men were at work in defiance of the union. The impression produced upon them was one of extreme terror, and though it was a wet night, they ran home without stopping to put on their clothes. Their work-place was about 600 feet from the nearest outlet, of which many existed, as the coal-field is bounded by a vertical cliff, round which the outcrop extends, and to which adits have been frequently driven for purposes of ventilation. The road was laid with 14-lb. rails, not fish-plated, and no other conductor was available. On the same day, at a point 2,000 feet distant and 400 feet from another outlet, the metallic conductors being similar, a turn-rail was thrown out and the sleeper charred. Dirt was thrown up with violence from the floor against the roof, and a hanging lamp was broken.

Endless-chain haulage was in use at the time, but not up to the places mentioned, and it was not at all an uncommon thing during storms for the boys to receive shocks while handling the tubs. The mine is situated 2,000 feet above the sea, is worked level-free, and there is no gas.

The area of the storm was considerable, but the difficulty of collecting information, and the paucity of settlement in this portion of the colony rendered it not easy of exact definition.

At the Bealey telegraph and meteorological station, however, about 100 miles from the centre of the district occupied by the above-mentioned mines, and 2,140 feet above sea-level, the disturbance was carefully noted by Mr. Ryan, the telegraph operator and meteorological observer, whose observations may be best given in his own language.

*"On Monday, the 31st August, 1885, at 10.45 a.m., I was away from the office, in another room, having left on account of the storm, when a blaze of fire seemed to come over the place, and sparks appeared to die away in a corner. No damage was done here, but on proceeding to the operating room, I found it on fire in several places. The current appeared to have entered the office, having broken the wires at the last post, and had fractured the leading-in wires, melting the gutta percha and copper and scattering red-hot pieces of the latter about. It then passed to earth. A noise like the firing of cannon was heard, about simultaneously with the ordinary peal of thunder. A telegraph pole 22 feet high, carrying two wires on insulators and fitted with a lightning conductor was, at a distance of 250 to 300 yards from the office, considerably shattered, the top being taken off for a length of 3 feet."*

IV.—On the 21st May, 1885, the Banbury Coal Mine was previously the scene of electrical disturbances. The manager, Mr. Thos. Brown, who is a member of this Institute, wrote as follows:—"I enclose names of workmen who were struck with electric fluid. On the date mentioned the district was visited by the most severe thunderstorm I have witnessed in New Zealand. The lightning entered the mine frequently. The boys, who were hanging the tubs on and taking off the chain-slings, received shock after shock, until they were afraid to go near the rope. Mr. Cameron, the underground manager, then started to put on the slings, but after getting a few sharp shocks he considered it unsafe to continue work; the mine was therefore stopped for the remainder of the day."

The PRESIDENT moved that the discussion of this paper be adjourned. They had previously had communications on the same subject, and this would be an addition to the information at present in the Transactions. He moved a vote of thanks to Mr. Binns for his paper, which was agreed to.

Front Cover

Mining in New Zealand.

By George J. Binns.

## Mining in New Zealand.

By George J. Binns.

For purposes of convenient classification this subject may be divided as follows:—

- —Gold-mining.
- Quarts or lode-mining,
- Volcanic series of Auckland.
- Clay-slate series of Wellington and the West Coast of South Island.
- Schist series of Otago.
- Alluvial-mining.
- River-beds,

- Sea-beaches.
- Ancient gravels.
- —Miscellaneous lode-mining.
- —Coal-mining.
- True coal.
- Brown coal.
- Lignites.
- —Kauri gum.

## I.—GOLD-MIXING (Plate XLVI.).

The importance to a newly discovered country of auriferous deposits is not easily overrated, and the sudden accession of population which the thirst for gold occasions can be attained in probably no other manner. The "hardy prospector," in whose race Government coddling and subsidizing have caused serious deterioration, was at one time a veritable hero and explorer. In his wake came tracks, roads, bridges, and subsequently railways, and by the aid of these large tracts of country are opened up; other minerals than that for which he sought are brought to light, and a settled agricultural population frequently takes the place of the wandering attendant on the "new rush."

In the early history of an auriferous country it is naturally from the alluvial deposits that the yield is obtained. When it is possible, as it was in New Zealand, to pick gold with a knife out of the rocky crevices of a river-bed, and save it in a pannikin, people will not spend time and money on long tunnels and deep shafts through hard ground. Gradually the gold that requires merely picking up becomes exhausted; the days of tin dishes and cradles pass away, and these primitive appliances give way to engineering works of great magnitude and cost, and to the employment of large numbers of day labourers, working for influential companies under competent management.

In many cases, however, parties of working men have combined for the purpose of undertaking works which to the ordinary English mind would appear colossal. Frequently, with the assistance of the local "store-keeper," whose payment has often to come out of the profits of the yet unproved claim, or who is recompensed for his risk by a share, such a party will embark on a speculation—say, the cutting of a water-race or the driving of a tunnel—which may take one or two years to accomplish. Possibly at the termination of this time the ground may prove too poor to work to advantage, when the miners lose their labour, and the storekeeper has another bad debt to add to his list; on the other hand, a rich "patch" may result in returns which amply justify the expenditure and risk. For years even after the surface gravels have ceased to yield their rich harvest, an occasional lucky "fossiker" may light on a noble nugget, or a Chinaman, grubbing on in his quiet persevering way, may find a modest fortune, passed by long ago in the hurried search for riches; but every year brings about conditions under which the individual miner must give way before the organized efforts of capitalists. To the digger of by-gone days this style of mining is anathema: that love of liberty which took him long ago to a new and perhaps uninhabited country, and which has sustained him through all the hardships and perils of a pioneer's life, prevents his sinking to the level of a "wages-man," and he not infrequently wanders off alone into the wilderness, there to work as a "hatter"

A "hatter" is a solitary miner; they frequently become very eccentric, or worse. Query: Is this the origin of the phrase, "as mad as a hatter?"

on the banks of some creek, where he ends his days free from the galling chains of servitude. There are, however, in New Zealand, still many gold-fields where parties of men can, with only such capital as is contained in indomitable energy and undying perseverance, carry out works of considerable magnitude, and earn a comfortable living. Kind-hearted, frequently well-read, generous beings, they keep alive the traditions of a race which was called into existence by special circumstances, and which is rapidly becoming, in New Zealand at least, as extinct as the moa.

## (1)—QUARTZ OR LODI-MINING.

### (a) *Volcanic Series of Auckland.*

Commencing with the northern portion of the colony the reefs of the Auckland provincial district first claim attention, and with the exception of an isolated patch near Wellington, where quartz reefs have been worked in the Maitai slates (Carboniferous), the North Island contains no other gold-field,

Gold was discovered in Auckland in the year 1852, but from the first the progress of the field was much retarded by opposition from the native owners of the soil, and the subsequent discovery of alluvial gold in great

profusion in the South Island caused an exodus of the mining population, which was further intensified by the breaking out of hostilities in the year 1863. In 1867, however, peace having been restored, arrangements were made with the Maories for the opening up of the land, and on July 30th the gold-field was proclaimed. The first results were disappointing; instead of the rich alluvial deposits which had characterized the South Island, but little ground of this nature was found, and when at last a rich leader of quartz was discovered, the gold proved to be of very poor quality. This peculiarity still remains, the bullion yielding generally 54 to 75 per cent, of gold and 40 to 20 per cent, of silver, In spite of these early drawbacks the reefs have turned out fabulously rich; in some cases the yield has been for considerable distances at the rate of 600 ounces to the ton. So far from becoming poorer, as they have been worked to deeper levels, these lodes have maintained their yield, and It was the opinion of scientific men well acquainted with the fields that, as operations were continued to a greater depth, the supply of gold would not only be kept up but would probably be increased, Until recently the claims have depended principally on the rich leaders of quartz which occur, but of late years more attention has been paid to the large bodies of stone, popularly called barren or buck reefs, which exist. These are of enormous size, and give from 3 dwts. to 8 dwts. to the ton, with the possibility of opening up rich leaders, and there is no doubt that with improved appliances they can be made to pay handsomely.

The extremely complex nature of many of the ores renders their treatment very difficult, and year by year improvements in this direction are being made. The ordinary crushing battery and amalgamation processes are practically useless; before the tailings at Te Aroha were preserved for treatment the lowest estimate of the annual loss was £20,000. At Waihi the tailings were found to be worth £15 per ton, and for many years they were permitted to flow away without any regard to their value. The ones consist of a mixture of silica and various compounds of iron, copper, lead, zinc, antimony, arsenic, silver, sulphur, tellurium, and gold, and no process short of either smelting or chemical treatment will suffice to free the gold from these metals which it is not desired to extract, Unfortunately, in the locality under consideration, fuel and fluxes are scarce, and nothing therefore remains but to separate the metalliferous portion from the matrix and treat the former by a variety of processes. Many plans have, with more or less success, been tried, and at present the Oassell Gold Extraction Company appear to have grappled with the difficulty. Their process depends on the solvent action of cyanides—usually, in practice, cyanide of potassium—on the gold ore in preference to the sulphides of the base metals with which it is associated. The gold is subsequently precipitated by the action of porous or filiform zinc. The cost of this system is somewhat heavy, and ores ranging below £2 per ton in value cannot be remuneratively subjected to it, but the percentage of bullion obtained is very high, having, during 1890, at the Crown Company's mine at Karangahake, averaged 93 per cent, of the gold and 79 per cent, of the contained silver.

Generally speaking, the machinery in this gold-field is of a class which compares very favourably with that in use elsewhere in the colony. Self-acting surface, and aerial tramways are used for bringing down the quartz, and one of the latter consists of a single span, 1,090 feet in length. At Grahamstown the claims are worked several hundred feet below sea-level, and an 82-inches bull, direct-acting, condensing engine, capable of making a 10-foot stroke, was purchased and erected by the Government, at a cost of £50,000. The pumps are 24 inches in diameter, and the height of lift 500 feet. The cost of working this engine is £320 to £330 per month, with coal from kamo, delivered at 17s. 1½d, per ton. A Drainage Board manages the concern, the Borough and County Councils contributing £35 a month, while the balance is made up by thirteen mining companies.

Water is very plentiful on the field, and is largely used as a motive power. The Pelton water-wheel is generally employed to drive machinery either for crushing, treating, or illuminating purposes. Stamper batteries are used for reducing the quartz, which is frequently first passed through a stone breaker; berdans are very common on the field. Some of the battery plants are of considerable size, that at the Waitekauri Mine consists of 40 head of stampers, and the Wain Company has recently put up a plant which is stated to have cost about £60,000.

Wages in the Auckland district vary from £2 5s. to £2 8s. per week for miners, and the cost of living is low when compared with other gold-fields. There were 1,387 miners employed in 1800, or 299 less than in 1889; all these were Europeans, The yield of gold for 1890 was £125,760, and for 1889 £113,191, and the number of stampers in the former year was 599, The total quantity of gold entered for export to December 31st, 1890, was 1,689,357 ounces of the value of £6,122,173.

Under The Mining Companies Act, 1886, and Amendment Act, 1890, registered companies are compelled to publish (at their own expense) certain details with regard to their position and proceedings, This return for 1890 shows that there were during that year in the Auckland district, 91 companies, having a nominal capital of £1,710,730, £1,501,088 of which was subscribed, and £106,684 paid-up, while £295,232 is returned as the value of scrip given to shareholders, and £255,765 as the total dividends paid. If we deduct from these last figures £243,141 paid by five companies there is not much left among the other 86, but most of these were only registered in 1890.

The following table gives the yield from the northern gold-fields:— District. No. of Tons of Quartz or Mullock Crushed or Sold. Yield of Gold in Ounces. Average Yield of Gold per Ton in Ounces. Coromandel, April 1st, 1880, to March 31st, 1891 20,751 66,069 Oz. Dwt. Gr 3 6 8 Thames (including Ohinemuri, up to 1886-1887) April 1st, 1878, to March 31st, 1891 503,144 594,991 1 3 15 Ohinemuri, April 1st, 1887, to March 31st, 1891 20,858 28,563 1 7 4 Te Aroha, April 1st, 1883, to March 31st, 1891 40,320 47,286 1 3 11 Totals 85,073 736,909 1 5 4

This yield is obviously extremely rich when contrasted with many other reefs in different parts of the world. In Victoria, for instance, during the years 1884-85, the average yield from all the quartz-reefing districts was less than 10 dwts. to the ton.

The geology of this neighbourhood and the occurrence of the reefs are of extreme interest. The rock forming their matrix is of volcanic origin, and of a felsitic character, decomposed in parts and freely pyritous.

It has been called tufanite by Hector, who considers it of Cretaceous-Tertiary age. The whole formation rests unconformably upon the upturned edges of the slates which form the basenient-rocks of the Cape Colville Peninsula. Mr. Cox, who devoted great attention to the mode of occurrence of the gold, has come to the following amongst other valuable conclusions:—that the steepest parts of the reefs are usually the richest; in order that the reefs may be gold-bearing, it is imperative for them to be passing through a certain class of ground; and a moderately hard tufaceous sandstone has been found to be the most productive.

As is usual in metalliferous mines, ventilation is not a very important consideration, but the water contains free sulphuric acid, and as ealeite is plentifully associated with the reefs, large volumes of carbonic acid gas are produced, which occasion difficulty and not infrequently danger. This free acid acting on decomposed marcasite and pyrite gives rise to the formation of stalactitic melanterite, which is an interesting feature in the underground workings, but has not been commercially utilized.

### ***(b) Clay-slate series of Wellington and the West Coast of South Island.***

Since 1862, gold has been known to exist in the ranges near Cape Terawhiti, and between that date and 1883, occasional discoveries of small quantities have been made. In that year a considerable amount of excitement was caused by the discovery of auriferous reefs, and the country was examined and favourably reported on by experts, but the energies of the adventurers were directed more towards promoting companies than proving the ground, and the result naturally was that the field was abandoned. So far as the writer is aware, nothing has been done recently.

Before considering the great reefing country of the west coast it is necessary to mention the Marlborough gold-field, situated in the northeastern extremity of the South Island, Gold was first discovered in this province in 1860, but though a large amount of alluvial gold has been obtained, quartz-reefing has hung fire. Only two companies were at work in 1890, one a colonial proprietary, and the other with its headquarters in London.

### ***West Coast Gold-fields.***

The whole of the west coast of the South Island is auriferous, in many places richly so. Generally speaking, the country is clad with dense forests, covering the high mountain range, which runs from one extremity to the other. Traversing this range are large rapid rivers, subject to heavy and sudden floods. In consequence of these natural difficulties, the early explorers underwent great danger and privation, and, in addition, the natives showed great opposition to the intruders. It was not until 1856 that this obstacle was removed. All the rivers have shifting sand-bars at their mouths, and the early navigation was a matter of extreme risk. The first explorations were made from the Nelson base, and in 1863 a party started from Christchurch on the east coast to find a route by the headwaters of the Rakaia River, The task was almost impossible. In one day of ten hours the explorers, notwithstanding the greatest exertions, made an advance of about 200 yards. The expedition ended in disaster. Mr. Whitcombe, a surveyor, after many days of incredible hardship, was drowned while attempting to cross the Teremakau River, and his companion, a Swiss, named Louper, managed to reach a settlement of Maories. The party discovered a little gold, but alluvial deposits only, and it was not until 1864 that quartz reefs are mentioned.

For convenience it may be better to commence at the northern, or Blind Bay, portion of this large district, that being, although not of much importance from a quartz-reefing point of view, perhaps the richest mineral locality in New Zealand, so far as regards variety of ores.

So early as 1853 auriferous quartz specimens were brought from Takaka, but at the time little excitement was caused.

Since then, intermittent efforts have been made to work reefs, but with poor success. Not that this failure is necessarily due to the poverty of the stone, for rich patches have been found, as, for instance, at the Phoenix Mines, which is stated by Dr. (now Sir James) Hector to have produced in 1877 stone yielding at the rate of 22

ounces of gold to the ton. The reef here occurs nesting on a grey tuffaceous sandstone strongly impregnated with iron pyrites, and lies parallel with the junction of the dark blue slates and the overlying felspathic schists. On the western side of the range at Golden Ridge, quartz reefs occur in black slates containing graptolites.

Passing on our way the deserted districts of Mount Arthur and Owen, we arrive at the town of Reefton, where quartz-mining commenced in the year 1870, and from which large, though not uniform, returns have been obtained.

The town itself is about 50 miles equidistant from the seaports of Westport and Greymouth, and has, until recently, suffered from considerable difficulty in communication with the coast. This naturally increased the cost of stores and retarded prospecting, besides augmenting the cost of working. There was also a tendency to "boom" when "wildcat" schemes, which never had any chance of success, were freely floated and as freely sank, and it will be understood that the district has had a good deal to contend with. The country is exceedingly rich and well supplied with water, timber, and excellent coal. Railway communication with Greymouth was established in February, 1892, and steady application of the natural resources of the district will no doubt eventually bring the mines into well-deserved prominence.

The quartz reefs occur in Devonian and Carboniferous slates, which are tilted at high angles, and contain (in the former formation) many characteristic fossils. Below these are metamorphic rocks, considered for stratigraphical reasons to be of Silurian age, and containing in their softer parts the auriferous reefs of the Lyell district.

Many mines are at work, some paying good dividends. The Welcome Company at Boatmans may be taken as a typical example of a prosperous concern, though for some time it has been under a cloud. To the end of 1886 the paid-up capital, in cash, was £5,750, and £7,500 was given to the shareholders as paid-up scrip. £110,250 had been paid in dividends, and the total value of gold obtained was £222,808, while the value in 1886 was £17,877. During 1880 only five men were employed, but latest advices tend to show that prospects now are a little brighter, and even with so little attention the property yielded during 1888, 1889, and 1890 no less than £28,207.

Taking thirty-three mines which had crushed atone in this locality during the same period, the capital called up is £65,594; £96,575 has been paid as dividends, and £310,692 worth of gold has been produced.

The claims at Reefton are worked both by shafts and adits; the machinery is of first-rate description, compressed air and rock-drills being extensively used. The town is lighted by electricity, the roads and tracks in the neighbourhood are good, and the field has a great future before it.

In other parts of the west coast are auriferous reefs, as at Ross, but at present they are doing little or nothing, and time alone will show whether they are worthy of attention.

### **(c) Schist Series of Otago.**

Leaving the west coast, covered with dense forests and blessed—so far as the gold-miner is concerned—with a very copious rainfall, the province of Otago is reached, for the most part devoid of timber and possessing a very much drier climate. The reefs occur in a great formation of contorted phyllites and schists, which occupies nearly 8,000 square miles of this province, and which is of unknown age, possibly Silurian, or—according to Hector—even its late as Lower Carboniferous.

Near the town of Palmerston the Nenthorn reefs occur. These sprang into sudden notice a few years ago, and rich but small reefs were found to exist in great profusion, and the usual craze supervened. Before proving the properties, crushing plants were erected, water races cut and expenses incurred in every direction. At very shallow depths the rich yields ceased, and disaster came upon the field. Some day, no doubt, it will receive a proper trial; and it frequently happens in cases of this kind that when a quantity of machinery has been prematurely brought upon the ground, and the reaction after a baseless excitement has caused a cessation of operations, future adventurers, who work without the expensive paraphernalia of a limited company, and with cheap machinery, reap a rich harvest.

Farther in the interior lies the Cromwell gold-field, where there is now but little reefing. An English company, with a capital of £108,000, has been engaged in re-opening the old Cromwell Quartz Mine, from which, in the early days, one private party obtained gold valued at £500,000, and a subsequent company about £100,000. The machinery is of an excellent character; electric light, compressed air, and rock-drills. Ample water-power is available, and if only some of the formerly-worked rich rock can be found, fortune will favour the spirited proprietors,

In the neighbourhood of Lake Wakatipu are several quartz mines, the most noteworthy being the Phoenix, which has been worked since 1863, when it was the first quartz mine in the South Island. So far as is known, about 20,000 ounces of gold have been taken out of the ground since the commencement—Since 1885, electric transmission of power has been in use for driving the machinery at the mine and battery, which are about two miles from a pair of 6-foot Pelton wheels, driven by water with a vertical head of about 170 feet. The current is

conveyed by a copper wire to a motor in the battery building, where the machinery, consisting of thirty stampers, two air-compressors, and a rock'-breaker, is situated. From the last advices the yield of gold appeal's to be very good, and during the last four weeks of 1891, 267 ounces were obtained.

One quartz mine in this neighbourhood is worked at an altitude of 7,400 feet above sea-level.

Farther to the south are isolated reef workings, but they have not, so far, met with any conspicuous success.

In the vicinity of Dunedin is an auriferous deposit, which—not on account of the rich yield from it, for that is yet to come, but on account of its lithological character—is of considerable interest. The matrix is described by Professor Ulrich as a peculiar, hard, diorite-like rock, the structure being holocrystalline and medium coarse-grained; the mineral constituents are triclinic felspar, hornblende, and some quartz, with iron pyrites finely and uniformly impregnated, more especially through the hornblende part. He considers that a whitish mass overlying the crystalline rock is either a decomposition-product or more probably a decomposed rock of genuine trachytic type which has flowed over the other. This is indicated, he states, by the fact that on its line of continuation only a few feet distant from the shaft, there exists on the hillside a massive outcrop of hard rock, which, according to all appearance, is of trachytic origin, consisting of a very fine-grained greyish or yellowish-white base, with impregnated crystals of sanidine-like felspar, hornblende not being observable.

Several trials have been made to work the deposit, and have yielded respectively  $7\frac{1}{2}$  dwts. to 10 dwts., 8 dwts., and up to 1 oz. per ton, but for some years nothing has been done. Situated close to the city of Dunedin, and occurring in apparently large quantities, the deposit is, if only the lowest of the above-mentioned yields can be maintained, of great value.

In the south-west of Otago is an enormous tract of country, which is almost entirely unknown; when this is opened up and thoroughly prospected the vast quantities of hidden riches which are probably waiting there will be developed, and will afford a remunerative field for the British capitalist. Then will the colony resume its place among the great gold-producing countries of the world.

## (2)—ALLUVIAL MINING.

In the North Island alluvial mining is not carried on to any appreciable extent. During the year 1887 enormous excitement was caused in Auckland by the discovery, in a recent rhyolitic breccia, of a considerable percentage of gold. Thousands of acres of similar rock occur, and a company was formed to purchase 1,000 acres of land. Shares went up to double their nominal value, and scientific experts, who visited the ground, were most enthusiastic. On analysing the bullion it was found to contain far less silver than is usual in gold from this province, and to be identical, in fact, with the British gold coins in common use. Subsequent microscopic investigation revealed the fact that so far from being water-worn the metallic fragments were spiral shavings such as might have been rubbed off a sovereign with a file. The perpetrator of the swindle was not discovered.

In the South Island the alluvial deposits are of enormous extent and value, indeed with the exception of Canterbury, where gold has not been found in paying quantities, almost the whole area is distinctly auriferous.

It will be more convenient to take the gold-fields now under consideration geographically, commencing at the north-eastern corner, that is Marlborough Province, from which, at Mahikipawa and Wakamarina, gold" has been extracted. The first-named diggings are so far of small area, but have yielded freely, the output for 1890 being 3,000 ounces, but the present Workings are becoming rapidly exhausted, and the known area is small. The Wakamarina field at one time supported a large population, which is now much reduced, and very little work is done.

Nelson Province contains the Collingwood gold-field, one of the first worked alluvial deposits of the colony, and at one time a rich place. The late Dr. Von Hochstetter, whose geological labours in New Zealand will always be regarded with respect and admiration, estimated the total value of the Aorere gold-field at £22,500,000, or £750,000 per square mile, but so far the yield is very far from these figures. Recently several dredges have been projected and possibly started, but the writer is unaware of the results obtained. Passing down the coast, the gold-fields of Karamea, Mohikinui, Upper Buller, Reefton, and Westport are arrived at, and still farther, Greymouth, Kumara, Hokitika, and Ross. In the early days the first-mentioned were of great importance, but the easily wrought ground is becoming scarce, and this class of raining has languished; no doubt this is also caused by the growing importance of the reefing industry. An interesting auriferous cement-deposit, in which the gold is accompanied by cassiterite, occurs near Reefton, at the base of the Cretacco-Tertiary rocks, but has not been profitably worked *in situ*, though its disintegration has given rise to some river workings.

Alluvial mining depends usually on a plentiful supply of water, and a dry season is very detrimental to its success. This factor does not influence the river-dredging claims, but that branch of the industry has not so far been largely developed on the west coast. About 22 miles from Westport, on the Buller River, the Whitecliffs Dredging Company has recently built a steam dredge, at a cost of about £4,000. The hull is 93feet long and

20-feet in beam. Water for washing is supplied by an 11-inches centrifugal pump. Wash-dirt is raised from the river-bed by a centre ladder, fitted with buckets, and after the large stones have been eliminated, is passed over gold-saving tables.

The February (1892) colonial papers report that the Whitecliffss Gold Dredging Company has gone into liquidation. The writer is unaware of more than one claim bearing this name.

The river-beds on this coast often contain large pieces of timber, which form awkward impediments, but as the ladders are usually driven by friction gearing, the probability of fracture is avoided.

At the foot of the Mount Rochfort Range are several large sluicing claims, from which the wash-dirt, as there is no free fall, has to be elevated to considerable heights. The only system which has hitherto been able to accomplish this at a paying rate is the hydraulic elevator principle, whereby with a great pressure of water ejected through a nozzle into an inclined pipe, stones, sand, dirt, and gold are shot up together. The ground here is composed of gravel, sand, magnetite, garnets, and gold running in "leads." At the Fairmaid claim during 1890, the amount of material raised to a height of 36 feet was 62,201 cubic yards in 1,873 working hours, or an average of 265 cubic yards per shift of 8 hours. A large dredge was built to work the old beach-deposits a few miles north of the Buller River, but although the amount of stuff raised was highly satisfactory, the gold-saving appliances were entirely inadequate, and the enterprise has, so far, ended in failure. Along almost the whole margin of the west coast are deposits of black ironsand, which contain not only in the raised beaches, away from the present wave-action, but on the borders of the ocean, and re-sorted by every storm, small proportions of gold; it is so fine, however (on account of the constant grinding action to which it is subject), that the greatest care is necessary to save it. Working these deposits, which are constantly forming and reforming, is called "beach-combing," and requires but little capital, while it yields sometimes a fair return, and is free from the hardship and danger of mining in the interior.

Great inducement exists to work the sea-beaches on a large scale, and of late years attempts have been made to construct various classes of dredges available for the purpose. Unfortunately, no system yet introduced appears capable of grappling with the inherent difficulties of the task, and to the writer's knowledge not one of the many companies floated has been successful.

At Kumara, a gravel-deposit exists, which has been largely worked for many years. The auriferous leads are situated on the left-hand bank of the Teremakau River, and are covered by enormous thicknesses of gravel-drift. The ground is nearly 100 feet above the adjacent river, which has been declared a tailings channel, and the *débris* is got rid of by large tail-races, which debouch above water-level. Private enterprise having proved insufficient to carry out the requisite works, the Government stepped in and expended nearly £22,000 in the construction of a large sludge channel, into which the miners were permitted, under certain conditions, to discharge their tailings. Though of great assistance to the field, this proved a very costly undertaking for the colony, and in 1890, after a loss in maintenance of nearly £24,000 had been incurred, it was handed over to trustees. As in other parts of the colony the gold-saving appliances here are very defective, and in the last report of the Mines Department some particulars are given relative to the amount of gold washed into the channel, and subsequently recovered by the Government. The race, it must be remembered, is not intended as a gold-saver, and is ill-adapted for the purpose, being deficient in width; but in spite of this fact, £3,638 was obtained in four years, and adding to this what must have been lost, gives at least £1,000 per annum wasted by the miners.

In former years wooden fluming was invariably used for the conveyance of water to the claims, but its many disadvantages have resulted in the almost universal use of iron or steel pipes, sometimes as large as 30 inches in diameter. Enormous quantities of this piping are in use, the returns for 1891 giving nearly 9¼-miles, varying from 11 inches in diameter up to 30 inches.

Farther to the south is the town of Hokitika, one of the centres of a prosperous gold-field district, and distinguished by all the feverish excitement of a new rush, now considerably sobered down, but containing still the elements of prosperity. The Humphries Gully United Company, at Arahura, has expended £90,000 on a large sluicing claim, but finds itself still short of water, and cannot at present do much more than meet expenses. To meet this difficulty the directors propose to raise an additional £25,000, in order to construct a water-race about 5 miles in length. Already they have constructed a race for a distance of about 10¾ miles, but the depth of auriferous drift is about 250 feet, and to remove this requires an enormous quantity of water.

At Ross, still farther to the south, extensive works have been carried out, and large yields of gold have been obtained. Even now, though the glory of the field has temporarily departed, the output is considerable. The largest company is the Ross United, which holds 260 acres on the Ross Flat, comprising nearly all the old claims. In sinking the shaft to a depth of 400 feet seven different gold-bearing strata were met with, it has not been possible to continue these workings, and the present operations are confined to surface-sluicing and elevating. Since the operations in the deep ground were suspended £23,787 worth of gold was obtained in the period commencing February, 1887, and ending March 30th, 1891. The surface-operations are carried on by the aid of the electric light, and when additional pumping power is provided the deep levels will doubtless resume

their yield of gold. The Mont d'Or sluicing claim, in the vicinity of Ross, has a splendid record. For the twelve months ended November 30th, 1890, £4,516 worth of gold was produced, at a working cost of £1,501. The payable ground in sight is considered sufficient to last for many years, and an excellent tailings site—a matter of the greatest importance—is available. To the south of Rosa the country is extremely rough, and communication is difficult and sometimes dangerous. Notwithstanding these drawbacks, a mining population has settled there, and large areas of auriferous country are known to exist. Hitherto prospecting in these wilds has been carried on under great-difficulties, but the multitude of birds existing in the forest have enabled the explorer to dispense with heavy loads of provisions. Now, however, the weasel, imported by the Government at enormous expense to protect the sheep farmers of Otago and Canterbury from the ravages of the rabbit, has crossed the ranges and, acting on its well-known preference for feathers rather than fur, is fast reducing the interesting and valuable avi-fauna to a minimum.

Although the population in this district has of late years somewhat diminished, the yield of gold for 1890 shows an increase of 3,500 ounces over the preceding year.

### **Alluvial Workings in Otago.**

Owing to the large extent of country and richness of yield Otago offers a large field for the alluvial miner. Notwithstanding the somewhat rigorous winters, the climate in the interior at moderate elevations is magnificent, and the soil, though barren when insufficiently supplied with water, is extremely fertile when properly irrigated. No one who has seen the grapes growing to perfection and ripening in the open air in the Clutha Valley can regard it otherwise than as one of the gardens of the world—a garden that requires only water. Now that roads have been opened and provisions are easily obtainable, the lot of the miner is comparatively easy; but the early prospectors, who faced the rigour of an almost Arctic winter amidst the snow and ice, the swollen rivers and unknown plains, where no timber exists for firewood and no living animal was to be found for food, endured great privations. Not that their reward fell short, for the early returns were enormous. Gabriel Read, in ten hours, with a butchers knife, obtained 10 ounces, and at Maori Point, on the Shotover River, a European and a Maori got 300 ounces in one day. A disputed piece of ground, 12-feet long and 5-feet wide, was valued at £5,000, and subsequent events proved that this estimate was not exaggerated. At Carmichaels, above Skipper's, one dish of wash-dirt panned out 80 ounces.

In the two years 1861 and 1862 over 1,000,000 ounces of gold were exported, by a mining population of 12,000 souls. This was from the river gravels and from the terraces immediately adjoining, but since, that date enormous areas have been discovered, not, it is true, so rich as Maori Point, but still carrying sufficient of the precious metal to repay handsomely any attempt at honest and systematic working.

At the Blue Spur, near Lawrence, is an interesting auriferous deposit of great value. It consists of coarse gravels and silts with decomposed schists, cemented together, and containing free gold. These rocks occupy a depression in the schists, and are, according to Mr. S. H. Cox, a true glacier deposit of Cretaceous-Tertiary age. According to recent information from the colony, the Director of the Geological Survey (Sir Jas. Hector) considers that the gravels have been involved in, and preserved by, a large fault. While the cements themselves are comparatively poor, the re-wash derived from their disintegration has proved fabulously rich.

Formerly many claims were at work? and conflicting interests caused great loss and waste, but recently an English company has taken up nearly all the leases, with the object not only of working the tin tried ground, but of passing the abandoned tailings over gold-saving tables. Though much troubled by litigation and other delays, the proprietors seem now to be in a fair way to succeed. The amount of capital paid up is £90,000, of which £60,000 was given to the original shareholders. During 1890, 410,000 cubic yards of tailings, left by former workers, have been elevated by hydraulic nozzles to a height of about 60 feet. The yield was 1,478 ounces of gold, or an average value per cubic yard of 3½d., while the cost in wages was £2,580, or about 1½. per cubic yard. The system of raising wash-dirt is exceedingly interesting. Into the bottom of a 15-inch pipe, inclined at a slight angle to the vertical, and made of No. 12 B.W.G. steel, a nozzle is inserted, through which water at a pressure of 400 feet vertical head issues. Another jet breaks down the face, and sluices *débris* into the bottom of this elevator, to be shot up by the violent rush of water to a height of 60 feet with almost inconceivable violence. An iron hood over the top of the pipe serves to stop the ascent of the wash-dirt, and at the same time pulverizes the cement and frees the gold, which is saved by ripples or other means. (See Figs. 2 and 3, Plate XLVII., and Figs. 4, 5, 6, 7, and 8, Plate XLVIII.) Before the introduction of this method, any ground from which there was no fall would not pay for working, and its use may be said to have revolutionized gold-mining in the colony. One grain to the cubic yard is shown by the above instance to pay, and it is a poor gold drift that will not yield this. All that is required is a large volume of water with a high pressure, and owing to its unequalled wealth in this direction, New Zealand will for many years offer ample inducements to alluvial miners. For at least a hundred miles the Glut ha River is a veritable Pactolus; enormous as has already been the drain on its resources, it is probably but a fraction of what will eventually be obtained. Water only is required to



extract the hidden riches from the soil, but owing to the rough nature of the country and the innumerable vested interests involved, the task of bringing in a sufficient supply is one which presents almost insuperable difficulties. Still, with a large river flowing through the centre of the field, there is no reason to despair. Some day a scheme will be found for utilizing this great natural race, which will be used not only for sorting and arranging the auriferous deposits of its own bed, as it has done during untold centuries, but for washing away and destroying the enormous masses of gravel which it has so patiently and efficiently stored up.

For many years dredges, driven by the river-current acting on floating waterwheels, and belonging to private individuals, have done well, but it was found out that many of the richer parts, where eddies occurred, could not be worked, the flow of water being insufficient, so steam-power was introduced on a large scale, and although success has not rewarded every effort, this system has already been proved to be well adapted for the purpose, and the future will, in the writer's opinion, show enormous yields. The capital required is not large; £5,000 will provide a first-class ordinary centre-ladder dredge, and there is ample room. Where promotion money is lavished and preliminary expenses are allowed to grow to an unlimited extent claims have no chance; over-loading and watering of capital have been the curse of New Zealand, as of other mining, and have retarded its progress for many years. When legitimately and economically managed it offers an enormous field for capital and enterprise.

Several types of dredges have been employed: one, known as the Welman, depends for its action on the suction produced by a centrifugal pump. The following details describe one erected on the seacoast of Otago. The machinery comprises a 20-nominal horse-power engine and boiler of the locomotive type, with two fly-wheels, which are used to drive the pump with belt-gearing. The pump casing is of cast-iron, fitted with a manhole. The runner, also of castiron (recently, the writer understands, gun-metal has been employed), carried on the shaft is 2 feet 3 inches in diameter, in the form of three fans, which make 200 to 300 revolutions per minute. The delivery-pipe, which is 12 inches in diameter, conveys the wash-dirt to a height of 15 feet above water-level. The suction-pipe enters at one side of the pump and runs thence to the front of the dredge, where a universal joint is placed. This pipe, which is 17 feet in length is actuated by a chain attached to the end and worked from a crane on board, and can thus move in either a horizontal or vertical plane. The end is bent at an angle of 90 degs. to form the nozzle, which is quite plain, except for a patented sleeve, about 8 feet in length, bolted to the main pipe so as to leave a small annular space. All the pipes are 12 inches in diameter, except just at the mouth of the nozzle, where the diameter is reduced to 11 inches, in order to prevent stones equal to the full capacity of the pipe from entering. The revolution of the fans causes an upward rush of water. This is replaced by a current downwards, between the sleeve and the enclosed pipe; this impinges on the ground, which is broken up, and sand, gravel, and stones, even up to 56 lbs. in weight, are washed up the pipe and delivered in a suitable position for being treated.

This machine, when of sufficient size, seems admirably adapted for raising moderately fine material, but in the beds of the large rivets, where huge stones occur, it is not so easy to work.

In at least one instance a Priestman grab-dredge has been tried, the Von Schmidt and Ball machines as well, and some other adaptations, but not with conspicuously favourable results.

Even after every provision has been made for raising material in necessary quantity, great difficulty is experienced in saving the gold, which, owing to the attrition of the river-gravels, is often exceedingly fine. The pontoons of a dredge are hardly a suitable place for the accommodation of wide and lengthy tables, and it is considered probable that of the gold dredged up from the river-beds a large proportion returns over the shoot.

While steam is most generally used as a motive power, the Sandhills Dredging Company, which has a claim on the Shotover River, has utilized electricity, and the following particulars which have been taken from the last departmental report for the colony may be of interest:—The dredge is on the centre-ladder principle, 80-feet long, 18 feet 3 inches in beam, and 4-feet 6-inches deep; the height of the tumbler above the deck is 16 feet, and the depth to which the buckets will dredge, 20 feet below water-level. The stones are separated from the sand in, a revolving screen, 10-feet long and 3-feet wide, and the fine material passes over tables covered with cocoanut matting, and set transversely with the hull of the dredge. The ultimate power of the machinery is 60 tons per hour, and the electromotive force is generated by two Brush-Victorian dynamos, having armatures 2 feet in diameter, and making about 500 revolutions per minute. This generates a current of 40 amperes, having an electromotive force of 650 volts. The source of power is a Pelton waterwheel, 4 feet 6 inches in diameter, and running at 213 revolutions per minute, with 500 feet head. The electrical plant is situated about a mile and a half farther up the Shotover River than the dredge, and the electric current is transmitted by a copper wire, about a quarter of an inch in thickness. The machinery is driven by belting. The total cost was about £7,500.

*Results obtained from Mining Ventures.*—As already stated, companies in New Zealand are obliged to publish annual returns, and from these the following figures are compiled:—

The total capital subscribed by companies in operation at the end of 1890 was £2,024,149, and of this amount the value of scrip given to shareholders, without any money being paid, amounted to the large sum of

£810,533, or 44 per cent. The actual amount of cash paid was £496,754, while dividends had been paid to the extent of £593,066, leaving a total profit of £96,811, and it must be remembered that in these figures is included the capital recently absorbed by dredgers (£72,779), many of which have not yet had time to yield returns.

*Gold-fields' Revenue and Earnings of Miners.*—The amount received for gold-fields revenue in 1890 was £19,074, and the gold duty yielded £16,961, making a total of £30,035. Dividing that among 13,409 miners gives an average sum per head per annum of £2 13s. 9d., without counting indirect taxation.

To estimate the average earnings of miners is an exceedingly difficult matter, but, taking the period ending March 31st, 1890, the figures come out as £51 2s. 7d. per man per annum, as against £59 16s. 6d. for the previous year. This reduction is attributed to the exceedingly dry season, and consequent scarcity of water.

The official returns for 1891 are not yet to hand, but the February papers give extracts from the late census, which tend to show how great is the introduction of machinery. Speaking of hydraulic gold-mining and gold-dredging, the *Otago Witness*, which devotes special attention to these interests, points out that while the yield of gold has been only 533 ounces less than in two years previously, the number of works has been reduced from 124 to 74, and the number of hands employed from 617 to 495, thus confirming what the writer has attempted to point out, namely, that the small works must give way before the introduction of capital and improved mechanical contrivances.

## LEGISLATION.

The mining legislation of this colony has been frequent and plentiful. Successive ministries have brought in successive amending and consolidating bills, no one of which—if one may judge from the newspapers—satisfied everybody. The Mining Act, 1891, which does not refer to coal or analagous minerals, is the latest effort. It contains 86 sections, besides numerous sub-sections and schedules, with ample provision for regulations. So that the metalliferous miners of New Zealand cannot be said to suffer from lack of legislative attention.

Under this statute anybody may take out a miners right, costing 10s. per annum for Crown lands, and £1 for those areas where mining is carried on under license from the natives. He may then prospect for gold, even on land held under depasturing lease, and may take up certain areas, the sizes of which vary for different classes of work and are fixed by regulations. Pegging out a claim is a legal operation, and frequent disputes have arisen when it was supposed that this formality had not been properly observed. Any shareholder in a claim has a right "at any time between the hours of noon and one o'clock in the afternoon of any working day" to enter and inspect the workings. If the owners neglect to work a claim and to employ as many persons as are prescribed by regulations, the ground is liable to be "jumped," or taken possession of by an outsider. When desirable, protection may be granted, and the forfeiture clauses do not apply. Mines not less than 3,000 feet above sea-level are *ipso facto* protected from May 1st to November 1st in each year.

Under adequate provision for awarding compensation, miners have power to pass under or through any leased ground if they can prove before the proper court that such works are necessary.

In certain cases private land may be resumed by the State for gold-mining purposes, and compensation is awarded under the Public Works Act, 1882, as if the land had been taken for a public work.

In all countries where alluvial mining is carried on, conflicts arise between those who pursue agricultural occupations and those who follow mining. River-beds are filled up, and the valuable riparian lands are irretrievably damaged. No class of human industry inflicts such injury on the surface of a country as this work. Seeing what poor ground is made to pay, it is obvious that stupendous quantities must be moved and re-deposited. No sight gives such an idea of ruin and desolation as a deserted diggings: huge Heaps of stones, vast areas of ban-en gravel, with an occasional trace of a ruined dwelling or a rotted flume, attest that the *auri sacra fames* has not been checked by the prospect of devastation and barrenness. But in new countries the mining interest has always been powerful and persistent, and Agriculture must give way before the digger. So power is given to the Governor to proclaim any watercourse a tailings channel, and those who do not like it must stand on one side, with the consolation of such compensation—usually very liberal—as they can obtain. Under section 157, any pump owner may claim contribution from owners of adjacent mines who are benefited by his machinery, or who, by their mode of working, may have added to the water in his mine.

Gold-fields law is administered, frequently very ably, by wardens, who combine with these duties the functions of magistrates, and from whose decisions an appeal lies to the higher courts. If required by one of the litigants, assessors may be balloted for and called in to assist the warden, but as many of these officers have had great experience in mining this assistance is usually unnecessary.

The portion of the Act claiming special attention is that relating to inspection and regulation, and portions of this bear a considerable resemblance to the English law. Every mine employing more than twelve men must have a certificated manager, but there are two grades of certificates—the first class for mines worked either

from a shaft or plane, with machinery, and the second class for an adit level, where only horse or man power is employed.

Certificates of service are granted, and a person holding a certificate of competency from any duly constituted and recognized authority outside the colony may be placed on the register. Engine drivers are also obliged to hold authorization from the Government, and may not work more than eight hours in any one day. To more than four persons may ride on a cage in any shaft, and every pit bank is to be properly roofed. Safety-cages and detaching hooks are compulsory. Plans are to be kept, and the inspector may cause a check survey to be made, the cost of which is borne, in case the original plan should prove to have been incorrect, by the owner. Any accident occurring in a mine shall be *prima facie* evidence that such accident occurred through some negligence on the part of the owner. The penalty for breaches of the Act in the case of an owner, manager, or any person in charge, is £50.

The examinations for certificates are carried out by a Board appointed by the Government, and are somewhat severe, lasting for three days of six hours each. Three years' practical experience is required, with the customary certificates of character.

The following questions, taken from the published list for 1890, will give some idea of the knowledge required of the candidates:—

- What dimensions of a cap-piece would you use in heavy ground if the drive wore 5 feet in the clear between the timber, and the sets 4 feet apart from centre to centre?  
Assuming that each cap-piece had to carry a uniform load of 5 tons, what would be the diameter of a round cap of red-pine sufficient to carry this load, and have four of a factor of safety (that is, its breaking strain would be 20 tons)?  
Give the diameter of a round prop of 6 feet in length of red-pine, capable of carrying 6 tons, and to have four of a factor of safety. Show by calculation how you arrive at this. (The above is one of eleven questions, to which a period of three hours is devoted.)
- How many different kinds of pumps and appliances are used for draining mines?  
What thickness of metal would be required for cast-iron pipes 12-inches diameter, head of water 900 feet? Give thickness of top and bottom lengths,  
What would be the weight of pipes in the above question?  
What class of pumps gives out the highest efficiency?  
Describe the different methods adopted for underground haulage.  
A 3-inch steel-wire rope. What is its safe working load?
  - Its breaking strain?  
(The above seven have, with nine others, three hours for replies.)
- What is meant by mechanical ventilation? Describe the systems in use. (Nine questions, three hours.)
- What are the relative strengths of dynamite, rack-a-rock, and blasting-gelatine, as compared with blasting powder by weight, and what are the different effects produced by these explosives?  
Show by figures how you would calculate the quantity of blasting powder requiring to be used in blasting solid rock where the borehole was 2 inches in diameter, 4 feet in depth, and the line of least resistance 2 feet 6 inches.
- Surveying (Three hours allowed, fourteen questions, of which the following are samples):—  
Describe in writing the method by which the survey has been made, name the instruments used in the measurement of angles and of distances. Describe how the inclined measurements have been reduced to horizontal.  
Produce the original field notes of the survey, also the tables showing the distances of all traverse stations on meridian and perpendicular, and a specimen of the calculations from which they are derived.
- (The following question, with six on arithmetic, including one on cube root, has three hours devoted to it:—)  
What are the most commonly worked ores of the following metals:—Silver, copper, tin, manganese, tungsten, chromium, and antimony? Give a short description of each, and mention where they are found in New Zealand, and the mode of their occurrence.

## SCHOOLS OF MINKS.

Of the candidates who have successfully passed the examinations for managers' certificates many have been educated at the Colonial Schools of Mines, of which there are several. Dunedin possesses a well-equipped university, or rather university college, for its right to confer degrees was some years ago given up in favour of the New Zealand University, and of this one branch, under the direction of Prof. Ulrich, F.G.S., is devoted to teaching mining in a very complete and detailed manner. Like similar establishments, not situated in a mining

centre, it has suffered somewhat from the expenditure of time and money necessary to complete the course, but of late years the council has done much to popularize the lectures, and the teaching staff is largely increased,

In addition to this means of distributing knowledge, the Government, about the year 1886, inaugurated a scheme of peripatetic lectures under the guidance of Professor Black, D.Sc., of Dunedin, and a staff of assistants. The idea was at once enthusiastically taken up. Government subsidies were augmented by private subscriptions, and laboratories were built and furnished all over the colony.

This scheme was very much on the plan recently adopted in Great Britain and known as the County Council Technical Education Scheme.

After the first excitement had worn off (and indeed this happened in at least one instance before the first load of chemicals had been unpacked), and when people had discovered that there was no royal road to knowledge, the attendance fell off lamentably, but still, the seed sown has not been devoid of fruit. At the Thames (Auckland) and Reef ton (west coast of the South Island) permanent schools have been established in charge of resident instructors. The total expenditure during 1800 was £1,392, while since their formation £12,986 has been spent, £3,000 of which was paid as a subsidy to the Otago School.

## **Appendix A.**

### **Table showing the Total Number of Men Employed in Gold-mining in New Zealand.**

Province. Alluvial. Quartz. Totals. Grand Totals. Europeans. Chinese. Europeans. Chinese, Europeans. Chinese. 1890. 1891. Auckland 1,387 1,387 1,686 1,387 Marlborough 343 24 367 404 367 Nelson 1,502 486 547 2,049 486 2,680 2,535 West-land 2,590 846 8 2,598 846 3,680 3,444 Otago 3,294 1,663 342 3,636 1,663 5,337 5,299 7,729 2,995 2,308 10,037 2,995 13,787 13,032

## **Appendix B (See Plate XLVIII).**

### **TABLE SHOWING THE VALUE OF GOLD ENTERED FOR DUTY FOR EXPORTATION FROM JANUARY 1ST, 1857, TO DECEMBER 31ST, 1890.**

Unofficial information gives the return for 1891 as £994,438, or more than any year since 1882. The principal increases are from Otago and the west coast.

## **Appendix C.**

### **Table Showing the value of Gold entered for Duty for Exportation at various Ports from January 1st, 1857, to December 31st, 1890.**

[Gold entered at Nelson from Hokitika, Grey mouth, and Westport is put under the head of "West Coast," and from Invercargill and Riverton under the head of "Otago."]

## **Appendix D.**

### **Number of Machines employed in Alluvial and Quartz Mining and the Value thereof for the Year ending March 31st, 1891.**

Mining District. Machinery employed in Alluvial Mining. Steam Engines employed Winding. Crushing, etc. No. Aggregate H.P. Pudding Machines. whims. Whips or Pulleys. Sluices, Toms, and Sluice Boxes. Water-wheels. Hydraulic Hose. Pumps. Dredges. Quicksilver and Compound Cradles. Derricks. Stamp Heads crushing Cement. Boring Machines. Machinery employed in quartz Mining. Steam Engines employed Winding. Crushing, etc. No. Aggregate H.P. Crushing Machines. Stamp Heads. Water-wheels. Whims. Whims. Whips or Pulleys. Derricks. Berdans. Approximate Value of all Mining Plant included in this Return. £

Auckland 25 735 42 599 52 55 310 165,500 Marlborough 4 42 144 22 21 1,350 Nelson 3 40 7 2,349 16 713 7 3 50 30 19 383 32 437 24 2 3 64 184,780 Westland 13 332 7 51 3,450 11 1,243 61 5 50 12 3 17 3 47,950 Otago 8 195 1 4 4 4,577 32 22,177 50 34 2 4 72 33 236 275,775 Totals 28 519 1 18 55 10,520 81 24,133 139 42 100 2 30 12 48 1,190 110 1,289 79 2 3 55 374 675,355\* \*This total is stated as £675,555 in the return of the Mines Department, but there is an error in the addition.

## Appendix E.

### Table showing Approximately the Number, Description, and Value of the Water Races. Tail Races, Dams, and Ground Sluices in Operation during the Year ending March 31st, 1891.

Mining District.	Water Races.	Tail Races.	Dams.	Reservoirs.	Ground Sluices.	No.	Length in Miles.	No. of Sluice Heads.	Approximate Cost.	No.	Approximate Cost.	No.	Approximate Cost.	No.	Approximate Cost.
Auckland	37	28¾	162	30,200	5	72	7	935	31,207	£	£	£	£	£	£
Marlborough	86	60	146	10,000	60	3,000	25	500	16	360	13,860	Nelson	1,388	1,366¾	5,964
Westland	1,761	1,295	3,527	128,470	1,366	36,630	1,303	18,940	34	8,500	143	2,372	194,912	Otago	2,060
Totals	5,332	8,273½	17,741*	904,095	4,521	197,058	4,111	117,812	96	13,275	462	9,897	1,242,137		

\*This is stated as 17,743 in the return of the Mines Department but there is an error in the addition.

Mr. J. MCCOSH CLARK (London) said that his remarks would be confined to the question of mining in the Auckland district of New Zealand, He would make them, not as an engineer, nor as a scientist, but merely as a business man, who for the last thirty years had been engaged in gold-mining in the north of New Zealand, being one of those who when he fancied any particular mine, bought an interest in it and endeavoured to work it to advantage. The paper which had been placed in the hands of the members had been very carefully prepared, and as one acquainted with a great many of the facts referred to in the paper, he would say that there was very little to find fault with, and very little to criticize; but there was one point which he regretted very much he could not agree upon with Mr. Binns—that was the reference he had made to the volcanic series of mines in the Auckland district, viz., "it was the opinion of scientific men well acquainted with the fields that, as operations were continued to a greater depth, the supply of gold would not only be kept up, but would probably be increased."

See page 4.

He regretted very much to say with reference to those mines that it had not been his experience that the lodes had maintained their richness as they were followed down. As a rule the richest parts had been found at the outcrop in the brown and oxidized quartz. Generally speaking, that class of quartz was carried down from 80 feet to 100 feet from the surface, and after that they got into blue quartz with sulphides, and then almost invariably the yield became less. There were a few exceptions, and perhaps notable exceptions. The Caledonian claim distributed £500,000 in dividends in ten months being one; their rich lode occurred about 300 feet below high-water mark. It was something like fifteen years since that dividend was paid, and no dividend had been paid since; and the papers received by the last mail in London showed that the company had been liquidated and their mine sold. One curious feature of these mines was the almost entirely barren levels, There was one particularly at a height of 25 feet above high-water mark, which made it very awkward to test the country, Between that level and the 250-foot level some very rich deposits had been discovered; and between 300 feet and 6-10 feet the lodes were almost always poor. There were, however, two notable exceptions; the Kapanga Mine at Coromandel, and the Queen of Beauty Mine at Shortland. The Queen of Beauty Mine had not been worked lately, because the company divided the profits up to the last farthing, and when they got into difficulties with water they could not raise sufficient capital to keep the mine clear. Further attempts were at the present moment being made to work that country at a lower level, and there was sufficient encouragement given to induce the owners to persevere and test it, although, as he had said, the rule had been that the lower one went down the poorer the lodes became. There was one remark in the paper that he specially agreed with, to the effect that, generally speaking, the machinery in these gold-fields was of a class which compared very favourably with that in use elsewhere in the colony. He thought Mr. Binns was probably correct in that statement, and he might have added even, that it would compare favourably with that used anywhere else in the world. He did not himself think that as far as machinery was concerned in New Zealand that it could be much better; but at the same time the most was not made of the machinery which they had. He attributed that in great measure to the self-sufficiency of mining managers. The directors were not experts and were in their hands. The mining managers thought that they knew all about the working of the mines and mills, that they were doing the

best that could be done, and they did not seem to care to learn more. He would give one or two instances of this. In America fine gratings had gradually been introduced in the stamp mills; they were frequently now used as fine as 1,600 holes to the square inch, and sometimes even 2,500 holes. In New Zealand, they still worked with comparatively speaking coarse gratings, seldom exceeding 200 holes to the inch. Three years ago an American mining expert was superintending the construction of some machinery for the Te Aroha Gold Mining Company, and in temporary charge of the whole operations—when he took charge he condemned the coarse gratings in use, and imported and fitted into some of the boxes some much finer gratings. He did not remember the exact figures, but in the case of some low grade fairly free-milling ore, the yield was increased about 50 per cent. He himself was a local director of the company at the time, and therefore knew what was going on, and took care to bring the matter before the directors of the various mining companies in Auckland. He went himself to the principal importer of mining requisites, showed him patterns of the finer gratings and urged that some be imported, but notwithstanding the foregoing favourable result, to the best of his knowledge, no proper steps were taken to test the question, the mining managers being quite satisfied to work with the coarse gratings. Again, mining managers did not care much about assays; he did not mean assays of samples of ore, which as a rule were of little value, but assays of tailings, by which they could work out the percentage they were saving of the assay value of the ore being treated. The Te Aroha Company erected a smelting furnace for the lead process, and were prepared to buy any ore which would bear the cost of smelting. They were also desirous of purchasing concentrates to assist in fluxing dry ores, and with the view of promoting the production of such material they offered to treat parcels of two or three tons free of cost, the company even paying the carriage. These parcels were to be put carefully over the concentrators, and returns given showing the assay value of the tailings, the percentage and assay value of the concentrates saved, and the amount which the company were prepared to pay. This would have enabled the directors of companies to judge whether it would pay to add concentrators to their stamp mills. Various mining managers were instructed to supply such samples, they did not refuse to do so, but they always had some excuse for not doing so, in fact they did not want to; and in one case in which samples were sent they were so poor that they only assayed six shillings and sixpence per ton, while the average yield of the ore treated by the battery process was over 1 ounce, say, £2 10s. per ton. The manager must have gone out of his way to send tailings from the poorest stuff in the mine. He would only detain the members by giving one other instance. He had seen in the papers the report of a trial crushing of heavily mineralized ore, the yield by the battery process being over 1 ounce to the ton. He called upon the legal manager (secretary) and congratulated him upon the result, and asked an order for a portion of the tailings to treat in the manner he had explained. He got the order, went himself to the mine, and found that the tailings had been washed out to sea, and not even an assay sample saved. From the description given of the ore he was satisfied that not more than one-fifth of the assay value was saved, but the amount that was lost the manager had taken no steps to ascertain. Remarks might be made to the effect that this was not interesting to the meeting, but he thought it ought to be interesting because he looked to the members of such an Institution as the men to rectify what he complained of. In small gold-fields there were no mining engineers practising their profession, they had only mining surveyors, who did all the surveying, and made plans of the mines. They wanted mining engineers who would not only do what was now done by the mining surveyors, but would advise the directors as to the best machinery to erect, superintend its construction, visit the works periodically, to see that the machinery was doing its work, and see that reports were given not merely of the yield per ton of the ore treated, but of the percentage saved of the assay value.

Mr. W. COCHRANE (Newcastle-upon-Tyne) asked Mr. Binns whether the hydraulic system of dealing with the tailings, in which they are lifted to a height of 60 feet, first of all washing them down, and then lifting them up, to extract what quantity of gold there might be in them, and then depositing the refuse, was applied to washing: down rocks or other indurated material, or gravel deposits; and he would ask if that was as successful? He would like also to know whether the value of 1½d. per cubic yard meant the cost including any charge for the enormous plant required for the reservoirs, the lines of pipes, and also for wear and tear.

A MEMBER asked Mr. Binns if he could give any particulars as to the results of working the cyanide-of-potassium process for extracting gold? In the last number of the *Mining and Engineering Journal* (New York) it was stated that the Cassel process was very varied in its results; that it was suitable for the extraction of fine free gold, but not for refractory ores.

Mr. S. H. COX said, referring to the Thames gold-field, which Mr. Clark had spoken about, that there were some points that he thought worthy of mention. The gold reefs of the Thames field were worked in volcanic beds, but they were distinctly stratified volcanic beds. In these there were various gold-bearing belts; as well as other belts in which there was no gold. He believed that the fact that the Caledonian and adjacent mines cut out their gold at about 300 feet in depth, was simply due to the passage of these reefs from the auriferous to what are known as the non-auriferous belts of country. In passing from the Caledonian Mine to the Queen of Beauty Mine, which was at the other end of the field, several gold-bearing belts were met with. In the first place there

was a wide belt which was below the Caledonian belt, and then the Prince Imperial belt, in which the Prince Imperial Mine and one or two other mines had been worked. It might be mentioned that the Prince Imperil Mine was worked to a depth of 500 feet, and the Queen of Beauty Mine to a depth of over 700 feet. In that mine they certainly had a lower belt than in any of the other mines. The consequence was that in sinking at the Caledonian end there was every probability of finding these belts of country in which the reefs would be as rich as or richer than at the Queen of Beauty, It was upon these grounds that the scientific information Mr. Binns had alluded to was based) that at the greater depth the mines would prove as rich or richer than at the surface. At the present time, the main drainage was only carried to a depth of 400 feet, because the owners did not care to pay the additional rates that would be necessary in going to a greater depth. The driving that had been done at the Caledonian end at a depth of about 600 feet was of a very limited description, and had not proved in any way that the county there was not going to be auriferous. He thought that Mr. Binns had perhaps attached too much importance to the refractory nature of the ores. There was no doubt that there were ores in the Thames district that were refractory, and required special treatment; but at the same time it was only within the last few years that any attempt whatever had been made to treat ores of that class. Since 1861 mines had been worked, and gold extracted from the free milling ores. The Caledonian Mine that Mr. Clark alluded to, paid its dividends from free-milling ore, without any concentrators, or saving anything but what could be got off the plates. However, there was no doubt a good deal of ore that required special treatment. Then, passing from the north to the south, having read Mr. Binns' paper through somewhat carefully, he was bound to say that the paper had not conveyed to his mind the fact of the very great wealth that existed in the South Island of New Zealand. Mr. Binns had alluded to the fact that some £46,000,000 of gold had been taken out of the country, and he had given the fact that there were alluvial workings and reef workings, but if Mr. Binns would inform his audience what were the comparative returns obtained from reefs and alluvial workings up to the present time it would be found that something like seven-eighths of the gold of New Zealand had come from alluvial deposits, and that some of those alluvial deposits had been enormously rich. Along the whole of the west coast of the South Island there were deposits, and some of them, as for instance at Brighton, a little south of Westport, had turned out something like £2,000,000 of gold from alluvial workings, and there was not a single reef working in the district. Then the Charlestown district turned out well without a single reef, and other fields had turned out something like £5,000,000, and there were no reefs worked in those districts. The conclusion he drew from these facts was that most of the gold arising from the alluvial workings must have come originally from reefs, and he thought the most important feature, that one could speak of when drawing attention to New Zealand, was the quantity of reef gold that mast yet be found in the gold-bearing rocks that lay in the north of South Island, and which, up to the present, had been developed to but a very small extent. With the exception of these remarks, he agreed entirely with what Mr. Binns had said, and he had only to add his thanks to him for having written so valuable a paper.

Mr. H. M. BECKER (Singapore) said that he had no acquaintance with the particular fields in question. He would say, however, that he took great interest in the particular process of gold sluicing which had been discussed before them, and he thought the process must be applicable to similar deposits in other countries. He would like to hear what Mr. Binns would say in answer to the questions as to the total cost of working the mines, and whether the figure he had mentioned was only for wages, or included the cost of bringing in water, and maintaining water-supply, etc.

Mr. C. C. RAWLIKS said that he had just come from New Zealand where he had been interested in mining for some twenty years, and also in Australia. He was engineer to the Island Block Gold-mining Company in Otago, and he had visited all the different fields in Australia, There was one remark that he would like to call attention to, and that was the observation made by Mr. Clark that the Auckland gold-fields were supplied with some of the best machinery in the world for reducing ores in order to extract the gold; but in his experience he had never seen any battery which had not been supplemented with grinding power after the pulp had passed through the sieves. It did not make any difference, provided you ground the material afterwards in pans, and then passed it over to the concentrators. It did not matter whether or no the stuff went through fine gratings. When Howell's scheme was introduced at Wahi, he introduced the ore in a perfectly dry state through fine screens, but in every battery he knew of, it was passed through grinding pans, and then concentrated afterwards. The only difficulty that had ever been felt in the Thames district was being removed, and that difficulty was with regard to the tailings that were passed through the pans. Many years ago when the plants were not as good as at present the material was re-ground and the ore extracted by chemical processes. More could be extracted by a chemical process than by a grinding process, because, to a certain extent, the gold was held in suspension with minerals in a very finely divided state. At Wahi, they got over that difficulty by using perfectly dry stamps. A gentleman had asked a question with regard to the hydraulic mining plant (Figs. 4, 5, 6, 7, 8, and 9, Plate XLVIII.). This plant was one which he himself had introduced at the Island Block Company's works. The whole of the plant was prepared in England, and taken out to New Zealand at a cost of about £16,000, That

plant was now lifting material to a height of almost 80 or 90 feet perpendicularly from a level which under ordinary circumstances was filled with water in 4 hours to the level of the river flowing by-The whole of the material had to be lifted, including the water which was used in breaking it down. They used 30 cubic feet of water per second; half of which was used in bringing the material down the elevator and the rest was used as jet, which forced the material out through the tube up to the baffle-plate at the top before it entered the box. The cost to the Island Block Company, which had been calculated very carefully and cubed up, including the cost of labour, was about 1½d. per ton. He did not say that 1¼d. per ton covered the cost of the erection of the plant, but in cubing up at the end of the month that was, what it cost to put so many tons of material through, without including interest on cost of plant or interest on capital. Under ordinary circumstances he would say that it took three men to work one elevator for 8 hours, and that three men put on an average 500 tons of earth through in 8 hours. At the same time, an elevator had to lift perhaps 6 cubic feet of water-drainage and 3 tons of gravel, sand, and earth, so that it was easily understood that the whole of this labour was done by the water only. The height that could be lifted depended upon the head of water which was employed in lifting. At the Island Block Company's works they had 800 feet of perpendicular head on their pipes, which were made of solid steel with no joints or rivets in them. They were joined at the ends only by special joints, made in Wolverhampton. The force of the blow which was struck on the baffle-plate was enormous, and any material that was not broken in any other way was broken then. Even stones were smashed on it. There was one singular thing about it, and that was that the wear and tear occurred only in two places, that was immediately on the liners and at the top; there was about 4 feet of steel liners (made in Sheffield of ordinary steel), each one cost about £6, and lasted two months. The water passing up the pipe seemed to prevent the uptake pipe wearing out, it polished but did not wear it much. At the top was a baffle-plate, 4-inches thick, made of hæmatite iron, and that, even in a very few weeks, was broken altogether or worn completely through. When the material struck the baffle-plate it fell down into boxes having a fall of 8 inches in 12 feet. There was angle-iron on the bottom, and the material rushing down at a great pace, about 10 or 12 feet per second, kept eddying continually under the iron in which the gold sank down. The fine gold passing through the boxes would be all washed away, were it not for that fact. If it were at all flaky some of the gold would be lost. The average amount of gold got to the ton would be about a grain or a grain and a half, and not more than that in the best ground. The wash had to be taken from top to bottom, and the material had to be lifted from a place which was entirely covered with water, except when the elevators were at work. The pump was never allowed to stop, or else the place would be filled with water in a very short time, and it would have to be pumped out before operations could be resumed.

Mr. W. COCHRANE asked Mr. Rawlins whether the 800-feet head of water came from a reservoir?

Mr. C. C. RAWLINS replied that they had two large streams supplying water to a reservoir. The average quantity of water in those two streams was about 5,000 gallons per minute. They had usually calculated on having 12,000 gallons of water passing through their pipes. The mains were 15-inch pipes, falling about 800 feet; the water was supplied from two reservoirs. These two streams ran into the reservoirs, and in time of flood filled them up. In addition to that they had the natural streams flowing into them, which were taken to the head of the pipe.

Mr. W. KENNAWAY said that he had no personal experience in gold-mining but he had been a director of a gold company in New Zealand, and he at present occupied the position of Secretary to the New Zealand Government in London, He came to the meeting at the request of the Agent-General for New Zealand (Mr. Perceval) to say that he was very sorry that he was not able to attend. Mr. Perceval had read Mr. Binna' paper to which they had just listened with great interest, and considered the subject was a very important one to the colony. The paper no doubt contained much useful information, and Mr. Perceval hoped to get copies of it for circulation in this country. With regard to his own personal experience, he (Mr. Kennaway) was led to agree with one of the gentlemen who had just spoken, who had referred to the South Island, and more especially to the alluvial diggings there. Many years ago, when starting a sheep station about 2,000 feet above sea-level, he had put up his hut at a small creek in South Canterbury, and two gold diggers came over from the Otago diggings. He gave these diggers quarters for the night, and they went down the next morning to dig on the banks of the creek. When they had done that he did not ask them the result of their labours, for they disappeared, and went off on the run. But towards evening they came back, and while they were eating supper he asked them the result of their labours. One of the men said that they had been digging down on the bank of the creek, and in a part of the run they had found the "colour" of gold, but it was so evenly spread over the whole country that it would only pay them 7s. a day each It seemed to him (Mr. Kennaway) that there might be an opening there, and if any gentlemen present liked to form a Canterbury gold exploration company, he would be glad to give them all the information he could on the subject. His old friend, Sir Julius Von Haast, the Government geologist, had often told him that in South Canterbury there was an enormous quantity of alluvial gold, but that it was very evenly spread, there being no pockets, and the consequence was that it did not pay to work; but surely when the gold diggers could make 7s. a day each, with nothing but their rough appliances, a



company with capital might do very well there. Some two or three years ago the New Zealand Government issued instructions to the Agent-General to make enquiries with regard to the processes adopted in Germany and other countries, suitable for dealing with refractory gold ores of the North Island, and the printed reports relating to the subject could be seen at the New Zealand Government offices in Victoria Street.

Mr. R. R. HUNT (of New Zealand) said that Mr. Binns' paper was a most valuable one, and deserved the thanks of all present. He came from the province of Auckland like Mr. Clark, and with regard to the question of deep sinking, it seemed to him that Mr. Clark rather thought that after going to a certain depth the gold decreased. But that was scarcely the case, and he would mention a letter which he had received from Sir James Hector, head of the New Zealand Geological Department, saying that the "Thames reefs had only been scratched," and had hardly been worked at all. He further said there was no reason why the reefs as they went deeper should not be richer than they were at the surface. It was true that barren strata had to be passed, but in the case of the celebrated Queen of Beauty Mine, they went through barren and came to rich strata, and at a depth of 750 feet they found the gold as rich as before. With regard to another point Mr. Clark had touched upon, namely, that mine managers did not know how to treat the ore, and were very prejudiced. There was no doubt they had that failing, but he thought that the Schools of Mines in New Zealand were gradually correcting these errors, and if they had some scientific knowledge also from this side of the world, he believed that the reefs below water-level would give better results than ever. The mineralized ores of the deep mines were heavy and required special treatment, while those above the water-line, on the other hand, contained free gold, which was easier to get. There was a gold-field near the Thames which he would mention, where the gold was of so fine a nature that the battery only saved 40 per cent, of it, whilst 60 per cent. went down stream. That was at a place named Kuaotunu, which he had visited himself, and he thought that dry crushing and pan amalgamation would get over the difficulty, North of Auckland there was another field, called the Puhipuhi silver-fields, and that was also a case of free milling ore, and was several hundred feet above the water-line. New Zealand, he believed, would continue a gold-producing country, but they wanted capital, and till John Bull regained his confidence and put his hands into his pockets there was not much chance of getting capital, but when he did so they would show him places above the water-level where he would not be troubled with mineralised ores, and they as colonists would be glad to give him a very fair return for his money.

Mr. EMERSON BAINBRIDGE (Sheffield) said that Mr. Binns was quite right in regard to the number of misfortunes in the New Zealand gold-fields, but he spoke of those misfortunes as being due to over-capitalization. He might have said that many were due also to the want of capital. Most of the misfortunes were due to miners being on the point of discovering a rich vein, and at the moment when they were about to work it finding them-selves short of capital, thus being obliged to go into liquidation. He was not sure whether there was any connexion between the sluicing process and the process of liquidation, but there was another difficulty with regard to the water. He had tried to work out the power that it would take to lift the volume of water required for the sluicing process, and he found it amounted to about 1,150 cubic feet a minute, raised 400 feet high, and that would take 900 horse-power, without anything being allowed for friction. He believed Mr. Binns was quite right in assuming that it would be very difficult to find any river except an extremely large one which had motive power equal to so many horse-power, that would lift the water from the river-bed to the point where the pressure was needed. He would like to hear whether there were rivers of that capacity, because if there were that would be one very easy way of managing the water.

Mr. G. J. BINNS, in replying, said that Mr. Clark's remarks as to the incompetency of mine managers would soon be answered by the Schools of Mines. Mr. Hunt had referred to them, and he could say they were gradually training up young men who would be able to deal with ever, question. These young men were trained, and very excellently trained, by the large scientific staff that at present existed in these colonies, and they would show Mr. Clark and other gentlemen the way to save their gold very efficiently, and to work their mines better than they had been worked in the past. He understood Mr. Cochrane to enquire whether the process referred to in the paper was used for elevating and for sluicing, when there was a free fall.

Mr. COCHRANE—From natural rocks.

Mr. G. J. BINNS—Natural rocks in a geological sense—that is *detritus*. It was unnecessary to use the elevating process when there was the free fall. He was pleased to have unexpectedly met Mr. Rawlins, because he knew more about the sluicing process than any man perhaps in the colonies. As to Mr. Rawlins' question where he (Mr. Binns) had obtained the diagrams referred to, he had got them from the Blue Book issued by the New Zealand Government—A gentleman had asked whether the cyanide-of-potassium process was successfully used for the treatment of New Zealand ores. He could mention that the last report of the Mines Department of New Zealand stated shortly that the process had been perfectly successful for treating refractory ores. In one case from 85 to 90 per cent, of the bullion was extracted. It was the best process introduced into the colony for extracting gold, but at the same time the ore must not have an assay value of less than £5 per ton. The remarks of Mr. Cox had been exceedingly interesting to him, because his knowledge of the Thames gold-field was very

full, he had spent a great deal of time there, and had studied the matter in detail. He was very pleased to hear his opposition to Mr. Clark's lugubrious view of the deep mines in Auckland. The fact that there was a barren stratum was no reason why they should not go below it, for nobody could tell what was underneath. By the time Mr. Clark reached New Zealand, if he intended to go back, he would no doubt find they had discovered that the measures underneath the barren strata were excessively rich. Mr. Cox had pointed out that the free milling ore was obtained at the surface. That might be due to the fact that those ores at the surface were oxidized, and had become free milling ores. When they got deeper the ores were found in their natural state, and would require great care in treatment. He would have been very pleased to emphasize more strongly the alluvial auriferous wealth of the South Island, because he felt strongly on that subject, but he was anxious to avoid the imputation of boasting, a vice not infrequently laid to the charge of colonials; at the same time he would say that many of these alluvial deposits were capable with proper appliances of being made to yield enormous quantities of gold, not only by the process which he had indicated, but by the river-dredging process. He was not able to state, in answer to a question which had been put, what would be the actual cost of the removal of the large quantity of material mentioned, and whether it included wear and tear. Mr. Bainbridge had misunderstood what he (Mr. Binns) had said with regard to the Clutha Valley, which was that it was difficult to get the water to the alluvial deposits fringing the valley—the ancient flood deposits—but it would be unnecessary, if they did raise water, to elevate it to the height of 400 feet, because for common sluicing purposes such a great height was unnecessary. The process could be carried on, especially if the material was loosened by blasting, and water could be carried up, with moderate pressure. It seemed to him that in a country like New Zealand there might be some system of pumping employed.

The PRESIDENT said that they were very much obliged to Mr. Binns for the paper that he had read before them, and they were glad to find that so many visitors from New Zealand had attended the meeting, and were thankful for what they had said, which had added very considerably to the value of Mr. Binns paper. In conclusion, he proposed a vote of thanks to Mr. Binns for his paper.

Mr. J. B. SIMPSON (Newcastle-upon-Tyne) seconded the vote of thanks, which was unanimously agreed to, and the meeting adjourned.

## ***To illustrate Mr. George J. Binns paper on "Mining in New Zealand***

Institution of Mining Engineers Transdion 1891-92 Vol. III Plate XLVI.

## **Vol. III. Plate XLVII. To illustrate Mr. G. J. Binns' Paper on "Mining in New Zealand"**

## **Vol. III. Plate XLVIII. To illustrate Mr. G. J. Binns' Paper on "Mining in New Zealand"**

Mining in New Zealand.

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A Paper Read Before the Federated Institution of Mining Engineers.

By George J. Binns.

Annual General Meeting at Shelton, SEPTEMBER 7TH, 1892,

EXCEHPT FROM THE TRANSACTION OF THE FEDERATED INSTITUTION OF MINING ENGINEERS.

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# **Mining in New Zealand.**

## **BY George J. Binns.**

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## PART II.—MISCELLANEOUS MINING. (PLATE VII.)

Since commencing this paper the writer has found that the classification originally adopted would be somewhat inconvenient, and begs permission therefore to change the title of Part II, from "Miscellaneous Lode-mining" to that given above, which is subdivided as follows:—

A.—Minerals which have been worked in the colony:—

- Antimony.
- Copper.
- Manganese.
- Tin.
- Scheelite.
- Chromium ores.
- Silver.
- Iron.
- Platinum.
- Sulphur.
- Graphite.
- Petroleum and oilshales.
- Clays and sands.
- Building-stones.
- Limestone.

B.—Minerals which have not been worked in the colony:—

- Zinc.
- Lead.
- Mercury.
- Barium.
- Bismuth.
- Arsenic.
- Nickel.
- Diatomaceous earth.
- Asbestos.
- Precious stones and gems.

There are probably few countries of equal area which contain so great a variety of ores as New Zealand, but at the same time it cannot be said that the natural mineral resources of the colony have been at all worthily developed. One reason for this is the fascination exercised by gold on the mind of the miner. Familiar to him from his earliest infancy, the alpha and omega of all that is desired, he naturally inclines to search for it rather than for any of those less known and less attractive minerals containing valuable metals often in a very homely guise. Then the exceedingly rough nature of the country, already described in the first portion of this paper, has rendered the transport of bulky ores difficult and indeed often impossible. Reduction works are few and far between, and the expense attendant on treating complex minerals in bulk has usually been very great.

### A.—MINERALS WHICH HAVE BEEN WORKED IN THE COLONY.

#### (1) *Antimony.*

Antimony occurs widely distributed throughout the colony, from the Bay of Islands, in Auckland, to the south of Otago. In many places it is auriferous, and is worked as part of the reef, but very frequently, after extracting as much gold as can be done by crushing and amalgamation, the stibnite is allowed to flow away with the tailings. Many efforts have been made to work it, and notwithstanding several somewhat conspicuous failures the industry bids fair to become well established.

In Auckland Province antimony occurs, as already mentioned, at the Bay of Islands, and also at the Thames, Waiatohi Creek, and Coromandel.

It is, however, in Queen Charlotte Sound, Marlborough Province, that the largest deposit of stibnite has been found, and in this locality an effort has been made to work on a large scale. The discovery was made in 1873, and the analysis gave 51.12 to 69.4 per cent of antimony. At this place the country is a fine-grained, greenish, schistose rock, changing in parts to a greyer colour, and becoming more quartzose. The lodes, of

which there are three, vary a good deal in thickness and quality, and contain an appreciable amount of gold. The main reef has been followed from the north-eastern corner of the lease in a northwesterly direction for about 140 chains, and in the opposite course it may be traced on the same line of strike for about 4 miles. Its structure is peculiar, in that the stibnite forms the lode, and the quartzose part is disseminated through the ore. With the antimony are found loose blocks of olivine, with chromium ore, compact hornblende rock, and white and green chert.

A small company of Wellington (New Zealand) capitalists expended £25,000 in plant and works, including a dressing plant and smelting furnaces, but the undertaking proved to be unremunerative, and the property passed into the hands of an English company who worked on a much larger scale but with no better result. The ore appears to have been plentiful, but as is usual in such deposits was lumpy and a good deal faulted.

The dressing plant consisted, in 1890, of one Blake rock-breaker, one Marsden ore-crusher, one Lucop centrifugal pulverizer, and various other appliances. The use of the Lucop pulverizer had been discontinued, but the Marsden crusher gave great satisfaction. Still the general result of the concentrating plant appears to have been very unsatisfactory, and the first smelting-works which were erected were so inefficient that they were dismantled. During 1890, 515 tons of ore, containing from 48 to 60 per cent, of antimony, with a value of £11,121, was exported by this company, but according to the *Otago Witness* of March 31st, 1892, the mine was put up to auction in that month, and no bid was obtained. Advice dated June 9th, 1892, stated that a syndicate had purchased the mine, and decided to go on with the work.

Passing by Collingwood, where a complex antimoniferous ore occurs, which will be described under another heading, the next deposit is at Reefton, in Nelson Province, where stibnite occurs plentifully as a constituent of the gold-bearing reef, and also near Black's Point where, at a distance of about 1½ miles from the Inangahua River, and at an altitude of about 800 feet above the stream, or 1,400 feet above the sea-level, a number of blocks occur, which have received some attention. The surface of the country is densely clad with forest and undergrowth, and consequently prospecting has been carried on under difficulties.

About 3 miles from Brunner, on the Greymouth-Reefton Railway, and 8 from Greymouth, quartz reefs had been known for many years, but had not attracted much attention until about the year 1878, when blocks of richly auriferous stibnite were found in the alluvium. The quartz reefs are about 600 feet above the river, and at 400 feet higher the lode from which the specimens were derived was discovered. It is about 9 feet in thickness, is included in hard blue cherty slate, and consists of five distinct bands, as follows:—

The first specimens forwarded gave the astounding result of 84 ounces of gold and 86 ounces of silver per ton, or an assay value of £830. Subsequent specimens obtained by Sir James Hector did not give anything like such a good yield, the highest being from No. 2, which assayed 32 ounces of gold to the ton. Still, the prospects were exceedingly alluring, and if the reef had maintained its thickness, the results would no doubt have been satisfactory. This was not, however, the case, and the mine was abandoned without any very decisive test of the property being made.

Other localities on the west coast, where antimony is found, are Westport, Blackball Creek, near Greymouth, and Hokitika.

In Otago, ores of this nature occur, and are now being worked, as for instance at Hindon, where a 7 feet lode occurs about 1,000 feet above the river, and has yielded 500 tons (worth £10 to £20 in London). The reefs in this locality were known in 1864, but for many years remained unworked. Recently an energetic private firm has taken up the lease, and as the lode is well-defined, and the mine within easy distance of the recently opened Otago Central Railway, the prospects should be good.

At Stony Creek, near Waipori, Otago, the antimony deposits at one time offered considerable inducement for investors, and in 1875, 60 tons of ore was sent to England to be smelted. The lode, which is composed partly of fibrous and partly of compact stibnite, is 2 feet 6 inches in thickness, and has been traced for several hundred feet. Scarcity of fuel and timber constitutes a considerable drawback to cheap working, and but little has been done.

On the Carrick Range, near Cromwell, Otago, outcrops which have been traced for upwards of a mile occur at an altitude of 3,000 feet above the sea. The reefs traverse grey foliated mica-schists, and are stated to be thin. But little has been done in this locality.

In addition to the places already named, antimony occurs widely distributed throughout the colony, as for instance in the Provinces of Napier and Wellington, and at Dunedin, in Otago, and with such quantities undoubtedly existing, the fact of so little being worked seems remarkable. One reason lies in the superior attractions of gold, and the fact that, although comparatively easy to treat, antimony ores require special knowledge and also fuel, which is often absent in the locality of the find.

The export of the ore commenced in 1878, with 4 tons, valued at £102, and reached, in 1880, 515 tons, valued at £11,121; altogether £36,190 worth has been sent out of the colony. In the year 1883 a bonus of £500 was offered for the first 250 tons of antimony regulus produced in New Zealand, and sold at a fair price in a

foreign market; but no application was made, and consequently the reward lapsed.

## **(2) Copper.**

Copper has been known in New Zealand since 1842, when a lode of chalcopyrite, or copper pyrites, was worked on the island of Kawau, Auckland Province. It occurs elsewhere in various forms, as native metal in the Nelson serpentine belt; near Lake Wakatipu, Otago; at the Great Barrier Island, in Auckland; in the Perseverance Mine, Collingwood; at Maharahara, near Woodville, North Island; and in small quantities distributed in basaltic dykes traversing trachy-dolerite breccias, near the Manukau Heads, Auckland.

In addition the following ores are found:—Cuprite or red copper ore, occurs in the serpentine belt of Nelson, where it is found yielding from 10 per cent. to 88.9 per cent. It is also found at Bligh Sound, in Otago; at Tokomairiro, Otago; and at the Thames. With it is frequently associated copper glance, or chalcocite. Chalcopyrite, or copper pyrites, which has already been mentioned as having been found at Kawau, was worked for several years, with a yield of metal at first of 16 per cent., then of 8 per cent., and finally, at the deepest point, of 5 per cent. When the mine was abandoned, principally on account of the high price of coal, consequent on the recent gold discoveries, the lode was said to be 15 feet thick. The same ore has again been worked at the Great Barrier Island, Auckland, in conjunction with peacock ore, malachite, azurite, and mela-conite. At Moke Creek, near Lake Wakatipu, Otago, a lode 4 feet wide is found, consisting of 5 inches to 8 inches of chalcopyrite, and 3 feet 8 inches of gangue, with a little metallic copper scattered through it. Another locality is the Paringa River, Westland, and specimens have been obtained from the Thames, where it is associated with gold; from the Moorhouse Range (Canterbury), near Mount Cook; at Dusky Sound, on the west coast of Otago; and at Lake Okou.

The neighbourhood of Nelson has been the site of some of the most recent attempts to produce copper, and the Champion Company, though not now in operation, erected works on a scale of considerable magnitude. The lodes seem to be of the nature of contact deposits, and occur where the red and green Maitai slates, of Lower Carboniferous age, abut on massive beds of diorite and greenstone, changing on the east into compact serpentine, with large intrusive masses of the olivine rock charged with chrome iron, and known (from the Dun Mountain) as dunite.

There are in the Champion property three lodes, known respectively as the Champion, the United, and the Maitai. The first-named consists, so far as is known, of a vein of rather soft serpentine, about 4 feet thick, between walls of compact serpentine, and contains, near the hanging wall, irregular lumps of metallic copper, with various adhering sulphides and oxides. Towards the footwall are masses of magnetite and pyrrhotine, and in some portions of the lode kernels of yellow sulphide and copper glance (grey sulphide). In the United lode metallic copper does not occur, and the body of the lode is almost entirely composed of yellow sulphide. In the Maitai lode, which has not been much explored, the ore is mostly grey sulphide.

A large amount of dead-work was carried out, expensive roads were constructed, reducing works, with elaborate appliances, and laboratories were built, and everything laid out for complete copper mining and smelting. In all, the expenditure was about £34,000, and the average yield of all the ore produced, including native metal, was 7½ per cent., but owing to the decrease in the value of copper, the undertaking failed to pay. The estimated cost of producing fine copper was £28 to £29 per ton.

The Nelson mineral belt which has been alluded to extends from the Dun Mountain to D'Urville Island, and is covered by the Maitai series, which consists of green and purple slates (highly cleaved) and then calcareous slates, traversed by veins of calcspar, and passing eventually into a regular bed of limestone, beyond which the slates (still calcareous in character) again come in, and are succeeded by the serpentine which may be traced from the Dun Mountain to the Croixelles, reappearing at D'Urville Island. At this last-named locality an attempt to mine was made in 1878 and 1879, the deposit consisting of a true but patchy lode of copper glance. The average return from 50 tons shipped to Melbourne was 10 per cent., but the ore was imperfectly picked.

In the early fifties an English company expended large sums of money in an attempt to work the Dun Mountain copper deposits, near Nelson. The mine was 2,500 feet above the sea, and was connected with the port by a railway, 12½ miles long, with a gradient (for a large proportion of the distance) of 1 in 18. This and other extravagances, which were committed before sufficient ore was proved, caused failure. The company expired, and for many years the property lay idle. Of late years, however, an attempt has been made to re-start it, and evidence has been obtained that the original company did not pay so much attention to the indications of the lodes as would have been prudent. While these were being followed, rich deposits of chrome ore were met with, and money, which should have gone towards proving the copper-bearing lodes, was diverted. When the price of chrome fell the available capital had been expended, and operations ceased.

Near Nelson, in the Aniseed Valley, is an interesting occurrence of native copper, interspersed in minute grains through a matrix of granular serpentine. On analysis it was found to contain from 2 per cent. to 6 per cent. of copper. A similar deposit has been found in the Serpentine Valley, lying to the south-west of the above

locality, but in neither case has much been done towards proving the continuity of the bed. In the same valley redruthite or copper glance, cuprite or red oxide, and native copper occur in bunches at the Aniseed Valley Mine, but no well-defined lode is known, and at the Red Hill Mine, near Collingwood, a dark ore with resinous lustre has been found, which proved to be an intimate mixture of zinc blende, chalcopyrite, and galena.

So long ago as 1870, a discovery was made on a claim in Bedstead Gully, Collingwood, of fine specimens of chalcopyrite, and though the prospects were at the time considered to be excellent, nothing has since been done.

In Wellington Province, copper is noted as occurring at Porirua, and at Maharahara, near Woodville, and has been for some years worked. The deposit, which was first found on the slope of the Ruahine Range by Mr. Price, and consists of the native metal with various ores, is associated with red cherty rocks and hæmatite. The writer is unaware of the precise nature of the company's operations, but the March, 1892, newspapers stated that rich ore was at that time being mined.

The west coast of the South Island contains several deposits of the metal under consideration. On the Buller River, copper was found in 1874, and on the Paparoa Range in 1886; also at the Haast River a deposit is known 2 feet in thickness, and yielding 85 per cent. of copper; this is on the face of the Okura-Matakitaki Range, and within 6 miles of coal outcrops; and it is known to occur at Paringa, None of these, however have been worked, but at Dusky Sound, in the south, mining operations have been carried on. The lode here, which is 5 feet thick, consists of chalcopyrite, with pyrrhotine and magnetic iron pyrites, and yielded from 23.5 per cent. to mere traces. The associated rock is hornblende-gneiss, which varies from hornblende-rock to felspathic-gneiss, and is traversed by veins of granite. The site is only about half a mile from the shore, where there is good anchorage, but the explorations so far have gone to prove the non-existence of any well-defined lode.

In the Province of Canterbury there are, with the exception of a deposit in the Moorhouse Range, near Mount Cook, no copper ores, but in Otago—besides those occurring on the west coast, and already mentioned—are several deposits, some of which have been worked to a small extent.

About 1865, £2,000 was expended near Waipori, Otago, in a futile effort to discover a well-defined lode, and in 1862, pyritous ore containing 24 per cent. of copper was found near Ben Lomond, between Late Wakatipu and Moke Creek, This is a true lode 1½ feet thick, dipping at an angle of 15 degs. Specimens have been found at Tokomairiro, and on the Car rick Range, near Cromwell.

It will have been observed that copper ores and the native metal are widely distributed in New Zealand, at several places in Auckland, in Wellington, through the Nelson mineral belt, at Collingwood, scattered through the west coast of the South Island, in Canterbury sparingly, and in Otago at various places. Also that the yield varies from pure metal downwards. In hardly any of these places has the working been earned out with any degree of perseverance, and in many cases, no doubt, what energy has been expended was misdirected, and the difficulties attendant upon copper smelting have militated against the success of the industry. Possibly, in future years, more skilled and determined efforts will be made.

The export of copper ore has been exceedingly variable. It commenced in 1858 with 351 tons, valued at £5,000, and has never again reached anything like the same figure. For several years, as will be seen on reference to the table (see Appendix), little or none has been exported.

### **(3) Manganese.**

Manganese ores have been exported uninterruptedly since the year 1878, when 2,516 tons, valued at £10,416, was the yield, but in only one succeeding year has the original figure been equalled, and the supply shows a falling off. The total quantity is 15,803 tons valued at £51,291 During 1890, the Colonial Manganese Company produced from Waiheke Island, Auckland, 1,020 tons, valued at £2 per ton, while 150 tons valued at £2 5s. per ton came from Whangarei. Pyrolusite occurs sparingly in the colony, having been discovered in Auckland in 1873, and the only other locality known is in the same province, where the mineral was found in 1878. Hausmannite and braunite have also been noted. Manganite, psilomelane, and wad, all hydrous ores, are very plentiful; manganite in Otago, in the alluvial drift of the Kawarau and Clutha Rivers, and also an apparently extensive deposit near Taieri Mouth. An attempt was made, in 1890, to work the ore in the last-mentioned locality. In Auckland it is found at Tararu Creek (Thames), at Kawakawa, on the island of Waiheke, and at Whangarei. Tory Channel (Marlborough) and Wellington are other known localities. Wad occurs in most of the places already mentioned, and in addition to the above commercially valuable ores are found diallogite (carbonate of manganese), rhodonite (silicate), and mangano-calcite.

### **(4) Tin.**

This exceedingly valuable metal has not yet been commercially worked in New Zealand. For some years the existence of tin ore in many localities had been known; for instance, in the auriferous conglomerates at the

base of the Coal-measures at Lankey's Creek, Reefton, at Milford and Dusky Sounds on the west coast of Otago. A discovery was reported near Waikouaiti, Otago, in 1886, and undoubted cassiterite was brought down; but on investigation by the writer there appeared to be not the slightest indication of stanniferous rocks, and the "hardy prospector" failed to point out the locality of the supposed find. In the latter part of 1888, a discovery of tin ore took place in Stewart Island, where wash containing stream tin was found on the lower ground, and in the Remarkable Mountains cassiterite *in situ* associated with gneissic granitoid rocks. In a very few months an area of 8,280 acres had been applied for, mostly "wild-eat" claims, without a possibility of success. Of this area, 7,000 acres were taken up. By the early part of 1890, the shadow of failure had come over most of these speculations, and the intense excitement had to a great extent abated and given way to bitter regrets. The rosy prospects had faded, the rich alluvial deposits of stream tin had been proved to exist mostly in the imagination of promoters, and what little work had been done at the reefs only proved them to be unstable. The climate is excessively wet, the ground on low levels covered with an almost impenetrable scrub, and even if rich alluvial deposits existed, there is not a sufficient supply of water to afford employment to a large population. At present, the writer believes, the field is practically deserted.

Quite recently (April, 1892) stream tin has been found among the gold wash at Humphrey's Galley, near Hokitika, on the west coast of the South Island.

### **(5) Scheelite.**

Scheelite, or tungstate of lime, is remarkable for its high specific gravity (5.9 to 6.076), and for this reason attracted the notice of the early diggers. It was discovered in Otago prior to 1865 in the Buckle Burn, Rees River, also at Wakatipu Lake and Waipori, and was determined by Dr. Hector. Mr. McKay subsequently found it *in situ* on the west side of the Richardson Mountains in a reef 4 feet wide with mispickel, and its occurrence at Reefton, Wakamarina Valley, and Havelock (Marlborough) is on record, as well as at Macraes, near Palmerston (Otago), whence a second shipment has just been sent to England. In reply to enquiries recently addressed to the Colonial Government by the Consul-General for Portugal, at Hanover, Prof. Ulrich, F.G.S., has reported that the demand is so intermittent that it does not pay to keep the mines at Lake Wakatipu open. Unfortunately no details of its export can be given as it is included in the published returns with other minerals. It is probable that ample supplies exist in the colony.

### **(6) Chromium Ores.**

Chromite, or chromic iron, occurs plentifully in the mineral belt of the Nelson district, also at Jackson's Bay, in the Lake Harris Range, at Milford Sound, where a large block of nephrite was found sprinkled with it, and at Moke Creek, Otago. It is found where olivine rocks occur, and in Nelson as a constituent of the peculiarly hard variety of serpentine known as dunite, sometimes forming more than 50 per cent, of the mass. The ore is very rich, averaging over 55 per cent. of chromium oxide. In the Dun Mountain Copper Mining Company's lease a 10 feet band of the ore occurs, and one in the Roding River Company's ground measures over 15 feet in width, and has been proved vertically for 300 or 400 feet.

At one time the yield of chromium oxide was of considerable importance to the colony, the maximum having been reached in 1862 when 3,843 tons valued at £24,719 was exported. Almost immediately after that the industry became extinct, and 1860 was the last year of its existence, so far as export was concerned.

On reference to the Geological Survey Reports, 1881, page 7, this information, which derived from the Mines Department Report appears to be hardly correct.

Altogether 5,666 tons, valued at £37tS67, has been exported, and it is probable that when the demand increases or the nearer supplies have become exhausted that the undoubtedly large deposits existing in New Zealand will become of value.

### **(7) Silver.**

As has already been stated, the gold found in the Auckland district is alloyed to a considerable extent with silver, the latter sometimes forming 30 per cent, of the mass, and it is from this source that the bulk of this metal exported from the colony has been derived.

Quite recently a silver-mining field has been opened up at Puhipuhi, about 22 miles from Whangarei and 16 miles from Kawakawa, in the Province of Auckland. The discovery was made by gum-diggers in October, 1888; the field was proclaimed in March, 1890, and was immediately "rushed;" but, as is frequently the case, a reaction seems to have set in, partly, no doubt, on account of the exceedingly bad roads. The reefs are of varying thickness, from 7 feet downwards, and the ores found comprise argentite or silver glance, pyrargyrite or ruby silver, and small grains of the native metal. Gold is found in small quantities. Mr. Alex. McKay, F.G.S., has recently visited the Puhipuhi district, and according to the Colonial papers of Jane 9th, 1892, considers that

the field forms part of a mineralized district extending along the eastern coast of Auckland peninsula both north and south. The reefs, he states, are well defined, and prove that they live to a vertical distance of 500 to 700 feet. Almost all the leads contain silver ore, though at present the average yield is not sufficient to enable it to be treated profitably; but Mr. McKay's opinion is that the district is a legitimate field for mining enterprise.

A number of assays made from a lease known as the Prospectors' Ground gave from 200 ounces to 10 ounces per ton, and specimens from No. 8 reef as high as 2,000 ounces, while the average of nine assays was 128 ounces. The plant on the ground consisted in 1890 of a stonebreaker, one pair of Cornish rolls, a pulverizer, four amalgamating-pans, etc.

From the time the field was open, to the commencement of 1891, twenty claims had been taken up, and a small amount of work done; but, so far as the writer is aware, the bulk of the operations seem to have been purely of a prospecting nature.

A remarkably interesting and apparently valuable deposit of silver ore occurs near Collingwood (Nelson), on the Parapara River. The lode was discovered by Mr. Washbourne, and the character of the stone was determined in the Colonial Laboratory, where it had been sent for analysis as an iron ore. The containing rock is gneissic schist, passing into steatite, and farther to the west are slates and fine ciystalline marble; the lode when first discovered was about 24 inches wide, and yielded from 21 ounces to 1,792 ounces of silver per ton. It subsequently increased to 5 feet in width, but the yield went down to from 22 ounces to 51 ounces per ton. At the bottom of the shaft a return of 85 ounces to 110 ounces was obtained.

The lode was sunk on for 56 feet, and driven on for 36 feet, and from the end of this drive, where the ore had changed to an argentiferous galena, 5 tons was got, which averaged 40 ounces of silver to the ton, and 3 cwts. yielding at the rate of 300 ounces. The lode in this part then became barren, and work was stopped for fear of letting in the water from the river. Other works were then carried out, which succeeded in proving that the lode was well-defined, extended over a considerable area, and was of variable thickness and richness. The ore, which has been named Richmondite, from the locality where it occurs, is a variety of tetrahedrite, and gave the following percentage composition:—

The mine has not been worked for some years.

In 1889, geocronite or antimonide and sulphide of lead, yielding 125 ounces of silver to the ton, was brought from Collingwood. Another deposit of silver ore, occurring at Mount Rangitoto, 20 miles south of Hokitika, merits a passing notice, On the southern face of this mountain is a lode 10 inches thick, consisting of pyrites, with about 20 per cent, of galena. A specimen brought by Mr. Cox assayed 10 ounces 17 dwts. of silver per ton; but samples tried in the Melbourne University Laboratory gave a yield of 735 ounces. The highest obtained by Mr. Skey, the able chemist attached to the New Zealand Colonial Laboratory, was 10 ounces 17 dwts.; but it must be remembered that the Melbourne University results were given on the galena, and not on the ore.

As the workings were continued the lode changed to a vein of solid pyrites, with a very little galena scattered through it.

During 1890, the amount of silver exported was 32,637 ounces, valued at £6,162, whereas in 1871 it was 80,272 ounces, valued at £23,145. Altogether since the commencement in 1869, 554,610 ounces, valued at £134,997, have been exported.

## **(8) Iron.**

*Ores.*—The ores of iron occurring in New Zealand are both numerous and abundant, and have been divided by Sir James Hector into (1) granular, and (2) massive.

The first-named variety, that is ironsand, is very widely distributed in the colony, but the littoral deposits of the west coasts of both islands are the most remarkable; and at Taranaki the shore-line between high and low water-marks is, for great distances, composed almost entirely of this material. At the Manukau Heads also a similar formation occurs. The iron contained in this sand is present in the form of magnetite, h æmatite, or as titaniferous oxide. The magnetite is derived principally from acidic rocks, such as the granites of the South Island and the trachytes of the North; while the h æ matites or specular ores are derived from the metamorphic schists, and the titaniferous oxides from the diorites and basaltic rocks.

The analyses of ironsand which have been made, give from 70 per cent. of iron; and it is a noteworthy fact that most of the sands from the South Island are auriferous.

The following massive ores have been examined:—

- Magnetite (impure) from Manukau, Auckland. This is merely black sand cemented by oxidation, and is tolerably abundant. It contains 60.2 per cent, of magnetite, 37.9 per cent. of h æmatite, and 1.9 per cent. of siliceous matter.
- Gives 86.32 per cent of magnetite, and 13.68 per cent, of siliceous matter-It occurs in chlorite schists, in a very inaccessible part of the interior of Otago. The rock is a very compact foliated diorite, with crystals of



- magnetite,
- Yields 96.11 per cent, of magnetite, and 3.89 percent, siliceous matter. It occurs in mica-schist in the vicinity of Lake Wakatipu, Otago, near deposits of limestone.
- Is found in the serpentine series of the Nelson mineral belt, on the lease formerly belonging to the Dun Mountain Copper Company. The analysis is 90.6 per cent, of hæmatite, and 7.6 per cent, of siliceous matter. The thickness of the lode, which occurs with red, grey, and blue oxides of copper, and is auriferous, was not proved.
- Is from Maramarna, Auckland Province, and contains hæmatite and magnetite, with raanganeae5 but its percentage of silica is high.

The next four samples belong to the hydrous ores, of which—

- Is a bog ore, somewhat inferior in quality, as it contains much sulphur, 13.2 per cent, of water, and 13.83 per cent, of siliceous impurities.
- Is a brown ore, from the Tertiary coal-formation of Raglan, near Auckland, and is found in the form of balls or concretionary masses in the coal shales. The following is a detailed analysis:—
- Is a sample of the great Parapara limonitic deposit, which occurs in enormous quantities on the surface of the ground near Collingwood, Nelson. It is the hydrated ferric oxide, having the formula  $2\text{Fe}_2\text{O}_3, \text{H}_2\text{O}$ , and contains when pure 59.89 per cent, of iron. At this place it is found massive, earthy, botryoidal, mammillary, and concretionary, and covers the earth in large dark brown masses, sometimes of many tons in weight. On breaking these lumps there is frequently disclosed a kernel of undecomposed sulphide of iron; and Mr. Cox's opinion is that the deposit is the oxidized cap of a large pyritous lode. The writer has traced this deposit for 2,772 yards within the original lease, and is of opinion that it extends to the Onakaka Creek, a further distance of more than a mile. Interspersed among it are waterworn quartz-pebbles, which would necessitate hand-picking. A sample gave:—

And a sample of iron made from it at Melbourne, in 1873, showed the following percentage composition:—

The situation is admirably adapted for the site of an iron-smelting plant. Close to the limonite is a deposit of nearly pure crystalline marble, and 5 miles away is the Collingwood coal-mine, yielding some of the best fuel in the colony. Facilities exist for the formation of a well-sheltered deep-water wharf.

Another deposit of a similar nature has been found at Mount Peel, Nelson.

At the Collingwood coal-mine in the Upper Secondary coal-formation occur deposits of spathic ore, of which the following analyses may be given:—

This occurs with coal-scams which, though somewhat thin, are of excellent quality, and close to the mine is abundance of hue limestone.

Spathic ores of great purity have been found near Ashburton, Canterbury, at Foote's coal-mine, near the Miranda Redoubt (Auckland), and at Jenkins' coal-mine, close to Nelson.

In addition to these commercially valuable ores the following, which are only mineralogically interesting, are known:—

Siderite ( $\text{FeCO}_3$ ) is mentioned as occurring in cavities of the contorted schists of Otago, and also at the Clutha, but the writer is of opinion that it must exist in considerable mass at Hindon, near Dunedin, as a specimen from a vein, which the proprietors were working as quartz for gold, was found to consist of pure carbonate of iron.

Iron pyrites is exceedingly common, and is chiefly interesting, as usually containing gold, and being associated with valuable sulphides.

Marcasite occurs among the brown coals. Pyrrhotine was discovered by Mr. Cox in 1876, near Mount Cook, and has been found in various other places.

Melanterite has already been mentioned as occurring in the goldmines, and is also found in the collieries,

*Manufacture of Iron.*—Several attempts have been made to utilize these deposits of iron ore, the first being about 1874, when the Parapara Iron and Coal Company, Limited, expended £10,000, partly on the coal-mine partly on cottages and a wharf, and partly on the foundation of a blast-furnace. Their capital was, however, insufficient, and they went into liquidation without smelting any iron. Lately some 300 tons of the Parapara hæmatite has been sent to Auckland to be experimented on at the Onehunga Ironworks.

The granular ores of Auckland have several times induced capitalists to invest money in their manufacture, and many patents have been taken out for the purpose, but without avail. It is necessary to mix the ore with some cementing material, and for this purpose the scoria or volcanic slag, which abounds in the neighbourhood of Auckland, was at one time tried, but the result was unsatisfactory. The last company went into liquidation, and the plant was bought in by the mortgagees, who employed it in working up all the scrap they could get in New Zealand, and subsequently old iron rails bought in Queensland, which were re-rolled into pit rails. Some pig iron was made of iron ore brought from Whangarei (some 70 miles north of Auckland) by sea, after being

carted 1 mile and railed 8 miles to port; it was then carried by sea to Auckland, and by railway 7 miles to the works at Onehunga. The limestone was brought from Kuiti on the Waikato River, 125 miles away. It could hardly be expected that this would pay, and, as stated, Parapara ore was not tried, smelted with coke brought from Westport and Greymouth.

The writer is indebted for recent information on the subject of iron manufacture to Mr. R. R. Hunt, of Auckland.

The *Otago Witness* of 6th June states that the latest charge is a mixture of Parapara and Whangarei ores, which will be run off early in July. Two Government officials relieve each other, night and day, to see that no scrap iron is put in.

The Government of New Zealand has not been backward in encouragement to the iron industry. In 1879, full particulars of the natural resources of the colony in iron, coal, and limestone, were circulated in Europe and America, and tenders were called for the supply of 100,000 tons of steel rails, manufactured within the colony from New Zealand ores. No offers were received.

In 1886, a bonus of £1,000 was awaiting the successful manufacturers of 200 tons of wrought-iron blooms, and the New Zealand Iron and Steel Company, then at work at Onehunga, was intending to apply for it. In February, 1892, the government made a further offer of a bonus of £1 per ton for the first 500 tons of pig-iron of marketable quality manufactured from ironsand in the colony, all material, fuel, and fluxes, to be the produce of New Zealand.

It is worthy of mention that the hæmatites found at Thames (Auckland) and at Parapara, are largely used in the manufacture of paint.

*Exports.*—The official returns give the total quantity of hæmatite ore exported to the end of 1890, as 52½ tons, valued at £225, but Sir Jas. Hector's valuable "Handbook of New Zealand" for 1886, states that up to the end of 1885, the iron ore exported amounted to 209½ tons, valued at £1,066.

It will be acknowledged that iron ores of varying and sometimes excellent quality are widely distributed in New Zealand, and that first-class fuels and fluxes are often found in juxtaposition, but the scattered population of the colony and the cost of transport have militated against the manufacture. Wages also are very high, and prices in England and freights to the colony are very low. It appears to the writer that some of these factors must undergo a change before the industry can be started on a large scale with any certainty of proving remunerative. At the same time it is consolatory for those who have the welfare of the colony at heart to know that there are within its boundaries the elements of a successful metallurgical industry.

## **(9) Platinum.**

Scales of platinum, have been found in the auriferous wash of Foveaux Straits, and in other places in the southern gold-fields. Within the last few months its occurrence at Waipapa, Otago, has been noted.

Platiniridium and osmiridium have been identified in Nelson Province.

## **(10) Sulphur.**

Sulphur is found universally as a constituent of the metallic sulphides, and also in the pure state in large quantities on White Island, off the coast of Auckland. At this place it is deposited from hot springs, as on other islands in the Bay of Plenty, where it is found in smaller quantities. Among the Rotomahana and Taupo fumaroles some sulphur is found, as at several other similar localities. Work has been carried on at White Island, whenever the volcanic agencies have been sufficiently subdued to render it safe.

## **(11) Graphite.**

Plumbago occurs in many localities, but never sufficiently pure or in sufficient quantity to be permanently worked. Prior to 1865, 7 tons of the manufactured article was exported from Pakawau, near Collingwood (Nelson), but nothing has since been done to continue the trade. In addition to this locality, graphite has been found in Wellington Province, at several places also in Canterbury, Otago, and Westland.

## **(12) Petroleum and Oil-shales.**

Though several localities in the North Island have produced petroleum oil of a fine quality, sufficient has not yet been discovered to render the venture a commercial success.

Three places have been noted for this mineral, viz.:—(1) Taranaki, near the Sugar Loaves; (2) Poverty Bay, east coast, Auckland; and (3) Manutahi, Waiapu, East Gape. From the first-named the oil has a very high specific gravity—.960 to .964 at 60 degs. Fahr. It is a good lubricating oil, but not suitable for an illuminant.

The oil from Waiapu resembles that found in Canada; by three distillations about 65 per cent, of good illuminating oil with a specific gravity of .843 is obtainable.

That from Poverty Bay is a true paraffin oil. That from Rotokatuku is of a very fair quality, with a specific gravity of .833.

So long as twenty-five years ago a company was formed to bore for oil at New Plymouth in Taranaki. A little to the north of the Sugar Loaves a hole was put down for 300 feet by hand-labour, and indications of petroleum were found with a little carburetted hydrogen gas. Another borehole was put down on Mikotahi Island, with about the same result. Another company sank a shaft near high-water mark, and at a depth of 60 feet they were driven out by gas, having at 44 feet passed through a porous stratum with a little oil. For a few weeks, it is said, about 50 gallons of oil per week was obtained here. Recently an English company, known as the South Pacific Oil Company, has been boring, and in 1891, the depth attained was 680 feet. A little oil and some gas had been met with, and the boring was proceeding. The oil had a specific gravity of .834, and a flashing point of 93 degs.

The surface of the country is covered by a thick deposit of trachytic breccia, carrying ferruginous seams, and the places where indications of petroleum are met with appear to be included in a belt not more than 500 yards wide. In many wells about the locality small quantities of oil are found, but as yet no commercial success has been attained. The borehole mentioned above was commenced 16 inches in diameter, and appears to be carried on by American workmen.

The Southern Cross Oil Company have been boring in the Waiapu Valley, Napier, for some years, and a considerable area of oil-bearing rocks of great thickness has been found. The borehole was in 1886 at 1,700 feet, and it was intended to continue to at least 2,000 feet.

In the Geological Report for 1888 is an account by Mr. Jas. Park, F.G.S., of numerous escapes of inflammable natural gas which exist on the east coast of Wairarapa North County, in Wellington Province, where there is a belt of oil-bearing strata from 3 to 8 miles wide of Secondary age, and consisting of shattered glauconitic sandstone, slaty shales, and sandstone, indurated marly and brecciated siliceous clays. It is considered, however, that the rocks are too much fractured to afford the requisite pressure for the condensation of the gases. A bonus of 6d. per gallon for the production of kerosene up to 50,000 gallons, in quantities of not less than 10,000 gallons at a time, was offered in 1874 and 1885, but no applications were received.

In addition to natural gases and oils the colony contains several oil-shales, of which the following may be mentioned:—

In the Chatham Islands is a bituminous peat, occurring in detached blocks of irregular form and considerable size, in the superficial gravels. It contains, after exposure to the atmosphere, 20.41 per cent, of fixed carbon, and 66 per cent, of volatile hydrocarbons. A similar mineral is found at the Auckland Islands.

A carbonaceous mineral containing 75 per cent, of volatile matter, and closely resembling torbanite, is found at Awatere, near Auckland.

An oil-shale at Orepuke, Southland, has the following composition:—

It is found associated with coal-seams, and an inferior, but somewhat similar, shale has been brought from Blueskin near Dunedin.

### **(13) *Clay and Sands.***

Clays available both for building and pottery are so widely distributed that it is unnecessary to mention localities, and the same remark may be applied to fireclays, which, at Brunnerton, near Greymouth, are manufactured by the Brunner Coal Company into most excellent bricks, retorts, etc. Kaolin is found in Stewart Island, at the Manuherikia Plains and Arrow (Otago), at Mount Somers in Canterbury, and at Whau (Auckland). Sands of excellent quality are very abundant, and in some cases they are sufficiently pure for glass-making.

### **(14) *Building-stones.***

Building-stones of almost every variety, of great beauty, occur in various places; but their consideration is somewhat outside the scope of this paper.

### **(15) *Limestone.***

Limestone is almost universally distributed. Fine samples of marble have been brought from the west coast of Otago; but a company formed about 1880 did not succeed in establishing a business. Crystalline limestone is found in other places, agriculturally useful limestone at Toko-mairiro, Mount Somers, and many other localities; lithographic stones of good quality at the Abbey Rocks, Westland, and chalk at Oxford in Canterbury. Gypsum is widely known.

The above-mentioned minerals comprise, to the best of the writer's belief, all those which have been commercially extracted in the colony, with the exception of that already mentioned in Part L of this paper, and those to be dealt with in Parts III. and IV. Other metals and minerals have been found, and will now be briefly

described.

## B.—MINERALS WHICH HAVE NOT BEEN WORKED IN THE COLONY.

(1) *Zinc*.—The usually-found ore of this metal is the sulphide, or zinc blende, in which form it is not uncommon. Calamine (carbonate in this case) is reported from Tararu Creek (Auckland), and from the Kaikorai Valley, near Dunedin.

Blende is found in the Thames gold-field associated with quartz, galena, copper, and iron pyrites; also at Great Barrier Island, at Te Aroha, Coromandel, Mount Arthur, Collingwood, and the Owen district (Nelson). At Collingwood the ore forms a lode 5 feet to 6 feet thick, and varies from the "black jack" of the miners, to a yellow, honey-coloured blende, containing 59 per cent, to 65 per cent, of zinc.

At Mount Rangitoto in Westland, zinc blende occurs with galena and pyrites, the former having about 4 ounces of silver, and the latter 5 ounces of gold to the ton.

(2) *Lead*.—Galena has already been mentioned, and this ore is widely distributed. All the deposits are argentiferous, and some auriferous; but they have not as yet been worked for lead. Among the localities may be named Great Barrier Island, the Thames, and Te Aroha, Auckland; Wangapeka and Collingwood in Nelson; and Mount Rangitoto, and other places on the west coast of the South Island. Other ores are known, but they are not commercially valuable. Cerussite is not found.

(3) *Mercury*.—In a country where gold-mining is carried on to a great extent there is always a plentiful demand for mercury; and it is to be regretted that although this metal has been found in New Zealand, both native and combined, the quantities discovered have been too small to be worked.

Metallic mercury occurs at Waipori in Otago, and at the Ohaewai Springs, near the Bay of Islands, Auckland, Cinnabar or sulphide, has been found in the alluvial deposits of the Obelisk Range, Potter's Gully, Dunstan, Serpentine Valley, all in Otago, and also at the Ohaewai Springs, and on the Puhipuhi field; and the writer has been shown a specimen said to have been brought from the upper waters of the Buller River.

(4) *Barium*.—Barytes is known to exist in many places, but not as a reef. The Thames gold-field in Auckland, Akiteo in Wellington, Opotiki, Makara, Herbertville, and Waikouaiti are all mentioned, Witherite has also been noted from the Thames.

(5) *Bismuth*.—The occurrence of this metal in the auriferous rocks of the Owen, Nelson, was discovered by Mr. Skey in February, 1887. Subsequent investigations proved that it exists in the native state as a metal, and quite independently of the gold.

(6) *Arsenic*.—Mispickel has been mentioned, and the native metal has been found in the Coromandel district, Auckland. It has not been utilized.

(7) *Nickel*.—Until nearly the end of 1886, nickel was known to occur only as a constituent of troilites and pyrrhotines, and in a few other cases; but in October, 1886, Mr. Macfarlane, the gold-fields' warden at Jackson's Bay, forwarded a collection of ores, which, on examination by Mr. Skey, proved to be nickeliferous. Among them was an exceedingly interesting mineral, which was supposed by the diggers to be impure platina, but which proved to have a composition as follows:—

and a formula of  $2 \text{ Ni} + \text{ Fe}$ . This is a very unusually high percentage of nickel, the largest previously known being 51.22 per cent., which is present in Oktibehite, a mineral of meteoric origin. The ore under consideration is of terrestrial origin, and has been named Awaruite, after the Awarua River, where it is found, the associated rock being serpentine. For a very detailed and interesting account of this mineral see a paper by Prof. Ulrich, in the *Quarterly Journal of the Geological Society*.

*Vol. xlvi., 1890, page 619.*

As mentioned under "Iron," pyrrhotine was found in 1876, near Mount Cook, and it has in addition been discovered at the Paring. River, Westland, at Dusky Sound, and Collingwood, where it yields 2.98 per cent, of nickel.

(8) *Diatomaceous Earth*.—A large deposit of this material occurs near Oamaru, Otago, and though of surpassing interest to the micro-scopist has not been worked for commercial purposes. It has also been found in Marlborough, and in the North Island at Foxton.

(9) *Asbestos*.—Samples of asbestos have been brought from Milford Sound, and also from Collingwood and the Bun Mountain, but none of it is of first-class quality,

(10) *Precious Stones and Gems*.—Much excitement has frequently been caused by supposed discoveries of diamonds, but unfortunately no authentic instance has occurred.

The following is a list of most of the gems and semi-gems which have been found in the colony:—

- *Amethyst*.—Raikaia Gorge, Canterbury.
- *Bloodstones* (inferior).—Canterbury and Herbertville.
- *Corundum*.—A large sapphire was forwarded from Collingwood, Nelson, but it was so fissured as to be

useless as a gem, Some stones forwarded from Rimu, Hokitika, by Mr. W. Goodlett in March, 1892, were determined by Prof. Ulrich as true Oriental rubies.

- *Emeralds* have been determined in a pyrrhotiniferous quartz from Dusky Sounds Otago.
- *Gahnite* has been found at Stewart Island.
- *Garnets* are very plentiful in the gold wash of the South Island.
- *Jasper, Carnelian, and Agates*.—At many places.
- *Jasper Opal*,—Portobello, Otago Harbour.
- *Nephrite* or jade is found *in situ* only at Milford Sound. Boulders are found plentifully in the auriferous wash of the west coast, South Island.
- *Topaz* has been found at Chatto Creek, Arrow River, Waipori, all in Otago.
- *Zircons* are recorded as having been discovered at Timbrills Gully, and in biotite rock from Doubtful Inlet, Otago.

Compared with the export of gold the value of the minerals mentioned in this portion of the paper is no doubt small, but the list given serves to show that the resources of the colony are at any rate exceedingly varied. Surprise may be felt that the result in so many cases has been nothing but disappointment, and the reason is naturally sought. It is the writer ventures to think, to be found in several directions. In the first place, it is not easy in a new country in making any unusual departure in mining to obtain all the skilled labour and direction which are so necessary. Those investors who have been accustomed to gold-mining ventures have learned to expect an immediate return, and any delay—whether owing to difficulties in treatment, scarcity of market, or any other cause—may check the regrettable excitement so often attendant on such enterprises, and land the company in liquidation.

New Zealand is a recently settled and sparsely populated country. Among its inhabitants are men whose lives have seen many changes, and whose occupations have been various. Concurrently with other employments they may have taken up, without any previous knowledge, the pursuit of mining, and may doubtless have not only ruined themselves financially, but cast the shadow of failure on what might have been, if rightly conducted, a successful speculation.

Again, money is scarce, calls are frequent, and unscrupulous promoters are not entirely unknown.

The country is rough and wages are high, as is also the price of provisions. Small wonder therefore that though the stores of mineral riches are plentiful and varied, many disastrous failures have already been chronicled. For the large population which the colony is adapted to, and which it must sooner or later support, the minerals placed in its mountains and valleys must prove a rich inheritance.

## **Appendix.—TABLE SHOWING THE TOTAL QUANTITY OF MINERAL ORES (THE PRODUCT OF MINES, OTHER THAN GOLD, COAL, AND KAURI GUM) EXPORTED FROM THE COLONY UP TO DECEMBER 31ST, 1890.**

Year.	Silver.	Copper Ore.	Chromium Ore.	Antimony Ore.	Manganese Ore.	Haematite Ore.	Mixed Mineral Ores.	Totals.	OZ.	Value.	Tons.	Value.	Tons.	Value.	Tons.	Value.	Tons.	Value.	Oz.																																																																																																																																																																																																																																																																														
1858	11,063	2,993	1859	37,123	11,380	1860	80,272	23,145	1861	37,064	9,910	1862	36,187	9,850	1863	40,566	10,380	1864	29,085	7,569	1865	12,683	3,171	1866	33,893	7,556	1867	23,019	5,755	1868	20,645	4,512	1869	20,005	4,500	1870	18,885	4,236	1871	5,694	1,286	1872	16,826	3,785	1873	24,914	5,125	1874	16,224	3,169	1875	12,108	2,946	1876	20,809	3,453	1877	403	71	1878	24,105	4,043	1879	32,637	6,162	1880	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890	351	245	137	110	51	246	84	7	6	55	5	9	46	20	20	2	5,000	2,605	1,590	1,300	1,024	2,700	977	120	115	1,105	36	41	678	106	390	75	3	8	116	52	3,843	593	768	281	25	120	1,440	520	24,719	4,318	4,910	1,315	4	60	2	30	31	666	62	134	376	493	515	102	612	24	900	804	5,289	1,784	3,989	6,246	5,319	11,121	2,516	2,140	2,611	1,271	2,181	384	318	602	328½	305	1,085	1,080	482	10,416	8,338	10,423	3,283	6,963	1,155	809	1,716	1,316	895	2,404	2,569	1,004	½	50½	1½	12	208	5	3,180	2,366	2	2,674	1,955	2,784	22	114	445	144	162	199	19	14,824	9,664	8	11,335	4,303	8,597	110	993	1,846	4,142	2,955	9,985	273	11,063	37,123	80,272	37,064	36,187	40,566	29,085	12,683	33,893	23,019	20,645	20,005	18,885	5,694	16,826	24,914	16,624	12,108	20,809	403	24,105	32,637	354	253	253	162	3,894	595	768	281	246	84	7	3,180	2,366	2,528	2,195	5,345	3,233	5,004	483½	338	1,432½	855½	583	1,625	1,772	1,017½	5,025	2,725	3,030	1,820	25,743	4,318	4,910	1,315	2,700	977	2,993	11,500	23,145	9,910	9,850	10,380	7,569	17,995	17,220	16,396	13,955	26,870	11,882	17,787	6,544	6,040	11,375	8,282	12,479	11,751	21,916	18,565	Totals	554,610	134,997	1,594	17,862

# To illustrate Mr G. J. Binns Paper on "Mining in New Zealand,"

Vol. IV. Plate VII. Of Mining Engineers Transactions 1892-93

The Working of Greenstone

By the Maoris.

A Paper Read Before the Otago Institute

By Fredk. R. Chapman.

Extracted From the "Transactions of the New Zealand Institute," By Permission of the Governors.

Wellington: Printed By Geo. Didsbury, At Government Printing Office. 1892.

## [unclear: Transactions] New Zealand Institutes, Vol. XXIV. Pl. XXXVIII.

*Pirori Or Maori Drill. after Shortland.*

*F. C. del.*

### Plate XXXVIII.

NEARLY ten years ago Professor Ulrich, of the Otago University, handed me a letter which he had received from Professor Fischer, of Freiburg, in the Grand Duchy of Baden, the great authority on nephrite, making a series of inquiries on the subject of the Maori lore concerning this mineral and its uses. Professor Fischer is the author of a treatise or monograph on nephrite.—which, however, I have never been able to see.—and of several, probably numerous, scientific papers on the same subject. Professor Ulrich asked me to endeavour to answer the questions in so far as they related to Maori lore; but, as learned Maoris are rarer than black swans in the South Island of New Zealand, and as the North Island is a long way off and I have few opportunities of going there, I set to work to turn Professor Fischer's questions into English, add a few to them, and get them printed for circulation. Through the kindness of Mr. Hanson Turton, a Maori scholar, holding the office of Native Commissioner here, I obtained the names of many suitable men in the North, but I am sorry to say that the long printed paper which I sent out only came back four or five times with answers. I believe, however, that the answers which I did get give pretty nearly all that is to be learned on the subject of most of the questions; and some of the matter is undoubtedly of the very highest authority: but for satisfactory answers to Question No. 16, as to the customs, superstitions, traditions, and other lore concerning greenstone, further inquiries will have to be made in the North Island.

I sent copies of the answers to Professor Ulrich from time to time as I received them, and with them I wrote him several letters, of which I retained no copies, and in which I gave him the result of inquiries I had made on a flying visit to the North Island, and of some observations of my own. In the course of time I received from Professor Fischer a paper, which does not show in what scientific journal it has appeared, entitled "Ueber die Nephrit-industrie der Maoris in Neuseeland," I was a little shocked to notice the number of errors to which my loosely-written letters had given birth, I found myself styled Professor Chapman—due probably to the circumstance that Professor Ulrich had referred to "my former colleague," in reference to the fact that I had once been a Law Lecturer at the University "where he was Professor of Mineralogy, I found many slight mistranslations and misunderstandings; and when I submitted the whole thing to my friend Mr. Helms, of Greymouth (now, I think, of the Geological Survey of New South Wales), he pointed out several more. Again, I found that, with all the care which I and those who answered my questions had used, some of the Maori names had gone wrong.

I have lately determined to republish the results of my inquiries in English, for the above and several other reasons. In the first place, Professor Fischer's paper seems to have come out before he received the last instalment of matter—namely, a set of answers by the late Mr. John White, our leading popular Maori scholar, and those of Dr. Shortland, our most learned and philosophical writer on Maori matters. Now Mr. White has died, leaving his *magnum opus* the "Ancient History of the Maori" incomplete, and I have reason to think that the paper he sent me embodies some of the matter of the History, which may otherwise never see light. Another reason for going into print is this: I am told that Professor Fischer's paper has been reproduced with additional information in an American scientific publication—I do not know which. Now, as a rule, whatever the Americans do they do well, and the additional information ought to be published in New Zealand; but I have

too appreciative a recollection of Washington Irving's story of the Art of Book-making to allow me to care to contemplate my ill-considered, roughly-written private notes to Professor Ulrich first Germanised by Professor Fischer, and then Englished by some one else. The author of the paper I have heard of will not, I am sure, object to a revised version. The questions are included in this paper, and are followed by the correspondence answering them; to which I have ventured to add some notes and criticisms of my own, by way of clearing up certain matters inadequately expressed, and certain apparent contradictions. I hope my correspondents will accept these notes in the spirit in which they are offered. Having now been nineteen years in the field as a collector and observer, I have a fair claim to be allowed a part in the discussion.

In the title of this paper the word "greenstone" occurs, and this word is used throughout the text. I am quite conscious that the term is not geologically or mineralogically correct; but the stone of which I am writing is known by that name throughout New-Zealand, and, though here as elsewhere the scientific man employs that word to describe a totally different class of rock, I should run the risk of being misunderstood were I to use any other word for what is under that name an article of commerce and manufacture In New Zealand. It is called *pounamu* or *poetiamu* by the Maoris, and "jade," "jadeite," or "nephrite" by various writers, while old books refer to the "green talc" of the Maoris.

Too little has been said and too little is known of the way in which stone implements were made and used; and the reason is this: When the savage acquires an axe of steel his beautiful but ineffective stone weapon becomes useless, and falls from his hand. The rude whaler, who is his ideal white-man, looks curiously at the stone which yesterday served as a tool: but there the matter ends; and by the time a man who not only feels a little curiosity on the subject but desires to impart a little information to his curious countrymen dwelling in the remote Old World comes round, the savage and his savage children have gone to shadow-land; and the white-haired old whaler who witnessed the change points to the sandhills, which he calls Measly Beach, as the landmark between the two races, and shows where all his old acquaintances are buried. "Yes, Jacky Jack used a stone hatchet; have seen him make one." But it is too much to expect the old man to describe how this was done; it happened fifty years ago. Even Mr. Wohlers, an intelligent missionary, whose letter I publish, picked up some erroneous notions in the early whaling days; but fortunately my communication was in time to induce the Rev. J. W. Stack, whose knowledge of Maori affairs and Maori ways is unsurpassed, to draw his information directly from the pure and undefiled well of surviving ancient cannibalism, and was also in time to secure answers from such men as Mr. John White and Dr. Shortland, each of whom had half a century's experience of the Maoris to draw upon.

With the exception of the *tangi-wai*, the various kinds of greenstone are all found in a restricted locality on the west coast of the South Island. The Taramakau River is one of the numerous rivers flowing from the main range to the sea on that coast. Like the others of that region, it is in size out of all proportion to the country which produces it: this is owing to the great rainfall. This river, at the mouth of which Brunner and Heaphy found a village in which greenstone was worked in 1846, coupled with the Arahura and the sea-beach between and about the two, is in all probability the Wai-pounamu (Water of Pounamu) of the Maoris, which has given its name to this great island. The name "Arahura" is more often mentioned in the traditional history of greenstone. It is a much smaller stream, nine miles south of the Taramakau. The next river is the Hokitika, a little farther south, where the chief town of Westland stands, in the bed of which, how-ever, greenstone is not found. The word "Hokitika" means in Maori "Return direct." Its course is the nearest road, the Browning's Pass, to the east coast, and it plays an important part in the history of the subject.

It must be remembered that on the West Coast shingly river-beds are highways. In the primitive times the dense forest between them was almost trackless. The greenstone is found in boulders in the deposits of gravel in the two valleys referred to; and these boulders are also cast up on the beach by the waves, having been formerly carried into these by the rivers, I do not know whether the dyke, or vein, has ever been found. In the early days the stone was rare and expensive. Litigation about the ownership of a block reached the Court of Appeal—an expensive matter in those days—and disclosed the fact that the stone had a high pecuniary value. It is now very cheap. as it is washed out of the great gravel beds in the valley of the Taramakau in the process of sluicing for gold, and the gold-miners sell it to the storekeepers at a very moderate rate. Picked stone is only worth 1s. per pound, but exceptionally fair pieces command a higher price. A great deal is now thrown away owing to the want of a regular market. It is not easy even now, however, to get a perfect piece of large size. When Professor Ulrich and I, at the request of the Germans of Melbourne, chose the piece for a presentation paper-weight for Prince Bismarck, we had a difficulty in getting a perfect piece of the best quality as large as an octavo volume, though we had some tons of stone to choose from. The kind of stone known as *tangiwai* (tear-water) is very inferior, and is easily scratched with a knife; but it is sometimes very beautiful. It is found at Piopiotahi, or Milford Sound, and perhaps at other places. It is sometimes taken in slabs off serpentine boulders, and may be obtained on the beach at Anita Bay, near the mouth of the sound. Damour, of Lyons, has analysed it, and finds that it is chemically quite a different stone from the *pounamu*.

# MYTHS.

Cook, living in the days when mere myths were unvalued untruths, missed an opportunity. He thought, from the description of the Maoris, that the greenstone-country was near at hand to his winter-station at Queen Charlotte Sound, and regretted not being able to visit it, "as we were told a hundred fabulous stories about this stone, not one of which carried with it the least probability of truth, though some of their most sensible men would have us believe them. One of these stories is that this stone is originally a fish, which they strike with a gig in the water, tie a rope to it, drag it to the shore, to which they fasten it, and it afterwards becomes stone." This was too much for a North Country sailor in the eighteenth century. Cook probably mistook the learning of the priests for a narrative of current events.

Pounamu was one of the sons of the great Polynesian deity Tangaroa (Lord of the Ocean), who was the son of Rangi (Heaven) and Papa (Earth). Tangaroa married Te Anu-matao (the Chilly Cold, who became the mother of four gods, all of the fish class, of whom Pounamu was one. The substance *pounamu*, it is said, was formerly supposed to be generated inside a fish (the shark), and only to become hard on exposure to the air.

Poutini was one of the brothers of Pounamu. He gives the name to the mythical stone brought by Ngahue to New Zealand commonly called in story the Fish of Ngahue (*vide post*). The stone *pounamu* was by learned Maoris classed with fish. The traditions respecting its discovery at Arahura state that Ngahue found it "in a lifeless state"—that is, unformed.

Tamatea-pokai-whenua, a celebrated ancestor of Maori tribes, in addition to his faithful wives, had three—Hineraukawa, Hinerauharaki, and Te Kohiwai—who deserted him. He sailed right round the South Island in search of them, naming the rivers and headlands as he passed. Though he listened for every sound indicative of their presence, it was not until, passing up the west coast, he reached the Arahura River that he heard their voices. He failed, however, to discover his wives, for he did not know that their canoe had been upset here, and they and all the crew had been transformed into stones. His slave, happening to burn his fingers while cooking some birds they had killed, impiously licked them, urged by the pain. He was instantly turned into the mountain Tumuaki, which stands there still; and as a consequence Tamatea never found his wives. Since then the flaws which sometimes discolour the best kinds of greenstone are called *tutae-koka*—the excrement of the birds the slave was cooking when he did this wrong.

# MYTHS, TRADITIONS, AND HISTORY.

Several ancient Maori stories refer to dissensions which took place in Hawaiki before the great migration of the Maori people from that country to this. From them we learn something of the causes of the migration, and the mode in which it was designed and carried out. Later we learn from tradition, and finally from the history of this century, the part played by greenstone in the affairs of a nation whose history is war.

# LEGEND OF POUTINI AND WHAIAPU.

The very discovery of New Zealand is connected with greenstone. Poutini and Whaiapu both rested in the same place, and Hine-tu-a-hoanga (the Lady of the Rubber), to [unclear: wh], the stone Whaiapu belonged, became excessively enraged [unclear: with] Ngahue and with his stone Poutini. At last she drove [unclear: Ngah] out of the place, and Ngahue departed to a strange [unclear: land] taking his jade-stone, followed, however, by Hine-tu-a-[unclear: hoanga], Ngahue arrived at Tuhua (Mayor Island, in the Bay of [unclear: Plenty] it is the Island of Obsidian) with his stone; and Hine-tu-[unclear: a]-hoanga, also landed there, and began to drive him [unclear: away] Then Ngahue sought a place where his jade-stone [unclear: might] remain in peace, and he found in the sea this island [unclear: Aoteara] (North Island), and contemplated landing there. Thinking [unclear: he] would there be too close to his enemy, and lest they [unclear: should] quarrel again, he left, carried it off his stone. So he carried it off with him, and they coasted along, and at length arrived [unclear: at] Arahura (on the west coast of the South Island), and he [unclear: made] there an everlasting resting-place for his jade-stone. Then [unclear: he] broke off a portion of his jade-stone, and with it [unclear: returned]; and as he coasted along he at length reached Wairere ([unclear: believed] to be on the east coast of the North Island), and he [unclear: visited] Wangaparoa and Tauranga, and returned thence direct [unclear: to] Hawaiki, and reported that he had discovered a new [unclear: country] which produced the moa and jade-stone in abundance. [unclear: He] now manufactured two sharp axes from his jade-stone, [unclear: named] Tutauru



and Hauhau-te-rangi. He manufactured some [*unclear*: portions] of one piece into images for neck-ornaments (*hei-tiki*), and some portions into ear-ornaments. The name of one of these ear-ornaments was Kaukaumatua, which was recently [*unclear*: in] the possession of Te Heuheu, and was only lost in 1846, [*unclear*: when] he was killed with so many of his tribe by a landslide. [[*unclear*: This] has since been recovered.] The axe Tutauru was only lately lost by Purohokura and his brother Reretai, who were descended from Tarn a-ihu-toroa. When Ngahue, returning arrived again at Hawaiki, he found them all engaged in war; and when they heard of his description of the beauty of this country of Aotea some of them determined to come here.

They then felled a totara-tree in Rorotonga, which lies to the other side of Hawaiki, that they might build the Aims from it. The tree was felled, and thus the canoe was hem out from it and finished. The names of the men who but the canoe were Rata, Wahie-roa, Ngahue, Parata, and some other skilful men who helped to hew out the Arawa and to finish it. The Tainui was also built by Hotu-roa; also, other canoes—viz., Matatua, Takitumu, Kura-hau-po, Toko-maru, and Matawhaorua. These, the Maori historians say, are the names of the canoes in which their forefathers departed from Hawaiki and crossed to this Island The axes with which their canoes were built were made from the block of greenstone brought back by Ngahue to Hawaiki, which was called "the fish of Ngahue."

The earlier part of this story is probably a myth—A contention arises between two precious stones. The Lady of the Stone-rubber harries the owner of Poutini, the precious greenstone, who, however, ends by establishing a new nation. It is, in effect, the same as Cain (the agriculturist) turning upon Abel (the pastoralist) and forming a stronger nation—a process which goes on actively in these colonies to this day. His name, "The Swarm," does not appear to connect itself with the subject, Flying from Hawaiki, the land of shades or night, he first comes to Tuhua, This means "obsidian," and is the name of an island in the Bay of Plenty—Mayor Island—where quantities of that stone are found. Disturbed there, he comes to Aotea, the Land of Bright Day. At Arahura, where he at last lands, he plants his stone, and so the story accounts for our now finding it there. He returns and tells of the new land of the moa and the jade-stone. The place "Wairere," wherever it was, frequently occurs in Maori story in connection with the extremely vague traditions of the moa. The story may be a mythical version of the discovery by a real personage of the distant land; and it is possible that the bringing home of this rare stone may have occurred. The rest of the story is the well-known tradition of the migration to New Zealand, the true historical value of which has yet to be determined. The names of the canoes and their builders are good Maori names.

The foregoing is abbreviated from Sir George Grey's "Polynesian Mythology" and Maori legends. Another version discards the mythical cause of contention, but gives the story of the contention, and tells how Ngahue, taking up his abode at Arahura, found during his residence there a block of greenstone "in a lifeless state"—i.e., unworked—which he took back with him to Hawaiki, from which were made the axes used in building the Tainui and Arawa. An earring (*tarapounamu*) called Kaitangata (man-eater), also made from this lock, was in the possession of the Ngatitoo for ages, and was by the famous chief Rangihaeata presented to Sir G. Grey in 1853. There are several versions of the story, generally agreeing, most of which refer to the eardrop as Kaukaumatua.

The various references to "Kaitangata" and "Kaukaumatua" in books are somewhat bewildering, and leave me uncertain as to whether they are the same ornament; if not, which of them was given to Sir G. Grey, Kaukaumatua frequently crops up in history and poetry, It was brought from Kew Zealand to Hawaiki; it became the property of Tamatekapua, who was a son or kinsman of Ngahue, and navigated the Arawa to New Zealand it was buried by his son Tuporo, and recovered [Tregear]; it passed through the hands of many other celebrities, and is an important muniment of title.

Of this story it may be remarked that, though we have no means of determining its historical accuracy, it is, of course, possible that preliminary exploring expeditions visited New Zealand and returned to the ancestral home, wherever that was, as we have evidence that, as a rule, the islands of the Pacific were discovered by regularly-equipped exploring expeditions. The report of the discovery of a great country, with no formidable inhabitants, arriving in an over-populated island the inhabitants of which were constantly at war with each other, is just the kind of circumstance that would stimulate a great migration, such as that which the tradition describe with such minute detail. The chief difficulty in this story and others relating instances of a return to Hawaiki lies in the degree of accuracy required to navigate a small vessel back to a very small island, while we know that for ages before Cook's time New-Zealanders had not made such voyages. It is, however, more than probable that the Maori navigators of ancient times possessed far superior knowledge and methods to those of Cook's time. Possession of a great territory had made them cease to be navigators of the ocean. The same thing had happened to our own race for two centuries at least before Alfred's time, and it is not difficult to point out that four or five times in history the possession of more than sufficient land-extension has caused the English or the Saxons to turn their faces from the sea,

Several traditions exist in New Zealand attached to particular implements or ornaments of greenstone

besides the two mentioned, suggesting that they were brought from Hawaiki. Reference to one of these is made by Mr. Stack in his replies to my questions given later. I am informed by the Rev, Mr. Hammond, a missionary at Patea, that when the Maoris lose a treasured keepsake they make another like it, and always refer to the new one as if it were the identical original: in this way a paddle of one of the ancient canoes may be preserved in name. Possibly the precious Kaukaumatua may thus represent an ancient jewel of some other material.

## WAITAHA.

The history of the South Island (leaving out of consideration for the present its west coast, separated by an alpine barrier, and certain local settlements in the northern part of the Island) begins with the tribe called Waitaha. They came from the east coast of the North Island, and became extremely numerous; and to them are attributed by tradition the vast shell-heaps which lie near the beaches. They were exterminated by Ngatimamoe.—Mr. Stack thinks, three hundred years ago. They are vaguely connected by tradition with the extinction of the moa; but this touches the controverted question as to the date of that extinction. I cannot find, however, that they are traditionally connected with greenstone.

## NGATIMAMOE.

This tribe conquered the above, and dominated this Island for about a century. They then became extinct as a tribe, but some hapus or sub-tribes incorporated with the conquering Ngaitahu still trace their blood to Ngatimamoe ancestry, It is a subject of reproach to have pakeha or European blood; and a half-caste lady once told me that, being thus reproached by relations, she replied that that was necessary to neutralise the bad strain of Ngatimamoe blood in our veins. The extent to which Ngatimamoe are traditionally connected with greenstone is discussed hereafter.

## NGAITAHU INVASION OF THE SOUTH ISLAND.

Mr. A. Mackay, Native Commissioner, who is well versed in South Island affairs, describing Nga-i-tahu, who were an emigrant offshoot from Ngat-kahu-ngunu, the tribe which occupies the east coast of the North Island south of Hawke's Bay, says the desire to possess themselves of the greenstone which was only to be found in the South Island is supposed to have been the chief inducement which urged large bodies of this tribe at different times to invade the country of the Ngatimamoe, who had become celebrated as possessing this treasure. The story of the introduction of the stone to the knowledge of Ngaitahu, however, contradicts this version, which is not accepted by Mr. Stack, and is doubted by Mr. Mackay himself. Ngatimamoe in all probability did not possess much greenstone, perhaps did not know it, for it was after Ngaitahu had acquired their knowledge, and fought for and conquered the West Coast, that they carried on their bloodthirsty war of extermination against Ngatimamoe, fighting over the district surrounding this city (Dunedin), and ultimately destroying them in Southland.

## GEOGRAPHY OF THE WEST COAST.

It is necessary that I should endeavour to give a clear idea of the West Coast region and its approaches, in order that the events hereafter mentioned may be properly appreciated. That portion of the West Coast region which lies south of Martin's Bay may be disposed of at once. It can be entered by none but very high alpine passes, only recently discovered, and probably not used by Maoris, Its shores are so steep that there is no travelling along them. In its northern extremity, however, is Piopiotahi, so often mentioned as the place where *tangiwai* is found, to which reference will be made hereafter. North of this lies the West Coast, so famous twenty-five years since for its enormous yield of gold, and still occupied by a population of twenty-five thousand energetic people devoted to mining pursuits. It may be entered in several different ways; thus: (1.) By sea from north or south. No doubt at times the coast was visited by sea. Mr. Wohlers mentions this, though he apparently refers to Piopiotahi, not to Arahura. But the coast is fearfully exposed and the sea excessively rough, and boating even with powerful crews must have been highly dangerous. (2.) By land *viâ* Lake Wanaka, the Haast Pass, and the Awarua or Haast River, and thence up the coast by land or sea. This route, or one by a neighbouring pass to the coast a little to the south, was described to Dr. Shortland by the Maori Huruhuru in

1842. It was the meeting-point of old Maori roads up the Waitaki and the Molyneux (Matau) and others. There was an old Maori settlement at Jackson's Bay, where this track reaches the shore; and until destroyed or dispersed by Rauparaha's "West Coast party there were Maori settlements at Hawea and Wanaka. From Jackson's Bay the road up the coast to Arahura must have been difficult and dangerous, as there are some twenty rivers to cross. (3.) By the seashore from Cape Farewell in the extreme north. The possibility of walking by the shore from Cape Farewell to Arahura was demonstrated by Bruuner and Heaphy in 1846. They found it excessively laborious, and passed over bluffs and headlands by means of rude ladders constructed years before by Rauparaha's raiders, who had come down this way—Even as late as that date they found old Maoris living near Cape Farewell who told them of the feuds which had prevailed in their young days, the character of which showed that the occupants of the greenstone country never had had friendly neighbours in the district to the north of their own. They were consequently utterly isolated until the passes from the East Coast became known, (4.) By the passes from Canterbury. North of the Haast Pass the next met is Whitcombe's Pass, one hundred miles north, connecting the south branch of the Hokitika River with the Rakaia. Next is Browning's Pass, connecting the Kokotahi, or north brand of the Hokitika, with the Rakaia. Then comes Arthur's Pass, the most convenient of all, crossed by the coach-road, but probably unknown to the Maoris, connecting an affluent of the Taramakau with one of the Waimakarir. Next is Harper's Saddle, on the borders of the Provinces of Canterbury and Nelson, connecting the Taramakau with the Hurunui, which was still used thirty years ago by the Maoris, who rafted themselves down the river on *mokihi* (rafts made of *Phormium* stems). (5.) By the passes from Nelson. These lead into the Grey and Buller valleys, and as these enter into the historical narratives I "will mention them later.

In order to rightly understand the position of a tribe of Maoris in primitive times occupying the West Coast country, the relative positions of the east and west coasts of the South Island, and of each to the North Island, must always be borne in mind. We have thus seen that an immense range of mountains separates these two territories. Between the Otago and Canterbury passes we have a range which the Rev. K. Green describes as "a great mountain-wall sending off numerous spurs rising into bold alpine peaks, and for over a hundred miles possessing no color pass free from eternal snow and ice." North of this the main range is for another one hundred miles a little lower, and through it are three or four practicable alpine passes already referred to. The West Coast has a rainfall of over 100in., and is everywhere clothed to an altitude of 3,000ft, or 4,000ft. with dense forest with a wet undergrowth of ferns and mosses. The numerous rivers liable to sudden floods have wide gravelly boulder-beds, and these are the highways. Up these the passes are approached, and then the traveller crosses amid a wilderness of rare white alpine flowers. Steep mountains, innumerable torrents, constant landslips, sudden snowstorms—all nature conspired to make the passes fearfully dangerous until engineering skill took them in hand. It requires even now an effort of imagination to recall the difficult and dangerous task of the greenstone-raider of olden times where—

*In Höhlen wohnt der Drachen alte Brut,  
Es stürzt der Fels, und über ihn die Fluth.*

The difficulties which beset the first miners who worked their way across are half forgotten now that a splendid road exists. In truth, however, to the last the two countries were separated by a wall which none but the bravest climbed, making the isolation of the two territories almost complete. Had Hannibal had such a country to deal with he would not have crossed the Alps in the face of a resolute enemy. To this day each region has more traffic with the North Island than with its immediate neighbour. It is, then, quite intelligible that a people long lived on the West Coast, holding occasional intercourse with the North Island, fighting constantly with the tribe immediately to the north of them, and utterly unknown to the tribes of the East Coast, neither knowing the way to penetrate to the other district.

