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Front Cover

The Angel Isafrel A Story of prohibition in New Zealand

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## Contents.

### The Angel Isafrel.

#### Chapter I.

### UNDER THE POHUTUKAWAS.

"'Tis the tragedy of life."

She was twining a spray of pohutukawa blossoms with ferns and ti-tree sprigs into a garland on the hat that was lying in her lap. Through the dark green foliage of a clump of Christmas trees, moving in a gentle breeze coming up from the sea, the sunlight was glinting on her fair hair, which fell in tangled clusters over her shoulders. Her sunny face and soft blue eyes, as she bent over her task, gave no evidence that she had ever looked very much on the tragic side of life during the twenty summers that had passed over her head; but there was an air of quiet happiness and of conscious possession on her face, as she glanced from time to time from her Christmas blooms to the young man reclining at her feet, that seemed a contradiction to the melancholy moody thought to which she had given utterance. He was in yachting costume, and with his hat tilted back, and smoking a cigar, he was looking down on the Rangitoto Channel, with its fleet of yachts and rowing boats dancing merrily on the waves that had been raised by a light breeze blowing up the channel. They had themselves had a stiff pull round the North Head and down the channel, in face of the wind, and having drawn up their skiff on the sands they had clambered up the cliff to where a cluster of pohutukawa trees, ablaze in their glorious covering of crimson blossoms, overshadowed a patch of waving grass and ferns on which they had chosen to rest for luncheon.

It was a general holiday, and all Auckland seemed abroad, to judge from the sails in sight and the number of picnic parties that hung like clusters of flies on the slopes of Fort Cautley and the sides and top of Mount Victoria, and dotted the sands of Cheltenham Beach, A ferry steamer, gay with bunting, and crowded from stem to stern with passengers, was passing on its way to Lake Takapuna, the soft strains of music coming, mellowed by distance, floating up on the summer air to where they were resting.

The hush of silence seemed to have fallen on them from the remark about the "tragedy of life," till flinging a spray of blossoms at him she said, "What are you dreaming about, George? About me, I suppose?"

"No, dear, I am mostly thinking about you, but I was not then. I was thinking of what you said about life being a tragedy."

"But I did not say that life is a tragedy. Life is for the most part a very pleasant thing, as you know, George, and so do I. But there is deep tragedy in life : it is only when people make it so."

"But I don't see why one should be looking always for the tragic side of life. There is plenty of sunshine for the taking of it, and the shadows come and pass, and there is the sunshine over all."

"Yes, George. God's world is very beautiful, and He meant it to be full of gladness and of love, but evil has got in somewhere, and it plays terrible havoc sometimes. See that great patch of shadow creeping up the side of Rangitoto—"

"Oh, bother your shadows, Isafrel; you are always talking about shadows, and when I begin to speak to you about what will chase shadows away forever, and make our lives one long day of sunshine, you get that far-away look in your eyes, as if you were looking for another shadow. Now, listen to a little paragraph that I

have written for the paper, and tell me what you think of it : 'On Tuesday morning last, there was a very pretty wedding at St. Mark's, Remuera, when Mr. George Augustus Houston, our respected fellow citizen, so long and favourably known in connection with insurance in this city, led Miss Angel Isafrel, the lovely daughter of Mr. William Henry Chalmers, banker, to the hymeneal altar. The bride looked charming in a robe of—"

"Stop, stop, George," said the laughing girl, snatching the paper from his hand and putting it in her bosom. "Don't be foolish. Time enough with the paragraph. It will all come in good time, I daresay, but don't put that paragraph in just yet a while. But see that yacht down there. Is there anything wrong with it? I have been watching it for some time, wondering what they mean to do; that one on this side the Salt Works. I thought at first they were making for the landing there, but they keep going about as if they could not manage her."

George put the glasses to his eyes and watched the yacht for a few minutes. "I'm blest if I know what they're doing; they don't seem to know themselves, or how to handle her, and she's shipping water every plunge she makes. There are five or six girls in her, and they do seem scared a bit, and three or four fellows, and, if I know anything, I think the one at the tiller does not know what he's doing. If they don't mind there'll be a spill."

Isafrel took the glasses. "How she does dip, with the sail in the water every time. My goodness, how dangerous that is—Oh !"

"By Jove, she's over," shouted George, and both of them sprang to their feet. "Give me the glasses, Isa—I declare they're drowning. Come to the boat."

They tumbled and scrambled through the ferns down over the side of the cliff, and rushed along the strand to where the skiff was hauled up on the sands, and pushed her into the sea.

"Into the boat, Isa," said George, as the skiff touched the water, and in an instant they were both at the oars, pulling in the direction of where the yacht had gone down. At this distance they could not see any signs of the people, and the boat had evidently foundered. Several of the other yachts had rounded to, and their bows were pointed to the scene of the disaster, and a number of row boats were pulling in the same direction.

Isafrel and George bent to the oars, and, with a long, swift steady pull, they bounded over the waves. No word was spoken, but now and then George looked round to see the direction they were going. It was a race for life, and on every boat and yacht making for the scene right willing hearts and hands were pressing onward to the rescue. George and Isafrel were first, picking up a man who had been battling bravely with the waves in the effort to make the shore. George bade him hold on by the gunwale, while they pushed forward to where the boat had gone down. A young girl clinging to some floating lumber was next picked up, and lifted by George into the boat. The other boats and yachts were now on the spot, and another man and two girls floating on the water face down, but apparently lifeless, were gathered in. About two rods from George's boat, another girl was tossed to the surface, her pale face turned upward for an instant to the sky, and then she went under.

Isafrel was standing at the bows of the skiff, and putting her foot on the gunwale, she sprang into the water in the direction of the drowning girl. With a few vigorous strokes she reached the place in time to catch the floating hair of the girl. Which she seized, and taking the hair between her teeth, she struck out against the waves in the direction of the boat. George had been prompt in bringing up the boat, and in a few moments, with his help, Isafrel had scrambled in, still holding on to the hair of the girl, whose body, limp and seemingly lifeless, they quickly drew into the boat. Two girls and two men were still missing, as they were told by the survivors, and quite a flotilla of boats and yachts now surrounding the scene, every search that could be made was made, but to no effect.

Instant efforts were made on the boats to restore the unconscious, and the three boats containing them at once made for the shore, leaving the other boats to continue the search.

Isafrel, who was well acquainted with the methods of the Humane Society for restoring the drowned, applied herself scientifically and devotedly to the task, on the unconscious body of the young girl she had herself drawn from the water, and when the boats reached the beach off Lake Takapuna, the bodies were lifted out on the shore for better treatment under the appliances that were now brought from every direction to assist in the work by willing helpers, who had seen the accident from the shore and had been anxiously watching the efforts of the rescuers.

It was only when the body of the poor young girl which had been taken into George's boat was laid out on the strand, that Isafrel had carefully looked at her face. When she did so she started back with a short scream, and threw her arms around George's neck and burst into tears. "It's Josephine! it's Josephine!" she sobbed out as if her heart would break. George disengaged himself from her arms and went over to look at the girl. It was indeed Josephine Webster, Isafrel's dearest friend, schoolmate, companion, confidante, bound to her by all the tender ties of girlhood's affections.

But the tears were soon dried from Isafrel's eyes, and with the calm of fixed determination on her face, but with anguish in her heart, she redoubled her efforts to bring back the unconscious girl to life.

There were plenty of helpers in that work, both in the case of Josephine and of the other two girls and the young man who had been picked up unconscious in the water; but Isafrel would suffer no hands but her own to

touch Josephine, and for two hours she chafed and rubbed and followed out all the prescribed methods with precision and persistence.

George had been hearing from the man he had rescued how the affair had occurred. "It was all Moulton's fault," said the man. "He would have his own way, and as none of the rest of us knew much about the working of a boat we had to let him have it. The girls were greatly frightened, but they were still and silent at the last. They had pleaded with Moulton long and hard to put in shore, and the men had joined in the entreaty, but Moulton had got sulky and angry, and thought that we meant to say that he did not know how to manage a boat, and drove on. We had shipped lots of water, but the girls were sitting as quiet as mice, and that young girl there was sitting with her hand in her sweetheart's, and he was trying to keep her spirits up, and we were all waiting for the worst, when something went wrong with the sail, and over she went."

"Was Moulton all right?" said George.

"Well, he wasn't quite as he ought to be," said the man. "That's the truth of it. He was the only one aboard that was a bit on, and he was so confoundedly cross and bull-headed—but, poor fellow, it's over with him now, and there's no use in saying anything about it."

The quick ear of Isafrel had caught the words, and she cast a look of unutterable sadness at George, and murmured, "'Tis the tragedy of life."

But every effort was in vain. A medical man had come down by special steamer from the city, but only to tell them that in each of the four cases life was extinct. The bodies were borne to the hotel, and steps were taken to convey the sad news to the relatives of the lost.

Isafrel at once offered to go and break the news to the family of Josephine. George urged that he should go instead, as the trial would be too much for her, worn out as she was. But "No," she said, "the harder it is the more it is my duty to do it. Mrs. Webster is a good woman, and she will bow to the stroke with resignation. But, oh! it will be terrible to the old man. She was their only child, and they idolised her, and he has not the consolations that her mother has."

Having obtained some dry clothing from some kindly neighbours, and with a heart bleeding at every pore, Isafrel set off in a buggy provided from the hotel, to break the news to the Webster, while George remained to make arrangements for taking home the body.

On arriving at the house she was welcomed by Mrs. Webster, and on going in Isafrel, after a few moments' silence, in which she was keenly scrutinised by the mother's anxious eyes, said in a calm and pathetic voice, "Mrs. Webster, we should be prepared always to bow with resignation to whatever may be—"

"Oh, where is Josey, Isafrel?" she cried, starting up and wringing her hands, "tell me, tell me at once has anything happened to her?"

Isafrel was silent for a moment; then seating herself beside the afflicted lady, and taking her hand in hers, she quietly narrated the circumstances.

"Oh, my child, my child," exclaimed the heart-broken mother, as she hid her face in her hands on the table. She remained so for some minutes, when, raising her face, and lifting up both her hands towards heaven, she said in a voice of deep tenderness, "The Lord gave, and the Lord hath taken away, blessed be the name of the Lord."

Then turning to Isafrel she asked, without a tremor in her voice, where was the body? and Isafrel told her that Mr. Houston was bringing it home, and would be here in an hour or two.

There was the question of breaking the tidings to Mr. Webster. Isafrel offered to do it, but Mrs. Webster said that she would do it herself. "Oh, it will kill her father," she said. "I would not like any one to see his agony when he hears it. Oh, Isafrel, we only lived for Josey."

Worn out in mind and body Isafrel was driven home, and when, a couple of hours after, George drove up to Webster's with an ambulance wagon obtained from the city, and conveying the body of Josephine, he was received at the door by the bereaved woman. She spoke no words, but a few pieces of black ribbon in her cap showed that she had been making some little preparation for the sorrowful home-coming.

The body was tenderly carried into the girl's room and laid on the bed, which had been wreathed in white roses, and when George and the others had retired, the mother softly closed the door of the room and shut herself in with her dead child.

At the inquest the following day on the body of the man, the whole of the circumstances were brought out. Moulton, who had been in charge of the tiller and sail, and who was the only one on board that knew how to handle a boat, had been under the influence of drink, and fightable when any one ventured to interfere with him. He was not usually given to drink, but in coming down to the boat in the morning, Moulton had gone into the hotel and bought some bottles of whisky, intending to have a good time. The other men during the day had taken a little, but nothing to affect them; the girls of course none at all. They had lunched in a little inlet of Rangitoto, and after starting were met by a fresh breeze, and all of them except Moulton wished to return or run in to shelter, as they saw that Moulton was hardly safe in the circumstances to be trusted. The rest was known;

so the jury after deliberation wanted to bring in a verdict of "Died by the visitation of God," but the coroner told them that he did not see how they could throw any reflection on God for what had happened, and so they brought in a verdict of "Accidental drowning," and added a rider that there was "Nobody to blame."

The body of Josephine's sweetheart was never found. They had been engaged to be married, and it had been pleasantly arranged among them all that it was to be at the same time and place with the wedding of George and Isafrel, whenever they all could make up their minds to bring this great event to pass.

The other two girls, whose bodies had been recovered, were comparatively recent arrivals, and had no relations in the colony. They had been teachers in two of the district schools, and good girls, and George having found the addresses of their mothers in England, arranged to write and acquaint the mothers with the melancholy intelligence; which he did, and told them that, in sympathy for them as strangers in a strange land, their bodies had been taken to Mr. Webster's, from which the three funerals had proceeded together to the cemetery, and that the two English girls were laid in their last sleep, side by side with Josephine.

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## Chapter II.

### THE BEREAVED PARENTS.

THE story of the accident, and the melancholy incidents connected with it, produced profound sensation in the community, and the deepest and most considerate sympathy was shown to the Websters, who were universally esteemed, and whose attachment to the only child of their old age was known to have amounted to something verging on idolatry.

The wonder to everyone that knew the devoted care with which they had guarded her every movement, was that they should have allowed her away on a boating excursion without either accompanying her themselves or placing her in care of some responsible people in whom they had confidence. With Isafrel they had always considered her safe, and she had been an almost inseparable companion of Miss Chalmers when out of their sight, and she was becoming imbued with the principles which Isafrel seemed to have the power of instilling into everyone that came within the sphere of her influence. But Isafrel had had her own little engagement for the holiday, in which "Two was company and three was not," and Mrs. Webster had thought it hard that her daughter should be deprived of a liberty which other girls could have. And so when in the morning of the holiday, young Dickenson, to whom Miss Webster was engaged, called and urged that Josephine should join a little boating party of nice people that they had formed, and the invitation was backed up by the earnest entreaties of the girl, the mother and father reluctantly consented, and Josephine, hurriedly making her preparations, had gone off in a high state of pleasurable excitement.

But it was an anxious day to Mrs. Webster; and the old man after wandering about the house and grounds half the day, unable to bear the uneasiness, had gone off with the idle purpose of sauntering along the shore on the chance of seeing something of the boat. It was on his return from this excursion shortly before sunset that Mrs. Webster met him at the garden gate and had the sorrowful duty of breaking the news to him; and taking him into poor Josephine's room, she showed him all that remained of their beloved child.

The day after the funeral, Isafrel drove over to the residence of the Websters. Owing to the preparations and other arrangements connected with the funeral, she had not had an opportunity of a quiet conversation with the bereaved mother, and she felt that they had much to say to one another about one whose memory was very dear to both.

She had loved Josey as she had never loved a girl in her life before, and though the ages of the two girls were nearly the same, there was a childish confidence and a deference to the stronger nature, in the bearing of Josephine towards her schoolmate and dearest friend, that had touched the heart of Isafrel with a singular tenderness for the clinging gentle nature of the young girl that seemed to look up to her for guidance and strength in every moment of her life.

Mrs. Webster had known this, and feeling that at her own age she could not wholly enter into the feelings and interests of a young girl's heart, she was very happy in seeing her under the influence of one so wise yet so tenderly gentle and sympathetic in her nature as Isafrel. More than this, she felt proud to see that the young woman who, in spite of her years, was exercising so commanding an influence in the promotion of the humane and benevolent objects in which the women of the city and district were engaged, who by common consent had been accepted as their guide and leader, and whose name was now in everyone's mouth because of her unvaried kindness to the suffering, as the "Angel Isafrel," should have singled out her child as her companion and dearest

friend. So when Miss Chalmers alighted at the garden gate, she was received by the sorrowing mother in her arms as the sister of her lost child, and all the fountains of the depths of a mother's love were broken up afresh.

On going into the drawing-room she found that Mrs. Webster had been laying out Josephine's dresses on the table and folding them away as cherished relics, to be brought out from time to time in coming years as a means of communion with her lost child.

Isafrel knew the dresses, and had remembered the several occasions on which Josey had worn them, and every one of them had memories associated with incidents in the life of the girl that gave fresh occasion of grief to the two mourners.

From this their conversation wandered away to the incidents of the accident, and the mention of Moulton seemed to stir a new source of bitterness in the heart of the mother.

"Oh, Isafrel!" she said. "I have something to tell you, and it breaks my heart to have to say it. Do you know, dear, where it was he got the drink? It was at the Stilton Hotel, and we had voted 'license.'

Isafrel did not grasp at first the meaning of what she was aiming at, but the picture of the heartbroken mother wringing her hands, and, with a scared look and streaming eyes, gazing in her face, was such despair and agony, that she could not feel in her heart to ask the meaning of the words.

"Oh, Isafrel!" she went on, "the poor, dear child pleaded with us to not vote 'license,' and she told us that Isafrel said—for she was always talking about Isafrel, and Isafrel said this, and Isafrel said that and she told us that at the meeting of women you said, and I remember the very words, 'Oh, sisters, remember that though the ballot is secret it is no secret to God. When you go into the booth you may go alone, but God will be there, and while you mark out the words with the pencil, God's eye will be looking at you, and if you do not strike out the first line, but give your vote for license, God will require it at your hands.' Oh, Isafrel Isafrel I did not strike out the top line. I voted license, and God was there, and has required my child at my hands. Oh, Josey Josey! my lost, my darling child, I have murdered you, I have murdered you. Oh, Isafrel," she said, turning to the girl, "don't tell father. He doesn't know it, or he doesn't think it, or he doesn't remember; men are so stupid. It has never come to his mind that we both left the first line on the voting paper, and voted license, and if it ever comes to his mind it will kill him, too, for, oh, he worshipped Josey. We said to ourselves it would be a pity to take the bread from Mrs. Bradley's children's mouths; and comfortable in the thought that drunkenness could not touch our house, and careless of the homes of others, we voted license, and we didn't tell Josey, poor thing: she never asked us after. Oh, but it shoots far," she cried, as she wrung her hands, "and it shoots round the corner's, when it went away down by Rangitoto channel to hit us here."

The whole thing now flashed on Isafrel's mind, but how was she to administer consolation to this stricken soul. The local hotel, it appeared, would have lost its license if the local option poll had gone against; and it was at this hotel that Moulton had bought the whisky that had led to the catastrophe.

"But, oh, Mrs. Webster," said Isafrel, ready in the pitying goodness of her soul to almost go back on herself and her principles, to comfort this poor mourner, "it might have got its license if you hadn't voted. Don't blame yourself for this, dear, as he could have got the whisky at some other place."

"No, no, Isafrel, there was no other place, and he got it when they were going to the boat, and they would have had to go away round to a distant place to get it if the Stilton had been closed. Oh, Isafrel, but it shoots far and shoots round the corners."

The quaint and somewhat uncouth metaphor appeared to have fixed itself in poor Mrs. Webster's mind, and as brought out at many a gathering afterwards, it was made familiar to people as her way of telling in what roundabout and unexpected ways the results of the traffic may come home like a boomerang.

Nothing would persuade her but that it was she and Webster that had got the license for the Stilton, and though others had helped in it, she said perhaps God was also requiring it at their hands as he had taken poor Josey from her.

But a severer ordeal had to be passed when shortly after Mr. Webster arrived from a lonely saunter round the fields.

Isafrel was shocked at the appearance of the old man. Worn and haggard as if he had aged ten years in the few days that had elapsed since the catastrophe, with his grey hairs hanging in tangled masses from his head, he took one pitiful look at Isafrel and sat down folding his hands before him without speaking a word.

For some minutes they sat in silence when, rising slowly and raising his blanched and withered hands towards heaven, he cried, "Oh, I am like an oak tree blasted by the fire of heaven. Why, oh ! why has God done this thing to me? What have I done that He should have punished me so? Why has this curse been brought home to us? Drop of drink never entered this home, it never touched the lips of my child. Why has He punished Josephine ?"

"God has not punished Josephine." said Isafrel tenderly, and she walked over and laid her hand gently on the old man's shoulder, and he sat down. "God has taken the dear child away from the evil to come," she went on, "and she is where no sorrow can ever touch her, and where the tears are for ever wiped away from the eyes.

Mr. Webster, let me tell you what I saw last night, I was visiting an unhappy family in Newton. The poor wife was the daughter of a clergyman in England. She had been nurtured tenderly, and she told me she had been the idol of her father and mother. She married a man, a young man, full of promise, respected, well conducted, kind, and loving, high in position in a bank. He lost that situation—through drink. With true womanly instincts she clung to him, and would not leave him, and when he was sent out to this country by her friends in the hope that the change might give him new prospects and a new determination, she accompanied him. He found the same temptations here, and he fell again. My father, from a feeling of professional brotherhood, interested himself in him and got him employment, but it was no use. Position after position he lost, and he drifted to the gumfields. Broken in health, he came back to Auckland, but the demon of drink seized him again. We heard from them, and when I went last night, the three little children were crying with hunger. One of them was in her arms, sick. She had hardly clothing enough for decency, and she had not tasted food that day. The husband was out—drunk. She told me that when he was sick and off the drink, the old kindness returned, and they had as sweet and happy conversations as ever they had had in their lives. They talked of the dear old home far away, and of the pleasant times they had passed together when they had been married. He vowed he would reform, and wondered how he could have been such a fool. "When he got well he was drunk again—and he nearly killed her. She did not speak angrily of him. She did not seem to be angry with him. She said he really could not help it, and I believe her. But she was in terror of his return. Mr. Webster, Josephine might have been a drunkard's wife. God knows, and knowing it, He may have taken her away. So long as drink is here no man can look into his child's face and say she is safe. He can only know she is safe when she is in the grave. Keep it as far from you as you like, and it may strike you. You have kept it far away; your child, I know, never knew what it was; but it has struck you from far away, and it has struck you heavily. Yet that blow did not fall without God's permission. It was allowed in kindness. You suffer; but your child, whose happiness you wished far more than your own, does not suffer. God read your heart. He saw what you most wished. He has granted it. Your child is happy now and happy for ever."

"Thank you, dear Miss Chalmers," said the old man with deep feeling. "I will try to say, 'not my will, but Thine be done.'"

"Do, Mr. Webster," continued Isafrel. "Don't ask why it was that this thing came to you. Do not wonder why it came, while you did nothing to bring it on you. It is not those that take it who suffer most. Drunkards do not suffer half so much as others who have done nothing to deserve it. That is the cruel part of this cruel thing. If the drunkards only had to be considered—let them bear it. A ship goes out over the sea. There is a crash, and she grates and hangs on the jagged rocks. A hundred people rush wildly on the deck. Under the dark canopy of midnight, death looks at them from every side out of the blackness—from the rugged rocks, from the pitiless waves. Terror stricken they are washed one by one into the boiling sea, the surging waves sing the requiem of hopes and joys and loves for ever laid to rest, and the young and the loving, and the brave and the beautiful, and the wise and the aged, are in one dread burial blent. They have not done anything to bring about that awful fate. They had not been drinking. But one man has been, and driving through the midnight darkness, and the trackless rayless seas, he has dashed them on the rocks. And that wail of despairing anguish that rang out in the midnight air, and those sobbing bosoms and broken hearts of bereaved relatives and friends scattered over many lands, came of that one man's drinking. And those passengers and their weeping friends, and the public who look on in grief and burning indignation, had no concern, nor any right to interfere, we are told, in that one man's grog. Dear Mr. Webster," the girl continued, "God moves in mysterious ways. It seems hard that He should bear with these things; but we have fixed it so that one has to bear the suffering for what others claim the right to do. But God can always take His children home, and there is no drinking there, no broken hearts, no blinding tears in heaven. You are suffering now, but Josephine is happy."

The old man bowed his head on the table and said with a broken voice, "Thy will be done."  
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## Chapter III.

### IN ALBERT PARK.

THE work to which Isafrel had devoted herself was suspended by the sorrowful little episode in her lift which had robbed her of her dearest companion, and one who was becoming an earnest helper. But the recollection that it was this very evil, that had struck around in a circuitous way, and laid her dear sister in the grave, was a fresh incentive; and it would seem as if she was impelled to redouble her efforts, both in

ministering comfort to the sufferers, and more, in doing what in her lay to destroy for ever the power that caused those sufferings, and that produced what she had come to speak of now as "the tragedy of life."

The claims on her time for what were her semi-official duties pressed hard on her labours of love: for so much had the women and the workers in the cause of prohibition come to rely on her wise counsel and her inspiring presence, that things lagged when she was absent from a meeting; and her presence made just the difference between the carrying of abstract resolutions and the taking of prompt steps in a practical direction.

Partly while engaged in these visits of mercy in connection with the sufferers, and partly through her directly placing herself in communication with other workers, she was on intimate terms of acquaintance—which always in the case of Isafrel meant affectionate friendship—with all the leading women in all the organizations of the city and suburbs, and she had almost fired them all with her own enthusiasm.

The ladies of the Synagogue, and the Little Sisters of the Poor, were alike her friends; the Helping Hand Mission, the Ladies' Benevolent Society, the women of the Hibernian Society, and of the Door of Hope, the Hallelujah Lasses and the Tailoresses Union, and the workers in connection with those various Christian schemes that were under the guidance of one good woman in Parnell, all looked on Isafrel as belonging to themselves, though she was not officially connected with any of them. The wives of all the clergymen and ministers of religion in the city and round about nearly worshipped the young girl that they met and heard of everywhere going about continually doing good; and the Sisters of Mercy would persist in telling Isafrel, whom they called "Our Angel," that they knew she was a good Catholic, and though she did not call herself a nun or wear a nun's dress, they knew she had a nun's heart, and they told her that they prayed for her every night, and for the good things she was doing.

She had made herself acquainted, too, with the women of all the political organizations in the city, and she had often expostulated with them for wasting their time in minding things that she said were only remotely connected with the deepest interests of woman, as compared with the one thing' which she persisted in saying was at the root of all women's wrongs, and all the miseries with which the children and the women and the whole people were afflicted.

George, one day, was rallying her about the promiscuous kind of her fellow workers. He had met her in Queen Street, or, rather, he saw her talking to a lady under the verandah, and as he had a few hours off he waited, so as not to interrupt, and at the same time to have a chance of a stroll with her.

While he was waiting, he saw a dirty little urchin edging round behind Isafrel, and as he thought the little scamp might be going to pick her pocket, he kept his eye on him. Presently the little fellow stole up behind Isafrel, and quietly taking hold of a fold of her dress, he pressed it to his dirty little face and kissed it, and then ran off and stood looking at the girl. George went over to him and asked him what he did that for, and the child, looking up at him wonderingly, said, "That's the Angel Isafrel," and ran away.

As they were strolling up to the Albert Park, George told her about the little urchin, and she was greatly amused and interested to know who the little fellow could have been. The description did not help her much, but one day subsequently George was able to point out the child to her, and it turned out that he was one of two or three little children of a woman who had poisoned herself with "Rough on Rats," as mentioned in the papers a few weeks before. The woman had been drinking heavily for some weeks, and the story of the little children found standing round the wretched creature dead on the floor, trying to awake their mother, was very pathetic.

But when they were seated in the Park a remark from George brought up this subject of the promiscuous character of the workers she had managed to associate with her in her crusade against suffering and its causes. He said, "I am afraid, Isa, that your religious principles are getting a little mixed, and that you are a bit of a latitudinarian."

"What a big word it is, George," she said, "and what does it mean? I suppose it is something broad: well, yes, my religion is broad, just as broad as the suffering of the human family, and that is wide enough. It does not seem to me that suffering is confined to denominations, and as far as my experience goes when help for suffering is wanted I find the gentle spirit of Christianity is either active or only dormant in every denomination alike."

"Christianity, Isa?" said George, "but you don't speak of Christianity in connection with the ladies of the Synagogue."

"Well, so far as the name, no; but so far as the spirit, yes; just the same. Don't you know, George, that Jesus was a Jew, that he was born and reared a Jew, and that when he spoke those beautiful words of the Sermon on the Mount—the sweetest words that ever were uttered to comfort and guide humanity—he was a Jew still. And those words, which are the marching orders of Christians whenever they engage in the service of humanity, are the spirit of Jewish benevolence breathed into Christianity, just as much as you would find the Christian spirit of love and kindness in the Jews. It's all the same, George, call it Christian or Jewish as you like, it is there any way; and from the Jewish women, whenever I brought a case appealing to sympathy under their notice—and it did not signify to what creed or denomination it belonged—there was the true heart and the ready liberal hand

to respond."

"Do you know," said George, "I don't want to flatter you, but it is your own goodness, darling, that you see reflected in everybody you meet, and they're all good because they can't be anything else when you're with them."

"What a good boy, George, you are, to be sure, to make such a pretty speech, and I love you, dear, ever so much when you say such pretty, things; but it's nonsense all the same. There's goodness in all humanity, overlain sometimes, it may be, with rubbish, but it's there for the bringing out; and, more than that, it sometimes takes form that other people don't understand, and they dislike it, till they search and see what it means, and that's why there is so much mischief wrought on the principle which Thomas Bracken has so beautifully touched in his poem of 'Not Understood.'"

"Do you know, George," she went on after a little, "that I have a great sympathy with the spirit of reverence for the virgin mother that pervades the Roman Catholic Church. I know you will think me horridly lati—what-do-you-call-it—narian, but I think that the presence of that principle of motherhood in the heart of religion must have exercised a powerful influence on the rugged nature of mankind in ruder days; and if you just saw the gentle devotion of those dear Sisters of Mercy, as I have seen them, you would be inclined to trace a good deal of it to the constant consciousness of communion with the mother of the Redeemer. I know we Protestants think they go too far, but the principle of motherhood is the embodiment of all that is sweetest and most powerful in womanhood, and there does seem to me something very touching in its being interwoven in that way into religion. But there, now, I have been preaching to you so that you will be beginning to yawn; but I'll tell you something if you don't laugh, for I know you are amused at what you call my rounding up of promiscuous helpers.

"Well, that case that I was talking about to a lady in Queen Street when you met me. It is a wretched family, and one of the most pitiable cases I ever saw. The father and mother were both drunkards, and both broken down in health, and I think likely to die, and there are five children, as woe-begone little creatures us ever you beheld; diseased and filthy they were beyond expression. Well, the first I thought of was the Little Sisters of the Poor, and they took the whole family away, and you should have seen them washing and cleaning and attending to the sores of those miserable creatures. I don't know what religion they are, and I don't think the Sisters know. Well, as I was coming along, as luck would have it, I fell in with one of the Helping Hand Mission, and I told her about the case, and she just got a big bundle of clothes and went away up and gave them to the Sisters, and said they would help as they could. And then, do you know, I went to one of the Jewish ladies, and told her about them, and she said she would go and see the Sisters, and the Jewish ladies gave what money was wanting—a good, big sum, too—and they helped to look after the case. But the best of it is to come. I was riding out past the Chinamen's gardens on my bicycle, and the thought came into my head that I would tell John : and the poor fellow was really touched, and got to know where the people were, and the same evening he was round there with a lot of vegetables. The Sisters, who are very poor, said they did not want any vegetables; but John said he did not want any money, that they were 'welly good cabbagee,' and so they were, as the Sisters told me afterwards, and he has been coming with nice vegetables for the poor family regularly since, and will not take a farthing—and so there you are; Methodists, Catholics, Jews, and a follower of Confucius, all helping and caring for that poor dying family."

"Well, Isafrel," said George, "you are an angel, and I do love you so; and I'd like to kiss you, darling, if they weren't looking at us."

"No, George, don't," said Isafrel, demurely; "it wouldn't be proper, George—when there are people about. Besides you rumple my hat so every time, and this is a new one; don't you like it ? But I love you all the same; oh ! ever so much, I couldn't tell you how much, dear. I don't know what in the world I would do if I had not you—I suppose I would have to get another boy. There, now, don't look nasty ! I didn't mean it. I would not have anybody else in the whole world if I had fifty to choose from."

"But I don't like," said George, placated by the rattling prattle of the girl, "I don't like, dear, to see the way you are knocking yourself up with going about after these cases."

"Oh, never mind, dear, I am all right; I am as strong as a horse. You don't know that I knocked a man down the other day."

"Isafrel !"

"I did, indeed, George. I knocked a man down; it was Tuesday or Wednesday last—Tuesday, I believe. I was in talking to an unhappy woman in her little cottage out at Arch Hill. She was as poor as wretchedness itself, with hardly a stick of furniture, and she had not had a bite of food the whole day, nor her children either. There were four of the poor little things, and they looked so hungry, and weak, and I was just about going out to get something for them, when her husband came in calling for his dinner. He was a big, rough-looking man, and drunk; and when she told him very quietly that she had nothing in the house, he swore at her, and said if she was not gossiping with her neighbours like this, she could have had his dinner ready. She gave him a sort of



taunting reply—women are so foolish in not speaking quietly to a man when he is drunk; I do think they often bring a good deal of the trouble on themselves. Any way he rushed at her, and I stood up between them. That balked him for a moment; but, oh! there was such a look in his eyes. He went round to the other side of the table, and there was a tomahawk on the hearth beside some bundles of sticks, and he picked it up and rushed to get past me. I sprang at him and seized him by the wrist, and, oh! I felt as strong as a lion, and I gave such a wrench to his arm, and with my other hand I wrested the tomahawk out of his hand, and I flung him from me, and he fell in a heap to the floor. "You ruffian," I cried, "how dare you lift your hand to the woman that you swore to love?" He picked himself up and looked me in the face. I had still the tomahawk in my hand. You have heard of a young girl going into a lion's cage, and, looking the wild beast straight in the eyes, she obliges him to cower before her. There was the look of the wild animal in that man's eyes. I think it is the effect of spirits that they bring the animal all to the front, and deaden for the time all that makes man higher than the brutes. He glanced at me for an instant, and his eyes fell before mine, and he slunk away to the door and went out. The children clung screaming about her; and I told her I could have the man sent to gaol and kept there for years for attempting to murder her. She sobbed for a little and said, 'Oh no, do not; he is my husband, he is the father of my children.' Oh! woman woman, I thought, why has God given you a nature like this, when He does not put forth His powers to protect you in the indulgence of the sweetest sentiments that He ever implanted in your breast. And, oh! George, I could not help thinking, how can any man, merely because he likes this thing for his own selfish enjoyment, not feel willing to let it go, and by putting it far away prevent domestic horrors like this. And, oh! George, I could not help thinking, how can any woman with the heart of a woman and a mother in her breast be indifferent to such a state of things, and, having the power in her hands to stop it for ever, close her heart to the sufferings of other poor women who have not the security and the peace which she enjoys."

Isafrel had arisen to her feet in her emotion, and was walking to and fro on the grass. George, who had been carried along by the story, asked her what was the outcome of it all to the woman, and Isafrel, taking her seat beside him again, told him that she brought in the man and his wife from next door to protect the woman till she went out and got some food for her, and when she was leaving they promised that they would see the woman was not molested. Isafrel had then gone and told the constable, who said he would keep an eye to the house. She had heard since that the man thought she would have him brought up for attempted murder, and that he had apparently gone from the district.

George felt disturbed and anxious at hearing of the dangerous situation in which his darling had been, and he asked her why in the name of goodness she entered into scenes like that, and why it was that in seeking out distressful cases, she only hunted up those that were connected with drink.

"Because I never found any others," she said. "I have never encountered a case of domestic misery but I was able to trace it to drink as the cause. I set myself deliberately to this," she said. "Some of them were only remotely connected, and the people that suffered were in no way to blame. There was one case that puzzled me. The man was an excellent workman and the woman a thoroughly worthy woman, and they were as kind to one another as they could be, but they were very poor. They had pawned everything they could pawn for food, and there was hardly anything in the house. They were too proud to reveal their state, and even some of the ladies of the Benevolent Society who had visited them had been put off with evasive replies. But they were starving, and the children looked so pale and thin, but so quiet. The woman made a clean breast of their whole condition to me. She said there was something in me that drew it out of her. Her husband had lost his billet; in fact, had rashly thrown it up, and do what he could, looking up high and low down, he could get nothing to do. I asked her to tell me in confidence did he drink. She said 'No.' I asked if he ever drank before, and she said she believed he had never drunk in his life, unless, perhaps, a glass now and again, but that he had never been in the habit of it, and she had never known him the worse of drink. This case puzzled me. But I was determined to have it out. I asked her why he had lost his place, and she said the manager was such a bully that her husband could not stand it any longer, and gave it up. She said she had done all she could to prevent it, and he was sorry himself afterwards.

"I made it my business to find out about the manager, and from the wife of one of the hands I learned that he drank. I knew I was right, and that drink was at the bottom of it somewhere. I found that, though the manager was sometimes jovial and pleasant as man could be, whenever he took drink, which he did frequently, his temper was fearful. Hickson, the man I am speaking of, was in a position of much responsibility, which brought him constantly in communication with the manager, who had let him feel the full brunt of his bad temper when the exciting fumes of the drink had left him and that morbid reaction had set in which makes so many fightable after drink.

"And, George," she continued, "I think this is the way in which about as much of misery is produced, and especially to employes and dependents, as in any way else. There are some people on whom the dregs of drinking produce an irritation that makes them almost fiendish sometimes, and God help those who are in that

position of dependence that makes them to have to submit to the consequences. This poor man had borne his sufferings for years, for the sake of his wife and children, till in a moment of desperation he flung up his situation. The proprietor, who is a good and kind-hearted man, was sorry at his leaving, for Hickson was a good workman and always reliable, and he strongly urged him to resume. But Hickson declined, and never told him the reason. But I told him, and told him, too, that God would hold him to account for the way in which his servants were treated; and he said that he would speak to the manager and have this conduct stopped. But the manager, he said, was a useful man, and he could not part with him. So, for his own selfish benefit, he allowed a wrong to pass and continue that was, I am sure, more offensive to the good God than theft or robbery, or any crime in the calendar short of murder. So you see, George, it was drink after all that did it."

"But what came of the man after all," said George, who liked to know the finish of things.

"Oh, well," said Isafrel, "that was all right. I went to Mr.——, who is in the same business, and told him the whole thing from beginning to end, and he sent for Hickson while I was talking to him, and he gave him a position a good deal better, and with better pay; and, more than that, when Mr.——told the whole affair to his wife that night, she went the next morning and called on Mrs. Hickson, and offered to get her anything she wanted, and when I went to see Mrs. Hickson a day or two after, the poor thing throw her arms round my neck and kissed me, and sobbed like a child on my shoulder.

"But that is beside the point, which is this, that I have not yet met a case of genuine hardship that was not traceable immediately or indirectly to drink. That one of Hickson's was of course a roundabout way to the drink. It hit him all the same. But generally the connection is closer, and there is little trouble in tracing the links.

"I took particular interest in enquiring into the cases of people that are out of employment, and, besides the coarser cases of those who had established a character of non-reliability by their drinking, and were therefore the first to be shifted when the business pinch came, there are those, and, oh ! so many of them, who by the mere expenditure on beverages missed the opportunity of raising themselves out of the way of risks,

"There was an interesting case I could tell you, only I have been talking so long that I am boring you."

"No, no, Isafrel," said George, "indeed you're not. I could listen to you talking for ever, darling, and I see that though you have your sad cases, you have also your pleasant recompenses—that case of Hickson's, for instance."

"Well, there are two men," she went on. "We will call them Brown and Thomson. They were great chums, and their wives were as loving as sisters. They worked together, lived next door to one another, and were nearly inseparable. They had been married about the same time, got the same wages, and were equally good men. They were carpenters. They both drank a little—not much. After a few months Brown said, 'Look here, Thomson, we had better knock off this drink. We neither of us care much about it, and it is doing us no good.' Thomson couldn't see it. They had plenty to keep their wives comfortable, and he did not see why they should not have their little glass of a while. 'Well,' says Brown, 'I'm off; but I'll tell you what I want, Thomson. You tell me how much you drink every week, and I'll put the same in the Savings Bank, and we'll see what it will come to in the end.' 'All right,' said Thomson, for they were very good friends. So they went to work, and Thomson kept the count. Sometimes it was three shillings, and sometimes it was six, and sometimes even eight and ten, when Thomson had been particularly genial. But whatever Thomson drank in the week, Brown put the same sum in the Savings Bank. And so it went on for three months, when Thomson got tired telling Brown how much he drank, and it was a bother to have to remember. So Brown struck an average on the three months, and whatever it was for the week he put that sum every week in the Savings Bank. Thomson never developed drinking habits any more than at first, nor has he to this day, and they are both equally in good health, but after about a year and a-half Brown had enough money in the bank to buy the timber to put up a little two-roomed cottage, doing the work himself in his leisure hours, and Thomson remained on in his hired house. Brown went on as his little account grew big enough to buy more timber, and added little wings and offshoots, until he had a picturesque little place of his own with six rooms in it. And Thomson remained in his hired house. Then the possession of his little property gave Brown credit, and he was able to take up little contracts for building, and Thomson went on earning his wages as before. Brown, when I got first to know Mrs. Thomson, had become a considerable contractor, and had several houses rented, and sported a buggy. His eldest little boy of fourteen or fifteen was in his father's office, and sported a bicycle after office work. Thomson was still in the hired house, and his boy was selling papers in Queen Street. When I went to see Mrs. Thomson, Thomson had been thrown out of work by the failure of his employer, and had not yet been able to find other work, for he was troubled a bit with rheumatics. The rent of his hired house had been unpaid for some time, and they had got notice to go, and next day the goods were to be sold under distress, and this was the trouble that brought a friend of mine and myself to the scene. I wormed the story out of Mrs. Thomson, and she added that Mrs. Brown had 'cut her,' which was a mistake as I afterwards found. The fact was that Mrs. Brown had been going out in her buggy with her three little girls beautifully dressed, and with ribbons flying, and Mrs. Thomson happened to be in the street

when she was passing, and was in her kitchen costume, and none too good, and with her two little girls along with her barefooted; and Mrs. Thomson turned about and looked over the fence, and her two little girls looked up at the pretty dresses in the buggy and wondered, and Mrs. Brown had nodded kindly to the children, but Mrs. Thomson was looking the other way. The sum of it was that while Thomson was still a hewer of wood and drawer of water, and his daughters would soon be going out to service, and his sons would be hewers like himself, Brown was a gentleman, and his daughters would be shortly coming out at Government House, and his son was the daintiest young gentleman that had come out of the Grammar School. And it was all of that little glass of beer. It did not do any particular harm to Thomson. He was a hearty strong man in spite of it; but it made a difference to the children."

"Well," says George, "and what was the end of it?"

"Oh, bother you, George," said Isafrel, "you always want to know the finish of things. That has nothing to do with my point, which is that the reason the great majority of working men are working men still, and will have their daughters going out to service, and their sons rising no higher than hewers of wood and drawers of water like themselves, is just because of that little pot of beer. It perhaps does themselves no harm. But if they just dropped that money every week into the Savings Bank, every one of them could become an employer and a gentleman instead of a slave and a dependant, and their daughters would come out at Government House and have their dresses in the society papers. And it seems a bit hard on the girls."

"But what became of the Thomsons?" said George again.

"George," Rays Isafrel, "you don't seem to care a bit about the point of the story, which is this that if the women of New Zealand, and the men to back them, would only shut out the drink from the country, there is not a working man in it but might have his son on a bicycle and his daughters sporting their dresses at the Government House balls and—

"Ah, but tell me, dear," said George, "I do want to know how did the Thomsons fare?"

"Well, then," said Isafrel, "if you must know, I went straight myself to Mrs. Brown, and the big tears came into her eyes when I told her that Mrs. Thomson thought she had cut her. And the things were not sold the next day, and the Thomsons were not turned out on the street, and Thomson next week became Brown's foreman of works, and on the first Saturday after he opened an account at the Savings Bank."

"Well, Isafrel, darling," said George, "you are a good soul, indeed, and you must have a lot of happiness through it all. Goodness, but you are good."

"Now, don't rumple my hat, George: I told you that before. This is my other hat, and I don't want it crushed. But, goodness, see the time it is," she said, looking at her watch; "we must be off."

They went away down by the path behind the Public Library to get out of the Park, and when they reached the clump of shrubs that hides from the path above, George passed his arm softly round her waist and looked away up and down the paths for something or somebody.

"Don't rumple my hat, George, there's a dear," and then she looked up into his face with her big loving eyes so sweetly "Do it again, George," she said, and he did it again. "Do it a third time, George," and he did it a third time, and then they walked on down the path together; and when they got near the street, just passing another big shrub, peeping out from under the corner of her hat she saw a wildlike look in Georges eyes, and he was looking about for another man. "Don't rumple my hat, George," she said again, but George saw the man he was looking for just close by, and Isafrel laughed a merry little laugh, and said "Poor George; better luck next time."

## Chapter IV.

### ISAFREL IN DEBATE.

THOUGH Isafrel almost from her earliest girlhood had been touched by every case of distress that came to her knowledge, and since she had arrived at young womanhood she had been an indefatigable worker for the relief of suffering, a new direction had been given to her efforts and a new and a burning zeal had inspired her whole nature.

The cause of this was the hope presented by recent legislation which gave the prospect that the whole of that traffic to which she traced "the tragedy of life" might be driven out of the country, as it had been determined to submit the question to a *plebiscite* of the people.

Various attempts had been made to regulate and restrict the traffic, and great progress had been made in the direction of reform. But it had dawned on many thinking minds that it was a matter that could not be regulated; and that restrict it, and drive it in as much as they might, it would still break out in ulcers all over the social life.

So when the Referendum Act was passed, empowering a vote of the people on national prohibition, Isafrel felt roused to a new life, and determined that henceforward she would fight the evil at its source.

She had found that others, both women and men, had developed an enthusiasm in the same direction, and she had set herself to bring these together, especially the women, so that they might work in concert. Her timidity as a girl—for in spite of her enthusiasm she was a girl still, with all a young girl's shrinking sensitiveness—her timidity restrained her from thinking of addressing men collectively; and indeed she thought, however many good women might think to the contrary, that a woman, and especially a young woman like herself, was out of place in lecturing an assemblage of the stronger sex on their duties. But she had seen that she had the gift of addressing her own sex, and on two or three occasions she had been successful in moving them, to her own great surprise.

But she also learned that when she got a man by herself she had a wonderful power of interesting him. She knew well enough that her pretty face had something to do with it, for she knew she was pretty, and every time she looked in the glass it told her that she was pretty, wonderfully pretty; but she said to herself, if God has given me a pretty face, why should I not use it like every other gift for Him and for the good of humanity. And as her mind was now fired with only one object, she resolved that whenever she could get a man by herself she would try to win him over to help her in putting an end to this that she called "the tragedy of life."

So one day when she was out in the suburbs on her bicycle, on some business of mercy, she thought she would call in and see Dr. Wilmott, a clergyman who had been writing in the papers in defence of the liquor traffic. He was a man not only of learning and culture, but great ability, and though she had been pained by his letters, she thought them among the most brilliant she had read on the subject. She felt frightened at the thought of meeting him at first, but she heard that he was a good as well as a kindhearted and courteous man, and she thought that—whatever would come of it she would like to have a quiet talk with him.

So riding up to the door, and leaving her bicycle against the wall, she sent in her card. The doctor received her in his library with great kindness. He had often heard of Miss Chalmers as "the Angel Isafrel," and was deeply interested in meeting the young girl that was creating such a sensation; and his manner was so gentle and so kind that she at once felt at ease with him.

After they had talked pleasantly on a variety of subjects, Isafrel, who always liked to come straight to the point, said: "Doctor, I have been reading your letters in the papers, and though I think them extremely clever and beautifully written, I cannot but say that I feel pained that one so able and so good as I know you to be, should have taken that side in the question."

"And you have come to convert me?" said the doctor, laughing.

"Oh! no," said Isafrel, blushing with confusion, "I could not think of that; but I did like to come and see you, and hear from yourself what can be the reasons that can induce a good and a kind-hearted man as you are to wish to see this thing continued which is causing such distress in the community."

"Well, my dear," said the doctor kindly, "I know us well as you do that it is an evil, and if I saw any way on right principles by which the evil can be lessened you will find no one more earnest on your side than I will be. But then there are many considerations which I dare say you, my dear, may hardly have been able to grasp, that have to be taken into account before a business like this can be settled in a summary fashion."

"And these," said Isafrel, "are just what I would like to hear from you."

"Well, then, my child, you know we are here for God's purposes of moral government, and these are carried out by the conflicts which we have, by which our moral sense is exercised and strengthened. If we were to shut ourselves up in stone walls, as the recluses or anchorites used to do, so as to be freed, as it were, by mechanical means from temptation or evil, we would be defeating God's purposes, and our souls would grow up dwarfed and puny instead of healthful and vigorous."

"Then the more temptations we have the better?" said Isafrel.

"Not exactly so, dear; but we have no right to shirk the trials, and even the temptations, which may have been given us among the purposes of God's moral disciplinary and educative government. If the world were freed from trials and temptations the probationary purposes of life on earth would be defeated."

"Then what did the Saviour mean, doctor, when he taught us to pray, 'Lead us not into temptation, but deliver us from evil.' It seems to me, though I shrink from pretending to expound Scripture to a clergyman of your learning, that Jesus meant to teach us it would be a good thing that every evil that would tempt us should be taken out of the way; and as he tells us to ask God's aid in so removing evil and temptation from us as weak creatures, we would be only mocking Him, and showing Him that we are not sincere in our prayers, if we did not try to work with God in putting those evils and those temptations away. It seems to me, doctor, that your theory would lead us to go into all the temptations we can—the more the better—that we should deliberately seek them out, and enter into the bad houses and most dangerous places—the more and the worse the better—in order that our fidelity to principle might be proved, and our moral principles be strengthened."

"Not exactly so, Miss Chalmers; that would be tempting God, and placing undue confidence in our own

powers of resistance; and 'thou shalt not tempt the Lord thy God.'"

"But don't you think it is tempting the Lord our God, and subjecting weak human nature to trials it is unable to bear, to license a traffic that brings close to every home, to every individual, one of the severest trials and temptations to which human bodies and souls can be subjected, and before which both you and I know that thousands of poor weak creatures are falling every day? Oh, Doctor Wilmott, if you only saw some of the cases I have lately seen, in which good men, honourable religious men, have fallen before a power that they absolutely could not resist; and while we pray 'Lead us not into temptation, but deliver us from evil,' we as a community sanction the placing of this cruel temptation in their hands—deliver them over to this evil. Do you tell me that the God of mercy means us to deliberately subject men to that evil, for moral probationary or educative purposes, which His all-seeing eye sees them to be unable to resist, and from falling before which they bring untold miseries on countless innocent helpless women and unoffending children?"

"My dear Miss Chalmers, do not let your emotional nature carry you away. I am not defending the placing of temptation in any one's way. This evil has existed in all time, and we do not create it or place it in the way. But the question is of removing it, so to say, by mechanical means, instead of through the moral instrumentalities which God has clearly intended to be the means in guiding and controlling intelligent beings. You cannot make men moral or sober by act of Parliament."

"Yes, you can, Dr. Wilmott," said Isafrel, impulsively.

"My dear, do not let your impetuosity carry you away to say things that are entirely opposed to proof. You cannot make people sober by act of Parliament."

"Yes, you can," said Isafrel, hotly, "you can by act of Parliament forbid the cursed thing from even touching the shores of New Zealand, and how then will men not be sober? Dr. Wilmott, you can make every man, woman, and child in New Zealand sober. You can free them during all their lives from a slavery that is more cruel, more tearful, more heartbreaking than negro slavery ever was, and you can do it by act of Parliament. If drunkenness is immoral, and if you can in any way suppress drunkenness by removing the only cause of it by legal or mechanical or any means, you can make them moral as well as sober by act of Parliament."

"Well, my dear," of course you can do anything by force if you have force sufficient. But there are other considerations that have to be taken into account, and this question has to be considered on a higher plane. We are intelligent and moral creatures, each of us endowed with inherent rights of personal liberty and with civil rights that we are entitled to preserve, and you cannot take away these rights by force."

"Yes, you can," said Isafrel, "if they are being wrongly used; every one of them, and we do it every day, Dr. Wilmott. If you have a sewer that is an injury or a menace to your neighbours—it may be your own, and on your own land—but we suppress it in spite of you for the general good. If you have a vinery with phylloxera on its leaves, we cut it down and burn the stumps without asking your permission. If smallpox breaks out in your house, we will suspend your rights of personal liberty and send you and your family down to the quarantine station at Motuihi, and we will burn down your house and everything in it, without consulting you in the matter. If the public safety requires it, we do not care the weight of that feather about your personal or any other rights, whether natural or acquired. Down they go before the public safety, which is the supreme law. And if this traffic, of which I can never think but my heart bleeds, if this thing is found—and mark you, Dr. Wilmott, I admit the condition—if this thing is found to be an injury to the public safety, and the voice of the public, that is, the voice of the majority of society, says it is bad, then down it must go by all the rights of a free, self-governing people."

"My dear Miss Chalmers, I am sorry to see you so warm on this subject."

"I am sorry myself, dear Dr. Wilmott, and I apologise to you sincerely, but my heart is sore at thinking of anyone doubting the right of the people to put down a nuisance or a public danger, in deference to the selfish claims of an individual over his personal rights."

"But, Miss Chalmers, by your theory, if carried out—if the majority claimed the right, as it has the power, to put down any thing it considers injurious to it, we would be warranted in crushing religious liberty."

"And quite right, too," replied Isafrel, "if religious liberty was being abused to the manifest injury of the public good. If the Presbyterians took to the development of anarchical plots, and the ministers were planning in their presbyteries, on conscientious or religious grounds, to burn down the city, or to have bombs exploded under Government House, we would close their churches and have every minister put under restraint. And if the Wesleyans developed Thuggism, and were making the garrotting of people part of their religious services, as the Thugs did in India, we would hang every Methodist preacher from a lamp post."

"Oh! no, my dear," said Dr. Wilmott, smiling, "it would be better to send them out to the gaol, and have them polished off decently and in order on the regular gallows."

"Dr. Wilmott, this is too grave a thing to make merry about. I am sorry I have allowed my feelings to carry me away. But how can you doubt the right of society—and that in a democratic country means the majority—to

protect itself from anything it believes to be a danger."

"But, my dear Miss Chalmers, would it not be better to do these things by moral suasion?"

"No, Dr. Wilmott, we don't talk of moral suasion with murderers and thieves. Moral suasion is all in its place when we try to induce a man to live temperately. That is good for him, and good for others. But it has nothing to do with the danger with which society as such is threatened. We morally persuade one another that the drink traffic is dangerous; and then if we are morally persuaded of it, or a majority of us, we ought to kill it. An individual, when he is morally persuaded of temperance, and that drink is an injury to him, kills the drinking habit in himself. When society is morally persuaded that drink is an injury to it, it has the right to kill it in the same way. We morally persuade one another that murder is a danger, and when we are morally persuaded as a community or a majority, we do not try to morally persuade the murderer, but we kill murder as far as we can by an act of Parliament; and when society, or a majority of it, has come to the same conclusion about drink, that it breaks hearts, ruins lives, and is a danger and a curse to society, we have the same right to kill it, too. We shut out cholera, we shut out small-pox : why can we not by every constitutional and moral right shut out alcohol, too. In some colonies they have shut out opium, except as medicine dispensed by the chemists. And why? Because it was demoralising Europeans as well as Chinamen. Why does not the same right extend in respect of alcohol? Surely it has produced demoralisation and suffering enough. Opium has been innocence compared with it. Oh, Dr. Wilmott, how can you doubt the right of the community to protect itself from ruin?"

"But I do not, dear Miss Chalmers, deny the power, or the right, if you will have it, of the majority to rule over the minority. In fact there is no use denying it, for they have the power already; but it may be exercised as a tyranny, and for one man to say to another 'you must not have a glass of spirits,' is a tyranny; and for one section of the community to say to another it shall not have spirits, is tyranny, as much as that in the days of American slavery."

"Tyranny! Slavery!" said Isafrel, "Oh, Doctor Wilmott, do you speak of tyranny and slavery in connection with this? Who are the tyrants, who are the slaves? Are the slaves not those who cannot resist the evils that are forced on them, brought to their doors, enslaving sons, husbands, brothel's with a slavery more full of teal's than that borne by the negroes? And are the slave drivers not the liquor traders and their a betters, who claim the right—or liberty, if you will—to force that thing not on a minority, but on a majority of society? Do you call that liberty? The American who, in slave-holding times, was prevented while in England from ill-treating his slave, on landing in the States, exclaimed 'Thank God, I am in a free country now, where every man can wallop his own nigger!' It was free, it is true; but, oh, what an accursed freedom! and when that freedom was taken away from him and the poor black could hold up his hands to Heaven unshackled, was it slavery or was it freedom that was brought in by this abolition of the traffic in slaves? And, Dr. Wilmott, when the freedom is taken from the liquor dealer, his myrmidons and logrees, to enslave, and debauch, and torture the poor victims of alcohol in New Zealand, will that be tyranny? will that be the deprivation of rightful powers? Will that be slavery? Or, will it not be an emancipation over which the trumpet of jubilee may sound a blast that will ring through the earth and gladden the hearts of the good and the free throughout the world, and one at which the angels in heaven looking down from the battlements may strike their harps anew with joy."

Isafrel had risen from her seat in her earnestness, and was looking down on Dr. Wilmott, who was resting his arms on the table and his face in his hands. "Dr. Wilmott," she said solemnly, "Is it so that our Church, the church of our fathers and of my pride, is the only one of all that name the name of Christ that is not on the side of humanity and God in this great conflict? Your words have been echoed back from one of our bishops in the South, and like yourself he stands on the side of wrong. Is it so that our enemies are to point to our Church as the only one that will not stand on the side of the poor suffering masses of the people, on the side of emancipation from this slavery? Oh, Dr. Wilmott, listen to the solemn words that were pronounced on those who stood not forth in the day of trial: 'Curse ye, Meroz, said the angel of the Lord, curse ye bitterly the inhabitants thereof, because they came not to the help of the Lord, to the help of the Lord against the mighty.'" Isafrel resumed her seat.

"My dear girl," said Dr. Wilmott, looking up, "I cannot in my heart upbraid you for your enthusiasm on this subject, even though it comes from what I must see to be a very emotional nature. I admit in this case the view you take as to which side the slavery is on. There are, I know, many, too many, who are slaves to drink; but then you must know that the drunkards are really few compared with the multitude of people who drink in moderation, and who feel that it is at once a comfort and a benefit to them. Now, do you think it right, I put it to you, do you think it just that the innocent rights of these people should be trampled on, even by those however sincerely convinced of their own wisdom, who are only forcing their own views on the acceptance of others, who should be equally free with themselves? I, for example, take a little drink—in moderation, thank God—and would you take that right away from me, which is really doing no harm to others?"

"Dear doctor," said Miss Chalmers, "I see the force of what you say, and there is force in it. But is that drink which you take, and which I know you take in great moderation, for I have heard so, is that drink no

injury to others? I do not say a word on the influence that your example may have on others, who may not have that power of self-control which you have. Perhaps that is overstated by temperance advocates. But, doctor, in order to your having that enjoyment, the drink must come into the country, there must be a liquor trade existing, and others in hundreds and thousands must be joined in it, or it could not be supported. It, therefore, must be general, doctor, and being general, its influence must be generally diffused; and you, as well as I do, know the consequences and the inevitable consequences to thousands. If your bottle of whisky came direct to yourself under seal, and extended in its influence to no one but yourself, I feel sure from what I have heard of your character that no evil would come of it. But if the coming of that bottle necessitates the coming of a thousand other bottles—"

Then Isafrel paused for a little, overcome by her emotion, and the doctor placed his hand kindly on hers.

"Doctor," she continued, speaking through her tears, "I am going to tell you something that I cannot bear to speak of even to the man that has promised to be my husband. But you are a minister of God, and I feel my heart go out to you in confidence. Doctor, my father is a drunkard. He is as good a man as ever walked. He is a religious man, although you may think it strange of me to think so. As kind a father I hardly think ever existed. Even when he is drunk he is kind to me; and when in his greatest frenzies, for sometimes he is so wild to others, I lay my hand on his arm and look in his eyes and say 'father' he is as quiet as a lamb, and lays his head on my shoulder and says, 'Poor Isa.' He loves me as man never loved a daughter more; and, oh, I do love my father. And we often talk together lovingly when he is right : and while I have been caressing his grey hairs, for he is an old man, I have said, 'Oh, father, why don't you stop it?' and he has sobbed on my shoulder and said, 'Isa, I can't.' And I have said 'dear father, I believe you. I know you cannot, for I know you love me so much that you would do it for me;' and I said, "I will not worry you, father, by asking you again to stop it; but, oh, father, I will try to save you in another way,' and dear Doctor Wilmott," she continued, "it is with the love of that father in my heart that I am trying now to help put away that thing which I know father can't resist. And dear Doctor Wilmott," she added, "I feel sure that if you thought that by your putting away that bottle yourself you could save father, you would do it."

"Indeed I would, my dear girl, with my whole heart," said the doctor in a voice of great tenderness.

"And, doctor," she went on, "there are hundreds and thousands of other daughters with fathers in that way; not fathers, I am sure that love them as my father loves me, but whose hearts are wrung as mine is; and if other people were as good and as tender *as* you, and joined in putting this thing away, my father and all those other fathers would be saved : and don't you think, dear Dr. Wilmott, that if people only thought about it, and felt that it is only their own little personal enjoyment that is standing in the way, there are many people who would be willing to give it up for others' sakes, and would be ready to make that little sacrifice if they thought it would save from so much misery?"

"Indeed I do, my dear child, and if the case was put to them in the way you have put it to me I don't think there is a man in the country, with the spirit of a man in him, to say nothing of the love of God in his heart, but would fling down his pewter pot to the ground and go in to help."

"You have been so good to me, dear doctor, in listening to all this, and, oh ! I can't but think that there must be many men besides you who would help if they only thought, and that's what makes me think we shall win."

"Go on, dear Miss Chalmers, and God be with you, and it is your spirit of love and gentleness that will do more for your cause than any amount of denunciations."

"Oh, doctor, you have made me so happy, and I am so glad I came. I do sometimes think as you do, that there is perhaps a little too much violence shown and bad names called. But, oh ! it is very trying sometimes, and when one thinks of the cruelties this thing causes one should hardly blame people if they become what is called fanatics. I have sometimes been talking to people about sufferings I have myself witnessed, and when I see the dull, apathetic, stupid way they take it, I sometimes almost wish I was a man that I might swear. Do you ever swear, doctor? they say it gives relief to a man when he is bursting with indignation."

"Well, not exactly; I can't say that I have been in the practice of doing much of that sort of thing for some time, and I cannot exactly give a precise judgment on the subject. But sometimes ladies can swear."

"Oh, but that is only inwardly, and that is no good; and sometimes it is so provoking with stupid people who can't or won't see this cruel thing, and make some silly remarks about it in a conventional way. I was one day talking to a lady, and telling her about a pitiful case of a man who had fallen off a dray when he was drunk, and got killed, and about the poor destitute wife and children that I had seen, but who were really better without him; and I had been telling her that all that misery could have been avoided if the women had voted steady 'No License' at the last elections, and she made the idiotic remark that 'woman's proper place was home,' and that for herself she never mixed up in politics, and that she had not even registered for a vote. Well, I felt that if I was a man, and it wasn't naughty, I would like to have relief in a good swear."

"Don't, my dear; don't do that; it would not be nice from pretty lips like yours; and Insides it really would not do much good."

"Oh ! I don't mean to; but when I think that way I cannot in my heart blame some of the people who are a little violent in their language, when they are talking of these horrors, and the trade and the people that cause them. People call them fanatics, and worse names than that; and yet what are they doing or what have they done, that people, I mean good people or even ordinary people, should be angry with them? The fanatics don't want anything for themselves; they have given up all that so many find to be comforts, and they are fighting to do good for other people, not for themselves. And that is more than can be said for the people that call them bad names. They are entirely selfish; they are fighting, some of them, for their big, heavy gains that they can squeeze out of the tears and heart's blood of poor suffering slaves, if the liquor trade is only saved and continued. What right have such people to cast stones? And others are fighting for their own enjoyment—selfish, all selfish just the same, and inhuman, never caring a bit for poor broken hearts. Oh! doctor, how true is it that 'man's inhumanity to man makes countless thousands mourn.' Oh ! doctor, I believe if I was a man I would be a Boanarages, and speak as strongly as any of them, but being only a woman I can only plead in this weak, pitiful way."

"And thank God for it that you are a woman, dear Miss Chalmers," said Dr. Wilmott. "The earthquake and the thunder may prepare the way, but it is the still, small voice that comes with the message to the human soul."

"Oh ! doctor, I am so glad I came to see you, and I do like you so much, and I would like to come and see you sometimes."

"I shall be delighted, indeed, if you do, Miss Chalmers, and—"

"Do you know, I would like to bring my boy, and let him know you."

"Your boy, Miss Chalmers?"

"Yes. I'm engaged; and he is such a good fellow, and so nice, and I know you will like him."

"He must indeed be both good and nice," said Dr. Wilmott, "or he would not have won the heart of Miss Chalmers."

"Oh ! how prettily you talk, doctor. Are you Irish?"

"Well, yes, Miss Chalmers, I do come from that most distressful country."

"I thought so," said Isafrel. "Isn't it queer how all Irishmen talk so nicely to you. And they mean it, too, I really believe. People say they are insincere, and it is put on; but I don't believe it. An Irishman has a great, big, soft, sympathetic heart, and when he is talking to you, and you are at all nice, he can't help liking you, and he can't help showing it, and that's why they say he has kissed the blarney stone."

"What a little flatterer you are, Miss Chalmers," said Dr. Wilmott.

"Well, you began it, doctor; but I'm in earnest, and isn't that true?"

"Well, yes, I think there is a good deal in it. I know that I am very sincere in my admiration of you, and I will be greatly delighted if you bring—well, your boy, as you call him. I mean the young gentleman——"

"George is his name," said Isafrel. "George Houston—Mr. Houston, you may call him."

"We will be delighted to see you and Mr. Houston whenever you bring him, and I dare say he and I will get to be very good friends. I suppose you have made Mr. Houston as earnest as yourself in this cause."

"Well, not quite," said Isafrel. "He is coming on; I am educating him, and he will be a fanatic by-and-bye, and he is an awfully good fellow, George, and I mean to pass my mantle on to his shoulders when I go away." And the eyes of the Angel Isafrel took that far-away look, of which George had so often complained when he asked her if she was looking away to find another shadow. "And do you know, doctor," she went on, after a little, "I think I shall get you to help me. You must not be angry at me for saying so, but——"

"My dear girl, I could not be angry with you for anything, and it would be very hard for me to refuse you anything, but I'll think about it."

"For you know, doctor," she went on, "there are such a lot of people that talk about this we are hoping for, as a tyranny, and say that it would be reducing the people to slavery if we were to have the drink shut out of the country altogether, and I would so like to have someone like you to get advice from if I get puzzled. For do you know, doctor, to my way of thinking and looking at it, even from their point of view, there is more slavery now, as they call it, inflicted on people that want to drink than if it was shut out altogether from the country ? For the law restricts them here and restricts them there, and says you must not have it now, and you must not have it then; and if a man feels thirsty, or whatever that tickling is in the throat that makes one want whisky, and if it is Sunday, he mustn't have it; and if it is after ten at night he mustn't have it, and this hotel has been stopped up here and he can't have it, and that one has been shut up there, and he is tantalised, and worried, and looking for it all the time. Would it not be far better for him once for all, and more for his human liberty, if the thing was shut outside of the coast line altogether and then he would stop thinking of it after a little, and never feel his liberty a bit curtailed and he would be as free as a bird, and never hear the law saying that nasty word, 'Don't? Do you know, I have often thought that when I was driving with Tommy—Tommy is my pony I have a basket carriage of my own, Doctor, and I drive out myself. Well, there is a big, long lane over at the north side near



where we live, and it was full of big stones and boulders. And I had often to pass by it, and poor Tommy, I did pity him sometimes. I had to check him with the reins on this side, and pull him on that side, to keep him off the big boulders, and he always had to feel the bit in his mouth, and I believe his mouth was often very sore, and he used to shake his head with vexation, and I was so sorry for him. So one day I spoke to Harry—Harry is our man—and I asked him to put the big boulders away. And he was two or three days at it, and cleared all the big stones off, and now Tommy goes trotting down the lane, and I don't even hold the reins tight, but let the reins lie loose on his back, and poor Tommy does look so happy, and so free, and he shakes his tail with delight, and does go along at such a rate; and I often thought that that is just how it would be if we had this liquor out of the way, and outside the colony altogether; and the people would run along and never feel this yanking and pulling at them by the law, now on this side and now on that, but would feel as free as the wind in the air and as happy as the day is long. Don't you think so, doctor?"

"Well, my dear," said the doctor, "you talk so prettily and so picturesquely that I like to listen to you; but just let me think this matter out by myself, and I'll tell you some of these days. But mind you must bring Mr. Houston to see us," and as Miss Chalmers rose to go, and held out her hand, he took it and went on, "And we will be awfully glad to see you, and I am so pleased to have met you and God be with you, my child." And Isafrel, raising his hand to her lips, kissed it tenderly and left.

And as Dr. Wilmott, standing in the open door, looked after her, as she swirled along on her wheels and waved back her handkerchief to him, he thought that a bicycle was the prettiest and most graceful vehicle he had ever seen to carry a lady.

And he went back to the library and closed the door, and sat down in his big arm chair, and put his elbow on the table, and his face resting on his hand, and thought for a long time. He did not say anything, but Dr. Wilmott's pen was never raised again in defence of the liquor traffic.

## Chapter V.

### THE GREAT CONVENTION.

IN anticipation of the struggle that was coming, on the Referendum, a great convention of the women of the colony had been summoned, under the auspices of the National Council of Women. It was to be held in Auckland, chiefly in deference to "the Angel Isafrel." who had been instrumental in bringing it about, as well as in organizing all the organizations throughout the colony, so as to bring the women into line for the greatest battle in which they had ever been called to engage.

Isafrel would take no office herself. She said she was too young, and that it would be unbecoming for her to take a prominent part when so many older and wiser than she were fitted to lead. But she had been the life and soul of the whole movement, and among the women of Auckland, to whom she was best known, and who had sunk all their differences and divisions at her instance, there was nothing that could be done without Miss Chalmers.

In the South she was only known by name and reputation, but there was the deepest interest to see what "the Angel Isafrel" was like, whose plans of campaign had been accepted everywhere on their merits, and the charra of whose name had inspired an enthusiasm that had brushed away every difficulty.

Over two hundred women, holding official positions in connection with the various organizations now affiliated, were coming North as delegates, but besides these many hundreds of women had made their arrangements to come up to attend the convention, which had been specially summoned for the Referendum.

It was fixed that Isafrel was to deliver the inaugural address. She had shrunk with intense unwillingness from the idea at first, but it had been particularly requested from the South that she should; and the women of Auckland, who had so often listened to her words, were anxious to see how the young girl, whose magnetic power and electric sympathy had so readily swayed the emotional and somewhat sentimental women of the North, would fare before the hard-headed, canny Scotswomen from Otago, and the refined and cultured women of Canterbury.

The great meeting was to be held in the City Hall, and in order to make place for as many women as could get in it was understood that men were not to be admitted. George, however, and one or two others, managed to be specially excepted, as he wanted, as he said, to see the apotheosis of "the Angel Isafrel."

The place was packed from floor to ceiling, and when the time for the beginning of the proceedings had arrived, and a large number of ladies filed on to the stage and took their places, there was a hush of suppressed interest; and as one graceful willow girl, clad in white, moved to the front of the stage and quietly took her

seat by the side of the table, a subdued murmur passed through the crowded hall—"the Angel Isafrel." This was followed by a burst of applause and waving of handkerchiefs from every part of the house.

Isafrel sat quietly in her chair, and seemingly confused a little and embarrassed at the display, when after the applause had ceased, the president arose, and in a few words introduced her to the audience. Isafrel arose and stepped to the front of the stage, where she was again treated to a storm of applause and waving handkerchiefs, which continued for several minutes. She had neither notes nor other papers, but a simple rose in her hand, which she was fingering nervously. A black sash and a small black ribbon round her neck, in touching memory of her lost Josephine, were all she wore to relieve the whiteness and purity of her robes; and when, with her wealth of fair hair surmounting a face of exquisite sweetness, the tint a little heightened by the excitement of the occasion, she looked down on that sea of sympathetic faces, there were many, who having never seen the girl before, and expecting a totally different appearance, remarked, "What a lovely girl, and what an appropriate name, the Angel Isafrel."

"Sisters," said the speaker, as soon as the applause had stilled, and in a voice so calm and soft that though hardly pitched higher than the tone of ordinary conversation it was heard in every corner of the building, "it is not of my choice that I occupy the honourable position in which I stand to-night, in opening this great convention. I thought it was better that some of the women of New Zealand who had seen more years, and learned more of experience than I have, should address you, and give the tone and direction to the proceedings which this great assemblage of the womanhood of New Zealand ought to take in the critical circumstances to which we are approaching. But my kind friends, who have uniformly treated me with a consideration far beyond anything that I can pretend to deserve, would have none of it; and when I learned that the women of the South had been pleased to do me the great honour of expressing a desire for me to do this work, I no longer hesitated, and thus it is that I appear on this platform before you to-night.

"At the same time, let me say that, having obliged myself to do your bidding, and accepted the honour, I am entirely conscious of the greatness of that honour; and not only so, but that having undertaken the duty of addressing you, I feel a genuine pleasure in doing so; and now that I am looking into your kind and evidently sympathetic faces, and feel my heart beating in symphony with yours, I shall try to forget the fewness of my years, and the greatness of my wanting in experience, and I shall try to raise myself to the height of this great argument, and with soul to soul and heart to heart I shall speak to you as a woman of New Zealand to the women of New Zealand."

When the loud and long applause, which this had drawn, had ceased, the speaker went on:

"Sisters, we occupy a position of honour as women of New Zealand, which few, if any, of our sisters in the world have ever enjoyed before. We were the first women in the British empire to whose hands was entrusted the high privilege of the full electoral franchise; and I cannot think, and I have never thought, that God gave us that exceptional distinction without tacitly covenanting with us that we should show our appreciation of that distinction by resolutely holding the lead, and setting the example to all other women who may be now or subsequently enfranchised of what woman as a great moral force can do in the cause of God and humanity."

Here again the speaker was interrupted by lengthened applause. She had spoken so far with great quietness, and almost in a monotone, the softened cadences and measured words falling on the ears of the audience amid a stillness that was profound.

"I do not pretend to think," she went on to say, "that we have not to some extent realised the responsibility that accompanied the great gift, and the great moral force that it was given us to wield. In every part of the colony we have shown our anxiety on this subject, and if our efforts have in some cases been misdirected, and we have not achieved those high results which might have been expected of us, it may reasonably be attributed to our inexperience in the methods of dealing with public responsibilities, and we have been warranted in asking that judgment should not be pronounced on us, and on the outcome of the new departure, until we shall have had time for grasping the position."

Then she went on to enumerate the various things that had been undertaken or performed by the various women's organizations throughout the colony, and the women from the South and all were surprised at the minuteness of detail with which the speaker was able to unfold every one of the subjects that had engaged their consideration and efforts, even in the organizations of the remotest little country towns. She paid a high tribute to some of the movements that had been instituted, and to the good that had been done by several of the organizations that had sprung up as the result of the enfranchisement of women.

Then, coming more directly to the great object of the convention, she continued, "But, sisters, we shall allow all this to stand aside for the present, while we come to the great subject of all, which I know to be uppermost in your minds—the principal object of this convention,—and that to which by providential circumstances my own mind has been principally directed."

And here her whole nature seemed transformed. That slight, lissome, girlish figure appeared to assume an aspect of majesty. Her face beamed with fervour, and there passed through the crowd of assembled women that

magnetic thrill that had been so often felt by her audiences in Auckland when Isafrel spoke on the one subject that was nearest to her heart.

"Sisters," she said, "and women of New Zealand," and for the first time she raised her hand in an attitude of calling attention, that was intensely impressive, "I need not enter into explanation of the circumstances that first led me to look into the sufferings of those who are the victims of that great scourge, which has appeared to me the cause of all the tragedy of life. They are personal, and perhaps would be of no interest to you. Suffice it to say that my tastes have led me to seek out those whose sufferings have been caused by the liquor traffic of the colony. I do not say that it has been the cause of all suffering, but it has been directly or indirectly the cause of all the sufferings with which I have been in contact. I have seen the little child wasted and wan with hunger, crying in its sufferings for the bread which the lather has wasted in the gratification of his own enjoyment, I have seen the mother hang in speechless agony over her dying child, unable to obtain that medicine and nourishment which would bring it back to life and which its father could have provided, but that he was held in thrall by a power against which he was unable to fight. I have seen the wife destitute and lonely, waiting through the still hours of the night for the man who once had found it the sweetest satisfaction of his life to anticipate her wishes, and for whom her smile was as the light of heaven and the elixir of his life—and while she waited she dreaded his return. I have seen the neglected daughter, without sympathy, without guidance, drawn away from the miseries of home; tempted, ruined, and weeping tears of agony and shame over the recollection of a father who had once dandled her on his knee, with the pride and admiration of a brave man, who, as he brushed back her glossy curls and pressed sweet kisses on her brow, would have been ready to lay down his life to shield her from injury or insult. I have seen the mother lying helpless on her bed, with her little prattling infant crawling about neglected on the floor, the children wandering about uncared for, while the husband, returning from his work, turned away in disgust to find his solace in the companionship of others, who with himself were on the straight way to ruin. I have seen the mother penniless and forsaken, weeping over her only son, who having been honored and prosperous had forfeited friends and place, and honor and trust, and become a byword and a shame, so that even his mother, the last of all to cling to outcast humanity, could not for very shame and anguish mention his name. These are cases that have been repeated a hundred, a thousand times, and there is not one of you but has known of such. I have known of the young man, the bright hope and pride of his party and of his race, eloquent, able, brilliant, popular, beloved by everyone, and destined seemingly to become with years the foremost man of his country; and all these hopes and yearnings dashed down and laid in an early grave. I have known of the father and son, intending the happy innocent celebration of an event in their prosperity, bringing their friends together to rejoice with them, and under the same influence the son offered insult to the father, who, with a fryingpan, felled his own child to the earth—killed by a father's hand. The railway train has rushed over the embankment, plunging innocent trusting men and women into eternity. The ship has been run on the jagged rocks, and its living freight, shrieking and terrorstricken, have been swept into the boiling waves; and innocent victims that had not by their actions contributed to the catastrophe, the friends and relations whose hearts shed tears of blood, perhaps in distant lands, are the sufferers.

"Yes, it is in the complex way in which individual and personal interests are mixed up with those of society that the action of one may affect the other without any other connection than that they are members of the same community. If the man that takes the thing, whether moderately or immoderately, were only himself affected by the results, the matter would be a simple one, and everyone could be left to do as he pleased with himself and his own. But if the presence of it for one's comfort is a menace to the safety of the others, or of society, then the right arises to absolutely shut off that which has caused, and causes, and will cause, so long as it exists, danger and misery and ruin to others, and the safety of the people is the highest law. We surround our shores with a cordon of prohibition against cholera and small-pox. And why? Because if either finds access to one man, others will be in danger; they will have to submit to inconveniences, sanitary precautions, costs and anxieties to guard against the evil, and, becoming epidemic, it will bring death to some. Yet cholera and small-pox combined have never contributed so much to the sum of human misery as this tiling which one man claims to have for his own comfort however others may be injured by it.

"Sisters and women of New Zealand, it is told you that Jesus Christ and His apostles were on the side of this. I do not try to wrestle with the learned. Texts of Scripture may be read, as statistics are, to prove many things. I leave them to the learned. But my Jesus came, I know, to 'bind up the brokenhearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound.' And were there ever so many broken hearts in the history of our race as from this ! War, pestilence, and famine, all combined, never broke so many hearts of our fellow countrymen as this. And if Jesus came to bind up broken hearts He surely cannot wish to preserve and protect the greatest cause of broken hearts. Learned doctors may deduce it from any texts they please; but I cannot, I will not believe that in our circumstances, however it may have been in oilier circumstances, my Saviour Jesus who came to bind up the brokenhearted can wish to protect and preserve

among us this great breaker of human hearts and ruiner of human lives. And if He came to proclaim liberty to the captives, and the opening of the prison to them that are bound, where can He find in all the wide realms of Britain any other captives, any other bond slaves, like those who are helpless in the hands of this demon.

"No, sisters! It has been proudly said that slaves cannot breathe in England: let them but touch British soil and their fetters fall to the ground. Sisters ! women of New Zealand ! be it the proud boast of our native land that the slave of drink cannot breathe New Zealand air, that the moment he touches our strand his fetters fall for ever."

And now the voice of Isafrel was filled with a singular pathos. There was no more of that awesome majesty that filled her hearers with enthusiasm; she was the simple, shrinking girl again.

"Sisters," she said, and her voice trembled with emotion, "I am not to see this. In the visions of the night, when communings are sometimes given with spirit messengers from the far-off land, I have been told that I shall fall in this fight. It may be in the hour of victory; it may be that I shall not be here to listen to the glad tidings of great joy. I do not know from what direction may come the blow; but come it shall. It will fall as a bolt from the blue, but it will come to me from the common enemy. I have been too earnest, perhaps; perhaps I have needlessly evoked revenge. I do not understand it, but I know. I am talking to you, therefore, as by the side of an open grave Sisters! listen to me. God has put it into your hand to drive this demon from the land. No power can resist you if you will. You have but to say 'Begone: and the evil spirit will be cast out. And, remember this, that in this great crisis of your country, this great struggle for God and humanity, God will require an account at your hands. Do not think you can hide your secret in the ballot box. God will be there. He will be in the polling booth beside you. You may close the door, close up every chink in the boards or the canvas around you. Cover your hand with paper or with your handkerchief if you will. God will see through that handkerchief or through that paper, and He will require an account at your hands. And if you have voted that the demon stays, and if he is not cast out, every broken heart, every ruined life, every murdered soul that he causes will be at your door. If your own child is struck, and this thing strikes from afar, don't blame God. Don't think that because your own life is happy, because your own home seems safe, because every one you love is free from the slavery of this, that, therefore, you can afford to be indifferent. You do not hold that vote for yourself and yours alone, but for others, too. If they suffer, you have done what you could to ensure that suffering. If in that roundabout, distant way in which this thing travels round and hits from afar, your own child, your sister, your brother, your husband is struck, your hand has done it. God has watched that hand in the polling booth, and how it scratched the paper, and he has required this at your hand. Oh, sisters, hear me as the voice of one standing by her own grave, into which I am about to fall through this thing—I know not how. Hear me for the sake of all that is nearest and dearest to you. By your love of your husband, brother, son; by your love of sister, daughter, child; by your pity for humanity, and your hope of God's mercy, hear me, and drive this demon from the land."

Isafrel sat down, her hands lay folded on her lap; her eyes, full of tears, were fixed towards heaven, and her lips moved in prayer.

Next morning the report of Isafrel's address to the women of the convention appeared at full length in the morning paper, and it was arranged that several hundreds of thousands of reprints, in the form of a fly sheet, should be struck off for circulation throughout New Zealand.

The address had produced a profound impression, and realised in the minds of the delegates from the South more than the anticipations that had been formed of the young girl who had come into so remarkable prominence in connection with the movement, and whom they called at once the "New Zealand Maid of Orleans."

Her reference to her expectation of falling in the fight they regarded, of course, as only hallucination caused by the over-strung state of a young girl's nerves, called, as she was, suddenly to undertake onerous and exciting duties sufficient as they thought to break down the strongest. However, from whatever cause, it touched the warmest sympathies of the women, and during the whole course of the convention, which lasted five days, the movements of the girl, flitting about and seeming to guide and vivify the whole proceedings, were watched with the tenderest interest.

In conjunction with the president and secretary, she arranged the agenda papers of every day, and it was her tact and watchfulness that ensured the fulfilment of every item. Silent and still in all her movements, she was hardly noticeable among the crowd of women, never appearing prominently, but seemingly always everywhere, and knowing where everything was when it was wanted, and the moment to do everything when it had to be done. There is sometimes jealousy among women when one of their number is singled out for distinction, but there was no jealousy towards Isafrel, her unobtrusive ways, the sweetness of her manner, and the ethereal beauty of "the Angel Isafrel" captivating every heart.

During the several days of the meeting every detail was completed as to the coming campaign. The men workers for the cause throughout the colony had their own organizations in good working order; but the women

claiming that this question of the abolition of the liquor traffic was their very own, had been carrying out their share of the campaign on entirely independent lines.

Among the business transacted was the preparation of an address from the convention to the women of New Zealand, and the work was entrusted to Isafrel. It was adopted without even a verbal amendment, and it was deemed wise for the ends in view that it should bear her name. Isafrel was unwilling for this, but it was insisted that her name being now a household word among the women throughout the colony, it would gain for the manifesto an acceptance that nothing else could secure. Isafrel deferred to the will of the meeting, wondering why it was that this great honour had come to her, and what could have drawn the eyes and the hearts of the colony to her in this way.

The address was meant chiefly to combat the indolent and conventional idea held by so many women, that "home only was their sphere," and that "they had nothing to do with politics." It was shown in the manifesto that this was the politics of home, and that if women whose realm was the home had nothing to do with this, then they must have no interest in life outside their personal individuality. It showed that this traffic invaded every home, and was beyond everything else the destroyer of domestic peace; that it seized on the fathers, brothers, sons of the colony, as soon as ever they stepped out of the sacred circle of home; that it surrounded them all day, when they were devoting themselves to the duty of labouring and striving for their dear ones at home, and that as women could not follow them to the mart, and the counting house, and the workshop, but this traffic could and did, women were traitorous to their loved ones if they did not strike down for ever the great enemy of home.

It showed that if a woman through indifference or distaste declined to take the trouble to qualify and vote on this occasion, her abstention was directly assisting the enemy, and that she must hold herself accountable to God for the results, whether they came to her own child or relative, or to any woman or child or husband, or brother, or son of the thousands of suffering women of New Zealand who were looking to her, as well as to all her sisters who had votes, to do her duty to herself, her country, and her God. The manifesto concluded with urging that the battle cry of the women of New Zealand should be. "For God and home and humanity," and it was signed "By order of the National Convention of the Women of New Zealand, Angel Isafrel Chalmers."

Nearly a million copies of this proclamation were neatly printed on a large fly sheet artistically enclosed in a border of ferns and New Zealand flowers, and the understanding arrived at was that through the various organizations one of these at least should be placed without any exception in every home of the colony sometime during the week preceding Referendum day. As was afterwards made apparent this was faithfully carried out.

Relieved from the cares of the convention, Isafrel, by order of the doctor, and at the urgent solicitations of the women of the Central Committee, gave herself a few days' rest, and George having arranged to get off work for a time, they had some delightful strolls together.

It was at the close of one of these, and on the evening of the last day of this little siesta in their business cares, that they found themselves sauntering together on the strand not very far from Isafrel's home. They had been away around Remuera and Epsom, and had spent several hours and lunched on the heights of Mount Hobson, looking down on the lovely cyclorama of water and woodland, of islands and headlands, and fields and mountains, and those charming peaked volcanic cones clothed in rich Verdure, that give loveliness unsurpassed to the Auckland landscape.

Long, and tender, and confidential had been the communings of the two engaged lovers, whose love had been sublimated as it were by the fire of the glorious conflict in which they were both so earnestly engaged. The past, which to them seemed all enclosed within the period since that bright summer morning when on the summit of Mount Eden they had told their loves, was all dipped in roseate hues, with but the one dark shadow cast over the latter portion of it by the sorrowful fate of their lost Josephine; and on the slope of Mount Hobson, Isafrel sang again that song which she remembered always as the song of Josephine, "Father, dear father, come home."

It was associated in their minds with an incident to which Josephine had often referred, one in which that young girl had taken a deep interest, and in which the items and incidents in the pathetic song had been almost repeated. It was a family to which Josephine had been the ministering angel, in which a mother with a sick child had sent again and again for the father who had been hanging on in a tavern, while his child at home was dying, and Josephine had never sung that song but she thought of the pathetic scene in which she had to a degree been a participator. And every time that Isafrel sang it, and that was often enough, it reminded her not only of that mother and dying child, but also and more touchingly of her dear lost Josephine.

And now again, when they were strolling along the beach, Isafrel was humming the angel chorus :

Hear the sweet voice of the child  
Which the night winds repeat as they roam,  
Oh, who could resist the most plaintive of prayers ?  
Please, father, dear father, come home.

"Do you know, dear George," she said, "that ever since we lost Josephine I never sing those angel words but I think I hear them floating to me from Josephine's own sweet voice in heaven."

It was a singularly calm and beautiful night. The crescent moon was shedding its soft, silvery light on the lovers as arm in arm they slowly paced the strand of the little cove that lay at the foot of the hill, on the slopes of which Isafrel's home stood. The wavelets rippling on the sands at their feet were the only sounds that broke the still and the distant lamps of the city across the harbour streaming over the water in long tracks of light, converging on themselves from every quarter, seemed the only links of connection between the busy whirl of life and the calmness that reigned in the little sequestered bay. It was a pause in the exciting event that was absorbing the attention of the whole colony; but however wrapped up in themselves, and in their affection for one another, they could not prevent their thoughts from turning to the struggle that was impending, and to the possible and probable fortunes of the fight.

"But do you not think, dear Isafrel," said George, "that you are rather sanguine as to the part your women will play in this affair? It may seem an ungracious and ungallant thing to say, but I have often thought that women as a rule are narrower in their sympathies than men, and that they are not so capable of being aroused to an effort for the general good. It can hardly be laid to their blame, perhaps, and it comes of the training to which they had been subjected. Women's interests have been so much and so exclusively of their homes and their families, and it seems to me that this has developed a selfishness in women that is not so general in men,—I do not mean a personal selfishness, but a selfishness that is bounded by the limits of their own immediate belongings."

"You mean," said Isafrel, "a selfishness for their families, and a want of general sympathy for humanity in general. Well, perhaps, there is something in that. But do you not think again that the giving of the franchise has had a tendency to draw out their sympathies to a wider range."

"Yes, in as far as it has affected them at all. But look at the great number of the women of the well-to-do classes, who confess that they take no interest in politics, and who do not appear to have the slightest care for any thing that does not come home to themselves and their families. This surely is selfishness of the narrowest kind, and I am afraid that you will find their indifference a terrible blight to your hopes."

"I know it, I know it," said Isafrel; "this is the most heartbreaking discouragement in the whole struggle. The women of the working classes who have learned in the school of suffering are not half so selfish, and, besides, so many of them have felt the sting of this thing themselves; and it is unhappily true that women who are in comfortable circumstances, and have been comfortable all their lives, have often very little pity or even thought for their unhappier sisters; and so long as they do not see the risk of themselves or their families suffering they often care very little for others, and say that 'woman's sphere is home,' and they take 'no interest in politics.' Women of that class are the worst enemies of women. I cannot bring my mind, however, to think how any woman can be longer indifferent to this thing, which causes so many broken hearts; and yet I believe, as you say, there may be cold-hearted, thoughtless women who will have neglected to register or will be too indolent and indifferent to take the trouble to vote. That any woman, I mean any respectable woman that votes, will not vote against the liquor traffic, I cannot believe; it is so clearly the enemy of home, which is woman's world; but it is the indolent and thoughtless woman who will not take the trouble to vote that I dread."

"Don't be so sure of that, dear Isafrel," said George, "I believe that there are women so utterly callous to people's sufferings, provided those sufferings are not those of their own husbands or children, or of themselves, that they could vote for the continuance of anything, even if they knew it would be ruin to others."

"You must have a low opinion of us, George, or you would not say so."

"Only some of you, only some. You of course, dear, see only the good side of them all, because, as I have often enough said, you see your own goodness reflected in everyone you meet, and you think they are all good. They're not all like you, dear Isafrel, are they?"

"I suppose you don't think so, George; but how can a woman tell that this may not strike home to her own? Little the Websters thought when they voted 'License' that it would kill their darling. As poor Mrs. Webster says, 'it shoots far, and shoots round the corners.'"

"Yes, dear; but I wish you could stop the poor old thing from using that figure of speech. She causes a roar of laughter at every meeting when she crowds it in. She goes about every place now when there is a meeting on the Referendum, and once when she brought up about shooting round the corners, a ribald fellow called out

'Like Paddy and his gun; he bent the barrel in the middle to shoot round the corner And ever since, when she trots it out, which she is sure to do every time, somebody calls out, Mike the Irishman's gun,' and the meeting is spoiled."

"Poor Mrs. Webster," said Isafrel; "I do think sometimes that her head is a little touched by her grief, and by the remembrance of the part she thinks she has taken in the death of her poor child; and she seems determined that nobody else she can reach will make the same mistake. Oh! George, but there is a lot of sorrow in life, and sometimes I wish it was all ended; what a dark shadow this thing throws over everything."

"Yes, dear," said George, "but it will be soon ended, perhaps, so far as this country is concerned, if this comes right."

"Yes, I believe it will," said Isafrel; "but some way I feel that I won't see it; some dark cloud seems to hang over my future."

"Ah ! now, Isafrel, why are you always indulging in these anticipations; of course, I know, dear, you have enough to depress your feelings at home, but that will be all right, too, when this struggle is over."

Isafrel looked up in George's face with an enquiring glance, "Do you know anything about it, George ?"

"Yes, dear, of course I do know all about it, and I often wondered that you had not confidence enough in me to speak about your trouble at home."

Isafrel was silent for a moment, and pressed her handkerchief to her eyes. "Oh, George, it was not want of confidence," she said, "but I felt humiliated so, and I did not like seeming to speak against poor father."

"But it is not as bad as it was, is it, dear ?"

"Oh, yes George dear, sometimes. Oh ! George, I do love my father : and if you knew how he loves me when he is right. But oh, how this thing changes a man. I used to be able to soothe him, but I seem to be losing my influence over him, and sometimes he is so wild when he is that way. I suppose you know he has lost his position, and instead of making him change for the better it seems to have made him worse."

"My poor, dear Isafrel," said George, "how I do pity you from my heart. But cheer up, darling, it will be all right shortly."

"Yes, I hope so, I believe so, but in some way I know that I shall not see it. There seems a dark cloud before me that my eye cannot pierce."

"Dear Isafrel, do not talk that way. Why are you always speaking about clouds and shadows. I know that it is only your nerves that are unstrung by the excitement you have been passing through; but why do you give way like that."

"Ah, well, George, dear, be it so then. I feel I must make it dull for you sometimes, and I am so sorry, but now we will talk of other things," and the conversation branched off to the preparations that were being made for the great struggle of the Referendum. The evening had now passed away, and George escorted Isafrel up the hill to the gate of the cottage, and, after an affectionate good-bye, left to catch the boat for town.

On Isafrel entering the house she found everything in confusion and excitement. Her father had come home under the influence of drink, and in a wilder mood than any time before. The children, frightened and crying, ran to her, but thrusting them aside she hastened into the dining room, where her father and mother were. As Isafrel entered the room her mother was rushing towards the door to escape from his violence, and Isafrel hastening forward threw her arms around her father to restrain him. "Off, you wretch," he cried out, as he flung her violently from him, and staggering back she fell heavily, striking her side on the corner of the couch, and rolled to the floor in a faint.

When he had seen what he had done, the father turned and ran to the help of the prostrate girl. He seemed to be instantly sobered, and bending affectionately over the daughter that he loved so tenderly, he lifted her to the couch, and being joined by his wife, who had not seen this occurrence, but only saw that her child had fainted, he tried everything he could think of to restore her to consciousness.

For long and tenderly the two sorrowing parents rendered their loving services, till at last, when hope had almost departed, there were faint signs of returning consciousness. Then her breath came in short, quick sobs, as she pressed her hand on her heart as evidently the seat of her pain. After some time she recognised her parents, and looking lovingly up whispered, "Dear father, dear mother," and closing her eyes she relapsed into silence. Her mother had left the room to procure some additional help, and to send for medical aid, when, opening her eyes again, Isafrel saw her father beside her. "Oh, father," she gasped out between her short and hurried breaths, "do not tell how it happened."

"Oh, my child," he sobbed, "I have killed you; I have killed you."

"No, no, dear father: it was not you; it was not you. But promise me, dear father, you will never tell. Promise me. Promise me. Oh, father, promise. Raise up your hand and swear to me you will never tell anyone on earth. Hasten, oh, father, hasten. Raise your hand; swear."

He raised his hand, and gave the promise exacted by his child.

On her mother entering the room again, not having found anyone to send for a doctor, Isafrel said, "Dear

father, you go. I know I am hurt badly," and she laid her hand on her heart. "Be as quick as you can, dear father." The shock seemed to have completely restored the man to his sober senses, and he at once started to catch the boat for town.

After some delay in waiting for the boat he reached the other side. The pause in the excitement, and the quiet of the boat, seemed to have brought on a drowsy torpor, and Mr. Chalmers, hurrying up town, was so "shaky" and out of sorts that he felt he should take something to steady his nerves. So he dropped into a publichouse, and called for a glass of brandy. Sitting down for a moment to rest and sip his liquor, he felt so much bettered by it that he thought he would take another, in sipping which he felt such a drowsiness that dropping his head on his arms on the table he fell into a sound sleep.

He was aroused at last after a couple of hours by the barman, and told it was time to go as they had shut up, and everybody else was gone, and so in a dazed and half sleeping state, and forgetting his hat behind him it was on the floor—he was bundled out into the street.

Steadying himself for a little against the wall, to gather his thoughts, he realised where he was, and hurried up to the residence of the doctor, whom he found to have gone to bed exhausted with a hard day's work.

Seeing a dilapidated-looking old man, without a hat, urging him to go out at that late hour of the night to the north side, the doctor did not at all relish the duty, and told him the last boat must have left, and that if he was to go the man must first find a boat to take him over.

Mr Chalmers hurried down to the wharf as well as his limbs could bear him in the demoralised condition to which they had been reduced, and found that the last steamer had left, and that the watermen were not very kindly disposed to entertaining the proposal of a man in his apparent condition.

"Show us your hoot, old man," said one of the watermen, and as Mr. Chalmers had not in fact money enough about him to satisfy the terms, the waterman was dubious of the promise of payment tendered, to be fulfilled when the services were performed.

In vain did Mr. Chalmers seek to persuade the waterman, and as the fumes of the brandy evaporated from his brain, and he saw in all its horror the situation he had created, his poor child dying probably from want of timely medical aid, and himself by his misconduct compelled to wander about all night till the early boat could take him and the doctor over, he often felt inclined to throw himself over the end of the wharf. He would have done so if he had had only himself to think of. But then he realised that his Isafrel was waiting for the help he was to bring, and, shattered and demoralised as he was, he would live for her sake.

So all that long and weary night he paced the wharf in an agony of distress, while his child was waiting sleepless and panting for breath for the help which did not come.

As dawn approached, Mr. Chalmers had found another medical man who was willing to go over, and the first boat leaving for Northcote took him and the doctor, as also Mr. Houston, who had arrived at the last moment by the steamer from Devonport, where he resided: for Isafrel, when she had realised the state she was in, had requested that he should be summoned, and a messenger despatched on horseback during the night around by the way of the head of Shoal Bay, had reached him in time for him to catch the earliest boat.

On their reaching the cottage at Northcote, they found the girl apparently sinking. George hastened to see her, and as he hung over her couch, she looked up tenderly in his eyes and whispered, "It has come, George."

The medical man made a careful examination with the stethoscope, and stood for some time looking at Isafrel, without making any remark. Then replacing the stethoscope over the heart, he listened for some time, and when he went to the window to prepare some draught or restorative, he was joined by Mr Houston, to whom he said with a look of concern: "I am afraid, sir, there is something very serious there." The doctor was informed of her having tripped and fallen against the end of the couch, and he reported, "I am afraid there is a serious lesion. I wish I had seen her earlier."

Isafrel heard so much of the conversation, and when George came over, and leaning over her pressed his lips to hers, and the tears dropped on her cheek, she whispered, "Yes, dear, the shadow has closed in at last."

The doctor seeing the low state in which she was, brought her some brandy and water, and said he would give her something to revive her. Taking it from the doctor's hand, she asked him what it was, and he told her. She shook her head and offered it back to him.

"No, no," said the doctor, "take it, my dear; it will do you good; you are very prostrate; it will save your life."

"Would it save my life, doctor?" she said sweetly, holding the glass in her fingers, her arm resting on the little table drawn to the side of her couch.

"Yes, my dear, take it; it will save your life."

"No, doctor," she whispered softly; "I would not give it the honour of saving my life," and the glass dropped from her fingers and fell in fragments on the floor. "It has mined my home, it has destroyed my father, and"—she added after a pause, "it has killed me. Doctor," she said, looking up in his face with great tenderness, "do not be displeased with me; I could not do it the honour of letting it save my life."



Every service that affection and skill could render for the sick girl was freely tendered, not only by her immediate friends, but by the wide circle of those whose admiration and love she had won, and the most profound regret was everywhere felt for the young girl stricken down by an accident at the very hour of the culmination of the movement of which she was the centre and life. Everyone now remembered the touching statement she had made in her address as to her presentiment that she would not live to see the fruit of her labour; and to thousands, when engaged in the great conflict that supervened, the memory of it seemed to shed a halo of sanctity as well as mystery over the couch of the dying girl in that little cottage at Northcote.

decorative feature

## Chapter VI.

### JUST BEFORE THE BATTLE.

THE long-expected day was at hand and every preparation had been made on both sides for the coming conflict.

It had been provided in the Act that a majority of three-fifths of the votes cast should be requisite in order to warrant the adoption of absolute national Prohibition, and from end to end of the colony the rolls had been diligently "pricked" by both sides, resulting in a conviction on one side as on the other that victory was sure.

Still the uncertainties that must always attend a popular struggle at the ballot box had left no room for neglecting any means that might be available for turning the balance, and on the previous Sunday the pulpits of the Colony had rung with denunciations of the liquor traffic, and with appeals to the congregations to stand strong on the side of humanity.

In hundreds of places the children of the Sunday schools had been organised into singing bands, so that with temperance hymns ringing around the polling booths the last influence brought to bear on the voters when recording their votes might be the appeal of the children of the colony to deliver them and the country from the demon of drink.

During the previous week, and for some weeks before, the children had been everywhere engaged in distributing millions of fly leaves and every kind of literature bearing on the question at issue, and the little workers had developed as much enthusiasm among themselves as if the decision was to be determined by their efforts. In fact, the movement had come to take the form of a religious war; and even the few clergymen who had had the daring to declare themselves on the side of the liquor traffic; cowered before the burst of public fervour.

Nor was it the teetotallers alone, or even mainly, that had led in the agitation; but among the great body of moderate drinkers a spirit of altruism had asserted itself, under which they recognised the obligation of making sacrifice of their own tastes and comforts for the sake of the benefits that would come to the great mass of the people.

But of all the forces that were in movement in anticipation of the coming struggle, the mainspring was in the womanhood of the colony. Some four years before, the women of New Zealand had been given the electoral franchise, and though great anticipations had been formed by those who had for many years championed the movement, the result of the enfranchisement had been a considerable disappointment.

The women had shown the weakness of the sex in frittering away their opportunities for great social reforms, having been split up into all kinds of political and social organizations, neutralising each others' influence for good by their divisions. They had dropped into the old political grooves; and as liberal associations and conservative associations, and leagues and societies for all kinds of imaginary and conflicting objects, they had from their inexperience allowed themselves to be used by political wirepullers, with the result that politics had become more degrading and degraded than in any previous period of the colony's history, and instead of being, as was expected, a "great moral force" for good, their distinctive influence had been practically nil, or worse.

But here had arisen a question, for once standing apart from all other questions, and for the first time in the country the women of the colony grasped the idea that it was distinctly their own. It was a question on which no political party in the State had distinctive interests. It involved neither the rise nor the fall of governments, so that neither Conservative nor Liberal, Radical nor Labour man, Socialist, nor Single-taxer had occasion or desire for pulling the old party wires, or reviving the old battle cries.

The Act that had been passed empowering the Referendum had been supported, as it had been resisted, by members of all parties; and whatever might be the result of the appeal to the country it would be accepted by

the existing Government, whatever that Government might be, and by the existing Opposition, whoever was the leader, as the ultimate determination of the country, and would be put into effect without in any way involving or touching the position of parties in Parliament.

More important even than this, there would be no competing personal candidates in this contest, so that the susceptible female heart, so easily moved by personal predilections in favour of individual suitors for its favours, and so much inclined to stand by its chosen candidate whether he was right or wrong, had nothing here of a personal form to unsettle the fealty of its worship of the right.

Freed for the first time from these disturbing influences the womanhood of New Zealand seemed to have swung round for Prohibition. Enabled to look on the issue stripped of every confusing and embarrassing side issue, as a simple question of "drink" or "no drink," the instinctive feeling of woman seemed at once and everywhere to have recognised that drinking was her enemy, the principle disturber of the peace of her realm—which is home—and the shatterer of the prospects of those that go forth into the world freighted with her love and hopes.

So long as it was mixed up in the ruck of politics there were thousands of women who stood aside and said that they did not think it was woman's work to meddle in politics. But now when the question stood forth in all its nakedness, the most indifferent, and retiring, and domesticated woman said, "Yes, I have something to do with that;" and so it came that except the baser and more degraded class of women, whose names and social standing placed them outside that charmed circle which contains "respectable women," there was hardly a woman in New Zealand that was not stirred to life by the approaching Referendum.

Even the thoughtless class, whose highest concern was ordinarily about dress and dances and the mere enjoyment of life, had caught the spirit in the air; and a woman who had it not on the tip of her tongue to say that she was "Prohibition," was looked on as being not quite what she ought to be.

But far deeper than this had been *the* movement among the more thoughtful women of the colony, who had imbibed the spirit of earnestness to the full, and felt that the moment had come when the women of New Zealand were called to the grandest effort that had ever fallen to the lot of women, and that it was theirs to justify to the whole world the wisdom of entrusting women with the electoral franchise, and to set an example that might prove a blessing to the whole Anglo-Saxon race.

At one of her earlier meetings, Isafrel, under the inspiration of her mission, had thrown out the suggestion that the women should use the personal influence which every woman has at least over one man, to bring the whole of the male sex to their side in achieving this great triumph for their common good.

She said that if every woman having an interest in the cause pledged herself to have the vote and co-operation of one man the work would be effected. It was not urged that the work of any woman should be confined to this—everyone should expand her influence to the widest extent—but that she should distinctly charge herself with responsibility for one man, whether husband brother, lover, friend, or acquaintance, for whose voting and voting right she should pledge her word; that she should report to the association, and register the name of the one she had in keeping and that she should endeavor to utilise his influence over all his acquaintances for the extension of the cause.

She based her suggestion on the principle that nature seemed, as she said, to have so ordered it that woman's most powerful influence on man was in his personal and not his collective capacity, and though she might sway a multitude as man might, there was a potent charm in the personal influence which a woman may exercise over one man, who has her confidence and esteem, that if rightly used was irresistible.

This idea took the meeting with amusement, but it was adopted, and, more than that, it was communicated to the other women associations throughout the colony, and as promptly adopted in their marching orders, and it threw an air of pleasantry and humour over a campaign that had enough of seriousness. Every woman was unwilling to confess that she could not find a cavalier who was prepared to stand by her side in the day of battle, while the men were tickled at the idea of being thus unceremoniously taken into their charge by their fair sisters, and with gallant good humour lent themselves to this novel phase of feminine strategy.

But the movement in anticipation of the Referendum had not been confined to women. The various temperance and prohibition organisations throughout the colony had been energetically at work, and, besides what they were doing themselves, they had served as a rallying point to the large body of those who though not teetotallers themselves, and many of them not even practisers of temperance principles, had been awaked to the gravity of the occasion. Thousands of these had been in the habit of using drink all their lives. They had enjoyed it, nor could they be persuaded even yet that ever it had done them any harm. It had revived them when they were exhausted, and had enabled them at times to get through work which they felt they could not have so well done without it. It had been the means of many a pleasant hour, and of social jollification, and it seemed to them hard that they should be deprived of their little enjoyments because other people made beasts of themselves. Still they did not conceal from themselves that they could live without it, and that after all it was a terrible nuisance, besides whatever it might be of a danger to other people.

If the thing could only be regulated, they said, so that people could get their little comforts in moderation without their being abused, all would be light; but, bother the thing, it looked as if it couldn't be regulated, and regulate it as they might it had a nasty habit of bringing people into trouble. There were those dozen or so of drownings that had taken place in the harbour and district within the last couple of months. The fellows perhaps were just as well drowned for all the good they were to the world. But then they would not have been drowned, but might have been useful to themselves and others, if the drink had not been in the country. And there are the wives and children, poor things; they did not drink, but they paid the penalty. It's a bad business altogether, and I'm not going to bother myself to keep it going.

Others, again, took a judicial view of the case. The thing had to be decided one way or another, and the question is, should we strengthen the position of the traffic or have the experiment made of doing without it. Nobody will be killed by its going, and sure enough some people will be killed if it stays. It will not do me any harm. But nobody knows. Some of my children might turn out drunkards. None of them will if it goes. That is something. If the vote banishes the thing from the country I can at least feel that my children will be made safe against the cursedest curse that ever fell to a child. Besides, there are other people's children. And plenty of them will be lost if it stays. I am not to blame if they are. But may be I am if my vote helps to keep the thing here. Is it worth my while, for the little enjoyment I have in my grog, to be the means of bringing such trouble on other people? I don't like the idea at all. I'm not a religious man, but I don't like doing a harm to others; and it is only my own little comfort that stands in the way. I could do without it, and after a bit I would never miss it. Miss it or not, confound me if I cannot make this little sacrifice for other people. This would then be the happiest country under God's sun and I'll not be the one to spoil it.

The general feeling appeared to be that the thing was a nuisance; that all the regulations that had been made to amend it had not lessened the nuisance a jot; and that the only way of regulating it would be to regulate it out of existence.

And it made a hard fight for life. Paid and clever lecturers had been travelling about the country showing the intolerable tyranny of the Prohibitionists trying to rob a poor man of his beer. The testimony of eminent physicians was adduced to show the wholesomeness of alcohol in its several forms, and its necessity to the human constitution; and the testimony of eminent doctors of divinity, and bishops, and clergymen, to show that Jesus Christ was a supporter of the liquor traffic, and that if He and His apostles were here at the present juncture they would be enrolled on the side of the brewers and publicans, and would be the most earnest in denouncing the hypocrisy of the fanatics who were misleading the people, and attacking the trade only for their own selfish interest, and in a spirit of Pharisaic hypocrisy. They appealed to the colonists of New Zealand, as the sons of martyred sires who had bled in defence of their liberties, to not have their glorious privileges of civil and personal liberty taken away by a lot of low fellows who, because they could not drink themselves, wanted to take away the liberty of drinking from others.

What was it that made England great? they cried. What had given to her that civil and religious liberty which had made her the envy of the world? It was beer. What had made the throne of England secure amid the crash of dynasties, and the raging of the nations? It was beer. What had made the name of a British citizen respected and feared in every land, so that a man had but to utter *Civis Britannicus sum* in the [unclear: ear] of the despot, and he was safe? It was beer. What had spread civilization, and education, and religion to the uttermost ends of the earth, so that wherever the British ensign waved there was liberty? It was beer. Where would England be without beer? She would be but a fifth-rate nation, condemned and sat upon, without her glorious past and her still more glorious future, but for beer.

They had heard of the Armenian atrocities. Who had perpetrated those horrors, at which the blood of the world was running cold? It was the Turks, who were total abstainers and prohibitionists. Had they been drinkers of alcoholic stimulants they would never have committed those atrocities; and if the nations of Europe, instead of sending fleets and armies, and worrying with diplomacy, would only load their vessels with British beer, and land it in Turkish ports, and imbue the people with the principles of free drinking, propagating among the Turks the glorious evangel of beer, the Eastern question would be solved, and teetotal prohibition-ridden Turkey would be raised to the comity of nations.

And think what we are coming to, they said. If by the coming Referendum vote you are mad enough to drive from the country that which has humanised the ferocity of the Anglo-Saxon, and made England great, see what you have to reckon with. Depend upon it, there will be a New Zealand question which will rival, if it does not overshadow, the atrocities in Armenia. Under the baleful influence of the absence of beer, the pakeha will develop polygamous proclivities, and, raiding the Maori districts for wives, will enact scenes of carnage at which the world will stand aghast. Instead of this, see the beneficent influences we are exercising among the Maori race through the agency of grog. In the King country more particularly, the work of humanisation is proceeding apace, and through the free importation of spirits into that prohibited and protected country we shall soon have the Maoris as humanised as we want.

# Chapter VII.

## THE EVE OF THE REFERENDUM.

LAI D aside from all the whirl and din of the preparations for the conflict, on her couch at Northcote, Isafrel had been kept advised of the progress of the campaign. The doctor had warned her tenderly to avoid all excitement, and to keep her mind away as much as possible from thinking of the event that was stirring the minds of the colony. Smiling faintly, she said, yes, she would not be excited; but she could not keep her thoughts from what was the central object of her life, and the crisis in the lives of thousands of the men and women of the colony.

George had been unwearied in his care and attention to the invalid. He knew it was idle to think that any benefit would come to her from an attempt to avoid the one subject in which her soul was bound up, and that any withholding of information would only worry her with anxiety.

So, feeling confident now himself that every hour was adding to the chances of victory, he made no effort to conceal the buoyancy of his feelings, as he told her of one message after another that had been received from the workers in the South, telling of the completeness of their preparations and of the general determination, and even enthusiasm, among the people.

From Dunedin, Christchurch, Invercargill, Wellington, Napier, Wanganui, and every centre from which the organization was working, there had come the uniform report of system<sup>3</sup> steadiness, and confidence; and he felt special satisfaction in telling her that the arrangements she had elaborated for her own fellow workers in Auckland had been generally adopted, and as generally recognised in their source, and that even the little children in many places had formed themselves voluntarily into "Angel Isafrel" bands, and were doing wonderful work in fanning the enthusiasm.

A tear stole down the cheek of the sick girl, and George stooped down and kissed it away, and as he patted her softly on the cheek, said, "It will be all right, darling; the news of victory will set you on your feet in a week; and I will take you away down South, and everybody will want to see and worship "the Angel Isafrel," and I will be a proud and happy man when I feel that you are all my own; and I will be a great man myself, and everybody will point at me and say, 'Do you see that handsome looking fellow there, he is the Angel Isafrel's husband—'"

"Stop, stop, George," she said, as she laid her hand on his arm, and she raised her eyes to his face, the sunshine of love breaking through her tears : "that cannot be now. I hope you will be happy and proud to think of me, and perhaps I may be able to look down from heaven and see you sometimes, and be sent away on messages of love, and I may be near you sometimes, and it will make heaven happier to me if I know you remember and think of your own Isafrel."

She raised her arm around his neck, and drew him down to her, and pressed his lips to hers; then, exhausted with speaking so much, she lay back with her eyes closed, her breath coming short and quick, showing one of those spasms which had been coming frequently during the past few days, but which she had always borne in silence, suppressing as much as she could for the sake of others every sign of the agony she was enduring.

After a little she recovered, and her breath came more freely, and George, who had bitterly blamed himself for having permitted the excitement, drew the couch over to the window and arranged the pillows, and spoke a few words of comfort and assurance of her recovery.

"Ah, no," she said, "it is over with me now; I would like to live, I know: I would like to stay with you, George, and I would like to see the happiness that will break over New Zealand if this comes right But this heart of mine is gone. I feel that my sands are nearly run out. But I only want to live over one day more. I have asked God to let me stay till to-morrow night. I want to hear the joy-bells ring, and to hear the people shout, and see the bonfires blaze, that will tell me that my poor, dear father is saved, and that thousands of other fathers, and mothers, and children are saved, and that dear, dear New Zealand is free. I am willing to die then."

A messenger had come for George Houston, whose presence was urgently required at the Central Committee rooms to complete some matters relating to the monster meeting that was to be held in the city that night as the finale of the preparations for the great event of the morrow. When he went to the door he was told that the same boat had brought over twelve or fifteen young girls who had come over to serenade "the angel Isafrel," but under positive orders that they were not to attempt to see her. They had already assembled down among the shrubs at the foot of the garden, and just as George had told Isafrel of the kindness intended for her the melody floated up to her window. She lay on the couch, her long, fair hair falling to the floor; and with her

eyes closed and a soft smile of happiness lighting up her pale face she drank in the strains of the children's songs. After a variety of sweet and plaintive melodies the little serenade closed with the one which they knew to be dearest of all to their angel's heart, reminding her and it reminded themselves of her loved lost Josephine:—

Father, dear father, come home with me now!  
The clock in the steeple strikes one;  
You told us, dear father, that you would come home,  
As soon as your day's work was done.  
Our fire has gone out, our house is all dark,  
And mother's been watching since tea,  
With poor brother Benny so sick in her arms,  
And no one to help her but me.  
Come home ! come home ! come home !  
Please father, dear father, come home!

Father, dear father, come home with me now!  
The clock in the steeple strikes two;  
The night has grown colder, and Benny is worse,  
And he has been calling for you.  
Indeed he is worse, mother says he will die,  
Before that the morning shall dawn;  
And this is the message she sent me to bring,  
Come quickly or he will be gone.  
Come home ! come home ! come home !  
Please father, dear father, come home.

Father, dear father, come home with me now,  
The clock in the steeple strikes three;  
The house is so lonely, the hours are so long  
For poor weeping mother and me.  
For we are alone—poor Benny is dead,  
And gone with the angels of light;  
And these were the very last words that he said,  
"I wish to kiss father—good night."  
Come home ! come home ! come home !  
Please father, dear father, come home!

Angel Chorus.  
Hear the sweet voice of the child,  
Which the night winds repeat as they roam;  
Oh ! who could resist the most plaintive of prayers,  
Please father, dear father, come home!

The last of the songs had died away on the air, and to catch the return boat the children were moving from the shrubbery and filing out in the open on their way to the jetty. Isafrel, who had been sitting by the open window, caught sight of the little white-robed band of serenaders, their blue ribbons, the emblems of their order, floating in the wind. She waved her handkerchief through the open window to them, when they stopped, and instantly recognising their "Angel Isafrel," a dozen little handkerchiefs were waving in reply. But a gush of feeling swept over the children as they turned away, for they realised the position that the spirit of their dearly loved friend was as if fluttering its wings to fly off to join the other angels far away, and that they would never see her face again.

On the steamer, while crossing the harbour, George had to answer the queries that were written in the little tearful eyes, and tell them about Isafrel that though she was very happy and peaceful in her suffering, and had been greatly pleased and comforted by their kindness in coming over to sing for her, she was getting weaker from day to day, and could hardly stay very long with them. One little thing, with tears in her voice, asked would she be able to live till she heard about the Referendum, and he said he hoped she would, and that it was the one dearest wish that was remaining with her now.

On reaching the central committee room, George Houston found that everything was in an advanced state of preparation. The great meeting was to be held at ten o'clock at night near the fire-bell in Upper Queen street. All the separate bodies and organizations were to have their own meetings at their usual places from eight o'clock, to finally fix the part that each body and every member of it would take in the proceedings of the morrow. Then from every part of the city, and from all the suburbs, and from the districts within reach of the city, the whole people were invited to meet, and addresses would be delivered for the last time by the principal and most eloquent leaders of the movement.

By concerted understanding the same course was to be taken in every city and every town in the colony, so that all indifference might be chased away, and the people might be brought to the rally for one supreme, and, it was to be hoped, final effort to free the country.

The most complete arrangements had been made, partly by the Government and partly by the people, that the returns from the remotest polling booths should be sent to the Premier's office—as by the Act prescribed—at the earliest possible moment. Most places were connected by telegraph, but in some cases carrier pigeons, and in others relays of horses and horsemen were arranged for; and it was believed that before midnight of this momentous Judgment Day it would be known at Wellington, and flashed back to every corner of the colony, what verdict the voice of the people had pronounced on an institution around which for the moment circled the equal and the profound anxiety of both parties, and of all classes and individuals in the State.

But the national optionists, or—as with grim pleasantry they were now pleased to call themselves, in deference to the humour of their opponents—"the fanatics," had made other preparations, and fully assured that they were going to have the victory, they had made arrangements for celebrating it with becoming *eclat*.

It was a daring venture, and they were heartily laughed at by their opponents, and even by many of their supporters, who thought this was going rather too far, in counting their chickens before they were hatched. These preparations were a fund of infinite merriment, and the supporters of the traffic in many cases offered their assistance in carrying the timber and rolling the tar barrels that were to be burned in celebrating a victory that had not yet been won.

But some of the leaders who had encouraged the people in these ridiculous-looking preparations had wiser heads than they were given credit for, and the consciousness of certainty which they inspired was more potent than a hundred addresses in nerving the people to the fight.

Accordingly, on every hill and mountain round about Auckland, and far away in the country, preparations had been made for bonfires. Mount Eden was especially singled out as the signal station to the whole country, and the circuit of the ridge around the crater was almost covered with piles of timber mixed with barrels of tar, which willing helps had provided.

Of course the danger of a false alarm was anticipated, and care was taken also that in the event of defeat of "the fanatics" the enemy should not have the satisfaction of lighting up in honour of defeat. The most careful system of signalling there-fore was arranged, which was only made known to a few in charge of the arrangements at the several points.

It had been fixed that the information as to the result of the Referendum should be telegraphed direct to the NEW ZEALAND HERALD Office from Wellington, and, "the fanatics" had, by permission, arranged for an installation of electric light in the form of a huge crown erected over the flagstaff turret of the HERALD buildings. That was to be the initial signal. Next, the guns in the Albert Park were to speak out the tidings; and by an entirely independent signal, carefully concealed, the guard of watchers on the top of Mount Eden was to be informed of the result of the polling.

These, of course, were only the incidental arrangements of the more forward enthusiasts, the graver portion of the leaders having concerned themselves more with protecting the sanctity of the polling booths from the countless ruses which they knew were in contemplation.

Money had been flowing like water and beer like cascades, and though violence was not likely to be resorted to, or could be easily enough overcome in the aroused temper of the people, everything that money and ingenuity could effect was expected to be freely used to turn the voting.

As the shades of night gathered over the city—the night that was expected to usher in the long-expected day,—the people were to be seen moving in the several directions where the meetings of the organizations were to be held. Teetotallers and moderate drinkers, temperance people and prohibitionists seemed to be drawn by

the same feeling. The last general election had shown such a stupendous advance towards Prohibition by the local option vote that all classes had come to see that universal Prohibition could not be much longer delayed, and many doubters and hesitators, with whom nothing is so successful as success, had thrown in their lot with "the fanatics."

At that election, without any complete consolidation or organization, and confused as it was by personal as well as political and party issues, the "No License" vote had swept away vast numbers of drinking bars and had shaken the ascendancy of the trade to its foundations. Large districts had been cleared of the traffic, and the first real blow had been struck at the trade which seemed now tottering to its fall.

For the first time the women voters seemed to have realised their responsibility; and though in many cases, swayed by personal or party considerations, they had assisted in returning members unfavourable to temperance, they had shown their recognition of the claims of womanhood by voting largely for "No License."

The result of that election had had the most powerful influence in showing the way to the present struggle for complete freedom, and had drawn the eyes of the whole world to the women of New Zealand. The moral effect of it on the women themselves was remarkable, and it seemed to have ennobled the women with the idea that they were really a power for good; while it won for them a respect from the men of the colony that seemed to show itself in a hallowing influence over the whole community.

The effect it had wrought was seen on the eve of the Referendum, not only in the general spirit that pervaded the community, but in the readiness with which all classes, drinkers as well as abstainers, dropped into the movement for setting the colony free from the scourge from which women far more than men had been shedding tears of blood.

The whole city seemed abroad as night settled down, and thousands were moving in all directions to their several places of rendezvous.

One of these was the meeting place of the great central organization of the women, which had been formed and consolidated by Isafrel, and which had become the spring in all the recent great movement of the women throughout the colony. Over a thousand were assembled, including the best and most influential women of the city. After transacting a variety of business, in fixing the positions and duties of the various committees and sub-committees, and individual workers for the coming contest, the president claimed their attention for a moment, as she had a communication to read to them, which would, she knew, be received with profound interest. A hush fell over the whole assembly, for everyone knew it was a letter from Isafrel.

Holding the paper in her hand, the president essayed to read it to the meeting, and taking her spectacles off she wiped them with her handkerchief; but it was not in the glasses that the dimness was, and there were more eyes than hers that gave evidence of the deep emotion that pervaded the assemblage.

"I hold in my hand," she said, "a letter from one whose name, young as she is in years, you all know; one who has been the Joan of Arc in the holy war in which we are engaged for the freedom of our country. The 'Angel Isafrel,' as we love to call her, is lying, as you know, at the door of death; and her sole remaining desire is that she may be spared to learn the tidings of the triumph of the cause. No one has laboured so wisely and so well as she has to bring about a successful result. It was she that with her gentle pleadings brought us all to sink our differences and come together as we are to-night—Catholic and Protestant, Jew and Gentile—to stand shoulder to shoulder in the common cause of womanhood and humanity. Prudent beyond her years, she laid the basis of those plans on which we have been working here, and which have so commended themselves by their wisdom that they have been accepted as the lines on which the women of New Zealand have been proceeding everywhere, with a unity and a purpose that give such promise of success; as we could hardly ever have anticipated. Her gentle spirit has carried persuasion where others failed, and many who were the unflinching opponents of our cause have been made our fastest friends, and, as you know, are in the foremost ranks of our champions and defenders, through the sweet and gentle ministrations of our Angel Isafrel.

"This is her letter:—

"Sisters and fellow-workers in the cause of love. I am sorry that I cannot be with you to-night, but my spirit will be there. It has pleased God to lay me aside while the hosts are being formed for battle, and I can only say, Thy will be done. I may not be able to stay to hear the conclusion of the conflict. I would like to stay for that little time and hear the joy-bells ring. But if I may not, I shall hear them from heaven, and I shall be rejoicing with you, though you may not see me. For I know that you shall triumph, for the womanhood of New Zealand has arisen in its strength, and I never thought and do not think that such a great and holy fervour would have been given to be dashed with disappointment. I seem to hear the whisperings that come from the far off land to those who are about to take their flight, and they tell me you will win; and perhaps I shall be near Him when He says, as I am sure He will say, to the women of New Zealand, 'Well done, good and faithful servants.' I am too weak to tell you more of what I would want you to do. But remember, as I often said, that if you win this fight to-morrow you are only at the beginning of the struggle. But the manhood, as well as the womanhood, of New Zealand will be on your side, and earth and heaven will be watching. I will be watching. Now good night. God

be with you. From your loving sister, Isafrel."

The president sat down. The reading of the letter was followed by a profound silence, broken only from time to time by the evidence of emotion as the meeting realised the fact that the words heard were the last earthly message of "the Angel Isafrel."

In a few words the president dismissed the meeting, and silently and sorrowfully the women filed out of the building, on their way to the great meeting that was already assembling in Upper Queen Street.

decorative feature

## Chapter VIII.

### THE MONSTER MEETING.

AT the junction of three streets a platform had been erected, which was crowded with intending speakers and others who were foremost in the cause. They were confronted by a sea of faces of the largest assemblage that had ever come together in the province. It was computed that from twenty to thirty thousand had congregated together from the city and suburbs and surrounding districts, and the silence of the vast crowd spoke eloquently of the solemn awe with which the public mind approached a question fraught with the gravest crisis in the history of the colony. The speakers were understood to be limited to ten minutes each for the expression of their views, though this was liberally interpreted in the case of the more notable speakers.

After the chairman had taken his place, the proceedings opened with a speaker submitting the questions whether the liquor traffic was a great evil, whether the means in operation had been sufficient to restrain its mischief to the community, and if not, what was it their duty to do. He enumerated at considerable length the instances that had occurred to his own knowledge of drownings, and deaths, and suicides, which it had caused; of domestic misery, of the ruin of character and prospects, and of the expense to which the community was put in dealing with the crimes and sufferings which were, directly or indirectly due to the presence of drink in the country. Mostly every means that ingenuity and wisdom on the part both of the friends and the enemies of drink could devise, had been tried to restrain the evil within bounds, but it had been seen that the ingenuity of those who lived by the traffic, and made large profits out of the losses and the sufferings of the people, had been more than a match for these safeguards and precautions.

"What, then," he asked, "are we to do with an evil which we can neither restrain nor control? Is it not our duty, if we cannot mend it, to end it? It has been said by those who are fighting for their own cruel gains that to banish the drink from the colony will be interfering with human liberty. Oh, liberty! liberty! How many crimes have been committed in thy name? Call you that liberty which permits men, a minority of the people, to force on the presence of the rest that which brings to thousands the cruellest slavery ever known on earth. And what curtailment of liberty will it be to anyone when the temptation is entirely removed? Which, I ask you, will be the greater liberty: *note*, when we are obliged to tell them in the presence of temptation, you must not take it now, you must not take it then, you must not take it here, you must not take it there? Or *then*, when the evil and the temptation will be utterly removed beyond the bounds of the colony, and when every man will be absolutely free from restraint? Which will be the greater sense of liberty among the people, then or now? I tell you that within three months from the banishment of liquor from the country the morbid state of the system which gives the craving for drink will have died out; and, freed from the presence of the temptation, the drinker, the drunkard, and the community will enjoy a sense of liberty that they never knew before."

"They tell you," said another speaker, "that all the great and vigorous nations have been consumers of strong drinks, and that the weak and inferior races have been total abstainers; and they would have you conclude that it is alcohol that has given that vigour and greatness to the progressive nations, and the want of it that has sunk the others into inferiority, and they point you to the Mahometans and the degraded state of Turkey as illustration of the theory.

"Now just glance a little back in history and see what part total abstinence has played in the rise and spread of Islam. Mahomet in many things showed himself to be one of the wisest and ablest leaders of men the world has ever known, and when he was starting a religion that he meant to dominate the world by fire and sword, he well knew that if his Arabs, who are children of the sun, were to be exposed to the debauching and enfeebling influences of strong drink, their conquering career would rapidly come to a close, as many a conquering race had fallen before. And it was worldly wisdom of the wisest kind that made the prophet leader impose abstinence on his warriors. And the sequel proved the truth of this. For from Morocco to the furthest Ind, from the heart of Africa to the centre of Europe, with all its power and civilization, the sword of Islam became a



terror; and the strength, the vigour, the success of Islam was its total abstinence. Without it those warriors from the wilds of Arabia would have found many a Capua, and before the seductive influences of the wines of the conquered nations the crescent would have been lowered in the dust. And even now, non-progressive and degraded as the Moslem is, it is his abstinence that is the preserving element that has saved Mahometanism from the thousand disintegrating forces that have been working for its destruction. Had Mahomet not imposed total abstinence on his Arabs and their successors we should never have heard of Islam but as an ephemeral outbreak of fanaticism that had died as soon as it was born.

"And as to the effect which alcohol might have in raising the lower races to the level of the higher, we have evidence sufficient to form an opinion. What has it done with the natives of the South Sea Islands, with the natives of central Africa, with our own Maoris—the noblest aboriginal race with which civilization has come in contact? Has it raised them to the level of the higher, race? Has it infused that vigor which it is said to have infused into the Anglo-Saxon? No; but it has been sweeping them away with the besom of destruction, and in doing so it has written a dark chapter of cruelty and shame in the history of the Anglo-Saxon race.

"But coming to that race itself. It is true that the vigorous constitution given it by its climate, as well as by heredity, has made it more proof against the destructive influences of alcohol, and it has become great in spite of drink. But why is it that a progressive, earnest, vigorous race is drunken? It is just because of the excessive exercise of those qualities which have made it great. The Anglo-Saxon race is probably the most energetic of all races, and that energy of nature drives it forward at a pace at which no other nation travels. The nervous tension and brain-fag which that pace produces are a disturbance of the moral as well as the physical equilibrium, and constitute, in fact, an unnatural and morbid condition, under which a man is tempted, as more quiet-living races are not tempted, to resort to artificial measures for relief. The remedy is sought in alcoholic drinks. Those drinks do not produce the energy of the race; but it is that energy driven to excess, and consequent exhaustion, that produces the craving for drink, and that is the reason why the greatest and most progressive of races is addicted to drink.

"If that alcoholic drink really gave back the strength that was exhausted it would be good, but as it only draws on man's reserve of strength, and defers to another hour, and then intensifies, the exhaustion, it can have no effect in maintaining the aggregate energy of the race. But under every circumstance it is not the drinking that gives energy to the race, but the energy of the race, driving to exhaustion, that entails the morbid craving for drink; and instead of drunkenness being either productive of healthful energy in the race, or the sign of it, it is merely the product of a morbid condition, in the same way as we find all plants and animals that have 'run down' or are in a morbid condition, subject to the attack of parasitic disease.

"How often," he went on to say "have we seen a talented and brilliant man a drunkard? We have seen the brilliant journalist, whose writings the world perused with delight, subject to periodical fits of drinking. It was the energy of his mind, the nervous tension of his thoughts straining the physical system, that produced that morbid state which craved for artificial stimulant. It was not the drinking that had given him genius, but it was genius that had made him a drunkard and thereby driven him to an early and unhonoured grave. And as it is with individuals so it is with races; the more intense and vigorous a race the more is it driven to unnatural tension, developing a morbid state that craves for what only intensifies that tension and brings it evil and not good. And when have the progress and glory of the Anglo-Saxon race been the greatest? Is it not within the last fifty years, during which, through the incessant efforts of the temperance reformers under every variety of name, drunkenness has been growing less habitual, and has come to be regarded as a shame? And just in proportion as the Anglo-Saxon race has become more sober the more rapid and phenomenal has been the growth of its greatness.

"Citizens of Auckland," exclaimed the speaker, "be it our noble work to-morrow, in common with our brothers and our sisters throughout New Zealand, to lead the whole British empire by driving for ever from our shores what has ever been the bane and the shame of the Anglo-Saxon race."

After the applause which this appeal evoked had ceased, the stand was taken by a working man, who considered the subject from a working man's point of view. He showed how, in proportion to his earnings, the working man who drank even moderately spent far more than the rich; and while the rich people could indulge in the luxury without its preventing their riches from growing to wealth, the poor man spent exactly that which could raise him out of the position of dependence and poverty to which his life seemed consigned by the hand of fate. It was mainly this, he said, which created a class of working men, with their children and children's children remaining hereditary bondsmen of labour, and dependant on others as hewers of wood and drawers of water. He admitted that with the fewer enjoyments in life which a poor man had he was more tempted to take a glass to cheer him in his troubles, and though the temporary excitement did him no good in the end, it was hard for him, so long as the liquor was round him on every side and forced on his attention, to resist the inclination to drink. It was on that account, he said, it would be better, and easier, and pleasanter if he could once for all have the evil removed from his presence, and the temptation out of his way, by banishing the drink from the

country.

"They say a man," he went on, "ought to taper off and become temperate, and that by taking less every time he can come to want to take none, and so he will have less of a wrench to his feelings than if his grog was stopped of a sudden. Now I'll tell you a little story I've heard," he continued. "There was a lady once that was disturbed every morning in her sleep by the pitiful howling of a dog in her neighbour's back yard. Day after day as soon as the daylight was coming, the howling began; and after this had gone on for a week or so, and she could stand it no longer, she called on her neighbour to complain, and to ask him to stop the howling of the dog, as she could get no sleep in the morning. And 'what was wrong with the dog?' she asked, that he howled in that dismal way every morning. 'Well, mum,' says the neighbour, 'the truth of it is we are cutting off the poor animal's tail, and you see, mum, we're kind-hearted people, my missus and me, and we don't like to put the poor brute to too much pain by cutting off the whole of his tail at once, so we take off a little bit of it every day.'"

The man was spared the necessity of applying the story by the burst of laughter and applause from the crowd.

"They tell you," said another speaker, "that the teetotallers are extremists and fanatics in asking for the exclusion of drink from the country. They tell you that there is no reason for such extreme measures—that the people are becoming more temperate every day; and the friends of the drink traffic tell you so as if they were glad of it. Well, assuming that they are, or assuming more correctly that the public has reason to be glad of it, whom have we to thank for it? Certainly not the friends of the trade, but we have to thank the teetotallers and the temperance party for the agitation that they have kept up for forty or fifty years, by the force of which public opinion has been so moulded that drunkenness is now a disgrace to a man as it was not in the days of my youth. They have taught the young and they have taught the old that strong drink is not a necessity of life, as it was thought to be in the days of my youth; and they have created a public sentiment that abstinence is good, and wise, and honourable, which nobody thought when I was a boy. And during all that time they were abused for their 'intemperance' of language as they are abused to-day.

"It is all very well to say that this has all come about by the natural growth of public morality. Such social revolutions never develop spontaneously, and this great and wholesome change in public morals has been mainly produced by the constant pressure on the public mind kept up by the advocacy of the teetotallers. And how dare any one that rejoices in this great social improvement denounce or revile those who have effected it and call them extremists and fanatics! And now, when the teetotallers wish to take a further step in advance, who can deny that they are entitled to do so by the successful achievements of the past? We have already local option by which, as you know, the residents can suppress the sale of drink in their district. You know that this has been in successful operation, and everybody but those who live by the trade rejoices in the result, and recognises that it has vastly lessened the sufferings that are caused by drink. And what is the difference of principle in changing local option into national option, and in the whole people of the state doing for the colony what they can severally do for their districts? This cry of 'extremism' is only a parrot cry set a-fashion by those who profit by the traffic, and is unworthy of intelligent men."

Another speaker addressed himself to the bearing which Prohibition would have on the commercial enterprise of the country. "I do not refer merely to the influence on trade from the absence of drink from the country," he said, "or the trust which business men could repose in their clerks and servants generally, or to the ruin, personal as well as commercial, that has been due to drink, but to the effect on the commercial enterprise of the whole community. I was in Melbourne," he went on to say, "during that wonderful boom, from the collapse of which that city is after this lapse of years in a state of comparative commercial ruin; and I declare from personal observation that that boom was in the main one long alcoholic debauch. You have heard of how lots worth a few hundreds of pounds were taken up by a syndicate for perhaps a thousand, and sold to a company for ten thousand, and afterwards retailed for perhaps fifty thousand, and the world stands aghast at the frenzy. But at the bar of one public-house after another I have seen men with heated faces, and excited gestures, formulating and proposing to one another the terms of those startling trans-actions, and I had reason to know that it was in the clubs and in the bar-rooms, and in places generally where drink was freely passing, and while men were excited by drink, that these astonishing transactions were conceived and started. And I know, for I have seen it in every case where I was a spectator, that at the auction sales, at which the thousands of dupes were drawn into wild and ruinous purchases of land, champagne and alcoholic drinks of all kinds were flowing like ditch-water every time. It was in an atmosphere of alcohol that men lived, and breathed, and boomed during that amazing outbreak of commercial frenzy, and that city, once the foremost of all the cities of Australasia, is still suffering prostration from that alcoholic debauch. And I maintain, fellow-citizens, that the fumes of alcohol may have as much to do in unsettling the equilibrium of a community as of an individual, and in producing those commercial will-o'-the-wisps that lead both communities and individuals to ruin."

After a number of other speakers had addressed the meeting on various aspects of the question, a medical man essayed to treat the matter in a popular way from a medical point of view. "It is needless for me," he said,

"at this time of day to tell you that there is no nutriment in alcohol. There may be nutriment in the substances with which it may be in solution—in the extract of malt, in the juice of grapes or other fruit—but none but a charlatan will try to delude you by pretending that there is any nutriment in alcohol. Neither is there any extraneous strength imparted by it, and its only function seems to be to concentrate as it were the reserve of strength in the human system for a particular crisis or a particular period. This is not the place for discussing whether or not that concentration of force enables nature to combat and overcome a crisis. But feel assured that whatever this concentration of strength for a crisis or a period, there is corresponding depression, and if it fails in triumphing over the crisis the collapse will be correspondingly great.

"You are told that for aged people with failing strength a stimulant is necessary. It certainly rouses the flagging energies, but exactly to the extent it does so, much or little, there will be the corresponding depression. It is just as it is with an old and jaded horse; you can plunge in the rowels into his flanks and keep up the gallop, but it would be wiser and more humane to let the poor animal walk at his natural pace to the end of the journey. Depend on it you are giving no fresh strength to the old horse as you plunge the spurs into his side, and the spurt that you gave him will have to be paid for by subsequent exhaustion.

"But however it may be as a medicine or for a crisis, the usefulness of alcohol as a beverage in ordinary health and strength is a myth in the nature of things. For as it imparts no extraneous strength and only displaces the reserves of force in a man, giving to him at one moment what it takes from him in another, it is only playing with his powers and shattering the delicate mechanism of his whole body in the process. It hepatises his liver, diseases his kidneys, gives irregularity to his heart action, inflames the delicate tissues of his brain, and plays the devil with his nerves; and all this in an age and in circumstances in which the nervous system of the race is on the rack, and when, if ever in the history of the world, the nerves should be left to such natural repose and recuperation as the whirlwind of civilization may permit."

It was drawing near to midnight, at which hour it was understood that the meeting would close, and the doctor was followed by an aged and venerable man who stepped to the front of the platform and briefly addressed the meeting.

"Fellow citizens," he said, "and Christian men and women of Auckland, I have followed with much interest the indictment laid by the various speakers to-night against the demon of drink, whose execution as a murderer we hope to secure by the popular verdict of New Zealand to-morrow. But to my mind the most terrible of all its crimes is that which it commits, and has always committed, against religion and the souls of men. You are told by its friends that our Lord and Saviour never uttered a word against the drink traffic. And never did he utter a word against polygamy, or gambling at horse races, nor yet even against slavery. Are we, therefore, to conclude that Jesus approved of multiplicity of wives, that He would lay odds with the book-makers, or that He would have been opposed to the liberation of the slaves in America? But in all these cases the spirit which He inspired in His teaching has been regarded as being as fatal to their existence among all that revere His will as if He had de-nounced them by name.

"And do you think if, when Jesus was below, He had been confronted by a public house flaring at every street corner in Jerusalem; and if he had seen as many deaths, and suicides, and drownings, and even murders as we have seen or read of Within the last few months at Auckland, as the direct result of those public houses; and if he had heard the anguished cry of children, and the sobs of broken-hearted wives, do you think that He would have refrained from action as expressive and distinct as when He tumbled over the swindlers' tables in the temple and whipped the swindlers themselves out of the place with a scourge. The whole spirit of the gospel of Jesus Christ, who came to bind up the broken-hearted, is opposed to that which is the great breaker of hearts to the Anglo-Saxon race.

"Do you remember how when our Saviour was on earth He was so frequently employed in turning the devils out of men? Brothers and fellow-citizens, alcohol is the devil of possession to the Anglo-Saxon race—the cause of more cutting with stones, and rending of garments, and tearing of hair, and cryings night and day, than ever were caused by the demons of possession in Hebrew times.

"Do you remember that Eastern story of romance about the genii that rose like a mist before the traveller's eyes in a valley, and was gathered together with all his potency and power of working wonders, and put into a bottle or something? And I have sometimes thought that the great enemy of human happiness, and ruiner of human souls, who can transform himself into an angel of light, must have the power of transforming himself into the vapour of fermentation, and condensed and bottled he is borne into human homes to work his will in human misery.

"He goes into one home, and the husband breaks his wife's head in with an axe, and splits open the skull of her companion. He goes into another home, and the mother poisons herself with rat poison, leaving her helpless infants to the mercy of the world. He goes into another family, and the husband and father bludgeons and cuts the throats of his wife and children. Or he goes into one man, and like the swine of Gadara that ran down a steep hill into the sea, the man tumbles over the end of the wharf and he is drowned. He goes into another man,

and he drives the ship on the rocks, and horror-stricken men and women sink into the boiling waves. He goes into another man, and he turns or neglects the railroad points that bring two flying trains into collision, with all the piles resulting of broken limbs and mangled bodies. He goes into the minister of the gospel, and the loved, the honored, and the useful becomes a shame and a bye-word, and a disgrace to religion; and go where he may be leaves bleeding hearts and ruined lives."

The old man raised his hands with his face toward heaven, and "Oh, Saviour of mankind," he cried, "thou didst drive out the devils by whom men were possessed in Palestine, save, oh; save us; save our country from this demon! By Thine agony and bloody sweat! by Thy Cross and passion ! by The precious death and burial! by Thy glorious resurrection and ascension—!" His voice was drowned as by the noise of thunder the sound of many voices, rolling up from that vast assembly. "Good Lord, deliver us!"

The aged man bowed his head on his hands on the rail of the platform, and every head was bowed in silence: and over the awful hush of stillness there pealed forth from the neighbouring clock tower the midnight chimes that tolled in the advent of the Referendum day.

decorative feature

## Chapter IX.

### THE REFERENDUM.

THE great day so long anticipated, on which the people of New Zealand were to determine once for all, by national option, the fate or fortunes of the liquor traffic in the colony, had at last come. A dull heavy canopy of clouds covered the usually blue sky from horizon to horizon, and no breath of air was stirring, as if Nature was standing in suspense awaiting the solution of the crisis that was pregnant with good or ill to the country.

The hour fixed by statute for opening the polls was eight o'clock, but long before that hour in Auckland the public was astir, and horses and vehicles were bearing the officers, and clerks, and scrutineers to the various booths, as well as the agents and supporters of the two sides to the various committee rooms and rendezvous from which the operations were to be conducted. It had been proclaimed, as by Act prescribed, a public holiday, and the conduct of the polls was subject to the conditions laid down for ordinary parliamentary elections. Among these it was made illegal for any cabs to be hired, and all the public houses were closed for the day; but it was soon evident how these provisions were evaded, for the city and suburbs were swarming with cabs flying in all directions with the distinctive badges of the liquor interest, and it was found that none of them had been hired, but that all were rendering their services gratuitously—the sequel showing that after the period had elapsed during which action could be taken under the Corrupt Practices Acts, their gratuitous service was settled for in the customary way. This had not come as a surprise to the "fanatics," but they had solemnly determined that neither by evasion of the law, nor by its direct violation, would they sully the cause in which they were engaged. However, the indignation which the ruse excited was so great that private vehicles of every description were sent in from all directions to an extent beyond what was required, and no inconvenience was experienced.

The evasion of the liquor law was, however, the source of more disorder, for though truly enough the bars were strictly closed, there were booths and stands everywhere over the city, and suburbs, and districts, at which free beer and grog were available for all comers. These were ostensibly connected with nobody and no party, and no questions were asked as to how the drinkers meant to vote, and in pure good nature the lieges were welcome to come and help themselves *ad libitum*. The disgusting scenes resulting from this procedure throughout the day presented such a picture of the results of drink as to harden and embitter the determination of the people, and many a voter that had been indifferent or wavering before voted solid for Prohibition.

The women appeared to have made up their minds to vote early in order to avoid the crush and the disorder that might be likely to arise later on, and the crowds of women voters that surrounded the booths from the earliest hour and up to mid-day seemed as if they meant to have the whole business to themselves.

At one time in the forenoon five or six carriages drove up to one of the booths, filled with women for whom the other women stepped aside and allowed them to pass to the polling booth. They were a contingent of the *demi-monde*, and it was found that at the other booths similar incidents occurred, and that every one of the class in the city was polled during the day, while the badges on the cabs in which they came left no doubt as to the side on which their vote was organised. As similar scenes had taken place at political elections previously, no surprise was felt.

But there was one incident, frequently repeated during the day, which was puzzling at first, but which

afterwards was found not very difficult of solution. A number of young girls drove up in a cab and voted, and then returning to the cab were driven off in the direction of another booth. This was noticed so frequently that at last steps were taken to trace their proceedings, when it was found that each relay of these girls was driven to all the booths in succession, and then out to the suburbs, and even some of the nearer country booths, and apparently voted at them all. The *modus operandi* had been this: A girl had been registered in one name as engaged in "domestic duties," resident in one street, and in another name with the same designation of business in another street, and so in a fourth, and fifth, and sixth streets, and so on, the designation and the place of residence being so vague that nobody knew the girls or could challenge their identity, as they gave the 'correct number and name to the returning officer, and received their balloting papers in due order. At last a watch was set, and a cab-load of girls was followed up, and on their presenting their numbers and names at a second booth they were given in charge and lodged in gaol, where under the terror of the situation they confessed all, giving the names of those who had engaged them, and detailing the whole arrangement. This coming to the ears of the manipulators of the infamous transaction the practice was promptly stopped, but it was subsequently found that exactly the same procedure had been taken in all the cities and principal towns of the colony, as by one preconcerted arrangement.

During the day, interchanges of telegrams had been taking place between the leaders of the reformers all over the colony as to the progress of events, and it was found that shortly after midday almost every woman voter in the colony must have polled, showing the intensity of interest felt, while the men voters had been rolling up largely, promising altogether to show the largest poll that had ever been taken in the colony. This solid polling of the women, coupled with other indications, had produced the liveliest confidence in the leaders of the "fanatics," and before the day was half over it was thought that the field was practically won.

George Houston had been in the centre of the conduct of the business all day, though his heart was heavy with thoughts of Isafrel. She was in careful, tender hands; but though the doctor, who felt it his duty to go over and see her several times in the day, had implored her to keep quiet and not let her mind get excited with thinking about the poll, he might as well have asked her to cease breathing. She told him at last that it was the grandest, if it was the last day of her life, and he was horrified at her expressing a desire to go and poll her vote. He could not conceal from himself the fact that the strain on her vitality, and the unnatural strength and vivacity which she experienced, must lead to absolute collapse, and he was relieved when he saw George, who had arrived by the midday boat for a rapid visit, hoping that he could do something to allay the excitement. But when he heard her plead with George to have her carried to the Northcote polling booth, he saw the hopelessness of thinking that her mind might be diverted from the event that was proceeding. And pitifully did she plead with George to take her to the poll. She had only qualified by age and been enrolled a few weeks before, and she wanted that her first vote and her last should be given to help her sisters to drive the tragedy of life from her dear country. She did not mind if she died in the attempt; she would gladly give her life for her native land, and she could not bear to be lying there idle, while the other women of New Zealand were battling for the freedom of their country, and to save their children, and brothers, and fathers from the curse. She threw her arms around his neck and pressed her lips to his, and she implored him by his love for her to let her vote.

George assured her it would be only throwing her vote and her life away; that her vote would be utterly lost; that they would have thousands of votes they would not want, that they would have an overwhelming majority from all they could learn from every part of the colony; and that if she would only rest quietly she would see that the work she had done in the cause would be crowned with triumph.

She yielded to his persuasion and said she would wait the will of God, and George told her rapidly some of the principal events of the day—how the women had mustered at the poll and were still canvassing the voters; how the clergymen and ministers of every denomination were moving about among the booths; how all the Sunday schools, teachers and children, were as busy as bees; how the little singing bands were surrounding the polling places and marching through the streets, singing and distributing fly sheets; and how several of the little companies of girls in their white dresses and blue sashes had bannerets with the legend "The Angel Isafrel."

This little incident melted the feelings of the excited girl, and she found relief in tears. The nervous tension had expended itself, and after a little she dropped off into a soft and quiet sleep. George hastened away, and catching the steamer returned to the city.

It was now three o'clock, and he found the leaders in the central committee room in considerable anxiety and perturbation. News had come from the Southern cities that the enemy were rolling up in the afternoon in formidable numbers, and the same thing had been taking place in Auckland, showing that whatever was the object of this form of strategy it had been preconcerted. Two hours still remained for polling in the cities, the country polling places being open till seven, but every voter of the "fanatics" appeared to have polled, and the enemy were coming in like a flood. Drink had now got in the ascendant in the streets and about the booths in Auckland, and it was deemed prudent to withdraw all the children and women, and make them return to their homes. A meeting of magistrates, however, had been hurriedly got together, and the police were ordered to take

possession of every free drinking place and stop the distribution of free drink in the interests of public safety; and all the drunken and riotous people having been run in, the streets resumed their normal condition. The polls closed sharply at five, and the officers, and clerks, and scrutineers were busy compiling the returns and sending them off by telegraph to Wellington.

George Houston hurried to the first boat, leaving immediately after the closing of the poll. On reaching the cottage at North-cote, he found a dreadful change in Isafrel. The reaction from the excitement of the day had left her so prostrate that she could barely speak in a whisper. She greeted her lover with a faint smile of recognition, and after a few moments, in which she hardly seemed to breathe, whispered, "How is it?"

"Oh ! it will be all right, darling, but you must keep very quiet. The returns will not be known till well on in the night, probably about midnight."

"I am very weak, George," she whispered; and then, after a pause, "but I want to hear before I go."

"Yes, dearest Isafrel," he said, as he stroked back the hair from her brow, "the day's excitement has been too much for you; but now try to rest, dear, and you will be all right shortly."

She was silent for a few minutes, and then asked, "Was it good in the afternoon? Good as the morning?"

"Well, yes," he hesitated; "it was very good."

She opened her eyes and looked at him keenly. "Tell me all, George; was it good as the morning?"

"Well, not quite so good, darling;" they began to roll in their drunken men, and we had polled all our votes in the earlier part of the day."

There was a few minutes' silence, during which her breathing was as soft as an infant's.

"What did you hear from the South, George?"

"Well, I'm sorry it was something of the same there," he said, hesitatingly; "but then we polled well in the morning."

"Poor New Zealand," she said, and two tears stole softly from under the long drooping lashes, and rested on her cheeks. In a little while she sank into a calm deep sleep, and everything was hushed in the cottage, so as to give her the undisturbed rest which she seemed to so much need. George and her mother took their places alternately by her side, while her little brothers and sisters hushed their every movement, and there was nothing to be heard but the rippling of the waves on the strand at the foot of the garden, and the soft sigh of the wind in the leaves of the puriris.

It was shortly before midnight when the weary invalid awoke, and looked around her. Seeing George by her, she asked the time, and he told her it was nearly twelve.

"Isn't that about the time they hear from Wellington?" she whispered. "Take me to the window, George."

He wheeled over her couch to the open window, and they fixed her pillows and her wraps. For about a quarter of an hour Isafrel looked out on the dark water, and the distant lights on the other side of the harbour. Not a breath of air moved to disturb the stillness of the midnight hour, and unconsciously the senses of all the watchers were quickened.

"Listen!" she said, and she raised her head from the couch. "Listen! They shout! they shout! the people shout!"

She raised herself up. "Do you not hear it! They shout! they shout!"

George and Mrs. Chalmers went to the window, but they could hear nothing.

"They shout! they shout!" said Isafrel excitedly; "do you not hear them?"

Just then the booming of the camión in the Albert Part broke through the stillness, and George rushed out to the verandah with the glasses, and there in all its glory was to be seen the glittering crown of electric lights over the turret of the HERALD Office, blazing in the sky.

"Victory! Victory! Victory!" cried Isafrel, in a faint voice, as she fell back on the couch, while the steady booming of the guns, blended with the pealing of the bells of the churches rolled over the water."

"And there is Mount Eden in a blaze," exclaimed George, as he turned the glasses towards the mountain.

"George!" said Isafrel, in a feeble voice, "take me out to see Mount Eden; then I shall be sure."

They lifted the couch out to the verandah, and the sick girl's gaze was rivetted on the mountain, so associated with her sweetest dreams of love, and now with the victory of her life.

The whole summit appeared in a blaze. Around the circuit of the lip of the crater was one continuous wall of fire.

Isafrel gazed long and earnestly on the scene, but her strength was gone, and she lay back exhausted on the couch. George bent down his face to hers; her eyes were closed, her lips moved, and he heard, "Now lettest Thou Thy servant depart in peace, for mine eyes have seen Thy salvation."

decorative feature

## Chapter X.

# THE NIGHT.

OVER in Auckland the streets were full of life; the church bells pealed out their merry chimes, crowds thronged the path and roadway, but the police had made ample arrangements and there was no disorder. The drunken men had been promptly run in, and the friends of the traffic had shrunk before the burst of enthusiasm that the victory had called forth, so that the vast tide of human life that surged through the streets was moved by but one impulse. From time to time, as if by an epidemic of sympathy, the whole crowd burst into a storm of hurrahs, and it was this that rolling over the water had first fallen on the quickened car of Isafrel, before the guns in the park had shaken the welkin with their roar.

But the Albert Park was nearly as crowded as the streets with the multitude that had gone up there to see the signal lights that had spoken from hill to hill and from peak to peak. Over fifty bonfires were counted from the park. Every headland stretching out into the bay had its light. The heights away beyond the North Shore were dotted with fires: the grim outline of the Waitakerei ranges was in several places capped with flame. On the distant range that ran out to the south, forming the entrance to the Manukau Harbour, tiny jets of fire could be detected with glasses. Mount Hobson, Mount Wellington, Mount St. John, and all the volcanic cones that may be counted in the glorious panoramic sweep of country around Auckland were peaked with fire. Mount Victoria and the North Head had their huge bonfires, around which the glasses turned in that direction could detect the masses of people moving and piling on the faggots and other combustibles. But from all this every eye turned away to Mount Eden with its glorious garland of fire. In the centre of the huge ring of light the dark hollow crater was conspicuously seen, while the heavy clouds overhanging the mountain reflecting back the light seemed to form a canopy of fire under which the dark pines resting on the precipitous sides of the mountain stood out in contrast to the general illumination.

Nobody seemed to think of going to bed that night; and as the complete returns came in from Wellington, showing that not merely three-fifths but three fourths of the voters of the colony had voted Prohibition, the whole night seemed one for revelry.

It was not everybody, however, that was carried away by this intoxication of success. There was many a sore heart among those tumultuous crowds that turned away in chastened thought to the little cottage at Northcote, where the one that had done so much to bring it all to pass was lying with the tiny flame of life flickering in the socket. It had been heard, and the information had rapidly circulated among those who were the most deeply concerned, that Isafrel had heard the glad tidings, but the same messengers had brought the word that she was quietly but surely sinking, and that in all probability she would not see the dawn.

As the steamers were plying in the harbour all that night, it was determined that a number of the women should go over, and in the name of the others bear a last tribute of love and gratitude to the dying girl. The tearful pleadings of some of the children that they might be allowed to accompany them to say farewell to their Angel Isafrel, could not be resisted, and far on in the morning, but while it was still dark, the little company, consisting of eight or ten of the women and about as many children, crossed over to the other side.

The sick girl had passed an easier night, so far as pain was concerned, than any she had recently had, but her strength was ebbing fast, and she knew quite well that the end was approaching. After she had recovered from the happy shock of the good news, her couch was carefully lifted again into her own room. George sat beside her, and in the subdued light of the lamp turned low they talked together of many a thing of touching interest to both in the past as in the future.

He tried at first to induce her to take a sleep, but "No," she said, "this is not a night to sleep. I shall sleep by-and-bye. But I have much to say to you, dear George, and I shall not have another opportunity to talk with you till many, many years have rolled away.

"Do you remember that day, George—the sweetest hour I ever passed—when we stood together on the top of Mount Eden, by that big, grey stone on the further side of the crater, and you first told me of your love? And do you remember when I told you mine, and our lips were pressed together in the first sweet kiss of an affection that will never pass away, and you folded me in your arms, George, and promised you would make me happy as long as you lived: and do you remember, George, how I looked away, and saw that great, dark shadow coming from the Manukas—on, on, on, nearer and nearer, over the water, and the green hills, and the houses—and I told you to watch its coming? And as it crept up the mountain side, do you remember, George, how I laid my head on your shoulder and nestled closer to you, and with your arm round my waist you pressed me to your heart? And do you remember, George, how I shivered in your arms, and told you I was frightened of the shadow; and you told me I was superstitious, and that it was nothing but a passing cloud? But, George, there are mystical things in life we may not understand, yet they whisper to the soul sometimes; and as you brushed the hair away from my face with your hand, George, and laid your cheek to mine, I knew that a dark shadow

would come some time and blot out the sunshine from our lives.

"Don't weep, George. It was only a passing cloud, and I was foolish to be frightened of it; and do you remember how the shadow rolled down the side of the mountain and passed away over Ponsonby, and darkened the waters of the harbour and skimmed over the wild waste of trees beyond, till it rolled away over the distant horizon. And do you remember, George, how you told me I was a little goose, and made me look around and see the whole scenery bathed in sunshine.

"There was the reach of waters stretching away down to the island of Waiheke, the little wavelets sparkling in the sunlight, with Motuihi, and Motutapu, and the headlands of Orakei and the Tamaki, and far away the heights of the Coromandel range suffused in the blue of distance, but all enveloped in the golden rays of the summer time. And then, George, you made me look away down the Rangitoto Channel, with the grim heights of Rangitoto here, and the green foliage of Lake Takapuna there, and the long tongue of the Whangaparoa running out into the sea, with the Kawau, and Little Barrier and Great Barrier, and Tiri Tiri, and the Cuvier Island, rising from the sea, and all clothed in sunshine. And then, George, with your arm gently resting round my waist, and my hand in yours, you turned me round to look down at the Manakau Harbour on the other side of the isthmus, with its great tongues of sparkling water almost touching through to the waters of the Waitemata Harbour. And you waved your hand over the lovely sylvan scenery at our feet—the farms, and gardens, and greeneries, stretching around on every side below us, with the villas and cottages of Parnell peeping through the trees, and Auckland nestling away below on the water's edge—and you said, 'See, there, Isafrel, how beautiful God's world is, and how He crowns it all in sunshine.' And I thought it very beautiful, for I was looking at it through the sun-shine of your love, George, that had just come into my eyes, and I forgot to think about that great shadow that had passed.

"And many a time since then, dear George, when, in the tragedy of life, I have seen the big black shadow coming towards me, I have thought of that sweet hour I had with you on the summit of Mount Eden, and that, perhaps, the shadow would pass me by, as it did then. But it has come, George. Yet, even now, I can see the sunshine breaking through, and the edges of the cloud are fringed with silver. It is passing away, George, it is passing away; and with the mists of earth dispersing and the love-light of Heaven in my eyes, I can see away to the place where you will be beside me again, George, and we will stand together on the Mount of God, as we were that sweet summer morning on the summit of Mount Eden, and the shadows will for ever flee away, George, and the days of mourning will be ended.

"But come, George, and lay your head close to mine; my voice is growing weak, and I want to speak to you of things to come. Do not weep, dear George; let me wipe the tears from your cheeks, and while my strength is left me let me finish what I have to say. The tragedy of life is over with me, George, and you do not know, nor will you ever know till the resurrection morn, the full extent of what that tragedy has been to me.

Do you remember, George, the story in the Bible about the man that was possessed of devils, and how when the Saviour ordered them to come out of him they turned on the man and rent him so that he lay on the ground as dead. George, I had done too much to drive the demon out to be left scatheless when he saw he had to go. He turned on me and rent me, leaving me as I am now. As you love me, George, I want you to know that that demon has been my murderer, as he has been the slayer of thousands before. When I am gone, George, I want you to keep firm by the service to which you were first drawn by your love for me. Believe me, that work is but begun. Everything that money, everything that greed of gain, everything that cunning, every-thing that the device of the enemy of the human race can do to undo what has been done, will be tried. But it will be in vain. My vision, cleared of the mists of earth, sees far away, and the sunset of life gives me mystical lore. And my vision sees my own dear, native land, after many days, the wonder, the admiration, the exemplar of the world. The glory of its women will be yet the theme of song; and what they have done yesterday will uplift the women of every land, and give a stimulus for good that will make our sex the regenerators of the world.

"Do you know, George, that I think I will be of interest to the angels when I get to heaven—a woman of the women of New Zealand fresh from the field of battle. They will look at me as the first messenger of victory, fallen fighting in the breach, but conveying the first palm of victory from the women of New Zealand to lay it at the foot of the throne. Give my farewells—to the women of New Zealand. Tell them from my heart, and with my dying breath, I thank and bless them for the work they have done; and if spirits are allowed to come away from that fur-off land to minister on earth, it will enhance the happiness of heaven to me if I can come sometimes and mingle, though unseen, among my fellow workers in this noble cause, and rejoice with them in their future efforts for God, and home, and humanity."

She paused; the effort seemed to have exhausted her, and in a few minutes she had fallen off into a deep and placid sleep. George arose from beside her, and other watchers having taken his place he retired for a little rest after the exhausting labours of the previous day. Father and mother took their turns in sitting by the sleeping girl, and for several hours she enjoyed undisturbed repose.

As it neared daybreak she awoke, and seeing her father by her she laid her hand fondly on his arm, and in a



faint whisper thanked him for all his kindness and love to her. Stung by the memory of one sad incident, of which he and she alone of all in the world were conscious, he was beginning to upbraid himself.

"No, no, father," she said passionately; "it was not you that did it. You would have died before injuring a hair of my head. It was not you, it was not you; but the enemy of you, the enemy of me, that turned to rend me. No, dear father, you loved me as the apple of your eye, and now that I am going away I want to say that I loved and love you just as tenderly. I am sorry leaving you, dear father, till I had seen you safe but I hope you will soon be safe. Hut, oh ! father, I wish I could take you home with me now. Then you would be safe, and safe forever. Oh! father, try to come home to Isafrel," and in a feeble whisper, she added, "Father, dear father, come home." Just then, as from the far away, there floated up to the open window, softened and mellowed by distance, the sweet but hardly audible sound of voices singing,

Hear the sweet voice of the child,  
Which the night winds repeat as they roam;  
Oh! who could resist the most plaintive of prayers?  
Please, father, dear father, come home.

"Listen!" said Isafrel faintly, as she raised her eyes to heaven, "listen! 'Tis the angels!"  
Again the voices sounded the refrain—

Hear the sweet voice of the child,  
Which the night winds repeat as they roam;  
Oh ! who could resist the most plaintive of prayers?  
Please, father, dear father, come home.

The girl's eyes were closed; her hands lay listless by her side; the gentle heart was still; the Angel Isafrel had gone.

\* \* \* \* \*

The grey dawn was stealing through the windows of the room when George and Mrs. Chalmers came in to take their turn in watching. Everything was still. The girl was as if in slumber; the old man kneeling by the side of the bed lay with his face resting on the bedclothes, his grey hairs covering her hand. George laid his hand on her brow, then pressed his lips to hers and found that all was over. They tried to rouse Mr. Chalmers but he, too, was still. He had gone home with Isafrel.

The tidings of the death of the young girl, who had been such a conspicuous leader in the great reform, fell like a pall over the rejoicings that had everywhere broken out throughout the colony over the result of the Referendum, and touching were the many tokens of affectionate regard that were tendered for her obsequies, not only from Auckland, but from every part of the colony.

The funeral was held on the second following day, and Dr. Wilmott, at his own personal and earnest request, conducted the funeral service. Father and daughter were laid side by side in the sequestered and picturesque little cemetery that nestles on the slope of Mount Victoria, at the North Shore, and many a tear of heartfelt affection fell in tribute to the memory of "the Angel Isafrel."

decorative feature

## Chapter XI.

# NEW ZEALAND UNDER PROHIBITION.

THE popular will in relation to the exclusion of alcoholic drinks from the colony having been so unmistakably shown by the national option vote, it remained but for the Legislature and the Government to carry that determination into effect. The friends of the liquor traffic affected to treat the idea with scorn, and openly declared their intention of evading the law. The response of the popular voice was, practically, "Come on !"

An Act of Parliament was requisite, in terms of the Referendum Act, to give shape to the national vote; and as the Government as well as the Legislature recognised the necessity of placing the matter once for all on a

firm basis, the measure was framed accordingly. The provisions were not numerous. A date was fixed up to which the sale and consumption of liquor were allowed, and thereafter its possession within the coasts of the colony, or the waters or islands within the jurisdiction of New Zealand, was made penal.

It was said that smuggling would be rife, and that illicit stills would spring up all over the country. But the Act took no account of such possibilities, and contemplated neither the building of revenue cutters nor the appointment of excise officers. It simply provided that any person found in the possession of alcoholic liquor should be imprisoned with hard labour for a term not exceeding two year's, unless for a second offence; and not less than twelve months, and without option of fine. It was thought to be more humane to grapple with the matter at once, and not leave the temptation open for any person to foolishly set himself to the task of defying the popular will.

A clause had been proposed making a fine optional, but so that in order to make it equal to rich and poor the amount should not be a fixed sum, but proportioned to the offender's property, income, or earnings, the forfeiture not exceeding a fourth or less than a tenth of a man's property; with the alternative, at the option of the Court, of accepting the past average income or earnings of the prisoner for a period double the term of imprisonment to which the man had been sentenced.

It was considered, however, that this might lead to confusion and embarrassment, and it was accordingly fixed that the penalty should be simply imprisonment with hard labour, and without the option of money compensation.

Provision was made for the sale of alcohol for medicinal purposes by chemists holding license from the Customs, liable to forfeiture, with other penalties, in the event of any trifling or any attempted evasion of the law.

The simplicity of the Act—aided by a standing offer of rewards varying from £100 to £1000 for information leading to conviction for the possession of alcoholic liquor, and leviable on the property or goods of the person convicted—made unnecessary any other means for protecting the colony, smugglers or illicit distillers having no longer any places where their contraband goods could be sold, and the possession of such goods, even in the smallest quantity, involving so great risks that neither profit nor pleasure could attend the defiance of the law.

An incident occurred in the earlier part of the Prohibition era, which, by the attention it caused, not only in the colony, but throughout the empire, greatly facilitated the operations of the Act.

A Minister of the Crown of a neighbouring colony, who had some years before made a tour in New Zealand, and boasted in the press on his return to his colony that he had obtained alcoholic liquor in a Prohibition district in New Zealand then under the protection of local option—was induced to make another experiment so as to turn the laugh against New Zealand. He came over taking spirituous liquor in his luggage, and having partaken of it on his tour up the country was imprudent enough to make a boast of what he had done. As a result the drink was found in his possession, and he was arrested and committed for trial.

It was shown that the action had been done defiantly, and that he had previously boasted of having broken the law. With these aggravating circumstances he was found guilty and received the full penalty of two years' imprisonment with hard labour.

It created a profound impression throughout the colonies, and his own Government made the strongest representations to the New Zealand Government on the subject; it was urged that he was only a tourist, and that his high position as a Minister of the Crown should lead to exceptional consideration of his case. But it was replied that even as a visitor he must conform to the laws of the country in which he was for the time being, and that in New Zealand there was not one law for the rich and another for the poor, and that, therefore, the law must take its course.

Representations were even made to the Imperial Government, which were seconded by the Governments of several others of the Australian colonies, but the Secretary of State replied that the Imperial Government could not interfere with a matter so entirely within the jurisdiction of a self-governing colony like New Zealand; and the erring Minister was obliged to put in the full term of his sentence, with the exception of a few months taken off for his good conduct in the gaol.

This incident, the details of which were published in every part of the empire, had a salutary effect in showing the determination of the people of New Zealand to enforce the law; and as a matter of fact there was no smuggling attempted, and there was no private distillation by illicit stills. By this firmness of the Legislature in enacting a practical and intelligible law at once, and of the Government in recognising and enforcing the will of the people, all the fancied difficulties of carrying out the law proved mythical, and the public calmly settled down to the fact that Prohibition in New Zealand was an actuality.

And the salutary effect of this stringency was speedily apparent; for alcoholic drinks being absolutely absent, the semi-morbid condition that prompted the craving or taste for them was gradually removed, and within six months—except in the case of those who, making a visit to the neighbouring colonies, "prolonged

the agony" by the consumption of drink there—a desire or a craving for drink was practically unknown in the colony.

Coincident with this was the remarkable development in the production of wholesome and pleasant drinks of a non-alcoholic character. In the drinking period it had frequently been complained that there were no palatable drinks provided to take the place of the alcoholic beverages, and that people were driven to the latter because of the absence of any acceptable substitute. This was because of the competition of the established alcoholic beverages, which, being everywhere available and ready to hand, made it not worth the while of scientists and experimenters to discover an innocuous beverage.

Now, the field was open, and the demand for drinks from a whole population suddenly deprived of its tittle proved a powerful incentive. It was known that the one great merit of alcohol was its preservative power over the beverages in which it was contained. Through that power the juice of the grape was kept from further fermentation; and the business now was to preserve by some other means the juice of the grape, one of the wholesomest and most refreshing substances in nature, so that it might be available for general use. One means that proved particularly successful had as its basis the evaporation *in vacuo* of the expressed grape juice, so that it was reduced to a powder; and its restoration to a fluid state when required for drinking, under certain conditions, made it absolutely identical in elements, flavour, and taste with the juice as first expressed from the grape. Various other means for rendering fruit-juice of different kinds available for beverages were devised, and necessity being the mother of invention an extraordinary stimulus was given to the production of whole some beverages. Of course, there were some with habits and tastes so confirmed that it was found necessary for a time to provide them with something that would grip and rasp the throat so as to remind them of old times. For some of these old toper the demand created a supply of a decoction of tobacco and dilute sulphuric acid, which proved an excellent substitute for what they had been customarily drinking, and made them almost feel they were again in the days before Prohibition. This beverage was colloquially called "The Doctor," and was [unclear: very] palatable to those who liked it; and from the grip which it [unclear: too] on the throat it was popular for a while, till the drinkers of the found that they were getting "no forrader," and gave it up [unclear: i] despair.

But these were only subsidiary considerations by the side [unclear: c] the vast changes that occurred in the social and moral, as well [unclear: and] the physical condition of the people.

The statement made by a magistrate in Auckland, in the drink period, that nine out of ten cases that came before [unclear: him] were caused by drink, was singularly verified by the results [unclear: of] Prohibition; for crimes of violence in all its varied forms almost ceased throughout the colony. Not only so, but a large number of other classes of crime arising out of the destitution which drink had entailed on individuals and families also ceased, [unclear: and] the greater self-respect, not less than the mental vitality [unclear: and] physical vigour which sobriety gave, went far to lift men over the liability to dishonesty and immorality.

But there was a more notable change than this, and [unclear: one] more intimately bearing on domestic life. It had been always known that irritability was a reactionary effect of alcohol, and that just as the stimulated vigour of the moment had [unclear: its] complement in equal depression subsequently so the temporary geniality and *bonhomie* which drink gave had their complement in the irritability and fretfulness, and even moroseness, which supervened.

In the families, more particularly of the working classes, where the father was brought into closer contact with his house-hold, the result in this respect was very marked. There was a patience, an equability of temper, in the relations of the working man and his wife and children, that had never been known in the period when he was liable to temporary excitation of good nature under alcohol, and its corresponding crossness when the fumes of the drink had left his brain; and the pleasurable companionship which that equable temper established between a man and his children and his wife seemed to restore that parental influence which had been often noted as singularly wanting in New Zealand.

It was not merely that brutal scenes of cruelty to wives and children became absolutely unknown in the colony, but the ungentleness and cross purposes, that are at the root of so much domestic unhappiness, disappeared, and the dwelling-places of men and their families became really home. Not only had the great rival of home, the bar parlour, disappeared, but home had a happiness that made men not even wish to wander.

Again, instead of a large portion of a man's wages being left at a public house, his earnings were all brought home; and comforts for the children, unknown before, not only brought gladness to the little ones, but a sense of proud satisfaction to the father, that made him feel more of a man than ever he had felt before.

But there was another direction which this saving of earnings took. The workers having now to spare all the earnings formerly wasted on drink, were looking out for investments that were found in the multiplication of co-operative institutions of every kind, both in trade and industry, in which shares were purchasable by small instalments. At the same time the habit had grown up of employers encouraging their employees to put in their spare cash into the business of the firm, and so to acquire substantial interests, which not only brought in a

share of the profits but secured the employee from ever being thrown out of employment. It was found by employers that this not only benefited employees, but enhanced the value and the trustworthiness of their services to an extent beyond anything they had ever seen in workers before.

In this way there was not a working man in the colony but had an opportunity of rising into the position of being his own employer, while this presented such a nucleus for his family that a man was enabled to always keep his children by him.

The extent to which this co-operation between capital and labour was carried, when all the workers were sober and reliable, constituted one of the most remarkable developments in the colony, and became the admiration of all the rest of the world.

But it was not merely in its social aspects that the change that had come over the colony was notable. It was hardly less remarkable in the health of the community. It had been known, of course, to actuaries that the lives of abstainers ranked higher than those of drinkers, and such lives were taken at smaller premiums by life assurance companies. But the effect of a whole country becoming at once sober revolutionised the entire system of life assurance. It had been known that alcohol had affected the liver, the kidneys, the heart, the brain, and all the vital organs, but it was only fully recognised in New Zealand now how much those vitiated organs had contributed to the general susceptibility to disease.

Epidemics seemed to have lost their power of ravaging the community, and many diseases to which people had been subject almost disappeared, the restored vitality of the whole physical system making it defiant to attacks, and when attacked the recuperative power of the body making it throw off disease without fatal results. The vital statistics of the colony became a study that attracted the attention of scientists everywhere, until the salubrity of the New Zealand climate became to thousands of people far away, familiar to the ear as household words.

Lunacy, that scourge of the Anglo-Saxon race, the outcome of its intensity of life aggravated by the shattering effects of alcohol on the nervous system, showed a record that proved true the statement often made, that three-fourths of the lunacy of the colonies were induced or developed by drink. The annual additions to the buildings for lunatic patients which had appeared continually on the estimates in Parliament, for the first time ceased, and the institutions existing were more than adequate to the requirements; and though the existing number of inmates showed no immediate diminution, the change appeared in the remarkable decrease in the number of new committals.

The records of immorality—well known to be stimulated by the inflammatory effects of the habitual influence of alcohol on the human organism—showed a similar change; while destitution, so largely resulting from drink, with all the evils in its train, virtually disappeared from the country, except in the case of those who were actually disabled, or enfeebled by disease or old age.

In fact, it was found after only two years of Prohibition that the savings on the annual cost of the criminal department, the gaols and the police, with the hospitals and lunatic asylums, and the various charitable aid boards throughout the colony, considerably more than recouped the loss of revenue resulting from the abrupt stoppage of all the duties on alcoholic drinks.

To all these social, moral, and physical blessings must be added the stoppage of the annual drink bill, which had been for years over two millions sterling a year, an amount which, left unwanted in the hands of the people from year to year, and diverted into various channels of enterprise, was of itself almost sufficient to account for the extraordinary industrial and commercial prosperity which had dawned on the country.

But while there was not an interest in the country—social, moral, religious, commercial, or political—that did not feel the influence of the disappearance of the greatest disturber of the happiness and the peace of life, nowhere was the change felt so much as in the relations of domestic life.

Under the baleful influence of alcohol the lives of men and women had been drawn apart, "conviviality" meaning the "viviality" of the one part of the family, while the other was left too often to the lonely monotony of mere existence.

Now, home had generally become the sweetest of all places to man; and when enjoyment was to be taken abroad there was nothing either at the banqueting table, or anywhere else where men were wont to congregate, that forbade the presence of women.

The great enemy of home having now ceased to come between man and wife, and brother and sister, the true power of womanhood was felt over all the relations of life, and the women of New Zealand found themselves rewarded for their heroic efforts in expelling the demon of discord in the enjoyment of a power of influencing the character and the conduct of men, such a they had never anticipated in their brightest visions of the coming time.

The story of what they had done, and of what a condition of things had resulted in New Zealand, had gone through all the earth, and from every quarter of the civilized world these little islands in the far southern sea became invested with a halo of interest to the women and the families who were still groaning under the

bondage and the misery of the demon of drink.

Parents, whose sons or other relatives showed a tendency to go to ruin, fled with them to New Zealand, as to a city of refuge; and some very touching tales came to light from time to time of those who, flying from danger, expressed their feelings on touching the shores of the colony as if they had entered with their children within the gates of heaven.

There was one case of a lady in Plymouth, in England, whose husband had fallen from honor to disgrace, and from love and devotion to neglect and even cruelty. She had read the story of New Zealand's emancipation and regeneration, and connected as every account had made this, with the name and labours of the young girl who had laboured and died in the cause, she had conceived intense devotion to the memory of "the Angel Isafrel."

With great difficulty she had got her husband conveyed on board a New Zealand bound vessel, and with her little children she had left for the "land of the leal."

She had not landed an hour in Auckland, when, with her two little girls, she passed over to the North Shore and sought out the grave of Isafrel, where, falling on her knees, she bent down and reverently kissed the grave, and with tears streaming down her cheeks, she raised her face to heaven, and with her two little girls kneeling beside her, thanked God that she was herself now a "woman of New Zealand," and that she had reached a land where her husband and her little ones would be free for ever from the destroyer of their happiness.

Incidents of this kind were of frequent occurrence, and were among the most touching illustrations of the results of the [unclear: rescr] of the colony from the thralldom of drink.

Isafrel had told the women, in one of her inspired address to them, that the time would come when "the glory of the women of New Zealand would be in every land." That time had come and the women were not forgetful of what they owed to the young girl who, as their Joan of Arc, had led them on to victory although she had fallen herself on the field.

Immediately after the triumph of the cause, a movement had been set on foot to erect a memorial worthy of the services which she had rendered to the cause of "God, and Home, and Humanity: and, in recognition of the blessings she had been one of the principal agents in bringing to the people of the country, a subscription amounting to over ten thousand pounds had been raised in a few months, and a beautiful statue of Carrara marble from the hands of an eminent Italian sculptor had arrived in the colony.

The second anniversary of the taking of the national option vote on Referendum Day was fixed as the date for unveiling the statue, and as all feelings of controversy as to the benefits the incident had brought to the community had died out, the quiet and sequestered little cemetery at the foot of Mount Victoria was the scene of the assemblage of one of the largest body of people, and of the most touching ceremonial that had ever been known in the colony.

The statue, which was of pure white marble, represented Isafrel as she appeared when addressing the National Convention of Women at the City Hall, and as in face and figure, and drapery, even to the little rose which she held in her hand, the statue was a speaking likeness, and a perfect representation of the young girl as she had appeared on that interesting and momentous occasion, the feelings of the women, thousands of whom had come from all parts of the colony to witness the ceremony, were deeply moved.

The tablets on the sides of the basement gave the dates of birth and death, and some appropriate texts from Scripture. But the tablet on the front conveyed a volume of history in its few words; for it bore the simple legend—

"THE ANGEL ISAFREL."

decorative feature

The British Navy Its Duties and its Strength.

A Lecture

Delivered at the Inaugural Meeting of the Navy League  
(AUCKLAND, NEW ZEALAND BRANCH).

By W. J. Napier,

BARRISTER-AT-LAW.

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## Mr. W. J. Napier.

Hanna.

# The Navy League

(AUCKLAND NEW ZEALAND BRANCH).

## Inaugural Meeting.

THE Auckland Branch of the Navy League was inaugurated on the evening of Friday, 21st February, 1896, by a Lecture in the Hall of the Young Men's Christian Association, at Auckland, by Mr. W. J. Napier, Barrister, of Auckland, on "THE BRITISH NAVY : ITS DUTIES AND ITS STRENGTH."

There was an overflowing audience of ladies and gentlemen. The platform was occupied by members of the Executive Committee of the League, including the Mayor of Auckland (J. J. Holland, Esq.), Judge Von Sturmer, J. Savage, Esq., G. S. Budge, Esq., Thos. Henderson, Esq., J. M. Brigham, Esq. The President of the Branch, Malcolm Niccol, Esq. (Chairman of the Auckland Harbour Board and Mayor of Devonport), occupied the Chair.

A musical programme of a patriotic and national character was given at intervals during the lecture, and limelight views of naval incidents were also exhibited. A number of interesting relics of the Napoleonic wars were exhibited by Mr. Edwin Harrow, of Takapuna.

The audience was most enthusiastic throughout the whole of the proceedings.

## The British Navy.

### Its Duties and Its Strength?.

MR. NAPIER, who on rising was received with applause, said:—

Mr. Chairman, Ladies and Gentlemen,—The inauguration in this city of a branch of the Navy League of Great Britain should be regarded as an event of the highest importance to the Colony.

This League may now be said practically to have limits co-terminous with those of the Empire, its branches being found in almost every country where the Union Jack waves as an emblem of sovereignty. The League is thus practically a confederation of British subjects for an Imperial purpose, and may be the humble beginning of greater schemes or systems of Imperial Federation, which will gradually be evolved by the necessities of the Empire and of the people who submit to its rule.

As one of the objects of the League is "To spread information showing the vital importance to the British Empire of the Naval Supremacy upon which depend its trade empire and national existence," it is fitting that the first public meeting of our Branch should be devoted to a consideration of facts which will tend to bring vividly to our minds the meaning and significance of the phrase "the British Navy," the great functions it exercises and the duties it performs in peace, and what it should be prepared for and be in a position to accomplish in time of war. We shall then be capable of estimating the unwisdom, if not the almost criminal folly, of those whose parsimony would, while nominally preserving an equality with certain foreign powers, reduce our navy to a condition not of predominance on the seas, but of impotence.

It might be asked by censorious critics in Great Britain why colonists should concern themselves so greatly about the British Navy, which is (excepting a small contribution for the expenses of the ships of the local station by Australasia) exclusively maintained by the taxpayers of the United Kingdom, and the adage of "fools rushing in where [unclear: angry] fear to tread," might be cynically quoted for our [unclear: benefit] Little Englanders at Home; but apart from the fact that every true colonist takes a warm interest in the concerns of [unclear: ti] Empire for sentimental reasons, and perhaps also from [unclear: motif] of self-interest, there is the force of verity in the words Froude, that "If the British Empire is still to have a [unclear: prolong] career before it, the men who make empires are the men [unclear: w] can hold them together." To hold the Empire together the future, whatever the political system may be which performs the functions of Government over it as a [unclear: who] there will be required a navy which in numbers, equipment and fighting force should be stronger than any probable combination which might be brought against us. There is, know, felt by many, and justly so, a proud reliance [unclear: on] skill and bravery of British officers and seamen, and it is [unclear: oft] airily said that a British sailor is worth three foreigners. [unclear: The] sentiment may gratify our national

vanity, and may and [unclear: dc] contain a proportion of truth, but under the conditions modern naval warfare, whatever might have been [unclear: permissi] in past times, we cannot place so large a value on [unclear: me] personal valour, though that element will always count. [unclear: In] this connection I might perhaps not inappropriately [unclear: quote] incident from history, connected with the British Navy in [unclear: t] days of its infancy, and illustrating in a remarkable [unclear: man] the coolness, intrepidity, and dauntless courage of English naval commanders. This incident is one of those episodes the national life which shine like beacon lights adown [unclear: t] centuries, and which inspire succeeding generations of English men to emulate the glorious deeds of heroes now no [unclear: mo]. It is further calculated at this present day, when [unclear: was] alarms are in our daily atmosphere, to impart to us a confident that in the day of peril our navy will acquit itself in a [unclear: man] befitting its traditions. In Sir Edward Creasy's "Fifteen Decisive Battles of the World," there is narrated the [unclear: incid] to which I allude.

"On the afternoon of the nineteenth July, 1588, a group English Captains was collected at the Bowling Green [unclear: on] Hoe at Plymouth, whose equals have never before or [unclear: si] been brought together. There was Sir Francis Drake, [unclear: the] first English circumnavigator of the globe, the terror of [unclear: ev] Spanish coast in the Old World and the New; there [unclear: was] John Hawkins, the rough veteran of many a daring voyage the African and American seas, and of many a [unclear: despe] battle; there was Sir Martin Frobisher, one of the [unclear: earli] explorers of the Arctic seas in search of that North [unclear: west] Passage which is still the darling object of England's [unclear: bold] mariners; there was the High Admiral of England, [unclear: li] Howard of Effingham, who kept the ships afloat at his [unclear: or] cost, in defiance of his Sovereign's orders to dismantle [unclear: the] and there, too, was Sir Walter Raleigh, of immortal memory. In the harbour lay the English fleet, with which they had just returned from a cruise to Corunna in search of information respecting the movements of the Spanish Armada, A match at bowls was being played, in which Drake and other high officers of the fleet were engaged, when a small armed vessel was seen running before the wind in to Plymouth Harbour, with all sails set. Her commander landed in haste, and eagerly sought the place where the English Lord Admiral and his Captains were standing. The stranger told the English officers that he had that morning seen the Spanish Armada off the Cornish coast. At this exciting information the Captains began to hurry down to the water, and there was a shouting for the ships' boats; but Drake coolly checked his comrades, and insisted that the match should be played out. He said that there was plenty of time both to win the game of bowls and beat the Spaniards also." (Cheers.)

The calm consciousness of Drake as to the preparedness of his tiny fleet, and his confidence as to the result of its impending encounter with a foe boastfully christened "The Invincible Armada," should preserve us from the timidity and faintheartedness of the croaker and the pessimist, and though we intend to work according to our powers and influence, however limited, to increase the efficiency and strength of the Navy, yet we ought not to doubt that the spirit exhibited by Drake animates to-day the breasts of a legion of England's naval officers afloat and ashore, and would probably if the occasion arose achieve as glorious feats as those which have shed a lustre around the names of the Elizabethan heroes. (Applause.)

In order to rightly estimate the capacity of a machine we must first know the nature and the amount of the work it is expected and destined to perform, and likewise, in order to correctly judge as to the adequacy or inadequacy of the Imperial Navy, it is essential that we should consider what are its duties in time of peace and war respectively. I propose, therefore, to consider first what is to-day the special work of the British Navy, and thereafter to examine its fitness and capacity to perform that work. The British Empire is a sea-divided congeries of states—an Empire, as it has been beautifully said. "whose morning drum-beat, following the sun, and keeping company with the hours, encircles the globe with an unbroken chain of martial airs." The seat of Imperial power, the centre of Imperial administration being on an island, the first prime necessity of the Empire is ships. Commerce has built up the Empire, by commerce it lives and thrives, and for commerce a mercantile marine is indispensable. As Seely says in his "Expansion of England": "That ancient preconception which leads us always to think of ourselves as belonging to a single island should be rooted out of our minds." Commerce, then, being the life-blood of the Empire, it is essential for the protection of our commerce that the sea roads should be safe for the great argosies of trade. To afford this protection is the first duty of the navy. It must police the seas. The magnitude of this task can be discerned by a cursory glance at the extent of the Empire and its volume of trade at the present time. The area of the British Empire is 11,334,701 square miles, while the area of the United Kingdom alone is only 120,979 square miles. Thus, over 11,000,000 square miles of territory belonging to the Empire is over-sea. The vessels sailing under the British flag engaged in [unclear: commerce] number 36,078, of 13,192,566 tons, and with crews numbering 241,000 men. The tonnage of all the merchant ships of the other countries of the world is only 11,005,279 tons. The population of the Empire is 380,938,000, while the populatioin of the United Kingdom itself is only 38,104,000. Thus over 342,000,000 British subjects are beyond the seas. The Empire imports every year goods of the value of £640,000,000, and exports goods of the value of £471,000,000. The annua revenue of the Empire is £190,000,000.

One striking fact of the manufacturing enterprise of Great Britain will, perhaps, impress us with a sense of the rapidity of the expansion of British trade in the present century. A hundred years ago the value of the cotton and piece goods produced in the United Kingdom every year was, £22,000,000 *now* it is, £170,000,000.

In order to feed the population of the Mother Country, she requires, in addition to the productions of her own soil, to import every year from abroad 178,000,000 cwts. of cereals and flour, 244,000,000 lbs. of tea, 55,000,000 cwts. of dead [unclear: meal] and other foods, 500,000 live sheep, 475,000 live cattle, and 12,000,000 eggs, and equally stupendous quantities of goods to clothe her people and for other necessities are required. [unclear: Of] her food supply 25,000,000 cwts. of wheat and 16,000,000 cwts. of flour are sent to her from the United States, and 7,000,000 cwts. of wheat from Canada and Australasia. These few figures will, I think, enable us to grasp some idea of what the Imperial commerce is, and the paramount importance [unclear: of] safeguarding it by an adequate navy. No wonder that the Press of England is urging the Government to make greater and greater exertions to secure that the navy shall be supreme. The *Times* of November 15th last said : "The provision to be made in the Navy Estimates for the defensive requirements of the Empire is a question that transcends and governs [unclear: all] others. It is the root of our foreign policy. It is the only secure basis of domestic tranquility and security. . . . Supported by a navy adequate to the defensive requirements of the British Empire, the foreign policy of this country must always make for peace, and need never despair of maintaining it. Without such support the position of a British minister in the face of world-wide antagonisms, and of rival ambitions ever growing more restless and aggressive, must be of all public positions on earth the most intolerable to a patriotic statesman." (Applause.)

Now, the Navy will in time of war have four important duties to perform. First, to protect the gigantic commerce I have just described; second, to blockade the hostile squadrons in their own ports; third, to place a reserve squadron near England; and fourth, to protect our coaling stations.

I now proceed to describe as succinctly as I can the constitution and strength of the Navy from the latest official sources, and to consider whether or not it is sufficiently strong and sufficiently prepared to undertake the above mentioned principal and other ancillary duties which would be cast upon it in the event of England being involved in hostilities.

The Navy is a permanent establishment governed by statutes. Its administration is vested in a Commission by the Act 2 William and Mary c. 2. This Commission is the Board of Admiralty. This Board consists of the First Lord of the Admiralty, who is always a member of the Cabinet, and five other Commissioners. The duties of the several members of the Board are divided. The First Lord has the direction of all naval business, appointments, promotions, and kindred matters, and advises the Cabinet upon questions of maritime defence, naval policy, organisation, and other matters. The Second Lord is responsible for the manning of the fleet, and other things relating to the personnel. The Third Lord deals with *material*, dock-yards, and building. The Junior Lord deals with victualling, coaling, pay, and like matters. The Civil Lord is responsible for the Works Department.

The number of ships at present at the disposal of the Admiralty is as follows :—Battle ships (all classes), 44; port defence vessels, 17; first-class cruisers, 41; all other cruisers, 251; torpedo craft, 136; total number of ships of all classes and types, 489. The number of vessels on the various stations actually in commission, however, is much smaller, totalling only 160 of all types. They are at present distributed as follows:—Mediterranean, 31; Channel, 19; North America and East Indies, 12; South-east Coast of America, 4; Pacific, 7; Africa, 18; India, 9; China, 26; Australasia, 12; training squadron, 4; particular service, II; surveying, 7; total, 160.

The total number of officers, seamen, boys, coastguard, and Royal marines provided for by last year's estimates is 83,400, an increase of 6,700 on the year 1894. In addition to this number there is the Pensioners' Reserve, in which all men whose age does not exceed 55 years are liable to be called out. This reserve at present numbers 28,674, which, added to the above total of 83,400, gives a grand total of available men and boys of 112,074. The composition of the force is follows:—

The total cost for the past year of this large [unclear: force] £17,366,100, an increase of £3,126,000 over the expenditure of 1894. This increase is due principally to extra ship [unclear: bui] ing and armaments. The increase in the expenditure [unclear: does] however, imply that the nation has been [unclear: strengthening] forces by what, £3,000,000 represents, as for several [unclear: years] to 1894 the estimates had been decreasing, so that the [unclear: increase] last year only made up for leeway. This sum [unclear: of] £17,000,000 was expended under the following heads [unclear: (I) round numbers] :—Wages, £3,900,000; victualling and clothing £1,400,000; medical, £144,000; law, £10,000; education £79,000; scientific, £61,000; Royal Navy Reserve, £205,000 shipbuilding and repairs, £7,000,000: naval [unclear: armamen] £1,380,000; works and buildings, £650,000 : office expense £231,000; miscellaneous, £173,000; half and retired [unclear: pay] £757,000; pensions, £1,303,000; additional force for [unclear: At] tralasia, £60,000.