It is, of course, possible that Ngatimamoe or even Waitaha had known of roads to the West Coast, of which no record was transmitted to their conquerors; but it seems more likely that, if they had possession of a little greenstone, it had come to them either by way of the North Island or by a line of communication leading to Nelson and Queen Charlotte Sound, passing through the hands of some intermediate tribe. The Ngaitahu traditions are very precise as to the time when and place where they first heard of it.

## NGAITAHU CONQUEST OF THE WEST COAST.

The West Coast, including the valleys of the Taramakau and Arahura, had for ages been in the possession of Ngatiwairangi, who were its original occupants. According to Mr. Alexander Mackay they sprang from the

Ngatihau or Wangsn nui Tribe. Mr. Stack considers that they came from the east coast of the North Island, and were of common descent with the Ngatimamoe and Ngaitahu. They were settled on that coast before Ngaitahu invaded the East Coast, The latter, or a remnant of them, whose chiefs are the Hon. E. K. Taiaroa, M.L.C., and Topi, of Ruapuke, were busy conquering the Ngatimamoe in the northern part of this Island and had got as far as Horowhenua when they first became acquainted with greenstone.

It is said that a woman named Eau Eeka, sometimes called a mad woman, with a small travelling party, found the way up the Hokitika Kiver over Browning's Pass across the mountains theretofore considered impassable, and thence to the East Coast. Arrived at Horowhenua, in the Geraldine district, she saw some men engaged in making a canoe, to whom she remarked how blue their tools were. They asked her if she knew any better. She replied by taking a little packet from her bosom from which she unfolded a sharp adze of the kind of greenstone called *inanga*. This was the first they had ever seen, and they were so delighted with the discovery that they sent out three Ngaitahu to accompany the visitors to the coast and fetch some. On their return they stated that it was found at Arahura; after which it came into general use for tools and weapons, those of inferior material being, according to Mr. Stack's informants, discarded.

This led in time to a skirmish between Ngaitahu and Nga, tiwairangi, in which blood was shed. Te Eangitainau led an expedition up the Eakaia and across the ranges to avenge this. Uekanuka, a great chief of the western tribe, was killed, and the expedition returned. A second expedition fared disastrously, being defeated at Mahinapua. A third expedition was followed by others, which effected the conquest, and, pursuing the fragments of this tribe, continued the war up to recent times—perhaps the first quarter of this century—when Ngatiwairangi were finally destroyed as a tribe in the battle of Paparua, and their survivors incorporated with Ngaitahu. The branch of the latter tribe which settled there took the name of Poutini—I suppose, from the mythical name of Ngahue's fish-god or stone.

The Poutini-Ngaitahu had shortly after their first occupation to fight for their conquest, being attacked by Ngatitumata-Kokiri, a tribe dwelling farther north on that coast and about Massacre Bay, with whom they had frequent fights about the right to catch ground-birds in the upper Grey and Buller districts. This tribe, which seems to have had a warlike career, and was ultimately destroyed to the last man in fighting North Island invaders, is supposed to be the same which attacked Tasman's boat in Massacre Bay in 1642.

Mr. Stack puts the visit of Bau Eeka about 1700; but thinks that traffic in greenstone had probably sprung up between Ngatiwairangi and the North Island tribes bordering on Cook Strait long before it became known to Ngaitahu. The existence of such a trade is proved by reference to greenstone implements in North Island traditions of earlier date; but apparently these references are very rare in the earliest traditions.

## NGA-TI-TOA INVASION OF THE SOUTH ISLAND.—RAUPARAHA.

Mr. W. T. L. Travers, in his charming but sanguinary narrative of "The Life and Times of Te Rauparaha" (Trans. N.Z. Inst., vol. v., p. 19), shows the connection between the bloody raids of that great Ngatitua chieftain into this Island and the lust for greenstone. Rauparaha had been squeezed out of his own country, Kawhia, and had, in conjunction with his allies Ngatiraukawa, who likewise had wandered from their home in the centre of the Island, occupied as a stronghold the Island of Kapiti, in Cook Strait, and as much as he could hold of the mainland. A chief of Ngaitahu named Rerewhaka imprudently boasted that he would rip open Rauparaha's belly with a shark's tooth. Nominally to avenge this, but really out of lust for conquest, Rauparaha made a series of sanguinary expeditions down the coast of this Island, in the course of which Rerewhaka was killed and many of his people made slaves. The Ngaitahu were known to be rich in greenstone, and, according to Mr. Travers, Rauparaha longed to add the acquisition of such treasures to the gratification which he would derive from wreaking vengeance on the Ngaitahu chieftain for the insult under which he had so long suffered. Ngaitahu of Kaikoura and Amuri had long been in the habit of sending war-parties across the Island for the purpose of killing and plundering the inhabitants of the district in which it was obtained, and at this time a branch of their tribe held that country as conquerors. There were two routes in this quarter. The expedition sometimes passed through the Tardale country to the upper Waiauha, and thence through Kopiokaitangata, or Cannibal Gorge, at the head of the Maruia River, into the valley of the Grey, whence they ran down the coast to the main settlements from the mouth of that river to Jackson's Bay. At other times they passed from the Conway and other points on the East Coast through Hanmer Plains to the valley of the Ahaura, a tributary of the Grey, and so to the same localities. On the line of the former route Mr. Travers's shepherds have frequently found stone axes and many other objects. During their journeys to the coast through these rugged scenes the war-parties lived entirely on eels, wekas (*Ocydromus australis*), and kakapos (*Stringops habroptilus*), which at that time

were numerous in the ranges; whilst on their return, after a successful raid, human flesh was carried by the slaves they had taken, and the latter were not infrequently killed in order to afford a banquet to their captors. During these expeditions large quantities of greenstone, both in rough blocks and in well-fashioned weapons—the art of fashioning these being especially known to the West Coast natives—were often obtained if the approach of the invaders was not discovered in time to permit the inhabitants to conceal themselves and their treasures. And it was the accumulated wealth of many years which Rauparaha expected to acquire in case he should prove victorious in his projected attack upon Rerewhaka and his people. In one of the expeditions the famous Te Pehi was treacherously killed while on a visit to a pa: not, however, before he had secured some fine specimens of South Island art, as his grandson Wi Parata, of Waikanae, formerly a member of Parliament, has now in his possession two beautiful *meres* of *inanga*, besides other objects. His friendly visit was to obtain some presents of *pounamu*, including a *mere* for himself, though why he should take a hundred men with him on that journey, the place being a hundred miles from Kaikoura, where the main force remained, is not quite clear. When finally the disaster overtook Ngaitahu at Kaiapoi Pa by which their power was broken it is said that they threw great quantities of greenstone into the deep swamp behind the pa, whence it has never been recovered.

## WEST COAST BRANCH EXPEDITION.

The narrative would be incomplete without a brief reference to this. The invaders, under Niho and Takerei, passed down the coast from Cape Farewell by land, scaling the otherwise almost impassable cliffs by means of ladders, which they made of climbing-plants. The numerous rivers—some of great volume—were crossed by means of rafts and of the canoes found on their banks. The local tribes were massacred wherever found, save such as were able to find refuge in the dense forests. Thus the country was conquered as far as Hokitika. Among the prisoners taken was Tuhuru, chief of the Poutini-Ngaitahu, who on the return of more peaceful times "was ransomed for a greenstone *mere* called Kai-kanohi (Bat the eye), which is still in the possession of the tribe. Later a party of more adventurous spirits continued the journey down the west coast, and, crossing by the Haast Pass, or one in that neighbourhood, surprised and massacred the natives settled at Hawea. One boy, Rangitapu by name, who still lives, an old man, at Port Molyneux, escaped, and warned his father, the chief at Wanaka, and he and his family fled down the Waitaki. The invaders, making rafts of *Phormium* stems with the help of their prisoners, floated down the great and rapid river Matau, or Molyneux, whose volume is said to equal that of the Nile, and thus passed right through Otago. Their appearance on the south coast, near the mouth of the Mataura, led to a hurried assemblage of fighting-men, headed by Tuhawaiki, from all quarters, including, it is said, white whalers and sealers from Foveaux Strait; and this ended in the defeat and almost total destruction of the invaders. The remnant were made slaves, one chief being kept a prisoner for many years. The tale has only been preserved in an obscure form. Since this invasion Maoris have never inhabited the interior of Otago. There is evidence that at one time a large population lived at or regularly visited Lakes Te Anau, Manapouri, Wakatipu, Hawea, and Wanaka. At the two former lakes numerous objects of greenstone have been found, and recently a great number have been ploughed up at Lake Wakatipu.

## RESULTS.

The military overthrow of Ngaitahu at Kaiapoi never became a conquest giving a title to their territories; but in after-years the first white travellers who reached Arahura found the population strangely mixed. Nominally the tribe was the Poutini branch of Ngaitahu, with some of the remnants of the original Ngatiwairangi incorporated; but some of Rauparaha's Ngatitōa and Ngatiraukawa had detached themselves from the expedition, which swept that coast in a murderous man-eating raid, and settled with their old enemies there. Besides, there were some of the scattered fugitives from Kaiapoi, who had fled in terror from Rauparaha's arms, and even some from Otago, who had probably accompanied them. These had just effected the sale of their territory to the Queen when the miners swarmed into the country, from which in a few years they sent out gold to the value of ten millions sterling.

The practical outcome of all the sanguinary wars to which I have briefly alluded has been considerable. Considered in detail their study leads to nothing; considered as a whole they can only be regarded as a precursor of white settlement, which has proceeded in the South Island almost unobstructed by the native difficulties which have arisen in the North Island, repeating here the history of the Roman Britons, whose petty contentions gave to the northern invaders the power to sweep them back to the western ranges.

# AGE OF THE ART.

As to the date at which the Maoris commenced to work greenstone, we have only the uncertain traditions which I have already narrated. It is very probable, however, that the North Island had been long colonised before it was known. This would still be probable even if credit could be given to the story of Ngahue bringing back a single stone to Hawaiki, and making implements and ornaments of it, a story which Mr. Tregear thinks we probably do not rightly understand, for the place where that stone was obtained would have to be discovered anew. Mr. Stack thinks, as will be seen from his answers (Nos. 4 and 5), that Ngatiwairangi occupied the West Coast in very early times, and that the story told him at the Thames that a *hei-tiki* held by the natives there was brought by their ancestor Marutuahu from Hawaiki may indicate that some of the Taranaki and Cook Strait people obtained greenstone from these Ngatiwairangi at a very early date, long before it became widely known. This seems very probable, as Ngatiwairangi, working up only small quantities, would not for a long time push a very active trade, and would probably keep the secret of the locality where the stone was found. It did not, in all probability, get extensively into use until visitors were allowed to search for it and carry it away in bulk, or came as invaders and did this without permission; though no doubt travellers from the greenstone coast spread a certain amount among their distant friends and relatives. "Notwithstanding," says Cook, "the divided and hostile state in which the New-Zealanders live, travelling strangers who come with no ill-design are well received and entertained during their stay, which, however, it is expected will be no longer than is requisite to transact the business they come upon. Thus it is that a trade for *poenanmoo*, or green talc, is carried on throughout the whole Northern Island."

If it be the case that the Waitaha, who, according to Mr. Stack, must have flourished in this Island before 1577, and whose destruction by Ngatimamoe began about that date, were the people who destroyed the moa (*Dinornis*) and the pouakai (*Harpagornis*), then there is some evidence, though it cannot be deemed very satisfactory, that the Waitaha had something to do with greenstone. The recent observations of Mr. H. O. Forbes at Monck's Cave, Banks Peninsula, point in this direction. The cave was at some remote period closed by a landslip and for many years the colonists have carted away the slipped material for road-making. In this way the existence of the cave was discovered quite recently. The cave was found to be in the condition in which its Maori inhabitants had temporarily left it when the slip occurred. On the floor were found beautifully-made implements of greenstone. Scattered about were numerous largish fragments of moa-bone, and fish-hooks and barbed spear-tips of the same material. On the surface were bones of swans, a bird extinct beyond the memory of man in New Zealand. "Just below the surface of an untouched part of the midden," says Mr. Forbes (Trans: N.Z. Inst., vol. xxiii., p. 374), "I myself picked out pieces of moa-egg shells, each with its internal epidermis perfectly preserved."

Whatever other evidence there may be, there is nothing in this absolutely to refute the idea that these objects may have lain for generations—perhaps for centuries—in a dry cave to which the air had so little access that its dryness was always preserved, as even in the destructive climate of Punk Island the eggshell of the great auk is sometimes found when taken from the ground to have the epidermis still adhering to it. It can only be offered as suggesting that the owners of these implements knew the moa and its eggs. Mr. Forbes has kindly given me the opportunity of inspecting the eggshell in his possession. The pieces are small, and if preserved in undisturbed dry ground may be very old. The greenstone objects in the Christchurch Museum taken from this cave are indistinguishable from those constantly found in Maori camps.

The character of the objects found in the cave shows that the inhabitants were probably North Island Maoris; and von Haast long ago found that the articles in the neighbouring Sumner Cave, left there by a people contemporaneous with the moa, pointed in the same direction, being made of wood growing exclusively in the North Island.

If this be so they were probably visitors from Cook Strait. As von Haast did not find greenstone among the objects referred to, it is on the whole more probable that that found in Monck's Cave belonged to a people of later date, who in using the cave had not greatly disturbed the relics of its former denizens. The evidence derived from the state of the eggshells must therefore be regarded as inconclusive.

In a somewhat extensive examination of the great beds of moa-bones at Shag Point, which Mr. A. Hamilton and I made in January, 1891, he found one piece of greenstone. It is 6in. in length by 1½in. in width and fin, thick, and is of a tolerably good quality of *kawakawa*. It bore no distinct resemblance to any familiar implement, being more like one of the rubbers or polishers which we find in numbers there, having the two opposite broader sides distinctly concave. I do not agree with Mr. Hamilton in thinking that it has been used as a sharpening-stone for putting a final edge or polish on implements, as I do not know of any stone in the polishing of which greenstone would offer any advantage for such a purpose over common sandstone—I find,

moreover, on submitting it to inspection by means of a hand-glass that it has been shaped by grinding by means of a coarse *hoanga* or sandstone; that the striæ mu across it at an angle of 45°, as is usual with unfinished greenstone implements; and that these traces of workmanship run over every part of it evenly, which would not be the case had it been used as a tool merely. It has been sharpened by means of considerable labour, and is of great interest, as it was found imbedded in the great bed of moa-bones broken by human hands, in a zone where, amid masses of fractured bones, implements of moa-bone and cut fragments were also found.

Though no greenstone has ever been reported from this zone, the situation was such as to satisfy Mr. Hamilton and myself that those who fed upon the moas—who it is now universally admitted used polished-stone implements, of which we found a few fragments—also knew and worked greenstone, though probably only as a very rare stone received through the indirect channels already suggested. It is, of course, very difficult to exclude every possibility of error, but we could neither see nor conceive any, though we carefully directed our attention to the subject at the time. The only source of error we could imagine was that it was possibly buried in a hole dug for the purpose; but its situation rendered this extremely improbable. Indeed, we found none of the indicia of secondary displacement of the heap there or in any part. The broken moa bones were interlaced over the implement in the same way as elsewhere. It was several feet under the surface, and within a few inches of the sand-bed on which the mass of bones lay, and in the near neighbourhood we found many moa-skulls, attached to long strings of vertebrae, lying *in situ*.

In von Haast's case in the Christchurch Museum, devoted exclusively to Shag Point, among a collection of schist drills, implements of moa-bone, 4c, are three very small polished greenstone chisels of *kawakawa* and a larger one of an inferior stone. There is no label to explain from what Me they were taken—and greenstone objects are often found on the surface there—and the ordinary presumption would be that he placed them in that case with objects which he formerly insisted were not relics of the Maoris, but of an older race of moa-hunters, as being of contemporaneous origin with those objects. However, for what it is worth, I should mention that von Haast has placed the chert knives on one side of this case, and has marked *them* from the moa-hunters' encampment.

## MODES OF WORKING.

There can be no doubt that the highest expression of Maori art is a thing of the past. The highly-skilled woodcarvers who worked with tools of stone, or bone, or sea-shell are all gone, and have given place to rougher workmen who use steel tools: still, some of the work of the present day is beautifully done, and good workmen should be encouraged. Thomson, in "The Story of New Zealand," says few specimens of mechanical skill are furnished by the natives, the highest example being the fashioning of hard greenstone into *meres* and ornaments. This is done by friction with flint and wet sand. The greenstone-cutter of olden times has almost disappeared, though Captain Mair, a high authority, informed me a few years ago, contrary to the opinion I had expressed, and which had been published by Professor Fischer, that some few old men still worked *Hei-tikis*. A better notion, however, of the modern method is, I think, to be derived from a retranslation of what I wrote to Professor Ulrich: "When the political prisoners were down here (at Dunedin) two years ago, I saw more than a hundred men cutting greenstone in a most systematic way. These people worked in companies. They had gridiron-like apparatus made of fencing-wire, having each ten or fewer bars. This apparatus was worked backwards and forwards with a sawing movement between two of them, while a third fed the machine with water and sand out of an old teapot or some similar vessel. In this way a slab was cut into eleven narrow strips, which were then rubbed down into ear-pendants on a flat stone, and afterwards drilled through at one end. When afterwards liberated the Maoris had thus accumulated a little capital in the shape of manufactured goods, the Government having supplied the raw material. They also made *meres*. I saw them making one in the gaol-yard on the grindstone. This occupation tends to keep them in bodily and mental health. One day I saw two of them cutting a piece of malachite in two. This they called 'Pounamu no Ingirani'—*i.e.*, 'Greenstone of England.'"

It is evident from an examination of numerous specimens in my collection that greenstone was cut by means of a very blunt instrument. I should say that a cutting-edge  $\frac{1}{4}$ in. wide was used for large pieces, while for cutting smaller pieces a narrower though still a very wide tool was used. I find in old Maori camps numerous pieces of fine sandstone shaped so as to exhibit cutting-edges suitable, and probably used, for this purpose, though probably only in cutting the smaller objects. Dr. Shortland gives the word *mania* as representing thin lamina of sandstone used for cutting the *pounamu*, and says the natives fasten them in frames after the manner of a stonemason's saw. These must have been something like that represented in Schliemann's "Ilios" (p. 583) as a flint saw. Much rarer are implements known to collectors as "hard cutters," made of trap or some similar rock. If these were used, as apparently they were, it must have been with sand and water.

I have been told, and can readily believe, that a great deal of cutting was done with wood and wetted sand, and Br. Shortland in the document, set out later confirms this. The Rev. Richard Taylor, in "Te Ika a Maui," refers to the use of greenstone wherewith to cut greenstone: "He saws it by rubbing the edge of one slab on another, and for this purpose suspends a calabash of water with a small hole in the bottom over the stone he is working so that it drops continuously but slowly. He then takes some of the finest quartz-sand, which he continually adds to the groove he is making. Thus, by patience and perseverance he succeeds in sawing it up."

Brunner, who first explored the West Coast in 1846, makes frequent reference to a kind of micaceous slate used on that coast for cutting and polishing greenstone—probably the *kiripaka* of Stack. He says it is found in the bed of one of the rivers of that coast, and in quality resembles a Newcastle stone, though somewhat closer in grain and texture, with a fine cutting quality. He carried two large pieces of greenstone and some polishing-stones with him on his return; and on an exploring journey lasting 560 days, during which he never heard English spoken, he found polishing greenstone a great amusement on wet days.

In cutting a slab in two the ancient workman lightened his labours by working his cuts from both sides, and when they nearly met, knocking the piece off. The rough break is sometimes a third of an inch through, or even more; and to effect this considerable force, or a heavy blow, must have been necessary.

Major Heaphy, who was Brunner's companion on one of his expeditions, says, "In order to make a *mare*, a stone is sought of a flat, shingly shape, say, of the size, and roughly of the shape, of a large octavo book. Among the primitive rocks of the Middle Island stones are not wanting of sufficient hardness to cut even the *pounamu*; and the Arahura natives lay in a large stock of thin pieces of a sharp quartzose slate, with the edges of which, worked saw-fashion, and with plenty of water, they contrive to cut a furrow in the stone, first on one side, then on the other, until the piece may be broken at the thin place. The fragments that come off are again sawn by women and children into ear-pendants. With pretty constant work—that is, when not talking, eating, doing nothing, or sleeping—a man will get a slab into a rough triangular shape, and about 1½in. thick, in a month, and, with the aid of some blocks of sharp sandy-gritted limestone, will work down the faces and edges of it into proper shape in six weeks more. The most difficult part of the work is to drill the hole for the thong in the handle. For this, pieces of sharp flint are obtained from the Pahutani cliff, forty miles to the north, and are set in the end of a split stick, being lashed in very neatly. The stick is about 15in. or 18in. long, and is to become the spindle of a large teetotum drill. For the circular plate of this instrument the hardened intervertebral cartilage of a whale is taken. A hole is made through, and the stick firmly and accurately fixed in it. Two strings are then attached to the upper end of the stick, and by pulling them a rapid rotatory motion is given to the drill. When an indentation is once made in the *pounamu* the work is easy, As each flint becomes blunted it is replaced by another in the stick, until the work is done. Two *meres* were in process of formation while we stayed at Taramakau, and one had just been finished, A native will get up at night to have a polish at a favourite *mere*, or take one down to the beach and work it away by the surf. A piece of *pounamu* and some slate will be carried when travelling, and at every halt a rub will be taken at it. Poor fellows I They had no tobacco, and a grind at a piece of hard *inanga* seemed to be a stimulant."

The condition of many of the pieces separated as above described, by means of two cuts and a break, attests the fact that the workman often had a very indifferent eye, the two cuts not coming opposite each other. In a piece before me less than 1in. thick they are nearly 1in. "out," giving a very awkward edge to rub down afterwards, I attribute this to the fact that, on the East Coast at least, the workers were generally very old men, past their fighting-days, whose eyes had become impaired with smoke and dirt, as they often are among these people.

What strikes me as very remarkable is the very poor pieces of stone on which a vast amount of labour is expended. It looks as if when a Maori workman could not get a good piece he cheerfully spent months, perhaps years, of labour on a bad, perhaps a very bad, piece. It was, perhaps, only at rare intervals that a tribal expedition returned from the remote West Coast with a new supply. A block which lies before me seems to have some very fine stone in it, with some very poor stone round the edges. The cut in it suggests the idea that the workman was proceeding to work the good centre to waste, and leave the rubbish to work up into implements, while the out he is making longitudinally through the centre of the slab, cleaving it into two thin slabs, is not straight. However, he may have known his business better than I do. I have certainly seen instances where the best of the stone has been wasted in the cutting. In the magnificent collection in the possession of Mr. John White, of Anderson's Bay, Dunedin (not to be confused with the late Mr. John "White, the author of the "Maori History"), there are twelve pieces showing cuts. The cuts are, as a rule, beautifully clean. Some of them meet perfectly true. In one instance the distance to which the cuts are "out" is so great that one has been turned in with a long slope to make them meet. In some cases apparently rather purposeless cuts are made; in one a very broad axe is cut longitudinally down the centre to make two chisels of ordinary proportions. His finest specimen is 4 boulder of *kawakawa*, or *auhunga*, 13¾lb. in weight, one-third of which is being taken off by a longitudinal cut. The proportions of the stone are 12in. by 5½in. by 4in. The cut is 1ft. long, and is 15/16in. to 1



3/16in. deep, and from, 12/16in. to 15/16in. wide. On the other side of the block is the commencement of a cut which would meet the other neatly. In another case, working on a flat stone, the cuts have so nearly met that the stone was found parted, the two pieces lying together.

In doing the fine work of the *hei-tiki* and other objects, where something like true carving appears, I am told the shell of the common pipi, or cockle, so much used by the Maoris & a ready-made tool, was commonly employed.

I have no doubt that fine-sandstone cutters, which we find in numbers in old Maori camps, were used where procurable. I find the finest class of sandstone *in situ* at Shag Point, Taiaroa Head. Dr. Shortland says the Maoris obtained it from a place which I take to be the vicinity of the Pleasant River, where Mr. A. Hamilton has found traces of their quarrying operations. In my collection there are many neat little tools of this stone.

It is an obvious feature of Maori stone implements that they never reached the point exemplified, I think, only in Scandinavia, of having a regular hole for a handle. But occasionally Maori implements have a hole through which a string is put to carry it. I have one such of greenstone and one of a commoner stone. In general it is a rare feature. In Mr. J. White's splendid collection, embracing six hundred pieces, there are eighteen pendants, needles, and shawl-pins, and thirty-four other objects, consisting of chisels, fish-hook points, and large pendants so drilled. Some of these large pendants are mere lobes of highly-polished stone of special colour, one weighing as much as  $\frac{1}{2}$  lb.

Nearly all these things, it will be observed, require a hole. The *mere* invariably had a hole, through which was passed the thong which held it tightly to the wrist in action. The hole is usually a wide-mouthed crater sunk in each side of the handle end until the two meet—often meeting rather badly. The work of drilling stone seems to have been most laborious. Smaller objects, such as greenstone needles, and pendants, and *hei-tikis*, are often drilled, but even then the hole is often unskilfully made, with a great crater mouth, again exhibiting the difficulty of the work. In some cases two or three attempts are made before success is reached. The explanation is to be found later in my note on the drill. In some *hei-tikis*, however, a piece of stone is left above the crown of the head, and through this a hole is neatly drilled.

## Working-places.

No doubt greenstone was worked in all Maori villages in this Island, but certain localities must have been special workshops. At a certain spot at Longbeach, in the Purakanui district, and at a similar spot at Warrington, I find innumerable minute fragments, as if some chipping process had been carried on there on a large scale; though my authorities assert that chipping did not form part of the process. Curiously enough, these fragments are often polished, as if finished implements had been chipped or shattered there; but the fragments are invariably very small.

In the vicinity of this spot at Warrington (the Maori name of which is Okahau) numerous unfinished objects intended to be of a superior type have been found. The late Captain Pitt, who lived there for years, had a number of these, and I have recently found a very fine one. Here, too, many fine finished implements have been found. Mr. Pratt, member of Parliament for the Southern Maori District, tells me that a small stream near here is called Hohopounarnu, or "Rubbing the greenstone;" but the name appeals to refer to the dripping of water in the process of rubbing.

By far the richest spot for finished and unfinished implements in this district is Murdering Beach, formerly called Wauakeake. Mr. and Mrs. Hunter, who owned the little farm there for many years, dug up immense numbers in making their garden, and since then numbers of objects have been found by others. In all, some six or eight *hei-tikis* have been obtained there.

Mr. John White tells me that of his collection, comprising six hundred objects of worked greenstone, about four hundred come from Murdering Beach or its immediate vicinity. Murdering Beach comprises, perhaps, twenty acres of ground within the limits of which objects are found. This beautiful spot was evidently thickly peopled, and must have been the aristocratic quarter of the district. Remains of burnt whares are found all over the flat ground. Warrington, too, was thickly populated; and it is not difficult even now to dig the remains of old whares out of the sand. The great variety of stone hammers, anvils, and cutting-tools found there shows that it was a regular manufacturing centre.

In Mr. John White's collection are two singularly beautiful spindle-shaped chisels, each 6in. long, and a small axe, all made out of a stone of rare colour. I have never seen stone at all like it. The colour is cream-colour, with patches, streaks, and spots of *inanga*-green sparsely dotted over it. These three pieces were found together, and it may be assumed with certainty that they were worked there from one block. In the same way there are in the same collection four *hei-tikis* of a very peculiar streaky asbestos-like stone, answering to that described in the latter part of Question 11. These three were found at Murdering Beach, which lies between

the Otago Heads and Purakanui, The finding of these three, apparently made from one block of stone, seems to indicate that they were made there, though, as will be seen, the evidence of the Maori authorities consulted by my correspondents leans to the conclusion that they were never made on this Island, though not conclusive on the point.

One of the most remarkable objects in this collection is an unfinished *hei-tiki* found at Waikouaiti. All that remains to be done is to finish off the parts which have to be rounded—*e.g.*, nose, arms, legs, and abdomen. Its lowest edge is at present as sharp as the edge of a chisel. This has to be rounded off and notched so as to form that curious semilune which represents the lower part of the legs and the meeting toes in a well-ordered *hei-tiki*. There is also a very remarkable *hei-tiki* in the Christchurch Museum. It has evidently been a large one, the bowed legs of which have been broken off by accident. The artist has then set to work to change the design. He has commenced by obliterating the face by neatly grinding it flat.

No doubt greenstone is still worked in many places in the North Island. Mr. J. B. Reíd, of Dunedin, tells me that when he visited Lake Waikaremoana some years ago he saw numerous Uriweras working it. They generally worked with a sandstone rubber on the side of a canoe, which had in the bottom a little water, used for wetting the stone.

A collector tells me that, obtaining large numbers of objects by digging in sandhills at Warrington, Purakanui, and other places, he finds most of them in the remains of old whares or dwellings. When he has cleared away the drifted sand he finds by the presence of hearth-stones that he has reached the floor. Below the level of this he may expect to find in one spot a small collection of treasure. It looks as if there were a receptacle under the sandy floor, which was probably covered by a flax mat. The site of this receptacle may sometimes be detected by a slight discoloration in the sand. In one he saw opened there were two beautifully-finished objects of greenstone and several odd pieces, also several pieces of *kokotai*, or h æmatite, with the mullera used for crushing it, and several sandstone rubbers. This represents the stock-in-trade and tools of a greenstone-cutter, and also the material and tools with which he made the red paint with which, mixed with shark's oil, he adorned his person. I have several of these mullers, still red with the adhering paint, dug out in this way, and I often find the pieces of soft red stone in the camps.

## USES OF GREENSTONE.

As to the uses to which greenstone implements were put, there is evidence that they were used for all kinds of work excepting, perhaps, such rough work as cutting down trees and hoeing ground. I have an adze weighing 51b., suitable for finishing the great slabs lashed on to the canoes to serve for top-sides. These adzes are called *kapu*. The word for an axe is *toki* or *toki uri*. Large adzes of greenstone are rare. Very long slender axes of the finest stone, formerly fitted with beautiful handles, are also rare. The commonest tools are chisels or small adzes, from 4in. to 8in. long and 2in. wide. These are called *panehe*. Small chisels 3in. long and 1in. wide are not uncommon. Some are as small as 1in. long and ½in. wide. Mr. J. White has numerous very small chisels, while I have a few of these, and many exactly similar implements in other kinds of stone. His come from Murdering Beach; mine from Foveaux Strait, where greenstone is apparently rarer. The Rev. Mr. Stack tells me that when he came to New Zealand forty years ago greenstone implements were still sometimes used in carving wood. He has seen a long narrow *purupuru* or chisel so used in carving the woodwork of the canoe-head. Drills of greenstone are frequently found, and as they have to be of the hardest stone they are generally very beautiful objects. They are not infrequently broken, but I never find them bearing evidence of having been used to bore holes in stone. I think they must have been used generally for working wood and perhaps bone. The point of one kind of implement is often shaped exactly like that of a gouge. Though these are described as drills, they are probably gouges. Another small tool is like a narrow-pointed chisel. In two instances in Mr. White's collection small tools, apparently drills, present the exceptional feature of four facets meeting at a point, like some of the bits used by carpenters. We know from various sources that greenstone drills were used for drilling the holes by means of which the top-sides were lashed on to the great war-canoes.

Mr. White has some very special objects, such as a pendant, needle, or shawl-pin, as thin as a penholder and 7in. long; several fish-hook points, which of course would also serve for eardrops; and a peculiar chisel with a basin-like depression near the edge to accommodate the thumb and finger while the haft end rested on the palm of the hand. Shawl-pins, used for fixing the flax mat formerly the sole garment of the Maori, were more commonly made of bone, but there are several in local collections of this stone. A very curious object in Mr. White's collection is a small fish-shaped spinning-bait or minnow.

Cook, in his first voyage, gives an account of the tools used by the Maoris: "They have adzes, axes, and chisels, which serve them also as augers for the boring of holes. As they have no metal, their adzes and axes are made of a hard black stone, or of a green talc which is not only hard but tough, and their chisels of human bone

or small fragments of jasper, which they chip off from a block in sharp angular pieces like gun-flints. Their axes they value above all that they possess, and never would part with one of them for anything that we could give. I once offered one of the best axes I had in the ship, besides a number of other things, for one of them, but the owner would not sell it; from which I conclude that good ones are scarce among them. Their small tools of jasper, which are used in finishing their nicest work, they use till they are blunt, and then, as they have no means of sharpening them, throw them away. We have given the people at Tologa a piece of glass, and in a short time they found means to drill a hole through it, in order to hang it round the neck as an ornament by a thread; and we imagine the tool must have been a piece of this jasper. How they bring their large tools first to an edge, and sharpen the weapon which they call *patoo-patoo*, we could not certainly learn, but probably it is by bruising the same substance to powder and with this grinding two pieces against each other." What he here refers to as jasper is most probably obsidian, or volcanic glass, which is plentiful in the North Island, and splinters of which, such as he describes, are found in Maori camps throughout New Zealand.

Polack speaks of the implements in similar terms; but they were out of date in his time—*i.e.*, in 1832. He says, "Much patience was required to put an edge on the *mere*, which was often managed by pounding the talc to powder, and briskly rubbing the surfaces together," I am not sure whether this is an original observation, as I often find Polack borrowing from Cook. Even in 1806 Savage observed the diminishing value of the greenstone implements in consequence of the introduction of iron.

There are some objects the use of which I have not been able to ascertain, but which may be learned from old Maoris in the North. Sir W. Buller informs me that, in making the deep cuts in carving large figures, the artists burnt out a cavity, and then chiselled out the chare oal. This would require small chisels. He also points to a number of smoothly-polished blocks of greenstone, generally 1in. or 2in. long by about the same breadth, and  $\frac{1}{2}$ in. thick, in his collection and my own. These had long puzzled me. They are burnishers, used to rub down the surface of wood-carvings. I have similar objects of various shapes made of agate or chalcedony, which probably served similar purposes. Sound pieces of greenstone are used, and in Sir Walter Buller's collection they are of *tangiwai*, *pipiwarauroa*, and *kawakawa*. One of these has two scraping edges, and has evidently served a double purpose.

## WEAPONS.

The stone axe, or hatchet, was a weapon of war, and no doubt axes of greenstone, as well as of other stone, were thus used. The *mere*, the most famous weapon of the Maoris, which in ancient times was generally of white whalebone, was in later times—that is, in the last few centuries—often made of greenstone. There are also many in collections made of black trap and similar hard rocks. A greenstone *mere* is an object of great value. It is usually about 13in. to 15in. long, sometimes longer, and is to be found figured in many books—for instance, Sir John Lubbock's "Prehistoric Times;" while Hochstetter figures the famous *mere* of Te Heuheu, shown to him by the chiefs successor, cut out of the most beautiful transparent nephrite, an heirloom of his illustrious ancestors, which he kept as a sacred relic. It was taken from a hostile chief in bloody combat, and had five times been buried with its owner's ancestors. A notch on one side denoted the last fatal blow struck at a hard skull. The *mere* was not used like an axe, for a downward hacking stroke: if used thus and parried it might be broken, and thus the labour of years lost. It had a hole through the handle, through which was a strong thong of dogskin, made into a running noose through which the thumb would slip readily. It was carried thrust into the belt, The first contact of the fighting forces was with the *hani*, or *taiaha*, a sort of staff, used, however, ordinarily as a walking-stick. This was not pointed, but was used for striking as a quarterstaff, As the fighting got closer these had to be laid aside, and the *mere* was then taken from the belt and fastened to the right hand. The thumb was thrust through the loop of the thong, and then one turn made round the hand. To have thrust the hand through would have exposed the warrior to the risk of being dragged into danger by any one who could successfully grasp the blade of the weapon—a risk never run. The left hand now grasped the hair of the enemy, the fingers being twined among the long locks, The probably describes a moment when the enemy had already been reduced to inactivity by many blows, or had been thrown down. Then the blow was struck, rather as a stab, if possible, at the side of the head, where the bones are weakest, and it was thus driven into the brain. Whare-kino, a West Coast chief, had a spear run through his arm by Tuhuru, and, being violently pushed, fell upon his face. Before he could rise Tuhuru caught him by the hair, and was just about to smash his head with his *mere-pounamu* when he recognised him as his own cousin, and spared him.

Dr. Shortland describes the *mere-pounamu* to which in the South Island he finds the name *rakau-pounamu* given. This word means timber, or perhaps club, and may be derived from the use of a wooden club in olden times. There is a highly-ornamented wooden *mere*, sometimes shaped like an ordinary *mere*, sometimes like a bill-hook, Tasman, describing in 1642 the attack upon his boat, says that the natives were armed with short

thick clubs like clumsy *parangs*. He does not say of what they appeared to be made, but had they been either of white whalebone or of greenstone he would probably have noticed it.

## FAMOUS IMPLEMENTS, ETC.

It would be impossible in a paper like this to refer era briefly to any considerable number of the famous historical implements and ornaments of New Zealand. A few only can be mentioned. English lawyers are familiar with the case of Pusey *versus* Pusey, in White and Tudor's Leading Oases, decided in 1684, which shows that before the days of title-deeds a material object might be the outward symbol of a title to land, and that in this one case the tenure still exists. There the horn is equivalent to a title-deed, and on it is the inscription in what looks like comparatively modern, or fourteenth' century, English.—

*Kyng Knowd geve Wyllyam Pewse  
This horne to hold by thy lond.*

Such cases are not unknown in New Zealand. The title-deed of the famous Heretaunga Block, now worth three-quarters of a million, was a small pendant now worn by a gentleman on his watch-chain. In finally ceding land to the Queen upon a sale by the native owners a *mere* has often been handed over as symbolical of title. It is, of course, handed to the white man "who settles the bargain, I am not aware of cases where it has got any further towards the Queen, nor does the colony possess any treasure-house for keeping such objects.

The famous heathen chief Te Heuheu, on the night of the 7th May, 1816, was overwhelmed, with all his people save one man, by a landslip burying the village Te Rapa. It is said that the great warrior was last seen praying to or threatening his *atua*. His *mere* was the most famous in New Zealand, and is mentioned in the lament written by his brother and successor,—

*Sleep on, O chief, in that dark, damp abode,  
and hold within thy grasp that weapon rare,  
Bequeathed to thee by thy renowned ancestor  
Ngahue when he left the world.*

I think there must be some confusion in this, as it was the famous eardrop called Kaukaumatua which Tama-te-kapua was said to have brought from Hawaiki, and which had been made from Ngahue's stone, which had come down to his descendant Te Heuheu. This eardrop is often mentioned in Maori history. It was the subject of a fight between two sons of Tama-te-kapua, who was supposed to have brought it from Hawaiki, and was buried by one of them but recovered by his nephew. Some years before Te Heuheu's death it was appealed to in a dispute as to the ownership of Flat Island, in the Bay of Plenty, claimed by his relations. It was agreed that those who could prove relationship to its possessor could establish the best title to lands first occupied by their common ancestor Tama-te-kapua. In later times a hundred men were successfully employed in digging out the famous *mere*, which is still held by the tribe. The bones of its mighty owner were carried high up the mountain Ruapehu, and there left on a ledge of rock; from which cause that mountain remains sacred to this day.

When Sir Donald McLean in 1856 brought to a close the protracted and complicated negotiations by which the Government finally acquired from hostile and conflicting claimants the northern end of the South Island, he had his greatest difficulty with the district about Tory Channel and Queen Charlotte Sound, as from its past associations the natives attached great importance to it as the scene of many hard-fought battles, and of final conquest. When signing the treaty of cession, Ropoama te One, after alluding to these wars in an emphatic harangue, struck into the ground at the feet of the Commissioner a greenstone axe, saying in their usual style of metaphor, "Now that we have for ever launched this land into the sea, we hereby make over to you as lasting evidence of its surrender this adze named Pai-whenua, which we have always highly prized from having regained it in battle after it was used by our enemies to kill two of our most celebrated chiefs, Te Pehi and Pokaitara. Money vanishes and disappears; but this greenstone will endure as durable a witness of our act as the land itself which we have now under the shining sun of this day transferred to you forever."

Mr. Travers mentions several celebrated *meres*—*viz.*: One with which Te Wherowhero, the father of the chief who afterwards became the Maori King, and is still so called, killed two hundred and fifty prisoners of war at a sitting smashing the head of each with a single blow. His son still has the *mere*. Another, called

Kai-kanohi, now in the possession of the descendants of Matenga te Aupori, with which, as has already been mentioned, Ngaitahu once ransomed Tuhuru, who had been taken prisoner by Rauparaha's branch expedition. I have elsewhere referred to the two beautiful weapons which Te Pehi has left to his descendants. Others are connected with the history of the North Island tribes.

In the early part of this century a splendid *mere* was buried secretly in a swamp in Southland to settle a dispute as to who was to inherit it. Not long since a half-caste, in digging a post-hole for a fence, accidentally dug it up and restored it to the heir, death having settled the dispute. Similarly one now lies hidden in a swamp beyond Riverton. It is well known that in the North Island many have been hidden, and in many instances mortality in the tribe has obliterated all knowledge of the hiding-place. Occasionally lost *meres* are found and recognised, to the great joy of the tribe. On other occasions Europeans have found them buried in the ground hidden in old hollow trees. Indeed, Polack's prediction, made fifty years ago, has been fully realised—namely, that in future many aboriginal curiosities would be discovered by European colonists, as the New-Zealanders have been in the habit from time immemorial of burying with their dead the favourite axes and implements of stone that were highly prized by the chiefs whilst in existence.

## OTHER ORNAMENTS AND OBJECTS.

The *mako*, the beautiful tooth of the tiger-shark, is much prized as a keepsake, and is handed down from generation to generation; but its inferiority to a jewel of *kahurangi* or *pounamu* of the first water is recognised in the ode,—

*That is worthless—  
That is the bono of a fish;  
But were it the little pounamu,  
That ancient source of evil  
The fame of which reaches  
Beyond the limits of the sky—eh!*

In the list of ornaments given by White the word "*mako*" occurs, referring evidently to a greenstone imitation of the shark's tooth. Rings are mentioned by some writers. The Maoris keep tame parrots with rings round their feet. In the Christchurch Museum is a prettily-carved parrot-ring of greenstone.

In addition to the *hei-tiki*, fuller reference to which is made hereafter, and those above mentioned, the Maoris had a great variety of greenstone ornaments. Of these, only a few can be described here, thus: (L) Lobe-shaped ornaments, suspended from the neck when very large, and from the ear when smaller. Some of these are referred to in the description of colours. (2.) Small objects with a slight resemblance to the human form, slighter, and flatter, and more formal in shape than the *hei-tiki*, though perhaps also so called; others without resemblance to human shape. There is a peculiar fish-shaped *hei-tiki* in the Christchurch Museum. (3.) Ear-pendant, called *kapeu* or *kapehu*, curved at the lower end; and numerous other forms of ear-pendant. Fish-hook points, also used as pendants. *Kapeu whakapapa* was a genealogical staff with the generations notched upon it. They are more commonly made of wood. (4.) Mat-pins of various sizes and shapes.

## TIKIRAU.

Sir W. Buller supplies me with the following:—

"Tikirau, the ancient name of a *kapehu* or *tara* (long pendant with curved extremity), presented by Heni to Rei, daughter of the late chief Matene te Whiwhi, to the Hon. Huia Onslow (the infant son of the Earl of Onslow, Governor of New Zealand), on the occasion of his presentation to the Ngatihua Tribe, at Otaki, on the 12th September, 1891.

"This *kapehu* is of pale *kawakawa*, and is not of the very best quality; but the relic is valuable because it was an heirloom in the family of Te Rangihaeata, the fighting chief of the Ngatitua, The Maoris associate it with the following *karakia* (or incantation):—

*"Ka haere trine, ka haere hine,*

*Te ara nui no Tikirau,  
hoki atu, hoki mai  
Ka rarapa ki, to rangi,  
He uira."*

## AUTHORITIES.

At the risk, perhaps, of becoming tedious, and of being accused of repeating matter, I now give the original answers of my correspondents to the questions which I drew up for Professor Fischer; and I take this opportunity of thanking them for the trouble they have taken. I set out the questions in foil, a order that the answers may be fully appreciated, and in the hope that their publication may induce other Maori scholars to send me further information.

## QUESTIONS ASKED BY MR. F. R. CHAPMAN, OF DUNEDIN, FOR PROFESSOR FISCHER, OF FREIBURG.

You are requested to return this paper with answers to these questions giving all possible details, and stating any facts within your knar Ledge besides those touched upon in these questions.

- How did the natives make the figures known as *hei-tiki*, and what was their method of working greenstone?
- In the process did they use chipping instruments, or was anything done by grinding?
- Are these objects idols or gods, or the portraits of ancestors, what do they represent?
- Are the existing *hei-tiki* the result of the patient labour of modere or comparatively modern people, or are they objects remaining in the hands of the Maoris from a former age, the relics of an earlier vanished culture?
- Is such a vanished culture to be inferred as well from these highly worked objects as from the fine wood-carvings of this race? Is it supposed that they came to New Zealand with a knowledge of these advanced arts, or that they have so advanced themselves here?
- Do the natives continue to make these objects? Do they make them in their ancient fashion or by means of modern appliances?
- Have the Maoris any traditions or superstitions on the subject of or with reference to these objects? Are individual *hei-tiki* treated with reverence? Are they highly prized by Maoris beyond their money value?
- Do the Maoris make other objects in greenstone than *hei-tiki*, and articles of actual use, such as axes, chisels, &c.?
- How many varieties of greenstone do the Maoris recognise? What are their names and description, and what peculiar use or value has each?
- Where is greenstone found *in situ* in a virgin state? Whether in more than one place?
- Is a rusty yellow-coloured nephrite known in New Zealand? Is a peculiar nephrite with thread-like streaks, having a beautiful silky lustre like asbestos, common in New Zealand?
- Is the true name of the South Island "Te Wai Pounamu," The Water of Greenstone, or "Te Wahi Pounamu," The Place of Greenstone?
- Have the Maoris any traditions as to when they first found and began to work it?
- Have the greenstone objects occasionally seen in other oceanic islands been carried from New Zealand, or is the stone native elsewhere?
- Are the greenstone and other hard-stone axes first chipped to shape and then polished, or are they all ground to shape from water-worn stones?
- Can you state any special native customs, superstitions, traditions, or other lore relating to greenstone, or objects of greenstone?
- Was greenstone really the object of Rauparaha's invasion of this Island?
- Are there any other traditions of wars on this account?

# ANSWERS OF JOHN WHITE, AUTHOR OF THE "ANCIENT HISTORY OF THE MAORI."

10. The *pounamu* was found in blocks in the rivers and creeks at the south end of the South Island. Some was also found in the creeks which run into the lakes of that part of New Zealand. Some was also found in the creeks and sounds in that part of the South Island.

13. Tradition says that a chief called Nga-hue was driven out of Hawaiki by Hine-tu-o-hoanga; that Nga-hue, after landing on various islands, at last arrived in New Zealand, and, having found the *pounamu* on the South Island of New Zealand, on his return to Hawaiki he took some *pounamu* with him, and with axes made from that greenstone some of the canoes were made which came over to these Islands with Kupe, Turi, Hotu-roa, Nga-toro-i-iangi, and others.

14. All that can be said on the question is answered in No. 13.

1, 2, and 15. The *pounamu* was broken as best they could break it into pieces when in boulders or large blocks, but it was not chipped—it was bruised to take any angle or point off. It was then rubbed into shape with a stone called *mataihona*, *takiritane*, *hoanga*, *onetai*, *patutane*, and *ureonetea*, with chips of *kiripaka* as a drill. These stones were called by different names in the localities (by the natives of the districts) in which they were obtained. In some instances a piece of *pounamu* would be found of a flat or slab shape. The *mataihona* was then used to cut a line on each side of the slab, and when the cut was sufficiently deep the slab was broken into pieces, thus cut into a rough form of a *mere*. The *ureonetea*, *takiritane*, *patutane*, and *kiripaka* were used as drills to cut holes in the *pounamu* to form a *hei-tikit*, and when the holes were made to form the arms and legs of the Tiki then the *mataihona* was used to form the Tiki. The drill used to make the hole in the *mere* was made with *kiripaka* and *ureonetea*. These were broken into spike-like shapes, and placed in the end of split wood [drill-spindle], and tied tightly, the upper end of this wood being placed in a block of timber placed in position to receive it [mouthpiece, or drill-cap]. Two stones [weights] were tied to the upper end of the drill [to steady it], the *kiripaka* or *ureonetea* being placed on the *mere* where the hole was to be made, and a string was mapped round the drill above the stones [weights], and next to the block of wood [mouthpiece, or drill-cap]. These strings were pulled first one and then the other [the unwinding of one causing the other to wind round the spindle], thus giving a rotatory motion to the drill. A little of the pounded dust of the *mataikina* and water were put to the point of the drill at various times of the work. [Observe that Mr. White describes a piece of wood by way of a mouthpiece or drill-cap. He does not say whether it was held in the mouth or pressed down with the flat of the chin or the breast of the workman. Compare Mr. Wohlers's interesting description, and Note 3, *post.*]

3 and 7. These objects were not idols or gods, nor were they the portraits of ancestors, but, as the name implies, *hei* (for)-Tiki, or, for, or to be used as, Tiki, or to be like Tiki. The value or sacredness of these was derived from the fact of their having been worn or handled by the dead of past ages.

4 and 6. Some of the *hei-tiki* now seen are many hundred years old, others are of more modern date. The mode of making the *hei-tiki* in ancient times is that now practised.

5. They brought the knowledge with them.

8. Yes; *toki* (axes) and eardrops, as *kurukuru kapeu*, *mako* (of green stone), *kani* (ring), *porotiti*, and many others.

9. Many sorts of greenstone—namely, *kahurangi*, *inanga*, *tangiwai*, *totoweka*, and fourteen others, all of which are grades less in value than the *kahurangi*. [I have never seen a list containing eighteen names, but I have seen some with some of the names I have collected repeated with qualifying adjectives to describe minor variations. Then is one word here, *totoweka*, which would mean weka's blood, which does not occur in my other lists. It must be the variety with red streaks or spots.]

11. This is called *totoweka* [weka = the bird *Ocydromus*]. This, or something like it, is called *inangatangiwai*. [The rusty yellow-coloured nephrite for which Herr Fischer inquires is extremely rare. I have seen one piece that would answer this description. The expression *inangatangiwai* evidently indicates one of the numerous grades described in Answer 9, the names of two kinds being combined to describe it.)

12. "Te Wai Pounamu" is the correct name.

16. Yes, but it would fill a book of moderate size to give it. As I am bound to time in writing the Maori History I am compelled to give these answers in this very short way; but all these questions will be fully answered in the history now being compiled. [Mr. White's history had reached the completion of vol. v. when he died, and one volume had appeared since, a mass of MSS. was left, and it is to be hoped that this will some day see light. The published portion does not treat of greenstone save in the chapters incorporated from the Rev. Mr. Stock's writings, the substance of which I have incorporated in this paper.]

17. No; not in the first instance. His invasion was to obtain a home for himself and tribe, as he was being pressed by his enemies the Kahungunu, and being urged on also by his revenge for his relation Pehi.

18. Yes; but in the first instance all the wars undertaken by the natives of the North Island were for conquest of country, and consequent on their being driven out of their homes by fear of stronger enemies; but eventually it became a great point to obtain possession of a land in which the greenstone might be obtained.

## ANSWERS OF THE REV. J. W. STACK, MISSIONARY TO THE SOUTH ISLAND MAORIS.

[NOTE.—I have thought it best to leave in the signs of quantity placed by Mr. Stack over the vowels to aid pronunciation]

1 and 2. the tools used in the manufacture of greenstone were—

(a) *K#r# P#h#t#*.—A stone hammer. Nothing more than a conveniently-shaped boulder of greenstone about the size of a human skull. If the piece to be broken off was for a *mere* it was necessary to insure against any cracks. This was done by cutting a deep groove before taking the piece off. [I have made a large and interesting collection of stone hammers, some of which must have had wooden handles, while others were used in the hand. They are of trap, quartz, and various other stones. I have never seen one of greenstone. I have a great many hammers of very small size, evidently for very fine work. Bruising is mentioned by White and others as a mode of reducing angles and points, Two unfinished axes in the Colonial Museum, at Wellington, show admirably that bruising was used to reduce the size of the handle part.—F. R.C.]

(b) *P#rihi p#h#t#*.—A sharp-edged chip of trap or any other hard stone for cutting grooves. [Galled a hard cutter in the text.]

(c) *H###ng#*.—Sandstone or other gritty kind of stone for rubbing, down the rough surface and polishing. [For this I have adopted the word "rubber," as the words "grindstone" and "whetstone" are inapplicable They are coarse or fine according to the work to be done.—F. R. C.]

(d) *K#r#p#k#*.—A micaceous stone, plentiful on the West Coast, used for rubbing down and polishing, [See references to Brunner and Heaphy's Journal.]

(e) *M##*.—Obsidian for pointing the drill, or *pirori*. [I have many of these in flint and quartzite, commonly but erroneously called chert: they are in every stage of wear.—F. R. C.]

Having procured a suitable-sized piece of stone for the article to be made, the workman placed it either on the ground or on a slab of wood over to fit it. The surface was then rubbed down with a *ho ng*, the greenstone being kept constantly moistened with water. The only tools employed in forming the *hei-tiki* were those above mentioned.

3. They are portraits of ancestors, and were highly valued, ["Mementoes of ancestors," used later by Mr. Stack, is a better term.—F. R. C.] It was the custom to bury them with the wearer after death, and then to remove them when the bones were taken up for final sepulture. The nearest of kin employed in the rites connected with the removal of the bones to their final resting-place became the possessor.

4 and 5. The custom of wearing the *hei-tiki* was probably imported from Hawaiki. During a visit to the Thames about twelve years ago, Paraone, a chief residing in Grahams town, showed me a small illformed *hie-tiki* which, he said, had once belonged to Marutuahu, son of Hotunui (*vide* "Polynesian Mythology," by Sir G. Grey, p. 246) *t* one of the original immigrants from Hawaiki. One branch of the family resided near Taranaki; one at the Thames. This *hei-tiki* had passed backwards and forwards from one branch to the other during successive generations, the relatives who performed the ceremony of *h#h#ng#* taking possession of it each time. If this particular *hei-tiki* was a fair specimen of the workmanship of the original settlers, the Maoris in later years had improved in the art of making them. Both the knowledge of carving wood and working in stone must have been imported by the original immigrants from Hawaiki. Most of the *hei-tiki* in existence were made before the beginning of this century, and are of comparatively modern workmanship. As far as I can recollect, the best specimens I have seen were those said to be about a hundred or a hundred and fifty years old.

6. No. Since intercourse with Europeans became constant (say, 1320), the Maoris have ceased to make *hei-tiki*. They were difficult to make, only the most skilful *tohungas*, such as could carve and tattoo, undertaking the manufacture. *Meres*, axes, pendants, &c., required little skill, and their manufacture was the favourite occupation of elderly gentlemen.

7. They are very highly prized as heirlooms for having been actually in contact with the sacred bodies of their revered and noted ancestors.

8. Axes, chisels, adzes, *meres*, ear-pendants, as well as *hei-tiki*

9. Seven different varieties:—



- *Inanga*.—A whitish atone, not much prized, rather opaque, [E cannot quite assent to the expression "not much prized," as I have been informed by many good authorities that it comes next to *kahurangi*, which is the rarest stone.—F.R.C.]
- *K#h#t#a*.—A dark-green with spots of black through it, rather more opaque than the other varieties. [I presume the expression "spots of black" would include patches and streaks. A large number of chisels, &c., of this description have been found at Murdering Beach, *Vide post*, Dr. Shortland's answers, *tuapaka*.—F. R.C.]
- *K#w#k#w#*.—A very bright green; semi-transparent. [This is the beautiful greenstone of commerce, much used by lapidaries.—F.R.C.]
- *A#h#ng#*.—Pale-green, between *inanga* and *kawakawa*. Not so transparent as the latter.
- *K#h#r#ng#*.—A darker green, without flaws or spots; semitransparent.
- *Kahurangi*.—Like the former, but with pale streaks of *inanga* through it.  
[As *kahurangi* is repeated, I presume that the former is a hard clear stone, and the latter similar but with beautiful fleecy clouds in it of tin whitish tint of *inanga*. The most beautiful piece I ever saw is in the possession of Wi Parata, of Waikanae, the grandson of the great Te Pehi.—F.R.C.]
- *K#k#t#ng#w#i*.—A soft and brittle variety found at Piopiotahi at Milford Sound, and in small pieces along the beaches to the northward of that place. Beautifully clear and transparent, with the appearance of water-drops in the texture of the stone, Hardens on exposure to the air, When first taken from the block can be worked with an ordinary knife and file.

All the other varieties of greenstone are extremely hard. When found in the river-beds the surface of the stone resembles that of the surrounding boulders, and only the trained eye can detect its presence among them.

[When free from cracks, flaws, or joints, all the kinds of greenstone save *kokotangiwai* or *tangiwai* (tear-water) are so hard that the steel point of a penknife will not scratch the stone, but will leave a metal trace.—F.R. C.]

10. Up the Arahura River and other streams between Hokitika and Greymouth, and at Milford Sound. As far as I have been able to ascertain, greenstone has only been found in detached blocks, varying in size from pebbles to rocks 20ft. square.

11. I do not know.

12. Wai Pounamu. All greenstone, till the occupation of the country by Europeans, and the consequent clearing of the forests on the West Coast, was found either in river-beds or along the beaches.

13. *Vide* "Polynesian Mythology," by Sir G. Grey, K.C.B., page 132. [Already narrated.]

14. I heard from the late Tamihana te Rauparaha that when the Rev. Riwai te Ahu returned from a cruise in the Melanesia Mission vessel he brought back from some island a piece of greenstone.

15. The boulders were broken up with hammers into convenient-sized pieces, and then ground down with *h#ng#*.

16. I can recall nothing at present.

17. I have always been told that Rauparaha came for greenstone, Rerewaka's curse giving him a good reason to put forward for his invasion, Rerewaka was a Kaikoura chief, and after his destruction and that of his people there was no reason for Rauparaha going a hundred miles further south, unless he went, as alleged, for greenstone. Just before the European occupation of the country greenstone was fast being recognised as the medium of exchange, and the Maoris, since they became familiar with our money, have often spoken of greenstone as the Maori's money in time past. Rauparaha was shrewd enough to see the advantage of possessing an unlimited supply of the existing medium of exchange.

18. I do not know of any in particular, but I do know that in times past wars occurred from one tribe, or a section of a tribe, desiring to get possession of articles of value as ancestral relics, which were wrongly retained by others. Most of the greenstone worked up in the South Island was carried across the Southern Alps on men's backs in a rough state. The labour of procuring the stone was very great. The tracts across the mountains were most dangerous, and some one skilled in prayers and charms always attended the party of carriers, who led the way, uttering petitions for safety whenever the party reached any particular difficulty. On reaching the coast the *tohunga* performed certain religious rites, and retired to rest alone, and in his dreams a spirit would come and indicate the spot where a stone would be found—On waking, he would summon his companions, and, spreading themselves along the river-bed, they would proceed up stream till they reached the spot indicated in the vision, when the stone was sure to be found, and received the name of the spirit who revealed its position. This method of discovery is still adopted; and I have a piece of greenstone in my possession that is known by my name, the *tinder*, an old chief at Arahura, having found it in a place indicated to him by my spirit during the vision of the night.

# SUPPLEMENTAL ANSWERS BY THE REV. J. W. STACK.

Duavauchelle's Bay,

31st July, 1881.

DEAR SIR,—

I have just received from an old Maori chief, Hakopa te Ata o Tu, at Kaiapoi, the following replies to a translation of the questions forwarded to me by Dr. von Haast. I attach great value to them, as the writer is a very intelligent man, who occupied a leading position in the Maori community here at the time of Rauparaha's invasion.

JAMES W. STACK.

1. I never saw the process of making *hei-tiki* being carried on here (South Island) when I was a child. [Hakopa is at least eighty-three years old.—J. W. S.] *Hei-tiki* were all made in the North Island.
2. Obsidian and chips of hard stone, but no chisels, were used in making *hei-tiki*. Very hard stone, obsidian, and a grindstone were the tools used in shaping greenstone.
3. People never prayed to *hei-tiki*. They were mementoes of deceased ancestors, to remind their posterity.
9. (a) *Hauhunga* [*Hauhunga*= frost, cool.—F. R. C.]; (b) *kawakawa*; (c) *inanga*; (d) *kahurangi*; (e) *tangiwai*; (f) *matakirikiri*—greenstone pebbles; (g) *aotea*—a counterfeit greenstone, opaque; often mistaken when in the river-beds by the unskillful.
10. Arahura, Wainiwhi, Hohonu (Taramakau), Piopiotahi, were the streams in which greenstone was formerly found.
14. When I see you I will tell you of the discovery of greenstone [Already related above.]
15. Some greenstone could not be broken by any other stone but greenstone.

## ANSWERS OF DR. SHORTLAND, FORMERLY NATIVE SECRETARY.

1. The method of working is described in Shortland's "Southern Districts of New Zealand" (London, Longmans, 1851). Holes are drilled by a drill of native invention, the grinding apparatus being a sharp-pointed stick of soft wood, sand (fine, and of a biting quality). The *patu*, axe, implements, &c, were rubbed into form on slabs of sandstone. The supply of water for such operations dripped through a small orifice in some vessel conveniently placed. The *hei-tiki* was similarly fashioned by rubbing with a pointed stick, sand, and water, [The above work by my correspondent, Edward Shortland, M.A. Cantab. (a physician, who was formerly Native Secretary, and is the author of several works on New Zealand), is an admirable account of the state of the Maoris in the South Island in 1842-43, before there was a single inhabitant where the cities of Dunedin and Christchurch now stand. Visiting Waikouaiti, Dr. Shortland says, "Here I saw for the first time on a large scale the native method of grinding *pounamu*, or greenstone, from the rough block into the desired shape. The house belonging to the chief Koroko was like a stonecutter's shop. He and another old man were constantly to be seen there seated by a large slab of sandstone, on which they by turns rubbed backwards and forwards a misshapen, block of *pounamu*, while it was kept moist by water which dropped on it from a wooden vessel. While one rubbed the other smoked—they made, however, so little progress on it during my stay that it seemed probable that it would be left for some one of the next generation to finish the work. It is not, therefore, to be wondered that what has cost so much labour should be regarded as the greatest treasure of the country. Elsewhere he says, "When procured it is fashioned and polished by rubbing it on flat blocks of sandstone. This is a work of so much labour that to finish such a weapon as that of To Heuheu often requires two generations." Mr. John Bichard Jones, who as a boy knew Dr. Shortland at Waikouaiti, tells me that he never saw the Maoris working greenstone or making stone implements, but saw them using stone implements of black trap in building canoes.]

2. No chipping instruments were used—simply sandstone, fine sand, and water, and a stick for drilling or

groove-work. Stones were reduced in size by rubbing them with laminæ of sandstone used like a saw. I have specimens of incomplete work done in this way: one where it was intended to make a pair of axes, the faces of two axes being partially complete, and the stone to be divided in twain about one-third completed.

3. They are merely grotesque representations of the human form. The name is derived from *hei*, which seems to mean a necklace, and Tiki, the progenitor of the human race, the Epimetheus of the Greeks. Any image of a man is known as Tiki. Their value greatly depends on their antiquity. It is the practice to bury such and other valued articles with the dead. After a time they are removed, and then are specially valued. I remember a chief excusing himself from giving me an eardrop because it was a *pirau-tupapaku*—i.e., a thing with a dead taint.

4. The art is of ancient times, and endured till recently.

5. The wood-carving skill was in full force when the colony was formed. They came to New Zealand with the art, and practised it continually here.

6. Our grindstone has been used for making *patas*, and a cross-cut saw and sand and water for sawing blocks into slabs, after the manner of stone-cutters.

7. A celebrated eardrop (Kaukaumatea) is reported to have been brought from Hawaiki by Tama te Kapua, a chief of the Arawa Tribe, and was in the possession of the chief Te Heuheu, with whom I have conversed, but was buried with him and others in a landslip at Taupo, and has never since been recovered.

8. This is answered in No. 2.

9. I have recorded six varieties,—

- *Kahurangi*.—Bright green, translucent, the most prized; used for eardrops and other valued objects.
- *Pipiwahairoa* [*Pipiwarauroa*: Bailer].—White and green, So named from a bird resembling it in plumage [the shining cuckoo *Chrysococcyx lucidus*].
- *Inanga*.—Whitish.
- *Kawakawa*.—Bay-green. From resemblance to leaves of a shrub of same name [*Piper excelsum*].
- *Kawakawa, tangiwai*.—Resembles the colour of greenish glass, [This name is probably a mistake for *kokotangiwai*.—F. R. C.]
- *Tuapaka*.—Inferior stone; green and black intermixed. [A large number of pieces in Mr. White's collection correspond to this. It seems to have been used up for chisels and small tools. See Sir. Stack's an. swers—*kahotea*.—F. R. C.]

10. In the South Island, on the west coast, in several mountain-streams, [Dr. Shortland, in his "Southern Districts of New Zealand." says, "Specimens of stone are found in detached blocks or pebbles. . . The places most renowned near which it is sought are Arahura and Ohonu [Taramakau], on the north-west coast; Wakatipu, a lake in the interior, one of the sources of the River Matau (the modern Clutha, or Molyneux); and Pi opio tab i, a torrent on the south-west coast," No white man had then seen Lake Wakatipu. The errors in this statement are alee where explained.—F. R. C.]

11. A dirty-yellow colour I have seen, but understood that it resulted from the action of fire. The sort with a silky lustre like asbestos is found on the west coast of the South Island. It is said to be found on the beach after heavy gales—possibly derived from some reef seaward.

12. I do not think the name Wai Pounamu was applied to the whole Island. (See on this subject a reference to Dr. Shortland's memorandum elsewhere.—F. R. C.]

13. *Vide* Sir George Grey's "Mythology and Traditions." [Referred to fully *ante*.—F. R. C.]

14. *Vide idem*.

15. Made by rubbing on sandstone or otherwise, as described above.

16. *Vide* Sir George Grey's "Mythology and Traditions."

17. *Vide* Shortland's "Traditions and Superstitions of New-Zealanders," p. 253, ed. 2; the account of the wars being translated from a narrative by his son. The cause was a curse by Rerewaka, a chief of Kaikoura (called the Looker-on Mountains by Captain Cook), as stated to me by his son. The following-up of the war to Kaiapoi was caused by a chief or relative of Rauparaha named Te Pehi going into a large *pa* there in a peaceable manner with the object of obtaining a *patu-pounamu* as a present. He and his party were murdered. This led to the continuation of the war, and a great distrust of all natives as far as Taumutu.

## OTHER AUTHORITIES.

Major Heaphy, already quoted, gave, in 1862, a brief description of the qualities of greenstone:—  
Of *pounamu* there are the following kinds, namely:—

- *The Inanga*.—This is the most valued by the Maoris. It is rather opaque in appearance, and is traversed with creamy-coloured veins. The best *meres* are usually made of this stone.

- *The Kauairangi [Kahurangi].*—This is of bright green colour, with darker shades or mottled, and is the most translucent. It is a brittle material and not easily worked. Far-pendants are frequently made of it.
- *The Kawakawa.*—This is of a dark olive-green, and has rather a dull and opaque appearance, *Hei-tiki* and ear-pendants are composed of it.
- *Makatangiwat [= Kokotangiwat].*—This is the least esteemed by the Maoris, but by far the most beautiful of all. It is a clear pale-green, and is very translucent. The natives will drill a hole through a pebble of it and hang it to a child's ear, but do not care to fashion it into any shape. It is the only kind of *pounamu* that would be esteemed for the purposes of ornament by Europeans.

[NOTE.—*Kawakawa* is now largely used for jewellery in the colony.]

## Other Varieties.

I have collected from various sources other words describing varieties and subvarieties, or perhaps local words.

- *Raukaraka.*—A term much used about Cook Strait; to describe the olive-coloured streaked variety of *kawakawa*. [*Rau* = leaf; *karaka* = *Corynocarpus lævigata*.]
- *Kuru-tongarewa [Kuru = an ear-ornament; tongarewa = a precious jewel].*—It is sometimes, apparently, connected with greenstone thus:—
- *Kawakawa-tongarewa.*
- *Kuru-pounamu.*
- *Tutaekoka* (a stain in greenstone explained in a story already narrated).—I am unable to obtain a satisfactory meaning for *koka*. Mr. Tregear suggests *koko* [= the bird *tui* = *Prothemaders*], which seems probable.
- *Kawakawa-aumoana.*—*Kawa* = the plant *Piper excelsum*; *moans* = the ocean; *au* = cloud or fog. Perhaps the whole suggests sea-foam.
- *Kawakawa-Rewa.*—*Rewa*. = to melt. Explained to me by a chief as like whales' blubber.

# ANSWERS OF THE REV. J. F. H. WOHLERS, MISSIONARY AT RUAPUKE, FOVEAUX STRAIT.

Ruapuke, Southland,

15th November, 1881.

DEAR SIR,—

Yours of 20th October, asking for information about the art of working in *pounamu* or greenstone among the Maoris, has come to hand I will try and write you about my observations as far as they go, I will also enclose a paper on the same subject in German, which I think you might like to send to Professor Fischer at Freiburg.

I think that the ancestors of the Maoris long ago were in the possession of some culture, which they had lost during their migration to the South Sea islands, where they sank down to what is called the period of stone implements [This, of course, must be regarded as impossible—F. R. C.]; and that the noble bearing among the chiefs' families and the sense of art are remains of that culture. But the greenstone ornaments, weapons, and figures are the results of long persevering labour with stone tools. Many of the old Maoris could make simple ornaments, but only a few could produce the high and peculiar works of art. The figures or images were never worshipped. The Maoris as long as they have resided in New Zealand never worshipped idols, as their mythology and traditions show. Neither were their *hei-tikis* representatives of ancestors. They were simply works of art, and as such were highly prized. They went as heirlooms from generation to generation in the families in whose possession they were, and on this account only were they considered as sacred family treasures. It has happened that when families were dying out the last possessors of such works of art buried them secretly in the earth, so that they should not come into other hands.

There is an old tale of a mad Maori woman who long ago wandered from the West Coast, where greenstone is found, into the high mountains, carrying a greenstone axe with her. By good luck she found a passage over and through the mountains, and wandered on to the East Coast, where, south of Banks Peninsula, near one of the large rivers, she came upon Maoris who were chipping with axes made of inferior stones. She said to them, "Your axes are not good: try mine." Then the woman was questioned about the greenstone place (*wahi*

*pounamu*); and, having listened to her description about the road thereto, it was resolved to visit that place. Two large parties were formed for that purpose. One party perished in the snow and ice on the high mountains; the other reached the West Coast, and returned with greenstone.

My observations are limited to the Maoris on the shores and islands of Foveaux Strait. The pieces of greenstone in the raw state came, and still some times come, from the West Coast, where it is broken out of the rocks; but how it is imbedded there I cannot tell. When, forty or fifty years ago, the South Island was frequented by European whalers and sealers, some young Maori men went with them in their vessels to the West Coast and brought pieces of raw greens bone back. A Captain Anglem, of that time, who lived in retirement on Stewart Island, told me that he had blasted greenstone rocks with, gunpowder on the West Coast. But before that greenstone had been brought here, very likely, both over-land and by sea, in canoes.

When I came among the Maoris here in 1844 there were still some *tohungas* (wise men) living among them. Some men were learned in old tales; some were skilful in works of art; but such very high art as has been found in the North was never produced here in the South, Let as now look at one of those old artists such as I observed thirty-seven years ago. He is advanced in years, and hard labour no longer agrees with him. Sitting and doing nothing, his nerves will not be quiet; so he takes in hand a piece of raw greenstone, looks at it, and thinks what can be made of it. By-and-by he begins to rub it on a suitable stone. It takes a long time before a bright smoothness appears; but even a very slow progress cheers his mind, and the monotonous rubbing quietens his nerves. When he feels tired he ceases rubbing and enjoys rest. So it goes on through, perhaps, many years. By-and-by the idea which had been conceived in his mind begins to gain shape in the greenstone. Then fresh ideas about detail come into his mind, and he has to work with different stone tools—large and small, thin, and pointed. To bore a hole or to make fine depressions he has a wooden staff about 18in. or 2ft. long; at the lower end is fastened a sharp splinter of a hard stone; in the middle of the staff is fastened a small fly-wheel; round the upper end he winds a cord, and holds the two ends of the same one in each hand. Now, while comfortably sitting, and the greenstone being fastened below him with the sharp end of the bore upon it, he skilfully balances the latter in an upright position, and as he draws alternately with his hands the tool revolves in fast motions forwards and backwards. Formerly time was not considered among the Maoris—no one knew how old he was. Many old Maoris were engaged in similar hobbies, which, as they had no literature, were blessings to them.

The old Maoris were good judges of the quality of greenstone. They also showed and explained to me the goodness and defects thereof; but I did not learn enough of that science to be able to give a description of the same. All those old Maoris are now dead, and the present generation has adopted the ideas and fashions of the Europeans. They therefore leave the polishing of beautiful stones to European artificers. Some raw greenstone may still be in the possession of Maoris here, but I think very little is left of works of art.

You ask, "Was greenstone really the object of Te Rauparaha's invasion?" My answer is that very likely Te Rauparaha may have boasted that he would conquer the Wahi Pounamu, but I think he and his people were only continuing the savage history of the South Island, Long ago there came from the North a tribe called Ngatimamoe. They killed and are of the Maoris found by them in the South. After them came the Ngatitahu Tribe from the North Island, and began to kill and eat the Ngatimamoe on the South Island. They had nearly finished them when Te Rauparaha and his people came to kill and eat the Ngatitahu, but were stopped by Christianity and by European immigration and civilised government.

Yours, &c.,

F. R. Chapman, Esq.,

Dunedin.

J. F. H. WOHLERS.

## OBSERVATIONS ON THE AUTHORITIES.

Several points in the matters touched upon in the foregoing answers appear to call for observation, though I feel much diffidence in venturing to criticize anything coming from gentlemen of the standard of knowledge of my correspondent. Certain obscurities and apparent differences are, however, in a large measure capable of being explained and reconciled.

### 1. *The Hei-tiki: its Significance.*

White's derivation is overruled by all other authorities. *Hei* is a neck-ornament. This name is given to me by competent Maori scholars to represent several forms of bous ornaments hung from a string round the neck. *Tiki* is the name given to the large carved figures on the gables of houses or set up near houses. This, then, is a small copy—a neck-*tiki*. The *tiki* represents, and the word is derived from, the name of the god Tiki. He is sometimes spoken of as the progenitor of mankind, and enters into numerous mythical tales. According to some authorities there were several gods Tiki. It seems certain that these objects were not gods or idols, nor were they in any way worshipped, Messrs. "White, Stack, Short, land (second paper), and Wohlers, beside other authorities, are substantially in agreement as to their true import, Though Dr. Savage, who visited New Zealand in 1806, thought they were protecting deities, for some unexplained reason he uses the expression "the man in the moon" in describing them.

Mr. Wohlers's account of the *hei-tiki* offers in all probability the true solution of the apparently conflicting views. They were not portraits of ancestors, but they were, as Mr. Stack says, mementoes of ancestors. They became sacred and ever more sacred from the touch of the sacred dead, and so became indissolubly connected with the memory of ancestors. Why they were named after Tiki, or Adam, is a matter now lost in the mist of time. The old missionaries, who had an ignorant aversion for everything connected with heathen worship, had none for this object or its uses. The Rev. William Tate, who lived in New Zealand in 1828-35, says that the idea that it was connected with superstitions arose from the fact that the *hei-tiki* was taken off the neck, laid down on a tuft of grass or a clean leaf in the presence of a few friends meeting together, and then wept and sung over, in order to bring more vividly to the recollection of those present the person recently slain, whose body they will never see again, to whom the *hei-tiki* belonged. In this way it is used as a remembrance of all those who have worn it, and is called by the name of the individual whom it for the moment represents. It is wept over and caressed with much affection, and those present cut themselves severely in token of their regard for the deceased. These amongst other *mamatungas* (keepsakes or heirlooms) are much valued. When not received from friends, similar objects may be purchased for a trifle. Similarly, Thomson, describing it as the most valued of all their ornaments, varying in size from a shilling to a plate, says, "When a long-absent relative arrives at a village the *hei-tiki* is taken from his neck and wept over for the sake of those who formerly wore it. There is no doubt they are handed down from father to son for generations—indeed, for centuries. They were deposited with the bones of the dead until they were removed to their final resting-place." The practice of burying them when the last of a family dies continues to this day, and is doubtless the reason why so many of them and other valuable objects are found buried.

Dieffenbach refers in somewhat similar terms to the practice of wearing them by Maoris of both sexes, and connects them with the grotesque colossal busts at Easter Island and elsewhere. Thomson shows the reverence in which they were held as representing the dead, narrating a story of an English sailor travelling with him who dared to remove one from a monument by the roadside, and only saved his life by hastily restoring it.

The *hei-tiki* is best described as a grotesque squat figure with a big head and attenuated legs, resembling some kinds of Hindoo idols. Its arms are bent, and its feet meet below. The hands, as on the great *tikis* of wood, and, indeed, in all Maori carvings, have only three fingers. Mr. Tylor, in his "Early History of Mankind," quoted with approval on this head by Mr. Travers, says, "Some New-Zealanders lately in London were asked why these *tikis* usually, if not always, have but three fingers on their hands; and they replied that if an image is made of a man and any one should insult it the affront would have to be revenged, and to avoid such a contingency the *tikis* were made with only three fingers, so that, not being any one's image, no one was bound to notice what happened to them."

It is worthy of note that Parkinson, who went out with Cook on his first voyage, never figures a really good *hei-tiki*, though several fiat ill-finished specimens appear in his book. It may be that the highly-worked specimens were rarer then than fifty or sixty years later, when the missionaries began to describe them.

Writing to me on the subject of the manufacture of *hei-tikis*, Mr. Helms says, "I was told by a Maori at Blenheim that as many as eight or nine slaves were given for one. Have you heard anything like this? I tried also to find out how they were made, but all my informant could tell me was that it took a long time, and that the old men would sit in the sun and grind away, humming at it all the time. He put the action to the word, and described circles round the eyes of a *hei-tiki* I had, at the same time doing a hissing hum. The description seemed to me very natural, because the humming would counteract, so to say, the monotonous grating of the operation,"

Though the best authorities agree that the *hei-tiki* was not made in this Island, this must be taken subject to an exception, Major Heaphy, in his account of his visit to Arahura in 1846, says that he there saw *hei-tikis* receiving their last polish. The inhabitants of that place consisted largely of Ngatittoa and Ngatiraukawa conquerors, who had formed a part of Rauparaha's West Coast expedition, and it was probably some of these North Island people who had recently introduced this art.

## 2. *Te Wai Pounamu.*

The weight of authority is against Mr. Wohlers on the subject of the name of this (South) Island, though Major Heaphy and a few others take the same view. Wahi Pounaum would mean "place of greenstone," though a Maori has told me that it is an inadmissible form of expression. Wai Pounamu means "water of greenstone," He suggests that the former is correct, and that it applied to the district where the stone was found. The pronunciation of the two words is very different. Captain Cook, in his way of spelling, wrote "Tovy Poenammoo." He treats "Te Wai" as one word, in which case the short vowel might without great inaccuracy be written "o," and was so written by other writers of later date, until the missionaries reformed and settled the Maori orthography. He fancied, probably with truth, that the "w" was there a "v," as he often writes it so; and he gave "y" as the English equivalent for the long vowel-sound which we now write "ai." By no process can "Te Wahi" be got out of his word. Had he heard it he would have written it "Vahee "or" Wahee." Cook got the name from an old man at Queen Charlotte Sound. Speaking of the land south of Cook Strait, he says, "This land, he [the old man] says, consisted of two *whennuas*, or islands, which may be circumnavigated in a few days, and which he called 'Tovy Poennammoo.' The literal meaning of this word is 'the water of green talc;' and probably if we had understood him better we should have found that "Tovy Poennammoo" was the name of some particular place where they got the green talc of which they make their ornaments and tools, and not a general name for the whole southern district."

In his narrative of the third voyage the geographical question is more explicitly dealt with. He concluded from the statements of natives that the stone was obtained near the head of Queen Charlotte Sound, and not above one or two days' journey from his ships—an error arising from an imperfect knowledge of the language, the distance being probably two hundred miles by any available road. His account of the fabulous tales of the natives has already been given. He adds, "As they all agree that it is fished out of a large lake or collection of waters, the most probable conjecture is that it is brought from the mountain and deposited in the water by the torrents. This lake is called by the natives Tavai Poennammoo—that is, 'The Water of Green Talc;' and it is only the adjoining part of the country, not the whole southern island of New Zealand, that is known to them by the name which hath been given to it on my chart,"

This notion of a lake in which the stone was obtained was a source of great confusion to geographers, who before the interior was known placed it on the maps at random, generally about the site of the shallow Taieri Lake, fully three hundred miles' journey from the true spot, The fables Cook heard are to some extent collected in this paper; but probably most of them are lost. Cook was probably right in his notion as to the name of the country—so far, at least, that it was not originally general—and Dr. Shortland bears him out in this; but in speaking of it in the North Island the term got to be general, and that is now undoubtedly the name of the Island. It was doubtless so called because the greenstone was always got in or about water, either in a river or on the seashore—not, as Dr. Shortland thought in 1844, about Lake Wakatipu.

Major Heaphy describes the mode of searching for it. The River Arahura appears to cut through some veins of this stone, and to bring down fragments of it in the floods. On the subsidence of the water the natives wade about searching for it in the bed of the river, and the heightened colour of the stone in the water soon reveals it to them.

Parties from distant places travelled to Wai Pounainu, the water where the greenstone was found, and this term gradually became the name used by the North Island people to apply to the South Island, Rauparaha, early in this century, pointing to the south, said, as he abandoned his home to begin his famous march, "The people of Kawhia are going to Kapiti, to Wai Pounamu."

Dr. Shortland insists that neither Island ever really had a name, and that in the case of the North Island Cook picked up a Maori phrase descriptive of it. White gives an earlier name for the South Island as "The Food-abounding Island." The truth is that, as in the case of Europe and America, and even our own Province of Otago, a local name, or the name of a limited territory, has gradually spread to a very large area, and, looking out from the North Island, men point to the mountains of Wai Pounamu as if that name applied to the whole country. Cook must have misunderstood his first informant in one way, as he spoke of circumnavigating the two southern islands in a few days, while it required many months to circumnavigate the North Island, both statements being exaggerated.

Closely connected with this subject is that of Piopiotahi. In the deed of sale by Ngaitahu to the New Zealand Company, dated 12th June, 1848, Milford Sound is called Whakatipu Waitai, and on the attached map it is called Wakatipa Waitai. This mistake is rectified by the purchase-deed of Murihiku or Southland, which gives the true name Piopiotahi for this mighty fjord. As the Maoris gave Sir James Hector the name Wakatipu for the lake now called Kakapo or McKerrow, in the next valley to the north at Martin's Bay, that must be the true Wakatipu Waitai, or tidal Wakatipu, Some year earlier Dr-Shortland had constructed a map from

information supplied by Maoris, in which Lake "Wakatipu appears as" Wakatipua; "while the range of mountains which separates that lake from Milford Sound is marked, "Wakatipu a Range: in this place rises the torrent Piopiotahi." He gives a more detailed map of the lake district, drawn by a Maori named Huruhuru, in which the lake appears as "Wakatipua, the famed Wai-pounamu," In the text he says that Wakatipua "is celebrated for the *pounamu* found on its shores and in the mountain-torrents which supply it" and conjectures that it may be the Waipounamu of Cook, This conclusion is manifestly incorrect. Modern references to Piopiotahi always connect it with Milford Sound; and, as the shores of Wakatipu are now inhabited, we know that no greenstone is found there. Doubtless the confusion has arisen out of the fact that two waters bear similar names—one being the salt-sea (tide-water) Wakatipu, and the other having been sometimes called the fresh-water sea; while colonists erroneously applied the reference to a sea-coast Wakatipu to Milford Sound, which they knew, rather than to the lake some miles inland, which is unknown.

On the other hand, *tangiwai* in plenty lies on the beach at Anita Bay, in Milford Sound, where, however, the only apology for a torrent is a watercourse, generally dry, coming down the mountain. Sir James Hector, in his admirable report to the Provincial Government of Otago on the geology of the sounds, in 1863, refers to this beach as the place where the Maoris obtained the greenstone. He failed to find the dyke, which was my experience thirteen years later; but I am now informed that it is higher up the spur. Some greenstone is said to be found on a stream in the opposite side of the sound. Shortland gives, in addition to Arahura, both places—"Wakatipu, a lake in the interior, one of the sources of the Matau; and Piopiotahi, a torrent on the south-west coast;" and mentions that at the latter place a block some tons in weight lay in the stream. A whaler, finding this, got up a company in Sydney to work it for the China market. After much labour and destruction of tools they found that it was spotted and would not take the China market. It sold in Wellington for one shilling per pound.

### 3. The Drill.

The description of the drill is singularly interesting. The fly-wheel was originally a couple of very heavy stones, of which I have several in my collection. Mr. White's description suggests the top of the drill-spindle working in a drill-head or mouthpiece. Mr. Wohlers makes it work without this support. Whether the primitive Maoris ever had a mouthpiece is doubtful: to any one who has used a drill it would seem incredible that a man who had once used one should ever try and work a drill without one. The late Mr. I. N. Watt, Sheriff of Otago, who was a very clever mechanic, told me that when he first went to Taranaki, of which province he was Superintendent, the Maoris had a very primitive drill. He taught them to make and use the bird-cage drill, and they at once abandoned their own. The primitive drill was identical with the balanced drill described by Mr. Wohlers. Mr. Watt informed me that the first he saw was steadily and accurately worked, boring a piece of greenstone, by a blind old man. The statement as to the character of the drill is confirmed by my brother-in-law, Mr. M. Cook, of this city, who tells me that in 1888 he saw an old Maori at Rotorua, in the North Island, sitting on the ground, holding down a *hei-tiki* by means of his two great toes, and drilling a bole through it, using such a drill as is above described, supporting it by merely balancing it.

This is the answer to Mr. Tylor's remark upon an apparent omission in Thomson's description of this drill ("Story of New Zealand," vol. i., p. 203): "There must, of course, be some means of keeping the spindle upright" (Tylor's "Early History of Mankind," p. 242). "Captain Cook could not ascertain how holes were bored in the handles of greenstone *meres*, as he saw no instrument sufficiently hard for that purpose. It is now known that these holes are drilled with a sharp wooden stick 10in. long, to the centre of which two stones are attached so as to exert pressure and perform the office of a fly-wheel The requisite rotatory motion is given to the stick by two strings pulled alternately."

Thomson, in his account of the drill, obviously draws upon Dr. Shortland, who, describing his visit to Waikouaiti, the whaling-station of the late Mr. John Jones, says, "Here, also, I saw the drill with which holes are bored through this stone. It is formed by means of a straight stick 10in. or 12in. long, and two stones of equal weight, which are fastened about its central point, one on either side, opposite each other, so as to perform the office of the fly-wheel in machinery, and to exert the required pressure. One end of the stick, or, as we may call it, shaft, of the instrument is applied to the *pounamu* where the hole is to be bored. Near the other end are tied two strings of moderate length. One of these is wound round the shaft, close to the point of its attachment, and its extremity is held in one hand while the extremity of the other string is held in the other hand. A motion is now given by pulling on the former string, which, as it unwinds, causes the instrument to revolve, and the other string becomes coiled round the shaft. This is then pulled on with a similar result, and so the motion is kept up by alternately pulling on either string. The point of the instrument can thus be made to twirl round backwards and forwards as rapidly as the point of a drill moved by a bow, and merely requires to be constantly supplied with a little fine hard sand and water in order to eat its way through the *pounamu* or other



stone, on which steel would make no impression." (Pl. XXXVIII.)

It is noteworthy that Dr. Shortland is the only authority I have quoted who describes the drill without a stone point, the grinding being done by sand alone.

Brunner, in his journey down the West Coast in 1846, found at Pahutani limestone rock containing pure flints, which he erroneously thought occurred nowhere else in New Zealand and ascertained that presents of this stone were carried by the natives to all parts of New Zealand as material for boring greenstone. His companion Major Heaphy's account of the drill then used has already been quoted.

The Rev. R. Taylor, in his celebrated work, "Te Ika a Maui," says that to drill a hole the Maori ties a small piece of basalt or obsidian firmly to the end of a stick the sides of which are weighted with two heavy stones. Attached to the other end of the stick is a string, by which it is made to revolve; and, to keep the point of the instrument constantly on the same spot, a piece of perforated wood is placed over it. Thus ornaments in the shape of human figures are formed. It appears to me evident, however, that the piece of perforated wood is by no means always used; hence the clumsiness of many holes.

## COLOURS.

An examination of the colours of greenstone with reference to their names and qualities, in which I desire to acknowledge the invaluable assistance of Professor Scott, of the Otago University, shows that with many shades they are mainly grass-green (grasgrün of Radde's Internationale Farben-Skala), or green-grey or pea-green (blaugrün-grau, Radde). Exceptional pieces are found to be shades of vermilion-grey (zinner-grau, Radde). In each of these three colours or combinations I find that between my own collection and that of Mr. White the extreme points of the gamut of twenty shades are reached. In the grass-greens and pea-greens the foot of the gamut is a creamy piece with a faint-green tinge, while the head of the gamut is difficult to distinguish from black. In the vermilion-grey, or brown, the same thing occurs—namely, the foot of the gamut is a beautiful cream-colour faintly tinged with chocolate, while the head is so dark that its colour would scarcely be made out but for the assistance of lighter pieces occurring in places. In the case of certain of the green colours transparency considerably modifies the apparent colour, while numerous pieces of stone vary so much over their surface that the standard colour must be differently expressed for each square half-inch. In the appended scale I have endeavoured to express, in terms of Radde's standard, the colours of typical pieces of the most marked varieties, but, not being in a position first to submit my specimens to a first-class Maori expert, I cannot profess to present the tables as free from error, Radde's classification of colours is based upon twenty-two cardinal colours, with twenty intermediate colours, making forty-two gamuts or scales, which are expressed on cards. Each gamut exhibits twenty tints, produced by modifying the colour by lightening it or making it darker; so that each gamut runs up from nearly white, showing a trace of the colour, to nearly black, still showing a trace of the colour. They are shaded from dark at the head to light at the foot, and these shades are distinguished, in the annexed table describing the various objects, by letters from *a* to *v*.

## DESCRIPTION OF OBJECTS FASHIONED FROM GREENSTONE.

No. Object. Colour. Tint. Maori Name. Characteristic Qualities. Remarks. 1 Pendant of modern workmanship (Chapman) 2 Highly-polished pendant, tapidary's work (Chapman) 3 Magnificent, 16in. long and highly polished, with a small hole drilled at haft end; found at Sandymount (White) 4 Long implement in the shape of a narrow chisel, with a hole drilled in haft end; from Centre Island, Foveaux Strait (Chapman) 5 Small hatchet from Otaki (Chapman) 6 Great adze, weighing 51b.; from Kartigi (Chapman) 14, grasgrün (e) " " 14, grasgrün, 1st stage; and 15, grasgrün, 2nd stage, passing to blaugrün 15, grasgrün, 2nd stage, passing to blaugrün 38, blaugrün-gran 38, blaugrün-grau (e) (g) to (k) (p) and (q) (n) and (o) (r) (m) to (u) (h) to (i) Kawakawa..! Kawakawa, approaching Kahurangi Kawakawa Inanga Inanga Auhunga Moderately transparent More transparent, with dense clouds Transparent in varying degrees in different parts Opaque Opaque Slightly transparent This may be taken as about typical of the greenstone generally used by lapi-dairies in New Zealand, It is the most effective for general purposes, except kahurangi, which is rarely seen. It ranges in colour 14 from (d) to (k). I have classed this beautiful object as kawakawa hut it must nearly approach kahurangi. The range of colours and varying tints greatly enhance its beauty. This probably fairly represents the stone known as inanga. It is placed here in order to give point to the characters of the next class. It ranges from (q) to (i), and lightens at joints to (v), the faintest tint in the scale. Being a dense stone, a large proportion of the implements

made of it are very good. A specimen with more grey. This is a stone very largely used by Maoris, and somewhat difficult systematically to distinguish from the two former. It is, however, in colour most like kawakawa. but in openly it falls into inanga.

7 Implement (White) 8 Hei-tiki, from Murdering Beach (Chapman) 9 Remarkable lobeshaped pendant, 5in. long weight 120z.; from Fortrose (White) 10 Pendant, of very clear transparent stone (Chapman) 11 Flat worked piece (Chapman) 15, gtaegrün, 2nd stage, passing to blaugrün 38, blaogrün-grau 38, blaugrün-grau 15, grasgrün, 2nd stage, passing to blaugrün by transmitted light; 14, grasgrün, lab stage, passing to blaugrün by reflected light 12, gelbgrihi, 2nd stage, passing to grasgrün by transmitted light; 13, grasgrün by reflected light (m) to (o) (k) to (m) (c) to (g), flecked with (m) (d) to (e) (p) to (q) (r) to (s) (b) to (c) Auhunga Auhunga Anhunga, flecked with Inanga Koko-tangiwai Koko-tangiwai Slightly opaque Slightly opaque Opaque Very transparent The absence of grey, though not very apparent without comparison, carries this into a different gamut. A slightly-decreased opacity makes this approach Kawakwa. This remarkable specimen is decked with specks of inanga of very small size, which appear to run in from the surface at an angle, giving it a beautiful appearance. This is a very beautiful specimen of tangi-wai without the "water-drops." It is like the transparent green sometimes seen in bottles of coloured water in druggists' windows, Very transparent This is similar, but less clear, and has a characteristic yellow tinge,

No. Object. Colour. Tint. Maori Name. Characteristic Qualities. Remarks 12 Pendant (White) 13 Hei-tiki, from Centre Island, or Rarotoka (Chapman) 14 Very pale axe, from Warrington (White) 15, gcasgrün, passing to blaugrün 15, grasgrün, 2nd stage, passing to blaugrün and tending to 31, neutral grau, on the back 13, grasgrün, and 15 Koko-tangiwai Unknown Transparent, with water-drops No trace of transparency except a faint trace on the back Opaque This has a bluer tinge, and is typical of the stone possessing globular bodies which look like drops of water. (Tangiwai = tear-water.) This is a most remarkable object, and would be called black but that a few patches on the back indicate a slight green colour. In any case it is right at the top of the gamut. It is extremely dense and hard. Opaque This beautiful implement is in the palest shade of grasgrün, and may be described as so near white that it is immaterial whether it is classed in scale 13,14, or 15, as the tint (v) in each of them is similar. It is almost impossible to describe the way in which it is picked out with much deeper patches of grasgrün (15, b), and in which in places these deeper shades, being overlain with the white stone, show through the latter in variegated wisps, where the white stone has been ground thin.

15 Remarkable spindle-Shaped chisel of an exceptional shape, 5in. long, 3/4. in diameter (White) 16 Another specimen (White) 17 Reddish or brownish axe, from Warrington (White) 18 Dark-red axe, from Murdering Beach (White) 19 Small gouge-shaped drill (White) 20 Singularly-streaked axe (White) As above, with spots of 38, blaugrüngrau As above 32, zinnergrau (brown) 32, zinnergrau 33, brown, less red than 32 38, blaugrüngrau As above As above (o) to (t) (b) to (l) All tints, except the highest and lowest Various Inanga As above. Doubtful, possibly Totoweka Doubtful, possibly Totoweka Unknown Doubtful, but perhaps the spurious greenstone known as Kapotea Opaque, and Same as above, but with more frequent green spots, streaks, and patches, and these bluer. Opaque Opaque Mottled This is an extremely rare stone. Very pale, with a reddish or brownish tinge. This is a very dark and very hard stone, with light patches which show its affinity with the last, though nothing could well be greater than the contrast between them. This, though placed in 33, as being less red than the two preceding, is otherwise a stone, only 2 1/2 in long, in which all the intermediate shades are beautifully blended, It might be described as cream-colour and chocolate in all stages of blending. This is probably saussurite. A singular piece, more like serpentine than greenstone, and probably a different rock.

No. Object. Colour. Tint. Maori Name Characteristic Qualities. Remarks. 21 Axe of a greenish stone, found at Paremata, Porirua Harbour (Chapman) 22 Pendant, lobeshaped, from Murdering Beach (White) 23 Axe, from Boatman's (Chapman) 24 Mere (Sir R. Stout) 38, Blaugrüngrau 32, zinnergrau, banded with 38, blaugrün,-grau 12, gelbgrün passing to grasgrün 14, grasgrün (l) to (m) Various (d) to (e) (e) Possibly Kapo-tea, certainly not greenstone Tangmai, and possibly Toto-weka Raukaraka.. Kawakawa Banded colours Moderately transparent I have found several objects of this or of similar stone near Paikakariki, in the North Island, and have placed it in this list as possibly corresponding with the "spurious greenstone," It is a beautiful stone, probably of green porphyry, In this piece, 4in. long, a piece of tangiwai is banded with about 25 transverse streaks of opaque reddish stone. This is due, no doubt, to the infiltration of iron impurities into a much-jointed piece of stone. The prevalence of yellow, especially in the lighter parts, is a marked feature. This is a beautiful mere, 13in. long, of typical kawakawa. It is also typical in shape—i.e., 13in. long and 4in. broad, narrowing to 2in. where the hole is bored. The handle is finely carved, and is rather gelbgrün. It was the favourite mere of Titokowaru, and was given by him to the Native Hi meter in token of his return to fealty to the Queen.

## CONCLUSION.

I cannot but feel sensible that this long paper is diffuse and somewhat rambling. It is, however, intended as a comprehensive collection of data connected with this subject, and I have made it my chief endeavour that it shall be as complete as possible, at the risk of rendering it interesting only for purposes of reference. No doubt there is a great deal of repetition; but my excuse for this is that I thought it most desirable that these Transactions should be made the receptacle for authentic original matter rather than matter made readable. I am fully aware that in some departments it must prove very defective. The history and traditions concerning objects of greenstone in the North Island ought to form the subject of a paper of a more poetical description than this, and ought to be collated with closer regard for chronology. Let me hope that I may have succeeded in inciting some North Island scholar to write it. My paper is rather a work of South Island research and observation. All this kind of work must be done soon, before the material dies with the dying generation of "authentic fellows." Let me express a hope, too, that I may excite such friendly criticism as will lead to the correction of errors and the procuring of additional information. I shall be only too pleased to receive communications on this subject from any quarter. This applies to Europe as well as the Pacific, for I am almost wholly unacquainted with the literature which the "Encyclopedia Britannica" tells me exists on this subject. It is of too special a character to be found either in any native island, Aotearoa, or in Wai Pounamu, where my home now is, civilised as they both are.

## ADDENDA.

Since the foregoing paper was read I have had an opportunity of examining the collections in the Colonial Museum at Wellington, and, the Christchurch Museum, The Hon. W. B. D. Man tel and Sir Walter Buller have also afforded me ample opportunities of examining their collections, and I have also inspected several smaller collections: I append a few notes of these, I also append an extract of a letter from Mr. S. Percy Smith, the Surveyor-General of New Zealand, on greenstone in Polynesia; and a comparative set of analyses compiled by Professor Ulrich.

## SIR WALTER BULGER'S COLLECTION.

1. *Mere*, 13in. by 4¼in. Broad leaved. [*unclear*: Opaque]. *Raukardka* that is like *kawakawa*, but tinged with yellow (geibgrün), like the karakaleaf. The handle is, as is commonly the case, much more yellow. This *mere* belonged to the Waikato-proper Tribe, and came into litigation in connection with a block of land.

2. Famous *mere*, 12in. by 3¾in. *Kawakawa-rewa*. Slightly speckled with black, líame, Te Inu-toto (The Blood-drinker). This greenstone *mere* was the peace-offering of the Uriwera Tribe when Nga Koran and Te Kereru, with two hundred of their followers, came to Ruatoke in 1869 and made their submission to Major Mair, R.M., after representing the Government. The Major handed to one of the chiefs his gold watch, and placed a gold ring on the finger of the other in token of reconciliation. This peace-making was always referred to afterwards as the *marenatanga* or the marriage. It had been in the possession of the tribe for many generations, and had figured in many bloody affairs. Hence the name.

3. *Mere*, named Tuhiwai. Is a portion of a large *mere* broken and worked into shape again. Length, 10in. Has no neck. The handle must have been broken off. This was the tribal property of Ngatiapa from time immemorial. They were originally in the Taupo country, and migrated to Rangitikei, on the West Coast, perhaps one hundred and fifty years ago. It is sometimes called Tuhiwai-iti, or the Lesser Tuhiwai, in contradistinction from another Tuhiwai, the property of Hgatiapi, which was lost during a fight on the West Coast early in this century about 1812. The large *mere* was discovered ten years ago accidentally, in a forest near Porotawhau (Rangihaeata's old retreat, or stronghold). An old woman was collecting fungus in the forest when a mob of cattle was driven through. She ran away, and saw some of the cattle stumble over an old tree-trunk which lay on the ground. When she came back she found the tree partly broken, and the long-lost *mere* exposed, Ngatiapa redeemed it by paying this woman's tribe £200 in notes, five or six horses, and a lot of mats. The story of the losing of Tuhiwai is referred to in the following lament composed by Puhara, a Rangitane woman of high rank, after the death of her husband. Sent to me by Sir Walter Buller:—

*E hara te makau i te wai*  
*Kawakawa koe*  
*Wai kahuvangl, e,*

*No te wai ano i tone ai*  
*Whakare uta*  
*I moe ai Tuhiwai, e,*  
*E pa hiwi mai ra*  
*I ara te tungaane*  
*Kei te po tau au, e!*

The Smaller Tuhiwai is *inanga* of a very green tint. It was presented to Sir W. Duller in 1865, in connection with the sale of the Eanifitikei Manawatu Block, amid the firing of guns and the wailing of women. A curious discoloration on the edge is attributed to the oil of the decaying corpse when buried with it. A similar discoloration is seen on a *mere* in the possession of Mr. Kohn, of Wellington, which was found imbedded in the skull with which it was buried.

4. Remarkable *mere*, 12½ in. by 3½ in. It is a grey stone (graugiini) unlike any I have seen, known as Tuwhai Kowha's *mere*. A dull dense *inanga*, with curious green spots or blotches. It is not carved on the handle, and is bored with two crater mouths. It is most singularly flawed with two silky asbestos-like joints of considerable breadth and most beautiful lustre. This was one of the tribal weapons of the Uriwera, having been in possession of that people for many generations, possessing an individual history known to them, but not yet ascertained by the present owner. It is especially interesting as having been used by the chief Tamaikoha at the killing of Mr. Bennett White at Opotiki, in 1865, as a declaration of war against the Europeans. His servant was killed with him. The act was a formal one, implying no ill-will against the victims.

5. Portion of a very small, narrow *mere*. Dark *kawakawa*. Dug up at Waitemata. Very ancient.

6. Beautiful handle-end of a very ancient *mere* of the Ngatiawa. Tradition says that it was broken in an action. The blade portion is in possession of Ngatiawa. It is a beautiful object, one side being *pipiwahairoa*. A marked feature is the irregular crater-like countersunk holes.

7. Very large *mere*, 14½ in. by 4¾ in. Very wide and heavy. Named Te Maungarongo (The Peacemaking), from some historical incident. *Kawakawa*, more spotted than usual, having a peculiar transverse vein of pure *inanga* and an oblique vein of *raukaraka*. It is from the Uriwera (East Coast) country.

3. *Hei-tiki*. This remarkable object is of great antiquity, and was formerly in the possession of Ngapuhi, from one of whose burial-places at the Bay of Islands it was taken. It is of *totoweka*, of a singular colour. Its great singularity is that it represents a blind ancestor. All that the natives can say of it is that it is very ancient, as they have preserved no tradition respecting it. It has a hole in each corner of the mouth, which are drilled from the back, with craters behind. In style it is quite different from the ordinary form, having a long nose.

9. Very beautiful pale-coloured *hei-tiki* of the purest *inanga*, approaching white in colour. The hole in the back is drilled in a remarkable way in a long slant, and shows the marks of the stone drill in the form of circular grooves or rings. It is said to be very ancient, and has been in the possession of the Kgatikawhata Hapu of the Ngatiraukawa Tribe from time immemorial.

10. Large *hei-tiki*. Pure *kawakawa* of the finest quality, without flaw. Very highly polished by attrition against the skin.

11. *Hei-tiki*, said to be characteristic of some tribes which in carving a *hei-tiki* put a crest, perhaps representing a frown, on the forehead.

12. Pendant of clear *tangiwai*, perfectly translucent. Belonged to Aperabame Tipae, hereditary chief of Ngahapa, a man well known throughout the North Island. The name of this pendant is Te Kahuraa-rongotea. It was handed over by that chief when he affixed his mark to the deed of cession of the Manawatu-Rangitikei Block. A very beautiful object.

13. A mat-pin, presented by the same chief to the late Lady Bailer, valued as a most perfect specimen of translucent *tangiwai*; delicately barred with varying shades.

14. A pendant. A perfect piece of *ruakaraka*, (gelbgrün), given to Sir W. Buller by the Ngatituwharetoa of Taupo. They think this the most perfect stone.

15. A small eardrop of stone of the colour known as *inanga*, but transparent, Mr. Mantell has a pendant of similar stone. This is said by Ngatiwhiti to be the true *kahurangi*.

16. Very small hand-chisel or graving-tool for fine carving, used without a handle, *Kawakawa*. Two similar but smaller chisels to be struck with a hammer, broken at the haft-end.

17. Beautiful pendant of *tangiwai*, with the tear-drops in it. They are like globules of water in suspension.

18. Small ornament in the shape of a miniature axe, cut out of greenstone after the manner adopted by the Bosnians (Boyd Dawkins's "Early Man in Britain," p. 336).

19. Ear-pendant of blue *tangiwai*. This contains spots or stains, which are referred to by the Maoris as

representing the blood of ancestors.

20. A small block of *tangiwai*, smooth all over. This is a burnisher for polishing wood-carving. This fact explains the existence of many highly polished stones of no apparent use found in Maori camps. A piece of *pipiwarauoa*, nearly somate,  $\frac{1}{2}$ in. thick, used for the same purpose. A small burnisher for the same purpose, with two scraping-edges. A long, thin burnisher for the same purpose.

21. Small chisel or axe, with a curved edge. A carving *toki* for digging the deep holes in totara slabs when executing carvings. The artist burned little holes in the slab, and chiselled out the chare oal. This instrument has a depression, for the thumb.

22. Largo axe. Length, 13in.; width,  $3\frac{3}{4}$ in.; thickness, 1in. As it was found to be too broad, there is a cut on each side to remove a strip. *Kawakawarewa* or melting *kawakawa*.

## GREENSTONE IN THE POLYNESIAN ISLANDS.

41, Tinakori Road, Wellington,

6th November, 1891.

MY DEAR MR. CHAPMAN,—

*In accordance with my promise of this afternoon, I send by book-post "La Nouvelle-Calédonie," by Jules Gamier. See page 81 for its description of the greenstone, which is probably worth quoting as a note to your paper.*

*I also give you the following notes from my own note-book. They were jotted down at a time when I was—and still am—in search of anything bearing on the question as to whether the Polynesians knew of the pounamu:—*

1. Taylor, in "*Te Ika a Maui*," page 29, says, quoting from the "*Yoyage of the 'Flores*," "Green jade is found in New Caledonia (*Kanala*)," What is its native name?

2. It is also found in the *Louisiade Archipelago*.

3. Dr. Lesson, in his "*Les Polynésiens*," vol. i., p. 59, says, "*Le jade vert, à l'exception de la Nouvelle-Zélande, n'existe que dans les Îles Hébrides et la Nouvelle-Calédonie.*"

4. He also says (vol. iii., p. 171), "*Il paraît certain aujourd'hui que le jade vert ne se trouve sur aucune des îles Polynésiennes proprement dites. Cependant tous les anciens navigateurs ont signalé son existence sous des formes différentes, dans les divers îles qu'ils ont visitées: tous ont fait remarquer le prix qu'y attachent les indigènes, prouve convaincante de sa rareté. On y tenait tant, lors de premiers voyages, qu'il était presque impossible d'en rencontrer dans les îles Polynésiennes qui ont été fréquemment visitées.*"

5. *Pounamu* was known by name to the *Mori*, and there was formerly a *toki* belonging to their ancestor *Moe*, of the *Orepuke* canoe, named *Toki-a-ra-mei, tei*, which is buried at *Owhata*, near the east point of *Chatham Island*, in the *tuahu*, or burial-ground. *Tapu* says, from the description of it, that it was made of *ponamu*.—A. Shand, 1890.

7. M. A. de Quatrefages, in his "*Hommes Possibles etc Hommes Sauvages*," page 136, in speaking of the human and other remains found in southern France of the quaternary period, refers to the jade, or greenstone, found amongst the implements, as follows: "*Mais toutes les haches recueillies dans la vallée du Petit Morin n'étaient pas en silex, Vings ont été fabriquées avec des roches étrangères à la contrée, et parmi elles il en est en jadite, en chloroménilite. Or, la première de ces matières semble n'exister qu'en Chine, et peut-être en Amérique, et notre éminent minéralogiste, M. Dumour, n'a pu encore découvrir la patrie de la seconde.*"

9. Julian Thomas ("*Cannibals and Convicts*," page 284) says, when in *Tanna*, of the *New Hebrides*, "I found specimens of a rock which I took to be the same as the *New Zealand greenstone*. The natives made charms of it, as in *Maoriland*."

10. Basil H. Thompson, in his account of explorations in the *Louisiade Archipelago*, given in *Proceedings Royal Geographical Society*, 1889, p. 540, says, "We could not ascertain the actual spot whence the 'greenstone' from which the *atone adaes* were made is brought; but, as the natives of *Gcodenough Island* pointed westward, it is probably to be found in *Huon Gulf*. In *New Zealand* the greenstone is generally found associated with gold."

I have read most of the books relating to Polynesia, both in French and English, but so far have failed to find any reference to greenstone; and this is peculiar in face of Dr. Lesson's statement given in Note 4. I mean, I have failed to find any reference besides those given above. At the same time I feel little doubt that the *pounamu* has played an important part in inducing the early voyagers to direct their paddles towards *New*

Zealand.

*I remain, &c.,*

S. PERCY SMITH.

The following is abbreviated from "Océanie. Par Jules Garnier. Paris, 1871":—

*The geology of Ouen Island is extremely interesting. I recommenced my exam in at ion of the west coast. From Koatouré Bay I went up to the rugged summit of Nougouguoto, which rose to my loft. My attention was suddenly attracted to some rocks of peculiar appearance, which, besides presenting the features of novelty, exhibited that of beauty. They were some what translucent, of a very pure white, among which ran veins of a delicate green. Their physical character recalled tropical jade. It is of this stone that the New-Caledonians formerly made their finest axes, the situs of which I had until now sought in vain. There was ample evidence that this was one of their ancient quarries in the fact that the soil was scattered over with débris, and with splinters which the hand of man alone could have produced. Nevertheless the dull fractures indicated that a long time had elapsed since these heaps had been made; and the young men of Ouen Island, who accompanied me, regarded with as much astonishment as I did these traces of an ancient work of their ancestors, The reef of this beautiful stone is extensive. It crops out on the surface for a considerable distance, and its association with veins of euphotide, in which it appears to lose itself, seems to indicate that it is only a form of that rock. This fact is interesting, because hitherto the jades have been classed somewhat at random, not having been found in situ.*

*On shewing my specimens to Zachario he said, "That is the stone which was used for making axes. Formerly people came from as far as the Loyalty Islands to seare h for pieces. "What sanguinary battles my ancestors have fought against strangers who have sought to invade the territory in seare h of that precious stone I In those days we had neither ajees nor knives of iron or other metal. Nevertheless, we had to hollow out our canoes, cut up fish and the bodies of our enemies, For this purpose my ano esters sought out the hardest and toughest stones, polished and sharpened them. If all kinds became sharp, all did not take on a fine polish and a good appearance. Some remained black and dull, others were of a more or less bright green; but for richness of colour and transparency none approached the stone you have found to-day. Instead of being satisfied with making small hatchets of it, they turned to account the facility oñered by that stone of breaking off thin slabs of large sise at abloff. They chose one of those slabs, rounded its edges regularly, then polished its surface with coarse and fine sand until it became smooth and uniform. The thinner such an axe became the more it was prized, as the light of the sun could pass through it. By means of very hard, sharp pebbles several holes were then bored close together near the edpje. By this means the handle was fixed to it. But what time was consumed in completing such a work I The lifetime of a man was not always sufficient to ttnish one. Thus such an axe was the most valuable possession of a chief. For one of these peace could be purchased, an alliance secured, great canoes bought—in short, it was as gold is with you. Each chief owned axes suoh as that, and with them the bodies of the van-quished were oat up after a victory. The use of that stone did not stop there. Small fragments were rounded and pierced as beads, with which were made the necklaces you have noticed round the necks of the ladies of chiefs' families. But since your arrival your axes so sharp, and your brilliant neoklaoes, have caused us to forget our ancient arts, and that stone, once eo precious, remains unused."*

M. Garnier with difficulty blasted out some large blocks, finding generally that his shots went off like guns instead of shattering the rock. He found it impossible to purchase even the small beads from the natives.

The axe described by Zaehario must be similar to that in the Colonial Museum, at Wellington. It is a disc of greenstone, 8in. long by 6in. wide, very thin and highly polished. By means of two holes near the edge it has affixed to it a handle 20in. long, covered with tappa cloth tied on with a band of sinnet. It forms a most formidable *casse-tête*, but not a useful tool. It is a dark green, of several shades intermixed, and with a brownish tinge. It is undoubtedly nephrite, and in New Zealand would be regarded as of a rare but not unknown colour.

At page 312 of M. Garnier's work, from which the ahora quotation is taken, in speaking of the people of Uvea, one of the Loyalty Islands, he says,.. Most of them had ornamented their throats with necklaces of the *green jade* of Ouen Island, We essayed in vain to purchase some of these; our most brilliant offers failed to obtain a single one of the ornaments. It is always thus among the tribes of New Caledonia: if one wishes to possess one of these necklaces, one must purchase them bead by bead."

## **New Hebrides Jade.**

In the Colonial Museum there is also a small yellowish-green adze, possibly of jade, from the New Hebrides, and a very dark stone adze, similar in shape, from the same country, Besides these, however, there is from the same islands a pale greenstone axe with five transverse seams of black. This is tinlike New Zealand

stone; it is more like some I have seen from China. Its shape is characteristic of the New Hebrides, not of New Zealand. It is manifestly a jade of a different character from that found in New Zealand.

## **New Guinea.**

The Colonial Museum also contains specimens of the very dark greenstone of which there are several fine specimens in the Technological Museum in Melbourne. I am unable to say whether it is an allied stone.

## **ANALYSES OF GREENSTONE.**

Localities. Sp. Gr. Silica. Alumina. Iron-protioxide. Maganese-protioxide. Magnesia. Lime. Potash. Soda. Water. Oxide of Zinc. Total. Rammelsberg—China Damour—China New Zealand Fell— Swiss lake-habitations Fell— Swiss lake-dwellings Damour— \*China Kastner— China Melchior and Meyer—New Zeland (tangiwai) Smith and Brush— † Smithfield, North America 2.96 2.97 2.97 3.32 3.32 3.32 2.61 2.61 2.594 to 2.757 54.68 58.94 58.8 58.46 58.02 57.28 57.10 56.83 56.14 58.89 59.17 50.50 53.01 55.01 42.29 1.32 1.56 0.68 0.72 0.48 22.40 22.58 10.00 10.86 13.66 Trace Nephrite (Jade). 21.15 2.43 2.53 1.15 1.12 1.37 3.39 6.70 4.66 Jadeite (Jade, Nephrite). 1.66 1.56 Iron-sesquioxide. 5.50 7.18 3.58 Bowenite (Nephrite). FeO 01.21 1.39 0.82 0.80 0.58 1.13 26.01 22.42 22.39 27.09 27.19 25.91 23.29 20.35 22.68 1.28 1.15 31.00 14.50 21.62 42.29 16.06 12.28 12.15 12.06 11.82 12.39 13.48 13.02 11.12 3.12 2.68 12.40 0.63 0.80 0.80 0.49 Trace 0.97 1.42 12.86 12.93 0.68 0.25 0.27 2.55 2.50 3.18 3.72 0.20 2.75 1.11 5.64 12.96 100.97 99.23 99.74 98.76 98.15 100.18 100.48 100.66 99.93 101.03 100.07 100.00 100.27 99.38 \*This stone is highly prized by the Chinese, and called "teitsui." The greenstone called "chalchihuiti" by the old Mexicans is supposed to be the same as the "teitsui" of the Chinese. † This is a true serpentine.

Robert Dobson—to—the Shareholders—of the—Colonial Investment & Agency Co. Limited  
A Reply.

The man that once did sell the lion's skin  
While the beast liv'd, was killed with hunting him.  
—Henry V.

Dunedin: Coulls, Culling & Co., Printers, &c., Crawford Street. MDCCCXCII.

Gentlemen,—

The "late Members of the Local Board of Advice" have issued an address in which they tell you that I am about to sacrifice your assets, and play havoc with your Company.

The *Otago Daily Times* inserted a leading article upon the subject, and the demand for the pamphlet became so great that the supply has run short.

For your convenience the address is republished herewith, so that you now have the whole story under one cover.

The "late Members of the Local Board of Advice" think that they ought to see "the substance of a private correspondence between Mr Lawrie and Mr Dobson."

I publish the correspondence herewith; it will amuse them.

When you have read this amended pamphlet you will perhaps conclude—

*First.*—That Mr Dobson's "offer," referred to in the Edinburgh Minute of 28th September. 1892, was the acceptance by him of Mr Lawrie's offer.

*Second.* That the Edinburgh Directors acted wisely, and strictly in accordance with the usual custom in removing their unsuccessful attorneys.

*Third.*—That the Edinburgh Directors did not wish to pull the seats roughly from under the "the late Members of the Local Board of Advice," so they thanked them for their "faithful" services, and provided a buffer in the person of "a Mr Robert Dobson, of Napier."

*Fourth.*—That the "late Members of the Local Board of Advice" declined the friendly help so offered them, and have, in consequence, sat down rather heavily.

I am, Gentlemen,

Yours faithfully.

Robert Dobson.

Dunedin,

10th December, 1892.

## **To The Shareholders—of the—Colonial Investment & Agency Company, Limited.**

Gentlemen,—

We think it necessary in the interests of all concerned that you should be informed as to various recent occurrences in connection with the realisation of the remaining assets of the Company in this Colony.

We consider the action of the Board to be so detrimental to your interests and our own, that we are fully justified in bringing the matters referred to in the following official documents under your notice.

These documents speak for themselves, and any comment on them would be superfluous. We can only say that the experience of all similar companies doing business in the South Island of New Zealand has been somewhat like our own, and we are sure that our judgment as to the best course to be taken in the interests of the Shareholders would be fully approved by all persons who have any practical knowledge of business of this sort, and that the course now entered on will result in very serious loss to all who are interested in a favourable realisation of the Company's property.

Your obedient Servants,

John Reid. *Chairman,*  
James Smith.  
Alex. C. Begg,  
A. Bartleman,  
*Late Members of the Local Board of Adviser,*

Dunedin,

November, 1892.

### ***Excerpt from Minute of Meeting of the Directors held at Edinburgh on 28th September, 1892.***

The important and urgent subject of a more rapid realisation of the Company's assets was again anxiously considered, and the Secretary was directed to instruct the Law Agents of the Company to prepare a Power of Attorney in favour of Mr Dobson as Sole Manager or Agent of the Company in New Zealand, with power to him to get up the seal of the Company and all documents from Mr Bartleman and all others, and to settle with them; and the Liquidator of the old Company was requested to join in such Power of Attorney, and give authority therein to Mr Dobson to grant and deliver all conveyances and discharges, as also to receive the seal of the old Company.

In coming to these resolutions, the Directors had before them the correspondence which had taken place from time to time, from which it appeared that the Local Board and Mr Bartleman gave no hope of the realisation of the assets being anything else than a very protracted business, a conclusion confirmed by the terms of the Minute of the Local Board of 2nd August of the present year.

It was also before the Directors that the local expenses amounted to £1100. and that Mr Bartleman had stated it was impossible that the same could be reduced.



Further: That the income was deficient to meet the outgoing in the year ending 30th June, 1891, by the sum of £4990. and in the subsequent year by the sum of £6428, and that so long as the affairs of the Company are not closed, there will be an annual deficiency, which it is most desirable to keep as small as possible.

Further: The Directors had before them a correspondence which had passed between Mr Lawrie and Mr Dobson, who reported upon the Company's assets in 1890, from which it appeared that Mr Dobson was of opinion that if energetic measures were taken the assets might be realised in a comparatively short space of time; and that if the work were entrusted to him, he was prepared to undertake it on very favourable terms to the Company, viz.:—for an annual payment of £300 on the understanding that if a satisfactory realisation should be effected, he shall receive as an additional remuneration such a commission on his intromissions as the Directors of the Company shall in the circumstances think suitable, he leaving-himself in their hands.

On mature deliberation the Directors felt it to be their duty to accept Mr Dobson's offer, as detailed in the correspondence referred to. and the Secretary was instructed to intimate this acceptance to Mr Dobson, and to inform him that a Power of Attorney in his favour would be prepared and sent to him.

The Secretary was further instructed that he should, in intimating to the Local Board and Mr Bartleman the withdrawal of the powers in their favour, convey to them the thanks of the Board for their faithful services.

## ***Excerpt from Minute of Meeting of Local Board held in Dunedin, N.Z., 17th November, 1892.***

The Secretary's letters dated 6th October, and excerpt from minute of Directors' meeting held on 28th September, were read.

After discussion the following resolution was unanimously agreed to, viz.:—" The members of the Local Board desire to place on record their opinion as to the course adopted, and its probable consequences to the interests of the Shareholders. They desire to do this not only as the local advisers of the Company, and, therefore, to some extent responsible to the Shareholders, but in their individual capacity as considerable Shareholders in the Company, and therefore personally interested in a favourable realisation of its assets."

FIRST.—As to the resolution removing Mr Bartleman from the managership and themselves from the position of Local Directors. They would not complain of this action were it at all likely that anything would be gained by the Company from this step, but they are of opinion that their large experience and local knowledge have been, and would continue to be, of great service to the Company in getting the best realisation possible for the Company's remaining assets. If this is unduly hurried, and especially if it is undertaken by persons who do not possess local knowledge and experience, it will infallibly result in a sacrifice of the Company's assets, and thereby a probable loss of all the Company's paid-up capital, and a possible call in addition. In order to show how carefully and successfully they have dealt with the securities realised since the date of Mr Dobson's valuation (in 1890) they would point out the large sum which they have realised for the Company in excess of these valuations. In addition to loans paid off and securities realised which were valued by Mr Dobson at or above the amounts owing to the Company, 34 securities, valued by Mr Dobson (below their face values) at £36,381 have produced £51,584, a surplus of £15,203, equal to fully 40 per cent, over his valuations. These are as follows, viz.:—

This shows conclusively that they were correct in their opinion (see minute of 19th August, 1892) as to Mr Dobson's competence as a valuer of land in this part of New Zealand.

SECOND.—The appointment of Mr Dobson as Sole Manager in the Colony seems to them very questionable policy in the interests of Shareholders. Mr Dobson is a resident of Napier, in the North Island of New Zealand—some six hundred miles from the part of the Colony where nearly all the Company's securities are situated, his experience in connection with land in South Canterbury, Otago and Southland is certainly very small. His hurried run through the securities two years ago did not materially add to his knowledge on the subject, and the unreliable nature of his report clearly shows this to be the case.

THIRD.—They think that the substance of the private correspondence between Mr Lawrie and Mr Dobson, to which the minute refers, should have been communicated to the Local Board, so that they might have had an opportunity of replying to any strictures Mr Dobson may have seen fit to make in regard to them, and they think the Directors have not acted in a straightforward way in listening to *ear parte* statements without giving them an opportunity of replying.

FOURTH.—They feel sure that by a forced and rapid realisation, such as the Directors propose, great loss will result to the Shareholders, properties will be sacrificed at very much below their real value, and many of the Company's clients who are gradually improving their position and working out their liabilities, will be ruined. In realising properties in the Colony, it must be borne in mind that it is not simply a question of a moderate reduction in price that will secure purchasers. It is very much more a question of finding a person who is prepared to buy at all, and in cases of forced sales properties as a rule are simply sacrificed. By a gradual

realisation, such as the Local Board have been carrying on, they believe the Company would eventually come out without material loss to the Shareholders, but by a forced realisation they are satisfied that their interests, along with those of the other Shareholders, will be very materially and unnecessarily prejudiced.

## ***Extract from Meeting of Local Board held at Dunedin, New Zealand, 19th August, 1890.***

Mr Dobson's report on the Company's securities was laid on the table, the members of the Board present having previously perused it.

The Board desires to record briefly its opinion thereon, and in the first place would point out that it was not consulted either as to the appointment of Mr Dobson, his qualifications for the important duties, or in the manner in which they should be carried out in the best interests of Shareholders and all concerned. During Mr Dobson's comparatively lengthy visit to Dunedin, obtaining office information respecting the Company's securities, he appeared to avoid any communication with the members of the Board on the Company's business, as he never once referred to it, though every opportunity of doing so was afforded him.

Mr Dobson's experience in valuing land is limited to Hawkes Bay district, and is not of a practical character, his experience being confined chiefly to office work. Notwithstanding this fact, he called to his aid Mr James Reid, a young man whose experience hitherto has been confined to the Oamaru district, and in that part of Mr Dobson's tour Mr Reid did not accompany him, but Mr Lachlan Maclean (Mr Reid's partner) did, and over country which he (Maclean) has little knowledge of. The members of the Board up to this time have been unaware of Mr Reid's extensive practical knowledge and experience, and are rather surprised that Mr Dobson has discovered in him such exceptional qualifications. As regards what Mr L. Maclean is reported to have done for the British and New Zealand Mortgage & Agency Co. no one would be more surprised to hear it than himself and those gentlemen under whom he served in that company. His brother, Mr Donald Maclean, has had considerable experience as a stock and station agent in Timaru, but he appears to have accompanied Mr Dobson to only some of the Company's South Canterbury securities. In the Southland portion of Otago Mr Dobson seems to have obtained the assistance of Mr though the Manager had previously acquainted Mr Dobson with the Company's experience of him, and the heavy loss the Company sustained through his firm, which of itself should have prevented any prudent man from consulting him on any matter in which this Company is interested. Complaints from mortgagors have been numerous, to the effect that Mr Dobson never inspected their properties unless he did so from road lines only.

Mr Dobson having undertaken the valuation ought to have availed himself of the most capable assistance obtainable, instead of employing men connected with himself on business without any regard to their fitness for the serious responsibility involved.

With respect to the report as a whole, this Board unhesitatingly expresses the opinion that the results arrived at are misleading and unreliable, and without going into details confirms the cablegram of 7th inst., and the Manager's letter of 4th inst. to the Secretary. The latter conclusively proves that the opinion now expressed is a correct one, and fully borne out by results. For this misleading and unreliable report the members of the Board and other Shareholders are to be mulcted to the extent of 1000 guineas, an expenditure worse than useless, as it can have no other effects than to damage the credit of the Company.

The Members present regret that the absence of Mr Smith from the Colony prevents his attendance at this meeting, but from his expressed views they are satisfied that he quite coincides with the opinion now expressed.

This Board respectfully requests that this minute be read to the Shareholders at the same time Mr Dobson's report is submitted for their consideration.

Mr Smith subsequently concurred.

The cablegram, dated 7th August, 1890, reads, "Dobson's report unreliable,"

The Manager's letter, dated 4th August, 1890, shows how Mr Dobson's report is unreliable by giving details of securities subsequently paid in full which he had valued at considerably less than the amounts owing, and concludes as follows:—"I think I have shown sufficient to prove my opening remark as to the unreliable character of Mr Dobson's report. I agree with Mr Dobson when he says—'It is quite impossible for any man to value property in a district which is comparatively strange to him, unless he has the aid of some person who possesses local knowledge.' Unfortunately Mr Dobson did not call local knowledge to his aid, the gentleman who accompanied him south of Dunedin had no previous knowledge or experience of land where the Company's securities are situated, and the tour of the two gentlemen formed the subject of general and adverse criticism at the time by those acquainted with their mission."

***Copy telegram, Mr Dobson to Mr Bartleman, dated Napier, 21st***

## **November, 1892.**

*"Leave here Thursday. Will be with you by end month."*

## **Copy of Mr Bartleman's reply, dated Dunedin, 22nd November, 1892.**

*"Your telegram received. Am surprised that you do not arrange for immediate settlement, as you must be aware our poire of attorney was revoked on 15th instant, on receipt of advice from Edinburgh. Company's clients and interests are being prejudiced by our not being able to provide funds for immediate requirements such as shearing, &c."*

Coulls, Culling & Co., Printers and Stationers, Crawford-st., Dunedin.

## **The Leading Article referred to (Wednesday December 7, 1892.)**

The British shareholders in a company trading in the colonies, with a colonial board and manager, often find themselves at a disadvantage, real or fancied, in being-unable to control the use of their money with the precision they desire. We say real, because there have been cases in which English and Scotch money has been spent unwisely, and possibly, in some instances, carelessly. We say fancied, because it seems, judging by experience, to be not a very difficult task to persuade Directors resident in Great Britain, behind the backs and without the knowledge of the local men, that affairs out here are being mismanaged, when there is absolutely no grounds for such an imputation. We are led to make these remarks because of a case in point that is at the present moment exciting a good deal of interest in business circles in this city, and which we think is not only fair matter for, but demands, public comment. The Colonial Investment & Agency Company some years ago began the difficult task of realisation of their properties with the view of withdrawing from New Zealand. The process is necessarily a somewhat slow one unless valuable properties are to be slaughtered; but the local Board, it is generally admitted, have been carrying out instructions with much discretion and success. The men, indeed, who constitute the Board are, we may say without flattery, among the best men in matters connected with land in this part of the colony. We do not think there is anyone in the South Island who could teach the Board as a whole very much about land values. Meantime, however—about two years since—the Scotch Directors employed a Mr Dobson, a resident in Napier, where he represents the Northern Investment Company, to value the properties of the Colonial, which are situate in South Canterbury, Otago, and South-land, Mr Dobson's fee and expenses being one thousand guineas. His valuation of 34 properties at £36,381 is given in a pamphlet—of which we republish a portion to-day—issued for the information of shareholders by the management which he has now superseded, and in a parallel column is given the amount actually realised by the late Board, viz., £51,584. Seeing that the total sum loaned on these properties was only £46,075, we have no difficulty in arriving at two conclusions—first, that Mr Dobson as a valuer was not a success; second, that the late management thoroughly understood their business. It may be alleged, perhaps, that Mr Dobson's orders were to value for prices likely to be obtained at a forced sale, or possibly that values of some of the properties had risen; but this is the only extenuation we can conceive of as accounting for the difference between his values and those subsequently obtained, and indeed it is safe to say that the second explanation can hardly apply to any material extent. But apart from the question of the valuations, it is difficult to use language sufficiently strong to properly characterise the action of the Scotch Directory towards their local Board—men who not merely had been excellent servants, but who, we believe, are largely interested as shareholders in the Company. Without warning; without notice or complaint, Mr Dobson has been appointed to relieve the Directors and managers of their duties. The pamphlet issued by the local Board contains the following paragraph, with which we desire to express our cordial concurrence:—"They think the substance of the private correspondence between Mr Lawrie and Mr Dobson to which the minute refers should have been communicated to the local Board, so that they might have had an opportunity of replying to any strictures Mr Dobson may have seen fit to make in regard to them, and they think the Directors have not acted in a straightforward way in listening to *ex parte* statements without giving them an opportunity of replying." In securing his succession to the local Board, we are quite willing to believe that Mr Dobson has done nothing which could be thought incompatible with a fine sense of honour. But it does seem that the Scotch Directory have offended against the most elementary rules of commercial propriety—that they have condescended to lend an ear to tittle-tattle, to criticism, to specious representations of one kind and another, without having the common decency to submit such criticisms to their trusted servants in the colony for their comment and reply.

We have not the pleasure of knowing the names of the men composing the Directory in Edinburgh of the Colonial Investment & Agency Company—neither do we want to know them; but we desire explicitly to say that they have acted very culpably in the manner, at any rate, in which they have discharged their functions. We do not believe that there is a public or quasi-public body in this colony which would have treated its meanest servant in the same dishonourable and discourteous fashion as that chosen by this precious Board. We can hardly doubt that when shareholders receive the modest and studiously temperate announcement of facts disclosed in the pamphlet issued by the late management, and when they realise the very serious loss likely to ensue on the late changes, they will want to know the reason why from their Directors. No doubt the ablest men often find themselves in considerable perplexity and doubt in controlling funds belonging to those at a distance: the sense of responsibility is a very serious one to every honourable man. But when the local directors of a company who are faithfully discharging their difficult duties learn that the management on the other side of the world is open to approach in an underhand and secret way, their position becomes absolutely intolerable. The case under notice is one in which the action of the Home Directorate is so clearly against the interests of its shareholders, and so utterly discreditable to men presumably of some standing, as to fully warrant the plainest of plain speaking, and they are certain to hear a good deal more of their extraordinary conduct.

## ***The Colonial Investment & Agency Company.***

To the Editor *Otago Daily Times*.

SIR,—Will you kindly permit me through your columns to notify the shareholders of the Colonial Investment & Agency Company, Dunedin, that my reply to the manifesto of the "late members of the Local Board of Advice" is in the printer's hands. The letters and documents are lengthy, and it may be a few days before my pamphlet is ready.

Meanwhile I desire to sincerely thank those few friends who have not forgotten Solomon's words (Proverbs xvii, 17).—I am &c.

Robert Dobson,

Attorney for the C. I. & A Company. Dunedin,

December 10.

## **Now, Audi Alteram Partem.**

# **Excerpts from Private Correspondence—between—James Dundas Lawrie, of Edinburgh,—and—Robert Dobson, of Napier.**

NOTE.—The Hon. W. Downie Stewart, to whom I have shown the originals of Mr Lawrie's letters, and the copies of my replies, has kindly permitted me to say that should any Shareholder refer to him he will certify that the following excerpts have been fairly made.

R. D.

*Mr Lawrie to Robert Dobson.* Edinburgh,

28th November, 1889.

I was recently asked to join the Board of the "Colonial," and in a weak moment I consented. Had I known the true position of the Company, or what I suspect to be its true position. I should never have touched it; but now I am there I must do what I can, whether by amalgamation, or by gradual winding-up, or by getting fresh life infused by some means or other to aid the weakling. I say no more on this head. But whatever we do we must know our *true position*; that must be the foundation on which any new policy must be built, and to attain that end I have induced the Directors to commission you to examine and report.

The Secretary's (Hon. F. J. Moncrieff) letter of instructions goes to you by this mail, and I am requested by the Board to say to you that, while they are desirous of being as economical as their circumstances demand, all your expenses and a proper fee will be paid you for the work you do. Mr Fleming and I know how thorough that work will be and thorough it must be if any good is to be done. He will also have written you saying that this is consented to by us of the Northern, and I trust you will be able to carry out the "Colonial's" wishes with as little delay as possible.

*Mr Lawrie to Robert Dobson. Napier,*

7th January, 1890.

I am much obliged to you for your letter of 28th November, and I shall go to work upon the "Colonial's" business as soon as possible.

It will take some time, but I will get to the bed-rock and give you the *true position*.

I will keep a record of my expenses, and when the work is done I shall be able to say what fee should in my opinion be paid.

*Mr Lawrie to Robert Dobson. Napier,*

11th June, 1890.

I've finished the job. Mr Ormond had a glance at it and thought it complete, and I hope you will also think so. The work has been enormous and it was rendered more difficult because the whole business is in such a shocking mess; even the schedules furnished are not in alphabetical order, and you have to search through the names until your eyes ache. The minutes are not indexed, and—well, a needle in a bundle of hay is recreation compared to it.

During the reign of T. T. Ritchie the Directors appear to have exercised no control whatever, in fact, I can't conceive how a hard-headed man like James Smith, of Greenfield, could sit on the Board of a Company which made advances of the . . . . . description. Smith, however, lives sixty miles from Dunedin, and he has quite enough to do to attend to his own business, and when the Company's money was lent upon numbers of small securities situated at great distances from Dunedin and from each other, the work of supervision became one man's business if he did nothing else. Smith is the man who has the best knowledge of properties upon the Board.

Then we come to Mr A. C. Begg, you know all about *who* he is. He is, I should think, one of the most unpopular men in Dunedin I always thought that he was so because he was "pernickety," and insisted upon seeing and knowing the why and the wherefore of everything. I suppose T. T. Ritchie possessed his confidence, and so he did not ask questions, but judge my surprise when Begg's work as auditor of The . . . . . Co. was referred to by Mr Justice Williams as a "perfect farce." One of the . . . Co.'s clerks was prosecuted for embezzlement which had extended over several of Mr Begg's audits. Just at this moment Mr Begg is engaged in a heresy hunt. It may be good fun, but I fancy it interferes with one's business; at all events it makes feeling run pretty high.

Then we come to John Reid, of Corner Bush, of whom I will only say that he is not John Reid of Elderslie, nor any relation to him.

Bartleman is a good fellow. I have known him many years, but he is solely an *indoor* man, and I think when he discovered that . . had ruined him, he became to some extent paralysed. He has worked night after night for probably a year in order to put matters in order, but I don't think he has the necessary grasp.

Everyone likes him; he has not got an enemy, which is the only thing there is against him. There is no life amongst the lot of them. Smith, Bartleman and Begg run a Company called the "Farmers' Agency." which does a small produce business. I think that Smith was the originator, and I fancy he started it in order to cut down the commissions charged by the stock and station agents. Bartleman is a Director of the Westport Coal Company which is thriving. He is also legal Manager for several goldmining Companies, and he does a sharebroking business on his own account, Shares are very dull at present.

When the Edinburgh Board asked the Colonial Board to send Home all the money which could be called in the fate of the Company was sealed. The good advances were of course recoverable, but the bad remain and pay no interest, or very little. I suppose you will have to wind the Company up, and I think the report which I am sending will enable anyone who possesses the necessary knowledge to take up the running.

I have not supplied Mr Bartleman with a copy of my report, but I can do so if your Board wish. No doubt Begg, Smith and Bartleman will look upon the efforts of men like McLean, Reid and myself as the production of *young* people, and I don't care to put my report in their hands without authority to do so. *e.g.*, Bartleman had the run of my minute book; it was rather rough, as most of the valuations were written whilst sitting in the express wagon. I valued deserted security at £400. Bartleman told me that they had been offered £800. I said why in the world didn't you take it. He said they thought the man would spring a sufficient sum to cover the debt. He sprang off and they cannot get an offer now.

## An Interval Then Occurred

From

THE 11TH JULY, 1890,

To

THE 25TH FEBRUARY, 1892.

During which no allusion was made by Mr Lawrie or Mr Dobson to the Colonial Investment & Agency Company or to any person connected therewith.

*Mr Lawrie to Robert Dobson. Edinburgh,*

25th February, 1892.

You don't realise the position of all Australian investment companies here when you plead for more money to be sent by the Northern. We cannot raise an additional pound of fresh capital just now; indeed, our difficulty is to treat our debentures renewed as they periodically fall due at reasonable rates. When our shares command the price of 15s to 16s for the 20s paid we are considered a marvel of success compared with the very serious discounts that our other New Zealand companies stand at. Your legislative proposals do not mend matters either. It is true there is considerable doubt here what their meaning is, and what their effect will be; but if the prevailing view that all such companies as ours will be increasingly burdened prove correct, you may look for all companies calling in their loans and contracting, if not altogether closing, their business, instead of launching out into wider development. We cannot ask shareholders to protect the morbidly dreaded liability of uncalled capital, with an annually declining profit and a never increasing dividend as the set off. To pay something like 4½ per cent, for debentures, with commission on renewals and all other expenses, and to get 6 to 6½ per cent, on your side is barely good enough to induce men to face attendant risks, which, in their present humour, they are not inclined to view lightly, however able you and I may be properly to gauge them. No new company would start under existing circumstances, or in the expectation of any early improvement. We need not wonder then if shareholders begin to kick against the perpetuation of companies by holding whose shares they feel they are running risk and getting very little if any compensating profit.

You know my connection with the Colonial Investment [*unclear*: a] Agency Co.

The process of liquidation is very slow and tedious, and I am not help thinking that the men at Dunedin, instead of hurrying a realisations, are simply obstructing them. No progress is being made. My own conviction is that no real progress will be made in recovering what money there is in the wreck till all control is take

entirely from them, and put into the hands of a competent and disinterested man. It is of far more moment that the Company should make realisations, even on a low basis, than that we should be kept hung up in a state of suspense. Shareholders are groaning to get rid of their liability. What do you think? Could you reconcile it with your other engagements, considering the distance you are at from the field of operations, to undertake it? Or could you recommend any one who could do it? And what would it cost? Remember, I am writing entirely for myself, not having yet breathed this to another Director, and I wish you to clearly understand that I am merely enquiring for information, but without any responsibility whatever. But when I do attack this matter, as I must do. I wish to be armed with such information as I am now asking you to afford me.

Robert Dobson to Mr Lawrie. Napier,

16th April, 1892.

Colonial Investment Company.

I will undertake to wind the Company up at this end if you offer me the work.

I cannot recommend to you any Dunedin man who would not be hampered by many local considerations, and who, indeed, possesses knowledge both of properties and finance who could undertake it. Company work looks easy enough to those who have not served an apprenticeship, and all the Dunedin men who have so served are in a mess with their own companies.

I think it would be an advantage to have a man who is *not* a Dunedin resident, and whose only consideration is to realise with the best possible profit to his company.

*Cost.*—I don't quite know what to say, because I don't know what there is left to do. When I reported two years ago there were . . . properties. The advances were . . . . valued by me at No doubt there have since been repayments, and the most troublesome securities will remain on hand.

I would find office room, clerks, and pay my own travelling expenses between Napier and Dunedin (to and from) for £1500 per annum, or to put it in a better form, £125 per month. Advertising and auctioneers' commission, when incurred, would be extra. I would keep all this as low as possible, and would give to the Company all rebate commissions which it is the custom to give to the attorney who introduces the business.

If you and your co-directors are not satisfied with the results after six month's work, you give me £1000 in full satisfaction (*i.e.*, £250 in addition to what I have been drawing), and terminate the connection. If, on the other hand. I find that I am not, and cannot [*unclear: earn*] what I ask, and that it is *absolutely* impossible to quit the properties, I will after six months, merely charge for the services of my clerk and a small fee for myself, say *in all* £50 per month, and you can still have the right of terminating our arrangement whenever you like.

The point is this—that during the first six months the work will be tremendous, and I shall have thought out every method and made every suggestion I can for disposing of the properties. I must be paid for that work. After, if we don't sail along, I'll do any-think that you personally think right. Perhaps a smaller wage and a substantial bonus if I liquidate at this end with such results that no further calls would be made upon Shareholders, and the whole business to be completed within two years, or so much less if within three years, would meet the case. I cannot judge of that unless I know-the exact position.

The new valuations for the Land Tax have only just been com-pleted, and the Boards of Reviewers will shortly sit in the various districts. Bartleman ought to have all his values reduced to the figure at which he is prepared to sell. If the work is given to me I should have a shot at the Minister of Lands, and see if he would take over any of the properties for his Government small farm settlements. If well worked it is just possible something might come of it, but not probable.

After getting the Government valuations of all the properties, it would be necessary to search the Registry and ascertain the owners of the adjoining blocks, and offer them our land.

In many cases, most, I presume, the lands are still in the name of the mortgagor, in such cases it would be well to sell through the Registrar, unless we could get a proper undertaking from the mortgagor to join in the conveyance should a sale be effected. A mortgagor is, however, a rum . . . and, if bankrupt, sometimes refuses to implement his undertaking. We can, of course, sell when in default without doing so through the Registrar, but I don't like it. We sold one of . . . sections last week for £5 direct, because the cost of selling through the Registrar would have swallowed up all the purchase money.

Mr Lawrie. to Robert Dobson. Edinburgh,

8th July, 1892.

I have delayed writing you in reply to your long letter of 16th April, till I could get the "Colonial" Directors to consider my project, and their meeting could not be held till one of their number. Mr Erskine Scott, had returned from Australia. We met last Monday, and after a long discussion I think I may say we are now pretty nearly of one way of thinking.

The Directors are, in the first place anxious, if they have to break off from Mr Bartleman and his associates, to do so with as little friction as possible. It is quite likely that not much indication of this step has been given to them, and that they have not been stirred up enough to show more energy in realising the Company's assets, and they will say they have not had a fair chance if we are now going to take lower prices; but I myself am persuaded that they are not the right men to do the business, and even at the expense of a little feeling the work must be withdrawn from them.

The Directors are not blind to the awkward position in which they would be placed were you to fail in liquidating the Company, but I have impressed upon them that if you are entrusted with the work, you are not the man to fail, but will carry the business to as satisfactory and speedy a termination as is possible for any one to do.

In the matter of the annual expenses the "Colonial" Board. I think, maintain that they can make no further reduction. Now, if the Board here could say to them that they can liquidate more *cheaply*, as well as more expeditiously, through you, they would have a satisfactory ground for the somewhat sudden change. Can you help them to do this? Would you take say £300 a year and expenses, and trust the Directors, who are just men, but who cannot afford with the money of an impoverished company to make generous offers, to fix the commission to be ultimately paid you according to results? If so, and you could wire "yes," I believe instructions would be sent you forthwith,

I send you copy of the last Report. I don't think any material difference has been made in the position of the Company since. You see we are working, what with interest, taxes, and other charges, at a loss of some £5000 per annum. This is simply ruinous.

If you wire "yes," do so through the Northern, and Fleming will understand it to be for me; but whether you wire or not I shall await your answer with interest and impatience.

*Robert Dobson to Mr Lawrie. Napier,*

5th September, 1892.

On 15th August I received your letter of 8th July, but was unable to send you a cable until 1st September.

I could not offer to embark upon the undertaking without some consideration, and it was necessary for me to discuss the matter with Mr Ormond, and to get his consent to my necessary absence. Mr Ormond is of opinion that I shall have a very great difficulty in selling the properties, more especially as the Australians are going in so largely for exportation of frozen meat, and there is a general feeling that it must affect the value of our lands. However, we shall see.

*Remuneration.*—I understand, of course, that the £300 is merely for myself. I shall have to employ one good clerk, and the other expenses will probably be commission paid on sales.