It is gratifying to notice that since 1890 the [unclear: number] officers and men has been increased by



14,600.

With regard to building operations, to which more [unclear: an] more attention is now being directed, thanks in no [unclear: sligi] measure to the exertions of the Navy League and its [unclear: repn] sentatives and spokesmen in Parliament and the Press, [unclear: o] of the sum of £12,850,000 authorised to be spent in [unclear: ship] building by the Naval Defence Acts, 1889-93, there has been spent £12,220,000, leaving only £630,000 still [unclear: unexpendture] During the past seven years an annual charge for contract expenditure on the naval defence ships has been made on the consolidated revenue. This charge terminates on March 31st next, when fresh provision will have to be made. In addition to the sum spent for building which I have just mentioned, there has been expended during the past year for building ships not covered by the Naval Defence Act a sum of £4,669,000. The building programme for the past financial year was to commence 7 battle ships, 6 cruisers of the second class, and 2 sloops. Considerable progress has been made with all these. The new battle ships have been christened "The Prince George," "Caesar," "Victorious," "Illustrious," "Hannibal," "Mars," and "Jupiter." The cruisers are to have a speed under forced draught of 19.5 knots an hour. Two first-class cruisers have been completed during the year, "The Terrible" and "The Powerful," which will have a continuous sea speed of 20 knots an hour, and a forced draught speed of 24 knots an hour. In addition to these, 42 new torpedo boat destroyers have been completed, which will travel from 26 to 29 knots an hour. A special training ship, "The Northampton," has recently been commissioned to visit the various ports of the United Kingdom and recruit lads of higher age than those who enter through the ordinary training establishments, and this plan has been found to work most successfully in increasing the number of lads in training for future seamen. The number of boys entered last year for the fleet was 3,700. In order to increase the number of well-qualified seamen, it is proposed to draft for the future 800 sailors annually from the mercantile marine into the fleet. Since the 1st of January last a new regulation has come into force, which will still further add to the effective strength in men. This regulation requires men to serve twelve years from the time of obtaining the rate of ordinary seamen before being entitled to their discharge, instead of ten years as hitherto. The effect of this will be to give a large increase in the number of available prime seamen.

Such, then, is a summarized account of the Navy's strength to-day. Having now ascertained the important and onerous duties which devolve upon the Navy, and seen its present strength, let us consider whether it can be prudently regarded as sufficiently strong to perform its great work, to police the world's seas, convoy our ocean commerce, and protect and render invulnerable the heart and extremities of the empire. We cannot disguise from ourselves the fact that at present England stands in the world absolutely without allies. Her interests being so world-wide, touch and come into contact, and frequently into conflict with, those of nearly every other power. Hence she is regarded with jealousy and distrust. Her wealth and powers of expansion excite the envy and cupidity of other nations.

The uprise in a hundred years of such an Empire as the world has never before seen has changed the thoughts diplomats, fashioned new theories, and shaped new dreams of national greatness. With regard to this new born Empire, of which every subject of the Queen is so proud, it has fallen [unclear: to] the lot of this our generation largely to decide whether it [unclear: is] exist to the remotest posterity, or to pass away early [unclear: and] remembered in history as the ephemeral phenomenon [unclear: of] feverish age. The *Times* newspaper recently said : "The next century will probably determine the fate of the Empire, and [unclear: than] fate will largely depend on the sagacity, forethought, and resolve which the statesmen and people of this country bring during the next few years to the consideration of the things which belong to their peace. If we are resolved now and hereafter to [unclear: secure] and maintain, at all hazards, the command of the sea, the Empire is as safe from disruption and overthrow as human forethought can make it. If we falter in that resolve, if [unclear: we] shrink from the burdens it imposes and the sacrifices it may entail, the British Empire will inevitably fall to pieces."

Now, all thinking men admit that it is not sufficient [unclear: for] England to possess a navy capable of crushing the navy of any other single power. These are pre-eminently the [unclear: days] alliances and big confederations. It is imperative that we [unclear: should] regard the possibility of two or more foreign powers [unclear: forming] offensive alliance against Great Britain. Such being the [unclear: case] the solution of the question lies in a nutshell. Our [unclear: navy] should be not only as strong, but stronger, than any two navies of the world in battle ships, and should largely [unclear: out] on number in first-class and second-class cruisers any [unclear: possible] combination which might be formed against us. (Cheers.)

As I have indicated before, naval warfare in the future will be largely a question of arithmetic. Heroism and skill [unclear: and] great factors, and will continue to be so, but they will [unclear: have] minimum of potency against walls of iron and 100 ton [unclear: gun]. Now, the total number of men and boys, including reserve available is, as I have stated, 112,000. But in the last great naval war England maintained a naval force of 145,000 [unclear: ma] and this, too, when the population of the United Kingdom [unclear: an] Colonies was not half what it is at present, and when what might call the commercial duties of the fleet were insignificant

compared to what those duties are now. And at this hour the French Naval Force provided for by the French estimated before the Chamber of Deputies is 157,000 men, most of whom are presumably available.

Now let us compare the British fleet with the [unclear: fleets] other powers. I will take for comparison France, Russia, Italy and Germany as being the strongest powers, and those [unclear: with] which war may be possible. The following table will show the relative strength of the respective fleets of those countries as compared with those of the British Empire :—

It will be seen from these figures that France and Russia combined have 51 bat tie-ships, against England's 44; but they have only 31 first-class cruisers, against England's 41. In the inferior classes of cruisers they again have a superiority in numbers to England, possessing combined 245, against England's 251; and they have also a superiority in torpedo craft, having 305, against England's 136. It is true that some of England's battle-ships out-class those of France and Russia, but it is not a comforting thought that we have 7 fewer fighting ships of the first rank than what a Franco-Russian coalition could put forward on an outbreak of war. Moreover, it has been calculated that in order to commission all our available ships for war, at least 40,000 additional seamen would be required, and a reserve would necessarily have to be formed, which competent authorities state should not be less than 20,000; so that 60,000 more seamen are really required to place our present navy on a war footing. In order to supply these there would be available the pensioners, coastguards, marines, and Royal Naval Reserve, from which a muster could be made of 50,000, leaving a deficiency to be provided of 10,000 men. According to Lord Charles Beresford, a naval officer of high distinction, it is necessary for England's safety that the British fleet should be one-third stronger than the combined fleets of France and Russia. For this purpose a sum of £18,070,000 must be spent over and above the present estimates voted by Parliament, Lord George Hamilton, speaking in the House of Commons, said :—"I think I am correct in saying that our establishment should be on such a scale that it should be at least equal to the naval strength of any two other countries. For the purpose of meeting unexpected blows we should have a considerable margin of reserve."

The present Governor of Victoria, Lord Brassey, has stated: "Our standard of strength in battle-ships should be twice that of France." Sir Charles Dilke, than whom no man has given greater attention to Imperial questions, recently uttered these words: "What we have to do is to make our navy so strong that we shall be able to keep the seas [unclear: open] against any probable enemy. . . . The whole war may be settled in a few months, and victory will probably be on the side of the Power that is prepared to strike the hardest [unclear: blow] within the first few hours after the outbreak of hostilities."

Admiral Sir John Hay says : We ought to have for every possible ship that any possible enemy can have, another [unclear: ship] or another two ships to take possession of that ship and [unclear: be] responsible for her." Admiral Colomb adjures us in [unclear: emphati] language : "Keep the command of the sea as you [unclear: value] national life. With it you can do everything. Without [unclear: it] you will be speedily blotted out of the list of nations."

This concurrence of authoritative testimony as to [unclear: ot] unpreparedness to meet hostile combinations should [unclear: impress] us deeply. The imagination palls before the vision of what would happen to this Empire in the event of a decisive reverse at sea. If the English fleet was crippled in a great navy battle, it is not alone the geographical changes which [unclear: would] ensue that we should have to deplore, but the vast population of the Empire would be face to face with starvation. [unclear: Our] trade and commerce would be annihilated, our industries [unclear: would] perish, and suffering and famine would stalk through the land.

Just listen for a moment to what two French naval officer recently wrote in a work called an "Essai de Strategic. They say: "There are no laws of war but those of the strongest: generosity is only cowardice, feebleness, or folly. They add that France will (1) Raid the Bristol Channel, the Channel, and the Thames with fast cruisers; (2) destroy English shipping in the Mediterranean; (3) plunder, [unclear: bur] and sink English shipping on the distant seas; (4) [unclear: bombas] at night defenceless towns, such as Brighton or [unclear: Hastings] and kill or maim hundreds of helpless women, [unclear: children], invalids. Another French writer, in a brochure called [unclear: "Ph] d'Angleterre," describes the defeat of England by France, [unclear: and] gives the terms of our disgrace:—(1) Every English [unclear: warship] afloat or on the stocks to be surrendered to France; (2) [unclear: and] more than fifty warships to be maintained by us in the future (3) our army not to exceed 50,000 men; (4) an [unclear: indemnity] 560,000,000 to be paid to France; (5) Dover to be [unclear: surrender] to France in perpetuity; (6) the Channel Islands, [unclear: Gibral] Malta, Cyprus, Sierra Leone, the Gold Coast, the [unclear: Cape] Mauritius, the Seychelles, Amirantes and Chagos, [unclear: Ada] Perim, Socotra, Ceylon, Hong Kong, New Guinea, New Zealand, Tasmania, Fiji, Vancouver, British Guiana, the British West Indies, Quebec, and Newfoundland, to be [unclear: ced] to France; (7) Egypt to be evacuated; (8) the [unclear: Egypti] antiquities and Elgin marbles in the British Museum [unclear: to] given up to France. (Great laughter and ironical cheers.)

Much as we may regret the fact, the above [unclear: quotations] not the idle vapourings of venomous featherheads in [unclear: Paris] but the ideas they represent are held by large numbers of Frenchmen to whom

England is "Perfidious Albion." Whatever diplomacy may do to soften French animosity, and it has within the past few weeks even done much, it is evident that until the day when England, France, and Russia shall see their way to join hands in an alliance to secure their common interests and the world's peace, the people of the British Empire should strain every nerve and endure any sacrifices in order to place the Navy in a position of unquestioned supremacy over the combined French and Russian fleets. (Loud applause.)

According to competent authorities, we should possess 200 effective cruisers, capable of steaming 16 knots, in order to protect our commerce and patrol the Channel. But at present we have barely half that number. Our ironclad battle-ship force also is seriously inadequate, as we have only 47, whereas we should possess 60. The armament of many of our ships is very defective according to modern requirements. Out of the total number of English ironclads of all types, no less than 46 have no large quick-firing guns. Seven of our best battleships are without them, while the French and Russians are placing them on board all their serviceable ships. Again, on board 33 of our ironclads the heavy guns are muzzle-loaders, quite out of date, "clumsy to handle, awkward to load, slow in their fire, feeble in their power." Every single French and Russian ship is armed with breech-loaders. As to the machinery of the fleet, an eminent authority recently said "the greater number of our ships have worn-out boilers and antiquated engines." Not to weary you with excessive detail but too calculated to dispirit us, it is safe to affirm that no one who has the welfare of the nation at heart can regard the present condition of the Navy as satisfactory. The Naval authorities, like all functionaries and governing bodies, are apt to become easy-going and lethargic if not occasionally galvanised into increased activity by the healthy breezes of public opinion.

As to the personnel of the Navy, its physique, discipline, and spirit, I believe there is nothing further to be desired. The men of to-day are fully equal to their predecessors. (Hear, hear.) In the beginning of this lecture I related an incident which happened three centuries ago to show what spirit and cool bravery the founders of our Navy possessed. Let me now at the close of my remarks, in order to prove that the same spirit and indomitable pluck are alive to-day in the breasts of our naval officers, tell you of an incident which happened, I might say, but yesterday and almost at our own doors. I allude to the escape of the "Calliope" from the hurricane at Samoa in 1889. (Applause.) I will tell it you in the exquisite English of one whom I had the good fortune and happiness to rank among my personal friends, but who has been lately snatched away from the world in the spring-time of life and the heyday of his fame. I allude to the gifted writer, Robert Louis Stevenson. In his work "A Footnote to History," Stevenson, after describing the storm with graphic [unclear: fore] and inimitable picturesqueness, refers to the escape of the "Calliope" in the following words:—

"Between the 'Vandalia' and the reef it was destruction. The one possibility of escape was to go out. If the engine should stand, if they should have power to drive the ship against wind and sea, if she should answer the helm, if the wheel, rudder and gear should hold out, and if they were favoured with a clear blink of weather in which to see and avoid the outer reef—there and there only were safety. Upon this catalogue of 'ifs' Kane staked his all. He signalled the engineer for every pound of steam—and at that moment much of the machinery was already red-hot. The ship went sheered well to starboard of the 'Vandalia,' the last remaining cable slipped. For a time—and there was no onlooker so cold-blooded as to offer a guess at its duration—the 'Calliope' lay stationary, then gradually drew ahead. The highest speed claimed for her that day is of one sea mile an hour, but according to Admiral Kimberly the 'Calliope' in this first stage of her escape must have taken more than two hours [unclear: I] cover less than four cables. As she thus crept seaward, should buried bow and stern alternately under the billows. In the fairway of the entrance the American flagship 'Trenton' still held on. Her rudder was broken, her wheel carried away within she was flooded with water from the peccant [unclear: haws] pipes; she had just made the signal 'fires extinguished,' and lay helpless, awaiting the inevitable end. Between this melancholy hulk and the external reef Kane must find a path. Steering within fifty yards of the reef (for which she was actually headed), and her foreyard passing on the other hand over the 'Trenton's' quarter as she rolled, the 'Calliope' sheered between the rival dangers, came to the wind triumphantly, and was once more pointed for the sea and safety. No often in naval history was there a moment of more sickening peril, and it was dignified by one of those incidents that reconcile the chronicler with his otherwise abhorrent task. From the doomed flagship the Americans hailed the success of the English with a cheer. It was led by the old Admiral in person, rang out over the storm with holiday vigour, and was answered by the Calliopes with an emotion easily conceived. This ship of their kinsfolk was almost the last external object seen from the 'Calliope' for hours; immediately after the mists closed about her till the morrow. She was safe at [unclear: so] again *una de multis*." (Great applause.)

And now, ladies and gentlemen, I think I have said enough to justify the existence of the Navy League, to justify the people of the Empire in taking upon themselves to insist [unclear: that] their servants in high places shall take such measures as will ensure the integrity and safety of their great heritage. Let Britain command the sea, and she will live; let her lose that command, and she will perish miserably. Euripides tells us that "the sea washes off all the woes of men." If, therefore, we would preserve for our people the freedom and happiness

which they now enjoy, if we would ward off from our fellow-countrymen woes and affliction and suffering well-nigh inconceivable, let us preserve for our Empire the sea which was its cradle, and to which it owes its continued existence. How can this be done ? By the Fleet. Upon the Fleet depends our honour, our liberty, our prosperity, our homes, our daily sustenance; to the Fleet we look to save from dismemberment this mighty fabric of Empire, whose mission it is to uplift humanity and to spread broadcast the blessings of freedom and civilisation. Falter not, therefore, in your efforts to sustain and to strengthen that fleet, and let no false parsimony paralyse its arm in the day of peril. Peace—*pax Britannica*—is essential for the Empire's development, and such a peace can only be assured by a strong Navy always prepared for war. The British Fleet is the nation's shield, and under Divine Providence holds in its hands the nation's destiny. As the late Poet Laureate has beautifully said :—

*"The Fleet of England is her All-in-All;  
Her Fleet is in your hands,  
And in her Fleet her Fate."*

MR. NAPIER resumed his seat amidst loud and prolonged applause.

His Worship the Mayor of Auckland (J. J. HOLLAND, ESQ.) moved : "That a hearty vote of thanks be accorded to MR. NAPIER for his very able and instructive lecture."

This was seconded by JUDGE VON STURMER, and on being put to the meeting was carried unanimously amidst cheers.

A vote of thanks to the Chairman and the musicians having been passed, the vast audience rose to its feet and sang the National Anthem. This closed the proceedings.

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1896.

State Fire Insurance.

Portion of Address

To the Wellington Chamber of Commerce

By the President, Mr. R. M. Simpson.

Friday, 17th July, 1896.

decorative feature

Printed at Evening Post Office, Willis Street.

## State Fire Insurance

decorative feature

The circumstance that the present Government is bringing in a bill to establish Fire Insurance deserves more than passing notice, dealing as it does with a large and important commercial interest. I think I may safely say that such legislation is opposed to the weight of opinion of the members of this Chamber.

State Insurance is apparently advocated on the assumption that the business as at present conducted has been found wanting in essential particulars which can be obtained by Government control.

It is asserted that the profit to shareholders of these Companies is too great, and instances are put forward to support this view, shewing that at certain times and under certain circumstances insurance companies have made large profits. I am not prepared to dispute the figures in the least, but will affirm that they are unanswerable proof of the unsoundness of the deductions attempted to be made. To be of any value they ought to show a normal or average condition of business, whereas it is quite evident that they are exceptional, and that it requires the average fortunate and exceptionally unfortunate to fill the complement of the whole. If the instances given were a fair average there would be no occasion to go to Coolgardie or Transvaal to make a fortune. Here is an opportunity at hand quite neglected. No person moves. Why ? The answer is simple. The deductions are false and unreliable. With some trouble a small list of the abnormal successes has been obtained. The list of companies which have come to ruin is ten times as long, but no mention is made of these.

The publication of successful operations has from time to time prompted the formation of companies, but the majority of these undertakings have not survived for any lengthy period. This way to fortune is invitingly open, but there is little inducement to venture, especially if there is any previous experience of the difficulties. Dissatisfied people, however, still look round and round the subject with the impression that it ought to be exploited, but without the necessary confidence to go in themselves. The happy thought has occurred to use some other means. Who so proper as the Government ? Advocates of State Insurance start with the bait that the

rates must be lower and thus offer an inducement to all assured to support it. If [unclear: he] does not succeed only the Government will pay and it will [unclear: now] much matter. The benefit will be reaped by the insured at the expense of the people as a whole.

The tendency of the times is to look to the Government [unclear: has] remedy every supposed grievance and to ask on the slendered pretence for protection and assistance. Although this insurance matter is not likely to be a commercial success, it is confidently held out as a proper thing for a Government venture.

It is argued that because the Government Life Office is successful that a Government Fire Office must succeed also.

In every essential respect fire insurance is different from [unclear: life]. There are no tabulated experiences, fixed rules, or known quantity in the former as in the latter. There is a material difference [unclear: all] as to the ownership and interest in the funds of the office. [unclear: In] life companies such as are operating here each policy holder has a direct interest in the fund, and in a proportion which can I determined. Any surplus comes to him periodically.

The success of the New Zealand Government Life Department is not owing to its having gone out of the ordinary trade but has been obtained only in so far as it has carefully studied and followed those sound rules which were recognised and established long before its formation. It is quite true there before it emerged into the cold world of business, its political sponsors made promises that it would do business in certain [unclear: new] and desirable lines, having principally in view the cheapening the cost of conducting the business to a large extent. It is need less to say that none of those exceptional proceedings well successfully carried out. It was early seen that it must necessity conform to the ordinary rules which guide other kindred institutions. It is successful because it is in capable hands, that of men who are acquainted with and follow the [unclear: be] precedents of the business. Yet it would be difficult to [unclear: process] that any one assured person as such in the Colony has receive greater benefit from its establishment than they would have received from other mutual companies. Even in the matter investments of funds, it is only on lines in common with other [unclear: level] offices doing business here.

The insured in a Government Fire Department will not [unclear: be] the necessity of making provision for the contingency of conflagration, the exact extent of which cannot be demonstration. It will be sufficient for him that the Government is good for face value of his policy. Following the lead of the propone of the scheme he will refuse to acknowledge the existence of danger which cannot be defined and will never consent to premiums being made sufficient to provide large surplus [unclear: a] normal requirements for the purpose of establishing (in course of time) a fund to meet the conflagration hazard. No ordinary premiums would suffice, and no extraordinary premium would do it within a generation.

The chief of the department (if he knows anything of the business and its history) will be in constant dread of a catastrophe for which no provision can be made. He will be completely on the horns of a dilemma. His common sense will induce him to ask a large premium to try and meet contingencies which he will know *must* arise sooner or later. The whole weight of influence outside will be strained to compel him to accept the immediate experience if favourable as a basis for rating, as witness the expression of opinion by the Public Trustee founded on a very limited experience. This I will refer to again. If the experience at the time happened to be unfavourable, the assured may be sufficiently alive to urge that it all be viewed in that light.

Another charge made against the present system is that the expense of management entails too great a load upon the premium income, and that this is evidenced by the number and remuneration of the appointments made. Companies in obtaining the best talent available, and in adopting methods calculated to reduce the ratio of loss not only obtain an immediate benefit themselves, but tend to promote a higher standard of business and a reduction of waste by fire. By vying one with the other in obtaining the best results they ultimately bring the price of indemnity down to the lowest adequate rate.

As a Government Department, there would be none of this healthy rivalry. There would be no standard of excellence and no special interest in keeping the loss ratio down. It would simply be the means of collecting from the many to repair the disasters of the few—the needy and the unfortunate. These would readily adapt themselves to the altered conditions, and time and experience would develop the facilities in this direction to an extent which only those in the business can fully appreciate.

Public opinion always sides with the individual claimant against a corporation or government, and as a consequence it unwittingly tends to increase the cost of insurance. As the business is now conducted there are a hundred channels open for obtaining information which would be closed to a Government Department. The individual interest of each member of the community to promote strict equity in cases of difference as to settlement of loss would, under the proposed scheme, be as entirely lost as it is under the present system. It would simply be another Government Department, and we all know how leniently the public regard any excessive claim against a Government body.

There is, too, the fault urged against the companies that they do not sufficiently discriminate in rating

between the risks. [*unclear*: To] provide for every varying feature of risk is impossible, for no living man or body of men could judge with sufficient accuracy, as there are no two circumstances in the world exactly alike, and no mind could contain a full knowledge of the particulars of each and every business, varied by the influences of climate and all other differences of condition which tend to affect a change in the habits of people or construction of their buildings. The utmost which can be done by the most skilful underwriting is to classify risks and make allowance for the principal points of variance under the several heads. With the greatest care there are discernible differences which cannot be provided for which leave the rating open to seemingly just criticism by those who have simply a casual knowledge of the business.

The principal point urged in favour of State Fire Insurance is that it will be worked at a cheaper rate than the present system. If this be so, however, it is quite against all experiences as to results in such cases. But the putting together of a number of risks and the receipt of premiums at the greatest speed and smallest possible cost is not the acme of fire underwriting. This many offices have found out to their sorrow. Any expert is aware that the most important part of the business is discrimination as to individuals and circumstances, and that [*unclear*: is] neglect of these will much more than counterbalance any saving which may be made by getting risks on the books at a cheaper rate. How can a Government official possibly distinguish between this person and that? A Government Department must be run upon the lines that all men are equally reliable. But the success of the Department, from an economical point of view, will depend upon the exceptional treatment of certain individuals as against certain others—this person's risk must be rejected, that person's may be taken—all with equal rights all citizens and with equal voting power.

The introduction of this Bill into the New Zealand House of Representatives will, in any event, be one of the most remarkable incidents in the records of underwriting. I think I may venture to say that the framing of the Act exhibits considerable ability in the knowledge of what is necessary for the creation and administration of a State Department. The only part in which it fails conspicuously is in the knowledge of practical Underwriting. There are seventy-two clauses in the Act, of which two deal with the real conduct of the business. It is remarkable also that these two are devoted to the insistence of methods totally opposed to the ordinary practice. The aim in the Bill is evidently to save expense in administration. I am ready to admit that if this can be attained without sacrifice in other directions it is a worthy object, but only in that event.

Under the compulsory clauses of the Act no person can obtain cover for more than three-fourths of the capital value of any building. Take the case of a person with a small capital desirous of making a home for himself. On application to a building company or society he can obtain an advance of a considerable proportion of the capital value or cost. It is the practice of insurance companies in such cases to insure for practically full value. It is perfectly safe for them to do so, because the fencing, planting, and other concomitant matters give the owner sufficient interest in the preservation of the place. Under the Government scheme the man's small capital will, in most cases, be entirely unprotected. There are thousands of cases of this kind in the Colony. Another instance. Take the case of a lessee with a lease of short term with a building which will meet his requirements until the end of the lease. A fire would interfere with his occupation and render him liable to expend the full capital value in re-building. In some cases brick has to be substituted for wood, the cost to restore the accommodation in such cases is, say, 50 per cent, in *excess* of the full capital value of the original wooden building. The instance is a very common one. Is it right in regard to any of the cases I have mentioned that the tyranny of the majority of ratepayers (or active minority, as the case may be) shall prevent the legitimate functions of underwriting being exercised?

The principle of limiting the cover is not unknown to insurance men. It is very much in the nature of what is called a co-insurance clause; that is, a clause which stipulates that under any circumstance the assured must bear a certain proportion of the loss. It is rather common in America, and is usually applied to risks of doubtful moral or physical aspect. There is this difference, that the co-insurance clause is operative with regard to partial loss as well as total. The Government scheme would, under usual policy conditions, only affect the settlement in case of total loss. That is, it would restrict his indemnity when the assured is in greatest straits and when he requires the greatest amount of assistance. He would, however, have the satisfaction of knowing that he had been sacrificed in the endeavour to demonstrate a great principle—viz., that insurance business can be done cheaper by Government than at present by the companies.

It is a strange circumstance that the majority of persons think they can do fire insurance better than those who devote their whole life to it. As an instance, the Public Trustee has made a suggestion in his annual report that his Department could with advantage undertake the insurance of risk held in his name. This gentleman has shown his ability in so many directions that I hope he will not feel hurt if I say I cannot accept his opinion in the matter as a guide. His experience is that for a payment of £2500 over a period of two years he had returned to him in losses the amount of £850, or, say, 33 per cent, of the premium. From this data it seems to him that a largo profit is being made out of the business furnished by his Office. If the experience had been otherwise, the argument, of course, would have had no point. I may mention that he does not say anything about working

expenses, or unexpired risk.

Let us state a principle, and then test the value of the experience furnished by the Public Trustee.

The risk of one building for a hundred years is equal to that of one hundred buildings for one year, and is also the equal of twelve hundred buildings for one month. The volume of risk in each instance, and the premium, will be the same. We shall consequently be able to affirm that the risk covered for the Public Trustee for £2500 for two years is equal to twelve times the volume covered for two months. In each of these cases the dimensions of risk and premium respectively are equal. Now, I am prepared to demonstrate in an equally reliable manner, but supported by New Zealand experience of much greater magnitude during the same period as that under review by the Public Trustee, any of the following propositions which may be desired—viz., that the covering of fire risk entails no liability whatever; that the present rates charged by companies ought to be doubled to enable them to meet losses; that the premiums at present charged by the companies are fair and proper.

It is manifest that from such limited experience as that furnished by the Public Trustee no deduction worthy of a moment's consideration can be arrived at.

The proposal to give bonus to the assured as a portion of a realised profit calculated on the experience of any one year's operations can only be a catch to attract business. No such experience can possibly determine the profit. Companies with a much larger base of operations have found that twenty years is too little to judge by. It is quite clear that any such Government Department would require all the revenue and more to provide for the contingent liability.

Perhaps the most extraordinary part of the proposed Act is that which provides that the Council of any district (whether the Act is adopted or not) may equip and maintain fire brigades at the joint expense of the county or borough and the insurance companies operating in the Colony. It does not matter, apparently, whether the companies, individually or collectively, have any risk in that special district or not. As it is possible that the companies would withdraw from any district or borough which shall adopt the Act, we may have the anomaly of a Council being able to levy upon corporations which have no more interest in the district than the Mikado has. In any case it is clearly wrong that in defiance of their objection insurance companies shall be levied upon to support measures in restriction of their business. The field of a company's operations is the amount of value at risk multiplied by the degree of danger. Value only yields revenue to them in proportion to the hazard, and yet they are mulct on the ground ostensibly that they benefit. The companies are surely sufficiently alive to provide any such thing if it were to their advantage. There is, moreover no limitation to these establishments for fire prevention. With a free hand (one hand being in the coffers of the insurance companies) we would, no doubt, see some very lavish expenditure in the way of fire brigade establishments. If any Council had conscientious scruples against committing such robbery the Government has the power to compel them to proceed. The scope which will be given under the Act for political and other jobbery has, perhaps, rarely been surpassed by any legislation.

decorative feature

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The Colonial Bank Liquidation. Motion to Sanction Sale of Assets.

The J. G. Ward Farmers' Association.

*(Extracted from the Otago Daily Times.)*

The Otago Daily Times and Witness Newspapers Company, Limited. Dunedin MDCCCXCVI

## **The Colonial Bank Liquidation.**

### **Motion to Sanction Sale of Assets.**

The J. G. Ward Farmers' Association.

*(From the Otago Daily Times.)*

His Honor Mr Justice Williams held a sitting of the Supreme Court on June 5 for the purpose of hearing an application to sanction an important sale of certain of the assets of the Colonial Bank. The application is as follows:—

*In the Matter of "the Companies Act 1882" and its Amendments, and in the Matter of the Colonial Bank of New Zealand.*

Application by the official liquidators that an agreement, dated the 1st June, and made between the said liquidators on the one part and Alfred Lee Smith and James Bennie Reid of the other part, for the sale and

purchase of certain debts due to the bank, and the securities for the same as in the agreement mentioned, be sanctioned; upon the grounds (a) that it will be beneficial to the bank that the agreement be sanctioned, and the sale and purchase thereby provisionally agreed to, confirmed, and given effect to; and (b) the further grounds disclosed in the affidavits sworn and filed therein; and that the costs of and incidental to the application may be costs in the winding up.

Mr Haggitt appeared for the official liquidators, Mr W. C. MacGregor for the shareholders' committee, Mr T. Young for Mr C. Fraser (of Wellington), and Mr Woodhouse for the persons named as purchasers (Messrs A. Lee Smith and J. B. Reid).

Mr Young thought that the purchasers had no *locus standi*.

His Honor said that had occurred to him, but there seemed to be no reason why Mr Woodhouse should not sit and watch the proceedings.

Mr Young mentioned that he had certain affidavits which he had been unable to file until that morning.

His Honor said he understood that they could not have been filed earlier.

## Mr Haggitt's Opening.

Mr Haggitt, opening in support of the summons, said that though the agreement was dated the 1st June the terms of the agreement were actually arrived at on the 19th March.

His Honor: There was no binding agreement till the 1st June.

Mr Haggitt said that there was no formal agreement until that date, but it was founded on negotiations which commenced on the 19th March. That was the starting point, the date of the balance sheet which was prepared. The terms of the agreement were as follows:—

Whereas the J. G. Ward Farmers' Association of New Zealand, Limited (hereinafter referred to as the "said association") were customers of the Colonial Bank of New Zealand (hereinafter called the "said bank"), and kept an account current with the said bank at its Invercargill branch and also at its Gore branch, and the said account was one of the accounts appearing in the "C" list referred to in clause 18 of the agreement dated the 18th October 1895, made and entered into between the said bank and the Bank of New Zealand, and approved by the Parliament of New Zealand, as mentioned and contained in "The Bank of New Zealand and Banking Act Amendment Act 1895." And whereas the Bank of New Zealand has refused to take over the said account of the said association, and the said liquidators have, pursuant to said clause 18 of the said agreement, required the Bank of New Zealand to realise or liquidate the said account, and whereas the said liquidators lately employed Mr William Richard Cook, of the firm of Cook and Gray, Dunedin, accountants, &c., to investigate the affairs of the association, and Mr W. R. Cook has investigated the said affairs accordingly, and has prepared and submitted a statement showing the result of his investigations and the state of the liabilities and assets of the association as at March 20, 1896. (Copy of statement annexed.) And whereas the Colonial Bank guaranteed the Bank of New Zealand payment of the debentures amounting to £20,000, firstly mentioned in the statement of liabilities and assets, which bear interest at the rate of 6 per cent., and the association on March 20, 1896. were indebted to the bank (inclusive of the £20,000) in the sum of £92,170 9s 2d, which also includes the liability of the association in respect to bills under discount with the bank. And whereas the Colonial Bank, having paid the £20,000 to the Bank of New Zealand, holds as security for the said indebtedness debentures amounting to £20,000 (so guaranteed as aforesaid), discharged from the said guarantee further debentures of the association amounting to £30,000, and the guarantee of the Hon. J. G. Ward for payment of the account of the association in the Colonial Bank to the extent of £20,000. And whereas the Colonial Bank holds the promissory note of the Hon. J. G. Ward, payable on demand, for £55,150, being the amount written off the account of the association in terms of clause 18 of the agreement of October 18, 1895, And whereas the Hon. J. G. Ward is also indebted to the Colonial Bank in the sum of £16,000, or thereabouts, in respect to a draft on London for that amount, which was *in transitu* on the date of the agreement of October 1895, and is guaranteed to the Bank of New Zealand under clause 25 of the said agreement, and the Colonial Bank holds as against this draft and as security for the same 1600 shares in Nelson Bros, and Company (Limited). And whereas the Hokonui Railway and Coal Company (Limited) are indebted to the Colonial Bank in the sum of £4900 or thereabouts on the foot of the account current of said company with the Colonial Bank, and the Colonial Bank holds as security for such indebtedness the joint and several guarantees of the Hon. J. G. Ward, Frederick William Thompson (of Christchurch, dentist), the late Arthur Sedgley Hanan (of Invercargill, surgeon, deceased), and John Hayes (of Hokonui, mine manager). And whereas Alfred Lee Smith and James Bennie Reid have proposed to the liquidators the purchase of the debt of the association to the Colonial Bank as on March 20, 1896, and all securities for same, or any part thereof, held by or on behalf of the said bank, and also the promissory note of the Hon. J. G. Ward and the said debt or sum of £16,000, or thereabouts, due by the Hon. J. G. Ward to the bank, and all securities for the same respectively, or any part thereof, held by or on behalf of the Colonial Bank,



and also the debt of the Hokonui Railway and Coal Company, and all securities for the same, or any part thereof, held by or on behalf of the bank at the sum of £62,750. And whereas the liquidators, having investigated the affairs of the association, and being satisfied that it will be beneficial to the bank that the offer of A. L. Smith and J. B. Reid should be accepted, have, in pursuance of all powers and authorities vested in them as official liquidators, agreed to accept the same, subject to the sanction of the judge of the Supreme Court at Dunedin, and to the conditions and agreements hereinafter contained. Now it is hereby agreed by and between the parties hereto as follows:—

- The said liquidators shall, so soon as practicable, but in any event before June 30, 1896, apply to the judge in Chambers to sanction this agreement.
- Subject to such sanction being obtained, the liquidators shall sell to A. L. Smith and J. B. Reid, and the latter shall purchase from the liquidators for £62,750 (1) the debt due by the association to the Colonial Bank on March 20, 1896, and all securities and guarantees for the same, or any part thereof, held by the bank, or the liquidators, or by any corporation or person whomsoever on behalf of the bank. (2) The promissory note of the Hon. J. G. Ward for £55,150, payable on demand, and also the debt of £16,000 due by him to the bank, and all securities for the same respectively, or for any part thereof, held by the bank or the liquidators, or by any corporation or person whomsoever on behalf of [unclear: this] bank. (3) The debt due by the Hokonui Railways and Coal Company (Limited) to the bank, and [unclear: the] securities and guarantees for the same, or any [unclear: part] thereof, held by the bank or the liquidators, or by any corporation or person whomsoever on behalf of the bank. (4) All claims of the bank against the association, the Hon. J. G. Ward, and the Hokonui Railway and Coal Company.
- Upon this agreement being sanctioned by the judge, the said A. L. Smith and J. B. Reid shall within fourteen days after such sanction [unclear: part] to the liquidators the sum of £62,750 in cash.
- In the meantime, as from March 20 last, the business of the association has been, and until payment is made of the purchase money, in [unclear: ca] this agreement shall be sanctioned by the judge, and shall be carried on under the joint supervision of W. R. Cook on behalf of the liquidators, and of A. L. Smith and J. B. Reid or some person appointed by them in that behalf in their interests. And any moneys which the liquidators may have advanced, or authorised the Bank of New Zealand to advance, for the purpose of the business after March 20, 1896, or may [unclear: her] after advance, or authorise the Bank of New Zealand to advance, for the same purposes until this agreement shall be sanctioned by the judge, [unclear: shall] if the said sanction be obtained, but not otherwise, be refunded by A. L. Smith and J. B. Reid at the time of the payment of the purchase money, and any reduction made in the amount the account of the association after the [unclear: da] aforesaid shall be deducted from the amount of the purchase money
- On payment of the purchase money the liquidators shall do and execute and cause to [unclear: be] done and executed at the cost and charges in [unclear: all] things of A. L. Smith and J. B. Reid (including the costs of and incident to perusal and obtaining execution by the liquidators and all other parties all such acts and deeds as may be necessary [unclear: for] transferring to and vesting in A. L. Smith and J. B. Reid, or as they shall direct, the debts, securities, and premises herein before mentioned [unclear: that] agreed to be sold.
- In case this agreement shall not [unclear: be] sanctioned by the judge it shall cease and determine.
- The said A. L. Smith and J. B. Reid [unclear: shall] on or before the day of the date of this agreement deposit with the liquidators £500, which, in [unclear: from] event of the sanction of the judge to this agreement being refused, shall be repaid to them, [unclear: but] in the event of the completion of the purchase shall be accepted as part payment of the purchase money.
- In case this agreement shall be sanctioned [unclear: from] the judge, and the said A. L. Smith and J. B. Reid shall fail to pay the £62,750 in cash within [unclear: from] time limited for that purpose, or within [unclear: said] further time not exceeding 24 days after [unclear: sal] sanction as the parties here to may agree [unclear: upon] this agreement shall cease and determine, and [unclear: the] £500 shall be absolutely forfeited to the liquidators as and for liquidated damages, and shall [unclear: be] accepted by them in full satisfaction of and [unclear: the] compensation for all damages in respect [unclear: sh] determination.
- The liquidators shall in their own or in the name of the bank, as the case may require, [unclear: endorse] to A. L. Smith and J. B. Reid the promissory note of the Hon. J. G. Ward for £55,150, [unclear: and] any other promissory notes or negotiable [unclear: instant payments] which the bank may now or at the time payment of the purchase money hold in [unclear: respect] to or as representing the said debts hereby agreed to be sold, or any of them or any part or parts thereof respectively; but every such endorsement shall be without recourse to or against the bank or the liquidators.
- If this agreement be sanctioned by the judge, the liquidators shall be bound to pay off the amount due by them to the Bank of New Zealand in respect to the debt of the association, so as to put themselves in a

position to assign the same to A. L. Smith and J. B. Reid, but they shall not be required in such assignment or otherwise to enter into any covenant for title with A. L. Smith and J. B. Reid, nor shall the bank be so required.

- At the time of the completion of the purchase A. L. Smith and J. B. Reid, their executors, administrators, or assigns will procure from the association and hand to the liquidators a deed of covenant by the association for themselves, successors, and assigns with the liquidators that the association, their successors, or assigns shall and will, at all reasonable times, until the liquidation of the Colonial Bank shall be closed, upon the request of the liquidators, and also shall and will, in the course of any proceeding against any director, manager, official, or other officer, or any member or shareholder of the Colonial Bank, under section 226 or 228 of "The Companies Act 1882," produce and cause to be produced to the liquidators or to such person or persons as they shall direct and at such places as they shall direct, all the books, papers, and documents of the association containing any entry, memorandum, or minute relating to or concerning the dealings and transactions between the association and the Colonial Bank, and between the association and the Hon. J. G. Ward from the time of the opening of the account current kept by the association with the bank down to the date of this agreement, and shall allow the liquidators or such person or persons as they shall direct, at all reasonable times, to inspect and make copies of or extracts from all or any of the books, papers, and documents.
- In case this agreement shall be sanctioned by the judge, the said A. L. Smith and J. B. Reid shall take upon themselves all the liability (if any) of the Colonial Bank to John Connell and Co. (Limited), and to Messrs Robert Brooks and Co. in respect to and arising out of all and every or any of the transactions and business affairs between the association and John Connell and Co. (Limited) and between the association and Robert Brooks and Co., in which the Colonial Bank has been concerned or implicated, and will indemnify and save harmless the bank and the liquidators therefrom, and of and from all actions, suits, damages, claims, and demands whatsoever arising therefrom or thereout, but so that any moneys which the bank or the liquidators may have to pay under any guarantee or other arrangement made between the Colonial Bank and the Bank of New Zealand arising out of a certain transaction in oats on account of Robert Brooks and Co. shall be repaid without interest to the bank or the liquidators within 18 months from the date on which this agreement shall be sanctioned by the judge.
- Nothing in this agreement is to prejudice the right of the liquidators to dispute, as between the Colonial Bank and the Bank of New Zealand, the liability of the last-mentioned bank to the liquidators in respect to a sum of £5052 ls 4d debited by the Bank of New Zealand to the account of the association on December 31, 1895, without the authority or consent of the liquidators, and if this sum of £5052 ls 4d shall be found to have been improperly charged to the account of the association, so far as the Colonial Bank and the liquidators are concerned, the liquidators shall not be bound to assign that portion of the debt of the association to A. L. Smith and J. B. Reid until the question between the said banks has been settled and determined. And notwithstanding anything in this agreement contained, the liquidators shall be at liberty to deduct this £5032 ls 4d or so much thereof as shall be found not to be properly chargeable to the Colonial Bank as between that bank and the Bank of New Zealand, from the claim of the Bank of New Zealand and against the Colonial Bank in any settlement of accounts between the said banks. And if the amount of the debt due by the association to the Colonial Bank, agreed to be hereby assigned, shall be reduced by reason of this clause, the liquidators shall pay to A. L. Smith and J. B. Reid a sum equal to 11s in the pound on the amount by which the said debt shall be so reduced.

Mr Haggitt next quoted clause 18 of the agreement between the two banks, which is as follows :—

With respect to the accounts appearing in the said "C" list, the selling bank shall indemnify and protect the purchasing bank against any loss or deficiency on the realisation of such accounts respectively, provided that the purchasing bank shall, immediately on this contract taking effect, write off the amounts standing in the right-hand column of the "C" list, and credit the respective accounts in such list with the amounts so written off. The purchasing bank shall have the option, within three months from the date of this contract taking effect, to take over all or any of the said accounts in the said "C" list, and in the event of the purchasing bank deciding to take over any such account the selling bank shall stand released from its agreement to indemnify and protect as aforesaid. The selling bank may at any time require the purchasing bank to elect whether such bank will take over all or any of the accounts in the "C" list or reject the same, and in the event of the purchasing bank refusing to take over all or any of such accounts the selling bank shall be entitled to take over the accounts so rejected, with all securities in respect thereof, on payment of the amount owing on such accounts or account respectively, or require the purchasing bank to realise or liquidate the account or accounts which the purchasing bank refuses to take over, and any deficiency arising on such liquidation shall be made good by the selling bank.

Under that clause the Colonial Bank had the whole risk of the J. G. Ward Farmers' Association, it being one

of the accounts in the " C " list. In order to obtain possession of the account and be in a position to transfer it to the purchasers, they would require to pay to the Bank of New Zealand the whole amount of the account, some £92,000 odd.

His Honor : Yes, but they have not to absolutely pay it over, because the Bank of New Zealand retains.

Mr Haggitt said it was just the same thing, because the difference between the amount of the account which was taken over and the amount received from the purchasers had to be made up.

His Honor asked what was the point in the first part of writing off the amount standing in the right-hand column of the "C" list? Why was not the whole liability put in the right-hand column ?

Mr Haggitt said that was one of the mysteries of liquidation which would be explained when he read the affidavit.

Mr Young said the amount of indebtedness in the left-hand column was considered good, that in the right-hand column bad.

His Honor : That is the case with the " B " list certainly. I wondered if the whole amount in the " C " list was considered bad.

Mr Haggitt said no. The £55,000 was written off altogether as a condition to the Colonial Bank guaranteeing. The only explanation that was offered was in Mr Ward's affidavit. There was an amount written off, and there was a promissory note given, and that was all they knew of the matter. The rest of the account was guaranteed by the Colonial Bank, so that the Colonial Bank was liable for the whole. Then the Bank of New Zealand had the option during three months of taking over the account. If it did not, the Colonial Bank had the right to require the Bank of New Zealand to elect whether they would take it over or not, and if it refused, the Colonial Bank was entitled to take over the account itself or call upon the Bank of New Zealand to liquidate it. The recitals of the agreement showed that the Bank of New Zealand had positively declined to take over the account, and that the liquidators had called upon the Bank of New Zealand to liquidate the account when these negotiations commenced.

His Honor : The Colonial Bank is now liable to pay to the Bank of New Zealand the difference between the amount which is treated as good and the total amount of the indebtedness.

Mr Haggitt: Yes, £92,000 odd; and there is a sum of £5000 besides in connection with the Hokonui Railway and Coal Company.

Mr MacGregor : That makes up £98,000.

Mr Haggitt next drew his Honor's attention to the affidavit made by the liquidators, which was as follows :—

*"We, William Brown Vigers, of Dunedin, in the provincial district of Otago, in the colony of New Zealand, bank inspector, Keith Ramsay, of Dunedin aforesaid, chipping agent, and William Lawrence Simpson, of Dunedin aforesaid, accountant, the official liquidators of the above-named bank, severally make oath and say as follows :—*

- The J. G. Ward Farmers' Association of New Zealand (Limited) was a customer of the Colonial Bank of New Zealand, and kept an account current with the said bank at its Invercargill branch, and also at its Gore branch, and the said account was one of the accounts appearing in the 'C' list, referred to in clause 18 of the agreement, dated October 18, 1895, made and entered into between the said bank and the Bank of New Zealand, and approved by the Parliament of New Zealand, as mentioned and contained in ' The Bank of New Zealand and Banking Act Amendment Act 1895.'*
- Immediately on the said agreement taking effect the Bank of New Zealand wrote of the amount standing in the right-hand column of the said 'C' list against the account of the said association, and credited the account of the said association with the sum of £55,150 being the amount so written off.*
- The Colonial Bank of New Zealand is bound by the terms of the said agreement to indemnify and protect the Bank of New Zealand against any loss or deficiency in the realisation of the account of the said association.*
- The Bank of New Zealand did not within three months from the date of the said contract taking effect take over the account of the said association.*
- We, as such official liquidators as afore-said, after the expiration of the said three months from the date of the said contract taking effect, required the said Bank of New Zealand to take over the said account of the said association or to reject the same, and the Bank of New Zealand refused to take over the said account, and we thereupon requested the Bank of New Zealand to realise or liquidate the said account.*
- Afterwards and on or about the 6th day of March last past we employed [unclear: Messier] Cook and Gray, of Dunedin, accountants, trade assignees and financial agents, to investigate the affairs of the said association on our behalf and Mr William Richard Cook, one of the [unclear: sail] firm, made such investigation, and reported to us that the accounts of the said association, as valued by him at the 20th day of March last past, showed a deficiency of assets to [unclear: meet] liabilities amounting to £48,456*

- 16s 4d. A copy of the statement of the assets and liabilities of the said association, as prepared and submitted to us by the said William Richard Cook, is hereto annexed and marked with the letter 'A.'
- We have ourselves investigated the affairs of the said association, and we believe that the result arrived at by the said William Richard Cook as to the amount of the liabilities and the value of the assets of the said association, including his estimate of the value of the uncalled capital of the said association, is virtually correct, although we are of opinion that his estimate of the value of the book debts would not be realised if the said association were to be put into liquidation.
  - The Colonial Bank of New Zealand guaranteed to the Bank of New Zealand payment of the sum of £20,000 advanced by the Bank of New Zealand to the said associate upon its debentures, and also the interest thereon, which amounts to £600 every half year. The currency of the said debentures [unclear: is] 10 years. The liability of the said association to the Colonial Bank of New Zealand, including the amount of these debentures, was on the 20th day of March last past £92,179 9s 2d.
  - The securities held by the Colonial Bank of New Zealand for the said indebtedness are the said debentures to the amount of £20,000 presently held by the Bank of New Zealand, further debentures to the amount of £30,000 held by the Colonial Bank of New Zealand, and the guarantee of the Honourable Joseph George Ward for payment of the overdraft of the said association up to the amount of £20,000.
  - The Colonial Bank of New Zealand also holds the promissory note of the Honourable Joseph George Ward, dated 19th October 1895, for the sum of £55,150, payable on demand. This promissory note represents the amount written off the account of the said association, and credited to it as stated in paragraph 2 of this our affidavit.
  - The Honourable Joseph George Ward is indebted to the Colonial Bank of New Zealand in the sum of £16,000 or thereabouts in respect of a draft on London for that amount, which was in transitu on the day of the date of the said agreement of the 18th day of October 1895.
  - The payment of this draft is guaranteed by the Colonial Bank of New Zealand to the Bank of New Zealand under clause 25 of the said agreement, and the only security held as against the said draft is 1600 shares in the company called Nelson Bros. (Limited). These shares were paid-up to the amount £10 each, and were, we are informed and believe, estimated to be of the value of £9 each at the time of the negotiation of the said draft, but at the time of the arrival of the said draft in London their value was considerably less, and the said shares at the present time are practically unsaleable.
  - The Hokonui Railway and Coal Company (Limited) is one of the clients or customers of the said association, and is largely indebted to the said association; the said company is also indebted to the Colonial Bank of New Zealand in the sum of £4900 or thereabouts on its account current with the said bank. The only security the said bank has for the said indebtedness is a guarantee of the said Joseph George Ward, Frederick William Thompson (of Christchurch, dentist), the late Dr Hanan (of Invercargill, surgeon, deceased), and John Hayes (of Hokonui, mine manager). We understand that the executors of the late Dr Hanan dispute any liability under the said guarantee on the ground that the account of the said company was continued to be carried on after the death of the said Dr Hanan, and that the amount owing at the time of the death of the said Dr Hanan has been discharged by payments since made to the credit of the account, and the present liability has all arisen since the death of the said Dr Hanan. We have ascertained that such is the fact, and we are advised by our solicitors that, although the other guarantors are still liable on their guarantee, it is very doubtful whether the executors of the late Dr Hanan can be held liable under the circumstances. As the result of our inquiries and investigations into this account we verily believe that, even if we have a good legal claim against the guarantors other than Dr Hanan, and were to proceed to exhaust them, we should not be able to obtain from the estates of the whole of them the sum of £1000; whilst if we were to take steps to wind up the said company we should not get even 1s in the pound from its available assets.
  - It is of the utmost importance to the successful liquidation of the Colonial Bank of New Zealand to be rid of the account of the said association and the liability to the Bank of New Zealand, arising out of the liquidation thereof under clause 18 of the said agreement of the 18th day of October 1895.
  - We are satisfied that the said Joseph George Ward is not in a position to pay any appreciable sum in respect of the amount of his liabilities to the Colonial Bank of New Zealand, and that in point of fact his promissory note and his guarantee are both valueless to the said bank as securities. We have procured from the said Joseph George Ward an affidavit as to his means, and a statement setting forth his financial position
  - We are satisfied that the sum of £62,750 in cash, with their guarantee of £5000 in respect of a parcel of oats which should have been shipped to Messrs R. Brooks and Co., made to us by Messieurs Alfred Lee Smith and James Bennie Reid, for the purchase of the debt due by The J. G. Ward Farmers' Association of New Zealand (Limited) to the said bank, and the securities for the same and the other debts and

*securities mentioned in the agreement bearing date the first day of June 1896, made and entered into by us with the said Alfred Lee Smith and James Bennie Reid, which agreement is now produced and shown to us and marked with the letter 'B,' is more than we can by any other means realise for the same, and we believe that it will be beneficial to the said bank that the offer of the said Alfred Lee Smith and James Bennie Reid be accepted, and the said agreement given effect to and carried out.*

"A"

STATEMENT OF LIABILITIES AND ASSETS OF THE J. G. WARD FARMERS' ASSOCIATION OF NEW ZEALAND (LIMITED), Invercargill, as at 20th March 1896:—

WM. R. COOK.

His Honor said that one of the recitals of the agreement spoke of the association as owing £20,000 to the Bank of New Zealand on debentures and £30,000 to the Colonial Bank. Why did not they include the £50,000 in the liabilities ? The statement of assets and liabilities showed only £40,000.

Mr Haggitt said that £10,000 did not appear, because the bank held them and had a lien upon them in respect to the account.

His Honor: That does not account for the other £10,000.

Mr Haggitt said the indebtedness appeared in respect of them in the Colonial Bank's account. They had never been issued, except the £20,000 which the Bank of New Zealand got—the £20,000 which the Colonial Bank guaranteed under this agreement. Then they got another £20,000, which they bought, and there were the £10,000 held against the general indebtedness.

His Honor : The general indebtedness does not appear in the balance sheet.

Mr Woodhouse : The general indebtedness was shown at £72,000.

Mr MacGregor said that nobody reading the balance sheet would imagine the £50,000 worth of debentures had been issued. Then they had the affidavit of William Richard Cook, which was as follows :—

*"I, William Richard Cook, of Dunedin, in the provincial district of Otago, in the colony of New Zealand, accountant, make oath and say :*

- I and William Gray, of Wellington, in the colony of New Zealand, accountant, carry on business in co-partnership at Dunedin aforesaid, and also at Wellington aforesaid, and also at Auckland and Christchurch, in the colony of New Zealand, as accountants, trade assignees, and financial agents, under the style and firm of ' Cook and Gray.'*
- I was employed by the official liquidators of the Colonial Bank of New Zealand to investigate the affairs of the J. G. Ward Farmers' Association of New Zealand (Limited), and to make a full and searching inquiry as to the assets and liabilities of the said company, and the value of the same, and also into the value of certain securities held by the Colonial Bank of New Zealand as against the account current kept by the said company with the said bank.*
- I investigated the affairs of the said company accordingly, and made up a statement of the assets and liabilities of the said company as at the 20th day of March 1896, and the paper writing hereunto annexed marked ' A ' is a true copy of the statement so prepared by me, and contains to the best of my knowledge, information, and belief a full and correct account of all the property and effects (real and personal) of which the said company was possessed or in which the said company had any share or interest in possession, reversion, or expectancy on the said 20th day of March 1896.*
- The greater part of the deficiency, amounting to £48,456 16s 4d, shown in and by the said statement is caused through losses made in book debts, which amount in all to £85,070 16[unclear: \*] 6d, of which amount, after making searching inquiries, I deem necessary to write off £37,374 3s 8d as absolutely bad and worthless, leaving a balance of £47,696 12s 10d estimated as good. I found that indiscriminate credit had been given and little or no security taken, and I felt positive that in writing off the amount above stated I have written off no more than I should have done in order to arrive at a true and just value of the book debts of the company as on that date.*
- In a memorandum at foot of the said statement, I have estimated the value of the uncalled capital of the company at £8457. I arrived at this estimate after making searching inquiries as to the position of the present holders of the shares in the company, and I feel certain that my estimate of the value of the uncalled capital is as nearly correct as possible.*
- In valuing the stocks at £12,680, I have taken the oats, seeds, and guanos at their then market prices, and the rest of the stock at cost, with the exception of binder twine, oils, and separators, on which, as the result of inquiries made by me, I have put a just and fair value. I have written off £666 for old and depreciated goods, and have valued the stocks as a whole at what I verily believed to be their true and correct value.*
- The plant and office furniture stand in the books at £2302, but the same are not fairly worth more than one-half of that amount, and I have taken them in accordingly at £1151 ls 3d, which I verily believe to be*

*their true and correct value.*

- *I ascertained that the last year's operations of the Hokonui Railway and Coal Company (Limited) resulted in a loss of £1100, The bank overdraft amounts to £4900 or thereabouts, for which the bank holds the guarantee of the Honourable Joseph George Ward, the late Dr Hanan, Mr Frederick William Thompson (of Christchurch, dentist), and one John Hayes (of Hokonui, mine manager), the liability under which is, as I am informed, disputed on legal grounds. Beyond what (if anything) may be recoverable on their guarantee the debt is of little value.*
- *I am aware of the offer made by Messieurs Alfred Lee Smith and James Bennie Reid to the official liquidators of the Colonial Bank of New Zealand for the purchase of the debts of the J. G. Ward Farmers' Association of New Zealand (Limited) and the securities for the same on the 20th day of March last past, and I have read the agreement for sale and purchase, dated the 1st day of June 1896, entered into and made between the said liquidators and the said Alfred Lee Smith and James Bennie Reid, and I am certain, as the result of my investigations on behalf of the said official liquidators, that amount offered by the said Alfred Lee Smith and James Bennie Reid for the several debts and securities mentioned in the said agreement, as on the said 20th day of March last, is more than could have been realised for the same had the said company been then forced into liquidation."*

Then there was the affidavit of Robert A. Anderson, manager of the J. G. Ward Farmers' Association, which was as follows :—

*"I, Robert Albert Anderson, of Invercargill, in the provincial district of Otago, in the colony of New Zealand, manager of the J. G Ward Farmers' Association of New Zealand (Limited), at Invercargill aforesaid, make oath and say:—*

- *I was in the month of February 1896 appointed manager of the J. G. Ward Farmers' Association of New Zealand (Limited) in the place of John Fisher, the former manager of the said company, who had held that office from the time the said company was incorporated and commenced business up to shortly before the time of my appointment.*
- *I have read the statement of the assets and liabilities of the J. G. Ward Farmers' Association of New Zealand (Limited) as at the 20th day of March 1896 prepared by Mr William Richard Cook, of the firm of Cook and Gray, and also the copy of the said statement annexed to the affidavit of the said William Richard Cook sworn herein on the second day of June 1896.*
- *The said statement contains a full and true account of all the liabilities of the said company as on the said 20th day of March 1896, and also a full and true account as on that day of all the property and effects, real and personal, of which the said company was possessed, or in which the said company had any share or interest in possession, reversion, or expectancy.*
- *I know of no property whatsoever, real or personal, of any description belonging to the said company, or in which the said company has any interest whatsoever, which is not included in the said statement.*
- *The said company has not to my knowledge made away with, encumbered, or charged or in any manner parted with any part of its property or effects, real or personal, since the month of December 1895, when the said above-mentioned bank went into liquidation, save in the ordinary way of business and in the course of carrying on its business in the usual manner in which businesses of a like character or description are carried on."*

Then there were the affidavits of Messrs Thompson and Hayes. Mr Thompson's affidavit was as follows :—

*"I, Frederick William Thompson, of Christchurch, in the provincial district of Canterbury and colony of New Zealand, dentist, make oath and say :*

- *In connection with Dr Hanan (of Invercargill, surgeon, now deceased), the Honourable Joseph George Ward (of Invercargill, aforesaid), and John Hayes (of Hokonui, mine manager), I signed a guarantee to the Colonial Bank of New Zealand guaranteeing the account of the Hokonui Railway and Coal Company (Limited) with the said bank to the extent of £5000.*
- *The said Dr Hanan died on or about the 17th day of April 1894, and the said account so guaranteed as aforesaid was, I am informed and believe, carried on by the said bank after his death, and I have been informed that by reason thereof, or by some other means, the said guarantee is no longer enforceable against the representatives of the said Dr Hanan or against the remaining guarantors.*
- *The total value of the property possessed by me, after deducting the encumbrances thereon, does not exceed the sum of £250, and the debts and liabilities owing by me, exclusive of any liability in respect of the said guarantee, amount to the sum of £250.*
- *If I am liable on the said guarantee to pay the sum of £4900 I am utterly unable to pay that amount, or any part thereof, in excess of the sum of £250.*

The affidavit of John Hayes, the other guarantor of the account of the Hokonui Railway and Coal

Company, was as follows :—

*"I, John Hayes, of Hokonui, in the provincial district of Otago, in the colony of New Zealand, mine manager, make oath and say :*

- *In conjunction with Dr Hanan (of Invercargill, surgeon, now deceased), the Honourable Joseph George Ward (of Invercargill, aforesaid), and Frederick William Thompson (of Christchurch, dentist), I signed a guarantee to the Colonial Bank of New Zealand guaranteeing the account of the Hokonui Railway and Coal Company (Limited) with the said bank to the extent of £5000.*
- *The said Dr Hanan died on or about the 17th day of April 1894, and the said account so guaranteed as aforesaid was, I am informed and believe, carried on by the said bank after his death, and I have been informed that by reason thereof, or by some other means, the said guarantee is no longer enforceable against the representatives of the said Dr Hanan or against the remaining guarantors.*
- *The total value of the property of all kinds possessed by me does not exceed the sum of £200, and the debts and liabilities owing by me exclusive, of any liability in respect of the said guarantee amount to the sum of £230.*
- *If I am liable on the said guarantee to pay the sum of £4900 I am utterly unable to pay that amount or any part thereof."*

Mr Hayes, continued Mr Haggitt, was one of the directors of the Ward Farmers' Association.

His Honor : Who are the directors of the Ward Farmers' Association ?

Mr Haggitt said he could not tell.

One of the gentlemen at the table handed his Honor a circular containing the names.

Mr Haggitt: I have heard incidentally that the only man of any means among them at all is Mr Thomas Green, of Gore

Mr Haggitt said they next came to the affidavit of the Hon. J. G. Ward, which was as follows:—

*I, the Honourable Joseph George Ward, of Invercargill, in the provincial district of Otago, in the colony of New Zealand, managing director of the J. G. Ward Farmers' Association of New Zealand (Limited), make oath and say:*

- *The Colonial Bank of New Zealand holds my promissory note for the sum of £55,150, which amount was credited to the account of the J. G. Ward Farmers' Association of New Zealand (Limited) in the books of the said bank.*
- *I was personally debited in the books of the said association with certain losses incurred in carrying on the business of the said association and of the Ocean Beach Freezing Works, and the said promissory note represents the amount standing to my debit in the books of the said association at the time I signed the said promissory note; and I signed the said promissory note at the request of the general manager of the said bank, and the amount of the said promissory note has been credited to me in the books of the said association.*
- *Previously to giving the said promissory note I had signed a guarantee to the Colonial Bank of New Zealand guaranteeing the account of the said association with the said bank to the extent of £20,000.*
- *In conjunction with Dr Hanan, of Invercargill, and others I signed a guarantee to the said bank guaranteeing the account of the Hokonui Railway and Coal Company (Limited) to the extent of £5000 The said Dr Hanan died in the month of April 1894, and the said bank continued to carry on the said account of the said company after his death, and I have been informed that the guarantee given by the said Dr Hanan and myself and others has in consequence thereof, or for some other reason, become legally unenforceable, and that no one is any longer legally liable in respect thereof.*
- *I am indebted to the Colonial Bank of New Zealand in the sum of £16,000 or thereabouts, in respect of a draft on London for that amount which was in transit at the time when the agreement for sale and purchase, dated 18th October 1895, between the Colonial Bank of New Zealand and the Bank of New Zealand, was made and entered into. At the time when the Colonial Bank of New Zealand negotiated the said draft for me they had as security 1600 shares of Nelson Brothers (Limited), which were then of the value of £10 each. The said shares are still held by the said bank, but have now fallen in value to £2 10s per share, and, so far as I can see, without any prospect of rising again, and I am informed that the said share are now unsaleable.*
- *Since the formation of the J. G. Ward Farmers' Association of New Zealand (Limited) all the moneys which I have received from all sources have been paid into the said association.*
- *The paper writing now shown to me, and marked with the letter ' A ' contains a full and true account of all the property and effects, real and personal, which I possessed, or in which I had any share or interest in possession, reversion, or expectancy, at the time the Colonial Bank of New Zealand went into liquidation in the month of December 1895, and as nearly as I can ascertain the full and true value thereof and the encumbrances thereon. And the said paper writing also contains a correct statement of*

*my liabilities at the date of the said liquidation and at the present time.*

- *I have no property whatsoever real or personal of any description, nor am I entitled either in possession or reversion to any share or interest in any property whatsoever which is not included in the said statement, and I have not parted with or agreed to sell any part of my property or effects real or personal since the Colonial Bank of New Zealand went into liquidation as aforesaid.*
- *I have used my best efforts and all my influence with my friends to bring about the offer made by Messieurs Alfred Lee Smith and James Bennie Reid to the official liquidators of the Colonial Bank of New Zealand for the purchase of the debt and securities for the same of the J. G Ward Farmers' Association of New Zealand (Limited), and the several other debts and securities mentioned in the agreement entered into between the said Alfred Lee Smith and James Bennie Reid and the said liquidators."*

Mr Haggitt said the statement of property of the Hon. Mr Ward, referred to in his affidavit, showed that the value of all his properties, after deducting the direct encumbrance upon them, was £4250 The statement of liabilities showed direct liabilities £87,490 and contingent liabilities amounting to £38,513 more, or £126,000 altogether. Attached to this was a statement of various properties showing a total value of £18,000 subject to encumbrances amounting to £14 150, leaving a surplus of £3850 odd, and all these properties were subject to the further encumbrance contained in a letter given by Mr Ward to the general manager of the Colonial Bank, dated the 19th October 1895, by which Mr Ward agreed to give the bank security over all his properties for the amount owing by him or by the Ward Farmers' Association to the bank. He (Mr Haggitt) did not know that it would serve [*unclear: the*] slightest purpose to go into the details of that statement. All that his Honor would want would be the totals, but the details were all set out; each property being valued separately. That was the position of matters. The official liquidators, who were officers of the court, had investigated this matter personally, and had employed a person whom they believed to be the most competent person they could get to investigate the affairs of this association on their behalf, with the view of enabling them to make such arrangements as they ought to make in the interests of the bank. They had come to the conclusion that they ought to accept the proposal as it was better than they were likely to do for themselves if they forced the company into liquidation. Therefore they recommended the count in the affidavits, which he thought were pretty strong, to sanction them carrying out the agreement which they produced. There was one thing he would like to mention, and that was that this matter was not one to be judged simply by the statement of the accounts of the association. There were people connected with those accounts who were also debtors to the bank, and if the association were to go into liquidation it would bring down a lot of people who otherwise, if the association continued to exist, would be able to carry on, and the liquidators would by that means be paid in full certain debts on which they feared considerable losses would be sustained if through the Ward farmers' Association going into liquidation, the persons indebted to them were brought into difficulties. The matter should be considered not only in its aspect as between the association and the Colonial Bank, but also as to what the result would be to other persons if the association was brought to a stop.

His Honor: Yes; the indirect result to the Colonial Bank. You say that persons who are shareholders in this company are debtors of the Colonial Bank, and that if pressed at once to pay up on their shares they will not be able to meet their liabilities to the Colonial Bank ?

Mr Haggitt said : It will cause a universal smash. One failure would lead to another, and it is not only those persons who are directly indebted to the bank who would be affected, but others who are creditors of those persons who are connected with the association. It would also affect the prices of produce to a considerable extent.

His Honor: One has only to look at the matter in the interests of the liquidation.

Mr Haggitt: It would affect those interests very much. Every man who fails generally brings down or cripples half a dozen others as well, and the result of this association coming to grief would be to cripple half Southland. Besides, it would affect the prices of produce all over Otago. The liquidators personally were quite indifferent as to what the result of this application might be. They were quite satisfied that no other mode of dealing with this question would produce anything like such good results as the acceptance of this offer. It would at once relieve them of one of their greatest difficulties, inasmuch as the whole question of the liability under clause 18 would be put a stop to. They would know exactly what that liability was—there would be no further liability; nothing to be provided for beyond that. The dividend already paid would be absolutely safe, and the "D" list and the surplus of the "B" list accounts would be distributed amongst the shareholders. That would be the result of getting rid of this debt of the Ward Farmers' Association. They had the liquidators present, and Mr Cook and the Hon. J. G. Ward in attendance, ready to be cross-examined if the other side desired. He had had an intimation from Mr Young that he did desire that. As to Mr Young's affidavits filed that morning, they could not be read, as they were wrongly entitled, and perjury could not be assigned on them, and as they apparently contained some it was just as well to take the objection.

His Honor : If there is any objection they can be amended and resworn.



Mr Young : It is not our fault.

His Honor: There is no blame to anybody. They had to be sworn in a hurry.

Mr Haggitt said that he did not impute blame at all, but he maintained that they were wrongly entitled. How Mr Braund could state that in his opinion the interests of the shareholders of the bank would be served by forcing the Hokonui Company into liquidation, and that the liquidators should exhaust their remedy against Mr Ward—how Mr Braund could swear that on the information at his disposal passed his (Mr Haggitt's) comprehension. By looking at the results of the work performed by Mr Cook and the liquidators, Mr Braund had come to a diametrically opposite conclusion to that which they had come to, and without having the means of forming a correct opinion as to what the ultimate consequence of putting these various companies into liquidation would mean.

His Honor: The real point of Mr Braund's affidavit seems to be this, apart from his expressions of opinion : that the Ward Farmers' Association in 1895 issued a balance sheet which showed them to be not only in a solvent, but in a prosperous, position, and they declared a dividend; and then that a few months after the result is as stated in the affidavit. That is a matter which possibly may require an explanation, and that explanation would be sought naturally in the course of the examination of the persons who made the affidavits.

Mr Haggitt was very much disposed to believe with Mr Braund that these balance sheets were not correct, and the liquidators, he understood, held the same opinion.

Mr MacGregor : They are signed by Mr Ward and Mr Anderson, who have sworn affidavits.

Mr Haggitt: That does not affect the present case.

His Honor : No; but the point now is that the assets of the association are worth next to nothing.

Mr Haggitt: Not quite that.

Mr MacGregor : They are worth on paper the full value of the consideration given for them.

Mr Haggitt: They are worth £67,650 to us. They are very little compared with what they would have been if the balance sheets had been correct, but the fact that the balance sheets are known to be incorrect renders it more desirable that we should get rid of the assets.

His Honor: It is quite natural that, looking at the facts set out in Mr Braund's affidavit, apart from the expressions of opinion, the shareholders or some of them would like to have not only the affidavits but a cross-examination of the persons who make the affidavits. (To Mr Haggitt) : You tender them here ?

Mr Haggitt: We are not bound to have them here, but they are here for that purpose. I apprehend that all that we have to do in this matter is simply to lay it before the court and ask the sanction of the court. If my learned friend or anybody else can satisfy the court that the liquidators are all wrong, and that the property is worth considerably more than they think it ought to be sold for, then the summons will be dismissed. The liquidators recognise that they are officers of the court, and after the investigation of the accounts to the best of their ability in the performance of their duties they honestly advise the court that the offer made is a good one and a fair one, and that to accept it is the best thing to be done in the interests of the shareholders. They consider that, having had such an offer made to them, they would certainly not be doing their duty if they did not act upon it. They might accept the offer without coming to the court, but they would not do that. Their powers are sufficient to enable them to accept the offer without coming to the court, but they would not think of that for a moment. From the first they made it clear that any result that was arrived at would have to be referred to the court.

Mr MacGregor: All that my people want is for the court to be satisfied that this would be the best bargain for the shareholders.

Mr Young : That is my position. We want all the matters to be put before your Honor.

His Honor asked if counsel wished to cross-examine any of the persons who had made affidavits. Even if no one had appeared he would probably have called some of the persons to clear up certain matters which it occurred to him might want clearing up. In winding-up proceedings it was not unusual to have persons in attendance for cross-examination.

Mr MacGregor : This is a case of such magnitude.

His Honor : Of course, in the present case it is perfectly reasonable.

Mr Young said he proposed, if it should be necessary, to cite authorities to his Honor to show that the court might inquire into all the circumstances, such as questions of reckless trading and matters of that kind. The authorities showed that the court could refuse to sanction the application if there was anything of that kind or any suspicion of anything of the kind having happened.

His Honor: Suppose this, that the association has been trading recklessly, and by [unclear: it] reckless trading has reduced itself to its present position, it would hardly be in the interests of the shareholders, would it, not to accept a compromise ?

Mr Young: The authorities show that your Honor will take that into consideration.

His Honor said that might be an element but if the alternative was that by liquidation they got about 1s in

the pound it would be rather hard to sacrifice the shareholders for the sake of an abstract principle.

Mr MacGregor observed that it was only in the case of the Hokonui Coal Company that [unclear: i] dividend of 1s in the pound was spoken of.

His Honor: If you put the company into liquidation.

Mr Young expressed a desire to cross-examine the Hon. Mr Ward.

The examination of witnesses was then takes.

## Mr Ward's Evidence.

Joseph George Ward was sworn.

Mr Young, having handed to the witness [unclear: th] balance sheet of the J. G. Ward Farmers' Association at the end of June 1895, asked Will you say by whom that is prepared ?

Witness: So far as I know by the the manager.

Who was the manager ?—Mr John Fisher.

I suppose you were aware of its contents ?—In what respect ?

You were aware of the contents of the balance sheet?—I was aware of the state [unclear: i] the balance sheet as placed before me, but [unclear: no] of the details the balance sheet was made up from.

Did you sign it ?—I did.

His Honor : Were you the managing director Mr Ward, at that time ?—I was, sir.

Mr Young : Can you say who assisted in the preparation of the balance sheet ?—Only in [unclear: the] general way. The staff of the office, I should say.

Did Mr Vigers assist in the preparation it ?—Not that I know of.

Or any officer of the Colonial Bank?—[unclear: Not] that I know of.

Mr Young handed to the witness the balancesheets of the J. G. Ward Farmers' Association to the end of June 1894, and to the end of June 1893. (To witness:) You were aware of the contents of these, and you signed these?—In exactly the same manner, yes.

You notice that the direct liability to the Colonial Bank in 1893 is shown at £26,278 [unclear: 6s 74] in 1894 at £26 584 8s 10d, and in June 1895 [unclear: at] £1185 4s 1d. Do you know whether the association was indebted to the bank at the end of June 1895 was more than £1185 4s 1d—[unclear: direct] indebtedness, I mean ?—Well, I cannot give you any specific figures at that date, but I can say this, in a general way : that the association held very large credits outside of the [unclear: Colonial] Bank—one credit for £50,000 and another for something like £40,000—under which the Colonial Bank had no responsibility whatever.

What was the £40,000 credit ?—It was a general London credit.

From one of the London houses ?—Yes.

And the other credit ?—It was £50,000 from another London house.

Do you know whether a draft for £25,000 was negotiated, immediately before the balancesheet was prepared, with the Colonial Bank ?—I am not aware of it. I know that a cash payment was made in actual cash, and that is probably the matter Mr Braund refers to. I obtained a payment of £25,000 or thereabouts for a sale I made in connection with the freezing works, and the cash was paid into the bank.

Would you mind saying from where you obtained the cash ?—From Nelson Brothers (Limited). It was, speaking from memory, £25,000, less a few hundreds for a contra account.

That was immediately before the balance sheet was prepared ?—I cannot give you the date, Mr Young, but that payment was made, and paid in cash.

Was any draft for 25,000 or thereabouts lodged with the Colonial Bank about that time?—There was a draft, speaking from memory, for £25,000 a considerable time before that.

Was that draft afterwards cancelled before remission to England ?—I do not think so, but I am not certain about it.

Do you know whether that draft was produced to the manager when preparing his balance sheet ?—I do not know it.

And you cannot say, of your own knowledge, whether there was more or less than £1185 due to the Colonial bank at that time ?—I cannot, not of my own knowledge.

And you account for the discrepancy in the balance sheets by the fact that you received £25,000 from Nelson Bros. at that time ?—I do not want words put into my mouth. I have not said there was a discrepancy.

There was an apparent discrepancy, because in the two previous years there was a debit balance of £26,000, and in 1895 it was £1100 odd?—You have mixed up two matters. You asked me whether, at a particular date, the indebtedness was £1100, and I replied that at that date there were credits held by the company, and then you changed to a draft held by the company. There is no connection between the two.

What is the occasion of the drop in the in-debtedness to the bank in the year 1895 ?—Because the liability

previous to that date disappeared from the association and went to other people.

And was debited against members of the association?—No, it was transferred against a special transaction under a special credit, by arrangement, which is not at all an unusual thing to do. It is done, so far as I am aware, by every firm carrying on business in a large way in every part of the world.

I suppose there would be a draft on the other firm?—There would be an out-and-out payment made under the credit.

What occurred to me as peculiar was the sudden drop in the liabilities to the bank?—You are asking a question about clause 11 of Mr Braund's affidavit. On the 11th June 1895 I was not in the colony. As a matter of fact I was in England or America. I cannot give you the details of the transaction.

You signed the balance sheet after you came back?—I presume I would have. I could not have done it otherwise.

Would not you inquire into it before you signed it?—I could not go into details. It is a very large business.

His Honor: In the balance sheet for the 12 months up to June 29, 1895, the liabilities as a whole are comparatively small.

Mr Young: That is a matter I was coming to, your Honor.

Witness: I can tell you how that is.

Mr Young: You say you do not know anything about the matters stated in paragraph 11 of Mr Braund's affidavit?—I cannot say of my own personal knowledge. I know there was a payment of £25,000 in cash, less £400 or £500, for a contra account, made by Nelson Bros. (Limited), and that amount was paid in to the Colonial Bank. I think that would have been some time in July or August. I am not certain of the month.

That would be after the balance sheet?—I cannot give the date.

Your books would show the whole transaction?—The transaction is shown. The freezing works were sold for £50,000. I received £9000 and 1600 fully paid-up shares, and afterwards £25,000 in cash. These are the particulars of the payment. I do not know anything of the circumstances respecting the draft referred to in the affidavit of Mr Braund.

I understand you to say that the difference is explainable by the fact that you received £25,000 from Nelson Bros, in July or August?—No; this has nothing to do with that. We are at cross purposes, that is evident. That £25 000 would be paid after the balance sheet was issued. Speaking from memory, it must have been.

How do you account for the previous £25,000 transaction?—I do not know of any previous transaction.

From what you have learnt since, can you make no explanation of that?—Of what?

Of the reduction of the indebtedness to the bank?—That is a different matter. I said the association held very large credits. The liability of the association would pass under these credits direct from the association.

That would be done by draft, would it not?—By cash payment.

I take it you draw on members of the association for the amount and lodge it in the bank?—It would be done by actual payment to the association.

By negotiation of a draft?—Whether by draft or cheque I cannot tell you.

His Honor; Where does that appear in the statement of liabilities?

Mr Young: I want to account for the fact that £26,000 was owing to the bank in 1893, £26,000 in 1894, and only £1100 in 1895.

His Honor: That is in addition to the £40,000 of debentures; and in October, 1895, there was £32,000 odd owing to the bank in addition to the debentures.

Mr Young: There is a sudden drop of about £25,000, and an increase again of slightly more than £25,000?

His Honor: Yes, £30,000.

Mr Young: That is what I am hammering at, and I cannot quite understand the explanation. Do you know whether it was a discount of a draft, Mr Ward?

Witness: Well, my impression is that no draft went forward at all. What is it that you are trying to get out, Mr Young? You are trying to ascertain why there was a difference between the indebtedness of the association after the balance sheet as against the date of the balance sheet. As a matter of fact, sometime after the balance sheet was issued I was advised for the first time by the manager that heavy losses had been made—I was in Wellington at the time,—and he estimated the losses at £25,000. I immediately advised the bank, and requested them to have an investigation made. This was done, and their estimate of the loss was £55,150.

That was after your return?—I was not here when the balance sheet was made up.

You would have information as to how it was made up? You had to sign it. Would you not have information as to the draft?—No. In a general way the liability would pass away from the association.

His Honor: In the balance sheet, though the bank account is reduced, a liability should surely appear to the holder of the credit.

Witness: All I can say, speaking for myself, is that I did not authorise anything of the kind to be done, and I did not know that such a thing would be done.

Mr Young: The balance sheet was prepared when you were away in England?—It was prepared when I was in England, and submitted to me for signature on my return.

I suppose you had vouchers before you?—That is a matter for the auditor. If I were to go into the details of the accounts it would take six months.

Did not the big falling-off in the indebtedness strike you?—I do not exactly know. I considered that the matter was all right or I would not have signed.

Did it not strike you as peculiar fact that there had been such a large reduction?—There had been a change in the system, for one thing. In the balance sheet to which his Honor has referred there is an apparent reduction of liabilities. The system of dealing with bills under discount and bills receivable is changed. As I understand it, in the usual way bills under discount are looked on as bills sold, and are deducted from bills receivable. That is the ordinary thing to do, and it ought to have been done from the start.

Mr Young: I do not quite follow you yet.

Witness: It is quite usual for bills discounted to be regarded as sold, and instead of the total amount appearing the difference between bills discounted and bills receivable is shown.

His Honor: If you discount a bill you do not consider there is a further liability on it. That is what it comes to, Mr Ward. If joint stock companies do not put bills discounted among their liabilities they are in effect treating them as if they are no liability. You say it is the usual way of doing it?—I understand it is the usual way. You credit the man from whom you get the bill, and you debit bills receivable.

Mr Young: You endorse the bill to the bank?—It depends upon whether it is a good bill or not. The natural thing for the bank is to ask for an endorsement.

How do you account again for the increase in the liability to the bank? On June 29, 1895 there were negotiations for the Bank of New Zealand to take over the Colonial Bank, but after the balance sheet was prepared the direct liability to the bank increased to £32,856.—should like to say here that I have not been in communication either with the liquidators or the directors of either bank or Mr Cook, have never gone near any of them and I have not been at any of the investigations.

Mr Young: What I want to ascertain from the balance sheet is the amount of the over-draft at the time it was prepared.

His Honor: The liquidators will be able to tell you that. The Colonial Bank books will show. This statement represents the statement of accounts practically as it was in October.

Mr Young: Yes, but there is a vast difference between the balance sheet of June 1895 and the balance sheet of October 1895, as found by the liquidators.

Witness: I cannot give details of it because I had nothing to do with the details.

You are responsible, as having signed the balance sheet.—Still, you ask me for details and I cannot give them to you.

Another peculiar thing is that the 1893 and 1894 balance sheets show items of bills under discount and drafts against shipments. In June 1893 these were £32,000 and £12,000, and in 1894 they were £51,000 and £33,000. Those seem to have entirely disappeared from the balance sheet of 1895?—Again I can only speak in a general way. If there were £54,000 worth of goods afloat against which bills were issued in 1894, and these ran off, then when the next balance sheet was made, and there were no goods afloat, there would be no drafts against shipments.

Do you know as a matter of fact whether there was more business or less during June 1895 than before?—I should say there was more, but I cannot speak positively, That does not affect the question of what was afloat.

His Honor: It looks to me, on Comparing the two balance sheets, as if this was done: In the balance sheet for the year ending June 30, 1894, the association has "Drafts against shipments £51,000" among the liabilities, and among the assets there is "Advances against produce afloat, £74,000," leaving a difference of £23,000. In the balance sheet for the year ending the 29th of June 1895 there are no drafts against shipments among the liabilities, but among the assets are advances against produce afloat to the amount of £34,430. It looks rather as if, before compiling the balance, they had set off drafts against shipments against the advances and put the balance in the assets.

Mr Young: That is what we suggest.

His Honor: Just the same as Mr Ward has suggested in the case of the bills under discount, In 1894 the bills under discount were £33,000 and the bills receivable were £37,400, leaving a balance of about £4000. In the 1895 balance sheet there are no bills under discount, but the bills receivable are £6870. That looks as if the difference was arrived at in the same way.

Mr Young: We say it is arrived at by a process of reduction.

His Honor: A process of subtraction before the balance sheet is compiled.

Mr Young: Do you know, Mr Ward, whether that is so—whether the items were deducted from one another?—Witness: I understand that was done so far as the bills under discount and bills receivable are concerned.

Would you consider that was informing the shareholders of the exact position ?—I was not here at the time the balance sheet was made out.

And you are not responsible ?—I was not here at the time. As a matter of fact, I am told it is quite a usual thing to do.

The same thing is said of the drafts against shipments ?—I cannot speak of my own knowledge. So far as I understand it, the direct liability of the association against a special account disappeared altogether, but I was not here.

Did it not strike you as a peculiar thing when you were signing the balance sheet that the items did not appear ?—No. I could not know the whole of the details.

There is a marked difference, too, between the total assets of the company. In 1893 they were shown at £87,000 odd, in 1894 they were shown at £166,000 odd, and in 1895 they were shown at £87,000. That is an extraordinary discrepancy. Have you any explanation of that?—I cannot give details. Speaking in quite a general way, in one of those years there probably were considerable advances against stock purchased for the freezing work. Next year they may have disappeared. As a matter of fact a payment of £25,000 was made, which went to the association.

Would that reduce the assets ?—If you make a sale, surely you reduce the assets.

The goodwill account does not seem to have been written down much. Is it not usual to write it down ?—It depends on circumstances.

As a general rule, the goodwill is shown originally and written down in a few years ? In showing the assets of a company, is it not usual year by year to write it down ? In this case it was written down by paid-up shares ?—You cannot write it down by paid-up shares.

Mr Young: The value to the company should be written down ?

His Honor: That is a question of discretion. You cannot lay down any cast-iron rule.

Mr Young : It is a question of prudence.

Witness : I should like to say that I recognise the examination I am being subjected to, and if the opportunity is given to me I should like to make a statement bearing on the matter.

His Honor : Certainly you may do that.

Mr Young : Would you mind stating what is your private indebtedness to the Colonial Bank ?—Witness : £16,000.

What is the guarantee ?—It was an advance against 1600 of Nelson Brothers' shares.

Anything else ?—So far as I am concerned there is £6750 which the Colonial Bank has transferred to the Bank of New Zealand but which I have not.

That is an advance since the agreement was entered into ?—No, it is not. There has been no transaction since then. There was the advance of £16,000, independent of interest, against Nelson Bros.' shares, and there was an advance of £6750 standing against the whole of my ordinary securities in the Colonial Bank. That £6750 has, I understand, been transferred to the Bank of New Zealand.

His Honor : I understand it is in the " A "list.

Mr Woodhouse : It is well secured.

Mr Young : The bank look on it as perfectly good ?—Witness : I cannot tell you. I have not been advised either by the Bank of New Zealand or by the Colonial Bank if that is the case.

Are your outside creditors accepting a compromise ?—I have not got any, except those on the list.

That shows none but contingent liabilities ?—That is so.

Have you offered any compromise to them ?—The contingent creditors are not in the position of asking me for anything at the moment. There are shares referred to in different matters. To answer the question, I have had no communication of any kind, and no overtures of any kind outside the proposal between the liquidators of the bank and Messrs Reid and Smith.

Are Messrs Reid and Smith agents for you in any respect in this purchase ?—Not further than the fact that they are endeavouring to help me out of a difficult position. They volunteered to come forward.

Do you mean that they are agents to some extent ?—They are not agents in the sense of being paid.

Is there any arrangement by which you are to take over the assets ?—There is no arrangement of the sort.

Is there no understanding?—There is no understanding; on the contrary, I believe that Messrs Reid and Smith are to control the business themselves. At any rate, to be perfectly plain, I have given up everything I have, and I have done everything I could to get out of it.

Debentures were issued previous to June 1895 of £40,000 ?—Yes.

Why were these debentures issued ?—To ensure fixity of the finance.

In what way was it done by debentures ?—In the usual way. Inscribed shares are not often an acceptable investment.

You mean to say that debentures were more convenient to get off than inscribed shares ?—Yes.

I notice in one of your reports you suggest that the capital of the company should be self-contained. Is it better for a company to have its capital self-contained?—In my experience I should say it was.

Then the capital of your company in 1895 appears to have been £4200? If the balance sheet says so it is so. £8000 was paid off. That left £4230. Your paid-up shares represent the goodwill. Did you pay £1 a share?—I did

In cash?—Yes.

Do you know when they were allotted?—I cannot tell you now.

The overdraft of the association has been latterly £163,000?—It never had an overdraft of £163,000. It never had an overdraft of £100,000.

What would be the liabilities of the bank?—I cannot tell you upon memory.

You say it was never over £100,000.—You are asking a question which would have to be answered by reference to the books of the association.

Can you say whether the liability to the bank was ever over £100,000?—The direct liabilities to the bank? I cannot tell, but I don't think it was.

Do you remember when the £55,000 was written off?—I could not tell you that without reference to the documents.

Can you say by reference to any documents what was the association's liability to the bank? The whole of the detailed information has been got by the liquidators.

You recommended your debentures as a first-class investment to the shareholders?—So they were. . .

You borrowed from the association apparently?—I did not in the ordinary sense borrow. I paid everything I had into the association. I paid altogether £27,000 into the association during the time it was in existence.

There was a current account?—There was a current account in my name.

What was the total debit in the current account?—The total debit in the current account in my name in November I think was £55,000. Included in that were the whole of the investments and losses that had been made in various shipments that had been debited to me.

You were apparently carrying on business outside of the company?—No; I was not. I have said the shipments were debited to me and the losses were debited to me.

His Honor: I cannot see how that was done for the shipments were made on behalf of the company.

Mr Ward: They were not made on the association's behalf.

Then they were made on your behalf?—It practically was so. . . .

Mr Young: The losses were not ascertained?—The losses were not ascertained till November. They were said to have run into £20,000 or £30,000 In November last there were said to be £50,000.

What position do you take up with regard that account and with regard to shipments? I took over the losses. I was advised to do it, and I agreed to take over the losses.

Voluntarily?—I took them over when I was advised it was the case.

Mr Young asked if it was because the dealings were in Mr Ward's name?

Mr Ward replied in the negative, and state that it was because he was desirous of seeing the association made a success, and he thought that the greater portion of the losses would be repaid. He did not anticipate then that there would be a loss of £14,000 on Nelson Bros.' shares.

You had a special advance against Nelson Bros.' shares apparently?—That is so.

You received an advance on account of your paid-up shares?—I paid everything I got the association, except what was sufficient my own use.

What income did you get as manager?—I income was about £1000 from all sources. . .

Your income was £500 as managing director—I had £16,000 worth of shares in Nelson Bros', which previous to my having them I paid 10 per cent., but which paid me one year 4 per cent. Then I had my ordinary emendments from my official position, amounting £800 and £200.

His Honor: At what time?

Mr Ward: At the time Mr Young is referring to. He proceeded to say that, rough speaking, his income was close on £5000 a year. What was left after paying his private expense went into the association.

What you say is that the association everything. The moneys you received you paid to the credit account in reduction of your liabilities to the association. Your income, then, would appear in the books of the association?—Yes.

Mr Young: Did you have a banking association of your own?

Mr Ward: I had the private account refer to.

Did you pay your income into that? No; I did not pay my income into that the system of ingoings and outgoing was done through the association.

You took out what you wanted to live upon? That is so.

Did the association hold any security from you for your indebtedness to them for this £55,000?—The

whole of the scrip that I had in the association remained with them. In fact, the indebtedness, so far as I was aware, was £55,000.

Did that £55,000 represent any losses taken over by the association from you?—Previous to when?

When the association took over your business. No; I don't think so.

Mr Young asked what an item of £20,000 represented.

Mr Ward replied it was a guarantee given to secure a joint account of the association.

On what date was that given?—I cannot give the date.

On what occasion was it given? Was there any particular stock for it?—It was given for the purpose of an additional security of the account; and, speaking from memory, I think it was given two years ago. It was an increased guarantee. I am under the impression that I gave a guarantee of £5000. and I afterwards increased that. I think that is the position.

Was the guarantee against any particular business?—No; it was for the purpose of securing the association.

Do you remember getting a letter from Mr Murray shortly before the bill passed the House?—I had a great many letters from Mr Murray.

There was a letter guaranteeing that the Bank of New Zealand would see you through?—I should give that a most absolute and positive contradiction. If I had chosen to conceal my position and to have covered up my private affairs then I could have done it. But I would not do that; and if I had done as is suggested by some people I could have prevented my affairs from being before the judge or anybody. Anything of that kind is absolutely unfounded.

I am speaking from instructions; and I am informed that that was so, and want to know whether there was such a letter or not?—There was no such letter as that at any rate.

No letter at any time?—No such letter to that effect.

Or a similar effect?—Nor a similar effect so far as I know. Without trusting to my memory I can be sure of it, because I have the whole of my letters here.

Mr Young said he would ask his Honor to ask Mr Ward the question at another time.

His Honor: Mr Ward might be asked the question at another time when he has gone through the correspondence. Unless you have information from Mr Murray I don't see how any person can say what are in the letters.

Mr Young: I am not at liberty to say what is the source of my information, of course.

His Honor: I don't see how anybody but Mr Murray could tell what was in Mr Murray's letters.

Mr Young (to Mr Ward): Did the association hold any security for that £55,000?

Mr Ward: Only what I have told you.

His Honor: The shares?

Mr Ward: The paid-up shares.

Mr Young: I suppose the members of the association are pretty substantial as a whole, are they not?—Some of them are, of course.

It is a company of very respectable farmers, as a rule, who could pay 20 in the pound?—I can only give you my impression.

Sundry creditors, £18,970; are a lot of them shareholders in the company?—That is my impression.

Mr MacGregor: Can you tell us, Mr Ward, what is the amount you are personally indebted to the Colonial Bank for?

Mr Ward: The statement is here.

Is it correct that you are liable in the first instance for a £55,000 bill?—Yes, I am liable for £55,000.

Then for the £20,000 guarantee?—Yes.

And the £5000 guaranteed to the Hokonui Railway and Coal Company?—I am liable with others for that.

And for the £16,000 draft dishonoured? That makes altogether £96,150?—Yes; but the draft was not dishonoured. I don't know where you got that bit of information from. It was a draft in course of transit, and when the amalgamation took place the bank became responsible for it.

But you are personally responsible to the bank for the £96,000 on paper?—Yes, that is so.

And against that you have property worth, in round numbers, £4000?—That is the value of the property.

So that at present you are hopelessly insolvent?—That is so according to my books.

When did you become aware of your position?—I first became aware of the responsibilities I had on my shoulders when I became aware of the loss of the Farmers' Association. I think it was in August.

When did you come back from England?—In July.

When you saw the Colonial Bank, what person do you mean?—The general manager.

Who was that at that time?—There is only one general manager.

Mr Mackenzie?—Yes. As soon as I found that the loss was £25,000 I asked that an investigation might be made. It was after my arrival from England.

Was this a communication to Mr Mackenzie ?—It was a verbal communication made in Wellington.

An investigation of your affairs was then made on behalf of the bank ?—Yes; and a loss disclosed of £55,150—that is so far as the association is concerned.

Now as regards the sale, I suppose you were fully aware of the terms of the sale—the projected sale to Messrs Lee Smith and Reid ?—Yes.

We are told that the purchase was written down to £67,000.—Yes; £62,000 and £5000.

The total amount of debts that they are to take over, if I make it out rightly, is £168,000. Can you tell me whether that is correct?—I should like to see the statement.

£92,000 is the association's indebtedness ?—Yes.

In addition to that there is the sum of £55,000 written off ?

His Honor : In addition to that ?—No.

Mr MacGregor : I take it to be so. It was obviously written off the association account. Is that correct ?

Mr Ward : Yes.

His Honor: You say that £55,000 is to be added to the £92,000.

Mr Woodhouse: It was a debt of Mr Ward's.

Mr MacGregor : The total amount Mr Ward got from the bank was £92,000 plus £55,000. Is that not so ?

Mr Ward : That is so.

Then there is £16,000 on this draft ?—Yes.

And £5000 on account of the Hokonui Railway Company ?—Yes.

That gives £168,000 altogether ?—Yes.

So that the Colonial Bank or the liquidators stand to lose £101,000 ?—That is so.

Mr MacGregor asked if Mr Ward had seen the statement of assets and liabilities of the J. G. Ward Association ?—Mr Ward replied in the affirmative.

Do you agree with that as being a correct statement of the association's finance ?—I have not been through it. I have never been with Mr Cook or anybody else and gone through the association's finance.

Do you say it gives the correct position of the affairs of the association ?—I accept their assurance that it is so.

It shows a debit balance in round figures of £50,000. Nine months previously you thought the company to be in a flourishing condition, solvent, and giving bonuses to shareholders and salaried officers ?—Yes.

Can you account for the enormous discrepancy?—I admit the discrepancy is enormous, that is the only word to use. He proceeded to say within a very short period—within three years—the whole of the losses of the association had been made.

The association had been only in existence three years and seven months ?—The earning power of the association was, beyond question, very good. My own business was a very valuable business in 1889, my net profit being £9000.

Mr MacGregor asked how these enormous losses came about.

Mr Ward replied that the manager attributed them to losses upon shipments, to losses in connection with freezing operations, and to depreciation in value.

What do you attribute it to ? Do you leave it to this gentleman alone ?—I attribute it to the same causes, but I did not know it at the time.

Now that the loss has been ascertained, can you give us any explanation for it ?—Not any other explanation than I have given. If I had known the position or anything like what it was, of course I should not have gone on at all.

You signed the balance sheet and appear as managing director and chairman. Do you act as chairman while you are in the Government ?—I did not give the business any large personal control, and could not, as a matter of fact, if I had been upon the spot and attending to the business. But matters were put before me, and I really depended on others who were responsible for me.

Mr Fisher, you say, has left you. Where is he?—He is in Invercargill.

Mr Anderson, is he still in Invercargill?—Yes.

Is he a reliable man ?—He is a very good man.

He says he has gone through the balance sheet, and he finds Mr Cook's balance sheet is correct. Can you account for that ?—I can scarcely be expected to explain Mr Cook action.

There are two separate accounts—Brook and Connell. Are those the two you refer to?—Yes.

What are the positions of those accounts at the time of the liquidation :—In what respect?

Were they on the debit or credit ?—There would be on debit.

To what extent?—The figures would be—the one £7000 and the other £16,000.

That is one of the liabilities that Reid and Smith proposed to take over ?—Yes, I assume that they take them over.



You say with reference to these private accounts that they are taking them over with your consent simply in terms of the statutory agreement ?—Yes.

Have you had any further advances since then ?—I have not drawn upon the account at all

Have you drawn upon any account ?—I have not drawn upon any account. The liability upon £16,000 has increased by £364, from interest.

Have you another bank account ?—I have another bank account.

Where ?—At the Bank of New South Wales.

You have filed an affidavit setting forth you position. You are quite sure you have include everything ?—Yes.

Is your life insured ?—Yes, and I told Mr Woodhouse to have an amended statement made with the surrender value of my life insurance policy included. That was worth £400.

So you have got life insurance policies amounting to £11,000 ?—That is so.

How long have these been taken up ?—On about 10 years or more; the other about three years.

How many payments have you made?—I should think about five or six half-yearly payments.

Those are all the policies you hold ?—Yes, have an accident policy.

What about the bank account at the Bank New South Wales ? Is it in credit ?—It cannot be more than £40 or £50.

Have you had any property during the last three years in the name of any person beside yourself ?—I have had an interest in a property during the last three years. That is included there.

In any others ?—No, no others. I have put in everything I know of, and in addition to that I have offered to give everything I have.

We have heard a great deal about a draft put through to reduce your overdraft. There was some suggestion of that sort; do you know anything about that ?

Mr Ward replied that the association held credits outside of the bank for considerable sums, and, as he understood it, transfers were made against the special account. No draft went forward at all.

What became of the draft ?—The transfer was made, and the dra't did not go forward. After my arrival in the colony, when I knew that that transaction had taken place, I declined to let the draft go forward.

You say that this took place while you were in England?—Yes; I was not here.

That was about the time of the balance in June 1895 ?—The last balance.

About this purchase. Do you know what is intended to be done with this business assuming is purchased ?—Mr Ward replied that so far as he knew it was to be reconstructed.

And the firm put into a new liability company?—So far as I know. It certainly could not be carried on as it was.

Was money going from the Bank of New England ?—There is no arrangement with the bank so far as I know.

Are you not to be retained in the new company ?

Mr Ward replied that he had to recognise the fact that he was worth nothing.

Mr MacGregor: Don't you think the new proprietors will take advantage of your experience in connection with running this new company ?

Mr Ward : One of the conditions is that Mr Smith and Mr Reid are to control the business themselves. If you mean is it any collateral advantage to me, it is not.

Mr Woodhouse: You know Messrs Lee smith and Reid pretty well, Mr Ward ?—I do.

You know their capabilities ?—Yes.

Mr Lee Smith, for instance, is a man who has had a great deal to do with organising companies ?—That is so.

And successfully ?—Yes, very successfully.

In fact, you may say it is a gift he has ?—I should say it is.

Mr Reid is a man of large business experience, and he has had to do with companies of a similar nature to this one ?—Yes.

They are men who if they conduct things personally will practically do better than anyone else ?—Yes.

You have nothing to do with any new arrangement they make, and get no benefit from it?—None whatever.

And you give up everything ?—Quite so.

With regard to the affairs of this association, do you know anything of the accounts—of the number of accounts, for instance; are there many of them ?—I understand there are 1750 different accounts owing to the association.

And I suppose you may say a large number of small accounts like that are not easily collected?—It would be difficult to collect them.

Have you formed any idea what the liquidation of a company of this sort would cost supposing it went into

liquidation ?—Well, that would depend very much upon very many matters. I should say it would cost from £5000 to £10,000, but it is difficult to estimate.

His Honor : It must be apparent to everybody that liquidation would be a costly and troublesome matter.

Mr Woodhouse : The object of the agreement is to avoid that. As to this £55,000 which has been referred to as the amount written off between the two banks, I want to know if you had anything to do with that arrangement ?—I had not. I did not know of it until after the agreement was laid upon the table of the House. As the matter has been referred to I should like to state briefly the position so far as I am personally concerned. In connection with the banking legislation I did not in any way, so far as my personal affairs are concerned, ask for consideration either from the Colonial Bank or the Bank of New Zealand; neither did I ask that any account in which I was interested should be provided for or taken over. In addition to that I asked for no concession whatever from either the Colonial Bank or the Bank of New Zealand. I might be permitted, as this is a matter of importance to me, to read these three letters that I have; one signed by three directors of the Bank of New Zealand, one by the president of the Bank of New Zealand, and the other by the general manager of the Colonial Bank, now the general manager of the Bank of New Zealand. It has been insinuated that I was conoiving with the men upon both sides to look after my private interests in connection with this bank amalgamation. My troubles have been great enough, and I should like at once to say that the insinuation is absolutely unfounded. I have the letters here.

Mr Young: Of course it is competent for Mr Ward to make any explanation, but any correspondence of other people with hi u, I think, can scarcely be evidence in this matter.

His Honor : It is not strictly evidence, no doubt, but I think under the circumstances what Mr Ward is bringing forward now could hardly affect my decision upon the particular point in question one way or the other, could it ? But Mr Ward's character has been impeached to a certain extent, and though the matter is not strictly evidence I do not see why it should not be put forward in this matter.

Mr Young: The only thing is that we are unable to cross-examine the people who have written the letters on the value of the statements made by them, or by what means they were induced to make them. If your Honor thinks the letters should go in as evidence, I do not object.

His Honor: I do not think they should go in as evidence, but Mr Ward can read them as part of his statement. He rather wants them to go forth to the world than to influence my opinion.

Mr Young: We say that these letters are from the persons who were aware of the facts, and who are probably mixed up with any advances or irregularities in connection with the association.

Mr Ward: Mr Braund refers to this matter in his affidavit.

His Honor : I think it is fair that Mr Ward should be allowed to read them, though they are not strictly evidence.

Mr Ward : I wrote this letter on the 23rd of May 1896 to Mr Watson :—

Dear Sir,—In view of the fact that Messrs Stout and Duthie have made statements reflecting upon me in connection with the Bank of New Zealand's purchase of the Colonial Bank, I shall be glad if you would kindly give me replies to the following queries on the subject:—

- Whether, at the time of the bank legislation, I was in any way consulted as to the terms of the proposed agreement between the two banks?
- Whether I made any representations to have any account to which I was interested placed in any particular list ?
- Whether I was advised as to where or how it was intended to deal with any account in which I was interested ?
- Whether I or any member of the Government were cognisant of the position in which any account was placed when taken over ?

You will, no doubt, fully appreciate the importance it is to me, and, I presume, to yourself also, that I should be in a position to fully and authoritatively answer what has been said; and therefore your replies as to these matters of fact will enable me to deal with the subject.—I am, &c.,

J. G. WARD.

That is addressed to the president of the Bank of New Zealand, and the same questions were put to the manager of the Bank of New Zealand and the directors. In reply I received the following reply :—

Wellington,

25th May.

The Hon. J. G. Ward.

Dear Sir,—I have received your letter of the 23rd inst., and now reply *seriatim* to your queries as

follows:—

- So far as I know you were not at the time of the banking legislation consulted as to the terms of the agreement which afterwards took place between the two banks, nor were you consulted on that particular matter at any subsequent time.
- I am not aware that you made any representations to have any account in which you were interested placed in any particular list.
- You were not advised by me, or, so far as I know, by anyone else, as to where or how it was intended to deal with any account whatsoever.
- I am not aware that you, or any other member of the Government, were cognisant of the position in which any account was placed when taken over.

—I am, &c.,

W. Watson, President.

The reply from the directors of the Bank of New Zealand was as follows:—" We have perused your letter of 23rd inst. to Mr Watson, and his reply, with which we concur, as representing our views as well as his."

Mr H. Mackenzie replied : " You were certainly not consulted by me at the time of the banking legislation in regard to the proposed agreement between the two banks, and I have no knowledge of your having been consulted by anyone else. You made no representation to me, nor to my knowledge to anyone else, to have any account in which you were interested placed in any particular list. You were not, to the best of my knowledge, advised as to where or how it was intended to deal with any account. So far as I am aware, neither you nor any member of the Government was cognisant of the position in which any account was placed when taken over." I desire to mention this because I notice Mr Braund affidavit this morning refers to it, the suggestion being that I had, for the purpose of arranging my own private affairs, used my position in connection with the banking legislation.

Mr Young : The inference intended was that you were aware of the circumstance.

Mr Ward : I was not aware.

Mr Young: It was supposed, being in charge of the bill, that you were.

Mr Ward : The insinuation has been made that I was aware of it, but, as a matter of fact I was not. When first advised that the loss of the Farmers' Association were from £20,000 to £25,000 I had no idea, however, that they were going to run it to £65,000, and when they were ascertained to be £55,000 I took the responsibility upon my shoulders, believing the time that I should be able to provide for them. As a matter of fact, investigation showed that it was impossible to provide for them, but I was not aware of that at the time of the proposed agreement between the two banks. I was not consulted, and took no part whatever in it. I think it only fair to myself I should like to say, further, as it is a matter of importance to me, that I should think most people on very slight knowledge of the circumstances would at once see that if I had been consulted, and if I had been anxious to use my position or to bring pressure to bear in relation to my private affairs, it is highly improbable would have consented to one of the most difficult accounts being put on to the list to be repaid within three months, while almost every other account had three years to be repaid. Instead of having specially favourable treatment, I think my treatment the very reverse, and much worse than that extended to most the people whose affairs were dealt with.

Examined by Mr Haggitt, Mr Ward said: know the shareholders of the association pretty well, and my opinion is that the effect upon them and upon people not immediately connected with the association would be very serious if the association were put in liquidation I believe it would adversely and very material affect a number of people. It would also influence the produce market, because it would force on to the market the products of those connected with the association if pressure were brought to bear upon them.

Mr Haggitt: The effect of putting the company into liquidation, then, would extend pretty generally, I suppose, throughout the South Island ?

Mr Ward: In my opinion it would.

Tell us what your personal opinion is as to the offer made by Mr Smith and Mr Reid. Is it one which should be accepted?—As against liquidation my opinion is that it is—as against liquidation. It would take a long time to liquidate the Farmers' Association. Anyone who knows anything about country life and considers that 1750 settlers with their all are practically involved, will understand that liquidation would extend over a very considerable period, and I should say that it is impossible for anyone to tell what the losses might be.

Do you think that many people who would be ruined by the company going into liquidation will be able to pull through if the association were carried on in another way ?—There are many settlers who otherwise would be ruined who unquestionably would be able to pull through by arrangement with the association under reconstruction

Mr MacGregor : You tell us you have nothing to gain from the purchase ?—No.

Why is it you say " I have used my best efforts and all my influence with my friends to bring about the offer made by Messrs Alfred Lee Smith and J. B. Reid to the official liquidators of the colonial Bank" ?—I would answer that by asking you another question. Why is it I have paid everything I have got, and which I was not called upon to pay, in support of the association for the last year or two ? It was with a view of preventing disaster to many settlers, and I think I was morally bound to use both my own influence and that of my friends to keep the association going in the interests of the people.

But why should you use your influence to get your friends to make an offer you say you have no interest in ?—Because I did not want the association to go down.

It has nothing to do with the balance sheets put forward by the J. G. Ward Association ?—Nothing whatever. I want as far as I possibly can to see that a number of people whose future to a large extent is involved are not ruined. I want to stand by them if I can, and I cannot do anything myself in the way of money guarantees. I think they would be helped by that offer, and if the offer is not accepted the association will go into liquidation.

And you would go through the court ?—I should say the J. G. Ward Association would have to go into liquidation, and I should have to accept the inevitable myself.

Why should Mr Ward's friends give assistance if not to assist Mr Ward—that is what I want to know ?—You may as well ask me why a great many people should be prevented from insolvency. I believe such a disastrous one would effect the colony as a whole.

Mr Young : Do you think that in every case it is better people should be bolstered up than that they should go bankrupt ?—I did not say so; but I think that if compelling people to go bankrupt means the ruin of other people it is desirable to prevent that if possible.

## Mr Cook's Evidence.

William Richard Cook, who was frequently quite inaudible, examined by Mr Young, said : I inspected the Ward Association assets for the liquidators. I had no instructions at any time from the Bank of New Zealand in respect to them, or from any official of the Bank of New Zealand. I have seen the balance sheet of June 1895. I cannot tell if that is a true account of the position given at the time. I have not gone through the balance sheets. I did not see the balance sheet until I was through my work, and had prepared my statement. Mine is not a balance sheet, but a statement. The capital of the company is gone. I had no asset of capital to show. In my opinion, and I think in the general opinion, the balance sheet should not have been prepared in the manner in which it was. I inspected the share list, and dealt with it in the same way that I did with the book debts. The whole of the shareholders, with the exception of Mr Ward and five or six more, are customers and debtors to the association. In valuing the book debts I made four columns, and showed new and current bills, bills under discount, and past due bills. Having ascertained the indebtedness, I made what inquiries I could as to the value of the accounts, and valued them according to the result of my inquiries into the assets of each individual. After I had done with the book debts I had the share list and went through with the same names. I wrote to everybody who was owing over £50 to come in and see me, and took their signed statement as to what they were worth, and my estimate was formed upon that. Regarding the Hokonui Company, I got a statement of its position and of its past working. I did not have a list of its shareholders or make any detailed valuation of its assets.

Mr Young : Wherein do you suggest that it is more beneficial to accept the proposed sale than to realise on the assets ?—My memo, respecting it was made on the 30th of March, and I valued the assets as highly as I could on a liquidation basis. From past experience I think if you can get nearly the amount of cash it is far better, to take that than to go into liquidation, because you have contingent expenses of all kinds creeping up.

You mean nearly the amount that would be realised on liquidation ?—Yes. I was asked by the liquidators whether I would consider that offer a fair one, and I said undoubtedly I would.

You suggest that by liquidation you would probably get a greater amount than that offered ?—I do not know about that. I put down what I considered a fair valuation on a liquidation basis, bringing the knowledge I had to bear upon the inquiries. I think that valuation was as fair and true as one could possibly get.

Do you think there had been reckless trading ?—That is the only word for it.

To a very large extent ?—Yes. That is, advances were made that prudent men would have taken security over the crops for, and no security was taken.

Can you say from the books over what period that reckless trading was going on ?—No; I would not like to say. When I got there I had the books balanced to the 19th March, and worked from that date. I think you can say that probably nearly for two years I found no securities after 1894.

Your investigation was in November ?—No, in March, and I finished my work on the 2nd April.

Would it surprise you to learn that they had made provision for bad and doubtful debts ? Yes. I do not think

a sufficient sum was written off for bad and doubtful debts.

Mr MacGregor : You say you were aware of the offer made by Messrs Smith and Reid ?—I knew an offer was made, but not the terms of it until Monday.

When did you first know of negotiations, before or after you went down to value ?—After my statement was in. It was during the Easter holidays I knew an offer was going to be made.

When you were instructed to value, were you told for what purpose the valuation was required ?—No. I was merely told to go down and ascertain the true position.

And nothing further?—Nothing further. I knew Messrs Reid and Smith were down there. They were there before I got there.

In what capacity ?—I understand they were there on behalf of Mr Ward. The first I saw was a statement in the papers that they were going down.

Are you aware whether they were authorised to go down by the Bank of New Zealand ?—I knew of a correspondence between the Bank of New Zealand and the Colonial Bank, and of a suggestion made that the position should be arrived at by Messrs Smith and Reid.

On behalf of the Bank of New Zealand ?—I do not know, but I presume it would be for the Bank of New Zealand, because the liquidators said they would agree to that provided I was associated with them. Everything I did they were checking.

You did not understand they were present as probable purchasers ?—No, not till afterwards. However, if I had I do not think it would have made the slightest difference.

Was Mr Ward about at this time?—No, I did not see Mr Ward in the place at all.

You have told us that you were aware of the offer, and you considered it reasonable to accept it ?—I think so.

Mr Haggitt: Do you understand the details of the proposed contract ?—Yes.

Do you know whether Messrs Reid and Smith are buying the assets of the company, or are they merely taking the bank's place as creditors with the others ?—I understand they are buying the bank's debt.

Prior to making up the statement, you did not examine the previous balance sheet ?—No; I did not have the opportunity of seeing the balance sheet until a little time afterwards. I would rather not see the balance sheet, for I like to make my statement without it.

To Mr Woodhouse: As far as the bank is concerned, they are getting £4600 more, as probably saving the cost of liquidation ?—advised the liquidators to accept because believed my figures to be as nearly correct as possible, and at the same time expenses may come up—law costs, and so on—which it is wiser to avoid.

## Mr Viger's Evidence.

William Brown Vigers was called and sworn.

Mr Young : Can you tell me as to whether the liquidators are all agreed as to the advisability of this ?

Witness : Yes; they say so in their affidavit

I understand there has been some different—some disagreement, between them ?—Not that I am aware of.

You have seen the balance sheet of the Ward Farmers' Association for June 1895 ?—Yes.

Did you assist in its concoction ?—No.

What advantage do you say there is in this over an ordinary liquidation ?—Well, we do not run any risk of assets disappearing, we save a lot of interest, and we get an addition guarantee on the amount we have to pay. We have to pay £5000, and we are getting that guaranteed.

You mean the Brooks account? Are there no assets against that ?—No; we have got pay it.

Do you know the financial position of Messrs Smith and Reid ?—No.

Are you quite sure that they are able to pay £62,000 ?

The witness, who spoke indistinctly through out his evidence, was understood to say that they would be able to pay within a fortnight.

Do you happen to know by whom the money is being paid ?—I do not.

Do you know if the Bank of New Zealand assisting them ?—I cannot say.

I take it that a limited company can never pay more than it has got, and therefore Smith and Reid take it over they cannot more out of it than you can ?—No, but they can take a longer time. Liquidation means sacrifice.

You suggest they can keep the company going ?—I do not suggest; I think it probable they will.

The fact of its going at the rate at which has been going means a loss ?—They were probably change the way of doing business.

You think it probable that they can liquidate to better advantage than you can?—I take that they are not going to liquidate, but that they are going to carry on as a going concern.

You would realise what securities you have got? You have securities?—We have guarantee by Mr Ward. Have you no other securities?—No, we have no other security.

His Honor : That is so. It is stated in the affidavit that there is absolutely no security. That is not the fault of the liquidators. It is a point that may come up hereafter.

Mr Young: Yes, it probably will.

His Honor : It is possible—I suppose it is not the case?—that these debentures are a first charge on all the assets of the company.

Witness: I believe it is so, on all the uncalled capital and assets.

His Honor : They came in in priority to the sundry creditors ?

Mr Woodhouse : That is so.

Witness: The debentures are, I understand, secured by the uncalled capital and assets.

Mr Young: The Colonial Bank practically hold a mortgage over the uncalled capital to secure the debentures?—Witness was understood to reply in the affirmative.

Mr Haggitt: There is a provision that the debentures became due if the company goes into liquidation.

Mr Young (to witness) : What was your capacity in June 1895—at the time when the balance sheet of the Ward Association was prepared?—I was inspector of the Colonial Bank.

Were you aware of the bogus draft for £30,000?—What do you call a bogus draft ?

A draft which never went on.—I was aware of a draft that never went on. I do not know that it was bogus.

Is it not the same thing?—I do not think so.

Why did it not go on? If you have no objection, I shall be glad if you will explain what the transaction was.—I have no objection. The draft was drawn on a credit for £30,000, supported by warrants for oats that went to the credit of the association.

A draft on whom? Do you remember?—A draft on John Connell and Co. (Limited).

His Honor : That amount was placed to the credit of the Ward Farmers' Association with the Colonial Bank?—Yes

Mr Young : It was practically a discount?—Practically a discount.

What was the date?—About the 29th or 30th June. I cannot be certain.

On the balance day, apparently?—It was one of those two days.

His Honor: It was not the bank balance day. That had the effect of reducing the overdraft to £1185 4s 1d? The draft did not appear as a liability?—It became a discounted bill. They did not put discounts in at all.

His Honor: But, then, against that they had the warrants for the oats.

Mr Young: Would it not appear on the other side of the balance sheet as a draft against shipments?—I had nothing to do with making up the Ward Farmers' Association balance sheet. You cannot ask me about that.

I am asking you, as an expert, under ordinary circumstances.—If it was not shown on one side it would not be shown on the other.

What became of the draft?—It was afterwards recharged to the Ward Farmers' Association.

Was it cancelled?—Yes.

The transaction was written back?—Yes.

Can you say how soon after the 29th June it was written back?—I should say about the 19th October. It was some considerable time. It was the 13th October.

Should it not have gone on to London in June?—It did not go.

It was kept in the bank safe, I suppose?—Yes.

Do you know why it did not go on?—Yes. It was not quite clear as to the terms of credit. It was done under cable.

Do you know what was the value of the oats?—No. They were supposed to be worth £30,000.

What became of the warrants for the oats?—They were handed back, I understand.

Mr MacGregor: Do you tell us that the draft and documents were held by the bank from the 29th June to the 13th October?—Yes. That is from memory, of course.

You have no personal knowledge of the value of the oats?—No. I suppose it would be the fair market value.

That had the effect of making the Ward Association's balance sheet considerably more favourable than it otherwise would have been?—Yes. It did not show the contingent liability.

Do you know at whose suggestion the transaction was carried out?—The bank's.

Which individual officer of the bank?—Myself.

And you are one of the liquidators?—Yes. I acted under instructions.

From whom?—The general manager, Mr Mackenzie, who had the cable.

Were the directors aware of this transaction?—I do not know, I am sure.

Whom did you advise to do this?—The manager, in conversation at Invercargill.

You were in communication with the head office by wire ?—No; I went down.

How did it happen that this transaction occurred on the balance day of the Ward Association ?—Because the cable came that morning.

Was the cable in reply to another cable ?—I do not know.

Is it not a fact that what you went to Invercargill for was to insist that the account should be reduced as nearly as possible to credit?—Very possibly we wanted the account in credit.

And this providential cable arrived on the day on which you went down ?—On the morning before, I think. I understood that arrangements were made in London to have those credits established.

Arrangements with Mr Ward ?—Probably.

There is an extraordinary coincidence as to the date. Do you know whom the cable was from ?—I could not say.

How was it that this draft remained hung up for so many months without the transaction being settled?—I suppose because it was not convenient to find the oats.

The oats were not forthcoming. Where were the oats which were represented in the warrants ?—They were supposed to be in the stores.

Were they ?—I do not know.

Have you any reason to believe that they were ?—Afterwards I had reason to believe that they were not.

So that this £30,000 bill was lying in the bank safe with a parcel of worthless bonds attached to it ?—We did not know that.

His Honor : Were the bonds worthless when you got them ?—They were not so to our knowledge.

Were they as a matter of fact ?—I believe so.

Mr MacGregor : Do you mean that the oats were never there at all to represent the warrants ?—I think not, from what I subsequently learnt.

What did you subsequently learn ?—That there was considerable difficulty in getting the oats.

Was it Mr Ward's bond they were supposed to be stored in ?—They were supposed to be in different places.

Did they duplicate the warrants ?—I think the man gave warrants when the oats were not there.

The bondkeeper ?—They do not have bondkeepers at these places.

His Honor : They would be free stores.

Mr MacGregor : Who signed the warrants ?—Witness : The manager of the company.

The manager of the Ward Company ?—Yes.

And you took his word that the oats were there ?—Yes.

And the Ward Company had the use of this £30,000 from June until October on the strength of this draft ?—It simply wiped off the overdraft.

It saved interest, I suppose ?—The interest would be charged back.

His Honor : If the oats had been there the account would have been £30,000 to the good.

Mr MacGregor: Were oats rising at the time ?—Witness : I think they were.

At the time of this transaction Mr Mackenzie was in Dunedin, and he instructed you to proceed to Invercargill to arrange this ?—Yes.

Do you remember when Mr Ward came back from England ?—I remember about the time.

At the time he came back were you aware of the financial position of the company ?—No.

When did you first become aware of their position ?—As far as I recollect, about the beginning of September.

Was this one of the accounts you had to inspect?—I inspected it once thoroughly, and once the figures on the books of the bank.

When was the thorough inspection ?—In November.

Until September did you consider that the company was in a solvent condition ?—Yes.

When did your suspicions become aroused about the oats ?—I was told about it. I heard in a general way.

When ?—Some time after September.

You have heard Mr Ward tell us that in the month of August he reported to the bank the damaging report that his manager had sent, Is that correct?—My own impression is that it was somewhere about the 2nd or 3rd September.

You would get to know that a few days after Mr Ward making it ?—Yes. It was made to Mr Mackenzie in Wellington.

While Mr Mackenzie was away were you acting as general manager ?—I was looking after the office. I was not acting as general manager.

There was no one in command except yourself ?—No; but there was a man in command in New Zealand—in Wellington. I attended to the routine work.

He had other work ?—I presume so. He stayed there for a considerable time.

That was the time of the proposed amalgamation ?—Yes.

You say that you made a thorough inspection of the affairs of the company in November?—thorough inspection so far as I could.

Did you take out a balance sheet or a statement of affairs ?—Yes.

Can you tell us roughly how it compared with Mr Cook's?—I made it pretty bad, but not quite so bad. I did not go so thoroughly into it as Mr Cook did.

Were you surprised to find it so bad as you did?—Yes.

Had you anyone assisting you ?—I had some assistance from the men in our own office, and from the men in Mr Ward's office.

There was nobody assisting you from the Bank of New Zealand ?—No.

Had not your own office ceased to exist then ?—No; it was prior to the 18th November.

I notice that you, along with the liquidators concur with Mr Cook in saying that this is the best offer you can get. Have you taken any steps to find whether you can get any other offer ?—No.

You have not called for tenders, for example ?—No; we have not called for tenders.

And this is the only offer you have had ?—Yes.

Or asked for ?—This is the result of our starting to put the company into liquidation. We called on the Bank of New Zealand to take it over. They declined, and we asked them to take steps to liquidate. Then we got this offer. We then stopped the liquidation proceedings in the meantime to consider this, till we thoroughly understood this and saw what was the best that could be done.

The Bank of New Zealand had actually commenced to liquidate the company ?—They had not actually commenced. They had received instructions.

Was it through the Bank of New Zealand that you received the first word of this offer?—No.

You received the notice through the Bank of New Zealand ?—No.

And you do not know that the Bank of New Zealand are finding the £62,000 ?—I do not bow that they are finding one shilling.

You have no ideas on the subject ?—I have no ideas.

Mr Woodhouse: Do you think it would be a wise thing to call for tenders ?—No; I think it would be very unwise.

You think it would have a prejudicial effect?—Decidedly.

Mr Young observed that he did not wish to ask anything of the other liquidators.

Mr MacGregor said he would like to ask Mr Simpson a few questions.

## Mr Simpson's Evidence.

William Lawrence Simpson, one of the official liquidators, was sworn.

Mr MacGregor You have joined with the other liquidators in this affidavit ?—Witness: I have.

In making the statement in the affidavit, did you rely on your own inquiries and investigation or on Mr Cook's ?—As regards what ?

As regards the value of the estate ?—I took investigation by Mr Cook as a basis. We made an inquiry ourselves.

What do you mean ?—We went down ourselves.

Did the three of you go down ?—No; two of us—Mr Ramsay and myself—and we went through the books with Mr Cook.

Mr Vigers did not go down ?—No. It was more convenient to keep one here.

Mr Vigers must have been down since he was appointed liquidator ?—Yes, but not on this occasion.

And I presume we may take it that you are satisfied that this is the best offer that you can get?—It is the best offer on the basis of Mr Cook's statement which was made on March 20. I do not know now, when oats have risen 6d, that I would say it is the best.

Oats have risen 6d since then ?—They jumped up last month.

Did the company hold large stocks of oats ?—No; but, dealing with farmers, they must be paid in oats, I think.

That has improved the position of the debtors ?—It has improved the position of many of them.

That would affect both the book debts and the capital account ?—Certainly, so far as the stock is composed of oats.

You say that if this was a fair offer when it was made it should now be increased considerably ?—To-day, if we had not closed as it were, I would think twice before we closed; but we have closed, and we let the court take the responsibility of withdrawing out of it. Between man and man, it would be a binding contract, and it



would be dishonourable to withdraw.

Can you give any idea in pounds of the pro-[*unclear*: able] difference ?—I would say, roughly, that a good many of the doubtful debts ought to have become good.

To what extent ?—What would require perhaps 600 bushels to pay an account would take about 500 bushels.

That is 20 per cent, better ?—I dare say it is all that, but there are a number of other considerations which must be taken into account.

Take the book debts.—There is not the slightest doubt that the rise in oats has improved their value.

Surely if you got a better offer than this you would be bound to take it ?—Not if we have committed ourselves to one offer already.

Is there any other reason that you can suggest why you can get a better offer ?—None.

Assuming that this was a fair price at the time, you think that Messrs Smith and Reid should make a handsome profit ?—Their position has been improved by the rise in oats.

By 20 per cent. ?—Oats may go down again before they are able to sell.

Yes; but they may sell to-morrow ?—If they realise at once there would be the danger, through their being such large holders, of their knocking the market down.

Mr MacGregor : They could ship to London, not in the manner which has been described, but *bona fide*.

His Honor : I understand the company have a very small stock of oats, but you say the rise in the price of oats affects the payment of the debts and the uncalled capital to some extent ?—Witness: Yes. Mr Cook, who has been handling the thing, will be able to give a better idea.

Mr MacGregor: The contract was only signed on the 1st June ?—But the proposals were dated the 20th April.

Mr Woodhouse: The rise in oats would only affect the bad and doubtful debts ?—It would only affect the bad and doubtful debts.

The extent to which it would affect them depends upon the quantity of oats the farmers have ?—Yes.

You do not know what they have ?—No.

His Honor: Is not this the case: that if a man is hard up he sells his oats as soon as he can ?—The accounts remaining unpaid are coming in now. When they come in the man who is a debtor demands that the market price be credited to him, and that price last month has gone up 6d.

Would not the weaker men have disposed of their oats as soon after harvest as possible, and would there not be stocks in hand in respect of these ?—They would sell as soon after threshing as they could, but it was nearly the end of April before the threshing was done, so that they were bringing in just after the rise

Mr Woodhouse : And it is also possible that the selling of large quantities will bring the market down ?—Yes; I do not say what the exact effect will be, but it would make me doubtful to-day about selling.

Mr Haggitt: But there is just as much chance of oats falling as there is of their continuing to rise ?—Not for a few months.

If the Ward Farmers' Association were put into liquidation, all the oats would come in at once ?—If they were judiciously handled.

Is it not a fact that your co-liquidators do not agree with you on this point ?—They are not of the same opinion as I am.

Mr Woodhouse : Do you know if anything has gone down since the offer was made—manures, for example?—There is a very large quantity of guano. We do not consider that to be of such value as it was.

You do not know any other persons who would make an offer ?—No.

His Honor: You cannot hawk the thing round the country.

Witness : I do not see how you could advertise or let it be known it was open for offer.

Mr MacGregor: There is some goodwill ?—But you forget we have not a business to sell. We have only a small control or interest in it. So much was that so that we had some difficulty in getting into the premises at all.

## Mr Cook Recalled.

W. R. Cook, recalled, was understood to say that if he valued the accounts to-day he would certainly value them higher than he had done. In the case of doubtful accounts, where a man had 300 acres of oats and 30 bushels to the acre, instead of taking them at 1s 3d he would take them at 1s 7d or 1s 8d per bushel, and so the doubtful debts would be considerably improved; but then they must take into consideration that if they forced the market they would probably cause a fall. It was a very difficult point, but he must say that if he made a valuation to-day he would have to take the market rates to-day as he did then.

Mr MacGregor: Can you give an estimate, approximately, of the difference it would make in your

statements ?

Witness: About £5000 difference. This is only partly guesswork. I do not want to be definite in this. That would be in the statement. Whether in realisation you would get this is a different thing, because in forcing the market you would probably cause a fall. Guanos have been mentioned. They would be affected the other way. They have gone down, but the proportion is not so great.

Mr Young : Approximately in the same way what would the difference be—£500 ?

Witness : I should think so.

## Mr Ramsay's Evidence.

Keith Ramsay was then called, and stated in reply to Mr Haggitt that the question of the rise in the price of oats since the agreement was entered into with Mr Reid and Mr Smith had been threshed out on several occasions by the liquidators. He was satisfied that notwithstanding the rise in the price of oats that they were getting a good bargain. He would not wish to withdraw from the bargain. If oats had fallen, he would not think it honourable if the purchasers had backed out of their agreement. He thought that the cost of liquidation would be £10,000. The interest item alone would be 6 per cent.

Mr Young asked how Mr Ramsay estimated the expenses of the liquidation to be £10,000?

Witness replied that he based his estimate on 10 per cent, on the amount liquidated.

Mr Young: On the assets ?

Witness : Yes, on the assets.

You could get in a lot of these debts in the shape of oats within a week or two ?—Yes; we could get in a considerable sum in a few weeks.

In reply to further questions, Witness said that most of the stock had been in hand for years. He thought it could be realised in six months. Then there were some properties to realise, and he fancied that it would take over two years to complete the liquidation.

Mr Young : Why will it take so long?

Witness: The indebtedness has been running on for four or five or six seasons, and if farmers are hurried up they would be forced into liquidation themselves.

Mr Vigors said, in reply to Mr Haggitt, that the liquidators had considered the question of the rise in the price of oats, and he considered it was a good thing to sell.

Mr Ward gave it as his opinion that the rise in oats was entirely attributable to the fact that there were no large speculators this year, and farmers were holding themselves. It was an inevitable result, if they had to sell, that oats would come down.

Mr Young then put in the following affidavit by Mr Braund.

"I, Victor Maurice Braund, of the City of Wellington, accountant, make oath and say:

"1. That the J G. Ward Farmers' Association of New Zealand was formed in November 1892 for the purpose of acquiring the goodwill of certain businesses carried on by the Hon. J. G. Ward.

"2. That in consideration of the sale of the said businesses the said Hon. J. G. Ward was allotted 3000 fully paid-up shares of £5 each in the said association.

"3. That I have carefully analysed and compared the balance sheets of the J. G. Ward Farmers' Association issued by them for the periods ending 30th June 1893. 30th June 1894 and 30th June 1895, and have taken extracts therefrom.

"4. That the extracts annexed hereto and marked 'A,' 'B,' 'C,' 'D,' 'E,' and 'F,' are correct extracts from such balance sheets and reports.

"5. The nominal capital of the association was originally £100,000, divided into 20,000 shares of £5 each. Of these 3000 were fully paid up. During the period ending 30th June 1893, 5000 of the balance of such share was subscribed for, upon which £1 per share was called up. The paid-up capital for that period, exclusive of the £15,000 paid for goodwill, was £5276 At the close of the next year (30th June 1894) 18,665 shares had been subscribed, and the paid-up capital, exclusive of the £15,000, was £12,189. At the close of the next year (29th June 1895) 12,230 shares had been subscribed, and the paid-up capital, exclusive of the £15,000, was £12,450, leaving 4939 shares unsubscribed. During the last-mentioned year the nominal capital was increased to £250,000 by the creation of 30,000 new shares, also £5 each, although the increase in the subscribed capital was only £846, still leaving 4719 shares of the original issue unsubscribed, and in that year the association issued debentures to the amount of £40,000, which I am informed and verily believe were underwritten and are now held by the Bank of New Zealand.

"6. That exhibits 'A' and 'B' show a comparison of the details of the liabilities and assets of the association, taken from the said balance sheets. Exhibits 'C' and 'D' show the details of the profit and loss accounts taken from the same.

"7. Exhibit 'E' shows the apportionment of the alleged profits for those years, and exhibit 'E' is a statement showing a percentage of the gross profits and percentage of the working expenses in relation to the total assets in the said balance sheets.

"8 That exhibit 'A' shows that in the balance sheet of the 29th June 1895 there are no items corresponding with the items 'Drafts against shipments' and 'Bills under discount,' appearing in the two previous balance sheets and in the last one at £51,645 9s 11d and £35,917 1s 10d respectively. That it is highly improbable that such items did not exist, and if they did exist it follows as a principle of accountancy that the amounts must have been deducted from items of the assets. That such a course would be misleading and most irregular and improper, and would amount to a falsification of the balance sheet, inasmuch as the omission to show such items amongst the liabilities on the debit side of the balance sheet would signify a concealment of a contingent liability of the association.

"9. That this inference is supported by a comparison of the total assets shown in the balance sheets ending 30th June 1894 and 29th June 1895 at £166,846 16s 4d and £87,255 19s 6d respectively, indicating an apparent falling off of nearly 50 per cent, in volume of business for the year 1895; whilst reference to exhibit 'B' will show that the gross profits were £14,067 and £12,372, equal to 8½ and 14 per cent. of the total assets respectively. This increased profit is inconsistent with the reports of the directors annexed to the balance sheets of 1894 (which stated : 'A steady increase in the value of business has taken place'), the report of 1895 (which stated : 'The year just closed has been one of general depression. The depression has been felt by the association'), and is also consistent with the reduction of the dividend and bonuses paid to shareholders and others or such year.

"10. Exhibit 'A' shows that the direct indebtedness of the said association to the Colonial Bank of New Zealand in 1893 was £26,278 0s 7d, in 1894 was £26,584 8s 10d, and on the 29th June 1895 was only £1185 4s 1d.

"11. That I am informed and believe that the figures £1185 4s 1d did not represent the true direct indebtedness on that date, but that the said indebtedness was £26,185 4s 1d, and that a draft for £25,000 was negotiated on or about the 30th day of June 1895 by the Colonial Bank and placed to the credit of the currency account of the said association, and also that the said draft was never remitted, but was cancelled and the transaction written back after the balance was struck; and this information is supported by the figures of the balance sheets, which show a reduction in the direct indebtedness of about £25,000 at the close of the year 1895 as compared with both the previous years.

"12. That exhibit 'B' shows that dividends and bonuses have been paid at high rates for the said three periods, but the item representing goodwill (£15,000) has only been reduced by £2000 written off in the last year. That it is usual and proper to write off goodwill altogether out of profits within about five years, or sooner if profits will admit.

"13. That during the three years the dividends receivable by the said J. G. Ward at the rates declared would amount in 1893 to £1500, in 1894 to £1500, and in 1895 to £1050, besides which the said J G. Ward was employed as managing director.

"14. That in the report of the 29th June 1895 the directors allege that due provision has been made for bad debts; that profits were good, admitting of allocations to goodwill account and payment of substantial dividends and bonuses, and the directors recommended the unissued portion of the debentures of the association 'to their shareholders and clients as offering a first-class investment.'

"15. That the balance sheet of the 29th of June 1895 shows the association to be in a flourishing condition and their auditors' certificate vouches that it is 'fully and fairly drawn up and properly exhibits a true and correct statement of the affairs of the association.'

"16. That I am aware that at the time that this balance sheet was prepared negotiations were pending for the purchase by the Bank of New Zealand of the business of the Colonial Bank of New Zealand, and I am further informed and believe that Mr W. B. Vigers, one of the liquidators of the said bank, and late inspector of the said bank, assisted in the preparation of the said balance sheet and was cognisant of the whole surroundings.

"17. That the said Hon. J. G. Ward, as Colonial Treasurer, was in charge of the bill which passed both Houses of Parliament authorising the purchase of the business of the Colonial Bank of New Zealand by the Bank of New Zealand.

"18. That a term of the purchase was that £55,000 should be written off a list known as the 'C' list.

"19. That it has been publicly stated without denial that the 'C' list contained the accounts of the said association, and the said sum was written off such accounts, whereby its liabilities to the said bank has already been reduced by £55,000.

"20. That I am an equitable shareholder in the said bank, and I am of opinion that there are many matters in connection with the conduct of the business and the balance sheets of the said association which require a searching investigation, and that no advantage can possibly be gained by the shareholders of the Colonial Bank

by a compromise which obviates the winding-up of the said association in a regular manner."

Dividend Refund Bonus on Bonus on eg on of Purchase Salaries & Puid-up Charges of Merchandise and Capital. on Sales. Wages. 18P3 10% 20% 21% 5% 1894 10% 25% 21% 5% 1895 7% 10% 3 % 3% 1 Year. Total Profits. Gross Profits. Percentage Per Annum. Percentage of Working Expenses to Assets. 1893 £ 67,220 £ 8,156 (7 months) 16% 7½% 1894 166,846 14,067 8½% 5 % 1895 87,255 12,372 14% 9½% 1893 1894 1895 Margin of profit percentage over expenses percentage Margin of profit. say 9% 3½% say 5%

The following are the details referred to in the affidavit:—

Advances against produc\* Hills receivable ... Current accounts ... Book debts..... Stocks of goods ... Plant, Ac..... Goodwill account ... Goodwill paid (United Farm Agency) ... Shares in S. yard ... Cash in hand 1893. £74,929 17 4 £49,502 17 2 13,002 3 7 5,348 6 2 17,08R 5 7 1,678 10 1 37,477 5 11 10,372 5 0 25,665 4 2 2,042 3 9 15,000 0 0 1,278 2 6 46 12 6 35 4 11 1893. 1894. 1895. Capital (nominal) ... £00,000 0 0 £100,000 0 0 £250,000 0 0 Subscribed 40,450 0 0 75,305 0 76,150 0 0 Paid-up (excluding £15,000) 5,276 10 0 12,189 0 0 18,450 10 0 Vendors' fully paid shares... 15,000 0 0 15,000 0 0 15,000 0 0 Drafts against shhipment\* Bills under discount 34296 0 1 51.643 9 11 Nil. 12,859 16 0 33,917 1 10 JW. Debentures 40,000 0 0 Curreut accounts ... 4.251 12 7 9,094 17 5 10,103 8 2 Sundry creditors 1,562 8 3 Deposits Colonial Bank of N.Z. 300 0 0 26,278 6 7 Bank account 26,584 8 10 1,185 4 1 Drafts accepted 9,636 2 2 Reserve fuod 1,000 0 0 2,000 0 0 Unclaimed dividends 3 16 6 Profit and loss 4,414 19 1 7,777 19 8 6,516 17 3 1894. 1895. 34,450 9 9 6,830 7 5 10,456 17 0 17,840 2 8 2,638 5 2 15,000 0 0 47 17 6

Mr Young addressed the court, citing numerous authorities to show the principles laid down as applicable to the determination of such matters as that before the court. He should, he said, rely upon these authorities in contending that there were circumstances surrounding this matter, which he would go into when the court again sat, which would justify his Honor in withholding his sanction to the scheme proposed, which there could be no was then an attempt at compromise.

The following affidavit by Mr Braund was then read by Mr Young:—

*"I, Victor Maurice Braund, of the City of Wellington, accountant, make oath and say :*

- *That I have perused a copy of the affidavit of William Richard Cook, sworn and filed herein, and the balance sheet thereto attached.*
- *That I have made a hurried analysis thereof, and the same is attached hereto and marked 'A.'*
- *That I believe that such analysis contains a true account of the position of affairs as shown in the said balance sheet.*
- *That as a result of such analysis it appears that in consideration of Messrs Reid and Smith's promise to pay £62,750 the agreement proposes to release the association from the indeficiency of £48,456 16s 4d, in addition to the sum of £55,000 now admitted to have already been written off, and the debtor (the Hon. J. G. Ward) from his liability, upon guarantees and otherwise, of £87,490, and also to release the Hokonui Railway and Coal Company and Messrs Thompson and Hayes and Dr Hanan's estate from their respective liabilities of £4900.*
- *That in view of the position disclosed by the said balance sheet, I see no pecuniary advantage, apart from all other considerations, in the proposed sale, but I am of opinion that, upon the facts disclosed alone, the interests of the shareholders of the said bank would be better served if the said association, the said Hokonui Railway and Coal Company were liquidated in the usual manner, and the liquidators were to exhaust their remedy against the said J. G. Ward and other debtors or guarantors."*

At 5.15 p.m. the court was adjourned until 11 o'clock this (Saturday) morning.

The case was continued on Saturday morning.

## Mr Vigers Re-Examined.

His Honor said at the outset that he desired to ask Mr Vigers one or two questions. (To Mr Vigers) : You went down to Invercargill, I understand, at the end of June to get the association's overdraft reduced, among other things ?

Witness : Yes, your Honor.

And it was then that a cablegram came to Mr Fisher, who was then managing the association, as to the credit which had been opened ?—I think the cable came to the bank, but I am not quite clear about it. It was to the bank, your Honor.

And then Mr Fisher drew on Connell and Co. for the £30,000 and gave warrants for oats purporting to be of that value ?—Yes, representing that value.

The draft was not forwarded to Connell ?—It was to be held over for a few days till Mr Ward's return, and until we had further advice as to the cable. We did not read the cable advice quite clearly as to——.

And that was why it was not forwarded ?—That was why.

When Mr Ward returned, why was it not forwarded then ?—I could not say that.

When did the bank find out that the oats were not there ?—About September.

Not before ?—I believe not. I did not know anything about it till September. I may say that there was no new money given against this bill.

I quite understand. It came off the account ?—From the bank's point of view it was a good transaction. Instead of an unsecured account we got oats as cover.

No doubt it would have been a very good transaction if the oats had been there, but they were not there. That is one point I wanted to ask you about. Then I want to ask, can you give any explanation of the reason why this bill was taken by the Colonial Bank from Mr Ward on the 19th of October ?—I cannot give any explanation at all. It did not come within my province.

No, it would not come within your province. But I ask you as a banking expert whether you can offer any explanation?—I do not think it comes within the range of ordinary banking.

You are one of the liquidators as well as being a banker. Have you any notion of what paragraph 18 of the agreement means ? What is the point of it ? What is the point of writing off the amount of this particular bill, for the bill was not given on that day?—My own impression is that that was the amount the account was supposed to be short. All the rest was supposed to be good.

That is what puzzles me This account on the 18th was supposed to be bad, hopelessly bad. It looks like that ?—Yes

The next day a promissory note is taken by the bank for that amount. Ordinarily, if a promissory note is given by a man of business, it is supposed that he believes at the time he will be in a position to meet it. Also, when [unclear: a] promissory note is taken by a man of business, as, of course, the representative of the Colonial Bank was, it may be presumed he looks at it as a valuable security. As the circumstances were, which were probably known to both parties, this promissory note was simply a worthless piece of paper, the giving and taking of which seems to have been a farce perpetrated between Mr Ward and Mr Mackenzie for no understandable object. Can you as a banker suggest any explanation of it?—Not as a banker. I can give you my impression I think it was taken by Mr Mackenzie just with a view to retain a hold upon Mr Ward for the amount.

But Mr Ward was not liable to the bank before that ?—No, but he was to the company. That was written off to the company, and the company were credited.

His Honor: I want to get as much light as I can.

Witness : I think it was to retain a hold of Mr Ward.

Mr Young : The draft for £30,000,—was it a promissory note for three months or a draft ?—So far as I remember it was a draft on demand. I am not perfectly certain.

Would it not probably be a draft due in October ?—I do not think so.

Do you know ?—I say I don't think so. I think it was on demand.

Was it returned to the association ?—Probably it was.

Do you know whether it was returned ?—I presume it was. It was debited to them and if they asked for it it would be returned.

Do you know if the draft was included in the item "past due bills " ?—This draft was out of existence. It was redebited to the company. That is all I know of it.

If it was returned it would be a past due bill?—If it was paid it would be a worthless piece of paper.

But it was not paid ?—So far as we are concerned it was paid.

Can you tell me if it was included in the item "past due bills " ?—It was certainly not.

What account was it debited to ?—The J. G. Ward Association's current account.

What puzzles us is that the direct indebtedness to the bank is stated at £9605 in Mr Cook's statement. Should it not include the item of £30,000 ?—No; certainly not.

How is the indebtedness of the association to the bank so small, except in respect to the past due bills ?—The indebtedness in round figures is £72,000. I do not call that small.

It may be included in the item of past due bills?—I have told you it is not included in that item. There is one point yesterday in which I made a mistake in the matter of a date. I said it was on the 13th October, but I find it was on the 13th November when the £30,000 was debited.

What would be the total indebtedness of the association to the bank at the time the £30,000 draft was passed through ?—You mean the overdraft ?

Yes; how was it reduced to £9605? I told you that £55,150 was credited to the account.

The association is still a debtor for £9000 odd. If the indebtedness was £30,000, the crediting with £55,000 would put the association in credit Instead of that the association is in debit £9605. How is that state of affairs accounted for ? Have there been further advances ?—There have been further advances from time to time.

To the extent of £35,000? Is it anything like that, do you know?—I should not think it would be so much as

that.

The £55,150 represented the indebtedness of the association to the bank on the 30th November?—No.

Mr Haggitt: It represented Mr Ward's indebtedness to the Ward's Farmers' Association.

Mr Young: You cannot say what the indebtedness of the association to the bank was—Witness: My memory will not carry me back to any particular date.

What advances have been made, roughly speaking, since that was written off? Have there been £30,000?—I do not know of any particular advance—advances to carry on the business.

You see they are still debited with £9605 on the grain and rail account?—That has been standing for some time.

I want to know what the dealings on the account have been since the £55,000 was credited?—Everything since that has been the ordinary working of the account.

The crediting of that £55,000 put the association in credit?—It was this way so far as my memory serves me: There was an overdraft, and the £55,000 put the account in credit. Various items seem to have run the account up to £14,000 or £15,000.

Suppose it was £15,000. If you take £55,000 off that, it leaves them in credit £40,000. You redebit £30,000, and that leaves them in credit £10,000. That has been reduced, you say, by subsequent dealings until there is a further overdraft of £9000?—No. The £9000 has been swung for some time.

Then that £10,000 does not appear anywhere, What has become of it?—Only speaking from memory, there was about £14,000 overdrawn.

His Honor: Is not this the case, Mr Vigers: The bank took Mr Ward's promissory note for cash so far as the Farmers' Association was concerned. The Farmers' Association now only owe the bank £92,000, whereas before they owed the £55,000?

Witness: They took the promissory note and reduced the indebtedness of the company by that amount.

The bank transferred the indebtedness of the company to Mr Ward?—That is so.

His Honor: I confess that until yesterday I did not understand that, for one was informed that on the left-hand side of the "B" list was £78,000, and that on the right hand side there was £55,000. Now it seems there is £90,000 odd in addition to the £55,000.

Witness: In all those lists there is no notice taken of British bills.

His Honor: The misapprehension was natural until the explanation came out yesterday.

Mr Young: The fact is that Mr Ward's promissory note was taken as good as cash?—Witness: I have not said so.

Is not that the result of the operation on the amount?—I do not think so.

His Honor: This agreement is made on this basis, certainly, that the sum of £92,000 is owed by the association, and £55,000 is owing by Mr Ward.

Mr Young: Can you suggest any reason why the bank should prefer the liability of Mr Ward to that of the company?—Witness: That matter was entirely done by the general manager. I know nothing about it.

Mr MacGregor: You say that when this transaction took place at Invercargill about the £30,000 you were acting as inspector?—Yes.

Who was the previous inspector?—Mr Watson.

Now the president of the Bank of New Zealand?—Yes.

When did he leave the service of the Colonial Bank?—Some time in 1894—between August and October.

Can you give the exact date?—Not from memory.

Was he on intimate terms with Mr Ward?

What do you mean by "intimate terms"?

Was he a friend of Mr Ward's?—I don't know. He knew him as one business man knows another.

Were you inspector from the time when Mr Watson left until the bank was purchased?—Yes.

Can you tell us who it was that suggested that this £30,000 draft should be obtained?—Yes; Mr Mackenzie, in consequence of a cable he got in reference to the credit

Have you got the cable?—No; I do not know where it is.

Would it be among the bank's correspondence?—I suppose so.

And could it be produced if required?—I think so.

Had you any idea when you went down to Invercargill that this transaction was in any sense a bogus one?—Not the slightest.

Have you had reason to alter your opinion since?—How do you mean a bogus one?

That it was not a business transaction; that it was simply a method of bringing the account down to a smaller amount?—I think it was very good business so far as the bank was concerned.

What was this mysterious difficulty as to the terms of the credit which resulted in the draft not being forwarded?—The difficulty was that the cable was misread, I think, by the general manager.

Mr Mackenzie?—Yes.

Was it in cipher?—Yes.

The bank's cipher?—Yes.

The bank's private cipher?—Yes.

And it was misread by Mr Mackenzie?—Yes. I do not mean that he misread it, but that the purport was not understood.

It came from the Colonial Bank in London?—Yes.

Not from the people?—We should not have acted on it if it had been.

Do you know if Mr Ward was in London at the time?—He was not.

Do you know who arranged this matter at the other end, in London?—I do not know.

You tell us the result proved that there was no oats to represent the warrants, and that they were signed by Mr Fisher, the then manager of the association?—Yes.

Have any proceedings been taken against Mr Fisher in respect to this transaction?—Not that I know of.

Any steps whatever?—Not that I know of.

How long was Mr Fisher retained in the service of the association after this transaction was exposed?

When did he leave?—I do not know the date.

He was kept there for some months after, was he not?—I do not think so. I do not think so long as that.

You do not know accurately?—No.

Now, I notice that in the report of the directors of the Colonial Bank submitted to the half-yearly meeting of proprietors on the 25th September 1895 they show a net profit available for distribution of £19,980 2s 10d. Do you know whether the balance sheet from which these figures are taken included the Ward Association account as represented by the balance sheet of the 29th June?—Our balance sheet would include the association's debt as shown in our books.

Then it would get the benefit of this £30,000 transaction? It would appear as good in your balance sheets to that extent?—Yes; it was supposed to be good at that date.

Was it supposed to be good on the 25th September?—Our balance sheet was dated the 31st August.

I know that, but I ask you was it supposed to be good on the 25th September when the balance sheet was submitted to the proprietors? I should say not.

As a matter of fact, did not the directors and the manager know on the date when they presented the report to the shareholders that, so far as the Ward account was concerned, it was at any rate in a much worse position than it was represented in the balance sheet?—I think so.

To an extent sufficient to wipe out the whole apparent profit for the half year—viz., £19,000?—I should not like to say they knew that.

Then I understand that this meeting for the approval of the report was adjourned till some date in November?—Yes; I think so.

Mr Haggitt: It was adjourned until after the approval of the agreement.

Mr MacGregor: The report was confirmed after the approval of the agreement?—Witness: I do not think I was at that meeting.

Still you knew as a matter of fact it was done?—I believe so.

So that at the time of the final presentation of the account the directors and the general manager must have known that this Ward account was £55,000 in round numbers worse off than it was represented in the balance sheet?—At what date?

The 18th November?—I presume so.

And no intimation of anything of that sort was given to the shareholders in any form whatever?—No.

Mr Haggitt: Did the directors know at that time that Mr Ward's promissory note was valueless?

Witness: I should not think so.

Now about these figures, there is no occasion for any mystery. Before this £55,150 was written off, the account stood at £98,000, or thereabouts, did it not?—That is how it appears in the "C" list.

Then you wrote off £55,000, which reduced it to £43,000?—Yes, in round figures.

The reason of that reduction was that the Bank of New Zealand would take it over at these figures, the £55,000 being written off?—I think so.

Then you say that in November the £30,000 was debited, bringing the account up to £73,000?—Yes.

Then the £20,000 worth of debentures guaranteed to the Colonial Bank would bring it up to £93,000, at which it now stands?—Yes; £92,850.

## Mr Cook Recalled.

William Robert Cook was, at the request of Mr Young, recalled.

Mr Young : In your statement of the position of the Ward Farmers' Association there is an item of past due bills, £32,000 odd ?—Witness : Yes.

Does that item include a draft on Connell and Co. for £30,000?—No. Those are past due bills by debtors.

Does it include any large amount in London?—No.

## Mr Ward Recalled.

Joseph George Ward was recalled.

Mr Young: I would like to know if Mr Ward has been able to find the letter I referred to yesterday (a letter from Mr John Murray) ?—Witness: I have no such letter.

May I ask if you had such a letter ?—If I had such a letter I would have said so.

His Honor: I understand, Mr Ward, that this sum of £55,150 represented the balance due by you to the association on your current account with the association after deducting, of course, all sums which you had paid into your credit ?—Witness: That is so, sir.

And this balance against you was made up partly, I understand, of losses made in various shipments made by you ?—That is so.

Those shipments were made on your account not on the company's account ?—The shipment of grain to London were made in my name They were debited to me in the association account, so that the association practically were not making them on their own account.

If there had been profits they would have gone to your private account ?—No; they would not.

Do you mean to say that you were to bear the losses (if any) but not take the profits ?—The position was this : the shipments made to London, as far as grain was concerned, were made in my name, except in cases where they were made for and on behalf of farmers. The debits went to my account. I may further say that I did not know until after I was advised of the position in Wellington that these debits had been made at all.

Ought they do have gone to you ? Why should they have gone to you if the association in your absence used your name ? Why should they have been debited to you ?—My own wish was very well known that the association should not speculate on its own account. A great deal of commission business was carried on among its clients. I was anxious to avoid a speculative business so far as the association was concerned.

Supposing you bought a lot of oats and were debited with the price of them, and these were sold in London at a profit, surely that profit would be credited to you and not to the association ?—If the operation had been carried on for the purposes of my own private account that would have been so, but as a matter of fact that was not so.

I understand these operations were carried on on this basis : If there was a loss you were to bear it, and if there was any profit the company were to get it. That is the result, is it not?—That is as it has worked out. I may state that the whole of the sheep purchases made by the Ocean Beach Freezing Works were carried to that account.

These would be really on your own account?—Yes, on my own account. Very heavy losses were incurred, and they were debited to me.

And if there had been any profits you would have got them ?—That is so.

Would that not have been the case all round ? The difference is this : I gave to the association, which I regarded as a trading concern, the whole of the commission business attached to the freezing works, amounting to about £2000 a year, and in consideration of their getting that, in which there was no risk, they carried on all the sheep purchases for the freezing works in my name. Either profits or losses in that account would have gone to or against me, but that was not the arrangement so far as grain was concerned.

The association then did not speculate in grain?—No, it practically did not. If there had been profits in grain the association would have got the credit, but unfortunately there were losses.

And you bore them ?—I bore them.

The bank seem to have relieved the association from these ?—I should like again to state with reference to the bank agreement which has been referred to, that I was not told by anyone that it was proposed to put that £55,000 in any particular list. I did not know that lists were to be prepared, and I had no knowledge of the intended operation between the banks. All I knew was that losses had been made, and when the investigation took place, showing that £55,000 was the amount, and I was advised of that. I believed that I would be able to reduce the amount to a very great extent myself. When I was asked to give a promissory note myself, I gave it.

The effect so far as I can see of putting the amount in the left hand column is to release the association from the amount but put the burden on yourself personally ?—That is so. I gave the promissory note *bona fide* under the belief that I would be able to meet a great portion of it. At that time I held £23,000 worth of shares in the association, which I cooked upon as being worth their face value, and £16,000 worth of shares in Nelson Bros, with a reserve of £9 upon each share.



But these were pledged?—They come in now as part of my losses. The depreciation in properties that has taken place as the result of the troubles of the association has very materially reduced the earning power I had at that date, and the whole of my liabilities in the present position are very different to what they were then.

These transactions took place in October, and your affidavit states your position as at the time the bank went into liquidation in December. You say that in that time there was this depreciation?—There has been a direct depreciation in the value of the shares alone since then of £37,000. My own opinion, at any rate, if my private affairs is that they were closely mixed up with the association, and a large business, such as that is, having become practically disorganised and written about and talked about, with the usual results, it has depreciated to such an extent that it has affected everything I have. My business, as a matter of fact, is entirely different to what I contemplated it would be at the time the promissory note was given. As an instance of depreciation in property, it is well known that the company had active opposition from another freezing works, in which about £40,000 has been lost in a very short time.

## Addresses by Counsel.

Mr Young submitted, on the authorities cited by him, that there were two matters which his Honor would consider—first, the question as to whether the compromise was advisable from a pecuniary point of view; secondly, whether there were any circumstances surrounding the trading of the company and the issuing of its balance sheets, and the trading of Mr Ward himself, which would justify the court in refusing to sanction the proposed compromise. That it was a compromise he did not think his Honor could have any doubt. As to the first question, the only suggestion which the liquidators could make, in order to show that the compromise would be more beneficial than any ordinary winding-up process, and the only reason they gave for proposing it was delay and cost, wherefore they considered that the offer of Messrs Smith and Reid was the best offer. As to delay, it was quite evident that there need not be any great delay. The bulk of the assets of the association could be realised in a short time, and so the liquidators could reduce the amount of the debentures on which they were now paying interest.

Mr Woodhouse : They have to pay interest on everything.

Mr Young pointed out that the court had been told by Mr Cook that his valuation was slightly lower than what liquidation proceedings would be likely to realise.

Mr Cook interposed that he stated distinctly that his valuation was made as nearly as possible on a liquidation basis.

Mr Young: It does not mean allowing for cost of liquidation?

Mr Cook : No. The cost might come in. That is a matter of opinion.

Mr Young said it was evident Mr Cook did not consider that the cost of liquidation was a serious item. The liquidators had never tried to get a better offer; they had simply accepted the first one that came along. The probabilities were that they would have got a better one if the thing had been left open.

Mr Haggitt: What! after these exposures.

Mr Young said with regard to the question of delay it was quite evident now that a lot of the farmers, in consequence of the rise in the price of oats, could pay up the amounts owing by them almost immediately. But the peculiar part of the whole thing was this : that Messrs Smith and Reid were buying the debts of the Hon. J. G. Ward and of the association—they were not only buying the securities but the whole of the debts as well. If the whole of the assets that were to be sold were worth nothing, the debts of Mr Ward might be worth something. If the company was to be put into liquidation the directors might be compelled to refund the dividends to the creditors. That was a matter that the liquidators had not taken into consideration. And if Mr Ward became bankrupt it was most probable that the court would suspend his discharge until he paid a certain amount in the pound. The items had been taken out of Mr Ward's statement of assets and liabilities, and they showed that his estate would pay 8d in the pound, taking into consideration "contingent liabilities," or 1s in the pound if the contingent liabilities amounted to nothing. These were two matters which had not been taken into consideration in considering whether a compromise should be accepted. And as the result of further examination there might be other matters come out which the court was not at present aware of. As it was, his Honor had already found out, in examination, that there were some life insurance policies and a small credit in the Bank of New South Wales.

Mr Haggitt: He puts no value on them whatever.

Mr Woodhouse: The next payment will exhaust the surrender value.

Mr Young said as to the pecuniary advantages of the compromise, he submitted that no great advantage to the shareholders from a pecuniary point of view had been shown in favour of accepting the compromise as against the realisation of the securities and exhausting every remedy against the company and Mr Ward himself. Then there was another matter come into consideration—that was the conduct of Mr Ward and the

company. As for Mr Ward, he was managing director of the company. By some extraordinary means or other he became indebted to the company for £55,000, but as it turned out it was really the bank's money. It was evident he gave his name to the bank in a most promiscuous way, and he did not take any means to ascertain what his position really was; and now he practically offered to the creditors 8d in the pound. For these reasons he (Mr Young) hoped the court would not sanction the compromise so far as Mr Ward was concerned. Then, as to the conduct of the company, Mr Cook (who had investigated their affairs) told the court that that position had been brought about by reckless trading—during the last two years at any-rate. He could not speak as to before that. The balance sheet that was produced was an extraordinary one, and was absolutely "cooked"—no other term could be used—with the assistance of the bogus draft for £30,000, which was supposed to be secured by warrants for some imaginary oats. Either an advance was made against those oats or it was not. If it was made then the officials of the Colonial Bank had not satisfied themselves that the oats were in existence.

His Honor: They took somebody's word for it.

Mr Young : They made an advance.

His Honor: Well, not an advance. The money was owing already. It was not a fresh advance.

Mr Young : They practically took his security upon a customer's word that the securities really existed.

His Honor: They are not in any worse position than they were before supposing the security did not exist.

Mr Young: It enabled the association to show a reduction in their liability to the bank of £30 000.

His Honor: No doubt it did that.

Mr Young proceeded to say that the company was represented to be in a most flourishing condition, and paid dividends and bonuses every year. They recommended their debentures to their shareholders; and they were party to this arrangement by which £55,000 was transferred by them to Mr Ward.] Vigers's explanation of that transfer now was that they wanted to keep hold of Mr Ward. For what reason did not appear.

Mr Haggitt: He does not say so. He only supposes that.

Mr Woodhouse: He suggests that as a possible reason.

Mr Young said the real fact appeared to be that the liquidators were most anxious to effect this compromise. They sought to sell these debts to Messrs Reid and Smith, who were Mr. Ward's friends, and might be his nominee. He (Mr Young) therefore, submitted that the court should not be a party to a transaction by which a company was enabled to avoid the ordinary course of liquidation, with its inconvenient inquiries, or by which Mr Ward would be enabled to elude the Bankruptcy Court, with its inconvenient inquiries and possibly further proceedings.

Mr MacGregor said he did not propose to trouble the court with any lengthy address after the extraordinary and discreditable disclosures which had come out during the examination on the previous day. He would, therefore, leave the matter entirely in the hands of his Honor to say whether it was a case on which the court should set the seal of its sanction. After quoting "Buckley" to show that these matters were left entirely to the discretion of the judge, he said that he, on behalf of a number of the shareholders for whom he appeared, was prepared to leave it in that position. If the court was prepared to grant its sanction to this compromise he thought that either Mr Ward or the proposed purchasers ought to bear the heavy costs of these proceedings. Why should the shareholders of the Colonial Bank, who were already losing a great deal, have to pay the costs rendered necessary on account of the proposed sale ? This was a compromise of the debts owing by Mr Ward and the association. It was an effort on the part of the friends of Mr Ward to get him and his company out of the clutches of the law. It had come out in evidence that the purchase had stood to make a very handsome profit by reason of the rise in the price of oats. He (Mr MacGregor), therefore, did not see why they should not be compelled to pay out of this amount the expenses of the present proceedings, which were really for the benefit only of Mr Ward and the philanthropic gentlemen who had come forward to help him, and he did not propose to discuss the matter from the commercial morality point of view. It was perfectly plain that the transactions of the company with the bank and of Mr Ward with the bank had been carried on with almost unprecedented looseness. Such transactions were altogether inexplicable, except on the assumption that the parties were preparing for the smash that must inevitably come, and were trying to set their house in order accordingly. He would now point out one very significant thing as showing that the court had not sufficient material before it to sanction the sale. Mr Ramsay had estimated the cost of liquidation at £10,000; but Mr Cook had said that he had not been able to estimate the matter close enough to say whether he included the cost of the liquidation in his estimate. The business might be worth £74,000 or it might be worth £50,000. That was the closest estimate they could get. He did not like to take upon himself the responsibility of saying that the court should refuse the sanction to the sale. But it was perfectly plain from the exposures that had taken place that a desire for secrecy had been evinced all through these proceedings; and the action of the shareholders had been vindicated. Another significant fact was that in the proceedings for the appointment of permanent liquidators Mr Haggitt, who, no doubt, acted according to his instructions, made this statement to the court:—

Mr Haggitt said he had been requested to state that as to the difference between the £272,000 and the

£327,000—the £55,000 which had been written of the "C" list—security had been taken for the amount before the Colonial Bank consented to write it off.

Mr MacGregor : From whom ?

Mr Haggitt said from the persons liable.

It now appeared that the security was worth no more than the paper it was written on, and that the bank and Mr Ward knew that fact, although his learned friend evidently was not informed of it. The security was like one of Mr Micawber's, and the probability was that it was of as much value then as it was now. It was for the court to say whether such statements should be allowed to be cloaked up; but if the court were satisfied from the evidence that this was the best offer that could be obtained, he thought that the purchasers might reasonably be ordered to pay the costs of these proceedings.

Mr Woodhouse said the position of the purchasers was this: They derived no benefit whatever by the transaction. What had been said by Mr Ward was perfectly true. What they were doing was a matter of friendship to Mr Ward, in the hope of being able to put the association on its feet again.

His Honor: Do you mean to say these gentlemen are going to pay £62,000 without any hope of getting anything for it ?

Mr Woodhouse: They hope to get £62,000 again, but they do not expect to get any profit.

His Honor: To pay £62,000 out of friendship without any hope of profit—astonishing ! If it is so, it is the oddest thing I ever heard of; but I suppose it is a business transaction, and that they hope to make something out of it.

Mr Woodhouse : I repeat that they do not hope to make any profit for themselves.

Mr Young: Then for whom do they make it ?

Mr Woodhouse : For the Ward Association.

Mr Young; They are the nominees of the Ward Association.

Mr Woodhouse : Mr Ward has nothing to do with it. It is simply to avoid loss and disaster to the association. They have been prompted by friendship for Mr Ward, and would like to see the transaction carried through as proposed. There can be no question that this is the best thing that the liquidators can do.

His Honor: The business of your clients is to get a good bargain, and as good a bargain as they can.

Mr Woodhouse said Mr Reid and Mr Smith were persons who were able to deal with this business. Their experience, knowledge, and resources enable them to deal with it much more satisfactorily than most persons could do, and they could give the highest price for it. There could be no question that the liquidators had found the very best market that they could find for selling this concern. The only alternative that was to be thought of was the alternative of liquidation; and it had been abundantly shown that that alternative would be very disastrous indeed to the persons interested—to the shareholders of the Colonial Bank. The analysis of Mr Cook's statement, which was made by Mr Braund, was of itself sufficient to induce the committee to sanction the sale. According to that analysis, Messrs Reid and Smith offered to pay £4600 more than the value that was placed on the assets, Then as regards the position of the Colonial Bank, there was the further fact to be considered : what the cost of liquidation would be. That cost would no doubt be very heavy indeed. A much better value would, therefore, be realised by the sale than was likely to be realised by any other means. With regard to the other aspect of the matter, the commercial morality aspect of it, he submitted that the authorities cited and the considerations mentioned did not apply. In the first place, the cases relied upon by Mr Young were all cases in bankruptcy, and in these cases the compromises were not for the benefit of the estate but for the benefit of the bankrupt. That was the case in every instance. It was not needful to go through the cases at any length. The reason which actuated the court in refusing to give its sanction was that the bankrupt was going to get some advantage out of it, which for certain reasons he ought not to have; or because it could mean the hushing up of some transactions in the way of fraudulent preference or something of that sort, which if gone into and exposed would result in a larger dividend. These considerations did not apply here. The debtor company was a corporate body, and supposing there was anything wrong in the balance sheet referred to or in the advance on draft it was a wrong the association had nothing to do with; it was done by the management, and not by the association, and if anyone was in fault it was not the shareholders. Then whatever remedies the shareholders had would still remain. If they had a grievance it would afford no remedy to them to force the association into liquidation. The considerations which applied in the case of a compromise with an individual did not apply in the case of an association. There was no example to be held up so far as an association as a corporate body was concerned. It was not suggested here, and could not be suggested that there were any further assets which could be brought to light by liquidation or by any other proceedings. A most exhaustive investigation had been made into all the affairs of the company, and it was much more easy to investigate the affairs of a company than of an individual. The books disclosed what the assets were. As to the balance sheets they certainly were very rosy; but that simply arose from this: the figures were right enough, but the values ought to have been written down.

His Honor said that as a matter of fact the figures were not right enough. It was not a question of writing down.

Mr MacGregor said it was a question of cooking.

Mr Woodhouse said, however that might be, it did not affect his argument very much. With regard to the £30,000, the draft which was first drawn and afterwards redebited, that did not affect the Colonial Bank, there was no advance made respecting it, nothing was lost. The amount simply went to the credit of an overdrawn account, and was afterwards charged to the same account. As far as Mr Ward was concerned he had been put in the same position so far as his affairs were concerned as if he had been bankrupt. He had given up everything, even his wife's property—all his wife's property,—and bankruptcy could have no greater effect upon him financially than these proceedings had. It could not be suggested that he had anything else. He had made a complete disclosure of his property, and there was no doubt everything would go from him. There was no suggestion of any impropriety at all on Mr Ward's part beyond the fact that he had been rather speculative and extremely unfortunate in the result. The learned counsel submitted therefore that if the court was satisfied—and the court must, from what had been placed before it, be satisfied—that it was the most beneficial thing for the shareholders of the Colonial Bank that this sale should be sanctioned, then the court would sanction it, for there had been no reason shown why it should not be sanctioned.

Mr Haggitt, in addressing the court, said that he could, he thought, show by the most convincing things and, at the same time, the most fallacious things—figures—that this transaction was the best possible thing that could be done in the interests of the Colonial Bank on the valuations before the liquidators and the court. The whole matter was now before the court. His learned friends could not suggest that there had been any secrecy in these proceedings—that there had been any attempt on the part of the liquidators or, for that matter, on the part of Mr Ward, who was most interested in this respect,—to keep anything back from the court. Nothing had been glossed over, everything had been exposed in the barest possible manner. The court had before it, from the liquidators and from those employed by them, the whole of the facts in their nakedness. The result was that it appeared that for a debt of £92,179 the Colonial Bank held as security some shares in Nelson Bros. (Limited), which were worth nothing; Mr Ward's guarantee for £20,000, which was worth nothing, or nearly so; and Mr Ward promissory note for £55,150, which was worth as much as his guarantee. They held his equity in certain freehold, which was valued by Mr Ward at £3850, but which, if realised, he ventured to say, would not yield more than 10s in the pound of that amount—say £2000. There was no provision for the cost of realisation, so that not more than that sum would be realised. The Hokonui Railway Company's guarantee was worth *nil*, so that the whole of the securities did not amount to more than £2000.

Mr Young : The uncalled capital.

Mr Haggitt said he would deal with that presently. According to Mr Cook's figures the actual assets of this company amounted to £112,797, less £48,756, which left a balance of £64,040, to which was to be added the uncalled capital, which would yield £8457. Adding these sums together they got £72,497. From that they would have to deduct the cost of realisation, which, according to the estimates, would be from £5000 to £10,000. That was not by any means an over-estimate, and he took it between the two at £7500. That left the sum of £65,297 only. The cost of realisation had been dealt with by the English judges, who had a great deal of experience and knew what such costs were.

His Honor: We know a little about it here, respecting some companies that have been wound up.

Mr Haggitt cited from cases showing the opinions of English judges (*ex parte* "The Merchants' Banking Company of London in *re* Durham, 16 Ch D., 639 and 643, and others.") These went to show that the costs of liquidation were recognised as being exceedingly heavy. Mr Ramsay's estimate was clearly not extraordinary or excessive. To go on with the figures, there were some contingent liabilities put down at £5498, which were not taken into account as liabilities at all. He proposed to allow something in respect of these, and had allowed £1500 only; that was one-fourth. This reduced the value of the assets to £63,497. The learned counsel here went into calculations, the result of which showed that the total assets by liquidation would net £56,500. If the estate went into liquidation the very most they could expect to get out of it would be about £61,000, whereas the offer made was £62,750 and relief from a guarantee the Colonial Bank was subject to of £5000 more, so that there was an actual gain of £1750 exclusive of the guarantee, or £6750 including it.

Mr MacGregor asked respecting the liability for £5000 whether that had been definitely ascertained.

Mr Haggitt said it was definitely ascertained and fixed before the agreement of 18th October. If they looked in the "C" list they would find other things besides actual accounts.

Mr MacGregor said it was not stated that £5000 liability had been definitely ascertained. It was stated as a probable liability; not as definitely ascertained.

Mr Haggitt said it was not ascertained to a shilling or to £500. but it was clearly ascertained to the extent of £5000 and upwards—what the upwards amounted to he could not tell. There was another distinct advantage in favour of accepting the offer of Messrs Lee Smith and Reid as against liquidation. If the association was

brought to grief that would injuriously affect a large number of accounts in the "B" list, and would affect the liquidation of the bank generally. That the liquidators were positive of.

Mr MacGregor said he did not think that appeared on the affidavits.

Mr Haggitt said it appeared in the evidence, and it was shown inferentially in the affidavits.

His Honor: The particular point to which you refer now is that if the Ward Association is forced into liquidation it will have a bad effect upon the accounts in the "B" list.

Mr Haggitt said that was so, and common sense, he thought, would lead anyone to that conclusion. Of course if there were any Southland accounts in the "B" list it must necessarily be so. They knew very well that a large bankruptcy had a similar effect to that produced by throwing a stone into a pool of water—the disturbance by the waves in the rings nearest the place where the stone fell was the greatest, but it spread further and further, getting smaller as it reached the outer edges of the pool. So it would be if the association was forced into liquidation. That was a very important consideration outside altogether the price which the liquidators were getting for what they were selling—a very important consideration. As against all this what had they had advanced? First, his learned friend Mr Young asked his Honor to consider whether the compromise was desirable from a pecuniary point of view. That he had answered. Then his Honor was asked to consider whether there were not reasons surrounding the transition which ought to render it inadvisable that the sanction of the court should be given to it. Those reasons, so far as he understood his learned friend, were that certain balance sheets of the Ward Association were not what they ought to be, and that arising out of these balance sheets there might be possible grounds for prosecuting someone—he supposed the late general manager of that company.

Mr MacGregor: There might be a return of dividends.

Mr Haggitt said that asset must come in under the value of the shareholders' liability, and, if the whole value of the shareholders was only £8057, they could not get more out of them because they called for a refund of dividends.

Mr MacGregor: Get it out of the directors.

Mr Haggitt replied that a list of the directors had been put in, and there was only one worth anything and, as he was a shareholder, he must be valued in the estimate of £8057. That was clear enough. What was there besides; what had the liquidators to look to? They had to look to getting the most money they could for the shareholders of the bank they were liquidating. What benefit would it be to them—what pecuniary benefit would it bring to the liquidation of the estate of the Colonial Bank if a prosecution would lie against the late manager of the association, or against any of their directors. It might be from a strictly moral point of view that an offence being committed, it was someone's duty to prosecute the offender, but he submitted that was not the liquidators' duty. The duty of the liquidators was to get as much as they could for the assets of the bank, and to realise them to the best advantage. It would not prevent anybody who had been injured by the action of the manager or directors of the Ward Farmers' Association—if the bank got rid of this liability it could not prevent anybody else prosecuting them, nor could he see how it could prevent the Colonial Bank prosecuting them. They sold the debt, it was true. If a prosecution would lie on account of anything that had been done previously, the sale of the assets, it seemed to him, would not affect that; so that there was nothing really in that argument at all. Then it was said that this kind of thing must not be done because it amounted to a compromise, and to effect that compromise would be to screen somebody who ought not to be screened—Mr Ward, his learned friend pointed at, no doubt. But how was he screened, he (Mr Haggitt) would like to know? What greater injury could be done to him than to subject him to such an examination as he had been subjected to during the last two days? The only thing that could possibly have been secured to him of any value would have been secrecy and silence with regard to the transactions of the Ward Farmers' Association. Why, they had been ripped up from top to bottom in the proceedings taken during the last two days, so that even that advantage, if it was an advantage, had been absolutely lost. The repetition of these scandalous doings, for scandalous they were, would become staler and staler every time they were repeated, and less and less interest would be taken in them. The proceedings so far no doubt had been, or would be, telegraphed all over the colony, and appear in every paper in the colony; and would prove intensely interesting to Mr Ward's political opponents, but the next time anything occurred regarding the matter there would be but a brief notice of it. Looking at this matter, he asked who was being screened? What was being screened? What possible motive could be attributed to the liquidators but to do the best in the interests of the liquidation? That was, he submitted, the consideration for his Honor, and the suggestions as to screening had not only not been proved, but had been absolutely disproved by the publicity which had been given to the proceedings. It had been said that there were other assets not mentioned, that there were certain life insurance policies. Those policies had been referred to, and, regarding them, it had been shown that the very next payment which had to be made would cover their surrender value. The liquidators were certainly not going to keep up these policies at a cost of some £400 a year or thereabouts out of the funds of the bank even if the liquidation of the bank was likely to last for the period of Mr Ward's

life, during which these payments would have to be made. Moreover the policies were pledged to secure Mr Ward's private indebtedness, and not to secure the Ward Farmers' Association, and these policies were in possession of the Bank of New Zealand at the present time, and all the liquidators would have a right to would be the right, after paying off the debt due to the Bank of New Zealand, to come in—in fact they would obtain these with the other equities if they paid off that account. What was there in that? The bank did not consider them of any value, and the proposed purchasers did not consider them of any value; they were not included in the sale. There was now only one thing to mention, and that was the rise in the price of oats. That was a matter that had been fully considered by the liquidators before this agreement was actually signed. Of course the rise in oats had been since the agreement was really entered into. The liquidators had bound themselves as far as they could before the rise had taken place, and it would have been, as Mr Simpson had put it, exceedingly dishonourable for a private individual to try to back out of a bargain simply because the price of the article he had sold had risen after the sale had taken place. If such considerations were to influence the court at arriving at a conclusion, no provisional contract could ever be entered into; every contract would have to be entered into with reference to the price of produce, as on the day when the contract came before the court to be sanctioned. The matter, however, only incidentally entered into the consideration of this subject, for the association had no oats or very little—what they had there were more than sufficient outstanding store warrants to cover,—and the price of oats did not enter much into the contemplation of the parties at the time of the contract, and it now only arose incidentally in this way: that some of the debtors of the association was small farmers who had small quantities of oats, and, therefore, with the rise in price, their position was bettered, if they took advantage of the present market; but, if they did note it was just as likely as not when they attempted to realise they would get no more for them than the price they were at when the contract was originally entered into. He believed oats had risen 5d per bushel, but if in place of rising they had fallen 5d and Messrs Smith and Reid had tried to get out of their contract in consequence of the fall, would not indignation of the deepest kind have been expressed against these gentlemen for having tried to get out of a deliberate bargain, because there had subsequently been a fall in prices?

Mr MacGregor: They would just have forfeited the £500 deposited.

Mr Haggitt said it might have been that the whole of the purchase money had been paid and what would have been said if they had come to the court and asked for the rescission of the contract because oats had fallen in price?

His Honor said the valuations were on the 20th March, and there were negotiations and agreements by letter or partly by letter, and partly verbal, based on the valuation of the 20th March, but they were not absolutely completed. One or two terms were left open, but these negotiations were working up to final settlement of terms, and the terms were closed and the agreement entered into on the 1st June.

Mr Haggitt replied in the affirmative, and said that the rise in price never entered into the contemplation of the parties until after the agreement had been made. The price was fixed on the statement, and oats did not rise till afterwards. The terms of the contract were agreed to and the deposit paid long before there was any rise at all in oats. That was the position of matters, and his opinion accorded with Mr Simpson's—that even if the liquidators had power to alter the contract or to back out of it in consequence of the rise in the price of oats, it would be a most dishonourable and disreputable thing to do.

His Honor: I understand that after the original contract there were letters from the liquidators insisting on something more, and that they finally got it.

Mr Haggitt said that was so, that however, was not the cause of the whole delay. He did not suggest that. The liquidators required balance sheets and affidavits from certain people before anything was finally concluded. It was a condition from the first, a condition of entering into this contract, that the affidavits should be obtained, and they were obtained only on the day before the contract was actually signed.

Mr Woodhouse: The £5000 between the two banks is a new term.

Mr Haggitt said the purchasers had conceded that, as they agreed that it would be unfair that they should only pay 11s in the pound in respect to an item in which 20s in the pound might be paid by the liquidators. He did not know that there was anything more for him to say in connection with the matter. It seemed to him to be so absolutely obvious that this transaction was in the best interests of the bank that it was absolutely unreasonable to dispute it. Certainly the only person who did dispute it was Mr Braund, who had professed to analyse Mr Cook's figures, and had come to the conclusion that the purchasers would make a profit of about £440, but had made no provision for the expenses of liquidation, and had not taken any account of what Mr Ramsay in his calculations had pointed out—namely, that there would be a considerable loss in interest to the bank, which it would have to pay while the liquidation was going on, so that the position would be altered for the worse by at least £8000 if the company went into liquidation instead of this offer being accepted. Beyond that the only argument urged against the acceptance of the offer which had been made to the liquidators was what he had already dealt with—the balance sheets of the Ward Farmers' Association. That they had nothing to

do with. As to the consequences of dealing with the Ward Farmers' Association, in respect to any future action against the directors and officers of the Colonial Bank, the liquidator had provided for that as far as they could, and had got a clause inserted in the agreement, without exception being taken by the purchasers, providing for the production, if necessary, of books and papers disclosing the transactions between the association and the bank and between the association and Mr Ward. As he had already suggested, the liquidators had nothing to do with possible proceedings which might be taken against the directors or manager of the Ward Farmers' Association. That was a matter which, it seemed to him, was left open even although this sale was carried out.

Mr MacGregor, referring to the correspondence preceding the agreement to purchase, which had been handed to him by Mr Haggitt, observed that Messrs Reid and Lee Smith had submitted their offer for the assets on behalf of Mr Ward and his friends. That was what he had tried to get Mr Ward to admit on the previous day.

Mr Simpson: They changed their ground since.

Mr MacGregor said it was also stated that the offer was based on the balance sheet of the 19th March.

Mr Haggitt: That was admitted all through. His learned friend had said that the costs in this matter should be paid by the purchasers. He submitted that if such a condition was attached it let the purchasers clean out. The court had no power to bind the purchasers to a new term of contract. The subject of the payment of Mr Cook's charges had been distasteful, and the liquidators had had to give way.

Mr Woodhouse said that there was no reason why the purchasers should pay the costs. The matter was as much to the benefit of the Colonial Bank as it was to theirs.

Mr Haggitt said Mr Simpson had asked him to mention a thing which he had mentioned before, that liquidation or the acceptance of this offer were the only two things that were open to the liquidators, and proceedings had actually been taken to put the company into liquidation when this offer was made.

Mr Young remarked that he did not base any argument upon the price of oats, because it would be clearly unjust to back out of the agreement on that account, but he would point out that the liquidators were in no worse position. As to the costs of liquidation the Bank of New Zealand were bound to liquidate for the Colonial Bank, under clause 26 of the bank agreement, free of expense except in regard to disbursements.

His Honor said he would give his judgment in a day or two.

The court rose at 1.45 p.m.

## Judge's Decision.

### Proposed Sale not Sanctioned.

In the Supreme Court on June 16 Mr Justice Williams delivered his judgment on the application by the official liquidators of the Colonial Bank of New Zealand for the sanction of the court to an agreement made between them of the one part and Alfred Lee Smith and James Bennie Reid of the other part, for the sale and purchase of certain debts due to the bank and the securities for the same as mentioned in the agreement.

Mr Haggitt appeared at the hearing for the official liquidators, Mr W. C. MacGregor for the shareholders' committee, Mr T. Young (of Wellington) for Mr C. Fraser (a shareholder), and Mr Woodhouse for the persons named as purchasers (Messrs A. Lee Smith and J. B. Reid).

His Honor's judgment was in the following terms :—

"I agree with the liquidators, that upon the figures brought forward by Mr Cook the suggested purchase is a fair one, and that it would probably be more beneficial pecuniarily to the liquidation that the agreement should be carried out than that the Ward Farmers' Association should be compelled to liquidate. Mr Cook has based his figures on what he considers would be realised if the association actually went into liquidation, and has taken his valuation as on the 20th of March last. Mr Cook does not, however, seem clear as to whether his values do or not allow for the cost of realisation. Mr Braund has made an analysis purporting to show the result of the agreement, based on Mr Cook's figures; but that analysis is incorrect, the true figures being several thousand pounds more in favour of Mr Braund's view. Mr Braund was evidently unaware of the fact that the bank held £50,000 of the association's debentures, which, in the event of liquidation, are a first charge on its assets. Taking Mr Cook's figures, we find the whole of the assets, including the uncalled capital, to be £72,797. Deduct from that—say, £5000, the cost of liquidation, and (as suggested by Mr Haggitt) £1500 in respect of contingent liabilities, and a balance is left of £66,297. Of this £50,000 goes to satisfy the debentures, and the balance (£16,297) is apportionable between the bank and the other unsecured creditors. The total amount of unsecured debts is £62,797. Of this amount £42,179 is owing to the bank. It will be found that the bank's proportionate share of the £16,297 is £10,946, which, added to £50,000, makes £60,946. Add to this the value of the properties in Mr Ward's estate, set down as £4250, but realising, say £3000, and we have £63,946. As against this we have the purchase money of £62,750 and a guarantee to the extent of £5000 in respect of certain

oats, the whole of which is stated to be now due. On the above calculation the bank would receive £67,750 if the purchase were carried out, as against £63,946 if the association went into liquidation. This, however, is merely my own rough estimate. Anyone with the figures before him can make an estimate for himself. Mr Cook, however, valued as on the 20th of March. He states that oats have risen, and that in consequence, if he were now to value the book debts and uncalled capital of the association, he would value them at nearly £5000 more. Under the circumstances it would be unfair to refuse to sanction the agreement merely on account of this rise, but if the agreement is not sanctioned on other grounds the liquidation will get the benefit of it. The advantages of a present cash payment are obvious; interest is stopped, the claim of the Bank of New Zealand is settled, and the liquidators are relieved from uncertainty.

It was suggested that there were incidental objections to forcing the Farmers' Association into liquidation, one of them being that to adopt such a course would affect accounts upon the "B" list. This suggestion, though made by counsel, was hardly adopted by the liquidators. The hardship such a course would inflict on the shareholders or clients of the association cannot fairly be considered. If the management of the association has been such as to bring it to a condition of hopeless insolvency the shareholders have themselves to thank. I do not think it has been shown that the result of the association going into liquidation would indirectly affect the liquidation of the Colonial Bank. On the whole, however, I think that if the only alternative is either to carry out the proposed agreement or for the association to go into liquidation, the former would be more beneficial pecuniarily to the Colonial Bank. It was contended, however, that even if this were so there are other aspects of the case which the court is bound to consider. It was suggested that the evidence has disclosed such a state of things that an arrangement which would in substance compromise the debts both of the association and of Mr Ward, and which was intended to have, and would have, the effects of avoiding liquidation and bankruptcy, and so preventing their business transactions being investigated, ought not to be sanctioned. What, then, are the circumstances disclosed in evidence with respect, first, to the trading of the Ward Farmers' Association, of which Mr Ward was managing director, and, secondly, to the conduct of Mr Ward in relation to his separate transactions ?

"The attention of the court was first directed to the balance sheet of the association for the year ended the 29th of June 1895. That balance sheet is framed somewhat curiously. Among the assets there is one item of £6830, bills receivable. There is no entry of bills under discount among the liabilities. This latter entry had, however, appeared in former balance sheets. Mr Ward explains this by saying that the system of dealing with bills under discount and bills receivable was changed. He says: 'As I understand it, in the usual way bills under discount are looked upon as bills sold, and are deducted from bills receivable. That is the ordinary thing to do, and ought to have been done from the start.' He goes on to say: 'It is quite usual for bills discounted to be regarded as sold, and instead of the total amount appearing the difference between bills discounted and bills receivable to be shown.' The sum of £6830 appearing among the assets of the association was therefore arrived at by deducting from an undisclosed amount of bills receivable an undisclosed amount of bills under discount. Any person with an elementary knowledge of accounts must see that this process is an illegitimate one. Bills under discount represent contingent liabilities. If they do not appear in the balance sheet as an item of liability the effect is to suppress the fact that contingent liabilities exist, and the amount of such liabilities. That is in itself a falsification of the balance sheet. If it were the case that when a man puts his name on the back of a bill and gets the money for it he had no more to do with the bill the above system would be justifiable; but of course, such is not true either in law or in fact, as every trader knows by sad experience. That some traders may habitually make out balance sheets in this way is possible, just as some traders may, unfortunately, be guilty of other dishonest practices: but, notwithstanding that, the practice is obviously a dishonest one. Furthermore, it is almost certain that this process of previously deducting liabilities from assets and placing the difference only in the assets column has been followed with respect to another item. In the balance sheet of 1894 there appears the item among the liabilities 'association's drafts against shipments, £51,643,' and among the assets the 'advances against produce afloat and in store, £74,929.' In the balance sheet for 1895 the former item does not appear, and the amount of £34,430 only appears in respect of the latter item in the assets column. The balance sheet also shows a total liability to the Colonial Bank of £1185 only. Mr Vigers has told us how the Colonial Bank, immediately before the association's balancing day, was induced by a fraud to reduce the account by £30,000. Mr Vigers went down to Invercargill to get the account reduced, and discounted a draft on a London house for £30,000, and in support of the draft received warrants purporting to represent oats of that value, which oats ultimately turned out to be non-existent. This fraud was not discovered by the bank till some months later. In the meantime the association obtained forbearance from pressure by the bank, and their account was reduced by the above amount.

The balance sheet was made up to the 29th of June, but of course it was compiled after that date and it was not certified as correct by the auditor until the 13th of August, nor was it laid before the shareholders until 7th of September. If the account was, as Mr Vigers states, reduced by the fraud of some officer of the association



by the sum of £30,000 at the end of June, it is exceedingly strange that the directors of the association should not by the 7th of September have discovered that there was something wrong, and that the association had got credit for £30,000 which it had no business to get. The balance sheet further represented the sum of £6516 to the credit of profit and loss for the year after deducting bad debts, and the report of the directors recommends the payment of a dividend and bonuses. This report was to be presented at the meeting on the 7th September. This, therefore, implies an assertion not only that the balance sheet was correct up to the 29th June, but that the circumstances of the association on the 7th of September were such as to justify the distribution of the amount to credit of profit and loss in dividends and bonuses. In the balance sheet of June 1895, the liabilities, apart from paid-up capital, amount to £53,289, and the assets, apart from goodwill, to £72,555. In Mr Cook's statement of assets and liabilities, as on the 20th March last, the liabilities amount to £112,797. To that, however, must be added the sum of £55,150, which, up to the 19th of October, when Mr Ward gave his promissory note for it, was a liability of the association. The total, therefore, of liabilities was £167,947. The total assets as valued by Mr Cook as on the 20th March amounted to £64,341. The discrepancy between the balance sheet of the 29th June and Mr Cook's valuation on the 20th March, even apart from the fraudulent credit of £30,000, is enormous. It certainly cannot be in any way accounted for by losses incurred between the two dates. Furthermore, the loss of £55,150 was known to everybody on the 19th of October, when Mr Ward gave his promissory note for it.

"It is impossible to suppose that the framers of this balance sheet of the 29th of June, when they put it forward on the 7th of September, were not aware that it was an utterly false one—something going far beyond the mere rosy statements which too sanguine directors occasionally put forward. It competent business men put forward a balance sheet of this kind the only inference is that they do it for a sinister purpose. What, then, is Mr Ward's connection with this balance sheet? On the 29th June, the date to which it was made up to, he was on his way out to New Zealand. He was, therefore, absent from the colony at the time the fraud in respect of the oats was perpetrated. He returned to New Zealand, however, in July. Mr Ward says he was absent from the colony when the balance sheet was prepared. The balance sheet, however, was not signed by the auditor till the 13th August, and was afterwards published with a report annexed to be presented at the annual meeting of shareholders on the 7th of September. This report is signed by Mr Ward as chairman of directors, and it recommends the appropriation of the balance to credit of profit and loss in the payment of dividends and bonuses. Mr Ward says that the balance sheet was submitted to him for signature on his return from England, and that he considered the matter all right, or he would not have signed. He says he cannot give any details, as he had nothing to do with them. He says he did not and could not give the business any large personal control, that matters were put before him, and he really depended on others who were responsible for him. Mr Ward, however, was managing director of the company at a salary of £500 a year. Out of £27,450, the total paid-up capital of the company, he held £23,000—viz, 3000 shares of the par value of £15,000 which had been allotted to him as fully paid up, and 8000 shares on which £1 a share had been paid. On these 8000 shares £4 a share was not called up, so that he was subject to a contingent liability of £32,000 in respect of them. Further than this, Mr Ward's private account with the association was largely in debit. Considering the position Mr Ward held as managing director of the association and the large stake he held in it, he seems, according to his own statement, to have known uncommonly little about its affairs. If a company becomes insolvent, and if it appears that credit has been obtained by fraud, and that a false balance sheet has been put forward, it is fair to conclude that the losses which led to insolvency were not the result of legitimate trading that they were not the result of such trading in the present case appears further from the evidence of Mr Cook, who investigated the affairs of the association. He says in his examination that advances were made that prudent men would have taken security for over the crops, and that no security was taken; that this reckless trading was going on over a period of about two years, and that he found no securities after 1894. In his affidavit Mr Cook states that out of case appears further from the evidence of Mr Cook, who investigated the affairs of the association. He says in his examination that advances were made that prudent men would have taken security for over the crops, and that no security was taken; that this reckless trading was going on over a period of about two years, and that he found no securities after 1894. In his affidavit Mr Cook states that out of £85,070 of book debts he considered it necessary to write off £37,374 as absolutely bad and worthless. He stated that he found indiscriminate credit had been given and little or no security taken. Nor can it be suggested that this state of things was caused by the opposition of other freezing works. The freezing business and the losses consequent on it were not the business or losses of the association, but of Mr Ward, and were carried to the debit of Mr Ward's private account, as the profits would have been carried to his credit. The association, also, after losing all its paid-up capital, is £48,456 to the bad, according to Mr Cook's estimate, in addition to the £55,150 which was at Mr Ward's debit in its books. This result has been arrived at in the short period of three years during which the association has been in existence.