As soon as I hear definitely from you I shall go to Dunedin and arrange matters with Mr J. B. Reid.

I will put my back into the work and hope to make some impression upon the properties.

*Mr Lawrie to Mr Dobson. Edinburgh,*

26th September, 1892.

After much and repeated discussion following your cablegram saying "yes" to my proposal, and after what my brother Directors of the Colonial Investment Co. may perhaps consider an amount of forcing on my part, I have got them to agree, and you will be hearing from Mr Moncrieff with the needful authority to take on hand the management of the Company with a view to its *speedy termination consistent with prudence and economy*. It may with perfect propriety be said that this result has been brought about solely by me, and I consequently feel the gravity of the responsibility thrown upon me. But I remember that the subject you have to handle is not unknown to you from your having already reported on each individual case. That you will carry out with skill, experience, energy, and integrity the serious work entrusted to you, and that you will enter on it untrammelled by a feeling that might weigh with others of having brought about the mess, and of there being no need of undue haste in revealing it.

*Mr Dobson to Mr Lawrie. Napier,*



10th November, 1892.

I have your letter of 26th September, and am ready to go to work upon the "Colonial" as soon as the necessary authority arrives.

I am posting you the new Act, "Land for Settlements," but from what Captain Russell tells me, it appears that the Government will only purchase land near towns; we cannot hope to do anything under this Act with the "Colonial," but I shall see the Officials.

I appreciate to the fullest extent the gravity of the responsibility which we are undertaking. I say *we*, for as far as this side is concerned, I must consider that your mantle has fallen upon me, and I will approach the task in that spirit.

Wishing you a happy New Year.

*Valuations* on page 4 of pamphlet.

A few examples will show how disingenuously these have been put before you.

No. 11.—Owing, £1,607; Dobson's Valuation, *Nil*; Realised, £614.

My report states, "No. 11 filed schedule in February, 1890. I understand that the validity of the deed held by the Company has been questioned, and that the debt is likely to show a total loss."

This information was written down by me from the Managed dictation; he did not show me the deed which represented the security, as he said it was valueless.

The fact was that the deed had never been registered. (I believe Mr Bartleman was blameless in the matter). Eventually the Company got a dividend of 4s 11d in the £.

No. 12.—Owing, £145; Dobson's Valuation, *Nil*; Realised, £150.

My report states "I did not see these chattels, and could obtain no information about No. 12."

The Manager told me he knew nothing about No. 12; that it was useless trying to see the chattels as it had been ascertained in similar cases that the neighbours exchanged horses when the security came to be realised. He asked me to find out what I could about No. 12 when I was in a certain district. Eventually another person gave a cheque for No. 12's debt.

No 31.—Owing, £519; Dobson's Valuation. *Nil*; Realised, £310.

No. 31 was known as "Rakaia Grain Account," and the following is my report written from Mr Bartlemant's dictation:—"The Company, in order to secure grain grown upon McKerrow and Mann's farms, purchased it at the market price. The purchase resulted in a loss for which the Company hold no security whatever."

When the Manager received copy of my report he wrote to his Head Office on 4th August, 1890.

*"Mr Dobson puts the whole amount as a deficiency, notwithstanding the fact that we held against it 2071 bushels of wheat and 1165 of oats."*

Nos. 11, 12 and 31 were accounts at various agencies, and the manager's knowledge of them coincided with my valuations. To prove to you that what I state is correct I will quote an incident regarding an account which I will call

## **Rocks.**

*My report reads: "Amount owing, as per Mr Bartleman's statement, £672. Wheat in store at Oamaru will leave a debit balance."*

*Wishing to make my report as correct as possible I telegraphed from Napier for information and received the following reply:—*

*"Rocks wheat sold, deficiency two hundred and thirty three pounds six and fourpence.*

A. BARTLEMAN,

6/6/90."

I now find that since June, 1890 further sales of grain have reduced the deficiency from £233 6s 4d to £163 13s 4d.

No. 33.—Owing, £220; Dobson's Valuation, £78; Realised, £168.

My report states, "Security, 5lac. 2r. 13po. No. 33 never executed a mortgage and deserted the property. Mr Blank offered £3 5s per acre for the section. Mr Bartleman asked me to advise whether this should be accepted. Land all fiat and stony. No buildings thereon. Section lies into Hororata Township, which, however, is an unimportant village. I recommended that Mr Blank's offer be accepted. The section is only valuable to some one requiring a horse paddock, and is not worth more than £1 10s per acre if put in the market."

It did not occur to me to add that if the offer of Mr Blank, who wanted a horse paddock, *was* accepted, the

valuation should be raised to £168. The members of the Edinburgh Board would [*unclear*: arrive] at that conclusion without my assistance.

*Land Tax Values.*—I hope and believe that in many cases the late Departmental Valuations exceed those made by me, but I have read a letter wherein the Land Tax values of eight of the Company's farms are given at £19,625. My valuation of the same farms was £22,700.

*"Any comment would be superfluous."*

I now reproduce a circular, issued by the Edinburgh Board to the Shareholders, which some of you have perhaps mislaid—

*The Colonial Investment & Agency Company (Limited). 46, Castle-street, Edinburgh,*

*31st July, 1890.*

*DEAR SIR,—In accordance with the understanding arrived at the Board deem it their duty to inform you without delay of the result of an independent report by Mr Robert Dobson on the securities held by the Company. The report, which was received by mail on the 21st instant, is very voluminous and goes into great detail on the various securities.*

*In addition to the sum of £60,000 written off by the old Company, it shows an estimated depreciation of the assets of £55,000.*

*The valuation is stated to be upon the basis of the productive power of the securities, which the Directors understand to mean ability to pay interest on the amount of the valuations. This very severe test at the present time when the colony has been passing through a crisis, and shows a result much more unfavourable than any previous reports received by the Board.*

*Mr Dobson has evidently in preparing the valuations taken great care to avoid any over-statement of value. This impression is confirmed by the fact that some sales of the smaller securities have been made since his report was prepared and that the prices obtained were in excess of his valuations.*

*The Local Board have not yet had an opportunity of seeing the report, but a copy has been sent to them, and the Directors expect to have their observations before the annual meeting."*

I quote the foregoing to remind you of the fact that the "late members of the Local Board of Advice" lost the insignificant sum of £60,000 on behalf of the *Old Company* long before I was asked to make an independent report.

No wonder they feel annoyed at the polished wit contained in the minute which not only dismisses them but also thanks them for their "faithful services."

In their minute of 19th August, 1890, the "late members of the Local Board of Advice" indulge *their* wit at my expense and also at the expense of those gentlemen who assisted me with the valuations. It is not, however, so polished as that which emanates from the Northern Athens.

They say:—"During Mr Dobson's comparatively lengthy visit to Dunedin obtaining office information respecting the Company's securities, he appeared to avoid any communication with the members of the Board on the Company's business, as he never once referred to it, though every opportunity was afforded him of doing so."

This almost "stirs up the monosyllables of my unsanctified vocabulary," for I have always considered that the "late members of the Local Board of Advice" (Mr Bartleman always excepted) were not very desirous of talking to me.

Mr BEGG—I met in the Company's office. Certainly he shook hands, but that was all he had to say I failed to draw him with the very original remark that it was a "fine day." Then I made another attempt and told him that when a youth I was in the office of my esteemed old friend Mr E. B. Martin, and remembered him (Mr Begg) very well in 1869.

That froze him.

I afterwards heard that he was arranging one of his "analytical" sporting tours, so I suppose his mind was not in a state of receptivity.

I did not see Mr Begg again until Friday, 2nd December, 1892. Again we were at the Company's office.

*I*, like the Peri at the gates of Paradise, was demanding admission.

*He*, like the gallant leader of the "late members of the Local Board of Advice," was awaiting solicitor's opinion as to how he could legally charge six months' fees in advance and have the necessary entries made in the books before handing them over to me.

Mr Begg appeared smilingly delighted. Perhaps he thought that his opportunity had come and that he was going to give me a bit of his mind. I thought too much joy might make him ill and so, although he "ticed me on" several times, I made the "retort courteous," and disappointed him.

MR JOHN REID.—I called upon this gentleman twice, but he was out upon each occasion. I am not aware that he returned my call. Up to the time of writing I have never seen Mr Reid, but it is a sight which I must not miss for is he not one of those three gentlemen who "thought it not incompatible with a fine sense of honour" to draw their solatium six months in advance, notwithstanding that their powers had been revoked?

Surely three out of the four gentlemen who composed the "late Local Board of Advice" ought to have felt themselves handsomely paid for the next six months when they received the thanks of the Edinburgh Board for their abl—, I beg pardon, "*faithful services.*"

MR JAMES SMITH—I saw in the Company's office. He was good enough to ask me to come and stay at Greenfield when I was in that neighborhood. I travelled in the train from Lawrence to Milton with Mr Smith, junior, to whom I explained why I was unable to visit Greenfield, and I expressed my regret thereat.

MR BABLEMAN.—I regret that I have been compelled in self-defence to introduce the Manager's name into these pages, If any blame attaches to him for the non-success of the Company it is of that negative order which could not fail to be induced by contact with a Board possessed of a jellified vertebra. When forced to refer to the Manager I have tried to bear in mind the admonition contained in Proverbs xii. 18.

The next item in this minute is a gratuitous statement that my "experience is not of a practical character, and is chiefly confined to office work."

I won't trouble you with my experience but I think a fair retort would be that the experience of the "late members of the Local Board of Advice" in the management of Companies such as yours is not of a practical character, and is chiefly confined to losing their shareholders' money.

Then we come to that very ancient sarcasm about "a young man."

Pitt was charged with the same offence by persons who were jealous of his ability.

History repeats itself: but did I not correctly grasp the fact that the mind of the "analytical hunter" was not run upon the "broad guage?"

How often, alas, the traveller, "Religion," occupies the sleeping car of the narrow guage mind to the unconscious exclusion of his fellow traveller, "Christianity."

The only evidence I had of Mr J. B. Reid's youth was that he spent a lot of time trying to persuade an invalid to go to the Hospital, where he wished to maintain him for six months.

*"So shines a good deed in a naughty world."*

I really must quote the next paragraph:—

*"The members of the Board up to this time have been unaware of Mr Reid's extensive practical knowledge and experience, and are rather surprised that Mr Dobson has discovered in him such exceptional qualities."*

This, of course, refers to Mr J. B. Reid. No doubt Mr John Reid's "exceptional qualities" as a practical valuer have been known to the "late members of the Local Board of Advice" for many years.

Well, Gentlemen, I am sorry to have to do so, because it involves reference to persons who have met with misfortune and death, but I must ask you to compare my judgment in selecting my associates with the perspicacity displayed by the "late members of the Local Board of Advice" in selecting their associates. Probably they and I differ as to the quality of ability which is valuable. They, no doubt, selected a peculiar sort of it in great quantity.

*Southland Agency.*—The minute says there was a *heavy loss.*

*Timaru Agency.*—Both their agents are dead.

*The loss at Timaru was heavier than the loss in Southland.*

*Oamaru Agency.*—Rightly or wrongly their agent got locked up for a time.

*The loss at Oamaru was heavier than the loss at Timaru.*

The minute proceeds to say:

*"In the Southland portion of Otago Mr Dobson seems to have obtained the assistance of Mr . . . though the Manager had previously acquainted Mr Dobson with the Company's experience of him, and the heavy loss the Company sustained through his firm, which of itself should have prevented any prudent man from conconsulting him on any matter in which this Company is interested."*

(After reading this I concluded that when Proverbs xii. 16, was written the author probably italicised the word "prudent.")

This refers to my friend Mr Hugh Carswell, who, in the estimation of the Southland community, stands second to none for uprightness and integrity.

The Manager did tell me that the Company had lost money through Mr Carswell's firm.

Mr Carswell happened to meet me at Wyndham, and I insisted upon his driving with me to Invercargill, in order that he might act as guide, and point out the properties.

Mr Carswell appeared much concerned at the low estimate I formed of the value of the country. He said to me, "You're wrong, Dobson; the whole of these Southland lands will 'come' again, and "McKerrow says so too." He did not make a single valuation for me.

NOTE.—Mr McKerrow was formerly Surveyor-General for this Colony

After reading that portion of the minute last quoted, you will be surprised to learn that the "prudent men" who comprised the "late members of the Local Board of Advice" actually continued to employ, as their agent at Timaru, a gentleman who, with his late partner, was debited in the Company's books with a large sum under the very significant heading of *Misappropriations Account*.

The poor fellow was, I believe, true to the Company, but he eventually justified the confidence which the "prudent men" reposed in him by following in the footsteps of his unfortunate partner, and by "helping himself to eternity before he was summoned to the table."

Let us turn the page.

The minute next contains a beggarly sneer at Mr Lachlan McLean. My statement is true, and further, when he verbally reiterated his views as to value he was told that he "must be mad."

Very likely. The fact remains that the British and New Zealand Mortgage and Agency Company stands at the top of the list as having lost the largest amount of money in the shortest possible time, and the genial and contented Lockie, much to the delight of his numberless friends, has, up to the present, escaped the Seacliff warders.

Then follows a paragraph about myself which I must not pass unnoticed, viz.:—

"Mr Dobson, having undertaken the valuation, ought to have availed himself of the most capable assistance obtainable, instead of employing men connected with himself in business *without any regard to their fitness for the serious responsibility involved*" The italics are mine.

Gentlemen, I must point the moral to the Home Board and say that if the foregoing admirable sentiment had been written in letters of gold upon the walls of the Board room *before* the power of attorney was sent to the "late members of the Local Board of Advice" the Shareholders might have been *at least* £60,000 and possibly £115,000 better off than they are now.

Is it possible that the "pamphleteers" think I should have applied to them; surely they would not offer such an insult to my intelligence.

- I knew what a very incorrect impression the late Mr Dick Peddie had carried away.
- I wished and intended to make an independent report
- I had seen the following reports and documents.

On 3rd March, 1890, a certain Company, of which Mr Reid, (not Jim, but the "practical valuer") was Chairman, presented a report and balance-sheet to the shareholders bearing the following legend:—

*"I have examined the above Balance-sheet and Profit a...; Loss Account, together with Vouchers and Accounts, as also the books of the Company, and securities, and hereby certify that the above agrees with the same and is a correct statement of the affairs of the Company."*

Dunedin,

15th, February.

ALEX. C. BEGG, Auditor."

*I think that is the right document.—Yes, I remember being particularly struck with the fact "that the above agrees with the same." After such a dive as that I half expected to see Mr Begg "emerge at the end of the sentence with his verb in his mouth."*

*I should like to have put the word "fees" in lieu of "verb" but it would have murdered the quotation, besides his fees were safe, was not Mr John Reid the Chairman?*

*"Arcades ambo," (free translation, "Christians both.")*

*On Tuesday, 10th March, twenty-three days after Mr Begg had given his certificate, a clerk in the employ of the Company referred to, pleaded guilty to a charge of embezzlement. Mr Solomon for the defence said:—*

*"It was a physical impossibility for this fraud, which had been carried over years, to have passed the eyes of any one man who looked at the bank pass book and compared it with the cash book."*

*("The above with the same," don't you know.)*

*His Honour, Mr Justice Williams, said:—*

*"There is no doubt the most elementary precautions in the office would have prevented these frauds from having been perpetrated. The accused, however, seems to have falsified the ledgers and to have deceived the Auditor. As to that, there is this alternative, either the Auditor has not performed his duty, or if he has performed his duty in a way in which commercial men would expect him to perform it, then the system of audit is of itself a most ridiculous sham."*

*These documents speak for themselves, and any comment upon them would be superfluous.*

*"I thank thee, Jew, for teaching me that word."*

*The last quotation I will make reads thus—*

*"The members present regret that the absence of Mr Smith from the Colony prevents his attendance at this meeting, but from his expressed views they are satisfied that he quite coincides with the opinion now expressed." . . . "Mr Smith subsequently concurred."*

*I am of opinion that Mr Smith did not retain his individuality upon all occasions at the Board meetings.*

*Probably he considered that in the matter of resolutions, and especially in the wording of accounts, he could not do better than "subsequently concur" with the Chairman of "practical experience," and the distinguished Auditor of the Company referred to.*

*When the overseer of one of the Company's farms wanted to know what improvements he might make, he was told to "write to Mr Smith."*

*No doubt the other "late Members of the Local Board of Advice" felt that their "experience was chiefly confined to office work.'*

*When a would-be tenant wrote about a farm saying: he would "come down to Dunedin when Mr Smith is in town," the Manager replied that it was "Mr Smith's busy season," and he saw no reason why the negotiation should not be conducted by letter.*

*It would not have caused very much more delay if Mr Smith had been "in Napier, in the North Island of New Zealand, some six hundred miles" away.*

*I have many more interesting things to tell you, gentlemen, but I must not forget Mr Weller's advice about letter writing: meanwhile I have three reasons for devoting the closest attention to the Company's business—*

- *I have accepted Mr Lawrie's offer, and put my hand to the plough.*
- *(This reason will be fully appreciated by "prudent men" who draw their fees in advance). My substantial re-muneration depends upon the successful liquidation of the Company, without calls being made upon you; [unclear: ride] my letter to Mr Lawrie, 16th April, 1892.*
- *I wish to further prove to you that the opinion of the "late members of the Local Board of Advice" is wrong, and that the action of the Edinburgh Directors is right in appointing as their attorney Robert Dobson.*

*Proverbs xxii-i.*

Front Cover

Important Colonial Questions of the Day. By F. G. Ewington, J.P. AN EXPOSITION OF THE PLATFORM OF The National Association of New Zealand. WILSONS & HORTON, PRINTERS, AUCKLAND. 1892.

## **Preface.**

HAVING taken the initial step and a prominent part in establishing the National Association of New Zealand, which now embraces in its membership many of the most loyal, able, and intelligent men of all ranks in the Colony, I desired to place on record an exposition of its aims and objects.

The first edition of these articles that appeared in THE NEW ZEALAND HERALD was written without the official cognizance of the Association; but the articles being deemed worthy of republication I cheerfully consented, at the request of the Council of the Association, to their appearing in the more permanent form in which they are now presented.

I hope they will stimulate to renewed efforts all patriots who are endeavouring to rescue New Zealand from the control of those political adventurers who have purchased popularity and power by class legislation. If we combine and are loyal to each other we have nothing to fear,—"United we stand, divided we fall."

F. G. Ewington.

## **Contents.**

### **A National Sentiment.**

#### **I.**

As a private member of the National Association of New Zealand, I would like to offer a few remarks on the five planks in its platform, the first of which is "To promote a national sentiment, as opposed to sectional

and class interests." "What a truly noble ideal! If a national sentiment prevailed here the people of this Colony would be united in object, effort, and feeling, instead of disunited and forgetting that they are "members one of another." Never before except at the close of the last decade was there such a pronounced and distrustful feeling between the classes as exists to-day. It reached a climax in September, 1890, when a wave of delusive sentiment swept over Australasia. In this Colony it was characterised as "Millarism;" because an unknown, obscure, and irresponsible man at a distance, exercising despotic power, led thousands of thoughtless men to throw up their situations without valid reason for their action, or a week's wages to fall back upon. With a single stroke they struck work and the knell of prosperity.

## **Desolate Homes.**

So overpowering was the class bias and sentiment that old, tried, and faithful servants turned against their masters as unreasonably as did the Sepoy privates on their officers in India in 1857. In some instances employers were deserted in the midst of responsible engagements and contracts, and teams of their horses were left by the drivers at a moment's notice, like batteries deserted by their gunners. Men's minds had been worked up to a morbid state by self-interested agitators, who involved multitudes in unhappiness and ruin. Ever since then many men who had good situations and happy homes have been wanderers in quest of work, and one by one their household goods have been sacrificed for daily bread. Part of the depression we are now suffering from was caused by that strike and the consequent uncertainty about what would happen next; especially as some societies promulgated anarchical doctrines which if put into practice would involve a resort to

*"The good old rule,  
The simple plan  
That he should take who has the power  
And he should keep who can."*

In addition to the absence of sympathetic accord between Labour and Capital, and the increasing friction between the "haves" and the "have nots," there are animosities between political parties which throw theological rancour into the shade; and they are fanned into diabolic flames by ambitious demagogues who clutch at political power and emoluments. That is bad, because in this young Colony, where our lot is cast and our children were born and bred, we should disdain to be bound with the grave-clothes of a narrow factional party spirit. Unless we all set our faces against that evil sentiment of sect and class which is being imported from older and unhappier lands by artful panderers to a class, we shall bequeath to our children a heritage of bias which will vent itself in the destruction of all that makes life worth living.

Recognising how good and how pleasant a thing it is for brethren to dwell together in unity, and how evil a thing anarchy is, I was glad to find the National Association, comprising hundreds of intelligent men, pledging itself to promote a national sentiment, as opposed to sectional and class interests. Except that sentiment prevail, there will be jealousies, discord, divisions, and tyranny of the worst type; and an important minority will be ignored, if not trampled on. Legislation is becoming a mere struggle between the "ins" and the "outs," and many politicians are addressing themselves more zealously to party support than to national service. Colonial interests are tossed about like shuttlecocks, and principle yields to expedience. Merit, unsupported with sufficient votes, is bowed out into the cold.

## **The People's Power.**

But the matter is in the hands of the people; Parliament is only a reflex of the people. We get served and represented as well as we deserve. The people are the real rulers, and it is only because they forget that, and are set one against the other, divided, inflamed, and distracted, that place-seekers can use them as tools or stepping stones. Men who have never done, and are not likely to do them-selves or their own kith and kin, any good, are those who most lavishly promise to do great things for their party if they be returned. They will promise almost anything and everything for their party; but they seldom dream of promising to do what is best for the Colony as a whole.

All that sort of thing could be remedied if a national sentiment prevailed, but so long as electors are content with those who can merely say "shibboleth," so long will class bias and interests predominate over patriotism and national progress. It only requires that a few earnest, fearless, able men should enter upon a crusade against political cant and humbug, and should educate the people in order to arouse the country. Sentiment can be stirred and educated into a conviction.

## Illustrations.

Richard Cobden and John Bright proved it when they moved England to repeal the corn laws; Mr. Gladstone, in his Midlothian campaign, almost single-handed winning victory for the Liberal party, proved it; Sepoy leaders proved it when they inflamed the native mind about greased cartridges, and caused the great mutiny; Garibaldi proved it when he stirred the hearts of nations, and won Italian unity. Yes; people may "pooh-pooh" sentiment, but it sways the world to-day. It may be used for the weal or woe of nations; it may prove to be like the beneficence of heaven or the malevolence of hell.

Despise sentiment? The flag of Old England, which has "braved a thousand years the battle and the breeze," is only a bit of rag, but the proudest nations salute and respect it, and brave troops glory to die for it.

The outburst of loyalty when the Earl of Onslow left New Zealand was only sentiment, but it proclaimed to the world our devotion to the Crown and Throne of England. Such sentiment is a greater defence of our shores than our forts and armed leviathans. A nation without a national sentiment is united with a rope of sand; with it the nation's bulwarks are the bared breasts of its bravest manhood. Sentiment inspired a little band of Spartans to defend the Pass at Thermopylae against a host; it nerved Jewish patriots to defend their temple and country against Titus and his legions; it nerved Wallace at Stirling, and Bruce at Bannockburn; it inspired the Light Brigade at Balaklava, and the heroes at Rorke's Drift; and it has nerved soldiers for the forlorn hope. It was but sentiment that induced universal tokens of grief throughout the Empire when the Duke of Clarence died, but it did more than doubling the army and navy would have done to establish the English Throne.

## Beware.

But sentiment is a good servant and a bad master. It is not to be trifled with. The other day it led to a run on the bank in Sydney, and it has sometimes plunged nations into war. Commercial panics, religious persecutions, and political upheavals have resulted from sentiment. We ought to be very careful lest we do anything to cause a panic, and we should cautiously criticise governments and public measures, because it is so easy to create a scare. This sentiment or fear is locking up much capital at present. Mr. Battley, head of one of the greatest financial institutions in the Colony, and whose public utterances are most significant, said to a representative of the Press, the other day, ". . . *if moderate counsels obtain, and inequalities and blots in the Act of last session are adjusted by the Government . . . so that everyone has a fair chance, with avoidance of mere class legislation, then, so far as I could hear, there is a general disposition to let the party in power have a fair innings.*" Exactly so. I would fight tooth and nail for any Government which will do that; but can we expect it from a Government which studiously slights Chambers of Commerce and Employers' Associations, and defers to Trade and Labour Councils? which treats landowners as "social pests," and pays workingmen more than its own officers certify they are entitled to? When properly directed, sentiment impels men to benign activity; but when it gets the ascendancy of reason, it crucifies the world's best benefactors.

## New Zealand's Ideal—What?

In this Colony there is no national sentiment, unless horse racing and betting can be dignified with that term. How few of our young men are thrilled with a knowledge of New Zealand history; how few adequately prize her climate, resources, and free institutions; how few realise that our Colony is a veritable earthly paradise, and how few believe in her marvellous destiny! What a field for the National or any association to work in, to raise for instance young New Zealand above political sect or party; to insist on *equal opportunities for all men*; to assist any Government that will be fair to all alike; to imbue men with a national instead of a mere class sentiment.

That such a state is possible I am hopeful, if the right cry be raised, a proper ideal set up, and the work properly gone about, for the heart of man is more impressionable than the photographer's plate; and if its chords be deftly touched, it will vibrate with patriotism from the North Cape to Stewart Island.

## National Progress.

### II.

THE second plank is "To promote agricultural, mining, commercial, and manufacturing enterprise by

removing obstacles to their development." Surely all persons must wish the Association success in that work, for on the development of these things depends our prosperity and welfare. Now our sons are leaving our shores and our daughters are vegetating because there are no openings for their handiwork. If our industries flourished our children would thrive, there, would not be complaining in our streets, and those of us on whom devolve the burdens and responsibilities of families would not be fretting our hearts away with disappointments and losses that make life scarcely worth living. New Zealand is verily one of the most favoured countries under the sun in many respects, but over speculation and administrative mismanagement have imposed upon us burdens scarcely to be borne. It is needless to say I do not blame the present Government for what took place before its advent to power.

What Lord Selbourne said of England applies equally to New Zealand:—"The time has come when, if this country is to be preserved from serious perils, honest men must inquire not what anyone with whom they are invited to co-operate may *call himself* but what he *is*, and what the political objects are for which he would use the power if he had it." The National Association will use its power to remove any and every obstacle to progress by whomsoever made, be he dubbed Liberal or Conservative.

## **Rising Above Party.**

It will know no party except the nation; it will hold no truce with political carpet-baggers; it throws down the gauntlet to every enemy of the Constitution, to every assailant of the rights of property and liberties of the people. The cottager, with his little freehold, and the depositor of hard earnings in the Savings Banks for old age and sickness, will be covered with its shield and defended as unflinchingly as will the greatest man in the land who faithfully discharges the duties incumbent on good citizens and Patriots. The land of our adoption is worth fighting for; and the day is not far distant when her sons will love her soil as fervently as the patriotic Swiss love their native hills, and the sons of Erin love the Emerald Isle. Our scenery is unsurpassed by the famous beauty of Southern Europe, our climate is second to none for health and longevity, our resources in sea and land are boundless, and the masses of the population are worthy offspring of the most free, mighty, enlightened and progressive of nations.

## **Agriculture.**

The agricultural capabilities of New Zealand are marvellous. Our cultivated land amounts to 8,500,000 acres, 703,329 of which are under grain crops. Our wheat crop last year was 5,723,610 bushels, the third greatest yield in Australasia. The year before that our yield was 8,770,246 bushels. In 1891 the average yield was 1899 bushels to the acre, being the second largest average in the colonies, Queensland being first with 2002. In 1890 we exported nearly 5,000,000 bushels of wheat. Our oat crop last year was 9,947,036 bushels, being an average of 28.73 bushels to the acre, that being greatly in excess of all the colonies. Our barley crop was 23.18 bushels per acre, and our potatoes 5.45 tons per acre. Our turnip crop was 50,000 acres larger last year than it was in 1890, owing to the increase of sheep farming. Our sheep now number 18,117,186. The horned cattle are 831,831, and the horses (some of which are the best in the world) 211,040. "With our genial climate and truly liberal land settlement schemes, the agricultural prospects of New Zealand should be encouraging. In 1891 we sent away nearly 7,000,000 lbs. of cheese, and over 16,250,000 lbs. of butter. The value of our frozen meat export in 1890 was £1,087,617. So these figures evidence that our agricultural interests are worthy of fostering care.

## **Mining.**

The fact that our gold product to December, 1890, was valued at £46,425,629, shows that our mining interests are of immense value and importance. We, moreover, have taken out of the earth £134,997 worth of silver, and other minerals worth £8,969,020. The year before last our yield of precious metals and minerals was worth £1,523,836.

## **Industries and Manufactures.**

In 1890, we had 2,570 industries, employing 29,880 hands, who earned £2,209,859 a year wages, and produced £9,422,146 worth of manufactures. The value of land, buildings, and plant used for the above industries is £5,826,976. These figures indicate progress on previous years, which is encouraging.

## **Commerce.**



In 1890, 729 vessels carried from our shores exports worth £9,811,720! That was about 13,500,000 in excess of our imports.

## National Association Work.

Now it may be noticed that the Association proposes to promote the above enterprises "*by removing all unnecessary obstacle to their development.*" Are there any obstacles? Is there a [*unclear: dam*] in the way which, if it be removed, will let the flood of prosperity flow over the land? If so, where is it? "What is it? Who put it there? How can we get it away? Who is sufficient for that thing? Obstacle number one is *want of confidence*. Men with money are loth to invest it in anything at the present time. They say, "If we buy land from the Government or private persons we may soon be penally taxed for the crime of doing so, and while Government panders to socialists on one hand and land nationalisers on the other hand, we may some day find ourselves minus our land and money too.

## The land Question.

How can we wonder at their feeling nervous? For leading men of undoubted influence and probity even out-George Henry George. The Hon. J. Ballance said: "I go even *further* than he (*i.e.*, Henry George) does, and I say that the State should own all land; I say that the State should not part with a single acre more of its land, for I believe thoroughly in land nationalisation." *Hansard* No. 21, p. 372. Mr. Withy, too, whose high moral standing gives his words weight, while Member for Newton, said to the electors: "The reading of his (*i.e.*, Henry George's) books nine years ago convinced me that he was right. (Applause.) . . . Since that time my conviction has been deepened year by year as I considered the facts, and asked myself regarding them—my conviction has deepened that he is right. Private ownership in land is a bad system, inimical to the best interests of a people. (Applause.) See pre-sessional address, pp. 13, 14. Sir Robert Stout said in July, 1890, to a representative of the *Times*: "I believe that in time to come the State will have to interfere far more with land-holding than it has ever attempted in the past, or than has, perhaps, ever been proposed by any Bill in the past." See NEW ZEALAND HERALD, July 10, 1890.

## State Socialism.

Add to the foregoing the fact that here in the North we have a Single Tax Society of earnest, able, brave men, advocating single tax, and the changing of the present absolute ownership into a perpetual right based on rent paid to the State; and in the South a National Liberal Association, comprising some of the present Ministers of the Crown, which clamours for the nationalisation of land, mines, railways, coastal service, and for other socialistic objects; and who then can wonder at the nervous feeling manifested? Confidence must first of all be restored before money will flow freely for investment in land, mining, manufactures, and commerce.

## Our Industries.

But if our agricultural industries are contracted or suffer through want of confidence, do not our mining, commercial, and manufacturing enterprises suffer too? Is there any encouragement to invest money now? If men embark in any enterprise, is there any reasonable certainty that when the work is sufficiently advanced to expose capital to great risks that the workmen will not strike, or is there any certainty some protection fad here or elsewhere will not cause ruin? That's where the rub is. We want deep-level mining done, but who dare do it? Coal mines need developing, but what amount of profits are the men going to claim as theirs? Manufactures are needed, but where are the employers' liabilities and State interference to cease? If the State is to make men leave off work and people close their shops at certain hours, capital will flow into other channels where there are fewer obstructions. If law requires that the names of inspectors of factories be submitted to the Trades and Labour Council before appointment, employers will not feel over-confident about impartiality and freedom.

Other obstacles will occur to the reader. State Socialism is the great obstacle to the development of our colonial enterprises; excessive taxation, begotten of extravagant administration, is another; inadequate access to markets, protection fads, and high railway tariffs are others. If the National Association can only in some degree arouse the people to put on the brake to check Socialistic experiments, which destroy confidence and exhaust the taxpayer, it will deserve well of every loyal New Zealander.

## The Best Men Available.

### III.

THE third plank in the platform is as follows:—To promote the due registration of Parliamentary electors, true representation in Parliament, and the election of the best men available." This important plank is divisible into three parts. The first is registration. It must be apparent to all thoughtful persons that man hood suffrage is useless unless men register and *exercise their votes*. Many an election has been unfairly won through the names of dead men and absentees, for there is always some roll-stuffing and personation at elections. It is difficult to get some men to register. They assign many reasons against doing so. None refrain from doing it for their country's good. They by no means deem themselves unworthy of the trust and privilege, but selfishness deters them from registering.

## The Reason Why.

So great a scandal has the neglect of the Parliamentary franchise become that legal disabilities are likely to be imposed on shirkers. Serve them right. They will enjoy all the benefits of good Government, and be the loudest complainers if things do not please them, but will not perform their political duty as members of the State. They "Don't want to take sides;" but they hypocritically "sit on a rail" and wish both sides success. They are like the lukewarm Laodiceans—they turn people sick As a rule they want to please both sides for fear of making an enemy or losing a customer or Government patronage, and they offend both sides.

## Trustees.

Electors should remember that they are trustees, holding in trust for the nation the only power which can secure the return to Parliament of the best men available. If they do not use their powers to do that good work, they' are morally guilty of the ills the colony suffers at the hands of inferior men. The old proverb says, "Doing nothing is doing ill." Wilful neglect to thwart the murderer's thrust at his victim, or to lead the blind child off the line out of the way of the approaching train, would involve condemnation by political and moral laws, and it is equally bad to neglect to register and to vote for the best representatives available. Legislators entail weal or woe on nations. Those electors who shirk their political duties are disloyal to the constitution, unfair to other electors, and unworthy of the rights and privileges of citizenship. Registration and voting are not matters of choice but are moral obligations. Men ought to do those things, and it is now doubly necessary that all who have families and property should do so because the one-man-one-vote system gives the street-corner loungee and men with criminal instincts as much voting power as the large manufacturer, farmer, capitalist, or thrifty artisan.

## True Representation.

That we have not now got *true* representation in Parliament must be patent to anyone who reflects. The true principle of government is the government of the whole people by the whole people *equally represented*. That is a very different thing from what we have got—viz., the government of the whole people by a majority of the people *exclusively represented*. Sometimes the elections are won by the barest majority, and an immense minority is unrepresented. The result of the last elections left certain classes and interests unrepresented. Indeed, some of those who went into Parliament would never have got there at all except for their artfully pronounced bias against certain classes and interests. By the present system the wisest and best men in the Colony get defeated by noisy, self-assertive carpet-baggers, who only take to politics for a living when all else fails them; as if, forsooth, those who cannot successfully manage their own affairs can successfully manage the more complicated affairs of the nation. What a delusion! (I except those who fail not through their own fault but through the fault of others.) But one test of a men's prospects of successfully managing the affairs of our 650,000 colonists is this: How has he managed his own affairs? Members in pecuniary embarrassment are exposed to temptations which people well off escape. The former are not their own masters, and cannot afford to be independent or to refuse office. Their very impecuniosity makes some men desperately anxious to get into Parliament, and they promise the electors impossible things to secure election. When elected they cannot hold their heads erect as among equals and be impartial to *all* classes.

## Proportional Representation.

This question is too large for ample discussion here, and must be otherwise elaborated. Those who desire to

study it will find it discussed by the late Charles Buxton in "Ideas of the Day on Policy;" by Sydney Buxton in "Political Questions of the Day;" by J. S. Mill in "Representative Government;" by Thomas Hare in "Representation;" and by Sir John Lubbock in a handy little book on "Representation." The exposition of this subject will devolve on those who feel it their duty to bring about an improvement in our present system. I am of opinion that minorities need protection and representation, and that the best form of government will not be obtained if the better taught classes and those who have most property at stake be swamped by mere numbers.

## "Majorities Must Rule."

Some will exclaim: "Oh! but majorities *must* rule."

Must they? Not unless they are right and just.

The majority cried "Barabbas!" The majority condemned Galileo. The majority goaded America to rebellion and lost her to England. The majority has swamped Poland. The majority is sometimes unbearably tyrannical. The majority to-day may be the minority to-morrow—it frequently changes, but right is the same yesterday, to-day, and forever. Hence the value of the Legislative Council, which being raised above the turmoil of prejudice of the Lower House can block unjust and hasty Bills.

De Tocqueville once said: "If ever liberty is lost in America, the fault will be with the omnipotence of the majority in driving the minority to despair." Mill said that "the institution of society should make provision for keeping up . . . as a shelter for freedom of thought and individuality of character, a perpetual and standing opposition to the will of the majority." America is finding that some of her greatest dangers result from the unlimited power of the majority—it is threatening freedom of speech and civil liberty.

If a majority of the landless in New Zealand decreed, through their representatives, "Land nationalisation *without compensation*" the minority would have sufficient spirit left to them to appeal to "a more fundamental law than legislation." Governments and Parliaments have no more moral right to rob than individuals have. When they attempt robbery, they must be resisted. To nationalise the land which the State has been paid for, without compensating the owners, would be robbery. Single-taxers would not have the State take the *land*; they would only make it take all its value for occupation. Like Henry George, they would take the kernel and leave the shell, because they say: "Historically, as ethically, private property in land is *robbery*" (Progress and Poverty, p. 262). "When the will of the majority is opposed to the eternal law of right, then men who deserve the name of men, will not submit to it.

## The Best Men Available.

I should not like to be summoned before the bar of the House for defaming either senior or junior members; so, not to put too fine a point upon it, there is room for improvement in the *personnel* of our representatives. Surely it is not libellous to say that some of our members have never been specially designed by nature to guide the destinies of New Zealand.

## Qualifications.

Before doctors, lawyers, chemists, and blacksmiths can practise their professions or trade they have to specially prepare themselves at their own expense, and then in some cases pay for certificates of efficiency. Damages would be given against them for loss and pain through incompetence. No one would knowingly employ the unskilled.

Now if the less scientific businesses—such as horseshoeing, bootmaking, etc.—require special preparation, how much more the difficult science of politics, which implies a good knowledge of sociology, history, human nature, the law of nations, political economy, and the possession of education, based not only on book knowledge, but experience? Our doctors, lawyers, engineers, etc., are not allowed to live on the taxpayers while they are learning the necessary qualifications for their callings.

## Have We Got the Best Men!

There are some educated, experienced, conscientious, and hard-working legislators amongst those elected, but on the other hand there are some who reflect no credit on the House, and render no service to the Colony. They are learning their new vocation at the expense of the taxpayers. In the next elections *men*, not measures, will decide the choice. Good legislators will not pass bad laws—bad men cannot pass good ones. The country is safer in the hands of good men than bad ones, and therefore we all ought to exert ourselves to induce upright men to stand for election, and to defend them from the bullying political persecution that hitherto have deterred the best men from serving us.

# Economic Legislative and Constitutional Reform.

## IV.

THE fourth plank is: To promote economic legislative and constitutional reform.

Economics, are those principles which regulate the production, distribution, and exchange of wealth; and an adequate discussion of them involves a consideration of value, rent, wages, and the relative functions of land, labour, and capital in the creation of wealth, also the question of land tenure.

In proposing to effect economic reforms, the National Association has shown a boldness of policy which will tax the wisdom of its wisest members, and if it succeeds in economic reforms, it may do immense good to the Colony. But it should prosecute such reforms very warily, for the air is electric with economic theories, and any unwise interference with existing customs may do harm. The Association should, however, boldly try to do something to solve the economic problems which demand solution. If it should succeed, it will do good to all, and if it fail, it will fail in a noble effort, in which it were better to honestly try and fail than never to try at all.

## The Coming Struggle.

There is great necessity for the Association's help. The outlook in the world is not cheering. People absorbed in money making and self-indulgence, and people whose knowledge of current events is bounded by the horizon of their own little district, smile at any expressed misgivings about the future; but those who have been close observers of men, things, and events, and are discerners of the signs of the times, realise that even before this decade terminates we may have such a social and political eruption as may involve the old order in ruin. Even in England the police and the household troops mutiny; in Germany, in spite of his threats to shoot "Westphalian miners, the Emperor's palace has been besieged with thousands of rioters; Poland is kept down with 170,000 Russian troops; Austria and Italy are alarmed at the social unrest of their people; France is in a war with Anarchists; Australia has labour and poverty problems, that may make the approaching season one of the blackest in her history; an armed labour struggle rages in America; and New Zealand has a legacy of class feeling from the last strike, which renders a large section dangerously sensitive to labour and Socialistic disturbances elsewhere. Never before was there such universal unrest, distrust, and impatience as to-day.

Fortunately, things are not very bad in New Zealand. Elsewhere they are bad enough.

## Remedies.

Men cannot resist Democracy, but they can direct it, and their wisdom is to unite and make peace and order too valuable to the masses for them to jeopardise them with disturbance; to make such happy conditions in life as the masses will wish and labour to preserve. That can be done by securing for labour its proper reward. It cannot be done by land nationalisation, Socialism, and State regulation of everything; and its efforts to effect economic reforms which may tend to the welfare of the Colony, entitle the National Association to goodwill and a fair trial.

But it must not be expected that it will aim at equalising *men's condition in life*, for that is absolutely impossible. The drunkard, dunce, spendthrift, loafer, and habitual criminal cannot expect to have sober, studious, economical, industrious, and law-abiding citizens levelled *down* to their level. But we can secure *equal opportunities* for all, that is, so far as human wisdom can do it, in spite of natural differences. That is all men can expect and will get—fair play to all alike; and as a private member of the National Association, I believe that it honestly intends justice for all. That is true Liberalism.

## Remove Restrictions.

Possibly the best way to secure that desirable end is to zealously aim at the removing of restrictions, instead of experimenting with new panaceas. Wherever an inequality exists, remove it. Anything which impedes the production, distribution, and exchange of wealth should be removed. There has not always been fair play in the past. Wealth has counted for more than loyal hearts and moral worth. To go no further than New Zealand: Railways have sometimes been made at the poor man's cost for the rich man's benefit; the State has been used

as a milch cow by moneyed men; public works and the sale of the public estate have sometimes been manipulated for the benefit of a class, and now if democracy is somewhat slow and awkward in holding the scales of Justice evenly balanced, it is little wonder. There must be patience. Democracy has not had a long innings.

## **Man Versus the State.**

But the State cannot save us. State regulation cannot make us rich and happy. We shall have to be content to progress slowly. Competence can only come after years of hard toil and patient waiting. There is no short cut to riches. Possibly that is a good thing, for one might "wax fat and kick." Easy come easy go. The tortoise beat the hare. It is the steady plodding at one thing, unallured by outside speculations, that tells. The great political superstition is in trusting to Government instead of oneself. The wolf in the heart often brings a wolf to the door. Material progress is not necessarily real welfare, and much discontent arises from the mistaken belief that it is. It is, of course, desirable that all men should be able to earn decent livings without being overworked. That depends more on self-help, humanitarian and moral, than legal remedies. Legislative interference will only intensify trade depression and obstruct industrial opportunities.

Our northern settlers have proved that self-reliance, hard work, and frugality can win victory from even an uncongenial soil on the margin of cultivation, where roads are bad and markets distant.

State regulation of interest, rent, hours of labour and of shopping, factory work, mining and general economic interests will make matters worse. There is too much legislation; there are too many experiments, too many bids for popularity and office, and the Association will do well to put on the brake to retard State coercion. Self-reliance is needed; and unless the people have that, no laws can help them.

## **Legislative and Constitutional Reform.**

Herein, too, great care must be exercised. That certain reforms are necessary was evidenced by the Select Committee of the House of Representatives, which last year reported to Parliament on constitutional reform.

Governments and Parliaments have done some queer things, High functionaries have been liberally provided for at the tax-payers' expense. They have, in the words of the Select Committee, "pandered to any popular delusions of the hour," to retain power and emoluments; they have "bought off opposition by the expenditure of public money"; have sacrificed the country's best interests for party purposes, and sometimes encouraged class antagonisms; public loans have been raised for one purpose and used for another, and extravagance of administration has sometimes been shameful.

## **Warning.**

The following extract from the Parliamentary Report alluded to, should incite all loyal New Zealanders to demand reform:—

Next take the House of Representatives, where discord reigns; where party struggles obscure and obstruct the discharge of Parliamentary duties; where Government is supposed to lead, but really is itself driven by any combination strong enough to overthrow the balance of power; where members may be coerced by a threat of dissolution or corrupted by patronage—almost powerless for good—practically denied the right to initiate—where, with great waste, so much is commenced and so little finished—where so many abuses flourish under the vagaries of a system which leaves the representative a shadow of power, but a real discredit. Compare this also with a Parliament supreme; with a political atmosphere purified, with free scope to each member to exercise his privileges and vote honestly upon the merits of every question submitted to him. The people, too, would have issues simplified. The accretions of the past have left our political machinery clogged, encumbered, and disconnected. The voters' aspirations should lead to true and direct action; nothing less will satisfy their common sense. When an election takes place now, the people learn but little of the Legislature, and less still of the administration of public affairs; all is filtered through the bias of partisanship, and so obscured by personal considerations as to reduce public affairs to the second place.

## **Political Economy, Class Legislation and Civil Liberty.**

## V.

THE fifth and last plank in the platform is: "To promote sound political economy, and oppose class legislation and all undue interference with individual rights and liberty." Each of those three objects is of great importance to every colonist.

Few technical terms have a wider meaning, and few sciences have been more neglected or misapplied than political economy. Some members of Parliament are culpably ignorant of it, although most of the laws they pass have some direct or indirect bearing on money, exchange, taxation, land, labour, capital, and those other factors in political economy, which affect man's material and social welfare. A book-keeper, surgeon, lawyer, chemist, auditor, or blacksmith, who was no better qualified for his duty than many paid members of Parliament are for theirs, would be locked up for obtaining money under false pretences if he took fees or wages for work he could not do properly. If a surgeon or chemist killed a man through ignorance he would be imprisoned for manslaughter, but an ignorant member of Parliament can mar the happiness, injure citizens and nearly ruin the body politic at the price of £150 for three months and get off scot free. An examination would demonstrate that many M.H.R.'s have not mastered the rudiments of political economy—are culpably ignorant of those laws which govern supply and demand, and the creation and distribution of wealth. Some of them need, quite as much as the masses do, reliable information and definite opinions about the true relations between land, labour, and capital. If they had them they could not with clear consciences inculcate the lying delusion that land, labour, and capital are antagonistic, for they are mutually dependent one on the other.

## Wanted.

With free trade in land, and free education there is nothing to prevent New Zealand from enjoying the economic peace and progress witnessed in Switzerland, France, and Saxony, if men will only be wise; but political economy must be better learnt Pamphlets, the platform, and the Press must be used to that end.

That such knowledge is desirable is evident to all who notice the mischievous meddlesomeness of many persons who delude the unthinking multitude with the belief that the State is almost omnipotent, and has only to pass laws that people may become rich and contented, whereas legislation may so disturb trade and injure the people as to raise a general outcry for its repeal. To go no further back than last session of Parliament; it is complained of in many quarters that the restrictions imposed on boy labour prevent widows with children getting from the elder boys the needful help to keep the wolf from the door, that the restrictions on women's labour have curtailed the labour of men: that the regulations respecting work in their homes have prevented some women from getting any labour at all, because they cannot leave their children to go and work in shops or factories; and that the Factory and other Acts are detrimental to both labour and capital. Even the best intentioned legislation frequently does more harm than good through ignorance of political economy on the part of legislators.

## State Interference.

Witness protective laws. Our attempts to force, through Customs duties, the progress of industries in New Zealand for which the Colony is not so well suited as other places, have sadly failed, and the people have been compelled to pay more for their goods than was necessary. It has been just as bad in Victoria. Trades there which have been protected for twenty years need protecting still as much as ever. Let anyone see the *New Zealand Trade Review*, December 31, 1891, and "Liberty and Liberalism," p. 341. Victorians imposed a heavy duty on our New Zealand oats. We grow 2873 bushels to the acre, and Victorians grow only 22.25 bushels, because we have better soil and climate; but the citizens there are not allowed to spend their own money in buying oats where they please, but are compelled to buy where the Parliament dictates, even though they pay more and get worse served. But to benefit farmers they ruined cabmen, carriers, and 'bus owners. Similarly many departments of trade and labour are being injured through ignorance of true political economy. We tax Victorian cloth and leather to benefit our manufacturers, and Victorians retaliate by taxing our fanners and excluding their oats from their market. True political economy is such an adjustment of economic affairs as will benefit all alike, not one class at the expense of another class.

## Class Legislation.

There is a danger of that here. The *Auckland Evening Star*, November 18th, 1891, says:—"In New Zealand it (i.e., the Labour party) has kept a Government in power, in New South Wales it has turned out a Government,

and yet in neither case have the Labour representatives been much more than one-fifth of the members of Parliament. Under such conditions there is undoubtedly ground for apprehending a resort to class legislation which may prove quite as pernicious as that which has been overthrown."

Now I am opposed to all class legislation, and always contend for one equal law for rich and poor alike. We do not want one law for Protestants, another for Roman Catholics, another for Irishmen, and another for Scotchmen. Before the law all should be equal, and all should equally help to pay for good government, according to benefits enjoyed and ability to pay taxes. That is a fundamental principle of our constitution. I believe in Catholic and Jewish emancipation, civil and religious freedom, and equal opportunities for all.

## Assaults on Land.

Consequently I oppose the subtle and persistent attempts now being carried on here by disciples of Henry George to nationalise land, and make its owners pay all the taxation of the Colony. That done, without fair compensation, and as an absolute necessity of State, like the taking of land for forts and roads, would violate the 29th chapter of Magna Charta, which provides that "No freeman shall be . . . *deprived of his freehold*" etc., etc. Single taxers say, "We will not take the land, but only the using value, or unearned increment;" but that means the same thing, and they only put it that way because the plain truth would arouse freeholders to resist the premeditated robbery. But while I would prevent the landless from confiscating to the State the using value or unearned increment of the land, I would give landlords no advantage over tenants. Now if a retail grocer, butcher, or bookseller, or other trader supplies goods to his landlord worth, say, £20, he can only sue for recovery of the debt, and if the landlord fail before his creditor gets paid, he must accept a dividend like the rest. But the landlord can distrain or assert a preference over other creditors. That does not seem to me to be fair and equal, and is a relic of those times when landlords could legislate as they pleased.

## The Best Security.

We must have equal laws, giving equal opportunities to all; and he is an enemy of his race, be he Liberal or Conservative, who will truckle to one class by legislating against another class. I think the National Association is right in its resolve to oppose class legislation, but "what can we expect from M.H.R.'s who try to secure for their own wages better legal protection than they accord to working men's wages? And what a reprehensible piece of class bias it is which puts all the machinery of the State in motion to procure work for only a particular section of the unemployed. If *some* men are sent from place to place at the public expense, and found work, why should not *all* men who need work be treated the same? And why not the unemployed *women*? especially widows with families. Clerks, broken-down traders, and some others, cannot break stones or do navy work; but, if the State finds work for the horny-handed, why not for clerks and others? Is it because the one-man-one-vote gives a section the power to make and unmake Governments or Parliaments, and therefore, that section *must* be provided for? This class bias will work much mischief, and the perpetrators of it will be execrated some day. The taxpayer is now literally forced to pay for State aid in getting work for a *mere section* of the unemployed, while other sections of it are ignored.

## Undue Interference.

What is undue interference with our rights and liberty? I would lay down this general principle and venture to hope that the National Association will endorse it, that when any proposed legislative interference with men's rights and liberty is unnecessary for the common good, or is unequal in its bearing on the whole people, it should be resisted. *Equal opportunities for all* should be the test principle, and if any favour towards or bias against any particular individual or class be attempted, that should be resisted.

NOTE.—*For reasons against Land Nationalisation and Single Tax, see my letters to the "New Zealand Herald," in its issues dated May 17, and 26, 1892.*

## The National Association of New Zealand.

Rooms: 123, *Queen Street Auckland.*

ORGANISING SECRETARY - - John Hastie, F.E.I.S.

The Rooms comprise:—

- LECTURE HALL (accommodating about 150).
- READING ROOM.
- COUNCIL ROOM.

- SECRETARY'S ROOM.

READING ROOM.—The Reading Room is open daily. Several Home and Foreign Papers and Periodicals, as well as the daily papers, are filed. Voluntary donations of books are invited.

The Council trust that the READING ROOM, being free to all members, will be fully taken advantage of, and that each present member will introduce at least One new member.

Members of the Association are required, under the amended regulations, to sign the prescribed Form of Application, and to pay an entrance fee of one shilling and upwards, and an annual subscription of one shilling and upwards. The funds are also derived from voluntary donations of members.

*Questions for the Coming Elections. A Discussion On the Slaughter of the Innocents,*  
Price Twopence.

*Between the Elder Brothers and the Younger Sons.*

By Jacob Faithful.

*Man's Work: The greatest good man can do; the highest honour man can receive; the greatest pleasure man can enjoy, is to communicate and forget not; and be the servant of all.*

November, 1892. J. F.

Auckland: Scott Printing Co., High Street and Vulcan Lane.

## Preface.

BROTHERS AND SISTERS THE WORLD OVER,—

THE only object of bringing before you these papers is to stimulate, to prompt, to encourage, to lead on, upwards higher, still higher, always having our aspirations above us. To illustrate what we mean, there is a very high mountain. Two men are at the bottom of this mountain They are about the same age; their height and all their appearances are the same. Their object is to climb the mountain. One takes a survey of the mountain. He goes round it to the left, saying, "I must search for a track, a there is no chance of climbing that rugged and slipped mountain unless I can find a track showing that someone has been up before I can attempt to climb it." Away he goes. Every step he takes there is an echo from his boots saying, "No I can't; I can't, I can't; no track, no mark No chance of climbing over there, I can't. No, no one can get up there," and so he goes round the mountain some asking what he is looking for. He says, "I am bring to find a way over this mountain. Have you seen any one go over it?" "No," is the reply." Then I shall not venture up unless someone has been up before me." Where is the other man? Why away up them "How did you get over there?" He answered, "I am here, listen." Do you not hear his boots squeak, saying try, try, try, try, try again. Yes, up, up he goes. We ask, "Are you not giddy?" "No; the more I gather the lighter they seem. The atmosphere up here is so light." Look, why, he has left an imprint of every idea he has gathered on the rock. "When are you coming down?" "Don't know; I am not full up yet." This is the state you and I are in. More than 75 per cent, say, "I can't There is no precedent. You can't do that. It is impossible The little word try, try again, if at once you don't [unclear: soaaj] try, try again. One says that shall be my motto, and mine, mine, mine.

## *The Elder Brothers v. the Younger Sons.*

1. YOUNGER SONS.—Why are there so many ill-considered and unworkable laws entered on the statute book? Echo answers, why?

2. ELDER BROTHERS.—Party governments make party men; party men make party laws.

3. S.—Are party laws good for the community?

4. B.—No, by no means, no.

5. S.—Then, why do you suffer it to be so?

6. B.—Those are the swadling bands which our fathers have handed down to us from time unknown, with this injunction, "Break not those swadling bands, nor do this our injunction any harm."

7. S.—What shall we do? The fetters you have bound us with have become unbearable. We find that we must think and act for ourselves. Our surroundings demand it.

8. B.—We will think for you. We know better what you want, and what is for your good than you can possibly do. We have had your welfare in view, lo, these many years. We spend our time three and four months each year while you pursue your lawful callings in peace. We make a sacrifice to serve you, and complain not. See what we have to contend with in the discharge of our duties, both mental and physical. We have also had much to do in making all the present laws. We know the ropes, and we intend to pull them.



9. S.—We are and have been sensible of all that for a very long time, and we are anxious to relieve you of some of those onerous duties which cost you so much care and worry. We feel sorry to be a burden to you in any way. The present laws, many of them, are very unsatisfactory. The mode or the process of making those laws are equally unsatisfactory.

10. B.—We fail to know what you are driving at. Do you think that we do not understand what we have to do. There are so many forms to go through which you know nothing about. Your place on this earth is to toil. You live by the sweat of your brow. Be ye, therefore, content to abide in the place where Providence has placed you.

11. S.—That is very consoling advice. We have no wish to bandy words with you, or we might retort and say we have no wish to take the beam out of your eye. We beg to remind you that there are many among we toilers that live by the sweat of our brow, that are not short of brain power. It would give us great pleasure to congratulate you on any advance you have made. The late session is in no way commendable for what it has done. How much have you had to do with that? The Ministry must have been more than human to hold its own without in some way being over-Ballanced. We understand you have received your wages. We will not say anything about not being earned. We toilers have a pride in earning our wages before we receive them. We have more important things we wish to say, and we doubt not you will carefully consider what we are anxious to lay before you.

(a) You admit that party government is a failure. You have also raised your own salaries to £240 and £150 per annum, or £20 and £12 10s. per month. Do you not think you could spend the whole of your time for this salary and abolish party government?

12. B.—That is a large order. How are you going to arrange that? Gladstone, the leader you think so much of says he cannot carry on any government without parties. You would never know your strength if you were not in the position to count noses beforehand. It would be rish for any ministry to hold office.

13. S.—Just so. That is were the mischief comes in. Do you not carry on your own business on their menu? You have to adjust all the mode and details of you business on those lines that will pay best. The only party view you take is how to sell as cheap or cheaper than those you are competing with.

- Is it not strange in this 19th century that you should band yourselves together to keep a set of men in office in spite of the quality of any measures they bring down? You have to swallos them all, good or bad, in order to keep your party in office.
- Politics is the most important of all the duties man has to consider for the well being of all men and women.
- The method of dealing with each other should be of the purest order, free from all infection of any kind.
- We, the Electors, the Younger Sons, have this conviction deeply engraven on our minds, that the object of all legislation should be to make all laws as simple and as understandable as they can be. We are decidedly opposed to politics being made a trade of.
- We also think a greater burden is put upon you than is necessary. Three or four months is not required for you to spend at the seat of government each year; it makes your expenses unwarrantably large. We think six weeks would be quite long enough for you. That would be a considerable saving to you.
- There are so many more bills brought down every session than can possibly be well considered. Those bills, so many of them, have to be slaughtered. How many of them every session have to suffer? Who knows? This is a great waste of time and money. We ask, is this required? Verily, no. Why then this waste? Have you not something to do with this waste? We, the electors, say waste not. Reform your ways. We cannot afford to have our money thrown into the waste paper basket or stuffed into the pigeon holes.

14. B.—Tell us what you would do You seem to know all about it. I have no doubt that you would find your level if you were amongst them pretty quick. You would soon be sat upon. You had better try it. We can assure you you would not find it so very pleasant to be among those seventy-four members who are always on the look out for any one that is weak-kneed when they make a slip and depart from the usual custom. We would recommend you to make one of the number. They would soon take your weight and your size, and if ever you did see yourself small that would be the time.

15. S.—All you say goes to prove that the whole mode of Parliament is rotten, and requires a thorough overhaul of the present mode of Parliament. If we have said anything amiss we are very sorry. We have no intention to wound anyone's feelings in any way. We speak the words of truth and soberness. We, the electors, the younger

Sons, crave you attention to the following ideas, trusting you will receive them favourably:—

- Limit the number of Bills brought down each session, say twenty. Those twenty Bills should be well considered, and a vote taken upon them on their merits, free from all parties, and party feeling. At the close of each session each member takes as many copies of each Bill as there are Road Board districts in

his electorate. Each Road Board will make such use of each copy so that all the electors may have the chance of reading and studying the contents of each Bill. A duty shall rest upon every Road Board to take an interest in placing every facility in the way to assist all the electors to clearly understand each Act. The clerk of each Road Board should be responsible for those Acts, and act for the Board.

- It shall be the duty of each member to visit from time to time, during the recess, the different road districts in his electorate to clearly unfold and fully explain the contents of each Act, and to consult with them from time to time on how each Act would be beneficial to all the electors, and also what parts of each Act would be objectionable. To each member it would be a pleasure to be in touch with all the electors.
- The electors would also be pleased to entertain their member, and convey to him how each Bill would be acceptable in their district. Each member should meet the electors during the recess in their several school-rooms and other buildings and take their votes on each Bill, *i.e.*, on the merits of each Bill.
- This would require the whole of the time of each member during the recess, or nearly so. Each member would adopt the best method of obtaining the votes or opinion of the electors in his electorate. Each member would then act upon the will of his electorate. In his person would be the voice of the electors.
- When the next session opens each member would make his report to the House how each Bill had fared with his electors. (We consider that each member would take an interest to serve his electors.) When those Bills were brought forward again, and fully discussed on their merits, the second vote would be taken. The fate of those Bills would rest on their value. This should be the work of each session.
- The present Acts that are on the statute book should be from session to session corrected and revised by the same process, clearing away all those amendments, and make all Acts understandable and workable, so that we the electors may read for ourselves, none daring to make us afraid.

16. B.—Yes. We have listened attentively to all you have said, and we think you have made out a very good case. There would be a great improvement if many of your suggestions were adopted. There would be some difficulty in persuading all members to agree to spend all their time during the recess attending the various districts of his electorate. There are some members that do not see or visit their electors only at election times. There are some that pay a visit sometime during the recess. Many of them wish it could be otherwise. We can assure you it is no pleasant thing to meet a lot of discontented, dissatisfied electors, and to receive their badgering and abuse. What would it be to be amongst them for six or nine months every year. It would be irksome to be in that position. Again, then, could members afford to do that. Those that are in business, having been so long away, they must now attend to their business. The upshot of it would be, you would lose your best men. No, no, it will not work. There are so many things you know nothing about, and it would not be wise on our part to enlighten you. Take our advice. Don't move any further in this matter. Let sleeping dogs lie, or the howl may be very great. The fact is you will not get any men of ability to do your bidding. They would not be fettered with all those conditions.

17. S.—We are somewhat flattered by you admitting we have made out a good case, for which we thank you. The objection you raise, *viz.*, that business men could not spare the time during the recess to visit the several districts in their electorates; also, the best men would not accept the conditions, and their dislike to meet the electors. Why is it thus? If those members had discharged their duties faithfully and honestly they need fear no evil. This is a clear proof those men are not fit and proper persons to represent the electors. No man can serve two masters, himself and his constituency. So, as each member receives £20 per month, this is a fair wage for his labours for the whole of the year. Any man not satisfied with this wage is not a fit and proper person to represent the electors, and it would be desirable that those men should be folding their flocks, herding their cattle, ploughing their land, or any other useful employment. The members need not fear any antagonism in meeting the electors. The electors will only be too glad to exchange ideas with them, as they meet not on party lines there is no room for any contention. The members may rest assured that they will pick up much useful information from the electors that will be of great use to them. The electors also will be educated up to their proper position, as men and women whose sole object is to live peaceably with all men and women.

18. B.—Surely you mean to have a model Parliament The best and most efficient thing that you can do would be to have a set of men made to your order. You then could guide them perhaps with an electric motor. Very fine indeed. Utopia you may write as the name of your ideal Parliament. You may bet your bottom dollar that you are not going to have it all your own way. We shall be on the look out, and you bet we will put the martingale on. If we cannot stop your fancy gallops we will seriously impede and frustrate your objects. We have let you have your own sweet way for some time. Be careful, do nothing rash. Many have fallen within sight of the winning post. It may be your fate.

19. S.—For our edification and improvement permit us to take a review of the past of this present 19th century. During the earlier part of this century there were some faint whispers; at first they were so faint, so faint, you could scarce hear those whispers, and as each year passed on they were heard a little louder, and a

little loader. The few only heard those whispers at first, and as years rolled on many heard those whispers. Many were the questions that were asked. Did you hear that whisper? Yes; I could not make out what it meant. Hark, did you hear that? Well, that was a groan; there is no mistake about that. Whatever is going to happen? You may depend that means something. We shall hear more about that in next week's paper.

Papers at that date were 6d., half the size of the small *Star*.

And as years rolled on they did hear more about it. It grew from a faint whisper to groans, and those groans came from overburdened souls that keenly felt the burdens were too heavy to be borne. From those groans came moanings, which were more grievous than the groans. From those moanings came words which said: "The husks we have been feeding upon are not good enough." Those words, when collected together, forced those men in the 'twenties to form combinations, such as political and other unions. They sent accounts of their grievances to the House of Commons. That House was run by the Elder Brothers, tradition says. The petitions were miles in length, and very little notice was taken of them by those Elder Brothers. In the thirties the walls of those Houses were shaken by the introduction of a Reform Bill which was rejected by the House of Lords. The Ministry of the day resigned. Several attempts to form another Ministry failed. At last, in 1832, King William sent again to Earl Gray to form a Ministry. Earl Gray said, "No; not unless I have permission to nominate so many men to the House of Lords." The King said, "Nominate only what you require to carry this Bill." Lord Brougham said, "One other thing, your Majesty." "What?" said his Majesty, "Have I not conceded enough?" Brougham said, "Will your Majesty put it in writing?" The voice was heard time after time during the remainder of the 'thirties, which sadly vexed the souls of the Elder Brothers. What they could not stop they obstructed. In the 'forties the voice was heard. It was no longer a whisper; it was a defiant demand. In this decade the memorable rise of the Chartists appeared. Many good and able men were cast into gaol, and the souls of those same men were crushed within them. Strikes and bloodshed followed. This was how tyranny trampled upon justice. Decade after decade had its risings, working all the time, every decade gaining something more than the former decade. The decade of the 'nineties made a bold stroke. The faint whisper had grown into a powerful voice, and it approached the Parliaments of New South Wales and New Zealand with a mighty voice, saying: Lift up your heads, O ye gates, and be ye lifted up, ye everlasting doors and let in muscle and brains. The Elder Brothers asked: "Who is muscle and brains?" The answer came: "The strong and mighty in battle; lift up your heads, O ye gates; even lift them up, ye everlasting doors, and muscle and brains—the mighty—shall come in." Later on, in 1892, the old conservative House of Commons were compelled to admit a number of those mighty warriors—muscle—against their will. The Governor of New Zealand was forced, much, very much, against his will, to allow some of those mighty men to be appointed to the Upper House. Some of we toilers have heard this whispering voice for more than half a century, and have watched its growth, little by little, till it has become like a mighty torrent. Who can stop it? Echo answers, who?

20. Some advantages by adopting the foregoing proposals:—

(a) The electors would be the revisers of all Bills, they knowing what the wants of the country is, are well aware what kind of Bills are suitable for the welfare of the country.

(b) It would be the best means of education the people could, have. It would cause them to think, and those habits of thinking would grow upon them. How many farmers, when following the plough, would think out some grand ideas? It does seem monstrous that a lot of old men should say what all other men should do. Bear in mind we would not say one word disparagingly of old men. No, far from it. All honour to them. Those men, many of them, must know that they are making laws for others, not themselves. That is to say, old men, as a rule, look at things through their old green glasses, which they have used for so many years; any other glasses of a latter date would not suit them at all, at all. Well, bring those glasses I got the other day. Here they are, grandad, try them. No, no, I cannot see a bit with those glasses. What queer things they do make in these days. I suppose they are some cheap German goods they get now. Here, grandad, are your own dear old lovely glasses you prize so much. Yes, those are the right sort. I can see as well with these glasses to-day as I could 50 years ago. Well now, what do you want my advice upon. Well, grandad, we want to know ourselves and our surroundings now and also in the near future? What do you think of that mode of procedure we have already talked about, grandad? No, that would never do. We in our day selected men of standing, of good families, somewhat above ourselves. They had more education, and their surroundings entitled them to be our legislators. So you thought, grandad; that is where the mistake comes in, and that is the fault of your glasses, the focus is of too short a sight, and they look backwards. If you would only use those glasses that look forward, you would see as clear as daylight the real state of things. Grandad said, those things will never suit me. They are too large, I could never keep them on my head. Well as you like grandad, they are what we must use at any rate. The old folks evidently overlooked those mountains by which we are surrounded, that has grown up during their day, and they are still growing, growing, growing. We see them much clearer than grandad could with looking through those backlooking glasses. Brothers and sisters, do you not see all those mountains. There they are to the right of you, to the left of you, to the front of you, some very large mountains. They do appear to be beyond

our reach. There are no appliances by which we can climb up to them. Turn also to the right-about-face, you see them there also. Some are so small, so small. What! those little things, I would call them hillocks. There are some larger and some larger still. Yes, and there are larger, larger, still larger, and all are in a state of vegetation. All are growing, and as you have drawn our attention to them I think I can see them growing. Wait a wee bit, we will fetch you our glasses. Now can you see any better? Why those little fellows there, and there, and there, they do look so much larger through these glasses. There was a time when those mountains were very much smaller. In our grandad's time they were his servants. They have now out-grown themselves and are now our masters. We bow down to them, and our surroundings compel us to hold them in a very high place in this our daily life. Those mountains have grown up side by side with ourselves. But they have overgrown us. We know it to our painful experience. These smaller mountains of so many various shapes and sizes is the artificial modes and habits of this our daily life, which shows itself day by day in so many different ways. To describe them would be an endless work. We and you, you all of you, know more about the details than we do. You are familiar with them, we and you dance with them, sing with them, feast with them, entertain them with elaborate entertainments and appear to enjoy their company; but they often leave a sting behind. We and you now find that all have become their servants. They tell us what to do, where to go, and what to say. They lead us about wherever they list, and we dare not say nay. These are the swadling bands that bind us. To break away from them seems utterly impossible. Whenever we attempt to loose those bands the faster the fetters bind us. Those two very large high mountains immediately in front of us, which have grown to such a height, oh, such a height; the one to the right of us is Money, its high rate of interest and its tyrannical power over us; the other immediately in front of us is Strong Drink, which must sooner or latter be swept off this our beautiful land. The sooner this can be done the better it will be for the world. We have been trying to find out some means by which this may in time be brought about. Benjamin Franklin, in the character of Poor Richard, gives us the idea how it may be done, viz., "if you want anything well done do it yourself, if you do not care how it is done get someone else to do it." We, the toilers, wish to do our part honestly. The latter method has been tried by grandad over and over again, long before grandad's grandad's time, It may have had its purpose, we say nothing about that. Our purpose is not to find fault, but shot unto you a more excellent way, as referred to else- where. The breaking of those swadling bands, and the practice of doing all our legislation purely on its merits, free from all party interest, must and will bring to the front those men that are suitable for the great work of human redemption. It will also make all men and women thinkers. From thinkers they must become workers. The surroundings of the present day demand it. There is no if about it. Common sense, prudence, fidelity, confidence in one's self, and confidence in each other, will bring it all about. It would be much better for the electors to work themselves up to a knowledge of law. As it is at present scarcely any one of the electors know what the laws really are. How many of the electors have to go miles to obtain of some lawyer what certain laws mean. That is also at a cost of guineas which are often wanted in other ways. In the new order how many of those electors could see at a glance what laws would be workable, and what laws would not be workable.

(c) The Legislative Council would be abolished, or rather extended to all electors, thereby saving, it might be, some £20,000 a year. The luxuries of that House is one small item that would be a nice nut for the Colonial Treasurer. The building could be converted into sleeping rooms for members during the session, or for any other purpose. The present members of the Legislative Council would appear as electors Those men in their various districts would be very useful in teaching the unlearned what is commonly called "the ropes." To them

It would be an honor to appear  
As those well born and nourished there.

## Consolidation.

- The Legislative Council will be mixed in and with the electors, acting their part without fee or reward.
- The electors would have much to do with legislation, thereby they are become responsible for what they do.
- The work of the Parliament in session is to consolidate and fix the twenty Bills that have been before the electors, and to bring down twenty more Bills to go through the same process; also to revise any imperfect Acts, check the expenditure of the past year, pass estimates, and do all the work required for the good government of the people and the country, so that there may be peace in the House of Representatives and prosperity over all the land, in town and country.

vignette

# Your truly G. D. Hamilton

The Relation of Capital to Agriculture in New Zealand. Rate of Interest on Loans to Settlers and the Effects. State Aid to Farmers Small Farms, &c, &c. Labour and Population The Tenure of the Land Federation of Farmers' Clubs The Address By G. D. Hamilton, President Bush Districts Farmers' Club, Woodville, *At The Meeting 12th August, 1892*. Published by Request of the Knights of Labor And Many Others.

Price, Sixpence.

## Preface.

MMR Hamilton is a settler of thirty-five years' experience, and has been owner of one of the largest stations (Mangatoro) in this district for over thirty years. He was by many years the first settler in the district. Mr Hamilton has been President of the Farmers' Club since its formation some years ago. He has so far not mixed in politics on either side, and it was made one of the conditions on the formation of the Club that party politics were not to be introduced at the meetings, the object being to induce as many settlers to join as possible, to aid in the discussion of subjects of interest to farmers and country settlers, and to work in the direction of combined action on the part of farmers in all parts of the Colony. The Club now numbers some seventy members, and has already done some useful local work, such as bringing about the establishment of the Woodville Freezing Works, Woodville Agricultural and Pastoral Society's Bam Fair, &c. Mr Hamilton is a popular man. Besides being President of the Farmers' Club, he has been President of the Woodville District Jockey Club since its formation, about twelve years ago. He has also been President of other Jockey Clubs, Acclimatisation Societies, and many similar bodies; was twenty years ago the first to introduce trout into the local rivers—a keen sportsman with rod and gun—but has steered clear of introducing anything doubtful. His experiences in this country are those of a thoroughly practical pioneer settler, and he has also had some years' travel and residence in many foreign countries. Some of this large and varied experience is included in the following address, which was reported at the time in *The Examiner*, and is now again published in this form, in the hope of attracting a wider and more general attention to the subjects, which are of such vital interest to the country settler, to the working man, and to the progress and prosperity of this country and of its people generally. The address has already attracted a good deal of attention from all classes. This will be seen from letters introduced.

The Editor.

## Address—By—Mr. G. D. Hamilton,

Bush Districts Farmers' Club

President,

*Delivered at the Quarterly Meeting, held in Woodville on the 12th August, 1892.*

### Subjects:

- Loans to Settlers and the rate of interest thereon. The relation of lender and borrower, and the effect.
- State aid to Small Farmers and others, with some remarks on the treatment of the former class in old Continental Countries, and the resources of Small Farmers for production, &c.
- The tenure of the land in the Colony.
- To consider the advisability of endeavoring to bring about the federation of all the Farmers' Clubs in the Colony.

II Have hitherto lived, like most country settlers, minding my own business, and leaving other people's alone; but still I have noticed what was going on around me, and for a great many years, for nearly as many as I have been in the Colony, I have been aware that the settlers who worked the land were not getting their just share of the proceeds of their exertions. That where they had borrowed money as a rule nearly the whole proceeds went to the lender, and almost as often the property as well—and that there were great abuses. These abuses had grown to such an extent, and were carried on in such a wholesale manner more lately, that I at last

felt that I was neglecting a duty in not bringing the matter before the public, and the remarks I made at our last meeting, and those that I shall make to-night, are with the hope of rousing settlers to a sense of their true position, and to induce others to take up the questions, and amend any defects there may be in my suggestions, which are made with the view of beginning the subjects. Already since my remarks at our last meeting there have been several leading articles in the Woodville Examiner quoting from American papers, and showing the feeling in the United States towards money-lenders. Those who have not read the leading articles in the Examiner of the 28th and 29th July last. I would recommend to do so. They shew that the subject is seriously engaging the attention of other countries. I have also had letters from public bodies expressing satisfaction at my views given at our last meeting, and offering to support any legislation to carry them out. I may say, however, before going any further, that as there may be gentlemen present connected with financial institutions that any adverse statements I may make do not include present company.

The Secretary read the following letters:—

*K. of L., Woodville,*

*June 3rd, 1892.*

*G. D. Hamilton, Esq., President, Woodville Farmers' Club.*

*DEAR SIR,—At our last meeting the following resolution was carried unanimously, and I was instructed to write to you notifying the same—"That this Assembly express its approval of the speech given by G. D. Hamilton, Esq., at the last meeting of the Formers' Club in Woodville, in which he advocated low interest on loans to farmers." We will support to our utmost any legislation with that object in view.—Yours faithfully,*

*M. Tansey,  
Recording Secretary.*

*Danevirke,*

*10th June, 1892.*

*MR M. TANSEY,  
Secretary Knights of Labour, Woodville.*

*DEAR SIR,—I received yours of 3rd inst., and am glad to learn that my address at the Farmers' Club on the 20th ulto. so favourably impressed your Assembly. I had much left to say on the subject of interest on loans of small farms, and on other matters of importance to all settlers, and particularly to those in this bush district. But as Mr Wilson, the dairy agent, wished to address our meeting, I held much over that I hope to continue at our next meeting on the 12th August next. \* \* \* \* \* I must not be understood to be preaching a crusade against capital. The use of capital at fair rates is of great advantage to settlers, but capital has no more sympathy for the stragglng settler or labourer than a bar of the metal it represents, and a strong lean to abuse the position. \* \* \* \* \* The eight-hours movement has my entire sympathy, but to be successful must, I think, embrace all civilised countries—not so difficult in these days of wire and steam. As regards the introduction of more population, either capitalist or labourer, if this be done with the object of helping those in distress in old countries to a better life, nothing can be said against it. Otherwise we have the land to divide among ourselves—the work to divide among ourselves. Introducing more people means less land and worse paid work for ourselves and children. Most of us have left old crowded countries because the struggle for life was too bitter. The introduction of more population is hastening here a condition of things which we were only too glad to leave. I have so far not mixed in politics, but I think the large questions have been much lost sight of in party squabbles. I think all past Governments have entirely failed to appreciate and understand their responsibilities to settlers on the land, particularly to those that have been called small farmers. I should like to see the people unite in a national party (I do not mean by this any existing party), and working together for the common good.—Yours faithfully,*

*G. D. HAMILTON.  
K. of L.,*

*Woodville,*

*July 2nd, 1892.*

G. D. HAMILTON, Esq., Danevirke.

DEAR SIR,—Your letter of June 10th was read at our last meeting, and the principles it contained were heartily endorsed by resolution to convey the unanimous thanks of our Assembly for it. Our officers and members would like to publish your letter if you have no objection.—Yours faithfully,

M. Tansey,  
Recording Secretary.

Danevirke,

7th July, 1892.

MR M. TANSEY,, Secretary, Knights of Labour Woodville.

DEAR SIR,—I have received yours of the 2nd inst. I was surprised to find that my address at the Farmers' Club had attracted any attention outside the Club. You are welcome to publish my letter of the 10th ulto., as you wish. If it provokes any comment I shall be obliged by your letting me know, as otherwise I shall probably never hear of it. Both my addresses at the Club on the 20th ulto. last and my letter to you were too general in terms to convey quite what was intended, but I shall be satisfied so far to have started the subjects. \* \* \* \* \*

The money-lender, the capitalist, wants watching; the tendency is to encroach on all interests quietly, but insidiously. Take, for instance, the relations of English landlord and tenant, without going further into the question of the merits of the system, but taking the system as it was, and is. Long ago the landlord was practically elected from among the people for his shrewd head and fairness in deciding disputes—to lead in time of war, and guide in time of peace—no unfit or unfair man in these rough long past times would have been allowed to keep the position. They and their tenants held the land on conditions of military and other service for the protection of the State. On the principle that like begets like, there is no doubt that their descendants to a great extent inherited their character, although there are always exceptions. Now, I think there should never have been the power to mortgage, much less to sell, given so that land held for certain service to the State could be made away with. If this power to mortgage or sell had not existed, when landed families died out, as they sometimes did, the estates would have reverted to the State and been again available as rewards for conspicuous service to the State rendered by such men as generals, who had in their turn risen from the people. Now the power to mortgage has had the effect of there being about as large a proportion of estates mortgaged in England as there are here, some three-fourths. The difference being that here they have almost always been mortgaged to get the money to develop them—to employ labour. In England, much through extravagance on the part of the landlord, who, not unfrequently when a mere boy, a child in money matters, falls into the hands of moneylenders. Say then his estate in fairly good times is let to the farmers for £2000 a year, and is mortgaged to a money-lender so that it takes £1700 a year of the rent to pay the interest on the mortgage, leaving the landlord £800 a year. Then come bad times. The tenants find that instead of £2000 a year they can hardly make up a rent of £1400 a year. The tenants ask for a reduction. I have known many landlords, and I think, if free, most of them would reduce to what the farmer could fairly pay—but the money-lender says, No! my bargain is £1700 a year; I must have it. The farmers, if leaseholders, are ruined, or, if otherwise, evicted. The landlord loses the goodwill of the tenants, his estate, and sometimes his life, being probably succeeded by a man with no instincts but those of making money. Now in ail this we hear much of the landlord and tenant, yet little, if anything, of the money-lender; yet the money-lender is getting about four percent, for his money—a better security than the landlord has. He seldom advances more than half the value of the property, on which the landlord is getting only two per cent, on the value as rent. The tenants are being sweated for the money-lender, not for the landlord. So much for English land matters. In this country I would advise no man to be a tenant of the State or otherwise, except as a means of acquiring the freehold of his holding. \* \* \* \* \*

In my last I said I thought the eight-hours movement to be permanently successful must embrace all civilised countries.. "What I meant was that the working-man has a right to have a reasonable part of time for leisure and recreation, but it wants combination and organisation among the world's workers to get this on a satisfactory footing. Isolated efforts have been the cause of much mischief, misery, and loss-sometimes driving an industry out of a country altogether, to the permanent loss of the worker. For instance, it is no use for manufacturing operatives in England striving for eight hours, if across the channel, in France, Belgium and other countries, the manufacturers of the same kind get ten or twelve hours for the same money, and so can

*produce more cheaply. It would mean killing the English employment. Not the least difficulty to overcome in these encounters with capital is the danger of capital sowing dissension among the workers by bribes of some sort. When a young man, I had little opportunity of seeing the life of the poorer people in towns, but after being some sixteen years in the colonies I went Home on a visit. I had had a pretty rough time in the colonies, and having a good deal of leisure at Home, I was curious to see how the poorer class in London made a living. I spent a good deal of time in the poorer quarters, and I must say the misery and utter hopelessness of the life was appalling. Nor is there any outlet in a country life; England, of course, cannot grow enough food for the population. I should be sorry to see this state of things hastened here. At the next Farmers' Club meeting I hope to go more into the details of these questions; it is hardly possible in the compass of a letter, but I shall be glad if this helps your Assembly to discuss the subjects.—Yours faithfully,*

G. D. HAMILTON.

As to the other subjects I have undertaken to speak about, they are in the interest of settlement, of production, and of the country and its people generally, and what I shall say shall be with the hope that among my many experiences and suggestions settlers may find some that they can apply profitably. I shall also, as far as possible, show precedents for the suggestions I make. I am glad to see farmers in the South Island, and other parts of the country, uniting in Farmers' and Country Settlers' Leagues. (See Christchurch Weekly Press of July 21st, &c.) These, however, so far seem to be directing their attention to the subject of unfair taxation on country settlers. A good subject, but second to that of the rate of interest on loans, and the way the loans are dealt with now—all land, town and country, could afford to pay tax without hardship where the tax amounted to £1, if the farmers got the money they borrow at five per cent, instead of the eight or ten per cent, they pay now. Some of these speakers were opposed to State-aid to farmers, on the ground that when they (the speakers) came to the Colony they did all for themselves. There were no taxes in those days. There are now enormous public burdens, and taxes for works that are not self-supporting. The conditions are altered; people are wanted to be pushed on to the land, to produce and help to bear these burdens. Much of the remaining land is bush, and does not even allow of a where until a space is cleared. As what we say here gets into the public prints, and to prevent misunderstanding as to my motives in advocating State-aid to farmers in bringing their land to a state of production, I may say that I have never derived an acre of land from Government, or had a shilling of Government money, except as an officer of the Colonial forces about 1866-69, when I had 25s per diem, with forage allowance for two horses. This was only a matter of months. It was a special service with special duties and privileges. Candidates were invited. I was not at all eager for the appointment, but others eligible did not accept. The Government pressed it on me, and I was what I suppose would be called among political candidates "returned unopposed." I am not a politician. I daresay if I wanted a Government appointment now, the subject would require some deliberate and mature consideration. It was complete unity and combination among the country settlers that was wanted to secure their own interests, without attempting to put more burdens on the town dwellers than their fair share. We all had relatives in the towns, still the towns were a convenience, not a necessity, to the producing country settlers. The country settlers were a necessity to the towns. If all the towns were submerged for twenty-four hours, which would be the submerged half not tenth (by the way, I do not think we want the submerged tenth here—it would be better, if we wish to be philanthropic, to buy, or annex, or, better still, to get a mortgage on an island somewhere in the sunny Pacific, and settle them there), we would no doubt mourn our relatives, but we could get on without them. We could charter ships just the same, put our produce on board, and get it sold in London or elsewhere, and get our supplies back much more cheaply in return, as the storekeepers' profit would be saved. This may seem a little wild way of putting it to comparatively recent arrivals in the country, but, like many others, I have already done all this here—pulled a whaleboat through the surf, loaded with wool or sheep, off the open beach to a vessel lying half-a-mile or more off, and brought back the stores the return trip. This would have been just the same work with a vessel bound direct to London instead of to Wellington. Now, if the producing country settlers did not exist, the difference is that the "reason of being" of the towns would cease, and they would not afford the inhabitants of them the means of living. Some of these town dwellers are so because they could not get land (for them I advocate more and better facilities for getting land); the larger proportion from choice, and because they would not face the hardships of a settler's life. These should, therefore, be satisfied to have equal rights in voting, taxation, and otherwise with the country settlers, who already find them the employment by which they live instead of endeavoring to force more than the just burden on the country settlers. And I am bound to say I think well enough of the bulk of the townspeople to think that, left to themselves, this would be their view of the case, if they thought out the question for themselves; but they are led by politicians who, to advance their own ends, find it judicious to endeavor to show and maintain a sort of antagonism of interests among the people. We have left the representation of the country largely to men (our relatives again) who know nothing about land—able men in their own professions, no doubt—lawyers, doctors, &c. (I am a University man myself), with the result that, as



land has been the one main thing to legislate about, we have had a series of Governments that, as far as the land has been concerned, have, more or less, done all those things they should not have done, and left undone all those things they should have done, even to sitting in solemn conclave, while rabbits and town sparrows were being introduced, as those reminded settlers of the homes they had left behind them. A trivial matter, perhaps, in the eyes of these law-givers, but not to the people who have had to keep them—the sparrows and rabbits. It was a bad and dangerous thing to be always upsetting everything and doing something different. Our laws might well be called the patch laws. Look at the Native Land Laws! Was it sure that any lawyer or Supreme Court Judge was quite clear about them? New Zealand presented a clean sheet to the first settlers, but the attempts at government have produced an exceeding muddle and waste of opportunity. People who could not put in a crop of potatoes, or hardly take them out, considered themselves competent to write about land, and laws dealing with it, generally shewing the iniquity of anyone who has land. Much of this is the result of bad health on the part of the writers, the outcome of unwholesome town life and surroundings tinging all things. One of the favorite topics for this class of writer is equality, than which no subject has caused more waste of energy, labor and legislation. The French Revolution was brought about by abuses on the part of a governing class. The motto of the Republic was "Liberty, Equality, Fraternity." The weak point of this, as understood by many, was the "equality." It was the cause, to a great extent, of that seething mass of revolution on revolution, which brought about to the present time a constantly changing form of government, from republican to despotic. The people's natural leaders had become unfit and unworthy, and no adequate leaders had sprung up in their place. Now every man who has gone through the world with his eyes open, amid wholesome surroundings, knows that there is no such thing as equality in Nature. It is not in the trees of the forest, or in the rivers, or in the sand of the seashore, which under the microscope is unequal. It is not in the plants of carefully-cultivated sorts that man grows, nor can all his skill as a breeder of animals produce equality. Man himself has been made unequal by Nature. Where are two men to be found who would weigh or measure everywhere alike, of the same energy, of the same complexion, and alike in every small detail of mind, disposition, or body? Who ever met two such men? Why even woman is different. Most people recognise this, even poets. Had not Scotland's ploughman poet said of Nature, "She tried her 'prentice hand on man, and then she made the lasses." (I am obliged to trust to memory for both my prose and my poetry.) Therefore property can hardly be held equally. The most I am trying to advocate is to strike a mean between those who would try to produce an equality of property, and those who would like about three lending companies, and half-a-dozen people, to own everything, and all the rest of the people to have nothing, and work for them. Trying to bring the laws of Nature, justice, and common sense to deal with the subject, the most we can aim at is equal law for rich and poor. We have this in theory, in practice we have not. A poor man who is oppressed cannot, from want of money, invoke the aid of the civil law in his defence or for redress. He can thus be legally robbed by a man who happens to be rich, yet who has no single good quality. This is the greatest blot on our Statutes, and ought to be better provided for by law. Such a rich man sometimes tries to work himself among a class that are apt to want other qualities than mere wealth as a passport. If unsuccessful he sometimes becomes a bitter Radical, full of hatred, malice and all uncharitableness. His money obtains him a more or less unthinking following—a man who, having failed to climb, tries to pull others down. I have heard a man of this kind say he would "rather rule in hell than be ruled in heaven"—hardly a safe man to follow. To me in this country the terms Conservative, Liberal, and Radical convey little meaning. While the candidates for political place are masquerading in their different colours to catch votes, and the settlers are divided, their attention diverted to these and their performance, the money-lenders are picking up the proceeds of the settlers' labour. Proposals such as to limit the extent of country to be held by one man to what will carry 20,000 sheep, &c., do not commend themselves to people with a sense of equity, or an elementary knowledge of the subject. It is clear that country is entirely unequal in quality, and that 20,000 sheep on one sort of country would be worth three times as much in produce as 20,000 sheep on poor country. Neither would 20,000 sheep near a market or centre be the same as 20,000 sheep of equal quality in a nearly inaccessible place. The same thing applies to proposals to limit area to be held, and there seems no reason in equity why a man should not have as many holdings as he likes, *so long as in the aggregate they do not pass a certain limit of value*. I not only see no objection to a fixed limit of value in land, either town or country, to be held by one man or company, but think it absolutely necessary that there should be such a limit to prevent monopoly. Still I would suggest a liberal limit for reasons I shall give later on. Of course, the working man knows that whatever other features there may be in the case, so long as he is working for wages the moderately large properties pay the best wages, and that as some must at all times be working for wages, it seems more prudent to have some properties of this kind than to encourage the properties suddenly to be too much divided, as in Belgium and France. In the latter country the land has been reduced to such small holdings by division among families that the people have endeavoured to prevent the natural increase of population, and the French Government is now endeavouring to find a remedy for a state of things by which the population of the country has remained nearly without any increase for many years, and from

France there is hardly any emigration.

## Rates of Interest on Loans to Settlers and the Effects.

When we last met I touched on the rate of interest, and reminded you that about seventy-five per cent, of the holdings were mortgaged. I had much left to say on the subject, which I consider of more importance than any other to the New Zealand settler. The amount of money borrowed privately is about, say, £40,000,000. Now, if we assume that the rate of interest is  $7\frac{1}{2}$  per cent., there would be paid in interest £3,000,000. Suppose that by Government aid or otherwise this was reduced to 5 per cent., there would be an annual saving to the working settlers of £1,000,000 paid to lenders. This saving would be equal to more than the profit on all the agricultural produce sent out of the country. The question is a national one, of equal importance to the progress of the country, to the borrower, and to the man working for wages. The settler as a rule lays out all the money he gets in improving and making the country more productive. The sum of £1,000,000 a year saved in interest to the settler would be the means of employing over 12,000 additional men at £80 per annum—a perfect army which would convert half a million acres of bush to grass annually, and as the operations of the settlers enlarged the saving and general results would be increased in proportion. We have become so accustomed to these exorbitant rates of interest that the Government rent on what are called perpetual leases of 5 per cent, on the capital value seems quite an easy charge in comparison—and yet an English landlord in the best times never looked for more than  $2\frac{1}{2}$  per cent, as rent on the capital value of his property; and now it is much less, in fact about 2 per cent. After coming about 18,000 miles over sea, we have to pay on "perpetual lease" more than twice as much rent as an English landlord would get on the capital value of his property. This does not sound liberal on the part of the State landlord of this colony. Twenty years ago I obtained money in England at a rate that made me pay 5 per cent, in the colony. I wanted to borrow £4000, and within a month there was about £200,000 placed at my disposal, and only one of these lenders was even a connection or known to me previously. It ended by there being three deeds drawn up, by which, should the first lender wish to withdraw, the second or third would make the loan. So little did the English lender understand high rates of interest that a higher rate than this would induce suspicion of the value of the security. It has been objected that for a Government to arrange loans to settlers on freehold or other security would give that Government too much power. I can only say that either the Government or individual that brought about a general rate of 5 per cent, would have done more for the colony than any Government or individual has done in the past, and would have earned a right to power. Railway schemes may or may not pay; the introduction of more people to share the land and work may or may not be desirable; but there would be little objection to making it illegal to exact more than 5 per cent, on new advances made on freehold security. I believe that in the United States it is illegal to charge on any transaction over a certain rate; in many States the limit is 6 per cent. In England the landlord's rent is about 2 per cent, on the value of the land, and the farmer's profit on his capital about 6 or 7 per cent., or together about 8 or 9 per cent., and the highest rate on mortgage of agricultural freehold is 4 per cent. Here the landlord and farmer are combined, and if he earns about 10 to 12 per cent., a corresponding rate on mortgage would be 5 per cent. As I said at our last meeting, the money-lenders had in the past too large a share of the profits. No wonder that it had been often considered better to hold a mortgage on properties than to nominally own the properties. Even large accounts had in the last year or two been charged 10 per cent, where the lending company had the power to abuse its position by doing so. I know of one account where the difference between 5 and 10 per cent. meant about £3600 per annum. It might be said that capital would be sent to Australia and to other colonies where a higher rate of interest was obtainable; but, as a whole, Australian and other such securities were of a more speculative nature—little on freehold, much on stock and growing clips of wool, subject to heavy risks and losses from drought, floods, disease of stock, loss of crops, &c. The lender who preferred a solid freehold security, and moderate interest, would leave his money here. Here the capacity of the land under English grass is now ascertained. The climate is singularly free from extremes, and stock probably more free from disease or risk than in any country in the world. Much damage has been done to the credit of the colony by these high rates of interest. The rule has been to advance to two-thirds of the value of the property at a rate of interest which, on a good going concern, barely left the ostensible owner a living, and on less paying concerns has ruined thousands that should have been prosperous settlers, thus getting the Colony a bad name. This ruin has not been limited to any particular class. Among the runholders who occupied the coast line from Napier to Wellington in 1857, hardly one pulled through, and these had the interest reduced by private lenders to 5 per cent. This had not even the effect of distributing the land among more people, but natural increase would do that. These holdings were still of the same size, or in many cases several had been thrown into one holding. I will give one case. Not more than fifteen or twenty miles south of Napier on the coast-line there is a block of about 50,000 acres of the finest land in the province that was held in six runs of about equal size. The owners had been working men chiefly—a baker, a plumber, a gardener, a sailor, a potter; the sixth was of a

different class, but well acquainted with stock management. All these men had been long enough on stations to know what they were about with stock. I was acquainted with them all. They were quite in earnest, frugal and industrious, but the money-lender got them all out in a few years without a shilling, and then sold the places at a profit. I know of another block in this province where, the ten original runholders being ruined, the ten places were made into one. The greed of some of these money-lenders is such that nothing short of the complete ruin of the borrower will satisfy them. There are far more failures now than there should be among the occupiers of smaller holdings, failures that there would not be if the people got the money at reasonable rates, the small landholders being specially singled out for a higher rate of interest, "because it was a small amount." As the borrower has to pay the legal expenses, this does not seem a very good reason to the borrower. This class had generally to pay from 8 to 10 per cent. Among these lenders there are, of course, many conscientious and honourable men who have dealt leniently, and in many cases have been the means of carrying their clients through great difficulties to fortune—notably the late Mr Tollemache. On the other hand, there are corporations and lenders before whom Shylock is a philanthropist—people who, not satisfied to take the blood needed in securing their pound of flesh, but take the whole body if they can get it, and will stop at no deceit or breach of faith to attain their end. Shylock was not allowed to take any blood with his pound of flesh, and therefore our modern lawmakers are scarcely as equal to the situation as those of Shylock's time. A private lender may have to call in a loan from many circumstances that should not be allowed to be an excuse for a company or bank that professes to make a business of lending money on property. In old countries a fresh loan on a property that was paying the interest would be easily got to replace a loan called in. It is not so here, where money is scarce, and the obtaining money to replace loans uncertain, particularly for large amounts. It places it in the power of a dishonest company or lender to make this the excuse and opportunity to seize on a desirable property. There are plenty of instances. Protective law is wanted for the borrower. Take a case of this kind: A property is worth say £60,000, and a company holds a mortgage of £40,000, the property is paying 9 per cent, on the total value, or £5,400 per annum. The interest on the mortgage is at 8 per cent., or £3,200, leaving a margin of £2,200. The company calls in the loan at a time that there may be neither buyer nor lender available for a few years. Meanwhile the company, besides turning the man out of his property, which should be only tolerated in the most extreme cases, deprived him of £20,000, and these people generally put it out of the borrower's power to redeem the property. Millions of acres are in the hands of these people, wrested from useful settlers in such manner, or from their inability to pay these high rates. Three of those lending corporations still hold something like two million acres obtained in this way—about one-twentieth part of the whole available area of the colony, and the largest proportion of all the properties they had advanced on had come into their hands by foreclosing mortgages. And this was in addition to the enormous area of foreclosed mortgages these three companies had already sold. If three leading companies alone had foreclosed to such an extent, some idea might be formed of the proportion that the total foreclosures by all lenders bore to the total area of the country. How much had escaped? Was this not wholesale robbery? These settlers had been systematically kept going, sometimes for twenty or more years, the lender drawing everything out as interest, and then, when it became sufficiently tempting, the business was finished by seizing the property altogether. Some of those lending companies, with a few good names on the Board of Directors, have lulled into false security both shareholders and borrowers—boards that I am bound to say have characterised the action of some of their managers and officers as so rascally that they should never have been in their employ, but should have been dismissed. Such companies have been almost as disastrous to their shareholders as to the settlers who were led into accepting loans by promises of every support and assistance in carrying their undertakings to a successful issue. When the successful issue was arrived at, I know instances where the property was seized on by the company. Men who never had known what it was to have a money engagement unmet, had been, by these promises, made the cause of heavy loss to others, as well as being ruined themselves. The management of some of these companies became an instance of glaring incapacity, fraud, and embezzlement on the part of officials; reckless advances of enormous sums made on worthless properties, and to incapable people. Vast sums advanced for what were, at the best, experiments, and on land speculation instead of for purposes of legitimate settlement, have resulted in huge losses. Properties that were making twice interest have not escaped some of these companies, where, after endless and ruinous losses caused by the interference and caprice of a lending company, and fads of unfit managers and inspectors, a company by a breach of faith and of verbal undertaking has seized on a paying property. Fancy the sort of people who talked of "only a verbal undertaking"! The details of some of these transactions within my own knowledge if made public would be a revelation, their motto being "to make the good pay for the bad." Settlers who had capably and honestly made use of the money they had borrowed, and had fulfilled all or more than they had undertaken to the lender, misled by these promises of continued support, were robbed by underhand means by a company in the endeavour to make good losses caused by the incapacity and embezzlements of officers of the company. There are cases where a lending company has not kept a single undertaking made to a borrower. For instance, I know of a case where one of the largest and finest properties in

this country had been kept going for about twentyfour years. At the end of that time the account was solicited and obtained by a lending corporation on pretences that were not correct, to put it mildly, and with promises of every support to a successful issue and protection from inconvenience, &c. Yet within two years of obtaining this account this corporation had taken possession of the property, the owner having been induced to decline offers made elsewhere to pay off the company, and never rested until the owner was got out, although the owner had, by his position and influence, considerably aided in bolstering up the credit of the company. This property was one that was conspicuous for the good quality and moderate cost of the improvements, there being no partial failure whatever, as is not unoften the case even in generally successful properties. The expenditure was within what was arranged, and many thousands of pounds within the company's written estimate. The borrower had much more than fulfilled his undertakings to the lender. The security had been largely added to by the borrower on terms more than thrice as favourable as usual. There was one-third margin for the advance shown by their own valuation. The clip took a high place for quality and condition; the management was good, careful, and exceptionally experienced in every particular; the property was making twice interest and the income increasing perhaps more rapidly than any similar property in the country. This, instead of being done with intelligent co-operation from the company, had literally to be done in spite of the officers of the company, and after endless and ruinous losses caused by their interference. Yet, with the above result, necessity would be a bad excuse for not keeping such an engagement. What then of such action where there was no necessity? I know, further, that this corporation refused to give any reason for this action, refused to keep any of its own proposals for paying off the debt, and declined any basis and every overture for paying off the debt. At the same time a release was refused, the thing being done as quietly as possible, and certain formalities no doubt observed, being nevertheless a sneaking theft. It was afterwards being worked at a disadvantage under an inspector who tried to make up for want of experience by substituting petty meanness for experienced management. A large and unproductive outlay had been incurred. The first year for the first time in the history of this property the clip was much less than the preceding one. Instead of a heavy increase on each preceding clip as heretofore, the whole income and produce were less. Now the income and produce were less than they would have been under the management of the owner, and some of the most important and costly work a partial failure, the permanent loss and depreciation, which is irremediable, caused by general mismanagement being in two years not less than £16,000. It is only fair to say that in a case such as this, few if any of the shareholders of the company would be aware of the facts, and the directors only partially informed, or supplied with false information. Few shareholders could probably be found to endorse knowingly what amounted to a theft to be enabled to get a better dividend. Although managers and inspectors who had the dealing with the matter might see a tempting way to show a better statement of accounts out of what amounted to stolen income, and evidently considered such action good and smart management, I fancy the ordinary public would consider it anything but honest management. Now, however a Government might be disposed to abuse its position, it could not rob prosperous settlers to make good losses of interest or advances made by the incapable, unfortunate, or dishonest, nor could it deliberately call in money on which stipulated interest was being paid, and so ruin settlers. Even advances for bushfelling would be safe; and there is a precedent in the advances made to farmers for draining in England—a much more speculative venture than bush-felling.

## State Aid to Farmers.

Loans have been raised, an enormous outlay undertaken to make railways and roads, and to bring more people, with the object of indirectly increasing the facilities for production. The railways pay about £2 15s per cent., leaving the balance to come out of the pockets of the settlers. Why should not the Government advance to the settlers to clear bush to make produce for the railways to carry? In this case the Government would have to lend only, and could easily do so at 5 per cent. The loans would be for a purpose that would produce a direct result; the returns would be within a year or two, or the payment might be for both interest and sinking fund to pay off the principal as for draining in England. Of course it would require rules for doing the work and inspectors, as was the case with drains made with loans by Government in England. The money would, however, probably have to be obtained *outside the Colony*, and this should be kept in sight. At present any action that tended to keep money out of the Colony played into the local money-lenders' hands, giving them a monopoly and the power to dictate the rate of interest, which, as their combination was pretty perfect, they took advantage of. If the Government made the advances at 5 per cent., there should be 1 per cent. margin, *practically doing away with the middle man*—the lending companies' profits, which had drained the life of the country. The Government has made laudable efforts of late to prevent the speculator coming between the *bonâ fide* settler and the land, and so making a profit out of his need of a home; and on the same principle it is just as much bound to endeavour to prevent a middleman coming between the settler and the money he needs to borrow, and so preying on the settlers' necessities. This mode of borrowing from a middleman is most

extravagant. The settler has sometimes to pay twice, or more, as much as the middleman does in London. The progress of the country's development is hindered by the objection of people to risk borrowing for the purpose at present rates. It would not follow that the Government would have to make any great number of these loans, but should be in a position to make all those that were required to pay off the mortgages to the extent of two-thirds the value of the freehold. The Irish tenants were assisted by the Government to the extent of two-thirds of the value to buy the freehold of their farms, repayable in thirty-five years. The fact of the Government being ready to make the loans would bring down the rate of interest generally, and so all industries would be benefitted as well as farming. With proper care in valuing, if any of these properties came into the hands of the Government as mortgagees, there could not be much harm done with one-third margin, even if the valuation had been rather too much. That much opposition, difficulty, and objection will have to be encountered before a reduction of interest such as I have advocated is effected is certain, for the money-lending ring is well organised, its ramifications extend in all directions, and many borrowers might be afraid to come prominently forward in support of such an endeavour. Once, on making the suggestion to some settlers who I knew were hardly able to keep off ruin, owing to the high rate they were paying, that the matter required ventilating and making public, they said that they were afraid that doing so would complete their ruin, would bring down the money-lender on them. They were afraid to discuss the question in public. Is this a condition of things for a free country, and one boasting the independence of its people? Talk of slaves and serfs! Well might the Premier (Mr Ballance) say that "the settlers were the bondsmen of the Loan Companies." This is the question at issue. Are the settlers, the people, to own the country with assistance from the money-lenders at such reasonable rates of interest as will give a fair share of the profit to borrower and lender; or are the money-lenders, as up to the present, to virtually own the country, barely allowing the people to exist? If the people are true to themselves, they will not rest until the reduction is made, nor until 5 per cent, is recognised as the limit of interest on mortgages of agricultural freehold land here as 4 per cent, is in England.

*The people should not allow their attention to be diverted from this object. They have the power, and should not elect any member to the House of Representatives who is not pledged to work for the reduction of interest to the rate demanded, and who is not ascertained to be free from the influence of money-lenders. Some of these men, if in debt, would be afraid to advance their views, however honest. Nor are members of a Government or private members safe on this subject if they are shareholders in banks and loan companies, perhaps paying 15 per cent, dividends made out of the farmers. Such men could only be expected to be lukewarm supporters, if not actually public opposers, of a project that proposes to reduce the rate of interest at present received by the companies of which they are shareholders to little more than half. In other countries, these money-lenders are now suffering great violence and indignity at the hands of a ruined and starving peasantry, and are being expelled the country. In olden times it was customary to extract some teeth sometimes, to induce them to disgorge some of their ill-gotten gains. I do not yet propose to advise such extreme measures, but I do advance the claim of the people of the Nation for a fair share of the produce of their labour. This is no mere petty party aim, but the undoubted good of the people of this country. The disunion of the people has been the capitalists' and money-lenders' opportunity. Let the union of the people effect that just division of profit that individual effort never could. The New Zealand settler as a rule does not bring much capital into the country. The country is one that, good as it is, requires to be entirely developed by capital, or the equivalent, labor. It is therefore of the first importance to the settler that he should be able to borrow the money he requires at a low rate, and this is equally of importance whether the borrower is a man who, having saved sufficient wages, wishes to make a start with the aid of some borrowed capital, or whether the borrower has already secured a footing on a larger scale. In any case a low rate of interest allows of the employment of more labour, and I venture to say that I think that any Government having the prosperity of the country and its people at heart will give this subject earnest consideration.*

## **Large and Small Holdings.**

It may not be out of place to say something about the vexed question of large, or comparatively large, properties. It would be more correct to say comparatively valuable properties, as the land is, in its natural state particularly, of various value. Where these properties belong to the *bonâ fide* pioneer settler—the man who took up the land and started the colonisation when there was hardly any population, and in some cases at the risk of his life—the spirit of justice and fair play says, "Keep faith with him; leave him alone to the enjoyment of the fruit of his labour." These properties—many of them sheep stations—are in a large proportion owned by men who came to the colony as working men, wage-earners, shepherds, carpenters, blacksmiths, &c, who, by their energy, capacity, and self-denial, have succeeded, under great difficulty, and have even escaped the money-lender. The footing these men were known to have attained attracted attention to the colony, and many immigrants. This may by some be called sentiment, but it is the spirit of doing to others as we should wish

others to do to us. As to the men and loan companies who have become possessed of these properties second hand, in most cases cheaply on the ruin of the pioneer by usury, no sentiment need be wasted. The most objectionable form of absenteeism and land monopoly is that of these companies creating employment for a class of inspectors, and a department whose situations and reason of being depends on getting owners out, and keeping them out. Put these properties again in the hands of settlers and the occupation of this department employing a manager or two and locking up vast areas of country would be gone. If the State requires such properties for more *bonâ fide* settlement, on paying a fair value, there need be no delicacy about the matter. I once said to the manager employed by one of these companies that, had a large number of properties of all sizes fallen into its hands by the inability of the original owners to pay the heavy rate of interest exacted, "Is it not rather hard on all those people who have spent their lives in making these holdings, to be turned out of their homes penniless, and mostly at advanced age? Your company cannot make more, or even as much, out of these properties." His reply was—"That is all sentiment; they are euchred." No evictions in Ireland have been more unjust than some of those effected quietly and in an underhand way in this colony. Where have such wholesale evictions taken place in any other country in the world—evictions that appeared sometimes to be for the purpose of giving the holding to a more favoured person on the same terms, or easier than the original owner was able to pay? I should be quite prepared to find many objections raised to giving the pioneer settler any special consideration, such as that it was not possible to make those distinctions, &c. Things are easily impossible to people who do not want to do them. Still, as land is limited, a maximum value, a liberal one, based on the present value of these properties, either town or country, might be arrived at, and a tax so arranged that, in time, as these or other properties exceeded the limit of value, the income derived from the value outside the limit should virtually belong to the State, thus practically limiting the value of land to be held by the individual, *and in this respect companies should be treated as an individual to prevent the palpable possibility otherwise of one large shareholder holding more land than he could do otherwise.*

To actually cut off part of a property now by sale to get it within a limit of value, as advocated by some, would be open to the objection among others that if land fell in value it would be hardly possible to restore the property to its limit by sticking a piece on again. I am far from advocating that land should bear more than a fair share of taxation, as it is the people who work the land in this country that, by giving employment, support nearly the whole of the rest of the population of the towns; and it seems likely that must remain the case for many years to come, until, at anyrate, population has become so dense and labour so cheap that capitalists can compete with European and Indian manufacturers, which would mean cheaper labour here than in those countries to make up for higher freight. An income-tax seems an equitable way of taxing those that have. It lets the labourer escape direct taxation, and for purposes of equity there seems no reason why incomes over £150 should not contribute less or more. The Customs duties on food are paid by all. In the case of farmers, as they generally "find" their men, it is paid by the farmer. Common sense also points to the need of a different method of dealing with the remaining land now, so as to have it taken up in moderate farms to give all wanting land a fair chance to obtain it. Much of the remaining land being bush land, only fit to occupy when cleared as grazing land, perhaps a minimum size for a farm of this description, on which the occupier is to depend for a living, should be such that gave a man a chance of making at least as much out of his farm as he would if he was working for wages, which, for shepherds and such men on sheep stations, are about £100 per annum. The settler should at any rate have 5 per cent, on his capital in addition to the rate of wages. It is good grass land that keeps properly two long-wool sheep to the acre all the year round without help from extra feed grown for winter; and on land that could not be ploughed it is difficult to provide much extra winter feed. Sheep, with good management, might return gross from 10s to 20s per acre, and such land would keep about one head of cattle to five acres. It appears, therefore, that the minimum size for such a farm on such land should be about two hundred acres. A scheme of taking up land of this sort would lead, with the help of sufficient State education, to the establishment of a healthy, vigorous, and independent population. My idea is that, from a national point of view, it would almost pay to give the land away to induce settlement. "What is wanted is produce for export to bring money into the country.

## **Labour and Population.**

The agitation in some quarters to rapidly increase the population from outside is, I think, to be deprecated, as hastening a state of things from which we had been glad to escape in old countries. The natural increase would be sufficient without forced immigration, although shipping companies and their agents might think differently. Surely the people already here would rather have the land and the work to divide among themselves and their children. More people introduced to cheapen labour for the capitalists is not what is wanted, but the use of money at low rates for those already here, to make the land productive, and so make the burden of taxation easier.

Later on I will quote Belgium to show what can be done by small farmers in breeding valuable stock; but in case I should be misunderstood to be holding up Belgium as an example to follow, I will give some facts about the country. I lived chiefly in Belgium for a number of years, seven or eight, partly before the days of railroads—not as a tourist, but speaking the language as my own, mixing with the people, and seeing the home life of the peasantry and the working classes. The effect of a crowded population on very small farms was very marked. The agricultural labourer's day was 12 hours, the pay one franc per day (about 9½d), out of which he found himself. Much of the work was with the spade. The manufacturing operative's pay was low in proportion, and the hours about the same. The women eked out a living by making hand-made lace in their spare time. Now, although there were no signs of poverty or dirt in the country or towns, still there were many thousands of agricultural and other labourers every winter on what we would call relief works on still worse pay. Although these people did not starve or live on directly unwholesome food, and being born to the life, they were happy and contented enough; still neither the fare—which included frogs (sold in the towns as we sell fish), snails, and a large portion of sour skim-milk made into soft cheese—nor the pay would suit an Englishman, much less a Colonial. It was curious to see how every bit of ground, or refuse, or animal was utilised. In many cases light carts drawn by dogs took meat, vegetables, fish, &c., to market, as well as the driver. Dogs did some of the churning, working in an enclosed wheel battened inside to give foothold. To give some of the methods of cultivation would be instructive if there was time. A large part of the population was engaged in manufacturing for export, and of course consumers of the agricultural produce. Besides this, the producers had only about twenty miles of channel to cross to put the surplus of this produce in the London market, including garden produce, poultry, &c. There were large manufactories of military and other small arms for export and home use, England, and some of the States of the American Continent, being large customers for military small arms and ammunition. Sometimes—Liege-made guns are sold in New Zealand now—a good deal of wool was imported and manufactured. I have seen "River Plate" wool in Antwerp quite fifty years ago, full of burrs too, being picked out in the military prisons. A large quantity of linen was made. English manufacturers, finding that labour was much cheaper, established manufactories there, and made goods for the English market chiefly. Among these "Irish linen" was made—that is, linen that under the microscope is equal to Irish linen—and as Irish linen was noted in England for its quality, this was sold in England as Irish, and so undersold the Irish-made. There was an army of about 80,000 men out of a total population of about 6,500,000—of course, so many withdrawn from industrial pursuits and competition for employment, and the army was made up of young men as the term of service was short.

No doubt a good many know all this, but probably a great many do not, so on that account I have related these facts in the endeavour to show that if—in spite of manufactures and a market at hand, London alone, with about 5,656,000 people being equal, or more than equal to the population of Belgium—things are so with the population of Belgium, it would be a hazardous policy to force on population here beyond the natural increase in a country that must entirely depend on the export of agricultural produce for many years. There are already over 400,000 above the age of fifteen in the Colony, two-thirds of the whole population. At this rate there will not be much spare room in the country in twenty years. In countries chiefly depending on agriculture thick population risks actual famine. Take Ireland, Russia, India, China, as examples. In some of the latter countries the people have died in millions from want of food. There are already over 40,000 separate holdings of one acre and upwards, nearly all freehold, besides town lands. This is already about one holding to sixteen of the total population, and as about half of the total population live in the large towns and villages it is about one holding to eight of the country population. It will be seen from this that for every producer and dweller in the country there is about one town dweller, who, as the towns produce nothing for export, gets a living in some way by ministering to the wants of the country dweller and producer, and that to cripple him would be like the fable where the other members of the body did away with the belly. *I would here again remind the man working for wages that although there are over 40,000 separate holdings there are nearly 40,000 mortgages, and that if he and the mortgagors and others combine for legislation to get the average rate of interest reduced to five per cent., even if no more labour is employed by the mortgagors, but the proceeds of the reduction divided equally between the mortgagors and the men working for wages by increased wages, the men working for wages would have about £500,000 a year more to divide among them, which per head would be a good round sum, and the mortgagors who now employ them would be able to pay this more easily than they do the rate of wages now. They would have also done the mortgagors a substantial service, and saved many of them from ruin, and this without inflicting injustice or hardship on anyone, Sound banks and lending companies could still pay 10 per cent, or better dividends, private lenders could get one or two per cent, more than in England, and the whole would be on a safer footing.* The total area of the colony is about 64,000,000 acres, the total population, including Maories, about 700,000, therefore there is now about 90 acres to each of the total population. As about one-third of the whole area is mountain ranges and pumice desert, there is now only about sixty acres of available land for each of the population—a fair plea in a country depending on agricultural produce for its

exports that the natural increase of population would be sufficient. But surely a great proportion of the people in the towns should be producing in the country and acquiring property instead of wasting their time and opportunities in the large towns.

## The Tenure of the Land.

As regards tenure of lands held from the Government, I think the most desirable, and the only one worth retaining, is the so-called "perpetual lease," with a right of purchase extending over a long term of years. This tenure to a great extent does away with the chance of the land being taken up by land speculators. It prevents the land being allowed to lie idle, and gives the settler something to work up to. I do not see that anyone really wishing to make the land productive in a *bonâ fide* way could wish anything better. The cashpayment system has the great disadvantage of giving opportunity to land speculators, men who buy to wring a profit out of the intending settler, and this abuse dates back thirty-five years or more, when land was bought in this "way on sheep stations when the owner had to give an increased price to get rid of the speculator, and so spent money that he had intended to employ labour in improving his holding. The deferred-payment system seemed an unnecessary multiplication of tenure.

The dealing in Native lands by private buyers could not well be done away with. The Government had not given up the pre-emptive right until the acquirement of Native lands by the Government had practically ceased. It is of great importance to get those lands made productive somehow, but undue monopoly of lands so acquired might probably be prevented by limiting the value of unimproved land to be held by one person or company to about such an amount that, when improved in the ordinary way, it would not exceed the limit of value I have suggested for improved lands. As a rule Native lands cannot be acquired profitably in small blocks. There are great difficulties in the way of acquiring Native lands, and no further obstacles should be placed in the way of persons willing to face these difficulties. Private persons being able to acquire Native lands also do away with some of the competition for lands in the hands of the Government—I mean leave more of the Government lands for other people, and of course some of the Native land acquired by private buyers is distributed among settlers afterwards. I think, of late years particularly, the settlers had been made to pay too much for the smaller blocks. All the money possible should be left to improve with.

The idea of nationalising the land is too late—if it was ever practicable it was a soaring day dream. People had been brought here to acquire freehold. The Maoris were by treaty guaranteed the possession of their lands, if they chose to keep them, unless forfeited for rebellion. There were other objections if these did not exist. As I have already said it was a dangerous thing to be always upsetting everything and doing something different.

## State Leases.

If there was power now to legislate so as to make everyone a Government tenant, there would be the same power to legislate back to the freehold system five or ten years hence. It might look plausible in parts of the Middle Island where the runs had been natural grass, and required little outlay. In this island particularly, the country had to be entirely made, excepting the soil and water. I would put it to any man who cleared his land chip by chip, or reclaimed it from the scrub and fern, if a mere lease was an adequate return for his labour. Why, even in Conservative England, the Irish tenants are being helped to buy their holdings. The best cure for a lease-only advocate would be to let him clear one or two hundred acres for himself. How many blows of the axe and chips would he have made? Depend upon it there is nothing would anchor the people to the land and country like the possession of the freehold. This is recognised now in old countries where small freeholders, "yeomen," are encouraged. The taking up of the land should be made as easy, simple, and attractive to the people as possible, all complication and multiplication of title done away with, and some effort made by the Government to shew the people how to make it productive, how to make a living. I think in this respect all past Governments have been wanting; they have not done enough for the people on the land. The cry has been that men drifted to the town. Is it surprising? There were so many difficulties in getting land, and intending settlers did not see the way clear before them. Men became discouraged, and squandered the money that should have started them as country settlers and producers. The life of a small settler particularly has been terribly dreary at starting, especially in the bush. Had these men had it more clearly kept before them that the way was open for them to become land-owners when once in the Colony, there would probably have been less discontent and meetings of unemployed—there is discontent among all classes—a sign of bad government surely. Emigrants have been grossly misled by agents before coming to the Colony. There has been too much of the spirit of "am I my brother's keeper" about the governing class in the past. Somehow the Government has always failed to offer sufficient land for settlement. When I came to the Colony thirty-five years ago, I was told the land was all gone. This was disappointing, but was true of the land in the hands of the Government, which was all occupied, and it



was some thirteen years before the Government had acquired any more from the Natives or that was available. In the meantime I dealt with the Natives direct. These are my experiences and views on our money matters and land tenure, arrived at after having watched the subject in foreign countries for ten, and as a bush settler in this country for thirty-five years, during which time I have seen these settlements grow up around me.

## State Aid to Farmers.

Since putting these notes together I have had the late Mr Macandrew's Bill for relieving farmers by loans shown me. I had heard of his advocating a State Bank for farmers and low interest. The Bill is undoubtedly an honest endeavour to find relief for a class that are being ruined and made homeless by usury and a sort of truck system still in existence. I think among others the weak points of the Bill are:—

1st—That the rate of interest contemplated,  $4\frac{1}{2}$  per cent., is too low to allow a sufficient margin between the rate? paid in London, probably 4 per cent., and that proposed to be charged here— $\frac{1}{2}$  per cent, would not cover the expenses.

2nd—It only proposes to advance to half the value of the property. This does not go far enough. Two-thirds advance would in many cases be required to pay off existing mortgages. If any properties, however, came into the hands of the Government by default on the part of the mortgagors it would be a similar liability to all lands except those sold for cash.

3rd—The amounts proposed to be advanced were too limited in amount.

4th—Instead of the paper currency proposed, it looks as if the Government might with great advantage raise a loan of say a million, place it on a deposit in the various banks, and pay off if required any mortgages that came within the proper valuation to two-thirds of the value.

This is not an ordinary case. It is a money famine with the farmers, and wants vigorous and liberal action. It is no use talking to people about self-reliance, &c, in this case anymore than to those who are starving. They want help at once. It is no use showing the exact line where Democracy ends and Socialism begins in a case like this—the people want to be got out of the hands of the money-lenders. The Premier's (Sir Robert Stout's) remark in the debate on this bill in 1886, "interest must come down," meaning in time, sounds rather like the remark of the man in the story to a lot of people who were drowning, "if you wait long enough, the tide will go down, and you will get your feet on the bottom." Of course all involved people could hardly be saved, but that does not seem a good reason for letting the whole drown, and certainly a man who has put his capital, time, and labour into a property has a first claim in equity against all comers. However, I commend the debate on this Bill to your perusal. See Public Advances on Land Bill, Parliamentary Debates, vol. 55.

I hope at our next meeting to lay before you a statistical return of foreclosed mortgages say for the past ten years, the names of the creditors, and as full particulars as possible, and to circulate the same. I think the proportion foreclosed will be startling out of the number of mortgages in the Colony; and it must be remembered that numbers of people have been forced out of their holdings quietly besides these.

## Improvement of Stock.

In France and other countries largely occupied by small farmers, and among whom I spent many years, the Governments have stud and experimental farms, where, for a moderate fee, the farmers get the use of high-bred stallions, bulls, and rams. In France the Government has in this way some 8000 entire horses of an average value of £800, thus giving the farmers the use of a class of animals that would otherwise be entirely out of their reach, and so raising the character of the stock raised in the country far above what it would otherwise be. A system of supplying the farmers in England and Ireland with both mares and stallions is now being advocated, for the purpose of securing a supply of horses for military purposes. A most important item in a country such as this is the quality of the stock, as it depends almost entirely on the stock and its products, in which is included dairy produce. Much of the stock owned by the small settlers in this district has deteriorated since they bought it. Had these people been able to obtain the use of good animals from a Government farm it would have improved, and the owner of two or three cows or a mare would be placed in a position to breed as good stock as the wealthiest settler. Such sites as the neighbourhood of Woodville, Pahiatua, Danevirke, Norsewood, or anywhere where small settlers are thickly located, would be suitable for such Government farms. They would, in a small way, be to a small farming district what the home station is to a good-sized sheep station, and should be fairly central to a district. A few good Shorthorn and Ayrshire bulls, Clydesdale and thoroughbred stallions, and a few good Lincoln and Romney rams might be kept. It must be kept in mind that a badly-bred animal eats as much as a well-bred one, and that unshapely joints and coarse inferior quality of beef and mutton are not as saleable in England as those from well-bred animals of moderate size—a distinction that will no doubt extend to frozen meat. A desirable weight of sheep for the London market will probably prove to be from 60 to 70lbs.,

and cattle about 700 to 800 lbs. Much has been said about the mutton frozen to be sent to England being equal to English mutton. As a matter of fact, our long-wool mutton, or the crosses from it, are equal to the best English-grown long-wool mutton, or the crosses from that. English-grown long-wool mutton is very coarse, and only fetches a second or third price in the English market. A great part of England and the better pastures of New Zealand are only adapted for long-wool early-maturing sheep, and the quality of mutton is coarse and inferior, just in the ratio of its early maturing. The best quality of mutton in England, as no doubt it would be here, is grown on country too thinly grassed, too steep, and in too severe a climate, owing to elevation, to carry long-wool sheep. This might be some consolation to those who came so late into this district as to have to settle on the Ruahine and other ranges. The best and highest priced quality of mutton was the black-faced Scotch, the Southdown, the Cheviot, the Merino, and the Welsh in their purity. The meat of these is dark and close-grained, quite different from the pale, flabby, long-wool mutton. Any cross of Leicester or other early-maturing breed caused deterioration of quality. Well-grown three- or four-year old black-faced Scotch or Merino wether mutton is not excelled, and this mutton (Southdown and Cheviot) is chiefly used by the wealthier people in England at a higher price. The drawback to Merinos in this country has been their being so wild—a result of the usual system of management not easily avoidable in large flocks in this country. This makes them fall off rapidly if not carefully driven and otherwise handled before being slaughtered. It will be fresh in the memory of many how troublesome cattle used to be under the same system. On the continent of Europe, where Merinos were kept in small flocks, and a different system, they were actually quiet. It might be a surprise to some to hear that I have seen flocks of pure Merino wethers in the streets of London. These were from France and Germany chiefly, and were sent into Wales to be fattened there by the Welshmen and afterwards sold by the West End London butchers as Welsh mutton, the most delicate and highest-priced mutton in Great Britain coming almost within the list of game. There was as much difference between the quality of the mutton of these small breeds and that of the long wool as there is between the Merino wool and long-wool. The Australasian Colonies have beaten the world in quality of fine wool, and might also yet take as high a place for mutton. None of these small breeds are adapted for rich pasture, excepting for a short time to fatten. In old days, before there was any English grass, I have sent from this district Merino wethers in considerable number that were guaranteed to all go over sixty pounds, delivered in Napier. A cross of Cheviot on Merino, and so to breed forward, seemed a likely way to create a suitable sheep for high thinly-grassed country, always supposing both rams and ewes to be judiciously selected, promising a moderately-woolled, hardy, good mutton sheep that would stand after a few crosses being put on turnips. Crosses from the Lincoln in such situations have not been satisfactory; they were not hardy enough. The wool being too open to protect from the weather, they had not the instinct for picking up a living on thinly-grassed steep country. I spoke of the small breeds from my own experience extending from the north of Scotland to the north of England and Wales. I have seen Cheviots in Scotland up to the line where pasture vegetation ceased, over 3000 feet above sea level. I might have something more to say about these small breeds and their management on another occasion, also on the grasses suited to those high elevations, which were not the grasses we sowed here. These were not found at that elevation, and would probably not grow there. A cow of a certain breed would produce twice as much milk and of better quality on the same amount of feed as an ill-bred animal. The Ayrshire is a standard breed, although of course there are others that have claims to excellence for this purpose. Settlers going into dairying would be safe with this breed, as those breeding for beef chiefly would be with Shorthorn.

Something might be done by a Government farm of this kind towards advising farmers when sowing their permanent pasture as to the most desirable grasses to sow, and on the management of stock. This is the more needed, as there are not many of what might be called hereditary farmers as in old countries. People who have followed all sorts of occupations go on the land here, and have to learn much of the business while on the land—an expensive way. Nothing is more sensitive to the nature of the feed on which the animal producing it feeds than dairy produce. In this respect this Island has a great advantage in the length of the grass season, which might be called eight or nine months, according to position. It would probably be well for factory purposes if farmers made the milk season correspond with those months. I can say from observation in various countries that there is no better butter made than from cows grazing on good grass while they are in milk. I have seen in England dairies where the cows were entirely kept under cover (it was an experimental farm) splendid crops of grass being cut for them. Still the butter was oily and inferior, the prolonged housing being apparently prejudicial to the health of the animals. Otherwise the conditions were altogether most favourable—dairies with regulated temperature, floored with white marble, shelves and milk tanks of the same, hot and cold water *ad libitum*, stained-glass windows. It is the same with much of the butter made from root-fed cows in the Home country—it is hardly eatable. I am quite sure cows grazing on the grass of this bush land can, as a whole, be made to produce better under proper factory management. A great point is to avoid over-stocking. Hawke's Bay has as a rule been over-stocked for the past twenty years or more. Overstocking is most prejudicial to any kind of stock, as well as to the pasture. Bather make a mistake the other way. I cannot help fearing that some of the

estimates I have seen for the carrying of dairy cattle in this district are overdone. I should expect half the number of good cows to yield as much milk as the larger number proposed. The cow being, say, a machine making a given quantity of grass into milk, it is no use employing two where one will do it, and this is hardly stating the case strongly enough. Settlers who already know the carrying capacity of their own or similar land for long-wool or other sheep, might approximately get at the probable number of dairy cattle to replace them with, or to stock new land, as follows:—Say, roughly, that the sheep averaged sixty pounds dead weight, and that the cattle averaged six hundred pounds dead weight—thus one head of cattle would weigh as much and require to support as much weight from the grass as ten sheep, and this would be a fairly safe basis to start on. Borne of the estimates I have seen for carrying dairy cattle about here would be equivalent to carrying from seven to eight long-wool sheep to the acre. Dairy cattle, like growing stock, are hard on the feed, and should have as much as they can use. Milk has to go down the cow's throat in feed before it reaches the pail.

## Putting Land to Grass.

It is of the utmost importance that a really good selection of permanent grasses should be sown on bush land, as it cannot be ploughed to renew. It is a mistake to suppose that a good mixture of permanent grasses costs much, if anything, more than one of two or three local-grown varieties only—such as rye, cocksfoot, timothy, with a little clover. This does for temporary grass for land under plough. A prejudice has grown up against many of the imported seeds from the fact of there being at one time much imported seed in the market that was dead or nearly so. Settlers buying this without guarantee or testing were naturally disappointed at the small or total absence of results. Seeds can now be imported from England at moderate cost guaranteed to germinate a certain percentage when shipped, and for purity from weeds, another most important matter. Some of the best grasses—meadow foxtail, meadow fescue, crested dogstail, hard fescue, &c., &c,—are now grown in the colony for sale, and of good quality and moderate price. These have the advantage of not risking damage in the tropics and sea voyage. This latter industry is worthy the attention of bush farmers, as the new-sown bush land would thus be fairly free of weeds. These grasses are largely grown for seed for sale by the small farmers of France and Germany, and much that has come out here through English seedsmen was grown on the Continent by small farmers. These seeds would be some time before they fell as low in price as some now grown here, as cocksfoot. Meadow fescue and meadow foxtail are most valuable grasses for good land, excellent feeding grasses, and superior to cocksfoot for pasture or hay. It has been a way with some imperfectly informed people, not well acquainted with the subject, to call the grasses, except rye, cocksfoot, timothy, fancy grasses, and to look upon sowing them as a fad. This is a great mistake, and has seriously injured the future value of a large proportion of the expected permanent pasture now laid down in the bush lands in particular. This will be an appreciable national loss in a country that depends so much on its pasture.

## Breeding Horses.

Many an animal called a horse that had eaten grass, and is now sold for 10s or 20s, might, with the use of such good Government entires as I have suggested, have been available at a fair price for the Indian or other markets. Thirty-five years ago, when I first came to this Colony, I was commissioned to enquire into the possibility of getting remount horses here for the cavalry in India. Government entires, to be had at a low fee, would also do away with much of the objection to the proposed tax aimed at low-class entires, and so help to get rid of them. In settled districts something might be done about Maori entires if there were facilities for the Maoris getting the use of good entires cheaply. More unlikely things have happened than sending New Zealand horses to England for sale. It would be a question, first, of having the horses, then of freight and risk. If anything of the sort came about, high-class horses of the thoroughbred type (perhaps too slow for the big races, but suitable for hacks and hunters) and the heaviest class of draught horse would be the most likely sort, and would find a market in London and the provinces. Four-, five-, and six-year-old horses, carefully broken to their work, would be most suitable, both on account of the voyage and that they could be got into the users' hands as soon after the voyage as possible. It is hardly needful to say that horse should be completely accustomed to dry feed for a considerable time before being sent on any long voyage or they will not have fair play for condition or appearance on being landed. The hacks and hunters would be worth in London probably from £90 to £150, leaving on one side that sometimes three or four times these prices are paid. When in London last, now 18 years ago, I drove a team that cost £600 (nothing extraordinary), and was sold within two months for £700. A friend sold a hack for two hundred guineas. Brewers' horses in London are worth from £80 to £100. There are quite 8000 such horses in use by the brewers in London. They weigh nearly a ton, and are replaced after a few years' work, and are mostly, I believe, put to their work when about six years—of course there are many heavy horses in London for dock and warehouse work. The rather lighter horses in use by the

municipality cost £75. Liverpool and Manchester employ about 82,000 of the heaviest class of draught horse for dock and warehouse work. The horses required to be replaced yearly of these is about 7000 for Manchester and Liverpool. Inferior horses of any kind would not be worth the freight. If one-tenth of the land-holders in the Colony could sell a horse out of the Colony yearly at £20 net here, it would mean about £100,000 brought into the country—a possible source of income that is hardly admitted yet. I am not suggesting the breeding of horses for any purpose on a large scale, only as a means of supplementing income by feeding good horses instead of the absolute rubbish now generally kept. By steamer it takes about seven times the time to England that it does to Australia, and about twice the time that it does to India. New Zealand horses in England would be in a not dissimilar climate, and of course would be English in blood. England would no doubt furnish the highest prices, but it would be well to have an agent there looking for likely buyers before the horses are shipped. Many years ago sailing ships brought long-wool ewes in number from England here. The ships were fitted up on purpose, were about 1000 tons, and brought about 1000 ewes each. Four thousand ewes were brought at one time, I think from Scotland, in charge of shepherds in four ships. The loss was nominal, and then was a heavy lambing a few weeks after landing in New Zealand. The voyage occupied about four months. Horses sent by steamer would be under much more favourable conditions than these sheep in sailing vessels, in many ways, understood by sea-faring men, where the arrangement was to take care of the horses; then the seven weeks to England instead of four months, the voyage also being timed to a few days. The steamers could be partly fitted up so as to carry a moderate number of horses as safely as possible. I was only talking of this to direct attention to possible outlets. Besides, we might want horses for our own cavalry some day, when we were more independent of England.

## National Defence.

Who was to say there would never be a Chinese invasion? They had piratical instincts; they "had it in for us." We had the advance agents here already. The Chinese had the nucleus of a modern fleet. Their soldiers were being armed with modern arms of precision. The highest military authorities held the opinion that they were the material for good soldiers: hardy and tough, and did not mind getting killed—an important quality in a soldier. Their commissariat requirements gave great facilities. They were being forced outwards by pressure of enormous population and want. A quarter of a century or less in these times made great changes. China might be a troublesome factor in the future. Anyhow, there would be no harm in keeping an eye on China.

If I had the dealing with what is so far the excellent State education, military drill should form a regular and continuous part of it through the whole course, and, for the elder pupils at any rate, instruction in the proper use of small arms and other weapons. Trying to educate for officers is another and more difficult matter.

Also, swimming should be encouraged for both sexes. This would improve the health and carriage, and would be easily dealt with in large towns and schools by the use of baths. The State is as much responsible for the physical health of the people as for their mental development. Unless the body is vigorous and robust enough to support the strain, much of the book-learning is thrown away. It has no doubt been noticed that in the learned professions and others that judges and admirals, &c., often lived to a great age. No doubt they were much indebted to their good constitution for the position they held. The children now at school will be the mothers of future New Zealanders, and will influence, as mothers do, the "unborn millions" physically and mentally. Drill could be picked up at school almost insensibly, without effort, and inexpensively. Once away from school, it could only be done in a scattered population at great hardship and expense. It would make a people comparatively easy to organise in time of emergency for purposes of defence of country or civil rights. A regular paid army is always more or less liable to be controlled by capital as against the people to maintain "law and order" for the rich as against the poor. This is perhaps most the case in democratic countries, such as America, as shewn by events in the late labour straggles. Whatever might be said for or against democratic governments, they are more exposed to the disadvantage of men getting into power through the influence of wealth only; and these men, if disposed to be corrupt, and to abuse their position, have probably not even the traditions and position of an old name to protect and to deter them,—*vide* Panama Canal scandals in France. It is not much use having manhood suffrage if the representatives, when elected, sell themselves to, and play into the hands of, the capitalists—first flattering, and then selling the men that elected them. A people whose schooling included drill, and the proper use of arms, would be in a position to assert their rights, and would hardly submit, or be expected to submit, to oppression at the hands of a handful of capitalists—of a moneyed ring. In time, here, as population increases, the struggle for a living will be more severe—the masses yet more at the mercy of capital. The people of this country would do well to take warning by older countries, and to be ready for the struggle when it comes. As I have said already, this may by some be thought rather wild talk, but, if it contributes to prevent the people being lulled into a false security until too late, my object will be gained. Nearly all old countries now are a population of drilled soldiers, and it seems hardly right to allow a population

to grow up here entirely behind all other nations in capacity and knowledge for self-defence—a state that at some time might invite attack. England, like New Zealand, has a long coastline, but she has a fleet to defend it. We have something like 3000 miles of coast-line. This would, at any rate, be more practicable and useful for purposes of national development than nationalising the land.

## Concluding Summary.

But, to return to farming. Government farms such as suggested would be worked by a small staff, in proportion to the number of animals kept, say from two to four men, and would do well if self-supporting. European Governments have gone much further than this in aiding the farmers to grow sugar beet, &c. That first-class horses and other stock can be raised by small farmers is a fact. The present breed of Clydesdale horse is founded on a number of Flemish mares, about one hundred, imported by one of the Dukes of Hamilton from Belgium; and the Flemish draught horse is still used in England. Belgium is the most thickly populated country in the world, and the farms are very small. Then the Vermont Merino is bred by American farmers owning two or three hundred sheep. This breed is the heaviest-fleeced sheep in the world, and has been introduced with advantage into some of the best Australian flocks. I had here some of this breed that, at twelve years, clipped 21 lbs. on grass only. Cham-pion of England long-wool sheep-prizes have been taken by farmers owning less than 500 sheep. The breeding of rams for sale is par-ticularly suited to small farmers if they understand the business. The large station-holders naturally keep most of the best rams they breed for their own use, selling the remainder. I have bought some of my very best rams from small farmers in this Province. I would direct the attention of farmers in this Bush district to breeding rams for the Woodville Bam Fair and Show. I have known small farmers in this country who have made fortunes on bush land by breeding rams. Say that a man with 150 acres of good sound pasture kept 100 good stud ewes, and a few cows, and sold 40 rams yearly at even £3. With the remaining produce it would be a fair living—or half the number of ewes would be a fair start; but it would be little use breeding anything but really first-rate sheep. It will be seen how a few high-class rams at a Government farm would be of great service in such a case. I see nothing to hinder the people of this immediate neighbourhood, if they are so minded, making the Woodville Ram Fair and Show attractive to all buyers in the country if they choose to breed rams of high quality here. Woodville will undoubtedly, when the railway line is open to the Wairarapa, be the most central and easily accessible position for this purpose in the North Island.

I have given a lifetime to this subject, and should be glad to give the benefit of my experience to any settler to whom it might be of use, or to discuss the subject. That the soil and climate are suitable I have proved. The Mangatoro clip has always taken a foremost place in the Home market for quality among Hawke's Bay wools, besides being one of the largest clips in the Hawke's Bay district. I have bred rams here successfully both for show and sale from stock I had derived from small farms, the rams being bought for places in both Islands, and realising up to £45. I sent bales of wool to the Melbourne Exhibition under great disadvantage, and from wet ewes seven years old. This took first prize for the greatest value per fleece, practically beating the world, including the Hawke's Bay wool that competed, by 2s 6d per fleece. Next year, at Dunedin, the wool from the same sheep was placed third in value per fleece, with the judging open to some doubt. These fleeces were from sheep that I had originally derived on both sides from small farmers, and were from sheep that had never had anything else than grass. I hope yet to see rams bred in this district sought after by buyers from all parts of the country, and make the Woodville Ram Fair famous for the quality of the sheep.

That I believe in the future of the district is fairly proved by my remaining in it a settler for over thirty years, and I can claim to have advised intending settlers twenty-five years ago to try and get land on the bank of the river near where Woodville stands now, and, curiously, some of these, after various wanderings, are now settled a few miles from Woodville. How people laughed, and called it "a pretty word picture" when I talked of the valley of the Manawatu and on to the Wairarapa being opened by a road, dotted with homesteads and settlers some day; but the homesteads and settlers are there.

Fruit-growing is worth the attention of farmers as a help. There is now a market in London. If farmers informed themselves carefully of the varieties of apples or other fruit best suited to that market, a number of trees could be got for £5. Probably it would be best to plant so as to be able to send considerable consignments of one sort of fruit. The best sorts of trees would not take any more room or labour than inferior sorts. As long as I can remember, American apples have been imported into England; at one time in barrels, packed in dry sawdust. The seasons being the reverse, fruit would arrive in England at a different season to the English, American, and European Continental fruit. Apples carry better, I think, than almost any temperate climate fruit, except nuts. The chief expense is in protecting the trees from stock. A paddock of from five to seven acres would hold five hundred or more trees, and could be worked without stock until the trees should be beyond the reach of damage. It seemed almost needless to remind people not to plant too near the fences. Settlers would no doubt suit their circumstances in dealing with this matter. I have known an orchard of the latter size in this

country yielding £400 per annum for fruit sold in this country. Very much less than that would do, and if all was used at home and none sold, it would be well worth having.

I do not propose to say much about bush-felling. You are all pretty conversant with that; but I think a few shillings an acre extra in preparing the heavier sort of bush for burning would be often well spent. A bad burn is hard to put right; it remains bad for many years. The felling of this class of bush particularly is often finished too late in the season. It ought, I think, to be ready to take advantage of the first burning weather of the season. A few thistles on the ground before the grass is sown does not matter, and I have on the whole found an early sowing the best in a growing season giving a heavy crop of rape for winter. If, owing to prolonged drought, some of the grass-seed failed to grow, which has never happened to me, it would be better to re-sow, probably at small cost, some of the ground than risk a bad burn by waiting. If there has been enough rain to wet the ashes before sowing, I think the sowing should be finished by the end of March at the latest. I have experimented in this for thirty-five years; have sown about 40,000 acres; have even burnt and sown early in October, with satisfactory results. Some of the grass is as good now as thirty years ago. I have cleared about ten thousand acres of bush, and have never had a bad burn nor had ten acres unburned, the ground being left nearly clear, except stumps, but I always took advantage of the first burning weather of the season.

You are, I think, aware that, from the first, I have advocated extending the sphere of this Club as much as possible, and to sink all petty differences for the common good. You will now be asked to consider the advisability of federating to such an extent with the other farmers' clubs or other public bodies so as to endeavour to bring about the united action and co-operation of all the farmers' clubs or other public bodies in this country in matters affecting the common interests and welfare. I ask you to give this question your careful consideration as one that may yet materially and importantly affect the interests of the farming community in this country and through them all other interests in the country.

## Addenda.

vignette

THE foregoing is a reprint from the report which appeared in THE EXAMINEE at the time. I have been induced to touch on some of these subjects by the interest expressed by the working-men in some of my remarks made at previous meetings of the Club. I would here call the attention of the working-man again to a subject that may come up for discussion—viz., the desirability, or otherwise, of introducing more population from outside the Colony. As the land speculator—the man who holds land to sell at a profit—is concerned, his interests are directly in the direction of the introduction of more population to reduce wages. Thus, land which cost 80s an acre to clear of bush, with wages at 7s per day, could be cleared at 15s an acre if wages were 3s 6d per day. This would make the land held by a speculator worth at least 15s per acre more to sell on this account alone, and people would give more for it beyond this, because labour was generally cheaper for all purposes. Working-men will perhaps think this out for their own purposes.

The return of mortgages foreclosed for a period of ten years, Mr Hogg, M.H.R., has so far not been able to obtain in time to include in this pamphlet. He is to endeavour to obtain it when the House of Representatives meets again.

As one more instance shewing the widespread ruin the system of money-lending has wrought to the settlers of New Zealand, it may be mentioned that one money-lending company still holds properties in this country which by careful valuation are valued by the company at over £3,000,000! These are all foreclosed mortgages, and are in addition to the enormous number of foreclosed mortgages already sold by this company. This means evictions by thousands.

G.D.H.

E. A. HAGGEN & CO., LTD., PRINTERS, WOODVILLE.

THE law specially relating to Maoris and Maori land is at present embodied in many acts with their amendments, and the rules made under them.

It is admitted on all hands that these acts, amendments, and rules are a patchwork—cumbrous, incongruous, anomalous, and inconsistent to a degree that renders it practically impossible for any human being to perfectly reconcile or understand them, or act judiciously, or even safely, under them.

That the existing "Native Land Laws" are really incapable of being perfectly understood or administered is proved by the fact that, except as between Maoris and Maoris for the ascertainment of title "according to Maori custom," it is nearly or quite impossible to obtain from the Native Land Court any important order, judgment, or decision without opening a door to expensive litigation in the Supreme Court, and judges of the Supreme Court have more than once or twice expressed extreme dissatisfaction with the letter of the Native Land Laws

as being practically unintelligible.

The urgent need, therefore, for consolidation or other radical amendment of these acts is undeniable; though there may be, and probably will be, much difference of opinion as to how they ought to be amended.

The Treaty of Waitangi (1840), prior to any legislation on the subject, provides, *inter alia*, that the Maoris may hold their land so long as they choose to do so "according to their own Maori custom"; but it has been said repeatedly, sometimes by high authority, that there is so much mystery about native land tenure, and that "Maori custom" in relation to land varies so very widely and irregularly in different districts and at different times, that ordinary Englishmen cannot understand it.

Mr. Alexander Mackay, now a Judge of the Native Land Court, compiled a Parliamentary paper, which was presented to both Houses in 1890. The paper is marked G. 1., and is entitled "Opinions of various authorities on Native tenure," and Mr. Mackay says that these "opinions" are "very conflicting"—as, indeed, they are.

The effect of these "conflicting opinions" has been to cause Parliament from year to year to leave Native land legislation in a great measure to supposed "experts" and interested parties as being alone competent to deal with the subject, and hence a legislation of patchwork, according as one or another special interest prevailed among the "Maori doctors" and dealers in Maori land.