"It is difficult to dis sever Mr Ward's private transactions from the transactions of the association. Mr Ward's direct indebtedness to the bank consists of £20,000 on a guarantee for the association given by him,

£16,340 on a draft secured by shares of Nelson Bros. (Limited), which at the time the draft was given are stated to have been a sufficient security for it, but have since depreciated in value. In addition to this there is the promissory note for £55,150 given on the 19th October. The contingent liabilities of Mr Ward amount to £38,513, the principal ones being £32,000, the £4 per share uncalled on 8000 shares held by him in the association, and £4900 guarantee on account of the Hokonui Coal Company. As against these liabilities, the assets consist of the equity of redemption of certain properties estimated to be worth £3850, of shares in companies of the value of £100. of household furniture of the value of £300, and of other shares worth nothing. Mr Ward's estate would thus realise under a shilling in the pound. Nearly the whole, therefore, of Mr Ward's liabilities have been incurred in connection with the association, and the largest of them—the promissory note for £55,150—represented the balance to his debit in the books of the association. So far as I can make out this large indebtedness arose partly from losses incurred in his own private business of freezing sheep and partly from speculations in grain. These latter, Mr Ward states, turned out unfortunately, and that if there had been any profits they would have gone to the association, but that as he did not wish the association to speculate he took the losses on himself. This liability of £55,150 of Mr Ward to the association originally formed part of the liability of the association of the bank, but on the 19th of October Mr Ward, at the request of the general manager of the Colonial Bank, gave his promissory note for that amount, and the bank accepted his liability, on the promissory note in lieu of the liability of the association. Why this was done I do not quite understand, as the promissory note could be of little or no value to the bank. There is nothing to show that Mr Ward had been any property which is not included in the present list of assets. He states that he considered his shares in the association, however, was then, to Mr Ward's knowledge, in difficulties, and these shares carried a contingent liability of £32,000. I can hardly, therefore, accept Mr Ward's statement as correct. Mr Ward's shares in Nelson Bros. were then pledged for their full value to secure another amount. Mr Ward's liabilities therefore, with trifling exceptions, all incurred in connection with the association of which he was managing director. Here, then, is a company, or association, with a capital actually paid up in cash of £12,450. When it has been only three years in existence that capital has been lost and the association has become hopelessly insolvent, showing a deficiency of £100,000. It has been shown that the association obtained credit for a large amount by fraud; that it put forward an utterly false balance sheet; and that its affairs were managed with a reckless disregard of ordinary business principles. Of this association Mr Ward was managing director. Of the £12,450 of paid-up capital he held £8000, which carried with it a contingent liability of £32,000. He also held 3000 shares of the par value of £15000, which had been allotted to him as fully paid-up. His private account with the association was in debit £55,150, showing that he freely used the credit of the association for his own private ventures. In such circumstances it is hardly too much to say that in substance Mr Ward and the association must for most business purposes have been identical. Mr Ward is now hopelessly insolvent. A few pence in the pound is the utmost that his estate can be expected to realise. What, under ordinary circumstances, would happen would be that the association would go into liquidation and that Mr Ward would become bankrupt. That the career of the association should be brought to an end and its proceedings investigated, and that those who were responsible for its management should no longer be permitted to roam at large through the business world, is a result so obviously desirable in the interest to commercial morality that it ought if possible to be attained.

"Now, it is with the avowed intention of preventing this result that the purchasers under the present agreement have come forward. Mr Woodhouse states that it is not like an ordinary business transaction, where the purchasers expect to make a profit, but that they were buying out of friendship for Mr Ward, in the hope of being able to put the association upon its feet again—that is to say, that a veil will be deliberately drawn, so as to hide the past as far as possible; that Mr Ward's bankruptcy will be purposely prevented; and that things generally will be made pleasant. That the transfer of the liability of the association to the banks into the hands of persons admittedly friendly to the former management will tend to stifle any inquiries into the proceedings of the association is manifest. If anyone had purchased the debt of the association as a business speculation, and for his own business purposes wished to keep the association going, that would be a different matter. In that case there would be no need for him to have purchased the debts of Mr Ward. By the present agreement every debt of Mr Ward's on every account is purchased and is lumped in one purchase with the debt of the association, though Mr Ward's debt will yield but an infinitesimal dividend. 'We only buy the association's debt on condition that you throw in all Mr Ward's debts' is evidently the attitude of the purchasers. The whole action of the purchasers was thus taken, as Mr Woodhouse, candidly admitted, out of friendship for Mr Ward, and, of course, in order to avert the necessity for his bankruptcy. It is thus an offer to buy off from bankruptcy and its consequences a man who ought not to escape them. This is in effect an offer of hush money, although I quite understand that the purchasers were themselves actuated only by the honest motive of friendship for Mr Ward.

"I am satisfied that the court, in considering whether it shall sanction an agreement of this kind, is bound to a certain extent to look at the moral aspect of the case, and if it sees that the real object is to prevent investigation

into discreditable transactions the sanction should be refused, even if the agreement is the most beneficial for the pecuniary interests of the liquidation. This principle is perfectly well recognised by the courts in similar and analogous cases. (*Thring's Joint Stock Companies*, p. 383; *re Strawbridge* 25, Ch. D 266; *re Burr ex parte Board of Trade*. 1892, 2 Q B 467; *ex parte Reed re Reed*, 17 Q.B.D., 251.) That the proposed arrangement though in form a purchase of assets is in effect a compromise is plain. It comes to the same thing whether a debtor to the bank offers to compromise a debt for so much in the pound or gets a friend to come forward and buy it for the same amount, and the like considerations should apply in each case. I have no hesitation whatever, therefore, in refusing to sanction the agreement. In so refusing I do not for a moment mean to say that the liquidators were wrong in entering into it and bringing it before the court, or that they are entitled to anything but credit for doing so. I base my decision upon what was disclosed at the hearing. Reference was made in one of the affidavits to Mr Ward's political conduct, and some similar reference was made at the hearing. With Mr Ward in his political capacity I have nothing to do. I look upon the case from its commercial aspect, and upon Mr Ward in his business relations. That Mr Ward is a member of Parliament and holds a political office is, from the point of view I have considered the case, an irrelevant accident. The summons will therefore be dismissed."

Mr W. C. MacGregor then stated that there was on the list for the day a summons in the same matter issued by him on behalf of Mr William Brown. After his Honor's judgment, just delivered, it might prove unnecessary to proceed with that summons.

His Honor: Why ?

Mr W. C. MacGregor said that, in terms of the agreement, the J. G. Ward Farmers' Association would now have to be wound up by the Bank of New Zealand. He would ask that Mr Brown's summons stand over for the present.

His Honor said that he had no objection to the summons standing over as suggested.

Mr W. C. MacGregor asked his Honor whether he proposed to deal now with the question of the costs of the summons.

His Honor replied that the Hon. J. MacGregor (for Mr Young) wished that the question of costs should stand over in the meantime.

Mr W. C. MacGregor replied that he was quite agreeable to that course being adopted.

Mr Haggitt said that he presumed the liquidators would take their costs out of the assets.

The following is the report and balance sheet referred to in his Honor's judgment, issued to the shareholders in the J. G. Ward Farmers' Association of New Zealand (Limited), and submitted at the general meeting held in Invercargill on Saturday, 7th September 1895:—

The directors are pleased to place before the shareholders the annual balance sheet.

The year just closed has been one of general depression in almost all classes of commerce, and more especially in all produce trades.

Growers generally throughout the colony have had a hard and anxious time and very low prices for their productions. The prospects however, are very much more encouraging and the increased value of stock, wool, and grain will materially assist in restoring prosperity.

The depression has been felt by the association, in sympathy with kindred institutions; but notwithstanding this, the directors are pleased to report a balance of profit for distribution of £b51 17s 3d, which it is recommended to be divided as follows :—To payment of dividend of 7 per cent, on paid-up capital. To payment of bonus of 3 per cent. to shareholders on goods purchased. To refund of 10 per cent, on commission paid by shareholders on sales (this is in addition to rebate of 25 per cent, already made on wool commission). To payment of bonus of 3 per cent, on salaries.

The directors further recommend that the £2000 presently standing at reserve fund account, together with £2000 to be allotted from profit and loss account be utilised in reduction of goodwill account, which will then stand at £11,000 instead of £15,000.

During the year the directors issued £50,000 of 0 per cent, debentures, with a currency of 14 years, of which £40,000 has been sold, and the balance of £10,000 is open for purchase. These debentures are recommended to shareholders and clients as offering a first-class investment.

Early in the year it was found necessary to obtain further storage accommodation, and arrangements were made with the Hon, Mr Ward to erect a new wool store at Invercargill, which is capable of holding all the wool likely to be handled by the association at its annual sales for some years ahead; and owing to the pressure upon our Gore stores the capacity there was more than doubled as well.

The total storage room of the association has been utilised to the full during the past grain season, and a large number of our shareholders have found the benefit of this, as upon our recommendation they stored their grain to await a rise, which fortunately came and has been maintained, representing an advance of fully 50 per cent., which has been very acceptable.

Our stores, which are the most capacious in the colony, have all the modern facilities, and inquiries are being made with a view to fitting them with hydraulic power.

Mr Thomas Green retires from office as director by rotation, and being eligible offers himself for re-election.

It will also be necessary to elect an auditor.

Nominations for directors other than the above must be lodged at the office of the association in writing in Invercargill seven clear days before the annual general meeting on Saturday, September 7, 1895.

Shareholders unable to attend the meeting can record their vote by proxy, forms of which are enclosed.

Proxy forms must be lodged at the office of the association in Invercargill 48 hours before the time of the meeting.

J. G. WARD, Chairman.

Balance sheet of the J. G. Ward Farmers' Association of New Zealand (Limited), for 12 months ended June 29, 1895:—

J. G. WARD, Manager Director.

JOHN FISHER, Manager.

R. A. ANDERSON, Secretary.

I have examined the books and vouchers of J. G Ward Farmers' Association of New Zealand (Limited), and certify that this balance sheet is fully and fairly drawn up, and properly exhibits a true and correct statement of the affairs of the association. J. F. HANNAH, Audits Invercargill,

August 13, 1895.

The names of the directors given in the report are: The Hon. J. G. Ward, M.H.R. (chairman), Messrs Thomas Green, J.P. A. Baldey, J. Hayes, M E., F.S. Sc., and A. Piper.

Front Cover

Whakaa Turanga o nga Tikanga o te Whakapuraretanga o Hauraki mo te Mahinga Koura.

Na Tiemi Make.

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Narrative of the Opening of the Hauraki District for Gold Mining.

By James Mackay.

## He Kupu Whakaatu Atu.

I taku tamarikitanga taku mahi tenei ko nga mahi katoa o te paamu whenua o taku papa kei Whakatu i te Waipounamu. I taku kaumatuatanga ka haere atu ahau ki te Taitapu i taua whenua ano me te tango i tetahi whenua o te Kawanatanga he teihana kau, hipi. Kaore ahau i hiahia ki te mahi i nga mahi a te Kawanatanga. No taku whakaturanga ki taua mahi i muri nei, ka haere mai ahau ki tenei motu, te tukunga iho, ka noho ahau ki Hauraki, ki te whakapuare i nga whenua o taua takiwa mo te mahinga koura.

Ki taku hiahia, me noho tonu ahau ki tena motu "Na te tangata tona whakaaro ake, teraka ke to Te Atua."

Ko tenei Pukapuka ka hoatu e ahau ki runga ki te ingoa o taku hoa aroha o.

Wiropo Hoterene Taipari.

Te tino Rangatira o Ngatimaru o Hauraki, he tohu aroha mo tona mahi tautoko, i aku tikanga mo te mabinga koura ki Hauraki.

Whai Korero na Tiemi Make Kia Ngatimaru no Hauraki.

Tena koutou te iwi, tena koutou te whanau.

Tena koutou nga morehu o nga kaumatua rangatira, Maori, me nga morehu o nga Pakeha na ratou i timata te mahi koura ki Hauraki nei.

Tena koutou nga tamariki Maori me nga tamariki Pakeha o tenei whakatupuranga me tenei tamaiti tauhou a te Karimana.

Tenei ahau te mihi kau atu ki aku kaumatua kua ngaro nei. Haere, haere e koro ma. Haere, koia tena Te Hoterene Taipari, Riwai te Riore, Tamati Waka te Puhi, Hohepa Paraone Tarawerawera, Te Karauna Hou, Rapana Maunganoa, Parata te Mapu, Taraia Ngakuti, Te Hira te Tuiru, Tanumeha te Moananui, Tukukino, Te Kereihi Hukehuke, Tinipoaka, Tareranui, Hohepa te Rauhihi. Kitahi te Taniwha, Rawiri te Ua, Maihi Mokongohi, Pita Taurua, Kapanga te Arakuri, Hoera te Whareponga, Tarapipipi te Kopara, Haora Tipa, Tamati Tangiteruru, Patene Puhata, Maihi te Hinaki, Maaka Peneheiriti, Ngakete, Ngatai Hori te Whetuki, Tamihana

Tukere, me nga wahine reongawari, reo korimako a Rangitehau, Riria Karepe, Harata Patene Kanuheke, Aherata te Mihinui, me Mere Tilia. Whakarongo mai e nga tamariki o tenei whakatupuranga ko enei nga Rangatira me nga toa o Hauraki i taku nei tupuranga. Ko te whakatauki oua Rangatira ko "Rauru Ki Tahī" kia mohio mai koutou o te tikanga tenei o taua pepeha, kolahi anake te kupu o te Rangalira, kua puta te kupu i tona mangai, kaore e hoki to muri ka mau tonu. Kaore i penei me etahi o koutou nga tamariki kua haere ki nga kura Pakeha, ka hoko i te whenua i tenei ra ki tetahi Pakeha, apopo ka haere ka hoko i taua whenua ano ki tetahi atu Pakeha ke noa ino, otira ua koutou, ua nga tamariki, kaore ano ki a tu noa he Kooti Whakawa Whenua Maori ki te motu nei i te wa o a koutou kaumatua, no reira kaore ratou i mohio ki enei niahi paran, mani tinihanga a koutou, ko te kura tena nana koutou i whakaako ki nga mahi maminga ko taua Kooti anake.

Haere ! haere ! haere ra ! e aku hoa kaumatua kua ngaro ki te po kua hinga koutou te whanau roroa, waiho ana ko matou ko enei morehu o nga kaumatua o Hauraki, ko nga mahoe, nga korimoko, me nga kaiwhiria enei e ora nei, nohea matou e rite ki nga mea kua ngaro ia tatou

Kihea taku manu Korotangi e ngaro nei.

E ui ra ki te poupu o te whare kaore te ki mai te waha.

E ui ra ki te maihihi o te whare kaore te ki mai te waha.

E ui ra ki te tuarongo o te whare kaore te ki mai te waha.

E ui ra ki te Tiki nei kia Kahutia te Rangi kihea taku heru.

Tena kua riro i te poriro tiraumoko nei e.

Moenga hau nei e moenga raukawakawa nei e.

Ko te heru ko te tangata kua ngaro, ko te poriro ko aitua nana i kahaki. Ka rohea inaianei te taha ki aku hoa kaumatua kua ngaro i te ao nei.

Ka timata taku korero ki nga tamariki o Hauraki, ehara i te korero ki nga kaumatua Maori e ora nei, me nga kaumatua Pakeha mahi koura, no te mea e mohio pu ana matou ki a matoa whakahaerenga, me a matou na mahi. Te take o taku whai korero koia tenei, kia noho mohio koutou ki nga tikanga i riro ai tenei whenua a Hauraki mo te mahinga koura; kei mate ko a koutou kaumatua ka noho matapo koutou ki aua mea. Tetahi kia ahei ia koutou te whakaatu ki a koutou tamariki ana tae koutou ki te kaumatuatanga. Koia tena.

I kitea te koura tuatahi ki Raumate Maunga Kiriki kei Aterehia e te Hakiriwhi i te tau 1851.

Ko te koura tuatahi o Niu Tireni, i kitea e Hare raua ko Perereka Ringi, i te awa o Kapanga, kei Karamaene i Oketopa 1852.

Te tuarua kei Aorere, i te Taitapu, i te Waipounamu, e Wiremu Raitepana me Wiremu Hau i Tihema 1856.

Te tuatoru i kitea ki te awa o Kawatiri, i te takiwa ki Arahura, i te Waipounama e Hone Ratipena Kai ruii whenua, ite tau 1859.

Te tuawha i kitea ki Tuapeka, Otakou, i te Waipounamu e Kapereira Rire i te tau 1861.

Te tuarima i kitea te koura ki Hauraki e Paratene Whakautu, raua ko Hamiora te Nana i Hurae 1867. Ko Paratene Whakaitu he tangata no Ngatirarua, tona kainga kei te whenua mahinga koura i Aorere, i te Taitapu, i te Waipounamu, ko Hamiora te Nana no Ngatipaoa ano, i haere ake ki Aorere ki te mahi koura, te hokinga mai ki konei ka haere tahi mai a te Paratene Whakautu ia ia.

I te tau o te kitenga o te koura ki Kapanga, ka haere atu a Kawana Winiata ki Karamaene, ka huihui nga iwi katoa o Hanraki ki reira. Katahi ka whakaetia kia haere nga Pakeha ki te kimi koura i te whenua katoa, timata i Moehau, tae tonu mai ki Kauaeranga nei. I tuhia te pukapuka i reira, ko te tikanga me whakaputa e te Kawanatanga £1 te tau mo ia tangata kerī koura. I whakapumautia taua pukapuka mo nga tau etoni, te taenga ki te mutunga o aua tau kua kore he tangata, kawhakahokia te whenua ki nga tangata Maori ano. Ko taua pukapuka o Kawana Winiata i tuhia i te 30 o nga ra o Noema 1852.

I te tau 1861 ka kitea houtia te koura ki Karamaene ano, ka timata te mahi kerī koura i taua wa Katahi ka haere ake a te Makarini te Tino Komihana Hoko Whenua mo te Kawanatanga ka huihui nga iwi katoa ki Karamaene, katahi ka tukua te mana mahi koura kia te Kuini ki runga ki te whenua i timata i Moehau haere tonu ki runga ki te pae maunga tae tonu ki te matapuna o te awa o Waiiau ka huri ki tetahi moana ki tetahi moana (Te tikanga o te rohe i timata i te taha ki te tongai Kerita puta tonu ki Whitianga). I tuhia te pukapuka whakaae i te iwa o nga ra o Noema 1861. I uru nga rangatira nui ki te tuhi ia ratou ingoa ki taua pukapuka.

I muri i te tau 1862 i te rua tekau matoru o nga ra o Hurae i tuhia tetahi pukapuka whakaae e Reira Karepe ma, ki te tuku i te poraka o Tokatea, mo te mahinga koura, ko te utu £500 i te tau.

I taua wa ano i tukua e Pita Taurua ma, ara a te Patukirikiri, i nga whenua katoa o taua iwi timata ana i te taha ki raro i te rohe o te Tokatea poraka, te rohe o te taha ki runga ko te whenua o te Pirihi, Mihanere kei te Puke. Kape ana ki waho ko nga whenua nohoanga, ngakinga kai me nga urupa tupapaku.

I taua wa ano i tukua e Patene Puhata ma, ara a Ngatihura—i a ratou whenua katoa i timata i raro i te rohe

ki te whenua o te Pirihi Mihinare, haere tonu whaka runga ki te rohe o nga whenua o Ngatiwhanaunga Kape ana ki waho ko nga whenua nohoanga, ngakinga kai, me nga urupa.

I reira ano ka tukua e Te Tanewha Kitahi ma, ara a Ngatiwhanaunga, ia ratou whenua katoa timata i te taha ki raro i te rohe o te whenua o Ngatihura haere tonu ki runga ki te rohe o te Mahakirau poraka, kua oti ke noa atu hoki ia Ngatipaoa te hoko i taua wahi kia te Kawanatanga. Kape ana ki waho ko nga whenua nohoanga, ngakinga kai, me nga urupa. Kotahi ano te tikanga o aua pukapuka katoa mo aua whenua, Ko te utu ki nga Maori mo te mahinga koura, kia £1, ite tau mo ia tangata kerī koura.

Ka timata te mahi o te koura—me te haere nui ano, o te tangata; katahi ka ara te pakanga o Waikato, me te Pakeha, i te tau 1863, ka mataku nga kai kerī koura ka mahuetia te whenua katoa kei Karamaene. Haere ana etahi o nga Maori o Hauraki ki taua whawhai ano.

I Oketopa i te tau 1864 i haere atu ahau ki Karamaene ki te whakarere ke i etahi o nga tikanga o nga pukapuka o te Makarini mo aua whenua. Ko te tino tikanga hou, kua mahuetia te £1 i te tau mo ia kai kerī koura, engari kua oti te ture Maina Raita i taua wa, katahi ka waihotia ki runga ki tena huarahi te utu Te take kaore i taea te tataui i te nui i te iti ranei o nga tangata kerī koura.

No te hinganga o Rangiriri i Noema, 1863, katahi ka hoki mai ki Hauraki te nuinga o nga tangata o Marutuahu i haere ki te whawhai. Ka noho ratou ki Hauraki ano.

No Pepuere 1864 ka ngaria ahau e Kawana Kerei kia haere ake i Akarana ki Hauraki, ki te kawae mai i ana panuitanga, kia tukua mai e nga tangata mau patu i a ratou pu ki nga Apiha o te Kawanatanga, kia mau te rongo kia ratou; ki te pena ka tohungia a ratou whenua, ekore e murua penei me a Waikato i muri o taua wa.

Ko Whakatiwai taku ungtuatahi ki Hauraki, ko aku hoa ko Haora Tipa, no Ngatipaoa, raua ko Rawiri te Ua, no Ngatiwhanaunga. Ko nga kai hoe o taku pooti weera he rangatira Maori no Whakatu, i te Waipounamu. I Whakatiwai, i timata te tukunga o nga pu me nga rakau Maori ki au. Ka rongo matou tena nga tangata o Ngatimaru kei Hauraki, e hiahia ana ki te tuku i a ratou pu, Katahi ka whiti atu a Rawiri te Ua, me etahi o Ngaupaoa ki Hauraki nei, ki te titiro i te whakaaro o Ngatimaru Te hokinga mai i penei tona kupu kua tonoa koutou kia haere ake ki Hauraki. Ka whiti matou ka hui hui matou ki te tuturu o Parawai, i te kainga o te Hotereue Taipari ka tukua mai ngapn 23 ki au, ka whakatakotoria aua pu i te whenua i taku aroaro e noho ana ahau ki runga ki te tangere o tetahi waka. Ka peke a te Poihipi no te Whanauapanui, he papa ia, no Mereana Mokomoko wahine o W. H. Taipari, ka meatia ka nui ta koutou kuare kaua e hoatu i a koutou pu ki te pakeha na, ka ringakore koutou ka haere mai ia i te manua ki te kohuru ia koutou engari me parn nga pu me pupuhi i te Pakeha na. Ka maunu taku pu hurihuri, i roto i au ka hanga tonu te ngutu ki taua tangata. Katahi ka riri a Riwai te Kiore ki taua tangata, "Ehoa he tangata tauhou koe ki nga tikanga o Hauraki ehara tenei iwi i te iwi kohuru tangata, na tatou nei hoki i tono i te pakeha o te Kawanatanga kia haere mai; ki te kore koutou e pai ki te tuku i a koutou pu kia ia, e pai ana me hoki pai ia ki Akarana " Ka tahuri atu ahau kia te Poihipi," ka ki atu kia ia mehemea e hiahia ana koe ki te whawhai haere ki Tauranga ka ngata to puku ki kona." Ka haere tau tangata i muri ki Tauranga, me he kupu poropiti taku poroah kia ia i mate ano ia i te whawhai ki Te Ranga.

Ka hoki ahau ki Akarana katahi ka ngaria ahau e Kawana Kerei kia hoki ki Hauraki, a a Ohinemuri atu ano. I tukua nga pu o Ngatitamatera ki Opukeko, ka mau te rongo kia ratou. I muri ka tae ake ahau ki Opukeko ano, ka tukua mai nga pu o Ngatipaoa ki au i reira, ka mau te rongo kia ratou. I muno tena ka tae ake ahua ki waho ki te kainga o Te Moanauni kei Waiomo, ka tukua mai etahi o nga pu o ana tangata ki au. Ka haere atu matou i kona ki Karamaene ki nga tangata mau patu o te Patukirikiri ka tukua mai nga pu ki au, ka mau te rongo kia ratou Ko te mutunga tena Ko te maunga rongo ki Hauraki a mau tonu e mau nei. I Akuhata 1864 i muri tata o te whawhai ki Te Ranga kei Tauranga i ngaria ahau e Kawana Kerei kia haere atu kia Wiremu Tamihana Tarapipipi (te Tienara Maori i te whawhai), kia tirohia ona whakaaro Wano mate matou ko Rawiri te Ua ma. Kua oti ia Taraia Ngakuti te tuku ngakau kia Mohi te Ahi-a-tengu me nga tangata o te Akitai; i Waitoa me te Aroha ratou e noho ana i taua wa. Ko taua iwi he mea pana atu na te Kawanatanga i nga whenua e tu tata aua ki Akarana i te timatanga o te whawhai i 1863. I hoe mai ratou me a ratou pu ki roto ki Waitoa, ki Piako, tae rawa mai ratou ki reira, kua puta ke matou ki te Whanake, ka ora matou. Me mau i te awa kua mate matou. Ka tae ake matou ki te Uruhau, kei Matamata ka huihui mai a Wiremu Tamihana Tarapipipi me tona iwi a Ngatihaua, ki reira ki te whakarongo ki aku korero. Te tukunga iho ka mau te rongo kia ratou ki reira.

Taku hokinga atu ki Akarana, ka purutia ahau e Kawana Kerei ki Akarana noho ai, kihai i whakaae ia kia hoki atu ahau ki taku kainga tuatahi ki te Waipounamu. Katahi ka turia ahau e taua Kawana, he Kai Whakawa he Komihana mo te takiwa katoa ki Hauraki. Hono tonu taku mahi kopikopiko ki nga kainga o Hauraki. Ka mohio nga iwi o Hauraki, ki au, ka tupu o matou aroha tahi kia matou an o a e mau nei kaore i pakaru taea noatia tenei ra. Te take o taku korerotanga i nga tikanga o te whawhai, e mea ana ahau kia mohio ai koutou i pehea taku rironga mai ki Hauraki, nei ehara i te whakahihi noku mo taku mahi. Ka rongo ahau he koura kei Hauraki nei, ka nui nga kererotanga o matou ko te Hoterene Taipari, me Wirepe Hoterene Taipari mo taua mea.

I taua wa ka nui te mahi whakawehewehe o nga tangata Hauhau kia matou ko Ngatimaru. No te mea kua kape Hikutaia me Ohinemuri me Piako, i nga iwi whati mai i Waikato. I baere mai ratou ki te kerī kopia, me te

ki ano, kia tangohia Hauraki katoa kia ratou, no te mea kua oti ke te tuku i Hauraki kia Potatau, i tona whakaturanga he Kingi mo te motu nei. Na te mohio me te ata whakahaere o matou tahi me a koutou kaumatua, i ora ai tenei takiwa e ora nei. Haere ana te paoa o nga pu o te Hauhau ki Tauranga, ki Opotiki, ki Nepia, ki Taupo, me era atu wahi o te motu nei, takoto aputa ana a Hauraki. No reira te pepeha "Ko te Pai o Hauraki," koia tenei e mau nei, e haere nei, o reira mai ano.

No te wateatanga i nga mahi a te Hauhau kalahi maua ko Wirope Hoterene Taipari (kua tu ia he Ateha i taua wa) i hoki ki te kimi whakaaro mo te koura, Ahakoa te pakeke o te iwi na o Ngatimaru, ka whakapuaretia nga whenua o Ngatirautao mo te kimihanga koura—Otira heoi te wahi i tino puare ko te wbenua i waenganui o te awa o te Hape me te awa o te Karaka. Katahi ka haria mai e ehaa i etahi pakeha erua, kote Wiremunana raoa ko te Moromana ki te kimi koura i taua wahi, no te korenga katahi raua ka hoki ki Akarana, oti atu ai.

I muri roa o tenei ka haeremai a Te Paratene Whakautu, raua ko Hamiora te Nana, he tangata mohio ena no te mea kua kite hoki raua i te mahinga koura i tera motu, i te Waipounamu. Erua pea marama o ta raua mahi ki Hauraki ka kitea te koura, te wahi i tupono ai raua ki te koura, kei te aro maunga i te hurihanga nui o te huarahi pakeha ki roto ki te awa o te Karaka. E noho ana a te Rokena, Kai Whakawa o te Kooti Whakawa Whenua Maori ki Kauaeranga i taua wa. Ko te turanga tuatahi tena o te Kooti ki Kauaeranga—Katahi ka haere tahi a Wirope Hoterene Taipari, ratou ko te Rokena, me Hare Reweti, ki Akarana—Te taenga mai ki Akarana ka haere ake a W. H. Taipari ki taku Tari ki te whakaatu mai i taua koura ki au. I taua takiwa ka mahuetia iate Kawana me te Kawanatanga te noho ki Akarana kua haere ki Poneke. Ka noho ano a te Rata Porena ki Akarana, koia te Kai Whakahaere o nga tikanga katoa o te Kawanatanga ki Akarana; ko ahau kua mutu taku mahi Komihana ki Hauraki ake, ka nekehia taku tu ka whakaturia ahau e te Kawana he Komihana mo Nui Tireni katoa.

Ka haere atu maua ko W. H. Taipari : kia te Rata Porena, ki te whakaatu i taua koura kia ia, ka korero matou, te tukunga iho, ka whakaae maua ki te haere ake ki Hauraki, ki te ritiro i te wahi i takoto ai taua koura. Ka hari a maua ngakau ko te Rata Porena i te kitenga o taua koura, no te mea kaore he moni i Akarana i reira; tu kau ana nga pakeha, kaore he mahi, kaore he kai, ka noho rawakore noa iho ratou, Kua mutu te tuku moni a te Kawanatanga ki Akarana, kua riro ke te Kawanatanga ki Poneke: kua hoki atu hoki nga hoia ki Ingarangi. Katahi ahau ka haere atu ki tekimi i etahi pakeha kotahi te kau, tangata mohio ki te mahi koura i era atu whenua. Ka rere matou ki runga ki te Kanitaaka ki Hauraki. Ka u ki uta, fa haere matou ki te Karaka, me Waiotahi, ka kitea te koura i ana wahi. Ko ta matou mahi e kimi ana i te koura i roto i te one-one, me te kirikiri i nga awa, e kuare ana matou i reira kite mahi i nga riwhi.

I te 27 o nga ra o Hurae 1867, kua tuhia te pukapuka tuatahi mo te puaretanga o nga whenua mo te mahinga koura ki Hauraki. Ko ahau anake to matou mohio ki nga ture mo te mahinga koura—te take kua tu ke noa atu ahau i 1858, tae tonu ki 1863 he Watena mo nga koura whira o te Waipounamu.

Ko nga rohe o taua whenua i rimata i te ngutu awa o Kauaeranga haere tonu i taua awa ki te putahitanga o te awao Kakaramata, haere tonu i roto i te awa o Kakaramata tae noa te matapuna i te taukaka o te maunga, haere tonu i taua taukaka ki te matapuna o te awa o Te Hape, a haere tonu ki te matapuna o te awa o te Karaka, a haere tonu ki te matapuna o te awa o Waiotahi a haere tonu ki te matapuna o te awa o Moanataiari a haere tonu ki te matapuna o te awa o Kuranui ka whati i kona ka haere tonu i taua awa tae noa te moana haere tonu i te taha o te moana ki te ngutu awa o Moanataiari, ka ahu ki uta ka haere tonu ite aki tutauga o te maunga ki te kaka o Parareka, ka ahu ki uta piki tonu i taua kaka tae noa ki Waiowhariki, ka rere i runga i te kaka e ahu ana ki te awa o te Karaka ka marere ki roto ki taua awa ka whati i kona, ka haere tonu i te awa o te Karaka tae noa ki te moana, ka haere tonu i te taha o te moana ki te ngutu awa o Kauaeranga. Ko Waiotahi katoa i whaka kapea ki waho o taua pukapuka. Ka hoki matou ko te Rata Porena, me nga Pakeha, ki Akarana, me te poroaki kia Taipari ma a te tahi o nga ra o Akuhata ka hoki mai ahau me etahi atu Pakeha ki runga ki te tima. Kia mohio mai koutou nga tamariki, ko a koutou tupuna matua na ratou i tuku tuatahi i te koura o Hauraki kia te Kuini, ko Te Hoterene Taipari, Wirope Hoterene Taipari, Rapana Maunganoa, Te Meremana Konui me Te Raika Whakarongotai.

Ka haeremai matou ki runga ki te tima i te Etaparaihi name 2. E ono tekau pea matou, ka noho matou ki Kauaeranga. Ka tae pea ki te kotahi marama o ta matou nohoanga ki reira, ka tupu tetahi raruraru ki waenganui o nga tamariki o Aperahama te Reiroa, me tetahi Pakeha. Heoi ka mau ratou ki te herehere me te whakatau i ngawhaina ki runga kia ratou no te korenga moni o aua tamariki, me ta raua matua, ka wano ka riro ki Akarana ki te wharehere here tuturu. Katahi ka whakaae a Aperahama te Reiroa kia whakaurua a Waiotahi ki roto ki te koura whira ka hoatu e ahau i tetahi moni kia ia mo runga ki nga Maina Raiti, no reira, ka utua nga whaina. Katae ki te wiki, kotahi, ka kite ahau i nga tangata e whakatu kau tonu ana ia ratou whare, katahi ka haere ake maua kote Mitara ki te whahatakoto i te raina o Porena Tiriti, Hoterene Taone, me te pou i nga ratimata tuatahi.

I te 12 Akuhata 1867, i kitea te riwhi ki Kuranui, e Hata, Kopere, Karaka, me Waiti.

I muri o tena, ka limata te mahi o maua ko Ngatimaru ki te whakarite i nga whenua katoa i rimata ki raro i te Mamaku i te tahataha moana o Hauraki, te mutunga whakarungako te awa o Omahu. I te whakahaerenga o

nga piihi ki roto ki taua takiwa, he nui nga tautohe i tupu mai mo nga rohe o nga whenua o tena hapu o tena hapu. Tetahi whenua tino kino rawa atu te raruraru ko te wahi ia Tamati Waka te Puihi, i te takiwa ki Hongikore—te taha ki Tararu i tautohetia e Kitahi te Tanewha, tepito ki raro i peratia ano e etahi o Ngatimaru—note roa o te ngangaretanga mo taua wahi katahi ka karangatia e ahau ko te Whakatete te ingoa o taua poraka; a mau tonu taua ingoa ki taua whenua. No Hepetema, 1867, i rimata te whakahaere i nga rohe o aua wahi, no te mutunga o Pepuere, 1868, katahi ka oti pai katoa. Ahakoa te tautotohe o Ngatimaru, kia ratou ano, ahakoa te kore pukapuka kia tuhia i waenganui o Ngatimaru, me te Kawanatanga. E haere noa iho ana nga Pakeha, kia ratou wahi katoa i pai ai ratou, ki te kimi koura. Kaore he raruraru i te taha ki nga Maori, i te taha ki nga Pakeha. Ta "Raum Ki Tahī," pai hoki, mahi ana matou i runga i te kupu tuku noa iho a nga Rangatira o Ngatimaru. Kaore i penei me nga mahi tinihanga, ngakaurua, o enei nga rangi. E ahei te whakatauki "I te oranga o te tama o Kiripuai, he kura, he waero."

I te iwa onga ra o Noema, 1867, ka huihui a Tanumeha te Moananui me tona iwi o Ngatitamatera, ki Matariki, me etahi o Ngatiwhanaunga. Katahi ka tukua te whenua katoa kia te Kuini mo te mahinga koura i timata ki te Mamaku i te tahataha moana o Hauraki i te rohe whakararo o nga whenua o Ngatimaru ka haere tonu i te taha moana ki Moehau, ka whati ka rere i te taha moana ki Whitianga, ka whati ki te hauauru i te taenga atu ki te rohe o nga whenua o Ngatihe, ka haere i taua rohe, ki te rohe o Ngatimaru, ka rere ki runga ki taua rohe ki te Mamaku ano I whakakapeia ki waho o taua whenua nga kainga nohoanga, nga whenua ngakinga kai me nga uropa tupapaku. Ko te utu ki nga tangata Maori na ratou te whenua £1 mo ia Maina Raiti, ana puta ki te kai mahi koura. Ko taua pukapuka a Te Moananui ma, kaore i whakararu e te tangata tae tonu ki tenei ra.

No te timatanga o nga ra o Maehe 1868 ka puta te karangakia Ngatimaru katoa kia huihui ki Pukerahiu kei Hauraki a te iwa onga ra o Maehe. I taua ra ano, ka noho te hui ki reira. Ka nui te whai korero o matou tahi ko nga Rangatira o Ngatimaru. I wahia a ratou whenua kia iwa nga poraka ko nga ingoa enei:—ara, ko Te Wharau, Whakatete, Tararu, Te Karaka, Otunui, Whakairi, Te Kirikiri, Warahoe me Te Puriri.

No te taenga ki te ingoa o te Kirikiri e aru ana a Taparahi, Korongo, Takatakaia, me Pakirarahi, ki roto ki taua ingoa, ko aua whenua e puta ana ki tuao te pae maunga ki te awa o Tairua I mea ano ahau kia kua e whakaputaina i te rohe ki tua o te tino pae. Katahi ka tu a Hohepa Paraone Tarawerawera, ka ki mai ki au "E Make ka nui te kino o to mahi kiau, kua oti noa atu i ahau te tuku i tena whenua katoa ki roto ki to ringa ringa mote mahinga koura, me haere to rohe ki te mutunga o taku whenua—na wai tenei tikanga kia takoto ke te rongokere o te waka kia takoto ke te haumi o te waka."

"Ka tu ko Riwai te Kiore, me te puku riri tonu, katahi ka mea mai ki au. E te Pakeha taurekareka o te Kawana ka nui to he. Katahi te tangata tinihanga ko koe. Ka mutu rawa taku pai kia koe—maku koe e pana ki waho o Hauraki. Nau tenei tikanga ki te poro i taku pane—tena ka ora koia te tangata ana poroa tona pane. E te Pakeha me mutu to tautohe kiau—kua oti i taku mangai te tuku i taku whenua katoa kia koe mo te mahinga koura kua puta atu taku kupu ki waho, ko te rangatiratanga o te tangata ko te ki anake, ehara ahau i te kuri ki te ruaki, i muri ka hoki ki te kai i taku ruaki ano Naku koei whakatu ki to mahi Komihana ki Hauraki nei, i tenei me muta to mahi Kawanatanga—haere e hoki ki to motu ki Arapaoa." Ka noho ki raro—me te puku riri ano, mete hamamu kia ia ano.

Ka tu ko te Hoterene Taipari—" E Make tenei taku kupu kia koe, naku hoki tetahi whenua e tae atu ana ki te awa o Tairua naku tenei taha o te pae maunga naku hoki a tua. Ko enei whenua katoa me whakauru ki roto ki te ingoa kotahi o te Kirikiri—kua oti katoa hoki te tuku atu kia koe mo te mahinga koura. Heoi nga whenua o Ngatimaru e puta ana ki tua ko enei anake. Ko te wehi a nga kaumatua, tenei, mehemea i rongo nga iwi o tua, kua mutu te rohe kei te pae maunga tauarai o nga moana erua; tena ratou ka peke mai a muri ake nei me te ki ko te rohe tawhito tena, ko te rohe tuturu tena. E Make me whakaae koe ki a matou kupu ko nga kaumatua." Ka mutu ta te Hoterene, ka noho ki raro.

Ki runga ko ahau. "E tika ana ta koutou whakaaro e nga kaumatua, ki te huarahi Maori. Engari te take o taku hiahia kia haere te rohe ki runga ki te pae maunga mo te utunga i nga Maina Raiti—kia koutou, engari ta koutou tukunga mai i te whenua ki au e tika ana, ehara taku i te whaka hoki i aua whenua kia koutou. Me waiho ki taku ringa takoto ai maku e mahara ki te whakauru a nga ra e takoto ake nei. Ko ta koutou matakū ki nga tangata o Tairua he kupu hanga noa iho. Kaore he putake. Ki te peke mai aua tangata ki te tango me pehea e taea ai ia ratou notemea kei roto ki taku ringaringa te whenua e takoto ana, waiho ki au te whakaaro," ka mutu taku i kona.

Ka tu ko Riwai te Kiore. "Te Pakeha na ka nui to he me te pakeke o to tikanga. Ka tahuri kia Ngatimaru." Katahi te tuturu o te ngarara ko te Pakeha na. "Ta Herehumu pai hoki, kamutu ta Riwai i kona. Te take o tauakupu" ta Herehumu pai hoki. He tangata ko Ihaka te Tawhe te ingoa, no Waikato tetahi taha ona no Ngatimaru tetahi. I whakahihi ki au i tona haerenga mai ki te homai i tona pu ka whiua tona patu paraoa ki au, ka tata te pa ki taku mahunga. Tetahi na Timi Puru i whakapae he tangata kohuru Pakeha taua tangata, na reira ka hopu kina e ahau. No te rerenga mai o Ngatimaru ki te tango i taua tangata i roto ki taku ringaringa katahi ka herea e ahau taua tangata ki te humu o te pa kei Kauaeranga, ko te turanga o taua humu e tata ana ki Hoterene



Wahapu kei te turanga o te whare o Mihi Eweri.

Ka mutu te tautotohe mo aua wahi whenua ka haere mai a Ngatimaru me etahi o Ngatiwhanaunga ki te tuhi tuhi ia ratou ingoa ki te pukapuka tuku o te koura kia te Kawana. Ko nga rohe o taua whenua koia enei, i timata i te Mamaku i te taha taha moana o Hauraki haere tonu ki runga ki te rohe ki te tonga o nga whenua o Ngatitamatera, ki te pae maunga wehenga o te moana o Hauraki me te moana o te Tairawhiti. Ka haere tonu whakarunga i taua pae tae tonu ki te matapuna o te awa o Omahu, ka whati ka rere ki roto ki taua awa whaka te hauauru, ka tae ki te rohe o nga whenua kua rahuitia ki waho he nohoangahe ngakinga kai ma nga Maori na raton aua whenua, ka ahua whakararo i taua rohe kua oti ke noa atu te whakatakoto tae tonu ki Kakaramata, ka rere ki te awa o Waiwhakaurunga tae tonu ki te moana, ka rere i te taha moana ki te Mamaku i te timatanga ano. Ko te utu reti mo aua whenua £1 mo ia Maina Raiti ana puta ki te tangata mahi koura. Kaore he mutunga ki taua pukapuka ma te Kawana e pupuri i aua whenua, tae tonu te mutunga o tona hiahia, engari ki te hiahia ia ki te whakarere i aua whenua, kia ono marama te takiwa he whakaaturanga ki nga Maori mo tona hiahia pera.

I rongo ahau ki etahi tamariki e mea ana inaianei, naku i whakapau i a ratou whenua, ehara i au, nui noa atu nga whenua i rahuitia ki waho o te kourawhira. Riro ana i a te Kawana ko nga maunga anake, ehara i au nana i hoko engari na ratou nei ano i tuku i aua whenua ki nga Pakeha noa iho.

E hara i te hanga te mahi a te Kawanatanga inaianei. E ki ana ratou kaore i tukua a Taparahi a Korongo, a Takatakaia, me Pakirarahi kia te Kawana mo te mahinga koura. Ka pehea ranei ta ratou whakaaro ana rongo ratou ki nga kupu o Hohepa Paraone Tarawerawera, Riwai te Kiore, me Te Hoterene Taipari—E whakahawe ana ratou ki taku korero mo taus tukunga whenua—Ko tehea tuku ki tua atu o te tuku i te aroaro o te iwi nui tonu i te awatea.

I te 13 o nga ra o Tihema 1867 i puta atu tetahi £100 he moni no te Kawanatanga ki runga ki nga whenua o Ngatiwhanaunga me Ngatimaru i timata i Hikutaia haere tonu ki te matapuna o taua awa, haere tonu ki Whangamata, haere tonu i te tahataha moana ki Moehau, haere tonu i te taha taha moana ki Waihou, haere tonu ki roto ki taua awa tae noa ki te wahi i timata ai i te putahitanga o Hikutaia, kua tukua atu kia Te Kawana he whenua mahinga koura (haunga nga piihi o etahi atu iwi ki roto ki aua rohe) na ko aua moni me whakarite marire ki roto ki nga moni maina raiti ana puta mai ki roto ki taua whenua" Ko taua pukapuka he whakatuarua ano i te tukunga o Moehau poraka e Ngatitamatera, i te 9 o Noema, 1867.

Ko Manaia i whakapuaretia e Ngatimaru raua ko Te Tawera, mo te mahinga koura i te 15 o nga ra o Oketopa, 1868. Ko nga tikanga pera ano, me nga mea kua oti mo nga whenua i Hauraki.

Ko Harataunga he whenua tuku na Ngatitamatera kia Ngatiporou o te Tairawhiti kua tukua e ratou kia te Kawana i raro i te kupu whakaae a te Moananui me Ngatiporou, mo te mahinga koura. I te pera ano nga tikanga me nga mea kua oti mo nga whenua i Hauraki.

Ko Tairua, ko Hikutaia, ko Whangamata, me etahi ato whenua, he whenua hoko na te Kawanatanga no reira i puareai mo te mahinga koura, he mea tapiri hoki ki nga pukapuka kua oti ke te hanga.

Ko te Aroha, he whenua hoko na te Kawanatanga, no reira i puare ai taua whenua mo te mahinga koura. He nui nga whenua rahui ma nga tangata Muori kei te Aroha, kua whiua ranei e ratou i aua whenua, ki te awa o Waihou tere ai, kua tae pea ki te moana i tenei wa.

Ko te takiwa ki Ohinemuri tetahi whenua uaua rawa atu. I te iwa o nga ra o Tihema, 1868, kua oti te tuku i taua whenua katoa kia te Kawana; ko taua tukunga na nga tangata kupapa anake. Engari na te taha Hauhau, ia te Hira te Tuiri, i a Tukukino, ia Mere Kuuru, i whakapakeke i nga whakahaerenga mo taua whenua, Timata ana te mahi o nga Apiha o te Kawanatanga i te tau 1868, mo taua whenua, kihai i neneke, mau tonu te pupuri. Tae tonu ki ta matou haerenga tahitanga ko te Rata Porena, me Te Makarini, ki Ohinemuri, i te tau 1875, no runga i taku tautotohe ka whakaaetia e nga tangata pakeke ki te whakatuhera i taua pouaka ki (whenua) mo te mahinga koura i te 3 onga ra o Maehe, 1875.

E nga tamariki o Hauraki, Maori-Pakeha kua rongo koutou inaianei ki nga tino tikanga o te whakatuheratanga o ta koutou takiwa o te motu nei, mo te mahinga koura. I tenei ka timata te nui haere o te ingoa o Hauraki mote putanga mai o te koura. Otira he riwhi anake le mea i mahia inaianei.

Ka mutu te taha ki te iwi nui tonu ka timata he kupu ano.

Inaianei e tahuri ana nga Minita o te Kawanalanga, ki te pana i nga Pakeha kua whiwhi i nga kareme ki Paiakarahi nama tahi. Me te ki ano a te Karimana kaore he mana o te Kawanatanga ki runga ki taua wahi, notemea kaore i tukua taua whenua mo te mahinga koura e nga tangata Maori, na ratou te whenua, ahakoa kua oti ia Kawana Noamanipe te panui kua uru aua wahi ki roto ki te koura whira, ka kia e te Karimana ka he tena tikanga. Ko taua panuitanga note 8 o nga ra o Aperira, 1875, naku i hanga i taua mea. I te takiwa kaore ano kia tuhia e ahau i taua panuitanga ka haere ake ahau kia Hohepa Paraone Tarawerawera, kia Riwai te Kiore, me Te Hoterene Taipari mea atu ai kia ratou, "E hoa ma kei te manara tonu ana ranei koutou ki te wahi o te Kirikiri poraka, i kapea e ahau ki waho, ara Taparahi, tetahi wahi o Korongo, Takatakaia, me Pakirarahi i te tuhinga o te pukapuka o te 9 o Maehe, 1868, kua purutia tonutia e ahau ki roto ki taku ringaringa. Inaianei e hanga ana maua ko te Rata Porena, i tetahi apanuitanga kia whakaurua etahi atu whenua ki roto ki tekourawhira-kei te pehea

koutou? Ka puta mai ta ratou kupu tabi ki au, "me whakauru ki roto inaianei kia tika ai te takoto o nga whenua."

Mehemea kaore he mana o te Kawanatanga ki te keru koura ki runga ki Pakirarahi nama tahi ka taea pea ia ratou te whakaatu i te take i puta tonu mai te Maina Raiti, me te reti o taua whenua ki nga tangata Maori i nga tau katoa. Me nga utu o nga kauri i hokona mo te mahinga koura.

He kupu ke noa atu tenei mo te taha ki te Kauri Tima Kamupene, me nga tanfata Maori na ratou a Pakirarahi namo tahi I Maehe o te tau 1882, i tahuri te UnianaToa Kamupene o Akarana, ki te hoko i taua whenua; kaore i oti pai te tukunga, notemea kaore ano kia whakaturia te tangata whakakape mo te turanga o Hona Pau kua mate. No Hepetema, 1884, ka kite taua Kamupene i te he o ta ratou tu ki runga ki taua whenua, ka mea atu ratou ki nga tangata Maori na ratou te whenua; kia hanga i tetahi Rire Whakatuturu mo te hokonga otaua whenua—kihai nga Maori i whakaae ki taua tikanga. Katahi ka tuhia e taua Kamupene i tetahi Rire me te tohutoha ki roto ki taua Rire ko nga rakau anake i roto i taua Kamupene kaore te whenua—engari ka waihotia kia 99 nga tau he takiwa mahinga mo aua rakau engari ki te mea kua tapahia me te hari ke i aua rakau i mua mai o aua tau, i reira me hoki tonu te whenua ki nga tangata Maori na ratou te whenua ki a ratou uri ranei i taua wahi whenua katoa. Tetahi ki te pakaru taua Kamupene ki te mutu ranei ta ratou mani, ka hoki tonu te whenua ki nga Maori. I tuhia taua Rire e te Kamupene i te 19 o Hepetema, 1884. I taua Rire ano tenei kupu "Mehemea i muri i tenei i roto i aua tau 99 ka kimihia. Ka hahauria, ka keria ranei i te koura me era atu taonga whenua ki runga ki roto ranei o tenei whenua i tetahi wahi ranei o taua whenua, ko nga moni me nga takoa katoa kua utua e nga tangata, kimi, nana, keru koura, e tetahi tangata etahi tangata ranei, tetahi Kamupene, nga Kamupene—tetahi huihui, etahi huihui ranei, me ki tonu ko aua mea, me te mahara tonu he taonga ena no nga tangata Maori na ratou ake te whenua, a ratou uri me a ratou kai whakakape, ahakoa i rere ke tenei tikanga i nga tikanga o nga Rire kua oti te hanga i mua,"

Me titiro ki taua Rire; i whakahokia te whenua me te koura ki nga tangata Maori na ratou te whenua. I muri o tenei i moketitia i taua whenua ki te Peeke o Nui Tireni; i muri kihai i rite taua mokete te ulu—katahi ka hokona e te Rehita o te Kooti Hipirimi, ks roto i kona i te Peeke o Niu Tireni—i muri ka tukua e taua Peeke kia te Kauri Tima Kamupene na ratou tuturu ake taua whenua—kaore he paanga o tetahi atu tangata ki runga. Ahakoa he riihi mo nga tau 99 anake te tikanga kia te Uniana Toa Kamupene o Akarana.

Tena e nga tamariki o Hauraki me haere koutou inaianei ki a koutou kaumatua i a ratou e ora nei me patai ki a ratou, e tika ana ranei te korero a te kaumatua Pakeha a Te Make? Ki te ki ratou e tika ana me manaaki i tenei korero, e korerotanga ma koutou ki a koutou tamariki ake kia noho mohio ai ratou ki enei mea; kei noho kuare, kei noho matapo ranei ratou, penei me te ahua o te Kawanatanga inaianei.

Kowai tohu ai tena he nui aku whai korero kia koutou ki nga tamariki i muri nei; notemea kua tae atu ahau ki te koroheketanga o te tangata. Na reira ahau i ma tiara ai kia rongu koutouki enei mea i taku mangai ake i taku nohoanga i te ao nei.

Heoi koa  
Na ta koutou kaumatua aroha  
Na TIEMI MAKE.

Hauraki,

25 Mei, 1896.

## Hauraki Mining District 1896

### INTRODUCTION.

THE French proverb, "Man proposes, but God disposes," has been thoroughly exemplified in my life.

I was born on the 16th November, 1831, and am of Highland parentage. When my father made up his mind to emigrate to New Zealand it was intended that I should remain in Scotland, finish my education, and enter the army, my father having been promised a commission for me in the Royal Engineers. However, I gave the irascible old gentleman some offence, and he said "you shall go to New Zealand, sir." It was useless disputing that *fiat*, and accordingly we left England in October, 1844, and landed at Nelson on 26th January, 1845.

All persons had to work hard in those days, and I spent nearly seven years on my father's place near Nelson, where I was initiated into the mysteries of farming, bush work, sheep and cattle management, stock

riding, &c. No 8 hours a day then.

On coming of age, in 1852, I received some money and procured a Depasturage License of a sheep and cattle run at Cape Farewell, including the Sandspit, under Sir George Grey's Land Regulations. I subsequently bought 1500 acres of land at 10s. an acre, which had a frontage of about 4 miles to Massacre Bay. In 1855-56 I made several exploration trips into the then unknown parts of the N.W. portion of the Province of Nelson, crossing the high mountain ranges at the head waters of the Aorere and Takaka rivers which fall into Massacre Bay, and the Whakapoai (Heaphy), and the Karamea (Mackay) rivers, which run to the West Coast.

In December, 1856, gold was discovered at Aorere (now Collingwood), in the Massacre Bay district. In January, 1857, I walked down the West Coast from Cape Farewell to Mawhera (now Greymouth), and went 50 miles inland up the Grey River; I was accompanied on this trip by two Maoris.

On my return to Collingwood, about the end of February, I found the goldfield in full swing there, and like all other young fellows took my turn at alluvial digging (there was no quartzmining then). I speedily found I had a better claim in the sheep and cattle on my run than in the "Manrope" at Slate River. I however did not regret my experience then learned, as it gave me a practical knowledge of digging customs which has stood me in good stead since. There was no Goldfields Act in operation in the Colony at that time, but we made our own regulations which were based on those of Australia and California, and disputes were referred to arbitration. About the middle of 1857 the digging population numbered about 1900, of whom about 1300 were Europeans, and 600 Maoris. A Resident Magistrate had been appointed, but he, a retired Indian judge, was ignorant of goldfields business. Unfortunately for me, the diggers found out that I had some knowledge of the Maori language, consequently all disputes between the two races were referred to me for arrangement; and I performed all the judicial functions of a Warden without the authority. In January, 1858, I intimated my intention to discontinue this work, as it took more than half my time. The diggers interviewed the Resident Magistrate about my determination, and at their request he wrote to the Government asking them to give me some appointment to enable me to act. To my astonishment, in February, 1858, I received an appointment as Assistant-Native Secretary, and my first duties were to arrange disputes between Europeans and Natives on the Aorere Goldfield. After that, as there were a number of outstanding questions about Native Reserves and two land purchases to be completed, I was to arrange these, I very reluctantly consented to accept the appointment, after considerable pressure had been brought to bear on me by my father, and the digging community. Heretofore my ambition had not risen above the desire to be a successful run bolder, here again circumstances altered my career in life. In October, 1858, the first Goldfields Act was passed in New Zealand and several of the Governor's powers under it were delegated to me, and I received an appointment as Warden (the first in the Colony) for the Collingwood Goldfield.

In 1859 I walked across the Middle Island, from Christchurch to the West Coast, for the purpose of completing the purchase from the Natives of their claims to nearly the whole of the West Coast, an area of 7,500,000 acres. While there, gold was found in the Buller River, near what is now Westport, by Mr. John Rochfort, a surveyor. This information was not divulged to the Maoris. The purchase negotiations were unsuccessful, and I walked back to Nelson by way of the West Coast, thence I proceeded to Auckland to consult with His Excellency the Governor, Colonel Thomas Gore Browne, about the purchase, I received instructions to return to the West Coast and carry out fresh orders about it. I travelled on foot overland from Nelson to the Grey River with three Maoris and we blazed a track all the way (which is the line of the present coach road to Greymouth). The journey took us six weeks. The purchase was completed in June, 1860, for £300 and 10,000 acres of reserves, and I then returned to Collingwood. The Taranaki war commenced in 1860, and during its continuance I was actively employed in preventing the large number of Natives, then residing in Nelson and Marlborough, and who were related to the Taranaki Maoris, from crossing Cook Strait to join in the hostilities. I also made a few risky seizures of munitions of war, which were being conveyed by Maoris from Queen Charlotte Sound to Kapiti Island.

About March, 1863, five Waikato chiefs of the Ngatimaniapoto tribe came to Nelson, and visited all the Native settlements in the provinces of Nelson, and Marlborough, trying to enlist recruits for the service of the Maori King in the coming war. I reported their proceedings to the Governor, and was instructed to make military prisoners of them and bring them to Auckland, I did so, and arrived with them a few days before the fight at the Koheroa. The Maoris were committed for trial for treason, but the Chief Judge (Sir George Arney) was unable to sit in the Supreme Court on account of severe illness, and I and some Nelson Natives who were witnesses in the case were compelled to remain at Auckland. It was during the time we were thus waiting that I was instructed to visit the Thames district, which resulted in my permanent location at Auckland. Gold was found at the Thames in 1867, then commenced the proceedings which are related in this pamphlet. Here again was another exemplification of the above quoted proverb.

The pamphlet was written for the information of the Maoris of the Thames, and I now dedicate it to my old friend, Wirope Hoterene Taipari, principal chief of the Ngatimaru tribe, who rendered me great assistance in the

initiatary proceedings relating to the opening of the Thames district for gold mining. As I have acquired the status of a Maori chief among these people it appeared necessary, especially of late years as I have been frequently absent from the district, to commence with the greetings and lamentations indulged in on meeting of old friends after a prolonged absence. At the request of a numerous circle of friends I translated the address into English.

James Mackay.

Auckland,

27th May, 1896.

## Translation in English.

Address of Mr. James Mackay to the Ngatimaru Tribe of Hauraki.

Greetings to you, the tribe! Greetings to you, friends!

Greetings to you the remnant of the old chiefs, and to the survivors among the old Europeans who first commenced mining at Hauraki !

Greetings to you the young Maori and European men of this generation, including the new come youth Cadman !

I am here fruitlessly lamenting over the deaths of my friends the old chiefs who are lost from us. Depart! Depan sires. Go, that is all. Te Hoterene Taipari, Riwai te Kiore, Tamati Waka te Puhi, Hohepa Paraone Tarawerawera, Te Karauna Hou, Rapana Maunganoa, Parata te Mapu, Tarais Ngakuti, Te Hira te Tuiru, Tanumeha to Moananui, Tukukino, Te Kereihi Hukehuke, Tinipoaka, Tareranui, Hohepa te Ranhihi, Kitahi te Tanewha, Rawiri te Ua, Maihi Mokongohi, Pita Taurua, Kapanga te Arakuri, Hoera te Whareponga, Tarapipipi te Kopara, Haora Tipa, Tamati Tangiteruru, Patene Puhata, Maihi te Hinaki, Maaka Peneheirete, Ngakete, Ngatai, Hori te Whetuki, Tamihana Tukere, and the soft sweet-voiced women, Rangitehau, Riria Karepe, Harata Patene Kanuhuke. Aherata te Mihinui, and Mere Titia. Hearken ye youths of this generation, those were the chiefs and brave warriors of Hauraki in my generation. The hereditary proverb of those chiefs was "Rauru ki Tahī." Let me give you the meaning of this proverb. A chief speaks but once; when words pass from his mouth, there is no withdrawal, they endure. Not like some of you young men who have attended the European schools, who sell the land to-day to one European, and to-morrow sell it to another. But I will make this excuse for you young people, the Native Land Court did not exist in New Zealand in the days of the old chiefs, hence they were not acquainted with the methods of lying and fraud which you now practise—that is the school which educated you to deceit, the Native Land Court only.

Depart! Depart! Depart! My old friends, who have gone to the land of spirits. The tall trees of the fores! have fallen, leaving a remnant of us chiefs of Hauraki ! we are only small trees such as mahoe, koromiko, and kaiwhiria (names of small underbrush), we are not to be compared with those who are departed from among us.

Where is my lost bird the Korotangi? (This was a very beautifully carved stone bird, which came with the ancestors of the Hauraki and Waikato tribes in the Tainui canoe, and was lost after their landing at Kawhia. It was described as having a piece broken off one of the wings. Some twenty years ago it was discovered in a limestone cave at Kawhia, near the reported landing place of the Tainui canoe, and truly one wing was chipped. The late Major Drummond Hay purchased it from the Natives for £50, he in turn gave it to the late Major Wilson. It is a kind of green talc, and every feather is accurately chiselled, showing that the ancestors of the Maoris must have been more advanced in civilisation than their descendants, as the carving is not of the ordinary rude character shown in Maori carvings.

(Then follows a Maori lamentation for the dead. As I have not the poetical powers of the late CO. Davis in regard to Maori songs, I am afraid it must be said that "to all my songs I have one strain, the same, to sacred as profane." The dirge represents a chief who has been absent from home, and on his return misses a favourite comb (some specimens of these can be seen in the Auckland Museum). He goes all round the posts, and other parts of the house searching for it, and at last walks outside to consult the small wooden image (tekoteko) placed at the end of the ridge-pole in the front of the house. The image replied, "It has been stolen by an ill-begotten bastard." The comb represents a friend who died in the chiefs absence—the illegitimate child is *Death*, who has snatched him away. I have now concluded the matters relating to the old chiefs who have departed from this world.

I commence my remarks to the young people of Hauraki; it is not a discourse to the old Maori chiefs now

living, or to the elderly men of the Europeans who first mined here, because we are acquainted with our own proceedings. The reason of my address is: That you may know and understand how the lands at Hauraki were given over for gold mining, lest we the elders die, and you will be left ignorant about matters after that. Also that you may be able in your old age to tell your own children. It is as follows:—

- *The First* gold discovered in Australia was found at Summer Hill Creek by Mr. Hargreaves, in 1851.
- *The First* gold discovered in New Zealand, was by Charles and Frederick Ring in the Kapanga Stream (Driving Creek), at Coromandel, in October, 1852.
- *The Second*, at Aorere, Collingwood, in the South Island. This was found by Messrs William Lightband, and William Hough, in December, 1856.
- *The Third*, at the Buller River, West Coast of the Middle Island, by Mr. John Rochfort, surveyor, in 1859.
- *The Fourth* was discovered at Tuapeka, Province of Otago, in the South Island by Mr. Gabriel Reid in 1861.
- *The Fifth* was found at Hauraki by Paratene Whakautu and Hamiora te Nana in July, 1867. Paratene Whakautu is of the Ngatirarua tribe, who reside at the Collingwood (Aorere) Goldfield in the South Island. Hamiora te Nana, belongs to our Ngatipaoa, and went to Collingwood to dig for gold. On his return here Paratene Whakautu accompanied him.

In the year 1852 when gold was first discovered at Kapanga, Governor Wynyard proceeded to Coromandel, and all the tribes of Hauraki assembled there. Consent was then given for the Europeans to search for gold on all the lands commencing at Cape Colville, and extending to Kauaeranga (now Shortland). A document was then signed; the arrangement was that the Government were to pay £1 a year for each miner. This agreement was to hold good for three years, but at the end of that period the Europeans had departed, and the land was relinquished to the Maori owners. Governor Wynyard's agreement was dated 30th November, 1852.

In the year 1861, gold was again found at Coromandel, and mining operations commenced anew. Then Mr. McLean, the Chief Government Land Purchase Commissioner, went there, and all the tribes assembled at Coromandel. The right to mine for gold was ceded to the Queen over the lands commencing at Cape Colville, and thence along the main range to the source of the Waiau River, extending to the sea coast on each side. (The southern boundary would be about a straight line from Kerita to Mercury Bay). This agreement was made on the 9th November, 1861.

All the important chiefs of the district signed this document.

Subsequently in the year 1862, on the twenty-third day of June, an agreement was made with Riria Karepe, to allow gold mining on the Tokatea block at a rental of £500 a year.

At that time Pita Taurua and the Patukirikiri tribe gave up all their lands, bounded on the North by the Tokatea block, and on the South by the lands belonging to Mr. Preece, the Missionary, known as Te Puke. All residence, cultivation sites, and burial places were reserved.

Then also Patene Puhata and the Ngatihura hapu handed over all the rights to mine on their lands, commencing on the North at Mr. Preece, the Missionary's boundary, and extending thence southerly to the lands of the Ngatiwhanaunga tribe. All residence, cultivation sites, and burial places were reserved.

Te Tanewha Kitahi and the Ngati whanaunga tribe gave up all their lands, commencing on the North at the Ngatihura boundary, and extending towards the South to the boundary of the Mahakirau block, which had been long previously sold by the Ngatipaoa tribe to the Government. All residence sites, cultivations, and burial grounds were reserved. The payment to the Maoris for the right to mine was fixed at £1 a year for each miner.

Gold mining operations continued, and were carried on to a considerable extent, but on the commencement of hostilities at Waikato in 1863, the Europeans became alarmed and abandoned Coromandel. Some of the Maoris of Hauraki then went to the war.

On the eleventh of October, 1864, I went to Coromandel and made some alterations in Mr. McLean's agreements for those blocks. The principal one was abolishing the head money of £1 a year for each miner, but as Miners' Rights had become law, that method of payment was substituted for it, the reason being that it was impossible to keep any correct record of the number of miners working on the ground.

After the fall of Rangiriri, in November, 1863, the majority of the Hauraki Natives who joined in the war returned to their homes, and remained there.

In February, 1864, Governor Grey instructed me to proceed from Auckland to Hauraki, to publish his notices, calling on the Maoris who had been fighting to surrender their arms to the officers of the Government, so that peace might be made, and thus save their lands from confiscation, the same as was subsequently done with those of the Waikato tribes.

Whakatiwai was the first place I landed at in Hauraki. My companions were Haora Tipa, of Ngatipaoa, and Rawiri te Ua, of Ngatiwhanaunga. The men who pulled my whale-boat were chiefs from Nelson in the South Island. At Whakatiwai, the Natives commenced to surrender their guns and Maori weapons to me. We then heard that the people of Ngatimaru, at Hauraki, were desirous of surrendering their arms. Rawiri te Ua and

some of the Ngatipaoa crossed over to Hauraki to ascertain the views of Ngatimaru. On his return he informed us that we were invited to go to Hauraki. We went, and assembled at Parawai proper, at Te Hoterene Taipari's place, where 23 guns were given up, and laid on the ground before me. I was then sitting on the keel of an upturned canoe. Then a man named Te Poihipi, of Te Whanauapanui tribe, uncle to Mereana Mokokoko, W. H. Taipari's wife, jumped up and said, "You are very foolish to surrender your guns to this European; do not give them to him, because when you are defenceless he will come from the man-of-war and murder you (H.M.S. "Esk" was then blockading the Thames). You had better load the guns and shoot this European." I then pulled out my revolver and pointed the muzzle of it at him. Then Riwai te Kioire was enraged, and said to that man—" You are a stranger to Hauraki, and do not know our customs; we are not a tribe of murderers. We invited this officer of the Government to come here; if you do not desire to give up your arms to him, that is all right; then let him go back quietly to Auckland." I then turned to Te Poihipi and said, "If you desire fighting, go to Tauranga, you will get your bellyful of it there." That man afterwards went there, and my words to him were like a prophecy, for he was killed at the fight at Te Ranga.

On my return to Auckland, Sir George Grey instructed me to return to Hauraki, and go on to Ohinemuri. The tribe Ngatitamatera, surrendered their arms at Opukeko (now Mr. J. W. Thorp's residence and farm), and peace was made with them. I afterwards returned to that place, and took the surrender of the arms of the Ngatipaoa tribe. Subsequently I went seaward to Te Moananui's place at Waiomo, and some men gave up their guns. Thence we went to Coromandel to see some of the Patukirikiri hapu who had been fighting, and they gave up their arms also. This ended the peace making of the Hauraki tribes, which has never been broken since.

In August, 1864, shortly after the fight at Te Ranga, at Tauranga, Sir George Grey instructed me to go to Wiremu Tamihana Tarapipipi (William Thompson, the Waikato general) and ascertain his intentions. I, Rawiri te Ua, and the others nearly lost our lives on that occasion. Taraia Ngakuti sent an evil message (ngakau) to Mohi Te-Ahi-a-te-Ngu, and his people of the Akitai tribe, who were then settled at Waitoa and Te Aroha. These people had been driven off their lands near to Auckland by the Government, at the commencement of the war. They paddled down the Waitoa stream to the junction with the Piako River, having their guns with them. When they arrived there, we had passed ahead up to Te Whanake; had we been caught on the river we would have been shot. We then went to Te Uruhau at Matamata, and William Thompson and his people of the Ngatihaua tribe assembled there to listen to my statements. It ended in peace being made.

On my return to Auckland, Sir George Grey kept me there, and would not consent to my going back to my first place of residence in the South Island. The Governor then appointed me to be Resident Magistrate and Civil Commissioner for all the Hauraki District. I constantly visited the settlements of Hauraki; then the Natives became acquainted with me, and a friendship arose between us, which has never been broken to the present day.

The reason I refer to these episodes of the war, is because I wish you to know why I was shifted to Hauraki; it is not related in order to boast about my own acts

I was informed there was gold at Hauraki, and I had many conversations with Te Hoterene Taipari and his son Wiroke Hoterene Taipari about it. But at that time the Hauhau Natives showed a very threatening attitude towards the Ngatimaru and myself. Hikutaia, Ohinemuri, and Piako were full of them (the tribes who had retreated there from Waikato). They came to dig gum, at the same time stating they would forcibly take possession of the whole Hauraki District, because it had been handed over to Potatau, when he was elected to be King of New Zealand. It was only by the conjoint knowledge and careful proceedings of the old chiefs of Hauraki and myself, that we saved this district as it now is. The smoke of the guns of the Hauhaus covered Tauranga, Opotiki, Napier, and Taupo, also other places of this island; but Hauraki always showed a clear sky. Hence the proverb "The Peace of Hauraki," which has been upheld from then to the present time.

When we were finally clear of the Hauhau difficulties, then Wiroke Hoterene Taipari and myself (he had been appointed to be a Native Assessor) reverted to our previous thoughts about the gold. Notwithstanding the obstinacy of the Ngatimaru tribe, we succeeded in throwing open the lands of Ngatirautao (Taipari's hapu) for prospecting for gold, but the actual piece was small. It was confined to the block between the Hape and the Karaka streams. I then brought two Europeans, Williamson and Smallman, to prospect for gold on that piece, but being unsuccessful they returned to Auckland for good.

Some considerable time afterwards Te Paratene Whakautu and Hamiora te Nana came here, they had some previous experience of gold digging in the South Island. After prospecting for about two months they found gold. The place they got it at was in the face of the hill, where the present road turns round to go up the Karaka stream. At that time Judge Bogan was holding a Native Land Court at Kauaeranga (now Shortland), that was the first sitting held there. Judge Rogan, Mr. C. O. Davis, and W. H. Taipari went to Auckland. On arriving there, Taipari called at my office and showed me the gold. At that time the Governor and Government had removed from Auckland to Wellington. Dr. Pollen was residing at Auckland and he had the administration of the Government business there. I had ceased to be the Civil Commissioner of Hauraki only, and had been

appointed to be Civil Commissioner for New Zealand.

W. H. Taipari accompanied me to see Dr Pollen, and we showed him the gold. We discussed the matter, and it ended in our arranging to go to Hauraki. Dr. Pollen and myself were greatly pleased at this discovery of gold, because there was no money in Auckland at that time. Men were hanging about out of work, short of food, and living in poverty. The Government expenditure at Auckland had ceased when they removed to Wellington, and the troops had also returned to England. I then went to see if I could find a few diggers who had worked on other goldfields. I selected ten. We went in the cutter "Cornstalk" to the Thames, When we landed we proceeded to the Karaka and Waiotahi stream, and found gold there. We merely looked for alluvial gold in the soil, or in the gravel in the beds of the streams. We were then ignorant about working reefs.

On the 27th July, 1867, the first document was made throwing open land for gold mining at Hauraki. I was the only one of the party who knew anything about the laws relating to goldfields, because I had been appointed to be a Warden in 1858 and acted as such in the South Island until 1863.

The boundaries of the piece given over for mining, commencing on the sea coast at the mouth of the river Kauaeranga, thence by that river to the junction of the Kakaramata stream, thence by that stream to its source on the ridge of the hills, thence along the said ridge to the sources of the Hape, Karaka Waiotahi, Moanataiari, and Kuranui streams, turning thence down the Kuranui stream to the sea coast, thence by the sea coast to the mouth of the Moauataiari stream, thence inland to the base of the hills, thence crossing the Waiotahi stream, and by the base of the hills to the Parareka spur, thence ascending the said spur to Wai-o-whariki, thence descending a spur to the Karaka stream, thence down that stream to the sea, thence by the sea coast to the point of commencement at the mouth of the Kauaeranga river.

Waiotahi was thus entirely excluded from that agreement. Dr. Pollen, I, and the other Europeans returned to Auckland, and as we were leaving I informed W. H. Taipari I would return with a large party of Europeans in a steamer on the 1st August.

Now, you young people, understand that your elders were the first to cede land to the Queen for gold mining purposes at Hauraki. Their names are Te Hoterene Taipari, Wirope Hoterene Taipari, Rapana Maunganoa, Te Meremana Konui, and Raika Whakarongotai.

We came on the steamer "Enterprise No. 2." There were about sixty (60) of us, and we camped at Kauaeranga (Shortland). We had been there a month or thereabouts when a disturbance took place between a European and two of Aperahama te Reiroa's sons. They were all arrested and fined, but the Maori young men had no money, neither had their parents any, and they were about being sent to prison at Auckland. Then Aperahama te Reiroa agreed to cede Waiotahi for gold mining purposes, and for it to be included in the goldfield, and I made him an advance on account of Miners Rights to pay the fines with.

On the 12th August, 1867, the first reef was discovered at Kuranui, by Messrs Hunt, Copley, Clarkson, and White.

After being about a week at the Thames I found person were commencing to erect buildings promiscuously, so one morning I and Mr. C. F. Mitchell lined out Pollen Street, Shortland, and laid off the first block of allotments.

Subsequently, I and the Ngatimaru commenced to make arrangements for the opening up of the whole of their lands, commencing on the North at Te Mamaku on the east shore of the Hauraki Gulf, and terminating on the south at the Omaha stream. When it came to arranging the divisions of the holdings of the various hapus within that area, great disputes arose between them about the boundaries. One piece in particular, belonging to Tamati Waka Te Puhī, near Hongikore, was very difficult to arrange, the side nearest to Tararu was disputed by Kitahi te Tanewha, and the northern end by others of Ngatimaru. On account of the long duration of this quarrel, I nick-named the block the Whakatete (signifying disputation or contention), and the name stuck to it. The dealing with these blocks commenced in September, 1867, but they were only finally settled by the end of February, 1868. Although the Ngatimaru were disputing among themselves all the time, and although there was no written agreement between the Ngatimaru tribe and the Government, the Europeans went wherever they pleased to prospect or mine for gold. No trouble arose either on the Maori or the European side. That was the good of the Rauru Ki Tahī proverb (meaning "their word was their bond"), we worked away merely on the spoken words (verbal assent) of the chiefs of Ngatimaru. It was not then the same as the fraudulent, double-dealing ways of the present time, but was in accordance with the old proverb: "When the son of Kiripuae lived his word was hie bond."

On the 9th November, 1867, Tanumeha te Moananui and all his people of the Ngatitamatera tribe, and some of the Ngatiwhunaunga tribe assembled at Matariki. Then the land was ceded to the Queen for gold mining, commencing at Te Mamaku on the sea coast of Hauraki, at the northern boundary of the lands of Ngatimaru, thence by the sea coast to Cape Colville, thence by the coast to Mercury Bay, thence turning to the westward on arriving at the boundary of the lands of the Ngatihe hapu, thence along the boundary of the lands of Ngatihe, until it struck the boundary of the lands of the Ngatimaru tribe, thence along that boundary to Te

Mamaku, the point of commencement. There were excluded from this, all lands occupied by the Native owners for residence or cultivation, and burial grounds. The payment to be received by the Maori owners was to be £1 for each Miner's Right issued to the miners. That document as executed by Te Moananui and his people, has never been questioned up to the present date.

In the commencement of March, 1868, an invitation was given to the whole of the Ngatimaru tribe to assemble at Pukerahui, Thames, on the 9th of March. At the appointed time they met there. There were very long speeches made by the chiefs, and myself. They divided their lands into nine blocks, with the names following: Te Wharau, Whakatete, Tararu, [unclear: Th] Karaka, Otunui, Whakairi, Te Kirikiri, Warahoe, and the Puriri.

When the name of the Kirikiri portion was called, it included within it Taparahi, Korongo, Takatakaia and Paki rarahi, and parts of these extended over the watershed to the Tairua River. I, however, was not desirous of carrying the boundary in the written agreement beyond the main watershed range; having no surveyor it was necessary to adopt natural boundaries.

Hohepa Paraone Tarawerawera then stood up and said "Mackay, your dealing with me is very bad; I have a long time ago placed all this land in your hands for gold mining purpose Let the boundary be at the termination of the land! Why originates this idea? to leave the body of the canoe in one place and the stern piece (which is joined on to the remainder) [unclear: in] another ? "

Then Riwai te Kiore arose in great anger, and [unclear: addressd] me; "You European slave of the Governor, great is your offence. You are an extremely deceitful man; my liking [unclear: far] you is ended. I will thrust you out of the Hauraki district This is your work, the cutting off of my head; how can a [unclear: mai] live when his head is separated from his body ? You European discontinue this disputing with me; I have with my [unclear: moutl] already given you all my land for gold mining purposes. [unclear: My] word has gone forth; the honour of a chief is in keeping his word; I am not a dog to vomit, and afterwards turn to [unclear: swallow] that which I have cast up. I appointed you to be the Com missioner for Hauraki here. Now you had better give [unclear: uj] working for the Government; go back to your Island in the South." He sat down very angry, and continued muttering! [unclear: to] himself.

Te Hoterene Taipari, the principal chief, then stood up and spoke :—"Mackay, these are my words to you: A piece of [unclear: my] land also extends to the Tairua River; I own this side of the watershed range, and some beyond it also. Place all these land under the one name of Te Kirikiri; all of these have been previously handed to you for gold mining purposes. These are the only lands of the Ngatimaru tribe which cross over the [unclear: main] range. The old men are afraid that if the people on the other side hear that the boundary ended on the dividing range between the two seas, that eventually they may jump on to this ground, and assert that such was the old boundary, and is [unclear: the] proper one. Mackay, consent to these words of us, the old chiefs' This ended Te Hoterene Taipari's speech, and he sat down.

I arose and said: "Your ideas are right according Maori custom. However, the reason I desire that the boundary should be taken along the main range, is [unclear: t] facilitate the division of the Miners Rights fees among you and enable me to locate the places occupied for mining. Your giving up of the land to me is true, and it is not my intention to relinquish it to you. Leave it in my hands (this has a stronger meaning in Maori than in English), at a future time it will be included. Your fear of the people of Tairua is not worthy of consideration; there is no ground for it. If those people attempt to take the land, how will they manage it, because it is held in my hand? Leave it for me to consider." This ended my speech.

Riwai te Kiore got up and said—"European, you are very wrong, and your action is obstinate." He then turned to the Ngatimaru and said: "What a perfect reptile this European is, just like the goodness of Herehumu!" Riwai finished speaking. (The meaning of this saying, "Just like the goodness of Herehumu"—There was a man named Ihaka te Tawhe, who was partly of Waikato origin and partly Ngatimaru. He insulted me when he came to give up his gun in March, 1864, and threw his whalebone club at me, and nearly struck me on the head with it. Timi Puru had also informed me that this man had murdered a European. I therefore seized him, and when the Ngatimaru wished to take him out of my hands, placed his back to a carved post (humu) of the Kauaeranga Pa, and wound a rope round him and it. (That post stood near the present wharf at Shortland, where Mrs. Avery's house now is).

The disputes about these pieces of land having ceased, the Ngatimaru and some of the Ngatiwhanaunga came forward and signed their names to an agreement ceding the land to the Governor for gold mining purposes. The following are the boundaries of the land:—Commencing at Te Mamaku on the sea coast of the Hauraki Gulf, thence along the southern boundary of the lands of Ngatitamatera to the main range dividing the sea on the Hauraki side, from the sea on the East coast; thence southerly along the main range to the source of the Omahu stream; thence along that stream in a westerly direction to the boundary of the lands which had been reserved for Native occupation and cultivation by the owners; thence turning towards the North and continuing along that line to Kakaramata, thence to the Waiwhakaurunga River, thence by the sea coast to Te Mamaku, the



point of commencement. The rent for these lands was to be £1 for each Miner's Right issued to the miners. There was no date fixed for terminating the agreement, the Governor could hold the land for as long a time as he pleased. If, however, he desired to relinquish it, he must give the Native owners six months notice of his intention.

I hear some of the young men have stated that they lost all their lands through me. I did not do anything with their lands. A very extensive area was reserved for them outside the goldfield. The Governor got the hills only. I did not purchase these lands, they, themselves, subsequently sold and conveyed them to the Europeans.

The Government are performing a very wonderful feat now. They say that Taparahi, Korongo, Takatakaia, and Pakiraraha, were never ceded to the Governor for gold mining purposes. What is their idea? What will they think when they hear of the speeches which were made by Hohepa Paraone Tarawerawera, Riwai te Kiore, and Te Hoterene Taipari? They do not believe my word as to the giving up of those pieces of land. What can be a more complete giving over than that which takes place openly before the whole tribe in daylight.

On the 13th December, 1867, certain Natives of the Ngati.whanaunga and Ngatimaru tribes received a deposit of £100 on a block commencing at Hikutaia, thence to the source of that stream, thence to Whangamata, thence by the sea coast to Cape Colville, thence along the sea coast to Waihou (River Thames) to the point of commencement at the Hikutaia stream. The same were given over to the Governor for gold mining purposes (excepting pieces of land owned by other tribes within the said boundaries). The said money shall be deducted from money hereafter arising from Miners' Rights issued for the said lands. This document was in confirmation of the giving up of the Moehau block by the Ngatitamatera tribe on the 9th November, 1867.

Manaia was thrown open for gold mining by the Ngatimaru and Tawera tribes on the fifteenth day of October, 1868, under the same conditions as the other lands of Hauraki.

Kennedy Bay was a block originally given by the Ngatitamatera tribe to the Ngatiporou of the East Coast. It was ceded by the Ngatiporou, with the consent of Te Moananui, to the Governor for gold mining purposes on the thirteenth day of May, 1868, on the same terms as the other lands of Hauraki.

The Tairua, Hikutaia, Whangamata, and other blocks were purchased by me for the Government, and consequently became available for gold mining, in addition to the previous agreements.

Te Aroha was purchased by me for the Government, and thus became available for gold mining purposes. Large reserves were made for the Natives at Te Aroha, they probably have put them afloat on the Waihou River ere this, and they are now swallowed up in the sea.

The Ohinemuri block was extremely difficult to negotiate. On the 9th December, 1868, that land was given up to the Governor by all the Queen Natives. But the Hauhaos, represented by Te Hira te Tui, Tukukino, and Mere Kuuru made great obstacles to the completion and opening up of this block for gold mining. The officers of the Government commenced dealing with that land in 1868, but no advance was made in completing it, owing to the obstinacy with which it was held. This continued until Dr. Pollen, Sir Donald McLean, and myself went to Ohinemuri in 1875. In consequence of my persistent arguments, it was agreed to open this long locked up box (land) for gold mining purposes. This was on the 3rd March, 1875, Harken young men of Hauraki, both Maori and European, you have now heard all the chief circumstances connected with the throwing open of your district of this island for gold mining purposes. Hauraki is now acquiring a reputation for its gold mines, but the work done is on reefs only.

I have now completed what concerns the whole tribe, and will commence a new subject.

The Ministers of the Government are now endeavouring to oust the Europeans from the claims they have acquired in the Pakirarahi No. 1 block. Mr. Cadman also asserting that the Government never acquired any right to mine over that land from the Native owners of it; even, although, Governor Normanby had included it within the goldfield, Mr. Cadman says it is wrong. That proclamation was made on the 8th April, 1875. I drew it out. But before writing it, I went to Hohepa Paraone Tarawerawera, Riwai te Kiore, and Te Hoterene Taipari, and spoke thus to them—" Friends, do you recollect the portion of the Kirikiri block, which I excluded from the agreement of the 9th March, 1865, that is part of the Taparahi, Korongo, Takatakaia, and Pakirarahi blocks, which I have held ever since in my hand. At present, I and Dr. Pollen are drawing out a fresh proclamation to include more land in the goldfield. What do you say about it?" They said at once, "include it now, so that the lands may lay straight in their own places."

If the Government had no authority to sanction mining on the Pakirarahi block, perhaps they will be able to show the reason why the Miners Right, and the lease money has been paid to the Maoris during all these years. Also the payment for such "kauri" trees as have been bought for mining purposes.

This is another branch of the subject respecting the position of the Kauri Timber Company and the Maoris with regard to the Pakirarahi No. 1 block. In March, 1882, the Union Sash and Door Company, of Auckland, endeavoured to purchase that land, but it was not properly completed, because no successor had been appointed to Hona Pau, deceased. In 1884 that Company, recognising their false position with reference to that land, went to the Maori owners and requested them to execute a Deed confirming the sale of it to them. The Maoris would

not consent to do so. Then the Company drew a fresh Deed, setting forth that the timber alone had been sold, not the land; but 99 years was to be allowed them, within which they were to cut and remove the timber, but if the timber was sooner cut and removed, then the whole land at once reverted to the Maori owners, their heirs, successors, or assigns; also if the Company became bankrupt, or was wound up, the land forthwith reverted to the Maoris.

That Deed was executed by the Company on the 19th day of September, 1884; it contained another provision, thus :—

*"That if hereafter during the said term of 99 years, any prospecting, searching for, or mining for gold or other minerals shall take place on or in the said land, or any part thereof, all fees, dues or moneys paid for or on account of such prospecting, searching for, or mining by any person or persons, Company or Companies, body or bodies corporate, shall be paid to and be deemed to belong to and be the property of the Covenantees (Native owners), their heirs, successors or assigns, the deeds of conveyance herein before in part recited to the contrary not with standing."*

You must notice that Deed re-conveyed the land, and the gold and other minerals, to the Native owners. Subsequently the Company mortgaged their Deed to the Bank of New Zealand, but when the amount of the mortgage was not met their rights were sold by the Registrar of the Supreme Court, and the Bank of New Zealand became the purchaser. The Bank then sold it to the Kauri Timber Company; then that Company Registered a Land Transfer Title in fee simple for the land, thus ousting the claims of all other persons to it.

"Now, youths of Hauraki, go to your elders now they are with you, and ask them this question ! Is the statement made by your elder, Mackay, correct? If they admit its truthfulness, then value it, and relate it to your own children, so that they may become acquainted with these facts, and not remain foolishly ignorant of these matters, the same as the Government are at present.

Probably after this I shall have but few opportunities of addressing you young men, because I am becoming an old man. Therefore, I deemed it advisable to give you the information myself now. This is all."

From your old Friend,  
James Mackay.

Thames,

25TH MAY, 1896.

WM. MOCULLOUGH, GENRAL PRINTER, HIGH STREET, AUCKLAND.

The Relative Weights of Gold and Silver Dissolved by Potassium Cyanide Solutions from Alloys of these Metals.

By J. S. Maclaurin, B.Sc.

[From the Transactions of the Chemical Society, 1896.]

## The relative weights of gold and silver dissolved by potassium cyanide solutions from alloys of these metals.

By J. S. MACLAURIN, B.Sc., University College, Auckland, New Zealand.

IN the extraction, by means of potassium cyanide solutions, of gold and silver from ores containing them, it is found that the percentage of gold recovered is almost always larger than the percentage of silver. This fact must be due to one or both of two causes; 1st, in an alloy of gold and silver the gold is more readily dissolved than the silver, or, 2nd, gold generally exists in the metallic state, whilst silver is often combined with sulphur, tellurium, &c., forming compounds which are only slowly dissolved by the cyanide. In order to test the first of these hypotheses, alloys of gold and silver of varying composition were prepared, and, after being rolled into sheets, circular plates were stamped out of them. These plates were then exposed, fa Nessler test-glasses, to the action of a 0.5 per cent, solution of potassium cyanide for two hours. The cyanide solutions were evaporated to dryness, and the bullion and gold determined by ordinary assay methods.

The results are contained in the following table.

These results show that, practically, gold and silver are [unclear: dissolve] from an alloy of these metals in the proportions (by weight) in [unclear: which] they exist in the alloy. At first sight this appears to be in direct

opposition to my results on the rate of solution of the two [unclear: metals] when separate (Trans., 1895, 67,199), as it was then shown that "the ratio of the amount of gold dissolved by any given cyanide [unclear: solution] to that of the silver dissolved by the same solution is nearly in this ratio of their atomic weights," or, in other words, for every 197 part of gold dissolved only 108 of silver pass into solution. In an alloy [unclear: of] the two metals, let A represent the weight of gold, and B the [unclear: weight] of silver, then the relative areas of the metals exposed to the [unclear: cyanide] will be gold = A/sp. gr. of Au = A/19.3, silver = B/sp. gr. of [unclear: Ag]= B/10.45

This becomes evident if we consider a cube of the alloy to be divided into [unclear: ti] layers, and the layers into infinitely small prisms of gold and silver, the number [unclear: of] prisms of the respective metals being in the proportion of their volumes.

But, as already shown (when the metals are separate), the weight of gold dissolved : the weight of silver dissolved from equal surface; the atomic weight of gold : atomic weight of silver, or Au/Ag = 196.85/107.66, and, assuming that this relation holds good when metals are alloyed, we get

- Weight of Au dissolved = A 196.85/19.3 = A 1.02.
- Weight of Ag dissolved = B 107.66/10.45 = B 1.0206.

But 196.85/19.3 = atomic volume of gold, and 107.66/10.45 = atomic volume of silver, and, as these atomic volumes are [unclear: practical] equal, the relative weights of gold and silver dissolved are [unclear: proper] tional to A and B, that is, to the weights of the respective metals [unclear: in] the alloy. As the results given in the above table are in [unclear: accordanc] with this hypothesis, we may conclude that it is correct, and that from an alloy of gold and silver, the metals are dissolved in the of their atomic volumes.

Harrison and Sons. Printers in Ordinary to Hrr Majesty, St. Martin's [unclear: La] Cry of Distress. What may happen to a Woman in New Zealand. [unclear: Ing] Correspondence and other Documents in the Case of Mrs. E. Isaac and others

v.

James Mills and others.

"Otago Workman," Kensington Main Road MDCCCXCVI

note

Sir Robert Stout, With Mrs Issac's Kind regards and many thanks for great kindness in the past.

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decorative feature

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- Penalty by Statute, p. 43A. Ruled that no penalty is incurred for not filing unless claimed by beneficiary, p. 43.
- Submitted that the Statutory Rules of practice impose no such condition, p. 43A.
- Affirmed that Mrs. Isaac's counsel in argument claimed that the penalty was incurred and should be imposed.
- Submitted that Mr. Mills in not filing failed to comply with the Rules of Practice, and disobeyed the order of the Court, p. 43A.
- Affirmed that the loss of ledgers, p. 19, vouchers for disbursements of fully £50,000. p. 30. Absence of filed accounts, rendered all efforts of counsel for Mrs. Isaac to arrive with any degree of certainty, at the knowledge of what accounts had been rightly debited to Residue funds, exceedingly doubtful and unsatisfactory.

Ruled that "no penalty was incurred by Exors In not filing after obtaining on their own motion an extended time for filing." Judgment, p. 43.

Submitted that Statutory Rules of practice (full text p. 43A) is in direct conflict with above, which affirm that " at the expiration thereof (the extended time) if the Exor shall fail to pass his accounts he shall be chargeable," &c.

Submitted that statutory Rules of practice are overruled.

No. 5.—Ruled that "*Mr Issac ought to have known how things stood. "Was equally liable with Mr. Mills."* If funds lay uninvested "*it was Mr. Isaac's bussines to see that they were invested.*" judgement, p.p 47, 48

- Submitted that under the authority OF Vice Chancellor Stuart in the case of Wilkins v. Hogg. and on appeal in the judgment of Lord Chancellor Westbury (if similar clause of exoneration in Will, p. 32A) a trustee was not liable for acts of his co-trustee, and to discharge anyone trustee from liability who handed over the estate to another trustee, and that "no court had any right to invest such trustee with responsibility," &c., p.p. 82, 32A,
- Submitted that Vice-Chancellor Stuart and Lord Chancellor Westbury are here over-ruled.

No. 6.—Held that "Mrs. Isaac's understanding is that proceedings are mainly directed against Mr. Mills," and "apparently she is not aware that the action by her in to recover money from Mr. Isaac," and, "Mr. Isaac was a party to these alleged breaches of trust, "p. 48.

- Submitted upon the above cited cases that Mrs. Isaac's attitude is legally and authoritively sustained, p. 32.
- Because Mr. Mills kept all the books, paid all accounts, applied all estate funds, and was uncontrolled and undirected by his co-trustees, and was a paid fiduciary appointed under the sanction of the court, p.p. 15, 17, 22.

Submitted that Mrs. Isaac is deprived of interest contrary to law and equity, p.p. 23, 38, 39, 43.

No. 7.—Held in the judgment that "Mrs Isaac has a life interest in one-half of the Residue the income of the half being payable to her," and, "the persons, however, who have the life interest on the other half *do not make any claim*" &c., p.p. 47, 48,

Affiirmed that—

- The latter persons who have "the other half" received out of the Residue Funds, held in this judgment to be £4321 16 4, (p. 34) on 1st September, 1870, the sum of £2550, (the Bell Award) and have ever since wrongly, through no fault of theirs, enjoyed the benefit of it to that extent, p. 34.
- Mrs Isaac has not to the present time benefited one penny from her share of Residue, p. 34.
- Therefore her claim is not singular or unreasonable.
- And, that when referring to Mrs Isaac's interests in the estate, and those of her children apparently. His Honor, Mr Justice Williams . . . (the remaining portion of this paragraph is illegible.—ED.)

No. 8.—Held that Mrs. Isaac "*could at any time have ascertained* the state of the Residue Account" p. 43, and must be deprived of 25 years interest due to her, because she did not ascertain, p. 44, and all future interest which may accrue from the now restored Residue Fund, p.p. 43, 44.

Submitted that—

- The books were inaccurate, p. 38.
- The H list, p. 33, was omitted from the accounts till this suit, p. 16.
- "The red ink " Residue Funds, p. 23, received from Rich, Short, and others £593 19s 6d, have not yet got into the Residue Account.

- The above *b* and *c* amounts were omitted from the accounts rendered by the order of the Court, Nov. 1802, for filing, p. 16, accompanying an affidavit by Mr. Mills that " these were all the monies he or his co-trustees had received," &c.
- Therefore it was affirmed that it was not at any time *possible* to have ascertained from the books the state of the Residue Funds.
- And upon the authority of Lewin on Trust, p. 43A, that *it was not Mrs. Isaac's duty to ascertain.*
- And upon the authority of Lord Chancellor Westbury, p. 32, that it was *not " Mr Isaac's business to have known how things stood,"* p. 47.

Submitted—

- That Mrs. Isaac is therefore deprived contrary to Law.  
No. 9.—Held that "The Court had examined this account (Rich, Shorts, & Co., above) and was unable to satisfy itself that this sum was in hand for the whole of that period," and "if there was a sum in hand it was Mr Isaac's business, with the other trustees, to see that it was invested," p. 32A.

Submitted—

- That Mr Isaac's, neglect (if it existed, p.32) did not discharge the Managing Trustee who misapplied her, and did not disclose it to her, from liability to Mrs Isaac, p.p. 42, 43A.
- Rich and Short's payments as per ledger, none of which were ever invested, p.p. 38, 32B.
- Mrs Isaacs was not informed that this money was received, it was a new fact disclosed by this suit, p.p. 88, 38. Submitted that Lord Langdale, in p. 31, about retaining Trust Funds in hand more than one year is overruled, and that Mrs Isaac is wrongly deprived.

Note.—For the loss of books and vouchers of which no proof was given. For Deed of Release for all breaches of Trust committed by Mr Mills, give by him to Mrs Isaac to sign, unread to her and contents unknown by her (p. 14). For neglect to obey the order of the Court given, 16th April, 1870 (p. 43A) to file and pass accounts, on account of which of Trust Residue Funds (p.34). For leaving Mrs Isaac's Trust Funds uninvested (p.37) and her Residue Funds uninvested (p.32B) For acquiring Trust Estate (p. 7, 37B) etc., no single word of disapproval was expressed from the Bench (p. 19), but this administration was almost entirely as Mr Mills says, (p. 10) sustained and upheld by the Court; while Mr Isaac, who voluntarily undertook the execution of important duties, and against whom personally on one act of mistake or wrong was ever suggested, or can be proved, the Court felt called upon and at liberty to freely blame and censure, p.p. 19, 47, 48.]

To JAS. MILLS, ESQ., Manager Union Steam Shipping, Coy., Dunedin. Dunedin,

February, 8th, 1894.

Dear Sir,

In reply to your letter of the 6th inst., let me first refer to one or two matters of minor importance, and tender my thanks for your statement that it will give you pleasure to grant me an interview for the purpose of personally explaining differences that have arisen, and to say that I purpose taking advantage of your offer, to this I will again refer; glad as I am to be able to do this even now, yet is it not, let me ask, rather suggestive of locking the stable door after the horse has gone? These personal explanations and personal examinations should, as I have so often advised, have taken place before rushing so recklessly into Court, even though you, later on, appeared anxious to discontinue, and rush as hurriedly out again. First, are you not slightly in error in regard to the increased rent from the Fleece? I had understood that the present tenant had to pay the Insurance and Rates previously charged to me, leaving the net balance £20, and not £4 as you estimate. The other details you elaborate with such care, appear to me not very pertinent to the main questions in difference between us, that is not so much whether the income from what you rightly call my "impoverished Estate" as it now stands, will bear any further strain being put upon it, but if it has, as my advisers understand the Court to affirm, been so impoverished by your acts of administration, (inadvertently or not, matters little to the question at issue,) if you should not hasten to repair the injury you have done, and atone as far as you can, for the misery your acts have entailed on us.

This phase of the question you entirely evade. The question of importance to me appears to be, does not the decision of the Court, so far, go to prove that you have paid liabilities of other beneficiaries from to our Estate? that you have in fact defeated my father's intention and, and frustrated the purposes and plans of his will, and this too in many instances without,—and in some—directly against the advice of the Trustees' Solicitor, and in direct opposition to many of the best you were able to secure in the Colony—I refer to the opinions obtained by or for Trustees from Messrs George Cook, Haggitt, Prendergrast, Macassey, and James Smith, upon the main point of which there was a consensus and united opinion, agreeing with that now given by the Court here? The advice of Mr. Smith, too, was urged upon the Trustees that they should, before paying the Bell Award, apply to

the Court for guidance. About this Mr. Isaac has a letter confirming a previously expressed opinion to yourself that he advised this should be done, but this you would not accede to, and what has been the [unclear: result] Is it not that I have lost the use of my £500 contribution for [unclear: 1] years, and for the same period, interest on £600 wrongly taken [unclear: fra] residue to pay Bell, and some £2000 for 16 years, taken from [unclear: the] same fund, really for the same purpose ? But if you will permit [unclear: a] I will go into these details later on, only stating how astonished feel that the result of these investigations has extorted from you [unclear: se] one single word that can be construed into an expression of regret [unclear: in] the great wrong you have inflicted upon me, but only a jauntily [unclear: a] pressed opinion that if you have wronged us, that if our Estate [unclear: he] been deprived of a very large amount my father, and we too, [unclear: ins trance] ed you to administer in accordance with his bequests, that it may [unclear: en] us all these thousands and more to rectify your errors, and that [unclear: ti] Statute of Limitation anyhow will probably enable you to [unclear: perpet] these great wrongs. Is not this so? If it is, then it appears to [unclear: i] that conscience must most surely have overslept itself; a sense, wrong done, or it may be remorse, may some day give it a very [unclear: re] awakening. I must speak plainly, studied courtesy here would [unclear: he] come a mere function from which the meaning had died out.

Now I will try under guidance to look at these disputed [unclear: account] but why write me "that it will be useless to offer any explanation, whatever I say will be misconstrued." Any misconstruction, I [unclear: rey] has been all along impossible, as it has been just as absolutely [unclear: in] possible to abstract a particle of information from you at any [unclear: this] about anything connected with the Estate, or my own interest This has been my complaint from the first, and remains so still it would serve my purpose, I would give abundant proof, at the [unclear: sa] time, I would be glad of any proof that I have ever by word or [unclear: deo] tried to misconstrue you. My efforts have always been directed [unclear: to] exactly the reverse. The constantly recurring need for this has [unclear: mas] it almost second nature for me, and those you have so persistent wrecked. The second Schultz suit abundantly demonstrated this refer especially to this, as I have not the slightest doubt, that could see deep down into your mind, I should find the conviction [unclear: indehn] stamped there, that my father intended this Mill paddock for me, [unclear: i] just as surely that he did not give it to Elsie, you did that.

Now as to these wrong charges:—

1.—THE CONTRIBUTIONS. Well these were planned by you; [unclear: y] jealously claimed to have initiated the scheme to pay the "Bell [unclear: awa] damages in four equal proportions" and with, I believe, a [unclear: perfence] disinterested and honest motive, though strangely enough, it was direct opposition to all the many opinions you received. The [unclear: instant] tions of the will too wore just as strangely ignored and [unclear: contraves] I mean in this way, that the Eccles and Isaacs were by you made pay £800 each, as against the payments of the two others of each, and in direct violation of your proposal and their agreement) not this absolutely true ?

2.—MRS NELSON £50, AND MISS JONES £50. This is [unclear: char] against our Residue Estate, the reason now given for " Household [unclear: his] peases" appearing now, as the judgment affirms for the first time meaning I presume, that no book of yours divulges this fact.

3.—MOURNING COSTS, £95. This is charged to Residue Funds, and is so conspicuously wrong, that no comment is needed.

4.—ADVERTISING SALE OF HARBOUR CO'S BOATS. Why our funds should be expected to pay this charge appears inexplicable.

5.—FRED JONES £40. This appears a good deal more excusable, but wrong nevertheless.

6.—THE LIGHTERAGE CO. Contract, and loss made by the "Duke of Edinburgh" on her venturo at the West Coast for Timber. These were beyond question legally objectionable, though the loss of the books now deprives us of the power to resist. Both were unauthorised and unknown to any single Trustee.

7.—FRED'S AND WILL'S WOOL CLAIM, £368. This you stated to Mr. Isaac at your first interview about it, was doubtless the balance due after deducting their indebtedness. To me later, you said from information since before you, this appeared certainly to be the case, and that the award, if it could be produced, would, you felt sure, prove this to be so. The award was subsequently produced and proved exactly the reverse—The Court said my father was Fred's agent, and so sheltered you from legal liability—though for years past any wool from Tumai or Goodwood was always, as you know, placed to the credit of any indebtedness that might exist against my brothers—Let me apply this test—Had my father been living would the proceeds from this wool have been handed over to Fred or Will ? Then why should our Residue Funds have been made by you to pay this amount?

8.—SMITH ANDERSON'S B/C. These have been carefully analysed by a very competent legal accountant, who says that from the two bills comprising about 30 items, and amounting to about £460, he thinks £310 is improperly charged against these residue funds of ours. The costs for your appointment as managing Trustee at £600 or £700 per annum, and for which we battled in your interests so strenuously, and which subsequently

was assented to by all, and for which too they all petitioned, is made a charge of £111 against our Estate. If others petitioned for your services to manage their Estate, why should we be made, and by yourself alone, to pay the costs of this accruing advantage to them and benefit to yourself.

9.—HAWKSURRY ESTATE. This property was divided and sold in six or seven farms, subsequently the conveyances to the purchasers were signed by yourself. It was found later on that in four of them the totals of the purchase money were wrongly estimated—three of these assented upon Mr Isaac's appeal for an adjustment of the mistakes, the other elected to hold to his legal rights and we lost £188 by your oversight. Your explanation was (we have your letter) that you were hurrying off to Oamaru by the "Maori," one of your own boats, and had "no time to examine these conveyances."

10.—THE FLEECE HOTEL. While we were in Melbourne in 1877 the stables of this property were burnt down. The buildings were insured for £100. You wrote us there informing us and asking if we wished them rebuilt. Mr Isaac immediately replied saying that's [unclear: raily] would be open, and the coaching days were therefore passing away [unclear: i] would be obviously a most unwise expenditure. We returned to [unclear: Dai] edin a few months later to find that they had been rebuilt under [unclear: you] instructions and that thereby £360 of our money had been [unclear: litenty] thrown away.

11.—THE ISLAND FARM. In 1878 Captain Fraser wired and wrote [unclear: ti] us in England enquiring if we would sell this property, and [unclear: mention] ing a very high figure. We replied by wire to him and to yourself, [unclear: i] a cost of £16, using the code of the Bank of New Zealand, [unclear: practically] accepting all his terms and urging the sale. I think we heard no more of this till our return a few months later, when we found the sale had not been made. We called upon the Erasers a few days after wishing to learn the cause. This was expressed to us in very forcible [unclear: language] by Captain Fraser himself in the presence of others who will bear [unclear: out] my statement. He then characterised your inaction, or, as he called your settled determination not to sell or be bothered about at all, though he was prepared to give such a figure as would have [unclear: i] creased my income at least £600 or £800 a year, as "a gross and en neglect of my interests." He said, so anxious was he and those [unclear: action] with him to purchase, that he called eight times upon you, and bad [unclear: i] last to give up in despair all hope of buying the property, some [unclear: tin] after two of the men here who composed part of another [unclear: syndic] composed for the same purpose of buying my Island Farm, and [unclear: where] decided to advance £5 per acre upon Captain Fraser's highest limit, [unclear: in] formed Mr Isaac that they only decided that any attempt to [unclear: purchase] when Captain Fraser explained to the myour attitude in this mattern useless, and thus I lost, through your neglect or indifference to my [unclear: interes] fully £8000 or £10,000. Am I exaggerating or writing one word this is not absolutely correct? Shortly after this Mr. Isaac, at my [unclear: guesd] endeavoured to get some explanation of your motives for inflicting [unclear: the] cruel wrong upon me. Your prompt reply was "The property [unclear: was] leased. I don't think we were called upon to disturb the lease, any way it was good enough for me." No further explanation of motives has as yet been attempted, though Mr Isaac wrote you full about it at my suggestion in April last year, and yet within the [unclear: ev] present view of this dark shadow and the judgment just given, wrote me a long letter yesterday devoting three quarters of it to [unclear: elsb] ate calculations to show that you must in justness to your Trust [unclear: ded] £3 per month from my already reduced income, and wondering at same time why you "can have fallen so low in my estimation." [unclear: le] me beg your reply to this: Had one unpleasant word ever [unclear: pas] between you and me ? Had I ever said or done one thing to annoy anger you in the remotest degree ? Had we not almost from children been warm and attached friends ? Were this not the case I might least have hunted about for a cause. Only last year you were [unclear: great] enough to write Mr Isaac of me in these terms:—"I have a [unclear: he] remembrance of her great personal kindness to me in the early and shall at any time gladly further her interests, &c."

12.—SHIPPING SHARES. My 1/8 interests in these you (nominally) sold to Mr. Darling in May 1871, an offer of £1400 came from you on his behalf; subsequently £1426 was paid by you for him. In the Trustees first statement of accounts, the shipping interests are referred to as:—

- Assets at death 15th March as under. "Mrs. Isaac, May 1871, one-sixth interest in Harbour Property sold to Darling, £1425." In the later on it is referred to as :—
- "Proceeds of interest in gift of shares." In your letter to me dated 23rd February 1892, you wrote :—
- "The one-sixth share (of the Harbour Company) which fell to you under the will was sold to Mr. Darling in May 1871 for £1425." Let me for once follow in spirit your minute, cold calculations of yesterday's letter about the £3—the "Result" and the is. "Enterprise" purchased from profits in which I had an interest [unclear: a] year before the sale to Mr. Darling, were accordingly certainly not included in the property purchased by him—are they not, let me ask, my definitely excluded? Then, as yet, no account has been rendered to me of my interest in these boats, either of profits or the proceeds they realised. Your principal was not, by your own showing, the purchaser of these interests. But my objections to this sale have mother and more serious phase. The sale was made to enable you to carry out "your proposal" for four

contributors to pay the "Bell award damages" &c. of about £2,600 in equal proportions. It was left to you to carry out this proposal which was assented to in an agreement signed by three, and by the fourth eventually, as the result of a toss-up with yourself. Was the agreement fairly and faithfully carried out, or did you not charge these four contributors with only 1500 each and then in direct contravention of the agreement charge [unclear: as] the Residuary Legatees, with the remaining £600, and upon which we have lost interest for 22 years? Is not this an absolutely correct statement? But I have still a more serious objection to this sale of my shares—Mr. Darling went to England shortly after we went there. The matter of this sale was several times referred to between Mr. Isaac and him, when he rather carefully, and certainly very definitely, impressed Mr. Isaac with the conviction that these shares were really not his. About this time Mr. Darling received from you a memo statement of some accounts between you—Mr. Isaac has a copy of this memo. In it you referred to your payment to him of £1400 for these shares. In a conversation between Mr. Isaac and Mr. Darling during his last visit here some six years ago, he again referred to this matter in a statement volunteered by himself and certainly without any thought in Mr. Isaac's mind that these after proceedings would be instituted. Let me now refer to the loss this sale has entailed on me. The purchase for and from Mr. Darling was made in the year 1871. After I sold, and during the years 1872-3-4, about £1650 was realised as profit on this share, and after some small addition to this in 1875, the share itself realised £1735. It matters little to me now who reaped this very substantial profit on this sacrifice of my shares. The cruel wrong that was done appears to me to lay in the fact that you, [unclear: my] trustee and warmly trusted friend, should have brought all this about and that if the proof Mr. Darling and you have furnished be not [unclear: mis] construed (I am afraid to use this word) then my great loss has been in an equal degree *your* gain. I know you will not hesitate to [unclear: correct] me if I am wrong. I say nothing about a trustee purchasing property, that is a mere legal question; the moral aspect is to my [unclear: ball] of thinking far more important, nor would I have said so much at [unclear: all] about this affair had not your letter invoked all your subtle power [unclear: one] figures to prove your absolute justness in reducing my income another £8 a month, and to further inform me that what you so aptly call [unclear: my] "impoverished estate," you intended to hand over to the Court, [unclear: wbos] agent would, you thought, give the poor emaciated thing another [unclear: deat] grip. What a swinging chorus this gives to the final chant of [unclear: the] administration of the past ?

13.—INTEREST ACCOUNT "but to what else than Residue can [unclear: i] belong," said Judge Williams the other day, referring to the about £640 made by my father's funds before any legacies or interest on the was either paid or due. I add nothing except to state what [unclear: inter] surprise the discovery of this for 25 years unappropriated and only [unclear: an] disclosed fund has created.

14.—THE MILL PADDOCK. Mr Isaac's letter to you of the [unclear: 22th] April last year about this matter is still unreplied to; I have, therefore little further to say about it. You knew, you must have known, [unclear: t] Fern Hill, on the evening of the 8th December, 1868, when my [unclear: father] directed Mr Cook, in your presence to write my name over the [unclear: Islam,] Hawksbury Estate, the Sandhills, the Township Sections [unclear: and] this Mill Paddock (all then lately my brother James' properties) [unclear: where] his intentions were, and when you filed your plan on the register copy of the will, showing accurately the boundaries of Elsie's [unclear: exi] 277 acres, giving only one Et. Road Line, which definitely [unclear: excli] this Mill Paddock from the devise to her, that she could have [unclear: r] earthly right to that property, but you gave it to her—my father [unclear: d] not—and I was thus deprived of £5000.

I will now epitomise these losses, occasioned, it has been said, your wrong administration, and if I am correct in stating this [unclear: the] will show at a glance what a deep, cruel injury you have inflicted [unclear: up] me and mine, and for some reason about which I have not as yet remotest conception. Our astonishment has all along been, and [unclear: s] is, that as these mistakes were one by one coming to light—I [unclear: prefer] believe' that none were intentionally made—you should not have [unclear: thou] it right and just to investigate them without delay in all their [unclear: vam] phases, and possibly with us attempt to remedy or rectify any [unclear: wr] that had been done without this costly ruinous litigation. If a [unclear: sim] desire had existed to do what was right, difficulties would certainly [unclear: had] quickly vanished, but have you not taken a course entirely in [unclear: oppos] to this, and when a mistake was discovered have practically said: [unclear: t] will acknowledge nothing, nor help in any way to test their [unclear: account] Get them if you can, and if you can then I intend to plead the [unclear: Staur] of Limitations, and so, if possible, perpetuate the wrong you have suffered."

If my strictures so grieve and surprise you, let me then say that [unclear: I] I could have forgiven almost all this unearned punishment, this [unclear: mdeserved] misery, this unmerited injury at your hands, the untold [unclear: umiliation] you have inflicted upon me, if you had not refused me the [unclear: mall] pittance of assistance I asked for to help me with my darling lying boy.

I have thus endeavoured to place before you as clearly as I am able, [unclear: mtters] which I think require



the explanation you so kindly offer. [unclear: pardon] me if I ask to be allowed to apply one test to gauge the just and righteous administration of these matters in the past. Is it [unclear: possible] to conceive that had you been a Residuary Legatee in the Estate [unclear: and] Devise of the Island Farm, your administration would have been [unclear: be] same? Please give the question a calm and thoughtful answer [unclear: to] yourself I mean. I again repeat that to these acts of administrative must be some explanation that does not occur to us or to house who advise us. Believe me, I beg, when I assure you that [unclear: nothing] will give me such intense pleasure as to find that you can, as with a sponge, wipe out all these dark spots, and prove that I have [unclear: grossly] misjudged you, and that common justice to yourself demands [unclear: that] you should get the fullest credit for having administered my [unclear: estate] righteously, with a kindly thoughtful care, and with [unclear: even] justice; and let me, in conclusion, further add that if I have [unclear: wronged] you, misconstrued your motives, or misjudged your acts, you have no cause to complain of the language I will use to make [unclear: you] amends.

I leave it to you to say if your written explanation first and an interview afterwards, or only a personal interview to explain will best fit your wishes.

Yours sincerely,

(Signed.) Eliza Isaac.

Mr. JAMES MILLS, Hillside,

12th August 1895.

Dear Sir,—

I wrote you on the 20th March last, expressing hope that the time had arrived when you would (if such is your [unclear: intention]) offer something of a compromise to compensate me for [unclear: my] heavy losses that I had sustained, as disclosed in the action, and, [unclear: so] I thought, I had further pointed out to you in my letter of 7th [unclear: Feb] last year, which is still unreplied to. You stated that you could [unclear: not] then do anything "as other interests are involved." You also [unclear: referred] apparently to other questions as "matters in dispute between you and me." I had thought that the questions in dispute in [unclear: the] action were entirely of the latter kind, and that my claims were [unclear: based] upon the supposition that you had in mistake paid my money to [unclear: a] for others, and that this the Judgments affirm and hold Trustees [unclear: a] no others liable? But if I understand your intention it is that [unclear: they] propose to postpone compensating me for these losses because [unclear: "we"] cannot bind the numerous parties whose interests are involved," [unclear: we] whom, I had thought, I have nothing whatever to do, and [unclear: again] whom I had made no claim, nor do the decisions in the [unclear: Judgment] state that I have any.

If your intentions are to ignore all the moral obligations [unclear: the] claims have apparently disclosed, and to compensate me only in [unclear: where] the law exacts, I think it would be only just and courteous to me [unclear: the] I should be so informed.

The mistakes that have deprived me of so much my father [unclear: debt] to me must, I think, have been fully known to you two or three [unclear: years] ago—soon, in fact, after these proceedings commenced—therefore, again ask you, who deprived me of these large amounts 25 years [unclear: ago] not to delay in restoring them to me, in at least some measure, [unclear: or] state that you intend not to make restitution till and as the compels it.

—I am, yours sincerely,

E. Isaac.

Dunedin,

21st August, 1895.

Mrs. Isaac, Hillside.

Dear Mrs. Isaac,—

I duly received your letter of 12th August [unclear: If] quite out of the question considering such a thing as compromise connection with the present action. Quite apart from the fact [unclear: the] matters have gone too far to make such a step advisable, no [unclear: such] promise could secure the Trustees from the re-opening of the

case [unclear: in] Court of Law; nor could it be expected that those whose [unclear: inte] may be affected by the final judgment would be satisfied with [unclear: s] settlement which was not the outcome of a decree of the [unclear: Cour] cannot admit for one moment the charges you make against [unclear: me] connection with the administration of the estate of your late [unclear: fath] I and my co-Trustees have administered it to the best of our [unclear: ahis] and, with the exception of the Meadowbank Award and some [unclear: paratively] small matters, the Court has upheld our management. [unclear: It] should not forget, too, that during the more critical period of the [unclear: admistration] Mr. Isaac was one of the Trustees, and had a special concern in seeing that your interests were at least as well guarded as [unclear: lose] of any other beneficiary. As regards Meadowbank, although the decision of the Court is adverse to the course followed by the [unclear: Instees], the latter acted upon the best advice obtainable, and with [unclear: the] concurrence of all who were in a position to concur.

I hope you will acquit me of any want of courtesy towards your-self in preferring not to discuss these matters with you. Were it a [unclear: mention] of yourself alone, I should be glad to do what I could to make things plain to you, but you will excuse my saying that I feel both the present and your former letters emanate from Mr. Isaac, and for many [unclear: reasons] it is inadvisable that I should enter into any correspondence with him, either direct or indirect.

—I am, yours sincerely,

James Mills.

Mr. James Mills, Dunedin,

22nd August, 1895.

Dear Sir,—

I have to acknowledge the receipt of your letter of in answer to mine of the 12th inst., asking if you would not compensate me at least in some measure and without further delay for \_ heavy losses my estate has sustained through your mistakes, many [unclear: of] which must have been known to yourself three or four years ago [unclear: When] you first instituted this unnecessary suit, and which you now will decline in any degree to make amends for. Your continued [unclear: refusal] to these reasonable and just requests leaves me at liberty the [unclear: more] freely now to express myself in passing in review your acts of [unclear: administration] which have resulted in inflicting such serious losses [unclear: upon] me and my children, defeating my father's wishes and intentions expressed to yourself and in his will, and in despoiling and [unclear: impoverishing] my estate. Whatever I may have suffered at your hands bitterly as I may feel about it, I very earnestly hope I shall not make single complaint, mis-construct any of your actions, or make [unclear: any] statements that are not strictly accurate. To do this would only [unclear: recoil] upon myself and defeat the objects I may have in view. I need [unclear: hardly] again repeat that others are entitled to know why I am unable discharge my obligations to them. I venture to think that you, as [unclear: well] ourselves, would prefer that in questions in dispute between [unclear: you] and me an effort should be made to settle them upon a basis that would be amicable and just, without appealing to any other tribunals. I quite sure that the all-absorbing duties of your every-day life [unclear: engrossing] so great a measure your time and thoughts that you are [unclear: almost] instinctively impelled to put off dealing with these grave matters in dispute, and possibly almost to lose sight of their serious [unclear: aspect] I cannot, however, permit that to coerce me to remain quiet and passive any longer under these wrongs, and therefore, I enumerate and place on record some of the points in the category of injuries [unclear: in,] because, according to the judgment of the Court, I have committed the *one single mistake* of placing a blind, implicit, [unclear: unswerving] [unclear: confidence,] not only in your ability and integrity, but in your [unclear: having] for myself personally, what you always professed, a kindly feeling [unclear: c] regard unbroken by a ripple of discord or unpleasantness through a long series of over 30 years, since, in fact, we were playmates as [unclear: almost] children together; that in your hands, our paid Trustee, I felt this greatest confidence that no neglect, no wanton neglect, would! [unclear: the] possible, but that you would discharge these sacred duties with [unclear: the] utmost fidelity and care.

Now for these facts which will, I assert, justify the [unclear: severe] strictures and condemnation, for though the Court refuses to [unclear: rectify] many of these breaches of Trust, because I did not find them [unclear: on] before, (how could I with the information you supplied me?) yet I [unclear: s] assured that others, guided by instincts of probity and honour, [unclear: will] certainly extend to me sympathy and commiseration. I mean [unclear: too] whose goodwill and respect we both ought to value and esteem.

Your appointment as Managing Trustee immediately after [unclear: my] father's death, at a very high

remuneration to which I referred in [unclear: my] letter of 8th February last, (still unanswered) was, as I stated, [unclear: mu] objected to. Since I wrote then, a letter (19th Oct. 1890) has [unclear: tun] up, expressing a very strong opinion from \_\_\_\_\_, who complained very strongly indeed that we in advocating and eventually [unclear: i] carrying out our proposal to raise your salary from one hundred; seven hundred per annum, had apparently constituted [unclear: oursehs] "Trustees to yourseif, ignoring the interest of the real beneficiaries and though we carried our point, I hardly think now that a [unclear: grate] sense of the kindness it then gave us pleasure to show you, has [unclear: i] looking back on the past, ever given you a passing thought; but this what you know, or ought to know, so many others and with [unclear: more] bitterness complain of, but I pass on.

FORGIVEN DEBTS.—The will says:—"I forgive" (here follows the names of the beneficiaries) "whatever sums they may respected owe me at my death." The debts and credits stood in their account thus :—

- (W.) Cr. £250 for wool Dr. £92 18s 4d advance on wool.
- (F.) Cr. £368 for wool Dr. £168 18 5d advance on wool,
- (J.) Cr. £255 for wool Dr. £133 3s 0d advance on wool.
- (M.) Dr. £1164. Cr. £750 for sheep.

In the latter two cases the accounts were closed, wiped out, and [unclear: n] balance struck. In the former two the debits were written off and [unclear: the] wool moneys banded to W. and P., and our Residue funds [unclear: deb] with the £618. The mistake is a strange one to make, but the [unclear: poi] is to us our loss of this amount. If the two latter accounts were [unclear: rig] then the others were wrong which was certainly the case.

Interest account so entered and designated £640 12s 2d. That it should have formed part of Residuary Estate admits of [unclear: ns] doubt. The Judge remarking, "It is admitted that all the *cestui que* trusts under the will have received what was due to them," and do not see upon what principle they have not been credited to Residue," nor does anyone, and thus a second sum of about £600 has by you taken from us for 25 years, but how this second sum became exhausted appears most strange. But now for a third £600. Bell [unclear: Award,](part of the). It was agreed in writing in response to your proposal (except that it was to be in equal parts) that four should [unclear: contribute] to pay this Award etc. of £2G00. (b) In May, 1871, you obtained from each £500, equal to £2000, stating that later you would [unclear: get] the balance due from them with costs, expenses, and fees. My two sister and I and our families went to England about that time. Just to our going Mr. Isaac spoke to you several times about this [unclear: balance] of £600, then standing to the debit of our Residue on this account. You said that of course would have to be put right, but you would not require anything from us, as in settling up some Harbour Steam Co.'s accounts you would have enough coming to us to pay our and thus it was left. The only amount that was coming to us [unclear: and] [unclear: our] share of the proceeds of the steamers "Enterprise" and "Result" In 1886 we first learned that this £500 was still unpaid, [unclear: ou] had neglected to collect it and it remained to the debit of our [unclear: sidue] funds, upon which we have now lost interest for 24 years, also have never received to this day, nor as far as can be found in the [unclear: books] has any one of the beneficiaries received, as such, one penny as [unclear: noceeds] of these two boats. I therefore here in a formal manner ask you to clear up this matter, as I did last February, and me my share with 24 years' interest, or the sum which you said [unclear: ne] coming to me from the Harbour Company. The Court would not [unclear: allow] my counsel to argue this question, but said I cannot get the 24 *par's* interest on the £600, because I did not find out that you had [unclear: hiled] to carry out our agreement. This may be, and probably is, good [unclear: law,] but what a parody on equity and justice it appears to be.

THE MILL PADDOCK.—I refer to this again for the purpose of putting in a copy of a plan (c) from the old will, access to which was [unclear: fused] to Mr. Isaac by the Trustees' (your) solicitors, but very kindly [unclear: ned] for him by Sir Robert Stout in Wellington, though too late [unclear: the] trial. This is the 45 acres upon which was built the large mill [unclear: whith] its costly machines, fully gone into in my letter of 8th February [unclear: has] year, and upon which, in your presence, Mr. Cook, my father's [unclear: tor], and under his instructions, wrote my name across, which [unclear: and] you gave to Elsie, and in the face, too, of my brother's protest at [unclear: the] first meeting of Trustees, every acre of which is in excess of her [unclear: tely] defined bequests; also I put with it a copy of another plan a) which you attached to his last will, and deposited it in the registrar's office specifically again defining the bequest to Elsie of [unclear: 77] acres, and as specifically excluding this 45 acres. A few days [unclear: flerwards] you wrote about these very Hawksbury lands, and under [unclear: w] directions the instructions for Mr. Cook for preparing the will [unclear: thus] "As per plans on the old will," on five of which my name [unclear: was] [unclear: will] written across, four you gave me and gave Elsie the fifth, and thus in this 45 acres I say you deprived me of another £5000. You know here [unclear: e] is not one word of exaggeration in these statements, I assert they are quite beyond dispute.

ISLAND FARM.—Since my letter of February last year my husband met a gentleman who casually mentioned something about this property. Mr. Isaac read to him that part of my letter referring to [unclear: the] attempt made by our old friend, the Hon. Capt. Fraser, to purchase his property of 535 acres, and your callous

and determined indifference making all attempts at negotiation quite useless. He then said: "This statements in that letter are perfectly true in every particular. Mr Mills would not sell, but had we purchased it I don't think we she should have made much by it." I had thought he was not in the Colony [unclear: as] that time. This entirely sustains what I said in my letter referred but as further corroborative proof, if it be needed, let me ask you [unclear: the] refer to three letters Mr. Isaac wrote you from England, dated June, July, and August, 1878, (if lost I will supply you with copies) [unclear: drawing] your attention to the sales of farms then quite lately at from £20 [unclear: the] £80 per acre, several in close vicinity to mine, of which you well know there are few as good, and hardly any better about there, and [unclear: strongly] urging you to sell at once. I had forgotten to say that three [unclear: meet] stated to Mr. Isaac upon our return from England that they would [unclear: f] they could, have bought this farm at from £20 to £80 per acre, [unclear: but] had understood that you would not sell it. " You were quite [unclear: satisfied] with Banatyne as a tenant, the lease was good enough for you." [unclear: yes] it was all to no purpose, the farm was at that time let at £370 per annum. 535 acres at £25 would have realised £13,375, which at [unclear: t] percent., the rate then ruling (1878), would have brought me in [unclear: £100] per annum. The Land Tax paid this year is upon a value of something under £3000. I say therefore that through your neglect, your careless and disastrous administration of this part of my estate, I have fully £10,000, and all the increased income which would have [unclear: accrea] had you justly end righteously performed your duty. I brought al this before you in a studiously courteous letter last February, yet I [unclear: gy] no reply, no whisper of regret, or attempt in the most trivial way [unclear: r] make amends; but it is the same from start to finish, touch where will on the vibratory chords of the past, they only echo back notes [unclear: the] jar, notes of callous wrong and cruel neglect. I am assured [unclear: upon] very high legal authority, that Courts of Law in England have [unclear: lu] down the doctrine, which many decisions fully support, that where Trustee refuses or neglects to sell property that would undoubtedly to the value of Estate of his beneficiary he shall be held chargeable his neglect. Maxim A asserts this.

THE RELEASE.—To free you from liability for all breaches trust; let me here give my evidence copied from the Judge's [unclear: name] "No draft of this deed was submitted to me, it was signed at [unclear: mill] office. Deed was never read over to me; I was told it was an [unclear: asser] to Mr Morris' going out and Mr Simpson being appointed a [unclear: Truss] I understood from Mr Mills shortly after my father's death, that was Residue to the amount of £4000. I have never received [unclear: n] income from Residue, I never got any account of Residue. I [unclear: his] never at any time received any account showing how this fund [unclear: because] exhausted." I learned afterwards that this deed contained a clause of which I had not the slightest conception, releasing you from all breaches of trust, &c., which you knew I was at that time feeling considerable anxiety about, and when you put in your defence to my counterclaims in this suit of yours this Deed of Release which I was cheated into signing was put in and relied on as forming part of your defence. I say, therefore, that in thus deceiving me you violated and set at defiance all the unwritten laws of probity and hononr. The Judge disallowed the defence, *voild tout*. Someone, I hear, remarked at the time that had this case come before the Judge Williams in England, who lately had in review the acts of the N.Z.L. & M.A. Co. Directors, more would have been said.

Mr Isaac's acts being attributed to me, a good deal of stress was kid by your counsel and in the judgment was entirely upheld that Mr bate *ought* to have known how the accounts stood, *ought* to have seen that money was invested, &c, &c, and because he did not I must therefore suffer vicariously for his so-called neglect, not only the loss of all interest upon these misapplied and now restored Residue Funds for the past 25 years, but for the remaining years I may live. If this is good law then all I can say is, that it is barbarous cruelty; but I am advised that I can here take a very bold stand and say that it is in direct conflict to the best English authorities. These are given me as Jarman, Sir J. V. Williams V.C. Stuart, and L. C. Westbury—I write clearly under directions—the latter two in different courts upon the case of Wilkins v. Hogg (*e*) the clause of exoneration to Trustees is precisely similar to than in my father's will. There it will be seen that Mr. Isaac is completely freed from all liability (except for personal acts of his own) of his co-Trustee, and that "the court has no right to invest such Trustee with a liability beyond that which the Testator had thought it right to impose on them." Yet because Mr. Isaac did not perform certain duties that my father had absolved him from performing I am to be punished with merciless severity.

Mr. McLean in his evidence said (I copy from the Judge's notes): "Mills kept all the books. I don't think the question of debiting any particular beneficiary with any particular sum was ever discussed." This Mr. Isaac and my brother fully corroborated in their evidence. Every mistake in the books, and they are almost all book-keeping mistakes, are in your handwriting and quite unknown to your co-Trustees—I speak very confidently. In the Trustees' Minute Book for the first year, 1869, 32 accounts were by them passed for payment, and in no single case is there the slightest direction asked for or given to yourself, and though during that period accounts to the number of about 150 were paid by you, none beyond the 32 were submitted to your co-Trustees, some of whom assert that they never even saw the books.

GUARANTEE FOR THE HILLSIDE ADVANCE.—Here a very similar deception was practised upon myself and my children as in the Release and alike discreditable. You know what I refer to; for the present I will not further notice it. It was a heartless piece of business.

RESIDUE ACCOUNTS RENDERED.—The first is dated the day of [unclear: a] father's death, 16th March, 1869—it is in your handwriting (*f*). [unclear: the] account which Mr. Isaac has shown you is in a very dilapidated most unfortunately the credit entries all gone, apparently pocket away, against the figures remaining are added in red ink the [unclear: com] amounts from your books, how such mistakes occurred it seems [unclear: impo] sible to divine. The second account you withdrew yourself as is [unclear: ist] curate. The third, substituting the previous one (*g*), contains, believe, only one correct entry, the credit rents are correct in [unclear: amount] but should have been given to the different beneficiaries. About [unclear: it] fourth prepared by the Order of the Court for filing in your suit, [unclear: au] which took you and Mr. Whitson nine months to prepare, or [unclear: men] properly perhaps produce, to dissect and cull from your books—but must ask Mr. Isaac to explain about it:—

[" These accounts, prepared by Mr. Whitson and yourself, [unclear: wa] by your solicitors sent to ours and given to me. They are, as you very voluminous, filling 12 large sheets of paper. Upon [unclear: examin] them I found that they were inaccurate and defective, and so information Mr. Whitson (you were then attending the Session at Wellington) [unclear: w] very stoutly disputed my statement and asked for proof, at the [unclear: san] time laying the cash book, journal, and ledger before me to [unclear: susts] their accuracy. To prove my position I asked Mr. Whitson for the [unclear: of] rough memo, cash book, kept in pencil by yourself. This he [unclear: fir] maintained he had never seen, and he believed had no existence, [unclear: thus] was expressed in not very complimentary terms to myself, offering, [unclear: sal] indeed accompanying me to search in the strong room and [unclear: Summti] safe, wherein the Jones' trust books were always kept. I then [unclear: gr] him, by letter dated 17th September 1892, a list of these [unclear: om] accounts, which had accidentally come into my hands four years [unclear: before] and they were 10 in number amounting to £4745 4s 3d. You [unclear: return] from Wellington after a fortnight, when this fourth statement withdrawn and another, a fifth, submitted. This is the one now before the Court in your suit, of which it is adjudged that the amounts, 31 [unclear: i] number, enumerated in (*i*) are wrongly charged. The old pencil [unclear: men] cash book was, Mr. Whitson then informed me, 'discovered in [unclear: M] Mills' private safe.'—Wm. Isaac.]

These five are all the Residuary accounts I have received since [unclear: n] father died, and the two last, within the last three years, which [unclear: a] utterly inaccurate and misleading, though the judgment is that "if [unclear: m] Isaac wanted further information there is no reason to suppose it [unclear: won] have been withheld—there is nothing in the nature of concealment [unclear: r] the part of Trustees so as to make it inequitable on their parts [unclear: the] they should take advantage of the Statute," and therefore, because trusted to your ability, high sense of responsibility, and the account of the accounts you rendered me, I am to be punished with the loss [unclear: f] ever (that is the judgment) with the half of the Residue Fund so orders to be restored, and all interest that should for 25 years have [unclear: accoued] me had you done your duty, and, because Mr. Isaac, who was specically exonerated from attendance to these duties and from liability [unclear: the] pot doing so, and did refrain from them, and because my father was competent and did define his duties which, as Lord Chancellor Westbury said, "No Court has any right to impose upon them," I am, I say, to be punished with this cruel and perfectly unmerited severity and this is supposed to be good English law in this 19th. century! One word and I refrain from pursuing this heart-sickening subject. Every one of these mistakes was personal to yourself, made by you unknown, except in the Bell Award, to a single Trustee, or authorised by them, and was unknown to the Residuary Legatees.

HARBOUR STEAM COMPANY.—The diagram herewith (*j*) is reproduced from memory, from one of the two or three that were one day passed about, in playful humour, among the members of the Bar, and then, I am told, torn up; it can therefore be only approximately correct. The £20,000 lacks the proof I should like to supply, though we beard it years ago from those who certainly ought, and I believe did, know. The figures that follow are taken from your books and are beyond question entirely accurate; they pretty well tell their own tale, and a very sad one it is. We all, *i.e.*, we three girls, went with our families to England in 1871—Mr. McLean had left the Trust, Mr. John Cargill, Mr. Isaac, and, a year later, before any boat was sold, Mr. Darling was in England. My brother was residing at his country place, and Captain Malcolm, your employé, whose duties always kept him away, alone remained, and then, in 1878, commenced practically by yourself alone these acts of spoilation. In 1872 (*k*) the "Wallace," making nearly £63000 per annum, was sold to a Nelson firm 400 miles away for £5000, and a boat purchased just before by you put into her place, her running, and her profits. The sale of the other boats shown (*l*) for which I am told no authority was either asked or given, and boats purchased by you, Managing Trustee for us, supplanted them, worked from the same office, with the same staff, and doing identically the some trade which my dear father had worked up with such care and left in your sacred keeping, bringing in at the time of his death nearly 18000 per annum, but which, under your almost untrammelled

control, languished and was in five years strangled out of existence.. What would have been said if, two or three years after the death of Mr. Inglis, the Trustees sold off their large drapery stock at less than onethird its value and put in stock of their own and reaped the profits of 17000 or £10,000 per annum themselves? Yet is not this precisely what you did? A friend of yours told Mr Isaac lately that he abetted this new state of things, but what he did was to purchase two shares of these boats in the same way and with the same responsibility as any shareholder would take in buying shares in the U.S.S. Co., moreover *he was not in New Zealand when one of time boats were sold*. How my share was sold and at what price I went fully into in my letter of February last year, what my interest was after that may be doubtful, but I am advised that a Trustee cannot buy trust estate, and if he does be still holds it for the benefit of his *cestui que* trusts. However that may be, and I am assured this legal doctrine will not be disputed, I again say that I have never received my share of the steamers "Enterprise" and "Result," nor do your books show that, as such, any [unclear: other] beneficiary ever has. I therefore again request it from you, but [unclear: i] dications of late lead to the thought, do they not, that already in [unclear: valr] the narrowing down process of the clever diagram of the squares [unclear: in] again in operation, and that history in some sort may repeat itself, [unclear: I] "the mills of God grind slowly, yet they are exceeding sure."

A few words about the accounts (*n.*) They pretty well speak [unclear: fun] themselves. Dr. Eccles, you will remember, had a letter of author from my sister to get from you all the information she had any [unclear: right] to have, I am sure you will never forget with what pertinacity [unclear: and] even licence he used his power, does that (I suppose it must) account for the contrast between the (*n.*) and the (*o.*) tables, though poor [unclear: lith] Elsie for whom you were Guardian as well as Trustee, fared [unclear: won] than I. If securities were difficult to get, which I am told was [unclear: sold] the case, why was not the same plan pursued that has been [unclear: adopt] since this action commenced, I mean that of placing surplus [unclear: un] vested moneys in a bank D/R to bring in 4 per cent. I see that [unclear: the] first two items of my list (*n.*) would alone have given me an income [unclear: n] £130, but indifference, cold cruel indifference, are marked on [unclear: ev] page of this sickening record; till now I had thought that [unclear: fict] alone produced the hard, cold, flinty business man with whom [unclear: the] world was a mere ledger and men and women only odd and [unclear: ev] figures in it, to be dealt with without sympathy, without [unclear: sentimes] and without soul. In your short letter of yesterday you say the "with the exception of the Meadow Dank Award and some comparatively small matters the Court has upheld our management Many of the more serious complaints have, as you know, never [unclear: j] come before the Court at all, such as the sale of the Harbour [unclear: Steamee] at a time the other Trustees were absent, and when the boats [unclear: w] earning from 55 to 70 percent. (*l.*) upon the prices you sold them [unclear: f] The question of refusing to sell the Island Farm, referred to later [unclear: c] and that too of leaving my Trust funds uninvested and to me [unclear: qua] unproductive of income (*n.*) for so long a time, and so on. And the Meadow Bank matter "the trustees acted upon the *best' advice* [unclear: of] *tainable*." Let me ask you, Mr. Mills, if these two statements (all a most the letter contains) are not exceedingly inaccurate, the "comparatively small matters" are about (*l.*) £2000 and £600 which [unclear: you] deprived us of, and 24 years interest on them, say fully £5000 [unclear: more] are these the "small matters" you speak of? Again, what was [unclear: the] best, in fact, *the only advice the Trustees received* as to the liability [unclear: is] the Meadow Bank Award-let me give them, Sir J. Prendergrast Mr. Haggitt and Mr. Cook advised that the Meadow Bank Estate [unclear: w] liable. Sir R. Palmer and Mr. Archibald said my father's [unclear: perso] Estate was liable. Mr. Jas. Smith, the Trustees' solicitor, said [unclear: I] same, but advised you to go to the Court for guidance and this [unclear: M] Isaac tried to get you to do, but you firmly refused and proposed [unclear: you] self the contribution scheme (*b.*) which was so disastrous to us, [unclear: sa] now you write that you acted upon the *best advice obtained*, instead [unclear: a] saying as was true that you acted in opposition to and in the teeth [unclear: if] every piece of advice the Trustees got.

But if the Court has not upheld your management to the extent you lay claim to, yet it is quite certain that for the loss of three all-important Ledgers and other books, vouchers for disbursements of £50,000 for neglecting to obey the order of the Court of 15th March 1870 to file all accounts before the ensuing 16th September thus making it impossible for us to know what debits were rightly chargeable against our Residue, for my signing at your request and releasing you for all breaches of trust while under the conviction that I was Signing something very different indeed, for implicitly relying in all good faith on your letters and the accounts you furnished that "there was no Residue Estate," for your leaving my Trust Fund uninvested, and for mo therefore quite unproductive, (*n.*) for depriving me of thousands, (*j*) and interest on these thousands for 25 years, for [unclear: devoting] £ 600 of our Residue funds to paying interest on Legacies, for devoting £600 more of our Residue to pay a portion of the Bell Award in direct violation of our agreement as proposed by yourself (*b.*) and [unclear: so] on, and so on, for all which I say The judgments contain *not one word* of censure or reproof; while for Mr. Isaac, upon whom Mr. McLean and you say, in evidence, devolved an immense amount of harassing work, everything one would almost believe, except keeping the books and receiving the

pay, and against whom, during all these three years administration suit, not *one single mistake* is or can be indirectly chargeable, for him the judgments are profuse with reproof, he ought to have known how things stood," "he was a party to these alleged breaches of duty," &c. &c, while I, who have committed the one single mistake of trusting to what I had thought was your high-toned sense of honour, integrity, and justness, am punished with the most cruel severity, and a fresh will is made for my father, cancelling his instructions written by you, and given effect to in his last Testament.

Is not the tone of your complaints because you think Mr. Isaac writes my letters for me, very ridiculous indeed? I have a complete answer if I thought it worth the trouble to give, or that you had any right to ask it; besides, is it not descending to a very low standard of ethics to write to a lady of her husband in this strain of innuendo and Insinuation which you have lately employed without producing the scintilla of proof that it is deserved? Is it to be expected that I, a woman, should single-handed reply to letters which I am assured are often the joint production of yourself, Mr. Whitson, and Messrs Smith, Chapman & Co., and mostly poor at that, because the materials appear to be in revolt? Surely the question should be, are my statements and figures accurate?—not who put them together. I assert they are true and faithfully presented, and are not mere marionettes made by me to dance upon the page of fiction.

Some day, Mr. Mills, sooner or latter, here or there, you too may be a suppliant; you, too, may have to crave an indulgence and will Dost certainly have to plead for mercy. I very earnestly hope that they will not be doled out to you in the same measure as you have in my sore need meted out justice to me and mine.

—Yours sincerely,

Eliza Isaac.

Dunedin,

4th September, 1895.

JAMES MILLS, ESQ.

Dear Sir,—

The letter and other papers with this have prepared for us, and, it must be obvious, partly with our assistance feel very reluctant that the statements made in this letter, and in than of the 8th February last year, should, almost under compulsion, [*unclear: be*] laid before others. Creditors here are naturally restive under the long delay taking place, and think that they have the right to know what is really the character of the dispute between us. I therefore, before placing these letters, &c, in their hands, have decided to make a find effort with yourself, in the hope that you may see it right to some amends for the mistakes of the past, and thereby, if possible, one and for all bury these claims and bring these disputes to an end. [*unclear: I*] don't know what else to propose to this end, except that after [*unclear: calm*] reviewing the position you should (when and where you like) grant [*unclear: us*] an interview, in the hope that some amicable settlement may [*unclear: be*] arrived at, or possibly that our differences should be submitted to friendly arbitration.

—Yours &c,

Eliza Isaac.

Hillside,

16th Sept., 1895.

JAMES MILLS, ESQ.

Dear Sir,—

I have to acknowledge your letter of the 12th [*unclear: inst*] declining to discuss or explain any of the questions referred to in [*unclear: my*] letter of the 22nd August, to compensate me in any degree for [*unclear: the*] great losses you have inflicted upon me, to submit matters not [*unclear: deal*] with by the Court to a friendly arbitration, or as Trustee to supply with any information.

You state that "no friendly adjustment is possible that would [*unclear: be*] satisfactory to you and Mr. Isaac," though all my efforts to that [*unclear: end*] and they have been often made, have been thwarted and frustrated [*unclear: by*] yourself.

Your reply is, you write, simply "an absolute denial of my statements" as "misleading and incorrect,"

without making the [unclear: slightes] attempt to prove their inaccuracy, and thus giving me the [unclear: opporthng] of withdrawing any that are not strictly true. Can it be that you [unclear: in] tend the latter to apply to the correctness of what I sent as [unclear: extras] from your own letters and from the Residue Accounts furnished me by yourself, or the accounts from your ledger showing the [unclear: unproduc] state in which the Trust funds were left, or as to the Accounts [unclear: of] the proceeds arising from the sales of the Harbour Steamers, or [unclear: the] extent of the profits at the time they were sold? Or as to your [unclear: refusl] to sell my Island Farm at my urgent request, and thereby losing fully £10,000, or, if in your proposal for four contributors to pay [unclear: the] Bell Award, you acted upon "the best advice obtainable," and not in direct opposition to all the legal opinions you received. Do not these—as you term them—"charges against yourself" stand or fall upon [unclear: the] accuracy of these extracts, and not in the slightest degree upon anything I may think or say about them. Pardon me if the bitterness I feel and try to suppress will find its way into and tincture my letters [unclear: to] yourself, whom I had so trusted as a true friend, but who I now [unclear: and] has deprived me of fully £25,000, and without, so far as I can discover, the slightest feeling of remorse or regret for having done so, [unclear: bor] is the feeling lessened by the conviction that the Judge, everywhere respected for his high legal attainments and refined sense of [unclear: stic,] has, apparently in ignorance of all the facts in The matters in [unclear: pute] between us, flung around you the strong sheltering arm of the [unclear: law] and condemned me and mine alone to suffer for no single act of wrong doing committed by one of us. I say, therefore, that if these [unclear: fgures] and statements are "misleading and incorrect," as you assert, [unclear: n] it rests with you, their author, to explain them and how they [unclear: e] to exist, and in some way if possible to dispel the conclusions [unclear: t] must inevitably follow.

I did not intend to write so much. My purpose in replying was ask your permission, should these letters be circulated or published any form, to attach to them your replies, if such they can be called. [unclear: The] letters I refer to are those dated 8th February, last year, and those [unclear: has] written, of the 22nd August and 4th September. Your reply to [unclear: this] request will oblige,

—Yours sincerely,

Eliza Isaac.

Hillside,

6th November, 1895.

Mr. JAMES MILLS,  
Dear Sir,—

I have received from Sir Robert Stout your letter to him dated 12th October, declining to compensate me in any way for [unclear: the] losses you had inflicted upon me, because "no other Estate within [unclear: the] Trust had benefited at my expense. "This, you know, is no reply [unclear: to] my letter, nor is it a question referred to in my letters to you upon which I have based my claims The questions at issue between us are, how far and to what extent I had suffered through acts of neglect [unclear: sonal] to yourself, such as the leaving my trust funds for long [unclear: priods] uninvested and for me quite unproductive; for depriving us (so [unclear: is] the judgment) of interest for 25 years on over £2000 of our Residue [unclear: ds] for retaining in hand since 1869 quite unproductive for very [unclear: many] years about £640 received from Rich, Short, Bell and others, [unclear: quit] unknown to us; for not selling portions of our Estate, though [unclear: used] by us and willing and intending purchasers, to do so, by which [unclear: as] lost fully £10,000; in failing to supply us with accounts, except [unclear: sauch] as were inaccurate and misleading; and in very many other ways [unclear: inficting] loss and injury upon me, without in the remotest way [unclear: gesting] where "others had benefited at my expense," and is not this [unclear: excuse]—pardon my saying so—very evasive indeed?

That it could be possible for any man possessing and [unclear: being] prompted by feelings of justice and integrity, and with great ability, [unclear: se] to neglect the sacred duties of his trust as to entail a loss upon his ward—a woman under disabilities—of several thousand pounds sad interest for 25 years, and then against her to plead the Statute of Limitations (literally meaning, does it not, "You found me out [unclear: toc] late ?") to shield him from the consequences of his own wrong doing shocks all one's instincts of probity and honour, and there I must [unclear: leawe] it. After this I shall hope not to have to write about or refer to this subject again; possibly some day a sluggish conscience may get a [unclear: rus] awakening, and then a tardy justice may be done to me. Your [unclear: desing] leaves me—almost under compulsion—an only alternative, that is [unclear: the] explain to others, who have a right to know, why I cannot [unclear: dischang] my obligations to them, and it appears to me that this can only [unclear: to] done by allowing them to get copies of some of my letters to



*unclear*: you] detailing as best I was able the nature of my claims upon yourself [*unclear*: aal] the way my Estate has been impoverished through your careless and utterly neglectful management, and, why the decision of the [*unclear*: Coun] appears to me harsh and inequitable, and in a way, why I thus [*unclear*: appef] against it. The Court holds that "ignorance of the existence of that cause of an action will not prevent the Statute running," though [*unclear*: is] this case my ignorance was created and abetted by yourself. I [*unclear*: anger] that you, my Trustee, assured me again and again by letters and [*unclear*: s] personal interviews that our Residue funds were exhausted and there small debit existed. Your books showed this to be the case. Further proof, if needed, was that in July 1881, you transferred from another account to Residue the sum of £85 14s 3d to cover this [*unclear*: defience] You and you alone were in the fullest sense "party and privy" to [*unclear*: also] this wrong doing—I don't say fraudulent or even intentional wrong doing, but mistakes that with a very little care could and should has been avoided. Your books, your letters, your personal assurances myself, the accounts you sent me, all *concealed* the true facts from [*unclear*: ne] all misled, and the true "information" I submit was certainly [*unclear*: wish] held, yet I, a woman, and my dear children are to be punished [*unclear*: wish] cruel severity because we did not mistrust you, and did not [*unclear*: ascertis] how the accounts ought to have stood; but of course I must bow to [*unclear*: his] judgment of the Court which holds that "there was nothing of [*unclear*: the] nature of concealment on the part of the Trustees so as to make [*unclear*: it] equitable on their parts that they should take advantage [*unclear*: of] Statute."

The following has been furnished me:—In the case of [*unclear*: Thorm] Heard, quoted to sustain this position, Kay L.J. in the [*unclear*: judgment] "here there was no moral complicity, the Trustees were not [*unclear*: par] privy to it. The case seems a very hard one and he came [*unclear*: to] decision against the plaintiff (a legatee) very reluctantly," [*unclear*: and] plaintiff lost £535, and received warm kindly sympathy from the [*unclear*: bend] My Trustee was party and privy to all; in fact, himself was the [*unclear*: aut] of all the wrongs done. He misled me, and withheld true "information" from me, and I must lose over £5000 (*p*) and get no [*unclear*: symp] but I am promised a number of authorities upon this question which I am assured will not sustain the doctrine of the Court here, which, if I get in time, I will send with this. And, further, the Court holds "that each amount wrongly paid was ascertained or ascertainable so soon as it was debited in the books." With great respect I venture to dispute this, and I may, I think, be pardoned if I attempt to disprove it. How in the absence of any accounts given me except such scraps as were [*unclear*: inaccurate] and misleading, could I ascertain what they were? Mr. [*unclear*: lie] claims exemption from duties and consequences for [*unclear*: neglecting] which no Court has any right to impose upon him." I presume I [*unclear*: light] have doubted your oft repeated assurance that the Residue funds [*unclear*: id] been properly and rightly "exhausted," and, doubting you, have [*unclear*: iked] for the Residue Accounts, but of what avail would that have [*unclear*: ben?] The books were all wrong, and did not contain the items [*unclear*: rerred] to in my letter of 22nd August, as the "fourth account," [*unclear*: aounting] to nearly £5000; nor has the Residue Account ever yet [*unclear*: been] credited with the £640 paid by Rich, Short, and others. Even [*unclear*: id] I got accounts, for me they would have been a thousand times more [*unclear*: of a] Chinese puzzle" than I am told they were to the Court for days, [*unclear*: with] eight counsel to assist to try to disentangle the complex skein, and [*unclear*: but] for the great ability displayed by Mr. Woodhouse, the fog seemed [*unclear*: ipenetrable.] But these items, amounting to nearly £5000, have, I [*unclear*: y] never yet got into the books at all; they have never been [*unclear*: passed] the Trustees, or been submitted to them, and except by yourself are [*unclear*: white] unknown to anyone of them. How, then, I venture to ask, was [*unclear*: the] estate of the Residue Fund ever ascertainable till it got into Court? [*unclear*: And] even when the last lot of amended accounts were rendered after the others were withdrawn as one by one the different items were objected to, you then as firmly asserted that they were accurate and properly charged. Therefore, I respectfully submit that for me to have [*unclear*: t] any time attempted to ascertain the state of the Residue Fund was [*unclear*: a] absolute impossibility except by the process of this suit, and that by [*unclear*: t] became disclosed, and for the first time, the correct state of the [*unclear*: indue] balance; and that "if a Statute runs against a Residue it must [*unclear*: a] from the time the Residue is ascertained and not from the death of [*unclear*: he] Testator "; and if this be so, I think I am entitled to interest as [*unclear*: per] at the end (*p*); instead of which I am punished with an [*unclear*: unird] of severity because I, a woman, did not and could not find out [*unclear*: fore] how you had mismanage 1 our affairs, though you now state that [*unclear*: the] Court sustains your administration," and apparently you, the [*unclear*: thor] of all this wrong, will get off pretty well scot free!! The [*unclear*: folriog] has just been given to me " In cases of fraud or mistake [*unclear*: Courts] Equity hold that the Statute runs from discovery, because the laches [*unclear*: the] plaintiff commence from that date," Wm. Exors. p. 2034. One [*unclear*: ber] matter: Mr. Chapman certainly trapped me when under the [*unclear*: lie] of attacking my husband he asked "if I had perfect confidence in [*unclear*: ir] Isaac and that he would look after my interest. Had I said "No," [*unclear*: might] have been misconstrued. I replied in the affirmative, and [*unclear*: let] by the Court has been held to mean that I relied upon him and not upon you to look after my affairs. Such I assert most firmly [*unclear*: ma] not the case.

Had it been so, the mistakes now disclosed could [unclear: ne] have remained undiscovered, nor would Mr. Isaac be able to say [unclear: the] till this suit he is convinced he never saw the books, certainly [unclear: never] examined them, and never saw a statement of the Residue [unclear: Acco] except the inaccurate scraps referred to, nor does he believe was [unclear: ou] ever rendered. The fact was, and no one knows it so well as yourself I often expressed my wish to him that you should not be [unclear: interf] with, but left untrammelled and uncontrolled, and these wishes of [unclear: mi] he loyally carried out, and now gets pretty well all the blame [unclear: for] neglecting duties which it is said "the Court had no right to [unclear: in] him with." If I feel and write bitterly (I wish I could avoid it) let [unclear: the] loss (explained in detail in my letter of 8th February, last year) [unclear: e] fully £30,000 through your wanton neglect be my excuse. I [unclear: firm] believe, as someone has said, that there has been no single day [unclear: sin] the first meeting of Trustees in March, 1869, that I have not [unclear: suff] and often very acutely through your utterly careless administration [unclear: n] my estate.

Of the Judge who presides over this Court, I can only say that [unclear: t] esteem for himself personally and the high estimate that is formed [unclear: i] his great legal attainments, coupled with a deep sense of [unclear: justice] universal, nor do I doubt that it is thoroughly well merited, yet [unclear: m] conviction remains that in my case he has been misled.

In circulating or publishing these letters, as I hear it is [unclear: wish] they should be, I refer to those dated 4th March 1893, 8th [unclear: Feb] 1894, 22nd August 1895, and this letter, will you permit me to [unclear: giv] with them (this permission I am advised I must get) your [unclear: replies-] such they can be called ?

—I am, yours sincerely,

Eliza Isaac.

Dunedin,

22nd January 1896.

MRS. ISAAC, Hillside.

DEAR MRS. ISAAC,—I have received your [unclear: p] memo last night following up the conversation we had during the in reference to the "Result" and "Enterprise." I note [unclear: partia] you give of the ships, but they do not recall the transaction [unclear: to] mind. I imagine the "Result" to which you refer must [unclear: have] longed to some one else, as far as my memory serves me we [unclear: purch] a small vessel for £330, and renamed her the "Result." [unclear: t] believe she was paid for out of the profits in hand for the time [unclear: be] and that when resold the money was replaced—I only speak [unclear: froi] very imperfect memory, as I have no records at hand to guide [unclear: i] As I told you, I do not know what £150 you refer to, and, [unclear: muchi] would like to help you, I cannot entertain any claim in the [unclear: was] compensation for any of the various claims you have [unclear: made] kind regards, yours sincerely,

James Mills, p. M.R.

Hillside, Dunedin,

18th February 1896.

JAMES MILLS ESQ., Union S.S. Co. of New Zealand, London.

DEAR SIR.—

I duly received your short letter of 22nd January two days after you had left for England. It was a strange, though not altogether a surprising letter; the edge of surprise at any letter from yourself has become ere this well nigh worn off. The Court, you have said, and quite truthfully, upheld in a great measure your [unclear: administration], and therefore any statement or explanation from you appears to be of little consequence, and hardly, I presume, worth bothering about; but to have to confess that you, our highly paid Managing Trustee, who himself sold all the boats, received all the proceeds, who personally kept all the books, which certainly should have recorded if the "Result" and the "Enterprise" was one or two boats, to whom they were sold, what became (definitely, not by guess) of the proceeds, of, I suppose some £1500, or £2000, and further to have become quite oblivious, and also to have no records of what became of the £150 I left with you when I went to England in 1871 to pay our one quarter of the £600 balance then owing on the Bell Award, and for us to find out many years after that quite unknown to us, you had, in contravention of the agreement proposed by yourself

and assented to by the four contributors, charged the whole of this £600 to our Residue Funds, and that the £150, our one quarter had somehow altogether vanished. All this would, I venture to think, under ordinary circumstances, be more than a little surprising, and though the Judgment now restores this £600 to our Residue Estate, from which you had, without any apparent reason debited it, yet the Court peremptorily disallowed me the interest on it, which for 25 years I have been deprived of, and as firmly refused to allow our very able counsel (Mr. Sim) even to argue the point.

This letter of yours of the 22nd January assures me "that you would like to help me (and that is not true, Mr. Mills) but cannot entertain any claims by way of compensation." For this crumb of consolation I suppose I ought to try to be grateful, even though it may appear but a poor equivalent for the loss of these thousands and for the very much mental and physical suffering you have inflicted on me. The assistance I requested at our interview the other day was your charitable aid, but a restoration of my rights. I did not intend to hunt for and probe your generous instincts. I wanted you to make restoration for at least a portion of these many thousands your wanton neglect has deprived me of. You say you would like to help, but decline to make any compensation because, as you justly state, the Court almost entirely sustains your administration, and therefore I ought I suppose to bow very submissively to the ruling of the Court, and accept gratefully this half loaf you have spared me and which it consents to me getting. It would, I confess, afford me a little additional consolation if I could at all understand the Judgment of the Court; I mean if I could understand how it can be affirmed that the state of our Residue Funds "could at any time have been ascertained," when the books and the accounts rendered for filing by the order of the Court, copied from these books of yours, were all wrong omitting, as I pointed out before, all record of the items of nearly £5000 in the H table, that the I list were all wrongly charged, also that the Residue account contains to this day no credit entries for the £593 19s 8d the balance of the seven or eight hundred pounds paid in December 1869 by Rich, Short, and others, referred to in the judgment in these words "with respect to the items in red ink (those of Woodhouse, Short's interest, Rich's interest, and discounts in excess, I do not see upon what principle they have not been credited to Residue, in my opinion they ought to be so credited," that I should have been deprived of all interest on these amounts for fully 13 years—from 1863 to 1883—because I had not ascertained that these debts were either owing or had been paid to you (how could I? no account you [unclear: eve] rendered me made the slightest reference to them) and by you left entirely unproductive, because, so the Court rules about this "it was quite reasonable that something should be kept in hand (*r*)(*n*). What £593 for 12 or 14 years? Then what Lord Langdale said in [unclear: dictum] (*a*) that Trustees will be held personally liable if they keep Trust funds in hand for more than one year, must be great nonsense, and, at least on this side of the globe, very bad law besides. I venture also to think that Tables N. P. and R. completely and very rudely dispel this defence, besides which, if anything else need be said, the accounts [unclear: you] now rendered for filing show that every Estate debt was discharged in 1871, 12 years before, and that you held in possession bank shares iron store, and steam boat property valued at fully £30,000, which any father had, if needed, made chargeable with debts. Yet our poor little £593 must be kidnapped and held for nearly 14 years unproductive, out only with the approval of the Court, but as the Court suggests that for this purpose it was so held, while the Tables just referred to show the many thousands that were unemployed, continuously in hand. Nor can I understand why this £593, adopted in the Judgment as Residue as above referred to and duly recorded in the books as interest earned, should be in the end of the Judgment reduced to £309 (*t*). The difference, I am instructed, is created by you by debiting the larger amount with interest for bank overdrafts! !not a penny of which was for me. In 1879 I notice that my trust funds show a credit balance of [unclear: £2470] not only unemployed and unproductive, but we at that time debited with interest for bank overdraft in the sum of £122 13s. That means, does it not, interest at eight per cent, for £3000 for six months? For whom? In 1881 they show a credit balance for £423, when again [unclear: we] are charged for bank overdraft for six months in the sum of [unclear: £59] 17s. *i.e.* eight per cent, for £1500. Who (I think I have a right to [unclear: a] got this advance? I certainly did not, for though the judgment [unclear: he] specifically upholds this, by adopting the £309, yet to me it [unclear: appear] heart-sickening record of injustice and wrong, and for which I [unclear: alone] am made to suffer. But what a picture it makes. Let me [unclear: roughly] sketch it. First we find £2470 of my trust funds lying in your [unclear: hadn] dead and quite unproductive, and we are charged with bank interest on an overdraft for £8000 for six months, and later on for £1500 overdraft for another six months. Then our Residue funds in the amount of £2000, have been, unknown to us, misapplied, and for 25 years made by you entirely unproductive for all that period to us, and upon which the Court refuses to allow us a penny of interest. Then £598 of ours is kidnapped, and for 14 years credited to a wrong account, and upon which, too, we lose every penny of interest, and was also found, then it emerged from its hiding place to be shorn down to £309. Am I exaggerating one single word? And then the picture gets the effective background, you say, of the approval of the Court. With a little bit of light (?) shading thrown in by you by an assurance "that you would like to help me," and I again say that it is not true Mr. Mills.

But let me roughly sketch another small picture (it only refers to a tithe of the losses you have made me

suffer from).

Let me repeat, *three pounds eleven shillings and twopence* is all the income earned for me from the above enumerated thousands from my father's death in 1869 to 1883, and in 1895, that is, for the following 12 years their entire earnings, under your administration, amounted for me to £165 11s 9d, that is for 25 years for all these amounts. As all but the N table came under the direct notice of the Court, and were each separately adjudicated upon, their unproductive character being specifically passed in review and were by it upheld and approved of, I cannot therefore dispute that here your administration was certainly, as you claimed, sustained by the Court, and that you were as surely protected by it and held freed from (almost entirely) any liability, and that there can be so far no necessity for you to trouble about questions of "compensation," &c, (those of conscience and morality appear not to be of much importance) for any of these [unclear: appare] great wrongs you have inflicted on me, but again I say I wish very much I could understand it all—I mean why the receipt of these funds of ours by you, unknown to me or Mr. Isaac, and, in fact, *disclosed for the first time in this administration suit*, should in the unproductive character be upheld and approved of by the Court.

Permit me again to refer to this £598 19s 6d (*d*) and to the process by which it became so attenuated. First, about £180 (£122 13s 0d and £59 17s 0d) is deducted from it for overdrafts, not a penny of which was for me. Then I find you took from it in July 1881 £85 14s 3d to cover [unclear: a] debit balance in our "Residue Account," which, but for your misapplication of our funds in this account, should show a credit balance of about £4500 (*I*). Then there is another deduction of £30. But let me give a copy of the entry from your books:—"1879 January 31st. To Fred, Jones' intent on £2000 as for James Mills' private account, £30." Apparently this means (pray correct me if I am wrong) that you took the use of this £2000 of my brother's for three months at 6 per cent., and then debited my funds with the interest you paid to him for it. I notice also that you made several loans to J. H. H., I presume from my *N* funds, and received interest from him for them—£89 17s 5d. This is credited to Residue, which should, I think, have made it £680; but after all this it left our original £593, at the end of the deal in 1888 (14 years after), £809 8s 8d, *T* for which the Court was pleased (I was going to say very pleased, for I feel quite sure it was so) to allow me to get £3 11s 2d for interest whereas had this £680 been invested at 7 per cent. since when you received it in 1869, that is, had you been faithful to your trust, we should have received, at simple interest, not £8 11s 2d, but about £1200 from it as income (I am told it is doubtful if yearly rests should not have been allowed), and this is the administration you say the Court upholds! But how strange it all seems. The fining down process of the Squares diagram appears in evidence everywhere; first there is the steamboat property *J* appendix; then our Residue Funds of £1000 shown in your figures when you took charge as Trustee—later on Mr. Isaac recovered £3900 from Sydney, which was added to the Residue, all of which, under your control, disappeared like a passing cloud, and after being entirely unproductive to us for 25 years, £4600 of it by this suit has at infinite trouble and expense been raked together from the wreckage you had made, and is now restored (*I*) to Residue Funds. Then £5000 of our property (the mill paddock) was beyond question given to the wrong beneficiary. Mr Cook, under my father's instructions in your presence, wrote my name across this land on the will plan (*c*), and you went to Mr. Cook's office every day till the will was completed to see that these instructions were carried out, added to which you refused a many times repeated pressing offer of £13,000 for my Island Farm, though supported by our approval and strong request in writing. This property is now worth under £3000. And now the "Result" and "Enterprise" and their sale proceeds have vanished and cannot be traced. The £150 I left with you in 1871 is also gone like a shadow; then the £600 you had spared to me (Residue not as yet misapplied) went wrongly at last to pay the balance of the "Bell A ward," *B*, and now we find that Rich's and Short's £593, [unclear: received] in 1869, and which entirely disappeared in 1871, reappeared again in 1883, fined down to £309 8s 8d, with an entire loss to us of income for 14 years, but I am forgetting that it carried with it its tiny bantling of £3 11s 2d. Is this, oh yes, and much more than this, true, Mr. Mills? or is it the dream of lunacy? for sometimes I have thought ray mind would give way under the strain of the wrongs your "moral madness" has inflicted on me and mine. As for the Court—but I must not forget the sacred injunction, "Thou shalt not speak evil of the rulers of my people"—let me ask this one question: Had you been the legatee or partner with me in my father's bequests would a single one of the above acts have been committed by you? It is quite inconceivable; and yet I think the division shown in the Squares diagram would anyhow have been the final result.

If I have committed the slightest inaccuracy in these statements I again beg that you will point it out to me, and thus give me the opportunity of withdrawing or modifying any of them.

I wish, too, I could understand why I should be deprived of 25 [unclear: rs] interest on the misapplied and now restored thousands of [unclear: due] in Table I previously referred to, the misapplication of which, [unclear: ptio] the Meadow Bank claim, I knew nothing, but had, by [unclear: inacie] accounts sent by you, been entirely misled. Neither can I [unclear: arstand,] as I said before, how such cases as *Heard v. Thorno* and [unclear: the] *Somerset* case can be said to apply to mine and govern it" (*Pc*). As in the first the Trustees very justly escaped liability, because, [unclear: asf] judgments again and again affirm, the Trustees knew nothing

*unclear*: of] were in the remotest degree "party or privy" for the wrongs [*unclear*: Thu] suffered from, (is mine analogous to that?) In the latter it was [*unclear*: pobi] out by the three Lord Justices' in their judgments that Somerset [*unclear*: i] statute barred because he was a consenting party to and fully [*unclear*: cogoi] of all that had been done. Do these cases not, as has been [*unclear*: authe] tively pointed out, stand out in striking contrast to mine? Nor [*unclear*: ca] understand in the least degree why, as the result of the loss of [*unclear*: l] Harbour Steam Company's Ledgers, estate vouchers, and accounts [*unclear*: i] payments for over £50,000 (none of them were lost in the flood [*unclear*: i] stated) for neglecting to file accounts as ordered by the Court and [*unclear*: the] leaving us to grope our way in the dark in our struggle to unravel! [*unclear*: t] complex account of yours, and for which neglect I am told a [*unclear*: m] proper statutory penalty is enacted but was not imposed; for all [*unclear*: this] say I and my dear children alone have to suffer and I cannot [*unclear*: un] stand it; or why Mr. Isaac, who thinks he never even saw one of [*unclear*: y] books, should be held by the Court to be chargeable for [*unclear*: negles] duties (and vicariously, I through him) from the performance of [*unclear*: wh] my father bad expressly freed him, and the responsibility for [*unclear*: whi] had no power to clothe him nor did I attempt to do so, and [*unclear*: with] [*unclear*: wh]"no Court had the right to invest him." I had in a crude kind way thought that British law was in such cases framed with the [*unclear*: obj] of affording strong shelter to guard with especially jealous [*unclear*: care] rights of women and their infant children, and that it was based [*unclear*: up] the good old-time theory that "Governors and magistrates were [*unclear*: j] pointed for the punishment of wrong-doers and for the praise of [*unclear*: the] that do well." I am still further at a loss to understand why [*unclear*: l] Justice Williams should, five years ago, at a public dinner, [*unclear*: h] attacked my dear old father (whose shoe latchet, &c.) while [*unclear*: meai] of his family who love and revere his memory still reside here; [*unclear*: t] though the apology he wrote me was very courteous, and if not [*unclear*: s] cient, yet the necessity for it should not have arisen.

I suppose I ought to bow very submissively to the ruling [*unclear*: of] Court, even though I am punished at every point, for not one [*unclear*: si] act of wrong doing of either Mr. Ieaac's or my own has been [*unclear*: in] remotest manner even hinted at; but acting under advice my [*unclear*: inte] is to yet make another effort to obtain the justice which I think [*unclear*: I] been denied me here. For that purpose I am induced to follow example which a lady in India took lately, and with complete [*unclear*: su] that is to prepare a petition, which I intend to have carried [*unclear*: to] steps of the Throne accompanied with these letters, the [*unclear*: judgments] other papers, (which I am getting printed for that purpose) and [*unclear*: im] Her Majesty the Queen, who never yet turned a deaf ear to an [*unclear*: inj] woman suppliant, to instruct her advisers to investigate them for [*unclear*: j] purpose of arresting and defeating the effect of this conspicuous [*unclear*: i] carriage of justice.

—I am, yours sincerely,

ELIZA ISAAC.

P.S.

I had almost forgotten it, but I think that in addition to the amounts certainly due to me before referred to, I should be [*unclear*: re-occupied] my share or any amount you paid as a bribe (I never learned how much it was) to one prominent member of the Provincial Parliament "Who generally makes himself heard when he does speak" and possibly to "six others to be bought cheaply if needed" (I quote your letter now before [*unclear*: one] of May 1870) to defeat the Government Bill for the construction of the Port Chalmers Railway, though at the time the bribe was strongly objected to by telegram and letter from Mr. Isaac and my brother.

I brought this matter before you four years ago and then told you that for over 20 years while all this injustice and wrong was being inflicted and a hundred times as much which I have not recorded, we had, to protect you, maintained an inviolable secrecy about this bribing transaction, for not a living soul has? ever seen this letter, but as you still decline to make any compensation for the loss to us of all these [*unclear*: many] thousands by breaches of trust personal to yourself alone, I feel my scruples fast fading under the pressure of your heartless and cruel treatment of me.

## **Appendix.**

### **A**

Lord Langdale said :—"Trustees are bound to take in all cases [*unclear*: the] same care of Trust property as

a man of ordinary caution would [unclear: make] of his own, if they have done so they will not be liable for any [unclear: ental] loss. And as regards his duties, the utmost diligence [unclear: abseving] the same is his only protection against liability for any loss, and it is only as regards his discretions or discretionary powers that an amount not of diligence equal to what he bestows on his own property will [unclear: t] him from liability. Further, if a Trustee permits the trust [unclear: and] to remain, say, in the hands of a banker for more than a year Testator's death it will be at his risk."—*Vide* judgment of, in case of *Dark v. Martyn*.

## B

[COPY.] Dunedin,

4th August, 1870.

DEAR ISAAC,—

Enclosed is cheque for John's share £625, and [unclear: reciept] for his signature. Please see that the stamp is initialled. I have had a talk with Eccles and Biss about my proposal that the four intrested *cestuis que* trusts should enter into an arrangement to take Bell's matter off our hands and divide the damage. Biss rather hung back at first, but he appears to be inclined to stretch a point rather than stand in the way of an amicable settlement. I was surprised that he should have met me so fairly as his estate is in very little jeopardy. He thinks—and justly too—that he should not become responsible for so large a share as the others, and suggests as the result of our deliberations that the damages should be divided into 11 shares and appropriated as follows. We will take them at £3000:—

That is, supposing that the damages were levied at so large an amount—which I think is improbable, in my opinion an additional inducement in favour of this arrangemenn is that you would have freedom to fight Bell in any manner you chose—without being trammelled by so many interests as the Trustees are. You would only have to consult own interests.

You needn't tell J.R.J. this, but Smith is of opinion that first would go the income your joint share, then the principal, and then the income of J. R. H. and Biss' share before their principal was touched. He admits that the later clauses in themselves are so [unclear: contradict] that the Court would, he thinks, on consideration decide as above.

I have overhauled the old Will and find that Mrs. Eccles was in better position than at present. She had £6000 absolutely—Meadow bank except 500 acres—the town properties, and a joint interest in the Residuary, and what is more, the entail was to her children and issue, which would include Eccles' new children.

Biss did not absolutely commit himself to the foregoing propose until he sleeps over it. You had better talk it over with John in you own way, and if he is agreeable a meeting could be arranged between you all to discuss and decide the matter.

—Yours truly,

James Mills.

P.S.—Darling got the ring out of my cake.

## E

[COPY.]

Wilkins v. Hogg.

10 W.R. 47.

Three Trustees attended at an insurance office to receive [unclear: payment] of insurance moneys by crossed cheques for which they signed [unclear: recei]—two handed it over to a third, named Reid, to invest. This wrote to the two he had done, but had not. An action was brought against the latter two. The clause in this Will was verbatim with [unclear: the] clause of exoneration in the Jones' Will.

The Lord Chancellor, Westbury, in Appeal, said:—"He [unclear: c] sidered the defendants had not committed any breach of trust sanctioning the temporary investment of the fund in the name of [unclear: R] as to disentitle him to the benefit of the indemnity clause. The [unclear: R] part of the indemnity clause in the Will did not give the Trustees [unclear: u] protection against the misapplication of the trust funds or from [unclear: se] to the due carrying out of the trusts of the Will; the remaining [unclear: pot] of the clause, however, which had probably been drawn by a [unclear: per] well acquainted with the rules of the Court, was evidently intended [unclear: n] protect Trustees from the usual liability both as to the mode of [unclear: invs] ment of the

Trust property and also from any misapplication might be made of it by one of the Trustees. The effect of this [unclear: part] the clause was in his Lordship's opinion to discharge any one [unclear: of] Trustees who handed over the Estate to another Trustee from [unclear: liab] in the extent of misapplication. It was clearly competent [unclear: for] testator to define the duties of his Trustees, and to say that [unclear: the] should not incur the ordinary liabilities incident to their office, [unclear: and] so the Court had no right to invest such Trustee with a [unclear: reapon] beyond that which the testator had thought it right to impose on [unclear: t] In the present case a testatrix had expressly discharged the [unclear: Tru] from any obligation of seeing to the due application of the [unclear: t] moneys and had absolved them from any [unclear: hability] as to a [unclear: misappli] by a co-trustee. No case was made out against them of personal [unclear: m] appropriation and the decision of the Vice-Chancellor in respect of [unclear: h] indemnity clause being correct, the appeal must be dismissed."

### **(Re) Wilkins V Hogg.**

Clause of Exoneration :—

*"Any Trustee who shall pay over to his Co-trustee, or shall do or concur in any act enabling his Co-trustee to receive any monies for the general purposes Of this my will or any definite purpose authorised by my will, shall not be obliged to s?? to the due application there of nor shall such Trustee be subsequently rendered responsible by an express notice or intimation of the actual misapplication of the same monies, but this clause shall not restrict the power of any Trustee to require from his Co-trustee an account of the application of monies in hand or to insist on his replacing monies misapplied by him," Judgment on other side (p, 32),*

### **(Re) John Jones' Will,**

Clause of Exoneration I:—

*"Any and every Trustee who shall pay over to his Co-trustee, or shall do or concur in any act enabling his Co-trustee to receive any monies for the general purpose of my Will, or for any tit finite purpose authorised by my Will, shall be Exonerated frombeing obliged to see to the due application thereof and such Trustee shall not be subsequently rendered responsible by any express notice or intimation of the actual misapplication of the same monies, but this clause shall not restrict the powers of any Trustee to require from his Co-trustee or Co-trustees an account of the application of monies in his or their hands, or to insist on his or their replacing monies misapplied by him or them."*

Mr Isaac in evidence said:—"He thought be had never seen the books," Judgment of Mr Justice Williams, p, 47. 48:—

*Mr Isaac ought to have known how things stood, if there was a sum in hand it was Mr Isaac's business to see that it was invested. Mr Isaac was a parly to the alleged breaches of Trust."*

Residue Funds received from Rich, Short, and others, in 1870, £593 19s 6d, p. 26, never invested, p. 31.

## **F**

[This Cr. side is torn off apparently pocket worn and is lost.]

## **G**

LIABILITIES. £ To Balance &c ... 105 3 To S. & A. 20715 To Award and Exps.... 23928 Probate Duty 5750 s. d. 1 2 6 0 £3280 1 9 0 0 ASSETS.£ s. d. By Sundries ...192 4 0 By N.Z.N. Co. ...300 0 0 By U.S.S. Co. ...150 0 0 Recoup Rents Biss 192 08 Eccles 135 00 Isaac 62 16 0 Fred 20 10 0 E.S.J. 5 00 415 6 8 Rebate Duty... 344 3 3 Deficiency ... 1878 11 1 £3280 1 9

## **H**

£ a. d. £ s. d. W, Rowley... 1808 153Jn. Jones per Isaac20 00interest... 16160 Harry ...0 156R.N.Z... 10000Bk. N.Z. Deposit1820 113"... 1685156Jn. Jones, Mrs N.Miss J.100 00... 107996Thos. Jones accep 1685 156 Job Wain 5000W. Store Marshall2 26B.N.Z ..... 15150Driver, McL. & Co 1079 96 Wm. N. .... 15150Jn. Jones Marshall5 00 Baxter per Isaac...15 150Bank of N.Z. ...15 150£4745 4 5

## **I**

The Judgment restores the undermentioned amounts to Residuary Estate.

£ s. d. Machinery 30000 Mrs Nelson and Miss Jones 10000 Harbour Coy. Advertising 2746 Fred Jones—Interest 4000 Mourning 9200 Insurance 300 No. 8 Costs of Registering Will 66389 Appt. of Mr Mills as Man. Trustee 819 1014 2918 611 013 413, 12, & 22 Meadow Bank 17 & 18 Eccles ..... 2 52 58 156 5 140 8 80 134 66 14 8 4 1 4 19 Vesting Order ... 69 4 3 25 Registration ...2 100 Rich's interest paid Dec. 24,1869418

110 13 00 4 Short's interest, paid in 1869 ...207 00 Probate duty ... 38 96 Interest Account ... 640 0 0 309 0 0  
331 0 0 Meadow Bank award... 2000 0 0 ... 500 0 0 55 £4821 16 4

Wrongly Charged, but not now recoverable:—

## L

Total Amount realised by Sales of Harbour Steam Co.'s Boats.

Profits for 5½ years on steamers sold for £11867, sales commencing in June 1872, all disposed of by October 1874. From August 1872 to October 1874, "Geelong," "Faithful," and two wooden lighters alone remained unsold.

c PLAN ON OLD WILL 12th April, 1866 Section 57 is the Mill Paddock—the land in dispute. "Mrs Isaacs" is in the handwriting of Mr. Geo. Cook, put there in the presence of Mr Mills, at the request of Mr Jones at the last interview they had, 8th December, 1868.

J Mrs. Isaac's share in Harbour Steamers, March, 1869. Mr. Mills' share, March, 1869. Mrs. Isaac's share, April, 1871. Mr. Mills' share in 1872. Mrs. Jones three daughter' share in Streamers, March, 1869. Mr. Mills' share, march, 1869. Mr. Jons' three daughters share, Oct., 1874 Mr. Mills' share, valued at £12,730, Nov., 1874. Sale of the Harbour Steamers and business to the Union S.S. Co., 1875. Profit, £20,000. Mr. Mills, Managing Director, £2500 per annum Mr. Isaac, £1100 per week.

## Extract from Will.

I declare that my Trustees shall be at liberty to postpone for such time as *they* shall think fit without being answerable for any loss [*unclear: pasioned*] thereby, the sale of my shares and interests in the said Beam vessels, lighters, and other ships or vessels, and of the said iron [*unclear: ore*] and offices, provided they shall not require to make good any [*unclear: lefiency*] of ray personal estate in manner hereinafter mentioned.

## M

lain vested Uninvested. £ s. d. £ s. d. The figures for this space have not been supplied to us, but for my Cr. Balances I received a large amount of interest up to 1ST E. I. 115 3 0 4 0 0 193 15 5 6 18 5 N O O O 818 15 5 8 0 9 532 13 8 8 2 10 1240 7 10 218 15 5 8 6 5 2473 5 8 1541 17 2 209 15 9 8 5 11 2473 5 8 2611 16 4 205 10 9 8 8 9 423 5 8 41 17 2 1710 4 7 241 5 9 9 10 8 272 12 4 41 17 2 750 7 4 237 0 9 10 il H 672 12 4 92 16 2 518 12 8 272 15 9 II 15 11 32 16 2 127 17 11 318 15 10 13 10 1 WIM 12 4 61 18 10 1184 9 1 354 10 10 15 11 1115 12 4 211 18 10 12 10 11 350 5 10 15 13 11 1766 2 I 11 18 10 1243 17 7 366 10 5 17 1 1 1 4 1 11 18 10 2197 3 1 381 5 10 18 4 1 111 19 4 372 8 4 18 11 ? 463 10 11 22 7 0 2 11 19 4 479 6 11 25 13 0 075 9 7 10 7 i 365 0 10 30 14 2 136 12 10 675 ? 7 87 5 10 675 8 7 38 5 0 £ 345 15 6

## Pa

Prior v. Hornbio wer, 2 Y & C., Ex. 200 206

In *re* Johnson's case, 29 oh Dr. 964.

Bonomi v. Backhouse, 28 L.J. Rep. 2 B 880

Gibbs v. Guild, 61 L.J., Qu. B., 228.

Adams v. Barry, 2 Coll., 285.

Lester v. Pickford, 34 Bea., 576.

Eccl. Commissioners v. N.E. Ry. Ld., 4 ch Div 860

Blair v. Bromley, 2 Ph. 354

Brooksbank v. Smith, 2 Y & C, 58

Hovenden v. Lord Annesley 2 Sch. & Lef. 607 630

Increase on £2000, interest at 7 per cent., with yearly rests, for 25 years.

## Pc

Counsel for Mr Somerset applied for interest.

Kekwich J. said:—"Here there has been no concealment [*unclear: no*] closure of new facts, no payment of interest except [*unclear: a*] basis of a mortgage, the character of which was [*unclear: as*]

## Re Thorne v. Heard in Appeal.

Lindley L.J. said—"But the money was received by Searle (Trustee's solicitor), not by the defendants (the Trustees). A man cannot be said to return that which he has not got and cannot get."

Smith L.J. said—"A man cannot be said to be party or privy to that in which he has taken no part and of



which he knows nothing, and which was committed by another for his own benefit."

## **Re the Somerset Case in Appeal.**

Kay L.J. said—"Mr Somerset consented in writing to the mortgage, it was made at his instigation and request. It is the *essence of the section* that the breach of trust, nothing more nor less, was committed at the request and instigation of the beneficiary. Somerset was a party to all that occurred. He conducted the negotiations to some extent himself.

Davey L.J. said—"Somerset was in reality the cause of the breach of Trust, or at all events, privy to it." known to Mr. Somerset as to the Trustees themselves."

In Appeal Davey L. J. said—"It is not of course necessary that the beneficiary should know the investment to be in law a breach of Trust, but he must, I think, know the facts which constitute the breach of Trust. Mr. Somerset was informed by letter of the 20th July that the loan was afterwards increased to £35,000."

Smith L. J. said:—"It was proved that Mr. Vere Somerset was anxious from the year 1876 that his trust funds, which amounted to about £35,000 should be shifted out of the securities they then were in, and invested on Lord Hill's Hawkstone Estate. He was desirous this should be done so as to have a better security for the Trust Funds. He knew that the acreage of this estate was 722 acres. He knew the farms, their names, and the locality in which they were situated. He consulted his father-in-law, Colonel Hill, upon the matter. He was a Trustee of the Hawkstone Estate and he, according to the Plaintiff's own evidence, undertook the negotiations with Lord Hill and Mr. Haste (Lord Hill's agent) as regards the proposed advances. Colonel Hill, presumably, was well acquainted with the farms. It was proved that Mr. Vere Somerset pressed the Defendants to make the advances against the Hawkstone property and sign a written consent in that behalf. The above facts in my judgment were established."

"The only cases quoted and relied on in the judgment to sustain the dictum that Mrs. Isaac must be deprived of interest on amounts now by it restored to the Residue Funds are *Thorne v. Heard*, and *Somerset Powlett*. In the former the Lord Justices in Appeal emphasised strongly the fact that as the Trustees knew nothing of or were "party or privy" to the wrong they ought not to suffer. Can this be said of Mills, Mrs Isaac's Trustee, who did the wrong and that quite unknown to her? In the latter case in the judgment it is said Somerset "pressed the defendant Trustees to make the advance complained of and signed a written consent on that behalf." Did Mrs. Isaac do this or had she knowledge of the way her funds were disposed of? The reverse is the fact; her Trustee, Mills, without her knowledge or approval, himself committed the wrongs complained of, and misapplied her residue Funds which the judgment now restores, supplied her with accounts that were inaccurate and misleading, himself thus creating false impressions on her mind, and then forced her into Court to ascertain what the Residue Balances should be. Upon these facts brought out in evidence the Court rules that there is nothing inequitable in the Trustee pleading the Statute of Limitations, and in Mrs. Isaac being thus deprived of interest on these thus ascertained Residue balances."

**R**

**T**

## **Isaac V. Mills.**

(From the 'Otago Daily Times' of February 6th, 1895.)