I, the writer of these notes, will not at present comment upon or criticise in detail the "conflicting opinions" compiled by Mr. Mackay, nor the "conclusions" he (Mr. Mackay) draws from them; but having had, in a lay capacity, an intimate acquaintance with Maoris and Maori businesses for fifty-three years. I desire to say once for all in the most earnest and explicit manner possible to me, that there is nothing whatever mysterious about native tenure, nor specially variable in Maori custom in relation to land; that, in short, there is nothing at all in relation to Maoris or Maori land which any ordinary Englishman, having nothing in view but fair and straightforward justice equally to Maoris and to colonists, cannot easily understand if he chooses to give a little time and thought to the matter, and this I humbly conceive it is the plain and express duty of our members of Parliament jointly and severally to do.

But, as I have said, in order readily to understand "Maori custom" it is a *sine qua non* that the enquirer has no particular axe to grind, and desires only right and justice to all parties concerned.

I hope, therefore, that in any attempt now to be made to consolidate or amend the Native Land Laws the present Government and Parliament will dismiss from their minds all and every idea that there is anything occult or mysterious or very difficult to be understood about Maoris in relation to the land, or in their "customs" in dealing with it. I would at the same time earnestly caution the Native Minister against plunging headlong into the existing chaos of Native Land Acts, rules, and litigation with a view to pruning and weeding the tangled mass. I would, on the other hand, confidently recommend him to dig down to the very root or commencement of our official dealing with the Maori people. I am certain that he will there find clues and [unclear: thrai] which will, aided by ordinary English common sense, guide [unclear: hia] to an entirely successful issue; that is to say, to the framing of laws or acts which will in due time issue in satisfaction, [unclear: peace] and justice alike to Maoris and to colonists.

The salient points having special reference to Maoris in the earlier history of New Zealand as an English colony, to which, in my humble opinion, the attention of the Government and Parliament should be directed in view of a consolidation and amendment of Native Land Laws, are:

## **I. The Treaty of Waitangi.**

*By this so-called Treaty it appears to be recognised that the Maori people consists of and includes "chiefs," "tribes," "families," and "individuals" of the Maori race, and Her Majesty guarantees to them and to each of the parties the full and free possession of the land of New Zealand so long as they choose to hold it under or "according to their own Maori custom." They, the said chiefs, tribes, families, and individuals of the Maori race agree on the other hand to alienate land only to Her Majesty.*

*That constituted, as regards the land, the first position, and it endured from 1840 to 1862-8.*

*During these twenty-two or twenty-three years large blocks of land in different parts of the country were acquired from the Maoris by the Governor, presumably in accordance with the provisions of the Treaty of Waitangi.*

*But during these same twenty-two or twenty-three years many other very important events occurred, only a few of which, however, have a direct bearing on the Native Land Question.*

*Among these I will mention (2) settlement of colonists on the blocks of land which had been acquired as above from the Maoris; (8) a Constitution was granted by the Imperial Parliament to New Zealand, but excluding interference with Maoris or Maori affairs; (4) There was a natural urgency or pressure of colonists exerted upon the Governor, representing Her Majesty, to acquire more and more land for colonisation; (5) The Governor was brought face to face with the question of "individual" rights or title to land "according to Maori*

custom" as supposed to be distinguishable from "tribal" or "family" right to land according to the same custom.

This question proved to be, and still is, of far greater importance than perhaps many people think, and I hope the Native Minister will now carefully consider it.

The question arose in 1860 upon the occasion of the proposed purchase of 600 acres at Waitara by the Governor from one Te Teira, a Maori, opposed by another Maori, Wiremu Kingi, said to be the "chief" of the "tribe" of which both he and Te Teira were members.

This was an entirely new question in New Zealand, at least so far as the colonists knew or were concerned.

The floods and torrents of speaking and writing that ensued throughout New Zealand on the [unclear: consequence] of this question was amazing, and was in the proportion of one drop of common [unclear: sense] to a sea of slops, with a spoonful of learned lore about various European species of tenure, which, being entirely beside the question, was simply rubbish.

The fact that all argument on the point, whether wise or foolish, or worse than foolish, was pretty quickly extinguished by fierce war with all its terrible experiences is, of course, for ever to be deplored, but it is now our duty to look at the question with cooler heads and calmer minds, and see whether we cannot extract some practical benefit from it.

The question arose in 1859 and culminated in 1860, there being at that time no court in which such a question could be heard and determined.

Governor Browne, however, having, by such means as I suppose he thought sufficient, satisfied himself that he was right took military possession of the disputed 600 acres. A shot, which some say was accidental, was fired; anyhow there was a shot fired by some one, and we found ourselves at war.

I do not say that there was no other or deeper cause for the war than the mere dispute at Waitara; but that was the proximate and ostensible cause of the war.

Even then, after fierce fighting had taken place, the grand spirit of law and order was not wholly extinguished in New Zealand, and our Parliament spoke and said in effect, "Whatever else may be right or wrong as between Her Majesty and the Maoris it is not right that there should be no proper Court of Justice before which such questions as that at Waitara between Wiremu Kingi and Te Teira could be settled peaceably," and accordingly (1862) we got our first "Native Land Act."

That Act, constituting a Native Land Court, could not come into operation until it received Her Majesty's express assent, which it did in 1863.

Now, this first Native Land Act deserves and should obtain careful study,

The question at issue in 1860 at Waitara was simply "tribal" or "family" right or title to land "according to the Maori custom" v. individual rights or title to land according to the same custom, and our Parliament, by that first Native Land Act, set up a special Court in which that or any similar question might be determined, it being rightly or wrongly supposed that our ordinary English Courts were incompetent to do so.

I think no one can say that Parliament was wrong in setting up that Court. I think, indeed, that every person of any and every reasonable party must say that Parliament was not only right in setting up a Court in which such disputes as between Maori and Maori could be equitably and peaceably determined, but that it was the clear and plain duty of Parliament to do so.

But, as I think, and as I believe many others think, unfortunately Parliament in passing that first Native Land Act went further than merely to set up a Court in which land disputes as between Maori and Maori could be properly determined. It relinquished the Queen's preemptive right to acquire any land the Maoris might be disposed to alienate, and Her Majesty acting upon what seemed to be the wish of the Colonial Parliament assented to the sacrifice.

Now, although it was a clear duty and necessity to set up a Court to determine questions as between Maori and Maori there does not seem to have been any occasion at all, or any right reason for giving up the preemptive rights of Her Majesty.

No Maoris had asked to have it done; the [unclear: colonials] as a body had not asked to have it done, nor had a majority or any considerable number of either race asked to have it done.

It was done simply at the joint instance of a spurious philanthropy and of an interested set or class of colonists to the direct disadvantage of the colonists as a body, and, as I believe, of the Maoris as a race.

However, it was done, and I do not know whether the deed can now be completely remedied.

But there are still several points about that first Native Land Act (1862) and its abandonment of the preemptive right to which I hope the Government will give attention, in view of the consolidation and amendment of the existing Native Land Acts.

The first and chief of these points is this, viz.: That there has never been any trouble whatever as to the work of the Native Land Courts in determining right and title to land "according to Maori custom" as between Maoris and Maoris, nor has there been from the first to last any necessity to amend the first Native Land Act in that respect, nor has it been materially amended in that respect.



*Very nearly all, if not quite all the amendments and tinkering and patching of the Native Land Acts which in the last thirty years has resulted in the present chaos has been in the interests of, and in consequence of, the operations of private buyers and sellers of Native land consequent on the abandonment of the preemptive right. But upon [unclear: this] point I shall have more to say later on.*

*In the meantime I desire to point out emphatically that as the Native Land Court never has had any difficulty in determining any and every question relating to land as between Maori and Maori, that fact affords conclusive evidence that all who have heard about the mystery and variableness of "Maori custom" is not true; or, at all events, that the Native Land Court has proved itself perfectly well able to cope with any question of that kind as between Maori and Maori, while all the trouble has been caused by the operations and requirements of the private buyers and sellers of Maori land.*

*I submit, therefore, that ordinary English members of Parliament need not on account of any supposed special mystery be deterred from giving due consideration to proposed Native Land Acts.*

*If, then, it be granted as I think it must be granted—(1) That as serious questions have arisen and continue to arise as between Maoris and Maoris, that is to say, as to which particular Maoris are exclusively entitled "according to Maori custom" to given parcels of land; and (2) As our ordinary English Courts are incompetent to hear and determine such questions; and (3) as the experience of the last thirty years proves that the Native Land Court is perfectly competent to determine such questions there ought to be no difficulty in enacting that the Native Land Court shall be continued and established for that purpose, but not necessarily for any purpose beyond that.*

*Our diffident members of Parliament who have been too modest to interfere with what they believed to be an occult and mysterious science known only to a few experts would thus be set entirely free from all consideration of "Maori custom," and would doubtless feel themselves able to give due consideration to the further questions touching the soil of New Zealand in which the colonists have, or ought to have by this time, some voice.*

*The first and most important of these further questions I conceive to be this, viz.: The particular and exclusive "owners according to native custom" of given areas of land having been ascertained by the Native Land Court, how can the vast tracts of land held by Maoris under that species of tenure be best brought into use in their own interests?*

*Now, I submit with complete diffidence, but with absolute conviction, that this question cannot now be, as it ought never to have been since 1840, considered at all, separately or as distinct from this other question, How can these vast tracts of land be best brought into use in the interests of New Zealand's people whether of one race or of more than one race?*

*I do beg to state my most earnest and anxious conviction that if the past and present political and other unnecessary distinctions between Maoris and colonists are kept up for only a few more years, and the best interests of the Maoris continue to be thought separate and distinct from the best interests of the colonists, the ultimate end will be to convert this fair country into a hotbed of turmoil and litigation, if not of much worse than merely civil broil and commotion.*

*I hold it to be the duty of the colonists to be true and just, and even generous to the Maoris as to men weaker in some respects than themselves; but the Maoris are men, and though, as compared with the colonists, they are ignorant men, yet to treat them as a class essentially inferior or different to the colonists generally we shall find to have been a very great mistake.*

*The representatives of Her Majesty Queen Victoria in making in [unclear: 1640] a Treaty with the Maoris dealt with them as with men—and good men—and why should not we to-day do so?*

*I must not, however, in these notes on the Native Land Laws diverge into a rhapsody on the "rights of man."*

*I return to the particular question in hand.*

*There are great tracts of land in this country practically unoccupied.*

*This should not be allowed to continue. On enquiry we find that all we know about these great tracts of land is that they are, under the Treaty of Waitangi, "owned by Maoris according to their own custom," but by what particular persons of the Maori race any given area is so "owned" we do not know.*

*That should not be allowed to continue. It is necessary that this community by its constituted authorities should be enabled to know, when required, the personal owner of each and every acre in the country; and, accordingly, we have set up the Native Land Court to "ascertain" who are the particular "owners according to Maori custom" of given areas.*

*Having got thus far it might naturally be expected that the "owners according to Maori custom" being so "ascertained" would put their respective areas of land to good use; but what do we find?*

*I will not answer this question out of my own head, neither will I quote answers which have been given by private persons who could possibly be suspected of prejudice or bias one way or another, but I will cite the*

*dictum of the Supreme Court of the colony to the effect, viz., that so far as English Courts of Law or Equity know, or are competent to determine, the rights or title to land "according to Maori custom," which by the Treaty of Waitangi is assured to the Maoris, does not imply or include a right to alienate any part of the land, or make any use whatever of it other than such use as the Maoris may be supposed to have made of it while they were yet wholly barbarians, except only, as provided in the Treaty of Waitangi, viz., by alienation or surrender of the land to Her Majesty.*

*Now, it cannot I think possibly be held by any one that it can be right, or that it can be in the true interests of any persons whomsoever, whether Maoris or otherwise, to leave these great tracts of land in that condition as to valid title.*

*The so-called philo-Maori, the spurious sentimentalist, the self-constituted friend of the Maoris, and the private trafficker in Maori land will no doubt join as heretofore in the cry "Oh, give the 'owners according to Maori custom,' as 'ascertained' by the Native Land Court, English titles and let them do as they like with their own." But the true friends of the Maoris and of humanity will say something very different.*

*Why should the Parliament of New Zealand give certain Maoris an English title in lieu of the title "according to Maori custom" which they at present possess?*

*I know that apart from the philo-Maoris and private traffickers in Maori land many ordinary colonists appear to think that if a Maori is entitled to land "according to Maori custom" he should be regarded as an "owner" in an English sense and should have an English title if he wants it. But I submit that such otherwise estimable colonists do not really think about the matter at all. Misled, perhaps, by the English word "owner" they take things for granted and jump to conclusions.*

*But the Native Land Court "ascertains" only that certain Maoris, including men, women, and children are the "owners according to Maori custom" of given areas of land, and our Supreme Court has declared that it has no means of determining what may or may not be the powers of "owners" under that species of tenure.*

*For whose benefit or advantage [unclear: it-is] now proposed to give to these "owners according to Maori custom" an English title? If the exchange of title is demanded by or on behalf of the "owners according to Maori custom" as a right, I am at present unable to see that any such "right" exists, and I absolutely deny that any such right does exist.*

*Where does the alleged "rights" come from otherwise than as provided in the Treaty of Waitangi? And the provision [unclear: then] is not the issue of Crown Grants or Certificates under the Land Transfer Act, but simply and only the formal surrender of the land to Her Majesty, who will then, doubtless, fulfil to the letter all and every the particular terms upon which the land in any and every individual case shall have been surrendered.*

*If it be said that the change of title is necessary in the interests of New Zealand as a whole—Maoris and colonists alike—I say yes, certainly, but the exchange shall be made only on terms, precisely as the State graciously makes terms with any private citizen with whom it is desirable in the common interests to deal.*

*There are very many good reasons for looking at the matter as a mere matter of bargaining between parties.*

*I will mention only one reason, and I do so only to meet the gentle and otherwise loveable sentiment of many good persons who really think that it would be a graceful and generous act to bestow on the Maoris a definite English title in lieu of the indefinite and practically useless title "according to Maori custom" which they now have.*

*To such persons I say, with the most profound and sincere respect and honour, my friend be not hasty or indiscriminating in the bestowal of benefits and favours.*

*The Maori Chief is the most truly proud and haughty man in the world, not excepting the Spaniard or the Scotch Highlander.*

*No Maori chief (and every Maori like every Highlander is, in his own opinion, a gentleman) would ask for or expect anything for nothing.*

*No Maori would accept of a favour or gift unless he saw his way to make a return gift, probably different in kind, but of at least equal value.*

*To offer a gift or favour to a Maori, which it would be manifestly impossible for the recipient to adequately return (utu), would be simply an insult to be expiated by war. Such a gift could not be accepted without degradation; neither would it be offered by any Maori except for the express purpose of leading to the degradation of the recipients by a palpable exhibition of his want of power to adequately return the gift.*

*Therefore, my kind friends, take time, and consider before tendering your gifts to Maoris. Your really good, and, from an English point of view, most loveable intentions, maybe carried into practical effect without wounding the proper pride of the Maoris, viz., by the simple process of making a bargain with them—a straightforward and honest quid pro quo transaction.*

*It would of course be very absurd for an obscure individual such as the writer of these notes to attempt or*

*pretend to formulate in detail the terms of an equitable bargain as between "owners of land according to Maori custom" and the people of New Zealand represented by the Executive Government of the colony, but I will venture to indicate one or two general features which, in my humble opinion, ought to characterize any such bargain.*

*1. There [unclear: shall] not be in the Acts of Parliament or in the transaction any scrap or tincture of sentiment other than a purely straightforward quid pro quo feeling as between honest man and honest man who each has some desirable thing to exchange.*

*2. In any case in which a Maori or Maoris are actually occupying, in a civilized sense, any given area of land by right "according to Maori custom" without dispute among themselves and without objection from other Maoris, such persons should, I think, be treated by Parliament exactly in the same manner and not otherwise than any European owner or owners of a similar property, and in such case, as an encouragement to such Maoris to go on and prosper, they should, I think, be enabled to obtain English title if they want it in lieu of their existing title "according to Maori custom"—Parliament by Act to provide the process and the specific terms upon which the exchange of title could be effected.*

*3. In any case in which the owners according to Maori custom of any area of land are (a) too numerous to work the estate as a single property; (b) when the "owners according to Maori custom" include minors, or imbeciles or otherwise incapable persons; or (c) when from any cause whatever the property is not being used beneficially in a civilised sense in the equal interest of all the "owners according to Maori custom," any one or more of such owners, or His Excellency the Governor in the interests of all, should have power to take steps to bring the land into beneficial use, and Parliament, as part of the above-mentioned "bargain," should provide the process and set forth the steps by which such land should be brought into beneficial use.*

*If Parliament once gets the following half-dozen ideas on the subjects of Maoris and Maori land clearly into its mind, I have no fear but that we shall get satisfactory native land legislation:—*

- That it is not necessary to trouble or dispute as to what is or is not "Maori custom" in relation to land, because the Native Land Court has proved itself perfectly competent to determine any such question as between Maori and Maori.*
- That right or title to land "according to Maori custom" does not necessarily, or so far as known to our Supreme Court, imply the right to alienate the land, and that consequently any and every alleged or proposed purchase of land held "according to Maori custom" is ab initio absolutely invalid, except as provided in the Treaty of Waitangi, to Her Majesty.*
- That neither the Treaty of Waitangi, nor any other obligation legal or moral, human or divine, imposes upon Her Majesty, or upon the Parliament or people of New Zealand, the duty of giving to any Maori or Maoris a title to land, other than "according to Maori custom" without consideration.*
- That the people of New Zealand are entitled to demand that all and every parcel of land shall be brought into beneficial use as speedily as conveniently as possible.*
- I venture also to think that the duty of the Native Land Court as such should be strictly limited to the determination of questions as between Maoris and Maoris.*
- And that it should be competent for the Governor, or for any Maori claiming an interest "according to Maori custom," to move the Native Land Court to action.*

*With the best and most sincere good wishes for the success of any Native Minister and Government who honestly and strenuously undertakes the amendment of the existing Native Land Laws,*

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*A. McDonald.*

WM. HART, PRINTER, MAIN STREET, PALMERSTON NORTH.

THE law specially relating to Maoris and Maori land is at present embodied in many acts with their amendments, and the rules made under them.

It is admitted on all hands that these acts, amendments, and rules are a patchwork—cumbrous, incongruous, anomalous, and inconsistent to a degree that renders it practically impossible for any human being to perfectly reconcile or understand them, or act judiciously, or even safely, under them.

That the existing "Native Land Laws" are really incapable of being perfectly understood or administered is proved by the fact that, except as between Maoris and Maoris for the ascertainment of title "according to Maori custom," it is nearly or quite impossible to obtain from the Native Land Court any important order, judgment, or decision without opening a door to expensive litigation in the Supreme Court, and judges of the Supreme Court have more than once or twice expressed extreme dissatisfaction with the letter of the Native Land Laws as being practically unintelligible.

The urgent need, therefore, for consolidation or other radical amendment of these acts is undeniable; though there may be, and probably will be, much difference of opinion as to how they ought to be amended.

The Treaty of Waitangi (1840), prior to any legislation on the subject, provides, *inter alia*, that the Maoris may hold their land so long as they choose to do so "according to their own Maori custom"; but it has been said repeatedly, sometimes by high authority, that there is so much mystery about native land tenure, and that "Maori custom" in relation to land varies so very widely and irregularly in different districts and at different times, that ordinary Englishmen cannot understand it.

Mr. Alexander Mackay, now a Judge of the Native Land Court, compiled a Parliamentary paper, which was presented to both Houses in 1890. The paper is marked G. 1., and is entitled "Opinions of various authorities on Native tenure," and Mr. Mackay says that these "opinions" are "very conflicting"—as, indeed, they are.

The effect of these "conflicting opinions" has been to cause Parliament from year to year to leave Native land legislation in a great measure to supposed "experts" and interested parties as being alone competent to deal with the subject, and hence a legislation of patchwork, according as one or another special interest prevailed among the "Maori doctors" and dealers in Maori land.

I, the writer of these notes, will not at present comment upon or criticise in detail the "conflicting opinions" compiled by Mr. Mackay, nor the "conclusions" he (Mr. Mackay) draws from them; but having had, in a lay capacity, an intimate acquaintance with Maoris and Maori businesses for fifty-three years. I desire to say once for all in the most earnest and explicit manner possible to me, that there is nothing whatever mysterious about native tenure, nor specially variable in Maori custom in relation to land; that, in short, there is nothing at all in relation to Maoris or Maori land which any ordinary Englishman, having nothing in view but fair and straightforward justice equally to Maoris and to colonists, cannot easily understand if he chooses to give a little time and thought to the matter, and this I humbly conceive it is the plain and express duty of our members of Parliament jointly and severally to do.

But, as I have said, in order readily to understand "Maori custom" it is a *sine qua non* that the enquirer has no particular axe to grind, and desires only right and justice to all parties concerned.

I hope, therefore, that in any attempt now to be made to consolidate or amend the Native Land Laws the present Government and Parliament will dismiss from their minds all and every idea that there is anything occult or mysterious or very difficult to be understood about Maoris in relation to the land, or in their "customs" in dealing with it. I would at the same time earnestly caution the Native Minister against plunging headlong into the existing chaos of Native Land Acts, rules, and litigation with a view to pruning and weeding the tangled mass. I would, on the other hand, confidently recommend him to dig down to the very root or commencement of our official dealing with the Maori people. I am certain that he will there find clues and [unclear: threads] which will, aided by ordinary English common sense, guide him to an entirely successful issue; that is to say, to the framing of laws or acts which will in due time issue in satisfaction, peace, and justice alike to Maoris and to colonists.

The salient points having special reference to Maoris in the earlier history of New Zealand as an English colony, to which, in my humble opinion, the attention of the Government and Parliament should be directed in view of a consolidation and amendment of Native Land Laws, are:

## ***I. The Treaty of Wattangi.***

*By this so-called Treaty it appears to be recognised that the Maori people consists of and includes "chiefs," "tribes," "families," and "individuals" of the Maori race, and Her Majesty guarantees to them and to each of the parties the full and free possession of the land of New Zealand so long as they choose to hold it under or "according to their own Maori custom." They, the said chiefs, tribes, families, and individuals of the Maori race agree on the other hand to alienate land only to Her Majesty.*

*That constituted, as regards the land, the first position, and it endured from 1840 to 1862-8.*

*During these twenty-two or twenty-three years large blocks of land in different parts of the country were acquired from the Maoris by the Governor, presumably in accordance with the provisions of the Treaty of Waitangi.*

*But during these same twenty-two or twenty-three years many other very important events occurred, only a few of which, however, have a direct bearing on the Native Land Question.*

*Among these I will mention (2) settlement of colonists on the blocks of land which had been acquired as above from the Maoris; (8) a Constitution was granted by the Imperial Parliament to New Zealand, but excluding interference with Maoris or Maori affairs; (4) There was a natural urgency or pressure of colonists exerted upon the Governor, representing Her Majesty, to acquire more and more land for colonisation; (5) The Governor was brought face to face with the question of "individual" rights or title to land "according to Maori custom" as supposed to be distinguishable from "tribal" or "family" right to land according to the same custom.*

*This question proved to be, and still is, of far greater importance than perhaps many people think, and I hope the Native Minister will now carefully consider it.*

*The question arose in 1860 upon the occasion of the proposed purchase of 600 acres at Waitara by the Governor from one Te Teira, a Maori, opposed by another Maori, Wiremu Kingi, said to be the "chief" of the "tribe" of which both he and Te Teira were members.*

*This was an entirely new question in New Zealand, at least so far as the colonists knew or were concerned.*

*The floods and torrents of speaking and writing that [unclear: ensued] throughout New Zealand on the [unclear: consequence] of this question was amazing, and was in the proportion of one drop of common sense to a sea of slops, with a spoonful of learned lore about various European species of tenure, which, being entirely beside the question, was simply rubbish.*

*The fact that all argument on the point, whether wise or foolish, or worse than foolish, was pretty quickly extinguished by fierce war with all its terrible experiences is, of course, for ever to be deplored, but it is now our duty to look at the question with cooler heads and calmer minds, and see whether we cannot extract some practical benefit from it.*

*The question arose in 1859 and culminated in 1860, there being at that time no court in which such a question could be heard and determined.*

*Governor Browne, however, having, by such means as I suppose he thought sufficient, satisfied himself that he was right took military possession of the disputed 600 acres. A shot, which some say was accidental, was fired; anyhow there was a shot fired by some one, and we found ourselves at war.*

*I do not say that there was no other or deeper cause for the war than the mere dispute at Waitara; but that was the proximate and ostensible cause of the war.*

*Even then, after fierce fighting had taken place, the grand spirit of law and order was not wholly extinguished in New Zealand, and our Parliament spoke and said in effect, "Whatever else may be right or wrong as between Her Majesty and the Maoris it is not right that there should be no proper Court of Justice before which such questions as that at Waitara between Wiremu Kingi and Te Teira could be settled peaceably," and accordingly (1862) we got our first "Native Land Act."*

*That Act, constituting a Native Land Court, could not come into operation until it received Her Majesty's express assent, which it did in 1868.*

*Now, this first Native Land Act deserves and should obtain careful study,*

*The question at issue in 1860 at Waitara was simply "tribal" or "family" right or title to land "according to the Maori custom" v. individual rights or title to land according to the same custom, and our Parliament, by that first Native Land Act, sett up a special Court in which that or any similar question might he determined, it being rightly or wrongly supposed that our ordinary English Courts were incompetent to do so.*

*I think no one can say that Parliament was wrong in setting up that Court. I think, indeed, that every person of any and every reasonable party must say that Parliament was not only right in setting up a Court in which such disputes as between Maori and Maori could be equitably and peaceably determined, but that it was the clear and plain duty of Parliament to do so.*

*But, as I think, and as I believe many others think, unfortunately Parliament in passing that first Native Land Act went further than merely to set up a Court in which land disputes as between Maori and Maori could be properly determined. It relinquished the Queen's preemptive right to acquire any land the Maoris might be disposed to alienate, and Her Majesty acting upon what seemed to be the wish of the Colonial Parliament assented to the sacrifice.*

*Now, although it was a clear duty and necessity to set up a Court to determine questions as between Maori and Maori there does not seem to have been any occasion at all, or any right reason for giving up the preemptive rights of Her Majesty.*

*No Maoris had asked to have it done; the [unclear: colonials] as a body had not asked to have it done, nor had a majority or any considerable number of either race asked to have it done.*

*It was done simply at the joint instance of a spurious philanthropy and of an interested set or class of colonists to the direct disadvantage of the colonists as a body, and, as I believe, of the Maoris as a race.*

*However, it was done, and I do not know whether the deed can now be completely remedied.*

*But there are still several points about that first Native Land Act (1862) and its abandonment of the preemptive right to which I hope the Government will give attention, in view of the consolidation and amendment of the existing Native Land Acts.*

*The first and chief of these points is this, viz.: That there has never been any trouble whatever as to the work of the Native Land Courts in determining right and title to land "according to Maori custom" as between Maoris and Maoris, nor has there been from the first to last any necessity to amend the first Native Land Act in that respect, nor has it been materially amended in that respect.*

*Very nearly all, if not quite all the amendments and tinkering and patching of the Native Land Acts which*

in the last thirty years has resulted in the present chaos has been in the interests of, [unclear: and] in consequence of, the operations of private buyers and sellers of Native land consequent on the abandonment of the preemptive right. But upon [unclear: this] point I shall have more to say later on.

In the meantime I desire to point out emphatically that as the Native Land Court never has had any difficulty in determining any and every question relating to land as between Maori and Maori, that fact affords conclusive evidence that all who have heard about the mystery and variableness of "Maori custom" is not true; or, at all events, that the Native Land Court has proved itself perfectly well able to cope with any question of that kind as between Maori and Maori, while all the trouble has been caused by the operations and requirements of [unclear: the private] buyers and sellers of Maori land.

I submit, therefore, that ordinary English members of Parliament need not on account of any supposed special mystery be deterred from giving due consideration to proposed Native Land Acts.

If, then, it be granted as I think it must be granted—(1) That as serious questions have arisen and continue to arise as between Maoris and Maoris, that is to say, as to which particular Maoris are exclusively entitled "according to Maori custom" to given parcels of land; and (2) As our ordinary English Courts are incompetent to hear and determine such questions; and (3) as the experience of the last thirty years proves that the Native Land Court is perfectly competent to determine such questions there ought to be no difficulty in enacting that the Native Land Court shall be continued and established for that purpose, but not necessarily for any purpose beyond that.

Our diffident members of Parliament who have been too modest to interfere with what they believed to be an occult and mysterious science known only to a few experts would thus be set entirely free from all consideration of "Maori custom," and would doubtless feel themselves able to give due consideration to the further questions touching the soil of New Zealand in which the colonists have, or ought to have by this time, some voice.

The first and most important of these further questions I conceive to be this, viz.: The particular and exclusive "owners according to native custom" of given areas of land having been ascertained by the Native Land Court, how can the [unclear: vast] tracts of land held by Maoris under that species of tenure be best brought into use in their own interests?

Now, I submit with complete diffidence, but with absolute conviction, that this question cannot now be, as it ought never to have been since 1840, considered at all, separately or as distinct from this other question, How can these [unclear: vast] tracts of land be best brought into use in the interests of New Zealand's people whether of one race or of more than one race?

I do beg to state my most earnest and anxious conviction that if the past and present political and other unnecessary distinctions between Maoris and colonists are kept up for only a few more years, and the best interests of the Maoris continue to be thought separate and distinct from the best interests of the colonists, the ultimate end will be to convert this fair country into a hotbed of turmoil and litigation, if not of much worse than merely civil [unclear: broil and] commotion.

I hold it to be the duty of the colonists to be true and just, and even generous to the Maoris as to men weaker in some respects than themselves; but the Maoris are men, and though, as compared with the colonists, they are ignorant men, yet to treat them as a class essentially inferior or different to the colonists generally we shall find to have been a very great mistake.

The representatives of Her Majesty Queen Victoria in making in [unclear: 1640] a Treaty with the Maoris dealt with them as with men—and good men—and why should not we to-day do so?

I must not, however, in these notes on the Native Land Laws diverge into a rhapsody on the "rights of man."

I return to the particular question in hand.

There are great tracts of land in this country practically unoccupied.

This should not be allowed to continue. On enquiry we find that all we know about these great tracts of land is that they are, under the Treaty of Waitangi, "owned by Maoris according to their own custom," but by what particular persons of the Maori race any given area is so "owned" we do not know.

That should not be allowed to continue. It is necessary that this community by its constituted authorities should be enabled to know, when required, the personal owner of each and every acre in the country; and, accordingly, we have set up the Native Land Court to "ascertain" who are the particular "owners according to Maori custom" of given areas.

Having got thus far it might naturally be expected that the "owners according to Maori custom" being so "ascertained" would put their respective areas of land to good use; but what do we find?

I will not answer this question out of my own head, neither will I quote answers which have been given by private persons who could possibly be suspected of prejudice or bias one way or another, but I will cite the dictum of the Supreme Court of the colony to the effect, viz., that so far as English Courts of Law or Equity

know, or are competent to determine, the rights or title to land "according to Maori custom," which by the Treaty of Waitangi is assured to the Maoris, does not imply or include a right to alienate any part of the land, or make any use whatever of it other than such use as the Maoris may be supposed to have made of it while they were yet wholly barbarians, except only, as provided in the Treaty of Waitangi, viz., by alienation or surrender of the land to Her Majesty.

Now, it cannot I think possibly be held by any one that it can be right, or that it can be in the true interests of any persons whomsoever, whether Maoris or otherwise, to leave these great tracts of land in that condition as to valid title.

The so-called philo-Maori, the spurious sentimentalist, the self-constituted friend of the Maoris, and the private trafficker in Maori land will no doubt join as heretofore in the cry "Oh, give the 'owners according to Maori custom,' as 'ascertained' by the Native Land Court, English titles and let them do as they like with their own." But the true friends of the Maoris and of humanity will say something very different.

Why should the Parliament of New Zealand give certain Maoris an English title in lieu of the title "according to Maori custom" which they at present possess?

I know that apart from the philo-Maoris and private traffickers in Maori land many ordinary colonists appear to think that if a Maori is entitled to land "according to Maori custom" he should be regarded as an "owner" in an English sense and should have an English title if he wants it. But I submit that such otherwise estimable colonists do not really think about the matter at all. Misled, perhaps, by the English word "owner" they take things for granted and jump to conclusions.

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For whose benefit or advantage [unclear: it is] now proposed to give to these "owners according to Maori custom" an English title? If the exchange of title is demanded by or on behalf of the "owners according to Maori custom" as a right, I am at present unable to see that any such "right" exists, and I absolutely deny that any such right does exist.

Where does the alleged "rights" come from otherwise than as provided in the Treaty of Waitangi? And the provision [unclear: then] is not the issue of Crown Grants or Certificates under the Land Transfer Act, but simply and only the formal surrender of the land to Her Majesty, who will then, doubtless, fulfil to the letter all and every the particular terms upon which the land in any and every individual case shall have been surrendered.

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Therefore, my kind friends, take time, and consider before tendering your gifts to Maoris. Your really good, and, from an English point of view, most loveable intentions, maybe carried into practical effect without wounding the proper pride of the Maoris, viz., by the simple process of making a bargain with them—a straightforward and honest *quid pro quo* transaction.

It would of course be very absurd for an obscure individual such as the writer of these notes to attempt or



*pretend to formulate in detail the terms of an equitable bargain as between "owners of land according to Maori custom" and the people of New Zealand represented by the Executive Government of the colony, but I will venture to indicate one or two general features which, in my humble opinion, ought to characterize any such bargain.*

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*If Parliament once gets the following half-dozen ideas on the subjects of Maoris and Maori land clearly into its mind, I have no fear but that we shall get satisfactory native land legislation:—*

- That it is not necessary to trouble or dispute as to what is or is not "Maori custom" in relation to land, because the Native Land Court has proved itself perfectly competent to determine any such question as between Maori and Maori.*
- That right or title to land "according to Maori custom" does not necessarily, or so far as known to our Supreme Court, imply the right to alienate the land, and that consequently any and every alleged or proposed purchase of land held "according to Maori custom" is ab initio absolutely invalid, except as provided in the Treaty of Waitangi, to Her Majesty.*
- That neither the Treaty of Waitangi, nor any other obligation legal or moral, human or divine, imposes upon Her Majesty, or upon the Parliament or people of New Zealand, the duty of giving to any Maori or Maoris a title to land, other than "according to Maori custom" without consideration.*
- That the people of New Zealand are entitled to demand that all and every parcel of land shall be brought into beneficial use as speedily as conveniently as possible.*
- I venture also to think that the duty of the Native Land Court as such should be strictly limited to the determination of questions as between Maoris and Maoris.*
- And that it should be competent for the Governor, or for any Maori claiming an interest "according to Maori custom," to move the Native Land Court to action.*

*With the best and most sincere good wishes for the success of any Native Minister and Government who honestly and strenuously undertakes the amendment of the existing Native Land Laws,*

*I am always,*

*A. McDonald.*

WM. HART, PRINTER, MAIN STREET, PALMERSTON NORTH.

## **Socialism**

The proper name of Socialism was historically first bestowed on that movement or system which, about fifty years ago, began to be heard of in connection with such leaders as Robert Owen in Britain, and St. Simon and Fourier in France. Under that name it has agitated, roundly speaking, all the peoples of western Christendom, so that now it is everywhere an object of solicitude to thoughtful men who intelligently reflect on movements of the popular mind in their bearings on the outlook for humanity.

It is, in the first instance, economical in its purpose, namely, [unclear: the] promotion of the material interests of mankind, especially of the laboring class—temporal well-being as depending on enjoyment of commodities; and in this respect it has a claim upon attention on the part of the religion of the Son of Man



(Matt. xi. 27-29, 1 Tim. iv. 8). But for that religion of the Living God it has a far profounder interest on account of its character, unfolded in its history, as being not simply secular, but distinctly *secularistic*, making enjoyment of commodities to be the one true end of life—the only such movement, so spreading among the peoples, that ever has proposed a really atheistic basis of life for mankind. And for Christianity, the tragedy of interest thus created, the pity of it and the terror of it, are deepened by the circumstance, that this Black Death of Atheism has risen within the pale of Christendom, and that its movement has been among the foremost Christian peoples.

Atheism is a dreadful calamity as well as crime (Jude 7, 14; Ps. ix. 17; Is. i. 3-6; Rom. i. 18; 2 These, i. 7-10; Eph. iv. 18,19, ii. 12). And we shrink from taking in the dreadfulness of the thought, that it should be in a real sense a character of a movement among the Christian peoples, especially among those who literally labor and are heavy laden; that *such* an angel should have descended into this wide Siloam! We instinctively cast about for qualifying considerations, that may, to our feeling, somewhat relieve the blackness of the darkness. Hence, though vaguely aware of the fact of that atheism, we do not *realize* the fact in its terrible significance, but are as men residing in the neighborhood of a volcanic mountain that is always hid from view by being enveloped in clouds. The present formality of demonstration may serve to bring about a desirable realization of the fact, whose existence can hardly be doubted by any one.

PROOF OF THE FACT.—1. Mr. Ollier's chapter (xxv, Vol. ii, Cassell's *History of the War Between Germany and France*) may, in our process of proof, represent *the general aspect* of Socialism, his indications of its ungodliness being simply incidental on his part, but to a skilled observer leaving no room to doubt. 3. A *first-class theological witness* is Dr. Hodge, *Systematic Theology*, Vol. in, p. 484, stating (in A.D. 1871), that the leaders are openly opposed to the very being of the family, of the State, and of all religion, especially the Christian, and that their principles logically follow from doctrines that are advocated by others who are less outspoken. 8. We may refer to two specialists in relation to Socialism, political writers who have made a special study of the subject as political thinkers, and who set forth the result in standard publications. (1) Mr. Kirkup's elaborate article, "Socialism," in the *Encyclopedia Britannica* (new ed.), has only a general statement as to the atheism of the movement, which, however, is incidentally illustrated in his detailed notices of leaders and of incidents; while the qualifying considerations he adduces, for the purpose of softening the effect of the fact, bring the reality of the fact into fresh light of distinctness—placing it as a criminal at the bar to crave mitigation of sentence. (2) Mr. Rae's now standard work (*Contemporary Socialism*) originally appeared in the *Contemporary Review*. To him we are very much indebted for the materials collected in the following:

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*Survey of the Peoples—to illustrate the fact.—"Catholic Spain"* in 1869, was seen by Lavaleye, who bears witness as follows: The Socialist movement is widespread among the people. Its meetings are held in the churches. There an orator will inveigh from the pulpit against everything once held sacred there, such as "God" (!) and "religion." In the audience there will be women (!) carrying their children (!! ) as if attending sermon. "*Holy Russia*," at the opposite extremity of western Christendom, is head-centre of the Eastern or Greek Church, "Catholic and Apostolic." In the Nihilism of the peasants there may not have been much of any distinct (anti-) theological conviction. But the directing intellectual impulse of the movement among them was derived from an atheistic speculation ("The Extreme Left" of Hegelianism), which, native produce of Germany and France, youthful fanatics and veteran conspirators had imported into Russland from that west. In *Central Europe*, Germany is the country in which, more even than France, the movement has taken deepest hold. As representative of that region we may take the (now deceased) Franco-German Jew, erst exile in London That versatile cosmopolist is to be regarded as more than any other man the systematic thinker of Socialism, the constructive brain of the movement. His expositions of the system proceed expressly on a theoretical ground of materialistic atheism. *Britain* is presumably represented in the first instance by that most mournful confession of atheism, which Mr. Rae puts dramatically into the mouth of his typical Socialist of the working class: "*We are not atheists, but we have done with God.*" Practical atheism is, finally, the relative meaning of the sentiment expressed by a Socialist leader professing to give the view of the school: "*The obstacles to our movement are the family, patriotism, and religion.*"

It is from this recent historical Socialism that we will form our conception of the nature of the Socialism that is now to be inquired about by us. And we earnestly request attention to the fact that our statements with reference to *this* Socialism, are not to be held as intended by us with reference to anything but what we distinctly define as the Socialism which we are to inquire about. We restrict ourselves to one thing, in order that the *principles* in question may be thoroughly tested. In particular these statements have no intended reference to what is known as "Christian Socialism." That, both in England and on the continent of Europe, has been simply a private experiment in social economics on the part of some professing Christians, who have assumed the proper name of Socialism into, so to speak, personal union with a surname of "Christian." Its real action, in all its phases, has, as tested by *the economical principle* of the recent historical Socialism, been never veritably

Socialist, but always distinctly anti-Socialistic

To the mind that is formed by popular English literature, this side movement has an importance far out of proportion to its real significance in relation to either practical or theoretical economics. It first appeared in England under the auspices of Maurice, etc. Its *ideas* are exhibited in Kingsley's *Alton Locke and Yeast*, and its *theosophy* in his *Hypatia* and *Two years Ago*. Its method and claims are criticised by Greg in the discussions collected into his volume, *Mistaken Aims and Realizable Ideals of the Artisan Class*. Later appearances of the side movement on the European continent, among both Roman Catholics and Protestants, have not assumed the aspect of coming to supercede the received economic order of society (Art. "Socialismus" in *Herzog's Encyclopædia*, German). The following notes may [*unclear: seen*] to illustrate further the nature of the case as regards the real historical Socialism, under the form of showing that *the "Christian Socialism," in all its phases, has been, not veritably Socialist, but essentially anti-Socialist, in its real action.*

1. THE CONTINENTAL "Christian Socialism."—Its operations are familiar under the received economic order: Friendly Society, Savings Bank, Cooperative Store. They are essentially antagonistic to the Socialist root-principle, *that the individual shall be relieved of the care of himself* by its being thrown on the community. They lay the burden on him in connection with others. So, for instance, with reference to the case of greatest ostensible success, namely, that of some Roman Catholic districts where the priesthood has succeeded in blocking out the secular Socialism by preoccupying the people with such operations. (1) It is *not the whole community* that here takes care of the individual, but the priesthood of one Church. (2) It is *not all members of the community that are taken care of*, but only those under control of that priesthood. (8) Above all, *the kind of care* that here is taken of the individual is essentially different from that intended by the real historical Socialism. The Socialist reproach of *laissez faire*—"let alone"—against the received economic order, on account of its leaving the full-grown bird to shift for itself, has reference to the main central burden of mainenance for a man and his household. Socialism will keep the full-grown bird in the nest, relieving the individual of the care as to that main central burden. The "Christian Socialism," in relation to that main central burden, which is the thing in question, leaves the individual to provide for himself.

2. THE ENGLISH "Christian Socialism" calls for notice more full. It was favored by a sort of thunder-and-lightning humanitarianism of moral atmosphere, represented, *e. g.*, by the writings of Dickens and Carlyle. And it had an initial advantage in the literary ability and social influence as well as personal excellence of its promoters. But it was a confessed failure; and its real character has to be kept in mind, because in literature a popular view of it continues to be a medium of misrepresenting the received Christianity, while misleading men in relation to root questions of social economics. It contracted a grave responsibility by bearing on the front of it an implication of indictment against the generality of Christians *on account of [unclear: there] compliance with the received economic order*, especially the system of wages and competition. On that account they were virtually accused of systematic or habitual mean, hypocritical selfishness, regardless of Christian benevolence and even justice, helping the capitalist employers (manufacturers, merchants, shopkeepers) to fatten on the spoils of labor, defrauded of its due reward. The side movement was professedly intended for commendation of Christianity to the favorable consideration of the community, especially the working class, as a religion of exalted benevolence and justice. How that class, or any class, were likely to be influenced in favor of Christianity by representing the generality of its adherents as basely conspiring with the wealthy and powerful to grind the faces of the helpless, toiling poor, does not appear to have been much considered. It might rather appear as if the intention had been to disparage the religion of the generality of Christians in order to make way for a new kind of Christianity (Rigg: *Modern Anglican Theology*). But what we now note is the fact *that, all this time, the "Christian Socialism" itself, in its only real action, never took any one step on the ground of that Socialism whose name it had assumed and was wearing, but invariably proceeded on the recognized business principles and rules of economic order which it [unclear: formerly] condemned and lived by condemning.*

*Its only real action was setting on foot cooperative associations of workmen.* That may be a very good thing in itself. But it was preposterous to imagine that this could be the evangel *eureka* of a new economic order. Its method of business partnership with limited liability was perfectly familiar [*unclear: unto*] the received economic order. Even the [*unclear: internal*] accidental detail of the partners all being workers, and the workers thus being their own employers, is quite familiar in ordinary business, and one of the most primeval methods now in use—in the cases, *e. g.*, of fishermen all working the boat and nets which are their common property; gold diggers, combining to work their own "claim;" masons, jointly contracting for a building to be done by their own hands altogether. "Industrial partnership" may prove to be a true way towards solution of economical problems. (M. Godin, who labored much and long at a scheme of it, died a few years ago—1888.) But it must be in the hands of men who really understand the subject. In the hands of those "Christian Socialists" the movement in that direction came to comparatively nothing: setting on foot some [*unclear: cosperative*] associations was regarded as a mountain in labor to produce a mouse. But the point for

us at present is, that—*The co-operative association is not Socialist, but essentially anti-Socialist, and fitted to make a veritable Socialism impracticable in a community.* Thus, 1. It is *not the whole community* taking care of individuals, but a select class of individuals taking care of themselves by combining in a business partnership. 2. *All who really need to be taken care of are excluded* from the association by the constitution of it, in its requiring, as a qualification, that the person shall be a workingman, able to go into business partnership with a share of the capital contributed by him. 3. Real Socialism in a community is thus made impracticable. There is withdrawn from its operation, and sent away on a private business of their own, that class of prudent and energetic workingmen whose presence in the operation of a veritable Socialism would be vitally indispensable for success, as the bone and sinew, the pith and marrow, the very heart and soul of strength (cp. "that which every joint supplieth," Eph. iv. 16). A community without them would be a helpless mass of blubber. 4. Above all (theoretically) *the very foundation stones of the fabric are thoroughly anti-Socialist.*

The *foundation stones* of the association are precisely those things which to real Socialism are the grand offence in the received economic order, namely, *private capital, wages and competition.* 1. *Private capital* is the life-blood of the whole business, which is carried on wholly by means of the capital contributed by the partners (£100 each). 2. *Wages*, essentially, is the nature of the "advances" made, from the funds of the association, to the individual shareholder in course of the year, in a proportion to the value of the work done by him from week to week (*repayable* "advances" would be *loan*). And wages expressly are paid to the skilled manager, who is not a shareholder. 3. *Competition* (the *bête noire* of Socialism) is the sheet-anchor of this whole business, of which avowedly the only hope of life is in successfully *competing* for public custom by offering cheaper or (same thing) better work than is offered by ordinary producers (whom they spoke of "driving out of the market" in this way). If the promoters had been secular instead of "Christian" Socialists, they might have asked themselves, Is this *fair* to those other producers? Is it what they have reason to expect from a religious movement of lofty benevolence and justice? What sort of "benevolent brotherhood and human fellowship" was it towards those ordinary producers who asked no man's help, but simply a fair field and no favor? They were heavily handicapped in their business by a movement which took the wind out of their sails, and sent it into the sails of a rival business. The eloquence and influence of the promoters of that rival business were devoted to touting—leading the public to believe that a man, while getting *the very best bargain in the market*, would somehow be doing a fine philanthropic thing by purchasing at *their* shop. And the shop was simply a business partnership of capable men trading on their own capital, which the eloquence and influence went to make a monopoly supported by delusion of philanthropy.

The confessed failure of the English movement was almost as truly instantaneous as that of the New Harmony experiment of Robert Owen (see the references to the failure by Charles Kingsley in *Letters and Memoirs of His Life*). Yet the kind of thing, [*unclear: co-operative*] association, is good in its own nature, and suitable for some kinds of production as well as for distribution. *Whence* the failure in *this* case?

The recriminations directed against the general Christian community for not joining in the movement are imprudent, for they recall to mind the fact that *the movement was distrusted* by Christians of the type of Dr. Chalmers and Archbishop Whately. So as to the reproachful complaints about the workingmen's not having embraced the movement. *Why* did they not embrace it? It was professedly intended for their especial benefit. They could know what was good for them. And *their* distrust of the movement is presumptive proof of there having been some hollowness in it, while "hope told a flattering tale." There was in it the falsetto of giving the name of Socialism to what really was anti-Socialist. And both Christians and working class might be further led to distrust the movement by perceiving that the movers did not really understand the subject. But it is to be noted that though it had been completely successful, the success would not have really touched the social problem of helping the helpless. It would only have made more comfortable a very small number of men who are best able to help themselves.

THE ECONOMICAL PRINCIPLE of the system, we define as being that, relatively to enjoyment of commodities, *the individual shall be taken care of by the community*, to the effect of his being relieved of the care of himself. This is the constitutive essence of the system. This, and only this, is in fact the vital principle of unity and historical identity of the movement in all its ramifications and articulations. There is veritable Socialism wherever and so far as it operates; and without its operative presence a veritable Socialism cannot be—though there may be sociology supposed to be Socialist.

The communism of Acts iv-v is an essentially different thing. That (1) was *not for the community of mankind in general*, but only for the Church within herself; (2) it was not prescribed as obligatory, but was left to the discretion of individuals; and (3) it does not appear to have existed except in Jerusalem for a very short period; and presumably was the result of extraordinary special effort to meet an unprecedented special crisis, that was constituted by the influx of thousands of converts (Acts ii. 41, iv. 4) upon a small congregation (Acts i. 15; cp. 1 Cor. xv. 6), whose organization had not yet been completed (an *abiding* provision is made in Acts vi. 1, etc.; cp. 1 Tim. iii. 8, etc.). In the settled normal condition of the Church under the apostles, Christianity (2

Thess. iii. 10—one of the *earliest* epistles) declares for the rule, that he who will not work shall not eat; and one of the latest utterances of its great organizing apostle is, that if any man provide not for his own, and especially for those of his own house, he hath denied the faith and is worse than an infidel (1 Tim. v. 8; cp. Eph. v. 28, written at the same time of the Roman imprisonment; and see Acts xx. 34–35).

"Communitistic Societies of the United States" (the title of a work by Nordhoff), which have arisen within the recent period, differ from Socialism in this respect, that they are *not for the whole community*—say, in a locality—but for a particular class of individuals; perhaps (see between the lines of Hawthorne's *Blythesdah Romance*) because they are peculiarly constituted. Some old religious movements were of a [*unclear*: religious] character; such as (Robertson: *Charles V*) that of the German Anabaptists of the Reformation time. But in these the temporal communism was for the spiritual interest of the kingdom of God. It was like the distribution of rations from the common store of an emigrant ship to passengers whose hearts are in a land of promise beyond sea. In the recent Socialism, on the other hand, the temporal good is itself the promised land. This makes an essential difference, though the communism should call itself Christian. The Christian tent-making of Aquila and Priscilla, for their own behoof, is an essentially different thing from Paul's tent-making, which—not much to the credit of some people, 2 Cor. xii. 13—is for the support of the gospel at Corinth.

THE SOCIALIST PROGRAMME OF ACTION, in application of the said principle, we shall define as being; *That all the produce of labor in the community shall be held by the whole community collectively, for distribution among all the members of the community, so that every individual shall have adequate means of living through receiving an equable portion of that whole amount of produce.* This definition is designedly to some extent vague, elastic or ambiguous in its import, so as to leave room within its terms for an uncertainty, variety or contrariety regarding mode of proceeding, that may exist among those who are Socialist in holding the economical principle of the system as defined above. The following exercise may serve as a beginning of bringing the inner nature of the economical system out into distinctness. The exercise is in form an inquiry as to *the principle of distribution* of commodity; what is to be *the rule* for determining the amount that is to be given to A, B, C, etc., respectively? That is to say, we are trying to fix a meaning for "equable" in the above definition of the programme.

1. Shall we make "equable" to mean *equal*, so that all shall receive the same amount of commodity? That this "equal dividend" is to be the principle of distribution was, at the time of the present writing, intimated to the public by a Socialist, who evidently thought he was expressing the mind of the whole school. But the American Mr. R. Dale Owen, quite recently speaking (*Threading My Way*, pp. 257, 258) about the first actual trial of Socialism, at New Harmony, at the expense of Robert Owen, his father, ascribes the total instantaneous collapse of that experiment mainly to there being given the same rate of remuneration to all sorts of workmen—*e. g.*, to "the genius and the drudge;" and says that such a rule will always send away the good workmen, leaving behind only the useless hands, and will thus make failure inevitable. The rule in strictness would give to the newly-born babe the same amount of commodity as to Hercules in the full blast of his twelve labors; so that *equal* here seems not *equitable*.

2. Shall we make "equable" to mean *in the measure* of want or need? This apparently would be in accordance with the doctrine of a French master, who holds that the individual has a *right* to be maintained by the community—which he is entitled to assert by force (whose?); he bases that right simply on the *want*, or need, of the individual. On the rule thus suggested, the fasting girl would receive nothing on account of nutriment; and A would receive twice as much as B, though he is not half so good a workman, because, being twice as large as B, he has twice as much *want* or need of food and raiment and houseroom. But Mr. R. Dale Owen has warned us that this would send away B, and ruin the community; and the Socialist public witness just mentioned gives us to know that it is wholly different from what is intended by the school.

3. Shall we, in the spirit of the judgment of Mr. R. Dale Owen, make "equable" to mean *in proportion* to the *value* of the individual's work as a contribution to the common stock of produce? Then we—as Socialists—are "hoist with our own [*unclear*: *petsde*]." For (1) while A ("the booby") may have to starve, the just reward of an Arkwright or of a Watt will be literally inexpressible in greatness, thus making us a bankrupt Socialism: and a Wellington of industry will for his headwork be entitled to the Socialist equivalent of a dukedom, a palace and £10,000 a year, while a pensionary 6d. a day will be what is due an industrial Tommy Atkins, who is only "a tall fellow with his hands." And (2) what is all this in its essential nature, but just that received economic order of things—of wages, competition, accumulation of private capital—to destroy and superdede which is the essential purpose of the great Socialist revolution?

The questions we have suggested are not mere puzzles for theoretical perplexing. They represent real problems of practical administration, the solution of which would require to be distinctly agreed upon in the Socialist community, before there could be taken so much as one step of real action that would not involve a peril of deadlock and explosion. The glimpse that we already have thus received of the Socialist mind betrays a chaotic inward condition of it, such that an attempt at real action of the existing Socialism would be like an

endeavor, in dim light of dawn, to march an army across a river upon broken ice that comes tumbling down the stream. It must be remembered that the Soeiahst region is to be a perfect democracy; so that in this business of distributing commodities all are to be virtually managers, A London cooperative association of thirty tailors, though so few and no doubt intelligent, while every individual had a *felt personal interest* in the work he was doing yet employed and paid a skilled manager to keep the business in orderly movement. A management of one hundred debaters would ruin any business in one season. The management of the Socialist business will be in the hands of, with the "Commune" say a million, or with the "International" fourteen hundred millions of men, women and children, not one of whom has *any felt personal interest* in the work in hand, more than in the agriculture of the moon or in the building of Noah's ark. The animals of that ark, set to manage the navigation of a vast fleet of provision ships, in stormy weather, for the purpose of reaching all the individuals of mankind with commodities continually, would probably be unsuccessful. And the multitudinous management of Socialism would be found everywhere pulling in different ways, in respect even of principles of distribution.

There may be Socialists who do not look beyond the initial process of a confiscation and distribution of private property, in which *they* can be only gainers, as in the game of "heads I win, tails you lose," But the opinion of an impecunious rough in favor of pillaging a factory or warehouse, or that of a penniless vagrant boy in favor of the dissolution of a confectionary store, is not weighty in the judgment of political reason. On the other hand, if there be Socialists who, really looking beyond that initial process to abiding condition, have in their own mind imagined some way of avoiding the economical and political consequences we have pointed at, then the question rises as to the plan in their mind—Is it derived from the *Socialist* principle?—if not, what have we, in reasoning about a doctrine, to do with the mind of an individual?

Some appear to imagine that if only Socialism have fine *ideas*—*e. g.*, of universal brotherhood and human fellowship—that will suffice. And in a merely ideal system of a poet's daydream or a philosopher's closet speculation, the ideas may be all in all; everything else may be only drapery and stage machinery for exhibition of them. But the Socialism we are inquiring about is (not "of the chair," merely, but) a practical system, that lives on the earth, and moves among the peoples, and is a candidate for the government of mankind. And in such a case the ideas may be nothing but showy vapor in the air; or they may be a Satan's disguise as an angel of light. Jack Cade has fine ideas of universal brotherhood and human fellowship. And we approve them, rather than the ideas of Shylock and of Mr. Justice Shallow. But if Cadeism be proposed as a plan of life for the community, then we disregard Cade's ideas, and inquire only as to his *practice*: What is the *principle* of his real proceedings in his life, and what is his programme of action in application of that principle, with reference, *e. g.*, to the collection as well as to the distribution of commodities?

Some were offended, or surprised, by the avowal of the late Mr. Mill (*Autobiography*), that he sympathized with the Socialist ideas, rather than with ideas that are found among the political economists. They thought the avowal strange, if not disloyal, on the part of one who himself was the greatest master of economic science since Adam Smith. But this was because they were under the delusive impression, that to approve a man's ideas is to favor his practical system. Chalmers approved the Socialist ideas. The idea, for instance, of the great importance of the temporal well-being of the laboring class was a working power in all his career—far greater on account of his being a Christian than if he had been a Socialist. And the Socialist root-idea, of the unity of mankind, which lies at the root of all the great Christian doctrines regarding man, and is the soul of the Christian conception of a catholic Church, must have throbbed in the bosom of Chalmers and agonized [unclear: him] in all his battles, all through his life's campaigning for man's reconciliation unto God through the gospel. He thus would no doubt have scorned a *mere* political economist, who makes trade and its natural laws to be everything; as a patriotic statesman, who himself is a master in finance, would scorn a mere arithmetician, whose decalogue is the multiplication table, and who puts the ready reckoner in place of the laws of the realm and principles of the constitution, and heroic, far-descended traditions of the race. But all this time Chalmers, a strenuous political economist, as well as a Christian, would never dream of accepting Socialism as a plan of society.

Political economy, inquiring into natural laws of commerce through its facts, is a science, as astronomy is; and, like astronomy, has its own due place and right use. But commerce is not all the life of man. The vast complexity of human existence is not completely bounded by its economic laws. Deeper than these laws there are principles, connecting this one department with the whole system of "the earth and the world" (Ps. xc. 2). And wider than the principles there are ideas, of "the true, the beautiful, the good," embracing all details as an atmosphere, comprehending all systems as the firmament contains the stars. Correspondingly, beyond the *science* of political economy, there is a political *philosophy*, speculating in the region of principles and ideas, about all that is connected with the social constitution, everything that could find a rightful place in a *Politico*, like Aristotle's or a *De Republicâ* like Cicero's. The Socialist ideas are not a private property of Socialism, any more than the starry firmament belongs exclusively to France. And Mr. Mill is no more made a Socialist by holding social ideas in common with Robert Owen and Karl Marx, than Chalmers is made a heathen by holding

political ideas in common with Cicero and Aristotle, or than Sir Isaac Newton is made a Chaldean by gazing at the stars.

On behalf of Socialism there is invective against political economy; so that, as Hugh Miller had a famous chapter on "The Geology of the Anti-Geologists," there might be a chapter on "The Economy of the Anti-Economists." For Socialism all the time is an economy—"administration"—itself. Itself as an [*unclear: administration*], or system of administering commodities in the interest of the community, is the only thing it has to give in exchange for the soul. And in opposing political economy, it bears witness against itself as being presumably a bad economy. For says Hartly, "if reason be against a man, a man will be against reason." Political economy is the disciplined reason of mankind, ascertaining natural laws of commerce. Socialism, consequently, in opposing that science, establishes against itself a presumption of being irrational; really setting itself against natural law, as if engaging to work the mills of a country by motive power of rivers running up-hill; according to Hugh Miller's maxim, that where special knowledge is required, "common sense" is usually common nonsense. In the present case, what is adduced is the first impression of ignorance against reason's deliberate ascertainment of natural law. A Socialist inveighing against political economy is an advocate in a poison case who allows the jury to see that his side of the case has against it all the expert scientists alive who have made a special study of poisons.

It is known that Prince Bismarck has made some detailed proposals of a Socialist character, and it is understood that Napoleon III made some overtures to Socialism. Politicians may have their by-ends to serve by offering a sleeve to those who want the gown; but since the creation of the world no practical statesman, responsible for a people's life, ever dreamed of placing that life on a Socialist basis. The constitutions of Lycurgus (Plutarch's *Lives*, "Lycurgus") were *not for the whole community* of Laconia or Lacedæmon, but only for the warrior caste of the Spartans. The only appearance of Socialism as a received thing that there has been in the history of mankind was in a loose condition—not properly tribal—before the formation of States or constituted peoples; a condition that is the most elementary provision of barbarous society for [*unclear: self-defense*] against mere savagery of club law. When States begin to be formed the very appearance of Socialism passes away.

In simple great matters affecting the common life, the business instinct of the peoples is sometimes wiser than the philosophers and statesmen; like the instinct of a sound constitution for solid food, it may be in a child or in a dumb creature. Some have thought that there is a sort of semi-personal "genius of race" controlling and directing the instinctive action of a people in its common mind. Now, all the peoples have rejected Socialism. The Parisian Communism was a mere emeute of a mere minority of Parisians (Cassell's *History of the War Between Germany and France*). The partial brief experiments of the first and of the third Revolution times only resulted in a full, decisive proof that the French people will have none of Socialism. Otherwise, no people has ever allowed Socialism even to try an experiment upon it, for one year. And notably, in the recent movement of Socialism under its proper name, going round among the peoples as a candidate for acceptance, it has been decisively rejected by them all.

A virtual rejection of it by them all is involved in there never having been a really Socialist people in the maturity of nation or State. The quasi-Socialist condition of immature societies is thus shown to have been only as a tadpole or grub condition of humanity. But in the recent movement there has been more than a simply instinctive abandonment of what nature feels to be unfit. There has been deliberate rejection. That is involved in the fact of there *now* being no Socialist people after that candidature of half a century. The following collection of illustrative details has reference to *the minorities* favoring Socialism. It is fitted to illustrate the *selfishness* of the movement or system, by bringing into view the fact that the minorities have apparently not been determined by any *political* feeling, *e. g.*, feeling in favor of democracy, but simply have favored what promised to favor *them* in their private material interests. Here again we are greatly indebted to Mr. Rae for the materials of our picture.

*Survey of the Minorities*—to illustrate the self-interest of Socialism.—*Spain* has really shown a superiority to the lowest soundness of epicurean selfishness. Though the people on the whole are economically well placed, yet a Socialist feeling is peculiarly widespread and keen among them, because of their passionate hatred of the monarchical and aristocratic institutions of their country. In *Portugal*, on the other hand, where the monarchy is not unpopular, Socialism is little seen or heard of; which again may seem to show that, in this peninsula, a really political feeling has some determining influence on men's feeling in relation to the social question. But any general inference from that appearance is discountenanced by the system of facts as a whole; they show that Spain is exceptional. Thus, as to the *Anglo-Saxon peoples*. Effectively, the peoples in Anglo-Saxondom have now, with no need of violence, complete command of the situation relatively to [*unclear: social*] questions. And *they*, precisely, are the peoples whose decisiveness in the rejection of Socialism has been most complete. [NOTE.—As to "nationalization of the land." Among them the meaning of this is not *communistic occupation* of the land, but perhaps only a national suzerainty over it, such as had place in the feudal and the

clan systems, and has existed in the relative constitutions of all the Aryan peoples, as indeed it must exist in some way wherever *a people* is in real occupation of a country.]

Democratic *Switzerland* (having private property) is resolute against Socialism. In *Italy*, where, under the popular dynasty of Victor Immanuel, there is no serious political dissatisfaction, nevertheless the Socialist feeling is widespread and intense, as it is in Spain on account of a miserably bad economical condition of all classes. In *Germany*, the great hotbed of the system, the people, educated and consequently sensitive, are distressingly poor, and the proportion of really wealthy individuals is remarkably small. *France* curiously illustrates unity of presumable self-interest in diversity of theoretical opinions. The urban artisan class, adventurous and restless, very much in debt and always ready for anything Socialistic, is completely neutralized in its influence, so that it is a question whether Socialism as a political force is not dead in France, by the rural population, with its multitudinous peasant proprietary, solidly opposed to everything that may seem to threaten sacred rights of private property. *The Scandinavian peoples* exhibit the same unity in diversity, perhaps more remarkably. Though in substance they are more fully homogeneous than the English, Scotch and Irish; yet (1), in Denmark, which is to some extent a manufacturing and commercial country, the movement finds an opening, while (2) it finds only a closed door in Sweden and Norway, where the soil is mainly owned by those in occupation of it, so that the community is in large measure a nation of small proprietors farming their own land.

*Russia* has a strong claim on the sympathy of sister peoples. In that land there is a great nation which is not a constituted people. Antiquated forms of patriarchy are proving to be old bottles containing an explosive new wine of bitter, fierce unhappiness. The average Nihilist peasant is presumably thinking only of the interests and privileges of his own commune. But how vast, in eighty millions of human beings, may be the chronic sorrow that is signified by the murder of a czar, where, within our memory, the majesty of czarism was all but worshiped as earthly deity! The movement may have been partly of blind desperation, as Israel's giant (but see Judg. xvi. 28), when the light was gone out of his own life, drew his enemies down with him in his death. There may also have been in it something of a "destructive mania," charitably spoken about in the diagnosis of Parisian petroleumism. And perhaps (writings of Count Tolstoi) there was in darkened hearts a glimmering thought of contributing, by destruction of everything now in existence, towards clearing the way for some better state of things (but see Is. xl. 3-8).

Its only appearance of success among any people has been in gaining the ear of a minority, and these almost wholly of one class, namely, the class of those who may be led to imagine that *they* can only be gainers from an overturn; perhaps along with a loose following of the unclassed "things which are not," who have not so much as a class character to lose, and may not have self-respect or even common honesty.

Cardinal Newman (*Apologia*) in his boyhood had daydreams about the genius of the Anglo-Saxon peoples as "the angel John Bull." It is in them that the business instinct of peoples has reached its highest. All virtually democratic, and of unsurpassed civil courage, they are accustomed to see the legislatures bend before a distinct, persistent manifestation of their mind. Not one of them has ever moved a finger on behalf of anything supposed to be really Socialistic. *Individualism*, as opposed to Socialism, appears to be *the genius of the Anglo-Saxon race*, which does more of the world's "business" than all the rest of the world together. In the great American Republic, we learn from the able and thoughtful work of Mr. Rae, *Contemporary Socialism*, there is no Socialist opinion worth reckoning except among German immigrants importing it from their fatherland. The working classes of the mother country have, in its industrial centres, which are the head-centres of the business of the world, had the most terrible experiences of evils which can befall their class under the received economic order. And they have always most resolutely refused to look to any Socialist intervention of the State for solution of their problems. "England," says Mr. Rae, "has always been the despair of continental Socialists." The English Socialists once made a proposal to affiliate cooperative association in the programme of action, which was rejected by the continentals. The rejection is no wonder. The wonder is that such a proposal should have been made. It was a proposal to affiliate a young cuckoo or hawk into a sparrow's nest, or a young fox into a poultry yard. No doubt Mr. Odger, etc., were, on that occasion, the [*unclear: unwilling*] organs of the genius of Anglo-Saxonism, involuntary oracles of "the angel John Bull."

Of those holding Socialism as a theory, there are some who, being thus everywhere in the minority, do not aim at carrying their doctrine into practice at present, but are willing to wait until the doctrines have made their way into the belief of mankind. Theirs is not the Socialism known to history as a real thing. Where the real thing is in men's minds, petroleum and dynamite are in the air. Regarding the disposition of the real historical Socialism, relatively to carrying its theories into practical application, we here will cite an expert historical witness, who speaks with the authority of manifest mastery of the historical facts and masterly comprehension of their significance. Mr. Ollier, the writer of Cassell's *History of the War Between Germany and France*, does not speak as a partisan of Christianity or of any religion, but simply as a general historian who has occasion to give an account of the most memorable appearance of communism in the experience of mankind, including a truly dramatic first appearance of the Socialist "International" as an interlude or episode in the perturbed stormy



action. As an introduction to that account of what thus appeared in the second siege of Paris in 1871, he has (chap, xxv, Vol. ii), a remarkably able and lucid survey of the general nature and character of Socialism or Communism as manifested in its history. And the following is a digest of his impressively judicial summing up (p. 364) in the close of that review:

The characteristic opinions—regarding community of goods, absorption of the individual in the community, and unrestrained intercourse of the sexes—are as old as human records of opinion. They no doubt were held by men before Plato exhibited and embodied them in his ideal Republic. There were many Socialist risings in the Middle Ages, both in Britain and on the European continent. The Socialist movements, down to the first and the last French Revolutions, have always been characterized by "ferocity." Selfishness, appearing in a "pitiless ferocity," a total disregard of the feelings of others, has always shown itself as the character of the Socialist minority "whenever it gets the upper hand." Its "tyrannous cruelty," in propagation of opinion "by fire and sword," is inspired by the consciousness of being in the minority. What comes into view is thus a conspiracy, whose method is the "last refinement of despotism and of political criminality"—men thrusting their own theory on an unwilling world "under penalty of death." This guilt is what so deeply stained the policy of the International.

The substantial accuracy of the above representation of facts can be doubted by no candid mind intelligently acquainted with the relative history of facts. The only historical parallel to the movement so represented, is that furnished by the lava torrent of Mohammedan fanatical brutishness at its lowest and worst, say in the person of that "unspeakable Turk," regarding whom it was a saying that fruit never again ripened and the grass was never green again where once the soil had been trodden by his horse's hoof. But as compared with the Socialist movements, the Mohammedan had some things to redeem its animalism from absolutely perfect sordidness; that is, in its association with a *religion* and with the thought of a celestial paradise. It is true that the Mohammedan "Allah" is a morally characterless deity, whose will thus is a mere omnipotent volition, essentially different from the good and wise and holy will of God. But it had at least a certain *sublimity* in it which might raise the believer to a greatness correspondingly, though, like a Satan's greatness, it should be only in evil. The Socialist worldliness is the mere Belialism of caring only for enjoyment of commodities. And subjection to the mere *will*—*such* a "will of the flesh."—of a successfully conspiring minority of godless epicureans, is a condition of a community from whose revolting reign of terror imagination shrinks.

THE IMPULSIVE PRINCIPLE of socialism we define as being that *enjoyment of commodities is the one true end of life*. Some early leaders of the movement, even in "infidel France," represented the system as being an applied Christianity. *The New Christianity* was the title of a work of St. Simon in exposition of socialism; and Cabet said that their movement would not have been needed if the ideas of Christianity had been duly carried out by Christians. But ideas of Christianity without Christ the Lord, are only vapor of "clouds without rain." A "new Christianity" without the living God is a new life of the world without the sun. And the atheism of the movement has not remained as a simply passive irreligion. It has been actively and aggressively anti-Christian and anti-religious; and its antagonism to the fear and love of God has sprung from a root of antipathy to the family affection and to the love of nation and reverence for the State.

It was not a mere "destructive mania" that broke out in the massacre of Archbishop Darboy and other political innocents. An infidel propagandist may call himself a socialist merely for the purpose of gaining, from popular prejudices against the received economic order of society, some help in his assault upon the gospel. Thus Paine's *Aye of Reason* might have had no real connection with his *Rights of Man*. In itself it was only an exhibition of the kind of objections to the Bible and the Bible religion which have been the commonplace of infidelity in general from Celsus down to Strauss and Renan. But socialism, on its own account, has a deadly quarrel against this religion, irrespectively of supposed unsatisfactoriness of its evidence or unreasonableness of its doctrines—objection simply because it is a *religion* of the living God, *the* religion that really has commanding power in the hearts and lives of men. Simply as a religion, holding men to unseen spiritual things with a force of conscience towards God, Christianity kills the godless epicurism which is the life of socialism, as light kills darkness. And, we learn, this religion is an "obstacle" to socialism on its way to destruction of the family and the State. Though Christ's kingdom is not of this world, and Christianity is not officially a judge or a divider over men in temporal matters, yet (Rom. xiii. 1-5) it is the friend of social order in the interest of general beneficence, and prescribes respect for civil government as an ordinance of God, while variously assuming that [*unclear: the*] peoples have a right to exist with a civil government of their own distinct from the generality of man-kind. Thus, though not directly and formally, yet really and effectually, Christianity guards the State—the constituted people—in men's consciences and affections, as (2 Kgs. vi.) besieged [*unclear: Samaria*] was defended against surrounding heathenism by the invisible ohariots and horsemen of Jehovah. The [*unclear: defense*] of the family constitution we will consider at a later stage of this inquiry. At present we only observe that for Christianity the defense of family is a self-~~[unclear: defense—defence]~~ of its own temple-life assailed at the city walls and battlements; a [*unclear: defence*] thus in a spirit of a tender reverence towards the



constitution assailed—

*Woodman! spare that tree;  
Touch not a single bough. It sheltered me when young,  
And I'll protect it now.*

Hence, as Voltaire said "crush the wretch," so now, in order that socialism may live and thrive, this religion is doomed to die. For instance, as to family, socialism reasons that family must not be suffered to exist because a parental affection would set itself to accumulation of private property as an inheritance of provision for one's "own household" (1 Tim. v. 8). But there Christianity sees *pollution* of a sacred fountain which it is divinely set to guard. "Profanation" (Heb. xii. 16), desecration of human life, is what especially causes the revulsion against socialism in unsophisticated minds and commonly clean hearts. The system, therefore, is most peculiarly revolting to humanity in its bearing upon that innermost social relationship of which family is the true normal embodiment. There, the profanation is a defilement of man's life at the fountain in its natural sanctuary, pollution of the ashes of a desolated hearth of home, foul outrage on the remains of a domestic circle that is broken and destroyed; and there, *in the defence of humanity*, threatened with violation in its very heart of life, Christianity stands forward as the protagonist, with its *religious* "Odi profanum vulgus et arceo."

Relatively to political union of mankind, socialism is a merely disintegrating force—an anarchy at the discretion of the sheer *will* of that godless epicurism which is the life of socialism. Christianity is not the patron or exclusive partisan of any one form of civil government—monarchical, aristocratic, democratic or mixed. Natively, it is "a stranger and a pilgrim on the earth" (the Greek word for "pilgrim"—*paroikos*—is what goes to make *parishioner*). Its first home among the peoples was under patriarchy. When Israel (Ex. xix. 6) was formed into a nation, the form of government—one people in twelve tribes with elders and heads of houses—was a sort of federal republic, to which a limited monarchy was at a later date added on. But always the real government was *theocracy*—kingdom of God (cp. 1 Pet. ii. 9 and Rev. i. 5)—under Mosaic institute, with written divine law, and prophetic applications of the same, and priestly mediation at the heart of all. And that, as a political constitution, was fitted and intended only for Israel until the fullness of the times. Accordingly, when Shiloh came, the sceptre was departing from Judah, and the law-giver from between his feet. The Son of David disclaimed all temporal sovereignty, and in Christendom, the domain of Christ (Rev. xi. 15), the last empire of the Son of Man from the Ancient of Days, there is a sisterhood of politically distinct nationalities which are spiritually one through their common connection with the Redeemer, who is Incarnate God (cp. Eph. ii. 11-18 and iv. 13). Christianity, as an influence, binds all mankind into one; but as an institute it patronizes no form of the State, while it is in good relation to the State in all its forms, tolerated in its doctrine and discipline, protected in its temporal interests, variously favored by the peoples under every conceivable political constitution. And if all mankind, in a wittenagemote of the whole world, or congress of humanity, at Babel or elsewhere, should agree upon having only one people or State, then this religion might not feel under constraint of obligation, say, on the ground of Rev. vii. 9, to command the peoples to remain distinct. But no such arduously speculative question as is thus suggested is raised, for the working purposes of Christianity, by the fact of the matter as to socialism. The movement has formal declarations about a democracy—perhaps about a universal socialist republic. But in reality of effect, what the movement means politically is anarchy, dissolution or disintegration of the State or constituted people *as desired by mankind*, through domination of the mere will of individuals who happen to hold a certain economical principle, along with godless epicurism as impulsive principle.

While socialism is divided into two camps, like the Jewish factions within Jerusalem at the time of the great siege, yet, as the factions combined against the Romans, so the two kinds of socialism alike efface nationality from the system of the world, and extirpate patriotism from the heart and life of men. 1. "The Commune" is the population of a district autonomic—self-contained and self-governed—politically isolated, like an island in the sea, a lagoon upon the land, or a balloon up in the air. *That effaces [unclear: nations] and roots out patriots*, for it cuts the vital cord of connection between the citizen in a locality and the citizenship of the nation as a whole. The body politic is thus dismembered, and strewn in fragments out of corporate existence. 2. "The International"—*lucus a non lucendo*—abolishes nation and suppresses patriot by putting a universal republic (namely, a conclave of conspiring demagogues) in the place of political supremacy, thus reducing the historical constitutions of the peoples into geographical expressions, like the ancient names of provinces on a recent map of France.

Here, then, we perceive that socialism, before it can get under way to any real administrative action, has two political problems to solve; and history has shown us, through her expert witness, what is the socialist manner of solving such problems. 1. Supposing the nations are effaced, it has to be determined *which* of the

socialisms—the Commune or the International—is to rule the world. And the result of the determining process might be—as in the case of the Kilkenny cats—to leave, by grace of petroleum and dynamite, nothing but two conflicting tails of socialism to begin the Golden Age with. But there is a previous question, namely, 2. *Will the nations consent to be effaced?* We have seen that they all are decidedly averse to socialism, which, we assume, is not to wait for their conversion by the progress of ideas, through education of humanity, in the circuit of the suns. Now, when the matter was put to the test in Paris, it was not nationality that got effaced, but socialism. The French people would not allow the unity of their great nation to be broken up, nor their famous historical great city to be dethroned from the centre of that unity. As for London, at the earlier revolutionary time of 1848, when there were some apprehended possibilities of attempt at spick and span reconstruction of the rickety old ancestral castle of John Bull, 200,000 armed volunteers came forward at the ready to deliver the British nation's *nolumus leges Angliæ mutari*. The then famous *cartoon*, of a magnificent life-guardsman in loftily indignant scorn of the little ragamuffin revolutionist, did not represent any one class merely, but the nation—including what was seen by the poet of the peoples in his vision of *The Cottar's Saturday Night*, an *arrière ban*, or ultimate landwehr, such that,—

*Then, howe'er crowns and coronets be rent,  
A virtuous populace may rise the while,  
And stand, a wall of fire, around their much-loved isle.*

In passing from domestic affection to patriotism he seems to descend, upon his wing of song, from pure ethereal poesy towards an oratory which belongs more to the earth. And oratorical patriotism is often a mere earthly thing, a sort of generalizing boastfulness about "our noble selves." The heathen "virtue" of patriotism was thus essentially a selfishness, requiring to be corrected by the risen Son of Man (Acts xvii. 26), being an idolatrous devotion to one's own state, involving disregard of the rights and feelings of other peoples. And it is noteworthy that the New Testament moral teaching, with all its distinctness in relation to common duties (see the two *Apostolic Directories* for these, Eph. v. [*unclear*: 26.] vi. 9, and 1 Pet. i. [*unclear*: 12.] iii. 9) has not a word about the duty of "patriotism." The political duty it speaks of is simply that of reverence for the State, subjection to the civil government of the country (cp. Is. xix. 11 and Mat. xxvi. 63) in which the Christian's lot is cast.

It allows us to see (Rom. ix. 1–5), in the great heart of the Apostle of the Peoples (Acts ix. 15, Eph. iii. 8), that a passionate private affection for one's *kindred* nationality is possible for a Christian whose "natural affections" (Rom. i. 81) are not extinguished by the baptism of regeneration, but (1 Pet. i. 21–23) restored in a heart of flesh. But even under the Old Testament that love towards Israel, Canaan, Jerusalem, Zion, which we see as a character of the formed man of God (2 Tim. iii. 15–17), is never a simply private tribal or natural affection towards those who are Abraham's posterity according to the flesh (Prof. Hearn's *The Aryan Household* states that *generally* mere *blood* relationship was not the principle of unity in clan, but a spiritual relation). The affection always had in it the catholicity of regard for "the kingdom" of God, as the true characteristic essence of what the outward nationality contained as an envelope. What has come in place of that (as is magnificently intimated, Heb. xii. 18–24), is the brotherly love that is due to all Christians as the true Israel of God (1 Pet. ii. 8, 17; cp. Phil. iii. 3). But still the affection which man has naturally for his own country, has the sanction of Christianity, though this religion does not enter into detailed adjustments—*e. g.*, between the rights of natural affection for the old land of birth and obligations of duty to a new land of adoption. The soldier who best loves his old regiment is the best soldier of his new one. But what the religion sees in all regiments alike is an *authority* (cp. Luke vii. 8), and *the divine ordinance* of civil government it supports with all its legitimate influence.

That moral support Christianity gave to the State with loyal cordiality under the apostles when the chief magistrate was the monster emperor Nero, and all through the centuries of the period of "the persecutions" (Mark x. 30) then beginning. And now, if it should give any countenance to socialism, the action would be that of a kingdom going to war against itself—Christianity against the Christian peoples on behalf of an atheist that seeks to stamp out natural affections in the interest of a godless epicurism. (And here Prof. Vinet's "individualism," *Essai de Philosophie Morale*, etc., failing to give full right to the State as well as to the Church, comes short of the Scriptural constitution of man; much more does a hard secular individualism like that of Auberon Herbert, *A Politician in Trouble About His Soul*).

THE ABIDING OUTWARD OCCASION of socialism we may regard as being *the law of necessary wages* under *the system of competition*—that is, the received system of free contract as fixing the reward of labor, under pressure of competition in the labor and produce markets. That law is by socialism branded as "hard and cruel," on account of its bringing wages ever to the level, or normal, of what is necessary as means of living to the

workman (Mat. x. 10; cp. Luke x. 7)—including his family. And here we shall pause in order to distinct and full recognition of *the fact*, that, under the existing economic order, that law is [*unclear: as*] inevitable as gravitation.

It is not a device of political economy, nor an arbitrary creation of particular statutes or customs, any more than gravity is an invention of Sir Isaac Newton. It exists by necessity of the nature of things under the received economic order: *because under that order there is freedom*; especially, freedom of the workman, to dispose of his labor as he chooses; but also freedom of other individuals of the consuming public, not to purchase the produce of labor at a price they do not choose to give. These two—the producing laborer and the consumer—are the only real parties having a veto power or free voice in this matter. The employing capitalist—manufacturer, merchant, retail dealer—is only a medium of communication between these two. He has no real determining power in relation to the wage rate. In the last analysis the power is wholly in *the free-will* of the workman, treating with the consumer, who also has a determining office of free-will in this matter. The law of necessary wages would be in operation with a certainty like that of gravity, though the employing capitalist had no existence.

The law results from a twofold process of competition. 1. *Directly* operative, in bringing wages to that level or normal, there is competition of workmen for employment. A, finding he can live on 10s. a day, consents to work for that; consequently B, C, D, etc., have to work at the 10s. rate, though they might prefer 12s. For W, Y, Z, employers of labor, will not give 12s. for what is in the market at 10s. A thus commands the wage rate. And, excepting some exceptional plethora of employment, which does not enter into the general reasoning here, there will always be an A, willing to work for simply the means of living.

Regarding *combination*. The detailed ethics of combination are outside of our present inquiry. We will assume that a man is entitled to merge his individuality in a trade, as a business partnership in labor; then a combination is for us simply a representative of labor. It can be A, in our illustration in the text above, competing in the labor market by offering to work at 10s. a day per man, as well as an individual workman can. Combination has an advantage for labor in respect of equality of power with the capitalist, where the individual workmen might be Little Red Ridinghood negotiating with Grandmother Wolf. But only a small proportion of the laboring class can come into the plan of combination, and many workingmen might—like Hugh Miller—prefer to be free from the entanglements of trades-unionism. The following notes are worth recording here:

1. Regarding *conciliation*. The late Mr. [*unclear: Dunlap*] of Craigton, who, as Lord Provost of Glasgow and otherwise, had been a good deal called in as arbiter in trades disputes about wages, stated to the present writer that he had never found insuperable difficulty in bringing the parties to a peaceful settlement when he could see the work-people themselves face to face. That he had found it only when he had to deal with them through professional leaders, who might have even a pecuniary interest in [*unclear: the*] continuance of the war. "A word is enough to the wise."

2. Regarding *forced* elevation of wages. (1) It is maintained by economists that the gain to the working class through temporary elevation of wages by force of strikes is not equal to the loss to that class through idle time and disturbance of business. Of course, the community is heavily a loser through such idleness, non-production and disturbance. (2) In *some cases*, namely, where the kind of work is practically a monopoly, natural or artificial, work-people *may succeed* in permanently keeping the wage-rate above the normal (normal as appearing in the reward of labor elsewhere of the same natural value). It is a question whether the success of the exorbitancy—on the consuming public—in that exceptional case, is not detrimental rather than beneficial to the whole working class. But the exceptional case of monopoly is outside of the general reasoning here, which has regard only to the [*unclear: ordinary*] case, in which there is not monopoly.

3. Regarding *the goose that laid the golden eggs*. The more the employers "wallow" in wealth, the better for the work-people; because a prosperous employer can give steady employment. It is to be noted that all trades-unionism is in its nature intensely anti-socialistic; for the very essence of its being depends on private capital—socialism will have only State capital. It lives upon capital even when making war upon it: like the invading armies of Napoleon I, making "war support war." Trades-unionism is thus natively adverse also to cooperative association of workingmen, because *these* are capitalist employers of themselves. There is room in trades-unionism for base irrational selfishness, but there are excellent purposes (*e. g.*, mutual insurance) of trades-union apart from war, which itself may in this or that case be "just and necessary."

2. *Indirectly* working to the same effect, there is competition (*e. g.* of capitalist employers) in the produce market. Z offers the loaf at 5d. or a coat at 50s., because at that rate he can keep [*unclear: the*] business going and make a living out of it; consequently W, X, Y have to sell at the same rate; for the consuming public—democratic, aristocratic, monarchical—queen, lords and commons "as the sand which is by the sea in multitude"—will never, never! give 6d. or £3 for what is in the market at 5d. or £2 10s. [*unclear: But*] this pressure on the employer, by the consuming public, is a necessity laid on him to give only the lowest rate of

wages at which the work can be got. For if W give higher wages than X, Y, Z, then he must lay on a higher price than theirs, which will send the consuming public away from him to the low prices.

It is stated by Mr. Mill (*Political Economy*) that ordinarily the actual rate of wages is somewhat higher than would result from a mathematical rigor in application of the economic law. And perhaps in retail dealing the actual amount that is ordinarily given over the counter is somewhat more than exactly the yard measure to a hair or the pound weight to a grain. Hugh Miller, journeyman mason, has a law unto himself always to give rather more work than he bargained for. It is only in Joe Miller that we meet the man who—"righteous overmuch," *more* than perpendicular—if he hear the "stop working" when his mallet is uplifted for a stroke, allows it to roll down over his shoulder behind him, rather than go a stroke beyond his contract. Still Hugh has the bargain before his mind's eye as *drawing a line*, which he chooses to overstep. It is *by* the imperial standard that the dealer weight and measures. There is no imperial standard of the reward of labor, as there is not of the price of corn. The thing has to be *felt* after, through "higgling of the market." But *the thing* that is being felt after is that minimum of means of living for the workman; and an employer cannot continue to give wages *materially* above that, without ruin to himself and injury to those who are dependent on his thriving.

It is *impossible* to keep the rate away from that level by mere force of will, as it is impossible for an eagle, fighting against nature's force of gravitation, to remain always in the air, or for a whale to remain always under water. A combination of working people may, with compulsor of strikes, *force* up wages for a time as a foot-ball is sent into the air; and, as the ball is thrust under water, so for a time the wage rate may, with compulsor of lock-outs, be forced down by combination of employers. But gravity works on, and the ball returns to its level. A strike fund is only provision taken up in a balloon, and a lock-out fund is only provision taken down in a diving-bell it can last only for a time. And in the meantime persistence in the strife of wills may be the ruin of one or both of the parties, as a fish will die if it remain too long above the surface of its pool, or a diving fowl if it remain too long below that surface. For instance, a trade may be driven out of the country, if, *e. g.*, through high wage rate, it be made impossible to produce a ship in Britain for less than £105,000 that can be produced in Belgium for £100,000 (in this way ship building was lost to Dublin). Or, again, a trade may be sent out of existence, if, *e. g.*, the dearness of linen cloth produced on the Tay lead to discontinuance of the use of it in favor of a jute cloth produced on the Hoogly (some years ago a Dundee manufacturer stated to the present writer that his firm had 5000 operatives employed on the Hoogly). Wherefore, as Abraham Lincoln said, "Let us have peace."

Compare note above, p. 54.

*The complaint of socialism*, relatively to the law of necessary wages, may be stated as follows:

In this industrial epoch of ours, with all its boasted material progress, the great laboring class, the true producers of the wealth, do not get the good of it. They are only a "proletariate;" that is, a class of men who are dependent for a living upon wages, having no hold upon the abiding resources of the community, whether capital or land. The typical workingman is thus a man to whom his life is a life-long bondage of precarious dependence on what may fail him at any moment, in a race of competition where the weaker goes to the wall. He is all his days a swimmer who can barely keep his head above water, and who, like Odysseus drifting on the raft, has no land in sight (so Mr. Rae).

On the ground of what is thus complained against, socialism proposes a radical revolution of the existing economic order, in especial abolition of wages, competition, market, private capital or property.

THAT THE SOCIALIST COMPLAINT IS GROUNDLESS is a proposition which we will now consider. Although it had not been groundless that would have been no sufficient reason for embracing socialism, as "the thousand ills that flesh is heir to" are not a sufficient reason for suicide, were it only on this account—that it is better "to bear the ills we have than flee to others that we was not of." And in order to show that the complaint is groundless, it is not necessary to deny the fact that there are grievous evils in the existing condition of the community. For it may be possible to show that the evils are not caused by the existing economic order, in so far as that is bound up in the system of wages—that is, of rewarding labor by an amount of commodity fixed by free contract of individuals, employer and employed.

*The fact of the existence of grievous evils* under the received order in Britain at the present, is demonstrated by the following statements which we find in Mr. Rae's *Contemporary Socialism* (pp. 60, 61):

In the wealthiest country in the world, almost every twentieth inhabitant is a pauper. One-fifth of the population are insufficiently clad. The agricultural laborers and large classes of working people in towns are so poorly fed as to be exposed to "starvation" diseases. The vast proportion of the population live in monotonous, incessant toil, with nothing before them for old age but penury and parochial support. One-third, if not one-half, of the inhabitants of the country are huddled six in a room.

The fall of pauperism, from one in twenty towards one in thirty, within a short term of years, incidentally illustrates the fact that, in our time, the material condition of the laboring class is rapidly improving; and we shall see, what is shown by Mr. Rae, that their condition in our time is very greatly in advance of the conditions

that obtained some generations ago, before the incoming of that industrial epoch which is blamed for the existence of the evils complained of. Still, his generalizations are unquestionable; and when we reflect upon their significance, we perceive that they must represent a vast amount of temporal evil in detail; so that between the lines of them we seem to read the awful [*unclear: Isaidf can*] description (Is. i. 5, 6) of utmost wofulness in the condition of a body politic. Nevertheless it can be shown—and that is the present point—that the evils thus existing in the economical condition of the community are not caused by the nature of the economic order of society in connection with the system of wages, competition and market; so that the cause of them has to be sought elsewhere, and the cure or the prevention of them has to be sought in some other way than that of radical revolution of the existing order.

We concentrate our attention on the one case of Great Britain. For that one case, which is most fully known, suffices for our purpose in the present inquiry. It is the case in which there have been most fully in operation those peculiar influences of the present industrial epoch of western Christendom, whose characters have been the real occasion of the recent socialism. To that case the conditions in other communities will tend to conform as the influences go on working in those communities. And apart from this, we see in that one case what is *possible* under the received economic order. We see in it that Providence, in placing us under that order, has been really kind to us (undeserving). It is cause for thankfulness that, under that order, demonstrably, it is fairly within reach of laboring mankind to have sufficient means of living in "innocence and health and sweet content" (Burns). But there must be some "root of bitterness" that, "springing up," is producing the existing evils. And there is good cause for believing that socialism, even apart from its atheism, is (Is. i. 4) fatally misdirecting its researches and expectations in looking for the cause and cure of evils in mere surface arrangements about commodity.

The following dialogue is from life. FARMER: "What's this thanksgiving that your Synod have appointed for?" MINISTER: "The harvest." FARMER: "The harvest? It's no muckle above an average this year, aa'm thinkin'." It is heathenish to be thankless (Rom. i. 21). And surely it is heathenish thanklessness to rail at a law as "hard and cruel," that makes it impossible for wages to remain *below* what is necessary; when it is the workman's own judgment that determines what is to be deemed necessary or sufficient. Paul knew from experience what it is to labor with his own hands (Acts xx. 34, 35; 2 Cor. xii. 13); and it is through this apostle (who can say *experto crede*) that Christianity teaches, that if a man have food and raiment he ought therewith to be content (1 Tim. vi. 10). He requires of a full-grown man (Acts xx. 34; Eph. iv. 28) to aim at having, in addition to what he can live upon, something that he may be able to give to the needy. And now we shall find it proved by experts that in the existing condition of the British workman there are means of conforming to this apostolic requirement, if only there be the "waste not, want not," of which an example was set by the Son of Man and Lord of glory, when, having shown His liberality by miraculously feeding thousands, He said, "Gather up the fragments that nothing be lost."

What in reality is "necessary wages?" It is often supposed to-mean "starvation" wages. It really is, *what the workman deems necessary*, what suits him, what he feels he can tolerate and get along with, rather than leave this occupation; in short, what will enable him to live as he has been accustomed to live, in the manner of his class. For—*because men are free*—he has complete command of the situation. The consuming public may wish to get coals at 10s. a ton instead of 10s. 6d. But suppose that this cannot be without reducing the miners' wages from 10s. 6d. a day to 10s. That does not suit them. They prefer less unpleasant open-air work at 10s.—which is not so well paid as raining because it is not so unpleasant as mining; they leave the nether-world and straightway the consuming public is starved (with cold) and frightened (with gasless darkness) into surrender. Short of exorbitancy—which will be cured by competition—the workman can have what wages he *will* have, or what *he* reckons to be necessary.

*The one sure way of permanently raising wages is intellectual and moral elevation of the laboring classes.* For (1) education, by its refining influence, creates necessities or felt wants which do not exist in the case of the uncultured: the American citizen cannot live on acorns and clothe himself only with blue paint. And (2) the community is greatly enriched when the workman's wages *thus* keep rising; for we shall see, as he goes on being educated he goes on growing in value as a workman.

"With reference to the period referred to in Mr. Rae's generalizations, the following facts are stated by Mr. Greg, *Mistaken Aims and Realizable Ideals of the Working Classes* (we give them in our own words):

1. *It was estimated by Prof. Leone Levi (and others, arriving at the same result by a different process) that the working classes of Great Britain annually spent on tobacco and intoxicating drink, £00,000,000, of which £40,000,000 was put to the account of hurtful excess.* 2. *In the case of about three hundred families in a manufacturing town, where the conditions of working-class economy—general state of trade, rate of wages, price of commodities—were all rather unfavorable than otherwise, the ascertained average amount of earnings per family was £104 per annum, while the estimated cost of living per family, drink included, was £71 a year.* 3. *Of preventible losses, Mr. Greg gives the following estimates, all, he says, lower than those of the Messrs.*

*Chambers (tract on Misexpenditure): (1) Ten per cent, through a bad system of retail dealing; (2) from five to ten per cent, (he would say ten) through unthrift—careless or unskillful shopping, bad cookery, etc.—of the working people themselves; (3) what he calls "a most unprofitable mulct" in supporting a trades-union fund. He holds that the working class lose in broken time more than they gain from a temporary rise of wages through a successful strike, while of course the community is a loser through non-production and disturbance of business. 4. He makes a general statement with capitals and italics as follows: "That Thirty Per Cent., equivalent to raising wages nearly one-third, could be saved by the artisan and manufacturing working class of Great Britain easily profitably, i. e., we understand in respect of real enjoyment of life) and without any out-of-the-way measure of frugality.*

*Testimony of Prof. Jevons.*—His gifted mind was much directed to economical questions bearing on the welfare of the laboring class. In his opening address to the British Association, Section of Economics and Statistics, in 1870, he said:

*That there was little sign of the working class taking advantage of the rise in wages to make real improvement in their condition; that they spent all on higher living without making provision for slack times; and that further augmentation of wages would be no real advantage to them without improvement in respect of temperance and education (reprinted in the volume of his Essays in Social [unclear: Reformfs]).*

*Testimony of Hugh Miller.*—One of the keenest of observers, and a great master in general reasoning, he naturally took a deep interest in this class of subjects, and bears witness in the same strain as Jevons (*Essays Historical and Critical, etc.*, "The Strikes"), and, characteristically, has the following illustration from experience:

*At the close of a summer season of high wages, the masons, mostly young unmarried men, had nothing to begin the winter with, excepting young Hugh, who had saved £12 to enable him to give the winter to self-culture. But an aged laborer, who had only 14s. a week while they had 27s, had, in addition to decently maintaining his house, put some money in the bank. The laborer was known to Hugh as a real man of God, while the [unclear: other's] were in their practice undisguisedly godless epicureans.*

The fact thus appearing is that, under the existing economic order, the amount of wages is more than the wage earners are qualified to make a good use of. We now speak, not of what happened to eighteen men upon whom Siloam tower fell through gravitation, but of the general effect of the law which keeps fourteen hundred millions of men, women and children from being strewn away into infinite space. The customary statement, that "the poor are becoming poorer," is strongly the opposite of fact (Wade, *History of the Working Classes*). Not only the nominal amount of money wages is vastly greater than it once was; their *purchasing power* is very greatly augmented; so that the working classes now habitually enjoy, as "necessaries" which no one could do without, comforts and conveniences which were wholly beyond reach of the same class some generations ago. The rising of the general condition is shown by the falling proportion of pauperism to population, and by various other tests of economical condition. Thus:

*In respect of essential conduciveness of material conditions to physical well-being, an ordinarily well-conditioned British workman of this day is better fed, better clad, and better housed, than Queen Elizabeth was with all her 3000 (?) gowns. Since a later date than hers, the London death-rate has fallen from forty In the thousand to twenty-five, which shows a vast improvement that must be mainly in the condition of the working class. The New Zealand death-rate is less than half that vastly improved London rate. In Australasia an unskilled laborer, with from 6s. to 10s. a day of wages, can easily command for himself the essential conditions of material well-being—food, raiment, house-shelter—really as good as it is physically possible to command them for Queen Victoria, and that in a glorious climate, the like of which Her Most Gracious Majesty cannot enjoy (the "unemployed" problem does not come directly into the general question of rate of wages). And as the colonies are thus open to the British workman, so the whole world is open to all mankind, in so far as men are free. The importance of such freedom of migration of labor (see Bagehot, *Postulate of Political Economy*) brings to view another aspect of the whole subject.*

SOCIALISM DESTROYS ALL POSSIBILITY OF ECONOMICAL PROSPERITY amply by abolishing freedom. *Because men are free*, there takes place, through colonization or other migration, an adjustment of population to conditions of prosperity, labor finding its way to where it is most needed and best rewarded, so that man's estate of earth is made the most of. *Because men are free*, there is, in the mother country from which the future nations are swarming off, continually in operation a whole system of similar processes of self-adjustment of population, salutary as the circulation of vital fluids in the body. Thus, 1. The rate of increase of population in [unclear: Gaai] North England is much more rapid than it is in agricultural South England, *because* labor is moving from low wages to more abundant employment. 2. Glasgow, in the seventeenth century, sought public protection against a "tyrannous cruelty" of invasion by Rutherglen, now a microscopic suburb of the great city—a city where are probably occupied not far from a fourth of the whole population of Scotland, while a fisherman in a dot of an island (Heisker, where the present writer was storm-stayed two nights; cp. Acts xxviii.

2, where the word is *philanthropy*) out on the Atlantic, near lone and wild St. Kilda, makes a little fortune by catching lobsters to be sent by smack and steamer to the Clyde. 3. There is also, simultaneously with that geographical (horizontal) migration, what may be described as a *perpendicular* or *vertical* migration in the transition from lower to higher kind of employment, or discontinuance of an industry in favor of one that supersedes it. When steam power comes into cotton weaving, the Uddingston villagers all at once abandon the hand-loom, and speedily, with their versatile because exercised intelligence, make their mark as the most skillful quarrymen, ploughmen, etc., in the countryside; while the Camlachie weavers, clinging to an employment now antiquated—a moon that lingers dolefully after sunrise—bring an entail of misery on their children along with themselves.

Exceptional distress, occasioned by discontinuance of an industry, may have to be met, like the Manchester cotton famine distress, by exceptional provision of public or private charity. What we now are considering is, the ordinary normal course of things under the economic law in question. In connection with the occasion of such distresses in improved methods of production, socialism prevents prosperity by frowning upon invention. The effective beneficence of labor-saving inventions is shown by the following notes collected from Mr. R. Dale Owen's *Threading My Way*:

1. *Every British workman has on an average machinery assistance equivalent to eighty colleagues, or, if the unskilled laborers be taken into account, forty colleagues.* 2. *A piece of muslin is now sold at six cents which at one time would have been eagerly purchased at two and a half dollars.* 3. *He estimates that, with the amount of producing power now in existence, mankind could (ideally) live at present on three hours' work a day.*

He thinks that that would be far too short a day's work for the good of the generality of mankind at present. It has been estimated (by Mr. Giffen) that improved methods of production have, within the last thirty years, raised man's producing power twenty-five per cent. That would almost suffice for reducing the ten or twelve hours of older industrial communities to the eight hours which is normal (though not statutory) in Australia. A distinguished physiologist, Prof. James Miller, of Edinburgh University, stated (*Labour Light-ened, Not Lost*), that, with one day's rest in seven, *eight* hours is the ideally good working day. The West Indian negroes, after their "apprenticeship" pupilage was completed, could live in heretofore undreamt of affluence on two days' work a week, but chose to live on one day's in miserable, thievish destitution. Sydney Smith says (*Lectures on Moral Philosophy*) that a lion, which rises from sleep to kill and eat a man, and then goes to sleep again, cannot make progress. So of the South Sea Islander whose main industry is waiting for the fruit of a tree he has not planted. But, under the received economic order of an epoch really industrial, we see—a thing to be profoundly thankful for—a good opportunity of temporal well-being to mankind *if they be free*. Further, in particular:

*Socialism prevents prosperity by ruining intelligence, while abolishing freedom.* It would fain prevent free exercise of mind even in the devising of methods of saving labor. It is unfriendly to labor-saving inventions under an impression that it is "work" that men live upon, not produce. A flock master, by a certain arrangement of two gates, can, at mustering times, accomplish, with two or three men, a process which, within his memory, would have occupied "the population of a parish." The socialist way of thinking about "making work," no doubt, would set the parish all to work again in the old fashion; *and*, by abolishing the eighty colleagues of the British workmen, make men pay two and a half dollars for the piece of muslin that now is in the market for six cents. Also, it would ruin the intellect of the workman himself, and so make him useless as a producer. The world's premier workman is the free American citizen, who, on the average, is worth five East Indians; for that citizen's mind is educated and keenly exercised, full of "notions," so that, *e. g.*, he has produced twice as many labor-saving inventions as the [unclear: citizens] of any other nation that can be named—inventions, be it remembered, which, making the British workman eighty-one times the man he was for mankind, *are the result of competition* (abhorred of socialism), constraining men to seek the cheapest methods of production, and thus continually operating as a necessity that is "the mother of invention." The bearing of that mental vigilance and activity as an educative "eye-opener" (Americanism) on the workman himself is illustrated by the following:

*Fact placed in evidence before a Royal Commission, that, where an uneducated workman needs two-thirds of his time for looking at the work he is doing, the educated workman can do the looking in one of those two-thirds of time.*

And on a large scale the same thing was illustrated in the discussions about the Nebraska territory, by the contention that land, which would support a free population of one hundred millions, could, with slave labor, support only twenty-five millions. But the socialist "Nickel the Soulless," while a slave, would not be a Christian Uncle Tom, but only a heathenish Quashee. And we have learned from history, addressing us through her expert witness, that the socialist community, with only hunger in place of a soul, is in possession of a friend, like the Gadarene demoniac, whom no man could keep in chains. The socialist programme of action, in the hands of the workers it would favor, could not keep the existing human race from dying of sheer hunger.

Prof. Jevons had a hint about insurance against slack times. That would correspond to capital's insuring

itself against business losses—the workman's "business loss" is being out of employment. Again, poorly paid professional men support an Aged and Retiring Fund, and a Widows' and Orphans' Fund; and workingmen insure themselves in some measure through friendly societies and (what Prof. Jevons prefers) through trade societies. Why not systematically, and to the requisite amount, take such insurance into the plan of life as a "necessary"—like wearing shoes and stockings—to be taken into the calculation of "necessary wages?" The capitalist insures his "plant." The workman's "plant" is his health and life. We [*unclear*: see] that he has command of the situation.

James MacGregor.

OAMARU, NEW ZEALAND.

To those who "by Christ believe in God" (1 Peter i. 21) the atheism of the socialistic movement is the foremost matter in the moral criticism of the system (in 1 Cor. ii. 15, the Gr. for "judge" is, *criticise*). We will begin with a previous question (article *Socialism*, Encycl. Brit., new Ed.), whether socialism ought not to be saved from utter rejection on account of its atheism by regard to the circumstance, that it has an "ethic" which to some extent is coincident with the Christian ethic?

A pirate ship has a discipline that is much the same as that of the royal navy. "Ethic" in this connection has to mean *order* of action, as distinguished from the spirit of its life. And in this respect there must be some coincidence with Christian ethic on the part of every conceivable system for the government of a community that is not to be a rope of sand. A Satan's kingdom (Matt. xii. 25) that is at all to stand, must have in it something of that order which reigns in the kingdom of God. The difference morally between the two dominions of darkness and light is, not in respect of mere ethical precepts, dictating particular courses of action, but in respect of first or impulsive principle, prescribing the last or chief end, and moving the affections toward that end, in and through all particular courses and actions. According to a difference of ends in the heart's wish and endeavor, the same course of action may be either good and godly, or "earthly, sensual, devilish." Two vessels on the same tack are *making*, the one for Good Hope, and the other for Cape Wrath. This *de finibus*—of the end as criterion of morality—is commonplace of rational ethical speculation, heathen as well as Christian.

The body of precepts is in itself a dead thing, like man when only made "of the dust of the earth." And the impulsive or first principle, which is breathed into that body as a breath of life, making ethic into morality, pure or impure, is what gives moral character, whether good or evil, to the whole of that life which it inspires. Now in Christianity the first principle of all moral action for man is—witness the last word of Christ to Satan (Matt. iv. 10)—*serve God*. In socialism, on the contrary, the impulsive principle is, *worship mammon*: since it holds, with the first word of Satan to Christ (Matt. iv. 3) that the one true end of life is, enjoyment of commodities. That is the lowest conceivable form of worldliness, appealing only to the "lust of the flesh" (1 John ii. 16 and Gen. iii. 6, with the two temptations, in Eden and in the wilderness.) And to plead, that the ethic of a system of godless Epicurism is in some measure coincident with the Christian ethic, is only to say in Greek what means in English, that the lowest kind of worldliness, when on its good behavior, is not simply anarchical, or utterly disorderly: which may be so far satisfactory to the policeman who has his eye upon it, but is not reassuring to a statesman, and is quite out of court in moral criticism.

The old heathen Epicurism had, like Mahomedanism, something that might redeem it from utter perfection of sordidness. There were enchantments of a superstition that haunted the forsaken place of faith; or, in a Lucretian poetry an atheistic theosophy might find something like theology for wings of lofty song. . But even then, the worldliness was too vile for even the worldly world itself. That world's own "prophets" (Tit. i. 12) of the worldlier sort—such as Horace and our "Peter Pindar"—indignant at the outrage on mere manhood through the vileness, would break out into fierce Archilochian invective on "*the herd of Epicurus*," or, "Epicureans, *alias* swine." "Bellygod!" has in our new time been the expression of a manly nation for utmost measure of contemptuous loathing of a creature in the human form. And that is the one tiling, the very thought of which overcame for once the manhood of the great apostle who was the manliest of mankind. In a Roman prison, waiting (Phil. ii. 17) for a martyr's death, Paul unbosoms himself to his noble Philippian (iii. 18,19), about that thing, as a thing the existence of which among Christians it grieves his very heart to think of. And now, when he goes on to write of it, the paper is blotted with his tears:—"whose god is their belly, whose glory is their shame, who mind earthly things."

That thing, which makes apostles weep, is the "perfect man" of socialism. The shamefulness of its earthliness is not fully seen unless we take into view the peculiar character of the selfishness of the system. Antigonus, after the death of Demosthenes, a great man, was perhaps too hard on the Greek orators in saying, that they were like what remains of an animal that has been offered in sacrifice—nothing but the tongue and the digestive organs. For, in addition to mere greed for commodities, there might be in them something of a vain ambition to shine—"the lust of the eyes;" and something of "the pride of life," such that the Pharisee, in contemplation of his own goodness, will forget his covetousness to give tithes—sacrificing commodity to



conceit. But the "perfect man" (Eph. iv. 13) of socialism, forgetting God and country and home and freedom, has an eye and a heart for commodity alone. So that what we see in him is not a man at all; but a scarecrow semblance of manhood, with hunger in place of a soul. And we further see what may suggest the thought, that the dehumanized being is under domination of a fiend—that lowest form of perfect selfishness which visibly lorded in the swineowners of Gadara.

That, which is the consummation of socialist perfection, is the very thing which Paul sets forth (Rom. i. 30), as the consummation of enormous wickedness, sent upon men (verses 18-28) by the judgment of God, in a judicial abandonment of them, on account of the crime of atheism. Paul maintains, that the atheism cannot but be a wilful blindness, (verse 28). And three times he says (verses 24, 26, 28—the Greek word is the same in all the three places), that on account of the crime of it, there was that *judicial abandonment* on the part of God, "giving" them "up" or "over" to the enormous wickedness in three forms of "uncleanness" in the heart, "vileness" of the affections, and a "reprobacy" as to the mind for [*unclear: the*] perpetration of unseemliness or indecency.

It is thus that he introduces his awful catalogue of the crimes of heathenism (Rom. i. 18-32). And at the head of the black list (verse 31), last, as if the worst of all, he places men's being "without natural affection." He adds a qualifying epithet ("implacable" is wanting in the best manuscripts), "unmerciful"—the Greek word for which is literally rendered, *pitiless*. Here, then, we are reminded of "pitiless" in that "pitiless ferocity," which history has represented to us as being the leading outstanding feature of the moral character of socialism.

But Paul's description of the *pitiless* character, "without natural affection," has in it a specific appropriateness in application to socialism that is wanting in Mr. [*unclear: Ollier's*] vaguer "ferocity." The "perfect man" of socialism has no *personal* affection toward *individuals*; not even so much of discriminative attachment as (Isa. i. 3) the dumb creatures may come to have in them toward their "own" respective pastors and masters. His affection, a sort of godless Mahomedan fanaticism, is only toward a system; toward the programme of action, regarded as machinery for securing [*unclear: the*] commodities; and toward the community, regarded as an organization for working the machine. So Hugh Miller (*Essays, Literary and Scientific*—"Eugene Sue,") says that socialism, like Jesuitism, is pitiless naturally, because the individual is lost in the society, and (such) a society has no feelings.

The apostle's word (Rom. i. 31) for natural affection—~~###o###~~—does not mean only, in a general sense, any affection that belongs to the nature of man. What it means is that specific natural affection, of discriminating tenderness, which a rightly constituted individual has for "his own, and especially those of his own house." Hence the name of the "stork," because that bird is proverbial for parental affection, as witness the story of what happened in a town of Holland: When the town in which the storks had their nests went on fire, and the young birds could not fly away, the parents remained to perish with them in the flames. Such affection is so strictly natural to man, that Christianity declares that he who has it not is worse than an infidel. (1 Tim. v. 8). Accordingly, in Homer we find that among old heathen Greeks the man who did not belong to a people and family of "his own" was reckoned infamous. That infamous condition—of "heart," "affections," "mind"—where it appeared in heathenism, was by Paul regarded as monstrous depravity, enormity of wickedness, the evidencing fruit of a judgment plague of God, like the leprosy upon Gehazi and his race. And *that peculiar infamy is by socialism brought on its manhood deliberately and upon system.*

The two great, "natural affections" distinctively toward one's own—domestic affection and love of country—it systematically endeavors to stamp out and destroy. *That intentional obliteration of humanity is a specially of socialism.* We have seen its working in relation to patriotism. Let us consider

## ITS BEARING UPON THE FAMILY.

The socialist reasoning is as follows:—

*"If family be allowed to exist, then there will be formation of private capital, through parental affection hoarding for inheritance. But all capital ought to belong to the whole community. Therefore family shall not be allowed to exist."*

—Q. E. D.

The policy based on this reasoning has, for the purpose of it, to be "thorough"—like that policy of the tyrant Strafford which, turning godly Englishmen into Ironsides, cost him and his master their heads. Nothing will secure the purpose short of the thoroughness of Rousseau and his paramour, in casting their newborn offspring out on the chances of a foundling. There must not be allowed to be any possibility of there occurring in the future that "recognition," which was the humanly interesting climax of pathos in the fateful classic drama of man's life. For if only a parent once *guess*, that this or that one of the herd of young "humans" is perhaps his or her "own" child, then who knows whether there may not be relents into parental affection, with

consequent lapsing into a provision [for the person's "own," that might so far imperil the collective stock of commodities for the community?

It is true that this Rousseauism is a wholesale moral infanticide that is more cruel than Herod's [*unclear: liberal*] infanticide at Bethlehem; more cruel than death, since it dooms the hapless innocent to live, while casting it out of nature's own provision for such tender guardianship and training of the young life as may make life worth having and living. "Can a mother forsake her sucking child?" "Like as a father pitieth his children, so the Lord pitieth them that fear him."

The *essence* of parental feeling is the tenderest guardianship in the world. A doting mother, tenderly numbering the hairs on her infant's little head, is, by him who is in the bosom of the Father, and hath declared him, made a picture of the infinite guardian tenderness of God, and her comforting offices toward a child in its grievings are made to represent the divine redeeming love of the Spirit. It is of these things, *their* especial inestimable inheritance of nature, that all infants are to be bereft. They are to be cast out upon a stone mother, the community, and reared indiscriminately as a herd of "humans," since young ones are needed for the purpose of keeping up the breed.

Here we feel as if that socialist reasoning were an incredible thing. It seems impossible to believe that it is serious; that rather is it not a "ferocious" jocularly, without the noble rage of Swift, in his reasonings on the economy of living on the flesh of Irish infants, and suggestions as to various modes of proceeding in that cannibalism. For, not to speak of the mother, does not nature say, "like as a father *pitieth* his children"? But Paul says, "without natural affection, *pitiess*? History through her expert witness has said, "*pitiess* ferocity." And what else can be the meaning of the socialist reasoning here, about "family" as "obstacle," thus of the same nature as patriotism and religion?

*The other weaker party* seems completely overlooked in the reasoning. The "perfect *man*" in Eph. iv. 13 is (*àv##*), the *male* human being, manhood in complete formation. We are studying the "perfect man" of socialism, not in the "ferocious" outbreaking of a passionately selfish animalism, but in his calmness of contemplation, legislating for the future. He is (ideally) in full and sole command of the situation. What does *he* provide? (1 Tim. v. 8), and *for whom*? Simply for himself, the morsel of meat (Heb. xii. 16), the mess of pottage, safely guarded in the flesh-pots.

For that, alone, the two *weak* ones are pitilessly sacrificed. We have seen him perpetrate the wholesale moral infanticide of casting all children out of nature's provision for them. And now we perceive that he is not even conscious of perpetrating a far more infamous crime. What, under the rule he is arranging for is to be the lot of *woman*?—of woman in girlhood, and then onward, to and through old age?—and above all in *that* relation in which the honor, the happiness, the quintessential womanhood of woman, will depend upon the character of the rule he is planning?

*Woman is to be a desecrated thing*, the centre of desecration, and the fountain of profanation, staining even that helpless one, her "own," who is the innocent victim of the "uncleanness." She is to be drawn or dragged into complicity in the moral infanticide of her offspring. And what is her life to be—the childless mother of motherless children, with wild longings and remorse, impelling her to the desperate self-abandonment (Eph. iv. 19) of those who (Rom. i. 24, 26, 28—the word in Ephesians is the same as in Romans) are judicially abandoned of God!

What are we to think of the socialist *man*, who is the prime author of that tragedy, and who deliberately plans it in the calm of his study, simply in order that *he* may be sure of his morsel of meat? That Esau, the "profane person," claims our study. For *he* is the only thing in socialism. The woman and the child are ignored, or worse, as mere "things which are not."

But when we look beyond the pale of Bible religion, we see that in heathenism the monstrosity of his Rousseauism is not so incredible as the sentimental philosopher was even in "infidel France"—a land of some remaining Christian light. [*unclear: Literal*] *infanticide* is spoken of by Mr. Lecky, (*History of European Morals*, vol. ii., the part on "woman"), a most highly competent authority, as "*the crime of heathenism*" That is to say, notoriously, in heathen communities, modern as well as ancient, this "crime" was, and is, not abhorred and punished as infamous and monstrous, but permitted and recognized, as one of the measures of domestic economy which might be taken by a prudent house-holder!

Paul, before saying "without natural affection" (Rom. i. 31), has (verse 30) specified in his catalogue of crimes of atheism, "disobedience to parents." "Children of disobedience" is (Eph. ii. 1–3) one of his descriptions of the general condition of death in sin; and correspondingly, "children of obedience" is (1 Peter i. 14) the *literal* rendering of Peter's description of (verse 23) those who are born of God. But older than that which is thus brought into notice, there was moral death in respect of *parental* affection. Hence *the foremost* thing in the mission of the Baptist, preparing the way of the Lord, was (Luke i. 17), not, "turning the disobedient to the wisdom of the just," but, before that, "turning the hearts of the fathers to the children;"—a charge resuming the last words (Mal. iv. 6) of the last prophet of the old dispensation, which (Matt. xi. 13)

"prophesied until John." The very foundation work of clearing the way for "the kingdom of God and his righteousness," thus was setting right the *parental* affection.

In heathenism, even in the Roman family, the best in the old heathen world, the children really counted for nothing. They were only *things*, for the state or for the family; so that the murdering of a selection of them was no enormity. The idea of a *sacredness in this human life*, in the infant as in the adult, a thing of infinite preciousness, the image of God, had no place in the darkened human heart. The great place which children have in our life, the interest which "grown people" take in *Helen's Babies* and *Alice in Wonderland*, would be quite inconceivable in the dark lands. Hence Plato, "the divine," in calmly planning for his ideal Republic, a condition in which all children shall be an indiscriminate herd of "humans," does not show any peculiar degree of inhumanity. It is inhuman; but heathenism here was inhuman. Plato only showed in his own person the general fact, that, relatively to one of the natural affections—the domestic—the heart of heathenism had come to be a stone.

So as regards the spousal relation, as has appeared in the case of Plato's master, Socrates, "beyond comparison the prince of philosophers," the best and wisest man we know about of those who have been formed in heathenism. It was a saying among heathen Greeks, that only a family man can be supremely qualified for the highest offices of the state. But even in his case we can see what *sort* of family man a heathen Greek might be, who otherwise was an admirable citizen, nobly gracious in considerateness even for the weaknesses and humors of his pupils and friends. In the tender solemnity of his near approaching martyrdom for truth, his bearing toward his "own" wife, in her ungovernable distraction of grief on his account, is simply incomprehensible except in the light of the fact, that the natural affection of "husbands love your wives" had gone out of the heart of heathen Greece. Mere zenanaism was the best condition of woman elsewhere in heathendom.

Peter (1 Pet. iii. 5–7), looking for a model matron, who to his Christian women may be a mirror for their spiritual adornment, can see none in the heathen world. The women of the New Testament—Gospels, Acts, Epistles—are quite a different kind of human being from the heathen woman as she then was. She was not "honored" (verse 7). When the wife was not a mere domestic drudge, she was only petted and fondled, like a favorite intelligent animal, perhaps dressed out as an animated doll. Cornelius Nepos (*Preface*) makes a boast of the fact—as exhibiting one point of superiority to the Greeks—that a Roman is not ashamed to allow the women of his household to appear at a festive entertainment to his friends.

It had not been so from the beginning; nor is it so in all places at any time. Domestic affection did not perish when man fell. In Homer's heroic age, the manliest of the heroes was a model of domestic affection; one of the ladies is most noble in matronhood; and another is most beautiful in maidenhood. Many generations after, Homer's Roman imitator gives to his chief hero, as his characteristic excellence, a "piety" which in his case is another name for filial affection. And Virgil himself may in his youth [have seen true family affection among the rustics of those Mantuan plains, where departing "Justice" left her latest footprints on the earth. Even in the Imperial City, head-centre of the world's worldliness, there were survivals of the old Roman "virtue" of home:—*e. g.* in Germanicus and his wife, whose stately purity is so affecting in its nobleness appearing amid that nest of poisoners.

What is it that had gone so far toward completely destroying a natural affection that had survived the catastrophe of Eden? *Atheism*. It may be inferred from Paul's teaching in connection with the social life of heathenism. Socrates was, of those ancient heathens who in a sense are known to us, almost the last of the real believers in a personal deity supreme. The "philosophers" who "encountered" Paul at Athens were completely atheistic in their belief; which means that God had long died out of the reflecting mind, the real mind of heathendom. And a noteworthy fact is, that *the decline of domestic affection in the hearts of men went on simultaneously with [unclear: the] decadence of religion in the soul*. In the present inquiry we need not raise the question, whether along with practical atheism there may not have been other operative influences, which might serve to account for the tragedy of moral death in respect of domestic affection. At present we turn to the fact, that in any case this the atheism, is a cause which in its operation will work that moral death.

In Eph. iv. 18–19 (as in Rom. i. 18–32) depravity is the *consequence* of atheism. But here the consequence is not judicial, but natural; as when a man contracts foul deadly disease through practice of vice. The moral death (in Eph. iv. 18, 19) results from ignorance, as physical death would to our natural world be a result of extinction of the sun. And (1), The *immediate* effect of the death is, *insensibility*. The "past feeling" here is—word and thing—distinct from the stoical "apathy;" which is an artificial condition, brought on by discipline, and maintained by habit which may be a continuous action of the will. The apathy is not incapacity of feeling but superiority to it—whence the stupid inhuman boast of stoicism about "pain" being "no evil" to the philosopher, (*he* did not weep over Jerusalem; it was the *man* that wept in Brutus over Lycian Xanthus). The "past feeling" (in Eph. iv. 19) is real insensibility, as in a stone heart, or as on the part of dry bones in a valley of death. It now is a "second nature," in men who are "twice dead," "having their conscience seared as

with a hot iron." But it is not simply the sinfulness into which the fall brought mankind (Rom. v. 12); as (Eph. ii. 3) when all men are said to be "by *nature* the children of wrath"—the *state* of nature [*unclear*: as am] inherited (Ps. li. 5), as distinguished from (Eccl. vii. 29) the *constitution* of the nature as originally created. It is a "secondary formation" of depravity, which thus (Rom. i. 26) is enormous or monstrous, as revolting to a natural good feeling that is found even among unregenerate mankind.

But that first stage, of moral insensibility, leads on to (2), *the outbreaking* of depravity, which Paul here sees, on the part of the atheists, as a desperate *self*—abandonment; who, being past feeling, *gave themselves* over. This, history shows us through her expert witness, is actual human experience of socialism. And Hugh Miller (*Essays Literary and Scientific*—"Eugene Sue") theorised on the matter to the following effect (the words are ours):

(1), *In the conflict with Jesuitism, it is not enough for socialism simply to drive away the superstition and villainy of false religion. That only creates a "vacuum" in the heart and life, as in the case of a displacement made in the sea by thrusting a bucket into its water. When the bucket is withdrawn, the water rushes back to fill the void thus left.* (2), *Christianity [cf. Luke. xi. 22] tills the void, with innocent fulness of a happy life in peace with God and love to man.* (3), *Socialism, to begin with, leaves the void; and the human passions, impure because not under law to higher affections, will rush in as a sea of death. (Here Miller has the observation that a society has no feeling, "pitiless:" meaning, that in this respect socialism is a godless Jesuitism.) Here he states as a fact, relatively to what the peoples (and Paul) mean by "uncleanness," that the socialist French views regarding marriage are embraced by some, not socialist, who are restrained from practicing them by "the usages of society."*

Plato saw the human passions as wild horses, kept in restraint only by a child holding the reins. Why did he think them wild? He, like Kant—the true modern Plato—saw in man's *condition*, or state of nature as it now is, a "radical evil" (Kant's expression), which, in their judgment, is not accounted for by philosophy, in her view of the constitution of men's nature. So sees the *Confession of Faith*, when (with Augustine) it says of our first parents, "they being *the root* of mankind, men are fallen sinners by nature (cf. Gal. ii. 15). And so saw the Great Frederick, when he said to an enthusiast who thought that education would do the work (1 Pet. i. 20–25) of regeneration, "Ah! dear Sulzer, you know not what a reprobate (*wie verdammte*), accursed breed this (mankind) is."

To Paul's view, the reins are now flung wildly away. The consequent rush is, not simply of Hugh Miller's wild sea waves into the "vacuum," but of the atheists "into lasciviousness, to work all uncleanness with greediness" (Eph. iv. 19); that is, "the herd" of Gadara, running violently down a steep place into the sea. (Matt. viii. 32.) And, since (their) rational free agency enters into the abandonment (we perceive that), the rush of unclean animalism is at the impulsion of unclean spirit; so that this again is the "perfect man" of socialism, namely, the scare-crow [*unclear*: fiendi] with hunger in place of [*unclear*: a] soul.

It may be made a question whether Paul in (Rom. i. 18–32 and Eph. iv. 18, 19) his two famous descriptions of "the moral condition of heathenism" (title of Tholuck's little work—Engl. Transl.; Clark, Edin.), means, that the heathens *generally* were in that condition; or, whether he may not mean only, These things *are* in the heathen world, to such an extent as to show that mankind have utmost need of the Gospel (Rom. i. 14–16; Eph. ii. 12), as being dead in sin. We have information as to facts which may help to answering that question:

1. In the heathen's persecutions after Paul's time, the primitive apologists and martyrs are found repelling "calumnies" of heathenism, imputations, abominable crimes to the Christians; and their customary answer is, "No, we do no such things; but *you* do them—*that* is what has made you think of imputing them to us." (See in Athenagoras: *The Embassy*—addressed to Marcus Aurelius. This was the point of—cf. 1 Peter iii. 16—"I am a Christian—we do no evil," the only thing moaned out by slave-girl Blandina, dying under protracted, frightful tortures under authority of that idolized imperial stoic "philosopher.") 2. In our time intelligent heathens make out of these Pauline descriptions a proof that the Bible is a modern forgery; for, they reason, no man who did not live in our time could have had this acquaintance with *us*. And missionaries, who can see behind the screen of heathenish decorums, assure us that the Pauline descriptions are only "an over true tale" of what is now going on in heathen communities. Besides, 3, Have we not seen the *infanticides*, and the moral death relatively to "honoring" women? Do we not know that the *temples* have been, and are, head-centres of "the pollutions" (2 Peter ii. 20) in particular, of uncleanness"—surely the altar inscription *ought* to be confessed atheism. (Acts xvii. 23.)

But that question does not vitally affect us at present. If once we know that a man is dead (Eph. ii. 1–3), we may not need to inquire further to what extent loathsome evidences of corruption have broken out all over the body (Isa. i. 5, 6). The body may be a mummy (1 Cor. xiii. 1–3), who in this case is perhaps a leading member of the church (Matt. xxiii. 27); for the Pharisees were covetous, that is, atheistic—"ye cannot serve God and mammon." Though there should be the moral death in reality, there may, as regards manifestations of it, be restraining influences—Plato's "child"—that prevent unbridled breaking-out. In Paul's day (2 Thess. ii. 7–9)

there was in the world as a whole a "let" or hindrance that held back the manifestation of the Man of Sin. And in the sinful man ([unclear: Da]. i. 15) there may be degrees of manifestation of wickedness, from the first inception of lust to the final consummation of death (cf. Rev. xxi. 8, 27); as in the man of God there is the gradation from the blade, through the green ear, to the ripe corn in the ear.

An ordinary "human," coming into the kingdom of the bramble (Judg. ix. 14, 15), would take some time to grow up into the full state of the "perfect man" of socialism. Hugh Miller says that one mode of "uncleanness" is restrained from manifestation (the *heart* is unclean in the eases he speaks of) by the "usages of society"—a Christian sense of decency being in the air, and in some command of the region. And in this or that case that particular enormity may have no natural possibility, or it may be checked by another mode of worldliness—like Diogenes "trampling on Plato's pride"—as when a miser starves himself to death in the insanity of "greediness" for commodities.

What we see in Eph. iv. 18, 19, is the ordinary normal progression where the restraining influence is withdrawn. The moral deadness is a ghost, ready to break into a beast; as even the artificial ghostliness of "apathy" in Marcus Aurelius, "the philosopher," gives place to the savagery of Marcus Aurelius, the emperor, most ruthless of heathen persecutors, murdering his innocent subjects, because (*Letter of the Christians of Lyons and [unclear: Vienna]*) their superiority to death made a fool of his "philosophy" (1 Cor. i. 20).

"What Paul says of the matter—the teaching of Christianity regarding it by a throned witness of God in Christ—may be set forth in fine as follows:—The true life from the fountain (Jer. ii. 13) is a rivulet of domestic affection, a great river thoroughfare of patriotism, and a world-embracing ocean of philanthropy. How noble this would be in London, Edinburgh and Glasgow, New York and San Francisco, and far Antipodean Melbourne and Sydney beneath the Southern Cross! These are the capitals of the Anglo-Saxon peoples. All round the world, they are the shining centres of the most recent civilization, as represented by the foremost and most gifted of its pioneers. Commercial centres in business relation to the whole world, they are like stars, which are seen as guiding lights by all mankind. Not only so: they are effectively in daily contact with all peoples. Their daily life is everywhere an operative influence, even where its traces are not seen, as an atmosphere of the whole world. Surely, then, that race is a tree whose leaves are for the healing of the nations: which is the noble way of being Israelite indeed (Gen. xii. 3). *But what if that atmosphere of their influence be poisoned?*

In every one of these cities we have named, there may be found a "back slums" (see it in Vanderkiste, *The Dens of London*; Rev. D. McColl, *Our Work in the Wynds*; and *Old Edinburgh*—understood to be by Miss Bird—in the series of "Odds and Ends"). There, men and women are living in a desperate self-abandonment (Eph. iv. 19) of godlessness. Material and moral ill-conditions are working moral and spiritual ruin, *making* miserably broken men and women for this life, and lost souls for that which is to come. Through the body there is enslavement of the soul, as fatally effective as demoniacal possession; so that now there is campaigning (Eph. vi. 12) of God's kingdom against a spiritual tyranny that has a *stronghold in natural evil*, as truly as there was in Egypt when Moses worked his miracles there, or in Palestine when the Son of Man "went about doing good, and healing those who were oppressed of the devil" (Acts x. 38 cf. Luke viii. 35 and xii.) *That* plague-spot is at the heart of those most favored places of this most gifted race.

*The spreading of evil*, we know to have a most fatal facility in man's condition. The plague that steals into a city through the vicious weakness of one wasted criminal, creeps out from his cell, and glides among the population as a pestilence that walketh in darkness, until it appear as a destruction that wasteth at noon-day—a pale death visibly striking alike at regal palaces and hovels of the poor (Hor.). But, to Isaiah's vision (Isa. i. 5, 6) of insight which is foresight, the wofulness of material evil is only a symbol of the true inward ruin of manhood, which (verse 3) is wrought by the practical atheism of apostasy from God. Now that is the abiding real condition of all mammon-worshippers, so rife in this epoch of "material progress." Then, though the worldliness at the shining centres do not shew the shame of its nakedness, but disguise itself as Christian, perhaps it is not the less effectual on that account (2 Cor. xi. 14), as a "spirit of the age" (Eph. ii. 2), the *unperceived* propagandism of infidelity and atheism; as when the life of a rich and beautiful land is blighted by an iceberg that is stranded on the shore.

But now as to the effect of this atheism itself, relatively to the true life which we looked at. The effect is two-fold—*deprivation* and *depravation*. 1. *Deprivation*: where God is withdrawn from the mind (Eph. iv. 18), religion from the heart, there that life is abandoned by the sunshine and the vital air which "filleth all in all," and by the refreshing visitations of "the gracious rain" from the unseen "river of God" in the sky. The abandonment is *to* "uncleanness," "vileness," "reprobate mind." (Rom. i. 24, 26, 28; cf. 18.)

Also and especially, 2. There is *depravation*. In the life there now is wanting that which is the sovereignly moral element even in common social life. The second "great commandment" (moral principle as distinguished from ethical precepts—sun as compared with planets) is "like unto" the first (Matt. xxii. 39), so that he who does not love God cannot truly love his neighbor, as prescribed by moral law. For morality (Edwards) is of the

affections. And in the social affections the distinctively moral element is what is represented by the Bible word "honor" (1 Peter ii. 17), which means, a tender reverence, *e. g.*, for manhood as such; that is, for the distinctively human nature which is alike in all human beings—free rational spirit, the image of God. And that thing in man is not regarded with a tender reverence in the heart that does not love and honor God. For that thing, which is the thing to be honored in manhood, has place as object of revering love in God supremely.

The child's obedience is wanting in that moral element—the tender reverence of "honor thy father and thy mother"—where the obedience is not "in the Lord." (Eph. vi. 12.) Subjection to magistracy is only a calculating compliance, or an idolizing of self in one's own people, if the subjection be not in the spirit of reverently regarding the powers that be as "ordained of God." (Rom. xiii. 1–5.) And philanthropy, where it is not bloodless cold as in "the loves of the triangles," is mere fondness for "two-legged featherless animals," if the divine image be not regarded (Gen. ix. 6; James iii. 6), though it should be miserably effaced as a prodigal son.

In socialism, what is there of this moral quality? If there be nothing of it, there is moral death. Where death is, there is corruption, though not always appearing, nor, when it appears, always taking the name or shape of "legion" entering into swine. In connection with family, we are struck with the vast calamity of even *deprivation* that has befallen the "belly-god," who is able to contemplate as desirable, or at least as endurable, for the sake of a better mess of "pottage," a social condition in which family is not. To ordinary human beings, the man thus "past feeling," "without natural affection," is an object of profound compassion, compassion far more profound than that with which we look on the born blind, who never can even imagine what the blessed sunlight is, and shows. For to their feeling a social condition without family would be a world without sunshine.

Family is not only for the individual who happens to be in a family of his own. The society is made up of families. The system of things is domestic. Domesticity is the genius of the region. It is in a family atmosphere that every one lives and moves. Every individual is a *family-bred* man; all are family-bred, with a community of feeling as alumni of the universal *alma mater*. So that among them a formed socialist—if there were such a being—might come to be human, as a scholarly taste is formed by association with university-bred men.

Every one has a family of "his own" at least in memory. The oneliest mourner on the street can say, "better to have loved and lost, than never to have loved at all;" feeling it were better to efface his memory and life itself than to "pluck from memory the rooted sorrow," which is a shadowy continuance with us of the being of the loved and lost. Family claims (2 Sam. xii. 23) the "they are not lost but gone before," which goes into the death-song of "O death! where is thy sting?" Heaven itself is more heavenly because homely (Isa. xiv. 1–3), "the Father's house," into which the first-born will gather all the brotherhood; ([unclear: Heb]. xii. 18–26) so that Augustine the solitary, perhaps hoping to find Monica, sings of "Jerusalem, my happy home." And the very names of earth become thus heavenly; "father-land," "*mothar*-country," cardiphonia of the peoples, in recognition of a tender sacredness of appropriation that (Ps. cii. 14) reaches even to the soil which mingles with the dust of stainless kindred. The emigrant, sighing "Home" in his distant land, claims an indefeasible title in domestic affection to the old land he has left; while from a distant past the haunting memories come to guard for him the long-forsaken spot, where "the home of my forefathers stood," though now

All ruined and wild is the roofless abode,  
And lonely the dark raven's sheltering tree.

It is not, however, a mere sentiment that moved Christianity to the restoration of the ruined constitution. Nor is it only, as in the case of the political constitution, a regard (Rom. xiii. 4, 5) to the general beneficence of this ordinance of God. To the maintenance and defence of family, Christianity is laid under two-fold obligation of a special trust.—1, The true *law* of family, centering in the fontal precept of social duty (5th commandment), is part of that Moral Law, which is trusted to [unclear: God of Israel] as his "testimony" to mankind. And 2, The family institution is by divine authority so inwrought into the working constitution of the church that she cannot carry on her business without requiring of those under her authority conformity to what she regards as being God's own constitution of the household.

The institution at the same time is a stream that nourishes the roots of the tree that shades it. The Christian family is itself effectively a root, or living foundation, of Christendom in the community. And also it is a leavening propagandism of Christianity.

It is a question of ecclesiasticism, which is "the integer" of Christianity as a distinct institute—the congregation? the presbytery? or the prelate bishop? There can be no question of the fact, that of Christianity as a leavening influence in general society, a true integer is "the church in the house" (Philemon 2). The religion thus has good cause for its, "Woodman, spare that tree."

A peculiarity of the constitution, binding the religion to peculiar vigilance and faithfulness in maintenance

and defence of it, is that *it can be destroyed*. The twin Edenic institution of the Sabbath is saved by the lordship of the Son of man (Mark ii. 27, 28). He vindicates it by his resurrection, guarantees it by his manifested sovereignty, keeps it (Eph. iv. 10) by his glorious exaltation, as the sun keeps our world's life when he is high in the firmament ruling the day. The lowest slave in heathendom, toiling under the lash of a Legree, could be "in the Spirit on the Lord's day." Christ has shown (Matt. xii. 5) that the ordinance may be, while "profaned" in form, yet hallowed in the spirit. And not all the legionary forces of the empire, no creature-power in the universe, could prevent the weakest and the most despised of the "things which are not" from practicing a "holy resting all that day." It is otherwise with the family. Man can destroy it, not only separating husbands and wives, parents and children, but creating and perpetuating a social condition in which the [unclear: sppnad] relation does not exist, and a child cannot know either father or mother, sister or brother; while the whole society is corrupted and made vile by defilement at the desecrated fountains of its life. All which adds to the stringency of the obligation laid on the religion to keep the constitution "pure and entire," guarding it in God's name for the sake of man.

As to the true nature of the domestic constitution, the Bible history of it has problems for the constitutional student—problems arising specially from the circumstance (Matt. xix. 5) that, on account of the moral condition of man, the restoration of the fallen constitution had to be accomplished gradually, as the dawning comes in slowly in accommodation to the eyes. And in the literature of the apostolic and immediately following ages there is—*pace* the Vicar of Wakefield—hardly any information regarding the detailed nature of the process through which a constitution so important, the heart of the social life of mankind, came to be solidly established among the various peoples. ("No axe was heard, no ponderous hammers rung.") But the substantive result, which is what now concerns us, is clear, so that he may run who reads,—namely, that

Wherever this religion has attained to commanding force in a community for one generation, there a Scriptural domestic constitution—always the same in substance everywhere—has for the generations following taken an abiding place in the people's life, its received custom and public law; so that thenceforward any endeavor to tamper with the received constitution of the family shall be regarded as an assault on the authority of Bible religion. The constitution is beyond question pure and wholesome in its nature. And the fact, that so great a power as Christianity is thus engaged, definitively and irreversibly, in the maintenance and defence of it, is auspicious for the welfare of mankind.

The restoration is especially directed to righting the two *weaker* parties of the triad. And in the New Testament the greatest place is given to the restoration of *woman*, fallen into heathenish degradation. It is to be noted that what Peter says to husbands is not, "love your wives," but, "honor" them (1 Pet. iii. 7, cf. ii. 17). In assigning the woman's *weakness* as a reason for giving to her that honor, the Galilean fisherman exhibits a "chivalry," which, often fantastic in its forms, is—*e. g.*, as appearing in the greatest Republic that the world has ever seen—the soul of the nobility of our new civilization. But the ground of the "honor" is that relationship to God in respect of which the husband and wife are alike; so that under him they are joint sovereigns of the household, and they have a common need of a clear way as suppliants to his throne. Looking at the matter thus, Peter finds the model for women under the Old Testament (vs. 5, 6), in the person of devout women of its ancient time. In outward condition, so far as was compatible with innocence, they were as other women of their own standing among the peoples. But, as being personally and individually of the faithful, they were honored by the people of God, and "honorable" (Psa. xlv. 3) as his daughters. The fountal precept of all his "testimony," in the innermost shrine of the revelation of his holy mind and heart, placed woman on the same level with man as an object of "honor," most nearly resembling the homage that is due to God: "Honor" thy *mother* as well as thy father.

Paul's wonderful analogy (Eph. v. 22–33) lays the emphasis expressly on "love" your wives; on which account it was the less necessary for Peter to emphasize it, if, as is thought likely, he had read *Ephesians* (2 Pet. iii. 15, 16) before writing his first Epistle). But the "honor" was folded, very remarkably, in that Old Testament representation of religion to which Paul refers in what he says of "a great mystery;" representation of the individual soul's relation to God as a [unclear: spousal] relation (Jer. ii. 2)—"thy Maker is thine husband" (cf. The Song of Songs). This representation, which under the Old Testament was variously made prominent in the whole system of religious thought, must have powerfully tended to maintain to men's feeling the sanctity of marriage, and the honor of woman in all the relations branching out of that.

So in Paul's teaching, when she is redeemed from heathenism by the Son of Man (cf. 1 Tim. ii. 15), we find (1 Cor. vi. 15–20) her person guarded as a sacred thing, a very temple of the Holy Ghost. And (1 Cor. vii. 14) her presence is a sanctifying influence, so that the children are "holy." The family is Christian even if her husband be a heathen. We can see from the history that, in the exciting new conditions of womanhood's emancipation, there had to be resolute firmness of apostolic discipline, upon the solid ground that woman, if she is to be either honored or honorable, must always be womanly. But the essential thing is, that as in Israel under the Old Testament, so more fully here in the new Israel of God, womanhood is now redeemed; so that the

heart of social manhood has received healing, and its life is made pure at the fountain in the natural sanctuary of home.

We here will not speak, and we hardly dare to think, of *the desecrated thing* which socialism would put into the place of that Eve of the Paradise regained.

*The great place of children* in Christendom is not only because of the interest in them that was shown by Jesus the Son of man, but also and especially, by reason of the place that is due to them in the kingdom of God. The great place which children have in the New Testament, as compared with their nothingness in heathenism, is a bequest from the Old Testament; not only (Mal. iv, 6) with its latest breath, but in its earliest institutions, at the foundation and in the heart of the greatest of them.

In Abraham's day children were sealed by circumcision of infants (Rom. iv. 11), as being on a level with the great Patriarch, the father of all believers, in respect of that highest thing attainable by creatures (Rev. vii. 13–15), "the righteousness of the faith which Abraham had." When Israel came to be a nation, children had the foremost place in the great national feast of the Passover. Not only they partook of the feast; they were made, as it were, the guests of the festival. By appointment of God (Ex. xii. 26, 27), at the original institution of it in Egypt, through all generations until the coming of Christ, every year, on that great occasion, the children alone were addressed. The words of the address to them, by the fathers of their flesh, were from the mouth of God. They were the words, as far as we know, of the only sacramental address that God (the Father) has ever spoken. Need we wonder if, under the new dispensation, in the apostolic directories, though Paul (Eph. vi. 1, 2) have a word for children, the Apostle of the circumcision (1 Pet. ii. 12–iii. 9) does not find it necessary to address any separate admonition *to them* (cf. 2 Pet. i. 19–21 and 2 Tim. i. 5; iii. 15).

In the homely *Book of Proverbs* we see the Hebrew family, and say, "happy is the people that is in such a case." That family is very like the family honored in his heart by the author of *The Cottar's Saturday Night*. It made Canaan and Scotland to be the two lands of song that was from the peoples' heart. For it was to the people a happy land of home. A great feature in it is (see Prov. xxxi) the tender faithful *honored* queen of the household. And her sons and daughters, who honor her, are, in the noble habit of reverence, laying the foundations of a character that will afterwards go far, and always be to them a basis of honorable manhood or womanhood. The young people who in this book are (Eph. vi. 1, 2) made so much of, so kindly advised and reasoned with, while warned, as if by the Apostle Peter in his mellow old age, are not young slaves. But on this one point, of reverence where it is due, the law of Moses has a terrific severity (Exod. xxi. 15), which is resumed in the old Scottish law prescribing that one who strikes a parent shall be put to death "*without mercy.*"

The merciless severity, guarding so sternly the essential moral element of "honoring" in the system of the social affections, was greatest kindness to the young. Without that element, the outlook for young lives, and for the community the young are coming to form, is dark. But supposing that in socialism the children should somehow find out their parents; *could* they honor them?—*them!*—the desecrated thing, and the scare-crow fiend with hunger in place of [*unclear: a*] soul, whose moral relation to their children is conspiracy in moral infanticide? It is not difficult for children to honor a parent like William Burns.

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## CHRISTIANITY

, as it does not make believers to be judges or dividers over men in temporal things, confers no special qualification for judging in them. And if in such matters we take it upon us to lay down the law in the name of Christianity, the antichristian arrogation may bring discredit on the usurped name. The present matter is one of science: which reminds us of the case of Galileo's judges, condemning science to be silent, and the earth to stand still. They had no Joshua's power: the earth moved on; and ever since then there has been a perpetual motion of the tongue of infidelity, jeering at Christianity on account of that old stumble of men who took it on them to judge in the name of religion where it has not authorized them. Still, there are aspects of the received economic order which Christianity is specially called upon to consider for its own guidance. And, not assuming to be judges authorized to lay down the law, we will look at matters with a view to seeing what may be the duty



of Christians in relation to them, as compared with what socialism prescribes in relation to them.