At the Supreme Court on Friday last his Honor Mr Justice Williams delivered judgment in the suit *Isaac v. Mills*, the text of which is as follows:—

His Honor said : The first question is as to whether interest should be allowed against the trustees in respect of moneys properly belonging to residue, but which, by the mistake of the trustees, have been paid for purposes in respect of which residue is not chargeable, and with which the trustees have accordingly now been charged by the court. The residue is held by the trustees under the will upon trust as to one-half for Mrs. Isaac for her life for her separate use, without power of anticipation, and after her death upon trust for her children. The other half is settled in a similar way upon trust for Mrs. Eccles and her children. The claim for interest is made by Mrs. Isaac alone. Mr. Cook, on behalf of the other lady having a life interest, stated expressly that she made no such claim. The trustees have pleaded the Statutes of Limitations, and the court has to determine whether any of these statutes are an answer to the claim. It was suggested that the claim was an action for a legacy, and that it was therefore barred by 8 or 4 Will. IV., section 40. I am satisfied that this is not so. The claim is made by way of surcharge, and is that the executors and trustees should replace money they have paid away in breach of an express trust and should be charged with interest upon it. As pointed out by Mr. Sim, the reasoning in the judgment in *re Jane Davis* (1891, 8 Ch., 119) disposes of the defendant's argument that this is a proceeding

for a legacy. As in the case of *in re Swain* (1891, 3 Ch., 233), the proceedings, so far as these sums are concerned, are for relief in respect of a breach of trust. By the eighteenth section of "The Property Law Consolidation Act 1898," no claim for property held on an express trust is barred by any Statute of Limitations. If the claim for interest is barred by statute it must be under section 18 of "The Trustee Act 1883 Amendment Act 1891" which corresponds to section 8 of the English Trustee Act 1888. Is then Mrs. Isaac's claim barred by this section? To determine this let us consider the real nature of Mrs. Isaac's claim. There was a fund in the hands of the trustees in which Mrs. Isaac had a life interest. This interest was for her separate use, without power of anticipation: but by subsection 1B of the act of 1891 this restriction against anticipation does not prevent the trustee recurring more than six years, or for the matter of that more than 20 years, before she took proceedings the trustees had by mistake paid out of this fund several sums of money to persons or for purposes not entitled to receive them or to which the fund ought not to have been applied. Mrs. Isaac now asks that the trustees should replace these several sums, with interest upon them, from the time of their misapplication. The court has decided that the trustee must replace the capital of these sums. As, however, the infant children are parties to the suit, [unclear: a] asked that the capital should be replaced, no question as to the [unclear: Stat] of Limitations in respect of the capital arose on previous [unclear: occas] Whether Mrs. Isaac was or was not bound by the statute so far [unclear: as] capital was concerned was immaterial, as the order to replace [unclear: the e] ital must in any event have been made at the suit of the [unclear: chil] How far, then, does the act of 1891 apply to bar Mrs. Isaac's [unclear: claim] above stated? It was contended that section 13 of the act of [unclear: 1891] not apply because by the first sub-section of section 13 the case where the proceeds of trust property are still retained by the trustee [unclear: is] cepted from the operation of the section, and that in the [unclear: con] plation of equity moneys paid away by a trustee by mistake are [unclear: i] sidered to be still retained by the trustee. The doctrine of the [unclear: co] was stated by Cotton, L. J., in the *Metropolitan Bank v. Heiron* [unclear: (51) D., at p. 325], as follows:—"Where a trustee has a fund in his [unclear: p] session and wastes it by neglect of duty or by doing an act not [unclear: justil] and the *cestui que* trust comes to recover his money, no time [unclear: will] his suit, for it is a claim by the *cestui que* trust against the trustee money or property which was in the possession of the trustee for [unclear: i] benefit of the *cestui que* trust until the trustee discharges himself." was suggested in the latest editions of the two leading text [unclear: bo] (Lewin, 9th edition, p. 1010; Godefroi, 2nd edition, pp. 741-742) [unclear: the] the exceptions in the act did not extend to such a constructive [unclear: retail] Since the publication of these editions, several cases have been [unclear: deci] which are quite inconsistent with the exception so extending. [unclear: Fin] the case of *Thornton v. Heard* (1894, 1 Ch., 599) decided [unclear: expr] that the exception applied only where money was actually in the [unclear: hu] of the trustee, or under his control, at the time of the [unclear: commence] of the proceedings. It was further contended, as the payments [unclear: w] fully made by the trustees had been made by mistake, that the [unclear: sun] only ran from the time of the discovery of the mistake. For this [unclear: p] position, *Brooksbank v. Smith* (2 Y. and C, Ex. p. 58) was [unclear: cr] That was, however, not the case of a mistake of law but a mistake of fact. A payment had been made on the supposition that a [unclear: woman] alive, who was, in fact, dead. The law is thus laid down in [unclear: "La] on Trusts " (9th. edition, p. 987), quoting Sir T. Plumer in the [unclear: M] *quis* of *Cholmondeley v. Lord Clinton* (2 J. and W. 139):—"in] case of a statutory bar the period limited affords an insuperable [unclear: oba] to the plaintiff's claim and no plea of poverty, ignorance, or [unclear: mis] can be of any avail." In the present case the payments were [unclear: m] not through mistakes of fact, but of law. The amounts paid [unclear: were] teredin the books of the trustees and debited to the residuary [unclear: acc] Mr. Isaac, who was one of the trustees and a skilled accountant, [unclear: c] if he had chosen to inspect the accounts, have ascertained what [unclear: sa] were debited to residue. Mrs. Isaac's evidence shows that she [unclear: tr] Mr. Isaac to look after her interests in every way and still trusts [unclear: i] There is no reason to suppose he neglected her interests, [unclear: s] through him, had the fullest opportunity of knowing how the [unclear: mm] were being applied, and if she had wanted further information [unclear: th]

is no reason to suppose it would have been withheld. There was nothing in the nature of concealment on the part of the defendants so as to make it inequitable on their parts that they should take advantage of the statute. Nor, indeed, does the question of mistake [unclear: really] If the statute does not apply in the case of mistake, it is where [unclear: the] mistake is that of the person against whom the statute is pleaded, there was no mistake on the part of Mrs. Isaac. All that can be said is that she did not know what moneys were paid, or that any payments made were not in law justified. But ignorance is not mistake, and ignorance of the existence of a cause of action (even where the [unclear: ac] arises out of a breach of trust) will not prevent the statutes [unclear: turning]. (*Thorne v. Heard*, 1894, 1 Ch, 599). Then it is said that the statute does not run because the amount of the residue could not [unclear: be] ascertained without a suit. But the proceedings in respect of these amounts are based on a breach of trust committed in respect of each of them—viz., in paying the particular amount to a wrong quarter. Each amount so paid was ascertained and ascertainable so soon, at

anyrate, as it was debited against residue in the books of the trustees, Nor has the omission by the executors to file an account any bearing upon the question. If the filed account could have given any further information upon the matter beyond that which could have been got from an inspection of the books, which seems to be very doubtful, it was open to any beneficiary to have taken steps to compel the filing. I agree with Mr. Chapman's contention that under the rules of 1844 and 1863 the penalty mentioned in the rules of 1844 is enforceable only where the judge, at the instance of some beneficiary, has fixed a time within which the executor *is to pass his* accounts, and that no [unclear: penalty] was incurred by the executors in not filing after obtaining on their own motion an extended time for filing. I think, therefore, that the claim of Mrs. Isaac comes within sub-section 1B of section 13 of the act of 1891, which corresponds to the provision which in the cases decided under the English "Trustee Act 1888," has been held to apply where proceedings have been taken to compel trustees to replace trust moneys lost through a non-fraudulent breach of trust. The [unclear: reaches] of trust for which the trustees have been declared responsible are that they have paid away moneys belonging to residue which they ought to have retained in their hands. Each such payment was a separate and distinct breach of trust, and gave rise to a distinct cause of action. That the cause of action arose at the time of the breach of trust, and that the statute runs from the time the cause of action arose is clear from the cases of *Thorne v. Heard* (1894, 1 Ch., 595), and *in re Somerset* (*Somerset v. Earl Powlett*, 1894, 1 Ch., 231). Immediately therefore, after any of the wrongful payments was made a cause of action accrued to Mrs. Isaac to compel the replacement of the money paid, and as all these payments were made at dates far beyond the period of limitation Mrs. Isaac's right to sue in respect of these is barred by the statute. If Mrs. Isaac cannot now ask that the principal money be replaced because it was lost through a breach of trust which occurred beyond the period of limitation, it is obvious that she cannot ask that the interest on the principal money be replaced. The [unclear: interest] was lost because the principal was lost, and the principal was [unclear: lost] through the original breach of trust. The loss of interest and the [unclear: loss] of principal are the direct consequences of the original [unclear: wrongful] respect of which a cause of action arose at a time beyond the [unclear: period] limitation. The case of *in re Somerset* (*Somerset v. Earl* [unclear: v.] 1894, 1 Ch. 231) shows that the right of a tenant for life both [unclear: to] the replacement of principal and to claim interest may be [unclear: barred] by the statute. That was the case of a marriage settlement. [unclear: The] funds were vested in trustees upon trust to invest in specified [unclear: securities], and to pay the income to Mr. Somerset for life, with [unclear: trusts] of the fund for his children. In 1878 the trustees committed breach of trust in investing on a mortgage security of insufficient [unclear: value] Mr. Somerset received the interest on the mortgage until 1890, [unclear: at] which interest ceased to be paid. In 1892 Mr. Somerset [unclear: and] infant children brought an action against the trustees alleging [unclear: that] security on which the money was advanced in 1878 was [unclear: insufficient] and claiming a declaration that the investment was a breach of [unclear: trust] and that the trustees were liable to make good the amount [unclear: advanced] and interest. The trustees in their statement of defence claimed the benefit of the statute as against Mr. Somerset. It was held that [unclear: there] was a breach of trust in 1878, and that the trustees must at the [unclear: instance] of the infants make good the loss in terms of "The [unclear: Trustee] Act 1888," but it was held that the Statute of Limitations was [unclear: a] complete bar to the action as against Mr. Somerset. That case seems [unclear: to] the above respects to govern the present. It was further held [unclear: in] the case that the future income of the surpluses of money to be [unclear: replaced] by the trustees was not to be paid to Mr. Somerset, the tenant [unclear: for] but was to be retained by the trustees for their own use. This [unclear: result] seems to follow from subsection 5, section 13 of the act of 1891. [unclear: The] question of the disposition of the future income of any sums which [unclear: may] be replaced by the trustees in the present action has not yet come [unclear: before] the court. Until, however, these surpluses have been actually [unclear: replaced] invested so as to yield interest, the effect of subsection 2, section 13 certainly to prevent Mrs. Isaac recovering any interest, and the [unclear: case] above cited seems to show that she is barred from recovering all [unclear: full] interest, even when it has been actually earned. The effect [unclear: of] the statute, therefore, is to bar completely Mrs. Isaac's claim in respect of breaches of trust committed beyond the statutory period, and in [unclear: respect] of all losses either of principal or interest which have happened [unclear: through] such breaches. With respect to the interest on moneys belonging to the residue and actually retained by the trustees, of course [unclear: different] considerations apply. As to the items of costs paid out of [unclear: the] residue question as to each item is whether it comes within the trust for many out of residue of testamentary expenses mentioned in the will. I think that the expenses so referred to are limited to expenses which would have to be paid by executors properly so called as if the testator had by his will [unclear: made] the trustees distinct persons from his executors. For this construction [unclear: see] *Brougham v. Lord William Powlett* (19 Boav., p. 119) is an [unclear: authority] This case in no way conflicts with the cases of *Perry v. Meadows* (4 Beav., 204), *Harloe v. Harloe* (20 Eq., 471), and *Sharp v. Lush* (10 C.D., 468) cited at the hearing. The first mentioned case decides that the expenses above named are borne by the residue, but that the costs of executing the trusts of the various estates and interests created by the will fall on the *cestui que* trusts, "and where some act is done which is mutually for

the benefit of various persons interested in various parts of the estate, or in all, including both real and personal, but as the appointment of new trustees, these costs will have to be borne by the *cestui que* trusts respectively in proportion to their respective interests." I now proceed to deal with the particular items. Item 1, £5 14s 8d. These were costs incurred by the executors in obtaining advice respecting the subject matter of property specifically bequeathed. They were incurred within the executors' year and there is nothing to show that at the time they were incurred the executors had assented to the bequest. In such circumstances the costs were properly an expense attending the executorship, just as the expenses of litigation in a specific legacy are. The item is allowed. Item 8, £66 3s W, costs of registering will against properties specifically devised. To register the will was not the duty of the executors, but of the trustees of the various properties devised. The cost of registration of certain Crown grants is also included in the above amount, but in 1860 the registration of Crown grants was not compulsory, and if registered fee cost would fall on the devisees of the land comprised in them, the item is disallowed. Item 9, £81 9s 10d, petition for appointment of Mr. Mills as managing trustee. This was for the mutual benefit of the persons interested in the estate, and, as above mentioned, should be borne rateably. The item is disallowed, and must not be apportioned. Item 11, 13s 4d. Item 12, £58 15s 6d. These costs were actually incurred by the executors in their capacity of trustees of Meadowbank, but the deed of submission to arbitration itself shows, and should be urged to the devisees of Meadowbank. They are part of the costs of litigation with Mr. Bell, and fall on the property specifically devised. The items are disallowed. Item 13, £2 5s 2d, separate estate of married daughters. This item in the list is a mistake. It does not appear at all as part of the bills of costs under number 171. The charge appears later as item 35, and forms part of the bill of costs under number 171. The item 18 is therefore struck out. Item 14, £9 18s 6d, costs of first petition. This stands on the same footing as item 9, and must be disallowed. Item 16, £7 18s, copy will for Mr. H. Jones. Mr. J. B. Jones was one of the executors, and if he procured a copy of the will I do not see why he should not have it at the cost of the estate. The item is allowed. Item 17, £3 8s. Item 18, [unclear: me] 4d, re Eccles's trust estate. These items clearly relate to this judicial trust, only they are disallowed. Item 19, £64 9s 2d, testator's order. This in the first instance was in the same category as items 14 and 18, and should have been borne rateably. The order of the court made in 1890 was, however, that these costs should be paid out of the funds of the testator which he had specifically charged with the payment of his debt. I think the order was wrong, but the trustees cannot now be charged with a breach of trust if they have obeyed it. The item is allowed. Item 20, £9 2s M, agreement as to contribution re Meadowbank. The amount is certainly not chargeable against the devisees of Meadowbank. It formed no part of the cost of litigation with Mr. Bell. It was not incurred in the interests of the devisees of Meadowbank, but to protect residue under an honest though mistaken notion of the liabilities of residue. I think the item should now be allowed. Item 22, £5 14s, Meadowbank and Mr. Bell's claim. This is chargeable against the devisees of Meadowbank. The item is disallowed. Item 25, £2 10s, registration of will, &c. This follows the part of item 8, relating to registration. The item is disallowed. Item 29, £21 stamp account. This was objected to by Mr. Cook on behalf of the Eccles family on the ground that the money should be apportioned, although no objection was raised on behalf of Mrs. Isaac. The sum [unclear: is] for the costs of passing the residuary accounts in the Stamp Office. [unclear: It] is clearly payable by the executors as part of the testamentary expenses. The item is allowed. With respect to the items in red ink—Short's interest, F. D. Rich's interest, discounts in excess, and Short's principal. I do not see on what principle they have not been credited to residue, and in my opinion they ought to be so credited. Nor am I satisfied that £38 9s 3d interest on probate duty was properly chargeable against residue and it must be disallowed. As to the item £415 6s 8d, entered in the trustee's accounts on June 30, 1871, as refund of sundry [unclear: ren] over-credited to beneficiaries, it should stand as of that date. So far as the persons entitled to the *corpus* are concerned, it is really [unclear: immaterial] whether the item is credited as that date or in 1869, when the rents were originally received by the trustees and paid to the beneficiaries. So far as concerns the persons having the life interest, if the amount was paid in error in 1869, and such payment was a breach of trust, the Statutes of Limitations, for the reasons already given, prevent them from now raising the question. It is said, however, by the trustees that these rents belonged to the beneficiaries; that the payment of them in 1869 to the beneficiaries was right; that the refund in 1871 was wrong; that the residuary legatees had no right to have the sum refunded, and cannot now compel the trustees to account for it. It seems probable that these rents did belong to the beneficiaries, and that the refund ought not to have been made. However, the refund was made, and, if made by mistake, was by a mistake of law only, and was made to the trustees on behalf of the residue and as representing the persons interested in the residue. The trustees received the money on this account, and have in their filed accounts accounted for it as having been so received. It is difficult to see how the beneficiaries could at this distance of time claim to recover the money back from the trustees. At any rate they have made no claim, and until they establish a claim the trustees are certainly bound to account for the amount refunded as part of the residue, whether it was in the first instance properly refunded or not. By parity of reasoning interest for a portion of the

first year on the Cargill legacies, which could have been claimed by the legatee or paid by the trustees, would, until a claim is made and established, form part of the residue Tho claim is *prima facie* statute barred, and after the institution of the suit the trustees could not recognise it oven had a claim been made. Lastly, there is the question as to whether the trustees are chargeable with interest on moneys actually in hand and uninvested, and in connection with that the interest account has to be considered and the destination of the balance at present to tho credit of that account. Apart from what appears from tho interest account it cannot bo said that there were moneys in hand. The other accounts show that sums bad been received on account of residue and had been by mistake applied to other purposes, but the question of interest on such sums has been already disposed of. Mr. Wbitson states that on the 31st July 1883 he found £312 10s 10d to the credit of the interest account. That of this he assumed £309 8s 8d belonged to the residuary estate, and that the difference of £3 lis 2d was the first accumulation of interest upon it. I have looked through the interest account, and I confess I do not clearly understand how that conclusion was arrived at. However, Mr. Whitson is a skilled accountant and is put forward by the defendants, so that it is quite reasonable to concludo as against them that this assumption is correct and that this sum forms a part of the capital of the residue shown by the residuary account to bo due by the trustees. It is said, however, that before this date tho interest account shows that this sum of £309 was in hand uninvested, and that interest should be charged on it as from a year after the testator's death. I have been unable to satisfy myself from the accounts that this sum was in fact in hand for the whole of this period. If it was, however, it comes to this: that for some years prior to tho 31st July 1883 the trustees bad in their bands uninvested a sum of .£300 or thereabout belonging to residue. Mrs. Isaac has a life interest in one-half of the residue, the income of the half being payable to her for her separate [unclear: use] without power of anticipation, and the question is whether the trustees are liable for a breach of trust in not investing this amount, and are chargeable at the suit of Mrs. Isaac with interest upon it. Now, it in a peculiar feature in the case that Mr. Isaac from the time of the testator's death in 1869 until 1884 wns one of the trustees, aud that during the whole of that period, except during some four or four and a-half years' absence in England, which absence terminated in 1878, he took an active part in the affairs of the trust. He was a [unclear: skilled] accountant, and if he did not actually know he had every opportunity of knowing, and ought to have known exactly how things [unclear: stood]. If there was a sum in hand, it was his business equally with the other trustees to see that it was invested. Mrs. Isaac now sues Mr. Isaac, together with the other trustees, to recover in respect of this amongst other breaches of trust. Mrs. Isaac gave her evidence with complete frankness and candour. It appears from her evidence that she has had all through, and still has, complete confidence in Mr. Isaac, and that the present proceedings are being practically [unclear: cond] by him. Her understanding of the matter, however, is that [unclear: pre ceedings] are mainly directed against Mr. Mills. She says, "I [unclear: have] name anyone but Mr. Mills against whom I am proceeding to [unclear: reco] moneys." Apparently she is not aware that the action by her [unclear: in] recover money from Mr. Isaac himself equally with Mr. Mills and [unclear: the] other trustees. It is plain that the proceedings are taken by [unclear: Mr]. Isaac for the purpose of recovering for Mrs. Isaac from the [unclear: of] trustees in respect of alleged breaches of duty, to which, if they [unclear: rsitsted], Mr. Isaac himself was a party. In such circumstances the [unclear: existance] of a breach of duty should be very clearly established. [unclear: If] doubt where trustees have in their hands a substantial sum of [unclear: money] it is their duty to invest it, in order that it may yield interest [unclear: and] there are reasonable grounds for not doing so, and if it is not [unclear: invest] the trustees themselves are liable to pay interest for it. The [unclear: per] however, who have the life interest in the other half of the residue not make any claim because this money remained uninvested, [unclear: it] does Mrs. Isaac complain of Mr. Isaac personally for leaving it [unclear: invested]. I have no doubt that Mrs. Isaac's confidence in Mr. Isaac fully justified, and that he was active in looking after her interests the trust fund, and was competent to look after them. If there [unclear: had] been a fund in hand which ought to have been invested, and which invested would have yielded income to Mrs. Isaac, I am quite [unclear: satis] that Mr. Isaac would have insisted on it being invested. Looking all the circumstances it was quite reasonable that something [unclear: should] be kept in hand. Furthermore, the trust was to pay the income [unclear: y] by year to Mrs. Isaac. Each non-payment would be a breach trust, and would give rise to a cause of action. Proceedings for [unclear: a] recovery of such income are, I think, barred by the Trustee Act [unclear: of] six years, unless the income has been actually received and [unclear: retai] by the trustees. I think, therefore, that up to 1883 no [unclear: interest] chargeable on sums in hand. Since 1883, however, the balance to [unclear: the] credit of the interest account has increased from £312 19s 10d £640 12s 2d on the 1st February 1893. Of the £812 19s [unclear: £1d], 8s 8d was assumed to be part of the capital of residue. Mr. which has compiled an elaborate statement to show how much of the [unclear: difference] between £309 8s 8d and £640 12s 2d was actually earned by £309 3s 8d, making the amount £74 2s 10d only. However, it is [unclear: omitted] that all the *cestui que* trusts under the will have received [unclear: to] was due to them and it cannot be said that any of them have a [unclear: ch] on any part of this difference. The amount certainly forms [unclear: part] the trust funds held under the will, and if no other destination can

found for it, it should, I think, be treated as earned by the £309 8s of residue, which stood throughout to the credit of the account. [*unclear*: If] that case the difference between £309 8s 9d and the am [*unclear*: outstanding] to the credit of the interest account would be divisible equal between Mrs. Isaac and Mrs Eccles, who are entitled to the income

Lewin on Trust, 9th Edition, p.p. 1018.

"If the Plaintiff had been kept out of the estate by the fraud, *misrepresentation or concealment*, of the Defendant the Court will suppose that had the [*unclear*: 'pp.'] 14, 16, 23, Plaintiff known oi Ins just rights he would have commenced his action at [*unclear*: pp.] 33. law—in the first accruer of his title and will then decree an amount of mesne rents and profits against the defendant from that period."

Dormer v. Fortescue.  
3 Atk 130.

Lewin on Trust, 9th Edition, p.p. 1055.

"A *cestius qui* trust who does not actually know is not to be affected with a knowledge of a breach of trust because *he might by enquiry have ascertained the fact*, for it is not his duty but that of the trustee to sec that the trust fori foun is in a proper state."

Thomson v. Finch.

22 Bear. 325.  
Life Association of Scotland v. Siddal.  
3 De G. F. and 1, 73.

Mr. Jones died

March 16th, 1869.

The following is a copy of motion in the Supreme Court:—li Mr Anderson to move on Tuesday the 15th day of March. 1870. *That the time limited in and by an order bearing date the 16th April lost (1869) for filing an account of executor, ship in this matter may be extended for a further period of six months.*"—(i.e. 16th Sept. 1870.)

Order as prayed.  
(Signed) C. D. R. WARD.

In a letter before the Court in this suit Mr Mills wroto Mr Isaac dated 1st September 1870;—"You know we mutt send in accounts before the 16th inst."

## Rules of Practice.

1863, Section 512. "Every executor or administrator shall, within such respective periods as the Judge on granting probate or administration shall direct, or within such further periods as a Judge on application may direct file in the office of the Supreme Court an inventory of the estate and effects of the deceased, and also a full and distinct account, dates, and particulars of all receipts and disbursements, every inventory and account so filed shall be verified by affidavit. If such account shall not be exhibited at the time fixed *the Judge may fix a further time at the expiration thereof if the executor or administrator shall fail to pass his accounts he shall be chargeable with interest out of his own funds at the rate of 10 per cent, per annum* for the balance (if any) remaining in his hands unless he can show good and sufficient cause to the contrary."

May, 1844, Section 12. " Every executor or administrator shall within 12 calendar months after the decease of the testator or intestate file in the Office of the Registrar, or Deputy-Registrar a full and distinct account in writing of his administration of the estate, which shall set forth the dates and particulars of all receipts and disbursements; which shall be verified by affidavit sworn before any solicitor of the Supreme Court, or before

some other person duly authorised to receive affidavits. *If such accounts shall not be then exhibited the Judge may fix a further time at the expiration to where if, if the executor or administrator shall fail to pass his accounts he shall be chargeable with interest out of his own funds at the rate of 10 per cent, per annum for the balance (if any) remaining in his hands unless he can show good and sufficient cause to the contrary.* Sequel to a Cry of Distress. "Otago Workman," Main Road Kensington.

Dunedin,

3rd October, 1st

MRS ISAAC, Hillside.

DEAR MRS. ISAAC,—I have to acknowledge receipt, on [unclear: a] inst., of your letter of 17th September; also of yours [unclear: of] April, received at Honolulu, enclosing copy of your [unclear: p] entitled "A Cry of Distress."

I have hitherto declined to discuss with, you the [unclear: nume] travagant charges you make in your letters to me, which in this pamphlet, because it seemed to me inadvisable [unclear: to] while litigation was pending in reference to them, [unclear: an] because I failed to see that any good object could be [unclear: gui]

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doing so, as no adjustment was possible which would [unclear: v=be]

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factory to you and Mr. Isaac, even presuming there [unclear: w] ground for suggesting a liability on my part. But [unclear: beyon] the fact that the interests of others were involved [unclear: precl] idea of a settlement other than one which would be [unclear: din] the Court.

In nearly all cases the statements you make are so [unclear: ma] misleading and exaggerated as to carry their own [unclear: refu] anyone who will take the trouble to go into the matter.

I will now, once for all, reply to your charges as far as [unclear: ir] taking into consideration that they refer to matters that [unclear: on] from 25 to 27 years ago. Part experience leads me [unclear: to]

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that by doing so I will bring upon myself a flood of [unclear: f] representations and insults. It must, however, be [unclear: toi] that any further communication between us on this [unclear: subject] cease, and you must take your own course.

With regard to your assumption that I am solely [unclear: resp] all acts in connection with the dealings with the [unclear: Re] Estate, and that Mr. Isaac is in no way responsible, [unclear: I] point out that when Mr. Jones died I was only 21 year [unclear: of]

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and that all the most important acts in connection [unclear: wi] Residuary Estate took place during the following two [unclear: ye] during which time I was in close association with my co-[unclear: Tr] more especially with Mr. Isaac, and it is not likely that [unclear: in] age I was able or would have been allowed to manage [unclear: the] in defiance of the opinions of my co-Trustees or of [unclear: ou] advisers. On the contrary, it may rather be supposed [unclear: that] very largely influenced by those of my co-trustees who [unclear: to] most active interest in the estate, and that any mistakes would lie at their doors as much as at mine.

You charge me with having, in connection with this suit. [unclear: m] recklessly into Court and been afterwards as ready to [unclear: re] again. You say, "When you first instituted this [unclear: unn] suit," and yet, in another place, you say that by my [unclear: ac]

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had been forced into Court in order to ascertain the [unclear: posi] Residue. Surely you have forgotten what really took [unclear: pla] is true that the Trustees made an appeal to the Court [unclear: in] urged thereto by Mr. Isaac and Dr. Eccles, with a view [unclear: to] rest the question whether the Trustees were right or [unclear: wr]

## Mrs. Isaac Replies to Letter of Mr. Mills, Dated 3rd October, 1896.

[unclear: 1]—My repeated applications for a private and friendly adjustment have always been refused—no attempt at any possible settlement could I induce Mr. Mills ever to consent to.

[unclear: 2]—I had thought that as the Court had ordered that about £4,500 (p.31) misapplied funds should be now restored to our Residue Estate, and upon which for 25 years I had been deprived of interest would have suggested the thought of a liability of some sort and from someone.

3.—But only now for the first time disclosed to me by a suit initiated by Mr. Mills in August, 1891.

4—I again state that every mistake, always of course excepting the Bell Award claim, about which Mr. Mills submitted "his proposal" to us has been proved and never denied to be the personal act of Mr. Mills, who was our paid managing Trustee, and that when accounts were passed for payment by his co-Trustees in no single case, as Mr. McLean staled in his evidence (p. 15 pamphlet) "*was the question of debiting any particular beneficiary with any particular sum ever discussed*" This was also affirmed in evidence by the other Trustees. It has never been stated that he "acted in defiance of them," but without their direction, and therefore no mistake could "lie at their doors." Let me say once for all that if Mr. Mills will point out a single case where Mr. Isaac had knowledge and approved of any one of these mistakes I will certainly make no claim upon it. During the first year 150 accounts were paid and *only* 32 were laid before and passed by his co-Trustees (p. 15) and in no single case were directions either given or asked of them. Nor was Mr. Mills' youth, now pleaded as an excuse, an all-round disadvantage. He had in 1869, when my father died, a salary of £100 per annum. Soon after (with this I had a good deal to do and got into some trouble about) it was raised to about £750 per annum. About four years after, 1874-75, as I said before (p.p. 17, 35, Appendix J.) when the beneficiaries interests in the Harbour Company had been "strangled out of existence" by him, he held shares in his newly purchased boats, still called the Harbour Company, to the value of "£12,750," (his figures) bringing him in an income in profits of about £7,500 per annum, and when the Union Company was by him brought into existence after this short interregnum Harbour Company of 1874-75 formed by him entirely out of the *Jones Trust Harbour business*, Mr. Mills owned 2,300 fully paid up £10 shares, £23,000, so that Mr. Mills' youth was not a very serious bar to his own prosperity, while the narrowing down process (J) of our interest became just as evident. Is not the supposititious Inglis case (p. 17) precisely analogous ?

5—"Forced into Court" as defendents in a suit instituted by Mr. Mills in August, 1891, against which I again and again protested as quite unnecessary—but has not the result, which by the judg- their interpretation of the late Mr. Jones's will as regards [unclear: the] disposal of the steam shares; (Mr. Fraser's letter, printed in [unclear: the] Statement of Claim, sufficiently attests this urgency) but for [unclear: thes]

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prolonged, costly, and unpleasant proceedings in connection [unclear: with] the Residue Fund, the Trustees are in no way responsible, as they are the result of an action instituted by you in January [unclear: 1891] Such an action was not at all necessary, as, although the [unclear: Resid] accounts had not been filed at this date, it would have been [unclear: does]

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on receipt of a formal intimation from you that you wished [unclear: is] subject only to the necessary time for preparing them.

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With regard to the suit generally, Mr. Isaac might have greatly

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assisted the Trustees, and probably greatly reduced the costs [unclear: ha] he chosen to do so, as he had in his possession many [unclear: document] bearing upon the business of the Trust in earlier years, which would have been of service in the absence of those which [unclear: hi] been lost.

Before proceeding to explain, I will summarise here the loss which you now claim to have suffered at my hands, as far as can gather from your letters, and for which you claim [unclear: a] stitution :—

And you claim also interest on these amounts for twenty [unclear: ol] years; also interest on Trust Funds which you allege were at [unclear: on] time carelessly kept in hand uninvested.

Now as to the Meadowbank Award, £2,600. You state [unclear: that] charged this amount to Residue Estate in opposition to the legal advice I received; that I refused to apply to the Court [unclear: fr] direction as to what fund should be chargeable with this amount and, further, that I frustrated the purpose of the Will by arranging for the contributions to make good the deficiency in the Residue caused by this claim and thus avoiding the necessity [unclear: fr] realising on the contingent Residue.

The first statement is, like a great deal more in your letter, [unclear: mr] ment of the Court proved that £4,500 of our Residue Funds had been misapplied by Mr. Mills, shown the absolute necessity for it ?

6.— And that the Trustees (really Mr. Mills) are entirely responsible for the action commenced by him in August 1891 (our defence was filled in January 1892) the result of which has shown conclusively the urgent need there was for it.

7.—The ordinary " Rules of Court" and the order of the Court to file accounts on or before the 16th September, 1870 (p. 48 A) should have rendered such an "intimation" from me that "I wished it" quite



unnecessary.

8.—This charge is quite groundless, as Mr. Isaac not only greatly objected to the action, but from time to time supplied letters and balance sheets in his possession the originals of which Mr. Mills ought not to have lost. Mr. Isaac says: [This is

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an amazing statement. Here is proof of its inaccuracy. At the request of Mr. Mills and his solicitor, I handed the former a large number of original papers, principally his letters to me and some balance sheets, six or eight of them I think. In accordance with his promise those not wanted were returned to me—26 were kept, and typed copies sent to Mr. Fraser, and by him were given to me. I now enumerate these letters and their dates; in 1869, 27th November; in 1870, 18th and 20th February, 11th and 21st March, 9th and 18th April, 3rd, 26th, and 31st May, 2nd, 20th, and 23rd June, 7th, 12th, and 14th July, 4th and 25th August, 1st September, 20th November, 17th, 23rd, and 27th December; and in 1871, 4th April, 29th January, and 18th September. Besides these I gave Mr. Mills the original statement of Mr. Jones' personal Estate prepared for him by Mr Jones for the purposes of his Will; and given by the latter to me on the 17th December, 1868, three days before he signed the Will. Also Mr. Mills' sketch statement of the personal Estate, 16th March 1869, the day of Mr. Jones' death (Appendix F p. 33), also sketch balance on the G Appendix, and many others which I forget. In fact, I did everything in my power to lessen the legal costs which lengthy examinations would entail, and, per contra, I assert that *every application* I made, for the same purpose, to get a sight of and examine papers which Mr. Mills or his solicitors for the Trust Estate, held, was refused me. Here are a few which can remember:—1. The plan of the various properties—about 6ft square—made by Mr. Ross, and (wrongly) charged to Mrs. Isaac's Residue. 2. The plan made especially for defining the 277 acres left to E. S. Jones and sworn to by Mr. Mills (p. 13). 3. Deed signed by me as Trustee, transferring to E. S. Jones the various properties, as per plans thereon, on her attaining her majority. 4. The old Will Plan (Appendix C and page 13), showing what Mr. Jones' instructions were in reference to properties intended for his two lately deceased sons. 5. the memo, pencil Cash Book, referred to fully on page 16. 6. The Bill of Costa for £318 5s 4d for Smith Anderson and Co., of which £260 (p. 8 of Mr. Mills' letter) was found to be wrongly charged—and so on, but this will suffice to show how exceedingly undeserved and inaccurate the charge made in this No. 8 section are, and upon whom the blame alone rests.] Here I will diverge to say a few words about these lost books and vouchers, for the purpose of showing something of what the non-filing of accounts which the Judge held to be of *such small importance* (p. 43) really meant to us. In 1879 at midnight a violent storm broke over the city. At between nine and ten o'clock the next morning Mr. Mills and Mr. Isaac together were looking at the cellar of the office, which was nearly filled with water from a burst water pipe. Before five o'clock in the afternoon, by the use of a siphon Mr. Petre had got made, the water was nearly all out. The five boxes, one of which contained (Mr. Mills says) the vouchers, had been shortly before taken out of the cellar. The books were on a shelf above high water mark and were untouched. There can be little doubt that the vouchers which were wrapped up in brown paper may have been well soaked, but had they been (I think I have a right to contend they ought to have been) laid out in the air or before a fire for an hour or two, they would have been quite unharmed. That was the last that appears to have been heard of vouchers or books. The latter were: The Harbour Company ledgers, the Waikouaiti Store ledger, and the John Jones trade ledger. The *latter two would have disclosed beyond dispute what were the trade assets of the Estate*. Our Residue Fund's all is guess without them. By an order of the Court, we by our solicitor had to appear before the Registrar to go into these accounts of payments for some £50,000. Those we ventured to question or disapprove of *and could in the absence of vouchers and books be proved by us to be inaccurate* were to be allowed us and the others to be passed. It was contended for us by counsel that as Mr. Mills had not filed and as the vouchers were lost, while in his charge, only those ought, in common justice, to be allowed which *he could prove were properly charged* to our Residue Funds, that the onus of proof *should rest with him and not with us*, but the Court disallowed our contention. Mr. Mills, I say, hid these "needles (our Residue Funds) in a hay stack " without informing me (sect. 23 A), in fact, telling me there were none, that they were all gone and I was in debt, p. 33 G. The Court ordered me to find them, or—to go without, to ascertain before the Registrar without proper books or a single voucher what they should be, what ought to have been the right accounts, what our Residue Legacy under the will really was. Lewin on Trusts (p. 43 A) said it was not my duty to do so, but that of my Trustee to keep and supply me with accurate accounts. This is the kind of justice that from start to finish of this cruel suit has been meted out to me and my children by the Court. In this tedious prolonged search we discovered £4321 16s 4d (p. 34) that for 25 years had been, through the neglect of Mr. Mills, lost to us. It has now been restored to our Residue. It represents, I think, less the half our loss, but I am told that Mr. Mills' solicitor hopes to assertion, and, so far as I know, unsupported. It is true [*unclear: a*] was a difference of opinion as to whether this amount [*unclear: shou*]

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charged to Residue or to the Meadowbank Estate, but the

ponderance of opinion was decidedly in favour of Residue [unclear: t] charged, and we adopted that course, and from the fact that four persons interested came forward with funds to supply deficiency, it is evident that they did not then seriously [unclear: d] the course the Trustees adopted. No doubt had it been [unclear: nece]

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to realise property to meet the deficiency, the Trustees [unclear: w] have applied to the Court for direction before doing so, [unclear: bu] compromise, to which Mr. Isaac was a party, rendered [unclear: this] necessary.

You say I "jealously claimed to have initiated the [unclear: propi] pay the Bell Award in four equal proportions," and quote [unclear: to] a letter of mine (Appendix B) in support of this. I find, [unclear: for] ever, this is a misquotation, as my actual words are "My proposal that the four interested persons should take Bell's [unclear: i] off our hands and divide the damage," which is quite [unclear: cons] with the settlement made. There is abundant evidence that Isaac was in full accord with the proposal. This is obvious my letters to him, which were exhibited in Court. I find [unclear: a] copies of letters from Dr. Biss to Mr. Isaac at that time, paragraphs as the following:—

*"With respect to the impression that you appear to be [unclear: a] that I decline to carry out an arrangement to which [unclear: I] consented, I have only to say that I do not decline to [unclear: d] I am perfectly willing to sign the deed of agreement [unclear: if] Eccles is also willing."*

*"In the course of a conversation on the subject Mills [unclear: urg] to become a party to a deed of arrangement and I [unclear: cons] only because there seemed to be some reason to fear [unclear: th] any money had to be raised from the steamer property,*

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*whole might have to be sold, in which case the loss [unclear: m] have to fall on John, a contingency I have often said I [unclear: w] rather lose much myself than see it occur."*

*"The only consideration which moves me to accede [unclear: t] demand of others, that I should accept one-fourth of liability, is that unless some arrangement be effected [unclear: is] probability a loss of the most serious character would [unclear: fal] John. I fully recognise the grave moral injustice of [unclear: su] loss to him, arising as it would out of a legal blunder [unclear: all] and I am not insensible to the claim imposed upon all [unclear: a] by his position, although others may be."*

*"It is a painful and unjust reflection that you cast [unclear: upo] with regard to the non-signature of the bond. You [unclear: th] me with a breach of faith for declining to sign while Eccles continued his refusal."*

I have no doubt Mr. Isaac has the original of these letters, also his own letters which gave rise to these replies. In any induce the Court to make me pay the costs of this searching and disclosing process, which will about exhaust these restored funds, and I expect he will succeed. The first paragraph on page 16 refers to the first sketch account we got from Mr. Mills (p.33); There the debt to Redfern is put down as £877, to the bank as £13585. In the accounts rendered now by Mr. Mills, Bedford is credited with a payment of £8048 and the bank with £16137. All these figures are in Mr. Mills' handwriting, of course we had to pass them and very many others, all affecting the Residue, because we were deprived of all evidence that might possibly have furnished proof to enable us to form a fair and just decision. I do not say do I for one moment believe that Mr. Mills put these differences amounting to £19,730 into his pocket, but surely common justice demands that I ought to have some proof that they and many thousands besides are rightly charged to our Residue Funds. This has been denied. I repeat, *the units of proof should not have been laid on us.*

9—This is quite inaccurate; My statement in page 18 cannot be disproved. The preponderance of four counsel to 2 there stated was supplied to us by Mr. Mills.

10—That the Court should now have to be applied to for direction, as recommended by Mr. Smith and Mr. Isaac (p, 18) definitely proves, as here and on appeal it reversed the act of the Trustees that the course the Trustees adopted in 1871 was wrong, added to which we are justified in complaining that Mr. Mills departed from the terms of the compromise by charging our Residue Funds with £600 of the Bell Award, besides the £500 each of us four contributors paid under our agreement. If the Appendix B is in any way a misquotation, I can only say that Mr. Isaac gave the original to Mr. Mills upon condition that he returned Mr. Isaac a typed copy from which this is correctly printed.

11—The quotation from the letter of Dr. Biss is quite accurate, and in no way affects the question of the agreement which Mr. Mills alone departed from. Dr. Biss and Mr. Isaac at first firmly opposed the proposal of Mr. Mills as to the four contributions. We hold letters to support this, which we think Dr. Biss will have supplied to Mr Mills, though not used by him. Subsequently, at the solicitation of Mr. Mills, Mr Isaac waived his objections and afterwards succeeded in persuading Dr. Biss to do the same. In no one line of my letters have I ever attempted to repudiate our responsibility under the agreement (wrong though it was) of the four contributors; but my objections are based upon the fact that *Mr. Mills violated this agreement* originating with himself by charging this about £2,600, the "Bell Award," *to our Residue Estate at all*, and then in the face of

this agreement arranging that the four contributors, to quote Mr. Mills' own word "should enter into an arrangement to take *Bell's matter off* (the Trustees) hands and divide the damage." That he should not have taken a little trouble to see that our Residue funds, which had therefore been obviously wrongly charged, were I think what I have quoted is sufficient to show that Mr. [unclear: Is] took an active part in endeavouring to persuade Dr. Biss to [unclear: a] the agreement, and that apparently Dr. Eccles held back [unclear: fa] time, so we are justified in believing that without Mr. [unclear: Iss] assistance the arrangement could not have been made.

There is no doubt that this compromise was looked upon [unclear: by] those interested as a very happy way of meeting the [unclear: difined] and avoiding the sacrifice of the Shipping Property. This [unclear: f] beneficiaries were anxious to avoid for two reasons: First, [unclear: f] cause the steamers were returning large profits for the time [unclear: bei] quite out of proportion to any possible capital value to be [unclear: real] in the face of the early opening of the Port Chalmers [unclear: Bailw] and, second, because of the ambiguity in the Will, which left uncertain whose interests would be sacrificed, whether your [unclear: i] and Mrs. Eccles' only, or Jno. R. Jones', or, more remotely, [unclear: M] Biss.

And now as regards your contention that I should have [unclear: i] lected the whole amount of the Bell Award and costs, say [unclear: £26] from the contributors, instead of only £2,000. I have [unclear: alrm] shown that your alleged extract from a letter of mine in [unclear: supp]

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of this is a misquotation. It seems to me unlikely that the [unclear: con] tributors would undertake to do more than make good the deficiency in Residue. This was estimated on the 4th April, [unclear: 18] to be £1,878 11s 1d after providing for the Bell Award, and meet this and supply a small margin for other petty [unclear: exp] £2,000 was collected. The contributions were not collected [unclear: us] the Award was paid, somewhere about the 4th May, so [unclear: it] fairly be assumed that £2,000 was looked upon as the [unclear: on] liability of the contributors. I find that the journal entry [unclear: is] by me in the books of the Trust in June, 1871, charges each [unclear: of] tributor with his "proportion of deficiency." I may [unclear: j] mention that in Dr. Eccles' letter to me of 2nd June, [unclear: 1st] advising the intention of Mr. Isaac and himself to call in [unclear: que] the Trustees action in the matter of the Bell Award, he [unclear: repe] refers to himself and Mr. Isaac as "subscribers to the deficiency fund." I cannot therefore admit that the Trustees did wrong collecting only £2,000 from the contributors and allowing [unclear: t] balance to fall against Residue.;

*Re Shipping Shares.* Your contention, as far as I can [unclear: fol] your letters, is that:—

- —Your own share was sacrificed and dealt with [unclear: improped]
- —That the boats as a whole were sold and their [unclear: a] taken up by the Union Company under my [unclear: managed] (See your Index No. 1, H, also Appendix H.)

As to the first.—The sale of your share was made by [unclear: t] Trustees at your request and with Mr. Isaac's full knowledge, the money was wanted in order to provide Mr. Isaac's [unclear: contribute] to the deficiency in Residue, also funds for your impending [unclear: t]

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to England. The initiative came from you uninfluenced by [unclear: an] as You explicitly requested the Trustees to sell the whole of [unclear: yo] recouped the amount he had wrongly debited to it, and [unclear: silent] *our knowledge*, and that we should be compelled to suffer for 25 years the loss of interest, for which the Court now refuses any redress.

12—The letter of Mr. Mills, upon which the agreement was based B Appendix (except that Dr. Biss, as the result of drawing lots with Mr Mills, became liable in equal shares), *was most certainly not* as here stated, "to do no more than make good the deficiency in Residue." Nothing could conceivably be more inaccurate; but I quote from his letter above referred to "that the four interested *cestius que* trusts should enter into an arrangement to take *Bells matter off* our hands and divide the damage." In a letter before the Court, dated 17th December 1870, he wrote Mr. Isaac again of his plan of "settling the damages under the arbitration," and *never* was it referred to as a question of paying *any deficiency in, Residue* which had no existence *till* this award of £2,600 was wrongly debited by Mr. Mills to it in contravention of the letter of his referred to and as it now appears contrary to law, and therefore the contributions had to go to the "deficiency" so created by him instead of being paid direct, as agreed upon.

interest, which was done once for all and with your [unclear: bus] express approval. This both you and he must perfectly know. It is easy to say now, in view of the profits [unclear: whi]

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tinned to be made during the following years, that a [unclear: mistake] made in selling these shares, but it must be borne in [unclear: min] in 1871 it was not anticipated that the business would [unclear: ta] to be profitable much longer, as the Port Chalmers [unclear: Railway] expected to open at an early date, and therefore the [unclear: goods] the business was of little value, and Mr. Isaac was no influenced by this

consideration. I may mention that the tract for completing the Port Chalmers railway was in January 1870. Construction was commenced in August and it was expected to be in operation within a year, [unclear: tho] was only opened for traffic in January 1873. Even had [unclear: the] taken place upon the best judgment the Trustees could [unclear: form] would not be morally or legally responsible merely [unclear: b] matters had turned out better than anticipated.

With regard to your assertion that I was the purchaser, this, and as I am informed that your advisers had several

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hinted that this is to form the subject of legal [unclear: proceed] decline to discuss the question further in this [unclear: correspond]

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As regards the second charge, that in 1872 [unclear: commenced] acts of spoliation," namely, the sale of the Trust [unclear: steams] the "Wallace" and later the others, and the substitute others by myself, "doing identically the same trade [unclear: when] dear father had worked up with such care," and, [unclear: "when] were earning from 55 to 70 per cent, upon the prices [unclear: you] them for." Such sweeping statements are false and [unclear: misle]

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and Mr. Isaac knows them to be so. You say, in [unclear: Appendix] in your Index, that the trade and goodwill of the Harbour Company were sold to the Union Company. Now the Company only came into existence in July 1875, by when

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the last of the Trust steamers had been disposed of, so the Company not only did not purchase any of the Trust [unclear: sta]

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but they did not enter into any of the trades which had [unclear: pre] been occupied by them the Trust steamers were [unclear: offer] sale by public auction in 1871, but there were no buyers [unclear: a] were afterwards sold from time to time as opportunity [unclear: t] and the fact that the first, the "Wallace," was not [unclear: soli] three years after Mr. Jones' death, nor the last till six [unclear: year]

16

his death, is evidence that the Trustees stretched the [unclear: li] prudence in order to give the *cestius que* Trust the full be the handsome earnings of the steamers during the [unclear: tis] harbour trade was held together before the profits were away by the railway. The "Wallace" was sold in July but previous to that, in June 1870, and in February 1871, were made to sell her, with Mr. Isaac's knowledge, negotiations were reported at meetings where he was and, in one case, presided. Some of the Harbour [unclear: steamer] disposed of towards the end of 1872, others in 1874, and [unclear: it]

13.—The sale of my share of the Boats was not made by "Trustees" who knew nothing of it, but by Mr. Mills himself, nominally to his partner and employe, Mr. Darling; the initiative came from him, not from me. In his letter, dated 13th April, 1871, he

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wrote, "Do you care to sell your interest in any of the boats?" On the 16th he wrote to the same effect. These were the first steps, others of the same kind followed; eventually he offered £1,400 for Mr Darling, who very shortly after the sale in Court swore "that he owned no shares in the Harbour Company." Later still a copy of an account came into our hands (we have it still). It shows in Mr. Mills' writing an amount paid by him to

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Mr. Darling of £1,400 for this share of the Harbour Company, and upon which he made (p.7) £1,960 in less than four years, and probably twice as much in the next four years.

14.—If these "sweeping statements are false and misleading, and Mr. Isaac knows them to be so," why did not Mr. Mills, who has his books before him, adduce proof by supplying figures from them to warrant such assertions—figures I mean affording evidence that our boats " when sold were not earning from 55 to 70 per

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cent, upon the prices be sold them for? I gave figures from his books, based upon business sheets, which incontestably affirm this. The mere assertion that they are "false and misleading" is no proof, but gravely censurable, and will carry no weight.

15.—I did not assert that any of the "Trust steamers were purchased by the Union Co. On p.35 I distinctly stated and proved the contrary, but the statement that "they did not enter into the trades which had previously been occupied by them" is outrageously inaccurate. This question is of the utmost importance. The trade of our best boat, the "Wallace" was entirely, and that of the "Lady of the Lake" and the "Geelong" almost entirely, with Oamaru, Timaru, and Lyttelton, and in a [unclear: large] degree with

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Akaroa and Invercargill. The newspapers of the day attest this in hundreds of advertisements—when and as these Trust steamers were sold (by Mr. Mills alone, the minutes affirm this), and which could not in the slightest degree be affected by the Port Chalmers Railway. The steamers he purchased, the "Maori," the "Beautiful Star," and "Bruce" all took up this identical trade. Here again the papers, I say, without any possible doubt, bear out this statement, and when in 1875 the Union Company was formed a very largely increased value was put upon the cost of those steamers Mr Mills had purchased, near £20,000 I [unclear: believe] and this alone represented the good will, and which really was *an asset of the Jones' Trust steamer trade and Estate*, and of which it did not get one penny.

16.—Mr. Mills says "the Trustees stretched the limits of prudence" to retain boats unsold (that to the last were earning over 65% !!) and that, too, in the face of the clause in the Will (p. 37) inserted especially, as we privately know, to encourage them to carry on the business my father prized so highly for us, and to exonerate them from loss if they continued to carry on the business, which in 1875. As i have already stated, the railway was opened

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January 1873, so it is evident we kept the steamers until [unclear: the]

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could no longer be profitable, when they were sold. Your [unclear: sh]

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ment, therefore, that they were ruthlessly disposed of at a when they were making 55 to 70 per cent., and replaced by [unclear: r] steamers managed by me, is, as I have said, quite untrue.

I have no figures before me in reference to the lights

18

business, except those mentioned in your letter, so can not whether they are right or not. I believe there was a [unclear: b] carrying on the lighterage business, but it was undertaken [unclear: be] tect the Harbour steamers, and there is reason to believe, [unclear: I] the handsome profits that the latter made, that our object successful. At all events the lighterage business was [unclear: under] and carried on with Mr. Isaac's full knowledge, as I [unclear: ft] reported at Meetings on the 16th October 1869, 2nd August: [unclear: I]

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22nd November 1870, and 13th November 1871, at all of [unclear: w] Mr. Isaac was present and concurred.

The statement that I was the means of the Mill Paddock [unclear: I] conveyed under the Will to Elsie Jones, against Mr. [unclear: Je] instructions, who you say intended it for you, is not [unclear: c] You know well enough that I had no responsibility in the [unclear: i] at all. Towards the end of 1868, when I was only 21 [unclear: year] age, I acted as the late Mr. Jones's amanuensis in [unclear: schedo] under his dictation, the various bequests when preparing his was in reality always increasing profitably, even if they retained the boats on to the very verge of a losing and unprofitable trade, which was never the case.

17.—The next statement "that the profits of the Harbour trade were swept away by the railway" is equally amazing. The railway Mr. Mills says, opened in January 1873, "*so it is evident we kept the steamers until they could not longer be profitable when they were sold,*" How evident I adduced indisputable figures (p.35) to prove that when the smaller and essentially only Harbour boats, the "S. Peninsula," "Queen," "Craigalee," and "Faithful,"

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were sold, more than *18 monuhs after* the railway was opened, they were earning fully 70 per cent. They were sold at a good deal less than half their value, and scattered far and wide; after Which this exceedingly valuable Harbour lighterage business was carried on by Mr. Mills, and, in I think equal shares. (*Vide*, Mr. Mills' letter.) I again assert all of the Trust boats were "ruthlessly disposed of," and replaced by others not only "managed," but purchased and owned by Mr. Mills, our managing Trustee, in 32-64th shares." (His figures.)

18.—Of the Lighterage Company and its loss, Mr. Mills says he has no figures to prove the latter except those in my letter, but strangely enough refers to the Minutes of Meeting held 22nd November, 1870, which contains the following entry in his own handwriting :—

*"The manager (Mr. Mills,) presented a report on the Lighterage Company's affairs with an interim balance sheet prepared by Mr. Webb, showing a deject £1890 3s 3d. for 11 months."*

In a letter prior to this, now before me, he writes Mr. Isaac :—"I have taken the lighterage on *my own* responsibility." In the minutes of meeting referred to by him as held on 16th October, in Mr Mills' writing is "(McLean chair) Resolved that Mr. Mills be guaranteed against any loss that may accrue on half interest taken by him with W. Guthrie and Mudie," and in the balance sheet before me, in Mr. Mills' writing, of Harbour Steam Company 31st December, 1870, I notice not only the debit entry for our share of above heavy loss, but

also for £552 15 10 for 9 lighters of Guthrie & Asher, for taking of which no authority was asked or given, and no guarantee given for any loss that might occur. If these statements are correct, and I say they cannot be disputed, then this apparently was the position, 20 lighters were acquired by Mr. Mills, 9 from Guthrie & Asher, and 11 from Guthrie & Mudie without any authority in the Will, *and without asking or getting any authority from his co-Trustees*. Later on when a loss appears to have; been anticipated, the other Trustees condoned these illegal acts, and hurry on in the most jaunty fashion to offer our funds and those of our children, to pay any loss that this reckless plunging of Mr Mills may have caused, and thus our thousands were scattered like feathers in a tornado—and as a sequel, Mr. Mills now expresses approval and "thinks

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These schedules, right or wrong, were handed to Mr. Cook, who was instructed directly by Mr. Jones, not by me, and there my responsibility ended. Mr. Jones became ill, and the will, a very elaborate document, was prepared hurriedly and under pressure, and it appears to me that on the whole, not with standing a few ambiguities, the document reflects great credit on Mr. Cook. The Court has ruled that the Mill Paddock was devised to Elsie and there the matter rests as far as I am concerned.

As regards the alleged loss of £188 in connection with the

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Hawksbury Estate, I regret I cannot offer any explanation at [*unclear: this*] distance of time.

The re-building of the stables at the Golden Fleece [*unclear: appeared*] at the time to be necessary. It is true that the opening of the railway did away with the coaching business which was formerly

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done at this place, but we were informed by the tenants that the house depended largely upon the custom of commercial traveller, who still used the road, and that if stables were not provided this traffic would be driven away to some other house, consequently we thought it important to re-build the stable.

I have nothing before me to substantiate your charge that I carelessly neglected to sell the Island Farm at a time when a

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very high price could have been realised for it. My own recollection only serves me to this extent, that some negotiations did take place with Captain Fraser, but that the matter went so far as you state will require stronger evidence than mere assertion to convince me. If Captain Fraser, or anyone else, had exhibited a genuine desire to purchase this property at the figures named, cumbered as it was with Bannatyne's lease having five years to run, I cannot believe that I should have missed the opportunity, unless we were advised that as prices ruled at the time we might reasonably expect to do better, and there must have been some reason for not selling. It is not to be supposed that even had I been careless the sale would have been completely blocked had the proposing purchasers been anxious, as Mr. A. W. Morris, my co-trustee, was also in Dunedin, and no doubt the application would have appealed to him. He tells me he has no recollection of the matter.

Now as regards the smaller items. It is true that the judge directed the Trustees to restore the £100 paid to Mrs. Nelson and Miss Jones, also £92 for mourning, because unfortunately we had no vouchers or evidence in support of the payments. I am still of opinion, though, that these amounts should have been passed. It was known that the two ladies were part of the late Mr. Jones' household. Owing to his illness they had received no allowance for some little time and it is to be presumed they had incurred personal debts for which the £100 was intended to provide and which Mr. Jones would have paid had he lived.

As regards the mourning, it was not shown that this expenditure was incurred after Mr. Jones' death, so it was to be presumed that we did not debit Residue without justification, and it was a prudent thing to do." At the date of one of these meetings, 13th November, 1871, which Mr. Mills says Mr. Isaac attended and concurred, we had for live or six weeks been living

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in London.

19.—These statements are fully replied to in the pamphlet, p.p. 8, 13.

20.—And this, p. 5.

21.—I can only ask in reply to this if a thirty stalled stable was needed for one or two occasional commercial travellers, p. 5.

22.—That Mr. Mills did neglect to take advantage of the opportunities that were pressed upon him of adding £10,000 to our Estate in not selling the Island Farm, is abundantly proved in p.p 6, 14, (the latter also refers to seven letters of ours urging the sale.) Mr. A. W. Morris, our then other Trustee, assured me a few days ago that he thought it impossible these letters were ever shown to him I feel perfectly certain that it was so, and just ascertain that had Mr. Morris or any other such just, straight forward and honourable a man as he is known to be, managed our Estates, (excluding the Shipping Shares), mine, and that of my brother Fred., and poor little Elsie's, they would have benefitted to at least the extent of £60,000, Of this, my loss estimated in a carefully

prepared table which I lately showed Mr Mills is £37,000, though not one wrong act or mistake can be attached to Mr Isaac or *myself*. I am not including the Estates of my two sisters of which I know nothing, but should think it exceedingly unlikely that Dr, Eccles or Dr. Bias would have allowed their interests to be neglected or trifled with, and including the steamer property at least another £100,000 would I am assured have been added, of which a big slice, at least of the later, got diverted to the advantage of Mr. Mills personally; or if the rules had been followed laid down in p.31, Appendix A, that "Trustees are bound to take in all cases the same care of Trust property as a man of ordinary caution would take of his own, if they have done so they will not be liable for any accidental loss," and that "only an amount of diligence equal to what he bestows on his own property will protect him from liability," the above disastrous losses to us could not have occurred—but these high English authorities appear here to be very lightly esteemed.

22a—My brothers as usual gave my father the wool off their Farms to be sent to England with his own, they received an advance on this wool of £368. When the proceeds came from home, £618, Mr. Mills handed them that amount over in full, and debited our Residue capital account, our children's money, with the advance made to them. We claimed to have this money recouped. The Judge, as Mr. Mills says, disallowed our claim, sustained Mr. Mills' administration.

22b. My Statements are taken from the Judgment, p.p. 45, 46.

22c—My Statements are taken from the Judgment, p.p. 45, 46.

23—I never said anything so absurd. It was not "because they were

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not filed," of which I know nothing, but because they were never rendered to me, and that *I was thus kept in complete ignorance off* at all events we should have had the benefit of the doubt [*unclear: l*] any case it comes strangely from you to raise any questions [*unclear: about*] these items, or about the interest on your brother's legacy.

Advertising Harbour Boats, £27. The boats were [*unclear: advertis*] and offered for sale by the Trustees, and it was thought at [*unclear: the*] time proper to charge the cost to Residue.

Fred. Jones, Interest £32. This was interest on his [*unclear: legs*] which you challenged successfully.

22a. F. and W. Jones, Wool Claim £368. This was disallowed [*unclear: r*] the Judge, so need not be discussed.

22b. Smith, Anderson's Law Costs, £260, are, I believe, still [*unclear: wait*] adjustment by the Court.

22c. Interest Account, £640. This has also been gone into by [*unclear: a*] Court and only partially dealt With, so I cannot discuss it here.

23 You state that you have been prevented making your [*unclear: cla*]

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all these years because the Residue Accounts were not filed; [*unclear: a*] that when they were filed they were incorrect, and concealed [*unclear: a*] true fact. Is this not a very misleading statement? As a [*unclear: ma*] of fact the principal items of your claims—amounting to £22 [*unclear: d*].

23—see schedule in early part of this letter, did not arise out of [*unclear: i*] production of Residue Accounts, but were known to Mr. [*unclear: Isa*] to 25 years ago, and could then have formed the subject of [*unclear: a*] more easily than now. The only items of claim actually [*unclear: o*] closed by the Residue Accounts are those in the second [*unclear: portal*] the schedule, amounting to £1,510, part of which has [*unclear: be*] allowed by the Court.

As regards your claim for interest on such as the latter items may have to be replaced by order of the Court, it appears we [*unclear: a*] not legally liable, and I certainly think, looking at the [*unclear: nature*] the items, we are not morally liable. While as to interest [*unclear: oti*] larger items, such as Meadowbank Award, etc., it is absurd, the face of it, that you should knowingly have allowed [*unclear: s*]

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question to rest for over 20 years and now claim interest.

Now as to the accounts themselves. You say that no less [*unclear: te*] five different sets of accounts have been supplied, all of [*unclear: wh*] have been wrong. Is it not rather silly to speak of [*unclear: t*] dilapidated scraps of paper which appear to have been [*unclear: carried*] Mr. Isaac's pocket for 25 years as Residue Accounts?" *The* [*unclear: s*] *accounts rendered are those in the present suit*, It is true [*unclear: the*] correction was made in these, but are you not making too [*unclear: i*] of it? It was found that the items shown in your [*unclear: Appendix*] had been omitted, but the explanation is very simple and [*unclear: i*] known to Mr. Isaac. The facts are that Mr Jones died [*unclear: on*]

23a

16th March and his funeral took place on the 20th March, which day the Will came into the hands of the Trustees opened our Trust books as from 20th March and the [*unclear: transa*] of the four days between the 16th and 20th were treated [*unclear: as*] of the Testator's business. We know now that this was [*unclear: an*]

but as a matter of fact the omission of these items did [unclear: a] any way mislead Mr. Isaac or affect the Residue [unclear: Acea] *how my Residue funds had been misapplied* by Mr. Mills, p.p. 42a 43a, though the Court holds there was no concealment, and nothing therefore inequitable in the Trustees taking advantage of the Statute p. 43. Is not the fact that the H cash accounts, p. 33, nearly balanced themselves a very strange reason to put forward for to prove their accuracy? If every payment in this £4745 4s. 5d. had been wrongly charged, would the balancing have been in the slightest degree affected? As it is I have grave doubts if nearly half of them are not wrongly debited to our Residue Funds; but of what avail are these doubts to me ? the order of the Court was that in the absence of the books and vouchers which Mr. Mills had lost (I doubt this) as well as

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neglected to file his accounts, *I must prove them to be wrong or pass them*. My solicitor had no choice; they had to be passed, it is hard to imagine that the archives of the long ago forgotten, the enactments of the buried past, should be raked up into daylight again, and that I too should be ordered "to make bricks without straw," because—for I can conceive no other reason—I had the temerity to defend my dear old father from the attack of Mr. Justice Williams upon him (p. 30).

I notice that the directors of the City of Melbourne Bank have escaped liability because proper accounts had not been put before them; had in fact been concealed from them by their manager. But our managing trustee, Mr. Mills, concealed proper accounts from me. As he says in this letter now under review, p. 10, "The only accounts rendered (i.e., in 25 years) are those in this present suit—it is true that a *correction* was made in these," p. 34. The scraps of accounts which he did render me were inaccurate and misleading, p.p. 16, 33, though the Court says there was no concealment. The directors referred to were men accustomed to figures, and "could easily have ascertained how things stood," p. 47; but were judged upon humane principles and good English laws, whilst I, a woman, am made to suffer all the rigour that could be extracted from spurious Otago laws. To say that Mr. Isaac was liable, or had neglected duties the will had imposed on him, is simply to make a fresh will for my father, omitting the exonerating clause, p. 32a, or to overrule Lord Chancellor Westbury, p. 32. If the "a correction" referred to above means the list of 26 items wrongly charged to Residuary, p. 34, amounting to £4321 16s 4d, and the 8 other mistakes of £604 11s 4d on the same page, then it is certainly a very simple way of putting it, if not quite an accurate one.

The "amounts actually disclosed," Mr. Mills says, "were £1519." The figures are inaccurate, p. 34. These then, I now say, I should be perfectly satisfied to receive interest upon, but the Court has, contrary I believe to all law (p.p. 32, 32a, 32b, 39, 42a, 43a) *most unmercifully deprived* me of every penny of it, and no one can tell me why—and to say that I claim interest on the Meadowbank Award is simply untruthful. On p. 38 I claim interest on £2000, which is less than half of the Court materially, as it happens that the debits and credits during the four days very nearly balanced each other.

Now as to the Release signed by you in February 1890, [unclear: Ye] say that no draft was submitted to you nor did you read it, [unclear: u] that you were cheated into signing it. I do not doubt that [unclear: yi]

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did not read the deed, but Mr. Isaac knew, if you did not, [unclear: th]

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purpose of it, and surely he took care to understand what it [unclear: was]

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he advised you to sign. As a matter of fact the deed does [unclear: B] deal with Residue Estate at all, but refers only to your [unclear: Inn] Account. On the appointment of new Trustees and the [unclear: m] ment of Messrs. Morris and Cargill, the occasion was taken [unclear: t] redraft your Income Account from the first days of the trust [unclear: i] till that date. The accounts were supplied to you and [unclear: y] admitted them to be correct and signed them and also a [unclear: relei] in favour of the old Trustees, Messrs. Isaac, Cargill, [unclear: Mom] Jones, McLean and myself.

With regard to the guarantee for Hillside advances, which [unclear: jr] say was a deception, and a discreditable, heartless [unclear: price] business. I really do not understand to what aspect of it [unclear: y]

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refer. You will recollect how long the Trustees resisted [unclear: press] from yourself and Mr. Isaac to be a party to the advance, [unclear: c] this subject I have your own letter in which you say: [unclear: "I] hardly find words sufficient to thank you for what you have [unclear: d] I could not expect more. I can only regret we did not go to [unclear: y] before, it would have saved us months of misery and anxiety.

You make a charge against me in reference to your funds [unclear: b] allowed to lie uninvested from time to time, and refer to [unclear: Sc] N. The figures in this Schedule are, like many others [unclear: in] letters, quite incorrect and misleading, and go to show [unclear: that] Isaac is not such an adept at figures as his manipulation of [unclear: the] in your letters would lead one to believe.



Reference is also made to a sum of £3900 recovered by [unclear: the] Isaac from Sydney "all of which under your control [unclear: dis] like a passing cloud." This is grossly unfair, as Mr. Isaac that this fund was disposed of by order of the Court—an or which you, Mr. Isaac, and Mr. Ed. Cook (your solicitor) [unclear: cop]—and Mr. Isaac also knows what was done with it, Isaac himself received for commission, expenses of himself solicitor, and refund of his contribution to the Bell Award [unclear: fi] bis agent in New South Wales (Mr. Hall) received a [unclear: comming] of £600; the costs of the suit and some petty expenses [unclear: ap] over £250; and £1500 was refunded to the other three [unclear: contribute] to the Bell Award. This left a balance of something like [unclear: that] which is still in hand.

You state in one portion of your letter that in 1879 your [unclear: f] Funds show a credit balance unemployed of £2170, while [unclear: the]

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the same time you are debited with interest on bank [unclear: over] £112 17s. Again that in 1881 your Trust Funds shows a [unclear: b] of £423, while you are debited at the same time with [unclear: inter] bank overdraft £59 19s. This is again incorrect and [unclear: mis]

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has restored Residue Funds, and excludes the Meadowbank Award.

24.—Mr. Isaac certainly did *not* know—he *never* saw the Deed, and he

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did *not* advise me to sign, and *it did* most certainly refer to (the in-

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come of) Residue Funds, which for 25 years I had been deprived of, and for which, surreptitiously, Mr Mills who alone was responsible (p. 32a) sought to be released.

25.—To approve of and even thank Mr. Mills for making the advance, *out of my own funds*, on Hillside, and for which not one word of blame has ever emanated from me, has nothing whatever to do with the violation of the terms agreed upon as to the *Guarantee* which, as I told Mr. Mills in a late interview, and proved too, "was a most heartless piece of business," such as few, very few men but Mr. Mills are, I hope, capable of, and which he *then* sought to excuse by pleading ignorance of its character. *Now my gratitude* (before I was aware how the agreed upon terms of the guarantee had been broken) is his defence.

26.—In no portion of my letter did I say "at the same time." The uninvested and unproductive credit balance of £2170 was as Mr. Mills says, in 1880—not in 1879 as I had stated—the two pay-

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ments from our funds for someone's Bank overdrafts for £3000 and £1500 still remain an undisputed fact, though I did mistake the year.

Note. p. 23,—"Mr. Mills' private account," and "Mr. Mills' press copy book." may be, I am willing to concede "quite another matter," and apparently are certainly not the same, but may I be pardoned for wondering that the explanation of why the 12000 of my brother Fred's money, to whom lent, the security taken, why the fact that our Residue funds were by Mr. Mills debited with the interest paid my brother for it, should be stated now to be in "Mr. Mills' press copy book," and not in the press copy book of the Trust Estate, or some other of the Trust books? The statement too in No. 26 that the payments from *our Residue* (as they certainly are) of interest paid for the £3000 and the £1500 bank overdraft, "are balanced by credits on the other side" is exceedingly inaccurate. Here is the proof from his books:—

—apparently intentionally so. The two items of interest [unclear: refen] to are charged not to you personally but to Interest Account, [unclear: u] the payments are made on the 30th June and 31st December [unclear: 1880] not in 1879. You ignore the fact, however, that there are [unclear: credit] on the other side for amounts which nearly, if they do not [unclear: quit] balance these payments, Your Trust Funds in hand on [unclear: be] these dates were about £128, not £2470 as you allege.

Among other of the many personal charges, which I feel [unclear: su] do not entirely emanate from yourself, you draw attention, [unclear: i] page 28 of your pamphlet, to an item, "Fred. Jones, interest [unclear: of]

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£2000, as per James Mills' private account, £80," and draw [unclear: t] conclusion that I took the use of this £2000 of your brother's [unclear: I] three months. I find that the actual entry is "as per [unclear: Jan] Mills' p.c.b." (press copy book), which is quite another matter.

You say you "could have forgiven all this punishment, &c, you had not refused me the small pittance of assistance I [unclear: ash] for to help me with my darling dying boy." You had my deep

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sympathy at that time, and it is a source of satisfaction to me, it must be to you, to know that your boy is

now as well and [unclear: stro] as ever he was in his life. I would have been pleased as a personal matter to have helped you at that time, but you made [unclear: as] demand on terms which I could not agree to. I quote your [unclear: le] of 25th August, 1893:—"If the investigations into our [unclear: ch] have so far proved an indebtedness to me I shall be glad if [unclear: y] will give instructions that I shall be supplied with funds to [unclear: m] these expenses," (*i.e.* doctor's bills), and you enclosed me a [unclear: lis] claims amounting to £15,081, including many items which [unclear: h] since then been abandoned, viz., Harbour Steam Company's [unclear: d] debts, £7287; Substitutionary Devise one-third share [unclear: shipp] property, £8500; General Devise of B.N.Z. shares, £1350. It will be manifest that under the circumstances I could not [unclear: be] made any payment on these terms, as it would at once have [unclear: b] made use of and heralded as an admission of liability on part.

The only other matter that I will deal with is that [unclear: contained] the typewritten insert appearing as a postscript to your letter 18th February last, and purporting to quote a letter of mine [unclear: di]

29

May, 1870. I can only say I have no recollection of the [unclear: ma] If when I was 22 years of age I was so foolish as to do what suggested, or so indiscreet as to write in such terms, I [unclear: prod] deserve the censure due to such an act. I can say this, [unclear: however] that doing what there purports to be described, or even [unclear: write] in such terms, is wholly foreign to my nature, and [unclear: suggest] me that it must have been prompted by some interested party, any case, I can derive some consolation from the knowledge [unclear: i] whatever was done was not dictated by personal interest but [unclear: by] mistaken sense of loyalty to the interests of others.

Your suggestion that this matter be published if I still [unclear: deel] to make compensation for "the loss to us for the many [unclear: the] sands" can have no effect upon me. I neither fear nor [unclear: sand]

27.—This entry is copied accurately from the one supplied to Mr. Isaac, and any one may see it that wishes to do so. The objectionable fact remains that we had to pay this £30 for some one who borrowed that £2000, for which Mr. Mills, who charged it, now offers no explanation. As a matter of curiosity I should like to know who it was who thus benefitted at my cost. Mr. Mills avoids making any reference to the large debits charged to our Residue Funds for bank overdraft, p. 28, not a penny of which was for me, besides about 20 other smaller amounts which I have not noticed. Also he says nothing about the thousands enumerated in p. 27 only earning me in 14 years under his control the sum of £3 11s. 2d. But why should he? The judge specifically approved of this portion of his administration, p.p. 47, 48, and again I alone had to suffer for nothing I had done or left undone.

28.—If the last paragraphs on p. 6 and on p. 7 of the pamphlet could under such painful circumstances suggest no possible obligation then I venture to think that the fact that £4321 16s 4d (twice the amount I believe should have been restored to us) which has been by the Court restored to our Residue Funds (p. 34), misapplied by Mr. Mills, and on which he had for 25 years deprived me of interest, should have counted for something, and it still costs me an effort, even after the bitter experiences of the past, the perfectly unmerited punishment which in a hundred ways he has inflicted on me, under which at times I have feared my mind would give way, to believe such a disposition possible that all this could really "have no effect on him," and that moral obligations, even for unintentional injury as well as all the unjust and unfaithful dealings with the interests of a woman and her children this action has disclosed, which can only be rectified by a lengthy and costly legal process.

In conclusion, may I ask, has any attempt been made to point out or disprove the (so called) "statements that are false and misleading," or those "where in nearly all cases statements are manifestly misleading and exaggerated" or the "extravagant charges?" Has any inaccuracy in all this vast array of figures I gave been demonstrated or attempted to be demonstrated? Except the trivial error, not ours, in Section 27, has the neglecting to obey the order of the Court to file the accounts been disproved? or those statements referring to the loss of the books and vouchers (p. 19), the very frequent uninvesting of our Trust Funds (p.37), the misapplication of the thousands of our Residue Estate (p. 34), the neglecting to make the slightest effort to sell our Island Farm, though urged to do so in our letters (p. 14), or inducing me to sign a Release to Mr. Mills without knowing the purport of the deed put before me (p.p. 14 and 15), or in altering the terms of letter from Mr. Mills about the *Guarantee* for the Hillside advance (p.15); or have the correctness of the quotations from various letters from Mr. Mills been questioned; or the accuracy of the profits in the many balance sheets of our Harbour Steam Boats; or the price the steamers were then sold for (p. p. 35 and such publication, but reserve to myself the right to take [unclear: a] course as may be advised, both as to that and as to this [unclear: a] of bringing pressure to bear upon me.

I have taken pains to offer this explanation of your [unclear: chang] the best of my ability, but, as I have before said, any [unclear: con] cation between us on the subject must now cease.

—I am, your truly,

James Mills

These are some of the charges, are they "extravagant?" Have any of them been disproved, or even explained.

As to the "inset"—I can only reply that Mr. Mills stated in this letter of May 1870 that he had obtained the consent of the other Directors, naming them, and only wanted that of Mr. Isaac and my brother, which they declined to give; and that I can, if it be desirable, give the name of the man, still here, whom Mr Mills employed to negotiate this bribery business; and, further, that Mr. Mills at about that time owned 1-16th of the whole of

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the Harbour Company, and was therefore not at all so loyal alone to the interests of others as he states. I cannot say and do not like to think, what his plans *then* may have boon for the future. I only know what the result was, the clever diagrams on p. 37, show that.

If I have wronged or misjudged Mr. Mills, misrepresented and insulted him, as he says, and made false exaggerated and misleading statements, I exceedingly regret it, and will most gladly and with deep contrition retract anything I have written (p. 9) if only it can be pointed out to me where I have erred, and where I have committed the wrong.

Eliza Isaac. HILLSIDE,

Nov. 20th, 1896.

P.S.—Mr. Mills has said that I have made "false statements." [*unclear*: I] do not think this very serious charge has been proved in one single [*unclear*: intance,] but others who read this can judge better than I. And further, I ask if the statements made against the alphabetical letters as I [*unclear*: have] placed them in the margin of his letter and of mine in reply, do not [*unclear*: in] numerous cases substantiate the charge of distinct and wilful [*unclear*: unithfulness] against him ? It pains me to record it, but ho has left me [*unclear*: so] choice.

I inadvertently omitted the following when referring (p.p. 12, 13 here-[*unclear*: n] to the sale of the "Wallace" steamer, and in the absence of figures [*unclear*: and] dates, at present mislaid, I must confess to being obliged to supply [*unclear*: these] from memory; but am convinced they are approximately correct. [*unclear*: The] "Wallace " was, as I have said, earning about £3000 per annum. Mr. Mills proposed to lay her up and " put new boilers in her and i [*unclear*: niase] her deck cargo accommodation." Of the two directors, Messrs Malcolm and Darling, whose opinion ought to have carried weight, one certainly was, if not both, strongly opposed to this; but Mr Mills' [*unclear*: plans] were not to be thwarted—she was taken off this profitable trade. [*unclear*: Mr] Mills' "Maori" did the work instead. In eight months the [*unclear*: improvements] to the "Wallace" were completed, and soon after (I regret [*unclear*: I] can not just now give exact dates; Mr Mills doubtless has them) she was sold to Messrs N. Edwards ft Co., Nelson, for £5,000, the interest of legatees and owners then standing thus:—

In a letter dated April 1871 Mr. Hills informed Mr. Isaac that he intended to offer at Auction the Harbour Coy. boats, all of which my father had purchased and had bequeathed in the shares as stated, to us three girls, and so far as the copies of the minutes furnished to us state, entirely without any authority and direction from his co-trustees, and as the profits for the half-year just closed showed a credit of about £4000, it was certainly in contravention of the plainly expressed wishes and intention of my father (p.37 pamphlet). The names and value's of the boats are there given by Mr. Mills

Above I have dealt with the Wallace and all the others in p 35 pamphlet, thus leaving only the first, the "Golden Age". Of this I have to say and to put it quite plainly, that nowhere in the books can it be discovered that any beneficiary has ever received one penny of the proceeds of the sale of this steamer.

(I know that ay brothers share changed hands and mine was supposed to have done so, which is doubtful.) If this be true, of which I have not the slightest doubt, then these two steamers earning I suppose fully £4000 per annum (I have nothing to guide as as to the earnings of the Golden Age) and here valued at £8500, actually together realised £350. Is it possible that the plans for "strangling out of existence" that portion of the Estate belonging to us three girls was thus early being carried out?

Education. The School Systems of Australia.

By Henry Hill, B. A., F.G.S., Inspector of Hawke's Bay Schools.

Printed at the DAILY TELEGRAPH Office Napier Tennyson Street. 1896

# Education.

## The School Systems of Australia.

[By Henry Hill, B.A., F.G.S., Inspector of Hawke's Bay Schools.]

(Reprinted from "The Daily Telegraph," Napier.)

In December last, as I had been suffering of some months from the effects of an accident, thinking that a short sea voyage would be of benefit to me, I made application for a few weeks' leave of absence from [unclear: ty], with the intention of paying a short [unclear: wa]. to Australia. The kindly note which [unclear: veeyed] the Boards approval of my application also contained a request that whilst [unclear: a] Australia I would enquire into the state [unclear: of] education in such colonies as I might [unclear: i] and report my views to the Board.

There are so many aspects under which [unclear: tion] may be viewed in these days, that best myself the task before starting for Australia of enquiring chiefly into matters [unclear: ing] on the work of primary education. [unclear: th] syllabus of instruction for the children: [unclear: th] made of conducting examinations; the several quality of the instruction; the ad-[unclear: rative] control of the schools; the consideration of education, and the training [unclear: a] status of teachers, were questions [unclear: th] seemed to me worthy of special attraction and enquiry; but, in addition to case, I was anxious to see what practical [unclear: rts], if any, had been made to introduce [unclear: nical] instruction into the public schools. As each of these questions I was desirous [unclear: a] obtain the fullest information, and though during my stay in Australia there are only five days, omitting Saturdays and [unclear: days], when I did not visit one or more the public schools either in New South Wales or Victoria, I found the time at my special too short to accomplish my self-[unclear: posed] task. Should there appear, there [unclear: th] a want of fulness in any portion of the port, it must be set down to a cause over which I had no control.

The letters which I carried with me from Government were of great help in the [unclear: th] of my enquiries, and every facility as given me to visit schools and make [unclear: the] enquiries by the Secretaries of Education both in New South Wales and Victoria, and by the Inspector-General of Schools in the former colony. Copies of all regulations, circulars and Education Acts were sent to me by the authorities for my information and guidance, and these are available should any member of the Board be desirous of perusing them.

The system of education in each of the colonies named differs in many important points from our own. Under the New Zealand Education Act of 1877, the colony was divided into districts known as education districts, and for each district a Board of Education was constituted to administer the Act. The powers and duties of such Boards are defined in section 35, which among other things, says, the "Board of each district shall establish and maintain public schools within the district and shall promote the establishment of school districts within such district; and section 58 further says that, In every School district constituted there shall be a School committee." Thus in New Zealand the Board of Education and the school committee have become an integral part of the system of education. Such a plan of local government is unknown either in New South Wales or Victoria. Centralism is the leading feature in the administration of the Education Act in each colony—in New South Wales, for example, the Department of Education in Sydney controls every teacher and every School established under the Public Instruction Act of 1880.

The Minister of Education for the time being is the supreme authority in all matters hearing on education, of whatever nature. No school can be established and no teacher appointed without his approval. He can constitute a high school as readily as he can a primary school, and he may authorise the opening of science classes whenever and wherever he pleases. The same wide powers are not possessed by the Victorian Minister of Education, although the government is essentially central and free from all forms of local control,

The absence in New South Wales of administrative Board. Like the Education Boards in New Zealand, has brought; into existence relations between the Department of Education and the teachers such as are unknown in this country. All the teachers are Civil servants and are subject to all the regulations of that service, whilst they are controlled in their work by no one except the inspectors acting for the Minister.

I have purposely made these explanations here as they will enable those who have little or no acquaintance with the systems of education in New South Wales and Victoria to understand the following remarks, dealing with the matters to which more particular attention was given by me.

I. Syllabus of Instruction. (N. S. W.)—Under Section 6, of the Public Instruction Act, 1880, the Minister of

education in New South Wales may establish and maintain the following classes of schools:—

- Public schools, in which the main object shall be to afford the best primary education to all children without sectarian or class distinction.
- Superior public schools in town and populous places, in which additional lessons in the higher branches of education may be given under such regulations for the purpose as may be approved by the Governor.
- Evening public schools, in which the object shall be to instruct persons who may not have received the advantages of primary education.
- High schools for boys, in which the course of instruction shall be of such a character as to complete the public school course or to prepare students for the University.
- High schools for girls.

In each of these five classes the teaching is non-sectarian, but it includes 'general religious teaching,' as distinguished from dogmatical or polemical theology. No mention is made in the New South Wales Education Act as to what the subjects of instruction are. In the public reports the best primary education is to be given, in the superior public schools the higher branches of knowledge are added, and in the high schools the curriculum is to be such as will fit students for the University. The regulations that are issued to teachers by the Minister of Education contain what may be termed his interpretation of the Act so far as relates to the work that must be done in each class of school. No mention is made of standards, passes, failures, class marks, and such like terms which are so familiar to those engaged in primary school work in New Zealand.

A standard syllabus of [unclear: instruction] passes purposes, does not exist either [unclear: in] South Wales, or Victoria, and there is annual examination by the inspector of class promotion. Inspection and examination appear to be carried on in an effect manner, but the examination does not by the form of an individual pass or fails and the question of promotion is left entirely in the hands of the principal teachers.

The syllabus of instruction is drawn in half yearly courses, and all points in any class are supposed to prepare the extent of the syllabus, before passing to the next higher half-yearly one. The head or principal teacher is the one who judge as to what pupil or pupils are to be promoted from a lower to a higher class. When visiting a school the inspector simply examines the pupils as to their [unclear: deficiency] in the several branches of [unclear: inspection]. No marks are made opposite a [unclear: person] name to show either "pass" or [unclear: fail] but the general efficiency of the class is estimated according to a standard of a [unclear: prescribed] by the Minister of Education and the inspector's marks are entered in [unclear: site] each of the subjects examined.

It has been pointed out that the principal teacher in each school is the sole judge as to the promotion of his pupils. [unclear: This] great power in the hands of the teacher and where they have been trained and I come to recognise the need of thoroughness in preparatory work I see no reason such power should not be in their hands. But when everything has been said is of freedom of classification such as it is in New South Wales, the fact remains every school has a different basis of [unclear: selection], for it is impossible that the classes can have reached a similar [unclear: state] of attainments when that standard is just and interpreted by each teacher [unclear: according] to his own notions of efficiency and [unclear: teaching].

The full course of instruction occupies a period of 8½ years, during which the pupil is supposed to have passed from the infants' department through the five of that go to make up the upper part of the school. Two years are to be spent in the infants' department, a year in the first class, a year in the second, a year in the third, and a year each in the fourth and fifth class respectively. Course of instruction is set out for guidance of teachers with [unclear: much] fullness than with us. All the subjects of instruction that are entered as the [unclear: requirements] for each class have to be taken [unclear: that] teachers and arrangements must be made in the school time-tables for their preparation.

In the first class, which is the equivalent of Standard I. under the New Zealand syllabus, the boys receive instruction in nine subjects and the girls ten. One of the subjects is [unclear: reading] reading, and the instruction that is given by the teachers is based on certain [unclear: books] belonging to the old Irish National [unclear: lessons], published many years ago. Instruction in this subject is separate and apart from the which may be given daily of ministers of religion to the children of [unclear: Irish] respective persuasions, but to this [unclear: extent] of instruction, reference will be made recently. The second class embraces a [unclear: amount] of instruction equal to our Standard in schools where all the class and additional subjects are taken.

The work set for the third and fourth [unclear: classes] covers a period of three years; but the demands are equal to Standards III., [unclear: V] V., and VI. under the New Zealand regulations. Euclid is a [unclear: compulsory] subject for all pupils of the fourth class. The following is the syllabus [unclear: prescribed] for the fifth class:—Course one [unclear: reading] Reading, as prescribed for university junior examination; writing, as in fourth class; dictation, on unruled paper, ordinary [unclear: extent] 15 consecutive lines; arithmetic, full these from Hamblin Smith's Manual or very equivalent; mensuration, regular [unclear: surfaces] and solids; grammar, geography, [unclear: English] as prescribed for Junior and Senior public examinations at the Sydney University; natural science, physics or physiology one of the science subjects prescribed for university examinations; cooking, for girls; [unclear: Euclid] Euclid (Books I-II), with easy series; algebra, Hamblin Smith's [unclear: algebra] to

Chapter 13; Latin (boys), Abbott's [*unclear: via*] Latina" to page 53 with the 1st conjugation and the verb *sum*; French [*unclear: ea*] Macmillan's Progressive French [*unclear: ey*] to the end, with Macmillan's First order to page 28 or an equivalent; needle-[*unclear: ek*] (girls), drill (boys and girls), music, of Scripture, as for fourth class.

There is nothing in the New Zealand [*unclear: bus*] of instruction corresponding to the above requirements, and which I saw being high in every public school visited by me Sydney. This kind of instruction can be given in schools where the attendance warrants the formation of a fifth [*unclear: es*] are known as superior public schools. But the complete scheme of public education in New South Wales requires the [*unclear: blishment*] of high schools for both boys and girls, and these have been duly constituted in certain centres of population Sydney, Bathurst, and Maitland have each a separate high school for boys and girls, and examinations for admission to these are made half-yearly, in June and December.

At these examinations a certain number of scholarships and bursaries are offered for competition to fifth class and fourth class pupils. The scholarship and bursaries are tenable for a period of three years, and the holder of either is entitled to a free grant of text books and free education in a state high school. The holder of a bursary is further entitled to an annual allowance of £30, should he be compelled to reside away from home in order to attend school. The fee charged for attendance at a high school is at the rate of £3 3s per quarter.

And here I would point out that fees are payable for attendance at the public schools under the New South Wales scheme of education Threepence is the weekly fee to be paid by every pupil, whether attending the baby class in an infant school or the fifth class in a superior school. One shilling per week is the maximum amount payable for any number of children belonging to the same family, and provision is made to relieve parents for a time in case they are unable to pay the necessary fees.

I found on enquiry that a good deal of a teacher's time is taken up every week in the collection of fees or in making out forms of exemption and recommendations to send to the inspector of schools. When trade it good the school fees are paid with some regularity, and the master of a school with an attendance of more than 1300 pupils, told me that at the end of the December quarter of last year only about eight shillings remained unpaid in the boys' school, eleven in the girls', and £3 8s in the infants'.

On my mentioning that the teachers of New Zealand had nothing to do with the collection of the fees, the schools bring free to all pupils, it was generally conceded that the plan is a good one, although several teachers expressed themselves in favor of fees, for the reason that when parents paid directly into the school fund they took care to send their children more regularly to school I do not think, however, that the regularity of the children at school is as good in New South Wales as in New Zealand, although Section 21 of the Public Instruction Act in the former colony requires all children between the ages of six and fourteen years to attend school for not less than seventy days in each half year.

II. Religious instruction.—I pointed out when naming the subjects of instruction, that provision is made in every public school for the giving of religious instruction by the State teachers. This instruction comes under the heading of "secular instruction," under the Act, and it is taught in the schools and is examined in the same way as any of the other subjects. I have a copy, the "programme of lessons," from the Cleveland street, superior school in Sydney, showing the work for each week during the December quarter of last year.

The Scripture lessons are taken from the Old and New Testament., and deal with subjects such as one was accustomed to teach in the denominational schools of England twenty-five years ago. But in addition to this, Section 17 of the Act provides that "not more than one hour daily shall be set apart when the children of any one religious persuasion may be instructed by the clergyman or other religious teacher of such persuasion." Here the fullest liberty is given to the different religious bodies to give for mild religious instruction to the children of their own particular creed under the most favorable conditions.

Previous to the passing of the Act of Public Instruction under which the present scheme of education in New South Wales is controlled, grants were made to State and denominational schools alike the plan was found to be both costly and wasteful, as two or three small schools were often maintained in the smaller country townships whilst the total number of pupils was barely sufficient to constitute single fairly sized school. Schools were carried on by the Church of England, Roman Catholic, Presbyterian, and Wesleyan bodies, and all of them received grants for the maintenance of their schools.

By the Act of 1880 grants to denominational schools were withdrawn subject to their continuance for a period of two years after the passing of the Act on condition that "all certified denominational schools in the meantime became subject to the same course of secular instruction, the same regulations and the same inspection as were prescribed for the public schools," The right which is given in Section 17 of the Act to the clergyman or other duly authorised religious teacher to visit a public school for one hour daily was evidently conceded with the view of winning over the denominationalists to the public school system.

The only difference between the old and the new arrangement was that of control, but when the time came for the denomination to choose between State control and denominational control with the right to carry

on the school in their own way, the Church of England and Roman Catholic bodies chose the latter.

I made careful enquiry as to whether in churches had swailed themselves of a rights possessed by them under the [unclear: th] Section of the Act, and I found that [unclear: ex] in one school, no Minister or religion teacher of any denomination, other the that of the Church of England, had [unclear: th] availed himself of a privilege such as is an secorded to religious bodies under any other public school system with which I as acquainted.

The ministers of the Church of England in sydney have an association to periods for religious instruction or dogma [unclear: Cat] given to the children of their own demination, and specially paid lay teachers as appointed to visit the public schools of places which ministers are unable to [unclear: th] Such teachers are known in the schools is visitors.

At one of the largest schools in Sydney heard a visitor of the Church of [unclear: Kn] give a lesson to a class of 37 boys. It was the first lesson for the year, and some [unclear: th] was spent in taking the names of [unclear: pa] and making other enquiries as to [unclear: ca] abode, and such like. The lesson [unclear: a] based on the Church catechism and [unclear: a] following four questions were asked in [unclear: ex] order names:—(1) Where is the [unclear: ca] found? (2) What is the first question the catechism? (3) Sometimes the [unclear: ca] is taken out of the prayer book—Why? What answer would you give to question—What is your name?

One would think a scheme of [unclear: pa] instruction which admits of teaching [unclear: a] as this would be acceptable to all [unclear: th] denominationalists, but it is not so, and [unclear: a] same difficulties present themeselves in [unclear: pa] South Wales as with us, where the [unclear: th] system of instruction is purely secular.

During the progress of my enquired determined to see how the denomination schools fared in comparison with the [unclear: a] schools, and with this object in [unclear: ex] visited three of the voluntary schools [unclear: a] are maintained in Sydney by the Church England. The largest of them had [unclear: a] attendance of nearly 400 pupils. It was charge of an English trained teacher had been brought out from England was special engagement by the church [unclear: a] The fees paid by the children were [unclear: ca] those paid at the public schools, teaching staff was fairly large, [unclear: b] salaries were miserably small for the [unclear: a] that was being done. The school was good working order and I should any reached a very fair standard of [unclear: eff] Of the others, however, nothing [unclear: wa] mid beyond the fact that they were in a why poor state at the time of my visit.

In Sydney, which repressents in a large assure, the opinions of N. S. Wales, there is or there seems to be a stronger denominational feeling than with us in New Zealand. Fourteen years have gone by since grants were withdrawn from the denominational schools, and still efforts continue to be made to compete against the public schools, although, as I have shown, the fullest apportunities are open to the denominationalists to teach their own particular [unclear: ts] in the public schools to the children of there own respective persuasion. Why the denominationalists, or more particularely the Church of England and Roman Catholic bodies, persist in looking upon the Stte schools with disfavor, I do not how, but it strucks me that a system which had been until a few years ago mainly denminstional, and is even now "religious," right to show something in its favor when prepared with systems that are purely [unclear: ar] and free.

In Victoria, South Australia, Queensland, and New Zealand the State system of education is both specular and free, but the practics of crime in New South Wales do not compare favorably with those of the colonies named. I do not suppose that a [unclear: th] register of police convictions in New South Wales is the outcome of too much religious instruction, but the face remains, [unclear: theless] that in spite of such instruction in the public and denominational schools of that colony the statistics of crime how higher than in either of the other named colonies

III. Cooking.—In the syllabus of instructor for the pupils in the fifth or highest class of the public school, cooking is named as one of the subjects for girls During one of my visits to the Fort street model school is Sydney, I had an oppourtunity of seeing two this subject is taught. No notice had been given of my intended visit, and having [unclear: th] an instrection of the boys' department, for the instruction of boys and girls carried on in different departments from the time the children quit the infants' room, servent with the principal of the school to speet the building where the girls receive [unclear: ex] training in the art of cooking.

My visit was unexpected, and the lady in large was engaged in giving a lesson to [unclear: pa] young girls who had come from three of the smaller schools in the town. The [unclear: pa] room where the pupils were as-[unclear: a] was fitted up as a lecture or de-[unclear: tration] room, andinstruction was thing given as to the way of providing a [unclear: a] dinner for twenty-four persons from the following ingredients:—Liver and bacon, beef steak, rhubarb, and eggs. In addition to the meat dishes, soup, sponge cake, and a rhubarb pie had to be provided. After receiving general instructions the girls were allotted their several tasks in the preparation of the food.

The kitchen contained six gas stoves for cooking, and two or three tables, In an adjoining room there were places for "washing up," whilst the room used for dining purposes was so placed as to be in easy communication with the kitchen and the latter room, A different type of dinner is provided each school day by those girls who are entitled to attend the class, and each teacher at the Fort street school may partake of the dinner on payment of a daily charge of sixpence. It is found that this amount is sufficient to meet all expenses connected with the cooking department, and I was told that no lesson was more popular with the girls.

It should be mentioned that the girls get their dinner on payment of a penny and that they are also allowed to carry home to "mother," some little dainty of their own making, so as to show their growing skill in the art of cooking I did not stay to partake of the dinner that was being cooked, though invited to do so but from what I saw it is evident that for large centres the practicability of giving instruction to girls has been solved. The school workshops for boys which I saw will be noticed when dealing with the Technological Colleges.

IV. The Victorian syllabus of instruction does not call for much comment. It is much more limited than that of New South Wales. The Education Department has nothing to do with secondary or university education, and latterly the granting of State scholarships to pupils has been discontinued for economical reasons! The schools are free, compulsory, and secular, but pupils are required to purchase their own school books. In New South Wales, where fees are payable, the books and other requisites are provided free of charge.

The teachers are civil servants, and the schools are controlled directly by the central department without the intervention of any local or decline bodies. In the larger schools what are known as "extra subjects" may be taught, for which fees must be paid by the pupils. During 1894, 101 schools in the colony, or little more than 5 per cent of the whole, were taking extra subjects, some of which are compulsory in the schools under the New Zealand Standard' of instruction, Thus, singing is an extra subject, and in one of thy schools visited by me, the "music master" makes a weekly charge of one penny to all pupils above the second class.

V. Method of conducting examinations.—It has been pointed out already that stand arde, paseas and fallares, as they are understood here, have no existence in the New Fourth Wales scheme of public instruction When an inspector visits a school for the purpose of examination he forms an estimate of the efficiency of each class by viewing it and the work it does as a whole or as an entity. The report forms of the inspector are not accompanied by a schedule of names with "pass" or "failure," marks placed opposite the name of each pupil examined.

The report deals, in order, with each subject that has to be prepared by the first or the fifth class as the case may be, and the inspector's value of the thoroughness of the preparation in any subject is represented by the maximum or by a proportion of the maximum number of marks assigned to a subject. Thus in the first and second classes reading has 100 marks to represent "excellent." These marks are allotted as:—For foundation, 60; spelling, 20; and for meanings, 20, Above the second class, poetry replaces spelling as a branch of reading. A similar plan is followed with respect to each of the other subjects

At the close of the examination the inspector makes his report, which he enters in an "Observation Book," and each teacher concerned reads the report in the inspector's presence A copy of the report is sent by the inspector to the Minister of Education, intimating at the same time that the report in the "Observation Book" was duly read by each teacher concerned.

This constitutes what is officially known as the annual inspection. Once, at least, in the year every school in an inspector's district must be visited and examined in the work authoritatively prescribed under the regulations.

The duties of the inspector are to enforce the provisions of the Public Instruction Act, to examine into the condition of the schools, to determine all questions of school management, to show teachers how defective methods may be improved, and to enquire into all matters which it may be expedient to report to the Minister. Teachers are required to carry out the suggestions of their inspector for the improvement of their schools, and to obey their instructions in all matters relating to the Public Instruction Act, as interpreted by the regulations issued under the authority of the Minister.

Whilst the inspector takes no part in a direct way in the clarification of pupils, he possesses powers much wider than those possessed under the New Zealand Act, as he really exercises all the authority in the way of local administration which Education Boards carry out in this country Under the New South Wales and Victoria systems of instruction the only binding authority in relation to the teachers is the Minister of Education, whose deputy the inspector is, and who carries out all during which are supposed to belong to the Minister.

The parents, who are directly affected by the condition of a school, have no controlling voice whatever, but it is in their power to gain a complete knowledge of the working of any public school as the department's regulations provide that any person may visit a public school at any time during the hours of secular instruction and other how it is conducted. I do not think the advantage is offered, taken of this wise provision if one may judge from the entries in the "Visitors' Book" at the best school I am during my stay in Australia.

VI. Quality of Instruction.—What remained I have to make on this subject have reference to town schools only. The limited time at my disposal forced me to omit country schools from my programme of work, as my



observations are much less useful than they would have been had it been passed for me to enquire into the working country schools.

The superior public school, Cleveland street, Sydney, was the first school visit by me in Australia, and it improves with the way it is conducted. The building is of a fine sandstone, which is found in abundance everywhere within the limits of Sydney harbor, and there is room for 2000 children. The school is the largest and the average attendance is 1700, or per cent of the roll number he best master was at one time principal of [unclear: a] training department for teachers, but a representative of the department [unclear: be] about his transference to Cleveland street.

I first went over this school as a witness under the regulations and it was this admirable working order. In every [unclear: a] with one exception, the children [unclear: pa] busily at work in the subject as a forth in the class time table. The exception was a division of the "fifth" highest class in the school, which I [unclear: ex] occupied in the correction of "proof [unclear: a] for the headmaster. This occupation is once every month, and the pupils were evidently pleased to be entrusted with means it appears, is editor of the education newspaper which is published under auspices of the department, and the [unclear: pa] of certain pupils are utilised for the reaction of first proofs.

In this school I first became acquainted [unclear: a] with the fact that in all the larger [unclear: sch] the boys and girls, on being transferred from the infant division, are taught in separate departments as they are throughout for several years as headmaster, I taught under this plan in England, but I much prefer the New Zealand plan of mixing the sexes, as it has, in my opinion, the moral and intellectual advantages in a favor.

The infants' and girls departments, taught in good working order, did not [unclear: a] me like the boys' department, and had in my notes the same remark on each school visited by me—"The girls' and in-[unclear: a] departments not like the boys." The boys were doing arithmetic on slates, but noticed that Kindergarten instruction has made very little progress. The pupils were [unclear: a] on low forms, without desks, and [unclear: pa] were doing their work under conditions which have long been discontinued in [unclear: a] Bay, as being detrimental to the special and educational progress of young [unclear: dren].

The senior girls were arranged in the seats of their class room doing calisthenic classes with "dumb bells." The day was very hot, but the time-table was being period out, although it seemed to me something incongruous for girls to be using dumb bells," in a room where the [unclear: erature] was certainly more than 100 [unclear: a] Fah. The boys belonging to the [unclear: pa] division of the fourth class went through some exercises in Swiss drill in very good style, and the part singing of the [unclear: a] and sixth classes under the direction of the headmaster, in such pieces as the Gipsy Chorus," "Hail Smiling Morn," of the "Three Chafers," was really excellent-[unclear: a] The accompaniments were played by a class of pupils, one on the piano, and two [unclear: a] the violin.

I do not think that any other school [unclear: a] by me was equal in general efficiency to that of Cleveland street. The Fort street [unclear: a] school, which has an attendance of [unclear: ex] children, is worked under different conditions from the ordinary public schools, is not included in the comparison. This [unclear: th] not included in the comparison. This [unclear: a] is able to compete successfully with a high school for university honors, and [unclear: ca] of such gained by the school public examinations is a long one. The [unclear: a] of Education and the Inspector-[unclear: a] of Schools, have both had charge of the school before promotion to the office of inspector, and every effort is made to [unclear: a] it as the type of the public school and the training and recruiting ground for teachers.

The fifth class in the boys' department had an attendance of two hundred, and one most striking sight I saw in the educational world of Australia was the room where the majority of them were under instruction. The room is 80ft by 30ft, with desks six deep and arranged for four classes. Each class was in charge of a young graduate from the university. The work being done was on the Unes of the syllabus I have already given as that required for a fifth class in a superior school except that for the highest division of the class, trigonometry (Todhunter's to page 104), Euclid Book III, and Algebra to quadratics, are compulsory, as representing the work for the third half year.