## As to Capital.

Socialism proposes to abolish private capital as "a grinding tyrant," And some who are not socialist yet blame the existing system of capitalist employment of labor as bringing woes upon the working-classes, through making selfishness, at the impulse of competition, to be the mainspring of business life. We will begin at the beginning, and look at the things, and allow them to explain themselves. As a matter of fact, under the existing *régime* of capital, the working-classes have earnings as large as they are prepared to make a good use of. It is also a matter of fact, that it is impossible for a capitalist, or for any one else, to prevent that happy condition, so long as working-men are not made slaves, as socialism would make them. For if they be free, the capitalist cannot obtain the labor he wants unless they be satisfied with the wages-price he offers for it. But now, in a straight forward, simple way, let us go into the A B C of the matter.

*What is "Capital"?*—It is commodity available for production because not required for consumption. It is money that can be applied to employment of labor. It is ten shillings which a frugal Frenchman in London wishes to invest in a pair of shoes, hoping to sell them next week at Paris for eleven shillings. An English workman wishes to obtain employment, that his children may have food. The two men enter into a free contract of labor. Consequently, a young Parisian dances to school more gaily in the elation of new shoes, the London children have supper, and the frugal Frenchman adds one shilling to his capital.

Here we seem to see, that to make capital a grinding tyrant, and wages woful to the workman, would be absurd; as it would be, to say that sunrise makes the birds to mourn, and the flowers to fade. It seems to be for the workman as a well in the desert, and for business life "as heart's blood to the stricken deer." But let the capital be £ 10,000, which employs 100 workmen, who support 100 families, which go to make "sweet Auburn, loveliest village of the plain." Still we see no "grinding tyrant," nor villainous Legree; but (Ruth ii. 1—4) in the harvest a gracious grandee Boaz, with a blessing for the reapers, and gleanings for the widow forlorn, and a necessity of his nature "to scatter bounties o'er a smiling land."

Now, however, to make sure that we see the matter through and through, and round and round, let us look at it closely in a number of cases.

*First Case.*—The capitalist is a *co-operative association* of working-men, every one of them contributing £100 of the £10,000 and all sharing alike in the profits, losses, and risks. What would be the meaning and effect of raising the wage-rate from ten shillings a day to twelve? Suppose that ten shillings is all that the business will really yield. Then they are living on their capital to the amount of £10 a day: the business is bleeding to death at the rate of £3,000 a year. They are ruining the 100 families, and impoverishing the thriving town, as surely, though not so visibly, as if the 100 workmen were taken out and. Shot to death at one stroke of the bell. In this case clearly, the most vital interest of the whole community, and especially of the working-class, is, to guard that capital most sacredly, as the soldier shields his heart in battle; or as brave Horatius, in barring the way to the heart of Rome, was nerved by the thought that he was shielding lives more precious than "the ashes of his fathers, and the temples of his gods."

*Second Case.*—The capitalist is an *individual employer*, whom we will call Samuel Budget!. He is a father to his work-people: taking a practical interest in their economics, education, recreation; and leading them in the service of God. But, with a warm heart in his bosom, he has not a soft head on his shoulders. He began, when a very small boy, with walking a number of miles to sell for a penny (?) a horse-shoe he had found on the road. With him, "business is business." at which no man can outwit him. Suppose that he is entreated, in the name of human fellowship and universal brotherhood, to raise the wage-rate two shillings a day. Against such a proposal he is hard and unyielding as a flint. It only strikes out of him a flashing fire of scorn, as if you had implored him, for mercy's sake, to soften the rigors of the multiplication table. And it is well for the workpeople that this "master" is masterful, with an unbending soul of steel. Where is the £10 a day to come from? Shall he add so much to the price of his commodities?—his customers, i. e., the business, wilt leave him. If he pay the extra two shillings a day out of his own pocket, the business will bleed to death at the rate of £3,000 a year.

*Third Case.*—The capitalist has a *second* £10,000, which is not in the business—as the life's blood is in the body. It is simply private means. And he lays it out in raising wages from ten shillings a day to twelve. First, that is not business, but charity, like Earl Derby's subscription of £10,000 to the Manchester cotton famine fund. It is a bonus, which Budgett might as well have given to another man's work-people. It is really outside of the business: as if an eccentric wealthy grocer should present (not as ground-bait) an ounce of coffee to every purchaser of a pound of tea at his shop. Such a freak of liberality would really do harm. There is a corrupting element of pauperism in working-men's receiving two shillings a day, not out of the business, but really as a gift. And such dependence upon windfall may lead into an expensive manner of living: a bequest of £1,000

each to twelve families in a Scottish Highland glen was thus the ruin of them all but one (*teste* the head of that one). Further, there would be a tendency to awaken discontent elsewhere, and so spread mischief in the general business of the community. We need not, however, wear ourselves out with these apprehensions. For, 1, The £10,000 would not last long enough to do much harm: there would soon fly away the last feather of a goose that does *not* lay golden eggs. And 2. Budgett is not a goose, but a "successful merchant," with whom business is business. Money thus not productive goes away, after doing some harm in disturbing good business habits. If the money were laid out in doubling the business, or in establishing a new business, it would support another 100 families, and help to make a second Auburn flourish, (So Jevons.) But all this time,—

*What about the "enormous profits" in which, we hear, the capitalist is "wallowing"?* We shall see about that under the fourth case. But before proceeding to that, we will take a side-look at the statement, often heard, that the workman has a *right* to the profits, because he is the *sole producer*. I. Is he the sale producer? (i) Without *machinery* his working is only beating the air: which—Paul knows—will never produce a tent. (2) Without *raw material*, toiling at machinery would comparatively be fruitless as the infamous tread-mill. (3) Perhaps the sole producer is *capital employing machinery plus material plus labor*. But supposing that the laborer is the sole producer, then 2. Does that give him a right to the produce? His labor which went into the production is not *his* now. He *sold* it, and got the price of it: just as he bought commodities at the [*unclear: dealers*], and paid the price of them. If the workman have a right to the employer's profits, has not the dealer a right to the workman's dinners?

But now we shall see that perhaps it is not worth while to raise bad blood by debating that punctilio about right to profits.

*Fourth Case.*—In this case *the workmen share the profits*, upon, say, this plan, That at the close of the year an actuary, on behalf of the work-people, examines the books of the business; and, after a fair deduction on account of the employer's interest in the enterprise, the profits are divided among them in proportion to the respective amounts of their wage-earnings in the course of the year.

Plan expounded by Professor Jevons in *Essays in Social Reform*.

The principle of this plan is as old as the time of Jacob and Laban, and is familiar in our existing pastoral economy: in cases in which a shepherd, besides fixed wages, has an interest in the increase of the flock. But of late the plan has been tried in the more complicated industries both of France and of Britain.

Benefits expected from it are: I. *To the work-people*, a chance of profits, a happy sense of personal interest in the business, a cordial incentive to steady industry, and immunity from strikes and the fear of them; 2. *To the employer*, immunity from strikes and the fear of them, a happy relation to the work-people, and an increased assurance of obtaining fair interest on his capital invested in the business, and a fair salary for labor in managing. Here the employer is seen parting with those "vast profits" in which he was supposed to "wallow," But really he has never cared much about them; and he now has got what he cares much more about, in that augmented assurance as to interest and salary. On the other hand, the workman's interest in profits can be seen to be quite insignificant as compared with his interest in the wage-earnings of steady employment.

Let us consider *what, really, is "profit"*—as appearing in this case.

It is not what remains of net returns from sale after deducting the amount of wages paid in course of the year. There also has to be deducted, before we reach a remainder which is profit, the amount of the following items on the employer's account; 1. *Fair interest on his capital*. It would have been bearing interest elsewhere if it had not been in this business. He is not to give the use of his money gratuitously: does a land-owner give the use of his land without rent? That would be charity, not business. 2. *A fair salary for his management* of the business. He may really be a Wellington of business, worth a hundred ordinary managers, But into the present calculation there enters only ordinary salary, such as he would be earning in the service of others with the same expenditure of skilful energy. 3. *Insurance* against business losses, along with provision for keeping up the machinery, etc. The expense of this has to be met out of ordinary revenue: otherwise, so far, what goes on is not business, but gambling at the risk of capital, which is, risk of throwing the work-people out of employment and means of living.

When these items are deducted there may be nothing in the "profit" margin. There may be a loss: perhaps a ruinous loss (and the workmen have no risk of that). The prudent employer is satisfied (though there be no "profit") if he obtain for himself, as means of living and thriving, the above items 1. and 2. A speculative business may have windfalls of large profit; but in such a business employment is precarious, while to an individual workman the amount coming from a large "profit" might be comparatively insignificant. [*unclear: For*] the most important thing to a workman—steady employment—cannot be made sure of except in a steady-going business, where the chances of profits are small. And thus, happily for all parties, the mere speculative matter of profit is in reality of small importance.

Now let us pause to consider the *moral* interest of the matter here appearing. We saw that the actual amount of wage-earning is sufficient if wisely used. But if there be anything dishonest or rotten in the nature of the

economy, that result must be precarious, and those who believe in God cannot hope for a blessing on prosperity so obtained (Prov. i. 32). It is therefore a thing to be truly thankful for that we have seen an honest, wholesome economy in what is the very heart and the backbone of the interest of the great laboring class, whose economical condition is in large measure equivalent to the happiness or unhappiness of mankind. And the talk about selfishness as resulting from competition may now be disposed of in few words.

*What is "selfishness"?*—It is not a regard to one's own interest. Wise self-regard is (Bishop Butler) a strong virtue: the want of it is vicious weakness—e. g., of improvidence or prodigality. The existence of it is assumed, as desirable and right, in the highest law of social duty,—“Love thy neighbor as thyself.” What makes real selfishness, in action or in disposition, is self-indulgence at the cost of what we ought to guard; e. g., of religion, patriotism, family, personal freedom. Socialism, sacrificing all these interests for a mess of pottage, is a perfect selfishness of the basest sort.

On the other hand, with reference to the received economic order, 1. Is it selfishness on the part of a co-operative association, to be influenced in not charging a higher price than is needful, by the fact, that to raise the price of one's goods is to close the market against the sale of them? 2. Is it selfish on Budgett's part to be influenced in his adherence to that honesty, by the fact of its being the best policy, in the interest of "his own, especially those of his own house"? On the other hand, 3., as to the workman, if he can live on ten shillings, why should he not accept this rate of wages, which will enable his employer to live? Why should it be reckoned a fine thing on his part to stand out for twelve shillings when ten shillings is the real market value of his labor? Is it because of the wrong done to his master, that a man is *made a hero by battling, in his own selfish interest*, for wages that will add ten shillings to the price of his neighbor's coat, or add a penny to the price of the loaf for all mankind? "Clear your mind of cant," is a precept not always practised where it is praised.

Does competition make business life to be selfish? "To the pure all things are pure." Judas (John xii. 6) will find opportunity for the dirtiness of selfishness in his treasurer-ship of sacred money for the poor. The question is about the nature of competition, not about the possible vileness of a competitor. Competition is in itself a clean thing. Rivalry can be generous. The closest human friendship may be between two men who are rivals in the same pursuit, each of them bent with all his heart in excelling the other. Each of them may be prepared to rejoice with all his heart when it is the other that is crowned. The generous rivalry of competition in the public games may appear (cf. 2 Tim. ii. 5; 1 Cor. ix. 25) to have been the one thing in the open air of heathen life that was rested upon with pleasure by the eye of Paul. The feeling which competition, by its own nature, awakens in the heart is emulation: that to which (2 Con viii, 1–9). rising up toward the cross, Paul appeals in his endeavor—of love's provocation to good works.—to stir up the laggard Corinthians (cf. 2 Cor. xii. 13) by the example of their generous neighbors in the north (cf. Phil, i. 7; iv, 14). But a man importing selfishness into competition will find opportunity for that ungodliness (Act. xx, 35) of inhumanity.

The capitalist is left free to make what use of his own he may choose, as he shall answer for it (Col. iii. 23–25; Eph. v. 9). Though he carry on his business on safe and sound business principles, he is not, in his relation to his work-people, tied to do nothing but business. In his servant he may see "a brother beloved" (Philem. 16). At a dismissal of factory operatives for the day, one was asked by Lord Panmure ("Foxe Maule"), how long he had been there; the answer was, "fifty years." In all those years there was not a day in which the Messrs. Coxe had not, at [*unclear*: Lockee], along with a strict adherence to business principles, twenty-four hours all full of "opportunity" of brotherly kindness to that man, such as his lordship had opportunity of showing to the tenants on his estates (in Eph. v. 16 the Greek word for "time" is that for "opportunity" in Gal. vi. 10—and for "season" in other places). Life is all one great "opportunity" (Act. x. 38).

A Glasgow merchant, the first Campbell of Tulliechewan, —who in his youth heard Chalmers preach the "Commercial Discourses,"—can tell in his old age (he told the present writer) that all through his prospering life he has laid himself out for opportunities of putting capable men (and women—we have been reminded at the Antipodes) on a way of business for themselves. Co-operative association is only one of those ways; and often it may not be open, or may not be the best in the particular case. An Australian grandee, who perhaps is by newspaper patriotism described as a "bloated capitalist" whose delight is in "keeping the poor man off the land," may be able to show a whole region that is occupied by thriving sheep-farmers who once were his [*unclear*: tenants], and whom at the seasonable time he helped on to the land, because he knew that they were worth helping. A flock-master, who is a candidate for parliamentary honors, is by the paper patriotism found out as having land of his own, and consequently being "a tyrant squatter": where-upon P. [*unclear*: I]., a quiet citizen, well esteemed, writes to the paper, that he, P. I, left that squatter's employment with a cheque for £1950, and knows that the only use the tyrant makes of his freehold has been, "to give the shepherds a chance."

In the ordinary course of his business relation to his work-people, an employer may (as in the case of domestic service) have abundant opportunity of showing personal kindness and respect—"honor all men." There may be the reality and the effectual practice of earnest good-will to them, though they should be away on the Hoogly, or on the sea, or scattered in hamlets and villages round the counties adjacent to Belfast and

Dundee. It may or it may not be suitable to adopt the plan of workmen sharing profits. What does it matter? If the plan should be discontinued by the Dennys of Dumbarton, the royalty of heart will remain, to be a sunshine of working existence in the establishment.

*The employer's great opportunity is the business itself.*—For the greatest material service a capitalist can do his work-people is, just to keep his business going in life and health, so as to give steady employment at normal wages. And there are cases in which a capitalist, who, at a darkly perilous time, could save himself and his family by timely withdrawing from the business, nevertheless holds on for the sake of the work-people and their families. He perhaps is in this way deliberately sacrificing himself for them, and racked with anxiety on their account, on occasion of that visit of keen inspection, when they look on him as an enemy who is looking down upon them as a coldly distant moon through a baleful night of storms. He, too, may have need of a kind word or look, and feel that it is not only on one side that evil may be done "through want of thought" more than "through want of heart."

Song of the Shirt.

Peter (i Pet. iii. 9) will show us that (Ruth i. 1-4) the reapers ought to have a "blessing" to give to Boaz. Socialism will make impossible [*unclear*: all personal kindness] to work-people by destroying the relation of free contract.

## As to Labor.

The socialist economy, we saw, would at once plunge a large part of mankind into starvation; while the socialist morality, making life not to be worth living, might speedily extinguish the human race altogether, without any manifestly supernatural "vengeance" of God (Gen. vi. 7; Jude 7). On the other hand, we have seen, under the existing order, the system of wages provides, in an honest, wholesome way, for making the amount of reward of labor as great as the nature of things will permit, while growing fitness for making a good use of earnings is accompanied with growing amount of those earnings. But now, passing from the subject of reward of labor, we come to the point as to labor itself. And the point which Christianity here makes is that of—

*The nobleness of service.*—Socialism profanes man, not only in the innermost of social relations and the relative affections, but individually, in his innermost core of manhood, the freedom of self-determination, Fletcher of Saltoun,— "the patriot,"—alarmed at seeing all Scotland full of "sturdy beggars," proposed that they should be "held to labor" as slaves. Socialism is in its nature a system of universal and permanent forced labor. This is a necessity of the nature of a system which lays on the community the care of providing for all individuals a means of living out of a common stock. The community has to make all capable individuals contributors to that common stock, placing them under a necessity of labor.

But now we will consider only the condition of those who at present are in view as laborers—the existing laboring class, Their condition is to be bondage: the individual workman is to be a slave; not permitted to dispose of his earnings as he may desire; but only promised rations, a morsel of meat, at the discretion of a godless Epicurism.

The will, as "will of the flesh," a resultant of animal impulses, is to survive in the community; but in the individual that rational spontaneity, without which man is a mere thing, is in the life of labor to cease to exist. That is to say, *the whole of the workman's characteristic life* is to be nonhuman or mechanical. Labor is debased into drudgery, manhood sinks into mechanism. And that profanation, too, is by Christianity prohibited in the name of God and made impossible in the heart and soul of man. This religion saves manhood from that profanation by making service to be noble, where socialism perpetrates the profanation in a vain endeavor to abolish the service which is natural to man.

To be in subjection (Eph. v. 21) one to another ought to be the choice of all men, because it is variously conform- able to the nature of man as social, and natively beneficent in its influence upon the individual's moral and spiritual condition; tending to the full formation of true manhood (Eph. iv. 13—where the Greek for "man" means not simply *human being*, but *male human being*—the species in completed fulness of formation). The sort of individualism that is the ideal in the view of some is exclusive of the society from the individual's life, so far as can be compatibly with the bare existence of social connection; and thus is a selfishness strongly contrasted with Christian individuality, which is a stone of a temple, a branch of a tree, a member of a body. And out of the varied relations of the individual to the society there arise various modes of subjection, which Christianity lays hold of as opportunities of manhood in the nobility of service.

The phraseology about a "dignity of labor" is sometimes intended to conceal the fact of service, of obligation to obey. There is really no dignity of labor as such. It is true that Paul delights

Concordance, "labor."

in thinking of himself as the *laborious* apostle. But a criminal on the tread-mill is laborious. And the

symbol of labor simply as labor is, not man, but the drudging ox. When (Ps. civ. 24) among the creatures of earth, "man goeth forth unto his work and to his labor unto the evening," the new thing that appears under the sun is, freedom in the worker, rational spontaneity of labor. And that freedom, which the socialist plan of life destroys, at the cost of profaning manhood, Christianity employs in its redemption of man's life, by the method of ennobling service.

In this whole matter, of the freedom of labor, Christianity has what may be spoken of as a vested interest, if not a vested right of interference with [unclear: a] civil constitution; in that the modern freedom of labor is distinctly a creation of Christianity, But irrespectively of the past, in the present and future wherever and so far as this religion exists in power, there it will make socialism impossible by keeping alive a flame of individual freedom in the soul of man, and feeding that flame with the idea of the nobility of service, Service (1 Cor. iv. 1—"ministry") is the highest office it can see on earth, and (Rev. xxii. 3) to its apprehension the loftiest of creature conditions in the eternal world. It sees (Phil ii. 6-10) the eternal Son of God making the infamous cross to be most glorious upon earth and in the universe by "taking upon him the form of a servant"; and (1 Pet. ii. 21) in this it sees the Crucified One set us an example that we should follow in his steps.

Our new industrial epoch, at a time of general awakening among the peoples passing out of the Middle Ages, was, inaugurated by the discovery of America and of a sea-passage to the East Indies, giving a great impulse to commercial enterprise among the peoples of the western Christian world. The epoch has been carried into its present ripeness of manifestation of industrialism in its character, especially by the invention of the power-loom and the application of steam-power to machinery, occasioning a vast expansion of manufacturing and of other industrial arts of life—so that a laboring class is now a very great proportion of mankind. But the distinguishing characteristic of this new industrial epoch is, that the laboring class is free; and *this freedom of the laboring class is distinctly a creation of the gospel. It nowhere existed in the heathen Roman empire of Augustus and of Nero; it everywhere existed in the Christian Roman empire of Charles V, And it is the gospel, working in the hearts and lives of men down through the Middle Ages, that wrought the change.*

The "servants" addressed in the apostolic Epistles were almost all bond-servants ("under the yoke") or slaves, Free service was in the civilized "world" (Luke ii. 1) almost unknown, while almost all really laborious work was done by servants. The condition of the mass of mankind, thus doomed to an inglorious toil, was practically hopeless; and its desperate misery was evinced by those formidable slave-insurrections—"servile wars"—which had deluged the plains of Italy and Sicily with blood. Slaves and slave-owners became Christians. Bond-servants formed a very large part (1 Cor. i. 26-28) of the membership of the primeval apostolic church. And the duties arising out of the relation thus existing were a leading subject of the moral instruction of Christianity through its apostles. Children's duty is only referred to in one of the two apostolic directories for common duty; servants' duties are carefully emphasized in both (1 Pet. ii. 18-25; Eph. vi. 5-9). In only one of the two are masters' duties referred to, and the reference there is a sort of pendant to what is said about servants.

The new religion did not prohibit the outward relation of bond-service. On the contrary, that was allowed to remain undisturbed (Philemon). The Christian (1 Cor. vii. 20-24) was taught while recognizing the greater desirableness of freedom, yet, if his position was that of bondage, not to imagine that as a Christian he was entitled or bound to break away from it. On the contrary, a Christian's ordinary duty was to remain in the position where God had found him: to "abide with God" there, there "serving Christ." And the result was, not perpetuation of slavery, but emancipation of the slave.

The process through which this great result was brought about is in its nature spiritual, and is represented by the word of Paul to a slave-owner about a runaway slave, now, when Christianized, coming back to his place, a "brother beloved" (Philem. 16). Men brought into right relation to God as the Father were thereby (Eph. ii, 11-18) rightly placed in relation to one another as brethren. A new heart thus came into the relation, and the light of life kept shining. It was the spring-time: the sun went on shining, and the frosty snow-dad winter gave place to the summer from that spring. This was the real emancipation. The formalities of outward emancipation cannot in many cases be distinctly traced. The reality, making freedom of labor to be inevitable, and socialism so far to be impossible, is where Christianity lives in men.

Mr. Lecky, in a passage to be quoted further on (p. 59), describes the Christian idea, which was thus operative, as being that of "universal brotherhood." The description is vague, and may mislead. *Universal "brotherhood"* is not a biblical expression. The Christian principle which wrought the slave's emancipation did not need to be expounded in the apostolic age. It had been exhibited at full length under the Old Covenant, From Abraham's time downward (see John viii. 33) the bond-servant, one of the chosen people, was on the same level of spiritual privilege with the free (Ex. xix. 6; 1 Pet. ii. 9; Rev. i. 5). The "brotherhood" was through redemption, bringing about a new and true filial relation to God (Gal iv. 26-29). This, instated in the mind and heart of men, was the true spring, by which the winter of heathen bondage was made to pass away.

In Israel, the bond-servant's condition was from the outset essentially different from that of a heathen slave.

And the emancipating principle so worked, quietly—as "the kingdom of heaven cometh not with observation"—that in the gospel history it is impossible to find a trace of bond-service as continuing to exist in Israel: thus far, Palestine was (cf. John viii 33) a land of freedom in a world of bondage. In the sisterhood of nationalities which arose in Christendom, there took place the same process, through the same principle, as in that oldest of the nations—which alone of ancient peoples made public statutory provision for the protection of slaves.

The position of a Christian slave, especially of a female slave, of a heathen, must in that first age have often been terribly perilous as well as painfully revolting. The apostles in bidding their converts remain there, "with God," "serving Christ," put a strain upon their human "endurance" as compared with which the short agony of ordinary battles or campaigns is nothing. But the obscure "endurance" of those weak despised things which are not (1 Cor. i. 26–29) achieved the vast result for mankind of retrieving the position of labor, and showing service to be noble.

Of the nobleness of service we have a most beautiful picture (2 Sam. xxiii 14–18) in the old heroic story of David's longing for drink "of the well of Bethlehem, which is by the gate." There, at the place of resort, he must often have mingled with the people in his boyhood. Now, though his heart draw him to the spot, the commander is restrained by an overmastering heathen force around the little town. But three paladins twice break through that flame girdle of heathenism, to appease the human longing in the heart of their great hero-captain. And he will not drink the water so procured: he "poured it out before the Lord"—deeming that which was the equivalent of three such devoted lives, too sacred for every lower purpose than solemn libation (cf. Phil. ii. 17) to the Lord of hosts and King of heaven. The "three mighty ones" were servants of the king; and they made service noble.

The working-man has opportunities of this high thing in life: not only if his employer's factory be on fire, or his flock in peril of snow-storm or flood, or his dwelling assailed by robbers or by rioters. The old Lochee operative had fifty years of opportunity, filling ten or twelve hours of every working-day. The grand opportunity is in the service; doing that "heartily, as unto the Lord" (Col. iii. 23).

Hugh Miller elected not to aim at being an employer. He reckoned that he would be more free, for the career of self-culture on which his heart was set, by simply earning wages. A very large proportion of the working-class may prefer the security of wages to the chances of co-operative association. The position of a wage-earner is in Christian communities thoroughly appreciated as honorable. And for those who have the ambition and the gifts for rising to a higher external position, ways are open, and new ways are opening. But for the real happiness of mankind, so largely consisting of a laboring class, the one thing needful in this relation is, practical realization of the nobleness of service. The Christian slave at Ephesus or Colossæ might have a very different master from Philemon, and a very different place from "the church in the house" (Philem. 2). But John Knox as a galley-slave could maintain "a reasonable merry countenance." And of that slave's place Paul said, "Brethren, let every man, wherein he is called, there abide with God."

One who has ever learned to swim is a swimmer ever after, and a language once learned is not forgotten when the learning process ends. It is a question whether, when the community of mankind have once attained to freedom of labor, it would not be physically impossible to revert to the condition of bond-service. If it were possible, it would be infamous. But service is never infamous, and can be made always glorious.

## As to Poverty.

By poverty we will understand not scantiness of means, but dependence upon others for means of living. Under the received economic order, the provision made for the poor is regarded as matter of charity, and as being thus a specifically different thing from wages, which is matter of right. Socialism, abolishing that distinction which makes dependence disgraceful for those who are physically capable of self-support, creates a dangerous facility and temptation for multiplication of "sturdy beggars": whom, without the proverbial "patriotism" of Fletcher, it has to "hold to labor" as slaves. And economists and philanthropists alike are of opinion that the abolishing of the distinction would be a grievous misfortune to the genuine poor, by its closing the fountain of that charity, which is nature's own provision for sympathetic help to them in their sad need.

Upon the socialist view, that the care of all individuals is properly incumbent on the civil community, it would be no good ground of reproach to Christianity though it should have made no distinct provision for poverty, but left that matter, like the criminal law, entirely in the hand of the civil powers that be. But the religion proceeds upon the fact, that "in the poor we have always with us": there will always be need of occasional private charity, as distinguished from the systematic operations of the state; and there may be call for a testimony of Christianity to the state as to the mind of God regarding the care of the poor. We now will consider the question, whether Christianity has in it an energetic force for the offices that may thus come to be in

request upon its part.

In our time there have, with reference to the common Christianity of English-speaking peoples, been voices in the air about "a selfish middle class," which by interpretation is otherwise heard of as "the comfortable church-going classes,"—to the effect of saying, that the common Christianity of the peoples is now torpidly effete, wrapped up in a comfortable selfishness, regardless of the suffering of mankind; so that the world has need of a new Christianity, to inaugurate and take the lead of a new economic order. The new Christianity may be found leaving out the old gospel of Christ.

Rigg, *Modern Anglican Theology*.

But we now have room only for some observations on the previous question of fact: Is the common Christianity really effete, or otherwise wanting in resource of charity, as an affection that maybe found an available "balm in Gilead" for the case in view?

1. *There still is the "physician there."*—Christ is far the greatest power in Christendom, The Bible is the common law of the Christian peoples, the text-book of their teachers, the *vade-mecum* of their true believers in a daily walk with God. The light of Scripture on this matter is not seen by us as by men out on a darkly troubled sea who catch glimpses of a dim light in an ancient Pharos tower on a distant long-forsaken shore. It is the sunlight of the daily life of Christians round about us. The new heart which it labors to create in them is "an heart of flesh." And we may expect to find in them, who are continually under its influence, some result of that humanizing operation of the word of God.

Christ himself is set forth (Act. x. 38) in the first view of him given to the Gentile world, "as going about doing good." His apostles, at their memorable conference (Gal. ii.) regarding the plan of campaign, while they agreed to go their several ways with the one gospel for the soul, as regards the body covenanted (ver. 10) that they all, go where they might, "should remember the poor," A persistent appeal for contributions, in relief of distressed brethren at Jerusalem, is a curiously interesting side-work in the great career of the apostle of the Gentiles. And he is privileged to transmit (Act. xx. 35). as a sort of fifth Gospel "according to" Paul the Magnanimous, the only known word of the Lord Jesus not recorded in the Gospel histories, "It is more blessed to give than to receive"—which he makes an argument for laboring "to support the weak," We need not dwell on the great place which this privilege and duty of charity had in the teachings of the apostles (cf. 1 John iii. 16, 17; James i. 27; 1 Con viii. 9; Gal. vi. 10; Eph. iv. 28).

The whole matter is summed up in the Old Testament declaration of the true spirit of Christianity or Messiahism in Isa. lxi 1, along with what is said of the fulfilment of this prophecy by Christ himself (1 Luke iv. 16–22; Matt. xi. 3–6, where observe the Spirit's *anointing*, and the fact that the Hebrew for "anointed" is *Messiah*, and the Greek for it is *Christ*). There the believer sees, that relief of temporal distresses, with a special reference to "the poor," is of the very essence of the religion of Christ. Thus the "peace" which is "like a river," is intended, in its progress through the lands, to bring to them a blessing and glad song of comfort and of healing for the body as well as of salvation to the soul.

It is in this connection an important fact, that the Redeemer's work on earth was a campaign for deliverance from natural evil on account of its being a stronghold of tyranny of spiritual evil (Acts x. 38). Exorcism with him was "medicine to a mind diseased" (Luke viii. 35); and (xiii. 16) bodily ailment, making a "spirit of infirmity," was pronounced a bondage of Satan, Healing of the body led on to joyful assurance of being forgiven. The whole campaign of miracles, in Palestine as (Ex. xii. 12) in Egypt, had thus a spiritual purpose to serve through operation on the natural world and life. But on the other hand it is an important fact that, in addition to such bearing on the spiritual condition of mankind, the Bible shows that God, and men who are like him, have a real regard of complacency to men's temporal well-being on its own account. The following notes have reference to that aspect of the matter:—

1. *The New Testament* in this relation only the interpretation clause of a "law" which (Matt, v. 17–20) is given in the Old, The bearing of Christ in the Gospel history toward the natural life of man is humanely sympathetic genial He is the realized ideal of the saying, "I am a man, and all that touches man comes home to me" (cf. Heb. iv. 14, 15; ii. 17, 18; v. 1, 2). Hence the Christian feasting with those who rejoice, as well as weeping with those who mourn. Such, too, (witness the Parables,) was his bearing toward the natural world of man; whence (?) the Christian "love of nature." In the apostolic age his followers had occasion to take joyfully the spoiling of their goods, and showed themselves willing, not only to be bound, but to die for the name of the Lord Jesus. But they were not inhuman. The inhuman asceticism, which represses natural affection connected with the body, was by apostolic authority condemned as antichristian (1 Tim. iv. 1–9); as in the Gospel history (Mark iii. 15) the only thing on which those eyes which are as a flame of fire, are said to have looked "with anger," was that inhuman asceticism of imagined spirituality which is real carnality, and which by being inhuman is shown to be ungodly. In order to see what was the feeling of the first Christians in relation to temporal good, we must take into view the fact, that in the primeval times *the Bible* of Christians was the Old Testament (2 Tim. iii. 14–17; 2 Pet. i. 19–21). as it had-been the "It is written" of Christ himself (Matt. iv.

3–19).

2. *In the Old Testament* the matter is set forth as if leisurely at full length. This has reference to the church's childhood: in which as to the body she learned to sing, that God the Father "giveth food to all flesh, because his mercy endureth forever."

(1) *In creation and providente*, his "goodness" (the key-note of the psalmody) appears; markedly in the temporal well-being of man favored by God (cf. Chalmers' Bridge water Lectures, "adaptation of the eternal world to making a virtuous species happy "); (2) in connection with *redemptions*, a good estate on earth (Gen. xviii. 8) is in the foundation gift of divine redeeming love. The "rest" of God for his redeemed is outwardly in a "good land" (Deut. viii. 7–10—a realistic description of the best conceivable land for settlement). "a land flowing with milk and honey."

The (partially) realized ideal, sung in Ps. lxxii. is shown in 1 Kings iv., with reference to the nation's temporal prosperity in Solomon's long, glorious reign of peace. Two things were countlessly multitudinous: (i) the manifold royalty of wisdom in the great heart and capacious intelligence of the king (1 Kings i v. 29); and (2) the covenanted population of the country, prosperous outwardly as well as inwardly, and safely guarded in the prosperity (vers. 20, 25). That picture of a happy golden age of the past shows what, as good for man, God loves to bestow on those men whom he loves. The idea of it—never fully realized, because Israel did not keep the covenant of their tenure of the land—fills the book of Psalms, and is everywhere on the background of the Prophecies, alike in threatenings and in promises. "This God doth abide our god." The Old Testament was "the law" of Christianity in the formative epoch of its first heroic age. All who really are formed, as Paul was, and Peter and James and John, and the Son of Mary, in accordance with the spirit of it, will seek (Prov. xxx. 8) to place man free from sordid care and want that is demoralizing; and, having learned to sing (Ps. cxilv. 15), "happy is the people that is in such a case," will desire for men true godliness on account of its promise of the life that now is, as well as of that which is to come.

There have been Christians—as there have been heathens—who, under an impression that ghostliness is spirituality, aim at spirituality through harsh inhumanism of repressing natural affections connected with the body. These may think meanly of temporal well-being of mankind. But ordinary Christians, not aspiring to be ghosts, but wishing to be good and happy human beings, have not so learned Christ (Matt. xi. 29–30). And Christ himself, the realized ideal of *hamo sum, nil humani alienum a me puto* ("I am a man, and all that touches man comes home to me"). is recognized by them as a pattern of whatever is truly humane in sympathetic geniality (Heb. iv. 14–16; cf. Matt. ix. 15–17) toward the natural life of man. Hence Christians for themselves are sufficiently appreciative of the promise which (1 Tim, iv. 8) godliness hath for the life which now is: and they know the principle of, "Love thy neighbor as thyself."

Here, too, the fundamental "law" (Matt. v. 17–20) is that of the Old Testament (2 Tim. iii. 15–17), to which the New Testament is as interpretation clause, The whole Old Testament revelation of God's mind toward man—in history, prophecy, and song—proceeds upon the view, that temporal prosperity is among those blessings which God has it in his heart to bestow upon man as the object of his love (cf. Deut. viii. 7–10). And in the Old Testament we see that the miracles of Moses were, like those of Jesus in the New, a campaign for man's deliverance from a tyranny of spiritual evil of which the stronghold was seated in material ill conditions (cf. Acts x. 38, with what the same historian says in Luke viii 35; xiii. 16).

This latter fact has a parallel in the fatal effects, in our time, of evil material conditions in relation to moral and spiritual well-being and well-doing. Abraham's God Almighty, who calleth things which are not as things which are, and raised up the Lord Jesus from the dead, is able to bring a clean thing out of an unclean. He can keep his regenerate stainless amid "the pollutions" (2 Pet. ii. 20) as white sun-rays in a sepulchre, and scatheless amid a very sea of searching fiery trials (1 Pet. iv. 12) as (Dan. iii. 25) he guarded the three children in the seven-times heated furnace, But here *there is a something that can be done by man* in the destruction of strongholds of moral pollution in physical evil. And when that is so, it is the Christian's part to consider, not only the omnipotence of God (Isa. xl. 25–31) as a ground of comfort, but also and especially, as a guide of action, his manifested *will*: his will as manifested, e, g., in that constitution of man's nature which he has created, and in the permitted course of evils under his adorable providence.

Now in the present case the fact is (Prov. xxx. 8) that, while riches have their temptations and their perils,—which are wide of our present point—poverty demoralizes: it is ensnaring, not only as tempting to break the law of man, but as tending toward that desperate self-abandonment (Eph. iv. 19) which opens the flood-gates of wickedness in life; and still more, toward a mental condition of sullen discontent, fatal to religion, represented by the expression which Mr. Rae puts dramatically into the mouth of his typical socialist of the artisan class—"We are not atheists, but we have done with God."

It is this view that especially moved Chalmers to his great labors at economics, in his public administration and through the press. His large heart, full of the milk of human kindness, was naturally grieved with seeing his fellow-countrymen suffering, so that sweet life itself was made bitter to them, through mere want of means of



living. The born and bred economist within him—with his "kingly governing faculty"—was indignant at the shameful waste of manhood thus occasioned to the community by mismanagement on the part of perverse imbecility of statesmanship. But on a memorable occasion he publicly owned, that he had been too much absorbed in calculations about finite quantity, so as not to be duly mindful of *that* quantity—infinity—which is the one thing needful. And yet it is after the great change in the whole tenor of his inward life, that we find in its outward course all his really memorable labors in theoretical and practical economics. The deep abiding conviction, that certain material ill-conditions are effectively fatal to religion and morality among mankind, burned as a fire in his bones, and bore him through those labors as in a mighty river of divine compassions for the perishing lost. Why should we think that the heart which beat in him was a stone in the bosom of his brethren (2 Cor. iii. 18)?

2. *As to the actual state of things*, relatively to the feelings and practices of Christians, and the tendency and effect of their activity. We must remember that Christianity as an institute can directly operate on political and civil constitutions only through moral suasion, and indirectly, only through bringing men individually into a right state of mind and heart; while a large part of mankind puts itself beyond reach of the influences of this religion (Ps. ii.; John v. 40–42). And if there be a real short-coming on the part of those who profess it, the just inference may be not that their Christianity is not of God (Matt. v. 45–48). but that they are not sufficiently under the power of it.

(1) Why are the "church-going classes" "comfortable"? (Cf. Luke viii. 35.) William Jay answers, See his Autobiography.

after he has preached the gospel seventy years, having begun when he was a mason's apprentice at sixteen. He has known all sorts and conditions of real Christians but one,—namely, the destitute poor. And for the non-existence of that sort of real Christians he has seen two reasons: (*a*) good character and conduct, keeping real Christians out of poverty; and (*b*) good friends; who, if a real Christian should fall into poverty, will not allow him to sink into destitution. The same fact, of the "comfortableness," was observed by another trustworthy aged man, who had been a pastor twenty-eight hundred years before. He put it into a song (Ps. xxxvii. 25). It really is a thing to be glad of (Isa. xxxv);—and it is *an important contribution to the economical welfare of the community*,—a heart of "innocence, and health, and sweet content" (prayer of Burns).

(2) There maybe unnoticed such contributions to that welfare,—e. g. of purity (Judges xv. 3; Ezek xlvi. 1–5). The statistics regarding a religious nation exhibit a painful prominence of one mode of "uncleanness." And some imagine (2 Pet. iii. 12 and 10) that the national type of religion is to blame for that. But one who sets himself to inquire as to facts, finds cause to believe that, in fact, where the national type of religion really has hold of that nation, namely, in its "evangelical" churches, that offence is almost unknown. This is impressive as showing what a purifying influence on life there is in even outward connection with Jehovah's temple, amid the "pollutions" of the world: especially in view of the fact that all other temples are found to be, like socialism, polluting in their influence (though they may not, like socialism, make pollution statutory). That purifying influence, counteracting poison in the body politic (Isa. i. 9), is a very great economical advantage to a community—and every one knows the fact of its existence,

Of unobserved positive beneficence, there may thus be a vast amount reaching the whole community (Gal vi. 10; cf. Matt. v. 45–48). Who, within the community as known to us individually, are as a class benefactors? Has socialism ever been like Isa. xxxv.? In an important town, far from being universally Christian in profession, a memorial is got up, of such a nature that those who sign it are of course the pronounced Christians of the community. Then, when one calls attention to the point, every one sees the fact, that, almost with no exception, the memorial has in it the names of all those individuals, then alive in the town, who in that generation have done anything worth remembering in the way of self-sacrificing endeavor to promote the temporal wellbeing of that community, especially of the poor. The town is now adorned with magnificent public gardens, free library, town hall, people's park and fountains,—all of which are the gifts of individuals who, rivals in trade, but emulous in beneficence, are members of the churches. There may be similar facts everywhere in Christendom, unobserved as the vital air, or as the goodness of God, who "giveth food to all flesh, because his mercy endureth forever."

(3) There are general facts, which are solid ground of inference in the whole question of diagnosis as to the life of Christianity,—looking at the complexion, feeling the pulse-beat from the heart. The following two general facts, regarding the time when the invective—on the part of men whose philanthropy appeared mainly in that invective—about a torpid inefficiency of Christianity was beginning to flash its maiden sword, are of that character, and full upon the mark.

First, as to "The London Charities."

Title of Hawkesley's work, cited by Greg in "Mistaken Aims," etc.

They were annually disbursing *seven million and a half pounds sterling!* This with the then population (two millions) would have been sufficient for an allowance of eighty-five pounds a year to one London family in

every five; while over all England the pauperism was only one individual in twenty. There must have been grievous absence of trenchantly able management: such as would have been contributed by that "king of the fens" (Cromwell) whom men were at the time admiring much (on paper). But the existence of so vast a treasure, far beyond what could be applied to real good purpose in relief of distress, shows that charity was not dead in the great heart of the foremost Christian people. A famous foreign evangelist is reported as having said, on occasion of a recent visit to London, that he was simply amazed at the extent to which he there saw men and women of high station and affluent wealth, with excuse as well as opportunity for simply enjoying life, who seemed to have no conception of any use of life but to spend it in doing good to others;—that in this respect he did not believe there has ever been such another city in the world. Let us hope that, though the evidence may not be so distinctly producible as in that case, there are many other cities, and towns, and villages, where men's hearts are touched by memory of the fact, so that their lives are monumental of the fact, that the bequest of Christ to those who love him is the poor, and that our dealings with men in distress are to be the test of our eternal relationship to the Son of man (Matt. xxv. 28–46).

The following tale of fact points more distinctly to Christianity as the benefactor:—

Second, as to the experience of Dr. Chalmers.

Life, by Hanna.

It variously brings to view the existence, deep-seated in the ordinary Christian community, of a great fountain of charity, that is available if only there be skill enough to reach it, as by making an artesian well. (a) A few months before his death (in 1847) he crowned his love's labor at the "territorial" mission in Edinburgh West Port (of Burke and Hare memory!) by opening the first church there—where it has proved to be as an oasis in the desert. The whole of that work was the fruit of Christian charity of individuals, sacrificing not only their money, but their time and strength and personal comfort: one volunteer district visitor, through those years of "patience of hope," may have done more of real sacrifice for the good of suffering humanity than all the declaimers about a Christianity that was torpid and effete. (b) In the meantime he had fairly set on foot the vast material fabric of the (Disruption) Free Church of Scotland: whose dimensions have more than doubled since his time; and which, in addition to what was needed for distinctively church purposes, included six hundred public schools, and two normal colleges for training teachers which have served as models in the empire and beyond it. *That fabric has been erected and maintained wholly by means of voluntary contributions of professing Christians*—in what is deemed the closest-fisted nation under the sun. (In one of the parishes that were thus provided for it was observed, that in a four years. ministry there, a policeman had never been there on serious duty but once—when he was on the track of a thief that had passed *through* the parish. In wide regions of the land, of his type of evangelism, the people have never seen a soldier unless one be visiting his home on a furlough.) (c) Thirty years before, in St. John's parish of Glasgow, he had experimentally proved that, in a poorish urban population of twelve thousand inhabitants, *the poor can be far better cared for by means of voluntary liberality and volunteer agency* than by means of assessment and officialism; while there is a vast saving of expense, and a blessed binding together of the various ranks of the community through sympathetic personal intercourse. There always was an ample supply of money, and of workers who took a growing pleasure in the work. The genuineness of the success of the experiment—which has been owned by expert economists—was proved by the fact, that the success went on, augmenting, when the magnetism of Chalmers' personal presence was withdrawn from Glasgow—until the work was stopped by a poor Jew. Hugh Miller, perhaps the best judge of that matter then in the world, held

Essays: Political and Social—"The Scotch Poor-law."

that the stoppage made a black day for Scotland, especially to the poor. At present we appeal to this great experiment simply as furnishing incidental illustration of there being, in an ordinary community of the existing Christendom, a copious wealth of charity;—as to which it may be said to "the accuser of the brethren," "Thou hast nothing to draw with, and the well is deep."

Some can travel from Dan to Beersheba and find all barren; because "to him that hath shall be given." It has not been so with us. But here it is satisfactory to have what we now proceed to cite, namely—

(4) *Competent evidence regarding the general question* of fact as to the relative character of the existing Christianity in connection with the whole movement of this religion from the past. Mr. Lecky, as represented by his two works on "History of European Morals" and on "Rationalism in Europe," we suppose to be, in relation to that comprehensive question now before us, the most highly qualified witness to be found in books. And the weight of his testimony as to fact is here the greater, because as to faith he is not personally a believing Christian according to our view.

The following quotations are from his "Rationalism in Europe."

Fifth Edition.

The numbering and the headings are ours.

1. *The great stream is now flowing.*—"If it be true Christianity to dive with a passionate energy into the

darkest recesses of misery and vice, to irrigate every quarter of the world with the fertilizing stream of an almost boundless benevolence, and to include all the sections of society in the circle of an intense and efficacious sympathy; if it be true Christianity to destroy or weaken the barriers which separated class from class and nation from nation, to free war from its harshest elements, and to make a consciousness of essential equality and of a genuine fraternity dominate over all accidental differences; if it be, above all, true Christianity to cultivate the love of truth for its own sake, in a spirit of candor and of tolerance toward those from whom we differ—if these be the marks of a true and healthy Christianity, then never since the days of the apostles has it been so vigorous as at present" (vol. i. pp. 186, 187).

2. *The perennial fountain of that stream.*—"Although it is true that during many centuries the philanthropist was placed on a far lower level than at present, it is not the less true that charity was one of the earliest, as it was one of the loveliest, creations of Christianity; and that, independently of the incalculable mass of suffering it has assuaged, the influence it has exercised in softening and purifying the character, in restraining the passions and enlarging the sympathies of mankind, has made it one of the most important elements of our civilization. The precepts and examples of the gospel struck a chord of pathos that the noblest philosophies of antiquity had never reached" (vol. ii. p. 244).

3. *Effect on the general life of mankind.*—"The history of *self-sacrifice* during the last eighteen hundred years has mainly been the history of the action of Christianity on the world. Ignorance and error have, no doubt, often directed the heroic spirit into wrong channels, and have even made it a cause of great evils to mankind; but it is the moral type and beauty, the enlarged conceptions and persuasive powers of the Christian faith, that have during many centuries called it into being. The power of Christianity in this respect can cease only with the moral nature of mankind" (vol. ii. p. 372).

4. *Illustrative case of slavery.*—[The view which Mr. Lecky gives, we had long ago formed independently as now expressed in this article. He states, that among the Greeks and Romans labor had come to be despised, and to be deemed infamous for freemen—cf. "mean whites" in American slave States—; and that of the mass of slaves the condition was hopeless: but that there came in two ameliorating circumstances,—(I) a certain *sentiment* of tenderness toward slaves, which rose in the moral ruin of the Roman empire, and (a) the "barbarian M invasion, tending toward abolition of slavery. Then he proceeds as follows],—

"But when the fullest allowance is made for these influences, it will remain an undoubted fact that the reconstruction of society was mainly the work of Christianity. Other influences could produce the manumission of many slaves, but Christianity alone could produce the profound change of character that rendered possible the abolition of slavery. There are few circumstances more striking, and at the same [few] more instructive, than the history of that great transition. The Christians did not preach a revolutionary doctrine. They did not proclaim slavery altogether unlawful, or, at least, not until the Bull of Alexander III. in the twelfth century. But they steadily sapped at the basis, by opposing to it the doctrine of universal brotherhood, and by infusing a spirit of humanity into all the relations of society" (p. 236).

5. *Civilization an effect of the gospel.*—"Missionary enterprises and commercial enterprises are the two main agents for the diffusion of civilization. They commonly advance together, and each has very frequently been the precursor of the other" (p. 249).

The reference to the civilizing effect of this religion (*emollit mores, Nec sinit esse feros*) recalls to mind the fact that, while it has created the modern civilization, it is every day *now* producing the same beneficent effect; e. g., in the South Sea islands transforming communities which within our memory were sunk in the lowest cannibal savagery, into orderly societies, which in important respects would favorably compare with the best conditioned Christian communities in the northern hemisphere. There are tragic illustrations of the need, where commerce has broken the ground, of Christianity for planting and watering. *It is the only power on earth that is doing such work* (Isa. lv. 10–13). Socialism has shown itself powerful only to destroy (the word for "power" in Acts, i. 8, is *dynamis*—but the dynamite there is not atheistic force).

At the beginning of the first of the above quoted passages, Mr. Lecky has passed from a strain of in effect disparagement of the catholic doctrines of Christianity, regarding the divine-human person and redeeming work of Christ. in favor of the Christian practice he proceeds to eulogize. The historical fact is—as was anticipated by Christ and his apostles (John xv. 3; xx. 31; Matt. xvi. 16–19)—that the practice has been the fruit of the doctrines vitally apprehended. Slavery was destroyed, not by a viewy sentimental humanitarianism, but by the apprehended *fact of redemption* through the atoning sacrifice of God incarnate.

See in Shakespeare the theology of the Crusades, of the heroic new life in the Middle Ages.

So of the whole great work of new creation in the primitive time, and all that is characteristic in the philanthropic life of recent Christendom. As a matter of historical fact, it all has been, and is. in substance and heart, a fruit of belief in incarnation and redemption. Movements which appear to have a different origin may be found on close inspection to be only eddies of that great stream, satellites of that sun (Gen. iii. 15. xii. 3).  
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the Bible in Schools Adrocate. JULY, 1892. NEW ZEALAND'S INDEX EXPURGATORIUS, OR National Exclusion of the Bible FROM EDUCATION. By the Rev. JAMES MACGREGOR, D.D, PUBLISHED FOR The North Otago Bible in Schools Association, BY ANDREW FRASER, Bookseller, Oamaru. PRICE TWOPENCE.

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## **NORTH OTAGO**

### **Bible in Schools Association.**

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*"Thy word is a lamp unto my feet,  
And a light unto my path."*

- Rev. James Macgregor, D.D.
- Rev. J. A. Luxford.
- Mr. P. B. Fraser, M.A.
- Mr. J. R. Elder.

*Committee:*

Messrs D. Dunn (Mayor of Oamaru), Gideon Rutherford (Kakanui), J. S. Holmes (Awamoa), J. Annand (Oamaru), M. Bell (Oamaru), W. H. Cottrell (Oamaru), Anthony Paterson (Otepopo), J. Findlay (Hampden), Duncan Sutherland (Omarama), Alex. Murdoch (Ngapara), Peter Aitchison (Awamoko), Matthew Morton (Kakanui), Rev. Jas. Clarke (Palmerston), Rev. P. S. Hay (Duntroon).

A Public Meeting of those favorable to permitted use of the Bible in Common School Instruction, under the National Education System of New Zealand, was called to be held in St. Andrew's Hall, Oamaru, on the 8th June, 1892, at 7.30 p.m., his Worship the Mayor in the Chair. The said meeting adopted the following resolutions:—

- "That in the National Education System of this country there ought to be permitted the reading of the

Bible in the common schools, because it is desired by a majority of the people of the country on the ground that the Bible is God's word for mankind "

- "That there ought to be permitted use of the Bible in schools, because the Bible is of singular value as an instrument of education and is a creative influence in the modern civilisation, such that to grow up in ignorance of it is to be not educated in that civilisation."
- "That this meeting do now constitute a North Otago Association for Bible in Schools, to consist of all citizens of both sexes of full age who shall intimate their desire to be members, and pay Is for one year. And the meeting appoint the following, with power to add to their number, a central committee of the Association for a year, to prepare and transmit to both Houses of Parliament a petition in terms of the present resolutions signed by his Worship the chairman, and to arrange for connected movement in the interest represented by the petition, such as forming branches of the Association in localities of North Otago, with local branch committees, and co-operating in league with friends of the cause in New Zealand, with a view to speedy attainment of an amendment of the Education Act to the effect of permitted use of the Bible in common school instruction under the Act: President of Association, Rev. Dr Macgregor; vice-president, Rev. Mr Luxford; treasurer, Mr James R. Elder, Maheno; secretary, Mr P.B. Fraser, M.A.; committee—Messrs Dunn; Gideon Rutherford, Kakanui; James S. Holmes, Awamoa; Annand, Bell, Cottrell; A. Paterson, Otepopo; J. Findlay, Hampden."

All communications to be addressed to

P. B. Eraser,  
Secretary, Bible in Schools Association,

Oamaru.

## Prefatory Note.

THE title of the following address represents the fact of its differing in man ner from what the speaker is in the habit of delivering to a congregation. Assuming the principle of "a nation's right to worship God," it is a discourse on citizen duty arising from that right. The NORTH OTAGO ASSOCIATION is of citizens, male and female, banding for the discharge of this duty. Similar associations could be easily formed in other districts of New Zealand; and these in effect would be a National League for the people's deliverance from bondage of secularism. The Committee of this newly-formed Association have arranged for enlisting members within the district, by means of a certificate of membership, granted on payment of the one shilling of entry money for the year. Heads of families might, by so entering others of the household individually, enlist their feelings on behalf of the movement, interesting them in it by giving sensible reality to their individual connexion with it. Female members of Association in a locality might do invaluable service, to a cause in which they have deepest interest, by enlisting members; and for that purpose might be associated with the branch committee in the locality.

There is a thought of publishing, monthly through the year, a pamphlet which, in addition to immediate effect of "educating" citizens for present action, may come to form, in its twelve numbers collectively, a valuable book, illustrating the whole subject of the Bible as an instrument of education, and constituting a "complete armoury," of argument and information, for citizens disposed towards active service in this campaign of liberation from secularistic tyranny. Every number will contain, as leading article, some important paper on a leading aspect of the subject, such as Professor Harper's Melbourne lecture on the Canadian solution of the Bible-in-schools problem; and for completion of every number there is abundant available material in the shape of facts, opinions, reasonings, etc., which can here be collected into a focus.

Such a work would have been most suitably undertaken by a New Zealand League, if there had been a league in readiness for the work. The North Otago Association cannot be reasonably expected to do more in support of the undertaking than to take the periodical for distribution in their own district:—e.g., devoting the one shilling of entry-money to the expense of gratuitous distribution among all members of Association throughout the district. For any other district, the benefit to be expected from the work might be secured by friends of the cause in the district, ordering a quantity, say, not less than twenty, for distribution there, which would be forwarded at the lowest rate found practicable.

Friends of the cause are invited to communicate with the Secretary of the Association.

1ST JULY, 1892.

# A Political Sermon

## On the Primary Formation of a People, or New Zealand'S Index Expurgatorius

Text of Dr Macgregor's sermon, psalm [unclear: 78], 5-8." For He established a testimony in [unclear: hcob], and appointed a law in Israel, which [unclear: He] commanded our fathers that they should [unclear: make] them known unto their children: [unclear: that] the generation to come might know [unclear: them], even the children which should be [unclear: born;] who should arise and declare them to [unclear: their] children: that they might set their [unclear: hope] in God, and not forget the works of [unclear: God], but keep His commandments: and [unclear: night] not be as their fathers, a stubborn [unclear: and] rebellious generation; a generation that [unclear: was] not their heart aright, and whose spirit [unclear: was] not steadfast with God."

A good many years ago, in the West of [unclear: Sotland], an assault was made on the [unclear: sabhath] law. It was headed by court [unclear: divines], who also courted the favor of the [unclear: people]; and this was thought a bid for [unclear: popularity] both ways. There was uneasiness [unclear: pass] among those who really cared about [unclear: God's] law and His Book. And it was [unclear: striking] how the matter impressed practical [unclear: men] who might make no great profession of [unclear: religion]. Men of business in Glasgow [unclear: obtained] quite a new feeling of the value of [unclear: the] Sabbath institution. They were shaken [unclear: awake] by its being seriously threatened. [unclear: And] they saw with deep alarm, that if the [unclear: aeredness] of the institution were effectively [unclear: lost] from the life of men, then their [unclear: codition] would be mere slavery: there [unclear: were] so many inducements to crowd the [unclear: week] with work that, if once the sacredness [unclear: of] this one day in seven as a day of rest [unclear: were] violated, then it would rapidly come [unclear: to] be a seventh day of work, and business. [unclear: He] would be a bondage of monotonous [unclear: fctssant] toiling.

Some then drew sword. Dr Buchanan of [unclear: pasgow], one of our famous Free Church [unclear: landers], wrote to me—" You see how things [unclear: are] going now. Bring up your Paisley [unclear: prcrture] to the Synod (of Glasgow and Ayr), and I'll second it. And be sure to write [unclear: your] best possible speech, and have it in [unclear: your] pocket ready." I said to myself, that [unclear: any] best possible speech was written long [unclear: before]. And I delivered it in the Synod [unclear: before] the debate came on. I happened to [unclear: be] Moderator of that Synod, and at the [unclear: evening] sederunt when our subject was about to be considered, in opening with devotional exercises, I gave out the Psalm, 78, 5, etc.:

His testimony and his law  
In Isr'el he did place,  
And charged our fathers it to show  
To their succeeding race:

That so the race which was to come  
Might well them learn and know;  
And sons unborn, who should arise  
Might to their sons them show:

That they might set their hope in God,  
And suffer not to fall  
His mighty works out of His mind,  
But keep his precepts all.

His testimony.—Acknowledge with deep thankfulness, as meet theme of sacred song in praise of God, the value of this provision, which He has made and guarded, for the true life and happiness of men. The Bible, which is the Book of man as well as the Book of God, is His gift to mankind. It is not the minister's book merely, but the people's. It belongs not only to the churches, but to the nations. Churches that are worth anything are founded on this Book; and the Book is not dependent on churches, nor on creatures, but is God's own gift from heaven to "every creature under heaven."

Whenever I draw near the subject of the Bible in schools, there comes to my mind a view of the vast incalculable value of the Book, were it only as an educator. An acquaintance of mine, deeply philosophical and full of prejudices against our churches and church systems, once told me that he had been studying the question, What one thing is there that is fit to be the instrument of complete education of a man; and that the conclusion he had come to was, that the one thing is the Bible. For such a purpose as the complete formation of a human mind, it has in it a grand completeness to which nothing else is to be compared. When I was coming to this country, in the long voyage I had need of something that would take the mind away from wearing cares. And I sought the rest I needed in reading the great books. So I read the great books of the peoples:—Homer's Illiad and Odyssey, Virgil's Æneid, Ossian, in their own tongues, and the Bible in four languages. And I found the other books to be nothing in comparison with this one. They do really refresh the mind, enlarging and strengthening it, carrying the reader out into the open of the world of things, and placing him among men and women of the heroic type. But this one does all that, and infinitely more. They, after all, carrying the reader through adventures as if on a long sea-voyage with heroes, still place him only on the earth. This true Book of man places him above the stars, with the everlasting God, in "a new heaven and a new earth, wherein dwelleth righteousness." It is for the great gift of this that Israel praised Hun in the ancient Psalm; for the thing that makes the Book is, the view it gives of man, his world, the whole universe, under God, the Creator, King, and Redeemer.

Now it is with reference to this Book that I gave out, as sub-title of my "political sermon," the New Zealand Index Expurgatorius. An index expurgatorius, forbidding men to read certain books, appears a barbarous thing, a prison to man's freedom of thought and inquiry, a "lock on the human understanding." Hence, when we are on the war-path, so as not to mind about the feelings of our Roman Catholic neighbors, we make great argumentative use of the barbarism of Popery in its having an index expurgatorius. But we need not care about the feelings of New Zealand; for New Zealand is ourselves, being a democracy which we constitute. We are ourselves "the great future nation" in this "Britain of the South." And we think much of ourselves. We are willing to own that the old Britain of the North is a great present nation—in its way; really at the head of the head of the old civilised peoples—perhaps, like them, a little out of date. We, on the other hand, as bright and fresh as a new shilling, are somewhat in advance of that older Britain; in the march of intellect fully up to the spirit of the age. And the proof we give of this, our only remarkable feat of legislative enlightenment, is an index expurgatorius to the extent of prohibiting one book—namely, the Bible ! preventing that noblest of all instruments of education from touching the mind of children in our national provision for the formation of our future citizens. If others try to mend this fault no thanks to us as a nation, and it is about ourselves as a nation that we are now discoursing.

Our action in this foundation matter of State seems not to square with the wisdom of God as shown in the provision He made for the perpetual formation of His Israel from age to age. Nor does it square with what we have been accustomed to deem the best wisdom of man with reference to this matter. One stormy winter day, of snow and frost, in 1857, on a street of Stirling,

another young man and I were approached and accosted by an old minister, who [*unclear*: wept] as he told us, that that day Hugh Miller had been found dead. It was a black day for Scotland. Those of you who were then alive and can remember will believe what I was saying to a neighbor this very week past, that in the generation since he died there has not lived for us such another man. What first brought him prominently before the public was a pamphlet of his on the then burning Non-intrusion question, in a "Letter to Lord Brougham by One of the Scottish People." He said that Englishmen might think it strange for those, like him—as he then was, a journeyman mason—who

were only of the commonalty, to taken  
earnest practical interest in a church  
question; but that in fact in Scotland [*unclear*: it]  
was an earnest interest in such matters  
distinctively spiritual that had been the  
making of the people; that their political  
emancipation had been but a—so to speak—

incidental result of their earnest contentings for spiritual freedom. For this the great Reformer patriot Knox, whom Milton describes as "the prophet of his nation," had provided of deliberate set purpose. The national independence had been achieved under such leaders as Wallace and Bruce. This new leader aimed at making the people of the nation to be individually free and independent. And for that purpose he had so shaped the new institutions then rising out of the Reformation as to reach the whole community to such effect, that every man should have in him, for the common safety and prosperity, a formed manhood, that independence, "the stalk of carl hemp in man," which is created by right education of a citizen. And now the Scottish people of the true blue type, when those institutions were in peril, would not forget that past. So Hugh struck in, and persisted as long as he drew breath, with his puissant—

*Woodman! spare that tree,  
Touch not a single bough.  
It sheltered me when young;  
And I'll protect it now*

It is the New Zealand people that are cutting their children out of the entail of a noble rich heritage of blessing. The petition which you are requested to sign puts the people's claim in the very humblest form. The request is only for what it called local option: that is, that the Bible, in the national school, should not, even by the nation collectively, be thrust upon the people of any school district; but that the matter in every district should be left at the discretion of the people themselves. [*unclear*: For] ther, individuals are guarded by a Time (able and a Conscience Clause: that is to say to prevent Bible teaching of any child whose parent or guardian dislikes it, the Bible lessons are to be placed at an hour distinct from the time of secular instruction and no child whose parent or guardian objects to the Bible instruction will be put under any constraint of his child's required attendance at that hour. We cannot ask for less if we want to have the Bible in schools at all. But my present point is, that It is Only from Ourselves we Have to ask this; that it is in our own power to secure it; that no power under Heaven can withhold it from us if we seriously and resolutely set about obtaining it; so that we, the people of the land, have to answer for it if, in the provision which the nation makes for the forming of the mind of future citizens, there be exclusion of the Book of Man. That irises from ncessity in the nature of our political constitution as a democracy.

Whenever and wherever the people of this land are consulted, through any sort of plebiscite, regarding their wish in this natter, the result—so far as I know—is always an overwhelming majority, say, 80 per cent of those voting, in favor of the Bible in schools. There thus can be no cause for reasonable apprehension about the possible result of Local Option. In Scotland before the passing of Lord Advocate Young's Act—National Education—in 1872, there was considerable apprehension among earnest friends of religious education, that, if the Bible were not put into the schools by statute, it might in some localities be left out by the committees (or boards, as they are there called). These good people might have known better. The compatriots of Hugh Miller were not, in the districts, the men to perpetrate the barbarism of an index expurgatorius for suppression of the Bible in schools. After the Act was passed, Principal Sir Alexander Grant, who had charge of the commission for getting the intern under weigh, requested me to speak for him to the people in charge of a Free Church school in my native place. It was very well endowed, by Mr Donald Maclaren, aquiet gentleman then recently deceased, whose great wealth was largely placed by him always with what proved to be great practical wisdom, in educational endowments for the general welfare. Sir Alexander's proposal, and that of his commission, was, that if the Free Church local trustees should turn their congregational school into a general school of secondary education, devoting the endowment to that purpose, which was outside Lord Young's Act, then Sir Alexander and the national commissioners would provide, under the new Act, for common education as good and as abundant as the heart of the Free Church people there could wish. But the chief local trustee—another Donald Maclaren, nephew of the testator—explained to me that the thing was impossible; because under the new Act religious education would be optional to local administrators, while in the Maclaren trust it was obligatory that all the education should be on the basis of the Bible. Again, in Paisley when I was a minister there, there had for some years been under weigh the John Neilson Institution, a magnificent school of secondary as well as



primary education, whose noble architectural fabric, crowning Oakshaw Hill within the town, is visible as a commanding feature from all that eastern side of Renfrewshire. Being well acquainted with the leading trustee likewise a nephew of the testator—I happened to speak to him in commendation of their attention to Bible instruction among so many—ologies; when he told me that they had no choice, but were strictly bound to have Bible instruction pervading the whole system, from turret to foundation stone. Finally, I wanted money there for some educational purpose, and heard, from relatives of the testator, that there was an endowment lying somehow asleep, which I might get hold of. On diligent enquiry, I found it lying safely in a public trust, where it had lain idle for thirty years, because it was a condition of the trust that the instruction should be only secular. Paisley, famous for its abundant poetry and other mental activities, is supposed to have, along with other fancy produce, at least its own proportion of speculative or theoretical unbelief. But as for serious practical purposes of education, there, for a whole generation, there lay an endowment which no trustworthy party would—so to speak—touch with a pair of tongs, because no such party would burden themselves with care of non-religious education of the people's children. But indeed there was no need of such experience for proving that the Bible, the Book of Man, would be safe in the people's hands. When the discussion grew hot about the necessity, in order to safety, of a statutory prescription of the Bible instruction, then men, bethinking themselves, remembered that there never had been any such prescription in Scotland. In the old national system, now coming to be outgrown and antiquated, of the Parochial schools, there never was religious instruction prescribed by statute. The instruction was in all the parish schools, and was watched over by the ministers and inspected by the presbyteries on behalf of the Church; but it never was "statute and ordainit" by law of the land. It was there simply because the community wanted to have it there. Not only so: in the denominational schools which arose here and there—the Free Church had 600 of them—there was, simply from the wish of those in charge of them, in substance what it is now proposed to provide for by means of a Time-table and Conscience Clause. That is to say, in schools belonging to churches the most zealous for religious instruction, no child whose parents objected was under any necessity of receiving that instruction. I remember that in a school attended by me the headmaster, an earnest Christian elder of the church as well as a first-rate teacher (Thomas Lillie), explained to me—I was a sort of assistant at the time—with reference to a nice family of Roman Catholics that had come into the place, that the parents had been privately informed that their children would be exempted from any instruction that the parents objected to. And in all my experience of Free Church administration I can remember only one ease in which there was anything like attempted compulsion in this respect. The minister of a remote corner, a zealous man, but with zeal not according to knowledge, tried in some way—I don't recollect exactly what—to force the parent's hand in directing as to the instruction of his child. But an appeal was taken to the General Assembly of the whole Church, and the Assembly unanimously refused to countenance or tolerate such interference with parental freedom of right, and sent away the zealous minister with a constitutional snubbing.

So it proved in the working of the Act, that there was no cause for apprehension as regards the Bible. It happened that all the reputed ablest newspapers in Scotland had been opposed to even a permission of religious education. In Edinburgh, Glasgow, Dundee, the masterly editors reasoned powerfully, that such permission would never do; that it would cause endless bitterness and strife, until it brought on a deadlock, and explosion of the whole system. In short, all the world's own prophets then raised the cry, which now is heard at the Antipodes, that the thing would be ruinous to the national system. And first, the Parliament disregarded those 'prophets, by passing the Act which permitted religious instruction; and second, the people refuted them, by working the Act without any such explosion, or friction, as they had predicted. Hugh Miller then was long cold in his grave; so that, in hearing of that great cloud of able editors, there might be regretful recollection of his powerful mind and pen,—“Oh! for one hour of Wallace wight, or skilful Bruce to rule the fight.” But the heart of Hugh Miller beat in many Scottish bosoms. At the first election of school boards (like our comunittees) under the Act, the question of religious instruction was, in open honorable fight, expressly made the test question, in voting for candidates otherwise qualified; and the matter was peacefully settled there and then, so as never more to be heard of. The aforesaid Dr Buchanan told me, at the time when the result of the first 1000 elections came to be known, that one district had voted out the Bible, and twelve had voted out the Westminster Catechism (“the Euclid of Calvinism,” said Professor Masson, reasoning for secular education). Otherwise the whole nation had voted for “use and [unclear: wont]”—that is, the Bible and the High Calvinistic Catechism. At next election (three years after) the minority of one sank into a minority of nothing. In simple great matters affecting the common weal, the mass of the people thus are often wiser than the philosophers, and will not be ruled by their shop wisdom of colleges and curious books.

What is needed is, that the people should really see the matter in its simple greatness, and profoundness of practical importance for their children, and the nation that is to be. That, said Hugh Miller, is what [unclear: laid] hold of the great heart and sagacious mind of the Scottish Reformer; who, says Froude, was the only one in that age of great statesmen whose discernment of men and things always proved unerring. While aiming at

freedom in the truth for the nation as a whole, Knox was in particular as an high-priest taken from among the people, in this respect, that he could have compassion on the ignorant, and on then that arc out of the way. And he aimed and provided accordingly. This we see in the first Book of Discipline, which was realty his work, though not published till some time after his death (ob., A.D., 1574). In that Book (A.D., 1581) the provision for national education is complete: primary schools in every district, secondary schools in even notable town, and universities crowning the whole. Poor children were to be educated at the public expense: if they had special gifts, they were so to be in due time transferred to the secondary school, and 'thence to a complete university curriculum;—after which, the young men would be asked in what capacity he desired to serve the common weal. This ideal is perfect. But all through the system the instruction was pervaded with religion as the soul of it—the Bible was to be the foundation of it all.

There could not be a greater blessing, in the way of means of right formation of the [unclear: people's] mind and life, desired by a patriot's [unclear: Lrt] or by a philanthropist, Thinking of [unclear: bet] woful amount of misery, not to speak [unclear: sin], that there is in the world this day, [unclear: pure] is nothing that gives me more of a [unclear: case] of relieved healing than the fact, that [unclear: from] the London office of the Bible Society [unclear: from] are pouring out Bibles all round the [unclear: we] at the rate of 10,000 a day. "He sent [unclear: His] Word, and healed them." That issue [unclear: of] Bibles appears to me as a great perennial [unclear: drem] of healing and happiness through the [unclear: broken]heart of mankind. And in order to [unclear: but] effect of it, it is of very great import[unclear: ance] to have it road in schools. At a Synod [unclear: breakfast] in Dunedin, the late Dr M'Donald [unclear: of] the Otago High School there, warm[unclear: hearted]in Christianity as well as otherwise, [unclear: a speech] made light of merely reading [unclear: of] Bible in schools, as if that were of little [unclear: of] value. It is not. It is of great value. [unclear: for] one can say, that my knowledge of the [unclear: the] was derived from the public reading [unclear: as] it at school. And we need not be [unclear: fcitous] about the explanation of it. It [unclear: will] explain itself, quite sufficiently, so as [unclear: make] the mind grow; and then reveal [unclear: well] more fully to the more widely opened [unclear: and] When I was a student another [unclear: and] me in a hurry, who is the best [unclear: and twntator] on Romans: to which [unclear: Eared], Paul,—an unreflecting Happy [unclear: which] is generalised by saying, [unclear: and] quite sufficiently for working pur-[unclear: ness], the Bible is its own interpreter. Not [unclear: why so]: it is its own advocate or Apologist. [unclear: Erever] it goes among the peoples, it [unclear: If] make itself not only understood, but [unclear: by] them—which is the very best [unclear: earthly] that could happen to them. [unclear: mision] fields, what intelligent heathen Li about as campaigning there is, not, [unclear: DrDuf] for other very powerful man, but [unclear: and]for Book: as if this Book were a person, [unclear: with] a mysterious conquering power to [unclear: any] all before it. And I have no doubt [unclear: why] are right. What goes to them in the [unclear: Kit] is God, through His own Word, by [unclear: Eh] he first brought the worlds [unclear: into]. But apart from this theological [unclear: E] the fact is that the Bible, wherever [unclear: finally] goes among the peoples, is believed, [unclear: wll] where it is believed works a new [unclear: of] happy usefulness and goodness, [unclear: health], and' innocence, and sweet con[unclear: s']. (Burns: The Cottar's [unclear: Saturday].

[unclear: But] here breaks in a side-view of the [unclear: better] that I think has not been sufficiently [unclear: Eked]. The only real reason at bottom [unclear: Excluding] the Bible from the common [unclear: is,] *That it is [unclear: belived,]* and will be [unclear: Bred] where it is read. It is not, its [unclear: Winching] religion. Homer, "the Bible of the Greeks," teaches religion. So does Virgil, the Bible of the Latins. But no one thinks of keeping them out of schools, because there is no likelihood of a reader's believing the religion they teach. And if only the Bible had been like them, a fine old book of stories about a religion which no reader is likely to believe, then no politician is such a barbarian as not to rejoice in having in schools that great and glorious instrument of education. The reason, then, of the exclusion is, belief. So that here comes in another view of the expurgatorius matter. It now appears that we, the great future nation, the Britain of the South, are, at the very foundation of a social constitution we are laying, not obscurantist only, but persecuting. I said that one day to Sir Robert Stout,—“You, excluding the Bible from common schools, are a persecutor of religious belief. Your only real reason for excluding this grandest of all books is, that it is a book of religion which people believe.” But now I turn the parable against ourselves, and—so to speak—seeing ourselves in the looking glass, I say to the great future nation, "Thou art the man." The persecutor of religious belief, in the noblest literary form it ever assumed, is the people of New Zealand. For, as a democracy, they are the many-headed king, and and have to answer for the laws to Him by whom kings reign.

In the law as originally intended and shaped, there was no exclusion of religion or the Bible. It was got in by management, of a small minority, who happened to have command of the situation because they could turn the scale of nearly balaneed parties; and who made use of the opportunity to make the education of the people's children secularistic. But we, the nation of citizens, are not entitled to the meanly pusillanimous excuse of saying, that we are persecuted into secularism of education by a small cotorie of scheming politicians. It is we

that really have command of the situation; and it is we that have to answer for the character of the education. Scheming politicians, taking advantage of a snap-shot opportunity, are only "the accident of an accident," as even

Princes and lords may flourish and may fade, A breath can mar them, as a breath has made.

I once said to one of that sort,—Do not imagine that you can continue to carry on a policy that is opposed to the people's real mind. In a constitutional country, any policy or party that is really opposed to the people's deliberate mind is sure, sooner or later, to get its back broken; it is only a question of time.

Now, assuming the people's mind to be really in favor of having the Bible in the national schools, I at one time was dissatisfied with the way in which that mind was expressing itself: by means of pottering at petitions from church courts, which Parliament civilly threw into its wastepaper basket (I do not know the Parliamentary phrase); so that the Bible, and the religion, were being made vile, through being treated thus contemptuously in the interest of secularism. I wanted to know why a serious business was being gone about in so limp and lame a fashion; and, also and especially, whether in some way the people, the real ultimate responsible maker of the law, could not manage to get the law made according to its own real mind, instead of being made godless by scheming politicians. For that purpose I sought and obtained an interview with the late Mr Macandrew, and spent a night in his house for the one purpose of thrashing this matter out. And I began the interview with asking him, how it happened that, since the people, when tested by plebiscite, were always and everywhere overwhelmingly in favor of having the Bible in schools, their parliamentary representatives had persisted in keeping it out of the schools. He answered, because the people were understood to take only a languid interest in the matter. But, I replied, that does not account for the thing as it stands. A languor of the people's interest in the matter would account for a languid manner of the legislators in doing the people's will. What I am enquiring about is, the reason or cause of their persistently opposing the people's known will.

Now as to that known will of the people. The fact is, that there must be great languor, or this petty persecution of secularism, or tyranny of a few political schemers, would not have existed, or would long ago have been abolished. It is to be feared that there is a great deal of hypocrisy of professing Christians, not seriously believing the Bible, and having no real knowledge of its priceless value to mankind. Reading one of the Hansard reports of a discussion of the subject, I was struck with a remark by one hon. gentleman,—You must not think, because I am against the Bible in schools, that I am against the Bible. Far from it: if it were not for that Book and its educative influence on my mind! I would hardly have had a mind at all—I can perfectly well understand what he meant, and believe in the sincerity of his protestation. But there must be many who, owing their own mind to the Bible—though they should now perhaps be its enemies—do not reflect on the fact, that now, in excluding that Book from schools, they are laboring to make the rising [unclear: generation] mindless.

Mindlessness is surely a terrible [unclear: calamity] We, I trust, look on godlessness—provided [unclear: for] by secularism of education—as the [unclear: greatest] conceivable calamity. And the absence [unclear: of] true heart of morality, which is an [unclear: indeed] table consequence of godlessness (Ro. I, [unclear: 18-32] Eph. iv, 18-19), is a very terrible [unclear: calamity] for the nation; though its full extent [unclear: may] not appear, so long as men who are [unclear: pet] sonally godless yet have in them a sort [unclear: of] imitation conscience with feelings [unclear: of] through influence of the Bible religion [unclear: of] disbelieve. But let us consider [unclear: what] folded in simply mindlessness, or, [unclear: dullness], such as the hon. gentleman [unclear: probably] had in his view. It is a terrible [unclear: calamity] which we are providing for the [unclear: children] even though they should be most [unclear: highly] successful in outward life and state. [unclear: Think] what is really folded in mere [unclear: outward] success in life without the true life of [unclear: the] soul,—" Soul, take thine ease: eat, [unclear: drink] and be merry." A very large amount [unclear: of] enjoyment of mere material things, [unclear: without] reality of mind or soul in it except [unclear: as] sort of capacity of such enjoyment, [unclear: is only] animal existence. Great "success in [unclear: life]" that goes not beyond animal [unclear: existence] that surely is a miserable thing even for [unclear: the] life that now is, to say nothing of the [unclear: outward] look toward the unseen world into [unclear: which] we all are going. Now what else, at [unclear: the] best, is the life to which children [unclear: as] doomed, if their education be such [unclear: and] makes, or leaves, a human being [unclear: mindless]

It is very moving to see, as one sees [unclear: in] the history of the original publication of [unclear: the] gospel to the heathen world, the [unclear: transition] from the dark unhappiness of [unclear: heathenism] in which men despaired of life, and the [unclear: best] men were found committing suicide [unclear: because] life was so poor a business to them that [unclear: they] could not bear to go on with it. It [unclear: was a] transition into the joyful discovery, [unclear: that] life is well worth living, with praise and [unclear: thanksgiving] to the giver of it, not only in time, [unclear: been] through all eternity. The instrument [unclear: of] the great transition, in the formation [unclear: of] that Christendom which came in place [unclear: of] the heathen Roman Empire, was, [unclear: that] word which the Britain of the South is [unclear: keeping] from the

formation of mind in [unclear: ing] future citizens. Before the [unclear: Reforming] Christendom had sunk back into a [unclear: deep] unhappiness. And the new life and [unclear: glad] ness of our modern time were again [unclear: the] fruits of that creative word. The [unclear: Bible] was so much lost from view of [unclear: mankind] that Luther's finding it in his monaster [unclear: and] Erfurth was almost a discovery of it. [unclear: the] filled the heart of the peoples with a [unclear: happy] freedom that found utterance in [unclear: some] [unclear: pre] could be shown to you old editions of [unclear: the] Book of Psalms with music printed [unclear: pg] with the words all through. Clement [unclear: rot's] hymns in France were the matter [unclear: of] the Bible done into simple songs. [unclear: pier's] Bible, in greater measure than [unclear: sv] our own noble English Bible, was the [unclear: asking] of the very language of the people. [unclear: and] his hymns went to the making of the [unclear: ponal] heart and mind. In the great war [unclear: 1870], there seemed to be nothing that so [unclear: He] hold of the German heart as, when they [unclear: were] on the march, to take up and sing to [unclear: other] some of the old battle songs of that [unclear: Cof] the faith. The Bible teaching thus [unclear: not a] hold of a people's heart, even when, [unclear: to] speak, the nation has come to be all [unclear: at] an unbeliever.

[unclear: Now] what is there here, in a new [unclear: comamity], for the making of a mind, if the Bible [unclear: at] a wanting? The children even of [unclear: hens] have a certain feeling toward [unclear: and] spiritual things, which tends to [unclear: a] mind, a something of transcendent [unclear: differing], from a mere animalism; so [unclear: their] "success in life" shall not come [unclear: of] merely what is seen in a prize animal, [unclear: arge] enjoyment of material good. But the [unclear: children] here, under the training of schools [unclear: nere] secularity, will not be in a way of [unclear: tang] in them so much as superstition, were [unclear: only] to the extent of believing in ghosts. [unclear: Where] the Bible is, that miserable hard [unclear: and] shallow secularity of mindlessness is [unclear: provied] against. For the formation of a [unclear: the] very first page of it brings in the [unclear: idea]—so different from the grovelling [unclear: Etbenishness] of a "specks I growed [unclear: pogonism]—the idea of creation by the [unclear: eternal] God, that glorious Being who, [unclear: distric] from the universe, yet filleth all in [unclear: and] worketh all in all. Then comes in [unclear: grand] conception of a providence, [unclear: susphgaml] ruling all creatures: with the [unclear: under] of redemption, first appearing in [unclear: pel], but seen to have a purpose wide as [unclear: humanity], now unfolding itself eternitv[unclear: pds] in the circuit of the suns. The world [unclear: thus] made to be a living temple, in which [unclear: may] go out with joy, and be lead forth [unclear: peace]. Why shut out the children of [unclear: New] Zealand from such a view to dwell [unclear: them] for the making of a mind?

We hear much of a real difficulty

"The religious difficulty"—I heard Sir Foster, in [unclear: introudcing] the English Education Act in the [unclear: House] of Commons say, that this is an [unclear: irrelious] difficulty.

in [unclear: acting] the matter right, on account of [unclear: hended] peril to the national system [unclear: out] of denominationalism. And we [unclear: pft] that usually there is no difficulty in [unclear: miu] things go wrong—*e.g.*, allowing the [unclear: Potion] of future citizens to be secularistic. The way to deal with difficulty is, not to allow wrong things to remain, but to set ourselves in earnest to set things right. And the difficulty, if we go straight at the work, may prove to be in no wise insurmountable. In Scotland, though the people are so strongly denominational in their church life, the churches placed no difficulty in the way of national education. The Free Church, which had been receiving copious grantsinaid, gave up her own system, of 600 schools, in favor of the national system, along with a free gift of many of her school properties through an Assembly's Commission labouring for years. (1) Because we had pleasure in the children's growing up as citizens in the common school, not baby sectarians. (2) We saw that nothing but a national system would really reach the whole people in the new conditions. Notwithstanding all that the old parochial system along with supplementary systems was doing, the percentage of persons unable to read and write was steadily augmenting. And none of us were willing to allow the nation to go back from the front rank of educated peoples. These considerations, I suppose, will operate in the mind of churches here. I hope that there is nothing in our New Zealand climate to make the Christians unpatriotic and unphilanthropic. It may thus be found that the amount of wishfulness to have denominational schools will be comparatively inconsiderable. And if it be found that subsidising them imperils the national education, the subsidy must be refused or stopped Personally—about this I speak only for myself—I do not think it would be wrong to subsidise a Roman Catholic or other school, where parents have conscientious difficulty in sending their children to the national school. But my impression is, that real difficulty arising in this way would be found practically in no wise insuperable, though at present the fear of it may be a good enough bogie for politicians to frighten people with,—if only the people be not resolutely benton doing what is right in this matter.

The secularism may to some extent be provided against otherwise. To a lamentably great extent it will not be provided against otherwise, than by having the Bible in the national schools. And what we as a nation have to do with is, the national provision, which at present is a provision, not for preventing a secularistic

mindlessness in future citizens, but for secularising their education. Our plain straight open duty is, to set that matter right: making an end of the secularistic tyranny of a few political schemers; whose bad work has already brought on this nation the disgrace of persecuting religious belief through an index expurgatorius against the creative Book of the only real civilisation of the peoples, and has brought on the community the mischief that is folded in our having kept the Bible out of the education of half a generation of future citizens. Let those who are in earnest move in earnest, stirring up the languid, collecting the feeble sparks and fanning them into a name. Let every elector say to the man who wants his vote, I will be influenced in my voting by your bearing toward this matter. Let all keep storming at the door of Parliament until the people's known mind become the nation's law.

FOOT NOTE.—It has to be observed that a religious difficulty exists, and may be found augmenting, through dislike to the secularism of the system as it now is, against the people's known mind. And with reference to possibilities with the Bible in schools, it would be well to consider the following points:—1. The subsidy would be only a proportion of the cost of supporting a school. Consequently, the local supporters would not go on with it if it be not really needed by 'them in relieff of conscience. This will prevent needless denominationalism. 2. The few subsidised schools would be mainly where the population is dense. In these places a fully attended, *e.g.*, Roman Catholic school, side by side with a fully [unclear: attended] national school, would after all mean, [unclear: that] the children of the people are being [unclear: educated]: though not in the manner that [unclear: would] be most satisfactory to many of us, yet [unclear: in] a manner vastly preferable to the [unclear: present] manner of making education seculariatic [unclear: 3]. As to the conceivable case, of so large a [unclear: per] portion of the population of a district [unclear: being] say, Roman Catholic, that there are [unclear: not] other children enough to form a [unclear: national] school. In that case, with reference to [unclear: this] minority of children, the district would [unclear: have] to be dealt with like other districts [unclear: in] which there are not a sufficiency of [unclear: children] for a national school. This might be a [unclear: manifortune] for the people of one district. [unclear: Best] it would in nowise be ruin to the [unclear: nation] system over all. And—what we as a [unclear: nation] have to consider—the misfortune to [unclear: one] district, perhaps only temporary, would [unclear: be] an incalculably smaller evil than the [unclear: cailsmity] of permanently secularising the [unclear: whole] education of the country. 5. Let men [unclear: only] consider—Where are there such [unclear: districts] How many are there of them? How are they now being provided for not with standing a religious difficulty? And, can we [unclear: not] manage as they do, *e.g.*, in Canada where the difficulty is far greater than it can be in New Zealand?

vignette

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Front Cover

The Mission of the New Zealand Democracy. vignette

A Speech Delivered to the Auckland Liberal Association on *Monday, 21st June, 1892*

By W. J. Napier,

*Barrister-at-Law, New Zealand; Commissioner of the Supreme Court of Fiji; Law Adviser to the Government of Tonga; Author of "Jottings in Samoa;" "Land Law Reform;" "The Foreign and Domestic Policy of England;" "Speech on the Point Resolution Land Commission;" "Letters to the People on the Political Situation," &c.*

## The Mission of the New Zealand Democracy.

Mr. Napier said:—

MR. CHAIRMAN, LADIES AND GENTLEMEN,—

I feel very deeply indebted to the members of the Auckland Liberal Association for the honour they have done me in requesting me to address one of their public meetings.

## The Power of the Platform.

I regard the Platform as a mighty power, a power under certain circumstances of greater usefulness and effective force than the Press, and I hail it as a good omen for the future in this country that the education of the people, politically, by means of the Platform is being more generally coming into use and adoption. (Hear, hear.) In a recent number of the "Nineteenth Century" magazine Mr. Gladstone shewed how the great uprising of Liberal opinion in England during the past Five years was almost wholly due to platform oratory in the teeth of a powerful hostile Press. The Platform and the Press are twin sisters, and each should aid the other. But where there is an estrangement or antagonism between the two we may rely upon it from the experience of the past that the Platform will prevail. (Cheers.) I trust, notwithstanding that we Liberals in Auckland are not unrepresented by the newspaper Press, yet that public meetings of this character under the auspices of the Liberal Association will henceforth be more frequently held. Now in speaking to you of the task which I think

the Democracy of New Zealand ought to undertake to perform I shall confine myself to the mention of those projects which I am persuaded are well within the region of practical politics.

## Democracy the Future Government.

There can be no manner of doubt that the future government of this country must be that of a democracy, that is to say, a government Of the people, For the people, and By the people. "When I say a government For the people I mean the *whole* people and not any class or section of the people. In the past New Zealand has been governed for *a section* of the people, the squatters and plutocrats, but in the future the *whole* people will be considered, and their interests alone will be the standard and criterion by which the utility of laws will be tested. (Cheers.) The peace and good order of the State can never be preserved without a just appreciation of the rights of all, and no section of the people, least of all the great mass of the toilers, can long be despoiled or oppressed without permanent injury to the State. Cicero, in his essay "Concerning Duties," gives the following illustration of the evils of class legislation, such as afflicted this country under the *regime* of the Tories, who, by the agency of the National Tory Associations, are again trying to foist themselves on the country:—" Suppose that the several limbs of the body were of opinion that they should be strong, if they could severally draw to themselves the strength of the adjacent members, it must result that the whole body would be debilitated and die; so if we were severally to appropriate the rights of others, and wrest all we could from others for our own profit, the necessary result is that the society and intercourse of mankind would be deranged."

Democracies firmly hold to the principles enunciated by Plato for the management of a State. "First, to secure the interests of one's fellow countrymen so far as to refer to them all their actions, irrespectively of personal advantage; and secondly, to consider the general body of the State, lest while protecting any one interest they may sacrifice the rest."

The three great watchwords of Democracy are Progress, Equality, and Justice, while the principles of Colonial Toryism may be summed up in the words "Privilege and undue advantage to the rich." There are now fortunately in the politics of New Zealand clear lines of demarcation between the supporters of equal justice to all men and the reactionaries who style themselves Conservatives. Electors need no longer be puzzled or hoodwinked by the promises of individual members of Parliament. There is a solidarity among the two parties, the friends of the people and the friends of monopoly and privilege. The Tories are continually denying that there are any clear party lines or party issues, and they and their satellites in the Press do not cease to advise the electors to ignore party cries and elect "good" men, by which they mean "rich" men and reactionaries. Gentlemen, do not forget that every step in advance in the United Kingdom during the past half century has been won by the strength of a united Liberal party, (cheers) and that a Parliament elected without reference to party would be a helpless conglomeration of undisciplined atoms entirely incapable of exerting the overwhelming political strength necessary to effect great reforms. (Applause.) I would ask you, "Can men gather grapes of thorns or figs of thistles," and can you expect progressive measures from men whose highest ideal of a prosperous commonwealth is one wherein reigns permanent political torpor? (Hear, hear.)

## A New Era Approaches.

The mission which devolves upon the democracy of New Zealand in common with all progressive peoples is by every fair and honourable means to strive to hasten the advent of that 'new era' of human life which is now in its birth-throes throughout the world, an era in which the spirit of brotherhood or altruism will supplant and extrude the spirit of individualism or egoism which has hitherto ruled the world with such dire results.

For this purpose the masses must be raised materially, intellectually and morally. "We do not want to lower anybody's status but to raise all. Our policy is to level up not to destroy. (Cheers.)

## Constitutional Reform.

Now the very first task which the democracy in this colony ought to determine to perform is to secure a perfectly free constitution. (Hear, hear.) At present your constitution is one of the most backward in the world. Under the form of representative parliamentary institutions you are really governed by an uncontrollable oligarchy, which can impose its will upon the whole of the inhabitants who are absolutely helpless to resist its decrees. The Legislative Council, about nine of whose members forms a quorum for the transaction of business at the present time, possesses absolutely despotic power. Nine persons representing nobody, responsible to nobody, and undistinguished by intellect, culture, or great achievements, have the power of permanently resisting the will and mature judgment and opinion of the people of this country. (Shame.) When lately the intention of the Government was made public to advise the Governor to appoint a sufficient number of Liberals to the Legislative Council for the purpose of passing into law the measures agreed to by the House of



Representatives, there was a howl of indignation from the Tory press of the colony, and the proposal was denounced by ignorant critics as unconstitutional and wrong in the highest degree. The Governor was advised by those self-styled constitutional purists to disregard the advice of his responsible ministers. Now if you will grant me your attention for a very few moments I think I shall be able clearly to demonstrate to you that the proposal of the Government is strictly in accordance with constitutional precedent and law, and is the only method prescribed by the constitution for bringing an obstructive "Upper" House to reason. Now, in the first place, with regard to the Governor's position. He is a Viceroy. He represents the Sovereign. He has delegated to him a portion, and only a portion, of the Sovereign's prerogatives. Therefore it cannot be contended that the Governor occupies a higher constitutional position as regards New Zealand than the Queen occupies with reference to the United Kingdom. If therefore the Queen is bound to accept the advice of her constitutionally chosen ministers, so also is the Governor of a self-governed colony compelled to act upon the advice of his ministers. In Green's "Short History of the English People" it is said, "In outer seeming the Revolution of 1688 had only transferred the Sovereignty over England from James to William and Mary. In actual fact it was transferring the Sovereignty from the King to the House of Commons." Bagehot on "The English Constitution" says, "The Queen is only at the head of the dignified part of the Constitution. The Prime Minister is at the head of the efficient part. . . . The Cabinet, in a word, is a Board of Control chosen by the Legislature to rule the nation." Again, "The Sovereign has three rights, the right to be consulted, the right to encourage, the right to warn." "When the House of Lords in 1832 opposed the first Reform Bill, the Ministry of the day, seeing that the peers could not be brought to reason in any other way, advised the King—and the advice was accepted—to create a sufficient number of new peers to overcome the opposition of the Tory lords. And the King gave his ministers a warrant in this form, "The King grants permission to Earl Grey, and to his Chancellor, Lord Brougham, to create such a number of peers as will be sufficient to ensure the passing of the Reform Bill.—first calling up peers' eldest sons. William E. Windsor, May 17th, 1832."

Bagehot, in the work which I have just now quoted, states as follows:—"Just as the knowledge that his men *can* strike makes a master yield, in order that they may not strike, so the knowledge that their house could be swamped at the will of the people made the lords yield to the people." The same writer goes on to say, "The Executive can say to the peers 'Use the powers of your House as we like, or you shall not use them at all. We will find others to use them; your virtue shall go out of you if it is not used as we like, and stopped when we please.'" Professor Taswell-Langmead, in his recent work on the Constitutional History of England, in speaking of the contemplated swamping of the House of Lords in 1832, says:—"The threatened creation of peers was denounced at the time by the Duke of Wellington and the Tory party generally, as an unconstitutional exercise of the prerogative, but it was admirably answered by Earl Grey, 'I ask, what would be the consequences if we were to suppose that such a prerogative did not exist, or could not be constitutionally exercised? The Commons have a control over the power of the Crown, by the privilege in extreme cases of refusing the supplies; and the Crown has, by means of its power to dissolve the House of Commons, a control upon any violent and rash proceedings on the part of the Commons, but if a majority of the House of 'Lords is to have the power whenever they please of opposing the declared and decided wishes both of the Crown and the people without any means of modifying that power—then this country is placed entirely under the influence of an uncontrollable oligarchy."

The learned writer goes on to say, "In its practical aspect an extraordinary creation of peers is to the House of Lords what a dissolution is to the House of Commons; and although such a creation ought never to be made use of except in the greatest emergency, its use in such an emergency is not only constitutional but essential to the safety of the Constitution itself." Gentlemen, you will thus see that if the House of Lords in England refused to bow to the will of the people it is the constitutional privilege of the Government to advise the Crown, and it is the constitutional duty of the Crown to accept the advice—to create as many new members of the House of Lords as would be sufficient to overcome the opposition of that House. (Cheers.) Now the House of Lords is, to put it moderately, in a much stronger position in the United Kingdom than our Legislative Council is in New Zealand. The House of Lords has great traditions. It is the representative body of a great class. It constitutionally composes two estates of the realm. Many of the most learned of the nation are to be found within its portals. Some may think—and I am one of those—that it has survived its uses. But, nevertheless, there can be no comparison between the House of Lords and our pinchbeck burlesque imitation called the Legislative Council. If therefore it is constitutional and proper to create an unlimited number of hereditary peers, if the necessity arises, in order to pass into law measures upon which the people have set their hearts, it is equally constitutional and regular to appoint a sufficient number of members of the Legislative Council to carry into effect the laws which the representative Chamber, in obedience to the wishes of the electors, has duly passed. (Cheers.)

## **Abolition of the Upper House.**

I have dwelt somewhat upon this aspect of the reform of the Legislative Council because it appears now to be of pressing political importance. But, gentlemen, I conceive that one of the first tasks which a great, intelligent, and self-respecting democracy should undertake, is to effect the entire abolition of the second Chamber. (Loud cheers.) There is no necessity at all in this colony for a so-called "Upper" House. If the people are fit for self-government, then when they express their will in the forms of law it should become at once the law of the land. In what respect can the present Legislative Council be said to be superior to the present House of Representatives, or capable of revising the measures of that Chamber? The whole institution is an anachronism, and is only fitted for nations in the swadling clothes of freedom. (Applause.)

## **Elective Governor.**

The next great constitutional reform which should be accomplished is the change of the office of Governor from a nominated to an elective one. (Applause.) You should determine that every office in the state should be open to every citizen of the state. Why should we permit an English statesman, who is almost wholly unacquainted with our requirements and circumstances, to choose for us our highest administrative officer? If you will reflect on it for a moment you will see that our receiving a Governor from the Secretary of State for the Colonies is a most humiliating confession of our insignificance and abasement. There is no more reason why we should receive our Governor from Great Britain than there is for our receiving our judges. In the infancy of the colony our judges were appointed in England, but that system has now passed away, and the time has also come for the system of having our Governors nominated by Downing-street to pass away for ever. (Cheers.)

## **The Land for the People.**

Now I should like for a few moments to direct your attention to the land question. (Hear, hear.) You well know that the most fertile lands of the colony have all passed out of the hands of the Crown, and are held in great areas by a few individuals and companies. The system of great estates must come to an end here if we do not wish the country to be depopulated, and to become merely the home of great sheep flocks. The land tax which the present ministry has imposed will operate slowly to discourage the accumulation of landed possessions by individuals, but the wants of the country are pressing and urgent, and land must be obtained for the people. Therefore the large estates of fertile land must be settled with a good class of yeoman farmers, who will increase without measure the productive power of the country. In order to do this great estates of fertile land must be resumed by the Crown, fair compensation being paid to the present holders. The land tax should be judiciously increased, so as to ultimately make the large estates which have benefitted so immensely by the railways to bear the greater portion of the interest on the money borrowed to construct the railways. (Applause.)

Had the people of New Zealand continued to support the party of the land monopolists the evils which would ere long have afflicted New Zealand would have degraded our people and crushed out their manhood, their independence of character, and their spirit of self reliance. Every country in which great estates prevailed was ultimately brought to ruin and disaster. Ancient Rome perished because of the great landed possessions of individual citizens. France was deluged in blood in 1793 because of the misery which the system of great estates brought upon its people. And in our own day the position of the working agricultural population of England is positively appalling. This book which I hold in my hand is a series of letters written for the London "Daily News" last year by its special correspondent who was sent to investigate the condition of the agricultural population of England. And it is sad reading. I will, with your indulgence, read one or two passages from some of these letters, by which you will see the very striking evils of a system of great estates such as that prevailing in Great Britain, and which the National Tory Associations throughout this Colony would like and are firmly endeavouring to perpetuate among you. In speaking of the cottages in one village—Ixworth—he says: "Numbers of houses have not so much as a back door, to say nothing of garden plots. Numbers of them are reported 'not wind and water tight.' There is a row of houses in one lane, the total number of inhabitants is forty four, and there are three closets for their use. In other houses water comes into the bedrooms and rats eat the bedclothes. In another house the walls were tumbling down. The tenants generally, however, are afraid to give evidence. They have told me they feared being turned out. Dr. Thresh, the medical officer of Chelmsford and Maldon, reported "These wretchedly small overcrowded houses not only affect the morals but the health of the inhabitants. Rheumatism and chest affections are caused by sleeping and living in such damp, draughty dwellings. Infectious disease cannot be isolated, nor can any case of illness be properly treated in them," Speaking of the people generally, the writer says: "Existence with them is a dull, dead-alive, hopeless sort of drudgery, without interest, without enjoyment, without any practical result except the mere keeping of body and

soul together, and the end of it all is the workhouse, while the community at large is of course the loser of all the added wealth the land might have been made to yield." Speaking of the slavery of the people he says: "I am assured that it is literally true that if in one of those places a young man wants to get married and settle down it is of no use merely to woo and to win the young woman. He must induce the squire to consent also. A Liberal politician told me that in an election recently there were eighty voters in one such proprietary village and he could only get one solitary individual so much as to speak to him. "No, sir," they said, "excuse me, I really can't. I don't want to lose my coals at Christmas." You have no idea what a condition of serfdom the people are reduced to on some of these big estates," said a resident to me today.". Again: "I went last evening into a certain little village I strolled about among the cottagers and talked with them at their doors. How did they live on nine shillings a week? They didn't live. It was a lingering death, the people said. Bread and potatoes had been their food all through the winter, and they hadn't had enough of that. As to the cottages I was assured there were not three good ones in the place, and I heard of the utmost wretchedness last winter. The wind had blown them pretty nearly out of their beds and the snow had come in upon them." Just listen to this little side light on the life of the English rustic. "In one place a woman incidentally alluded to the blankets that were lent to the people. It appeared that everybody in the village had the loan of a blanket. 'But,' I said, 'are there no people in the place who are unwilling to borrow bed-clothing?' 'No, sir; everybody has 'em—unless it is the estate bricklayer. I dunno whether he has one. They seal 'em up in the spring and they unseal 'em in the autumn.' 'Seal them up,?' I said in perplexity. 'Yes, sir; I'll show you mine;' and the vivacious little woman whisked upstairs and brought down a calico bag the mouth of which was sewn up with string, the ends being sealed with black wax." Gentlemen, are those things not enough to make our ears tingle with shame and indignation that our English fellow countrymen are subjected to so cruel a yoke, and ought we not to determine that no amount of gilding of the pill will ever permit us to tolerate in New Zealand the existence of great landed estates which can so blight a sturdy and vigorous race? (Cheers.)

## **Old Age Pensions.**

There is another matter which I feel convinced must form an item in the democratic programme of the future, and that is some well considered scheme whereby the stigma of pauperism may be removed from the exhausted veterans of industry at the close of a long life. A system of old age pensions is not only economically justifiable and financially possible, but it is the best expedient to preserve and develop a feeling of independent citizenship among our people even in the declining years of life. (Hear, hear.) I am not prepared to go into any details as time does not permit, but there are several schemes now before the European world, any one of which is, I think, practicable, and it is for us to consider whether the fund should be created by a small weekly deduction from wages or by a grant from the consolidated revenue obtained by a tax.

## **Universal Suffrage in Cities.**

The next matter I wish to draw your attention to is the mode of election of your local bodies. You now elect them by a narrow and restricted suffrage. The nominal ratepayers alone elect the members. But all dwellers in cities are ratepayers either directly or indirectly. The tenant pays rates through his landlord, because in fixing the rent the landlord takes into account the taxes which will have to be paid upon the house or tenement. There is no reason why you should have a different suffrage for local bodies to that which you have for your parliamentary elections. Great questions will soon be ripening in the towns of the colony and will have to be dealt with by your local bodies and the members of such bodies should therefore be elected upon the widest possible franchise. (Cheers.)

## **Eight Hours Pay.**

I now approach a question which has reached a stage for the fullest and freest discussion, and which ought certainly to be solved by the people of New Zealand. I refer to the question of limiting the working day to eight hours. A question of this kind should not be considered merely on the sordid ground of pounds shillings and pence. (Hear, hear.) The welfare of the race and the health and happiness of the descendants of the present generation should be factors which ought to receive respectful consideration. I do not think the town bred New Zealanders of the future will have the stamina and endurance of the early settlers, if the present inhabitants are compelled to endure a life of unremitting grinding toil. Our people ought to have sufficient leisure for healthful mental and physical recreation, and for the full and free development of all their greatest faculties. (Applause.) Eight hours honest toil daily I think is as much as any human being can continuously endure from year to year without impairing his health and imperilling the health of his progeny. It has been conclusively proved that the limitation of the working day to eight hours does not result in any loss to production. On the contrary,

experience shows that more work is done, and done in a better way, by an eight hour workman than by a ten, eleven, or twelve hour workman. There are eight hour laws in several of the United States. In Nebraska, "Wyoming, Idaho and Kansas the law has been found to work most satisfactorily. In a recent book, "The Eight Hours' Day," by Sidney Webb, L.L.B., and Harold Cox, B.A., I find some very strong and cogent reasons in favour of the adoption of an Eight Hours law. One or two extracts will doubtless interest you:—"In 1859 Mr. Robert Baker, Factory Inspector, reported to the Social Science Association, that although the hours of work have been very much diminished, wages have increased in some cases forty per cent, and generally about twelve per cent, and this reduction of hours and increase of wages had not diminished any kind of textile production, and therefore it had not injured our national prosperity." Professor J. S. Nicholson, in his work on "Wages," states, "The effect of the Factory Acts has been undoubtedly to raise the real wages of the working classes as a whole." "In 1889 a Consular report states, 'In the Woollen Mills of Schmerler and Kretschmar the hours of labour have been reduced to ten with a highly satisfactory result. Not only has there been no falling off in the amount of production; but the out-put has even experienced a slight rise in regard to quantity as well as quality, and the average wages of the workmen have advanced forty kreutzers per week.'" In December, 1890, the large firm of Burroughs, Wellcome and Co., manufacturers, gave the following replies to questions on the Eight Hours' system: "First, we believe the amount of work produced in a week since we adopted the Eight Hour system is very nearly, if not quite, as great as when we were working nine hours a-day. We think the cost of production is not materially increased. We are glad to have been able both to reduce the hours of work and to increase the amount of wages at the same time." Messrs. Brunner, Mond and Co., Limited, reported: "We can assure you we are in every way satisfied with the change to eight hours a-day. The effect on the health and physique of the men of this change has been most beneficial, and we expect still further improvement when the men have got really used to having time to spare between sleep and work." There is a large mass of testimony to the same effect as those extracts which I have just read to you, all going to show that production has not decreased by the substitution of an eight hour day for a day of a greater number of hours, and that wages have not decreased, but in many instances have increased, as a result of the change. (Cheers.) Dr. W. B. Richardson, the eminent English physician, stated in an address to the Brighton Congress, in 1890, "Taking it all in all, we may keep our minds on eight hours as a fair time for work. We may consider justly that a person who works hard and conscientiously for eight hours has little to be ashamed of, and that for health's sake he has done what is near to the right thing." Gentlemen, it is an undoubted fact, proved by actuaries' tables, that under the present system the working population are used up before they have reached what ought to be the prime of life. That state of things cannot be said to be a national advantage. I should like just to quote a short sentence on this subject from a speech made a few years ago before the Leeds Mechanics' Institute by the late Cardinal Manning (cheers); a true friend of the toilers. (Hear, hear.) His Eminence says: "If the great end of life were to multiply yards of cloth and cotton twist, and if the glory of England consists or consisted in multiplying without stint or limit these articles, and the like, at the lowest possible price, so as to undersell all the nations of the world, well then, let us go on. But if the domestic life of the people be vital above all; if the peace, the purity of homes, the education of children, the duties of wives and mothers, the duties of husbands and of fathers, be written in the natural law of mankind, and if these things are sacred far beyond anything that can be sold in the market—then I say if the hours of labour resulting from the unregulated sale of a man's strength and skill, shall lead to the destruction of domestic life, to the neglect of children, to turning wives and mothers into living machines, and of fathers and husbands into—what shall I say, creatures of burden?—I will not use any other word—who rise up before the sun, and come back when it is set, wearied, and able only to take food and to lie down to rest, the domestic life of men exists no longer, and we dare not go on in this path."

One of the stock objections used against a compulsory Eight Hours' law is that it is a violation of the glorious principle of "freedom of contract." Freedom of contract I Why, gentlemen, the words are a mere mockery when applied to the class of cases for which the Eight Hours reform is most urgently needed—where one side is helpless and resourceless and the other side can dictate its own terms. This cant phrase of "freedom of contract" is excellently satirised in a recent issue of *Punch* in "Jim's Jottings," which I cannot do better than quote to you—

*The nobs who're down on Workmen  
 Cos on knobsticks they will frown,  
 Has ft 'arty love for Libbaty—when keepin  
 Wages down  
 Contrack's a sacred 'oly thing, freedom  
 Carn't 'ave that broke,*

*But free contract wot's forced on yer, why  
Of course that sounds a joke.  
If they know'd us and our sort gents, they would  
Know free contract's fudge,  
When one side ain't got a copper, 'as been six  
Weeks on the trudge,  
Or 'as built his little business up in one  
Particular spot,  
And if the rent's raised on 'im, must turn  
out and starve or rot.*

*(Cheers.)*

## The "Unemployed" Question.

In the near future there can be no doubt that the people will insist on its statesmen finding an adequate solution of the "unemployed" question. It is monstrous to suppose that no method can be devised by which the perennial existence of a class of unemployed vigorous and willing workers in our midst can be remedied. In some of the most unenlightened countries in the world there are no unemployed. There are no unemployed even in China. And if amongst a people so benighted according to Western ideas as the Chinese the problem of providing work for all the capable inhabitants has been solved, surely a race like ourselves, possessing to the full the advantages of nineteenth century civilisation, cannot say that the same problem among our own people is insoluble.

## Social Legislation.

One of the earliest reforms which the legislature ought to accomplish should be the complete abolition of imprisonment for debt in New Zealand. In theory there is no imprisonment for debt in New Zealand, but as a matter of fact men are almost daily sent to prison for not paying debts which in the majority of cases they are wholly unable to pay. The present law is also one sided in its operation, because it only oppresses the very poor. If a man is unable to pay his debts but can, nevertheless, obtain ten pounds or so for expenses he can seek the protection of the bankruptcy court, but the unfortunate who is without sufficient means to do this must endure the degradation of imprisonment. Another question which might well engage the attention of your representatives is to secure for every man the exemption from seizure of an irreducible minimum of property. It is not to the interest of the State that a man should be stripped of even the commonest necessary possessions of his household. I think some such law altered to suit the circumstances of our country as exists in Canada with regard to this subject should be adopted. I will just quote to you what exemptions from seizure are allowed in Canada:—The Homestead Law in the North West Territories of Canada exempts from seizure, by virtue of all writs of execution issued by any court, the following:—

- Clothing of defendant and family.
- Furniture and household furnishings to value of 500 dols
- Necessary food for defendant's family for six months, which may include grain and flour, or vegetables and meat, either prepared for use or on foot.
- Two cows, two oxen, and one horse, or three horses or mules; six sheep and two pigs, besides the animals kept for food purposes, and food for same during the six months beginning in November.
- Harness for three animals, one waggon or two carts, one mower or scythe, one breaking plough, one cross plough, one set of harness, one horse rake, one sewing machine, one reaper and binder.
- Books of a professional man.
- Tools and necessaries used by defendant in trade or profession.
- Seed grain sufficient to seed all land under cultivation, not exceeding eighty acres (two bushels to the acre, and fourteen bushels of potatoes.)
- Homestead up to eighty acres.
- House and buildings, and lot or lots upon which same are situated, up to the sum of 1,500 dols, in value.

No article (except of food, clothing, or bedding) is exempt from seizure where the judgment and execution are for the price of such article.

The power which landlords possess at the present time of seizing their tenants' goods without any legal

process for nonpayment of rent should be taken away, and the landlords placed on the same footing as all other creditors. (Cheers.) The duty of government is to protect the weak and to direct the strong, but unfortunately some people seem to imagine that government ought to oppress the weak and allow the strong to work their own sweet will.

The present law with regard to combinations requires very drastic amendment. On this subject we are even behind Great Britain, where several Acts have been passed in recent years mitigating the harshness of the old common law doctrine of conspiracy, and rendering trades unions combinations lawful. This principle ought to be laid down, that whatever a man may lawfully do of his own accord it should not be an offence for two or more to agree to do. (Hear, hear.) Upon the question of education the last word has not been said, while a good, sound knowledge of the subjects usually imparted in the schools of the colony at the present time is indispensable for every child, yet it cannot be said that the instruction given fits the pupils adequately to commence the battle of life. A thorough system of technical education for boys, and housewifery schools for girls, as in Belgium, are not only desirable but essential adjuncts to the present educational system, if we desire our young nation to take its rightful place among the states of the world in the future. (Applause.) Concurrently with this educational reform child labour ought with a few exceptions to be entirely abolished. (Cheers.) While we are in this colony happily free from anything like what is virtually the child slavery that exists in England, yet it is notorious that children of tender years are habitually overworked, and that they are sent to work at an age when they ought to be acquiring knowledge and bodily strength to fairly equip them for the full duties of citizenship. There are some other topics which I should have liked to have touched upon, but I must not further detain you—(Go on). The democracy of New Zealand must swing back the political pendulum until something like an equality of burdens is borne by all sections of the community. (Cheers.) In the past, almost since the earliest days of the colony, the Tory party have legislated and devised systems of taxation in the interests of property. Now we must legislate in the interests of men. (Cheers.) As was said by a distinguished orator, "Property ruling manhood is like the servant ruling his master." We must take care that in New Zealand the master shall rule in future. (Loud cheers.) When we consider that almost everything in the nature of property is the creature of labour, and yet that some ostensibly sane people—members of the National Tory Association for instance—calmly argue that the inanimate thing created—property—ought to be more considered than the living being who created it—the man with all his powers and faculties, affections and emotions—we must marvel at the strange mental—aberration which self-interest, and the current prejudices of men's environment, frequently cause. John Locke, who was certainly not a Radical, in his "Essay on Civil Government," gives his opinion in these words: "I think it will be but a, very modest computation to say that, of the products of the earth useful to the life of man, nine-tenths are the effects of labour." When we consider that stupendous fact we are driven to the conclusion that the position of the labourer ought to be one of dignity and power, and that he is entitled to participate in an equal degree in all the rights and privileges which the laws of his country confer upon other classes of his countryman. (Cheers.)

## Conclusion.

Gentlemen, it requires not the eye of a seer to discern that in a future not remote the principles which have condemned nine-tenths of humanity to a life of want and misery, while the fruits and blessings of our God-like civilization have been confined exclusively to a few, will be banished from our economics and politics as tragic heresies of a dark and dismal age. Millionaires and paupers will alike be unknown species. Substantial comfort will be recognised to be the right of every industrious and law-abiding citizen. No land tyrant will have the power to exact from any man a price or penalty for the right to live. Let the democracy of New Zealand, conscious of the justice of its cause and heedless of the frowns and jeers and execrations of its adversaries, pursue its course firmly and unfalteringly, and hasten on the advent of that new era the dawn of which is now breaking the wide world over. In the words of the Laureate—

*Forward, forward let us range,  
Let the great world spin for ever down the ringing grooves of change,*

(Loud cheers.)

## Vote of Thanks.

Mr. A. KELLY proposed, and Mr. W. DUNCAN, J.P., seconded, "That a hearty vote of thanks be accorded to Mr. Napier for his able and instructive address." The motion was carried amidst applause. On the motion of Mr.

Napier a vote of thanks was passed to the Chairman (Mr. Beehan) for his conduct in the chair.

Front Cover

Notes on Capital and Finance in Australasia.

BY Edward Pulsford.

"Borrowing dulls the edge of husbandry."—Hamlet.

Price ... One Shilling.

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## Introduction.

THE subject of the Indebtedness of Australasia is rapidly being brought by the force of events to the very front of public affairs, and it is becoming imperative that the subject should be understood.

What Bacon called "the heroic work of colonization" has been thrust aside in Australasia in favor of a more showy development, which has crowded people into cities and piled up a mountain of debt, a bigger one than ever before burdened a population of four millions. It is time the position was reviewed, the borrowing checked, and more earnest attention given to the creation of actual wealth.

The following pages were written for the *Sydney Morning Herald*, and appeared as articles in that journal during the month of June. The articles were the result of much study and investigation, and they aroused great interest not only in this but in the adjoining colonies, and it is in response to repeated requests that they are now published in a collected form.

The Author is indebted to the courtesy of the proprietors of the *Herald* for permission to republish.

*Sydney,*

*August, 1892.*

## Notes on Capital and Finance in Australasia.

By Edward Pulsford.

### I.

WHEN the tide of prosperity flows unchecked, when profits are made easily and to large amounts, and when employment is abundant, very little desire exists to learn anything respecting the laws which govern the movements and the increase of capital, but in a dull time like the present more than usual interest is taken in such questions. For a given period one new community may be making a much more rapid growth than another, and yet may be far behind after the lapse of a number of years. This may mean that that period of rapid growth was simply the outcome of unsound or temporary conditions. If so, during that period there ought to have been evidence of the unsound or temporary character of the causes which were leading up to such results, and to know of what such evidence consists is a distinct gain. Times of depression come to ail communities, and in new communities depressions are often very keen. Any light on the subject is valuable. In nearly all business affairs the unforeseen plays a great part, but it is to be feared that some such phrase is often made to cover events which might have been foreseen had reasonable notice been taken of the events preceding. It may be that these notes on capital and finance in Australia may be useful in throwing light on various matters on which doubt exists.

### The Importation of Capital.

The increase of capital or wealth in Australia is due to internal growth and to importations of capital from the outside world. In the course of these notes it will become necessary to point out the marked distinction that exists between the wealth *of* Australia and the wealth *in* Australia. This important distinction is too generally lost sight of. The subject of the importation of capital is a deeply interesting one. Perhaps it is the one most vital to the prosperity of Australia, and the conditions surrounding such importation are worthy of the closest scrutiny—of far more scrutiny than they have yet received. The prices of all commodities throughout the world are for ever tending to equilibrium. The value of wheat in London and the value in Australia seldom vary more

than the difference representing the expenditure needful to carry the wheat to London from Australia. Naturally there is also a tendency towards equilibrium in the value—the interest—of capital throughout the world, but there is no such approach as we find in the matter of commodities. Of course there are persons whose only idea of capital is summed up in "gold." Such persons would think that the owner of a million pounds receiving £25,000 (2½ per cent.) for the use of that money, in England, should ship out the amount of wealth in gold, and secure at least £50,000 (5 per cent.) in Australia. But the idea is not so simple as it seems. In the first place, the question of proportionate risk at once arises; in the second place, it would be quite certain that Australia would not want the gold, as she produces far more of that metal than she requires. If the capital were to be sent out, it would have to be sent out in such commodities as the people of Australia could use to advantage. It will be seen, therefore, that there is a distinct limit to the power of any country to absorb new capital. Of course a country may borrow enormous sums of money which may be wasted, and, in a given sense, that money may only too truly be said to have been absorbed. There is no limit to the extent of absorption for the purposes of waste, but there is a distinct limit to such absorption if the capital is to remain in existence and benefit the community in a lasting manner. If a colonising expedition of a thousand persons were to settle in an entirely new country, bringing with them wealth to the extent of a million pounds, they would find it utterly impossible to put the wealth to advantageous uses, and in 'ten years' time it would be certain that that community would be poorer. If, on the other hand, that colonising expedition possessed hardly anything but the implements of husbandry, the tools of the artisan, and the simple requisites of a new community, it may reasonably be expected that a lapse of ten years would show a pleasing growth in wealth. The line dividing what is an advantageous use of new capital from the mere expenditure or waste of new capital is often difficult to ascertain; but the results of the use of new capital on the wrong side of the line are often of the most calamitous character—that which at first was a benefit becomes a burden. The borrowing and expenditure of one million may be wholly and permanently beneficial, whilst the borrowing and expenditure of two millions may be temporarily beneficial but ultimately permanently injurious. We do not think that the intimate connection that has always, or almost always, existed between times of exuberant prosperity in these colonies and large importations of capital has ever been carefully studied. Certainly the public do not fully recognise that it is an absolute impossibility to borrow in excess without bringing about a time of suffering more or less severe. Perhaps we are not sufficiently exact in speaking only of "borrowing in excess," since a large proportion of the new capital that reaches Australia is not borrowed, but is sent out by the owners and invested for their account. It might be said that there have been two streams by which capital has been brought to Australia—(1) the borrowing stream, and (2) the speculative stream. The speculative stream often flows in an enormous volume when the borrowing stream runs nearly dry, and *vice versa*. It is always for our good when the British investor sends money which can be, and is, used in profitable development. But when in blind folly, as recently in the case of Victoria, as we shall see, he rushes millions into mad schemes, then the suffering which he is preparing for himself must assail us also.

## Movements of Capital and Customs' Returns.

In the old countries of Europe it is impossible to trace the movements of capital by a mere examination of the returns of imports and exports. The complexities of business are so great, the stocks, shares, debentures and other securities passing from country to country, and between Europe and America, represent such vast sums, that whether capital is flowing in or out of a given country in any year is most difficult to determine. These confusions do not exist to any important extent in Australia, and consequently, our returns of imports and exports are a much simpler study.

The returns of British commerce always show an enormous excess of imports; the returns of Australian commerce generally also show an excess of imports; but the cause in one case is of a reverse character to the cause in the other case. The British excess of imports represents profits on capital lent or invested abroad; the Australian represents more capital flowing in and increasing the public indebtedness. It is often thought that the big Australian imports means the same thing—that is profit—as the big British imports mean. But the truth is very different. A study of the facts we shall put forward will show in a very marked manner the exhilarating effect of the millions of British capital which have been thrown into Australia from time to time, they will also show the necessity that exists for the most extreme care in building up prosperity on borrowed capital. We propose to refer at some length to the comparative arrival and influence of new capital on the three eastern colonies of Australia, viz., Victoria, New South Wales and Queensland, but before doing so it will serve a useful purpose to examine the case of New Zealand. If a colony owes an aggregate sum which entails a yearly charge of three millions sterling for interest, then, supposing that no new capital were coming out, whatever the exports were, value to the extent of three millions would go to pay interest, and the balance only would be available to pay for imports. If, while having to pay three millions for interest, British investors lent three millions, then the one three millions would balance the other three millions, and money would be available to



the full extent of the exports to buy imports. If, while having to pay three millions for interest, British investors lent six millions of new capital, then the whole value of the exports, and a further three millions would be available to buy imports. Taking an imaginary sum, say twenty millions, as the value of the exports, the three positions referred to would come out in the Customs returns as follow:—

While, in actual fact, in the first case the colony exactly pays her way with the outside world, in the second case (though the figures are equal) it increases its indebtedness by three millions, and in the third case (though the excess of imports is only three millions) it yet increases its indebtedness to the extent of six millions. We should bear such facts in mind if we would learn the truth as to the financial position between a colony and the outside world.

All statements as to the aggregate indebtedness of the whole or of any one of these colonies are only estimates. While we can measure the volume of what we have called the "borrowing stream," we cannot, except in a very approximate manner, measure the volume of what we have called the "speculative stream." Hence it is difficult to say what new capital has been obtained by any of these colonies in a given year; the Customs returns do, however, give a fairly clear idea of the amount of new capital actually imported. If the imports exceed the exports by three millions, it is tolerably safe to affirm that new capital to the extent of three millions has come into the colony, while a further supply sufficient to balance the year's interest charges has also been obtained.

## **New Zealand.**

Persons who resided in England ten years ago cannot have forgotten the extraordinary general interest that had existed there for several years with regard to New Zealand. Its climate, fertility, its natural beauties, its general attractions both for the emigrant and for the capitalist, were well-worn themes. To the careful eye these facts are all reflected in the figures herewith given:—

We give the figures representing the population, since this is a most important element in connection with the arrivals of new capital. A million pounds borrowed by a community of 250,000 persons—an average of £4 per head—will produce a widely different effect to that which would be produced if the population were twenty times as large. In the latter case, the average would be only 4s. instead of £4 per head. In the small community the sum of one million would create very marked results; in the large community it might scarcely stir the commercial atmosphere. The second table which we now give shows the movements of capital into New Zealand as represented by the excess of imports:—

It could be said with some truth that these figures contain in a concise form the commercial history of New Zealand for twenty years. In 1873 British capital began pouring into that colony at the rate of £2817 for every 1000 of the population, and for the next nine years (excepting a remarkable break in 1880) the flood of wealth continued to flow, with fluctuations. It is true, but representing an enormous total, and averaging about £4000 per year for each 1000 of the population, or probably not less than £16 to £18 for each male adult. In 1883 it was evident that a change was taking place—less capital was coming. By the close of 1887, the stream had run completely dry. In 1887, and more markedly in 1888, it became evident that not only was there no new capital coming out, but that the British investor was not finding enough new capital to balance the colony's indebtedness for interest. The last three years it would appear almost doubtful if the British investor has invested anything in New Zealand, and that that colony has been called upon to pay unaided the whole of the interest on her public and private indebtedness. During the past three years New Zealand has paid an average of £8,200,000 in excess of the value of her imports. The difference that lies between years when £4000 per 1000 of population is flowing in and when £5000 is flowing out, reaches £9000, or about £45 a year for the average family of five persons. Does not everyone, know how that up to about 1882 New Zealand was enjoying a state of extraordinary prosperity? Population increased, towns sprang up, employment was plentiful and well paid, enterprise was everywhere, fortunes in property were rapidly made, companies paid handsome dividends. After 1882 things seemed to go gradually wrong; the summer days faded away, to be followed by the chilly days of autumn, and those by the bitter days of winter. Scarcely an industry, a bank, a company, or business of any kind, scarcely even a private individual who was not subjected to severe strain and painful loss. A glance at the population figures shows the difference of the periods we have referred to:—

During these respective periods the increase of population averaged per year 10.0, 5.20, 3.60 and 1.40 per cent. The paltry growth during the past five years indicates how keen the struggle for existence has been. Indeed, since 1885 there has been a steady exodus from New Zealand, in all no less than 17,600 persons have left that colony in excess of the number of those who have arrived, showing that so far from being able to take new colonists New Zealand has not been able to find work for her own natural increase. Reference to the first table will show with what pluck the New Zealanders met the adverse times. They set resolutely to work, and developing the resources of their magnificent country, they have during 1889, 1890 and 1891 produced, exported and sold to the rest of the world nearly three million pounds' worth of commodities per year over and

above their previous average. Though the strain of changed conditions is not yet worn out, the financial position of New Zealand to-day must be infinitely superior to what it ever was in those years of vast borrowings. Viewing now as a whole those years of exuberant prosperity and those of painful suffering, it is plain that it would have been for the best interests of New Zealand if her importations of capital had been on a far smaller scale. They exceeded the absorbing power as far as possibilities for actual development went. New Zealand has completed an experience which carries lessons for all Australia, and, as we shall see, Australia needs the lessons.

## II.

### The Extent of Great Britain's Financial Interest in Australasia.

In the preceding article, in referring to New Zealand, it was shown that the difference between the years when capita was flowing most rapidly into that colony, and the last three years, when that flow had stopped, actually represented stunt thing like £45 to every average family of five persons. We do not know of any fact that will give a clearer idea of the dominating influence in Australasian affairs of British capital than this one simple fact. Before going into detail with regard to the three eastern colonies, Victoria, New South Wales, and Queensland, it will be well to get a firm grasp of the aggregate financial interest possessed by Great Britain in Australasia. In 1883 the *Economist* published an estimate of British investments in the colonies, and in 1887 the same journal published a revised estimate calculated up to date. We give the two side by side, showing the increase in every case:—

### British Investments in the Colonies

(Represented by Securities held in Great Britain).

—1887 Increase.	Astralftsia—£	50,000,000	48,000,000	49,000,000	22,000,000	23,000,000	6,300,000
	1,500,000	200,000	200,000,000	255,000,000	5,600,000	500,000	30,000,000
	4,000,000	2,400,000	112,000,000	500,000	7,000,000	3,000,000	07,000,000
	77,000,000	58,500,000	30,000,000	36,000,000	9,500,000	2,700,000	300,000
	£ 17,000,000	Kew South Wales.....	Zealand.....	2,000,000	9,500,000	8,000a000	13,000,000
	3,200,000	1,200,000	100,000	South Australia ..?..	Western Australia,.....	fiji.....	Total Australasia ..
	281,000,000	272,000,000	5,000,000	1,000,000	32,500,000	5,700,000	2,400,000
	185,000,000	500,000	8,000,000	000,000	300,000	81,000,000	17,000,000
	frpeof Good Hope.....	000,000	500,000	2,500,000	1,700,000	23,000,000	1,000,000
	00,000	2,700,000	Africa .....	£620,000,000	£744,000,000	£124,000,000	

We have quoted the whole of the corresponding figures for the other British possessions, as they permit a very instructive comprison, a comparison that seems to effectually dispose of the oft-repeated assertion that the British investor is slow to appreciate Australasian securities, A period of about three-and-a-half years had elapsed in 1887 from the making up of the first estimate, during which time £81,000,000 had been invested En Australian securities, and only £43,000,000 in the securities of India, Canada, the Cape, and a large number of other colonies all put together.

About five years have elapsed since the second of the foregoing estimates was made, and during the period it is certain that a further enormous increase has taken place in the British stake in Australasia, The government of New South Wales has borrowed over £10,000,000, the Victorian governments borrowed £12,000,000, and the other Australian governments £11,000,000. The various Australian governments together, have, therefore, increased their indebtedness since 1887 by t total of about £33,000,000. About £41,000,000 have really been borrowed, but £8,000,000 were used to redeem loans falling due. Municipal governments have borrowed with greater freedom than before, whilst large sums have been obtained on debentures of various kinds, and the banks and other institutions have received large sums on deposit. If we calculate the average increase per each year of the five at two-thirds of the increase shown in the 1883-87 period of three-and-a-half years, or, say, sixteen instead of twenty-three millions, we find a total increase of eighty millions of which, as already seen, we can trace thirty-three millions in government loans. Adding this increase to the 1887 total, we find that in this year (1892) the amount of British investments in Australasian colonies represented by actual securities, reaches the gigantic figure of 361 millions sterling. This does not, however, by any means represent the total of British interests in these colonies, since it takes no account of the moneys invested in private businesses and industries of various kinds, which are not and cannot be represented by securities on the London Exchange. A statement published in 1890 by a very well informed writer, put this interest at a capital value of sixty millions, Mr. Coghlan estimates the yearly payments made by the single colony of Net South Wales to outsiders at about five-and-a-quarter million (public and private combined). This sum would represent t capital of 131 millions paying an average interest of 4 percent, of which certainly the thirty-one millions is in excess of the value represented by public securities. When, therefore, m ignore these two estimates and take thirty-nine millions

only as the British interest in private industries throughout Australasia we know we are on the right side beyond any possibility of doubt. Adding 861 millions and thirty-nine millions together, we get an aggregate of no less a sum than £400,000,000 as the very lowest possible estimate of the public and private indebtedness of Australasia to Great Britain. The total might Very easily, and on grounds readily defensible, be put at from £50,000,000 to £500,000,000; but we prefer to be on impregnable ground, and are content to take the still vast sum of £400,000,000 as the total. The amount is surely large enough to impress the most thoughtless reader, especially if it be remembered that it represents an average of £100 per head for pay man, woman, and child in Australasia, or, say, £500 for every average family of five persons.

It will now be interesting to trace as far as we can the movements of capital towards the three eastern colonies of Australia, The following table will throw light on the subject:—

### **New Capital Arrived, as shown by Excess of Imports.**

These figures in the aggregate—for the three colonies for the whole fifteen years—show an excess of imports, which may be taken to represent arrivals of new capital, amounting to £92,000,000. This sum may be taken as giving a fairly correct approximate estimate as regards the position of the three colonies as a whole, in connection with Great Britain, but the figures need correction as between the three colonies themselves. Victoria has some considerable interests in the other two colonies, principally in station properties and shares in mines. Mr. Hayber states that it has been ascertained that in 1890 Victoria received £453,250 dividends from the Broken Hill silver mines. It is clear that moneys received by Victoria as profits or dividends pat be deducted from the above, and not confused with new imports of capital. On the other hand the colonies that part with such moneys must make a corresponding addition, since such exports must not be taken as available to pay for imports. After careful research, we have estimated the payments to Vic- toria at an average of £500,000 per year for the first five year, at £750,000 per year for the second period, and at £ 1,500,000 per year for the third period, contributed as follows;—By New South Wales, £250,000 per year for the first and second period. £750,000 for the third; by Queensland, £250,000 per year first period, £500,000 second period, and £750,000 the third period Of course it is understood that these figures are simply estimate the bases of calculation of which are more or less obscure. We think, however, that they are fairly accurate. New Sort Wales receives moneys from Queensland pastoral and mining properties, but we have taken no notice of this fact. If, therefore, in the following amended table any colony suffers it will be New South Wales rather than Victoria or Queensland:—

### **New Capital Arrived, with Corrections as stated.**

The aggregate of these figures is again nine-two millions; but the corrected distribution reduces the Victorian total from sixty-five to fifty-two millions, increases the New South Wales total from twenty-seven to thirty-three millions, and creates a Queensland total of seven millions. It matters little how these figures are looked at; any way and every way they are remarkable. The figures in regard to Victoria are of exceptional interest; indeed, they are probably without parallel in the whole history of finance. Never before have a single million of people had thirty-seven millions sterling thrown into their midst in the brief period of five years. The "leaps and bounds" shown by the advance from one-and-a-half millions to twelve-and-a-half millions are great enough for special comment, but the advance from twelve-and-a-half millions to thirty-seven-and-a-half millions is simply bewildering. The figures for New South Wales are in another way almost equally remarkable, the rise from five millions to twenty-three millions, followed by a drop to four millions, shows a most notable fluctuation. As for Queensland, the changes have really been of a more violent nature than in either of the other two colonies.

After this was published the Author observed the necessity of keeping a distinction between the excess of imports in the external trade and in the intercolonial. Australasian goods are naturally of more value in the loading ftp in the shipping port, by reason of the freight, &c. Thus, 1,000 tons of Sal shipped in New South Wales for Victoria at 10s. per ton would present an export of £500, and if the freight were 5s. per ton the ship-sent would represent an import of £750, But there would not be an import of £250 capital, that sum would simply represent earnings. In the per 1890, the intercolonial imports were valued at £1,441,683 more than the exports. It is impossible to distribute this sum accurately amongst the bus colonies, but the aggregate Australasian imports of new capital may it taken as reduced from that amount in 1890. The alteration does not effect the general argument, especially as the difference was allowed for in eme of the later calculations. It in no way touches the question of the aggregate indebtedness, nor that of the yearly interest, it simply touches the pint of the proportion of the total new capital left to be imported after balancing interest charges. The intercolonial trade is almost wholly carried on in colonial-owned vessels, while the external trade is almost wholly carried on in British or foreign vessels.

In the case of New Zealand, which has been dealt with at length, it was clearly shown that the years of exuberant prosperity—the years when everything was "booming"—were the years when new capital was pouring freely into the colony. The same state of things is most vividly illustrated in the figures we are now dealing with. Take Victoria, it is well-known that the first five-year period was not a brilliant time. It is also well-known that during the second period there was a substantial improvement, which became more and more marked, until in the third period this improvement culminated in an outburst of prosperity such as the world seldom sees. In the case of New South Wales the first period was a generally brighter one than in Victoria, and it will probably be admitted that the time when prosperity reached its "booming" period in this colony corresponds with the five-year period 1882 to 1886. Passing along to Queensland we find, as already stated, violent fluctuations. During the first period Queensland was forging ahead slowly, the second period was one of very great expansion, the third period has been, as Queenslanders know to their sorrow, one of painful depression. Referring to the table, it will be seen that in every instance the period of supreme prosperity was also the period when capital was flowing most freely into the colony.

We get a still clearer view of the facts we are putting forward by finding and comparing the arrivals of new capital for each 1000 of the population.

### **Arrivals of New Capital per 1000 Population in each Five-Year Period.**

Figures like these must not be passed by with indifference. They are fraught with the deepest interest for all who desire to understand Australian affairs. We see that in Victoria during the first period of five years the arrivals of new capital equalled £1,883 for every thousand of the population, and that in the second period the amount rose to over £13,000, and in the third period to no less than £34,000. The most vivid idea of the influence of all this new capital is, however, to be gained by calculating the amount per the average family of five persons. This comes out at £9, £66, and £170 respectively for the three periods. Was ever before financial madness carried to such a point as indicated by this last figure? In New South Wales the new capital per family was equal to £38, £130, and £20 for the three respective periods. In Queensland the new capital, per family was £24 the first period, and £173 the second period. A sweeping change was effected during the third period, for not only was there an entire stoppage of the supply of new capital, but a drain equal to £62 per family, for interest had to be met. With the whole of these marvellous figures before us, we are better able to understand some of the sudden and remarkable ups and downs in the prosperity of these colonies during recent years. It will be noted that in all of the three colonies the second period (the years 1882 to 1886) there were large imports of capital and marked prosperity, whilst in the last periodic movement of new capital towards Victoria was continued at a wonderful acceleration of speed, and in New South Wales showed a signal reduction, and in Queensland came to a dead stop. The flow of capital into Queensland during 1882 to 1886 equalled, per head of population, the wonderful flow into Victoria during the next following five years. There need be no surprise at the very extreme depression existing during the last few years in Queensland when it is noticed that the difference between the receipts of the second period and the payments of the third period taken together meant fifteen millions, or £235 for every family of five persons, which is equal to £47 per year, a difference slightly higher than that shown in New Zealand between what we may call the fat and the lean years.

The growth of population in the three colonies during the respective periods dealt with was as follows:—

### **Increase of Population.**

These figures should throw a good deal of light on the important question of how far newly arrived capital has been absorbed in actual development of the country. If we find that in a given period there have been enormous arrivals of new capital without any very marked increase in the population, it is a reasonable assumption that the money has not been used for the opening up of the country and the creation of new industries, but has rather been used in mere speculation. On the other hand, if we find that, concurrently with the absorption of large sums of money, there has been a very marked increase of population, we may conclude that the probability is that there has been a considerable expansion of the industries of the country. Looking at the figures from this point of view, it will be at once seen that Victoria occupies by far the worst position. She has, especially during the past five years, imported new capital to an extent without precedent in the history of Australia, and, as far as we know, without precedent in the history of the world, and yet the increase in population shows a very light percentage. This means that whilst the burdens have grown, both in bulk and in proportion, more rapidly in Victoria than in either of the other two colonies, the number of burden-bearers has increased at a much slower rate. It is worthy of note that, in the first period, the rate of increase in this colony was nearly three times that in Victoria; in the second, nearly twice as great; and, in the third, about one-seventh greater. That during 1886 to 1891 New South Wales should increase her population faster than Victoria, while absorbing only one-ninth as much new capital, shows that actual development, real production, was on a far

more satisfactory scale than in Victoria. Yet, the figures show plainly New South Wales has felt, has suffered from the failing off in the extent of British investments which marked the two previous periods. The silent eloquence of the Queensland figures can scarcely be improved upon by comment. An enormous supply of money, a phenomenal increase of population in the 1882-86 period, followed by collapse during the years 1887-91, tell their own tale. It will be needful to take into consideration the subject of the relation that exists between production in the various colonies and their respective burdens of indebtedness. This will be dealt with in a future article. This one may well conclude with a reference to the sudden restriction in the flow of new capital which marked the year 1880.

### **A Remarkable Year.**

The figures for that year are remarkable. For some years before there had been a considerable, in some cases a very heavy, flow of capital to these colonies, but in 1880 this flow absolutely stopped, and these colonies were called upon for remittances. This change was of so marked and decisive a character as necessarily to arrest attention. The cause of the change was the memorable financial crisis in Great Britain, which is chiefly known in connection with the failure of the City of Glasgow Bank. It is impossible to bring home to Australians in a more vivid manner the consequences to Australia of financial disaster in the British money market than by a presentation of the facts relating to 1880. Indeed, on referring to the returns for Canada and the Cape, a precisely similar state of things is found to have occurred. In 1879 the aggregate importations of new capital into the three colonies of New Zealand, Victoria and New South Wales, as shown by the excess of imports, exceeded six millions sterling, whilst in 1880 over three millions were actually sent away, making together a difference of about nine-and-a-half millions against 1880. In 1881 the importations were resumed, but on a more restricted scale. We seem well within the bounds in saying that the financial crash of 1879 reduced British investments in the three eastern colonies during the two years, 1880 and 1881, by considerably over ten millions sterling. A reference to the following figures will enable the reader to more clearly grasp the facts relating to the years named:— Excess of Imports. Excess of Exports. Victoria 1879 1880 1881 ..... " £ ,580,368 466,418 £1,397,665 New South Wales 1879 1880 1881 1,112,028 1,279,207 1,575,063 New Zealand 1879 1880 1881 2,631,459 1,390,179 1,90,681 Canada 1879 1880 1861 2,094,634 1,408,003 284,342

The returns for Queensland and for the Cape of Good Hope show the same influence, though not in the clear manner shown in regard to the colonies whose returns are quoted.

### **III.**

### **Relative Growth of Indebtedness, Population and Production.**

It is desirable that we should have a clear grasp of the relative growth of (1) the indebtedness, (2) the population, and (3) the production of Australasia. Although we have already largely pursued this subject through the two preceding articles, there yet remains much to be considered. The question of how far the increase of population has kept pace with the growth of indebtedness is one of importance, but it is by no means so important as the question of how far the increase of population has kept pace with that of indebtedness. We fear the result of the inquiry will not be as satisfactory as could be wished, either under the head of population or of production. As regards population, the increase by immigration, rather than by excess of births over deaths is the point to which attention may be first directed.

### **Increase Population by Immigration.**

(Emigration being deducted.)

The most surprising thing about these figures is the extra-ordinary fluctuations they exhibit. The first period showed an aggregate average immigration of 89,453, the second period the average rose to 54,229, whilst in the third period it dropped to 26,881. Taking the figures for the separate colonies the differences are still more marked. To give the numbers year by year for each of the seven colonies would afford interesting food for thought, but would load this article too heavily with figures. It may, however, be said that the increase of population by immigration per year in New South Wales has ranged from 6633 (in 1888) to 27,278 (in 1883); in Victoria from 548 (in 1877) to 26,757 (in 1888); in Queensland from 2678 (in 1879) to 33,656 (in 1883); in South Australia from 186 (in 1882) to 11,622 (in 1831); in Western Australia from 38 (in 1882) to 4208 (in 1886); in Tasmania from 386 (in 1880) to 4016 (in 1891); in New Zealand from 211 (in 1887) to 18,723 (in 1879). The fluctuations extended further than represented by a mere difference in the number of arrivals, for, with the solitary exception of New South Wales, each of the seven colonies, in certain years, lost more by emigration than they gained by immigration. South Australia and New Zealand were the two chief sufferers in

this respect. For seven years past South Australia has been a regular loser, whilst New Zealand has lost in five out of the last six years.

The year 1883 recorded the largest total of immigration ever seen in Australasia, with the exception of the gold-few year of 1854, the number being 81,104. Five years later, in 1888, the number fell to 17,580, the smallest immigration of any one of the fifteen years which we are reviewing; indeed, in the last forty-one years—1851-91—there are only four years when so small a total was recorded. The immigration returns convey a severe rebuke to those people who would close the labor market of the colonies to outside labor, for everyone knows that during the years when the arrivals were exceptionally heavy the unemployed trouble was unknown, and that during the last five years, when the arrivals fell to less than one-half of what they had been, there was a marked increase in the number of men out of employment. In passing it may be noted that the decrease in immigration during the last few years is due less to depression in Australasia than to prosperity in Great Britain.

Various authorities have estimated the value of an immigrant to a new country at from £200 to £260. Every man who arrives in these colonies contributes to the revenue, assists in the production of wealth, and shares in the burdens of the community. The population of Australasia has been increased by immigration to the extent of 600,000 during the past fifteen years, in which interval the public indebtedness has increased more than 130 millions, and the entire indebtedness, public and private, more than 200 millions. It would, of course, be absurd to argue that borrowing should be regulated by the immigration, but if there are large borrowings it is pleasant if there be a rapid increase in the number of those sharing the responsibility. We scarcely think the increase of population is large enough to warrant much satisfaction. 600,000 in fifteen years only averages 40,000 a year, a very paltry exhibit beside that of the United States, where in one year, 1882, the immigration reached no less than 789,000. According to Mulhall, between the years 1851-88 more than twenty-two million people emigrated from Europe. These facts make it clear that the movement of population towards Australasia the past fifteen years can only be looked upon as a moderate one. The tendency of population to concentrate in large cities is one of the most marked features of recent years; but nowhere, probably, is this tendency so extreme, so serious, as in Australia. The following figures are instructive:—

We fear these figures indicate that the enormous borrowings of late years have tended to bring about an undue, an unusual enlargement of our cities, an enlargement which in the case of Victoria is undoubtedly of a most abnormal character. It is scarcely in young communities that we should look for such concentration of population as we find in the capitals of Australia. So much for the growth of the population as compared with the growth of indebtedness.

## **Increase of Production.**

Now for the growth of production. Are we to-day producing so much more wealth than we were fifteen years ago, as to make it certain that we have done light to go as deeply into debt as we have done? Let us compare the position of affairs in regard to certain primary industries, viz.:—(1) agriculture (2) pastoral pursuits, (3) dairying, (4) mines. Official statistics not being made up exactly to the five-year periods we have been comparing, we will use the 1881-90 figures given in Coghlan's "Seven Colonies," Agriculture.—The total area under crops of all kinds in Australasia in 1881, was 5,551,513 acres. In the year 1890 this had increased to 7,066,398 acres, showing an increase in nine years of 27.3 per cent., an average increase of 8 per cent, per year. Pastoral Pursuits.—Mr. Coghlan estimates that the total stock in Australasia in 1890 was equal to 242 million sheep against 177 million in 1881, an aggregate increase of sixty-five millions—that is, 37 per cent. It is worth while comparing these figures with those for the years 1871-81, it being understood that they are for all Australasia.

It will be observed that, coming to the years when money was most rapidly borrowed, the agricultural and pastoral industries showed much less expansion than in the preceding years, not only absolutely, but relatively to the growth of population. We will pass the separate consideration of dairy and mining, and will come to the question of the value of the productions.

Value of production of the following primary industries in 1881 and 1890, viz.: Agriculture, pastoral pursuits, dairying, mines, forests and fisheries,

If the production of 1890 had been sold at the prices ruling in 1881 the total would have been £108,261,628, or an increase of £32,091,623. As it is, though the increase in quantity is 45 per cent., the increase in the value of the production is scarcely 22 per cent, against 84 per cent, increase in the population. Pursuing the subject further we find that in 1881 the production equalled £25 per head of the population, and that in 1890 it only touched £28 per head. This is not a very satisfactory exhibit in view of the increase of indebtedness, which, during the nine years, probably reached £180,000,000, the interest on which sum would approximate close to £2 per head.

It seems, therefore, that £2 per head less is being earned, and £2 per head more expense has to be paid than in 1881; facts which must tell with great effect on the margin of profit. It will be seen by the table that New

South Wales is far away the greatest producer among the Australasian colonies. The largest production per head is, however, in Queensland; the smallest production per head is in Victoria.

Production from another point of view, that of exports, may be looked at with profit:—

### **Value Domestic Produce Exported.**

The only years for which the figures for this last table have been prepared by Mr. Coghlan are 1879, 1889 and 1890. The earliest and the latest dates have, therefore, been taken. These reports do not agree with the figures given in the Customs returns, except in the aggregate. As regards certain colonies, corrections had to be made on account of produce, often being exported from the ports of a colony adjoining the one of actual production. As far as possible, says Mr. Coghlan, the returns are corrected so as to give each colony the credit due for its own exports. It will be noticed, in the first place, that New South Wales has the same enormous lead in actual exports as in production, and, in the second place, that the aggregate increase of production shown in one table is approximately the aggregate increase of exports shown in the other table. It must be remembered that about one-fourth of these exports were simply exports from colonies to colonies, and of course goods remaining within the limits of Australasia cannot be considered strictly as Australasian exports.

### **Indebtedness Grown Faster than Population or Production.**

From the examination which we have made of the growth of Australasian population and production, it is clear that neither has kept pace with the growth of Australasian indebtedness. This statement seems to be true of every one of the colonies individually as well as of the whole collectively, though of course in a varying degree. While we can give the increase that has taken place in the amount of the public debt during the past fifteen years for each separate colony, it is a serious, really an impossible, task to estimate with accuracy the extent of the farther indebtedness arising from the large importations of new capital through banks, mortgage institutions, companies, minea, &c. In the aggregate of indebtedness Victoria certainly takes the first place, and New South Wales the second. The enormous importations of new capital into Victoria during recent years make that colony easily first. Still, to estimate closely the respective totals for the two colonies named cannot be undertaken with the data available, and the apportionment among the seven colonies of the £400,000,000, at which we placed the minimum indebtedness to Great Britain, will not be attempted.

### **Amount of the Yearly Interest on Australasian Indebtedness.**

What is the yearly burden of interest Australasia has to carry? Mr. Coghlan says, "There is ample evidence to warrant the supposition that the income of non-residents (of New South Wales) amounts to not less than £3,500,000 per year." It will be remembered that in the second article we calculated that Victoria derived £750,000 a year income from New South Wales properties; if we take this sum from Mr. Coghlan's total estimate, we have £2,750,000 as the interest, profit, income—call it what we will—derived by capitalists residing in Great Britain from private investments in New South Wales. The interest on the public debt of the colony is now fully £2,000,000 per year. Throwing off £250,000 to cover (and more than cover) the small portion paid here, we have £1,750,000 as the sum now being paid away to Great Britain yearly for interest on the indebtedness of New South Wales, making, it will be seen, a total yearly payment by this colony to residents in Great Britain of £4,500,000. On the basis of these figures we can calculate the probable payments by the whole of Australasia. If two-and-three-quarter millions in New South Wales represents the interest, &c., on private indebtedness, and the average were the same for all Australasia, then the yearly interest on the private indebtedness of all Australasia would be a little over nine millions. We are under no necessity to estimate the interest on the aggregate public debts, as we can calculate that to a nicety: it amounts to eight millions. Adding together nine millions on private debts, and eight millions on public, we get seventeen millions as the sum which must be paid yearly by the four millions of people in Australasia to the capitalists of Great Britain. An estimate was published in Melbourne two years ago, and the figures were pal at fourteen millions interest and three millions income of absentees, making also a total of seventeen millions. The sum may be estimated in another way. We have taken 400 million as the aggregate indebtedness of Australasia; as fully half of this is represented by colonial and municipal loans, on which we know the interest payable, we have other 200 millions of private indebtedness of which the interest or profit is very doubtful. Here and there investments are yielding as high as 25 per cent, and some investments are yielding nothing. Probably we should not be far wrong in saying that the average rate on the 200 millions was 5 per cent, which would represent a yearly payment of ten millions, which, with the interest on public debts, would make the aggregate yearly payments eighteen millions. Of the capital that flows out through private channels a portion, the larger, is actually borrowed or deposited at fixed rates of interest, and, whether Australasia be prosperous or depressed, that interest must be met. Another portion, the smaller, is embarked in speculative ventures, and the owners

themselves carry all the risks, and if nothing is earned then nothing is paid. Of course, also, large sums that have been speculatively employed in these colonies have been lost, but every needful margin of allowance was made for this fact in estimating the aggregate of British investments in Australasia at 400 millions. This sum is supposed to be an aggregate of something like solid investments: 200 million public, 200 millions private, if times were generally very bad, then there would be a falling-off in the total amount of interest payable corresponding with the portion of capital invested entirely at the risk of the owners, and if such portion amounted to about eighty out of the 200 millions, then the payments would be eight millions on public debts, six millions on private debts, making a total of fourteen millions. Below this total it seems impossible to go. We think we are on absolutely safe ground in saying that the lowest possible minimum payment for interest on present Australasian indebtedness is fourteen millions, and that in actual fact the payment at present being made is somewhere between fifteen and eighteen millions sterling per annum. This is equal to about £4 per head per year for every man, woman, and child throughout Australasia, or the sum of £20 per year for every average family of five persons.

It is frequently said that the interest payable on Australasian indebtedness is much less burdensome than the interest payable on the British debt, and it is pointed out that we have assets against our debts whilst the British have none against theirs. It is well to look this foolish fallacy straight in the face. Australasia pays away the interest on her debts, Great Britain keeps the interest on hers. As we have seen Australasia has to pay—is paying—between fifteen and eighteen millions sterling per annum actual wealth to people on the other side of the world. Great Britain collects from the whole of her people the money required for interest; but she does not send it away; she simply distributes it again, in a narrower circle it is true, but still it is retained, and is available for new enterprises in Great Britain itself. Here interest is a drain; there it is rather a distribution.

## IV.

### **The After-consequences of Heavy Borrowings Deplorable Ignorance on the Subject.**

It is astonishing how little attention has been paid in Australasia to the economic effects, the after-consequences, of the enormous and continuous supplies of new capital which these colonies have obtained. There is no man of the least prominence in active political life in any one colony who has anything to say on the subject; indeed, there is not one who appears to have studied the subject in the slightest degree. There never yet has been an occasion when a marked increase of prosperity, clearly traceable to the influence of British money, has not been treated as a natural expansion, the consequences often being of the most deplorable character. Take as an example the most notable instance in the financial history of Australasia. We refer, of course, to recent years in Victoria. Within a few years new capital by tens of millions was obtained by Victoria, and a period of most wild prosperity set in; but the public men of Victoria were blind. The writer of these articles, both in the *Argus* of Melbourne, and the *Sydney Morning Herald*, two or three years ago pointed out the exceptional character of the times, and affirmed then, as he has now done in the second article, that never before in the history of the world had so many millions of new capital been thrown into the midst of a single million of people in so brief a period. But the warning was not heeded. The inevitable reaction set in, but still the truth was not learnt. During the past two years of gathering depression in Victoria, every now and then it has been stated in an authoritative sort of way that the worst was passed, an expression of opinion that would have been impossible had the real facts been realised. Sir Graham Berry, the late Victorian Agent General, on his return to Melbourne recently, expressed his surprise at the marvellous change for the worse that had taken place in two years in the position of Victoria. Yet had he known anything of the financial history of Victoria during the past ten years he would have known that the change that had taken place was one absolutely certain to take place sooner or later. Last year the Victorian Premier, in his financial statement, deliberately estimated that in the year 1891-92 he would not only receive as much revenue as he did the year before, but an increase also. The statement showed the most gross ignorance of the condition of affairs in Victoria, the most entire innocence of any knowledge of the real causes affecting for good or evil the revenue of the colony. In a letter to the *Herald*, shortly after that financial statement was made, the writer pointed out that the Victorian revenue had been inflated by the vast imports of new capital, and that as that stream of wealth was now drying up, a decreasing revenue was all that was to be expected in the coming year. The truth is now becoming apparent, for the Victorian year, 1891-92, ends with this month, and a deficit of a million is expected. Other colonies have at times shown proportionately distressing financial results, all evidencing the complete want of recognition of the influence on public affairs of the increase or decrease in the volume of British capital flowing towards Australasia. It is strange, indeed, that this influence—the most potent of all influences which have affected these colonies the past fifteen years—should be so little acknowledged, should even be so little known. Capital



comes to us in the form of goods, which, according to the tariff, must pay toll at the custom-house. The heavier the arrivals of new capital the larger the collections at the custom-house. If by such arrivals there be an increase of a quarter of a million in the revenue it is obvious that that increase partakes rather of a temporary than a permanent character. But immediately such an increase takes place in Australia it is treated as a permanent increase of revenue; it is at once spent and permanent expenditure arranged. The new capital inflates the revenue in other ways also, and the whole increase is looked upon as permanent accretion due to natural development. Then a change comes; the flow of capital is checked or stopped altogether, and of course, unless offset by the results of true development. These accretions disappear and the expenditure alone remains. That is practically what is the matter in Victoria at the present moment. There have been large accretions of revenue—due to British capital—and expending has been increased in proportion. To-day the accretions of revenue are a thing of the past, and the expenditure, having been kept up, there is a deficit of, it is thought, one million sterling.

## **Australasian Statistics: Imports and Exports.**

It must be said that Australasian statistics lend themselves with singular facility to the creation of deceptive views of Australasian affairs. Statistics are like edged tools—they require to be used with care and knowledge, and the number of those who are skilled in their use is exceedingly small. The result is, the existence of very exaggerated ideas on the development, resources, and importance of these colonies. It will be well to note some of these points. Take first the simple figures of imports and exports. We have seven colonies, all importing and exporting, not only from and to the rest of the world, but with one another. Imports and exports are simply the names given to goods when they cross political boundaries; as political boundaries are increased, so imports and exports are increased; as they are lessened, so imports and exports are decreased. Millions of pounds' worth of commodities pass between England, Scotland, Ireland, and Wales, but there being no political boundaries between these countries, the trade between them goes unrecorded—is not included in imports and exports. In Australasia we have seven—with Fiji eight—colonies, and every particle of trade between them goes to swell the volume of imports and exports. In 1890 the combined imports and exports of Australasia came to a total of £132,801,164, equal to £85 10s. 8d. per head of the population. For the same year the imports and exports of Great Britain showed an average of £21 3s. 11d. This gives the idea of a relatively vastly larger external trade in this part of the world. But looking further, we find that more than two-fifths of the Australasian trade was simply inter-colonial, that is entirely between the colonies themselves, and that the true Australasian imports and exports only aggregate £75,223,727, or £20 2s. 4d. per head. Instead, therefore, of Australasian imports and exports being per head very much heavier than those of Great Britain, they are really rather lighter. Even this reduced figure of £75,000,000 includes at least £15,000,000 new capital imported. Australasian external trade, apart from borrowings, would not give an average of over £16 per head, as against £21 for Great Britain. The moment these colonies become federated, and the political boundaries between them are swept away, there will be a real increase of trade between them, but import and export returns will show a mighty shrinkage. In the absence of federation we can continue to exaggerate our trade in the way referred to. Mr. Coghlan, the able statistician of New South Wales, has divided the external from the inter-colonial trade in his book, the "Seven Colonies," and it would be well if the distinction were generally remembered. The imports and exports per head of the United States are £5 18s. 8d., of Canada £9 6s. 2d., of France £11 10s. 10d., of Germany £11 1s. 11d., so that, with all deductions, Australasia still makes a comparatively good exhibit in her record of external trade.

## **Statistics of Income.**

Let us look next at the figures representing the income, the private income, of Australasians. Statistics of income are very difficult to prepare, and at the very best they can only be accepted as approximating to accuracy. In the United Kingdom the work of calculation is much facilitated by the returns made for assessment to income tax, which cover about one-half the entire income of the country. According to Mulhall, the income per inhabitant of the countries mentioned is as follows:—United Kingdom, £53 14s.; France, £27 16s.; Germany, £23 4s.; Denmark, £32 5s.; Canada, £26; United States, £39; Australia, £40 4s. It will be seen Australia is put first, the United States second, and the United Kingdom third. Coghlan, in his "Seven Colonies," published last year, placed the private income per head in Australasia at £41 14s. In this year's publication of the same work, presumably dissatisfied with the data available, the author has omitted his calculation for all Australasia, and is content to give an estimate for New South Wales alone. This comes out at the high figure of £57 per head, or an aggregate income of sixty-three millions. This, it will be seen, makes a very brave show for New South Wales as compared with any other country in the world. Indeed it is an admirable item for use on the public platform, and it does not sound at all bad when read from the prospectus of a new loan. But in truth the statistics need a little examination. In the first place New South Wales out of her

income, whatever it is, must pay at least five millions yearly for interest, &c, on her public and private indebtedness, so that if her aggregate income be sixty-three millions this needful deduction at once brings it down to fifty-eight millions, which is only about £52 10s. per head. Then comes another consideration. How are we to distinguish between the income which is the result of our own actual production, and the income which is simply the result of the expenditure of other people's money? Clearly the former only is the real income; the latter is just a temporary addition. During the past ten years New South Wales has probably obtained something like seventy millions of new capital, thirty of which, it may be estimated, has been imported, and forty used to pay interest; that is an average of seven millions a year. In 1890, the year for which Mr. Coghlan's estimate of £57 per head was made, the sum did not exceed five millions. A portion of this would be used to pay for railway plant in England, but the bulk of the money was certainly expended in the colony itself, and as a matter of income would count more than once. Probably this expenditure of "other people's money" would account for eight out of the fifty-eight millions, and it might then be said that the New South Wales income per head consisted of £45, the product of her own industries, and £7 10s., the result of the expenditure of new capital. It will be seen that these considerations place a very different light on the question of income. There is a further point, which, though it does not at all lessen the actual earnings, yet makes a material difference as far as toy comparison with the earnings of other countries is concerned. In Great Britain there are 1047 females to 1000 males; in Australia there are only 843 females to every 1000 males, This means that men are 24 per cent. more numerous in proportion to the population than they are in Great Britain, and that this must of necessity tell heavily in favor of Australian figures, and against those of Great Britain in any "per head" calculation of income. Indeed, the relative effectiveness of the Australasian population ought to be remembered in connection with all statistics that can be affected thereby, and it is a point that goes to the credit of these colonies in considering their indebtedness. With regard to the income for all Australasia, it may be said that it is subject to a yearly payment for interest, &c., of from fifteen to eighteen millions; and further, that during the past ten years it has been buoyed up and inflated by the yearly expenditure, on the average, of something like twenty millions. No one can form a true idea of the income Australasia unless the whole of the facts here set forth are borne in mind. The subject of production is closely allied to that of income; indeed, production is the basis of true income. In the previous article we gave Coghlan's figures showing the total production from the primary industries to be eighty-six million. If to this we add twenty millions for the manufacturing industry, we get an aggregate production for Australasia of one hundred and six millions for the year 1890. This year we may estimate the total at one hundred and ten millions divided amongst four millions of people, which is equal to £27 10s. per head, a large sum in comparison with the production of other countries, though it must be remembered that the interest charge of equal to £4 per head must ultimately rest on this production.

## **Statistics of Wealth.**

The third point in Australasian statistics to which we must draw attention is that of wealth. The prodigious wealth of Australasia has of late been a well-worn theme, and if anyone has presumed to criticise Australasian borrowings a reference to "our wealth" has been supposed to be sufficient to end the controversy. Mr. Coghlan has published a table of the private wealth of Australasia, from which we take the following:—

### **Private Wealth, Australasia, 1890.**

If the value of public works be added, the total of Australasian wealth is, says Mr. Coghlan, brought up to 1,329 Bullions. This is without including anything for Crown lands, Earning now to "Mulhall's Dictionary of Statistics," we find the following comparative figures:—

### **Wealth, Mulhall's Estimate In Millions of £.**

These two tables present the position of Australasia, as regards wealth in the most flattering manner, Mulhall, it will be seen, makes a higher estimate than Coghlan, which arises from the fact that he includes Crown lands in his valuation. It is from these and similar tables that the popular statements about Australasian wealth are taken. To be able to say that the wealth per head of these colonies is far and away in excess of that in every other country, the United Kingdom not excepted, is very pleasant, but alas ! each of the two statisticians we have quoted accompany their tables with certain remarks which are invariably ignored, Mulhall (p. 589) says:—"As regards the amount of wealth per inhabitant the United Kingdom stands second only to Australia; and when we consider that most of Australia is mortgaged to British capitalists, we may say that in reality the United Kingdom has most wealth per head." As far as we know this important qualification is never referred to. Coghlan ("Seven Colonies," p. 817) says:—"The figures relating to the wealth of the provinces are irrespective of the money owing to persons outside Australasia. That this is considerable is certain from the value of some

of the known items. Thus the banks trading in Australasia have British deposits to the extent of some forty-two millions, of which at least twenty-six are used in their Australasian business." Mr. Coghlan's statistics of wealth are often quoted, but the accompanying qualification is generally forgotten. The fact is that statistics of wealth are simply a statement of the wealth *in* a country, and not of the actual wealth belonging to the population—the wealth *in* and not *of* a country, But invariably Australian public men speak of the wealth *in* Australia as being the wealth *of* Australia. This is a striking illustration of the way in which Australian statistics lend themselves to the creation of erroneous views. Mulhall's remark that "most of Australia is mortgaged" may, however, be set down as an exaggeration in the opposite direction to that usually taken.

If we would ascertain the true net wealth of Australasia we must deduct 400 millions from the ordinary estimates of wealth, this being the sum at which we approximately fixed the Australasian wealth owned by persons resident in Great Britain. Mr. Coghlan has estimated the gross wealth, private and public, at 1829 millions, Mr. Mulhall has estimated it at 1373 million Making tire allowance of 400 millions, we find these estimates reduced to 929 millions and 973 millions respectively, equal to £232 per head on the lower and £243 per head on the higher estimate when divided amongst four million people, a marked reduction on the per head figure representing the gross wealth, In taking extracts from Mulhall's table representing the aggregate wealth of each community, we also took the figures shoeing the proportions represented by lands and houses. In Great Britain these cover 42 per cent. of the total wealth; in France, 51 per cent.; in the United States, 42 per cent.; in Canada, 42 per cent. In Australasia, however, the proportion is very much greater, being no less than 61 per cent, without any inclusion of Crown lands. Indeed, it comes to 70 per cent. on the figures given by Mr. Coghlan, 821 out of 1169 millions, but the inclusion of public works makes the percentage 61. Adding public works, we have, as we have seen, an aggregate estimate of 1329 millions, of which 821 millions represent land and houses, and 508 millions all other forms of wealth. The estimates of the value of lands and houses in Australasia have been carefully made by the Statistician; they are not at all based on guess work, they are based on the municipal valuations, and on declarations taken in connection with the census; they are trustworthy as far as they go. But when we talk of Australasian wealth, we must remember that the vast proportion of it is represented by real estate, which is liable to most rapid and violent changes in value, and that the valuations now before us—1890-91—are those taken after a time, in some colonies at least, of inflation; after the full influence of an unprecedented rush of new capital had made itself felt. According to Mulhall, Australasian wealth rose from 320 millions in 1870 to 1378 millions in 1888. The great bulk of this increase was in real estate, and the very advance is so enormous is to suggestdoubt<sup>3</sup> as to its having been permanently established. In passing, it is not without interest to refer to the extraordinary fall in the value of land in the United Kingdom, In 1843, the value was 1677 millions; in 1850, it had risen to 1704 millions; in 1850, to 1748 millions; the advance continued at an accelerated speed till in 1868 it stood at 1925 millions, and in 1877 it 2077 millions. The culminating point was reached in 1877, since which year there has been a continuous and very heavy fall, until in 1888 the total value only stood at 1544 millions, a lower due than known for fifty years. The great fall in the value of land in Great Britain has been accompanied by a marked rise in the value of land *in* distant countries. The two changes, so diametrically opposite, are probably mainly due to the same cause—the cheapening of the cost of moving produce from country to country. It is probably true to say that the value of wheat land in Great Britain to-day only exceeds the value of similar land in Australia and in America, quality being equal, by a sum representing the capitalised equivalent of the cost of taking wheat from Australia or America to Great Britain. This tendency towards a closer approximation in the value of the agricultural and pastoral lands of the world may be relied on to continue, and it forms an element of strength in the value of such lands in Australasia. It will be understood that this fall in value in Great Britain is purely in agricultural and pastoral lands, as real estate in the towns and cities of Great Britain has continued to rise in value.

The most important points affecting the wealth statistics of Australasia have been dealt with in the foregoing remarks, and although it is clear that there has been a substantial, quite a wonderful, increase during recent years in the wealth of these communities, it is equally clear that there requires to be a very considerable modification in the popular estimate, both as regards the aggregate amount and as regards the comparison with the wealth of other countries. The "per head "estimate of wealth in Australasia is, in comparison with that of Great Britain, made to appear to greater advantage by the very much larger proportion of workers in Australasia. Indeed, the way in which nearly all the statistics we have referred to tend, to the creation of exaggerated views of the financial strength of Australasia is quite remarkable.

## V.

### The Position To-day and in the Future.

Having carefully studied the subject of the capital lent to, or invested in, Australasia during the past fifteen

years, it is well that we turn our attention to the future. Are the borrowings of the past to be the measure of the borrowings of the future, and if so, what are likely to be the consequences? The purely colonial government borrowings in the ten years ending 1871 reached twenty-seven millions; in the ten years ending 1881, they mounted up to fifty-seven millions; whilst, in the last ten years, ending 1891, they aggregated ninety-seven millions, Municipal indebtedness at present totals over eleven millions, the most of which has been contracted during recent years, and supposing the total was spread over the three periods in the same proportion as the colonial government, we should find the borrowings, the purely official borrowings of Australasia, to have been twenty-eight millions, sixty-one millions, and one hundred and three millions, respectively, in the three periods, bringing the aggregate public indebtedness at the close of 1891 up to 202 millions, entailing a yearly interest charge of eight millions. Adding the private indebtedness, we find a total of 400 millions as the lowest approximate estimate of the financial interest in Australasia possessed by capitalists resident in Great Britain, and that this entails a yearly charge on these colonies of from fifteen to eighteen millions sterling, equal to per head an average indebtedness of £100, and a yearly charge of £4 for interest; or, per family of five persons, an indebtedness of £500, and a yearly interest charge of £20. The stream of new capital flowing towards Australasia during the past ten years cannot have averaged much, if anything under eighteen to twenty millions sterling every year, and has represented no insignificant portion of the regular income of the various communities.

The position to-day is one that demands the thoughtful consideration of earnest men. If the colonies, during the next ten years, publicly borrow as much as they have borrowed during the previous ten, and if private investments are also on the same scale, then Australasia would in 1901 have an aggregate indebtedness of no less than £600,000,000, with a yearly interest charge of from £28,000,000 to £26,000,000, a sum very considerably exceeding the value of the present annual wool clip of the whole seven colonies. The full effect of these growing interest charges is but little understood. During the past ten years we have said the annual new capital borrowed or sent out for investment has been close to, if not quite, twenty millions, and if the same were continued for the next ten years the interest charge at the intervals might be placed, roughly, at the following—eight millions in 1881, sixteen millions in 1891, and twenty-four millions in 1901. It will be seen that twenty millions borrowed in 1881 would pay the interest charges due to Great Britain, and leave twelve millions to actually come to the colonies in the form of excess of imports. In 1891, the interest having grown to sixteen millions, there would only remain four millions to actually arrive here. While it will be seen that in 1901 there would be nothing left to import, but that the whole sum would be absorbed in England, and, in addition, Australasia would have to ship other four millions to make up the amount due for interest. It may be said that every year when twenty millions of new capital have been obtained the whole sum, in some form or another, has been used in developing the wealth of the colonies, and that the increased wealth is easily able to bear the interest charge. Happily, to a considerable extent, this is true, but it is not altogether true, and we must not allow ourselves to dwell on the extent of our wealth when it is so enormously mortgaged.

## **Australasian Production.**

It is more desirable that we should carefully watch the production of our industries, for, after all, it is the result of our own labors that must ultimately bear the sole burden of our indebtedness. Unfortunately, no one who carefully studies the matter can fail to note that the percentage of production left after payment of our interest charges is regularly diminishing. We have calculated the interest charges for 1881 at eight millions; we have no means of estimating with anything like accuracy what the charges were in 1861 and 1871, but probably we shall not be very far wrong in taking it at two millions for 1861 and four millions for 1871. On this basis, then, let us compare the exports of Australasia—our sale of produce to the rest of the world—with our interest payments:—

The figures here given are exceedingly remarkable. Our net or free exports, wherewith we can buy commodities which we desire to import, are actually less in 1890 than they were in 1881, and very little more than they were in 1871. The interest payments which in 1861 left £88 out of every £100 of exports, in 1890 only left £59. Comparing the net or free exports with the population, we find that in 1861 they reached nearly £12 per head, whilst in 1890 they had fallen to less than £6 per head. We must point out that reduced exports are often a sign of increased prosperity, for the greater the consuming power the smaller must be the surplus available to sell to other countries; but making every allowance for this fact it must certainly be admitted that the figures we have given are very unsatisfactory. We should have preferred to have compared the interest charges with the production for the four periods referred to, but the necessary figures were not available. We have, however, in a previous article, been able to compare the production of 1881 and 1890. The result confirms the inference to be drawn from the table now published.

## **"Reproductive" Works.**

We fear that a great deal of delusion exists on the subject of borrowing for "reproductive" works. If a million of money is borrowed in England, it is thought to be wholly satisfactory if there is a probability of the public work on which it is expended bringing in sufficient revenue over working expenses to pay the interest. Such a result is entirely satisfactory so far as the public department concerned is interested, yet it may not be wholly so on the broad grounds of the country's welfare. At present a traveller can proceed all the way from Adelaide to Brisbane by train; a few years ago he must have gone by steamer. This means that large revenues have been taken from the shipping trades by the railways. Recently the line between Sydney and Newcastle was completed, and the disastrous effect due opening of that line had on the Sydney-Newcastle steamship trade is well-known. Money was taken from one industry to pay, or to help to pay, interest to British capitalists. A cable tramway between King Street, Sydney, and Ocean Street, Woollahra, will shortly be constructed. It is expected the line will earn interest as well as expenses. But it is clear that it will lessen by thousands of pounds the receipts of the omnibuses now running on the route. British capitalists will receive interest—we might call it a guaranteed dividend—on traffic worked at present in another form by Australian capital. Some thousands a year will be paid to British capitalists on traffic the profits of which at present remain in Australia, and this is a "reproductive" work.

## **The Burden of Interest.**

The burden that interest may be to a community is far more serious than is generally understood; yet we have only to consider the position of either New Zealand or Queensland during recent years to know how serious it may be. In both those colonies, after a too rapid development brought about by enormous supplies of new capital, reaction set in, the stream of new capital almost absolutely ceased to flow, and of the days of exuberant prosperity, nothing was left but the heavy burden of interest. The public finances of those two colonies give evidence of how grievous that burden was. Hitherto, or during the last ten or fifteen years, if the supplies of new capital have ceased in some colonies, they have continued, perhaps grown larger, in other colonies. Let it be remembered that the time will come when the supply will, if only for a period, cease as regards the whole of Australasia. The private investment stream very quickly ceases to flow when times become dull; the stream of official borrowing can be continued longer, but a marked degree of depression here or a financial crash in Great Britain would make such borrowings impossible. It will be well, then, for Australasia to face the possibility of an entire cessation at a very early date of all supplies of new capital. Such a cessation must take place sooner or later. In 1801 the statistics of imports and exports showed an excess of exports, indicating that the supplies of new capital were not sufficient to cover the interest charges on Australasian indebtedness which as we have seen, probably means from fifteen to eighteen millions. Evidently it would be a very serious thing if the tide turns so completely in the other colonies as it has already done in New Zealand and Queensland. Yet it is exceedingly probable that it will do so. Last year the two colonies named between them paid away for interest charges, through the medium of exports, as much as five millions sterling, whilst in Victoria, on the other hand, at least four millions, and in New South Wales one million of new capital was received. If Victoria has without assistance to pay her own interest charges, then her trade, like that of New Zealand and Queensland, must soon show further heavy reductions in imports, until they leave the exports in excess by the amount of Victorian interest charges. In two years the excess of imports in Victoria has fallen no less than six millions. The difference between last year's figures in Victoria and the point at which that colony would be paying her own interest charges means a further fall of probably eight millions, and a considerable portion of this fall will evidently be accomplished this year. It is this mighty change—for mighty it is—which is the principal cause of the collapse at present existing in Victoria. It is five years since New South Wales showed any actual importation of new capital on a heavy scale—and then it was only one-half of the extraordinary Victorian figures of 1888-89—and she has been able to keep up her imports by largely increasing her exports. Yet in 1891 even New South Wales must have obtained nearly six millions of new capital, the bulk of which was required to simply balance her interest payments. It will therefore be seen that if New South Wales ceased to obtain new capital it will, as compared with 1891, make a difference of six millions. Hitherto as the stream of new capital has failed in some colonies, it has continued—even increased very greatly—in others, and population thrown out of work where the supply has failed has proceeded to where the supply was continued. It is noteworthy, in illustration of this fact, that in 1888, that extraordinary year in Victoria, the excess of immigrants over emigrants for all Australasia was only 17,580. yet in that year Victoria alone showed an increase of population from this source of no less than 25,757. This was made possible by an exodus of population from four of the other colonies—10,548 from New Zealand, 8477 from South Australia, 1053 from Western Australia, and 383 from Tasmania. Clearly, the Victorian "boom" year afforded considerable relief to the congested labor market of Australasia generally. The lesson seems to be that if all the colonies have to pay their way without supplies of new capital, the congested labor market of one colony will find it unusually difficult to obtain relief in any other colony.

## **The Necessity of the Hour.**

In, with this article, drawing to a conclusion these notes on capital and finance in Australasia, we would most earnestly, most emphatically point out what is the necessity of the hour, a necessity which is almost daily becoming more and more imperative. If we would find work for our population, if we would maintain wages, if we would recover and then continue a satisfactory degree of prosperity, we must give more attention to the great producing industries of these colonies. We must seek to increase the quantity of our produce which we can sell to the rest of the world. If in our laws or habits of life there are impediments to an easy settlement of population on the soil, we must sweep away those impediments, We must seek development by labor instead of development by finance. We have expended too much energy in attracting and fighting over the expenditure of external capital, and too little energy in the work of production—work which lay ready to our hands. By our neglect we are allowing the bounty of Nature to become a curse instead of a blessing; the wonderful increase of our flocks and herds has actually led to depression through the whole pastoral industry of Australasia, when enterprise, aided by nineteenth century science, might have turned that increase into gold. We let fruit rot when millions of people on the other side of the world would gladly pay good prices for it. We shut our eyes to the fact that we have summer in this southern hemisphere when winter reigns in the northern, instead of recognising that in this reversal of the seasons has the certainty of an almost unlimited commerce. There is little doubt but that we have entered upon a grave crisis in the financial and commercial life of Australasia as a whole, and it is desirable that we should meet it like men. In all the colonies to-day there is depression, and it is—with a touch of shame that we observe that every one of them—, believe there is no exception—is a suppliant in the London money market for money for the construction of more public works, and that on this policy the various Governments are mainly relying for the removal of the unemployed difficulty. It will not do. There must be a change. Borrowing cannot at once be wholly suspended, but it must be curtailed—vastly curtailed—if the future of these colonies is not to be seriously imperilled by a great burden of interest. The intimate connection that exists in Australasia between politics and public expenditure is a grave evil, and if greater production from our industries is the first necessity of the hour, certainly economy stands only second, The extraordinary growth of public expenditure, the multiplication of offices and of new departments, make it plain that the old British cry of "retrenchment" is needed in Australasia, Depression, time after time, has driven various colonies, as it is driving Victoria to-day, to reduce expenditure; but when prosperity returns economy is thrown to the winds and extravagance again reigns supreme. Strict economy in a time of surplus revenue is a virtue as yet unknown in Australasia, and yet it may be said that there is not one colony out of the seven that does not feel its interest payments a burden.

## **In New South Wales.**

As far as the colony of New South Wales is concerned, it is gratifying to know that she holds the premier position in the matter of production, and that her surplus for export is, as we have seen, a very large one. It is also satisfactory to know that for the past five years she has been making headway with lessened supplies of new capital. It ought now to be the object of all political parties to encourage the expansion of the natural industries of the colony, to keep down debt, and to insist on rigid economy. On these lines, and on these only, can permanent prosperity be obtained. The reaction from the colony's heavy borrowings is not yet complete, the consequences are not yet all manifest; but it is well to know that New South Wales is stronger than any of the other colonies; that she has made by far the greatest progress in the path of profitable industry.

## **The World's indebtedness to Great Britain.**

In concluding we may be pardoned for referring to a matter which, though somewhat beyond the scope of our inquiry, is yet one of remarkable importance. It is the financial position towards the rest of the world which Great Britain holds to-day, and the position she will hold in another twenty-five or fifty years. It has been computed that already Great Britain has financial interests in the rest of the world to the extent of £2,000,000,000. At an average of 3½ per cent, this represents a yearly income of £70,000,000. This alone is a wonderful position, but the position is strengthening with every day that passes. What will it be in a quarter of a century? If the accelerated speed of recent years be continued, it may be that in that time Great Britain may have financial interests in the rest of the world aggregating £5,000,000,000. What would such a state of affairs lead to? Is something in progress very much like the financial conquest of the world by Great Britain?

vignette

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'Omaha' Block. Address by Sir Robert Stout to the Native Land Court. Extracted from the Supplement

"The Hawkes Bay Herald" of March 1892. 'Omahu' Block. Address by Sir Robert Stout to the Native Land Court. Extracted from the Supplement "The Hawkes Bay Herald" of March 1892.

## Omahu.

# Judgment of Seth Smith, Esq., C.J., Hastings, 15th Dec., 1891.

As I have decided to order a rehearing in this matter I shall not express any opinion as to what the final determination of the case ought to be.

I shall confine myself in the few remarks I intend to make to a general statement of the points upon which further enquire seems desirable.

In the first place it now appears that much of the evidence that was laid before the Court on the first hearing was untrue and has been admitted to be untrue by the witnesses who gave it.

I shall not at this stage attempt to determine on whose shoulders the responsibility for this state of things ought to rest. It argues a disregard for truth on the part of the witnesses which, on moral grounds, is much to be regretted; although I do not suppose that an appeal made to them on moral grounds would be of much avail. The belief is daily gaining strength that the great bulk of the testimony given in the Native Land Court by natives is altogether untrustworthy, and the disclosures that have been made in the course of this enquiry will not change that belief. If those natives who so readily adapt their testimony to what they believe to be advantageous to themselves or to the parties on whose behalf they are called could realize the injury they are doing to their own interests by the distrust they give rise to, I believe we should soon cease to hear the complaints now so frequently made of perjury in this Court. I shall say no more on this point at present. There is another matter on which I must say a few words. The Court has been asked to lay down certain rules with regard to the principles by which the Court ought to be guided in its investigations on native titles. There is in my opinion no reason why the principles which guide other Courts should be disregarded in this. On any investigation of title like that now before us, the first question that naturally arises is, Who are the person in possession at the present time? Where there are persons actually residing on the block they are undoubtedly in possession of those portions of the land on which their houses and other buildings are standing, and presumably in possession also of all such other portions as have been fenced in by them or over which their sheep or cattle are running. Now possession is always prima facie evidence of ownership (see Pollock and Wright, 'Possession in the common law' pp 25.) If it is shown that the present possession is recent in its origin the presumption arising from it is only a slight one and may be rebutted by comparatively slender evidence of ownership in other persons, but the presumption gathers strength as the evidence discloses a continuance of uninterrupted enjoyment. If it is shown to have commenced before the year 1840, the presumption that the persons who have enjoyed such possession are the owners according to native custom, is of so cogent a nature that nothing will be sufficient to rebut it short of the clearest proof that the possession began under circumstances such that occupation for any length of time would not be regarded, in accordance with native custom, as vesting any right of ownership in the occupier. Apart from such exceptional cases as those just referred to the principle that should guide the Court is in my opinion this:—The persons now in possession are prima facie the owners. Possession of recent origin raises only a slight presumption, while possession extending continuously over a considerable period raises a strong presumption in favor of ownership. Possession commenced before 1840, and continued without interruption to the present time, raises a presumption of so strong a character that it will require the clearest evidence to rebut it. So far the scope of the enquiry is capable of definition with a considerable degree of accuracy and extensive excursions into the myths and traditions of so-called Maori history are unnecessary. It does not, however, necessarily follow as a matter of course that the persons entitled by virtue of their possession, or to speak more accurately, whose title is evidenced by their possession, are exclusively entitled. The Court has also to enquire whether there are any persons who though not occupying the land at the present time have formerly lived on it or exercised other rights of ownership over it which rights have not become extinguished by lapse of time, but are, as it were, lying dormant. In such enquiry some account must be taken of the action of ancestors of the present owners or claimants, and the Court must receive and weigh evidence of the traditional reports that have been orally transmitted from one generation to another. Such evidence is from its nature necessarily unsatisfactory. It affords scope for the play of imagination, which is too frequently taken advantage of and cannot be submitted to those tests by which the value of the evidence

of alleged eye witnesses may be ascertained. A tradition generally accepted and acted on, and of which the several accounts do not materially differ from one another, may, with considerable confidence, be regarded as an authentic record of actual fact. A disputed tradition on the other hand will, in the majority of cases, be entitled to very slight authority. It would not be advisable, even if it were possible, which is open to question, to attempt to lay down rules of rigid definition as to what will not be regarded as sufficient evidence of truth of an alleged traditional event. Each case must be determined by its own circumstances, and by the weight of evidence which as Lord Blackburn has pointed out, "depends on the rules of common sense." It seems to me, however, that one unequivocal act of ownership and a fortiori a series of such acts, is of far more importance in determining on which side the balance of testimony lies, than any amount of traditional lore that may be brought forward for the purpose of leading the Court to a different conclusion. It is to a large extent, because it seems to me that the Court in its judgment has not given sufficient weight to the possession of this land by Ngai Te Upokoiri and those persons who have been called in application of Noa Huke "the allied hapus" a possession which has been practically continuous and uninterrupted since the year 1857, and for the origin of which a reasonable explanation has been offered notwithstanding its commencement since 1840, and on the other hand that while rightly rejecting much of the evidence of tradition that was adduced, the Court has apparently attached too much weight to the evidence, that I feel compelled to allow a rehearing.

A re-hearing will therefore be ordered on all the applications, except those of Matenga Pekapeka and Hamana Tiaakiwai.

The order will be made subject to the following conditions, viz., 1. That the several parties who intend to claim a share in the land must deposit in the office of the Registrar in Wellington on or before Monday, 1st February next, a statement in writing giving particulars of the grounds upon which the claim is based, the portion of the block over which the claims extend, and the names of all the persons on whose behalf the claim is made and 2. That the minutes of evidence given on the first hearing shall be read as evidence on the re-hearing, each party being at liberty to adduce such further evidence as he thinks fit to explain or add to that already given.

On the application of Mr Rees, assented to by Mr Lewis, it was ordered that the notes of evidence taken on the application for re-hearing should also be taken as evidence at the re-hearing.

I runga i te mea kua tau i taku whakaaro kia whakaputaina he Oota hoi whakaara i te whakawa tnarua mo tenei keehi Ekore au o whakaatu i taku whakaaro mo runga i nga tikanga o te tino whakaotinga o tenei keehi. Ka waiho e au aku kupu ki runga anake i nga kupu whakamarama tomtom nei i whakaaro ai au kia meingatia mo nga korero nui tonu o pa ana ki nga putake i whakaarohia he mea tika kia whakawakia ano tenei keehi. Ko to mea tuatahi ekitea ana inaianei he nui nga korero i whakaina kite aroaro o te kooti i te whakawa tuatahi, e hara i te korero pono, a e whakaatia e hara i te korero pono aua korero enga kaikorero ano na ratou nei aua korero i whaki. I runga i tenei ahuatanga e kore au e tahuri ki te kii hei runga i awai he taunga mo to toimahatanga o enei tu mea. Ko enei tu mea e whakaputa ake ana i nga tikanga e kore ai e whakaarohia te pono o te taha ki nga kaikorero. Mo te taha ki te ahuatanga ki te whakaaro tika o te tangata, kanui rawa te ahua pouri. Ahakoa ra kaore ano aa e whakaaro ana tera e whai painga te whakaatu atu kia ratou i te ahuatanga o te whakaaro tika o te tangata. Kei te kaha haere te whaka pono i nga ra katoa mo te nuinga o nga whakaaturanga e korerotia ana e nga Maori i roto i te Kooti Whenua Maori, be whakaaturanga kaore rawa e tika kia whakaarohia, a ko nga korero kua whakaturia mai nei i roto i tenei uiuinga kaore e whakarereke ana i taua whaka pono. Mehemea aua Maori e hohoro tonu nei ki te hanga korero ma ratou mo nga mea e whakaarohia ana e ratou ka puta mai he painga kai ratou, ki nga tangata ranei i tu ai ratou kai whaki korero, ka mohio ki te mate e mahia nei e ratou ano ki o ratou ake panga i runga i ta ratou whakaputa ake i nga tikanga t kore ai ratou e whaka ponohia, ki taku mahara tera e hohoro whaka, te mutu o ta tatou whakaronga ki nga korero whakahe e rangona tonutia nei inaianei mo te mahi korero teka i roto i tenei kooti. Ka mutu aku kupu mo runga i tenei putake mo tenei wa. Tera ano tetahi putake e tika ana kia whai kupu torutoru nei ahau. Kua tonoa ki te kooti kia whakatakatoria etahi huarahi mo runga i nga tikanga hei arahi i te kooti i roto i nga whakawakanga mo nga take Maori. Tera ia, ki toku whakaaro, kaore he take, e kore ai nga tikanga e arahi nei i era atu kooti e tangohia mai ko roto i tenei kooti. I runga i nga whakawakanga take katoa penei me tenei e takoto nei i o maua aroaro inianei, ko te patai tuatahi e ara ake ana koia tenei:—Kowai nga tangata kei runga i te whenua e noho ana anaianei? I te me he tangata kei runga i te Poraka o noho ana kaore he ruarua o te mohiotanga kei te nohoia e ratou nga wahi o te whenua kei reira nei o ratou whare, me era atu whare e tu ana, me te whakaaro iho ano kei a ratou nga wahi o te whenua kua oti nei te taiepa e ratou me nga wahi e haera ana e a ratou hipi me a ratou kau. Na, ko te nohoanga i runga i te whenua. Ekitea tonutia ana ko to mea tua tahi tena hei whakaatu i te tika ki te whenua (see Pollock and Wright on "Possession in the Common Law," page 25.) Mehemea e whakaaturia mai ana ko te nohanga o te whenua e nohoia nei inaianei he mea hou tona timatanga heoi ko te whakaaronga atu mo taua noho he mea mania noa, a tera e taea te patu e nga korero ngoikore noa mo te take tika o era atu tangata.—Otiia kei te kaha haera te whakaaronga mo taua noho i te mea ko nga korero i korerotia ki te kooti e



whakaatu ake ana he noho pumau tonu a kaore koki i whakararururua taua noho. Mehemea e whakaturia mai ana i timata taua noho i mua atu i te tau 1840 ko te wha kaaro mo nga tangata nana taua noho ko ratou nga tangata whai take i runga ano i nga ritenga Maori e tino kaha ana te ahua o taua whakaaro ko te mca hei turaki mo taua whakaaro, ma tetehi whakaatu tino marama rawa i kiia ai ko taua noho i timataria i raro i tetehi tikangn e mea ana ko te noho i runga ite whenua mo te takiwa roa e kore e manaaki tia e nga tikanga Maori o whai take ai te tangata i runga i te noho. I waho atu o ena tu ritenga kua whakahaererea ake nei, ko nga tikanga hei arahi i te kooti, ki toku whakaaro koia tenei. Ko nga tangata kei runga i te whenua e noho ana nga tangata tuatahi e kiia no ratou te whenua, he mama noa te whakaaro mo runga i nga noho hou tona timatanaga. Otiia ko te noho i pumau tonu mo te takiwa roa rawa e puta ake ana te tino kaha o te whakaaro kua whai take taua noho. Ko te nohanga i timata i mua atu i te tau 1840 a i mau tonu, kaore i whakararuraua. tae mai ana ki naianei e puta ake ana te tino kaha o te whakaaronga mo taua noho. A, ma nga korero tino marama rawa e whakahe taua noho. Ko nga mea e taea i runga i te ahua o tenei uiuinga te whakamarama, i runga i te whainganga atu ki te tino tika a me te nui hoki o te haeranga atu ki roto i nga korero, me nga tikanga tuku iho a nga tupuna nga mea e rite ana mo runga i nga korero onamata a te iwi Maori. Ehara i te mea e whai tonu ana i runga i tenei hei tikanga ara ko nga tangata i whai take nei i runga i te noho, ara ko te kupu tika rawa. No runga nei i te noho to ratou tika, ka kiia ko ratou anake e tika ana ki te whenua. Me kapu ano hold e te Kooti mehemea tera atu ano etehi tangata, ahakoa kaore ratou e noho ana i runga i te whenua inaianei engari i noho ratou i runga i te whenua i mua, me te whakahaere i nga mahi a nga tangata whai take ki runga i taua whenua a ko to ratou take kaore ano i ngaro i runga i te mahuetanga o te whenua mo to takiwa roa, engari ko taua take kei te takoto paimarire. I runga i te rapunga o end tu take me tango marire nga korero mo runga i nga whakahaere a nga tupuna o nga tangata e kiia nei, no ratou te whenua i nainei ara o nga tangata nana te kereeme. A, me tango e te Kooti me ata weeti hoki nga korero katoa mo runga i nga korero a nga tupuna, he mea tuku iho nei e tetahi whakatupuranga ki tetahi whakatupuranga. Ko aua tu korero ia i runga i tona ahuatanga e hara i te korero marama, ko aua tu korero e awhina ana i te mahi whakaaro kau a he putuputu tonu te tangohia o taua tu mahi, e kore e taca te tuku atu hei whatete ki te tika o nga korero a nga kai korero i kite tonu nci o ratou kanohi i nga mea e whakina ana e ratou. Ko nga korero tuku iho a nga tupuna e whakatikaia aha, a e whakaritia ana hoki nga tikanga o aua korero kua ia nga tikanga o roto i aua korero o tino nui te rereketanga o tetehi i tetehi; i taea ano i runga i te whakaaro nui, te ki he korero tika tena mo nga tino mea tuturu. Tetahi ko nga korero tuku iho a nga tupuna e whakahengia ana ko te nuinga o ana tu korero kaore e mana nui ana. Ekore e pai ahakoa ano mehemea tca e taea no te mea kei te awangawangatia ki te tahuri ki te whakatakoto tikanga e tino rite ai te whakamaraniatanga o nga mea hei whakaarohanga o nga mea ranei kua whakaarohia o nga korero e kitea ai te pono o nga mea e korerotia ana i roto i nga korero tuku iho a nga tupuna. Me whakatau ia keehi, ia keehi i runga i ona ake tikanga me te taimahatanga o nga korero katoa pera me ta (Lord Blackburn) i whakaatu ai "Okioki ki runga i nga tikanga o tou ake mohiotanga." Mo reira ki taku mahara kotahi mahi e tino mohiotia ana te tika mo te whai taketanga me te roa e whakahaerea ana taua mahi be tino mea nui rawa tena hei tirohanga i runga i te mea e rapu ana kei tewhea tuba te toimahatanga o nga korero e takoto ana. Nui atu tena i nga mea i puta mai roto i nga korero tupuna e kawea mai nei hei arahi i te kooti kia rereke ai ta ratou whakaotinga, E pena ana te nuinga no te mea, ki taku titiro i roto ite whakatau a to kooti. Kaore i hoatu te weeti e rite ana mo te noho a Ngati Te Upokoiri i runga i tenei wbenua, me te noho hoki o nga tangata i roto i te tono a Noa Huke (ara nga hapu o Ngai Te Upokoiri). Ko taua noho, be noho pumau tonu, a kaore hoki e whakararururua mai ana i te tau 1857 a kua oti ano te whakamarama mai o te timatanga o taua noho kaore he tikanga o tona timatanga i muri mai o to tau 1840 tetehi ahakoa be tika te whakakahoretanga a te kooti i to nuinga o nga korero tuku iho a nga tupuna i korerotia nei ki tona aroaro, he nui rawa te weeti i apitiria e te kooti mo to mahuetanga o aua korero, no reira ahau i akiaki kia whakaetia he whakawa tuarua, Mo reira ka wbakaputaina be Oota kia ara ano be whakawa tuarua i runga i nga tono whakawa tuarua katoa, haunga i nga tono a Matenga Pekapeka raua ko Hamana Tiakiwai.

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## Omahu Rehearing.

This important case, which was begun at Hastings on the 25th February, before the Chief Judge of the Native Land Court and Judge Scannell, Mr Ormsby acting as Assessor, was concluded on the 17th instant. There were three parties before the Court, but the contest practically was between Mrs Donnelly, Tareha, and others of Ngatikahungunu, on the one side, and Mr Broughton, Noa Huke, Atareta Hokahoka, and others, of Ngaiteupokoiri and Ngati Hinemanu, on the other. Sir Robert Stout, with him Mr M'Lean and Mr Lewis, appeared for Mrs Donnelly and her co-claimants, and Mr W. L. Rees, with him Mr A, Bees and Mr Fraser, for the Ngaiteupokoiri and Ngati Hinemanu, who claimed the main portion of the block on the grounds of ancestry and occupation. The remainder of the block they claimed by virtue of a gift alleged to have been made to them

by Te Moananui, when he visited Manawatu in 1848. Mrs Donnelly and her coclaimants denied that any gift had been made by Te Moananui, and claimed the whole block by ancestry and occupation. The other counter claimants were Wiramina Ngahuka and others of Ngatimahu, for whom Aperahama To Kume appeared. The following is a report of Sir Robert Stout's Address to the Court:—

I propose to divide my address into several heads. The first I shall take up is that of what principles should be followed by the Court in dealing with this case. Some of the quotations I intended to make have been made by my friend Mr Rees, and I shall therefore refer only briefly to those.

I submit that the Court must, in accordance with its own decisions, or, to use the phrase of the late Chief Judge Fenton, its own year books, imagine itself to be sitting in 1841, and find who were then entitled. I do not deny its right to look at what has taken place since 1840, but only if that can throw any light on prior events. This question has been threshed out and decided finally—that the Court must imagine itself to be sitting in 1841, otherwise it would be doing a wrong to the natives, and setting the whole native land law at large. That is one principle that I submit your Honors have to deal With. The other principle is this—as to what occupation means, and I submit that the mere fact of people cultivating the lands of other tribes, if the tribes are in friendship, is no proof of ownership, and therefore whether all these parties were in possession of Omahu or not, so long as Ngaiteupokoiri were in friendship with the real owners, their evidence of possession or of cultivating is no proof of title, and in support of my contention I will cite several cases. The passage in the Oakura case which was cited by my friend bears out the contention I have submitted to the Court. (Oakura; Fenton, C. J., Rogan and Monro, J. J., 10).

"We do not think it can reasonably be maintained that/the British Government came to this colony to improve Maori titles, or to reinstate persons in possessions from which they had been expelled before 1840, or which they had voluntarily abandoned previously to that time. Having found it absolutely necessary to fix some point of time at which the titles, as far as this Court is concerned, must be rewarded as settled, we have decided that that point of time must be the establishment of the British Government in 1841, and all persons who are proved to have been the actual owners or possessors of land at that time, must (with their successors) be regarded as the owners or possessors of those lands now, except in cases where changes of ownership or possession have subsequently taken place with the consent, expressed or tacit, of the Government, or without its actual interference to prevent these changes.

"Compelled by absolute necessity to lay down a rule for our guidance as to the time and circumstances when the ownership or title of expelled owners could rightly be regarded as having terminated, we can find no other rule to establish than the one now expressed, and we have endeavored to adhere to it as as a fixed rule for our inquiries under the New Zealand Settlements Acts, where the questions at issue are matters purely between the Crown and a portion of the Maori subjects. Of course the rule cannot be so strictly applied in the Native Lands Court, where the questions to be tried are the rights between the Maoris *inter se*, but even in that Court the rule is adhered to except in rare instances. If greater latitude is allowed, and the *date of ownership* permitted to be variable, the confusion will be such as to render any solution of this great question, upon any principle of justice, perfectly hopeless."

It will be remembered that in, the Oakura case the Court was sitting to determine who were to obtain [unclear: como] sation from the Government for the lands taken, and therefore the Court has to read, along with the remarks I have just quoted, the other passages to which I intend to refer, as to occupation; therefore this passage is strongly in our favor. The other passages that have a bearing on this point I shall now refer to. The next case I shall cite is that of Orakei, in which the decision was given by the late Chief Judge Fenton. There are several passages in that judgment bearing out the same principle, but, I submit, rather carrying it further. On page 94 his Honor says: "The Court quite agrees with Mr Gillies that Heteraka has Kept his claim alive. And we also concur that the Court should 'imagine itself to be sitting in 1841,' and we have endeavored to do so. Doubtless the 30 years' possession by Apihai must be allowed to have weight, but principally because we find that it has been undisputed except by Heteraka, whose right to dispute has been considered, and because we find that that possession was founded on anterior rights which have never been overtly questioned until now (except as above-named by Heteraka). We can easily imagine cases where equally undisturbed possession for an equally long period would avail nothing in this Court, where there is nothing on which it is based; and we have even such cases appearing in this trial, where indeed no claim is urged; as, for example, Te Hapimana and Te Keene Tangaroa. It would be a very dangerous doctrine for this Court to sanction that a title to native lands can be created by occupation since the establishment of English sovereignty and professedly of English law, for we should then be declaring that those tribes who had not broken the law by using force in expelling squatters on their lands, must be deprived *pro tanto* of their rights. The precedents are all the other way, and are founded in reason. And as no Court existed in the country by which such trespasses could be tried and the true ownership of land ascertained, a peaceful protest against the occupation, or an assertion of a hostile or concurrent right, made at a sufficiently early period, must be held to have been all that the counter claimant was

required to do to keep alive his rights, and indeed all that he lawfully could do." I will refer also to the decision of Judge Heale in the Paengaroa case (page 143), where he says that "the function of the Native Land Court is to ascertain who were the absolute masterful owners of the land at the time of the advent of the British Government, and the persons to whom those rights have now descended." At page 59 and page 68 of the Orakei judgment there are passages to the same effect. "This Court has no common law to direct its steps by; in fact it has by its own operations to make its common law, and to establish 'year books,' which may in the course of time afford a code of law to which appeal may be made for guidance in deciding all questions which may come before it. \* \* \* I do not remember that any claims have been established in this Court solely on the ground of modern occupation without reference to some 'take' of old days."

I shall rely on that to shew that the English doctrine of possession and prescription has nothing to do with the Native Land Court. The English doctrine of possession and prescription has always assumed that a prior grant has issued. Here there can never be that assumption. The Native Land Court is specially constituted to determine who is to obtain the title from the Crown; therefore the common law of England can have no application whatever in questions of ownership of native lands. If a Maori has been in possession of land from the year 1840, that would not prove his title, for there was no machinery known to the law by which he could prove his right. The Supreme Court has no machinery to decide the title and therefore the English doctrine of possession can have no application to native land. This no doubt was the meaning of Chief Judge Fenton when he said in one of the passages. I have referred to that the Native Land Court must make its own common law and establish year books. That he admitted this principle is clear from the state ment? on page 68 of the Orakei judgment that no claims have been established in this Court solely on the ground of modern occupation.

As I shall show afterwards, my learned friend knows that modern occupation is of no avail, so he sets up Te Moananui's gift. I will put it to the Court more strongly. We would not have heard a single word of Te Moananui's gift if Ngaitenpokoiri had any ancestral right to rely on. My friend repeated time after time that the shedding of Hawea's blood had made the land *tapu*, and that it had passed out of the hands of Ngaiteupokoiri until the removal of the *tapu* by Te Moananui. His own witnesses even knew nothing of this removal of the *tapu*, and therefore he is forced to rely on Te Moananui's gift. If this Court had been sitting in 1841 no claim could have been made under a gift by Te Moananui.

At pages 81 and 82 of the Orakei judgment the same principle is laid down—that no modern occupation can confer a title unless founded on some previous "take" of which the occupation can be regarded as a consequence and partly as a proof. Violence even could not affect the title. This is laid down at page 86 of the Orakei judgment. At page 89 the question of modern occupation is again referred to.

"No modern occupation can avail anything in establishing a title that has not for its foundation or authority either conquest or descent from previous owners, except of course in the case of gifts or voluntary concessions by the existing owners. Such occupation is called by the natives 'he noho noa iho' (equivalent to our word 'squatting.')

I do not know whether it is necessary to refer to any more passages on this point, but I will refer to some of the more modern judgments in which the same principle is laid down. The principle is affirmed by the decision on the applications for rehearing in the Mangaohane ease. My point also is this—that in that case the Chief Judge adopted the argument of counsel for Renata Kawepo, who was one of the applicants for this investigation, that nothing done by Renata since 1840 could affect his title. I will quote from the decision of the Chief Judge—

"There is in the judgment a quotation of the no doubt well-deserved panegyric bestowed in the Pukehamaoama decision upon Kawepo, the usefulness of which, however, in relation to the matter in hand, I fail to detect. This quotation seems to have been made in reference to the contention of loss of title resulting from captivity, but as the effect contended for was held not to have ensued, reference to conduct, however meritorious, which taking place after 1840, could not, as Dr. Buller fairly put it, 'either augment or detract from his right' was unnecessary and possibly misleading."

The late Chief Judge then assumed that the argument advanced by Renata's counsel was correct. Then in the decision on the Porangahau case there is this passage—"It has certainly been laid down in former Courts that no right arising since 1840 will be recognised, and this Court has no intention of contravening that rule."

I have quoted Chief Judge Fenton, Chief Judge Macdonald, Judge Rogan, Judge Monro, Judge Heale, Judge Mackay, and Judge Scannell, and I will now quote Judge Wilson. He says in his decision on the Ohaoko case ". . . nor can any line of action pursued since 1840, viz., since the Treaty of Waitangi, alter the native right of ownership of this land."

I therefore submit that this Court is bound by its own common law which it has made by its decisions—that the Court cannot look upon occupation since 1840 as proving anything unless something beyond occupation can be shown. Even if English law were to apply, this occupation would be of no avail, for it is admitted that there were others than Ngaiteupokoiri living on this block. It cannot be denied that Karauria lived and had

cultivations there. There is the evidence of Mr Heslop that Karauria exercised rights over this block by impounding the cattle which were running on it. Mr Heslop also gives evidence as to Harauria's cultivation. It is not denied that Tareha fished and exercised rights of ownership on the block. What is the English law? It is this, that if two persons are in a field, each in possession and each exercising rights of ownership, then the field belongs to the person that has the legal title, and the occupation counts for nothing. This is laid down by Mr Justice Maule in the case of *Jones v. Chapman* (2 Exch. 803.) The law in New Zealand, as in England, cannot allow parties to Kettle their differences by violence. So far therefore as this occupation is concerned, it is clear on the admission of the Ngaiteupokoiri witnesses that on two occasions Karauria denied their rights. He occupied inconsistently with their occupation. The Court then has to determine who has the legal title.

While on this point I will refer to another passage in the Orakei judgment. At page 68 the Chief Justice says, "The Rev. Dr. Maunsell gave important testimony as to the habits of Maoris cultivating the lands of other tribes while in a state of friendship." And we have the evidence also which is not denied, in this suit, that Renata lived at Pawhakauro and erected a weatherboard house there. There is the evidence of Archdeacon Williams that this house was outside of *the pa*, and that just before the Omarunui fight the Ngaiteupokoiri made entrenchments round Renata's house. It cannot be denied that Renata lived also at Awapuni and other places, none of which could have been claimed by him. There is ample evidence of Renata's residence at Pawhakauro. He dated letters from there, and as appears from the blue books which have been put in, he was met there by Government officers, and regarded as a resident of that place; but that occupation did not give him any claim to Pawhakauro, and further, he went there to live with the people who are said to have invited him back. If Renata has made a claim at Omahu, so too have Tareha and Karauria. Then there is a contest, and the Court must see how the evidence hangs together as affecting both. There is another passage in the Orakei judgment which has an important bearing in reference to Maori politeness in inviting people who are their friends to live with them. The passage I refer to is this:—

"One can well understand, therefore, how, after peace had been formally concluded, and the ancient feeling of amity restored, the Taou chief would exclaim to his host, when he came to pay him a friendly visit in the evening, 'I can now return without anxiety to my old home.' To which the other would reply, 'Certainly, why should you not go to your own place?' And even if Kahukoti had replied 'Yes, return there and light a fire for both of us.' I can see nothing in the words beyond the polite expression which is usually given by the Maoris to their language when talking with people of rank with whom they are in friendship. When travelling with a Maori in his canoe, he never speaks of 'my canoe'; the phrase is always 'to Una waka,' 'the canoe of us two,' and if his guest smokes he will give or ask for 'to taua paipa,' whether it belongs to himself or to you; and if you live on his land, he will speak to you of 'to taua kainga,' without the slightest idea of conferring any title upon you. And this expression 'tahuna he ahi ma taua.'—would (even if used) mean no more than a civil way of expressing that he should be glad to see Te Taou Jiving at Ikahu, for he would be then often able to come and see them and accept their hospitality."

This shows how expressions used by Maoris about land are to be dealt with; and when Judge Monro had occasion to deal with a case of this nature, he found that, although there had been occupation by certain people, yet there was no title, and he therefore awarded them only fifteen acres, to include their cultivations, as a sort of concession. (*Waihi case*, p. 100.)

I submit that almost all the Judges of the Native Land Court have laid down the same principle, which I may sum up in this way:—

1st. That the Court must sit and decide as if it were sitting in 1841.

2nd. In dealing with occupation, if it be the occupation of land of a friendly tribe, the Court cannot infer from that occupation any title.

Taking therefore these two grounds of what may be termed the legal position, I shall proceed to sketch shortly the history of this block and of the neighboring blocks. There can be no doubt that Tarais. I did make a conquest of a great part of the land in Heretaunga. As to Taraia II., there no doubt also was a conquest made by him. All parties with the exception of Wiramina say that Taraia I. made a conquest over Tarauwha, and that the descendants of these two intermarried. As to where the boundary of Taraia it really was, I submit that I shall show, from the evidence in this case, and the decision in the adjoining block, Pukehamoamo, that Taraia, Hinehore, and Hikateko never had absolute and undisturbed possession of this block. This block seems to have been one that was lying between perhaps three parties; on the Tutsekuri side were Ngatihinepare, and on the side towards Ngaruroro were Ngaiteupokoir. As my friend put it, this may have been a disputed and contested piece of land.

Mr Rees: I did not say that. What I did say was that the shedding of Hawea's blood and the making *tapu* of Otupaopao was the cause of continual fighting.

Sir Robert Stout: My friend refers to the shedding of Hawea's blood as often as Mr Pick referred to King Charles's head. But the fair way to put the thing is the way in which my friend put it, and I am quite willing to

accept that. The evidence shows that there was incessant fighting about this block and on this block. I will show that it was the attempt of Ngaiteupokoiri to obtain this Hand that led to their defeat at Paratuna, and later on at Rotoatara. It means that this had been practically a disputed piece of land and had been claimed by three sections of the people, by Te Rangikamangungu, by Ngatihinepare, and occasionally by Ngaiteupokoiri, who made incursions into it, but were always defeated and driven off. Let us see what the history shows of the various events which the (Court has to look at, taking them as nearly as possible in their chronological order.

After the time of Taraia. I and Taraia IX, the first event of importance was the wounding of Hawea, which took place about the end of the last century. Now, what was that event? Who was Hawea fighting for at the time? That lets a flood of light in upon this question. Hawea, had come to the assistance of Te Rangikamangungu; that I submit there can be no doubt about. And with whom was he fighting? He was fighting with the people living on the Omarurunui side, and it was there he was wounded. He was not wounded on the land which is said to have been made *tapu*; but, further than that, not a single witness has been called to show that the Ngaiteupokoiri took any part at all in the fighting which led to his wounding. Can it for one moment be believed that, if this had been Ngaiteupokoiri Island, it would have been made *tapu* on account of the wounding of a man in a quarrel in which they had no concern, and which several of their witnesses say had no relation whatever to Otupao, the land which is said to have been made *tapu*? What then is the only inference to draw? It is this: A great chief has been wounded; he has been wounded in an attempt to assist Te Rangikamangungu, and therefore Te Rangikamangungu gives him land as payment or compensation for his wounding. If the land had only been made *tapu*, that did not mean that Hawea was to enter into possession and occupy. Their own witnesses admit that Whakato, Hawea's son, lived at Te Rae o Tahumata; and that Hawea and his descendants lived on several parts of the block and had fishings there. I understand that if land is made *tapu* it is not to be used as ordinary land. But we have evidence that this land was used as ordinary land; as people lived on it, and used the streams and lakes for fishing purposes.

The next thing that happens is a feast said to have been given by Ngaiteupokoiri at Te Arawhata a Tikumu, and my learned friend says that this is a proof that Ngaiteupokoiri owned the land. Is it usual to give feasts on *tapu* land? My friend's theory is that the *tapu* was still existing when the feast was given, and if Hawea owned any part of the land he owned the place where the feast was held.

I submit that that makes the thing entirely inconsistent, The *tapu* had not been removed, and the land was Hawea's. How, then, can the holding of this feast be any evidence of a title in Ngaiteupokoiri? This feast took place probably about the year 1810. If it were before the Paratuna fight it must have been about that time. We will assume, however, that those witnesses are correct who say it was after Paratuna. This feast is said to have been held to celebrate the peacemaking, but one of the witnesses in this Court says that there was a fight near Napier in revenge for Paratuna, and fighting was in fact continued to the time of the flight of Ngaiteupokoiri to Manawatu. Who were slain in the Paratuna fight, and who were the slayers? Is not that sufficient to let in a flood of light on the possession of this land at that period? According to the evidence of some of their own witnesses the Ngaiteupokoiri had come from Ruahine when they were defeated at Paratuna. Another witness said they had come from Patea, and another said they had come from across this block. At all events the people who were slain at Paratuna had not been living on this block. As soon as they crossed the Oingo lake they were attacked by the people who were in possession, the descendants of Hawea and Te Rangikamangungu, and defeated with great slaughter. It will be remembered also that a post was erected at the place where one of the Ngaiteupokoiri chiefs was killed. What is the meaning of that, if it is not that Ngaiteupokoiri went there to make a claim to the land, and that their claim was objected to by the people in possession? The Ngaiteupokoiri were slain, and slain by the people of Hawea and Te Rangikamangungu. Can the Court say, in the face of that, that the land belonged to Ngaiteupokoiri?

After this there was the attack on Otaparoto in Patea, which took place about the year 1829. It is not denied that Ngaiteupokoiri were in that *pa* when it was attacked by Ngati Raukawa, and that is strong evidence that at that time they could not have been in possession of this land. About two years after Otaparoto came the Whitiotu fight, an important engagement in which Ngaiteupokoiri and their allies were defeated by Ngatikahungunu and Ngapuhi. It is in evidence that shortly after the return of Ngapuhi and Ngatikahungunu from Whitiotu, a woman was impaled by Te Hauwaho at Hauhau on the Omahu block. Does not that show right to the land, and does it not also show possession?

The next event was the Rotoatara fight about the year 1833. According to the evidence of one of the Ngaiteupokoiri witnesses, that tribe had come to Rotoatara with the object of taking land in Heretaunga, but they were again defeated by Ngatikahungunu and Ngapuhi, and fled to Patea, Taupo, and Manawatu. That was the position down to 1840, when the Treaty of Waitangi was signed, and I submit that if this Court had been sitting in 1841 it would have found Ngaiteupokoiri dispersed and driven away from the district, and Ngatikahungunu exercising rights of ownership on this block. Of all Ngaiteupokoiri, Nos Huke was the only one who remained in Heretaunga, and he has given evidence that he was living with Te Moananui, an indeed

we do not deny. But there is the evidence of Renata Kawepo in another block, as to the nature of Noa's residence here. He says that Noa was a man of no influence, and was living under Te Moananui. All this clearly shows that up to the year 1840 the people who had a certain title to this were Ngatihawea and Ngaite Rangikamangungu. Of that I submit there can be no doubt. Hawea and Te Rangikamangungu were the two people who asserted rights to this block. Whether their title was good or bad, there can be no doubt that they asserted rights to the land by collecting food on it and using it for fishing purposes. It was only long after the advent of British sovereignty that there was occupation by Ngaiteupokoiri. Here was a block of land that was occupied by Ngatihawea and Ngaite Rangikamangungu as Maoris occupy land; and this same kind of occupancy is that on which Renata Kawepo and his people have relied to get awarded to them by the Native Land Court a vast tract of territory extending over a hundred miles. What was the evidence of occupation, in the adjoining block of Pukehomoamos, which was awarded to Renata and this people? What is held to be sufficient evidence of occupancy? I submit that up to 1840 Ngatihawea and Ngaite [unclear: Raban] [unclear: gikamangungu] were in occupation on of this land. At all events, they were in occupation of Oingo and Otupaopao to the exclusion of everyone else.

The next event is the arrival of Renata Kawepo from the Bay of Islands in 1844. Where does he live on his return? He does not go near Omahu. If that had been the ancestral home of Ngaiteupokoiri he would surely have settled there. The admission of the other side is that he was not settled there until at all events after the visit of Te Moananui to Manawatu in 1848. He was not settled there whilst Ngaiteupokoiri were at Manawatu. The excuse offered by my learned friend is that Renata was a clergyman, and was kept at Awapuni and other places in that vicinity, paying attention to his clerical duties. I submit that the evidence is perfectly clear that even down to the time of the Pakiaka fight, 1857, there were not more than two or three whares at Omahu, and I shall show, from independent European testimony, that even in 1861 there was hardly any settlement at Omahu. There is the evidence of Mr Locke, who knew Renata very well, and met him frequently, and if the Court is driven to make a selection of evidence, it will surely take the evidence of Europeans who had no interest in the case.

What next happens is the visit of Te Moananui to Manawatu in 1848, and so far as the evidence shows, there were only two families who returned with him, not more. Renata has said, in another case, that the people would not come back on Te Moananui's invitation, and that it was only when he himself went to bring them back that the people returned. Then Renata makes his first visit to Manawatu shortly before the Waipukurau sale, which was in 1851, and then the Ngaiteupokoiri returned slowly after Renata's visit—from 1851 to 1864. They did not return to Otupaopao. Even Hoani Te Koari never went to Otupaopao—the very man who, according to some of the witnesses, mentioned the name Otupaopao to Te Moananui at Manawatu. It is in evidence that Hoani Te Koari, on his return from Manawatu, went first to live at Tareha's place, Awatoto, and then to Paepaetahi, where he died.

The next event of importance after 1851 was the Pakiaka fight, which began in 1857. The fighting lasted a considerable time, there being three engagements, and peace was ultimately proclaimed in 1858. In these hostilities the land-selling chiefs were on one side, and the non selling chiefs on the other. It is important to notice that Mr G. S. Cooper, in his letters to the Government, refers to Te Hapuku and Te Moananui as the leaders of the respective factions. He does not exalt Renata to the prominent place which is claimed for him in this case, Renata, to use his own words, was simply their general;" he was their fighting man. After this there happened what is known as the Shirley incident. This is of importance only as showing where Senate was living at that time. He was then described by Mr Crosbie Ward in a report to the *Government* as a chief of Pawhakaio. This was in 1862. The Government reports of that year, which appear in the blue books that have been put in, are sufficient to show that at that time Senate's chief home was at Pawhakaio. That is where his house was built, and where he principally lived. I do not deny that he had cultivations at Omahu, just the same as Tareha and Karauria had cultivations there, but Renata's cultivations were only at old Omahu, close to the mouth of the Ohiwia stream.

The next incident is the first burial of any person at Te Rae o Tahumata in 1862. How can it be said that this burial can give any title to the land? People must be buried somewhere, and this tribe Ngaiteupokoiri was so broken and scattered by war that for many years they had no fixed burial place, but buried their dead wherever they happened to die. It is important to notice that it is not until 1862 that they begin to bury at Te Rae o Tahumata, and my learned friend asks the Court sitting now to find that the burial of Ngaiteupokoiri people, not before 1863, at a *pa* which belonged to Hawea, and in which his son Whakato lived, as is admitted by their own witnesses, is a proof of the title of Ngaiteupokoiri. It is simply absurd and ridiculous in the extreme to say that any right can be given to Ngaiteupokoiri by the burial of their people at that place since 1862, when the Ngatihawea had occupied that *pa*. When peace was proclaimed amongst the natives of this district they lived at each other's places, and their dead were buried all over the country, without any reference to the ownership of the burial place. One thing is certain, that Te Rae o Tahumata was not the ancient burial

place of Ngaiteupokoiri. We have not been told where their old cemetery is, but it is certain that they had no burials at Te Rae o Tuhumata before 1862.

About this time the Runanga system was introduced in this district by Sir George Grey, and reports in connection with it were sent by officers to the Government. I refer to these only to show where Renata's residence was at that time. In these reports Renata is described as a chief of Pawhakaio. In the blue-books of the same year there is an important report from Mr Donaldson, who had been appointed to arrange the establishment of native schools in the Heretaunga district. In this report he names all the principal settlements at which the natives resided, and Omahu is not mentioned, so there could not have been a settlement of any importance there until after 1863. There were only a few whares, and people no doubt went there occasionally to fish and to attend to their cultivations, but that was all. At this time also Renata was writing letters from Pawhakaio, as appears from the files of the HAWK'S BAY HERALD which have been put in.

At some time between 1860 and 1865 Karauria's protests against the occupation of Renata and Ngaiteupokoiri took place; and afterwards, in 1888, the Waipiropiro block went through the Court, under the same title as that which we now claim, when there was no objection on the part of Renata or his people. My learned friend explains that Renata had given this piece of land Waipiropiro, to Tareha and Karauria. Is that likely? Not a single witness has said so. Some witnesses indeed have said that lines were laid down, but not that there was any gift. Again some of the Ngaiteupokoiri witnesses said that Waipiropiro was not a part of Otupaopao, while others said it was. The Court, however, has seen the boundary between Otupaopao and Waipiropiro, which is simply a straight line running across the flat, and it is utterly ridiculous to say that there was any ancestral boundary there. It is perfectly clear that Waipiropiro must have been part of Otupaopao, and it was awarded by the Court to Tareha and Karauria under the same title as that under which we are claiming now. None of Ngaiteupokoiri made any claim whatever to Waipiropiro when that block was before the Court; and how is that to be explained, if they thought they had any right there? I submit there is no explanation.

I omitted to mention one important event, and that is this: When Renata's son was born there was a gift made by Te Moananui to Renata of an eel weir for the use of his son. I submit that fact alone is sufficient to dispose of Ngaiteupokoiri's case, because the contention of the other side is that Te Moananui's gift or removal of *tapu* restored this land to Ngaiteupokoiri. Why did Renata then need the gift of an eel weir from Te Moananui? The thing is simply impossible to reconcile. And there is more than that irreconcilable in the theory advanced by the other side. There can be no dispute that up to the time of Te Moananui's death, and also up to the time of Tareha's death, both of them exercised rights of ownership over this land by fishing, &c. Noa Huke himself admits this. How then is the Court to say that there was a gift? It could not have been a gift if both Te Moananui and Tareha were in occupation. If a chief gives land he does not remain an owner of it. So far as Tareha and Te Moananui were concerned there was no difference in their occupancy. There was the same right of ownership insisted on by both.

The next thing that happens is Mrs. Donnelly's marriage in 1878. It has been suggested that it was owing to European influence that all this trouble has arisen. If my learned friend wants a light thrown on the cause of that trouble it is to be found in the hostility displayed against Mrs Donnelly on account of her marriage. Tareha was against it, and Renata seems to have conceived an antipathy to her, although there were no doubt reconciliations between them, for Renata himself, in the Pukohamoamo case, says that he was quite willing to admit Mrs Donnelly and her mother, but his objection was against Mr Donnelly. This perhaps explains why it is, that Renata and Ngaiteupokoiri wished to deprive her of rights from Te Rangikamangungu and force her into an inferior position with themselves. If the Ngaiteupokoiri had been certain that their title was a good one, why did they murder this poor man Turanga? He was a Ngaiteupokoiri, and surely had as much right to cultivate where he did as Broughton or any of them, and yet he was shot for ploughing on land which was admittedly his own. This not only shows the state of enmity between the parties, but it also, I submit, shows this—that so shaky was the Ngaiteupokoiri title that they were afraid this ploughing would injure them when the case came before the Court, and they were in a state to resort to any thing.

Referring to Mrs Donnelly's application for the investigation of the title to the block sent in in 1880 in which the hapus are given as Ngaihinehore and Ngatihinemoa it must be remembered that Mrs Donnelly was [unclear: quite] young at that time. The application is in the writing of Mr Hamlin, [unclear: nd] Mrs Donnelly probably left the matter to him. In 1882 there was another Application sent in, and in this application the hapu is given as Ngaite Rangiamangungu—the same hapu as that brought which we are now claiming. This was nine years before the "whakaritena" with the witnesses, at which Hamana says it was decided to claim from [unclear: the] Rangikamangungu. This "whakantenga" I take to mean simply hearing the witnesses and briefing their evidence. Does my friend tell me that his witnesses have not met and talked over their evidence and had it briefed? Why in this very case we have Hamana's statement taken down by Mr Fraser through Mr Hamlin's interpretation. The point however, is this: that at this [unclear: meeting] of which Hamana speaks, there was no [unclear: mention] of any gift by Te Moananui of Otupaopao. They knew nothing of it, and it was not

discussed as they had never heard of it. Surely if it had been anticipated that Ngaiteupokoiri would claim a gift of Otupaopao by Te Moananui, the matter would have been discussed, and evidence sought to bring against it; but there was nothing of the kind. In the application of 1882 the hapu is given as Ngaite Rangikamangangu, and there is no suggestion of any arrangement then. Of all the witnesses who have given evidence as to what took place at Manawatu, not one of Mrs Donnelly's witnesses has sworn that there was a gift of land. It is true that, according to some of them, Hoani Te Koari asked if he might return to Otupaopao, and that Te Moananui assented, but there is no word of a gift. Of the ten witnesses who speak of what took place on the occasion of Te Moananui's visit to Manawatu, five are on one side and four on the other. Paora Kaiwhata may be said to be on both, but I think we may say that he is on ours on this point. This is the evidence on which the Court is asked to find that a gift was made. Of the ten witnesses who speak of it, five say that Otupaopao was not mentioned by Te Moananui, and I shall show, further, that of the five witnesses on whom they rely, not two agree. One swears that Otupaopao was given back—nothing more. That is what Anaru Te Wanikau has said in this Court. Hoana Pakapaka says that the whole land was given back as far as Ruahine, and the evidence of the other witnesses is equally contradictory. That is all I have to say on the historical part of the case.

I propose now to show that the contention of the other side that the whole of this piece of land should be considered as one block is in direct violation of the evidence even of their own witnesses, and that at least three blocks are spoken of as separate by the witnesses—in fact, I may say that four blocks are spoken of, viz., Kawera, Matatanumia, Oingo, and Otupaopao; and that though some of the witnesses differ a little in the boundaries, yet they all recognise three or four blocks. Not only do they recognise these blocks as being different by name and occupation, but they also recognise them as belonging by ancestry to different sets of people.

I shall take the Kawera block first, and there are no less than eleven witnesses who speak of Kawera as being a separate block. Of these eleven witnesses who speak of it as a separate block, five of them are witnesses for Ngaiteupokoiri, four of them are ours, and two of them are outside either party, viz., Wiramina and Hamana. 80 that I may put it strongly, and assuming that the Court were to strike out all the evidence given on behalf of the parties for whom I appear, yet, on the evidence of the other side, the Court will be bound to find that these were separate blocks, with separate titles, and that if Te Moananui's gift be excluded Ngaiteupokoiri have no right. I shall deal with Kawera first, and will give the references in the Court minutes of the evidence of each witness. The first witness is Te Teira, who says (Vol. 19, p. 39) that Hawera gave Kawera to Tuhotoariki, in consequence of the latter having been attacked by Ngatihawea. On page 40 he says that Te Rangikamangungu and Hawea did not lose their mana by this gift, but the descendants of Tuhotoariki and Hawea lived together, and that Pakapaka had a right under this gift. I cite this for two points. First, to show that Kawera was recognised as a separate block; and secondly, to show that Tuhotoariki and Pakapaka had rights under (the gift from Hawea. That has a bearing on another point, because some of their witnesses, Hoana Pakapaka and others, say that the shedding of Hawea's blood affected his right to Kawera, as well as to Otupaopao. At page 57, Te Teira says that only Kawera was given to Tuhotoariki; and, at page 70, he says that Maata Te Hei, Tuhotoariki's sister, remained at Ruahine, and did not come on to the land. Then I come to the evidence of To Meihana (vol 19, p. 116). He gives an account of the attack on Tuhotoariki by Ngati Hawea, and goes on to say "Hawea said 'Leave the place for my nephew,' and thereupon Kawera came into the possession of Tuhotoariki. The eel weirs and land in the vicinity were given." At page 157, he says that Tuhotoariki lived at Kawera on account of his wives, who had a right. These of course are both our witnesses. Raniera says (vol. 19, p. 206) that Tuhotoariki had a right to Kawera from his wives, and on page 207 he gives a boundary of Kawera, commencing at Te Hemo going up the Tipua stream, and over the Kawera range to Ohineumu. Mrs Donnelly (vol 19, p. 266) says "Tuhotoariki married two women of Ngati Hineiao, a hapu under Te Rangikamangunga and Hawea, and lived at Kawera. At page 267 she gives an account of the attack on Tuhotoariki by Ngati Hawera, and on page 268 she gives the boundaries of the land which was given to Tuhotoariki and Pakapaka by Hawea. These are all the witnesses that I rely upon on our side, who say that Kawera was a separate division, and that it was given by Hawea to Tuhotoariki, and his sister Pakapaka, who was living with him. I now cite the evidence of two witnesses who are against our claim of Tuhotoariki's right to Kawera, but who still admit that Kawera is a separate block.

Wiramina says (vol. 18, p. 300), "Tuhotoariki did live on the part I claim at Kawera, but it was on account of his wives. . . . Kawera did not come into the possession of Tuhotoariki, who returned to Taumataohe." I cite this as showing that Wiramina recognised Kawera as a separate block. Hamana says (vol. 19, p. 19), "I have heard of a gift to Tuhotoariki and Pakapaka, but I did not hear who made the gift. . . . I heard that Kawera was the name of the land given." I now take the evidence of witnesses on the other side, and there are no less than five of their witnesses who speak of Tuhotoariki's rights, and of Kawera as a separate block. There is, first, the evidence of Paora Kaiwhata. He says (vol. 19, fol. 534), "Otupaopao and Kawera are two separate places. They are separated by a lake, Oingo. Cannot give the boundary in detail, having nothing to do with Otupaopao. When



Hawea was wounded my elders came and lived at Puketapu *pa* and abandoned our claim through strong hand, and Otupaopao became the property of Ngatikahungunu—Airini's people. I have nothing further to say about that piece of land. It belongs to Airini, whose *mana* is good there. From the bridge to Hauhau and on to Totara belongs to Kawakawa, Haemania, and Pakapaka. They made the boundary. The portion east of the boundary belongs to Airini." The Court will see that he separates Kawera, although he cannot give the boundaries. At page 540 he says that the boundary of Kawera begins at Ohinepaaka, thence to Kawera at the bridge, Te Whakapaku, Rangitahi, Okawa, Awangarara, Oreore, Ngamahanga, along the boundary of Pirau to Matahorua, along the Kawera range to Te Horo, and thence to Ohinepaaka. He purports to give the boundary, and he says, on the same page, that he never heard that any portion of this block was given to Tuhotoariki, but a part of Kawera was returned by Hawea to Tuhotoariki. Then he says, on the same page, that Papapohatu and Hinewhaki, two eel weirs on the Rotoroa, were given by Te Rangikamungu to Hawea, and that Hawea went on on his own account and took possession of Kawera. Paora Kaiwhata says that the gift to Tuhotoariki was before the fight between Te Rangikaumungu and his (Paora's) people. That assumes that Hawea had some right, independent altogether of his wounding, according to Paora. On page 541 he says "Tuhotoariki had the *mana* over this portion of which I have given the boundary. This was the land returned by Hawea to Tuhotoariki. After this Hawea was wounded." Then at page 563 he said "Maata Te Hei and Pakapaka did not participate in the gift; it was to Tuhotoariki alone." These quotations from Paora Kaiwhata's evidence prove, first, that Kawera was a separate block; and, secondly, that Tuhotoariki had the land given to him by Hawea, and occupied it.

Noa Huke is the next witness who speaks of Kawera. He says (vol. 19, p. 466):—"I know about the gift to Tuhotoariki" Further on he says that Hawea came to take possession of the land belonging to his people, Ngati Hineiao. He then gives an account of the attack on Tuhotoariki by Ngati Hawea, and Hawea's saying to Whakato, "As you have ill-used your cousin, leave that place for him." And he goes on to say. "This was the gift of Kawera to Tuhotoariki." At page 580 he says, "The only right of Hawea to Kawera that I know of was his wounding." So Noa assumes that Hawea had a right to Kawera as well as to Otupaopao through his wounding, and, in relating the words of Hawea, he uses the same phrase as was used by our witnesses. On the same page he says, "Hawea lost his *mana* because he made a gift of the land to Tuhotoariki. . . . This gift to Tuhotoariki was not his only right to Kawera. He had a right from Tarsia and Te Honomokai, down to the time that Hawea made the gift. It was not because he married wires of Ngati Hineiao that Tuhotoariki lived at Kawera." However, that is of "tad moment. The point I am urging now is that Tuhotoariki's title was recognised to Kawera, and Kawera was recognised as a separate block. Hoana Pakapaka says (vol. 20, p.). "It is true that Hawea made a gift to Tuhotoariki. He gave Kawera to Tuhotoariki. Tuhotoariki did not derive his right to Kawera from that gift. He had an ancestral right. Hawea got his right to Kawera by being wounded close to this block. He went to Kawera because he was a great chief. He got his right to Kawera from his wife Hinepatokariki." Thus according to Hoana, Hawea had a right to Kawera as a chief, because of his wounding, and because he had married Hinepatokariki, who was the niece of Te Rangikamungu. I will refer to two other passages in Hoana's evidence, at p p 66 and 69, in which she recognises that Kawera is a separate block.

Of course Hoana had no right there, if this part of the block had been given to Tuhotoariki, because she is not descended from that ancestor. At page 69 she admits that Kawera is a separate block. According to Hoana, instead of Otupaopao alone being returned by Te Moananui all the land was returned by him; but my point is that Kawera, as represented by us, is a separate block; and I began by saying *that*, excluding any gift by Te Moananui affecting this block, the Court is bound to find that Kawera went to Tuhotoariki and Pakapaka. It would have gone to Maata te Hei also had she been living with her brother, but she was living at Rushine. I say that the Court is bound to find that Tuhotoariki owned the land, and if Tuhotoariki and Pakapaka owned the land, it proves that Kawera was a separate block, and the contention of the other side that this is one block falls to the ground. It does not matter whether Tuhotoariki got his right by gift from Hawea or not. It is sufficient that he had a right there. I propose to show before I finish the bearing of that on the adjoining block Pukehomoamo. Hoana admits that she has no ancestral right to Kawera, and can only claim there by virtue of gift of Te Moananui. Then at page 69 she gives the boundaries of Kawera and admits that it was a separate block. The next witness I shall quote is Paramena Te Naonao. He says (Vol. 20, p. 79) "Hawea lived at Kawera on account of his wounding. He did not stay long there, but vent away on account of a quarrel between Whakato and Tuhotoariki. Hawea said to Whakato, 'Leave that place of your younger relative to him.' Tuhotoariki's land was from Te Kohai, up Ohiwia to Kaweramoana and Kawerahiwi." Then there is further the evidence given in this Court by Anaru Te Wanikau. He too says that Tuhotoariki lived at Kawera." Now what is the value of this evidence? I submit that even suppose the Court were to accept the extraordinary suggestion of the other side that all our evidence is false, the Court would still have to find that Kawera was a separate block and belonged to Tuhotoariki and his sister Pakapaka, who lived with him. That is conclusive from their own evidence. The next point bearing on this is what happened in the adjoining block, Pukehomoamo, and who

were decided by the Court to own that block. I may say shortly that Pukehomoamo was found to belong to Tuhotoariki. It is true the Court recognised that the title came from Te Umairangi, but they found that the block belonged to Tuhotoariki and his sisters, Maata Te Hei and Pakapaka. That is the point I wish to make. We say that the evidence in this case shows that Maata Te Hei did not come on to this block. It is to be noticed that Pukehomoamo adjoins only Kawera of the different subdivisions of the Omahu block, and I ask the Court to remember that the finding of the Court in Pukehomoamo was upon the suggestion of the very people who are claiming this block, for they found in favour of Renata Kawepo. The evidence of Renata in Pukehomoamo is, I submit, very important. I refer particularly to his evidence in vol. 6, p. 31. "This land was mine before the transactions with Te Moananui and the fight with Te Hapuku. I got it through my ancestors. My ancestor who got the land was Tuterangi. He lived with Hawea's offspring, one of whose sons married one of the daughters of Tuterangi. Hawea gave this land. It belonged to Ngati Hineiao. It was the eels in the river that were given by Hawea."

This is very important, as it shows that Ngati Hawea had a title to Pukehomoamo.

I ask the Court to notice that, according to him, Ngati Hawea had some interest in this adjoining block. How then can it be said that Hawea's interest did not extend to Kawera? This evidence should be read along with the fact that Pukehomoamo was given to the same people for whom we claim Kawera, with the exception of Maata Te Hei, who has not been proved to have occupied. The only difference is that the Court, instead of making Tuhotoariki the root of title, finds that the title was in his father, Te Umairangi. But whether Tuhotoariki got his right from his wives or not is of no moment. We have Renata's sworn testimony that Hawea gave certain rights to his ancestors; and the inference clearly is that Hawea had some right to this block. Renata says (vol 6, p), "My ancestor who got the land was Tuterangi. He lived with Hawea."

That is the sworn testimony of Renata in another block. I ask the Court how are they to get out of this statement, assuming that the evidence given by the other side is correct, and I do not ask the Court to assume that that evidence is wrong or false. From the evidence I have quoted it has been, I submit, conclusively proved that Kawera is a separate block, that it belonged to Tuhotoariki and Pakapaka, and that only their descendants, and those who lived under them, are entitled to it.

I now come to Matatanumia, and let us see if we can find what the evidence of the witnesses is as to that being a separate block. On this point there are seven witnesses, excluding those who were examined in this Court, who speak of Matatanumia, and who most of them say that it belonged to Mahuika, and that only Mahuika's descendants can claim there. The witnesses on our side are Raniera Te Ahiko, and Mrs Donnelly. The witnesses on the other side who prove our case are Raniera Te Waha, Hoana Pakapaka, Noa Huke, and Paramena Te Naouao. If I can show that Matatanumia is a separate block, the Court will be bound to say that only Mahuika's descendants are entitled to that piece of land. Raniera Te Waha says (vol. 18, p. 329), "*My hapu* is Ngati Potauanoa.

I know the land before the Court. I claim a portion. I can trace from Taraia I to Potauanoa and down to myself." Raniera claims only a portion, and he claims from Mahuika. Hoana Pakapaka says (vol. 20, p. 40), "Matatanumia, Ohiti, and Torohanga are all under one ancestral right Ohiti was the *pa* of these three places. Taraia II. was their ancestor, and the right descended to his son Mahuika. Taunoko belonged to the last-named as well." I submit that is conclusive. Here is Hoana saying that, so far as Matatanumia is concerned, it belonged to Mahuika, and only his descendants had a right there. On page 43 Hoana gives the boundary of Mahuika's portion, and this boundary agrees with that of Matatanumia in our statement of claim. She goes on to say, "The portion on the Matatanumia side of the boundary belonged to Mahuika." On page 63 she says, "Ohiti and Waitio belong to Mahuika alone; he was a son of Taraia. They all did not have a right to Ohiti, *i.e.*, Hinehore, and Hikateko had none Their *mana* On their land ceased at Ohiwia," At page 69 she says the same thing; "The chief of Ngaitaraia, Hoeroa, who is dead, was the principal chief on Mahuika's portion. Renata got the mana and ownership from Hoeroa. The boundary of that portion begins at Te Rereomahu, Te Arawhata a Tikumu, Tuna a Tamateanui, thence up a ridge to Kaingahapuku, thence to Upokopaoa Orangimatakaha, Tokanui, Uretungoungou, thence to Te Anao Kahupaetai on Waitio (Renata's wire fence begins here), down Waitio to Te Umuhakautu at its mouth, thence to Ngapukea Hineiringa, thence to Omahu lake, thence to Taunoko, then closing at Te Rereomahu. On Ohiti side of this boundary was Mahuika's land." At page 73 she has altered her tune on reexamination, and says that Matatanumia belonged to Te Honomokai as well as Mahuika. My point is this, suppose Hoana's evidence stood alone, it proves that Matatanumia is a separate block, and that only Mahuika's descendants are entitled to it We will next take Paramena Te Naouao, another of their witnesses. He says (Vol. 20, p. 93), "If Hoana said Matatanumia, Ohiti, and Torohanga are one she is correct. If she said Mahuika was the only child of Taraia who occupied Ohiti and Waitio she was right. She made a mistake in saying that outside, eastward of Tuna a Tamatea to Upokopaoa belonged to Hineotus, Hineotus, and Honomokai, and I corrected it. Their rights are on the other side of the Ohiwia stream, where their pas and houses are. I mean the Kawera side. Noa was right in saying that Mahuika was the only son of

Taraia who had a right to Matatanumia." Paramena's evidence amounts to this, that eastward of Ohiwia Mahuika had no interest. I will now refer to the evidence of Noa Huke. The Court will remember that in my cross-examination he said that he made no claim whatever to the east of the Ohiwia stream. He abandoned all claim to Otupaopao and Oingo. He said that he claimed only Matatanumia as a descendant of Mahuika; and how could he do otherwise? When he sent in an application for Matatanumia, he gave the eastern boundary as the Ohiwia stream. That agrees entirely with the evidence that he gave in this Court. He confines his claim to Matatanumia alone. On re-examination he said that the old Ohiwia stream ran to Paherumanihi. Mr Fraser tried to bring out that that was the Ohiwia he referred to when giving his boundary, but the result was a perfect collapse of that theory.

Noa knew where the new mouth was and the old mouth, and yet when he sends in his application he begins his boundary at the new mouth. I asked Roka Huke about this and she says that canoes could go up the new Ohiwia in her time. This shews clearly where the main stream ran. Noa said plainly, on my cross-examination, that he claimed nothing on the east of Ohiwia, and on re-examination it was made perfectly clear that he referred to the present Ohiwia. I am not asking that Noa should be bound by his application alone, but surely he must be bound by his oath. I will also show what he swore in the previous Court. He said there (vol. 19 fol. 460) "I know Matatanumia, a portion of this block. I can give its boundaries. Beginning at Ngapuke it goes to Kirikiri a Te Poroa, Onoke, then to the Queen's road at Tunao Tamatea (an eel weir on Ohiwa); then it turns and goes towards Runanga to Upokopaoa, Orangimatakaha, Orakaikohuru, Te Marangai a Tahito, Te Maire No. 1; thence to Te Awa a Pakuri, Ngatanui, Te Pou a Hinekatorangi, to Waitio, where it joins the Ngaruroro, down Ngaruroro to Ngapuke. The post of Hinokatorangi was called after an elder sister of mine, and was erected by Tauranga. I claim Matatanumia through Auihi, Taneuma, and Rahuauui. The balance of the block I claim through Tuterangi." I ask the Court to notice that Noa claims through Auihi, who was a descendant of Mahuika. At page 486 Noa says, "I will now trace through Mahuika, the son of Taraia, borne at Oreore, and who lived principally at Matatanumia. In his time Auihi his grandson lived there. Mahuika alone owned Matatanumia." At page 567 he says, "Ngapuke is a small hill. It was mine. I have rights to it through seven ancestors. The principal one is Mahuika, from whom I claim under three rights." I have now cited the evidence of Raniera Te Waha, who was not on our side and of Hoana, Noa, and Paramena, who are all against us. Another Ngaiteupokoiri witness, Paora Kaiwhata, says (Vol. 19, p. 455) that Ohiwia was a boundary, but he does not give details about Matatanumia. Then I take Raniera Te Ahiko, one of our witnesses. At page 198 of Vol. 19 he gives the boundaries of Matatanumia, and gives the names of a great many eel weirs in that block, and of the persons to whom they belonged. On Page 209, speaking of the children of Taraia II., he says "Mahuika was the next child, Tiwhakairo, Ohiti, Waitio, Ohaoko Tahunui were his lands." At page 212 he says, "I know the part between Matatanumia and Waitio. On one side is Runanga, and on the other a lake, but Ngaruroro is there now. That part belonged to Auihi and Pukeake his brother, and so did the eel weirs there. I mentioned an eel weir there in connection with Tauranga yesterday. I mean that it belonged to him. Ngatanui was a lagoon there with an eel weir in it. It belongs to Tauranga's descendants Noa and Wi Wheko." At page 226 he agrees with Noa in confining Matatanumia to Mahuika's descendants. He says "Potauanoa had two children, Auihi and Pukeake. They are the only ones who have a right to this block of the children of Potauanoa." The Court will see that Mrs Donnelly gives similar evidence. I will give the references without reading the extracts (vol. 19, pp. 290, 291, 382, 383).

I again submit that if the Court had to take the evidence of the other side's witnesses alone that it would be bound to come to the conclusion that Matatanumia is a separate block and belonged to the descendants of Mahuika named by Raniera and Noa, viz., Pukeake and Auihi, and again I ask the Court to remember that in the face of all these allegations of gifts and everything else, Noa said that he claimed nothing to the east of Ohiwia, and confined himself to the new Ohiwia, not the old. That is all the evidence that I shall refer to affecting Matatanumia.

The next question I shall deal with is this: Did Te Rangikamangungu and Hawea have a title to the remaining part of the block, that is, Oingo and Otupaopao? As to that there is, I submit again, evidence, not of our witnesses alone, but of witnesses on the other side. Taking the witnesses of the other side, there is conclusive evidence that Te Rangikamangungu and Hawea had a right to the remaining part of the block, and that their title has not been disputed, unless the statement made by the other side of the gift at Mamawatu is to be considered. Of the Ngaiteupokoiri witnesses who speak of this, three of them, and they are practically the only old men on that side, admit the title of Te Rangikamangungu and Hawea. They are Noa Huke, Paora Kaiwhata, and Paramena. Who are the other witnesses they have called? I submit the only other witness is Hoana, and the Court must have seen from the nature of her evidence in this case that she could not give much information. Again I say that if the Court takes these three witnesses alone, and excludes all the other testimony, they would be bound to come to the conclusion that Te Rangikamangungu and Hawea had rights to this land.

As to how Te Rangikamangungu got his right to this land there is a difference of opinion, or rather a difference of tradition, for it cannot be called opinion or testimony. The question is whether, as Raniera Te Ahiko says, Te Rangikamangungu was invited to this land, or whether he went on to the land because he was related to the people living there, being able to trace his descent from Te Huhuti, or whether he went there because he was a great chief and was invited to go on to the land in consequence of what is called Tuku's gift. I submit to this Court that it is perfectly immaterial how Te Rangikamangungu got on to this land. That he was there before the beginning of this century is undoubted. That he lived on the land, that his relatives were killed on it, that Ngaiteupokoiri never held possession of the land, but, when they came on to it, were defeated and driven off and forced to take refuge in Patea, has been conclusively proved. The Court therefore has to start with this; they find Te Rangikamangungu and Hawea in possession of the remaining part of this land, at the end of the last, or the beginning of this century. This is on the evidence of Paora Kaiwhata, Noa Huke, and Paramena. There was no necessity for Ngaiteupokoiri to set up Te Moananui's gift if Hawea and Te Rangikamangungu had not been in possession of the land. I will now ask the Court to refer to the evidence on this point, and here again I shall be content to rest my case on the evidence of the other side alone. The Court may wipe out all the other evidence, excepting only as to the alleged gift. As to Te Rangikamangungu, Noa says (vol. 19, p. 462), "The whole of this block, from Te Whanga to Puketitiri and Titiokura at Mohaka was affected. That land was given to Te Rangikamangungu and Tutura; they went and put up *rahuis* all over it. At Puketitiri, Piko, a man, was the *rahui*. At Oingo (Hauhan) was Kauhaurangi, another man the whole of this land was thus made sacred, even the eel weirs." At page 493 he says, "Hawea had a right to the land at that time. I mean to Otupaopao, Omahu, Ohiwia, and Oingo. He acquired his right by gift from Rangikamangungu and Tutura, having married the daughter of the latter, Hinepatokariki." Noa's evidence clearly shows that Te Rangikamangungu had the land, and that Hawea also had an interest in it, which was not through the shedding of his blood. At page 589 Noa says, "Tuku's gift did not affect my land, as it did not include any portion of it. The gift was from Te Whanga to Tangoio and Puketitiri and Kaweka. This block was included. Tuterangi's portion was not included." On the same page he says, "Ngati Hinepare had a fight with Rangikamangungu, and took this land, as Paora said in the Pirau case. Ngati Hinepare had killed Te Kauhaurangi at Taumatamauku." On page 580 he says "Rangikamangungu's mana did not cease over this block when Ngati Hinepare took it, as Paora has already said "In vol. 20, p. 13, Noa says "Rangikamangungu, Hawea, and Tutura I heard had mana over this block at one time, a long time before the wounding of Hawea" According to Noa, then, if Rangikamangungu and Hawea had mana over this block a long time before the wounding of Hawea, they must have had a title to it long before the beginning of this century. At page 18 of the same volume, in speaking of the Paratuna fight, Noa says, "Ngaiteupokoiri and Ngati Hinemanu were trying to retake the land of Rangitumaha at Paratuna. Otupaopao and Oingo were then in the possession of Ngati Hawea and Ngatikahungunu. It was in the time of Te Urukahika and Paora's father. Hauwaho was the man who was in possession. He was a descendant of Rangikamangungu." How is the Court to get over Noa's evidence? He first excludes himself from the block, and then he says that Te Rangikamangungu and Hawea had a title before the shedding of Hawea's blood, and that although Ngati Hinepare fought with them, they did not destroy their mana. He says, further, that at Paratuna Ngaiteupokoiri were attempting to obtain this land, but they suffered a crushing defeat at the hands of the people in possession, and were driven off; and I will show later on that Rotoatara was in continuation of the same quarrel. I do not care whether Te Rangikamangungu's right hinges on Tuku's gift or not. My point is this, that Te Rangikamangungu and Hawea are found in possession of this land. They put up *rahuis* all over it. Noa's evidence alone on this point is sufficient to win our case. Of course I am not bound to say that I will make my case from the evidence of the other side, and in hardly any other instance could a counsel make his case from the evidence of the adversary: but this is a case so strong, and my learned friend found it so strong that he says the Court was oppressed by the weight of our evidence, that I am enabled to say that I could take that course. At page 412 of vol. 19 Paora Kaiwhata gives an account of the evening of Tuku's death by Te Rangikamangungu, and says, "When Papoto was taken, the whole of this land now before the Court, and on to Tutaekuri, was taken by Te Rangikamangungu." Thus, according to Paora Kaiwhata, Te Rangikamangungu took the land by conquest, and did not need to rely on Tuku's gift. He shows that Rangikamangungu was in possession by the strong hand, and when, later on, Ngaiteupokoiri attempted to take the land they were driven off by Te Rangikamangungu's descendants, and almost annihilated. Paora says again (p. 425), "The cause of the fights between our people and those of Te Rangikamangungu was the gift of Tuku and that of Amohia. The result was that after much fighting, the *mana* was taken by my relations. The *mana* over this block, Te Whanga, Puketitiri, to Maungaharuru and Mohaka, is what I refer to." At page 551 he says, "Kauhaurangi's kainga was at Oioho. He was killed because he was living on the land. He did not bewitch Koputauaki. I heard the last-named was bewitched by Hauwaho. Kauhaurangi was living on the land given to Rangikamangungu, his brother-in-law. He was killed long before the Ana a Kaiatahu fight. When he was killed this land was under Rangikamangungu." How does my friend get over this evidence of his own witness? It is

still further proof, if more were wanted, that Te Rangikamangungu was in possession of this land. We have had the evidence of Noa Huke and Paora Kaiwhata. I shall now quote the evidence of Paramena Te Naonao, another witness of theirs. He says (vol. 20, p. 96), "I point out Motukumara. Rangikamangungu and Tatars lived there through the gift of Tuku. They were defeated by Psora's people and then had no right there," (p. 99), "Rangikamangungu lost his right to a part of this block, through being defeated by Psora's people. I heard Paora say that at two Courts." All this proves conclusively that Te Rangikamangungu lived on this block, and that he and his people defended it against Ngati Hinepare. Even if they were conquered by Ngati Hinepare on the other side of the Rotoroa stream, that did not affect this block, for Ngati Hinepare are not making any claim. The only claim of Ngati Hineuare is that put forward by Wiramins, and she claims only Kawera and part of Oingo. Then I submit the Court will look at the evidence of the other side. I apprehend the Court is not going to decide this case on the evidence of Broughton's witnesses alone, but, as I said before, even if *it* takes the evidence of hostile witnesses only, it is bound to find in our favor. Mrs Donnelly's evidence on this point is to be found at pp. 263, 264, 205, 313, 319, 321, 339, and 340, of vol. 19. She says that Te Rangikamangungu occupied this land after Tuku's death. She names the places at which he and his people lived, and the eel weirs which they used; but it is not necessary for me to quote her evidence at length. Her evidence practically agrees on this point with that of Noa, Paora Kaiwhata, and Paramena. Te Teira gives evidence as to Te Rangikamangungu on pp. 37, 39, and 40 of vol. 19, and Te Meihana on pp. 97, 98, and 99 of the same volume. The evidence of these two bears out that of Mrs Donnelly.

The whole evidence is conclusive that Te Rangikamangungu was in possession—I do not care whether rightly or wrongfully—and he kept off all intruders. My friend has to admit that this land belonged to people who were not Ngaiteupokolri, and therefore sets up a claim by gift, Te Meihana says on pp. 159 and 161 that that the land did not belong solely to Tuku, but to Tutura and Te Rangikamangungu as well, and that the two latter had an ancestral right to the block. Thus the Court will see that there are practically four sources of title that Te Rangikamangungu had to the block; strong hand, ancestry, gift from Taku, and he had also a title from invitation. The evidence of Raniera Te Ahiki is most important, I submit, in this way; he is at the trouble of giving the names of the various places on the block where Te Rangikamangungu and Hawea's people lived. I submit that is surely conclusive evidence of possession. Whether the Court accepts his statement of how they got there or not, the fact remains that they were there. About that there can be no doubt. I will only give the references to some of the more important passages in Raniera's evidence on this point. The Court will find them at pp. 185, 187, 189, 190, 195, 197, 205, 206, 228, 250, and 251, of vol. 10. Eruini Te Whare, who was an independent witness and had no interest in the case, said (vol 19, p. 391) that the land went to Rangikamangungu, and that Rangikamangungu and Tutura derived this right from Tukuoterangi and Hikawera. Then Taihoa, who was Tareha's sister, says (vol 19, p. 400), "I have heard of Tuku's gift to Rangikamangungu and others." These are all our witnesses that I rely upon to establish this point. Wiramina, who was against us, at p. 294 of vol. 18, gave an account of Tuku's gift to Te Rangikamangungu. She says that the boundary of the land given was from Upokopaos, on the Runanga lake, to Te Totara on the Rotoroa stream, and that Te Rangikamangungu thus became the owner of this land. She refers again to Tuku's gift at pp. 296 and 322. Hohaia Te Hoata says (vol. 18, p. 417), "On the part south of a line between Upokopoa and Totara I heard belonged to Rangikamangungu." Also important as bearing on this point is the evidence of Hoana Pakapaka (vol. 30, p. 64). She says, "I have no ancestral right to that land (from Ohiwia to Paherumanihi)."

I shall now proceed to show that this occupation, beginning with Te Rangikamangungu, continued down to the death of Te Moananui, and even down to the present time. I do not deny that other people have been in occupation, but I submit that then comes in the English law which lays it down that if two people are in possession of a piece of land, each exercising rights of ownership over it, the land belongs to the person in whom the title in. That is the English law, and, I submit, it is also the Maori custom. I will refer briefly to some passages in the evidence showing that Hawea and Te Rangikamangungu and their descendants had occupation of this land. I will again quote Noa Huke; and I need not repeat that on this point, as on the others with which I have dealt, the evidence given by witnesses on the other side is conclusive in our favor. Noa says (vol. 20, p. 1), "Tuturaoterangi gave Hawea some eel weirs and lands. Papapohatu, Aniwaniwa, and Hinewhaki were eel weirs. Tutura's right to those places and his power to give them away was through Tokopounamu, the brother of Numiaiterangi. Tukuoterangi gave Tokopounamu his right, and the former got his right from Hikawera, and he from Huhuti." This right of Hawea's, the Court will notice, was independent altogether of his wounding. The next day Noa says (p. 2), "I said yesterday that Hikawera had a right to this block. I say now that he had no *mana* on this land. Huhuti had no *mana* on this block, as she went away to Rotoatara. Tutura had a right because he lived on the land. Tokopounamu lived on the land; but Huhuti, I say, went away." Again I say I do not care how Te Rangikamangungu got his right. There he was, and he exercised his right. On page 3 Noa lays. "I know about the boundaries of Tuterangi when I was living and working there at Omabu. My stepfather Paerikiriki told me those were Tuterangi's boundaries. They are not fixed boundaries; they have been done

away with. I own on both sides of it. Hawea had left and gone away, and left the land to me alone. He gave it to me—to Ngaiteupokoiri and Ngati Hinemanu I mean. Yes; Ngati Hawea gave the land to me. When my ancestress Raruraru married Te Kikiri, brother of Whakato, Paerikiriki was their child and I am his stepson. My father had died, and my mother married Paerikiriki, who brought me on to this land. Kikiri and Whakato of Ngati Hawea were the persons who gave us this land. I am speaking of Ngati Hinemanu when I speak of myself." On the same page he says, "Hawea got his right to this land from Huhuti, who was also the source of Te Moananui's right. In Hawea's time, Huhuti's *mana* was brought on to this land. He was set up as a chief by Ngati Kabungunu." Noa puts the title to the land in Hawea and in Tutura, who was Te Rangikamangungu's brother. Of course he contradicts himself in saying that Hawea got this right from Te Huhuti; as he had just said that Te Huhuti had no right. On page 4 Noa says, "The gift by Ngati Hawea was of Ohiwia to Ngaiteupokoiri whom Renata represented. The new right of Ngaiteupokoiri to Otupaopao was through Moananui's gift." Noa thus admits the title of Ngati Hawea to Otupaopao, but also to Ohiwia. There is a great mass of evidence showing the occupation of Hawea and Te Rangikamangungu and their descendants. The Court will pardon me if I do not read the whole of the extracts, but only refer shortly to them. Wirimina (Vol. 18, p. 325) says that Te Matenga, the father of Karauria, lived at Haubau on the Oingo lake, On p. 327 she says that Te Matenga also lived at Marumaru and Tawhitinui, and that Karauria lived at those places with him. At p. 328 she says that Te Rae Rae o Pahumata *pa* belonged to Hawea and his son Whakato. There is a difference of tradition as to who erected this *pa*. Some witnesses say that it was not built until after Hawea's time. It is immaterial, however, whether it was occupied by Hawea or not, as it is generally admitted that it was occupied by his son Whakato. Raniera Te Waha says (Vol. 18, p. 333), "Te Rao o Tahumata *pa* I know. It was Whakato's and Paka, Paka's of Ngati Hawea." At p. 339 he says, "Omarupurua, a landing place for canoes, was owned by Hawea and Whakato. Ngati Hinemanu lived there with Te Kikiri II., son of Hawea." At page 400 he says that Te Hemo eelweir was owned by Te Kikiri, the son of Hawea. Hamana says (vol. 19, p. 6) that he used to go to Motukumara with Tareha, Te Matenga, One One, and others to catch eels. Te Teira gives evidence of occupation by the same people and their ancestors, at pages 39, 42, 43, 44, and 45. The evidence of Te Meihana as to occupation will be found at pages 98, 99, 137, 138, 139, 140, 141, 152, and 174. He names a number of settlements at which Hawea and his people lived, and the eelweirs at which they worked. He himself was living on the block with Te Moananui, Te Matenga, and others at the time of the introduction of Christianity. Raniera Te Ahlko names a great number of eelweirs all over the block, which belonged to Te Rangikamangungu and his people, and he also gives the kaingas at which these people lived (vol. 19, pp. 181 to 191). There is a passage in the evidence of Paora Kaiwhata which is important as showing where the Ngaiteupokoiri had their headquarters in the time of Te Rangikamangungu. He says (vol. 19, p. 535): "The descendants of Taraia II. were living at Ruahine, and did not take part in the fight against Rangikamangungu. They joined in the fight later on." He repeats this on page 536, where he says, "None of the descendants of Taraia II took part in the fight with Ngati Hinepare against Rangikamangungu for the land between Ohiwia and Tutaekuri."

An event which has an important bearing on the occupation of this block was the attack on Motukumara by Ngatiporou. Te Teira's evidence as to this is on pp. 43 and 44. Te Meihana gives an account of the attack at pages 112 and 115, and of an expedition to Waiapu, in which Te Hauwaho and Whakato defeated Ngaiporou, in revenge for Motukumara. The other evidence about this is that of Raniera Te Ahlko (p.p. 187 and 112); Airini (pp. 272 and 273); and Paora Kaiwhata (pp. 560 and 561). I have already referred to Paora Kaiwhata's evidence as to the killing of Te Kauhourangi, the brother-in-law of Te Rangikamangungu, at Oingo. He speaks of it at pp. 415, 416, and 551 of vol. 19. Paora also mentions the killing of Tahitowhenua, Te Rangikamangungu's nephew, on this block. (Vol. 19, folios 421 and 552). Raniera Te Ahlko also refers to this on p. 195.

The killing of these two people of Te Rangikamangungu on this block is, I submit, conclusive evidence that, at that time, the land was in the possession of Te Rangikamangungu. I do not think that I need refer to anything more on this point. According to Noa's evidence, he admits that he lived with Te Moananui and Tareha, and that both Te Moananui and Tareha went on to this block, and used it as if it were their property. The other side will not deny that, because they set up a gift by Te Moananui.

Then I come to another point, which shows, I submit, conclusively, that this block belonged to Te Rangikamangungu, that is, the decision of the Court in the Waipiropiro case. That that block is part of Otapeopao is admitted by the Ngaiteupokoiri witnesses. I refer to Noa Huke (vol. 20 p. 23); Hoana Pakapaka (vol. 20 p. 70); Paramens (vol. 20 p. 103, and the evidence of Roka Huke in this Court. These all say that Waipiropiro was part of Otupaopao. Now I submit that the fact that the Court gave that land to Tareha and Karauria as descendants of Te Rangikamangungu, is conclusive evidence of the title to this block. There was no objection by Ngaiteupokoiri to that land going through the Court, nor to Tareha and Karauria getting it. The explanation offered of that is that there was a boundary laid down between Renata and Karauria, and that Karauria was to take the land to the east of that boundary; but my learned friend in his address yesterday said

that Karauria was only to have the occupation of that land.

Mr Rees: I said as far as regards the upper portion.

Sir R. Stout: Why was there to be a difference between the upper and lower parts? There is no evidence that there was to be any difference. If the fact is that Karauria got this special piece of land, why do Ngaiteupokoiri now set up a title to it? The fact that Waipiropiro was awarded by the Court to the descendants of Te Rangikamangungu helps me in two ways first, as showing that Te Rangikamangungu's title was admitted, because Karauria and Tareha did not rely upon any other title; and, secondly, as shewing the absurdity of any claim being made under Te Moananui's gift. My learned friend endeavored to make a point of the fact that there were only three people put into this block, and he asks why the large number of persons, for whom Mrs Donnelly is now claiming, were not put in. Is the Court to listen to such an argument as that? In the olden times it was the almost invariable rule for the chiefs only to be put in the title. I will give my learned friend an illustration. He says that Ngaiteupokoiri and Ngati Hinemanu got into Heretaunga because that block took in some of the Ngaiteupokoiri land. To begin with, they did not get in as Ngaiteupokoiri at all; they got in as Ngati Hinemanu. Secondly, and this is of great importance, only three people of Ngati Hinemanu were mentioned in the Court as having any right to Heretaunga, viz.: Renata Kawepo, Noa Huke, and Hone Kaweka. What became of all Ngaiteupokoiri, the 72 people in their statement of claim, who did not get in? So, if my learned friend wishes to use this as an argument, he should remember that only three of Ngati Hinemanu were mentioned as being entitled to the Heretaunga block.

The fact that Waipiropiro is part of this block is utterly destructive of the gift. It is entirely irreconcilable with the alleged gift, which I shall show was never heard of until this case came before the Court.

I will now deal with the gift itself. In doing this, I submit to the Court this question, I am not aware that the Court has hitherto decided it. Can a gift since 1840, which is contested by the descendants of the man alleged to have made it, be admitted? I could understand the gift being admitted if Te Moananni had come into Court and said "I give this land to these people."

But I am not aware of any gift such as they attempt to set up here ever being sanctioned by the Court, especially when there has been what I will call duplicate possession. That would be creating a new precedent. I submit that the remarks which my learned friend read from the judgment of the first Court, and with which he seemed to agree, as to the absolutely conclusive proof necessary to establish a gift, are undoubtedly correct. If I can show that the statements made in support of this gift are absolutely contradicted by the evidence given in the other cases, by the evidence of Renata Kawepo himself, then, I submit, the Court must not listen to this claim by gift. I shall first refer to the evidence of Psora Kaiwhata, and I submit to the Court with confidence that, if Paora's story is true, there was no gift that the Court can uphold. I shall quote Paora Kaiwhata rather fully on this point. He says (vol. 19, pp. 438 and 439), "Moananai was the first to speak. He said that Ngaiteupokoiri should come back to their homes. He spoke in the presence of all assembled. He did what he had been directed to do—that Meats Te Hei should be given back to Tereahi, and she was sent back to Ngaiteupokoiri by him and the words of Te Apatu to Moananui. The invitation of Moananai was accepted by Ngaiteupokoiri. His words were agreed to. Moananui, Te Hira, Hawaikirangi, and others agreed." On page 554 he says, "Te Moananui made a speech inviting Ngaiteupokoiri to return. He told them to get up and leave Manawatu and come to Heretaunga." On page 255, "I knew that Otupaopao and Omaha were the places mentioned by Te Moananui when he brought back Ngaiteupokoiri. He mentioned them at Manawatu. I was about to mention these places just now, but was interrupted. He in fact only mentioned Heretaunga. If Otupaopao and Omaha were not named they were meant because the Ngaiteupokoiri returned to them."

I submit that it amounts to this—that Ngaiteupokoiri were merely invited to return to Heretaunga. This witness says that that they were asked to return to their homes. They had no homes on this block. I ask the Court to remember this, here was a tribe which had been scattered to the ends of the earth—their existence as a tribe at an end. What do they get by coming back to Heretaunga? They got land extending over a hundred miles in length. They were getting back an immense territory extending right from here to Patea, a much larger territory than Ngatikahungunu were possessed of. Why then should this small piece Otupaopao be mentioned? My friend gave three reasons, the main reason was that Otupaopao was the eastern boundary of the Ngaiteupokoiri lands. Why should only the one boundary be mentioned? Is it reasonable to suppose that that one place would be mentioned if they were to get back this vast extent of country?

I now come to Noa's account of it. He says (Vol. 19, page 475). "Moananui said on our arrival at Manawatu, that Ngaiteupokoiri were to return to Otupaopao. He said this in the presence of all the people." At page 6 of Vol. 20, he says, "The gift at Manawatu was an invitation rather than a gift." At page 12 Noa says, "Moananui did not mention the names of places when he gave the land to Renata." I submit that if the statement is true that Te Moananui gave an eel weir in this land to Renata, then the gift at Manawatu could not have been made. It is utterly irreconcilable with the gift. If the gift of the eel weir was made it shows that the land could not have been given up Ngaiteupokoiri. The next reference to Noa's evidence is on page 22. He says:



"Moananui's gift was made at Manawatu. Ngaiteupokoiri returned to Heretaunga and on to Otupaopao. I was present I heard Moananui speak in the *marae*. Paora Kaiwhata was there. Moananui said, 'Come back to Heretaunga and Otupaopao.' I am sure he said Otupaopao. Let Paora's talk be with him. I'll stick to what I say. If Paora's statement is true N'Upokolri would have taken Otupaopao without a right" At page 482 of vol. 19 he says, "Only a portion of N'Upokoiri returned with Renata from Manawatu—about 50. People were not anxious to leave the place. The elders only returned. Those who remained behind continued these some time and then came on. It was after the Pakiaka fight that Renata went to fetch them. Their first return was long before Pakiaka. The second party came after that fight That was Moananui's gift."

I will now refer to what Noa has said in other cases upon this point. In the Ngatarawa No. 1 case, vol. 11, p. 114, he said "I went with Moananui to Manawatu to exhume Te Wanikau's bones and bring them to Heretaunga. He asked Ngaiteupokoiri to return. Renata was then in this district preaching. He went afterwards to Manawatu. After we returned he went to visit his people. Did not hear that Moananui sent him to fetch the people back to Otupaopao." There the Court will see that Noa does not say that Te Moananui mentioned Otupaopao at all. He was supposed to be then recounting what took place at Manawatu. Then in this case (vol. 20, p. 25). he says that the people responded to Renata's invitation and not to Te Moananui's. That bears out what he had previously said, that it was an invitation rather than a gift.

I will next take Anaru Te Wanikau, who was examined in this Court. He says that the only land returned by Te Moananui was this piece Otupaopao, This is contradicted by Hoana, who says that all the land was returned, as far as Ruahine. In this Court Anaru gives this account of it: "Te Moananui said, Ngaiteupokoiri, return to Heretaunga, I will return to you your land Otupaopao." In the Mangaohane case (vol. 9, p. 256), he said "I remember Ngaiteupokoiri returning to Heretaunga, but I don't know what the year was. If you mean the second return I can tell you. Renata brought them back then." He also gave evidence about the same thing in the Awarua case (vol. 11, p. 173). "After that Renata addressed the whole of the tribes to the effect that they should go to Heretaunga; i.e.; Ngaiteupokoiri and Ngati Hinemanu." The account given by Hoana Pakapaka is different (vol. 20, p. 47). "After Te Moananui had addressed the assembly, he turned to Ngatiteupokoiri and Ngati Hiumanu and said, 'Return to Heretaunga; you must cease living at other people's places; you must return to Otupaopao;' and on page 62 she says, "Noa was wrong in saying that Ruahine and Patea were not included in the return of the land made by Te Moananui. His statement that Kawera, Ohiwia, and Matatanumia were not in Moananui's gift is wrong. All I know is that Moananui made a gift." Even taking the words which Hoana says were used by Te Moananui, there was no gift. According to her what he said was, "You must return to Otupaopao." He did not say, "I will give you Otupaopao." I ask the Court to look at what Hoana said in the Ngatarawa case. Her evidence was this (vol. 11, p. 83): "I went to reside on the land after Renata returned from captivity. Pirimona and Wi Wheko were there with us. Renata brought us back on his return from Ngapuhi." And, in the same case, on page 90, she says:—

"Renata alone brought me back from Manawatu. I have heard of Te Moananui, but that was subsequent. I knew him. He was a chief among his tribe. He belonged to Ngatikahungnau. I saw him when he came to Manawatu to exhume the body of Te Wanikau. I did not come back at that time, but my old people did. I was a child at that time when Te Wanikau's remains were brought. There were only two who returned with the remains of Te Wanikau. Others came back some years afterwards.

"When Renata came to Manawatu he assembled us and told us that we were to return to Heretaunga, as he was now himself returned, and they should now cease living among strangers. He assembled both N'Hinemanu and Nupokoiri." And again, on page 93, she says:—" We would never have returned from Manawatu if we had not been brought back by Renata. We looked on that place as our future home."

It appears from this evidence of Hoana's that she was only a child when Te Moananui spoke to Ngaiteupokoiri at Manawatu, and that was no doubt the reason she did relate Te Moananui's speech. In this case, however, although on her own statement she was only a child at the time, she professes to recount what Te Moananui said on that occasion. Her statement in the Ngatarawa case is very important, that she and the others would never have come back from Manawatu but for Renata's invitation, and it is borne out by the remarks in the Pukehomoamo judgment, where it was said that it was Renata who brought back the scattered remnants of Ngaiteupokoiri and reestablished them as a tribe. The next witness X shall refer to is Paramena Te Naonao, who says (vol. 20, p. 102) "When we got to Manawatu Moananui said 'Ngaiteupokoiri, you must return to your place at Otupaopao which is vacant.'" But, according to Paramena's own evidence, It was not their place, as they had no ancestral title to it (vol. 20, p. 99). I ask the Court to look at what he said in the Otamakapua case (vol. 20, p. 29). "Renata brought back Ngaiteupokoiri and Ngati Hinemanu to Heretaunga."

I shall now quote the evidence given by Renata Kawepo himself in the Ngatarawa case, and surely his sworn testimony must be taken. He says (vol. II, p. 102). "I brought back Ngati Hinemanu as well as Ngaiteupokoiri. I brought back all Ngati Hinemanu to Te Awapuni. Moananui and others had been before me, but had failed to bring the people back. Ngaiteupokoiri and Ngati Hinemanu did not come until I had defeated



the land-sailing chiefs." He also says "I have heard Hoana's evidence; it is correct." The evidence of Raniera Te Waha (Vol. 18, p. 336) is that only Hoani Te Koari and Ngati Hineiao, Te Moananui's own people, were invited to Otupaopao. He says that the people came back to Heretaunga in consequence of Renata's invitation, and not in consequence of Te Moananui's. He says nothing at all about a gift to Ngaiteupokoiri. Raniera Te Ahiko also relates what was said at Manawatu (vol. 19, p. 200). Monnanui invited Ngaiteupokoiri to return, but they did not respond, as Hapuku did not agree with Moananui, Hoani Te Koari was the only man who replied. He said: 'If I come back, would you give me my home, Otupaopao?' Moaanui said: 'Come back, and I will return it.' Hoani was a descendant of Hineotua. The invitation was not accepted and acted on."

Auaru Te Wanikau, in this Court, admitted that Hoani Te Hoari did speak. That bears out Raniera's evidence, and that, I submit, the Court will accept. The people who speak of the gift are Paora Kalwhata, Noa Huke, Hoana Pakapaka, Paramena Te Naonao, Ihaia Te Ngira, Anaru Te Wanikau, Roka Huke, Raniera Te Waha, and Raniera Te Ahiko. I submit that Paora's evidence amounts to nothing. Noa says that Otupaopao was mentioned; but it is significant that he does not claim there; and he also says that it was more an invitation than a gift. It is strange that Roka was not called in the previous Court; that is a matter which is always open to comment on a second trial. Anaru also gave evidence in this case; but when giving evidence about the same matter in a former case he does not say anything about these words being used. Again, he is interested in the case, and although his evidence was available at the last hearing, he was not called. Hoana is a person directly interested, and she contradicts the other witness, Noa, as to what was included in the gift. Hoana admits that she has no ancestral right to Otupaopao. If she had no right how could the land be "returned" to her, or how could she benefit by the removal of the *tapu* as set up on the rehearing? Paramena says that Otupaopao was mentioned by Te Moananui. Ihaia Te Ngira says that it was mentioned by Hoani Te Koari; but his evidence, I submit, is of no value. Renata asserted positively on oath in other cases that it was he who brought the people back, and there is not a word of Te Moananui's gift. Further than that, Renata says that Tareha gave him the Ngatarawa block.

I want to say one or two words about the utter improbability of the gift My learned friend set up the theory that it was a removal of *tapu*. If it had been a removal of *tapu*, to whom would the land have gone? To the person who owned it, and that, I submit was Te Rangikamungungu. It was a very peculiar *tapu* when people have occupied the land all along. If it had been a removal of *tapu*, It would simply have taken away Hawea's right?, and left the land to Te Rangikamungungu. Again, how could Te Moananui give the land without the consent of Tareha? I submit that the fact that after the alleged gift, Te Moananui gave an eel weir to Renata's son is conclusive evidence that this gift is mythical. Further, in reference to this, what was the land affected? Is the Court to say that Otupaopao only was given? Hoana does not say so. Noa says so, but he does not claim it, because he says it was more an invitation than a gift. Now, Hoana, when she was pressed, says that Te Moananui was simply a guardian of the land, and it was not a gift of land at all. The Court will recollect that they were forced to say that Hoana was fencing with this question. It was simply a guardianship as far as she knew, and there was no gift at all. Can the Court, on such evidence as this, assert that there was a gift, when the person said to have made the gift remained in possession of the land? There could have been no snob Rift. The gift was set up for the first time in this case [unclear: au]o it had never been heard of before. It had not been referred to in any other block, and, if Hoana's evidence is true, that this gift was not confined to Otupaopao alone, then we should have heard of it in other blocks which have passed the Court, but it was never mentioned before, and why? Because it was never made.

My learned friend has used harsh terms in characterising the evidence given by the witnesses, but I submit it has not been proved false at all. According to his opening he was going to show that Mrs Donnelly had been tampering with the witnesses, but how was that charge supported? Hamana, who was to have proved it, says that Mrs Donnelly did not ask him to suppress anything. Ihaia Te Ngira says the same. In connection with these meetings which were held before the case opened, I would ask the Court to look at this that if these parties had known of Te Moananui's gift, would they not have discussed it? The evidence is that these meetings were held to prepare their evidence, to "whakarite" it, and it was a proper thing to do, just the same as an European would bring his witnesses to his lawyer to find out what they had to say. Surely Maoris have the same right. I undertake to say that every witness on the other side was seen by Broughton, and talked over their evidence with him, before coming into Court, and I do not say that there is anything wrong in that. But the important point is this: Is it not a most remarkable fact that two meetings were held to discuss the evidence, and at neither of them was there any mention of such a thing as Te Moananui's gift? They were not aware of any gift by Te Moananui affecting Otupaopao. I do not say whether Otupaopao was mentioned at Manawatu or not. I say that they knew nothing of a gift to Ngaiteupokoiri, and therefore did not discuss it, I ask the Court if such a thing could possibly have happened, if these people had been conscious of Te Moananui's gift, that they would not have discussed it, and considered how, to use Hamana's words, to overthrow it? The only thing discussed was the gift of an eelweir to Renata. The fact of that gift is conclusive proof that there was no gift by Te Moananui

to Ngaiteupokoiri at all, According to Anaru, even if there had been such a gift, it could only have affected this small piece Otupaopao; it does not touch the rest of the block. Otupaopao, therefore, is a separate block, and is distinct from the other three blocks, Kawera, Matetanumia, and Oiago. I ask the Court, is there any probability that such a gift was made? I can understand a landless people having land given to them to live on; but Ngaiteupokoiri were not a landless people. On the contrary, they were the owners of an immense territory, extending over a hundred miles in length, and yet the Court is asked to believe that this small piece Otupaopao was given to them as an inducement to return. My second point is that if the gift ever had been made by Te Moananui it was not accepted. The evidence on this point is conclusive. Ngaiteupokoiri did not accept the invitation of Te Moananui; they only returned to Heretaunga when they were brought back by Renata. My third point is that Te Moananui and Tareha exercised rights of ownership on this land after the return of Ngaiteupokoiri; therefore the gift was not complete. I further submit that Tareha had an interest in this block, as a descendant of Te Rangikamehau, and there is no proof that he ever surrendered his title. Therefore Te Moananui had no power to give away land that did not belong to himself alone. As bearing on that point I refer the Court to the decision in the Porangahau case, as to the powers of a chief in dealing with land. The Judges there say, "The claim from *mana* alone is one that cannot be recognised, as it conferred no proprietary rights according to Maori custom, it being a recognised fact that the chief of a tribe had no absolute right over the territory of the various hapus to whom it belonged, nor could he dispose of any and but his own." Te Moananui no doubt had a title, but Tareha had a title also, and Te Moananui had no power, therefore, to give the land without Tareha's consent. I submit that, from all points of view, this gift cannot be upheld.

I wish to refer now to the occupation of Ngaiteupokoiri when they came back, and on this point I submit that the evidence of the European witnesses ought not to be overlooked. I do not wish to cast any slur on the Maori evidence. The evidence of Maoris is very much the same as that of other people, although perhaps they have not quite the same notion of [unclear: the sanctity] of an oath. But the Court, in dealing with their evidence, will remember that most of them are interested in the result of the suit. Paora Kaiwha has probably no interest in the set, although my friend appears very anxious to secure two hundred acres for him. Most of the others are interested. I submit then that the Court must look at the evidence which has been given in other cases, at Renata's [unclear: condensation] Pukehemoaraoa and Ngatarawa; at Hoana's evidence in Ngatarawa; and at the evidence of the Europeans. I take first the evidence of Mr Locke (Vol. 19, p. 180), His evidence, I submit, shews that Taraia II's [unclear: descendants] had no right to Otupaopao. It shews also that Renata treated Pwhakairo as his headquarters, down to the Omarunui fight; and that it was only by degrees that Ngaiteupokoiri settled at Omaha. When he knew the place first there were very few houses there. Mr Locke had conversations with Renata about the land, and he never heard of Te Moananui's gift. According to what Renata told him, the boundary of Ngaiteupokoiri was the Waitio. Then I ask the Court to look at the evidence of Archdeacon Williams. My friend has not treated the evidence of that witness as being liable to comment. Mr Williams had never heard of Te Moananui's gift, and I ask if one in his position, who has been looked on by the Maoris at their spiritual-adviser since 1853, would not have been told of such an important event as Te Moananui's gift, if such a gift had ever been made? I ask the Court to look also at the evidence of Mr Ormond and the other Europeans. Mr Heslop gives important evidence as to Karaupia's dealings with the cattle running on this block, and his evidence is conclusive that there was no large settlement at Omaha in 1860.

A point for the consideration of the Court is this. The One man, besides Te Moananui, who spoke at the meeting at Manawatu was Hoani Te Koari, and he was not a chief. [unclear: That] never came on to this block at all. When he returned to Heretaunga he went to live at Awatoto, and then at paepaetahi, where he died.

The Court will see on reference to the blue books which have been put in, that the blocks claimed by Ngaiteupokoiri were between Okawa and Ngaruroro, and no doubt they were entitled to those lands, but that does not include this block. As the Ngaruroro river ran, when that claim was made, this block did not lie between it and Okawa.

I submit to the Court that, on the whole, there has never been a stronger case put before the Court than our case for this block. Of course we admit that in [unclear: Matatsumia] some of the other side have rights; but I think it is right, as my friend says, that they should be required to prove occupation. A great many persons in the Ngaiteupokoiri list have no occupation at all. At the previous hearing the Court seems to have adopted the somewhat unusual course of admitting persons about whose occupation there was a doubt, leaving their interests to be dealt with on subdivision. As to Kawera, Atareta, and Harata's children would have an interest there if it had been proved that Maata Te Hei lived there.

I submit to the Court that as far as Oingo and Otupaopao are concerned, Ngaiteupokoiri have no title. In Matatsumia certain of the Ngaiteupokoiri have a title. In Kawera the descendants of Tuhotoariki and Pakapaka have a right. The Court has to consider if there is evidence that Maata Te Hei was at Kawera. If there was then her descendants are entitled. They were admitted in the Pukehemoaraoa block, which was decided to belong to Tuhotoariki and his sisters, Maata Te Hei and Pakapaka.

I do not think I have anything further to say, as the weight of evidence is so entirely on our side.

I will submit that when the question of subdivision arises, as we have interests in Matatanumia and Kawera, the three blocks should be kept distinct. On the subdivision we do not wish to get Broughton's house. It is, I consider, the duty of a counsel to moderate his clients, and I have tried to do this, but in making a subdivision it is advisable that the Court should so separate the parties as to avoid any chance of friction.

The suggestion that my friend made as to the division of the block was simply—I do not like to use a hard word, but it was very peculiar. It is perfectly plain that the most important people of Ngaiteupokoiri are with us. There are no people of mark on the other side except Atareta and Harata's children. As to Wi Wheko I can prove that he had no residence or occupation here at all, and he got into the Patea blocks on the finding that he and his people were permanent residents at Patea. But this question of occupation the Court will have to deal with afterwards.

My friend has been exceedingly unfortunate in making comments on Mrs Donnelly's evidence. The correctness of her evidence can be proved from the witnesses on the other side. The evidence of the other side is conclusive against themselves as to who is entitled to Kawera, Matatanumia, and Oingo, and I will go this length and say, that leaving out this question of Te Mcananui's gift, we are entitled to succeed in this case on the evidence of the other side.

I have not specially referred to Wiramine's case, but if the Court comes to the conclusion that there was occupation by Te Rangkamangungu, Hawee, and Tuhotoariki that disposes of Wiramina's claim, and therefore, when I was citing the proofs of the occupation of Te Rangkamangungu, Hawea, and Tuhotoariki, I was really attacking her case as much as that of Ngaiteupokoiri. Of course the Court, in order to give Wiramina's people an interest in the land, will have to negative the evidence of our occupation.

As to Paora Kaiwhata's claim to this piece adjoining the boundary of Pirau, which he claims as part of that block, I submit that the judgment in Pirau operates as an estoppel on him. It would mean endless confusion if this Court were to say that the judgment in Pirau was wrong, and I submit that this Court has no power to do that, and therefore I submit that Paora Kaiwhata is entitled to no land at all in this block.

I am sorry that I have taken up the time of the Court at such length, but the case is a very important one, and the very bitter feeling that has existed between the parties, and which led to the death of Turanga, demands that it should be dealt with carefully.

## The Omahu Case.

Yesterday the Native Land Court at Hastings gave the following decision in the Omahu case—Since the Court adjourned on the 17th March last we have carefully gone through the whole of the evidence that has been laid before us, and have endeavored to extract from it such portions as appear to us to be trustworthy and material to the history of this case. In view of the numerous contradictions and discrepancies that we find, not only in the evidence of different witnesses, but often in the evidence of the same witness in different portions of his or her Antimony, we have come to the conclusion that only a few small fragments of genuine history have been preserved, and that the greater part of the story that has been laid before us is either the result of ingenious invention, or of the unconscious change which necessarily takes place in the handing on of tradition from mouth to mouth, especially where the remembrance of the real facts has been hazy.

In tracing the history of this block we consider it unnecessary to decide whether Taraia I conquered the land or not; there is a general agreement that in some way or other he gained a footing there—whether by force or by some friendly arrangement is immaterial—and the position so acquired either amounted to ownership, or had ripened into ownership, in the time of his grandson, Taraia II. It appears also that whatever interest Taraia I. may have acquired he enjoyed it in conjunction with, and not to the exclusion of, Ngati Whaturnamoā, who intermarried with his children and descendants, and continued to exercise rights of ownership over this land until the separation which occurred in the time of Taraia II. Whatever the actual occurrence which has been called the conquest of Taraia I. may have been—and there is a considerable discrepancy in the different accounts—the course of subsequent events seems to establish the fact that those members of the Ngati Whaturnamoā who were not descended from Taraia I. by reason of the intermarriages, left the land in the undisturbed possession of the descendants of Taraia I., and thus any right derived from Turauwha as distinct from that derived from Taraia I. became extinguished. Claims are put forward on behalf of four of Taraia I.'s grandchildren, viz., Huhuti, Taraia II., Hinehore, and Hikateko. With regard to Huhuti, we consider it unnecessary to decide whether her marriage with Whatuiapiti affected her rights in the land now before us. The return of Hikawera in our opinion revived her rights, even if they were in danger of extinction by reason of her absence. We do not regard the alleged extinction of the rights of Hinehore and Hikateko as established. We are therefore of opinion that [unclear: the] ancestors—Hikawera, Taraia II [unclear: tiore], and Hikateko—constitute [unclear: ke tupuna] to this land.

We now come to the time of Rangikamaustuogu, Hawera, and Namairangi, all of whom were found exercising rights of ownership upon the land in question. We think that all of them had some ancestral right, and the fact of their tracing descent from the common ancestor seems to us sufficient explanation of the acts of ownership which we have no doubt they performed.

As to the alleged gift of Tuku, we think it probable that some gift was made by Hinehine-Ariki to Rangikamangungu, in accordance with the dying request of her father, but we are unable to accept that version of the story according to which the ownership of the land was vested entirely in Rangikamangungu, and all the other previous owners excluded from participation. If anything passed to Rangikamangungu by virtue of that gift it was Tuku's interest, and Tuku's interest alone. The interests of the other owners remained unchanged. We think also that the theory that some part of this land was vested in Hawea by reason of the shedding of his blood, although ingenious, is untenable. It seems to us also highly improbable that this land was placed under any *tapu* in consequence of that shedding of blood. We can find no intelligible reason why any part of the Omaha block should be subjected to a *tapu* on that account. The use that was afterwards made of the land by the several owners seems to us inconsistent with the existence of such *tapu*, and we have no record of any purifying ceremony by which the *tapu* was removed. The right of Hawea we consider therefore to be, like the right of Rangikamangungu, derived from his ancestors.

We are satisfied that both these ancestors made use of the land as owners, and we think their descent from the previous owners is amply sufficient to account for the use that they made. At the same time *we* are of opinion that their ownership was not exclusive. We find that Mamairangi and others associated with him also made use of this land, as we believe in exercise of their rights as owners. The gift alleged to have been made by Hawea to Tuhotoariki has not been established to our satisfaction. Tuhotoarika appears to have had an ancestral right, and we do not find that he was ever deprived of it.

The affair of the Paratuna does not commend itself to our mind as the result of a breaking of *tapu* or an attempt to take violent possession of the land by force of arms. It seems rather to have been a scuffle, probably occasioned by the desire on the one hand to poach on the Rotoroa eel-weirs, which was resisted on the other hand by the owners of those weirs, who would not consent to them being regarded as common property.

We are unable to find that any change of ownership was effected from that time down to the expulsion of Ngati Upokoire from the district in consequence of their defeat at Rotoatara. That they were defeated, and in consequence dispersed, we find to be fully established, and we are of opinion that whatever rights they may have possessed as owners of this land before their defeat ceased to exist, and that until their return they cannot be said to have had any right there at all.

If it were the duty of the Court to imagine itself sitting in the year 1840, immediately after the introduction of the British Government into the colony, we should have to come to the conclusion that the Ngaiteupokoiri were not owners of this land. But we think also that if we were placed under the necessity we should also be obliged to find that no natives had any beneficial interests in this land at that time, and if the strict interpretation of the so-called rule of 1840 were insisted upon the experience of the present members of the Court leads us to believe that a very large area of the land in the North Island would be found to be without a native owner. Apart from the inherent difficulty of imagining ourselves in 1892 as sitting in 1841, it would be necessary to introduce so many other fictitious elements that no satisfactory result could be arrived at. But when the various statements of the so-called rule of 1840 are looked into it is clear that the Court never intended to lay down any rule which would be productive of so much injustice to native owners as so strict an interpretation would lead to. We accept the rule as laid down in the Oakura case as containing all the qualifications to which every rule of the kind must be subject, that are necessary to enable us to do what we believe to be substantial justice in this case, and we have no intention of restricting or extending the rule beyond what is there laid down. Adopting that rule as our guide, we are of opinion that when the Ngaiteupokoiri returned to this land, as they did in consequence of a general invitation communicated to them by Te Moananui, they returned to and re-acquired all their ancient rights and no further rights. Although many witnesses have deposed to the fact that Otupaopao was mentioned at the meeting between Te Moananui and Ngaiteupokoiri at Manawatu, we are of opinion that no gift of any portion of this land was made, or intended to be made, to the Ngaiteupokoiri. We have therefore to determine what rights the Ngaiteupokoiri possessed before they left, and whatever they are found to be we consider them to be the rights which they still retain.

A great many different boundaries have been deposed to as having been laid down at one time or another for the purpose of dividing the interests of the several parties of owners. But we are of opinion that none of them have been observed in such a manner as to enable us to look upon them as existing boundaries at the present time. The land, so far as we can see, was common property, and used in common by all as occasion required. We find, however, that Rangikamangungu and Hawea are most closely identified with the northern and eastern portions of the land, and Te Uamairangi and Ngaiteupokoiri generally with the southern and western parts. We do not find that there was at any time a definite boundary between them. The exigencies of

this case, however, demand that the Court shall draw one or more dividing lines between the several parties, and before the final orders are made it is our intention to exercise the powers which the Native Land Court Act, 1886, imposes upon us of dividing the land into two or more parts. How many divisions we ought to make, and what dividing lines we ought to adopt, must depend upon the number of persons who are ultimately found entitled, But as we consider that there is no ancestral line that can guide us in coming to a decision, we shall have to make such divisions as seem to us most in accordance with the interests of justice and conducive to the good order of the community generally. We reserve that question, however, [unclear: until] all the lists of names have been finally passed.

We have so far been dealing with the two main parties to this case—those represented by Airini Tonere and Wiremu Paraotene, With regard to the claim of Wiramina Ngahuka, as we have already expressed the opinion that no claim derived from Turawha has been established, we must reject her claim under that ancestor. We think, however, so far as her ancestry is concerned, that she has an ancestral claim under Hikateko.

With regard to Matenga Pekapeka we are of opinion that the evidence he has brought forward is insufficient to establish a right to be included under Te Rangikamangunu.

We are of opinion that Paora Kaiwhata has failed to establish a special claim to the 100 acres claimed by him. We also think that Hamona [unclear: Tiakiwai] has failed to establish his special claim.

We reserve all the other cases, including the claim of Matenga Pekapeka and Ngaiteupokoiri, until the lists of names come before us for consideration.

It will, of course, be understood that we do not necessarily exclude them from participation in the shares awarded under the several *take* which we hold to be established. We reserve that question until the lists of names are under revision.

The lists which are attached to this judgment contain the names of all the persons on whose behalf a claim has been made under one or other of the *take* last mentioned. They are provisional only, and subject to be amended in such manner as may seem right after objections have been heard. No final order will be made until we have determined in what way the land ought to be divided.

## The Omahu Case.

Yesterday the Native Land Court at Hastings have the following decision in the Omahu re hearing case:—Since the Court adjourned on the 17th March last we have carefully gone through, the whole of the evidence that has been laid before us, and have endeavored to extract from it such [unclear: portion] as [unclear: appeal] to us to be trustworthy and [unclear: material] to the history of this case. In view of the numerous contradictions and [unclear: discrepancy] that we find, not only in the evidence of different witnesses, but [unclear: often] in the evidence of the same witness in different portions of his or her testimony, we have come to the conclusion that only a few small fragments of genuine history have been preserved, and that the greater part of the story that has been laid before us is either the result of ingenious invention, or of the unconscious change which necessarily takes place in the [unclear: handing] of tradition from mouth to [unclear: mouth,] especially where the remembrance of the real facts has been hazy.

In tracing the history of this block we consider it unnecessary to decide whether Taraia I. conquered the land or not; there is a general agreement that in some way or other he gained a footing there—whether by force or by some friendly arrangement is immaterial—and the position so acquired either amounted to ownership, or had ripened into ownership, in the time of his grandson, Taraia II. It appears also that whatever interest Taraia I. may have acquired he enjoyed it in conjunction with, and not to the exclusion of, Ngati Whatumamoā, who intermarried with his children and descendants, and continued to exercise rights of ownership over this land until the separation which occurred in the time of Taraia II, Whatever the actual occurrence which has been called the conquest of Taraia II. may have been—and there is a considerable discrepancy in the different accounts—the course of subsequent events seems to establish the fact that those members of the Ngati Whatumamoā who were not descended from Taraia I. by reason of the intermarriages, left the land in the undisturbed possession of the descendants of Taraia I., and thus any right derived from Turawha as distinct from that derived from Taraia I. became extinguished. Claims are put forward on behalf of four of Taraia I.'s grandchildren, viz., Huhuti, Taraia II., Hinehore, and Hikateko. With regard to Huhuti, we consider it unnecessary to decide whether her marriage with Whatniapiti affected her rights in the land now before us. The return of Hikawera in our opinion revived her rights, even if they were in danger of extinction by reason of her absence, We do not regard the alleged extinction of the rights of Hinehore and Hikateko as established. We are therefore of opinion that the four ancestors—Hikawera, Taraia II., Hinehore, and Hikateko—constitute the true *take tupuna* to this land.

We now come to the time of Rangikamaogunu, Hawera, and Namairangi, all of whom were found exercising rights of ownership upon the land in question. We think that all of them had some ancestral right,

and the fact of their tracing descent from the common ancestor seems to us sufficient explanation of the acts of ownership which we have no doubt they performed.

As to the alleged gift of Tuku, we think it probable that some gift was made by Hinekine-Ariki to Rangikaruaungungu, in accordance with the dying request of her father, but we are unable to accept that version of the story according to which the ownership of the land was vested entirely in Rangikamaungungu, and all the other previous owners excluded from participation. If anything passed to Rangikamangungu by virtue of that gift it was Tuku's interest, and Tuku's interest alone. The interests of the other owners remained unchanged. We think also that the theory that some part of this land was vested in Hawea by reason of the shedding of his blood, although ingenious is untenable. It seems to us also highly improbable that this land was placed under any *tapu* in consequence of that shedding of blood. We can find no intelligible reason why any part of the Omaha block should be subjected to a *tapu* on that account. The use that was afterwards made of the land by the several owners seems to us inconsistent with the existence of such *tapu*, and we have no record of any purifying ceremony by which the *tapu* was removed. The right of Hawea we consider therefore to be, like the right of Rangikamangungu, derived from ma ancestors.

We are satisfied that both these ancestors made use of the land as owners, and we think their descent from the previous owners is amply sufficient to account for the use that they made. At the same time we are of opinion that their ownership was not exclusive. We find that Namairangt and others associated with him also made use of this land, as we believe in exercise of their rights as owners. The gift alleged to have been made by Hawea to Tunotoariki has not been established to our satisfaction. Tuhotoarika appears to have had an ancestral right, and we do not find that he was ever deprived of it.

The affair of the Paratuna does not commend itself to our mind as the result of a breaking of *tapu* or an attempt to take violent possession of the land by force of arms. It seems rather to have been a scuffle, probably occasioned by the desire on the one hand to poach on the Rotoroa eel-weirs, which was resisted on the other hand by the owners of those weirs, who would not consent to them being regarded as common property.

We are unable to find that any change of ownership was effected from that time down to the expulsion of Ngati Upokoire from the district in consequence of their defeat at Rotoatara. That they were defeated, and in consequence dispersed, we find to be fully established, and we are of opinion that whatever rights they may have possessed as owners of this land before their defeat ceased to exist, and that until their return they cannot be said to have had any right there at all.

If it were the duty of the Court to imagine itself sitting in the year 1840, immediately after the introduction of the British Government into the colony, we should have to come to the conclusion that the Ngaiteupokeiri were not owners of this land. But we think also that if we were placed under the necessity we should also be obliged to find that no natives had any beneficial interests in this land at that time, and if the strict interpretation of the so called rule of 1840 were insisted upon the experience of the present members of the Court leads us to believe that a very large area of the land in the North Island would be found to be without a native owner. Apart from the inherent difficulty of imagining ourselves in 1392 as sitting in 1841, it would be necessary to introduce so many other fictitious elements that no satisfactory result could be arrived at. But when the various statements of the so called rule of 1840 are looked into it is clear that the Court never intended to lay down any rule which would be productive of so much injustice to native owners as so strict an interpretation would lead to. We accept the rule as laid down in the Oakura case as containing all the qualifications to which every rule of the kind must be subject, that are necessary to enable us to do what we believe to be substantial justice in this case, and we have no intention of restricting or extending the rule beyond what is there laid down. Adopting that rule as our guide, we are of opinion that when the Ngaiteupokoiri returned to this land, as they did in consequence of a general invitation communicated to them by Te Moananui, they returned to and re-acquired all their ancient rights and no further rights. [unclear: Although] many witnesses have deposed to the fact that Otupaopao was mentioned at the meeting between Te Moananui and Ngaiteupokoiri at Manawatu, we are of opinion that no gift of any portion of this land was made, or intended to be made, to the Ngaiteupokoiri. We have therefore to determine what rights the Ngaiteupokoiri possessed before they left, and whatever they are found to be we consider them to be the rights which they still retain.

A great many different boundaries have been deposed to as having been laid down at one time or another for the purpose of dividing the interests of the several parties of owners. But we are of opinion that none of them have been observed in such a manner as to enable us to look upon them as existing boundaries at the present time. The land, so far as we can see, was common property, and used in common by all as occasion required. We find, however, that Rangikamangungu and Hawea are most closely identified with the northern and eastern portions of the land, and Te Umairangi and Ngaiteupokoiri generally with the southern and western parts. We do not find that there was at any time a definite boundary between them. The exigencies of this case, however, demand that the Court shall draw one or more dividing lines between the several parties, and before the final orders are made it is our intention to exercise the powers which the Native Land Court Act,

1886, imposes upon us of dividing the land into two or more parts. How many divisions we ought to make, and what dividing lines we ought to adopt, must depend upon the number of persons who are ultimately found entitled. But as we consider that there is no ancestral line that can guide us in coming to a decision, we shall have to make such divisions as seen to us most in accordance with the interests of justice and conducive to the good order of the community generally. We reserve that question, however, until all the lists of names have been finally passed.

We have so far been dealing with the two main parties to this case—those represented by Airini Tonore and Wiremu Paraotene, With regard to the claim of Wiramias Ngahuka, as we have already expressed the opinion that no claim derived from Turawha has been established, we must reject her claim under that ancestor. We think, however, so far as her ancestry is concealed, that she has an ancestral claim under Hikatelo.

With regard to Matenga Pekapeka we are of opinion that the evidence he has brought forward is [unclear: insufficiew] to establish a right to be included under Te Rangikamangungu.

We are of opinion that Paon Kaiwhata has failed to establish a special claim to the 100 acres claimed by him. We also think that Hamona Tiakiwai has failed to establish his special claim.

We reserve all the other cases, including the claim of Matenga Pekapeka and Ngaiteupokoiri, until the lists of names come before us for consideration.

It will, of course, be understood that we do not necessarily exclude them from participation in the shares awarded under the several *take* which we hold to be established. We reserve that question until the lists of names are under revision.

The lists which are attached to this judgment: contain the names of all the persons on whose behalf a claim has been made under one or other of the *take* last mentioned. They are provisional only, and subject to be amended in such manner as may seem right after objections have been heard. No final order will be made until we have determined in what way the land ought to be divided.

## The Omaha Re-Hearing.

Chief Judge Seth Smith yesterday delivered judgment in the Omaha rehearing case. The general impression among those interested is that the judgment leaves things very much as they were before the appeal, so far as the principal parties are concerned. Broughton's people retain their settlement at Omaha, but otherwise have not improved their position. The following is the text of the judgment:—

We find that the persons entitled under the several rights are in number as follows:—Wiremina Ngahuka's people, 12; William Broughton's people, 59; Airini Donnelly's people, 39, We have determined to divide the land in the following order:—

We define the interest of Wiremina Ngahuka and her party as that part of the land at the western end of the block, containing 480 acres (Omaha I.), which is bounded by a line drawn from the point where the Ohiwia stream leaves the Runanga lake, then over the middle line of that stream nearest the Hutimoana lake, and thence by a swinging line drawn to the western boundary of the block so as to give the required area, the residue of the boundary being the western boundary of the block to the northern end of the Runanga lake, and thence along the northern shore of the lake to the starting point.

The residue of the block we divide by a line drawn from the north-west corner of the Waipiropiro block to the Oinga lake at Hauhau, thence by a straight line to the southern end of the Kautuku lake at its outlet, thence by a swinging line such that the area to the south (Omaha II) shall contain 2500 acres. This portion we award to William Broughton and his party.

The residue of the block, which we award to Airini Donnelly and her party, is estimated to contain 4420 acres. Of this we award 3430 (Omaha III.) to those who derive their right from Te Rangika mangunu and Hawea, and 990 acres (Omaha IV.) to those who are entitled as Ngati Upokoiri.

In estimating the area to which Wiremina Ngahuka's party are entitled, we have included the interest of Hemi Nuku and Hohepa te Umurangi, which we define as 65 acres each. We have not yet defined the boundary between the two sections of Airini's party. Before doing so we prefer to give the persons interested the opportunity of coming to an arrangement between themselves. We shall reserve that matter till to-morrow.

## Mangaohane.

The following is the judgment delivered by Chief Judge H. Seth Smith, in connection with the Mangaohane rehearing application:—

In this case applications have been made for a re-hearing of the investigation of the title to a block of native land known as Mangaohane, which was adjudicated upon at a meeting of the Native Land Court, held at Hastings in 1885, before Judges O'Brien, and Williams. Hoani Meihana being the Native Assessor. The Court,

in exercise of the power conferred by the Native Land Court Act, 1880, sections 24 and 26, declined to give any judgment as to a portion of the land at the southern extremity of the block, and as to the residue made two orders directing that the names of certain natives should be entered on the register as the owners according to native custom of the two parts of the block which were named in the register orders Mangaohane and Mangaohane No. 1. These orders bear date the 10th of March, 1885. Several applications for re-hearing were made within the statutory period, all of which were dismissed by the late Chief Judge by an order under his hand bearing date the 28th of May, 1886. Upon proceedings recently taken in the Supreme Court, and removed to the Court of Appeal for a *certiorari* to quote the certificates of the Native Land Court which had issued in pursuance of the orders of the 10th of March, 1885, it was held that two of the applications for rehearing, viz., the application of Terina Mete, dated the 13th of April, 1885, and that of Ema Retimana dated the 14th of April, 1885, had been improperly dismissed, no inquiry having been held at which the several applicants could be heard in support of their claims. These two applications are the subject of the present inquiry. Upon the original investigation the land adjudicated upon was divided into two parts, the boundary line between them being the Mangaohane stream from its mouth on the Rangitikei river to its source at Otupae, and thence in a straight line to the Taruarau stream. The land to the north of this line, called in the judgment and in the order of the 10th of March, 1885, Mangaohane No. 1, was in effect awarded to descendants of the ancestors Wharepurakau and Honomokai, who could show such occupation as would, in accordance with native custom, establish a right of ownership. The portion of the land adjudicated on lying to the south of the dividing line last mentioned, and called Mangaohane or Mangaohane No. 2, was awarded to descendants of Honomokai alone. As to the part lying at the southern extremity of the block, and not adjudicated upon, the Court said "We confine ourselves to the remark that, in our opinion, the evidence as to the part south of Te Papa a Tarinuku is not sufficiently clear to justify us in coming to a judgment upon it." After carefully considering the arguments that have been addressed us upon this inquiry we are of opinion that no sufficient reason has been shown for disturbing the judgment as to Mangaohane No. 2. Of the two applications for re-hearing which are now under inquiry, the former, that of Terina Mete complains of "the causeless exclusion [of the applicant] from the list of names of descendants of Te Honomokai." Her descent from that ancestor appears to be undisputed, but she failed to satisfy the Court as to occupation. Upon the evidence before the Court we are unable to say that the finding was wrong, or that there is any reasonable ground for expecting that another Court ought to come to a different conclusion. This renders it unnecessary to express any opinion as to the effect of the withdrawal contained in Terina Mete's letter which has been placed on the file of the Court. The application will be dismissed. The application of Ema Retimana and others, whether in its original form or in the amended form which has been put in by Rena Maikuku, in substance alleges that the true ancestral right ("*take tupuna*") to this land is derived from Ohuake by other lines of descent than these through Honomokai and Wharepurakau. So far as the land north of the Mangaohane stream is concerned, we have already intimated our opinion that the judgment ought not to be disturbed. We are also of opinion that the evidence before the Court was sufficient to justify the finding that the descendants of Honomokai were owners of the portion south of that stream, In fact it has not been contested that they have *some* right, and the suggestions that the Otupae range was the boundary of their territory is not supported by the evidence called before us. There was, however, evidence before the Court of acts of ownership exercised by others besides the descendants of Honomokai in certain localities, especially in the neighborhood of Pokopoko, which upon survey appear to be to the north of the line laid down on the southern boundary of the land adjudicated. The exact position of these places with relation to that line not having been determined by survey when the case was heard, their locality could only be estimated by the necessarily inaccurate opinion of witnesses. The inference that we draw from the action of the Court in excluding a part of the land from adjudication is that the Court considered there was not sufficient evidence on either side to justify a decision as to the debatable portion, and intended to fix a boundary which should exclude it. We are strengthened in this view by the fact that Judge O'Brien in his report states that they drew the line at Pokopoko, the place about which there seems to have been a strong conflict of evidence. The intention has not been carried out, either because Pokopoko lies farther north, or the line laid down runs farther south, than was anticipated, and this land, which the Court intended to exclude, has in fact been included in the judgment. If this inference is correct, it shows that a decision partially erroneous has been arrived at which it seems cannot be satisfactorily rectified under the powers of amendment or upon the inquiry which is required to be held under sections 28-31 of the Native Land Court Act, 1880. A partial re-hearing will therefore be ordered for the purpose of determining whether Rena Maikuku has by virtue of her ancestry and occupation a right according to native custom to be included as an owner in the title to that part of the Mangaohane block which has been named Mangaohane No. 2 or Mangaohane, *i.e.*, the land south of the Mangaohane stream extending to Te Papa a Tarinuku and the line drawn thence in accordance with the order of the Court in that behalf. With Rena Maikuku will also be included any other persons who, claiming under the same ancestral and occupational rights as she does, may be found entitled.



The re-hearing will be ordered on the following conditions:—That the applicant shall deposit with the Registrar of the Court in Wellington the sum of £50 as security for costs on or before the 1st June next, and shall forward particulars of claim, giving the grounds and the Dames of all persons by whom or on whose behalf the claim is made on or before the same date.

The costs of this inquiry will be at the discretion of the Court upon the rehearing.

## The Wharepuhunga Block

### Judgment of the Native Land Court.

THE following is a copy of the judgment in the Wharepuhunga case, delivered recently by Judge Gudgeon:—

This block of land, containing [*unclear*: 133,720] acres, was brought before the Native Land Court sitting at Kihikihi on the 7th April, 1832, after several adjournments which were granted in order to enable the parties to the suit to come to some arrangement outside to which the Court might give effect; but, as is usual in such cases, no good resulted from the adjournments.

The Court was unable to deal with the partition claims in the Gazette, inasmuch that the title to the block had not issued, and, by rule 15 of the Native Land Court, no subdivision of land can take place until the title to the land has issued. It was withheld in this case in consequence of a Government survey lien of £344 10s against the block.

Under these circumstances, the Court decided to proceed with the application of Hitiri te Paerata for the determination of relative interests.

During the early stages of the case, Mr. W. H. Grace, acting on behalf of Rangitūtia and 33 *hapus* of the Ngatiraukawa, raised certain objections on which the Court will now comment in order that there may be no misconception in the minds of those interested.

The first point taken was that Mr. G. T. Wilkinson, in his capacity as agent for the Crown, had no standing in the Court, since any interests acquired by the Crown were illegally purchased, from the fact that the title had not issued.

The Court decided that Mr. Wilkinson had an undoubted right to appear and watch the interest of the Crown, and that the legality or otherwise of the presumed purchase did not concern the Court, since it was not called upon in this case to decide what interest the Crown had acquired. Its only duty in this case is to award such shares as the evidence shall show each person to be entitled to, and to prevent chiefs of tribes or *hapus* from increasing or diminishing the interests of any person for the reason that he has or has not sold to the Government of the colony. The case before the Court is one for definition of interests, and the Court will perform its duties, without reference to any collateral question of sale or otherwise.

Another point was to the effect that the Court could not entertain the application of Te Paehua to set up a case on behalf of Ngatiwhakatere, since the land had been definitely awarded to Ngatitakihiku.

Here, also, the Court differed from Mr. Grace, who had been misled by a document in the handwriting of the assessor, Parnteue Ngata, attached to the title. This document is, apparently, an unauthorised expression of his own opinion, since there is nothing in the minutes of the Court to show to whom this land was awarded, or to warrant the memo, above referred to, which, after reciting the boundaries of the block, proceeds to say that the award had been made in favour of certain *hapus* of Ngatitakihiku.

There has really been no investigation into the title of this land. It is true that an order has been made in favour of 991 persons, but the boundaries and lists of names were settled outside the Court, and presented by Hauauru Poutama, and it does not appear that these lists were objected to, or even questioned, by anyone. It is for this reason that the Court has been compelled to treat the case as one of original investigation. Had the block been awarded to any tribe or *hapu*, the matter would have resolved itself into a simple inquiry into descent and occupation. Now, however, an exhaustive inquiry into the history of the Wharepuhunga block during the past 60 years has become necessary, to enable the Court to define interests in a manner satisfactory to all parties to the suit.

The Court does, however, agree with Mr. Grace in his contention that the Survey Department have no lien against this land, and therefore that there is no good or sufficient reason for delaying the issue of title. A lien can only be lawfully obtained in the manner prescribed by the Native Land Court Acts, and, as the procedure has not been followed in this case, there is no lien.

The following claims were made, and cases set up in this block:—

1. Te Paehua, on behalf of the Ngatiwhakatere, claims a long narrow strip on the western boundary of Wharepuhunga, extending from the Kokoputahi ford on the Mangatutu Stream to a point on the southeastern boundary, which he affirmed to be the true Taporaroa. He objects to the position of Taporaroa as shown on plan

No. 6024.

2. Areta Kapu claims a right over the whole of the Wharepuhunga Block, for herself and other descendants of ancestors included in the following *Hapus*:—Ngatiwairangi, Ngatitakihiku, Ngatimaiotaki, Ngatiteupokoiti, Ngatitamatenura, etc.

3. Mr. Grace, on behalf of 33 *hapus* of the Ngatitakihiku tribe, claims exclusive right over the whole block, and denies the right of Hitiri te Paerata or the counter-claimants to the land before the Court.

4. Hitiri te Paerata claims a right, but not exclusive, over the whole block, on behalf of the Ngatitekohera, Ngatiparekawa, Ngatingarongo, Ngatimoekino, Ngatihutara, Ngatipihautea, Ngatiparetekaihae, and Ngatikiritatarar *hapus*.

Subsequent to the setting up of these cases Te Raugimueakau asked to be allowed to set up a case for himself, apart from that of Areta Kapu. The Court permitted him to do so, but after occupying the time of the Court during one day, he decided to merge his case into that of the 33 *hapus* represented by Mr. Grace.

The Court will deal with these claims in the same order as they were brought before it.

Te Paehua, in support of his claim, stated that the ancient boundary between the Ngatiwhakaterere and Ngatitakihiku tribes followed, not the natural boundary of the Mangatutu Stream, but the old native track which, crossing the Mangatutu stream at Kokooutahi goes by way of Te Kahikatea and Matapuku to Taporaroa. He claims that his fellow-tribesman Te Purangi lived at Orangipaea before the great Ngatiraukawa migration took place, and that his own grandfather, Hungahunga, lived at Pawhenua subsequent to the migration in question, lie, moreover, asserts that on the occasion of the meeting held at Aotearoa, in order to discuss matters connected with the survey of the block, he attended, and asked to be allowed to form one of the survey party, but the Ngatiraukawa refused to allow him, to do so; that he, nevertheless, followed the surveyors, and objected to the position they had fixed as Taporaroa, under the direction of Te Rangimoeakau, and succeeded in inducing the surveyor, Mr. Tole, to put in a peg at the spot he indicated as the real Taporaroa. He further assures the Court that, during the Maraeroa investigation, he succeeded in establishing the truth of his claim as to the position of Taporaroa, and that the boundaries of the Pouakani block were altered to include the piece claimed by him in Maraeroa.

So far Te Paehua had established a good *prima facie* case, but under cross-examination he admitted several very important matters which had probably escaped his memory.

First, he admitted that, from the date of the great migration to Kapiti, the *mana* and management of the deserted lands had fallen into the hands of two great chiefs, Manga and Pateriki, who represented respectively the Ngatitakihiku and Ngatiwhakaterere tribes, and that, on the death of Pateriki, he was succeeded by his brother, Hauauru Poutama, a man of the highest rank.

Now, it was this very chief who assented to the Mangatutu boundary, and requested the Court to give effect to the boundary which had presumably been agreed to by both tribes, since there is no evidence that anyone raised an objection. He also admitted that he had, in a Gazette of the 29th June, 1886, application No. 38, described the eastern boundary of Rangitoto, and that this boundary differed materially from that now given by him as the old ancestral boundary. He can give no explanation as to this serious difference; he simply says, "I alone am responsible for the boundaries given in the Gazette; I knew it was not the true boundary."

The Court has no difficulty in believing that Te Paehua was alone responsible for the boundary then given, and also for that now given, since both of them differ from that approved by the tribes and handed into Court by Hauauru.

But the Court cannot believe that Te Paehua, when he sent his first application to the Gazette above quoted, knew of the existence of the ancestral boundary he now quotes, for in such case he would hardly have defrauded himself of at least 5000 acres of land.

Te Paehua admits that the Ngatiwhakaterere did not hand in any list of names as such, and that they only appear on the rolls of this block by virtue of descent from Takihiku.

Under cross-examination he admits that the objection made by Ngatiraukawa was not to his inclusion in the survey party, but to his being paid for going,—a difference which Te Paehua does not appear to appreciate at its true value, but which shows conclusively that Ngatiraukawa offered no obstruction, and did not carry out the survey clandestinely.

He does not deny that he was present when the map of Wharepuhunga was exhibited for the purpose of hearing objections, and asserts that he did object, but there is no minute in the Court books to show that any such objection was made.

To Paehua was not fortunate in his witness Tiriwa, for she not only declared that she knew nothing of Te Paehua's claim, but also proceeded to set up a perfectly new claim on behalf of the Ngatiwhakaterere, outside the boundaries laid down by Te Paehua.

Hitiri te Paerata also, while supporting Te Paehua, admitted that the only ancient boundary he had ever heard of between Whakaterere and Takihiku was that which, commencing at Mangamaire, followed the course of

the Mangatutu stream to its source, and thence went direct to Pukeokahu and Taporaroa. Now it is this very boundary that has been adopted by the tribes, and shown on the map as the tribal boundary. Under these circumstances, the Court finds that the Ngatiwhakatere have no right on the Wharepuhunga Block as a tribe, and dismisses the claim of Te Paehua.

The point raised by Te Paehua, as to the true position of Taporaroa, not being connected with the claim on behalf of Ngatiwhakatere, will be dealt with hereafter.

Areta Kapu, on behalf of the *hapus* already mentioned, claims by *mana*, ancestry, and occupation. She asserts that her ancestors and relatives, down to the time of Te Kohika, were permanent residents, and that she also has lived on the land. She claims a general, but not exclusive, right over the whole block, and contends that, her grandfather, Te Kohika, and his cousin, Kawhia, chiefs of the highest rank, occupied this land after the departure of the Ngatiraukawa to Taupo, Rotorua, Kapiti, and other places, and thereby not only prevented the Waikatos from seizing the land by right of conquest, but also turned away certain members of that group of tribes who had obtained a footing on the land, and by this course of action enabled some of the scattered remnants of Ngatiraukawa to return and resume occupation at a later period.

Tupotahi, who gave evidence in this same claim, affirms that, at a certain period in the history of this block, the Ngatiraukawa living in the vicinity of the Waikato and Ngatimaniapoto, having suffered serious defeats at the hands of these tribes, retired, some to Pawaiti, some to Taupo, and others to Kapiti, and that they were visited at the former place by their near, but hostile, relatives. To Akanui and Tukorehu, of the Ngatimaniapoto tribes, who made peace with the Ngatiraukawa, and invited them to return; that the invitation was not accepted; that, subsequently, Kawhia and Te Kohika, son and nephew of Te Akanui, occupied the deserted lands, not by conquest, but by ancestral right, and were joined a few years later by Takurangi, Te Maro, Te Aokatoa, and the few families who had not gone to Kapiti, but had taken temporary shelter at Taupo, Otawhao, and other places; and that, while in occupation of Oteruahine Pa, Kawhia, and Te Kohika turned away certain members of the Ngatikoura tribe who had begun to cultivate on Wharepuhunga.

Tupotahi admits that Tukorehu and his descendants did not occupy this land, but that Te Kohika and Kawhia, father of Manga, exercised important acts of ownership over the land while living at Oteruahine and other places—two causes named respectively Tangiwaka and Te Kata-o-Raukawa, being built for the former, and two others for Manga. He states, moreover, that this occupation was previous to 1840, and extended to the time when Christianity was firmly established, after Hone Heke's war, when the Ngatiraukawa, living in the vicinity began to return in some numbers.

These are the chief points contained in the evidence given on behalf of the case set up by Areta Kapu, which is so intimately connected with that of Rangitutia that it will be necessary to consider them together.

## Rangitutias Case.

This claim differs materially from all others in this case, since he claims for himself and friends the exclusive ownership of the block, and denies the right of the other claimants.

Rangitutia contends that those members of the Ngatiraukawa at Otaki have equal rights with himself and the other permanent occupants of the land, no matter whether they have or have not occupied this land since 1829, the date of Te Whatanui's migration. All that he requires is that they shall be descendants of the ancestors whom he recognises as the original owners.

He does not deny that Tukorehu and his allies conquered the Ngatiraukawa, but asserts that none of the Ngatiraukawa migrated in consequence of this conquest, and calls the attention of the Court to the fact that peace had been made before any members of the tribe had left for Kapiti. He states that the reasons for leaving, were, firstly, that they wished to be in a position to obtain guns and powder; and, secondly, that they had been invited by To Rauparaha to assist him against the Ngaitahu, who had murdered Te Pehi. Rangitutia therefore contends that the ancestral title of the Original owners has been maintained up to the present day.

He denies that either Te Momo, Rangihiroa, or Te Kohika, ancestors of Areta and her friends, ever lived on the land, but does not deny that the first-named is buried at Panetapu, on this block.

He moreover, explains that he had always [*unclear*: objected] to the lists of names handed in by the [*unclear*: Ngatimaniapoto], [*unclear*: Ngatimitakorov] Ngatiwairangi, and Ngatihinewai, and asserts that these people 'were' included in the lists of owners by Ngaraka out of "aroa" and that in the case of Ngatitekohera, Ngatiparekawa, and Ngatiparetekawa, he had objected to them in Court, but was told that the Court could not strike out these people, and that his proper course was to object when the land came before the Court for subdivision.

The right of Rangitutia and those members of the Ngatiraukawa tribe who remained on, or in the vicinity of, their ancestral lands, has not been questioned by anyone; the Court will not, therefore, remark upon their title.

The points to be decided in these two cases will be as follow:—"

- 1st. Did the Ngatiraukawa migrate in consequence of any conquest?
- 2nd. Have the migrations affected the title to this land?
- 3rd. Are the present owners entitled to claim by continuous ancestral occupation?
- 4th. What occupation had the Ngatiraukawa subsequent to the Hangahanga fight?
- 5th. What occupation, if any, had Te Kohika?
- 6th. Are the Ngatiraukawa owners now entitled to repudiate those persons, more than 300 in number, whom they formerly admitted, but now say have no right?

Before considering these questions, it is advisable to explain the circumstances that led to the quarrel which resulted in the migration of Ngatiraukawa as a tribe, and left only a few scattered families behind them.

The real cause of this feud with the Ngatimaniapoto was undoubtedly the murder of Paretekawa, daughter of Tukorehu, and of Maniapoto, son of To Akanui. These people were killed by the Ngatiwhakatero, and, about the same period, the Ngatiraukawa murdered Rangipakaru, of Ngatihaua, and Harara, of Ngatinaho. To avenge these outrages, a powerful confederacy was formed under the leadership of Tukorehu, Wahanui, and other chiefs of [*unclear*: Ngaumaniapoto] and Muriwehuna and Pohepohe, of Ngatihaua: Many battles were fought, the most important being To Ureparawera, Piriaka, and Hurimoana. This last, which, so far as can be ascertained, was fought about the year 1812, was the decisive engagement of the first stage of the war, and there the Ngatiwhakatero were defeated with great slaughter—among others, their famous "toa," Te Roha, was killed, as also the chiefs Te Rangitakaroro. To Karu, Te Ngako, Tupeke, and others. It is said that Te Roha did not die unavenged, for, of the conquerors. Wahanui was speared in eight places, and Muriwhenua, Maungatantari, and Pohepohe were each wounded by him before he himself met his death at the hands of Te Muringa.

For some years after this crushing defeat, the Ngatiraukawa remained quietly on their lands presumably undisturbed by their enemies; but this was a condition of things that, from the very nature of the Maori, could not be maintained, since revenge was a necessity to any tribe that desired to preserve its "*mana*" Under this influence, a message was sent to the Ngatipukeko tribe, of Whakatane, asking assistance, and they responded to the [*unclear*: call], under the leadership of two very great warriors, Kihī and Mokai.

They joined Ngatiwhakatero and Ngatiraukawa, who had assembled under the chiefs Te [*unclear*: Him] and Hape, and not only defeated the Ngatihaua near Cambridge, but also killed the great chief Maungatantari, near Poutama, and finally, aided by a party of Ngapuhi and Ngatimaru, defeated Ngatimaniapoto at Mangatoatoa, killing the chief Wharara. Manga was himself present at this battle.

Subsequent to this affair, a combined war party of Arawa and Ngatiraukawa defeated the Ngatimaniapoto at Kakamutu with great loss—Te Wharaunga fell among others.

To avenge these losses, a second confederacy was formed and a strong war party of Ngatihana, Waikato, Ngapuhi, and Ngatimaniapoto assembled, and, at Tangimania, Hangahanga and other places, so crushed the power of Ngatiraukawa that they retired to Pawaiti, Taupo, and Rotorua. Hangahanga was the last place at which Ngatiraukawa met the Ngatimaniapoto in battle, and it is said that this fight took place about the year 1819. The retreat from Hangahanga was, in the first instance, directed towards Pawaiti and other places in the vicinity of Patetere, and, at the former place, they were visited by Tukorehu and Te Akanui, who, being nearly related to Ngatiraukawa, were unwilling to push matters to extremities—and here, not only was peace made, but the fugitives were invited to return and occupy their former homes; this, however, they would not do, for reasons which are perfectly clear to the Court, and which will be presently considered.

We will now deal with the first question, "Did Ngatiraukawa leave in consequence of any conquest?"

Rangitūtia, in answer to question? by Mr. Gage, gave the following replies: "I cannot say whether the Ngatiraukawa, who migrated to Rotorua, lived under the *mana* of Rangitōheriri; or if those who went to Taupo were under the *mana* of Te Kohika and Te Pacrata; or those at Otawhao were under the *mana* of Te Paewaka; or those at Okauia under the *mana* of Te Waharoa." We will take Raugitūtia's reply in the sense that he did not admit the *mana* of the chief's [*unclear*: in] question over his people, but he made no attempt to deny the fact of their having been scattered to the four corners of the earth; and therefore it is that the Court asks: If it is true, as stated by Rangitūtia that none of his tribe migrated because of the conquest, then why are they found, to be scattered in this manner among other tribes?

It is no doubt true, as stated by Ngatiraukawa, that peace was made with Ngatimaniapoto and Waikato before the various *hokes* left, but it is not clear to the Court that Ngatiraukawa placed any faith in that peace. There is, however, a much stronger cause for the migration—one mentioned by many witnesses in the Robe Potae investigation, but not touched upon in this Court. In the minutes of the Court, book 12. page 167, Piripi Whanatangī says: "When the Ngatiraukawa fled from Hangahanga, they went to Pawaiti, and lived there until Kiwi, of the Ngatimaru tribe, was murdered at Tauranga. This caused Ngatimaru to attack and capture the Ngatiraukawa pa, Kopu, an island in the Waikato River. Those who escaped fled to Pitaunui, where they were followed, and again attacked, and subsequently the chiefs Te Whatakaraka and Herearu were killed. After this

all Ngatiraukawa migrated to Taupo, and when the various *hapui* had assembled at that place the whole tribe moved off to Kapiti. Of the few who remained, it was said by Te Houoiti that they were food for Waikato." At page 331, book 14, Hauauru says:—"It was before the death of Te Whatakaraka that Te Rauparaha sent to Ngatiraukawa for assistance. Those living near Taupo went; those living near Te Waotu and Wharepuhunga did not go until long after." Now Rangitutia tells us that a very large majority of the Wharepuhunga *hapus* went with Te Whatanui, and this was not two years after the first migration, in which there were also many people of this land. Hauauru [*unclear: said*]:—"I only now appear in Court because Waikato are trying to take this land." On two occasions it has been *given* in evidence before this Court that, in the Rohe Potue case, it was arranged beforehand that evidence as to conquest should not be given, lest the Waikato tribes should thereby be admitted as owners, either at Kawhia or Wharepuhunga. Hauauru has given his evidence as a strong adherent of Ngatiraukawa, whose one purpose was to keep out Waikato at all hazards, and for this reason his evidence is unreliable except where he is speaking against his own interest. As an instance, he says that Manga had no right on this block. That this is not true is evident from the evidence of Rangitutia, who shows that Manga has a right.

Rangitutia says that Te Whatanui, when invited to return to this land by Te Heuheu, who had been deputed to visit him at Kapiti for that purpose, would not do so because he had killed his enemies at that place, and had no reason for leaving.

The Court has no doubt whatever as to the reasons that instigated Ngatiraukawa to refuse to return, whether after the peacemaking at Pawaiti, or on the occasion of Te Heuheu's visit to Kapiti. Had they accepted the offer and returned to this land, they must have done so in a position subordinate to Tukorehu, and other Ngatinantapoto chiefs, and this they were not prepared to do. That the Court is correct in taking this view of the question is evident from the *waiata* sung by Te Whatanui, commencing, "*I rango korero au Ki te tanyata.*" Ngatiraukawa were conquered, and they knew it, but they were a [*unclear: rangctiira*] tribe, and declined to live as vassals to any mau. They knew, also, that if they could but reach Kapiti, both freedom and safety would be found at that place. For these reasons they deliberately relinquished their ancestral home; they did not so much fear loss of life as loss of honour—and this, we may say, is of all Maori characteristics the most common. Rangitutia is not justified in saying that Whatanui had killed his enemies at Kapiti. The Court knows of no enemies killed by Ngatiraukawa at that place, but does know it to be a matter of history that they were saved from extinction at the hands of Ngatiawa and Turauaki by the war party of Taonui Hikaka and Te Heuheu, and were subsequently defeated by the same tribes at the Kuititanga with heavy loss.

The Court finds that the Ngatiraukawa tribe did migrate to avoid the natural consequences of a conquest, commenced by Ngacinaniapoto and Waikato, and subsequently carried on by Ngatimaru.

We will now consider the second and third questions—Have the migrations affected the title to this land? and, if so, are the present owners entitled to claim continuous ancestral occupation?—but before doing so, will remind the Ngatiraukawa that the Court will in this, as in all other cases, be guided by the well-known rule that the Court must sit and decide as though it were sitting in 1841.

What then was the condition of this land at or about that period? Rangitutia tells us that he and his people never gave up possession of this land, and that they only left it temporarily to come to Otawhao after Christianity had been firmly established (presumably about the year 1845), and then only to be near the Rev. Mr. Morgan.

Hitiri te [*unclear: Pacerata*] tells the Court that, after the Hangahanga fight, this land was deserted; that the few families left behind by Te Whatanui, [*unclear: fled*] for the most part to Taupo, and lived at that place under the *mana* of To Kohika and Te Paerata; and that To Kohika and Kawhia (father of Manga), were the first to re-occupy the block at Oteruahine and other places.

Now these two accounts differ widely, and are not to be reconciled; the question is therefore, which is the truth? The Court must accept Hitiri's statement, for the reason that it is corroborated by many witnesses who have given evidence in other Courts. The Court will quote two only—one as to Te Aokatoa's occupation, by a European and disinterested witness; the other, on the same subject, because he is notoriously favourable to Ngatiraukawa.

In the Maungatautari case. Dr. R. R. Hooper, in Court Minute, Book No. 12, says:—"I lived at Orakau from 1848 to 1863. Te Aokatoa, Nikora, Huirama, and others lived there during that time. To Aokatoa and his brother also lived at Aratitaha during that period." Hauauru, in concluding his evidence in the Rohe Potao case says:—"Te Aokatoa, Tongariro, and their people were conducted by us recently to reside at Wharepuhunga; it was after the introduction of Christianity, and they came to join the Church." Now, this is the chief whom Rangitutia admits was chosen by them to give evidence and support their case. It is true that Hauauru says that these people did not go to Taupo, but remained, at Pawaiti, but Kaukiuta in the Rohe Potse case, says that Te Paewaka went to Taupo, and brought Te Aokatoa and his followers to Otawhao.

From the foregoing evidence it is clear that for some years, both before and after the year 1810, the

Ngatiraukawa were not in actual occupation of this land; but there is even reason to believe that their relations, Te Kohika and Kawhia, did hold the land, and thereby prevented the Waikato tribes from intruding; and that they did this by virtue of their own power as chiefs of *vary* high rank, and were moreover supported by the [*unclear*: Ngatomatii] apoto and their uncle, Pehi Tukorehu, a very noted warrior. The *mana* of this land was during that period in the hands of the above-named chiefs, and this *mana* was derived, not only from the conquest, but also from ancestral right, as descendants of Te Momo-o-Irawaru. Ordinarily speaking, there is no such thing as *mana* over land—it is, for the most part, a modern invention—but this is not an ordinary case. Here a tribe is defeated, loses all power over its land, and migrates to another part of the island, leaving their estate in the hands of powerful and quasi-hostile relations. Can it be contended that the few families who remained under the *mana* of other tribes held the land as against those of their conquering relatives, who also occupied? It cannot; and the proof is, that no one could have prevented the before mentioned chiefs from seizing this land had they desired to do so.

The Court finds that the ancestral right of Ngatiraukawa over this land ceased at the time when Whatanui, having collected the scattered members of the tribe at Taupo, marched, men, women, and children to Kupiti. From that time, the right of those who have lived on this land has been based on the invitation of Tukorehu and Te Akanui to return, and on the subsequent occupation.

With reference to the fourth question, the Court is of opinion that the first persons to occupy after Hangahanga were Kawhia. Te Kohika, and their adherents, and that they, some time subsequent to the Treaty of Wataugi, collected and protected the scattered remnants of Ngatiraukawa.

The Court finds that Te Kohika and Kawhia had an undoubted right to this land, and that neither the latter, nor his son, Manga, derived that right exclusively from their mothers. In Minute Book No. 7. page 266, Te Raugikaripiripia says that Kapu's residence was at Te Anauni, near [*unclear*: Wherepapa,] on this block; and, during the investigation by the Royal Commission into the Marauroa case, Hauauru Says that he gave back the land from Wairakei to Te Pouakani to Te Auheke, who was one of the principal owners. Now, this [*unclear*: nan] was an ancestor of Areta Kapu—therefore we have the testimony of two witnesses, both independent, that the Kohika family did reside on the block, and had a right to do so.

With regard to the claim of Tupotahi the Court cannot admit that the descendants of Tukorehu have an equal right with those of Te Kohika and Kawhia. During the lifetime of that chief no one would have been found bold enough to dispute his title, but his descendants have admitted that they have not occupied for the last forty-five years.

The actual owners of this land have been unfortunate, inasmuch as the list of names was passed by general consent outside the Court, and without that inquiry into the right and status of those seeking to become owners, which would alone protect the interests of the permanent residents of the block. It is the opinion of this Court that the Maoris are to blame for this method of conducting their affairs, but will remark, for their future guidance, that this Court will not accept lists of names without scrutiny merely because the owners request the Court to do so.

During the subdivision of the Kawhia blocks it was said in evidence that the lists of names were crowded by those who had no right or interest in the block, in order to exclude the Waikato tribes, whose claims were feared by the Ngatimaniapoto, and that this course was pursued under the impression that the persons so admitted could be quietly shunted on to some out-of-the-way corner of the block, where their presence would not trouble the real owners whenever the land came before the Court for partition. The Court is unable to say whether this feeling has actuated the Maoris in this case also, but the effect has been the same. In a former case, Mr. Fenton, then Chief Judge of the Court, expressed a very decided opinion on the claims of those members of the Ngatiraukawa tribe who had migrated to Kapiti and other places, deserting their ancestral lands. His decision was to the effect that these people had no right whatever to the Patetcre or Waikato lands. Unfortunately, this sound decision has not always been followed, and therefore, in the present case, the Court finds no less than 572 persons have been admitted who have practically no right to be on the rolls of the Court for Wharepungu. Of these, probably 200 are of the Kapiti people. In other words, out of a total of 991 owners, 573 have no right.

There are many reasons why people who have no right should not be admitted even at the request of the real occupants of the land.

Firstly: Because valuable evidence is often lost to the Court by a promise from those interested to include a presumably dangerous witness among the owners; and, at other times, apparently disinterested evidence, which may have great weight with the Court, is purchased by the facilities offered for the inclusion of these persons, who deserve no other name than "land loafers." Secondly: It is improper to allow the chief of a tribe to include all his remote relations of other tribes at the expense, not of himself, but of his people, since this is done with no other object than to ensure the substantial compliment being returned in kind, not to the people who have suffered, but to the chief. This species of [*unclear*: traffic] in land is dignified by the name of *aroha* (affection),

but seems hardly to deserve that title, since it is but a lively sense of benefit to come.

There is yet another reason why this pernicious system of *aroha* (?) should be put a stop to, and that is, that most of the litigation in the Native Land Courts is carried on by means of money obtained from expectant grantees. This is exceedingly hard on the actual owners, who are frequently called upon to defend their land against bogus claims of this nature.

In this case, the Court having been induced, by what may fairly be termed false pretences, to include these 572 persons—with the result that the work of every department connected with Native Lands has been enormously increased—the question naturally arises, to what extent should the persons responsible for this loss of time and money be allowed to repudiate their previous actions, now that this block is again before the Court for definition of interests? Are they to be allowed to say, "It is true that we allowed, or, indeed, caused, these people to be included as owners, but we now tell you they have no right?" This is the position adopted by Rangitutia, who says that the Ngatitekohera, Ngatiparekawa, and Ngatiparetekawa have no right whatever. To a certain extent, the Court agrees with him, but also holds that he having admitted these very people, is now estopped from denying their right, though not from showing that they have a small but substantial claim.

This is also the position of the other counter-claimant, and of Hitiri. They deny the title of the Otaki people and of those admitted by *aroha* (?), and the same remark apply to them with equal force.

After a careful investigation, during which enquiry has been made into the claim of each of the 991 owners, the Court is of opinion that the section represented by Hitiri te Paerata have only a remote claim by ancestry, and practically none by occupation; that the descendants of Te Kohika have a good claim, but that most of those claiming with them have hardly any claim; and that the Ngatiraukawa of Otaki are in the same position as Hitiri's people, the Ngatitekohera.

In pursuance with this decision, the Court has awarded:

In all, 465 full shares, each possessing an acreage value of 287a 2r 11p, more or less.

With reference to the claim made by Te Paehua to have the position of Taporaroa altered, and the small piece of land included wrongfully in this block awarded to him, the Court is of opinion that the judgment in the Maraeroa Block practically settled this case, and that the position of Taporaroa should be as claimed by Te Paehua. This is not, however, a Partition Court, but this claim has been practically settled by the shares awarded to Te Paehua and others.

The Court has struck out of the Wharepuhunga rolls the names of 36 persons who were found to be duplicates of those already on the roll, and also the name of one person who had been placed on the roll as an owner, in anticipation of its birth, but which event apparently never took place.

W. E. GUDGEON, Judge;  
PIRIMI MATAIAWHEA, Assessor.

Kihikihi,

9th May, 1892.

The West Coast Settlement Reserves Act, 1892.

BY R. Studholme Thompson,

A Trustee for a Minor Owner in the Reserves.

1892.

Printed At The Star Office High Street, Hawera.

# **The West Coast Settlement Reserves Bill. 1892.**

## **BY R. STUDHOLME THOMPSON, A TRUSTEE FOR A MINOR OWNER IN THE RESERVES.**

THE exact status of the Reserves on the West Coast of the North Island are known to but few, and to make the provisions of the above Bill understood it is necessary to give some short account of them. These Reserves

are those Crown Granted to the Natives on recommendation of the Royal Commission, sitting in 1880 and following years, of which Sir William Fox during the latter portion of its sittings was the sole Commissioner. They are very extensive in aggregate area, are spread over a very considerable amount of territory, and represent all that is left to the West Coast tribes after the Colony has helped itself by confiscation to country totalling probably to over one million acres. They contain land supposed to have been confiscated, legally or illegally (always provided any was legally confiscated), compensation awards, i.e., land awarded to loyal natives as compensation for the confiscation of their lands conserved to them by the very Act which confiscated the lands of rebels; special awards for many reasons; the sites of burial grounds and fishing stations; the homes of the tribes; lands over which confiscation was never pretended to apply, as well as Sir William Fox's awards which, as he said, were to be "theirs and their children's forever." They are the lands and sole provision made for—commencing in the North—Ngatitama, Ngatunutunga, Atiawa in all its branches (with the exception of compensation awards mostly sold to Europeans), Ngatimaru, Taranaki, Ngatiruanui of the Plains and their tribal relations of Hawera and Patea, and finally Ngarauru of Waitotara. They extend from the White Cliffs, near the southern boundary of the Auckland Provincial District, throughout the length of Taranaki to Waitotara, in the Wellington Provincial District, and the lessees of the leased portion of these lands represent a large portion of the intelligence pertaining to the electors of three electorates. These Reserves were Crown Granted, not to tribes, but to individuals, and in the lists the names in each grant vary from two to 200 in number. Most of these grants have passed through the writer's hands, and very many of them he has copied, A few, such as burying grounds and fishing stations, are absolutely inalienable, *and these are the only ones exempt from the operations* of the Bill before the House; the remainder are granted by the Queen on condition that they shall be inalienable by sale, gift, or mortgage, and alienable only "First by exchange for land of at least equal value, said land given in exchange being held In fee simple; second, by lease for any term not exceeding twenty-one years, without fine, premium, or foregift." Now the Royal Commission recognised the fact that, although the total area of all the Reserves appeared large, it was actually scanty as a *pro rata* provision for the Native population, whilst at the same time the Commission saw that, with so many minors among the owners, the whole could not at present be profitably used by them. A large amount was therefore leased to Europeans for twenty-one years, under stringent conditions of cultivation and fencing, and on becoming so leased became vested in the Public Trustee in trust for the Native owners. These lands by the Act could only be leased for the highest rent obtainable, hence they were let by tender or auction. Much of the land fetched more than the upset price, and occupation of the true "Garden of New Zealand" at once ensued. None was leased without at least the tacit if not the actual consent of the Natives; but they were told that if they did not consent the Public Trustee had power to lease without them. Some time subsequent Crown Lands were brought under the perpetual lease system with a thirty years tenure. The lessees of the Reserves immediately clamoured for an increase in their term from twenty-one to thirty years. Totally contrary to the provisions of the Crown Grant, this was done. They then agitated for a reduction in rent. They had each a vote in the electorate, and they obtained a concession which gave them a reduction of rent for five years. This, again, was illegal, and though asked in the House, Ministers could never tell under what Act the reduction was made. The sentiment expressed in the quotation "De mortuis nil nisi bonum," restrains me from enlarging on these matters. The five years expire in 1893.

Now, between Hawera and Waitotara, there were certain of these lands which had been let to Europeans by the Native occupants previous to the sitting of the Royal Commission. That body determined to investigate these illegal transactions, and if any were found fair to both parties, Native and European, to confirm them. Many were so found, and were confirmed—to use the exact words of the Commission—"for the term for which they were made." Many were seen to be deficient in the necessary qualifications, and were rejected by the Commission; but after this body had completed its work, almost Herculean in itself, and which resulted in the issue of the most valuable records extant of Native lands on the West Coast, another Commissioner was appointed who did not appear to think it was his duty to inquire into the *bona fides* of the leases, but rather that he was there to confirm the leases rejected by Sir Wm. Fox, and confirmed they were, in a perfunctory manner, without exception. As the increase of term of tenure and reduction of rent in the Public Trustee leases, first spoken of, resulted in the transfer of many to new occupants, at a profit to the original lessees, so the confirmation of the last caused many to be assigned to new tenants. The leases under which they held, intrinsically illegal, legal only by their confirmation, were of such a nature that the improvements were to be handed to the Natives at the expiration of their respective terms, and for only this term were they confirmed. But the Public Trustee on their confirmation assumed the administration of the lands leased by the Natives just as if he had leased them himself. The Natives' object in leasing in the first place was that the land might be improved for them, and the rental was generally fixed low in consequence; but the Public Trustee now maintains, or says he believes, that the Natives could not resume possession at the end of the term for which they were made and confirmed. They most certainly could by the terms of the leases inherent in the text; and a



Judge of the Native Land Court, in giving judgment on the subdivision of the Hamua Block, took the view that the confirmation was an act of grace and favour to the Natives, which he certainly would not have done had it been apparent that the confirmation of an illegal lease would result in the registration of a perpetual lease against the land. Now, as these leases approached the term of their expiration by effluxion of time, the lessees sought to obtain new leases for thirty years at a rental calculated on the unimproved value of the land, although by their leases the improvements belonged to the Natives. They did not seek this from the Natives who had given them the original leases or from the Native grantees of their holdings, but they sought to influence legislation, so that the West Coast Settlement Reserves Act should be altered to suit their views. The situation was one which is probably inseparable from State tenancy when such a tenancy is preponderate in any given electorate. The system of Land Nationalization may be the ideal method of taxation, but it requires an ideal tenancy to make it work fairly, and an ideal Government to administer its provisions. Now it was easier for the confirmed lessees to obtain their wish, than for many constituencies less favorably situated as regards their representative. It is with diffidence I mention these things, but the circumstances are inseparable from the situation of affairs which is under consideration. It would be thought that the Public Trustee would interfere to prevent legislation which, being contrary to the tenor of the grants under which he administered, would likely prove abortive. But the Public Trustee is but the executive of the Public Trust Board, and the Premier represented in Parliament the bulk of the holders of confirmed leases. In the closing days of the session of 1887, an Act was passed providing for the sitting of Arbitration Courts to fix the rental of these confirmed leases on the basis of thirty years tenure on the unimproved value of the land. The first condition was illegal on the face of the Crown Grants, and the last was a robbery of the improvements which belonged to the Natives by the terms of the leases confirmed by the Governor. The Arbitration Court sat at great expense to the lessees, but the result promised to indemnify them for the outlay. By the awards they obtained their thirty years tenure at a rental valued on the unimproved value of the land. The Natives went to the Supreme Court, and these awards were declared illegal. It is to straighten up this existing chaos that there is a necessity for legislation, but there is no necessity to alter the conditions under which the Queen granted the land—theirs before by ancestral title—to the Natives "themselves and their heirs forever." Doubtless, during the debate, we shall hear, as we did in the waning session of 1887, that the Native owners are murderers, and the lessees have borne "the burden and heat of the day." Much of the land is but the remnant of hundreds of thousands of acres, the ancestral territory of loyal as well as reclaimed rebel Natives, who would be styled patriots had they but white skins and fought for our own fatherland; the Reserves form but the shadow, apparently fleeting, of their tribal possessions, whilst "the burden and heat of the day" theory applies to few of the present tenants. A parade of the lessees would show that they owed more to Pluto than to Mars. They acquired generally their leases by purchase, or they commenced occupation during the piping times of ensured peace. The largest holder, who has acquired 3000 acres at least, owes the present comparatively impoverished wharfinger at Raglan any of the "burden and heat of the day" quality which may attach to his lease.

Before going *seriatim* through the clauses of the Bill, it will be well to state what the Natives are doing with the portions not leased. Of course many owners have died since 1881, and the Natives have obtained through the Native Land Court orders of succession for those entitled to succeed. Wishing to obtain individual holdings, many natives, singly and in groups, have obtained subdivision of the large Reserve, and further subdivision would ensue but for two reasons. First, new work in that direction cannot be undertaken by the Court until that already done is consummated by survey, and the Natives lack either money or surveyors—some lack both; and, secondly, owing to the original grants having been handed to reputed chiefs, they cannot in many instances be produced for the registration of subdivision orders when an individual title is required. I myself am in that position with my ward's land. Now, when rent had accumulated in the hands of the Public Trustee, it was necessary that their shares of money accruing should be distributed among the owners of the various grants. The grants did not specify the interests of the grantees. By Act, therefore, the Reserves Trustee was empowered to fix the shares of the Natives for the distribution of the money. He did this, imperfectly in some instances, which imperfections were of small consequence were the distribution of the rent money the only action to ensue on his appointment. But he made an assessment in acres instead of money fractions, where as the Act only authorised him to distribute the money. Native Lands Courts have, however, confirmed these apportionments where they were accepted by the Natives in such cases as have been brought before it and have amended them when required to do so. The Natives are anxious to obtain individualisation and subdivision, in order that the more industrious may cultivate and graze their lands to advantage, unhampered by community with the lazy and improvident. We shall see how the present paternal Government, which has a special Minister to protect and further the welfare of the Natives, and is about to legislate for the provision of landless Natives, seconds these laudable desires of Natives who wish to keep their lands lest they also should become landless. As regards the administration of the Public Trustee, it has not been in the best interests of the Natives, as will be readily seen by what has already been written, and to take an instance of more than ordinary flagrant sin of omission, I

publish the following recommendation of the Native Affairs Committee of the House of Representatives:—

## **COPY OF THE REPORT OF THE NATIVE AFFAIRS COMMITTEE IN THE PETITION OF R. S. THOMPSON. No. 44, 1890.**

*Petitioner states he is the father and trustee of Pare Kawhia, a half-caste, and owner of Section 154, Block IV., "Waimate Survey District, and that the Public Trustee, who administers the land, has reduced the rent from £19 10s. to £8 per annum, thereby seriously reducing the income of his (petitioner's) child. He prays for inquiry and relief.*

*I am directed to report as follows:—That the deterioration of the property is the result of the lessee's neglect, but yet, as a consequence of it, he becomes benefitted in the reduction of rent. It is feared that this will be a too frequent occurrence, as it is impossible for a Public Trustee to maintain the assiduous supervision that is practicable by a private owner, and the Committee recommend the Government to grant the prayer of the petitioner, and in all similar cases to relieve the Public Trustee of the management of properties that could be much better dealt with by the owners.*

*5th August, 1890.*

Seeing the neglect of the lessee, a former petition was sent in 1880, and the Committee recommended the Government to legislate in the direction of relieving the Public Trustee from the administration. The Government did nothing, and the lessee worse than nothing, and in consequence the petition of 1890 was sent. The lessee had obtained the land at the upset price; for years he omitted to fence or cultivate, although required to do so by the regulations under which he held his lease. He got into arrears with his rent, and let the land get overrun with furze, of which a trifle grew at one end of the section when he took it. His application for a reduction was at first refused until he paid up his rent and fenced and cleared away the furze. He paid his rent, put up a fence of some kind, and cut down the furze. His rent was then reduced—the reduction made retrospective to the time when he had done nothing to his land and did not deserve reduction, and what he had paid then was made to cover the intervening period of time at the reduced rate, and 1s. 6d. tendered to the owner as rent in full up to date. Ministers have done nothing towards carrying out the recommendations of the Committee, although last year the Native Minister promised to legislate, and this year said he would try to get a clause inserted in the Bill now under discussion. I applied to him with that object, and in reply received the Bill from the Public Trustee, with a note saying the Native Minister had referred the matter to him—one of the persons of whom I complained. Let us now consider this Bill, which should be called—

## **A BILL FOR THE NATIONALISATION OF LAND GRANTED BY THE CROWN TO NATIVES.**

*Clause 1 gives the title; Clause 2 explains the meaning of the various terms used; and Clause 3 repeals all the Acts under which these lands have been heretofore administered.*

*Clause 4 vests all the Reserves, whether subject to lease or not, in the occupation of Europeans or Natives, in the Public Trustee in trust for the Native owners.*

*Clause 5 brings us to the chief iniquity, for it seeks to do away with "the restrictions, conditions, and limitations contained in the Crown Grants," the only title by which the Natives hold their land, and which proved their only safeguard when the Act of 1857 menaced them with injury. As the land was by the Queen granted on these conditions, how does the Grant stand affected when these conditions no longer exist? And it is sought to remove these safeguards for purposes of "leasing and sale and other the powers given by this Act." "But no Reserve," it is added, "which is made absolutely inalienable by the Crown Grant shall be leased or sold under the provisions of this Act." This appears a large concession to the ignorant. It is merely an attempt to draw a herring over the scent. There is absolutely nothing in it, for the only reserves in the condition described are the burying grounds and fishing stations already alluded to. The whole of the land, with the exception of these, given by the Crown on the recommendation of Sir Wm. Fox for the maintenance and support of the Natives whose lands had been righteously or unrighteously confiscated, are affected by clause 5, and will be open for sale should the Bill pass. It is an aggravation of the crime to say they can only sell to the Government, because, given the desire to sell, they can only sell to a monopolist, and lose the advantage of enhancement of price which accompanies competition.*

*Clause 6 gives power to the Public Trustee to lease all Reserves not subject to any lease or tenancy, to grant new leases for all those where leases have expired by effluxion of time. As regards the latter, there is nothing to be said, probably with the exception only that it provides for the issue of a new lease in place of a*

*confirmed lease which has expired, although the Natives anticipated enjoying the tenancy of these lands themselves when they had arrived at the expiration of "the term for which they were made."*

*The first part of the clause, however, is exceedingly unjust, or so it appears to me, an ignorant layman, with no legal training to give understanding and acumen. It gives the Public Trustee power to lease any land on the Reserves whether the Natives wish it or not; and however much the Natives may wish to preserve their lands for their own occupation and use, they are powerless to preserve it should the Public Trustee decide to lease, moved thereto by some European who desires to acquire. Throughout this Bill, voluminous as are the instructions for the proper application of covetous Europeans for the lands of the Natives, it is nowhere shown how the Natives can resist such legalised encroachment on their lands. They can fix the rent, or it will be fixed for them, but lease they must, should the Public Trustee so desire.*

*Clause 7 validates all leases heretofore made by the Public Trustee (other than those issued under awards of the Arbitration Court, which are left in their present inchoate state). That is, the thirty years leases which were issued by the Public Trustee, and which, by the Grants and as shown by the decision of the Supreme Court, are entirely illegal, are by this clause validated. Experience shows that no injustice which a Minister does to the Natives will long remain without validation by Parliament, whose Validatory Act is obtained, not by the relation to the House of things as they are, but by their appreciation of them as they are made by Ministers to appear to be. Not the exact truth, but "brimful of circumstance," appearing like truth. This same clause 7 validates the reductions made by the Public Trustee for five years as already mentioned.*

*Clause 8 provides for the issue of new leases to the holders of confirmed losses as well as ordinary leases, and contains many conditions which, on the face of them, appear satisfactory; but I would again point out that as the Natives are simply asked to meet to fix the rent, not to consent or refuse to lease, whether it is not just as likely that, as full provision is hereafter made for the receipt by Natives themselves, or by trustees appointed by the Native Land Court, or other trustees appointed by the Chief Judge in a summary manner, for the receipt of all moneys accruing; from the Reserves, not rent only, whether, I say, it is not reasonable to suppose that the Public Trustee can sell the Reserves without that consent, especially as by clause 32, section 4, the Governor has power to provide for all proceedings of the Public Trustee by section 5 for providing for all proceedings, forms of leases, and other instruments, and section 7 for the more fully carrying out the objects and purposes of this Act not herein expressly provided. Having then decided to lease, it is proposed to call meetings of Natives to fix the rent, and for this purpose any Native owner of 14 years old and upwards, whether under coverture or not, may appear at such a meeting and vote. Is it necessary to say anything about this clause? Cannot anyone see that when a Native child wants lollies or a jewsharp, he will easily be persuaded to attend a meeting and vote as he is desired, notwithstanding that his absent trustee, if he has one, is entirely opposed to the proceedings, or desires a higher price? Or the said 14 years old owner may appoint someone to attend for him and vote, the appointment to be made in the presence of a J.P., Licensed Interpreter, Solicitor of the Supreme Court, or Postmaster. What is to prevent an interested person wishing to be made trustee employing a Native Interpreter, and going round to the Native villages and waylay the infants, and finally appear at a meeting armed with a sheaf of proxies of 14 year old owners, with which he can dominate any meeting where a majority rules. If I take a sinister view of the intentions of the Bill, it is sufficient "to say that I have been educated by the effect of past legislation and the proceedings of former Public Trustees. I shall not notice at length the conditions of lease. I have no wish to prevent tenants getting their just rights to the utmost, and as it is the intention of the Government under the Bill to purchase the Reserves, that Government would not entirely spoil the property by burdening it with unprofitable leases.*

*Clause 9 makes all leases so granted equal in every way to the perpetual leases under the Land Act, 1885, but without any right to acquire the freehold.*

*Clause 10 is a good one, in so far as it limits the holdings to 640 acres-The land is all first-class. It also makes the leases for twenty-one years, the leases being similar to those issued under "The Land Act. 1885," but the power given to the Public Trustee to make, alter, amend, or revoke these conditions at his own sweet will, or as provided further on, at the direction of the Government, for any individual case, does not recommend itself, having in view the pressure brought to bear on the Government, which resulted in the injustice of 1887.*

*Clause 11 embodies certain clauses of "The Land Act, 1885," in this Act. Clause 12 gives the Public Trustee power to sue for rent, &c. It also contains a really good section, No. 5, which empowers him to let Reserves from year to year at any reasonable rent. It should be added "with the consent of the owners." Clause 12 is one of those iniquitous provisions which tend in a few words to nullify any good there may be in the conditions of lease. It empowers the Public Trustee "to compound and receive a lesser sum in satisfaction of such rents, income, or profit, or to give time for the payment thereof of without being responsible for any loss occasioned thereby." With a body of lessees ready to vote en bloc for the member who will assist them to hold their leases on the easiest terms; with party Government, in which each party is pushed at times for even a single vote (and the lessees are spread over three electorates), with the Premier sitting at the head of the Public*

Trust Board, and with the experience of what has been illegally done heretofore, necessitating validation now—the giving of any such discretionary power to the Public Trustee cannot be too strongly deprecated. "What is the use of fixing 5 per cent, on the capital value of the land as a basis on which to assess the rent if the Public Trustee can accept what he likes afterwards?"

Clause 13 deals with the investment of moneys; and 14 makes a list of names now in the hands of the Public Trustee, the owners of the Reserves. It will be necessary for the Native owners to scrutinize this list, and the House should know more about it before this clause is passed. If the list is composed of those in the Crown Grants or their successors appointed by the Native Land Court, with the shares to the names of these as apportioned or confirmed by the Native Land Court, well and good; but if it also contains the shares as apportioned by the Reserves Trustee, which have not received the sanction of the Native Land Court, then it should not be accepted as the "register." It was ruled by as just a Judge as ever sat on the Native Land Court Bench (he has received his reward from the present Government, who retrenched him) that the clause in the West Coast Settlement Act, giving the Reserves Trustee power to divide the money, gave him no authority to divide the land; and quite right. It is simply monstrous, as all Native Land Court experts will acknowledge, that a subordinate officer, assisted by any assessor he may call on, should, without holding a Court or calling witnesses, simply after private enquiry, proceed to divide tens of thousands of acres among thousands of owners.

Clause 15 gives the Native Land Court or the Chief Judge thereof power to enquire into succession to deceased owners, for the purpose of amending the register. Why the Chief Judge should wield a power equal to a full Court is more than I, poor layman, can imagine.

Clause 16 actually bristles with iniquity. After incorporating "The Native Land Court Act, 1886," into this Act, which is good, it undoes it all by this provision: "Provided always that the Native Land Court shall not make partition of any Reserve unless the Governor shall by warrant authorise such partition to be made," Thus no Native can obtain his interest individualised and subdivided on the land which is "his and his children's forever," unless the Governor by warrant (which of course means unless the Government directs) says it shall be done. No procedure is indicated in the direction of enabling a Native to procure such a warrant from the Governor. It is simply a bar to all subdivision, with the exception of those wished for by the Government, presumably of the interests they intend from time to time to acquire under the Act. Hitherto Natives have been able to obtain subdivision in the ordinary way through the Native Land Court, and great improvement in their social condition has resulted. Now, when it is proposed to buy up the shares of Natives from 14 years old and upwards, the purchaser who has the acts of subdivision and has acquired a majority of shares in a Reserve, can make it so uncomfortable for the owners of the remainder as to force them to sell, if indeed they have any option under the Act. The only persons mentioned in the Act as being capable of joining (with the Public Trustee, I presume,) in any sale to Her Majesty are the trustees appointed in a summary manner by the Native Land Court or Chief Judge on behalf of those under coverture, minor, lunatic, sick or infirm (clause 23).

Clause 17 authorises the Native Land Court or the Chief Judge to appoint trustees, from one to five, to receive rents, moneys, and profits from the Public Trustee for distribution among the owners of the respective Reserves, separate trustees for each Reserve, but a person can be trustee for more than one Reserve. Clause 18 gives power to the said Court or Chief Judge to revoke such appointment and appoint new ones when necessary. Clause 19 makes the receipt of such a trustee a good discharge and removes all liability from the shoulders of the Public Trustee. Clause 20 provides that if there are more than two trustees the vote of the majority shall bind the whole in any decision to be arrived at. Clause 21 provides that rents, income, and profits of the Reserves shall be paid by the Public Trustee to the trustees thus appointed, and leaves the Public Trustee to distribute the same till this is done. Clause 22 provides that notice of appointments of trustees shall be given to the Chief Judge. Clause 23 gives power to the Native Land Court or Chief Judge in a summary manner to appoint trustees for minors, &c, as already stated, giving him power to vote for sale to Government, and his acts shall bind the Native for whose "benefit (or otherwise) he has been appointed. Clause 24 vests all leases and contracts made under the Acts hereby repealed in the Public Trustee absolutely, without any mention of the Native owner; and Clause 25 entirely exonerates the Public Trustee from all liability for any acts not owing to wilful neglect, default, or omission.

Now I will pause and consider what these latter clauses have done for the Natives; and first I will say that the Public Trustee at present deducts 7½ per cent from the gross proceeds of the rents for his trouble in administering the Reserves, and the rents are distributed by the Reserves Trustee, who is practically a servant of the former officer and paid by him. By the Act of 1881 very large powers, discretionary and otherwise, appeared to be vested in the Reserves Trustee, but as things have been evolved, he is simply an instrument in the hands of the Public Trustee. He does not appear in the provisions of the present Bill. Whatever his shortcomings, and they were many, arising probably from a mistaken idea on his part that he was trustee for the benefit of the lessees and the master of the owners, in the matter of the distribution of the rent, a very

difficult matter, he has been most energetic, indefatigable, and painstaking. The clauses grouped together in my last sentence enables the Chief Judge, when he is appointed by the Governor so to do (see clause 32), at the request of the Government, who is to become a purchaser of the Reserves, to appoint trustees, not more than five in each Reserve (many of which have over 100 and some nearer 200 owners), and also in a summary manner the Court or Chief Judge, when asked to do so through the same channel as above, can appoint a person to receive moneys, &c., for persons laboring under disability, minors, and others, and the person so appointed shall have power to join in any sale of land to Government and in fixing the rent of all leases, and this appointment of trustees removes all blame from the Public Trustee in case of loss from misappropriation after he has obtained the receipt of said trustee. Now it appears to me that with such startling facilities it becomes a very easy matter for the Government to purchase the Reserves. With agents or trustees appointed by the purchasers, and presumably 14 years old infants on the side of the Government, those who may object to sell (if they have any option) the true patriots of the Native race will surely be in a minority. I have no wish to be prolix, and will say no more on this head. All these things may be for the benefit of the Natives, but past transactions don't warrant one in taking much for granted.

Clause 26 debars any aggrieved person from commencing an action against the Public Trustee for any lease heretofore made, or for any act or omission previously chargeable against the Public Trustee, and provides that all actions already commenced shall cease. The Native, in fact, is not allowed to administer his own estate, and cannot punish the Trustee for past maladministration.

Clause 27 provides that Her Majesty (the Queen, God bless her! does not want to do it) may purchase, and the Natives may sell, any Reserve or part of a Reserve, or any share therein, the money to be paid to the Public Trustee. This bears its character on the face of it. Were there Reserves on the top of Tararua, it would never have been inserted. Naboth's vineyard is a different matter.

Clause 28 forbids alienation otherwise than by provisions of this Act and by will of Native to Native; and 29 gives power for the registration of leases without the production of the original Grant, which the Reserves Trustee or the Commissioner have disposed of in such a manner as they cannot always be produced. Now, nothing is said about giving the same facilities to Natives to register the very numerous orders of succession and subdivision, which they have been at great trouble and expense, for fees and surveys, to procure, and which, it may be contended, are valueless without registration, and registration without the Grant, the Registrar tells me, is impossible. By all means obtain power to register the leases, but if the Bill were in favor and for the benefit of the Natives, power to register instruments favorable to the owner would be equally sought, and provided with that, to facilitate the registration of leases against their land.

Clause 30 gives power to the Public Trustee to lay off roads and make surveys.

Clause 31 gives the 14 year old owners power to give discharge for money or appoint another Native to do so. Disgust will not allow me to say more on this point.

Clause 32 gives the Governor power from time to time to make regulations for subdivision of the lands, the form and condition of the leases, imposing fees and survey charges, providing for all proceedings of the Native Land Court or the Chief Judge thereof, or the Public Trustee, or any trustee or other person acting under the provisions of this Act. It provides, in short, that the Governor may make regulations for doing everything already mentioned in the Act, and everything else not mentioned which is not obnoxious to the intention of the Act, for carrying out the provisions of the same. That is, the Governor, which may be read Government, as he acts on the advice of his responsible Ministers, has the power to do everything, and the Native Land Court, Chief Judge, Public Trustee, or any other trustee, nothing, without the authority of that Government, which is to become a purchaser of the Reserves. All the clauses of this Bill might have been taken for granted, and never have been written, if the author had started fair and called it "The West Coast Reserves Government go-as-you-please Act."

Clause 32 says that there shall be no dealing with Reserves or money except by this Act; and 34, that an Order in Council may declare what sections of "The Land Act, 1885," are to apply.

Clause 35 tells us that this Act does not validate or invalidate any award or lease made pursuant to it under the Acts hereby repealed.

Clause 36 gives the Governor power to appoint officers; and 37 says that the Act is not to subject the Reserves to any tax or rate they were not heretofore liable to; and closes, with the exception of a lengthy Schedule, the libretto of a proposed shameful drama, pregnant with the suggestions of shameless scenes,

The Schedule I shall not at present notice. I have no wish to hamper any fair attempt to adjust the differences between lessor or lessee. There are many hard-working men among the latter, both of the confirmed and ordinary leases. There are exceptions, as has been pointed out, and it is to the advantage of the great bulk of the lessees that these exceptions should be weeded out. Hitherto the Public Trustee has never attempted to make any distinction between the worthy and the unworthy, or Drought any defaulters to book, with the exception of some for arrears of rent. I would, however, just notice the last clause in the Schedule and

consequently in the Bill. It gives the Public Trustee, which means, as we have seen when properly traced to the root, the Government, power to set apart for lease, with perpetual right of renewal, portions of Reserves not exceeding fifty acres each. Nothing is said of the consent of the Native owners, whose wishes, as usual, throughout the Bill are entirely disregarded, or evaded, in a manner generally noticeable in the diplomacy of a Heathen Chinese. It would appear that as far as the Native race is concerned, that there exists no avenue by which they can arrive at a redress of any grievance they labour under in respect to their lands. This is a very dangerous aspect of affairs, and were it not for the safeguard derived from the peace policy of Parihaka, would almost make us dread that "when their latest hope is fled we taste of their despair." I have heard a Native declare before a Court that they felt at times so irritated with the manner in which their lands were administered that they felt tempted to assassinate someone concerned in the wrong-doing. I know of a proposal made to cast lots who should kill someone of the administration, and I have besides had my attention drawn to a remark, said to have been made by Professor Blackie, that "It is a matter for consideration whether, when a man has exhausted all the legal and constitutional means for the redress of his grievance, he has not a right to resort to assassination." I hesitated long before I penned the last sentence, but it is the truth, and intended in no way as a menace. Any momentary temptation of the kind has been resisted in the past, and doubtless will be so in the future; nevertheless, the very fact of the occurrence of such temptation shows the utter intensity of the feeling of hopeless despair of redress which exists among the thinking, and it is these which are to be guarded against. The class now called the "Labour Party" were slaves until they began to think. The Natives have petitioned the Queen, who invariably refers such petitions to the New Zealand Government since the Constitution Act, 1852. They have petitioned the Houses of Assembly, and received favorable recommendations, which the Government evades. Queen, Lords, and Commons, and there is only the Fourth Estate left, not an actual one, but the most powerful of all, for it steers public opinion. The entire cessation of all armed resistance to authority was typified when at Parihaka Te Whiti opposed the shoddy chivalry of Mr. Bryce with a crowd of infants, called his regiment of tatarakihi (locusts) and his reserve battalion of youths called whiorangi (silver-eyed birds so called). All Te Whiti wanted was a settlement such as Her Majesty has power to make under the Act of 1852; and when he said "the potato is cooked," he meant he was powerless to help himself. This policy is our security for peace.

Already during the present session has an appeal been made for a provision for landless Natives; and yet here is a Ministry seeking to deprive a large proportion of the Native population of the only lands they have. Already has an attempt been made to have the Natives taxed and rated as Europeans are rated and taxed, and here is a Government trying to destroy and obstruct any attempts to acquire by the Natives the only tenure to their lands which would warrant such rating and such taxation—the individual tenure under inviolable Crown Grant.

I have to thank the Public Trustee for a copy of the Bill.

The Life and Times of Daniel O'Connell

A Lecture

DELIVERED BEFORE THE CATHOLIC LITERARY SOCIETY, AT AUKLAND, JULY 26, 1892.

By Hon. J. A. Tole

One of the Patrons of the Society.

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vignette Proceeds of sale of Lecture to augment Society's funds.

## Life and Times of Daniel O'Connell.

MR. PRESIDENT,  
LADIES AND GENTLEMEN,—

THERE is not one of us who has not imposed on him or her some duty in relation to each other, whether in the domestic, political, or social relations of life. So I, as one of the Patrons of this Society, have cast upon me some duty. What the duties of a Patron may be are not very specifically defined. Usually the chief obligations attaching to the position are to pay an annual subscription fixed, I believe, on a scale commensurate with the dignity of the office, and distinguishing it from ordinary membership; to countenance the Society, and thus proclaim its usefulness and value to the whole community; to encourage others to avail themselves of its advantages—in other words, to be its showman—and also occasionally to address the Society upon some appropriate topic of interest.

It is in the modest exercise of this last function that, in a good-natured, but probably unguarded moment, lured from my ordinary avocations to come forward, at the instance of my esteemed reverend friend, the Spiritual Director of the Society (Father Hackett), I address you to-night. The subject of my remarks, also, has been chosen for me; but I don't find any fault with that, because, from professional and political points of view, it ought to be most congenial to myself; and, moreover, in regard to the young men of this Society, if they, part as they are of another generation, desire to imitate a noble life, to feel the true instincts of gratitude for the acts of a great man who devoted a life-long service and his herculean talents and labours for religion and country, and to emulate the oratory of the platform, the forensic skill of the advocate, and true character as a man, the life and times of O'Connell will stimulate their patriotism—should inspire them to heroic deeds for their own country, and fill them with that true national sentiment and advocacy of the claims for the liberty of the birth-land of their fathers, which Ireland is entitled to claim as a right from every descendant with a drop of Irish blood in his veins.

A great deal could be said upon this topic of national sentiment in relation particularly to the apparent apathy of not only the young descendants of Irishmen, but of Irishmen themselves, concerning the claims of Ireland; but this may more fittingly be reserved for some future occasion.

One cannot enter on this subject of the Life and Times of O'Connell without an apologetic word. It is this—that the life of a great man, whose name has been, and always will be, a household word, is more or less so familiar to most of us, that the difficulties of successful treatment with freshness is almost an impossibility. But the memory of all that is good and noble, or even sorrowful, in the past is, in its respective relations to human life, one of the most useful, interesting, and pleasurable elements in our being; so that life is not monotonous, though it is simply the repetition of thoughts, words, and deeds. Many things that are said of one great man may be said appropriately of another by changing the name, with here and there some other slight difference. We annually recount the glorious works of St. Patrick in faith and fatherland; periodically, indeed, also of O'Connell, we celebrate the achievements of his heart, mind, and vigorous tongue; and, passing over a long interval to the present day, does not the British nation everywhere annually review the events in the great life of Gladstone, mingling at the same time in our congratulations of returning years, the fervent prayer that God may spare him to successfully pursue, under huge difficulties, his noble work of religions and political freedom? So that I feel, after all, no apology is needed for presenting to you, even without freshness, a brief review of O'Connell with his oft-repeated characteristics.

Now, ladies and gentlemen, I need hardly tell you it is impossible, within the limits of an hour's talk, to present to you all the acts and triumphs of a life of 72 years—50 eventful years of which were affectionately entwined with the sufferings and life of the Irish nation, of which O'Connell was the idol. The events and incidents of his life, the reference to patriots who were his contemporaries, his political victories and achievements, his eminent contemporaries at the Irish Bar, his trials—legal and personal, his social characteristics, his political status, his own great eminence as an advocate, his eloquence, his power as a platform and popular orator, his wit and humour—all would easily form themes sufficient to engage our attention and interest for twenty evenings.

My task being a stupendous one of compression, my treatment of the subject, compared to its vastness, must necessarily be in the nature of a biogram in a nutshell.

Daniel O'Connell, the great apostle of freedom, and especially Irish freedom, was born in Cahir House, the residence of his father, Morgan O'Connell, near the town of Cahirceveen, in the County Kerry, on the 6th of August, 1775. Cahirceveen was a small town, and when many years after a *Times* Commissioner derisively described it as not possessing a pane of glass, O'Connell replied humorously: "If the Commissioner had as many *pains* in his stomach, his tongue would be more veracious, and his wanderings less erratic." O'Connell was of pure Celtic blood; his mother was an Q'Mullane of an old Catholic family near Cork, and possessed of fair estates. For her he had all that unbounded love that is characteristic of the Irish race, and used to delight in giving expression to his love and veneration for her. He proudly and fondly said: "I am the son of a sainted mother, who watched over my childhood with the most faithful care. She was of a high order of intellect, and what little I possess has been bequeathed by her to me. In the perils of life, and the dangers to which I have been exposed through life, I have regarded her blessings as an angel's shield over me, and as it has been my protection in this life, I look forward to it also as one of the means of obtaining hereafter a happiness greater than any this world can give."

He spent a year at Father Harrington's school, near the Cove of Cork (or now, Queenstown), and the boy's application and apparent ability struck the observation of his uncle, General Count O'Connell, who determined his nephew should have—what the cruel laws would not permit him to get in his native land—a Catholic education. The land of his birth, which centuries before had been the home of religion and wisdom—where the arts and sciences of the time and the languages of Greece and Rome were studied with passionate zeal—the nation where the Anglo-Saxon race derived so much benefit from the teaching of the Irish schools—the kind



where, in an Irish University, Alfred the Great of England received his education—here Ireland's bright, patriotic son would hardly be allowed to receive rudimentary instruction, certainly not an education.

Hence he was sent to France—to Louvain, and afterwards St. Omer's—where he showed extreme cleverness, and burned with boyish ambition to be as distinguished as his uncle, Maurice, called "Hunting Cap." But O'Connell was destined for greater things—for national achievements. He was born at a stirring period, when a few infant communities or states, remote, unaided, and as it were unknown, had encountered and triumphed over the power of England. He was a month old when the American people had declared their Independence, and invoked the blessings of God on themselves and others forever. In his home he had heard the sad story of his country. He heard her varied history—the exasperating rule of centuries—the desolation of the land, and the butchery, or exile of the people, and their melancholy longing to strike a blow; then fortune smiling on arms, victory following victory, only to culminate in crushing defeat. He had heard the names of Ireland's brave sons, down the long and gloomy path of her history; he had heard of their great sacrifices and deeds in the struggle for liberty. The Penal Code was in full force and in the plenitude of its wickedness. Catholic peers or commoners could not sit in parliament; Catholics could not vote, nor could they hold any office of trust; they were liable to a fine of £60 for absence from Protestant worship; and four J.P.'s could banish a Catholic or give his property to his next of kin; no Catholic teacher could teach a Catholic child; a Catholic priest coming to the country could be hanged; a Protestant suspected of holding property for a Catholic could have his estates taken from him; and so on. This bill of fare, though not a dainty or palatable dish, was food enough for the youthful and absorbent mind of O'Connell. Moreover, living in his childhood and youth were great orators and patriots; the intrepid patriot-advocate Curran; Sheridan—

*The pride of the palace, the bower, and the hall,  
The orator, dramatist, minstrel, who ran  
Through each mode of the lyre, and was master of all;*

Flood, one of Ireland's greatest orators; Wolfe Tone, who, whilst a man of the highest talent and integrity, yet was the true father of Revolutionary Irish Nationalism; and the "noblest Roman of them all." Henry Grattan, the great champion of Irish Independence, whom probably O'Connell frequently saw, and perhaps heard what Lecky, the historian, describes as the "outburst of unparalleled enthusiasm of the populace." as through the parted ranks of 60,000 Ulster volunteers, drawn up in front of the old Parliament House of Ireland, Grattan passed to move the emancipation of his country.

It is said that one day, when O'Connell was very young, the subject of conversation at his father's table was Ireland's leading men, and Grattan's eloquence. A lady present, observing young Dan's unusual meditation asked him the cause, the young fellow cogitating said, "I'll make a stir in the world yet!" In most cases this would be regarded as the idle boast of a child, but in his case, it was prophetic. Just before O'Connell left France, he had also heard the "Equality and Sovereign rights of the people" declared in the Revolution, and he had arrived at manhood when the Irish Rebellion of '98 had risen, was suppressed, and the heroic lives of such men as Lord Edward Fitzgerald, the two Sheares, and Wolfe Tone, sacrificed in their country's cause.

It will be interesting to remark that one of the chief articles of Grattan's Declaration of Independence, was that expressive of rejoicing at the relaxation of the disabilities affecting Catholics, viz.: "As Irishmen, as Christians and as Protestants." they "rejoiced in the relaxation of the penal laws against their Catholic fellow-subjects."

One cannot pass from the subject of the Penal Code without briefly illustrating one or two of the humorous, though sad incidents of apostacy under its operation. O'Connell himself used to tell many anecdotes of the strong temptation to apostatize frequently yielded to. One he relates of a Mr. Meyer, of the County of Roscommon, being threatened with a confiscation of his lands, instantly galloped off to the Protestant Archbishop of Dublin, with the view of turning Protestant. The Archbishop, finding Meyer naturally not well versed in the differences in religions, handed him over to an old hunting companion of Meyer, the Rector of Castlerea, then in Dublin. The pious convert and the Rector dined together every day until the Sunday of Meyer's public recantation. The jovial Rector assured his Grace that Meyer was well up in his theology. Accordingly, the solemn abjuration of Popery was made, and to celebrate the happy event, his Grace invited Meyer and several friends to dinner. The cloth removed, his Grace thus addressed the convert:—"Mr. Meyer you have this day renounced the errors of Popery—for this you should thank God with all your heart. I learn with great pleasure from the worthy Rector of Castlerea, that you have acquired an excellent knowledge in a very short time of the basis of the Protestant religion. Will you kindly state, for the edification of the company, the *grounds* upon which you have cast aside Popery, and embraced the Church of England?" "Faith" said Meyer, "I can easily do that, your Grace. The *grounds* of my conversion to the Protestant religion are 2,500



acres of the best *grounds* in the County of Roscommon." Another incident is related of a parishioner of Corofin, like many of other parts of Ireland in those times, who was tempted by sore need to renounce his faith, and for a weekly stipend agreed to go regularly to the Protestant church and act like a reformed sinner. On the first Sunday after his agreement, he was sorrowfully going to the new place of worship, but having to pass the old chapel on his way, his conscience smote him, and falling on his knees before the humble little edifice of prayer, he cried: "I'm going from ye, alanna; good-bye, good-bye—till the praties grow." Upon this fervid but temporary farewell has been founded a beautiful and pathetic poem, from which I cannot resist quoting a couple of stanzas—

*Ashore, my heart is breakin' as I pass your holy door,  
An' see the open portal all invitin' to go in,  
An' hear the childher's voices as in sacred song they soar,  
The priest's subdued "Oremus" and the peoples loud "Amin!"*

*But, oh! I dare not enter, for a compact I have made—  
Like Lucifer at Heaven's gate, no farther can? go!  
Don't frown on me, my darhin', nor a broken heart upraid;  
Good-bye, ashore alanna—till the praties grow!*

*I'm passin' by your angels, an' I'm pasada' by your saints,  
But, oh; I the weary trouble, an' the hard an' bitter year!  
An' you know, when the flesh is weak the proudest spirit faints—  
For while you point to Heaven we are sinnin' on down here.*

*But sure as at your attar, I exchanged the marriage vow  
As sure as from your sanctity all streams of mercy flow,  
As sure, achor alanna, though I sadly lave you now,  
I'm back within your bosom, whin the praties grow.*

O'Connell's childhood and youth were surrounded then, with scenes and events of extraordinary national persecution, whilst at the same time this was a period of national sacrifices, and of great political leaders- and patriots of the highest order and varied eloquence, all combining to impress his youthful heart with the wrongs of his country, and create the resolve to consecrate all his talents and energy to their redress.

Any concessions to Ireland have been prompted by fear more than by a just appreciation of right, or as O'Connell used to say, "England's adversity is Ireland's opportunity." In 1792 and 1793, therefore, owing to a dread of the progress of the French Revolution, some slight concessions were made to Catholics, one at least of which enabled O'Connell to enter the arena of the Bar, where he afterwards won some of his most glorious laurels. We find him in London (not Dublin) in 1794 keeping his terms as a law student, during which time his principal amusement was boating on the Thames. Whilst in London he was a frequent visitor at the House of Commons, and absorbed the delightful speech of Fox and majestic declamation of the younger Pitt. In 1797 he attended also one or two of the meetings of what were called the "Reformers" of that period, a set of young lawyers, among them the two Sheares. O'Connell was only an onlooker, not yet being admitted to the Bar. He says: "As I saw how matters stood I soon learned to have no secrets in politics. Other leaders made their workings secret and only intended to bring out results; they were therefore perpetually in peril of treachery. You saw men, on whose fidelity you would have staked your existence, playing false when tempted by the magnitude of the bribe on the one hand and terrified on the other by the danger of hanging." This proclaims the text of O'Connell's whole subsequent career, and which, though subjecting him to bitter adverse criticism, he maintained to the end.

He was called to the Bar in the melancholy spring of 1798, and early one morning in 1799 set out on horseback from his father's house to go on his first circuit. He had a powerful constitution, as may be imagined from the fact that he rode sixty miles the first day, and at the end of it being invited to a ball. "Sat up all night

dancing" (which sounds like an Irish bull) and rode on next morning to the Limerick Assizes. At Tralee Assizes he got his first brief, and undertook, though acting as a junior, the cross-examination of an important witness. O'Connell says: "I remember this witness stated he had his share of a pint of whisky, whereupon I asked him whether his share wasn't all except the pewter. He confessed it was, and the oddity of my mode of putting the question was very successful and created a general laugh." Jerry Kellar, an eminently able but eccentric barrister who was present, encouraged O'Connell by saying, "You'll do, young gentleman, you'll do." Not long after he was complimented also, but in a rather equivocal manner, by a man whose acquittal he had secured. "I have no way here to show you my gratitude, your honour, but I wish to God I saw you knocked down in my own parish, and maybe I'd bring a faction to rescue you. Whoop! long life to your honour."

In the same circuit, O'Connell and another barrister, Harry Grady as he was called, had to travel through the Kilworth mountains, then infested with robbers, and regarded always as such a "delicate bit" of the journey that the two legal gentlemen desired to carry their pistols loaded, but had run short of powder and ball. The inn at which they were staying was crowded with the judges and suite, and their yeomanry escort, so that O'Connell and his friend had to dine in the taproom, where there were a corporal of dragoons and some privates drinking, Grady, addressing the corporal, said, "Soldier, will you sell me some powder and ball?" "I don't sell either." said the corporal, "Well, will you have the goodness to buy me some?" because being just after '98 it was difficult to procure ammunition. "Go yourself; I am no one's messenger but the King's." was the reply. O'Connell took in the situation. Grady had offended the corporal's rank and dignity by calling him "Soldier," and whispered the blunder to Grady, who, after an interval, diplomatically accosted the military magnate with "Sergeant, I am very glad you and your raen have not to escort the judges this wet day. It's very well for these yeomanry fellows." The corporal became civil immediately he heard the newly acquired rank, and Grady adroitly followed up with the renewed request for the powder and ball, which were graciously supplied.

In this same journey, during which there was a fierce storm and torrents of rain, O'Connell's cousin, Captain Hennessy, lost his life by remaining in wet clothes, and O'Connell in relating the sad occurrence gives, though gratuitous, good sound sanitary advice. "Never remain an instant in wet clothes after ceasing to be in motion. On reaching your house throw them off, and get between the blankets at once. Thus you become warm all over in an instant. To rinse the mouth once or twice with spirits and water is useful." I suppose the expression "rinse" is a euphemistic term for taking a glass of whisky and water, to be repeated until the necessary glow through the system is established. O'Connell's fees for the first year of his practice amounted to £58, the second year to £150, the third £200, the fourth £300, and in the last year of his practice his fees amounted to £9,000.

At no period was the wit of the Irish Bar so famous as at the close of the eighteenth century, and Curran was the most brilliant of them all. O'Connell admitted this, though with perhaps pardonable vanity he himself said, "As for myself, to the last hours of my practice I kept the Court alternately in tears and roars of laughter." He speaks also of Plunket's great wit, and gives an instance, where in arguing a commercial case before the Irish Chancellor, Lord Redesdale, Plunket had frequently applied the term "kites" to what we call bogus P.N.'s. At last the Chancellor said, if I don't quite understand your meaning, Mr. Plunket. In England 'kites' are paper playthings used by boys. In Ireland they seem to relate to monetary transactions." "There is another difference, my Lord." said Plunket "In England the wind raises the 'kites.' but in Ireland the 'kites' raise the wind." I have said Curran was admittedly the most brilliant wit of his time at the Irish Bar, and though it would be too great a digression from the limits of our present subject to present to you any adequate sketch of his great conversational powers or his sallies of wit, I cannot, in passing, resist the desire to mention one or two of Curran's flashes. On one occasion a high tide in the Liffey made its way into the cellars and subterraneous rooms of the Court, and the wigs and gowns were floating about. Curran, for whom a case was waiting, seized the first wig and gown drifting within reach, and rushed into court dripping like a river-god.

"Well, Mr. Curran." asked one of the judges, "how did you leave your friends coining on below?" "Swimmingly, my lord." was the reply. On another occasion, in defending an attorney's bill of costs before Lord Clare, "Here now." said Lord Clare, "is a monstrous imposition. How can you defend this item, Mr. Curran: 'To writring innumerable letters, £100?'" "Why, my lord." said Curran. "nothing can be more reasonable; it is not a penny a letter." And Curran's reply to Judge Robinson is exquisite: "I'll commit you, sir." said the Judge. "I hope your lordship will never commit a worse thing." retorted Curran.

O'Connell tells us himself the love romance of his life, and if we can believe him, he never proposed marriage to any woman but one, his cousin Mary. "I said to her, 'Are you engaged, Miss O'Connell?'" She answered "I am not." I said "then will you engage yourself to me." "I will," was the reply. Though his uncle and other relatives were opposed to the match, O'Connell was married in June, 1802, and the 34 years of domestic Home Rule fully justified his choice and determination. Having an unendowed bride, his vast energies and talents, like Currant in early poverty, were aroused to achieve fame and success and place her in the position she deserved.

I have already referred to the rebellion of 1798, and cannot dwell on the iniquitous acts of the Government and their accomplices, and the wantonly brutal treatment of the Irish Catholic people. In vain did Grattan lift his voice to demand equal privileges to His Majesty's subjects, without distinction; in vain did Curran ask to prove to the House of Commons that 1,400 families had been driven from their homes to wander like miserable outcasts—some butchered or burned in their cabins, others dying of famine and fatigue. No wonder the United Irishmen organised the insurrection, but no wonder that owing to divided alliances, which are always the curse in the success of what should plainly be a common national cause, it was a failure, and resulted so disastrously in the destruction of the brave lives of Lord Edward Fitzgerald, Wolfe Tone, and John and Henry Sheares, all men of the highest honour, intellect, gallant courage, and unselfish patriotism. The trial of the Sheares is now universally regarded as a judicial murder. They were convicted on the evidence of one witness, and that an informer, and though ably defended by the illustrious Curran, who, worn out after fifteen hours' trial, was forced to commence his address to the jury at midnight, but without effect, they were executed next morning. Such barbarous administration of justice appals us now-a-days; but should it not awaken national sentiment, and a resentment and resistance in principle to all forms of oppression?

We drink the memory of the dead,  
The faithful and the few,  
Some lie far off beyond the wave,  
Some sleep in Ireland too;  
All—all are gone—but still lives on,  
The fame of those who died,  
All true men, like you, men,  
Remember them with pride.

Having destroyed temporarily the revolutionary spirit of Ireland, the Government now resolved on the distribution of her Parliament. This was accomplished by unblushing bribery, corruption, the lavish distribution of money, place, office, and honours (save the mark), "The ruin of the Irish Parliament." writes Justin McCarthy, "is one of the most shameful stories of corruption and treachery of which history holds witness." One single vote alone cost £8,000, and the total monetary amount of the corruption was between two and three millions, Grattan, who had sat by the cradle of Ireland's Independence, had to follow her hearse. The circumstances of his last effort against the Union are too touching to omit. It was solemn midnight, in the height of feverish debate and excitement an atmosphere of eloquence inspired by the death throes of an expiring nation, when all hushed as by magic, Grattan (that morning elected for Wicklow) who had risen from a bed of sickness, tottered to his place supported by friends. At such a moment Isaac Corry rashly ventured in a speech of bitterness to crush Grattan, too feeble to stand, he spoke sitting—his voice weak. It is described as a truly sublime and touching spectacle. As he warmed to his mighty subject, his former young spirit revived. I cannot withhold a portion of his answer, thus:—"I rose with the rising futures of my country. I am willing to die with her expiring liberties. To the voice of the people I will bow; but never shall I submit to the caprices of an individual hired to betray them, and slander me. The indisposition of my body has left me, perhaps, no means but that of lying down with fallen Ireland, and recording upon her tomb my dying testimony against the flagrant corruption that has murdered her independence. . . . The right honourable gentleman has suggested examples which I should have shunned, and examples which I should have followed. I shall never follow his, and I have ever avoided it. I shall never be ambitious to purchase public service by private infamy; the lighter characters of the model have as little chance of weaning me from the habits of a life spent in the muse of my native land. Am I to renounce these habits now forever? And at the beck of whom? I should rather say of what t Half minister, half monkey—a 'prentice politician and a master coxcomb. He has told you what he has said o? me here he would say anywhere. I believe he would say them anywhere he thought himself safe in saying so—nothing can limit his calumnies but his fears. In Parliament he has calumniated me to-night; in the King's Court he would calumniate me to-morrow; but had he said or dared to insinuate one-half as much elsewhere, the indignant spirit of an honest man would have answered the vile and venal slanderer with a blow." A duel instantly followed, and Grattan wounded Corry in the arm.

In all this sad and wretched perfidy and crime of the Union, there, is some balm in the memory that there in that base assembly 100 men stood faithfully by the side of their agonized country. Amongst them one who was known as the "Incorruptible." the ancestor of the late and nationally lamented Mr. Parnell. In striking contrast was the patriotic career of Charles Stewart Parnell, with the insignificance of the descendant of the Great Liberator, who, the other day during the recent elections, degraded his name by openly denouncing Home Rule, which was in effect the fond hope and day dream in the life of his illustrious ancestor.

The national feeling of anger consequent upon the Union still rankled in the hearts and minds of the Irish people, and the gifted and brave young Robert Emmet designed a rising of the people to seize the Castle. The project was of course a failure, and though he might have escaped, Emmet was too fondly attached to Sarah, Currant daughter, whom he idolized. Emmet was hurriedly tried and convicted late at night and, like the two Sheares, was hanged next morning, leaving a sorrowing country, and a lost and broken-hearted love whose grief and fate are embalmed in Moore's beautifully-pathetic melody, "She is far from the Land." Emmet's speech from the dock is known to you all, and is an immortal model of Irish patriotism and eloquence. Of course, O'Connell never countenanced any action in the nature of physical force, and passed many strictures on the men of '98, and Emmet's abortive rising. It possibly had, however, this good effect that the minds of the people were turned from insurrection, and prepared the way for the new gospel of moral force of which O'Connell was destined to be the apostle.

At the period immediately following the Union, O'Connell applied himself with assiduity to his profession, and rapidly acquired the highest skill and reputation as an advocate; and in the midst of his busy avocations we find him projecting and constantly fostering the great cause of Catholic emancipation. It required the great physical strength which he possessed to supply his vast energies and the strain of his varied duties and responsibilities. His frame was tall, expanded, and muscular, such as befitted a leader of the people. "Amongst ten thousand." says Lady Wilde, "a stranger's eye would have fixed on him as the true King." His commanding gait and gestures force upon you the national sentiment, "Ireland her own, or the world in a blaze." So much were the rights of the people ever present in his thoughts.

O'Connell made his first political speech in 1800, on the Catholic claims, and felt proud of it ever afterwards, because, as he said, "It contained all the principles of my subsequent political life." I cull one extract to show that while he was always personally a steadfast Catholic, he politically held as firmly broad and absolutely unsectarian views, and that the chief principle is—that the Irish people, setting aside all sectarian and party prejudices and differences, should combine for the good of their common country, "Let us show," he said, "to Ireland that we have nothing in view but her good, nothing in our hearts but a desire of mutual forgiveness, toleration, and mutual affection; in fine, let every man who feels with me proclaim, that if the alternative were offered him of the Union, or the re-enactment of the Penal Code in all its pristine horrors, that he would prefer, without hesitation, the latter, as the lesser and more sufferable evil; that he would rather confide in the justice of his brethren, the Protestants of Ireland, who have already liberated him, than lay his country at the feet of foreigners." Ten years later (1810), what was called an Aggregate Meeting was held in Dublin, and it is a pleasing contrast of events at this present period, and at this distance of time, to note that the Orange Corporation of that great city then, were the movers in the patriotic attempt to repeal the Union.

I should also like to point out, in justice to the memory of O'Connell, in relation to the question of self-government of Ireland and the many claimants to the honour of originating the question of Home Rule (among them some colonial statesmen), that, since the Union, to O'Connell himself is due the honour of first place, for I find his biographers record that during the repeal agitation he often exclaimed, "Are we not able to manage our own affairs? Would any sensible man entrust his affairs to others, who was perfectly capable of managing them himself?" Here is, in a nutshell, the whole gospel of Home Rule as preached under that title for nearly the last twenty years.

O'Connell, though not generally understood—any more than Curran, perhaps—to have been a profound lawyer, possessed every requisite of a barrister of the highest reputation, and with hardly an exception was the ablest man at the Irish bar. His greatest forensic effort is said to have been his defence of John Magee for libel; but all his speeches should be read by the young men of this Society, and you will derive instruction, pleasure and profit from them. You may not always experience highly-finished and elaborately-perfect oratory, or massive phrases; but you will recognise the ready wit and powerful eloquence of the tongue that responds to the promptings of the true, tender, and patriotic heart and glowing mind; and you will arise from the perusal of O'Connell's speeches wishing you could speak as well. Try to do so. Though O'Connell was capable of highest oratory whenever the spirit and occasion required, he also possessed a quality of speech in the other extreme to which only those endowed with his extraordinary versatility could, with safety to their method of diction, venture to descend. And in this connection I may, as I suppose a Patron ought to do, offer a word of advice to the young men of this Literary Society, and even to the young ladies, and it is this, that if you desire or hope to become good speakers, next to the acquirement of the facility of speaking, you should always in your ordinary conversation and speech talk at your best. I do not mean by this, that you are to talk on every occasion with that precision and style of rhetoric which is employed on more formal occasions, any more than that you should always wear your best clothes, but that you are to avoid falling into the use of slang, and a careless or vulgar choice of words and mode of expression, which though apt enough, perhaps, in a certain sphere, will most assuredly prove a serious and embarrassing impediment to the ready and elegant flow of language from an habitually-choice vocabulary, I give this advice from my own observation. In my experience of speakers, the

men and women who spoke beet and most charmingly were those who always in conversation or in telling a story, or making a speech, talked at their best in the way I mention. One notable illustration of what I mean is our Sir George Grey—who on all occasions, whether in private or on the platform, speaks with that ease, appropriateness, and elegance which we all so much admire.

Lady Wilde says that O'Connell, charming and enchanting as he was, could fight with all weapons. "from a boomerang (I should have thought from a shillelagh) to a jewelled bodkin, and sometimes adopted a coarseness of speech when bold; doubtless, the outcome of the serfdom of his countrymen of the time, and the necessity of accustoming them to fight the dominant oppressing factions with their own weapons. Hence, O'Connell had acquired the great power of invective and vituperation, and was sometimes matchless as a scold. An instance of this, vouched for as historical truth, though possessing features of vulgarity, is so characteristic of his lighter moods of fun, and forms so memorable an incident in his life that I must not omit it. There was a certain Biddy Moriarty in Dublin, who kept a huxter's stall on one of the quays opposite the Four Courts. She had a notoriously "bad tongue, and its slang and abuse were proverbial. Some of O'Connell's friends one day thought he could beat her with her own weapons; O'Connell doubted it himself, having heard her Billingsgate once or twice. But he never liked defeat, and backed himself to encounter the virago, and it was decided that the event should come off at once. An adjournment was accordingly made to the huxter's stall, the owner herself in charge of her small wares, and a few loungers and idlers hanging round the stall—for Biddy was one of the sights of Dublin.

O'Connell commenced the attack.

"What's the price of this walking-stick, Mrs What's-your-narae?" "Moriarty, sir, is my name, and a good one it is; and what have you to say agen it? and one-and-sixpence's the price of the stick. Troth, it's chape as dirt—so it is."

"One-and-sixpence for a walking stick—whew! Why, you are no better than an impostor, to ask eighteen-pence for what cost you two-pence."

"Two-pence, your grandmother!" replied Mrs Biddy; "do you mane to say that it's chating the people I am? Impostor, indeed!"

"Ay, impostor; and it's that I call you to your teeth." rejoined O'Connell.

"Come, cut your stick, you cantankerous jackanapes."

"Keep a civil tongue in your head, you old *diagonal*." cried O'Connell, calmly.

"Stop your jaw, you pug-nosed badger, or by this and that." cried Mrs Moriarty, "I'll make you go quicker nor you came."

"Don't be in a passion, my old *radius*—anger will only wrinkle your beauty."

"By the hokey, if you say another word of impudence, I'll tan your dirty hide, you bastely common scrub; and sorry I'd be to soil my fists upon your carcasa"

"Whew! boys, what a passion old Biddy is in; I protest as I am a gentleman——"

"Jintleman! Jintleman! the likes of you a jintleman ! Wisha, by gor, that bangs Banagher. Why, you potato-faced pippin-sneezer, when did a Madagascar monkey like you pick enough of common Christian dacency to hide your Kerry brogue?"

"Easy now—easy now." cried O'Connell, with imperturbable good humour, "don't choke yourself with fine language, you old whiskey-drinking *parallelogram*."

"What's that you call me, you murderin' villain?" roared Mrs, Moriarty, stung into fury.

"I call you." answered O'Connell, "a parallelogram; and a Dublin judge and jury will say that it's no libel to call you so !"

"Oh, tare-an-ouns! holy Biddy J that an honest woman like me should be called a parrallelogram to her face. I'm none of your parrybellygrums, you rascally gallows-bird; you cowardly, sneaking, plate-lickin' bliggard !"

"Oh, not you, indeed!" retorted O'Connell; "why, I suppose you'll deny that you keep a *hypothenuse* in your house."

"It's a lie for you, you—robber; I never had such a thing in my house, you swindling thief."

"Why, sure all your neighbours know very well that you keep not only a hypothenuse, but that you have two *diameters* locked up in your garret, and that you go out to walk with them every Sunday, you heartless old *heptagon*."

"Oh, hear that, ye saints in glory! Oh, there's bad language from a fellow that wants to pass for a jintleman. May the divil fly away with you, you micher from Munster, and make celery-sauce of your——limbs, you mealy-mouthed——."

"Ah, you can't deny the charge, you miserable *submultiple* of a *duplicate ratio*"

"Go, rinse your mouth in the Liffey, you nasty tickle-pitcher; after all the bad words you speak, it ought to be dirtier than your face, you dirty chicken of Beelzebub."

"Binse your own mouth, you wicked-minded old *polygon*—to the deuce I pitch you, you blustering intersection of a superficies !"

"You saucy tinker's apprentice, if you don't cease your jaw, I'll——" But here she gasped for breath, unable to hawk up any more words, for the last volley of O'Connell had nearly knocked the wind out of her.

"While I have a tongue I'll abuse you, you most inimitable *periphery*. Look at her, boys! There she stands—a convicted *perpendicular* in petticoats ! There's contamination in her *dcircum-ference*. and she trembles with guilt down to the extremities of her *corollaries*. Ah, you're found out, you *rectilineal antecedent* and *equiangular* old hag! 'Tis with you the devil will fly away, you porter-swiping *similitude* of the *bisection of a vortex*!"

Overwhelmed with this torrent of language, Mrs Moriarty was silenced. Catching up a saucepan, she was aiming it at O'Connell's head, when he very prudently made a timely retreat. "You have won the wager, O'Connell, here's your bet." cried the gentleman who proposed the contest.

I have not wholly disclosed Bidley's recorded Billingsgate, and it is doubted if Bidley was ever fully reported; at any rate it was an unequal match, inasmuch as O'Connell's attack was planned.

I have said O'Connell was bold in speech—he was also physically courageous. This quality in his character was called forth in the duelling days of 1815. At one of the numerous Catholic meetings held at that period, Counsellor O'Connell said, "I am convinced that the Catholic cause has suffered by neglect of discussion. Had the petition been last year the subject of debate we should not now see the beggarly Corporation of Dublin anticipating our efforts by a petition of an opposite direction." A Mr D'Esterre, a member of the Corporation, took offence at the expression." beggarly corporation." which, now-a-days, would not disturb the equanimity of corporations, and he championed their cause. He requested an explanation from O'Connell, who, in reply, emphasized what he called his "contemptuous feelings for that body in its corporate capacity, although it contains many valuable persons, whose conduct as individuals (I lament) must necessarily be confounded in the acts of the general body." This was the only satisfaction O'Connell vouchsafed to D'Esterre, except that at about 4 o'clock one morning in January, 1815, when on the duel ground D'Esterre was mortally wounded by a ball from O'Connell's pistol. O'Connell felt deeply during his life the fatal result of this sorrowful episode. For three weeks after he remained in retirement, and for years after the sad encounter he was observed to raise his hat, and his lips to move as in silent prayer, whenever he passed D'Esterre's late residence, He allowed D'Esterre's daughter—the widow having refused it—an annuity to the day of her death. Seven months' after, strange to relate, he found himself involved in another "affair of honour." and with no less a personage than Sir Robert Peel. This time, however, the arrangements were intercepted by O'Connell being taken in state by a guard of honour of forty picked constables, before the magistrates at Bow Street, and bound over in bonds of £2,000 to keep the peace.

Before passing on to that period of O'Connell's political agitation—Catholic Emancipation, I must refer to that deep sense of humour and happy facility in telling amusing stories so admirably that made him, as he was, such a perfect host and travelling companion. Many of his best anecdotes and reminiscences have never been recorded, but there remain still a good many, out of which I select a very few.

One comical story was about a Miss Hussey to whom her father had bequeathed £150 per annum, in consideration of her having an ugly nose. When on his death-bed his housekeeper asked him what he had left Miss Mary. He told her how much, and that it would do if she got any sort of a good husband. "Heaven bless your honour! what dacent man would take her with the nose she has got?" said the housekeeper. "Well, that's really very true." said the dying father. "I never thought of her nose;" and he forthwith wrote a codicil for another £150 as a set-off against her nose.

In conversation one day at his own table, where with his guests he appeared to such advantage, chatting on the subject of Temperance, he was led to speak of a Judge Boyd, who was so fond of brandy that he always kept a supply in an inkstand before him in Court. His Lordship used to depress his head on it now and then, and steal a hurried sip from time to time through a quill, without, as he thought, being observed. One day it was sought to throw discredit on the evidence of a witness on the ground of his having been drunk, Mr. Grady, counsel on the other side, laboured hard to show the man was quite sober, "Come now." said Judge Boyd, "tell the Court truly, my good man, were you drunk or sober." "Oh, quite sober, my Lord." broke in Grady, looking significantly at the inkstand, "As sober as a *judge*?"

O'Connell resorted to tricks when he could do so to the advantage of his client. One of these you have probably heard, It was in a murder case at the Cork assizes, O'Connell defending. The principal witness had picked up a hat near the murdered man, and swore it was the hat of the prisoner, whose name was Pat Hogan. The hat was produced, and O'Connell asked to see it; it was handed to him. "Now." said O'Connell, "you are quite sure this is the hat you found?" "Yes, your honour." "And the hat is in the same state as when you found it?" "Oh, yes; just the same." O'Connell looked inside the hat and spelled "P-a-t H-o-g-a-n." "Do you mean to say the name was in it when you found it?" "I do, on my oath; quite sartin." "Now you may go down." said

O'Connell, "My Lord." said he, "there is no name in the hat—there must be an acquittal."

On another occasion O'Connell was defending a life and death case, and when he plainly saw there was not the slightest chance of acquittal, he began putting utterly inadmissible questions. Objection was taken, of course, and O'Connell persisting, Sergeant Lefroy, then acting-Judge, became irritated and declined to allow this line of cross-examination. This was just what O'Connell wanted, and with apparent indignation, exclaimed, "As you refuse me permission to defend my client, I leave his fate in your hands, and his blood be on your heads if he be condemned." O'Connell then rushed out of Court impetuously, and in an agitated manner walked up and down, till in about half-an-hour the attorney came running out of Court, crying, "He's acquitted!" "My only chance." said O'Connell, "was to throw the responsibility on the Judge." whom he knew was timid, and by this trick became the prisoner's advocate, and charged the jury in his favour.

O'Connell rather defied judicial insolence, and he tells amongst others, an incident which also shows his willingness to help young solicitors,

On one occasion a young barrister was called on in Court by the opposing counsel to admit certain evidence, O'Connell, who was sitting in Court, told the barrister to make no admission, "Have you a brief in this case, Mr. O'Connell?" asked His Lordship, "I have not, my Lord, but I shall have when the case goes down to the Assizes." "When *I* was at the Bar." retorted the Judge, "it was not my habit to anticipate briefs." "When *you* were at the Bar, I never chose you for a model, and now that you are on the Bench, I shall not submit to your dictation."

A ragged stroller one day recognised O'Connell, and asked him for a little money. "I don't know you at all, my good man." said O'Connell, "That's not what your son would say, your honour, for he got me a good place at Glasnevin Cemetery, only I hadn't the good luck to keep it." "Then, indeed, you were strangely unlucky." rejoined Dan, "for those who have places in cemeteries generally keep them."

Speaking of ingenious attorneys, O'Connell told a good story about one Mr. Checkley, who was attorney at the Cork Assizes for a fellow accused of burglary and assault, committed at Bantry. Checkley, O'Connell said, "was the cleverest rogue (not used in a literal sense) I ever heard of." The notoriously witty Jerry Kellar, of the Munster Bar, was counsel in the case. At the close of the case for the prosecution, which was clearly and circumstantially made out—the Judge asked if there were any witnesses for the defence? "Yes, my Lord." said Jerry Kellar, "I have three briefed to me." Checkley brought in accordingly a respectable-looking farmer-like man with blue coat and gilt buttons, corduroy tights, and gaiters, "This is a witness to character, my Lord." and forthwith began to examine him,

"You know the prisoner?" said Kellar, "Yes, your honour, ever since he was a gorsoon!" "And what is his general character?" "Och, the divil a worse!" "Why, what sort of a witness is this you've brought?" said Kellar, throwing down his brief and looking furiously at Checkley, "He has ruined the case." "He may prove an *alibi*" replied Checkley. "Examine him as to *alibi*, as instructed in your brief." Kellar resumed his examination:—"Where was the prisoner on the 10th instant?" "He was near Castlemartyn." "Are you sure of that?" "Quite sure, counsellor." "How do you know with such certainty?" "Because that very night, coming from the fair, I saw the prisoner near my own house, a little way before me, I'd swear to him anywhere. He was dodging about, and I knew it could be for no good end; so I slipped into the field, and turned my horse to grass; and while I was watching the lad from behind the ditch, I saw him pop across the wall into my garden, and steal a lot of parsnips and carrots; and what I thought a great deal worse of, he stole a bran-new English spade I got from ray landlord, Lord Shannon. So, faith, I cut away after him, but as I was tired from the day's labour, and he being fresh and nimble, I wasn't able to catch him, But next day, sure enough, my spade was in his house,—and that's the same rogue in the dock! I wish I had a houl of him."

"It is quite evident." said the Judge. "the prisoner must be acquitted. An *alibi* clearly established, because Castlemartyn is sixty miles from Bantry, and he is certainly anything but a partisan of his. Now, will you swear an information against the prisoner for this robbery of your property?" "An" troth I will, my Lord, with all the pleasure in life, if your Lordship thinks I can get any satisfaction out of him. I am tould I can for the spade, but not for the turnips or carrots." "Go to the Crown office, and swear an information." said the Judge, It is needless to say the prisoner was discharged, and the information was never sworn.

Some of the older criminals felt a keen interest in O'Connell's life. One especially, whom O'Connell had defended three or four times for crimes just short of murder, found himself standing in the dock again for piracy. He had stolen a brig, and cruised along the coast, seeking booty. O'Connell defended as usual, and got the criminal off on a technical point of jurisdiction. The rescued rascal fervently clasped his hands, and lifting his eyes to heaven, said, "Oh, may the Lord in His mercy spare your honour *to me!* What would become of me if anything happened to you."

O'Connell also used occasionally to get a little advice from some of these criminals. He used to tell an anecdote about a cattle-stealer whom he defended, and who was clearly convicted and was transported, The convict returned, and happening to meet O'Connell, the latter asked him how he had managed to steal the fat

cows always. Thinking, perhaps, that O'Connell had some intention of going into a similar enterprise, he gravely compiled this answer: "Why, then, I'll tell your honour the whole secret of that, sir. Whenever your honour goes to steal a cow, always go on the worst night you can, for nobody will likely be about. The way you'll always know the fat cattle in the dark is by this token—the fat cows always stand in the more exposed places, but the lane ones always goes into the ditch for shelter."

Now it must not for one instant be thought from these few stories and reminiscences that O'Connell was merely a brilliant witty advocate, without any of those qualifications of a studious or of a practical business character which would fit him for the serious or commercial aspect of his profession. It would be quite a mistake to think so. Lalor Sheil, one of Ireland's most cultured orators, whose speeches every member of the Society should study, and a contemporary of O'Connell, describes him as a professional drudge. And you will find that no man, no matter what his genius, can, without considerable labour, attain pre-eminence in the profession he may select for his career.

Sheil, in his "sketches." says: "If any one, being a stranger in Dublin, should chance, between five and six o'clock in the morning, to pass along the south side of Merrion Square, he will not fail to observe that among those splendid mansions there is one evidently tenanted by a person whose habits differ materially from those of his fashionable neighbours. . . Should you ascend the steps . . . to reconnoitre the interior you will see a tall, able-bodied man standing at a desk and immersed in solitary occupation. Upon the wall in front of him there hangs a crucifix. . . Your first impression will be that he is some dignitary of the Church of Rome absorbed in his matin devotions. But this conjecture will soon be rejected . . . the book cases clogged with tomes in plain calf skin binding, the blue-covered octavos that lie on the tables and the floor, the manuscripts in oblong folds begirt with crimson tape, make it evident that the party meditating . . . must be thinking far more of the law than the prophets. He is unequivocally a barrister of the . . . plodding cast who labour hard to make up by assiduity what they want in wit, who are up and stirring before the bird of the morning has sounded the retreat to the wandering spectre, and is already brain deep in the dizzy vortex of mortgages, cross-remainders and remitters while his clients, still lapped in sweet oblivion of the law's delay, are fondly dreaming that their cause is peremptorily set down for final hearing. Having come to this conclusion . . . you push on, blessing your stars on the way that you are not a lawyer, and sincerely compassionating the sedentary drudge whom you have just detected in the performance of his cheerless toil." I have quoted this passage for the double purpose of showing you O'Connell as a hard worker in his profession, and also to give you a sample of the finished descriptive style of Sheil. To show you also that O'Connell was well versed in a commercial phase of his profession to which I regret to say sufficient attention is not devoted by those who, adopt the law as a profession—I refer to a thorough knowledge of bookkeeping and accounts—he used to tell a story about a case, when he was young at the Bar, where they were trying to upset a verdict obtained against their client for £1,100. "My senior counsel," he says, "contented themselves in abusing witnesses, detecting flaws and making sparkling points, and eloquent but ineffective speeches. Whilst they flourished away I got out our client's books, and taking my place under the Judge's bench, went through the accounts from beginning to end; drew the whole out by double entry, and numbered every voucher. The result plainly was, that so far from a just balance of £1,100 against our poor devil, there actually was a balance of £700 in his favour, although the poor., slovenly blockhead of a client didn't know it. When my turn came I made the facts clear, and the jury inquired if they couldn't find a verdict of £700 for Mr.—." "I just tell you the circumstance to show you." said O'Connell, "that I kept an eye on that important branch of my profession." I commend the same advice to you, gentlemen. You should make the knowledge of accounts a special feature in your preparation for any business or profession, and especially the law. Another suggestion of great practical utility to literary young men, students, especially those purposing to go to the profession of the law, is mentioned by O'Connell At a large dinner party a literary dispute arose as to how a character in a novel had been disposed of by the author. A reference was made to O'Connell, who, with perfect order, traced all the characters, distinguishing one from the other in time and place. He was asked how, in the midst of all his various political and professional duties, and the thousand- and-one things engaging or disturbing his mind, he could so clearly remember such a matter as this? He said, "It is probably owing to the habit of my life, which has been to arrange all matters of knowledge according to chronology—that is, to see the order of time in, which the events took place. As a lawyer, during the period when I have devoted seventeen hours daily to my profession, always began by studying the chronology of the case—what took place first, what next—until at last it has become such a practice with me that, although I just glanced over that novel, it has fixed itself upon my mind as if it were a law case."

Now, ladies and gentlemen, I cannot pretend to give you examples numerous enough to afford you anything like an adequate idea of O'Connell's forensic eloquence, which was natural and not acquired, for his pressing and multifarious engagements prevented him from even the preparation of his speeches, especially in later years, much less the systematic cultivation or refinement of those elements of oratory with which nature had so liberally endowed him.. But as his speech in defence of Magee for alleged libel in denouncing the



administration of the Duke of Richmond in Ireland is considered one of his best efforts—when he was about forty years of age—I extract the peroration:—

*"Is there amongst you any one friend to freedom? Is there amongst you one man who esteems equal and impartial justice, who values the people's rights as the foundation of private happiness, and who considers life as no boon without liberty? Is there amongst you one friend to the Constitution—one man who hates oppression? If there be, Mr. Magee appeals to his kindred mind, and confidently expects an acquittal. There are amongst you men of great religious zeal—of much public piety. Are you sincere? Do you believe what you profess? With all this zeal, with all this piety, is there any conscience amongst you? Is there any terror of violating your oaths? Be ye hypocrites, or does genuine religion inspire ye? If you be sincere, if you have consciences, if your oaths can control your interests—then Mr. Magee confidently expects an acquittal. If amongst you there be cherished one ray of pure religion; if amongst you there glow a single spark of liberty; if I have alarmed religion, aroused the spirit of freedom in one breast amongst you—Mi Magee is safe, and his country is served; but if there be none, if you be slaves and hypocrites, he will await your verdict, and despise it."*

And they proved to be hypocrites, for they found Magee guilty, and he was heavily fined. O'Connell's own opinion was that his greatest bar speech was in an important disputed will case, *Blackwood v. Blackwood*, in which the madness of the testator was alleged. One of the hallucinations of Blackwood was that he was Napoleon Buonaparte, referring to which, to the jury O'Connell said: "Oh! gentleman of the jury, it is profanation to compare the name of Pinckston Blackwood with that mighty spirit which, even in a bod cause, awed all Europe; at whose command the sceptres fell from the hands of kings, and nations trembled; which by the power and the splendour of its genius arose above the gaze of an admiring world, until, dizzied by its own lofty soarings, it fell upon a barren rock, and expired in the blaze of its own magnificent creation."

In 1823, with emancipation ever present in his vigorous and fertile mind, he determined on an organisation which would associate the priests in active politics. This was the first time probably that the clergy were united in agitation with their people and they have remained in union since. This was and is natural, and has been justified by results, The clergy have been their guide and shield in doubt and their consolation in affliction.

This organisation, then, by O'Connell, embraced the whole nation, and was called the "Githolic Association." In the following year he established the Catholic Rent, by small popular subscription, for the management of Catholic affairs. The Protestants thought it was subscribed to buy arms with, hence it used to be called the *powder and ball tax*. In the same year a prosecution was for the first time commenced against O'Connell for an alleged seditious speech, but the grand jury threw out the bill. Failing thus, a bill called the Algerine Bill was brought in to suppress the Association, whose proceedings were ably defended by Sir Henry Parnell and Henry Brougham, O'Connell and Sheil, accompanied by several others, Sir Thomas Esmonde amongst the number, proceeded to London to be heard at the bar of the House, The Commons, however, would not hear them and the Bill was passed and the Association suppressed. But O'Connell drove his "coach and four" through it, for, with the assistance of Sheil, he revived the old association' under the guise of a New Catholic Association, for the purposes of *public and private charity*, and the old Catholic Kent was collected with the saving clause "for all purposes not prohibited by law." About this time O'Connell made one of the mistakes of his life. He had been permitted to make a rough draft of the Emancipation Bill, but he allowed himself to be reasoned by Government supporters into foregoing the forty shillings franchise, which he found it almost impossible to defend to the indignant Irish people. He doubtless consented at the time with the best of motives, as he was led to believe with this concession emancipation was certain, but he was perfidiously deceived by the Government as the Irish people before and since have similarly been deceived. The greatest power of the great Tribune was in swaying large assemblies of his countrymen, He had created the platform which had hardly dawned up to this time a political agent, and placed it in the position of being recognised for all time as part and parcel of the Constitution, The nation became organised, and in the memorable year of 1828 simultaneous meetings of the people took place on the 13th of January, at which it was computed 5,000,000 people attended.

A vacancy for a seat in the House of Commons occurring in the electorate of Clare, O'Connell, in a characteristic address which I cannot stop to quote, announced himself as a candidate, to the horror of Vesey Fitzgerald, the rival candidate, and a member of the Administration, The election was fiercely contested, and every elector voted, and voted very often, O'Connell's enemies said. His inexhaustible native wit and eloquence were at their greatest height perhaps in this and the year succeeding, He was returned by a majority of over a thousand votes, and-chaired in triumph surrounded by sixty thousand people. At the close of the poll Vesey Fitzgerald fled, and O'Connell, in exultation, cried out to the vast multitude, "Where's Vasey, boys. Ochone, Vasey Vigarald, but it's me that's dull without you. Run, mavourneen, run, send the bell about for him. Here's the cry for you:

*Lost or mislaid,  
Stolen or strayed,  
The Right Honourable  
The President of the Board of Trade."*

That day at Clare Emancipation was won, though not yet obtained. O'Connell knew that as the law stood he could not take his seat because he could not take the Parliamentary oath, declaring his religion idolatrous. Still he was eligible for election, and being elected would force attention to the gross disability and injustice to Catholics. He declined to take the oath, and argued his claims at the bar of the House. Parliament refused to allow him to take his seat and he went back for re-election, and was triumphantly returned unopposed—the first election having cost £20,000. Meantime petitions poured into Parliament, Peel moved the Catholic Relief Bill—they would not call it Emancipation. The Iron Duke and the King himself had to succumb, "and Napoleon's conqueror yielded to a mightier foe." and the measure passed by a majority of 178. It was O'Connell's creation; he arduously sustained it, and is entitled to the everlasting gratitude of Ireland for its accomplishment. It had several ludicrous clauses, such as this, "That a Catholic judge could not attend mass in wig and gown." As O'Connell said, "The judge may continue a Catholic, but the powdered wig and gown must still remain Protestant" After Emancipation I may say that O'Connell almost immediately relinquished his large practice and devoted the remainder of his life undividedly to the service of his beloved country.

He now at once started the Repeal Agitation—monster meetings which were always the congenial sphere of his popular genius and mighty power were inaugurated. It was a power that by his mere word could, and did, turn back 50,000 men on their march. His genius has been described as "the genius of the nation—one moment in jest and banter, sparkling like the streamlets in Irish glens; in another like the tempest amidst Irish mountains; now soft as a song to the Irish harp, deep as the wind upon an Irish heath again mournful as waves around the Irish shores—or in a poetry bold as their hopes, and in a prophesy as wild as their enthusiasm." His sway was not confined to Irishmen only. In England he addressed vast and delighted multitudes, On Carlton Hill, Edinburgh, he spoke to tens of thousands of Scotchmen, and aroused them by his dazzling eloquence. On the suggestion of Ireland's immortal patriot poet, Thomas Davis, the monster meetings were held on historic ground—Cashel, Mullaghmast, Tara, etc. It would interest you deeply to read the description of these Repeal Meetings—their vastness, their enthusiasm, and their order—and when I mention that at the Tara meeting, which O'Connell addressed, there were not less than 750,000 people—ten thousand horsemen alone—you can picture to yourselves the royal surroundings of the uncrowned monarch, and the national homage to the sacred cause of liberty he espoused, I must not forget to mention that the great apostle of temperance, Father Mathew, was also in the front rank of Repealers. He considered that a sober man would make the best patriot, because he would be the most reasoning and reasonable; therefore temperance was a special feature of the Repeal Organisation, and ensured peace and order.

In 1841 the office of Lord Mayor was thrown open to Catholics, and O'Connell became the first Catholic Lord Mayor of Dublin—still agitating Repeal inside and outside the Corporation, fearlessly but constitutionally. His motto to the end of his life, as in the beginning, was "He who commits a crime gives strength to the enemy." But temperate and prudent as he was in his agitation, the last monster meeting to have been held at Clontarf in 1843—which O'Connell called the "Repeal year"—was proclaimed or prohibited by the Government, and he, his son John, Gavan Duffy and others were tried for conspiracy, convicted, and, sent to prison. On appeal to the House of Lords the conviction was quashed on the ground that the whole list of Catholic names had been omitted from the jury panels. Lord Denman, during the appeal case, said, "If such practices should continue, trial by jury would be a mockery, a elusion, and a snare." And Lord Macaulay, speaking in the House of Commons in 1844, said, "Mr O'Connell has been convicted, but you cannot deny he has been wronged."

He used to say, good humouredly, sometimes that members of his family had a trick of living till they were 90. But being now on the verge of 70 years of age, the imprisonment for three months of this venerable patriot, though holding levees in gaol, and though subsequently released amid the wildest popular enthusiasm, apparently crushed, to some extent, the old spirit. In the following year the dread calamity of famine smote the land and weighed heavily upon him. His great frame having broken down he was ordered to a warmer climate, and at Genoa, in May, 1847, his soul peacefully passed out of a life consecrated to the freedom and amelioration of his race. His heart is in Rome, and a round tower marks the spot where his body lies in Glasnevin Cemetery.

The young men of this or any other generation will learn from the study of this great man's life the lesson of our being—how to live and bow to die, and to remember that our first duty is to God and next to our country.

This Society is catholic and literary. Let it be catholic first and then literary; for if there be about it any indifferentism or disrespect for its religion, its name is a mockery and its functions are harmful. I do not mean a narrow-minded bigotry, but I mean an open, sensible adherence to the name and practice of your religion. O'Connell was the most liberal and tolerant of men or statesmen, but he was a steadfast Catholic. From a literary point of view you will find from the study of his life and times little to avoid but much to imitate.

In recent years more impetuous minds may and do criticize adversely O'Connell's mode of dealing with the Repeal Movement, but it must be remembered that he went into St. Stephen's with the support of only twenty-six mute members, not with forty, fifty, or as they number now eighty-six of the most vigorous political intellects and tongues in Ireland. What a contrast! Still greater is the contrast with the position of Ireland's hopes at this hour, when history has to record that in less than fifty years from the death of O'Connell, or about the same time that it took to secure the one single measure of Catholic Emancipation—there is at last in that greatest assembly in the world a just majority of nearly fifty votes ready at this moment to obtain for Ireland the management of her own affairs. The result of the recent elections is the triumph of an enlightened democracy, the triumph of reason and righteousness over prejudice and tyranny, and a lasting confirmation of those peaceful, constitutional, and moral forces so persistently and eloquently advocated by that great, inspiring and prophetic voice now still, and the memory of whose aspiration and achievements will only cease with the extinction of the Irish race.

For us he lived, fought, suffered, dared and died,  
Struck off the shackles from each fettered limb,  
And all we have of beet we owe to him.

\* \* \* \* \*

Where'er we turn the same effect we find—  
O'Connell's voice still speaks his country's mind.

\* \* \* \* \*

We bless his memory, and with loud acclaim  
To all the winds, on all the wings of fame  
Waft to the listening world the great O'Connell's name.

The Murphy Enquiry. Rotorua.

Review of whole Case and Evidence

*(Addressed to G. Muller, Esq., Chief Surveyor, Auckland, appointed to conduct the Enquiry, and transmitted for the information of the Hon. Minister for Lands)*

By Hon. J. A. Tole

*(Counsel for Murphy at Enquiry).*

Auckland: H. BRETT, GENERAL PRINTER, SHORTLAND AND FORT STREETS. MDCCCXCII.

MR. MUELLER,

As intimated to you at the close of this enquiry, I now address you on the evidence brought before you, and with confidence I submit that the cases have been very rare where & man has been subjected to an investigation into his official and private conduct under, as you must be aware, such adverse and uncongenial circumstances, and yet has, as in this case, I urge, on even a reasonable reading of the evidence, emerged from that investigation with his character redeemed, and with clear proof that his services as Road Overseer, were without sufficient reasons dispensed with.

You will remember that Mr. Murphy was road overseer under the late Mr. J. C. Blythe for a period of about two and a-half years; that his capabilities as road overseer have been admitted by all previous engineers over him, and also, as this enquiry has proved (*vide* the evidence of Messrs. Butt, Taylor, McCrae, and others), and that he (Mr. Murphy), at Mr. Blythe's express wish, resided in his house up to the latter's death, which resulted

from the effects of pyrogallic acid used by him in photography; and a quantity of which he had taken a few days before his death. As you are aware, the evidence shows that Mrs. Blythe had nearly two months previously become a Roman Catholic, she and her husband (he a lay reader) having previously belonged to the Church of England. Murphy being a Roman Catholic was credited or blamed for Mrs. Blythe's conversion. This is clear from the "talk" in Rotorua, and, in fact, evidence was adduced at this enquiry (via, evidence of Mr. and Mrs. Scott—a native) to show that Mr. Blythe was disturbed in mind and heart at his wife's conversion. The value of this evidence was, however, wholly destroyed by evidence adduced on the defence, viz., that Mr. Blythe had himself helped to decorate the Rotorua Catholic Church on Christmas Eve, and had also at Christmas inscribed to his wife a Catholic Prayer Book as a Christmas present. No doubt, however, can rest on anyone's mind, after reading the letter [Exhibit "L," written December, 1891] of the Rev. Mr. Spencer, in which he requests Mr. Blythe "To pass me by" in absolute silence, also my wife and my children," and the letter of the Rev. Mr. Willis, where he says, "I cannot help feeling you "(i. e., Mrs. Blythe) have made shipwreck of your faith in becoming "a member of the Roman Catholic Church, and made void the "Word of God by the acceptance of the traditions of men."

No doubts I say, can rest on anyone's mind but that, taking these letters together with Mr. Griffiths, evidence, a strong feeling of antagonism to Murphy, the overseer, and Mrs. Blythe, on the part of a narrow minded "set" who would like to govern Rotorua, and that) Murphy's expulsion from the district was by them decreed. Hence, when the inquest took place on Mr. Blythe's body, efforts were made to implicate Murphy and Mrs. Blythe, but without success. It may be mentioned that Mr. Griffiths had telegraphed to Inspector Broham urging a thorough investigation, but when called upon to give evidence at the inquest, I believe, said he knew nothing. The Coroner and the jury also discarded the statements of a certain half-caste, named Yates (whose evidence in *this* enquiry has been proved in several respects to be false), as mere irrelevant gossip. His testimony, in consequence, as you know, does not even appear in the inquest proceedings. Yates had a grievance because Ely the—and he blames Murphy for it (see Yates' evidence)—did not give him work for a whole year (1891), and thus foiled at the inquest, efforts were immediately set about to defame both Mr. Murphy and Mrs. Blythe, and as a consequence the solemn declarations subsequently made by four natives, before the Clerk of the Court, Mr. Dansey, whose wife is a Maori, and related to Arama Karaka, one of the declarant witnesses. From the evidence of Mrs. Blythe, corroborated by the Rev. J. A. Hollierhock, there is little room for doubt but that Yates, and possibly others, instigated these four natives to make these declarations; because Wiripini, one of the natives, before making her declaration, told both Mrs. Blythe and the Rev. Hollierhock, that Yates wanted her (Wiripini) to make statements against Mrs. Blythe, "but that she knew nothing;" consequently some influence must have been at work, as this same Wiripini subsequently did make her declaration referred to. These so-called statutory declarations were of an extraordinary and defamatory nature against the characters of both Mr. Murphy and Mrs. Blythe, and by wicked influence and alleged circumstance, attributing to them undue familiarity and even improper intimacy.

It is necessary to observe here that no notice was sent by Mr. Dansey either to Mr. Murphy or to Mrs. Blythe, or to myself, as her solicitor, whose presence in Rotorua was generally known. Had Murphy, or Mrs. Blythe, or myself been notified, as in *fairness* I think should have been the case, denials at least of these damaging statements by the parties concerned might have accompanied the declarations.

I say, in *fairness*, because not only was a man's official and private position and character thus secretly assailed, but also the virtuous character of a woman cruelly traduced. And Mr. Dansey should have known (for he is also Clerk of the Court) that had these natives' statements been made at the inquest, as he subsequently wrote to the Coroner they were intended to have been, they would have met the same fate as Yates<sup>3</sup>, by not being listened to, or, if listened to, subjected to cross-examination by the parties a fledged, at id the Coroner and jury. Moreover, Mr. Dansey, though taking down these natives' statutory declarations, in forwarding them to the Coroner (by letter attached to the papers, dated 5th January—three days after they were taken down) stated in effect that they had no bearing on Mr. Blythe's death; but, he added, the grave and unwarrantable statement that "They (the Maori declarations) "showed what prompted a man of sensitive nature to commit" the rash act, and who were at least morally responsible." This statement, and his conduct in the face of the fact that he had not notified Murphy or Mrs Blythe of the damaging allegations by the natives, I took occasion at the enquiry to denounce as cowardly in the extreme, and assassin-like; and I hope Mr. Dansey will avail himself of the opportunity which professionally I have offered him of expressing his regret for the extremely criminal imputation above written by him, Whatever other motive was in Mr. Dansey's mind, his personal design to bring about Murphy's dismissal is clear, for he follows up the paragraph just above quoted, with this vindictive aspiration:—" I hope these papers (the Maori declarations, forsooth) will be brought under the notice of the Surveyor-General as regards the *conduct of Murphy* (the road overseer) in "*this sad affair*"

What the Surveyor-General would have done apart from Mr. Dansey's letter, I do not know; but the fact is, Mr. Dansey's apparently ardent desire was satisfied, as the Surveyor-General subsequently sent an urgent wire

to Mr. Malfroy (a Government officer temporarily in charge of the Road Department after Mr. Blythe's death) to dispense with Murphy's services in these terms, "In view" (to use the Surveyor-General's own words) "of the" disclosures which were made at the recent enquiry into the death "of the late Mr. Blythe, it is considered that Overseer Murphy" should not be retained in the Government service." Now by "recent enquiry" the Surveyor-General must have ostensibly meant the inquest proceedings. But as a fact these proceedings (which are recorded in the Justice File, and were produced at this enquiry) in no way reflect upon Murphy, and I challenge the most scrupulous analysis of the inquest evidence to disclose the slightest reflection upon Murphy, and this is supported by the verdict of the Coroner's jury, which attaches no responsibility to anyone but the late Mr. Blythe himself for his unfortunate decease.

As the inquest disclosed nothing derogatory to Murphy, it is evident that the Surveyor-General must have had running in his mind the natives' declarations, which did contain the grossest slanders on the characters of Murphy and Mrs. Blythe. And I submit that it was a very unusual and unfair proceeding, without calling on Murphy for any explanation whatever, to practically dismiss him from the Public Service on the *ex parte* and uncorroborated statements of natives.

It is necessary at this point to refer to an important incident. It appears that Mr. Malfroy was requested by the Surveyor-General to communicate to the department certain information regarding the position of public moneys in the late Mr. Blythe's hands. In reply to this enquiry, Mr. Malfroy unsolicitedly added the unwarrantable statement that he believed Mr. Blythe's death was "attributable to family troubles." As Mr. Blythe had no children, the cruel imputation in this telegram could only refer to Mrs. Blythe, or be possibly intended as a discreditable suggestion against Murphy. Mr. Malfroy had the harshness to show this reply to Mrs. Blythe, who at once indignantly telegraphed to the Surveyor-General, stating that there was nothing on her part in her relations to her husband which warranted Mr. Malfroy in making these untruthful statements, The Surveyor-General replied to Mrs. Blythe expressing his sympathy in her bereavement, and also his assurance that "nothing in his home life caused him (Mr. Blythe) to leave it."

I may also mention that on the 2nd of January, 1892 (the day of the evening on which the natives' declarations were made), I was in Rotorua, acting as solicitor for Mrs. Blythe, and in the course of an interview with Mr. Malfroy he also showed me his telegram above referred to. I at once pointed out that the Department had not even asked him for his opinion in any way as to the cause of Mr. Blythe's death, and now that the inquest had exonerated everyone, he was in honour and duty bound to retract his previous statement, This he did in a telegram to the Surveyor-General, in which he stated that, "from the result of the inquest and other inquiries, "he (Mr. Malfroy) found he was not 'justified' in attributing Mr. Blythe's death to family troubles," The rashness of Mr. Malfroy in sending a telegram which he had so soon to contradict needs no further comment. Though the natives' declarations could not have been seen by the Surveyor-General, their progress, I believe, was known to Mr. Malfroy, and Mr. Malfroy's first implicating telegram and the two telegraphic replies, dated respectively the 2nd and 5th January, 1892 (of the Surveyor-General and Mr. Malfroy), prove at least three things—that the Surveyor-General knew of no impropriety, and believed none to exist, between Murphy and Mrs. Blythe; 2nd, that the inquest having concluded on the 31st December, 1891, and the Surveyor-General's telegram to Mrs. Blythe being dated the 5th January, 1892, and Mr. Malfroy's retracting telegram to him being dated the 2nd of January, 1892, or two days after the inquest, at which Mr. Malfroy was present, the inquest proceedings resulted in no disclosures whatever, much less anything reflecting on Murphy; 3rd, that Mr. Malfroy's telegram attributing the death to family troubles showed that he also entertained an impliedly strong design against Murphy, as well as against Mrs. Blythe, which he afterwards, by his own telegram, declared to be unjustifiable.

It is of importance to bear in mind all the Surveyor-General's telegrams already alluded to, especially the one to Mr. Malfroy dispensing with Murphy's services. For, when acting for Murphy, I telegraphed to the Minister of Lands pointing out that he (Murphy) had been unjustly dismissed, without being called on for any defence or explanation (the correspondence on this matter I presume is all in the Survey Departmental file), and asking, "before final "action." to grant an enquiry, I was met by the reply from the Surveyor-General on the 25th February, 1892, that "the Department had made no charge" against Murphy, but circumstances "had come to our knowledge which renders it advisable to make "several changes," and adding that the Minister would have an enquiry made if I thought justice demanded it, This reply is, as it seems to me, a contradiction in itself, for while it alleges "no" charge," it suggests the strongest charges by innuendo, which is one of the worst forms of accusation. This reply, also, is hardly ingenuous; indeed it is again contradictory of his (the Surveyor-General's) instructional to Mr. Malfroy of the 10th February, 1892, to dispense with Murphy's services. The positions taken up by the Surveyor-General are wholly inconsistent and illogical, because, if there was "no charge" against Murphy, then there was no reason to dispense with his services, for there has never been any allegation of retrenchment mentioned. If there was "no charge" by the Department against Murphy, then I confidently submit it is a somewhat extraordinary proceeding to dismiss, on *ex parte* statements of

outsiders—these Maoris—a public servant who previously held an unvariedly good character for work and conduct, and without even calling on him for an explanation.

In the same telegram to me, the Surveyor-General says, "The Government has the right to dismiss any of its servants," But dismissal implies misconduct or other sufficient charge or reason, and if "the Department makes no charge," surely this is rather a high-handed doctrine to propound with regard to public servants.

Following this narration it is necessary to know that I next interviewed the Minister of Lands in Auckland with the view of pursuing my request for an impartial enquiry. I represented to him that a wrong course had been taken in dispensing with Murphy's services summarily when ostensibly no charge was made against him, and asked that he might be simply "suspended," and a proper investigation held. The position of the Minister at this stage of the case made me quite appreciate his unwillingness to suddenly reverse the action taken by the departmental head of his Department; but he granted the enquiry, with the right to me to appear for Murphy, etc. I stipulated, amongst other things, that I should be supplied with the fullest information of everything in the nature of accusation. This the Minister agreed to, and he nominated your self—Mr. Gerhard Mueller, Commissioner of Crown Lands, Auckland—to hold the enquiry, though I mentioned that I would have preferred a person with some judicial training or experience, and who was not an officer in the Department under the Surveyor, General, I had at the time no reason (as you, Mr. Mueller, were little known to me) to think otherwise than that the conduct of the enquiry would be marked by the strictest independence and impartiality, and therefore made no opposition to the appointment. So much for the narration leading up to the enquiry.

## The Enquiry.

It will be borne in mind that up to this time we were going to an enquiry where there were "no charges" made by the Department, yet Murphy had been dismissed on account of what had come to the *knowledge of the Department* and I naturally requested at once to have access to those matters which came to the knowledge of the Department, or be furnished with formulated charges. But notwithstanding previous assurances I had to encounter stubborn departmental resistance to any distinct information, and was denied access to the Survey file, which was described as "confidential," but which, doubtless, contained much correspondence and memos, prejudicial to Murphy. I was officially informed, however, that this file was in the hands of yourself, Mr. Mueller, and I contended that "if this file were in the hands of Mr. Mueller," who might be prejudiced by it, and was practically to be a judge in the case, it should also have been open at least to my inspection on behalf of Murphy, the accused. My contention was, however, of no avail, the Survey file was denied me, and I have never yet seen it, though in your hands, Mr. Mueller, *before* and *during* the whole enquiry. My object in asking formulated charges and particulars of any accusation likely to be brought against Murphy was to limit the scope of the enquiry, and the evidence thereon. Not being able to get formulated or specific accusations, which would be notified any defendant in a Police Court, I telegraphed on the 28th March, 1892, to the Surveyor-General to let me know if the "disclosures; first alleged by him (as already mentioned) "constitute the sole ground "of Murphy's dismissal" To this I received the reply next day that "The file of Justice Department now with Mr. Mueller contains *the* reasons for dispensing with Murphy."

Anyone would think: that the sphere of accusation had thus been narrowed down to definite limits, for the "Justice file" referred to comprised, beside Mr. Dansey's letter, which I have commented on, the inquest proceedings, the four natives' statements containing charges—charges of impropriety between Murphy and Mrs. Blythe, and the forwarding letters of the Coroner and the Resident Magistrate. But though I was thus led to believe that the inquiry would be limited to the charges as in this "Justice file," it apparently was not so, for the day after receiving the telegram from the Surveyor-General (viz., 29th March, 1892) practically limiting the enquiry to the "Justice file," I received a memo, from you, Mr. Mueller, informing me that your "instructions" were to enquire not only into Murphy's conduct as overseer, and the truth or otherwise of the natives' statements, but also into the additional matter of "certain" monetary transactions in which Murphy is concerned." This was a matter that was now mentioned for the first time, and it will be recollected that I at once remonstrated with you and the Surveyor-General that this money matter was quite new, and inconsistent with the latter's telegram confining the enquiry to the "Justice file," which contained no charge, nor mentioned anything whatever about money, I also at the same time wrote you, pointing out to you that as Murphy's honesty and moral and official character were at stake, the periods, acts of misconduct as overseer, dates, and amounts of money, and under what circumstances, should be specified, and requesting to be furnished with same accordingly, To this remonstrance I received a memo, from you, Mr. Mueller, repeating that your instructions were to enquire as already notified me, but admitting the variation and extension of the scope of the enquiry; and I received also a telegraphic reply from the Surveyor-General to the effect that the money enquiry would be separate from the other, and that Murphy would receive due notice of particulars after the preliminary

enquiry.

Up to the present moment Murphy has had no notice of these so-called money transactions, though the inquiry, so far as I know, has concluded in relation to them but of this further on. Now, I have mentioned the preceding matters to show the confusion and contradictory attitude of the Department in relation to Murphy's dismissal and this enquiry, and also to show the extremely unsatisfactory—because indefinite—nature of the charges or accusations Murphy had to meet; and this dissatisfaction was in no little degree heightened by other disadvantages and circumstances attending the mode of obtaining evidence against Murphy, as well as the partial and discouraging surroundings and manner of conducting the enquiry. Indeed so much was this the case that I was tempted, for these reasons, on several occasions before and during its progress to withdraw from it, as I frequently felt that its indefiniteness and mode of procedure did not warrant me in submitting my client's character and position to such a tribunal; but having embarked in the matter, and at Murphy's earnest request (because his integrity and character were at stake), I continued to act throughout the enquiry.

To describe what I mean by these partial and discouraging surroundings I need only mention that, sitting on the Bench beside you throughout the enquiry (contrary to my repeated protest), and, doubtless, on and off it, instructing you in relation to various matters, was Mr. Malfroy, who had sent the defamatory telegram already alluded to; and Mr. Dansey (the brother-in-law of one of the native witnesses) who had taken the four natives' statements, and had forwarded them on with the covering letter which I have stigmatized already, couched, as above shown, in such vindictive terms, drawing the Surveyor-General's attention to what he called Murphy's conduct "in this sad affair," was clerk and interpreter of the enquiry contrary to my protest. My request that all proposed witnesses should be "ordered out of court," till required, was also refused except as to the *four* natives who had already made the declarations. All other native witnesses were present as they liked, and heard the testimony of the others. The European witnesses were in and out of court-room during the whole enquiry, some of them actually, for hours at a time, taking notes of the evidence as it proceeded. As Mrs. Blythe (on whose behalf also I watched the enquiry) was present to instruct me, so far as her character was involved, and out of consideration for her feelings also. I thought, and requested that she might be spared the presence of a morbidly curious crowd; but my request was refused on the ground that it was an open enquiry. I pointed out, without effect, as you are aware, that the enquiry was quite open in the sense of having the fullest legitimate testimony that might be brought adduced, but that the presence of the crowd was unnecessary to the strictest investigation. It will also be remembered that the persons present in court were, being chiefly witnesses and their friends, opposed to Murphy, frequently interrupting the proceedings with "Hear, hear's," to your occasional remarks, and with marks of disapprobation during my cross examination, and also when I thought it necessary to argue and protest against the admission of merely second and third-hand testimony. Very frequently other ejaculations of a more or less rude and antagonistic character came from the audience. So far did these interruptions take place that several altercations between myself and the audience became imminent, especially when some of them had the audacity to ask to be allowed to put questions to one of the witnesses. The disorder became so great once or twice that there were signs of a total collapse in the whole enquiry.

Then, you will remember that in opening the enquiry you, Mr. Mueller, stated that the enquiry was not a legal one (which was true) in which you would be guided by any rules of evidence, but by common sense, and that you would accept what evidence you thought necessary, and conduct the enquiry in your own way, stating at the same time that you would give me every opportunity of cross-examination. It was not long before it became quite evident to me that, acting under instructions possibly, (for I didn't see them), you were anxious to get down those statements which might tend to substantiate the case against Murphy; and all the long, tedious statements of Maoris—of a purely hearsay character—were patiently listened to, and taken down, whilst, as it seemed to me, an amount of impatience seemed to ensue during my cross examination and during the statements of some of the witnesses for the defence.

I will bring two circumstances to your mind which show what you conceived to be your functions in this inquiry, I vouchsafed to liken you to a judge, but this you promptly repudiated, and said that you were only concerned to ascertain and take down whatever might be considered to substantiate the charge, against Murphy, leaving myself or Murphy to bring out whatever we might think favourable to him. This is supported by your apparent disappointment at the evidence of Mr. Butt, who was called ostensibly against Murphy, but turned out to be a most favourable witness for him, when you said to him, "I understood you would give different evidence Mr. Butt. Had I thought or known you would have "given this evidence I would not have required you to come."

This I observed upon instantly as indicating an unconcern for any evidence favourable to Murphy, Again, before concluding the case against Murphy you addressed the audience, and invited any of them to be witnesses if they chose, but none responded, This most extraordinary course was not, however, taken by you at the close of the evidence for the defence, nor would I ask it. I must not forget to remind you that, though you announced your intention of giving me every latitude in cross-examination, the privilege was somewhat neutralized by

your coming occasionally to the rescue of some of the witnesses by telling them that you had no power to compel them to answer my questions, insulting or otherwise, and that they might accordingly decline to answer, a hint which the record of the evidence (see Mr. Griffiths' evidence) shows the witnesses promptly availed themselves of,

I need not pursue this point farther than to say (speaking quite impartially and with all respect to yourself) the whole course and conduct of the enquiry was such as to impress an impartial observer with the belief that the desire to vindicate the action of the Department was paramount to and more prominent than the desire to accept or recognize any testimony, facts, or circumstances which would tell in favour of Murphy; and the only consolation I experienced beyond the consciousness of my client's innocence and unjust treatment was, that after the conclusion of the defence, at the close of the enquiry, with all its partial surroundings, my remarks evoked the applause of the fullest audience which had attended the Court-house during the enquiry.

## The Subjects of Enquiry and the Evidence.

The subjects of enquiry that were supplied to be investigated under the circumstances just mentioned were, according to your memo, to me—

- The conduct of Murphy while holding the appointment of Road Overseer in Rotorua District;
- The truth or otherwise of the statements made by the natives as mentioned in the Justice file; and
- Certain monetary transactions in which Murphy is concerned.

With this last matter I shall deal separately, as it was so determined to be dealt with by you.

Now seeing that Murphy held the position of Road Overseer for about two and a half years, and no specific acts of misconduct as Overseer in that time were charged, it will be at once seen the immense disadvantage in which Murphy was placed in having to answer the hundred-and-one malicious statements that might be trumped up against him by evil-disposed persons within such wide limits of time.

In a judicial experience of twenty-one years, I have never known an accused subjected, as in this—Murphy's—case, to the same difficulties of having to meet unknown and unformulated charges, suddenly sprung upon him by any of the general public, who, voluntarily, or by general invitation advertisement, might choose to air their grievances against him or vent their spleen upon him, and especially were the difficulties increased in this case from the fact of the witnesses—and many of them Maoris—not being on oath, and only bound to answer what they liked. To those who have had experience of Maori testimony there can be only one opinion, even when given on oath—its utter untrustworthiness. But how much more untrustworthy must it be when, as in this enquiry, it was not accompanied by any such solemnity, and no judicial compulsion or surroundings, Now viewing, however, the first matter above mentioned as a charge, *i.e.* Murphy's suggested "misconduct whilst "Overseer," I assume this is meant to be alleged misconduct as Overseer, As to this, I submit there is not the slightest evidence—and the answer to such a charge, expressed or implied, is complete. The best judge of Murphy's conduct *as* Overseer, or whilst Overseer, was surely Blythe himself. Where, I ask, has Mr. Blythe ever even reported Murphy? If there be any departmental report by Mr. Blythe or by any other officer over Murphy, this can be produced. But there is no such report, and none was ever even *mentioned* at the enquiry; but on the contrary it will be found, most probably, that the Department contains records commendatory of Murphy's abilities and industry as an Overseer, I submit it is an extraordinary and unheard-of proceeding to question the conduct of an Overseer upon the mere opinion or gossip of ., the man in the street," Can the mere statement of two or three of the general public—even assuming they were quite unbiassed (which in this case they are not)—who may choose to come forward and say a public lit servant has been—to put it in the strongest form—idling his public time, be of the slightest weight against the fact that *that* servant was under the immediate supervision and control of an Engineer as his superior officer, who had the best means of observing and knowing his official conduct? Another thing, if Murphy was not utilizing properly his public time, or conducting himself otherwise than as a faithful and dutiful public servant, why did not these persons, if any, who are so zealous in the public interest *after* Mr. Blythe's death communicate these matters to him *before*? or, if they did tell Mr. Blythe, how is it there is not a scintilla of evidence to show that he even made any complaint or remonstrance with Murphy? The position is this: either they told Mr. Blythe or they did not. If they did, the responsibility rested with him to take action, and in his mind there was no truth in the complaint, if any, as he did not take any action. If they did not tell Blythe, then it argues strongly, amongst other things, the non-existence of any ground of complaint, What would become of the whole public service of the colony if such village stories were always to engage the attention of the departmental ear? Many instances will readily occur to your mind where if such gossip were listened to, the public and private character of public servants might with facility be unjustly destroyed after the death of their superior officers who had held them, as in this case, in the highest estimation for ability and public industry. The first topic of investigation in this enquiry,



which I have just been alluding to, is so intimately connected with the second that my criticism on the evidence covers and applies to both grounds

As you are aware, the bent and purport of the whole Maori and European testimony intended to be adverse to Murphy, was in effect that he ordered two natives (witnesses in this enquiry) to do household work in Government time and paid for by Government money; and a strong suggestion of undue familiarity or intimacy between Murphy and Mrs. Blythe, and that, in consequence, Government time was misspent or wasted. This is practically the whole story—native and European. No dates are fixed by a single witness against Murphy, not even periods or months can be mentioned, and the utmost vagueness prevails all through their testimony. But assuming even that this testimony were un-contradicted (instead of which it is *uncontradicted* and *contradicted*), besides the absurdity on the face of it, the answer which I have before stated is also, I submit, a complete and conclusive answer to the whole allegation. If natives were employed in household work repeatedly at Mr. Blythe's residence—if Murphy ordered this to be done, and there was undue familiarity between him and Mrs. Blythe, causing him therefore to waste an undue proportion of Government time, then this all must have been known to Mr. Blythe, Murphy was residing in Mr. Blythe's house for eighteen months or more, then if household work so done in Government time and paid for accordingly, were of frequent occurrence, as alleged, it must have been known to Mr. Blythe, with whom the responsibility would wholly rest. Such work could not, as one native witness (Pararaki) had the temerity to say *teas* done for a certain time in *every* month for about twelve months, have taken place with this constant regularity without Mr. Blythe knowing it, and if so, the accusation falls with sole weight upon Mr. Blythe and not on Murphy, for the presumption would be, even if the story contained any truth, that the work was done under Mr. Blythe's implied, if not express instructions. But this allegation about household work in Government time will be seen to have been distinctly and solemnly denied by Murphy, and such denial is corroborated by Mrs. Blythe, as will be seen in the evidence for the defence.

Now as to the undue familiarity between Murphy and Mrs. Blythe? The general and conclusive answer to this is that the accusation is a most false and malicious slander of the characters of both Mrs. Blythe and Murphy, as well as a foul calumny on the memory of the late Mr. Blythe, because if there were any truth in the statement, the impropriety must have been *known* to Mr. Blythe, who had the power to get rid of Murphy, to turn him out of his house, or to move the Department for his dismissal, or to transfer him to another part of the Road District, but the evidence of Mr. Butt—a witness called against, but proved to be *for* Murphy—and that of Mr. Taylor, a Justice of the Peace, shows quite the contrary, as they both solemnly declare that three or four days before his death Mr. Blythe spoke in the highest terms of praise of Murphy as a good overseer under him, saying he was "very fortunate in having such a good overseer," and expressing his kindly regard for him as a man. Besides, we have no evidence that Mr. Blythe ever told any *white* man anything disparaging the virtue or conduct of his wife in any way, but on the contrary, we have the strongest documentary evidence, which are exhibits in the enquiry, viz., the memo, to Mrs. Blythe (29th July, 1891), saying she is a "faithful wife" and that he is "proud" of her and respects her, etc., etc. Also the birthday book containing the eulogistic reference to his wife, dated the 16th December, 1891, or a little more than a week before he died. He had many intimate European friends in Rotorua to whom he would have confided *anything*, and yet *one* Maori is the only person to whom he confides any suspicion about his wife. The thing is worse than absurd—it is a wicked lie. I submit that the foregoing general argument would in any Court of Justice be a complete answer to the whole case against Murphy without any further or particular criticism of the evidence, because if the alleged improprieties are untrue, the whole case falls to the ground, I will, however, as concisely as possible, analyse the evidence and show its utter worthlessness. There were nominally seventeen witnesses called presumably to give evidence against Murphy. Of these no less than ten were Maoris, the remainder being Europeans. Of these seven European witnesses one was (Scott) the husband of one of the Maori witnesses. Arama Karaka (who as already mentioned is brother-in-law to Mr. Dansey, Clerk of the Courts and writer of the defamatory letter before alluded to) and the two boys, Tamati Poruru and Sam Hodge, as the evidence discloses, are related; and Ihaka Marino and Wiripini are husband and wife; and two witnesses (Mr. Butt and Gus Higgins) proved distinctly to be witnesses in favour of Murphy, Higgins contradicting in direct terms *all* the material parts of Yates' testimony.

The following are the witnesses called against Murphy, viz., Pararaki, Arama Karaka, Tamati Poruru, Sam Hodge, Wiripini, Tamati Moko, Mrs. Scott, Ihaka Marino, Yates, Timotuha (all Maoris), and Bell, Griffiths, Dr. Ginders, Moore, Butt, Higgins, and Scott (all Europeans), From this apparent array of witnesses two (Butt and Higgins) must be deducted thereby reducing the total number of "Crown witnesses" (we may for brevity sake call them such) to fifteen, of whom, as I have mentioned, ten are Maoris, and five of these closely related. As opposed to this array there were twelve witnesses, *all Europeans* of the highest respectability, and adding Mr. Butt and Higgins we have the total array of witnesses for the defence, numbering fourteen, all residents in Rotorua, viz., Murphy, road overseer; Taylor, merchant and J.P.; Ryan, Government road man; Young,

bootmaker; McCrae, hotel proprietor; Lorrigan, blacksmith; Hollierhock, Roman Catholic priest; Williams, accountant and storekeeper; Mayes, Cobb's coach driver; Keys, builder; Miss Reeves, domestic servant; and Mrs. Blythe, Mr. Butt and Higgins. In mere numerical quantity the defence was about equal, but in point of truth and reliability decidedly overwhelming. You will remember how well justified was my vain protest in the beginning of the enquiry, that Mr. Dansey's bias against Murphy precluded him from being your clerk and interpreter, in relation to the sinister and suggestive notices he sent to the natives to give evidence (which are attached to the papers), you even remarked that they were in very "strange" form, as the natives were in effect, requested to come and give evidence *on the side of the Government* "as to Murphy's evil-doing, and that their expenses would be paid for their attendance." One might be almost justified in calling these "hired witnesses," but there is at least in such a notice sufficient motive and inducement to natives, of by no means high moral grade (as in Rotorua), to shape and give evidence as requested. It is my duty also to comment on the very irregular course you almost invariably pursued in your examination in chief of the "Grown witnesses," by plainly indicating the nature of the evidence you expected, notwithstanding my repeated remonstrances, your reply to me being that you would put the question in the form you thought necessary to "come to the point at once without beating round the bush." The danger of such a course is manifest, but though you were good enough to allow many of my protests to be recorded, this line of examination became so constant and established that I wearied of objecting.

Now to deal with the evidence of the "Grown witnesses" brought against Murphy, and taking the Maori witnesses first, it is a significant fact that in the case of nearly all the native witnesses they each profess to speak to separate and different occasions or circumstances, that are not corroborated, and in any case where corroborative evidence was affected to be brought it turned out to be either untrustworthy or absolutely contradictory of the principal witness, or absolutely false. Taking them in order, we come to

Pararaki: This is a native who, like many others that have a grievance against Murphy, had to be "knocked off" work at times by the latter on account of not performing it properly. Pararaki has also been brought up to the Police Court on a charge of attempted suicide, and also convicted of disorderly conduct and using obscene language. It also transpired in the evidence—though he declined to deny it—that he was known in Rotorua as "Tommy the Liar," and the character of the testimony he gave at this enquiry to my mind fully warranted the *soubriquet*. He told a lie when he said he had worked the whole of December, 1891, on the Maketu Road, when, as the pay-sheet would show, he worked on an entirely different place, called the "outlet," He lied when he stated that "all his work at Blythe's house was connected with household work, "such as cleaning saucepans and feeding fowls," for in cross-examination he admitted he had done fencing, cutting trees, making stable-floor, and cutting ti-tree stakes for Government work, at or near Blythe's residence, which, it must be remembered, is Government property. He also lied when he stated that on the 22nd December, 1891, he was about town *all day trailing for his wages*, and afterwards admitted that he was at work up to the 23rd December, 1891, and that "I did not have to wait an hour for my money"; and again, when he said he bought five shirts from Sirs, Blythe, and afterwards said, Yes, I bought the shirts from Murphy, and not Mrs. Blythe."

In the same way I could go through his evidence and point out numerous instances of deliberate falsehood, showing clearly that his reputation for untruthfulness was well-founded.

One need hardly trouble further with his evidence, which from the foregoing instances should be condemned and wholly discarded. Yet this was one of the chief witnesses against Murphy, not only in this part of the enquiry, but also in what are called the "money transactions." Now Pararaki's testimony amounts to this:

1, That he was ordered to do household work, such as cleaning saucepans, by Murphy, presumably in Government time, and that Mr. Blythe found fault with him; but he contradicted himself in the next breath, because he says Mr. Blythe told him "he would be paid for his work all the same." Therefore, according to his own showing, Mr. Blythe *sanctioned* this kind of work. Pararaki further in cross-examination said that there was not a month out of the twelve or fifteen months that he was doing Government road work that he did not spend some portion of his time at Blythe's residence doing household work. If this were true, Mr. Blythe must have observed and sanctioned it, and he, and not Murphy, is alone responsible for it. Pararaki's testimony, which is uncorroborated, is contradicted by Murphy and Mrs. Blythe (whose solemn declarations are surely worthy of more credence than the bare statement by one native), who positively declare the statement to be an absolute untruth, and that Pararaki never did any household work except rarely after his working hours, chiefly after one o'clock (the knock-off time), on Saturdays for which he was paid privately by Mrs. Blythe, either in money or clothes or goods. Murphy further in his evidence avows that his instructions from Mr. Blythe were to keep the private time separate from the Government time, and this he (Murphy) always strictly carried out by returning on every occasion the correct Government and private time, distinguishing one from the other, Pararaki gives no dates whatever, and cannot fix anything definite, nor can he tell us what he was paid for any of this household work. To credit this particular statement of Pararaki would be practically, on his sole uncorroborated statement, to charge Mr. Blythe and Murphy with conspiracy to defraud. But we shall see the

value of his bare statements when I deal with the next, viz.,

2. That Mrs. Blythe and Murphy kissed in the dining-room of Mr. Blythe's residence. This is the statement in his statutory declaration in January last; but in this enquiry he contradicted this statement by saying that it did not take place in the dining-room, it was in an adjoining room called the school-room (it should be remembered that Mr. Blythe's residence had been a native school and teacher's residence combined). In his former declaration he said nothing about "plucking a fowl," but now has changed the *locus* of the room, and adds for the first time the additional circumstance about "plucking a fowl." which would be unlikely to take place in a dining-room as he at first declared. This is, of course, another falsehood. Then again, in his written declaration he stated that he had his back turned; but in this enquiry, seeing the lying impression he might convey by saying that he saw two people kiss when his back was turned, he clearly tells another lie by saying he twisted his head slightly round. This is "the only thing he ever saw." and this alleged occurrence is uncorroborated, because he says no one else was present but himself, Murphy, and Mrs. Blythe, who both deny and denounce the statement as a wilful and wanton lie. Is it likely that the kissing would have taken place with a native in the room? The story is again a falsehood.

3. Pararaki next alleges that Blythe was drunk on one occasion about two months before his death, and that he told Pararaki that he would give him £10 to catch Murphy and Mrs. Blythe at their "evil doing," and after he became sober he repeated the reward. Here is, I submit, another "lying make-up." In the first place, those who knew Mr. Blythe best aver that they never saw him drunk at any time. Next Pararaki says, as usual, there was no one present. Mr. Blythe, of course, is dead, and if alive, would, no doubt, deny the whole occurrence, otherwise he would belie all his avowed confidence in his wife. The statement is, therefore, uncorroborated. Moreover, Pararaki was never, he admits, *paid* his reward. If the "kissing" he relates in the last allegation just dealt with, took place *before* the offer of the £10 reward, why didn't he mention this "evil "doing" to Blythe, and demand some money? If it took place after the offer of the reward, why, also, did he not communicate the occurrence to Blythe, and lay claim to the bribe? Why wait till after Mr. Blythe's death to tell this? The answer is, that nothing of the kind ever took place—neither the offer of the reward nor the kissing—and that this whole statement is a slanderous fabrication.

4. Again, Pararaki alleges that on one occasion Mrs. Blythe said to him: "Don't take any notice of Mr. Blythe or I shall discharge you." This was also said when no one else was present. On the face of it, it is an absurdity, and a lie, for Mrs. Blythe had, of course, no power to discharge him, and she had no cause to do so if she had the power, for he admitted in cross-examination that he had not said anything to Mrs. Blythe about his conversation with and promised reward from Mr. Blythe. Therefore there was nothing to cause her to say such a thing. Moreover, when you, Mr. Mueller, asked him, "How should she discharge you when she was "not your master?" he was unable to offer any explanation. There are many other contradictions and absurdities in Pararaki's testimony, but I submit it is sufficiently clear that his statements should be rejected as ridiculous and false.

The next witness is Arama Karaka. It will be borne in mind that this is the Maori witness whose sister is married to Mr. Dausey<sup>3</sup> the Clerk of the Court, who wrote the letter already alluded to, charging Murphy and Mrs. Blythe with being morally responsible for Mr. Blythe's death, and asking that Murphy's conduct be brought under the notice of the Surveyor-Genera

Arama Karaka's statutory declaration was—that in December, 1891, he was out horse-hunting in the neighbourhood of Blythe's residence, and near the public road, where he saw Murphy, in broad day-light, lift Mrs. Blythe up by the "hips, and throw her above his ., head three times, and kiss her." It is worthy of note that the word "hips" was used in the declaration, but in this enquiry he positively asserted that it was by the "*waist*" he caught her. It is an extraordinary and unvarying feature, according to the natives' testimony, that Murphy always took the most public place and opportunities to indulge in these familiarities. Unlike the other witnesses' testimony, Arama Karaka alleged he could corroborate his statement by the two native boys that accompanied him on the occasion, Of course Arama Karaka stated in his declaration that he made the declaration *quite voluntarily*; and the native witnesses *all* avowed this. They all declared also in this enquiry that they had never spoken to native or European about this matter; some of them even going so far as to say that they had not even spoken to their husbands and wives. This, to anyone knowing their nature, character and habits of "talking over" everything is an untruth. This must have been impressed on yourself (though unacquainted with the native character) to a ridiculous extent when the native boy, Sam Hodge, was under cross-examination. He told me, in reply to my question, that he had spoken to Arama Karaka, "but not about this;" and so on. I took him through most of the persons who had given or were supposed to give evidence against Murphy, and he had had conversations with *all* of them, "but not about this."

To proceed, however, with Arama Karaka's testimony, He also stated that what he described had occurred in December, 1891, about two weeks before Christmas, but had *not* taken place on a Sunday. He further stated that Murphy lifted Mrs. Blythe *over* a mud wall, yet, strange to say, he could not say whether or not all this

took place in the fore or afternoon, and I must not forget to add that he said the boys were with him when the occurrence was witnessed—these two native boys, Poruru and Sam Hodge were called, with the object of corroborating him—but what do they say? They describe seeing some persons on the road in question "kissing," but they were from two and a-half to five chains away; they did not know whether the woman had a veil on or not They could not say if she was dressed in black or white; they could now say *how* the man was dressed, even the colour of his hat they did not know. Now as to corroboration of Arama Karaka. Arama Karaka says it was *not* a Sunday, Sam Hodge says positively it *was* a Sunday and Poruru says he does not know what day it was. It also occurs to me that if it took place on a Sunday there was no waste at least of Government time, but, in any case, where is the corroboration? Is it not rather the most direct contradiction? If Sam speaks the truth then Arama Karaka must be telling what is false and *vice versa*, the same with Poruru. Arama Karaka says Murphy lifted Mrs. Blythe *over* the mud wall, and Poruru says Murphy extended his hands to her and assisted her *on to* the wall. Again, Arama Karaka says it took place before Christmas, 1891. Sam says he did not know what month it was, and Poruru did not know whether it was *winter* or *summer*. All these discrepancies on material points in this testimony are the surest indication of its utter untruthfulness. But to put this beyond doubt I draw *special attention* to evidence adduced by the defence on this incident, declared to by Arama Karaka, and that given by these native boys, to show its worthlessness. We have the emphatic denial by Murphy and Mrs. Blythe that they were not at the place at all mentioned by Arama Karaka, and their solemn corroborating and denying evidence must be accepted as conclusive against the contradicted testimony of Arama Karaka, by the two boys, and the contradictory evidence between the boys themselves. Besides, would people be so insane as to take an open thoroughfare to carry on such demonstrative and grotesque familiarities as lifting or "throwing" Mrs. Blythe above his (Murphy's) head?

Moreover, the following incidents and circumstances must damn the whole testimony of these three. In the first place, the peculiar—or as you call it, "strange"—suggestive notices written by Mr. Dansey were handed to Arama Karaka to notify to the boys, which I have no doubt he did effectively. Next, after Arama Karaka was some time in the witness box giving his evidence, an old native man named Te Kowhai, the father of the boy Poruru, and who had evidently been in Court during Arama Karaka's evidence, was heard by the Rev. Father Hollierhock schooling these boys on the evidence. Here is Father Hollierhock's evidence on this point: "Yes, I saw Kowhai at the Court House, He is the father of "Poruru. I saw the whole of the witnesses who were ordered out of Court sitting on the ground, but I did not at first recognise the "boys. I heard them speaking about some places being about, five "chains apart from' so and so, and five chains from the bridge.' knew that the evidence given in Court was being repeated to the faces of those who were ordered out of Court. I said to them, in "a friendly way, that they *were not allowed to do such a thing*. Te "Kowhai then said he was doing it lest something should happen to his children,' *i. e.*, the two boys Poruru and Sam, Then I recognised the boys there. . . . I am sure that at that time Arama Karaka was in the box, and that it was the evidence which was being detailed by Kowhai, who was schooling the children in it," This evidence by Father Hollierhock is confirmed by what one of the boys, Poruru, reluctantly had to admit in cross-examination, viz., that "Te Kowhai was there" (outside the Court among the people), though young Sam denied it, and "He said nothing to me beyond saying 'Be strong.' I don't perhaps know what he meant by it."

Could anything be more conclusive that the two boys had been schooled, and that they told lies about it. Finally to prove this, observe what Mr. Keys in his evidence says: "I spoke to Sam "Hodge, who was a witness in the enquiry, about the evidence he "had given here, Hodge told me that Arama Karaka was not with him on the Sunday he spoke about. Poruru was in my employ, and he said he *gave such evidence because Arama Karaka had made him*." I must not forget to mention the further incident that on the very morning of the day they were to give evidence they were together with Arama Karaka on Mr. Dansey's premises for some time, a very significant coincidence, when it is remembered that Mr. Dansey was the clerk and interpreter taking down the evidence at the enquiry, that Mrs. Dansey is Arama Karaka's sister, and that she was seen sitting down amongst the natives outside the Court, We have not far to seek for Arama Karaka's motive for giving this lying testimony himself and suborning the boys to do the same, for out of his own mouth he admitted in cross-examination that Murphy, acting as a faithful and conscientious overseer, condemned certain fascines he supplied which were not according to specification. Arama Karaka wanted to be paid for 500, at 4d. each; whereas Murphy said there were in any case only 417, and recommended he should be paid only 2½d. each for them, as they were not according to specification, and Mr. Blythe paid him accordingly. In consequence of this, Arama Karaka admits he was very angry with Murphy. Further comment is needless to show that the evidence of Arama Karaka and the two native boys is false.

Passing on, to Mrs. Scott, a native woman (married to a pakeha), who, it was rumoured, would give details of a great scandal between or about Murphy and Mrs. Blythe, It must be remembered that Mrs. Scott was another native who received the peculiar and pressing invitation to come and give testimony for the Government as to the "evil doing" of Murphy and Mrs. Blythe, etc. Now, what does the scandal turn out to be,

even according to Mrs. Scott? That Murphy drove out to Waitapu (where Mrs. Scott had a sort of accommodation house) in a waggon or buggy with Mr. Webbe (Mr. Blythe's survey assistant) and Mrs. Blythe and her niece, a girl of about seventeen years of age. They brought out survey tools, pegs, provisions, and requisites for Mr. Webbe's survey camp. Whilst waiting for lunch Murphy, Mrs. Blythe, and her niece together strolled along the road to the lake, Mrs. Scott says that she (Mrs. Scott) called out to Murphy, Mrs. Blythe, and the niece to come to dinner, and whilst they were coming (she says) "I went again to" tell them to be quick; then I saw the two of them embracing, "I was on a little rise. They were *kissing*." This "embracing" Mrs. Scott explained was simply putting his arm round Mrs. Blythe's neck, and kissing her, Mrs. Scott related this occurrence to her husband (Mr. Scott), who told her practically to mind her own business, I submit that the story is one that cannot be believed, It is not corroborated by any other eye-witness, and it is denied absolutely by Murphy and Mrs. Blythe, whose two solemn declarations are overwhelming and, certainly, conclusive against the sole uncorroborated statement of Mrs. Scott. But apart from this, the surroundings of the alleged occurrence all controvert the truth of it. Even if true, how is the Government service prejudiced, or the Department scandalized? Murphy, as he states in his evidence, had to wait till his horse had a feed (the journey was twenty miles each way) before he could do the return journey to Rotorua, so there was no waste of time. But that the kissing took place is *untrue*. Mrs Scott cannot tell the month or the day of the week that it happened. Moreover, it was in the middle of the day, the place was public and open, There were no trees, she says. She (Mrs. Scott) had called them to their dinner, so that the *knowledge that she was about* would naturally be a deterrent. Furthermore, Mrs. Blythe's niece was with them, a girl of seventeen years of age, before whom Murphy would not be likely to carry on any familiarities with her aunt, Mrs. Scott is also contradicted in another material point. Both Murphy and Mrs. Blythe declare that there was no calling to dinner by Mrs. Scott; that as a matter of fact they (Murphy and Mrs. Blythe) were back some time before the meal was ready, and they support their statement with the additional circumstantial proof that Mrs. Blythe was nursing Mrs. Scott's baby outside before dinner, and had to come inside the "where" because it was raining. Mrs. Scott, of course, denies this, but it is declared to by Murphy and Mrs. Blythe. Mr. Webbe, who had dinner at the same time, though a Government servant, is not called to corroborate Mrs. Scott in these latter points, or to contradict Mrs. Blythe or Murphy.

Then Mrs. Scott makes several other statements which are of an extraordinary and absurd character and should not, as I ineffectually protested at the enquiry, have been listened to, and these were a lot of alleged conversations with Mr. Blythe (deceased), viz.:—(1) That Mrs. Blythe had now become a Catholic and he (Blythe) was very "pouri" or sorrowful about it; (2) That she had opened his Government letters; (3) That Blythe said Murphy and Mrs. Blythe slept together and that he knew it; (4) That Blythe said when he got to Rotorua he would report Murphy to the Department, advising them to dispense with Murphy's services; (5) And that Blythe and Murphy had a great quarrel on account of Mrs. Blythe. I have already mentioned evidence in this enquiry clearly refuting all these allegations, and it is an extraordinary thing how such "stuff" could have interested your patience sufficiently to tolerate it going down on the notes, you, yourself, expressed the opinion that there was nothing in the matter of Mrs. Blythe opening Government letters. That was frequently a matter of necessity with Government officers away from home. Indeed, it transpired that Mrs. Blythe had replied to an official letter you, yourself (Mr. Mueller), had written to Mr. Blythe, so I pass over what was intended in Mrs. Scott's mind to be a disclosure of great enormity. As to Mr. Blythe's anger about Mrs. Blythe becoming a Catholic, also there can be no truth in this. The presents of Catholic prayer books and crucifixes to his wife, the going to church with her, the decorating and photographing the Catholic church a few days before he died, his visiting and sending for Father Hollierhock, all show conclusively that there could be no truth in this alleged sorrow of Ely the on this account. As to Blythe reporting Murphy and getting him discharged, there can be no truth in this either, for where is it shown that Blythe ever did so? Does not the evidence of Mr. Taylor, Mr. Butt, Mr. McCrae, Mr. Williams, and others, all respectable citizens, and most intimate with Mr. Blythe, speak emphatically of Mr. Blythe's uniform praise of Murphy, both privately and as his overseer, up to the very last hour of his life? What, then, becomes of Mrs. Scott's testimony? Again, as to the alleged quarrel between Blythe and Murphy, there is nothing in this, as she stated in cross-examination it was about a horse. Her husband (Mr. Scott) who could only speak to this quarrel as an ear-witness, says himself it was about a *horse*. Mr. Murphy, in his evidence, explains this alleged quarrel clearly by saying there was only a misunderstanding in consequence of this (some more of Pararaki's lying), viz.:—Pararaki had told Mr. Blythe about ill-treating a certain horse by taking it too long a journey. In Murphy's own words: ., There was no "anger." he says, "between Mr. Blythe and myself. I merely defended myself against the charge of cruelty; which was an untruth "by Pararaki, and I made an explanation to Mr. Blythe and he was quite satisfied," and that this is the truth is shown by the fact that Mr. Blythe and Murphy sat down to dinner at Scott's after this supposed rage and quarrel, and shortly after drove home to Rotorua together. Mrs. Scott's evidence is not worth the trouble it has taken to prove its wicked untruth. But, worthless as her testimony was, her husband's, from a judicial point of

view, is the greatest rubbish that could be submitted to a court of enquiry, and I protested against its reception at all. I was surprised and could not help feeling that the Department were pressing hard to *make* a case against Murphy, when you admitted Mr. Scott's evidence, which was simply what his wife had *told* him had happened, and what he said to his wife, and what the dead Mr. Blythe was *supposed to have said* to both of them when no one else was present. It was perfectly absurd and ridiculous. The only serious part of it is that I suppose that all this sort of testimony brought against Murphy will have to be paid for by the Crown, I need-not go through Mr. Scott's testimony, which was simply a sort of muddled echo of some parts—only some parts, of his wife's. In many respects he omitted a lot that his wife spoke to, and in others varied from her statements or intensified it greatly, especially when describing the quarrel between Murphy and Blythe, which he said he feared would be so bad that he told his wife to remove all the knives and tomahawks lest there might be bloodshed. As we have seen, this threatened bloodshed ended in Blythe and Murphy having their dinner together in a few minutes after the so-called row began, and they drove off home in the same buggy shortly after. You will remember that Scott questioned his wife as to the evidence she had given at the enquiry (he gave his evidence last), and he said she "*dwelt upon the kissing business,*" showing that the whole thing was well rehearsed between Scott and his wife. I must not forget to remind you that when his evidence varied from his wife's he said, "I think my wife is more likely to be correct"; and finally, you will remember when Scott's evidence was read over to him he said the latter part was wrong, but he immediately continued, "Let it stand." What sort of conscience must a witness have who feels his evidence is "wrong" and lets it stand so? I need hardly observe that the Scotts could fix no dates any more than the other "Crown" witnesses."

Leaving the Scotts, I pass to Wiripini—one of the four natives making the statutory declarations—and Tamati Moko. Though Wiripini's testimony deals with all incidents quite distinct from the other natives, and all uncorroborated, yet as to one act of kissing between Murphy and Mrs. Blythe, she affects to produce a corroborating witness in this Tamati Moko, We shall see the value of his evidence. I understand that the Maori language contains no word expressive of "gratitude," and, judging by Wiripini, there is none in the Maori nature. Wiripini seemed to have been the special object of Mrs. Blythe's kindness. She was allowed to come in and out of Mrs. Blythe's house whenever she liked, had meals there, received food and clothing for herself, her husband, and children frequently; yet after Mr. Blythe's death, Wiripini denies that all this was Mrs. Blythe's good nature, but that it was through Blythe only.

Passing over this *black* ingratitude, let us see what this Maori woman alleges. Her testimony is, of course, no less extraordinary than that of the other natives, and like the rest, of course, she avers she had no communication with anyone else about the subject matter of the enquiry—not even did she speak to her husband. She also evidently came prepared only to substantiate her previous declaration of January, 1892, as she was disinclined to be cross-examined except on it, especially when she was examined as to the truth of the statement she then made that Mr. Blythe had accused her (Wiripini) of committing adultery with a roadman. I shall show later on from this witness that she is not to be believed; but I will meantime deal with her statements. She says shortly this: (1) That before Murphy came to live at Blythe's, Mrs. Blythe was always crying when Blythe was away, that the tears would be streaming down her cheeks, and she would be swaying her body to and fro; but after Murphy came this all ceased. She, of course, says there was no one else present but *herself* when Mrs. Blythe would be crying like this. My only wonder is that she did not add that whenever Murphy went away Mrs. Blythe used to cry for *him*, for I believe if she had thought of it she would have had no hesitation in emphasizing the absurd statement with that addendum. It took place, she says, several times, though she could not fix the date of a single occasion, But the story is wholly an untruth, for in addition to Mrs. Blythe's contradiction there is the fact that Mrs. Blythe's two nieces, grown-up girls, were residing with Mrs. Blythe during all the period Wiripini indicates, so that Mrs. Blythe, who had then been married about ten years, could hardly be said to be lonely, even if Mr. Blythe were away. And further, as it happens, Mr. Blythe is declared to have been at home during all the period she mentions. So much for the truth of this statement. But in any case, is this a disclosure affecting Murphy to the extent of depriving him of his appointment? Then she alleges (2) she saw Murphy and Mrs. Blythe kissing in the room "where the plates are washed." They could not see *her*, she says, but *she* could see *them*, and the door was "wide open." As usual, there was no one else present. In cross-examination she says it took place after tea, at which, I believe. Wiripini had been present; but in any case she says both Murphy and Mrs. Blythe *must* have known she was about. Here, again, we have the extreme improbability of Murphy and Mrs. Blythe doing this, knowing this native woman was "about," If this familiarity existed, how does it always take place when there is a native near?

Moreover, when she was asked how the door was hung that she saw through, she described it quite the opposite to the fact, The sketch of the door has been put in as an exhibit, plan marked, I think, "B." According to this she makes out the door to be hung on the jamb that it is *not* hung on, and to open in the very opposite direction to what it does actually. You (Mr. Mueller) have not perhaps seen the door in question, but I have personally inspected it, and speak with certainty as to Wiripini's error in this respect. (3) I pass over as a foul

calumny the abandoned conversation in which Mrs. Blythe is supposed to have said to her about "wishing" to be near Murphy." She says *no one was present but themselves* when Mrs. Blythe said this, Such a bare and vicious statement is beneath comment, and, indeed, Mrs. Blythe's specific and indignant denial of such a conversation ever taking place, was needless, Wiripini then says (4) that one day (and she tries to make it circumstantial by fixing it on a Thursday, *a washing-day*, but how long ago or what month she cannot tell) there was a quarrel between Blythe on the one side, and Mrs. Blythe and Mr. Murphy on the other. "It was a very angry quarrel." she says, "because (though she does not know what, it was about) she heard such running through the house." Now, Mrs. Blythe declares that there never was such a quarrel; it could not have been. Moreover, it is contradicted by the fact, as stated by Mrs. Blythe, that her washing-day was *Friday*, and *not Thursday*. In cross-examination Wiripini states that she was sitting *on the ground outside the window*, and I (Mr. Tole) having inspected the premises, say it is a physical impossibility for her, in such a position, to have seen Murphy and Mrs. Blythe, as she says, standing near the fire-place. Murphy, also, declares there is no truth in the alleged quarrel, But even if true, why or how should it affect Murphy? The story is so absurd and meaningless that it is a waste of time to criticise it.

Passing on, however, to another statement, which she states is corroborated by Tamati Moko, viz., that they both saw Murphy and Mrs. Blythe kissing in the *porch of the residence*. She says the porch door was wide open, It could be seen by passers-by on the public road. She does not know what year, month, or *day* in the week, this was supposed to take place. Of course, Murphy and Mrs. Blythe deny all about it; but such denial is hardly necessary, because the whole surroundings show the improbability of it. Here we have Murphy and Mrs. Blythe taking the most conspicuous means, at a *wide open door*, in broad daylight, of kissing in a porch, when one step out of the porch into the adjoining room would have put them wholly out of view. Yet they must wait till Wiripini and Tamati Moko were looking at them from the front gate, opposite the porch, to do this act.

Now as to Tamati Moko, brought to corroborate Wiripini about this porch scene. His evidence must be wholly rejected, as he wilfully lied. He began with a lie, and ended with one. He said this alleged occurrence took place whilst he was engaged ploughing for Mrs. Blythe, in *September, 1891*. I pressed him about this date, as I told him I intended to contradict him, He declared positively it was September, 1891, and I produced the receipted account of Mr. Robertson, showing that he (Robertson) had done the ploughing in September, 1891, thus proving Moko to have declared falsely in this. Then he denied the conversation he had with Murphy to which I (Mr. Tole) and Mr. Lorrigan were witnesses, in which he said, "Don't be afraid, Murphy; I won't hurt you when I go to the "Court" Mr. Lorrigan, its you know, was called and testified to Tamati having said the above. You have also Murphy's statement, and you have my own solemn declaration [Exhibit "P."] before a Justice of the Peace in Auckland, confirming the above statement as to what Tamati Moko said on this occasion, so that it is not too strong language to use when I say that his testimony should be absolutely rejected as perjured. And in like manner the following incident, testified to by Mrs. Blythe and Father Hollierhock, conclusively discredits Wiripini's testimony, apart from the fact of it being uncorroborated, viz., that on the first day of January, 1892, the day before she made her statutory declaration before Mr. Dansey (2nd January, 1892), she came to Mrs. Blythe to condole with her after Mr. Blythe's death and told Mrs. Blythe her "heart was *very dark*" on account of Yates saying that I know something about you and "Murphy, but *I know nothing*." Mrs. Blythe told her that she (Mrs. Blythe) "was in trouble and could not attend to her, "and that she had better tell Father Hollierhock who was outside." Wiripini did see Father Hollierhock, and this is his evidence: "It "was the day after the inquest on Mr. Blythe's body, *i. e.*, the first of "January, '92. She (Wiripini) was greatly excited and said her heart <sup>4i</sup> was very dark because of certain statements a certain half-caste "had made in the Court the day before at the inquest. He said he "had one witness who could corroborate his statement. She "thought he meant her. She said *she knew nothing* evil of Mr. or "Mrs. Blythe; they had always been kind to her." I need not pursue Wiripini's testimony further. It is clear she was suborned to make statements which she previously expressed an ignorance and a horror of, and her whole testimony must be classed with that of her would be corroborating witness, Tamati Moko, as perjured.

Now I come to Ihaka Marino. This is Wiripini's husband, and like the rest of the natives who declared before Mr. Dansey, says in his statutory declaration that he gives it "*quite voluntarily*" and also like the rest of course avers positively that he never spoke to a single soul, *not even his wife*. about the enquiry or anything in his evidence—a protestation which cannot be believed. You will also remember that he denied that he prompted Wiripini, his wife, when she was making her solemn declaration, which is contradicted by Mr. Williams who was in court and saw him distinctly prompt his wife. This Ihaka Marino is a witness who saw almost nothing, but his imagination and conclusions were so fertile and reckless that in his case you (Mr. Mueller) hinted to him that he should only speak of what he saw.

To take his statements. The first is that Murphy drove Mrs. Blythe out to the Pareheru Road where he (Ihaka) was working, and that he saw them go into the bush at the side of the road, but he saw nothing improper. As you (Mr. Mueller) said at once, "There is no crime in even going into the bush "—much less is it



A "disclosure" on which to blast a man's and a woman's character, or to deprive him of his livelihood. It is useless to dwell on Ihaka's confusion and lying about when this occurred, except to give a sample of the kind of evidence given in the enquiry. He says "I went the next morning to Pareheru after getting instructions from Blythe, Murphy was *not in the district at the time.*" (How could he have been at Pareheru then?) but he goes on: "It was "December, 1890. Stop; I answered too quickly; it was in 1889. "No; I am wrong; it was 1888." It turns out Mr. Blythe was then (1888) not in the Rotorua District at all. Now, the explanation of this incident about driving to the Pareheru road is clearly and plainly given in Murphy's and Mrs. Blythe's evidence to this effect, that Murphy having to go out to this road, to show Ihaka how to make the culverts, was asked by Mr. Blythe to drive out Mrs. Blythe for the benefit of her health, she having been ill, and the previous bad weather preventing her from getting out. Though Ihaka states Blythe was away at Taupo Mrs. Blythe and Murphy show that Mr. Blythe was at home, because whenever Blythe went to Taupo, or any other long distance he almost invariably took the buggy used on this occasion. Government work or time was not prejudiced by this drive to Pareheru, as Murphy's evidence shows he worked there many hours, except while at lunch, which was taken at the side of the road. They declare they never went into the bush at all. Murphy and Mrs. Blythe's testimony should be carefully read, as it completely refutes all these calumnies. Murphy would have had to go to the road that day in any case; and is the Government service prejudiced at all by his driving instead of riding out there under Mr. Blythe's instructions, and even taking Mrs. Blythe? It must be remembered that Murphy and Mrs. Blythe positively declare that on *no* occasion did they drive together without the express instructions or sanction and knowledge of Mr. Blythe. Even if it were not so, there does not necessarily follow any impropriety or neglect of duty.

2. Ihaka next says, without the slightest attempt at corroboration (though it is all solemnly and patiently taken down), "That on other" occasions he saw Murphy and Mrs. Ely the pinching each other." This, I believe, is a Maori form of courtship, but which I should think would hardly be practised by Europeans. He cannot fix any date when this took place, and it is denied by Murphy and Mrs. Blythe.

3. On another occasion, he does not know what day or whether it was on a Sunday, Ihaka says he saw a European man name it Protheroe knocking at Blythe's house. Protheroe got no reply, and he (Ihaka) went to the door, knocked, and immediately Murphy came and asked what he wanted, when Ihaka said he wanted to see Mrs. Blythe, and Murphy said she was in the room. Ihaka goes at once through the house to this room, and Mrs. Blythe rises from a sofa with a shawl around her. In his statutory declaration in January, 1892, Ihaka drew an improper inference from this; but he did not dare to do so at the enquiry. Now, here is a story wholly unsupported by any other witness. Mr. Protheroe lives in Rotorua, but was not called to give any testimony whatever. Mrs. Blythe mentions that on a Sunday Mr. Protheroe brought a box of photographic negatives for Mr. Blythe. She took them from him. This was the only occasion on which Protheroe came to the house while she was there, and that Ihaka never came to the house on that occasion, nor on any occasion did she rise from a sofa to meet him. Moreover, she declares there was no sofa in the dining-room. Murphy states he has no recollection of the incident, but denies it, and also that Ihaka ever knocked at the door of Blythe's residence in his life. He and his family had free access to the house—Murphy also says there was no sofa in the dining-room, But even so, where is there any impropriety chargeable to either Murphy or Mrs. Blythe; or how can it possibly be worthy of Departmental question or enquiry.

Ihaka says (4) that he cleaned out the fowl-house, water-closet, and did household work. The answer which I have submitted in Pararaki's case applies here, viz., that he never did such work, except before or after Government time, and he was paid or remunerated privately, and not by Government money (see Murphy's and Mrs. Blythe's evidence). Generally as to Ihaka and his evidence, I may say his motive for speaking thus against Murphy was because, as Murphy states in his evidence, "He blamed me for "keeping him out of a contract, Mr. Blythe gave Ihaka's brother "in-Jaw, Edward, a contract, because after what I told him he (Mr. "Blythe) declined to give it to Ihaka, I asked Mr. Blythe not to "give him one as there would be too much trouble to get him to "finish it properly, Mr. Blythe told me he would not give it to "Ihaka, but to his brother-in-law, I used my influence with Mr "Blythe to prevent him getting the contract, as there would be "everlasting bother with him. Ihaka has not spoken to me for "several months, and he has not been a permanent 'man for more "than a year" (see Murphy's evidence, which shows clearly Ihaka's motive of hostility).

As to Timotuha's statement about Murphy shaking Blythe. This is unworthy of notice in fact? of the strong relations of friendship between Murphy and Mr. Blythe up to his last hour. As to Yates' testimony, I might treat it in a similar manner. But as he is a half-caste, and has been a sort of evil genius in the enquiry—present throughout—taking notes, intimidating witnesses (see Father Hollierhock's evidence), and has made such a formal, brutal, indecent indictment not only against Murphy but Mrs. Blythe, that I cannot refrain from showing that he deserved more than his friend Pararaki, the soubriquet of "Tommy the "liar," Horsewhipping would be too respectable a punishment for his coarse and malicious falsehoods. He leads off his evidence by saying that he had a grievance against Murphy, as he was kept out of Government work during the whole of 1N91,



explaining the motive for his animus, and in the rest of his evidence he showed himself to be a mean, skulking eavesdropper, as well as maliciously untruthful. You (Mr. Mueller) remember how he was shown by Messrs. Young and Ryan, and Father Hollierhock and others, to have lied when he said that Murphy was full of drink on the 27th. December, 1891; also, how he was contradicted by the very man (Gus Higgins) who he said was his companion and could corroborate him about Murphy "easing himself of his liquor "in the immediate presence of Mrs. Blythe and the little girl with her; also, how Gus Higgins contradicted him about changing hats, viz., that the suggestion came from Yates, and not from him (Higgins); also, how Mr. McCrae, proprietor of Lake House and Palace Hotel, proved Yates to have told a deliberate untruth when he said that he (McCrae) had to lift Murphy on to a sofa in the Palace Hotel on account of him (Murphy) being so helplessly drunk. Yates' testimony, therefore, I submit, must be treated as a tissue of lies from beginning to end—for, if a person lies in one respect, his evidence must be wholly disregarded. So much for the Maori testimony.

I now come to the European witnesses. Vague and shuffling as was the Maori testimony, the European was as bad, if not worse, with a good deal of animus added. Why they were called it is difficult to understand, except to heap up, and conjure into fact what was mere surmise, hearsay and gossip. Take Sir. Bell, the first witness. As in other cases, I objected to your "leading" method of introducing the subject of the inquiry and the object of his testimony.

Passing over this and mentioning the fact that he worked six weeks at Blythe's, the character of his evidence was as follows in reply to your questions (I take it from the notes);—"I fancy there "was something wrong between Murphy and Mrs. Blythe. I never "saw anything particular. I noticed Mrs. Blythe wipe the buggy "seat for Murphy when it would be damp, did not see similar "attention to Blythe. I don't know anything more than that. I "never saw any improper behaviour between Murphy and Mrs. "Blythe." Then he said the hardest work Murphy did was "driving "Mrs. Blythe about." This is one of Mr. Bell's sneering exaggerations or untruths like his statement, that during the six weeks he was working at Blythe's, Mr. Blythe may have been at Taupo a dozen times, each trip taking nearly a fortnight, Moreover, Bell is contradicted not only by Murphy and Mrs. Blythe, but also by Mr. Williams, who visited Blythe's place a dozen times whilst Bell was working there and hardly saw Murphy there at all the whole time; he was away at work. Bell also himself says, "I never saw Murphy idling for a day. Blythe was there also. "Never heard Blythe say anything about Murphy idling. I guess "Mr. Blythe would be just the man to complain if Murphy was "not doing his work properly." This evidence, I contend, shows nothing against Murphy, but was rather in his favour.

The next witness is a Mr. Griffiths, ostensibly proprietor of *The Hot Lakes Chronicle*. He seems to have taken the Public Service under his patronage, and exercised a watchful supervision over its officers, as well as being a sort of village censor and "busybody," He admitted sending his paper to all Government departments, and especially marked paragraphs to the Survey Department. He was in the Railway service of the colony, and sometime after an enquiry in which he was concerned he retired. Recently he was reprimanded by Inspector Emmerson for interfering with the Inspector's police duties, Griffiths wanting, at a local race meeting, to take charge of the police and distribute them "properly." He also wrote two paragraphs in his paper adversely commenting by innuendo upon Murphy and other road-men; and the first untruth that strikes one in his testimony in the enquiry is when speaking of one of these paragraphs (July, 1891, I think) he stated that Mr. Blythe, in a conversation with him (I objected to this kind of evidence, but without effect), expressed his (Mr. Blythe's) approval of it, that it was but too true, and hoped he (Griffiths) would in the future put in his paper anything he thought proper criticizing the actions of his (Blythe's) staff or road-men. This seemed, even to you, such an extraordinary thing for a Government officer in charge to say or do, that you considered "It is very strange." I say it is not only strange, but it is an absolute untruth and a fabrication, This is shown plainly by Murphy's evidence, in which he states that "Mr. Blythe was extremely angry about the "paragraph; that it was meant for a hit at him (Blythe), and not at me (Murphy); that it was very bad of him (Griffiths) after what he had done for him, backing his bill to the amount of two hundred pounds; that he (Mr. Blythe) ordered Mrs. Blythe not to deal in the Griffiths' stores." This is corroborated by Mrs. Blythe, and does not look like the warm approval Griffiths speaks of. Moreover, this significant fact is plain, and admitted by Griffiths, that no such or similar paragraph appeared in his paper from that time till *After* Blythe's death, when little carping and insulting paragraphs directed against Murphy or Mrs. Blythe appeared again. I produced some of these as exhibits, which bear malice and insult in every line, He displayed this feeling in giving his evidence in chief, which was a sort of set speech, and in his expressed determination not to be questioned by me, I have rarely seen such malice displayed by any witness. I have already noted the instance of his communicating with Mr. Broham about the inquest. Another instance of his hatred and malice must be fresh in your memory, when in the witness-box he asked for a drink of water. The constable left the Court to get some. Murphy happened to leave the Court about the same time. On the return of the constable with the water, Mr. Griffiths declined to drink any of it, saying he preferred not to "trouble the other side." meaning, I suppose, that Murphy or myself had had some baneful influence on the liquid produced, But, returning to the nature of Griffiths' testimony, it simply amounts to his

having seen Murphy and Mrs. Blythe walking or driving through town and near the Sanatorium; that Blythe (dead and unable to contradict him) said to him that he (Blythe) was to blame for not putting his foot down with Murphy; that he (Blythe) gave Griffiths the "impression of being under Murphy's thumb;" and he (Griffiths) thought this an occasion when everyone should come forward and give statements clearly, *pro bono publico*. Yet when he is asked to give an explanation about Blythe being under Murphy's thumb, he said "I cannot give any reason." When asked what day in the week or the month, whether Sunday or not, that he saw this walking and driving, he could not say. When pressed for particulars of this kind, or the number of times he saw the walking or driving, he could not tell, like the rest of the witnesses. He says it was generally in the "afternoon," As it happens, this fits in with Murphy's explanation, which I shall presently refer to. When asked how often he saw Murphy in the buggy outside the Sanatorium, after a good deal of pressure he says, "I am certain I saw the vehicle "outside the Sanatorium *once*, which." he adds, "took place eight or nine, certainly over six months ago," Now, I submit the evidence already alluded to flatly disproves that such conversation between Blythe and Griffiths about "putting his foot down with Murphy" could have any truth, as Blythe thought too highly of him as an overseer. As to this "under thumb" business, this must be all the emanation of a wicked and suspicious mind. In Murphy's evidence he stated he had lent Blythe £150 for Government work (as Mr. Blythe had exceeded the vote for a particular work) until the same was properly authorised; but Murphy got his money back, without asking interest, and the whole transaction was known to the Department. Other than this there is no evidence of any obligation of consequence by Blythe to Murphy, As to Murphy walking with Mrs. Blythe, his explanation is clear and emphatic. He says he may have walked from church a few times with her, and also with Mrs. Blythe and her niece; and on another occasion he went to a public entertainment with her, by the instructions of Mr. Blythe, who preferred to stay at home that evening to attend to another niece who was recovering from typhoid. So much was attempted to be made about Mrs. Blythe leading on Murphy's arm that I thought it necessary to bring out the explanation, viz., that Mrs. Blythe's ankle was broken, which always necessitated leaning on the arm of anyone she might be walking with, as she has in walking with myself (Mr. Tole), As Murphy states, "I have never walked out with Mrs. Blythe in Government "time—not once. The Government has never lost one half-hour "by my walking out," And this is not rebutted by anything Griffiths or anyone else has stated, for he or they cannot fix any hour or day in the week, and there are many hours in the week that are not Government time, *e.g.*, after five o'clock, and Saturday afternoon, and Sunday, when, I presume Murphy might walk out with whom he liked without being brought to task by the Department, But I repeat here, the answer to all this is that Murphy was under Blythe, and surely *he* was the proper judge of Murphy's conduct, and responsible for his (Murphy's) official diligence; and therefore the Department are, in all reason debarred from raising the question, as the presumption and the *facts* are all in Murphy's favour.

As to Murphy driving Mrs. Blythe about, I will now refer to this in dealing shortly with Dr. Ginders' testimony. You are aware that he is the doctor in charge of the Sanatorium; that for months he had attended Mrs. Blythe for a severe illness, and under medical treatment in his house also for six weeks; that he received a large sum of money for such treatment; that he also attended Mrs. Blythe's niece for three or four months when in typhoid fever; that subsequently Mrs. Blythe took music lessons from his wife, and ultimately went to smother teacher, Yet he did not think it unprofessional, or against good taste, to volunteer testimony on this occasion, conveying defamatory inferences of wasteful attention by Murphy to Mrs. Blythe, His evidence, however, turned out under close examination, to be a miserable fiasco; for after stating he had seen them driving *frequently* to or near the Sanatorium, it turned out that he saw the buggy *once* outside, and he *once* only saw Murphy in his kitchen, between three and four o'clock in the afternoon, waiting, he believed, for letters from Mrs. Blythe for the post. And it is important here to note that this must be the same occasion as Griffiths saw, so that Murphy's clear explanation given in reference to Griffiths' testimony in this respect applies to Br. Grinders, Murphy says (see his evidence), "It would only be on a Tuesday after, "noon. It would be on public business. I would be going to the "post for the mail, and when I got it, I had to go to Mrs. Blythe, "at Dr. Ginders', with it, Mrs. Blythe opened the letters, and "enclosed what she saw fit in an envelope for Mr. Blythe, and then "I went and put that envelope with my report in an envelope, "which I posted to Mr. Blythe. I have only driven Mrs. Blythe "six times to the Sanatorium the whole time I have been in Rotorua, "and altogether I have not driver, her anywhere more than about a "dozen times, and always by the instructions, or with the sanction "and knowledge of Mr. Blythe." The Doctor also mentioned that Murphy had driven him frequently, "daily" I think he said, when Mrs. Blythe's niece was ill with typhoid. This, as you will see by both Murphy's and Mrs. Blythe's evidence, cannot be true, and the Doctor said he would not "be surprised that he was in error with regard to all dates and times." Murphy and Mrs. Blythe say Murphy did not drive the Doctor more than five or six times, But in any case Blythe was at home and it was done under his instructions, and there ends the matter. These drivings did not take so much as an hour each, and altogether would not amount to more than 7s. 6d. worth of Government time, which would not surely be begrudged in helping to save a life.

Moore's evidence I shall not comment on, He is an attendant in the Sanatorium. He purports to describe a

midnight row between Blythe and Murphy, but there is no one to corroborate him, and the whole story is absurd. Now, with regard to the evidence for the defence, I have introduced most of it already in refuting the Crown case (such as that is), but I must not forget to mention the important evidence of Miss Beeves (a domestic servant and a Protestant), who lived five months in Mr. Blythe's house while Murphy was there, and declares in a manner, that must have impressed you (see her evidence), that Mr. Murphy's demeanour to Mrs. Blythe was courteous and respectful—like that of a servant. "I never," she says, upon any occasion observed any familiarity between Mr. "Murphy and Mrs. Blythe," The evidence of Mr. Mayes is also important, as showing that on many occasions he has seen Murphy starting to work at five o'clock in the morning, and on other occasions coming home late at night from his work. This has an important bearing in relation to Murphy's zeal for his work, and also making up for any time lost in going for the mail. The Government, as Murphy says, "always got out of him more than "regulation time." He never spared himself where Government work needed his attention, no matter how it inconvenienced him. Having reviewed the evidence I must say

## Conclusion.

In conclusion the whole case against Murphy has, I am glad to submit, broken down completely. I am glad not only on Murphy's account, but Mrs. Blythe's also, whose name was so improperly linked with his; and I think he will receive the applause of every noble-hearted man in confronting all his traducers, and whilst suffering all this peculiar and anxious enquiry for the protection of his own, at the same time clearing the character of an innocent and highly respectable lady from the foul and untruthful accusations of a conspiracy, I submit Murphy has been unfairly treated from the beginning. The Department had no charge to make, they said, and made none. Yet in an unusual and hasty manner they dismiss him, without asking of him one single word of explanation about the so-called "disclosures," which, but for Mr. Malfroy's simplicity or candour in appending the Surveyor-General's telegram to Murphy's letter of dismissal, would not have so readily come to light. An explanation from Murphy would have been easy and conclusive, and much time, anxiety, and money would have been saved. In this light, I say, the Department is more on its trial than Murphy, but I have no desire to take up that ground. I simply say this enquiry proves that there have been no improprieties between Murphy and Mrs. Blythe; if that be so (and it cannot be otherwise without pronouncing Mrs. Blythe guilty, which, I presume, the Department will not pretend to do), then there are no "disclosures." Therefore, the so-called "disclosures" are unfounded, and the "sole cause of dismissal," as the Surveyor-General telegraphed me, go by the board, and Murphy should not have been dispensed with. This element of the case being gone, there is no dereliction of duty on Murphy's part. No report has ever been made against him, and I finally submit that such a recommendation should now be made by the Department that Murphy be, by the Minister of Lands' approval, reinstated in his former position, and in the district where he has been before (Rotorua), or so long as the Government may need his services there.

I ask this especially, as otherwise a slur, though imaginary, perhaps, might rest to some extent on his character in the minds of those persons who appeared against him, and whose prejudices would possibly be by this proper course removed.

J. A. Tole.

Auckland,

May 9, 1892.

## The Alleged Money Transactions.

As to the "certain monetary transactions" in which Murphy is concerned This you will recollect was the third ground of this enquiry, but which was to be dealt with separately, and accordingly I review it. I think it right to remind you that as these alleged money transactions were talked about publicly by Mr. Malfroy as clear cases against Murphy, and as his honesty was thus seriously impugned by their being included as an element of enquiry, he and I, on his behalf, were naturally anxious to know what were the transactions, the amounts, dates, with whom they took place, and so forth. Accordingly, I made repeated applications to you verbally, in writing and once by telegram during adjournment in the enquiry, from the 9th to the 19th April, also to the Surveyor-General. The reply was in all cases that I, or Murphy, would receive due notice of particulars. At the

resumption of the enquiry I applied again, but you were still unable to furnish me with particulars, Doubtless, not being assisted by an accountant or an officer who understood either Mr. Blythe's accounts, or the position of his finance, you may not have felt yourself able to positively formulate a charge, still there were alleged to be certain discrepancies or matters giving rise to certain surmises of culpability. What these discrepancies, etc. were, so far as they were supposed to affect Murphy, should have been, in a formal enquiry like this, made known to him, as he was from the terms of your own memo, under accusations to these alleged monetary transactions—but I was greatly surprised when you announced to me, that you would not allow me, on behalf of Murphy, to cross-examine the witnesses, but that any questions I wished to ask must be put through yourself, it course which always more or less subjecting one's questions to a process of revision, becomes an impediment to the free and full test of the veracity of a witness. You also announced that the witnesses would not be required to sign their statements, nor would they be required to make a statutory declaration as in the previous portion of the enquiry. If there was any part of the enquiry about which witnesses should be required and bound to exercise the utmost care, it surely was when they were adduced to speak to matters involving a Public Servant's character for honesty. Why the witnesses should not have been put on their statutory declaration in this as in the other, I cannot, from a fair enquiry point of view, understand. It is no answer to say this was simply a departmental enquiry or a "preliminary" enquiry, because whatever it was it is clear that the first stage of investigation, being the basis of accusation, should as a matter of course be most carefully tested and ascertained. On account of this prohibition against my full and free interference for the protection of Murphy, I was again tempted to retire with him from this part of the enquiry, as we could not, except under this restraint, confront his accusers, but Murphy, I must say, felt keenly the iniquity of this accusation of what was alleged to be levying blackmail on the road-men, and urged me to remain which I did. Then again, you did not think it necessary to have full notes taken, which seemed to me to fall with special harshness on Murphy in his defence. Now as to the evidence. There were *seven* witnesses, who apparently the Department entertained the belief would prove something against Murphy. But what is the fact? That out of the seven, five gave the strongest testimony in support of Murphy, strict honesty in paying the men. The other two, who alone made allegations adversely to Murphy, were, as before, the two Maoris—Pararaki, whose name has been connected with the nickname "Tommy "the Liar," and Arama Karaka who, as already mentioned, is Mr Dansey's brother in-law, and whose evidence was on the former enquiry shown to be utterly untrustworthy. You will also remember that this latter witness came forward at your general invitation to any of the road-men present to give evidence. It is remarkable that in both portions of the enquiry Maoris alone are or have been prompted to be Murphy's accusers, and that they have in most cases their special motive for speaking with hostility against him. I have already adverted to the motives of both these Maoris just named. But there is an additional reason for Pararaki's enmity, viz., that Murphy (as you will see by the correspondence herein between Murphy and Mr. Malfroy), as the best judge, being Overseer, certified that Pararaki was only entitled to receive pay for two days' work, whereas he was paid for five days, However, to proceed, Pararaki's story with regard to his wages is this: "That a reduction was made by Murphy in his (Pararaki's) pay of December, 1891." You will remember he states, "that he 'knocked off' work "on the 23rd December, 1891"; but he then goes on to say, "My money, six shillings, for December 24th was stopped because I did not work that day," Consequently he was not deprived of anything that he was entitled to. He received all he was entitled to, for he says "I got £6 in December. . . . I only worked twenty days in December" "—so £6 (being 20 days at 6/-) was all he *could* get; yet he goes on to say that he saw the cheque for £6 6s. "Murphy changed it; I only got £6." Then he says, "I receipted "voucher for £6 12s., and only received £6. I don't remember "what month it was, but Murphy told me to give six shillings to "Mrs. Blythe. I did so. I suppose it was to be returned to the "Government, but it was a deduction for having been absent from "work one day. I received the cheque and then paid the money "back—never to Mr. Blythe, but always to 'Mrs.' Blythe or "Murphy." In reply to your question why he should pay the money back, on what account, or for what reason, he said, "I paid" the money back, but don't know the reason. It never exceeded "six shillings in a month," Yet he just said above he receipted a voucher for £6 12s. and only received £6, Now was ever such "a rotten yarn" spun by anyone except by a person who deserved Pararaki's nickname? It was because I felt that this young Maori would lie in this as in the previous part of the enquiry, that I considered he should have been required to make a statutory declaration, so that he might be prosecuted for giving false evidence. But you demurred to this course, and none of the witnesses in these alleged money matters were allowed even to sign their statements. You stated this was only a preliminary enquiry, leaving the Department to do what it liked afterwards. But as I at once remarked to you, the Department through you had stated this was to be a *part of the enquiry*, and in justice to Murphy's character and honesty the investigation ought to be formal and thorough. You, however, declined to treat it as such. But Pararaki's statement is so wholly absurd and improbable, in the face of it, that it hardly requires even a denial. Is it likely, in the first place, that Pararaki would get a cheque for one day's pay *more* than he was entitled to? or is it likely that Murphy would go through the ridiculous formality of cashing a cheque for £6 6s., and hand it all to this Maori,

and then get back 6s., and hand this sum to Mrs. Blythe, so that it might be returned to the public account *without any reason*, as Pararaki says? The thing is nonsense; it is worse, it is a wilful falsehood. I think it deplorable that a story of this kind was thought worth writing down. The facts are as explained by Murphy (though his whole explanation was not taken down, because, despite my remonstrance, you said you did not think it necessary to put it all down) that he (Murphy) *did not pay Pararaki at all in either November or December, 1891*. He was paid by Mr. Blythe himself. Murphy never saw his cheque, never cashed it, never had any transaction at all with him in December about his pay. Fararaki can give no date or month, and though he says these deductions happened *several* times, yet it is strange that throughout them all, as he says in his evidence in reply to my question put through you, "I never complained to Mr. Blythe that I had to return any money."

Arama Karaka, who came forward at your general invitation to any road-men in the audience, related a similar "make-up" to Pararaki's, viz., "that in November (t what year) I lost one day "(didn't work), and 6s. was deducted in consequence, I gave the "money back to Murphy, and once I saw him give it to Mrs. "Blythe." He couldn't give any reason why it was done. Here, again, as in Pararaki's case, the story is a manifest untruth, But it is shocking that it should be listened to, much less seriously taken down. As Murphy says he *never* at any time got a refund from any road-man—and this is substantiated by all the other witnesses who gave evidence in this matter, and who were called by the Department.

Mr. Barrett, a Government road-man, says: "I was never, of "course, paid for time I didn't work. Murphy always paid me," In reply to me, through you, he said: "I always got all the money I was "entitled to."

Mr. Ryan, another Government road, man, says: "I am only paid" for the work I do, I was always paid by cheque, I cashed them myself sometimes at Oxford, sometimes in Rotorua, I always got "the money I was entitled to."

Timotuha, another former Government road-man, says; "I was "paid my wages by cheque. Griffiths cashed them. No deductions "were ever made from ray wages by Murphy. I was paid in full "for all I worked. Murphy paid me. I never made Murphy a "refund."

Tiki, another Government road-man, states: "Every day I "worked I was paid for. I was paid by Murphy, and sometimes "by Blythe, I was paid in December last by Blythe, I got £6 6s, "viz., a cheque for £\$ 15s, and 11s cash (which subsequently "explained a discrepancy between cheque-book and pay-sheet). I "never gave any refunds to either Murphy or Mr. Blythe."

John O'Brien, another road-man, says: "I received £5 8s for "December in money. Murphy paid me in Mr. Blythe's presence. I "did not work on December 24th, and therefore 6s was deducted, ". . . I never refunded any money to Murphy, nor did he ever "ask me for any."

Is it not very significant, I repeat, that if these alleged deductions were made by Murphy, they should take place only in the cases of Pararaki and Arama Karata, whilst all the other men testify to the correctness with which they were Always paid, and practically contradict and refute the charge of any "refund" to Murphy. Now, nothing could be clearer than Murphy's explanation of his action in relation to the wages pay-sheets, He told you that he had instructions from Mr. Blythe to get nearly always *before* the end (and Bometimes in the *middle*) of each month, the pay-sheets, signed by the road-men, which, of course, could only then be done in blank, as their true time could be only made up at the *end* of the month, I put in evidence copies of telegrams and memos, to prove these instructions; and Murphy said that, w hit fit in the Public Works Department he similarly, under instructions, got the paysheets signed in blank to prevent delay, or for other Departmental reason unexplained to him. You, yourself, I understood, admitted there was nothing unusual in the practice. At the close of each month Murphy invariably handed to Mr. Blythe, on a sheet of foolscap, the *exact* time of every man who had worked, and according to which Mr. Blythe might issue payment. Murphy never saw the pay-sheets after they were signed by the men as described, nor did he see the time-sheets he supplied. These time-sheets were similar in form to that supplied Mr. Malfroy after Mr. Blythe's death (and produced in Court), showing the accurate and careful method adopted by Murphy. If, as you said, "none of these time-sheets were now forthcoming," it is no fault of Murphy. It was declared both by Murphy and Mrs. Blythe, in reply to your questions, that he had not access to, nor did he use Mr. Blythe's office (which was attached to his residence) unless Mr. Blythe was there. Murphy, therefore, would have no opportunity, nor would he have any interest in destroying his own time-sheets, Mr. Blythe had, I understand, large sums under his absolute disposition in Imprest Accounts and different "Road" accounts, and signed the cheques, so that Murphy had no interest in or control of or need whatever for the time-sheets once they left his possession. And here, as yon seemed to cast some reflection on Murphy for destroying his own private memos., etc., from which he prepared the time-sheets, may state, as he said himself, There was no destruction of "evidence, nor any intention of doing so; but as I was dispensed 4i with from the public service, and I was perhaps removing from the "district, there was no use taking papers, etc., that were mere "lumber." And this, as I pointed out to you, was another mistake of the Department, as it seems to me. Murphy should have been merely *suspended*, and requested to keep all documents, private or

otherwise, in connection with his office, pending inquiry; but apparently too great anxiety was entertained to get rid of him without knowing, or caring to know, the real facts, and without being able to make any charge against him. But regarding the paysheets, as Murphy stated in his evidence, the figures are not his in any pay-sheet in which there may be any discrepancies between what is there put down and the actual payments to the road-men; but that he would "stand or fall by any pay-sheet the figures of "which showing time and money have been filled up in his hand "writing." To illustrate this, take the payment of £5 8s (above mentioned) to O'Brien for December. This represents eighteen days at 6s. Murphy says—and he is supported by O'Brien—that eighteen days constituted his correct time; yet he may *appear* in the paysheet for December as entitled to 21 days at 6s., or £6 6s. It is clear the difference did not go into Murphy's pocket, because, says O'Brien, "Murphy paid me in Mr. Blythe's presence." Murphy further detailed the actual money he received from Mr. Blythe for this purpose, viz., a £5 note and a half sovereign, which he changed, giving 8s. to O'Brien and returning the 2s. to Mr. Blythe. It is fortunate this very instance in O'Brien's case forms such positive proof against this mere *surmise* of dishonesty on Murphy's part, and so it will be found in every case of apparent discrepancies between pay-sheets and cheque-books, etc. There can be no implication of Murphy whatever, and there never was any foundation for even suspecting him. Murphy is very much to be sympathised with in this matter, because, as I heard in Rotorua, Mr. Malfroy; who had access to Mr. Blythe's account books, etc., had publicly and freely spoken of these alleged money matters, and that "there were five clear cases against Murphy." This was told to me by a member of the Legislative Council and another gentleman, who were in Rotorua at the time. I say this is very reprehensible conduct on Mr. Malfroy's part to thus injure an honest man's character on such a slender basis. It is just another strong indication of the design by the little and would-be all-powerful official coterie, in Rotorua, to "work" Murphy's removal. It is plain, for we have Mr. Dansey who holds the offices of *Postmaster, Telegraphist, Clerk of Court, Interpreter, Government Insurance Agent, a Justice of the Peace* by virtue of being Postmaster, and I know not what else—we have him taking, as Clerk and Justice of the Peace, the four natives' declarations and "recommending Murphy's conduct in *this sad affair* to be brought under "the notice of the Surveyor-General;" then we have Mr. Malfroy, another Government official, and the Chairman of the Town Board, sending a rash and hasty telegram to the Surveyor-General, implicating Mrs. Blythe and probably Murphy, and also subsequently making public "talk" of Murphy in connection with Government money matters, and finally we have Dr. Ginders, the Medical Superintendent of the Sanatorium, coming up as a witness to give evidence (such as it was) against Murphy, etc. I need not pursue this phase of the matter further than to say, that, whatever else these facts may import relative to the administration and progress of the locality, they conclusively warrant my firm opinion expressed in the beginning of my review of this case, concerning the combination of attack on Murphy, But regarding these "money transactions," I submit that you must have been satisfied very shortly after the investigation started that there was absolutely nothing in them, so far as Murphy was concerned, and much trouble, needless imputation, or surmise and annoyance, would have been obviated if Mr. Blythe's accounts had been previously submitted to a thorough supervision, and also searching audit. It is unnecessary for me to direct your attention to the state of Mr. Blythe's accounts. I produced to you a letter addressed by the Surveyor-General to myself (about Mr. Blythe's salary, still unpaid to his widow), in which he regretted to state that there were "irregularities," etc., in Mr. Blythe's accounts; and unless these accounts were searchingly gone into it was unfair in the extreme to attach the irregularities of a deceased officer to Murphy, whose integrity had never been challenged before, and who has held the public confidence, not only as a Government servant, but also in the elective offices of member of Licensing Bench and School Committee, Te Aroha, and of Waiorongomai School Committee, of which he was chairman; and also a member of the Piako County Council by permission of the Government, whilst he was overseer. It might well be asked if this is a man likely to deduct the sum of 6s from Pararaki or Arama Karaka, and put it in his own pocket.

I am sorry to have had to trespass on your attention at such length, but I felt that the forces of intrigue, untruth, and false impression were directed so strongly against Murphy's character and honesty, which are a working-man's "all," that it became my duty to treat his case exhaustively, and prove—as I confidently submit I have proved—that all the allegations against him have absolutely fallen to the ground, and that in dispensing with his services under the circumstances, and in the manner it was done, an error and an injustice were committed, which his restoration to the public service alone can help to rectify.

J. A. Tole.

Property. Moral and Immoral. The case against Landlordism as stated by Mr E. Withy in a recent series of six letters to the "N. Z. Herald;" and also an article on Land Nationalisation, taken from the "Westminster Review. Published By The Auckland Anti-Poverty Society. Price. 3d. Auckland, September, 1892. Auckland: Patterson & Coe, Printers, 84 Queen Street. 1892.

# Property.

## Moral and Immoral.

### Introduction.

#### "Property."

*"Doesn't thou hear my orses legs as they canters awaày?  
Proputty, proputty, proputty,—that's what I 'ears 'em saày."*

TENNYSON'S "NORTHERN FARMER."

The idea of "property" is so all-pervading that scarcely any question of public interest can be mentioned in which it is not a most important, if not the paramount, consideration. It is evident therefore that a clear definition of what is meant by "property" must be an indispensable preliminary to any rational discussion in which the idea of property is involved, and yet at the present time there is no question on which there is greater difference of opinion. In fact, thanks to legal phraseology, backed by our own ignorance and perversity, we have come to speak of "land" as the only "real" property regardless of the fact that every foot of "land" is an integral part of the solar system; that no man can make it, destroy it, or do without it, any more than he can do without "the air" How then can it be the "property" of—or "proper" in the sense of absolute ownerships to any man? Man's "property" is, first, his own person, and secondly, the things which man's labour produces. Those may include every conceivable form of wealth honestly acquired; it otherwise acquired our Courts of Law are popularly supposed to be mainly concerned with its restitution to its rightful owner.

But to claim "property" in the earth itself is quite another matter, Labour and Land are the sole factors of wealthy mere, "ownership" of land produces nothing-, and is therefore morally and equitably worth nothing and entitled to nothing, but under present arrangements, legal ownership of land carries with it the power of appropriating the property of others, and this is the only measure of its so-called "value." We all know how this appropriation of the property of others is legally carried out; how the amount that is thus appropriated varies with every advantage of position and character of soil, and how when once the monopoly of the land of any country is complete, the inhabitants are taxed to the utmost bounds of endurance by the "owners" of the soil. This tax is the "ground rent" of the country; it is created afresh every year by the collective industry of the inhabitants, and is as absolutely their collective "property" as any separate article is the separate property of the individual producer. The land "owner" not only contributes absolutely nothing to this collective value, but, by creating a false and luxurious standard of living, based on immoral and unearned wealth,—by absenteeism abstracting the substance of the nation to expend in haunts of European luxury,—by confounding our ideas of justice and of right and wrong, and by checking industry on the one hand, and diverting it into undesirable channels on the other, the land "owner," more than any other man, is responsible for the poverty and misery of the people. These considerations are causing the universal "audit" of the landlord's claim which is now in progress throughout the world. The indictment of landlordism which is gradually being formulated will ultimately shape itself into the charge, that so called "property" in land confers the power of appropriating, the property of others without giving any equivalent, and that consequently it "immoral and unjust.

When we consider the magnitude of the interests involved, and that the fundamental iniquity of private appropriation of "ground-rent" has the sanction of long established custom and the support of accumulated wealth, it is not surprising that we find determined opposition to any change; and all the forces of "vested-interests" arrayed to oppose reform. We must also admit that our opponents are, in some cases, honestly of opinion that the landowner's claim to ground-rent is Just; that, for instance, Dr Laishley can really see no difference between the Capital which is invested in "land" and that which is invested in "houses"—that Mr W. F. Buckland is honestly unable to distinguish between "land-value" and "labour-value," and that any such talk appears to him, as he expresses it—"all bosh"—and that Mr Ewington is even prepared to claim for the modern commercial landlord the Ægis of Divine authority! We regret however that we can only acquit these gentlemen of insincerity at the cost of a proportionate reduction in our estimate of their reasoning powers, and

hope that ultimately the arguments that are daily converting others will have their due effect on them also. We should be glad if we could place as charitable a construction on the attitude assumed by the "N. Z. Herald," but when we consider that the conductors of that paper have been familiar with all the phases of the "land question" for years, that they well know the inner meaning of "booms"—Land Syndicates—and Globo Assets Companies, and that as far back as January 1879 a Herald "leader" on the land-tax then introduced by Sir George Grey's Government concluded with these words—"There need be no hope that any turn of the political wheel will have the effect of shaking off this land-tax The *first step* has been taken in the taxation of landed property, *not before it was time*, (italics ours) and there is no chance of going back"—although in fact within "year and day" the political wheel *was* reversed by the machinations of the land monopolists. Sir George Grey's efforts for justice *were* frustrated—and a dreary decade of land-booms, globo-syndicates, depression, and exodus, inflicted on this country; we say when we consider all this, and find that the Herald is not ashamed to vilify and misrepresent in every possible way, both the principle of land-taxation, and those who advocate it, we feel that no words could adequately characterise its reprehensible duplicity. Doubtless it will find 'ere long that it has underrated the intelligence of its readers and has played the part of "devils'-advocate" with too much zeal; and the prospect of the able editor vainly seeking a place of repentance must serve to moderate our indignation at his present line of conduct, in the meantime the Anti-Poverty Society accepts the duty of exposing his misrepresentations and of keeping the facts of the land-question before the public, and with that view we recently asked Mr Withy to permit us to publish the admirable series of letters in which he recently stated the case for land-reform. He readily consented and we have great pleasure in presenting the letters, as revised by Mr Withy for this pamphlet To us it seems that the case could not be stated more clearly or more-temperately.

We also reproduce a brief and vigorous article from the Westminster Review which will serve to emphasise our contention that "land" is not "property" in the ordinary sense of the word, and that the much-vaunted freehold-tenure is a delusion under which men are induced to take the shadow for the substance. There is no phrase more misleading, than this famous one of "freehold-tenure," and it is quite natural that the National Association should seize upon it as a "talismanic-word" with which to do their conjuring, and make their dupes imagine that they are contending for "*National*" rights, while they forge the fetters that are to bind them and their children forever to maintain the few, What they really contend for is the power of holding land for an immoral purpose; for the power of levying perpetual and increasing tribute on the labour of others without acknowledging any duty in return, and thus establishing a worse than feudal tyranny, A well known Queen-street gentleman recently remarked, "Oh yes, your theory is right enough, but,—what should we do for investments?" and that is the whole secret of the National Association's zeal for "freehold" tenure—they are fighting the battle of the owner and the mortgagee and in that struggle no consideration of justice or humanity can ever enter, while to speak of it as in any sense "national" is simply ludicrous, nothing but the single-tax or Socialism can ever deal with the "land" from a "national" point of view.

One of the finest flowers of modern civilization produced on National Associations principles, is the present commercial Duke of Marlborough who has lately been travelling in America in search of "freehold" investments and who writes in the New York Herald for the benefit of his class, after warning his friends not to trust too much to investments in Manufactures, Breweries, Waterworks, and similar enterprises, he writes—"The real value of America is in "real estate"—Breweries and Grain Elevators vanish, but real estate remains. It is in this real estate that the future unearned increment of value lies. Here you have an Anglo-Saxon race of sixty millions of people who work like beavers, developing your property, and adding to its value every day, if you own real estate investments; and this is far better property than Buenos Ay res Water Works, or Argentine Great Western, or even Buenos Ayres Great Southern Railways, where there is nothing in the way of population except a few million slow-going Spaniards and Italians!—We commend this quotation to our friends of the "National" Association. The Duke is evidently a shrewd, far-seeing, practical man, and would make an excellent honorary President for their Association,— "So English, you know," and so "National" too I and perfectly "sound on the goose."

For the Anti-Poverty Society.

ADAM KELLY, Vice-President.

F. G. PLATT, Hon. Sec.

## National Progress.



April 4, 1892.

To the Editor.

SIR,—I observe that Mr. Ewington, in his article headed as above, in your issue of March 31 refers to views which I expressed before my constituents in 1890. His quotation is very brief, and it would be asking, too much from you to reprint the whole extract. Will you allow me to say, through your columns, that I shall be pleased to send a copy of the whole address to anyone who may ask me for one.

Mr. Ewington writes as an upholder and expounder of the arms of the National Association of New Zealand, of the Council of which I was until recently a member. For a time I had some hope that the Association would agree to a slight measure of land reform. In this I was disappointed, and, believing that the land question is at the root of most of our economic troubles, felt obliged to resign my membership.

Mr. Ewington refers to several of us merely as believers in the writings of Henry George; he considers that the prevalence of his views engender "want of confidence," and by doing so constitute "obstacle number one" to National Progress. It appears to me that such a condemnation is too general, and I am anxious to get him to pronounce more definitely. With that view I beg to ask him to criticise the following ten propositions *seriatim*. They contain a brief exposition of what I consider to be some of the points of divergence between the Association and myself, and are taken verbatim from my letter of resignation, dated January 27.

- That land cannot properly be classed with, or treated in the same way as, the products of land. The former is not, but the latter are, produced by labour.
- That the wealth produced by any use of land should remain the property of the producer.
- That the enhanced value of land due to the presence and expenditure of a community belongs, not to any section, but to the whole of that community.
- That as an increase in the number "competitors raises the purchase price of an article (and as this must be specially the case where the quantity of the article cannot be increased) it follows that the bidding of speculator and landlords, in addition to purchasers for use, at land sales must increase the price of land beyond the figure to which users alone would go. This means that users have to pay a higher price for land than they would if speculators and landlords became extinct.
- That the holding and subsequent sale of land by speculators diverts into their pockets the value added by the community to such land; that such holding of land retards settlement while this value is accruing.
- That the holding of land by landlords diverts into their pockets, as rent, a part of the wealth produced by tenants; that, as long as the land continues to increase in value, an increasing rent can be demanded; that neither of these gains is the result of the labour of, nor of the useful application of the capital of, the landlord.
- That the gains of the speculator and the landlord, being a deduction from the wealth produced by others, leaves the latter poorer by the operation of such gains; the operation "equivalent to the nation taking money from its right-hand pocket, and transferring it to the left. Land speculation and landlordism give no value in exchange (such as is done by the seller to the purchaser of commodities), as an equivalent for their gains.
- That the user of land) white entitled to the wealth he produces, should not be allowed, any more than the speculator or the landlord, to retain the enhanced value due to the community.
- That the unimproved value of land, which is produced solely by the community, is eminently suited to be the basis from which a revenue, intended to be spent for the purposes of the community, should be raised; that it should be raised from all land, both in town and country, and levied upon its value at the date of assessment, exclusive of all unexhausted improvements.
- That such a tax—small at first, and increasing by slow degrees over a period of years—would be equitable to all interests; that it should be imposed in substitution of, and not in addition to, other taxes; that these latter should be reduced as fast as the former was increased, so that it might in time become the "Single Tax."

NOTE.—Sums already received by the community for any land should be deducted from the present unimproved value.

In conclusion, I should like to thank Mr. Ewington for his courteous reference to me, despite the divergence in our opinions. Such questions should always be treated on public grounds, and on their own merits. I think Mr. Ewington deserve, also the thanks of the public for endeavouring to throw light upon the unsatisfactory position in which many of our economic relationships at present stand.

I am, etc.,

EDWARD WITHY.

## Land Nationalization.

*New Zealand Herald*, May 5, 1892.

### To the Editor.

SIR,—In your issue of April 5, Mr. Ewington briefly acknowledged my letter of the 4th, headed, as was his article it criticised, "National Progress;" and on the 28th he recurs to the subject, In this letter he does not criticise, as I had hoped he would have done, the ten propositions which I laid before him but pins me down to my expressed belief in Henry George's hook, and by a series of quotations there from seeks to impress your readers with the unjust and therefore dangerous nature of the proposals contained in them. There is a pleasure in answering Mr. Ewington, because he deals with principles instead of using personalities. Although he believes that it would be "robbery and spoliation" to carry out Henry George's remedy either suddenly or gradually, he does not therefore say that their author and his followers are "robbers" or "confiscatory" but generously concludes that they are "sincere" and "honourable," although sadly mistaken. All the same I submit that the use of such depreciatory epithets, although not personal, is inappropriate in a discussion of economic principles. They are calculated to catch the superficial rather than the profound thoughts of general readers; they are used in order to excite their prejudice, so that they may decline even to consider the question.

In referring to myself, Mr. Ewington says, "He believes he is right, just as Saul of Tarsus, when persecuting, believed he was right," I like the company in which he places me—anyone is complimented by being likened to that eminent man; but I am afraid that the parallel, otherwise, hardly holds *good*. Saul, at the time alluded to, was one of the orthodox school, and he violently persecuted the followers of the great reformer who had propounded new and startling doctrines. I venture to think, therefore, that the true significance of the illustration points to Mr. Ewington as the persecuting (mildly, I admit,) Saul, and to myself as the follower of a modern reformer hailing from America, who assails the sacredness of property in tand. Taking then this view of the case, I look forward with hope, and beg to remind Mr. Ewington that in due time new light pervaded the mind of Saul, and that then, with the exceptional courage of the man, he did not hesitate to spread broadcast the views which he once denounced, But a natural suspicion was felt by his former victims, as to the genuineness of his change of opinion, until one of their number brought him forward, introduced him to them, and vouched for his sincerity, "History repeats itself;" and I cannot help believing that a further and more thorough study of Henry George's doctrines will convince Mr Ewington of their truth and justice, When that time comes, I promise to act as his sponsor in asking for him entry to, and setting him right with, the incredulous amongst the advanced wing of land reformers.

Now as to our fighting preliminaries. Mr. Ewington criticised me, and I sent him a challenge. He has accepted battle, but claims to choose his own ground; he declines to fight me on my own confession of faith, but elects to pin me to the words of the author whose writings I uphold. Very well; I don't complain, but will take up the gage as he throws it down, Just before doing so, however, let me make a remark about my ten propositions. To my thinking, of course, they are very difficult to answer; but from Mr. Ewington's point of view they should be easily refuted, He has only to dispose of the first and second, and the other eight, being consequential, would disappear with them. The first asserts, in effect, that land cannot be properly or justly classed with the products of man's labour; the second asserts that such productions should remain the property of the producer, If these propositions are not sound, our whole fabric falls.

But now to business, and on Mr. Ewington's own lines. He quotes a lot from Henry George's writings; and without comparing them with the originals, I will accept the whole, and say Amen, But let me ask, "Is this *ail* that Henry George writes?" "Of course not," say you; "what a preposterous question to ask!" "Well then," I ask again, "does it give an *all round idia* of what he wishes to teach?" I don't think Mr Ewington will say "Yes," because he must know otherwise. The fact is that the extracts quoted from "Progress and Poverty" give the baldest and the bluntest of the statements contained in only *one half* of that work. These extracts have, even in their own portion of the book, a context of well-arranged, clearly worded, and fairly argued matter. But don't begin to chuckle: I am not going to back down, to explain them away, or apologise for them; quite the contrary. Have patience while I explain what I am driving at.

Henry George is no fool, and Mr. Ewington acquits him of being a knave. Henry George knows as well as any doctor, that if there is no disease he need not prescribe a remedy; he knows also that if there are symptoms of disease, he must not only find out its *nature* before attempting any treatment, but that his chance of success will be greatly increased if, in addition to ascertaining its nature, he can also discover its predisposing cause or

causes. Like a wise man, therefore, he acts upon this knowledge, and first of all devotes 210 pages, the larger hall of the work, to a consideration of the disease, its symptoms and its causes; in the remaining 190 pages he propounds the remedy, and explains its justice, its practicability, and its probable effects. "Just so," say you; "but he may be a mere dreamer—all astray in his facts, his observations, and his inferences." That is quite possible, and shows where criticism might be useful, But would it not be a strange thing for a physician, who might be called in for consultation by a doctor, to smell the physic, to feel the edge of the lance, or to look at the probe which had been used, and forthwith to denounce such remedies as uncalled-for, to turn on his heel, and go without enquiring the patient's symptoms, his habits of life, the conditions of his residence, or possibly what accident might have befallen him Yet this is Mr Ewington's mode of procedure, as I will now show. His *earliest* quotation is from page 233, while Henry George begins to propound the "remedy" at page an. Not one word is placed before your readers from the page, in which Henry George diagnoses the disease. Now I submit that we might fairly expect a fuller and more rational treatment of so important a subject from one who has written and said so much in public as Mr. Ewington has done, Why does he so entirely ignore the foundation upon which Henry George bases his remedy? This is not a candid way of dealing with any subject.

It appears to me that Mr. Ewington is impaled on one or other horn of a dilemma. Either he disbelieves in Henry George's diagnosis of the disease, or else he believes it to be correctly stated, If he disbelieves it, then I invite him to change his mode of attack, and try to discredit the whole basis of the book contained in the first 210 pages. If he can do that, the "remedy" must go by the board; and such attacks as he and others launch against it will be for the future entirely superfluous. But if he believes in it, or has even a *suspicion* that Henry George is right, I implore him to publish to the world the true "remedy," if he thinks he can suggest it He can hardly claim that anything contained in his articles so far goes more than skin deep.

I am deeply in earnest, and do not speak banteringly. It seems to me that it would be a cheap purchase on the part of the rich, did they surrender half their wealth, if it could only bring to them the knowledge that there were none of their fellows who wanted for necessities, for leisure, for culture, or for a reasonable assurance that a willingness to work would secure for them and for their children a remunerative field for their industry.

Do not imagine that I have pointed out the unfairness of the partial character of Mr. Ewington's criticism for the mere sake of gaining a controversial advantage over him. Did I not go farther than I have here done, it might fairly be asked whether I believed there was anything really lost in this case by his method; whether there was actually any perceptible loss to the true appreciation of Henry George's views involved in ignoring the larger and precedent half of his argument, My answer would be that I do most decidedly think so.

I would point out that the second, third, and fourth chapters of book iv. deal with the effect upon the distribution of wealth caused by (1). increase pi population, (2) improvements in the arts, (3) the expectation raised by material progress. These chapters bristle with points and arguments which invite criticism. Chapter ii., especially from page 166 to the end, is a masterly exposition of the growth of land values, and the resulting effect upon the distribution of wealth caused by the growth of population upon what had been waste land.

Again, although Mr. Ewington has quoted from the second half of the work, he omits all notice of such a passage, occurring at the beginning of the Second chapter of book vii., as that which follows:—"If chattel slavery be unjust, then is private property in land unjust. . . . Place one hundred men on an island from which there is no escape, and whether you make one of these men the absolute owner of the other ninety-nine, or the absolute owner of the soil of the island, will make no difference either to him or to them, In the one case, as the other, the one will be the absolute master of the ninety-nine—his power extending even to life and death, for simply to refuse them permission to live upon the island would be to force them into the sea."

Again, chapter i. of book vii., page 236. forcibly contends for the right of a man—first, to himself; secondly, to the use of his own powers; and thirdly, to the enjoyment of the fruits of his own exertions. Who, I ask, will deny these claims?

Henry George then argues as follows on page 238:—"The right to the produce of labour cannot be enjoyed without the right to the free use of the opportunities offered by nature, and to admit the right of property in these is to deny the right of property in the produce of labour. When non-producers can claim as rent a portion of the wealth created by producers, the right of the producers to the fruits of their labour is to that extent denied."

I cannot but believe that this "*right*," and should like to see Mr Ewington's argument to the contrary, if he includes this in his condemnation of the proposed "remedy," which he considers to be "*very wrong indeed*."

But this letter, although it does not touch all the points, is already a long orne, and I would therefore ask your indulgence to give me space for another before Mr. Ewington replies.

I am, etc.,

Edward Withy.

# National Progress.

*From the New Zealand Herald, May 10, 1892.*

## To the Editor.

SIR,—In continuation of my letter which appeared in your issue of the 5th, I will begin with two quotations which Mr Ewington makes from "Progress and Poverty." In the first of these landowners are spoken of, after the consolidation of existing taxation of land values (page 321), as having become "merely rent-paying tenants," Then from page 309 he quotes:—For this simple device of placing all taxes on the value of land would be in effect putting up the land at auction to whoever would pay the highest rent to the State."

Between these two quotations Mr Ewington adds the following remark of his own: "and the tenants would have to pay a rack-rent, the worst form of rent," He speaks of a "rack-rent" as the worst "form" of rent, as though some peculiar and seldom-heard-of enormity in connection with rent were proposed by Henry George, The word "form" is quite superfluous here, and has no meaning except as nurses sometimes speak of the "bogy" to frighten the children, A "rack-rent" is not a *form* but a *degree* of rent It is a rent that is "racked" or extended to the utmost; *i.e.*, it is the *highest* that *competition* will give, It is now the ordinary custom for landlords to get all they can, as evidenced by the necessity in Ireland for limiting them by fixing a "judicial rent," and also by the remissions which are constantly made in England and elsewhere when the tenants cannot pay owing' to bad seasons, The general, and indeed the true basis of rent is competition. This, then, is not an enormity which can be peculiarly charged to Henry George.

It may indeed be well here to call attention to a point in favour of the single-tax regime as against the charge that it would amount to a "rack-rent." At present the selling price of land and the annual rent obtainable under lease are enhanced by the belief in a prospective value. People are thus willing to pay more for the fee-simple or more annual rent under lease than the *present using* value will warrant, in the hope of benefitting by a resale or by subletting. When the single-tax is in force, land will not be held for speculative purposes. Thus not only will that which is at present held *out of use* be brought *into use*, but the price and rental of all land will be less by reason of the absence of speculative buyers or lessees from every auction. The single-tax would moreover be levied upon a public assessment of value from which "booming" as the result of speculative conditions, would be absent.

It is principally, however, to the inference with which Mr Ewington follows up the last two quotations, that I wish to call your attention. He writes:—"Hence the using annual value of an allotment in Queen-street without improvements being say, £300 a year, or a working man's cottage allotment worth £3 a year, or a farmer's farm land worth £30 a year without improvements, the £300, the £3, and the £30 would have to be paid to the State, not to the private owners."

Before criticising this, I have one thing in connection with it to thank Mr Ewington for. He effectually gives a contradiction to the statement, so industriously circulated against us, that single-taxers are setting the townspeople against the country settlers and are seeking to put all the taxes upon the latter to the relief of the former, Mr Ewington knows, and clearly states in the above passage, that we propose to tax *all* land, in town and country alike, upon its *value* exclusive of all improvements. The owner and not the tenant would pay the tax.

The fault which I find with the paragraph quoted is that it makes no mention of the taxation which would be *remitted* by the adoption of the single-tax. Single "means" only," and implies that the single tax would have no contemporaries, What is proposed is *gradually to increase* the small tax upon land values, and simultaneously to *gradually reduce* all other taxes, until the latter disappeared and the former became the "single tax," It would thus be *substituted for* and *not* levied in *addition to* the present taxes.

Now comes the question whether the amount of revenue required to be produced by the single tax in order to replace all existing taxes would be so large as to absorb the full rental value of all our land. It is not easy to calculate this from present data, but I don't think that it would. But even if it were not all required, it might still be considered desirable, and we hold it to be *equitable*, to take nearly, if not quite, the whole rental value. The excess could then be devoted to great reductions in the cost of railway and postal services performed by the State, and in the introduction of further conveniences, But as I cannot state the amount with certainty or probability, I will take the view least advantageous to our case, and assume, for the present that we should require the whole "ground-rental" value for the purpose of extinguishing our present taxation.

The last three lines of Mr Ewington's paragraph, taken in conjunction with the *remission* of taxes just mentioned, become very significant. He says:—"The £300, the £3 and the £30 would have to be paid to the State, not to the private owners," Exactly so; these rents would in future be paid to the State, and *no other taxes*

would be demanded. *Now* tenants pay *both* items,—rent to the private owners and tajeos to the State, a very important and substantial difference indeed. In addition to this all the present hindrances to the tenant's trade or industry caused by taxes, would be removed, These would be some of the tenant's gains.

How would the *owner* be affected? *At present* he receives rents and pays taxes, *In future* he would receive rent and then pay over nearly the whole of it to the State in the shape of a single-tax, but he would be called upon for none of the present taxes.

These explanations refer, both in the case of the tenant and the owner, to the *land alone*. The tenant would still pay, and the owner still receive, such interest upon the *buildings* or *other improvements* existing upon the land as competition would give. These improvements would be freed from all taxation, Their selling or letting value would not only remain intact, but probably be better than under existing' conditions. It will thus be readily seen that the landowner who would be best off in the future would be the one who had in the past put valuable improvements upon his land. On the contrary, he who had added least to his country's aggregate wealth in this way—who had thus set less trade and industry in motion—would be the worst off.

Our agitation is often charged with causing stagnation of business. *Admitted* as regards the business of speculation in land titles or leases, an operation which adds nothing, to the nation's wealth, but, on the contrary, obstructs its progress, *Denied* as regards trade and industry, and the making of improvements which constitute additions to the nation, visible and useful wealth, The man owning the Queen-street section with poor buildings upon it, the vacant cottage allotment or the unused country-land, would be encouraged by us to add substantial improvements to one and all of them.

Let us next consider the case of a man who occupies and uses his own land—a very valuable class of citizen. How would he be affected?

If he is the user and owner of the Queen-street site the tax on his improvements would disappear and he would be freed from all other taxes. He would cease to be hampered by cash payment of Customs duties before he could handle his goods. No stamps would be needed for his receipts, cheques, agreements or deeds. If he inherited anything under a will he would not be asked for probate duty. On the other hand he would pay more tax direct to the State than is at present collected from him under all the heads, but more trade would come to his shop because of the improved purchasing power of the many resulting from the removal of discouragements to all improvements in property, I think he would be more likely to gain than to lose by the change.

If he is the user and owner of the cottage allotment, he probably does not pay the present property tax, but under the single tax, which proposes no exemptions and does not appeal to the many to tax the earnings of the few, he would have to pay to the State the annual value of his land. He would gain very largely by the reduction of the price of supplies which now pay Customs duties; I should think quite enough to counterbalance the single tax. His principal gain, however, would probably be in the greater field for employment offered by the encouragement to everyone to make improvements, I take it also that he, being a wage-earner (I don't care for Mr Ewington's term "working-man") and a man of small means, profits little and loses much by the existing system of land speculation and ownership. Broadly speaking, then, he stands to gain more than most by the beneficial effects which we believe would follow the proposed change of taxation.

If he is the user and owner of the farm-land worth £30 a year he most likely pays property tax, and would in the future be saved any tax on his improvements. He would probably be a greater gainer by the remission of Customs duties than any man carrying-on a town business of equal magnitude. There would be something to the good on stamps. The single tax would very likely overtop these remissions, but he would have the satisfaction of knowing that he could devote his capital to making his farm more workable and productive, and his house more comfortable, without any fear of his taxes being increased thereby. I believe that his condition would on the balance be a better one,

There is another consideration affecting the foregoing cases, and that of everyone else in the community, which Henry George dwells upon with great force in chap. i., book v., pp. 185 to 199, headed "The Primary Cause of Recurring Paroxysms of Industrial Depression." I firmly believe that he traces these to their true cause—private land-ownership—and that under the new *regime* all production of wealth would be increased, whilst distribution would be effected more equitably, If such a result followed, employment would be much more regular, and the purchasing power of the many would be enormously increased. Such a prospect is well worth considering, and the reasons given as to the likelihood of its attainment, criticizing. This item belongs to the large and general view of the reform; and it seemed desirable, before alluding to it, to analyse the three individual positions referred to by Mr. Ewington, lest he should say, "Oh! there you go with your hopeful generalities—nothing brought down to the balance-sheet test."

I think you have now sufficient reasons, from my own point of view, for my saying Amen to the quotations from Henry George. If I am wrong, I desire to be put rights and therefore hope that Mr. Ewington will bring his most penetrating guns to bear to batter down what he believes to be unsound.

In conclusion, I must thank you, Mr. Editor, for the large space which you have accorded me.

I am, etc.,

EDWARD WITHY

## Land Nationalization.

*New Zealand Herald, June 8, 1892.*

### To the Editor.

SIR,—I have to answer three letters from Mr. Ewington, which appeared in your issues of 9th, 17th, and 26th of May. I will take them *seriatim*, and as briefly as possible; but it will require two letters to answer the whole,

In the first Mr. Ewington complains that I have "obscured the real point at issue" between us, On the contrary, I submit that that issue was my belief in two of Henry George's books, "Social Problems" and "Progress and Poverty" *versus* Mr. Ewington's disbelief in them. I had challenged him to criticise ten points of my own, but he declined to discuss them, elected to pin me to the two books named, and proceeded to make various quotations from them, and from two others as well, I accepted battle, and showed that the quotations from "Progress and Poverty," the more important volume, were taken from that part only which deals with the proposed "remedy." I said Amen to them all, and then contended for the introduction of the other part of the book also, viz., that which treated of the *alleged disease and its causes*. While saying Amen to Mr. Ewington's quotations, I desire that he shall apply my subsequent objection to the use in his letters of such terms as "robbery," "spoliation," and other depredatory epithets equally to Henry George's Use of them. In *whatever* writings they occur, I consider them "inappropriate in a discussion of economic principles," Mr. Ewington is quite in error in assuming that I was "evidently wincing" and "evidently disturbed" at his "unmasking of Henry George's theory, and placing it before the public In its undisguised deformity." He originally criticised me for expressing my personal belief in these writings. He will be aware that, while doing, so, I said to my hearers, "I would strongly recommend you to read them; read 'Social Problems' first, and after that, Progress and Poverty." I beg now to press this recommendation upon your readers also, But what I have deprecated all along is that they should take Mr. Ewington's partial quotations as being sufficient whereby to judge of the books, I claim that I have not only "tried to make out," as Mr. Ewington puts it, but have *fully established* the fact that these quotations do not give "an all-round idea of what he (Henry George) wishes to teach," and that I have done so without "reproducing half his book," If in doing this I imputed motives or used any ungenerous language to Mr. Ewington, I regret it, and withdraw the remarks at once.

In upholding Henry George's theory and proposals in this correspondence, I am placed at a disadvantage in having to deal with erroneous descriptions of them. Mr. Ewington is so inaccurate in his conceptions, that I have first to set him on the right track, and then to illustrate and argue for the real thing. The "undisguised deformity" is the creation of Mr. Ewington's *misconception* of Henry George's theory, In several cases, as I shall attempt to show, he condemns what Henry George also objects to; in others he refutes arguments which Henry George has shown to be unsound. He falls into these errors by only partially quoting, by placing the emphasis on the wrong words, or by missing the general tenor of the extracts when read with the context. He tilts a supposition introduced merely for the sake of pointing an argument, as if it was intended for a statement of fact.

Next, it is still evident that he concentrates all his desire for *justice* on behalf of *one side* of the case only. I believe that he is as anxious for justice *all round* as I am, but his *writings* show it as applied only to *possessions*, only to *stored-up wealth*. He will not consider the importance of the suitable supply of the daily wants of *all*, though he must see (hat this is not now secured. This he apparently subordinates to the important purpose of rendering secure the *surplus* remaining to *some* after their wants have been supplied. He wishes to continue the investment of this surplus in land values, as well as in other things. He refuses to believe that private land-ownership is a principal cause of poverty, and therefore he will not trouble to criticise this main argument, I have tried in vain to get him to deal with Henry George's contention, that an unjust diversion of part of the earnings of producers is caused by the present conditions of land-ownership. He apparently thinks this so unlikely as not to be worth considering. I must nevertheless persist in asserting the fact and in repeating that if he can upset us here, then angle Taxers must collapse. If he can show that "unimproved" land values are created by the individuals who own them, and are not produced by the whole community, we are done for. We seek to put *an end* to one injustice, and not to *create* another In spite of all that Mr. Ewington has written, and in spite of his confident assertion that he has "*proved* its injustice," I don't believe that we are proposing an unjust

remedy. We certainly *wish* to secure *justice* for *everyone*.

I will now deal with Mr. Ewington's misconceptions.

1. He says (May 9) that Henry George "demanded the immediate depriving of owners of their land values." My answer is, that he demands the *gradual* taking of all ground rent by taxation. Mr. Ewington proves this when he quotes (April 28) from "Land Question," p. 39, as follows;—"The way to make land common property is simply to take rent for the common benefit; and to do this, the easy way is to abolish *one tax after another* (my italics) until the whole weight of taxation falls upon the value of land."

2. Another misconception is (May 26) that this taxation of ground rents would make the present owners mere tenants of the State, and deprive them eventually of their freeholds. This I deny, but will deal with it fully in next letter, when writing of rack-renting.

3. A third misconception is (May 16) where he contests Henry George's plea that a man belongs to himself. He *assumes* that Henry George in this denies that a man owes any duties *to his fellows*, and then, on that hypothesis, devotes two paragraphs to affirming the contrary. But that is not Henry George's contention; he is thoroughly at one with Mr. Ewington about the social obligations of man. What Henry George denies is not a man's duties to *all* his fellows, but that he is under any obligation to part with a share of his productions to any *section* of them for their own *individual* benefit. He considers that everyone is bound to contribute a share of his productions to the public chest for the purpose of sustaining *public* services. It would have made the contention originally clearer to your readers, had I inserted the words "equal" and "each," but in writing to a student of Henry George's works it should have been unnecessary. It would then have read, "forcibly contends for the *equal* right of *each* man—firstly to himself," etc. This is the sense of the whole chapter commencing on p. 235 of "Progress and Poverty." I believe that we have *natural* rights; *some* contend that we have only *such* rights as the State *allows* us. Very well, I don't mind much *which* view is taken; I only claim that in *either* case such rights must be *equal* to *each* man. If this is refused, then I am anxious to know which class of our fellows is to have the *privileges*. I am not a candidate for them, and shall oppose others getting them, or retaining any which they now possess.

4. A fourth misconception is shown in a question (May 17) containing a part only of my quotations from Henry George, as follows;—"Is it not incorrect that" the ownership of land will *always* give the ownership of men?" "Do the 90,000 freeholders in New Zealand own men?" etc. Certainly it is incorrect, and it is not Henry George's assertion. The question contains a mere fragment of the original statement, which has a very important qualification in it, as follows:—"Progress and Poverty," p. 245,) "To a degree measured by the necessity, real or artificial, for the use of land; and when that necessity is absolute, when starvation is the alternative to the use of land, then does the ownership of men involved in the ownership of land become absolute," Does it not seem to be a strange method of carrying on a *contra, versy*, to ignore such a qualification as this, and then to argue as if it had no existence? "The necessity" has fortunately not reached such "a degree" in New Zealand that the land-owners own men, and it is quite unnecessary to "challenge Mr., With y to prove one case in all Australasia where men are reduced to that alternative "(viz., starvation). Apparently Mr Ewington is willing to run the risk of the existing principles of land-owning bringing such conditions about, because he does not believe in the possibility of their doing so, I firmly believe they *are* calculated to do it, as population increases, and therefore I wish to alter them, and by so doing remove the risk.

But I ask, how far short of slavery are hundreds of thousands in England, where the necessity is many degrees greater? Modern writers, who know their condition, have published facts enough to convince me that they are *far Worse off*. If They were *really* chattel slaves, and not nominally free, their owners would, in their own interest, feed and clothe and house them better than in their present lot. From want of sufficient food and clothing they have dwindled, and cannot now do a day's work; from want of sanitary shelter they die prematurely. Such treatment of his slaves would not pay an "owner;" but free men and women are so cheap, when shut off as they are in England from the alternative of producing a living from land, that this sad condition is permitted by the most intelligent and compassionate of nations, It is ignorance of the economic connection between private land-ownership and the existence of poverty which explains the phenomenon. I am to blame, and so is everyone in the British nation, according to the light that he possesses, for the existence of such an evil. And it we don't admit our responsibility in these colonies, where population is sparse, let us yet beware lest the existence of the same principle here shall bring similar conditions upon our descendants. They have largely developed in American cities long-since, and Melbourne is experiencing something very like them, "To a degree measured by the necessity for the use of land" these symptoms appear wherever land is privately owned. I maintain that Henry George satisfactorily shows that when the necessity shall become absolute, then his illustration of a hundred men on the island would be fulfilled to the letter. "Purely imaginary," says Mr. Ewington. *Of course* it is imaginary, and is put forward as such. It is a *suppootion* put forward to argue the logical outcome of existing arrangements if carried to extremes. The inference intended to be drawn is that arrangements which could produce such alternatives as the drowning of the ninety-nine, or the murder of the

one, must be very faulty, and must work more and more mischief, the longer they exist, The supposition is directed against the existence of this vicious principle, which has enabled Scotch landowners *legally* to depopulate large areas in order to make deer parks. Henry George contends that no such power should be placed in the hands of any section of the people, and he wisely uses a supposition to show what its extreme exercise would ultimately lead to.

Mr. Ewington says (May 26), "Georgeism evaporates into thin air under criticism," In all that I have so far dealt with, he has not criticised *Georgeism*, but his own *misconceptions of it*. In doing so he has largely confirmed its soundness; and it is really my belief, that if he would carefully and thoroughly study the theory, he would accept it.

I am, etc.,

EDWARD WITHY.

## The Land Question.

*New Zealand Herald, June 9, 1892.*

### To the Editor.

SIR,—In continuation of my letter of the 6th, I will first deal with Mr. Ewington's misconception (No. 2), viz., that the single, tax would make the present owners mere tenants of the State. I will couple with this his belief that it would result in "rack-renting," of which he declares (May 26) that "Mr George and his disciples are trying to force that hateful system upon us," I will therefore endeavour to show that these two statements are not facts, and that, as regards the latter, the single tax is, on the contrary, calculated to abolish forever the rack-renting which now *exists*, I think I now see, from Mr. Ewington's writings, what are the causes which lead to these two statements.

The first statement, *re* converting owners into State tenants, is caused by two misapprehensions—The former one apparently arises from the misuse of a term which he, in common with *most* of our opponents, uses, He describes Henry George and his followers as "*Land* nationalises," whereas we are really "Nationalisers of *ground-rent*, I would venture to suggest, for greater clearness, the use of the latter term to writers who may in future desire to employ the word "nationalisers."

It is quite true that there are people properly called *land-nationaliser*, but we ought not to be confused with them. Their theory involves *State-ownership* of all land, and this would necessitate the State acting as the *manager or agent* for the land, just as the *factor or steward* of a large *land*—owner in England does, All dividing or re-grouping of lands, all letting to a tenant, or transferring from one to another, would be done by State officials; and of course, as "kissing goes by favour," it would result in endless corruption, friction, and delay. Let it be distinctly understood that single taxers disapprove of this method, and are, in fact, quite as much opposed to it as Mr. Ewington is.

The latter misconception (leading to-the State tenant view) is rendered the more singular by the fact that in his letter of April 28, Mr. Ewington quotes from "Land Question," p. 32, showing that if it was taxed up to its full value, the land would become *virtually* the *people's*, while the *landlords* would be left the absolute and unqualified *possessors* of their *deeds of tillage and conveyance!* Nevertheless, anyone can see that to tax land up to its full rental value would amount to *precisely the same thing* as to formally take possession of it, and then let it out to the highest bidders."

The error arises from allowing no significance to the qualifying word *virtually*, in the above quotation, or to the two words, *in effect*, in the one with which he heads his letter of May 26, Mr. Ewington certainly has some justification afforded him in the foregoing quotation from "Land Question," by Henry George's inadvertent use of the decidedly misleading expression, "precisely the same thing," It is, however, abundantly clear that this is an inadvertence, seeing that the evidence from his writings shows that he means that the single tax would resemble State tenancy merely in its *financial* effect of securing to the community the ground-rental value. He carefully limits the comparison to the *financial* effect, by showing that it would have, none of the *ether* effects of ordinary renting, which include (1) a limited term; (2) insecurity of tenants, improvements; (3) the raising of rent on account of value added by the tenant; and (4) a loss to the whole community, owing to inefficient cultivation, caused by insecurity of the tenants' position. The words "virtually" and "in effect" limit the scope of the comparison of the single-tax *regime* with that of, a State tenancy, to their similarity as regards only the *financial benefit* to the community, A *careful* reader of Henry George would never fall into such a misconception as Mr. Ewington has done.



Let us trace the course of the argument in "Progress; and Poverty," and we shall find that its sequence is quite complete. Henry George finds the main cause of poverty to be *private* land-ownership, and therefore comes to conclusion (p. 233) "we must make land *common* property." Then follow several chapters dealing with various aspects of the question, until we reach p. 286, where I read, "But a question of *method* remains, *how* shall we do it?" At the bottom of p. 287 he begins to unfold his scheme. "I do not propose either to purchase or to confiscate private property in land. The first would be unjust, the second needless. Let the individuals who now hold it still retain, if they want to, possession of what they are pleased to call *their* land, Let them continue to call It *their* land. Let them buy and sell, and bequeath and devise it. We may safely leave them the shell, if we take the kernel. *It is not necessary to confiscate land; it is only necessary to confiscate rent.* Nor to take rent for public uses is it necessary that the State should bother with the *letting* of lands, and assume the chances of the favouritism, collusion, and corruption that might involve. It is not necessary that any new machinery should be created. The machinery already exists, Instead of extending it, all we have to do is to simplify and reduce it" He then goes on to point out—"We already take *some* rent in taxation," and from that argues. "We have only to make some changes in our modes of taxation to take it *all.*" His proposal actually *to do so* follows; "What I therefore propose is *to appropriate rent by Taxation.*" And lastly, he indicates that his method of doing it would be "*To abolish all taxation save that upon land values.*" Henry George further carefully guard, his scheme, as I have shown, from any supposed connection with the evils which would attend the letting of lands by a State department, as proposed by land nationalisers.

What I have here traced out ought to be sufficient to refute Mr. Ewington's *first statement*, and to dispose finally of the assertion frequently made by others, that Henry George proposes to take away people's *land*. It must surely have made it clear that his proposal is limited to the taking of all *ground rent* by taxation. On p. 116 of "Progress and Poverty," he carefully defines this rent as being the charge for the use of *bare land*, and therefore as including no charge for the use of "buildings, machinery, fixtures. etc."

The *second statement* by Mr Ewington is that he fears this tax on ground rent would amount to "rack renting." It is surprising that he can have so misread this (terrible) book as to have conjured up such vision of a "destructive competition amongst tenants" till rents became "abnormally high." Let us consider the principal evils of existing rack renting as affecting—firstly the tenant, and secondly the *community*. I take it, firstly, that the *tenant* suffers in two ways, both of which are made possible by his tenancy having a limit of time; the landlord is able to, and often does, raise the rent because the tenant has improved the property; and, again, if the tenant determines his own occupancy he loses the bulk, if not the whole, of his improvements, I take it, secondly, that the *community* suffers owing to land not being made as productive as possible on account of the want of absolute security for the improvements made by the tenant.

Do these evils attach to the single tax scheme? No. It would give the permanence of tenure which is desirable, and absolute security for all improvements. Moreover, the ground rental upon which the tax would be levied could, under no circumstances include any charge for use of improvements, Neither could the fear of being turned out operate upon a cultivating owner as it does now upon a tenant, inducing him to give more rent than is laid in order to avoid the greater loss which would be caused by a disturbance of his tenure. His ground rental value would be fixed by a public assessment which could be judicially appealed against. Next, how would it affect the interests of the community? It would appear to be quite obvious that the confidence engendered by conferring absolute security upon the operations of all cultivators and other users of land, coupled with the absence of all industry hindering taxes and the expense of the necessary gatherers of them, would lead to a much larger production, and what is more important still—to a much more equitable distribution, of necessaries, comforts, refinements? and stored-up" wealth.

It will thus be apparent that the most searching and impartial way of viewing it cannot make the incidence of the single tax, whether considered in relation to the user of land or to the community as a whole, comparable to the existing" system of "rack-renting," This disposes of Mr. Ewington's *second statement*.

Let me briefly summarise the general position under the proposed new order of things. The single tax would gradually bring about the nationalization of ground rents, and would involve a public assessment of them and the striking of a rate or tax at so much in the £. The tax would increase year by year, as other taxes were remitted. No one would be turned out of his land, and no one who made a beneficial use of his land would be thereby induced to sell it. Land tenure under the single tax would be perpetual, because freehold, but would be subject to a tax varying as the ground rental varied, The buying and selling of land would be left to individuals just as at present; they would sell land and improvements together) as they do now. In the past the buyer has had to take the chance of his land (i) decreasing in value, (2) maintaining its value, or (3) rising in value, quite independently of his own exertions; under the new *regime* the uncertainty would almost wholly disappear. A future buyer of land and improvements would therefore purchase with the knowledge that his risk of loss by depreciation, or his chance of profit by a rise in value, would be almost entirely eliminated. No improvements which he might subsequently add would cause an increase in his taxation. His prospects as a bona-fide settler

upon land would be in every particular more favourable than at present.

No one under these circumstances would be likely to buy land to hold it out of use in the hope of making a profit out of a rise in value. Could it be a bad thing for the cultivator or other user to miss the speculator from his path?

Neither would an investor buy land to let it to tenants in the hope of being able to increase the rent from time to time, or to charge it on their improvements. Could it be bad for users if the ground landlord disappeared?

It would, however, be quite likely that a man of capital would buy land in order to place a "brick and mortar" investment upon it, and to let it to tenants, This is done now upon private leaseholds, and upon City Council and Harbour Board endowments, in face of the certainty that the whole or a large part of the value of such buildings would "fall in" to the land-owner at the end of the term. The security of the buildings in future would be absolute, Under the present system the rent is a fixed amount; under the one proposed the tax on the ground rental value would vary according to the market value from time to time. The absence of the speculative element would deter some from, and encourage others in, making such investments. The buildings would certainly be of a more substantial character.

There are several points not yet dealt with, and for which I would ask you to give me further space, if you do not think the request unreasonable.

I am, etc.,

EDWARD WITHY.

## **The Land Question.**

*New Zealand Herald, June 16, 1892.*

### **To the Editor.**

SIR,—Mr. Ewington refers to the Bible (May 17) as giving a sanction to the purchase of land by individuals, but here again he does not look thoroughly into the question. His quotations are correct, and he might find other instances of land purchase, but it is important to note the legal limitations under which all these were made, A hint is given of the existence of limitations in the very chapter from which he quotes—Jeremiah xxxii. In the eighth verse the request is made to the prophet by his cousin to buy the field. These are the words—"Buy my field, I pray thee;. . . for the right of inheritance is thine: and the redemption is thine: buy it for thyself," Let us see why these reasons are urged. The leading principles of the Israelites' settlement on the land involved (1) inheritance, and (2) that none should be landless. This is made clear in the book of Joshua, which recounts the divisen of the country by lot to every family. The rigidity of this arrangement was, however, relaxed by the institution of the jubilee, or fiftieth year, and by permission being given to any owner to sell his field to another for the whole or any part of the interval between any two of these dates, No sale could in any case alienate the land beyond the jubilee year, and the original owner, or one of his kin, might at any time before the end of the period redeem it. In Leviticus xxv. 23, 24, we read, "The land shall not be sold for ever; for the land is mine: for ye are strangers and sojourners with me. And in all the land of your possession ye shall grant a redemption for the land," Then follows the law regulating the amount of redemption: "Let him count the years of the sate thereof, and restore the overplus unto the man to whom he sold it, that he may return unto his possession," It is made clear, both here and elsewhere, that the purchase was limited to the use of the land for the balance of years till the next jubilee. It was therefore nothing more than a lease, and is thus defined: "For according to the number of the years of the fruits doth he sell unto thee" (ver. 16). No man might sell or will away his land for ever to the disinheriting of his descendants, neither might it be transferred to another tribe. These, then, were the limitations uider which Jeremiah bought the field, There is no sanction given to Mr. Ewington's views by the transaction. As one near of kin, to whom the inheritance would fall, Jeremiah paid the redemption of the field<sup>3</sup> and so bought a lease of it until the next jubilee year. The intention underlying these regulations clearly was the prevention of what has come to pass in England, viz., the accumulation of land in few hands, with the inevitable result of leaving the many landless. It is wholly on Henry George's side as to principle; but its practical application, however well it may have suited a people in those primitive times—almost purely pastoral, and agricultural in their pursuits—would scarcely be adapted to our, complicated civilisation. Our minute subdivision of labour, our large national and municipal undertakings (postal and parcel delivery, telegraphic and telephonic services, money-order and savings-bank facilities, gas and water supplies, railways, etc.,) have outgrown the practical application of such customs, Owing to

government by the few, and owing to ignorance of economics, we have also abandoned the wise and important principle underlying them, The few have come to own the land, and the many have been, and are still, refused access to it, except upon terms, These have grown more and more onerous as our operations have become more complicated, Competition for existence is what has regulated the terms, with the inevitable result that the weakest have gone to the wall. What has happened with us could not have happened in Israel, provided they kept to their law. Their land system was an inalienable inheritance for each family. It was a system as wide as the nation, inasmuch as every family in the nation had its own share. To suit modern requirements, Henry George proposes (1) to make a periodical assessment of the ground rental value of our national estate, and (2) to continue the freehold tenure with unlimited power of sale, subject always to a tax or rate, payable annually to the State, upon the ground rental value; such tax, if considered desirable, to be fixed as high as 20s. in the £. By this means all the value of the whole land would be shared in by all the people of every generation. It would fully conserve the true principle laid down for the Israelites.

Mr. Ewington's next paragraph contains this question: "If it is contrary to 'natural justice' for one colonist to own land, how can it be less contrary to 'natural justice' for 650,000 colonists to own it?" The reasoning implied in this question is not at all sound. Henry George would not say that it was contrary to "natural justice" for one colonist to own land, provided that every other colonist did the same. What he contends is that it is wrong for any mere section to own all the land, to the exclusion of the rest. Mr. Ewington follows the question by the assertion, "If individual tenure is wrong, then communal tenure is wrong." This is a most singular piece of logic. Both systems might be wrong, but the wrongness of one does not prove the same of the other. It might, on the other hand, be said with much more plausibility, that if one is right, that fact affords at least *prima-facie* evidence that the other is wrong. But apart from the want of logic it is not easy to see why the statement is introduced here. It is a shot which certainly doesn't hit Henry George, for he does not propose communal tenure. Communal tenure is a possibility, The Mosaic plan was not such, but universal family inheritance. The present English plan is individual freehold by a section only of the population. Henry George proposes to accept the latter position so far, but to make it subject to an annual tax on the ground rental value. He would not object in principle to all owning land individually; but he sees, as a practical man, that the ownership in our complicated circumstances had better not be actual, but effective, In order to be so it must be contrived in such a way as to suit our intricate system of production. All the "social undertakings" to which I have alluded are worked on the principle of "service to all." No one's letter, parcel, or telegram may be refused; no one can be denied a railway journey, if he or she in each case pays the prescribed fee, which is made the same to all. The pecuniary benefit of the permission to use the land, like the payment for the foregoing services, should be spread as wide as the nation. By the land being made subject to a contribution; towards public services, proportioned to its annual value, this would be easily and justly accomplished, It is far more necessary to circumvent the purchase of ground-rent monopoly than it was to abolish the purchase of commissions in the British Army.

Mr. Ewington in the same connection (May 17) speaks of Henry George "denying the right of a State to dispose of its own land to its own citizens, in a way which it deems best for the whole of its members." I don't understand him to do so at all, but to go farther than Mr. Ewington, and to claim for the State the right not only to make but to amend its own laws. He always contends, however, that whether in making or amending laws the State is so bound by the higher and eternal laws of right and wrong, which are obligatory on each individual, that it cannot with impunity, and therefore ought not to, over-ride them of its own sweet will Henry George appeals, therefore, to the State to amend its past laws in the interests of justice and fair play.

This appeal brings me very appropriately to Mr. Ewington's claim for "compensation" to existing land-owners, in the event of Henry George's scheme being adopted. This claim requires but little examination to determine not only its injustice, but its impracticability. The compensation of West Indian slave-owners is often urged as a precedent. In reply to this I ask, "Did the slaves who were freed compensate their former owners?" "No, certainly not!" is the only possible reply. "Then who did?" I ask. "The British taxpayer," is the ready answer. I admit the fact, but beg to point out that the "British taxpayer" was the third party. He was neither the slave nor the slave-owner but a benevolent third party. Can Mr. Ewington find the third party in the land-owning; issue? I cannot do so. The whole of the people, if our contentions are sound, are in this ease divided into only two classes: (1) those who benefit, and (2) those who lose, by the system. The losers can hardly be asked to compensate the gainers, the poor to help the rich. From whence, then, shall we get the fund? If our contentions are not sound, the system need not be altered, and therefore no claim for "compensation" will arise. All depends upon the soundness of our main contention; viz., that being; produced by the whole community, ground rental values naturally and equitably belong to the community. But this is just the point which Mr Ewington steadily abstains from tackling. May I suggest that if Henry George is right, the "compensation" claim should be reversed, and would then be called "restitution"? The difficulty, however, is to get hold of all the men who ought to make restitution. Some existing owners are rather victims of, than

beneficial participants in, the system. They have bought at the high values which afforded a profit to the former owners. The former owners may be dead or gone, or their wealth may have departed from them. The existing owner, whose land has risen in value since its purchase, would, under Henry George's system, be unable to realise the unearned increment, and therefore could scarcely be asked to make restitution. No! the thing is too vast on either side to be dealt with, whatever the equity of the position may be. Both sides will have to be content to "let bygones be bygones," You can't take the breeches off a Highlandman.

Mr. Ewington alludes (May 26) to "an old man or a widow," whose only source of income is ground rent, and says, "Then the confiscation of it to the State would make him or her a pauper." I would remind him that there are among old men and widows many more who pay than receive ground rent, so that the appeal to compassion cuts both ways. It is probably ten to one, or may be a hundred to one, more in my favour than in his, especially as the larger number are also the poorer individuals. But the appeal should depend, not on compassion, but upon the justice of the private claim to ground rent.

The latter half of the letter of May 26 is devoted to an examination of "the grounds of Mr. Withy's belief in the advantages which Mr. George's system would confer on the merchant, the cottager, and the farmer," I have followed—Mr. Ewington's criticism of the three paragraphs in which I dealt with the effect upon these representative persons, with the result that I confidently re-affirm them, On this point I cannot do better than refer your readers to a very short chapter beginning on p. 316 of "Progress and Poverty," dealing with "the effect upon individuals and classes." of course Mr. George's system involves the abolition of Customs duties. The protectionists will probably be our second strongest opponents. I did not know before which side Mr. Ewington took in the Free-trade v. Protection controversy; but it astonishes me beyond measure to see him coupling the "farmer" with the "manufacturer," as likely to be a loser by abandoning our tariff. If he could point to bonuses granted to our farmers upon their exports, I could understand his contention a little better; but there are no such things in existence here. It would be out of place to argue the point; but it is only fair that protectionists should know our views, and I would recommend to such of your readers a perusal of Henry George on "Protection or Free-trade,"

Finally, I would call attention to the confident attitude which Mr. Ewington has assumed in this controversy with me, He begins one letter (May 17) with—"I, having proved the injustice," etc.; he heads another (May 26)—"Going, going, gone!" and in the same one writes, "Georgeism evaporates into thin air under criticism." I cannot feel the same confidence on my side, because new truths take much instilling into the public mind. Neither am I wholly sorry for this, because to it may be attributed much of the stability of English institutions. What I trust is, that as a self-constituted champion for Henry George, I may have written something which your readers will carefully think over That it may enable them to see that, whether he is right or wrong in his conclusions, he cannot be lightly brushed aside, but stands in the front rank of modern reformers, and that he is a man imbued with some of the best and most approved sentiments of the day, many of which are already embodied in much remedial legislation of our generation. These letters are the product of much care, after years of thought and reading, and I only ask that they may be taken seriously, however little they may appeal to the sympathies of your readers, or however much they may have wearied some by their length.

I am, etc.,

EDWARD WITHY.

NOTE.—Mr. Ewington's letters referred to in this correspondence will be found by reference to files of the N. Z. Herald under the following dates; viz.—31st March, 28th April, 9th May, 17th May, and 26th May, 1892.

*"Clement M. Bailhache discourses on the subject of Land Nationalisation, and, as might be expected from the advanced position taken by the Westminister on all social subjects, the article might please Mr. Ballance and the members of the Anti-Poverty Society."*—

*N. Z. Herald, 25th June, 1892.*

The *Herald* is quite right; the article *does* please us, and we are indebted to the editor for calling our attention to it. We thank him for the hint, as Gratiano thanks Shylock in the "Merchant of Venice." [Sec: A.P.S.]

## **A Plea for Land Nationalisation.**

By Clement M. Bailhache.

***(Taken from the Westminister Review for May, 1892.)***

LAND NATIONALISATION has passed through the initial stages of neglect and ridicule—as inevitable to all

great reforms as measles or whooping-cough to a child. It has arrived at the next stage—the one in which it has to endure with what composure it may "the contradictions of sinners," Its opponents are playing with it a kind of mental "Aunt Sally," They caricature its objects, misrepresent its reasons, invent for it strange doctrines, and then amuse themselves by demonstrating the absurdities of this creation of their own imaginations. The exercise is easy, and, I suppose, pleasant. Certainly it were ungenerous to grudge them their amusement, if it were not for the fact that the uninitiated, after watching their dexterous blows, go away with the impression that the lay figure, whose destruction they have witnessed, is the real thing.

It is to help, as far as I can, to dispel this illusion, that I propose to state what land nationalisation really means to an ardent disciple. I speak only for myself. My opinions bind no society they are only entitled to such weight as earnestness of conviction can carry, That merit, and that only, they claim.

If I may begin by defining my terms, I mean by land the raw material of wealth, untouched by human labour—the surface of the earthy coal in the mine, a natural stream and the like; by nationalisation, the recognition of the fact that land is the common inheritance of all, and should be secured for the use of all by being directly vested in the State as trustee for all its citizens.

Land nationalisation, then, is more than a reform, it is a revolution—a complete reversal of the economic laws and ideas obtaining among all civilized nations; a change so far-reaching, that it is at once difficult to exaggerate its effects, and fraudulent to attempt to conceal its purposes, The abolition of private property in land means so much, that no man should join the ranks of the reformers until he has convinced himself of the absolute righteousness of their cause. Once he has done this, he will have found a new social gospel, a ground of hope rather than despair for the future of his race—something worth working for—an end for whose sake he may even rejoice to be called a dreamer of dreams.

The burden of proving the justice of the abolition of private property in land lies upon him who affirms it. Whatever weakness an ancient institution may have, it has this much strength, at any rate, that it holds the field until some more excellent way is shown, and it casts the burden of proof of superior excellence upon the reformer. I hope in this article to prove the injustice of individual ownership of land, and to show that land nationalisation is "the true remedy."

The proposition that land is not a fit subject for individual ownership may be demonstrated in several distinct ways. It may be shown, for instance, that to allow a few citizens of a State to own the land comprising the State leads to the practical enslavement of such of the rest of the citizens as are not capitalists, and that if chattel slavery is wrong; private ownership of land is wrong. Another way of arriving at the same result is to consider the only true title to ownership. Is it not the right of every man to receive the product of his own labour? If so, then only that which can be produced can be the subject of ownership. Now land cannot be produced, and so cannot properly be owned, Good and convincing as these reasons are, I prefer to rest the claims for land nationalisation upon the two following propositions:—

- All human beings should have an equal right to live.
- If some human beings own land, and some are landless, all human beings have not an equal right to live.

All human beings should, have an equal right to live. This is a proposition which will scarcely be seriously contested, I am not now concerned to inquire whether human beings should be allowed to multiply according to the taste and fancy of every irresponsible pair, I am not concerned to inquire whether the theories of Malthus are true or false, All I care to assert for present purposes is that once a human being is born, he has, or ought to have, equally with every other human being, a right to live. This right is in certain aspects recognised by law, It is as much murder for Ginx to throw his last baby into the canal, as if the superfluous brat were heir to a dukedom. The poor-laws, again, are a grudging acknowledgment of the same principle. The proposition is perhaps the only one among the series promulgated in the famous proclamation of the founders of the American Republic, to which the general consent of mankind has accorded the term "self-evident." That this right is paramount, and takes precedence of all other possible rights, is almost equally self-evident. "Skin for skin, yea, all that a man hath, will he give for his life." "Is not the life more than meat?" It follows that if any existing right is inconsistent" with this paramount right of a human being to live, the former, and not the latter, must yield.

My second proposition is that the private ownership of land is inconsistent with this paramount right of all human beings to live. Upon this proposition I rest the whole case for land nationalisation. What is land? Land is a necessity of existence, incapable "being increased in quantity. Some persons do not own land, Not to own a necessity of existence is not to own life. But some persons do own land. Some persons, therefore, own life—the right to live. But, *ex hypothesis*, all persons ought to have an equal right to live. Therefore all or none ought to own land. (Q.E.D.) The sequence is as irritatingly irresistible as a proposition of Euclid, It this theory, that the owners of land have a better right to live than those who do not own land, is true, it should bear practical results. The land-owner should live in ease, at the expense of the landless, and the landless should have to toil in order to keep both themselves and the land-owner alive. Is not this a correct statement of the conditions of

men's lives to-day? Only a week or two ago the London *Daily News* stated that in a certain Durham colliery the miners' wages upon a ton of coal were eleven-pence, while the royalty was one shilling. The colliers had to pay the colliery owner, for the right to live by working in his colliery, a sum greater than the total sum earned by themselves. In other words, the collier, in order to take home 25s., to his wife at the end of the week, had to earn 52s., and to pay more than half his earnings to a fellow-citizen for the right to live. Half his working life spent in earning the right to live! half his working life appropriated by another human being! Do the colliers submit to this because they like it—out of affection for their landlord? If not, why, except because they are landless men?

Now, as in our complicated state of civilisation and our habit of crowding together in small areas, all cannot own and cultivate sufficient land to live on, and the only means by which all can own land—the right to live—is for land to be vested in some person or persons—the State, for example—as trustee for the community, and this is land nationalisation. No other remedy meets the case. Free trade in land is of no use to a man who has no money. Enfranchisement of leaseholds will not benefit that enormous mass of citizens who are as likely to become the Grand Llama as to become leaseholders. Peasant proprietorship would answer the purpose, if all were peasants, all wanting to get their living by cultivating the soil, and there were enough soil to go round. Even then the proprietors of the most favoured plots should in fairness pay rent by way of compensation to their less favoured fellows.

The objects to be attained by vesting the land in the State are twofold: first, to secure the actual occupation of the land for all who want to occupy and cultivate; secondly, to secure the payment of land-rent to the State for the common benefit. The first object would apply to rural districts chiefly; the second to all land, both town and country. One principle must, however, be applied to urban and rural lands alike. There must be no sub-letting; every tenant must hold direct from the State; To allow sub-letting would only be to substitute small landlords for big—a totally undesirable change. The little finger of the small landlord is thicker than the thigh of the big landlord.

What is to be done with the present landlords? How are they to be got rid of? This is, of course, the great practical difficulty in the way of any scheme of land nationalization. Unfortunately, great reforms are not carried out on strictly logical lines; if they were, landlords would come poorly off. The claim to own land is, we have seen, a claim to a superior right to live to the right to charge other human beings for the right to live. Rent paid to an individual is the price paid to one human being by a fellow-being for the right to live. The abolition of land-owning is the abolition of this claim—this receipt of the fine paid for life; the destruction of an inferior claim by a superior. Where, then, in strictness, is the right to compensation? Are we to compensate individuals for the loss sustained by them by the triumph of the principle that all men have an equal right to live? Is truth to compound with error because error has been long established? Of course I know that compensation will be demanded, and, alas! paid. On what scale shall it be computed? what is to be its standard? Is it to be purchase, or a system of State annuities, terminable or perpetual? or what is it to be? I protest that the discussion of terms is, as Mark Twain would say, "*a little previous.*" Such a discussion has no relevancy until the principle of land nationalisation is adopted, the only effect of entering into details now is to becloud the first issue. Land nationalisation, fast as it is making headway, has not yet got beyond the stage of agitation. Now, an agitator has no business with details; his concern is with principles. It is the statesman's duty, not the agitator's to translate those principles into an Act of Parliament. For the same reasons the machinery by which land nationalisation is to be worked "not ripe for definition. There is a general consensus of opinion in favour of State-ownership with local administration. Beyond this it would be unwise to go for the present. The boldest land nationaliser may well be content as yet with challenging contradiction of the righteousness of his principles.

The ultimate triumph of the reform is assured. Personally I believe it will come sooner than some of us expect; but what is to be done meantime? what is to be the attitude of us land nationalisers with reference to those reforms which are from time to time offered us? The answer is surely obvious. Try them by the test of whether they lead in the direction of our desired haven. If so, support them, accept them as vantage grounds from which to renew the conflict. If, on the other hand, projected reform, while promising a temporary or partial improvement, would, if carried, render Land nationalisation more difficult to procure, reject it, oppose it in every possible way. The distinguishing characteristic of your land nationaliser is his "sweet reasonableness." If he is walking from London to York, he is quite prepared, for the sake of the companionship of his weaker brethren, to stay awhile at St. Albans or even Barnet. He is not, however, prepared to go round by way of Brighton. A land nationaliser, for instance, will, on the one hand, be an enthusiast for taxation of ground-rents, and for the London County Council's principle of betterment. On the other hand, he will oppose to the uttermost the suggestion of leasehold enfranchisement, as proposed to be carried out. The fundamental idea of land nationalisation is that private ownership of land is robbery. The sole object of leasehold enfranchisement is to increase the number of owners of land—in other words, the number of robbers. It would no doubt be a satisfaction to those persons who hold leases, and could afford to pay the price, to be turned from leaseholders

into freeholders; but the infinitely larger class of persons who are either not leaseholders at all, or could not afford to buy their freeholds, would derive no benefit from the change, and their chance of becoming land-owners themselves in their corporate capacity—"the State"—if not seriously impaired, would at least be postponed. When occasionally an over-eager candidate for parliament is found declaring his willingness to support *both* leasehold enfranchisement and land nationalisation, one is tempted to laugh. As well might an old crusader have embroidered on his banner the crescent *and* the cross.

Sometimes a reform is projected, with the principle of which land nationalizes are in fullest sympathy, but are compelled to oppose the proposed method of carrying it into effect, even at the risk of defeating the reform: Such a measure is Mr. Chaplin's 'Small Holdings Bill.' It is permissive; they would have it compulsory. It is to be managed by County Councils; they would place it in the hands of parish councils. It proposes to buy out the landlords; they would have the local bodies take the lands on lease only. The position is embarrassing. The practical solution appears to be to approve the principle oppose the details, accept with gratitude such modifications as they can carry, and get more at the earliest opportunity.

Great reforms do not, as a rule, realise all the expectations of their more ardent supporters. It may well be that the nationalisation of the land will prove no exception to the rule. When private ownership of land is abolished, the millennium may still be a little way off. The diseases of society are so various, that no one remedy may be a complete cure for them all. What of that? Shall a man who is suffering from gout and a broken arm refuse to take medicine for his gout because it will not also mend his arm? or refuse to have his arm set because that will not cure his gout?

Land nationalism may well claim to have justified its existence, if, as I believe it will, it destroys wage-slavery, permits every man to enjoy the fruits of his labour undiminished by the fine levied by the landlord as the condition of his right to live, enables every honest industrious man to make a competent livelihood, and—not least—destroys the undue wealth and grinding poverty which are a perpetual menace to the happiness of man and the safety of society, For the sake of such a reform a man may well be content to be sneered at, to work to wait.

CLEMENT M. BAILHACHE.

NOTE.—Mr. Bailhache writes from a land nationaliser's point of view; and certainly, if it were a case of settling the country *de novo*, we should agree with him entirely; but under existing circumstances it appears to us that a gradual approximation to the single tax would be more practical and less revolutionary; and therefore we are not "land" nationalisers, but "ground-rent" nationalisers—i.e., single taxers. However, as Mr. Bailhache truly remarks, we have, as yet, no business with the *details* of land reform; our concern is with the *principle*.—SEC. A. P. S.

## Auckland Anti-Poverty Society

### Under the Honorary Presidency of

### Sir George Grey, K.C.B.

Auckland Anti-Poverty Society

*"He's true to God who's true to man. Where'er a wrong is done  
To the humblest, or the weakest, 'neath the all-beholding sun.*

*That wrong is also done to us; and they are slaves most base  
Whose love of right is for themselves, and not  
for all the race."*

#### **Rules.**

- The Society shall be called the AUCKLAND ANTI-POVERTY SOCIETY.
- The object of the Society shall be to spread by such peaceable and lawful means as may be found most desirable and efficient, a knowledge of the truth that God has made provision for the needs of all men during their residence upon earth, and that involuntary poverty is the result of the human laws that allow individuals to claim as private property that which the Creator has provided for the use of all, and by every constitutional means to wage an active warfare against the conditions that in spite of the advance in

- the powers of production condemn so many to degrading poverty, and foster vice, crime, and greed.
- The means to be employed in attaining these objects shall be lectures, debates, readings, distribution of tracts and pamphlets, and such other means as may be devised.
  - The Society shall consist of Members paying a subscription of 2s 6d, and endorsing the objects of the Society.
  - The affairs of the Society shall be managed by a Committee, consisting of President, Vice-President, Secretary, Treasurer, and Five Members, with power to add to their number.
  - The Society shall meet on the third Tuesday in each month, at 7.30 p.m; unless otherwise ordered.

ADAM KELLY,

Park Road,

Vice-President. G. G. PLATT,

Mount Eden, Secretary.