In the upper class, I have only judged of the character of the work done by the successes gained in the public examinations, I saw the pupils at their studies and listened to the teachers whilst lessons were in progress, but the writing and drawing in the lower classes did not strike me as reaching a high standard. However, the syllabus of instruction is a wide one—much wider than our own—and as the time for actual teaching is less than with us, it may be that a lower standard is accepted as satisfying promotion, than would be accepted as a "pass" in this country.

In one school I heard the mistress give a lesson to her fifth class girls on the "Geography of the British Colonies." The subject was intelligently treated, and a blackboard sketch added to the value of the lesson. The recapitulation, however, was disappointing, as the answering was imperfect and hardly such as might fairly be expected from a class of well-read girls.

The late Matthew Arnold refers, in one of his reports, to the answering of the children in German schools, and he points out "that it is a regular exercise for children to be made to give their answers complete," and that "the discipline in accuracy and collectedness which is thus obtained is very valuable." Every teacher of experience will folly recognise the truth of this statement.

In all the schools visited by me, I paid particular attention to this aspect of school braining, but only in the case of a single school do I remember to have heard anything to approach what is reported as being common in all German schools. This was in one of the smaller Sydney schools, where I listened with pleasure to a lesson on algebraical equations of two unknowns. The answering by the pupils showed rare intelligence, nor was the master satisfied until each pupil in turn explained on the blackboard the full meaning of his answer.

It is difficult to compare the Australian schools with our own, there being no common basis on which to form a judgment. In New South Wales the instruction is much wider in the upper classes, but I do not think as much attention is paid to infant training as with us in New Zealand. All the masters I met without exception appeared to me as men well qualified to discharge their responsible duties, but the women did not strike me in the same way.

No girls' or infants' department made the same impression on my mind as did even the least efficient of the boys. Departments, and I was more than surprised at some of the expressions used by lady teachers. On one occasion I entered a girls' department somewhat unexpectedly and the mistress in charge excused herself upon the condition of her class by remarking "that her girls had been on the loose all day." I do not know whether this is the ordinary language of the schools in Australia, but it would be deemed if not improper certainly very unusual if used under similar circumstances in New Zealand schools.

I did not see the arrangements for the training of lady teachers in New South Wales, but I was pleased with the way the young men are being trained for the profession of teacher. The influences are certainly good, and must develop in them a love for their work and an ambition to maintain a high standard of efficiency in any schools over which they may be placed.

Victoria has no model school for the training of teachers corresponding to the Fort street school in Sydney. There is an "instruction class" for pupil teachers at the Working Men's College in Melbourne, under the direction of the Education Department, but there is no training institution and no system of scholarships for the benefit of those who have completed their engagement as pupil teachers. Neither in the matter of primary education nor in the training and preparation of teachers can Victoria be compared with New South Wales, and it has yet to formulate a scheme of secondary education in co-ordination with the work of the primary schools and adapted to the public requirements.

In our own country the Education Board; of Otago and Canterbury maintain institutions for the training of their own ex-pupil teachers, but the work is carried on without help from the Government. There is, now ever, a wide contrast between the New South Wales training institution and those just named such as I saw them in February last. The model school in Sydney, where the public school teachers are trained for their profession, is kept up to the highest standard of efficiency, and is controlled directly by the central department. The practising school is a type which is presented to young people who will be the schoolmasters of to-morrow and all their training is anticipatory of progress and development such as central demands. At present nothing is done this way by the New Zealand Governors and it can hardly be expected that its boards of education will be all supply such a public want.

VII. Salaries.—The payment of salaries based on a different principle from the which regulates payment under most of Education Boards in this country, schools are classed according to [unclear: a] teachers holding a certain certificate [unclear: a] entitled to have charge of a certain class school. To each class of school a fixed salary is payable, and in addition resident either "vested or rented," are provided married male teachers. A different [unclear: a] is payable in the case of mistress of assistant teachers, in the larger [unclear: ex] who hold full certificates of competence [unclear: th] are entitled to have charge of schools.

Under the New South Wales systems schools are arranged in ten classes, to wit with an average attendance of 600 or being of the first class; those between 600 and 400 of the second class; between 400 and 300 of the third class; between 300 and 200 of the fourth class; and so [unclear: pa] the tenth class is reached, which [unclear: a] schools with an average below 20. first class of school can only be placed under charge of a teacher who holds the [unclear: ex] departmental certificate and known [unclear: a] the second class of school can be [unclear: ex] teachers who have certificates in third class by those who have II. honors; and the fourth class by those who have II.B.

The salary payable to masters in a school of the first class is [unclear: a] annum; in second class school salary payable is £319 in third class schools, £228. The mistress of [unclear: a] a salary of £285 per [unclear: a] second class schools the salary is [unclear: th] the third class £194, and the fourth £182. The salary payable to the [unclear: a] of the infants' department is [unclear: ca] lower and ranges from £194 in a [unclear: pa] the first-class to £160 in the fourth [unclear: day]

The pupil teachers are well paid, as salaries range from £40 to £68 per cent according to class, in the case of

male from £23 to £46, in the case of female schools of the first and second class of mistresses are employed to give speed instruction to the girls in needle work, [unclear: a] does not exempt the regular teachers staff from giving similar instruction of pupils The salaries of work [unclear: a] vary from £86 to £114 per annum.

The civil service system of paying of in Victoria is very complex, there [unclear: a] many as thirty-two classes and sub-classes for male teachers and nineteen such classes for female teachers. The highest position a teacher can occupy is the eighth division of the first class. There are eight classes and in certain of them eight divisions, and the rate of salary depends on the class and divisions in which a teacher may be placed by the Department of Education.

The highest fixed salary which is paid to teachers is £288 per annum, and the lowest [unclear: a] in the case of males and £56 females. These latter salaries are paid to teachers in charge of the eighth class of schools. The highest fixed salary of an assistant teacher [unclear: a] the rate of £164 per annum for males and £122 for females, and the lowest £130 for males and £85 for females. In addition of these amounts there is a further payment which is made to the principal and assistant teachers only by way of results.

The maximum payment which any teacher can obtain in this way may equal as half of his fixed salary. Thus a teacher possessing a certificate of the highest as might receive under the most favor-[unclear: a] conditions £144 by way of results, or total salary of £432 per annum, whilst a teacher in the lowest class school under [unclear: ca] conditions might raise her salary to rate of £84 per annum. The result conditions, however, are so numerous, and [unclear: a] affected in so many ways that few others, I imagine, succeed in obtain-[unclear: th] the maximum grant.

When schools are provided with residences [unclear: a] is charged to the head teacher, who is required to keep his residence in good re-[unclear: ex] at his own cost, and on leaving the school he is required to furnish a report by himself and his successor as to the edition in which every thing is left. I do [unclear: pa] know the price of house rent in Victoria, [unclear: a] it appears to me the teachers in New South Wales have the better arrangement, as the system under which they work clearly produces a healthier tone in the schools and [unclear: a] the teachers themselves. At least, this is my opinion, after an impartial [unclear: pa] into the working of both systems.

VIII. Control.—I have already pointed out last there is no local control of the schools other in New South Wales or Victoria such [unclear: a] we have in New Zealand. It would hardly be correct to say that no provision whatever is made for local supervision, as under the Public Instruction Act, of 1880, the Minister of Education in New South Wales has power to appoint a Public Board of Advice to carry out certain specified [unclear: a] These are:—

- "To regularly visit, inspect, and [unclear: a] upon the school that may be placed under their supervision."
- "To suspend any teacher for misconduct in cases not admitting of delay."
- "To use every endeavor to induce parents to send their children to school, and to report the names of parents or guardians who refuse or fail to educate their children."

The power of appointment rests solely with the Minister, No exercising control can devolve upon a district unless through what I suppose must be termed a political channel, and in many cases no appointments are made. A body of men without the right to exercise separate control is not likely to become popular among people or prove effective as an instrument of good, and I was informed by the principal of one of the Sydney schools, that although a Board of Advice had been appointed for his district he had not seen any of the members, and did not think they had held any meetings.

One can well understand that a popular school hardly needs a board to carry out the duties such as I have mentioned, but a school represents something more than a political institution, for every parent has a direct interest in its well being, and is more concerned in its success than in any other Government institution which deals directly with the social, moral, and material progress of a people.

Under the Victorian Act of 1890, Boards of Advice are made elective, and their duties are more extensive than in New South Wales, but an officer of the department stated to me that it is often difficult to find a sufficient number of persons who care to become members of such boards. The enforcement of attendance is directly controlled by the central department, but no action is taken in New South Wales unless recommended by teachers through the inspector. In Victoria, Boards of Advice may recommend prosecutions for non-attendance, and these are undertaken either directly by the department or by truant officers who are appointed by the Government to enforce the compulsory clause of the Act.

In the Victorian report for the year ending December 1894, the central department in Melbourne is returned as having authorised 456 prosecutions against parents, and 2312 were authorised by the Boards of Advice. During the past five years the cost of truant officers in Melbourne and the other more important centres of population, has averaged about £7000 a year Still, the returns of attendance hardly show a satisfactory state of things. Compared with the roll number the average attendance was only 65.03 per cent for the year 1894, but this is even higher than in one of the large Melbourne schools I visited, where the average attendance was

below 58 per cent of the roll.

These results are much lower than those in New Zealand where the average attendance for the year 1894 was 80.6 per cent of the toll number or a difference in favor of this colony of more than 15 per cent. Here, however, the enforcement of attendance is purely local, yet comparatively few prosecutions are undertaken, it being certain that the election of local committees exercises a direct influence upon the attendance in almost every school district.

IX. Teachers' Duties.—The absence of School Committees and Education Boards, and the recognition of teachers as civil servants, make it necessary for the teaching staff in every school to be responsible for the performance of duties which are usually undertaken by committees and even by Education Boards in New Zealand. Head teachers arrange for the cleaning of school rooms and out-premises, the warming of the building, and all matters which must be undertaken by the central department where local government is wanted. A monthly allowance is made to a head master to provide for the due performance of the work, but more than once complaints reached me of the insufficiency of the grant, which had often to be made up out of ordinary salary. I did not obtain a copy of the scale of payments to teachers for carrying out those services, but in one large school of over 1300 children the master received a monthly allowance of a little more than £7 a sum which would certainly be considered inadequate in this country.

X. School building.—None of the buildings I saw impressed me as representing atypical modern public school. Both in Sydney and Melbourne one sees bigness everywhere, but there is no type or general plan such as the schools themselves present, and such as one would expect to find under the special environment and climatic conditions of the two colonies. Ornamentation is absent everywhere, and the buildings gave one the idea of a constant patching and enlarging to meet the constant demands of a rapidly increasing population. [unclear: la] most of the schools the light is defective and the dull green paint which covers the walls of the room from the floor for a height of five feet or more gives the rooms a sombre and unattractive appearance.

The school desks are made up of iron stands with a simple sloping top of dark cedar-like wood without drawers or arrangements of any kind for books or slates. Each desk is made to accommodate about eight pupils, and they are usually arranged six deep, and run the full length of the schoolroom. The more modern types of apparatus and appliances are wanting and schoolroom ornamentation appears to receive no attention or encouragement. There are no shelter sheds in the school grounds [unclear: a] as are provided for the children here. [unclear: ca] the need may not be great, as the child usually goes home for dinner and returns few minutes before the time for beginning afternoon studies.

XI. General Remarks.—Before proceeding to describe the work of the technical school I would like to say here that I left [unclear: a] with a good opinion of the work being attempted in the public schools, [unclear: a] more particularly the schools of New South Wales. The system of public instruction in the latter colony may be capable of [unclear: a] improvements, but it is one well fitted to meet the wants of a free people. What specially of value in it is the power it is of expansion and adaptability. It may be that subjects of instruction are [unclear: intro] into the school course that are not [unclear: ne] and others of value may perhaps be [unclear: paying], but defects of this sort can be read without the help of an Amending Education Act, or without fear of hard criticism.

The system is an education system [unclear: ex] in its truest sense, and it is provided for the benefit of all people in the colony seeing that it supplies education for [unclear: the ren] from the cradle to the university is arranged on the lines of the [unclear: ca] school system, which views education as a growth or a development, and children, when they begin their school must begin in the primary school, and thence they may pass on to the secondary thence to the university by means of bursaries and scholarships, or failing these fees, so long as their parents are willing to make the necessary sacrifices for their [unclear: ex] and education.

It is here that the public system of instruction in New South Wales is so [unclear: ex] in advance of our own. The [unclear: pa] schools of New Zealand have no means of rising to better or to higher things than those above them by special Act any below them in efficiency and as [unclear: pa] of knowledge, there being no public [unclear: a] of secondary education co-ordinated with our primary schools. The one-[unclear: pa] the New South Wales scheme, however, constitutes both its strength and its [unclear: ex]. In efficient hands it is even now [unclear: ca] great results but its danger lies in its centralism and absolutism.

With good men at the helm such as now there autocracy may continue to [unclear: parish] even in a democratic community undoubtedly the systems of public education in New South Wales and Victoria are severely autocratic. Education is [unclear: th] the people, but the people have no [unclear: ex]ing voice in those colonies beyond [unclear: a] their representatives may say in the Parliament of the country. The will of the Minister of Education is the will of his executive officers, whose authority extends into every schoolroom and influences the [unclear: ex] of every child in the public schools. Local interest is dead, for the people have [unclear: pa] become the true Lotus-eaters of education, the only prevailing thought [unclear: th] them being the right to have their children taught in Government schools. A [unclear: pa] such as this may free the teachers

[unclear: th] local oversight and harass such as way teachers have felt in New Zealand, [unclear: ex] I doubt whether a teacher's independence is as great in Australia as in New Zealand, and certainly there is much less [unclear: pa] for the growth of individuality in Australian schools, because everything in school management and control has to be [unclear: ex] out according to orders, issued by [unclear: ex] central department

If local government such as we have in this country had free scope in dealing with scheme of public instruction like that of New South Wales, I do not doubt that the results would be better than they now are public interest in the progress of education [unclear: ex] of paramount importance, for once the [unclear: ca] recognise the need they devise means sustain that need, though the central authority should be weak and impotent. [unclear: ex] districts in this country vie with each [unclear: th] in making their schools attractive and [unclear: ca] and though school committees [unclear: th] overstep the bounds of prudence matters relating to school government, [unclear: pa] this is to be preferred to the deadness [unclear: ca] the indifference which are the products centralism under which the self-reliance of a people is slowly but surely destroyed, [unclear: ex] dependence is fostered and recognised a necessary constituent of democracy.

XII. Technical instruction.—Most of my [unclear: pa] evenings were spent in the pursuit of instruction bearing on the question of technical education, and nothing I saw in Australia made a stronger impression on my [unclear: ca] than the work that is being done at [unclear: pa] Working Men's College, Melbourne, [unclear: ca] the Sydney Technological College.

These institutions are of recent growth, [unclear: ex] already they have reached a standard of efficiency that promises well for the [unclear: ture].

The Working Men's College in Melbourne established mainly through the [unclear: munifi-pa] of the late Hon F. Ormond, M. L. C., who at various times gave large sums of every towards the erection of the buildings which have been provided at a cost of about [unclear: 000] The Technological College in Sydney was erected by the Government at a cost of more than £60,000, whilst a Technological Museum has been added at an additional cost of £20,000. These institutions have been founded to facilitate the attainment of a knowledge of handicrafts, sciences, and languages by the people in each colony.

The buildings contain class rooms for teaching purposes, a chemical laboratory, workshops, and foundry, and any person is entitled to join as a member on payment of certain fees. The subjects taught are numerous, and for convenience may be classed under the following groups:—

- Agricultural and pastoral group, including agriculture, wool-classing, sorting, and veterinary science
- Art group, including drawing, modeling, and painting.
- Science group, including subjects such as chemistry, geology, physiology.
- Professional and trades group, such as architecture, carpentry, joinery, carving, fitting and turning, blacksmithing, plumbing, pharmacy, lithography, photography, and many others.
- Domestic group, including cookery, dress cutting, and dressmaking.
- Commercial and literary group, including book-keeping, shorthand, English French, German, and Latin.

Classes for instruction under each group are carried on during the year by practical teachers and the popularity of them may be estimated by the fact that between two and three thousand students are enrolled each year as students at each college.

The Sydney Technical College is under the control of the Education Department and the connection is being utilised for the introduction of manual training into the public schools.

All students at the Fort street training college for teachers have to undergo a two years course of instruction in manual training whilst the lads belonging to the high schools and public schools are required to pass through a three years' course. Both courses are carefully drawn up but as I only saw the lads at work I give their syllabus here in the hope that it may be of direct value to the schools. The course was being carried out in the workshops at the Technical College, where the boys from the high schools and certain of the superior schools receive regular instruction in manual training and physics.

## First Year.

Drawing—The use of set squares and compasses; the principle of projection. Definitions of the following terms:—Plan, elevation, section, projector, horizontal plane, vertical plane, XY. or ground line. Drawing to scale and full size, exercises to be executed in practice.

Tools—The construction and use of the following:—The common rule, saws, planes, chisels, gouges, hammer, mallet, try square, spokes have, gauges, their manipulation and how to keep them in order, grinding and sharpening angles of edge tools for hard and soft wood.

Practical Work—

- —Dressing timber truly; the use of plane try-square, winding sticks and marking gauge.
- —The use of saw and chisel, also chamfering.

- —Square prism, planing, sawing, and paring with chisel.
- —Ootagon prism; the use of chisel, plane and pencil gauge.
- —Cylinder; the use of plane.
- —Paper knife; to show varying grain in wood.
- —Grooving, chamfering, cutting, fluke and V.
- —Shield; the nee of plane, gouge, spokes have, bow saw, and compass.
- —Grooving, rebating, chamfering, working ovolo and scotia.
- —Soap tray, fitting and the use of nails.
- Lapped halving.
- —Oxford frame, lapped halving applied, rebating and stop chamfering.
- —Tow el-roller; exercise V. applied.

## Second Year.

Drawing—More advanced drawing, including plans, elevations, sections, and isometric projections.

Timber—Names, peculiarities, and uses of common timbers grown in New South Wales.

Practical Work.—

- —Housed joint.
- —Tongue and grooved joint.
- —Wall bracket, halving applied; cutting curve and chamfering.
- —Mortice and tenon joint.
- —Haunched mortice and tenon joint.
- —Mortice and tenon frame, common and haunched mortice and tenon joint applied; rebating, chamfering, and the uses of glue.
- —Bail for clothes hook, inlaying with different colored woods.
- —Mitre joint.
- —Parquetry mat.
- —Common dovetail joint.
- —Lapped dovetail joint.

## Third Year.

Drawing—Making working dress from models and sketches, sketch the different joints used in woods making dimension sketches from joints and diagrams.

Timbers—Names and uses of common timbers used, growth, age, and [unclear: pa] fell timbers; natural and [unclear: ca] methods of seasoning, cutting up economy and beauty; decay of time and common modes of preservation.

Practical Work.—

- —Inkstand.
- —Dovetail Box, common dovetail Pinned Fixing Hinges And driving [unclear: pa]
- —Books rack, lapped dovetail [unclear: th]
- —Wall bracket, mortice and [unclear: pa] applied; fret cutting and carving.
- —Chess board, inlaying and vessel with different colored woods, and joint applied

There are four instructors of my training, whose influence is already of felt in some of the other districts beyond limits of Sydney, and it is evident that South Wales through its Technical [unclear: ca] will soon be able to provide facilities by instruction and training of all the [unclear: pa] the highest class at the public school.

The same facilities are not yet and to the children in Victoria, but the [unclear: pa] Men's College is doing some excellent of and its influence is being felt in a places. Every facility is given to [unclear: th] in the country to attend the college of the price of a return fare on the [unclear: ca] being one shilling within twenty-five of Melbourne, one shilling and [unclear: a] the distance is not more than [unclear: fa] miles, and two shillings if within miles. In Sydney free passes are [unclear: pa] students on the certificate of the direct the college and every encourages given to young men and women to of them to become better acquainted [unclear: a] manipulative and artistic process of trade or profession in which they and engaged.

I went through each college during progress of the classes and it was [unclear: pa] saw the greatest hope and [unclear: pro] education of Australia. To see year spending their time in the pursuit it art or science which will make then [unclear: the] fulfil their duties as men and citizens, and young women gaining experience and knowledge of things which will help them to become better women and housewives, is a picture sufficient to

bring up bright visions of the future.

My only regret is that we in New Zealand have not yet come to realise the great fact that technical education is a reality and a power for good. For many years I have presched "adaptive education" for the schools, with kindergarten training for the young ones. What I have seen in Australia, though so briefly outlined here, has shown me that the modern school of to-day must teach the children to anticipate to-morrow. The dead past must give place to the needful present, and subjects now taught in the schools of secondary importance must be replaced by training of a practical and anticipatory kind. How this can be done it is not necessary to point out here, but that it can be done and ought to be done I am fully convinced. This conviction is the outcome of my visit to the Technical Colleges which are doing such great work for the future of Melbourne and Sydney.

decorative feature

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Poultry and Eggs for Market and Export.

New Zealand Department of Agriculture.

*John D. Ritchie, Secretary.*

By J. A. Henderson.

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## Introduction.

[This pamphlet has had the advantage of being supervised by the author while going through the Press.]

THIS pamphlet is intended as a handy book of reference for farmers and others, showing them improved methods of poultry-keeping, so that they may derive a present benefit, and also be getting into a position to take advantage of foreign markets when these have been made fully available.

Directions for preparation and shipment of frozen poultry, based on Melbourne experience, and also hints as to the shipment of eggs, are appended.

The difference of the seasons in New Zealand and England will enable us to find a good market in London for both poultry and eggs at times of the year when we can most conveniently produce them. Our climate is well suited to the industry, and grain, &c., for food can be grown very cheaply.

Raising fowls for export is not thought to be a very payable industry by itself. It should be combined with egg-production, and so combined will pay best when made to take a place as part of a system of mixed farming.

The formation of societies for the improvement of poultry, as regards egg-laying and table qualities, is strongly to be recommended.

## Poultry and Eggs for Market and Export.

### Domestic Fowls.

#### THE BIRDS TO KEEP.

As so little capital is required to be sunk in birds to breed from, it is poor economy to keep any but the best.

The main flock should be half-bred, but in order to have these two or more pure-breeds must be kept. A small number of the pure-bred birds will do, for a hen is able to reproduce herself many times in a breeding season.

It is not enough to get the right breeds to cross with. In each breed there are families or strains of different value to the farmer. A good strain for him means one in which the useful points—viz., egg-laying or table qualities—have been studied and brought-out. This has to be done by breeding for several generations in succession from healthy birds that have been good layers or good table-fowls.

#### FANCY BIRDS.

It must not be presumed that a bird that takes first prize at a poultry-show is the best bird for the farmer. It may be the worst. Most of the pure-bred birds in this country are of the fancy class, and have been bred for

showing only. They are deteriorated in useful qualities by in-breeding, by breeding from birds known to be poor layers, or weakly, because they show good points in feathers, by keeping back pullets from laying in order to increase their size, &c. The result is a loss of constitution. The birds themselves are subject to disease, and their chickens hard to rear. The egg-producing qualities have suffered even more. Many breeds once noted for laying have lost their good name through fancy breeding.

## IMPROVING FANCY BIRDS.

If a good useful strain cannot be obtained, a systematic attempt must be made to improve the birds that can be got by breeding the good qualities into them. Get a cockerel from one fancier and hens from another, By thus crossing the two strains the lost qualities will reappear to a certain degree in some of the young birds, and by breeding from those that show them most a good result may be expected.

If a laying-breed is to be dealt with, choose a lively looking cockerel lot too big of his kind, one that crows well, and at an early age, and mate Km with hens that have a bright eye, a fine small head, and a young look about them.

If you are breeding for the table, pick the largest and best-framed birds, fancy birds have not been, as a rule, deteriorated in size.

## IMPROVING A STRAIN.

Breed only from the best layers and their progeny, or the best-framed birds, according to what is wanted. Never mind if your birds fall off in fancy points. A yearly record should be kept of the number of eggs laid by each pure-bred hen. This is troublesome, but the trouble is amply repaid. Never breed from a bird that has had any disease, or be delicate as a chicken. Do not force breeding-birds to excessive laying by giving very stimulating food. Avoid in-breeding as much as possible but when you have worked up a good strain, do not run the risk of throwing away the result of your labour by bringing an unknown [*unclear: cockard*] into it. A hen possessing the desired qualities, and tested for egg-laying if possible, should be used for introducing fresh blood. She should be mated to a cock of your own strain, and the best of the female [*unclear: progea*] then mated with your own cock birds. Neighbours working together improving the same breed, are a great help to one another in respect of getting fresh blood for a strain.

## BREEDING CROSS-BREDS.

The first cross of two pure breeds produces the most profitable bird for the farmer. They are very hardy, are no trouble to rear, grow faster and are more easily fattened than pure-breds.

If it be impossible to keep two pure breeds, some good can be done to the common flock by getting a pure-bred cock of a good useful strain and mating him with the best of the mongrel hens. If eggs only he wanted choose a Hamburg, Leghorn, or Minorca cock, and set the eggs from your best-laying hens. If table-birds, a game or Dorking cock, and set toe eggs from the largest-framed hens. For combination of good qualities choose a Houdan. Never breed from a cross-bred cock.

## BREEDS.

I shall confine myself to the most useful of the breeds that are reading to be got. Each breed has its distinguishing marks or points, but in a small work like this space will not allow them to be dwelt on. I shall give a few of their leading useful qualities instead. By knowing the latter we can obtain, either pure or in a cross, the exact bird we want.

## THE NON-SITTING BREEDS.

Rather small sized as a class, but have the egg-producing qualities very strong, and do not become broody.

*Leghorn*.—Small, very hardy, and a good winter and summer layer Large egg.

*Minorca* and *Andalusian*.—Not so small as Leghorn, hardy, good lam but seldom lays in winter unless well sheltered. Very large egg.

*Houdan*.—Fair size, very hardy, good table-bird, fairly good layed Large egg.

*Hamburg*.—Very small. Hard to rear in confinement. Good layer but lays in summer only. Small egg.

## THE SITTING BREEDS.



*Langshan.*—Very hardy. Good winter and summer layer. Good table-bird.

*Brahma.*—Hardy. Good winter layer. Fair table-bird.

*Plymouth Rock.*—Hardy. Very good table-bird. Fair winter and summer layer.

*Cochin.*—Very hardy. Unsuitable for table. Useful in a cross only.

*Game.*—Does not stand confinement very well, but a fair layer and good forager when at liberty. It is a very fine table-bird. Nearly all you see of it is flesh, the feathers lie so close.

*Dorking.*—Does not stand confinement well. The best table-bird of all. The chickens are rather hard to rear, unless they have a good run of short turf.

## **CROSSES FOR LAYING ONLY.**

In all crosses use a cock of the breed first named.

Per summer laying, Hamburg-Leghorn, Leghorn-Minorca, or Minorca-Hamburg.

For winter and summer laying, Leghorn-Plymouth Rock, Minorca-Brahma, Hamburg-Brahma, Hamburg-Cochin, Houdan-Leghorn; and, besides these, a Leghorn or Minorca cock may be crossed with a Lang-Shan, Brahma, Plymouth Rock, or Cochin hen. I may here remark that it is easier to get good-laying strains of Minorcas and of Langshans than of other breeds.

To insure good laying in all the female progeny, both the pure-bred birds must be of a good laying strain.

If eggs are to be sent to London, try to get a cross that lays a tinted egg by using crosses with the Cochin, Langshan, Brahma, and Plymouth Rock hens.

## **CROSSES FOR LAYING AND FOR TABLE.**

Choose a Houdan cock (with light coloured legs if breeding for the London market) and mate him with Dorking, Plymouth Rock, Cochin, or Brahma hens.

## **CROSSES FOR THE TABLE.**

Indian Game-Dorking, Black-red Game-Dorking, Houdan-Dorking are the best crosses, and require scarcely any special fattening, but do not stand confinement very well. Other fair crosses are Dorking-Brahma and Plymouth Rock-Dorking.

## **HOUSES.**

These should be well sheltered from cold winds, and face the sun. Wet ground will not do. A house 6ft. square and 4ft. high is large enough for a dozen birds in a bleak locality. More space is required in a warmer climate. Lean-to houses are cheap and convenient.

Coop

The roost is 18in. above the ground; 3in. or 4in. under it a plank runs along and catches the droppings. Under the plank, on the ground, are the nests. There should be a small window, and the door should have a hole with a slide; also, there should be a hole at the top to let out foul air. Scantling 2½in. square, with the corners smoothed off, makes the best roost.

A very good house may be made of sods, and roofed with saplings and straw or rushes. An empty barrel laid on its side and a roost placed across will house one or two birds comfortably.

## **MOVABLE COOPS.**

I recommend these very strongly to the farmer, as useful to shut up birds in for breeding, to keep purebred fowls in to test their laying, and to rear chickens in. It keeps chickens healthy, and safe from every enemy except the thief.

Coop

It is simply a low-sided box without a bottom, the top being wired over (the bottom also, if chickens are put in it), and is intended to be placed on grass, and moved to fresh ground every day. At one end is a shelter. Under this a low roost if for grown birds, and a settle if for hen and chickens. The sides should be 20in. high, and the wire mesh too small to let a rat through. Boxes with lids are placed outside, open towards inside of coop, for the water-vessel, and for grit. The birds must have an opportunity to dust themselves now and then, and must be examined for lice regularly.

Light active birds thrive best in such a coop, the heavier breeds often getting too fat.

The size for ten fowls could be 5ft. by 8ft., but more space would be an advantage.

## **RUNS.**

The ground for the run should have good drainage. Light gravelly soil does best. When fowls are shut up, 12 square yards space should be allowed to each, A space 12 yards each way would thus keep twelve fowls. It should be kept clean by being dug over occasionally. If space be allowed, some of the droppings will have to be removed.

Cheap enclosures may be made by a wire fence interwoven with manuka or other scrub, or flax. This is better than wire netting being good shelter.

## **FOWLS IN CONFINEMENT.**

Must have clean water, in clean vessels, kept shaded from the sun; lord and sharp gravel about the size of split peas, or a little larger; lime in some form, as egg-shells, burnt bones crushed, broken up oyster or other shells; green food, such as chopped up grass, green corn, water-cress, sowthistle, or a split mangold; soft food early in the morning, with a little chopped-up meat in it; light mid-day meal of soft food, or table-scraps; grain at night; some place besides the roosting-place for a shelter from cold winds, rain, and sun; a place where they can dust themselves.

A large box, with sand or earth mixed with coal-ashes and a little flour of sulphur, will do for dusting if it be refilled occasionally.

The planks under the roosts should be scraped clean every day, otherwise dry earth should be sprinkled to remove all smell. The house should be washed inside with a mixture of lime and carbolic twice a year. The lords should be examined now and then, and if found lousy dusted with Heating's insect-powder. The nests should be fresh strawed and dusted. If the small hen-house tick be troublesome, wash the roosts and house lath sheep-dip, or kerosene and lime.

Wood charcoal, broken up, should be placed within the birds' reach.

## **HOW TO FEED FOWLS.**

Fowls must be fed regularly all the year round. In confinement they should be fed very sparingly. No more should be given at one time than they will eat eagerly, and none left about. If they have their freedom there will be less risk of over-feeding. Fowls on farms are usually underfed.

The food should never be thrown amongst mud. If clean ground or turf be not handy, troughs should be used. See that the weaker birds t some. As to the quantity to be given per head, it is almost impossible to give a cast-iron rule. When laying a hen will eat three times as much as when off laying, and breeds differ, some producing eggs on half the food that others will. The feeder's discretion must be the Bile. As to what it takes to keep fowls see under heading "Profits on Poultry,"

## **FOOD FOR FOWLS.**

The farmer should not be so unreasonable as to expect poultry to pay without at least as careful feeding as other stock; the grain should not be inferior. Wheat, heavy oats, or barley, or buckwheat should be given. I change of grain does good. For a change, maize may be given, but not regulary, unless for fattening. Heavy oats is the best grain for laying-hens. Boil the grain occasionally.

For the soft food, pollard mixed with a little oatmeal or barley-meal. Bran may be used, but requires more meal mixed with it. Potatoes, carrots, Swedish turnips, mangolds, &c., boiled, are good, and mixed with pollard and meal help to make up bulk. Mix the soft food pretty dry.

In confinement, and in winter, the morning meal must be hot, and [*unclear: ma*] food should be given, Sheeps' heads and trotters, paunches and livers, blood, or any part of an animal usually wasted, may be boiled and cut up for them, and the liquor used to mix their food. In rabbit districts there should be no trouble about meat, but the rabbits must be cooked, or their flesh will scour the birds; and too much of it must not be given, soft bones smashed up small make a fair substitute for meat The water in which bones have been boiled is very nourishing.

## **MANAGEMENT WHEN AT LIBERTY ON A FARM.**

The number should not exceed one hundred housed together, probably fifty will be found more profitable, but if housed quite apart, so that they cannot mix, many different lots of fifty may be kept on the same farm. Hens not for breeding will do as well without-cocks being run with them, and the eggs keep longer fresh when

infertile. Cockerels should be shut up by themselves when they begin to get troublesome.

Kill off the cross-bred hens just before their second moult, when they are about two and a half years old. An extra season may be allowed to known good layers. Where a large number is kept, in order to know the age, small numbered metal clips should be fixed on the pullets' legs.

If there be good water, gravel, and places for dusting within their reach, no extra attention is required, but the roosting-house must be very clean, and lime must be supplied if many eggs be sold. Feed twice a day Soft food in the morning, grain at night. Table-scraps should not be wasted. If there be much scrub or other cover about, have a small yard in front of the roosting-house, and shut them in it till midday, when most will have laid. Leave the slide of the door open to let them come out of the house into this yard at daybreak.

To secure eggs in winter chickens should be reared early, so as to lay in autumn. Winter-laying breeds and crosses should be kept, Good shelter, hot morning food, extra meat-supply, help greatly. Crushed green bones and malt are very good. Cheap machines are now to be had for crushing bones, and malt is easily made by soaking one-third of a kerosene tin full of barley for twenty-four hours, draining thoroughly, turning over twice a day for a week, and then baking dry in an oven A little pepper may be mixed with the food two or three times a week. A sprinkling of salt gives a relish; too much is a poison, In extra severe weather, for fifty fowls dissolve a piece of sulphate of iron the size of a small hazel nut in the water used to mix the soft food. It is very cheap stuff; but remember it is a poison in large doses.

To put a hen off sitting shut her up with a cockerel, which will keep her moving, or put her outside, fronting the other hens, in a coop barred front and bottom.

## PROFITS OF POULTRY-KEEPING.

It would be easy to give an estimate of the probable profits per annum on a given number of fowls if one knew she breed or cross kept, the exact strain the birds were bred from, the housing, shelter and management the locality (varying the price of grain, &c.), whether the food was bought wholesale or retail, and whether the eggs were sold retail or to a stored new laid eggs or sent to auction as box-eggs.

It is plain that in face of widely varying conditions tables showing receipts and expenditure might be very misleading to many. In the attempt here made to show results that actual experience has proved can be realised it is to be understood that birds of the best-laying strains only must be used to cross with; that the housing, shelter, and management must be good; and that the eggs must be sold to the storekeeper as new laid eggs, not sent to auction.

These things being made clear, let us suppose a farmer to keep fifth laying-fowls at liberty—say, Minorca-Langshans. When in full swine his year's accounts might be something like the following, taking Wellington prices as a standard:—

In this case the birds will pick up a portion of the food they require, so that the quantity above given will be sufficient to rear fifty chickens every year—say, twenty-five pullets to take the place of old hens soli, and twenty-five cockerels, as well as feeding the laying stock, even if there be not a great supply of table-scraps.

The profit is 9s. per head of the laying stock, and it will be observed that the bulk of it is from egg-production.

Nothing has been allowed in the calculation for labour, rent, or interest on capital, the object being merely to show profit in excess of cost of food.

The price allowed for eggs—viz., Is. per dozen—is not too high, the Minoca-Langshan cross being a good winter layer, and one-half of the laying stock at the beginning of winter being pullets just commencing to lay so that there would be plenty of eggs in the dear months.

A return of 10s. per head net per annum from eggs alone, from fowls kept in confinement, is not an uncommon result. It has been done, to my knowledge, on asphalt, where the space was less than a square yard to every two fowls, but in this case the birds got a great deal of attention.

I am able to give an estimate of the margin of profit over the cost of food in rearing ducklings for the local market from a trial made last spring. They were sold at the age of ten weeks, and weighed a little over 4lb. each. The price obtained (wholesale) was 2s. 6d. per head, the cost of food (bought retail) 9d. per head; the profit on each was therefore 1s. 9d.—a, handsome one, I think. These ducklings were not a cross of tow pure breeds, but hatched from common shop-eggs. The same birds would have fetched almost double the price in the London market in April.

## LARGE EGG-FARMS.

These have been, as a general rule, failures. The few successful ones have been developed from small beginnings by men with plenty of practical experience. The keeping of poultry is far more likely to be a success

it made part of a system of mixed farming.

Begin on a small scale, selecting two or more breeds. Sitting-breeds and their crosses will not do very well, for to have large numbers wanting to sit would give too much work. Make sure the breeds chosen are suitable for your purpose and to the locality. Work these up to a very high standard before you make a start. Then breed cross-breeds for your poultry-farm. Never cease striving to improve your pure-bred breeding-stock, even after success has been achieved with the cross-breeds.

Keep the cross-breeds in little flocks, entirely separate from each other. A sheltered situation, with good drainage, should be selected.

The division fences must be of such material as will provide shelter from the wind, except in a very sheltered place. The kind of yard shown in the plate enables a start to be made on a small scale at little expense, and the flock to be gradually increased as found profitable by adding new enclosures.

plan of enclosure

Thirty hens are to be run in each of the enclosures dotted, Each one contains one-eighth of an acre. On the spaces unoccupied grasses may be grown and cut for hay. The birds should be shifted two or three times a year, and every flock shifted at the same time. This kind of yard allows complete separation of the flocks (for they do not come in contact even through a chink in the fence) and an occasional shift on to fresh ground both very important matters. There is not much chance of disease spreading through the flocks-The birds must be fed and managed as fowls in confinement, but, of course, do not need green food, and scarcely require a midday meal.

See that they have a shelter besides the roosting-house. Carefully keep down the vermin, and pick out and put by itself any bird that looks sick.

I would suggest the plan of house shown in Wright's "Book of Poultry," but cannot speak of it from personal experience. The width on ground is 7ft., height 6ft., depth from front to back 8ft. It requires under

Roosting house

Roosting house

300ft. of timber, and a handy man could make it himself. A door with an opening and slide at one end, and a similar opening with slide at the other end, over each of which there should be a pane of glass let into the wood. Serrated sheet-iron should be nailed along ridge and along top of door (when left open in summer) to prevent birds perching, and then flying over the fences.

As the breathing-space per head is small, care must be taken not to close the slide they use at night, and to have openings at the top to let out the foul air. The building should be painted white outside.

Another method of keeping fowls in large numbers is by means of movable coops. It has this advantage: that the birds can be moved on to stubbles or wherever they will prevent waste.

Under both the above systems care must be taken not to let the cross-bred birds get too fat to lay.

## THE BREEDING-BIRDS.

Use your best birds. Do not make any that are too closely related. Never breed from a bird that has been sickly or delicate even as a chicken.

Run a cock with eight to twelve hens. With a smaller number of hens there will usually be more cocks among the chickens, especially if the male parent be a cockerel. Pullets are not so good to breed from as two-to four-year-old hens, more especially if mated with a cockerel. A cock is generally useless after his fifth year. The eggs should be fertile after the birds have been five days together. There is no certain way of foretelling the sex of eggs by their appearance.

If the breeding stock be shut up, as I recommend, great care must be taken to supply everything they want. Early in the season a little hemp-seed will help them, and a little sulphate of iron in damp weather.

## SETTING AND HATCHING.

Set from the beginning of June to the end of November. If breeding birds for export, set from beginning of August to end of October. Early chickens thrive best, and early pullets lay in autumn, when eggs are dear. The sooner eggs are set after they are laid the better they hatch. They should not be kept in a draughty or hot place. Mark the date on each egg with ink when you put it away.

Nests should be saucer-shaped, not deep enough for an egg to get on top of the others, or shallow enough to let them roll out. They should be on the ground, unless vermin be very troublesome, or in a box filled with clean damp soil.

Sitting-breeds can always be trusted to hatch and rear, and of cross with them, those hens that become broody generally can.

Some people find turkeys useful for hatching. When they once sit they can be kept sitting for months, if the

chickens be removed when hatched They require to be taken off and fed regularly. They can be made brood by being shut up in a covered box in a dark place, being first given a tea-spoonful or so of port wine, and being regularly stuffed with soft food.

Sitting-hens are least trouble when set in a coop with a small shut-in run attached for them to come off and feed in. They should be fed on grain, and given water once a day only. If they cannot have a dusting place they must be examined for vermin.

The eggs are more easily spoiled in the early part of the hatching-time.

Twice or thrice during the last week sprinkle a small cupful of tepid water over the eggs. This is the more required if the weather be hot and the earth under the nest dry.

Do not make the common mistake of setting too many eggs under the hen.

Set two hens at the same time, if convenient, and when hatched give all the chicks to the one that promises to be the better mother. One clutch is less trouble than two, and, by giving the earlier-hatched chickens to one hen and the unhatched eggs to the other, fewer chicks will get crushed.

Some may require helping out of the shell. Do this very gently, and if blood flow put the egg back, for the chick is not ready to come out. to break a shell not chipped, tap round it near the thick end with a key, and break where it sounds hollow. The hollow place may also be found by holding up to the light.

## TESTING EGGS.

On the seventh or eighth day test the eggs, and remove the infertile ones, which are then good to eat, or to keep to feed the chicks with, use a round tin about 4in. in diameter and 4in. long, one end covered with thick black cloth, in which a hole is cut in the centre to admit the large end of an egg. Place in the position shown in the plate, close to a bright lamp. The fertile ones show a red streak or spot; the infertile ones are clear, like a new-laid egg.

Practice will enable one to tell the eggs that contain dead chicks later on, by the difference in their appearance from the others.

Return the eggs to the hen or incubator as quickly as possible.

diagram of how to test an egg

## HATCHING BY INCUBATOR.

This is a necessity where large numbers are kept. American-made incubators, of improved mechanism, are sold now at a moderate price that will hatch eggs that are a fortnight old. Only new-laid eggs would hatch in the old incubators, owing to the difficulty of keeping up an even temperature. Full directions are given with each machine.

Incubators may be used to hatch eggs to add to the clutches of sitting-hens, or to hatch for bringing up by an artificial mother or brooder. These brooders, with full directions for use, are sold by the incubator makers.

## REARING.

Chicks do not require any food for the first twenty-four hours; after that they should get a little every two hours for a week, then every three hours for a month, and thereafter four times a day. The food for the first day or two should be hard-boiled eggs, chopped fine, shells and all, mixed with coarse oatmeal or stale bread-crumbs. Then oatmeal, mixed pretty firm with boiling water or skim-milk, and then crumbled up. Later on, oatmeal or barley-meal-mixed with pollard or with boiled potato. Start feeding at daybreak. An occasional change does good. After a week a little grain should be given at night; wheat is best, for there is no husk. Cracked maize should not be given regularly, but may benefit for a change. After grain is given, broken gravel must be always kept within their reach. Boil their grain occasionally.

The best way and least troublesome is to bring up in a movable coop, wired on bottom as well as on top, where they are safe from rain, wind, cats, and rats. Keep the coop on short turf, on well-drained ground, Chicks cannot be reared on a bare wooden floor. If the chicks be reared on bare ground, grass finely cut up should be given every day.

Milk is a useful addition to chicken diet; skimmed milk does very well.

Place water near them from the first, and keep it fresh and sweet.

A little chopped-up meat once a day strengthens them when feathering. During the time they are growing their feathers—say, after the first week—pure-bred chicks are much strengthened by getting sulphate of iron put into their water, in the proportion of a piece the size of a large pea to 0 quarts. The cross-breds are stronger, and do not require this. Giving an extra feed by candle-light helps early chicks.

Feed the hen by herself, if you can.

If the chicks show signs of diarrhoea or a change their food, A little flour in the soft food, boiled milk to mix it or drink, and dry rice at night are ill good for diarrhoea.

Bone-dust mixed in the soft food twice a week is very strengthening, bid prevents leg-weakness.

Chickens must not be over-fed, especially in hot weather, and no food should be left about.

If they appear to be drooping in hot weather, liver-weakness may be suspected. If a chick dies of it, on cutting it open its gall-bladder will be found very much enlarged. For this complaint, a very common one in confinement, feed moderately, and two or three times a week mix a tea-spoonful of carbonate of soda in the soft food for every dozen chicks of three weeks old; if older, a larger quantity.

When the chickens are half-grown it is a great mistake to neglect them. To make fine birds, they require care and special feeding till full grown, With this object they should be kept separate from the general flock, and shut up, so that they cannot run their flesh off. Movable coops will be found very useful. Separate the cockerels from the pullets. Do not shut up young birds of different ages together. See they are not overcrowded.

At four months the cockerels may be fattened and sold. Between four and six months they do not grow much, their strength going more to making feathers.

A crooked breast-bone injures the sale of a table-bird, and, to prevent this, chickens of the heavy breeds at least should not be allowed to roost till they are four months old, and even then should not be put on a round or narrow perch.

## **FATTENING.**

Crosses with game require scarcely any, if well fed from the shell.

Put those to be fattened in a small yard, so that they have less running about than usual. Fast for a few hours, and then feed thrice a day on soft food. Put in only birds of the same age and bred together There will be greater success with a small number.

The time will vary from seven to fourteen days, or thereabouts. After a certain point is reached they begin to go back, so watch them closely.

Pollard, mixed with oatmeal, barley-meal or maize-meal, to which after a day or two a little chopped fat is added, fattens well. Change the food when they seem to go off it. Give no grain unless well boiled. Full or skim-milk instead of water helps to fatten. Give grit and fresh water.

## **COOP-FATTENING.**

Pick six birds reared together and put in a coop in a sheltered place The coop must be roomy, and barred in front and underneath. It is important that the bars in front should be 2im apart, upright, and those underneath 1in. apart, lengthways. The trough for the food should be fixed across outside the bars, and above the level of the floor. Mix the food up very soft. Fast twelve hours when first put in the coop. Then feed twice or thrice a day, giving a little at a time, and when they have clear that up giving more, Leave none in the troughs when they are done.

## **CAPONIZING.**

Capons are easily kept and fattened; they grow very large, and the flesh keeps tender till they are eighteen months old.

They will rear chickens if they are put in a coop at night, and the chickens put under them.

About four months is the age to operate. If any die, they die at once from loss of blood, so are quite good to eat.

Fast the bird twenty-four hours, place it on its side on the boss shown on the plate, fixing the wings with a strap run through the round hole A, and placing the padded stick B (weighted with half a brick at the free end) over the legs. The other end of the stick may be shifted back-ward and forwards in the slot C to suit the size of the bird. The upper-most leg should be drawn back behind the other.

## ***Canonizing Instruments.***

**Board, one-tenth actual size. D, Spring, actual size. E, Loop, actual size.**

Make a cut 1½in. long between the two last ribs close up to the back, taking care not to prick the bowels, and fix the spring D so as to keep the cut open. The ends of the spring take a side turn like a fishhook to enable

it to catch. The thin skin over the bowels must be torn through, and the testicles are then seen attached to the back. The loop of a horse-hair, run through a small pipe E, is hooked over the testicle, and then pulled tight. The testicle is detached by gently working the tube about, and is carefully lifted out. The cut is then sewn up with two or three single stitches of horsehair, the bird is turned, and the operation repeated on the other side. The bird may be held by an assistant instead of being fixed on a board.

Put in a cool, rather dark place, without a roost, and feed on soft food for a few days. If the bird swells much, it should be pricked to let the air out.

Some operators adopt the Chinese method, and pull the skin down over the ribs before cutting, so that when freed after the operation it will close the wound, and so avoid having to take up stitches.

Both testicles can be removed without turning the bird, but the operation requires extra skill and special instruments.

## DISEASES OF POULTRY.

The space at my command forbids my going into this subject deeply. It may pay the fancier (whose fowls are of greater value to him) to doctor sick ones, but it will not pay the farmer.

To study how to prevent disease in the flock, however, will pay every-one. I have already spoken of this, and shall here describe one or two of the common, easily-treated diseases, &c., giving a few simple cheap remedies.

The causes of most diseases are inherited tendencies—under-feeding, over-feeding, want of exercise, want of grit, dirt, bad water, damp, draughts, or change to colder quarters, &c.

When a bird appears sick take it at once from the flock, for most of their complaints are very infectious.

Place it in a clean lime-washed coop in a sheltered place.

*Cold.*—A running at eyes and nostrils, and an occasional sneeze. Caused by chill. Keep warm, and feed on warm soft food, with a little meet and pepper added. Wash and dry the head, then wash again with a weak solution of permanganate of potash (very cheap stuff), or Condy's fluid, and pour a little down its throat. Do this daily. Neglected coli may turn to roup.

*Roup.*—If the discharge from eyes and nostrils becomes thick and offensive, the bird at the same time becoming weak, it is a case of roup. It may be treated as for a cold, the parts washed with a wash of ten drops carbolic acid with a gill of warm water, and the bird given a little sulphate of iron as well; but it is not generally worth while to try to cure it if many be kept, for this disease is highly contagious. Other symptoms of roup are swelled eyes, canker in the comb or face, a membrane forming in the throat (diphtheria). The diphtheric roup and canker in the comb may be treated with flour of sulphur applied to the parts.

*Diarrhœa.*—Change the food. Give little water. Put flour, ground cinnamon, or chalk in the food. Give dry rice. Boil a few cloves (two for each bird), and mix their food with the liquor. If getting weak, give sulphate of iron as well. Advanced stages of this disease are infection, and I should advise that birds be killed and buried if seen getting very bad.

*Liver disease.*—Kills more birds than any other. Generally inherited. Feeding on maize, confinement, and overfeeding, with want of grit, will cause it. It is worst in hot weather. The droppings are soft and yellow, the appetite is poor, and soft food is refused, but the crop is always full. The bird looks dull, and often walks lame. It is not worth while doctoring any but very mild cases. The best remedy is dandelion, given regularly, chopped up very fine, and put in the food. Never bred from birds that have shown a tendency to this disease.

*Indigestion or Giddiness.*—Give a dose of Epsom salts, one-fifth the amount given to a grown person, and feed moderately.

*Leg-weakness.*—Seen in growing cockerels. Give crushed bone or bonedust and sulphate of iron.

*Gapes.*—Seen in chickens, A worm in the windpipe; probably caused by drinking foul water. Strip a feather to near the point, Put the feather point down the windpipe, twisting sharply round and drawing out with worms sticking to it. Smoking with carbolic acid is an effectual but dangerous cure. A teaspoonful of spirits of turpentine to a pint of meal in the soft food is also a good remedy.

*Soft Eggs.*—Caused by want of lime or over-stimulating food. Supply lime, or give simpler food, as the case may be.

*Egg-eating.*—A vice for which prompt execution is the only remedy.

*Moulting.*—Not a disease, but the birds should have extra attention. They want warmth, good feeding, and a little sulphate of iron. The non-sitters suffer most. If a few be put together in a warm coop they suffer much less.

*The Pip.*—A horny substance forming on the tongue. Remove with the nail of the thumb, and wash the mouth with a disinfectant.

## **Ducks.**

Most of the rules given for fowls apply to ducks; but they are much more easily reared and fattened. Like fowls, they can be improved in their laying and as table-birds by selection; also, with them, a first cross is the most profitable bird, being a better layer and more easily reared than the pure.

The breeds to choose from are Aylesbury, Rouen, and Pekin. The Aylesbury is the best ail-round bird in its pure state. The Pekin is the best layer. They may be crossed in any way; but the best crosses are Rouen drake and Aylesbury duck, Pekin drake and Rouen duck.

A pure-bred drake may also be crossed with common ducks. Always choose the largest framed, unless breeding for eggs-The breeding-birds should be ten to twelve months at least, and four or five ducks run with each drake. They must not be harassed when laying. A pond is not essential unless they have been used to it.

To lay in winter they must be kept dry and warm and have hot cooked food. Feed sparingly after their moult, or they will get too fat to lay. Do not give much meat in hot weather, or they will shed their feathers.

## **HOUSES FOR DUCKS.**

Any house will do that will keep them dry and warm in winter. One built of sod and roofed with thatch does capitally. Leave the upper half of the doorway open for ventilation. Keep them shut up till about nine o'clock in the morning, when they will all have laid. There should be a small yard in front of the house to feed and water them in.

## **DUCKLINGS.**

It pays well to rear ducklings for the market. They are fit to kill at ten or eleven weeks old; if kept much longer they begin to moult. The eggs may be set under a hen, or in an incubator. They hatch in twenty-eight days. When hatched remove to a box lined with straw. They require no mother. Keep them clean. Sprinkle a little oatmeal in their water at first, and feed on pollard and meal mixed warm, giving them a little bone-dust and chopped-up meat two or three times a week. Feed four times a day, oftener at first. Milk now and then, instead of water, mixed in their food helps them. After five weeks they should get little water, they may also then have wheat put in their water at night. They should be all along, except the last week, supplied with green food, and fine grit or sand should be always kept in their water.

A small house does, but it must be kept clean. Put fresh straw in every morning, Feed and water them in a small yard outside. Do not let them lie in the sun in very hot weather or some will die of sunstroke.

For export, commence setting eggs in August and leave off early in December.

## **Geese.**

For breeding-stock get a Toulouse gander and four Embden geese, and get them as large framed as possible, and two years old or over. Geese live to a great age, and these need not be changed, but kept as breeders as long as they prove satisfactory. They should be shut up at night. A small pond, about 2ft. deep or more, is almost a necessity. Give hot food early in the season, to induce early laying.

## **GOSLINGS.**

Geese make good sitters and mothers. Eggs may also be set under hens, and the birds given to the goose to rear with her own. Nests should be on the ground. Moisten the eggs well. They take thirty days to hatch. Feed as directed for ducklings till fledged, and they will then feed them-selves. If intended to be fattened for market at four to six months old they must be fed right on, and may be shut up in a slightly darkened place and fed on meal and oats for a short time to finish off. Geese fatten well on stubble fields. Fed as above directed they should weigh about 10lb. live weight. The quality of the flesh depends on the feeding.

## **Turkeys.**

The American bronze should be selected to cross with the common turkey. Large-framed birds, two years or over, are most suitable, and in-breeding must be carefully avoided. They require plenty of room, and wander far, so should be fed at night to bring them home.

## **HATCHING AND REARING TURKEYS.**



The gobblers should be shut off from the rearing-ground. Early reared birds do best. Turkeys sit so very close that they often require to be taken off the nest and fed" A few eggs should be set under hens and added to the turkey's flock. A little before the eggs are hatched take her off the nest and clean it out, and see that she is dear of vermin. The eggs take twenty-eight or twenty-nine days to hatch.

Turkeys are hard to rear. The best helps are dryness and cleanliness and freedom from lice. Keep them inside for a day or two, then put the mother in a coop on short dry grass. Let her out when the young once are three weeks old, and feed them under a frame.

For the first week their food should be hard-boiled eggs with chopped dandelion leaves. Curd of sour milk with tops of onions or dock, cut fine, may also be given. They may be afterwards fed on pollard and meal, like chickens, and may get a little grain. Change the food now and then, Bonemeal and meat must be supplied, and milk will do no harm. The growing birds should perch on flat roosts only.

Lice kill about half the young turkeys that die.

Open sheds make the best roosting-places, and short grass the best runs.

Turkey-cocks should weigh 12lb. or over, and hens 7lb. or over, at twelve months old.

Fatten in a slightly-darkened shed, the light being let in while feeding and give them meal mixed with boiled potatoes. Boiled corn may be given for a change.

## **The Class of Birds for Export.**

Spring chickens: Three to four months old, not less than 3½lb. live weight.

Cockerels and pullets: Four to seven months old.

Capons may be as old as twelve months.

The class of fowl roost in favour in the London market is one of the Dorking type, with plenty of breast-meat, a white skin, and, for preference white legs, and feet with five toes on each, A good breast and a white skin are the more important points, the others being a matter of fancy For birds to use, see under heading "Crosses for the Table."

Ducklings: Ten to twelve weeks, not under 4lb. live weight. Ducks: Not over six months old.

With regard to ducks and ducklings, size and condition are everything Use the crosses recommended.

Geese: Large birds, and in prime condition only, should be shipped See under headings "Geese," and "Goslings."

Turkeys: Not over twelve months old. Gobblers must not be less than 12lb, live weight; hens, 8lb. Birds of 16lb. to 18lb. bring top price.

In all classes, the heaviest, best-conditioned birds find the best market, and return by far the largest net profit. It will not pay to ship any but really first-class birds.

## **TIME TO SHIP.**

Fowls and ducks must be shipped so as to arrive in London between the beginning of March and the middle of May, The market is usually highest in the first week of May, but rapidly falls after that.

Geese and turkeys are sold to the best advantage shortly before Christmas, especially heavy weights. It is questionable whether it is worth while shipping to London at other times of the year; but it is worthy of note that the times mentioned are very convenient for New Zealand producers.

## **PRICES OBTAINABLE IN LONDON.**

The prices obtained by Melbourne shippers last season were, according to recent advices; Best ducklings, 8s. to 9s. 6d. per pair; best chickens, 3s. 6d. to 4s. 6d. each; best gobblers, 10s. to 11s. each (young poults). A shipment of gobblers last Christmas brought up to 20s. each.

## **KILLING AND PREPARING.**

All classes of poultry should be fasted sixteen to twenty-four hours, according to age, &c, before being killed; and their feet should be washed.

Fowls: The Melbourne shippers now break the birds' necks, and hang them up by the legs long enough to let the blood collect in the head and neck. They formerly bled them. I should advise either to break the neck in poulterer's fashion, as above, or to take the bird by the wing and feet legs and stun it by hitting its head against a post, then to hang it up by legs, and run the blade of a penknife into the brain through the roof of the mouth. It will thus be properly bled, and the flesh will be white. In either case, the head should be carefully tied up in paper, to avoid soiling the bird during plucking and afterwards. The legs should be tied before killing.

Ducks may be killed the same way as fowls. They must be hung up at least ten minutes to bleed. Some people cut their throats, and they bleed well this way. The head must be carefully tied up in paper.

Geese: Lock their wings and hang up by the legs, Take by the beak with one hand, and stun by a blow from a sapling on the back of the head, then run a penknife into the brain through the roof of the mouth, After being thoroughly bled tie up the head in paper.

Turkeys: The neck may be broken and the bird hung up, or it may be stunned by a blow on the head, and then bled as above. Tie up the head in paper.

Rough handling and killing is specially to be avoided, as tending to injure the appearance of the birds.

After the birds have been sufficiently bled, and while still warm, they Should be plucked. If allowed to get cold the skin is apt to tear, and this is against the birds fetching a good price. Care should be taken to have clean hands, and to avoid soiling their skins, for washing them is objectionable. The less handling the breast gets the better. They should be plucked clean, except the head, upper part of neck, and wings. Singeing is unnecessary, and rather a disadvantage. The only other thing to be done is to draw the gut. This is done by inserting a steel hook through the vent, hooking the gut, and pulling it out.

The birds should not be cut at all. Shippers in Melbourne have given up trussing them.

## Freezing and Packing.

Birds should be frozen separately as soon as they are cold. They must be cold right through, however, or they will not thaw out satisfactorily.

The method of packing now adopted in Melbourne is as follows:—

Chickens, ducks, and ducklings : One-decker white deal tasteless wood boxes, the ends being inch wood, and the top, bottom, and sides half-inch The measurement is 2ft, 6in. long, 2ft, broad, 6in deep. The birds are packed lengthways to the case, in three rows, four in a row, and then single ones put in as wedges on the top, making fifteen in all. The boxes are lined inside with butter-cloth, and white blotting-paper, in square pieces is placed between the birds to absorb moisture, and prevent the flesh from the touching. Two sheets of white blotting-paper are placed on the floor of the box, and two more on the top before putting the lid on. Holes should be bored round the box to admit the air freely.

For turkeys, boxes 2ft. 7 in, long, 2ft. 2in, broad, and 8in. deep, are used Eight turkeys are put in each, packed as above described. There is a 2in, opening all round the sides and ends of the boxes, which are bund all round with ½in. hoop iron.

As a free current of air around the boxes is important, I would sugges that, instead of hoop-iron, battens should be used for all poultry boxes of as to prevent their forming a solid mass when packed together on bond ship.

A very important point in shipping is to class evenly—cockerels together and also birds of even weight and quality, and on no account to put in as inferior bird, or one that has been torn in plucking, to injure the sale of the others.

Game is shipped in the feathers, packed the same way as fowls, after being drawn. Attention must be paid to minimum freights.

## Shipping Eggs.

This will yet be a more important industry than the raising of bird for shipment. The production and sale of eggs pays the poultryman much better than selling his birds, and there is an inexhaustible market for egg in London at the very time of the year when they are cheapest and most difficult to sell here. They could be shipped up to the end of November, to arrive in London in November, December, and January, when eggs are at their dearest there. After January eggs are plentiful, and prices fall.

Eggs cannot be shipped frozen, as they mostly burst in the process of thawing. There should not be any great difficulty in shipping successfully in a cool chamber. Six weeks on board ship is not a long time would be easy to keep eggs good for double that length of time ashore at as low a temperature. Unfortunately there are no cool-chambers so early in the season as October, though if the trade were once developed cool-chambers would soon be available.

The hints here given, it must be understood, are not the result of actual experiment in shipping long distances. They are the result of experience in preserving and shipping short distances only.

The points to be observed in preparing eggs for shipment, to be sold as preserved eggs, are:—

- To have them perfectly fresh and new laid when preserved, packed and shipped, A most essential point.
- To close the pores of the shell. This is a safeguard against decay and prevents shrinkage of the contents of the egg by evaporation. It also prevents its taking a taint from its packing, or from other cargo placed near

it. Dip in melted beeswax or rub with lard or salt butter In either case no more should be used than will close the pores, Wax is better than lard, butter, or fat, but much dearer. Dipping in a solution of gum arabic does very well.

- To pack so that the eggs do not touch, and, if it can be done to advantage, to pack in an upright position. The upright position tends to prevent the yolk sticking to the shell, but increases the risk of breakage.

Any strong case or barrel will do to pack in. Well ripened oat or barley straw, free from damp or taint, may be used, 2in. of straw at bottom sides and top, and 1in. between each layer of eggs, A finer quality should be used to wrap the eggs, twenty, thirty, forty, or fifty dozen in each case. To insure well-formed shells the hens should have a plentiful supply of lime-forming material, and no cracked or dirty egg should be packed.

If eggs are shipped to sell as table eggs and expected to bring a higher price than preserved eggs, it is essential that they should not show any signs of treatment. The points to be observed are,—

- To have them infertile. This is done by either keeping no cocks with be hens or shutting the cocks up for a fortnight before beginning to save the eggs. Infertile eggs have been proved to keep fresh much longer than fertile ones, and the latter would, besides, run the risk of starting to hatch in the tropics. This point is not quite so important when the pores are closed with was, &c., for then the male germ is killed by excluding the air, but even preserved eggs keep better if infertile from the first.
- To have them quite fresh and new laid.
- To pack with materials from which they could not take a taint straw, hay, or other material first made sterile by being kiln-dried, or subjected for an hour to, say, 250 degrees of heat Fahrenheit, should be used. The Canadian system of packing—namely, upright, in holes in cardboard—answers well, but perhaps would be found too expensive.
- To exclude the air as much as possible, as by wrapping each egg in waxed paper. Dipping in boiling water for five seconds helps to exclude the air, and is a good preservative, but would probably injure the sale as a fresh egg.
- To pack so that they do not touch, and in an upright position.

There are two methods of assisting the eggs to keep fresh that I should like to mention. Both are preventive of the germs of decay. One is to wrap each egg in tissue-paper, prepared with salicylic acid the other is to smoke with sulphur : this may be done by filling a tight barrel two-thirds full of eggs without packing, and firing a pound of sulphur in an iron shovel in the vacant space, then closing the top for an hour.

[Since the above was put in type I have had advice that a small shipment of eggs made by me, through the New Zealand Loan and Mercantile Agency Company (Limited), was sold in London in December last. The packing was dry hay, and the latter set of rules were carefully attended to with the addition that each egg was wrapped in paper prepared with salicylic acid. The shipment arrived in first-rate condition, although sent as ordinary cargo, and not in a cool-chamber. The price realised was is per dozen, the highest obtainable for imported eggs. The cost of packing, freight, and charges was equal to a little over 3d, per dozen.]

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## Political Address

—By— Mr. Graham, M.H.R.

For Nelson City.

[BY "COLONIST" REPORTER.]

THERE was a large attendance of electors at the Provincial Hall, on Monday evening, March 30th, when Mr John Graham, city member, delivered his post sessional address. The audience Included a large number of lady electors. Mr. Graham upon entering the room with his Chairman was warmly applauded.

Mr John Sharp, the chairman, in his prefatory remarks said that he was presiding in the absence of the Mayor. He said that it would to his mind be a great pity if all agreed in politics, as he was quite aware they did not, but he was sure that a fair hearing would be given Mr Graham. (Applause.) He was the member for the district, and whether or not the majority of electors were with the side Mr Graham represented he was entitled of a fair hearing, which he (Mr Sharp) was sure would be accorded. At the dose of his address Mr Graham would be pleased to answer any questions put to him from the platform. As chairman, he would not accept any anonymous questions, as he did not think it fair to the speaker. If anyone had a fair question to put, let him come forward and put it on the platform. (Applause.) He then called upon Mr Graham to deliver his address.

Mr Graham on rising was received with applause, on the abatement of which he expressed his sincere thanks to the large number who had attended so punctually to hear him, for the cordial reception given him, and to the Chairman. Continuing he said that since he had announced his intention to speak that evening one of the greatest calamities the Colony had ever known had overtaken them. Such a calamity that it had drawn attention

almost wholly away from political subjects. Since the occurrence he had been engaged with other gentlemen doing what only could be done to assuage the distressful condition of those bereaved, and he had that day done a hard day's work, so that he would ask their consideration if he was not up to the mark physically, for what he said he asked no more consideration than they deemed right.

## General Politics.

Public attention had been aroused upon general politics in consequence of the leaders of the two sides of the House addressing meetings in different parts of the Colony on general political subjects—Captain Russel speaking at Hastings, and the Premier honoring Nelson by making it the theatre for his reply thereto Both speakers had dealt with general legislation, only one denying that which had been done was good, and the other affirming that that which had been done was the proper thing to do, but neither went into particulars. As their member, however, it was his duty to tell them what was done at the last session. The session was a long one, of four months duration, and if he spoke twice as long as the Premier had done he could not give more than a synopsis of what had gone on. He would not endeavor, however, to do that, but confine himself to what to his mind were the most important subjects dealt with. In doing this he might miss something upon which information was desired. If this was so he hoped that questions would be asked, for he would not omit anything with a desire to screen it from his constituents, but from want of time. (Applause.)

## Two Questions Answered.

He had been told that two questions were to be asked him. First, whether he had pledged himself absolutely to support the present Ministry in any proposals they might bring forward? and second, what was his position with regard to the present state of the House of Representatives? He would try, if possible, to explain himself so fully that it would not be necessary to put these questions. With reference to the first, a statement had been insidiously circulated that he had bound himself in writing to support the Government in whatever measures they brought forward That simply was not true. (Applause.) Since he had been their member he had written many letters to the Premier, and in reply to one from Mr Seddon asking his views, he had stated what he had stated to his constituents, *viz.*, that he would support the policy inaugurated by the late John Balance, but he reserved to himself absolute freedom upon any questions brought forward which were outside that policy. A gentleman had gone to Motueka and told another person that he had seen such a written pledge, but it was not true, and he (Mr Graham) knew the names of the parties he was referring to. (Applause.) He had spoken to Mr Seddon about the matter the day after his speech in Nelson, and Mr Seddon had replied that it was absolutely untrue, and that he would, had the matter been mentioned to him before, have publicly refuted it at his meeting from the spot where he (Mr Graham) then stood. (Applause.) But he did not wish that, he would rather explain to his constituents himself, and he believed that his statement would be accepted. (Applause.) He did say to the Premier that if necessary he would ask his support of the statement just made. Then, with reference to which side of the house he would support. He had stated at the beginning that he would support the John Balance policy, and he had not budged one iota from that statement, and would not then. The main points of that policy were the substitution of the Land and Income Tax for the Property Tax, and the division of the land into portions sufficiently large to make homesteads for the people. The Opposition, on the other hand, were in favor of the Property Tax, and he had it from one of the leaders of the Opposition that that Party would, could they do so revert to the Property Tax. The Land and Income Tax had reduced the payments of the poorer portion of the people, and increased those of the richer. (Applause.) But the Government, while maintaining the leading portions of Mr Balance's policy, had done things he did not agree with, and some things he strongly disagreed with, and in doing so he believed he was doing what he had been sent to do. When some of the supporters of the Government objected to things, the Opposition would bring forward a motion of want of confidence in the hope of obtaining the votes of these Government supporters who were in disagreement. Then the choice lay between voting against those partially disagreed with. That was his position two or three times, and he had to vote with the Government, not because he agreed with them in everything, but because they were carrying out the main features of the Ballance policy. It was a case of Scylla and Charybdis, and he thought it better to stick to the rock than go into the whirlpool and be absolutely lost. (Applause.)

## The Session of 1895

was a long one, too long. The real business was delayed through the absence of the Treasurer, and there had been some loss of time through this. He had to complain again of the all-night sittings, which resulted in important business being carried on by a House half empty, and of those present half were often asleep. Then when a division was necessary those absent would be rung up, and come in and vote without knowing all that

had gone on. He urged that the business of the country should be transacted in daytime as other business was. (Applause.) If this was done there would be no necessity for Bellamy's and it could be abolished. (Applause.) In the session before last no fewer than 200 Bills had been brought forward, about one-half of which had been dropped; in the past session 91 had been passed into law, and 85 lost or otherwise disposed of. He thought it would be far better for the Government to bring forward their bills earlier, and allow them to be properly digested. Some of the bills drafted were of the most important character, and one of these, the Local Government Bill, would have to come up again, for it was recognised that far too much was being spent in local government for the benefit derived. Then again the means of dispensing charitable aid required revision, and he would like to see it embodied in any new measure, that women should have a considerable amount to do with dispensing charitable aid. (Applause.)

## **The Public Debt**

was one of the most important things that concerned each man, woman, and child in the Colony, for they had to pay the interest on it. Leading politicians had stated the position with regard to the public debt, and each differently. Mr Ward, speaking in the House said that the debt since the Government took office had increased by £1,556,614. Sir Robert Stout said that it had increased £2,281,624, and Captain Russell shortly after had declared that the increase was £3,811,218. Which was right? As far as he went the Treasurer was. He stated that in 1891, when the Government took office, the gross debt was £38,880,850, and upon March 31st last it had increased to £40,386,964, the difference being the amount already named. Sir R. Stout had, in the house, disputed the Treasurer's assertion, and asked for a return of the debt for ten years. The proposal for this return was refused in the House, but carried by the Council to the return of whose order it was obtained from the Audit Department. This return showed that to the amount for 1891 named by Mr Ward there was to be deducted credits of £389,000, and to be added for deficiency and Treasury bills £716,100, which gave a gross debt of £89,157,450 and to Mr Ward's figures for 1895, £493,000 was to be deducted for credit, and £810,000 added for deficiency bills, making the gross amount of debt £40,703,964. The increase to gross debt between the periods was thus shown to be £10,100 less than given by Mr Ward, but it was also stated in the return that in 1891 there was Sinking Fund of £1,487,042, which had decreased to £751,932 in 1895. The difference between these two amounts, less the £100,100 added to Mr Ward's figures, gave the amount of increase stated by Sir Robert Stout to a shilling. (Applause.)

## **Revision of the Tariff**

Captain Russell had said that between 1893 and 1895 there had been a decrease in Customs duties of £95,000, and Sir Robert Stout said that in 1895 they had increased by nearly £50,000. The Premier had said that both these statements could not be correct. In 1893-91 the duties amounted to £1,655,502, in 1894-95 to £1,569,784, a decrease of £85,718. Captain Russell was wrong by £10,000 in his subtraction. The real reason for revision of the tariff was not to remove anomalies, but to raise revenue, and for the year ending December 31st last here had been an increase in the amount of duty paid of £47,503. This increase was not due to an increase of imports, for by the 'Gazette' of February 6th showing the relative imports of '94-95 the imports for '94 were shown to be £6,788,620, and for '95 £6,399,722. or £388,298 less. By 'Gazette' of January 23, the duties paid in 1894 were shown to be £1,572,467, and in 1895 £1,619,970, showing the amount he had stated as increase of duty. The cost of the Tariff Revision Commission totalled about £2,300 for no practical purpose

## **How the Debt was Increased.**

The Premier said that of the increase to the public debt £1,330,000 was interest bearing. That was quite correct, £529,000 had been loaned to public bodies, and was bearing interest at the rate of 5 per cent. For the purchase of the Cheviot estate £250,000 had been used, and for native lands purchase, lands for settlement, lands improvement and New Zealand consols £555,000 was absorbed. In addition £642,000 had to be paid as premiums to enable loans to be converted. One great incentive to the conversion of loan was to release sinking funds which could not under Vogel's Act of 1884, be touched in any other way. Possibly it was the best thing to do, for the Colony must carry on to enable it to do so and pay liabilities, otherwise one of three things had to be done, either increase the already heavy taxation, reduce expenditure, or go in for fresh loans.

## **The Loans to Local Bodies.**

had a feature the public should understand. In the Act of 1886 it was provided that the borrowing local bodies should pay the Government 5 per cent, for 26 years on advances, and at the end of the period the

principal sum would be wiped out, and the Bill provided for a sinking fund, to be made by appropriation, but this appropriation had never been made. In 1892 Mr Ballance had and that this was bad finance, and he brought down a bill by which 1½ per cent of the interest on the loans should be set aside together with an additional half per cent from the land transfer assurance fund, for a sinking fund, so that in twenty-six years the outside creditor might be paid off. The fund had accumulated till in March last there was £64,400, and the present year's accretions would make a sinking fund of £85,000 against the Government loans to local bodies. But the Government law officers had discovered that this sinking fund could be appropriated, and appropriated it had been, though opposed by the Public Accounts Committee. Their result would simply be that, as matters now stood, all the money so far advanced by the Government to local bodies would become in 26 years an addition to the public debt. (Applause). The Auditor-General and the Public Accounts Committee said it was bad finance not to provide a sinking fund, and said he thought they ought to make provision where by the Colony would extinguish its debts at the same time the local bodies paid off their liabilities. (Applause). That was one thing that the Premier said should be left to posterity, but that was one of the points on which he differed from the Premier. (Applause). He would like to refer again to the Customs tariff with regard to the proposed

## Duty on Fruit.

He was accused of speaking one way and voting another. Alterations to the Tariff were, according to custom, brought down by resolution, so that they might be given temporary-effect to, till the House had had time to consider and [unclear: den] whether the alterations should be permanent. He was informed it was the usual custom to pass these resolutions and to adjust matters when the Bill was under consideration. Sir Robert Stout, who was going South, wished [unclear: a] give an expression of his opinion against the duty on Island fruit, and moved in that direction, but the Premier promised [unclear: a] amend, and the resolutions were voted for. The Premier kept his word, and what he objected to was not included in the [unclear: a] the Government having agreed to eliminate the duty on Island fruits, bananas, etc., which would have drawn £20,000 a year from the consumers. They prevented that duty being imposed and in the quietest possible manner.

## Further Borrowing.

There were some who advocated the further borrowing large sums, but he did not think the Colony, with its burdened debt, and in its present position, was prepared for such a [unclear: fl] and he certainly was not. Mr Larnach, for instance, advocates the borrowing, by instalments of five millions, and [unclear: a] Opposition, or at any rate some of them, while [unclear: condemns] the present increase of their indebtedness, wished to go [unclear: ior] further public loans. Dr Newman said borrow two million. Therefore, if the Opposition were in power they would increase the debt, and the question was, was it necessary? (An elector: We don't want more borrowing.) He said they ought as far as they could to live within their means. At present they had to raise £4,360,000 a year by taxation and for services, through the Railway, Postal and other Government Departments. That amounted to £3 7s per head of the population, and nearly £10 a head for the workers. The proper way of stating the debt of the Colony was not per head of the whole population, but per head of the workers, and it was nearly £150 per head of the breadwinners. As proof of this just look at the terrible calamity at Brunnerton. There were 67 bread winners called away, and nearly 250 widows and children left. How could the latter pay the £58 per head of liabilities. Why they were all, at the present, trying to assist these poor people to bear their own burdens. (Applause.)

## Land Settlement.

Now in reference to one part of the Government policy, the settlement of the people on the land, there was dispute and contradiction as to what the Government was doing. The Government said one thing and the Opposition said they did not believe it. He had very considerable respect for the Hon. J. McKenzie, who was a much-abused, upright, honest administrator, and to his (the speaker's) mind, he understood the position better than anyone there. In that he was confirmed by some of the leading men in the Opposition. (Applause.) Recently the Minister stated that since 1891 no fewer than 11,000 selectors had been placed on 2,400,000 acres, the average holding being about 200 acres, and there were 429 tenants of pastoral runs. A gentleman who was "Own Correspondent" to one of the Nelson papers said this was all fudge, but he happened to know that that correspondent was more remarkable for effervescent wit than veracity. He would give an example to gauge from. When the Midland Railway arbitration was demanded, that correspondent said to him, "Now the Company has got the Colony by the wool, and you won't get free for less than a million and a quarter. Now they knew the result of that arbitration, and how far true the statement had proved. (A voice: "Jimmy was out of it.") In purchasing and for settlement no doubt there had been and still would be mistakes, but those

purchases did not depend on the Ministry. There was a Land Purchase Board who reported on the property and on its report only could the Government act. The Government had been condemned for the purchase of the Blind River Estate in a neighboring province, and it was one he believed that ought not to have been bought; it was paying the lowest interest of any, but it was bought on the report of the Board. Statements had been made to disparage the gentleman who formerly owned it, but though he had not spoken to that person about it he said that the former owner did not approach the Government, but the latter approached him. The Government would not accept the acreage in the deed, and had it surveyed, when it was found to contain several hundreds more than appeared in the deed, and they had to pay accordingly. He simply stated facts, [The Chairman spoke to Mr Graham, who continued.] The Chairman had just told him that he understood part of the Estate had grown such crops as had not been raised there before, so that after all the Board's advice might prove as profitable as in other cases. Then there was the Cheviot, in which the Colony had invested a quarter of a million, but there were now 900 souls on the estate instead of one runholder, and while it carried as much stock as before, and there were nearly 10,000 acres in crop. He had been assured that members of the Opposition who were deadly opposed to its purchase now believed the Government did the right thing. (Applause.)

## **Loans for Settlement Purposes.**

The Premier had hinted that it would be necessary to raise money to place people on the lands, and others said they must legislate further for such purpose, but they appeared to have forgotten the Acts of 1894. The Land for Settlement Act provided that they might raise £250,000 a year for five years, while up to March last only £10,100 had been appropriated, so that there was no occasion for further legislation for that purpose. In 1894, too, the Native Lands Improvement and Native Lands Acquisition Act provided that £250,000 might be raised for roads and bridges and £250,000 for purchase of native lands. Up till the next day (31st. March, 1896) however, only £147,000 would be spent on roads and bridges, and £140,000 for native lands so that there was nearly a million and a quarter not yet spent under the former Act, and some £212,000 under the latter had yet to be appropriated, so there was no occasion for further legislation, at any rate at present. Regarding the

## **Advances to Settlers Act**

this gave power to borrow a million and a half a year for two years. One million and a half had been borrowed at 3 per cent—lower than any previous loan. But while they borrowed at 8 per Cent, they borrowed at a discount, receiving only £94 8s 9d. for every £100 of that debt, thus losing £5 11s 3d for every £100. It had been said that the effect of that loan was to lower the rate of interest, but he said the borrowing at that rate was the result of low interest, and not the cause of it. He instanced other Australian loans to show this. He said they were paying £45,000 a year interest, and nearly £8,000 a year for management of the department, together £53,000; and up to the present only half a million had been advanced in two years. He said that more-over, the other Government departments were lending equally cheaply, and read advertisements, so that the Government was competing with itself. The Government had come to the conclusion that more money had not been lent under this Act, because people did not understand it. He believed the New Zealand people were as intelligent as any on the face of the earth, and he said that when the Act was passed pamphlets had been scattered broadcast. He said it would be a further waste of money to send round officials to tell intelligent people what they could read for themselves. (Applause.)

## **The Bank of New Zealand.**

He had been asked what it was the Colony had really done for the Bank of New Zealand. He thought he could give them a clear synopsis. In past years the Bank had invested capital in landed estates, and a large part of its capital was thus locked up. A time came when the Bank had not enough to carry on its legitimate banking business, and it tried to raise two millions of additional capital, but failed. Then it came to the Government and said that unless it received that sum it must close. The Government considered the matter, and said it was able to say that two millions would set the Bank on a sound footing, that the Government could guarantee the sum mentioned, and the people would never be called on to pay a penny. The House accepted the assurance, and the guarantee being given, the Bank was able to get the two millions. Next session the Bank again came to the Government, and the matter was referred to a Select Committee of both Houses, and a lengthy report was brought down. The Committee reported what was known by many before, that the Estates Company and the Auckland Agricultural Company were practically one concern with the Bank. In a sense the Bank separated when the Estates Company was formed, but it did not sell, and held £1,850,000 worth of shares, while debts due to the Bank were stated at £1,426,702, making £3,276,702. They had the accounts, but few could give much information. In the balance sheet of the Bank at the 31st March last the assets were placed at £377,000

less than the liabilities. They had, too, the combined balance sheet of the Estates Company and Agricultural Company, showing a deficiency of £1,764,883, and that, with the Bank deficiency of £377,000, made a total of £2,141,000. The important question was, how could they put the concern so that it might carry on, for the Premier had said what was quite true—that vast misery would result from its stoppage. The first proposition was that the whole of the capital should be wiped off—£900,000; next, that the proceeds of the half-million call on the reserve—£450,000—should be written off. But when that was written off there was still a gap of about £800,000. That was proposed to be dealt with in another way. It was proposed to establish a Realization Board to take over the estates from the Estates Company, valued at £1,879,000, for which it was to give £2,784,000, or £855,000 more than the book value, and this £855,000 was to bridge the gap referred to. That brought the assets and liabilities equal, but in addition the Colony was to give the Bank more capital by taking £500,000 worth of new shares, on which 3½ per cent interest is guaranteed that gave the Bank a clear half-million to carry on with. The collateral security taken was the remainder of the uncalled capital. What was their capital liability then? It was the £2,000,000 guaranteed in 1894, the £2,784,000 given in '95, and the £500,000 for new shares, or a total of £5,234,000. The annual liability for interest was £80,000 a year on the two millions, £95,600 on the debentures for assets realization, and £17,500 on the half million as shares. It had to earn £198,000 a year clear of expenses, or the taxpayers would have to make it up. To save this Bank, and to save a vast amount of misery, he did not think they would get free without losing two millions, and he feared, a good deal more, and he thought if the realization of assets brought in a million it would do well. The first attempted sale had been a failure. They had, however, to bear in mind that this matter was forced on the Government, and whether any Government could have faced the position and done better he doubted very much. (Applause.)

## The Midland Railway

was a question of great importance to the Colony, and of great concern to their district. In 1894, they would remember the Company desired to give up its contract, and make a new one for completing the line between the West Coast and Christchurch leaving Nelson out and giving up its land grants for £618,000 while the cost of building the railway from the West Coast to Christchurch was estimated at one million sterling. He objected to the Colony giving the Company a sum equal to two-thirds of the cost of constructing that portion of the line, and it was a matter of great difficulty to resist the powerful efforts of the Company in their endeavors. The Government was in favor of acceding to the wishes of the Company, but that would not have been satisfactory to Nelson, and as their member he tried to avert what he thought would be a calamity. He placed himself in communication with the officials of the Nelson Railway League, and the whole matter was of so delicate a nature—the Government favoring the Company's request—that they could not make known what they were doing. But the officials of the League knew all that was going on. In Nelson there was public agitation in respect to the matter—and it was very natural to and it was decided to send a deputation to Wellington. The deputation saw him in Wellington, and on receiving an explanation of what had been done, they magnanimously said they were absolutely satisfied that all had been done that was possible. One of those gentlemen said he was astonished at the grasp he, the speaker, had of the subject. The members of that deputation offered their best services, which was very kind of them. (Applause.) One hour before the vote was taken Mr Wilson, the Company's representative, came to him, Mr Graham, and said "We are going to lose this vote, and you will be sorry for it for we have £50,000 set aside to fight the Colony, and we shall make you pay." Now the arbitration had come on, and it had been proved that the Government had acted legally. The Colony, and especially Nelson, owed a debt of gratitude also to one gentleman who had strongly assisted their member. The same gentleman had also magnanimously fought the case before Arbitration Court without reward. (Loud applause.) He referred to Sir Robert Stout—[Loud applause]—and however, they might differ with that gentleman, and he did frequently differ with him, he admired and recognized in him one of the most able men in the House. He had some what he the speaker, thought were fads—and probably they all had fads—and it was unfortunate that Sir Robert Stout had; if he could by put some of those in the background his talent and honesty of purpose was sufficient for all they required. Regarding the present position of the Midland line from 'Belgrove, the Government had decided to carry it on towards the Motupiko, and the Government intended that they should as soon as possible have the line into Motueka Valley—to a point which would serve all the valleys on the other side of Spooner's Range. He visited the locality about three weeks ago, and, with the assistance of some of the leading settlers there he ascertained that the number of settlers in the Motupiko, Tadmor, Sherry, Wangapeka, Baton, etc., was no fewer than 119 settlers, who lived on their own hand, producing products for market, and they and their families numbered early 1,000 souls. Therefore there would be an immediate return for carrying the line to the point indicated. Besides this there were tens of thousands of acres of land locked up, land that their young men had been waiting for—[Hear, hear.]—and when that land was open they would not only have



the present settlers, but many others located there, and the Railway would benefit them, and they would benefit the Railway, what benefited the country would benefit the town. He had consulted the Hon. Mr MacKenzie as to the throwing open of that land, and the Minister told him that he was anxious that it should be thrown open as soon as possible; that he had referred the question of their ability to throw it open to the law officers of the Crown; and that he had surveyors ready, and the plans for subdividing the land as soon as they could. He, the speaker, pointed out that however desirable was the acquisition of land for settlement purposes, it was wrong that colonists should be kept waiting for the opening up of thousands of acres which had now been locked up too long. Mr McKenzie agreed with what he said, and promised to let him know as soon as he could. (Applause.) He had since asked the Minister again by letter when the land would be thrown open, and he had hoped to have received a reply by that night, but he had not. He hoped however that the land would be available in the near future.

## Education.

On this he would be glad to answer any questions. He urged that the benefits of their system was shown in the ever increasing intelligence and sobriety of the rising generation. In 1893 education cost the Colony £381,000; in 1894, £396,000; and in 1895, £420,000. It was a large amount, and their duty was to see that the people derived the utmost advantage. A fifth of the population was attending the schools.

## The Liquor Question

was an everlasting one. Last session there was an amending Bill which gave some large reforms. Every elector would have the opportunity to vote on any one or two of the proposals, and his vote would be cast for the option he liked best or next best. The vote was to be taken on the day of the general election so as to get a large vote. The question as to whether the number of licenses should remain or be reduced would be determined by a simple majority, but for total prohibition the majority must be three-fifths. If reduction were carried the bill provided that in districts where there were ten or less, at least one license was to be refused, and where larger numbers existed the minimum education would be in proportion. On election day, too, the hotels were to close from noon till 7 p.m., and that was, he thought, a wise provision. (Applause.) The number of members of a committee was to be reduced from 9 to 6, and the Stipendiary Magistrate was to be the president. These were reforms which placed them in advance of many countries, and while he thought it was right the people should decide the question, he agreed that it was proper and better that the enforcement of prohibition should be by a larger than a bare majority. He was not a prohibitionist, but he did say it was right to do all they could promote temperate living. He did not think it right for one to dictate to another whether he should drink stout or tea-by thought they were both good in their place and in moderation. He thought every good citizen should do all he could to prevent excess in drinking as in everything else. In New Zealand sobriety had been increasing gradually and regularly for years and in his opinion such a gradual improvement was more effective than any arbitrary or dictatorial measures were likely to be, (Applause.) The latest statistics showed that when in 1878 the annual consumption of spirits per head of adult was 4¾ gallons, it was now less than half that, while the consumption of beer had decreased from 15 gallons to a 1¾ gallon per head of all, males and females, over 15. That ought to be regarded as a very satisfactory record. The consumption of alcoholic liquors was less in New Zealand than in almost any colony or state. In Queensland it amounted to £4 17s 6d, in Victoria £8 4s, and in New Zealand £2 17s 2d per head. New Zealand was one of the most sober countries in the world.

## Reciprocity.

Regarding the proposed reciprocity treaty between Canada and South Australia and New Zealand he thought the Colonial treasurer had made a mistake in including both treaties in one bill, for there were many objections to the Treaty with Canada that did not exist against that with South Australia. The inclusion of both caused the Bill to be rejected, but it was brought up again altered so as to refer only to South Australia. Under the proposed treaty: South Australia was to have opened her ports free to New Zealand hops, barley, oats, and horses, while New Zealand was to have admitted for South Australia olive oil, wine, salt, and fruit. Some objection was raised to the free introduction of wine in the interest of wine makers at Wangunui and perhaps elsewhere in New Zealand, and it was agreed to impose half duties on wines, but the result was that South Australia rejected the treaty. This was a great misfortune for New Zealand and especially for the Nelson Provincial District, inasmuch as under that treaty they would have been able to export all their hops. In 1894 the acreage in hops in the Colony was 778, and of these no fewer than 751 acres were in the Nelson District, the total production being 7,665 cwt, of which 3,940 cwt. were consumed in the Colony, leaving available for

export 3,725 cwt, the remission of the duty of 6d per lb upon which would have meant no less a sum than £10,400. The remission of the duty on barley would also have been directly beneficial to the Nelson district, while in regard to oats the farmers of the large Southern provinces would have been largely benefited and through them the Colony generally, it had been said that one of the largest exporters of wine from South Australia was instrumental in causing New Zealand to provide for the charge of half duty as it was contended that without duty inferior wines would have been shipped to this Colony, but he would have thought that that would soon have cured itself. During last session it was proposed that

## **An Additional Minister**

should be appointed, and the Premier pathetically assured the House that Ministers were worked night and day. But shortly after that they had the resignation of three ministers and notwithstanding the work the vacancies remained unfilled for two months—that did not look as though there was too much work for the full number. He did not think it was necessary or advisable to have more ministers than were at present allowed by law; and the more they increased the number of ministers, the more they increased their voting power. In a small house seven ministers and too whips, nine men were pledged before anything was discussed. As to ministerial interference at elections he thought it was the duty of ministers to go to any part of the Colony and explain their policy, but he did not think it was right that two or three ministers should go at election time to influence the electors in favor of any particular candidate [Applause.]—and he believed that the intelligence of the electors of this Colony was sufficient to enable them to decide as to who should represent them.

## **Rating on Unimproved Value.**

There was a measure proposed last session providing for rates being levied on the unimproved value of property, and, its application being made optional, it passed the Lower House. Many thought it would be an advantage in the country district but he questioned its effects when applied to towns, and asked the Treasurer whether he was right. He instanced the effect of the proposed measure by supposing two similar properties the unimproved value of each was £500. On one property there was a good building, the improvements being valued at 2,400, making the total value £2,900, and on a penny rate at present that property would pay £12 1s 8d a year. In the other property the improvements were only valued at £100, making a total value of £600, and that, at the present rate of one penny, would pay £210s. Those two properties would together pay £14 11s 8d and to obtain the same revenue they would each have to pay, provided they were rated on unimproved value, £7 5s 10d. The rich man with the fine building would have a reduction, but the difference would be made up by an addition to the rates of the poor man. They would thus see that rating on unimproved values, applied to towns would have to receive very careful consideration, and it would be for the ratepayers' to consider which was the better principle. He would just refer to

## **Local Matters.**

It had been said of him that if he did not mind his stop his constituents would suffer. Now he had on many subjects taken an independent view, though he had at the same time continued on the most friendly and amicable terms with ministers, and his actions had not affected his constituents in any way. What had the Government done for them? First in the session of 1894 there was the Harbor dredging, the necessity of which he urged, and on which altogether £2,700 had been expended. He secured a police station Cottage in town, and, on its being represented that a railway station was needed at Appleby for the rain traffic and the convenience of the farmers adjacent, he secured a promise that it should be provided without delay and in three months the station was open. Various other small votes were agreed to. In 1895 the Government authorised the erection of a new cottage at the Lighthouse—not before it was wanted; they granted £200 for alterations to the Police Station; Reed to erect a waiting room and offices at the Port; and panted an endowment of 2,000 acres for a public reading room. That endowment was asked for by their former member, but without success. Now he trusted they would soon have a free public reading room open. (Applause.) Then, after every effort failed to secure for the Volunteers new guns in place of their old ones he got them two Nordenfeldts, and this year, to assist the unemployed he got a vote for the Crow track, to open what was expected to be a profitable diggings. This all showed that his constituents had not suffered because he had sought to act as he believed to be best in their general interests. Regarding his supporting the Government, he thought he had made it clear that the alternative was the old Opposition, who favored the property Tax and the keeping of as much land by individuals as each could lay hold of. There was no other party at present, and the only way to effect an improvement was to alter the personnel of the House so that independent members might endeavor to say to the Government, if you don't do as we wish we shall try to turn you out, but to turn the present Government out

under Present conditions was only to return the old Opposition to power. They had now a so-called National Association, and he had been asked, who are they; who compose it? Well the National Association was exactly the old Opposition, and it included such men as Dr. Newman, Captain Russell, Mr Buchanan, and Mr Allan. Captain Russell was one of the most honorable and up-right of gentlemen in New Zealand but he, the speaker, disagreed with him about the Land and Income and Property Taxes. The old Property Tax meant a tax on property whether it was reproductive or not. For example, if there were two mining companies each of which had expended say £50,000 on its works, and one was returning £100,000 a year while the other did not yield as many pence. Under the Property Tax each would have to pay the same sum in taxation. Now the Land and Income Tax

meant that they had to pay according to their earnings—[Applause.]—and he was sure they would agree that the company that made £100,000 a year was better able to pay than the one that earned nothing, and that it should be made to pay. (Applause.) There was the difference, and that was one of the great points on which Captain Russell and he disagreed. As land owners the National Association were also in favor of the large land owners retaining great blocks of country. Every man had a right to live, and to sufficient of the earth's surface to enable him to do so. The present law enables the proprietors of the land to live, and to hold sufficient for all reasonable requirements. A man could hold 640 acres of first-class land, 2,000 acres of second-class land, and from 5,000 to 20,000 acres of pastoral country. He urged, however, that it ought to be most their concern to see all men lived in comfort, than to see some in affluence and others in penury. (Loud applause.) He wanted to give them an opportunity to ask questions and he would merely add that he had nothing to hide. (Loud applause.)

Mr McGregor asked whether Mr Graham favored the scheme credited Mr Ward of providing a navy.

Mr Graham answered in the negative.

Mr Stewart briefly moved a vote of thanks to Mr Gray for his very excellent and interesting address, and coupled with it a vote of confidence in him as their member, adding that [unclear: a] did not intend thus to imply confidence in the Government.

Mr Brown, in seconding the motion, said it was clear Mr Graham was not one of the dumb Parliamentary dogs.

Mr Pettit moved as an amendment a simple vote of thanks.

Mr A. S. Atkinson seconded the amendment.

On the question being put there were not more than eight hands held up in favor of the amendment, and a great many hands were held up against.

The Chairman then put the motion, which was carried amidst applause.

Mr Graham, in acknowledging the vote, said he esteemed their vote highly. While he was their member, he should [unclear: a] he had, try to do his best, and if he lost faith in their eyes [unclear: a] wish was that they might send some one in his place. He then moved a hearty vote of thanks to Mr Sharp for the able [unclear: a] had conducted the meeting.

The motion was carried by acclamation.

Mr Sharp said he would like to say a word. He had [unclear: a] before presided over so appreciative or decorous a meeting, [unclear: a] he attributed the result to the ladies, who had kept them all order.

Those present then dispersed.

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Front Cover

Religious Certainty: A Course of Lectures in Vindication of Some Fundamental Religious Beliefs.

BY Professor Dunlap, D.D.,

DUNEDIN.

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## Lecture I.

### Religious Certainty.

THE subject of the Lectures which I propose to deliver in this place is "Religious Certainty." I have chosen the phrase "religious certainty," rather than the phrase "religious certitude" because, according to the best usage, certitude is descriptive of a mental state, whereas certainty is a "quality of propositions." R is certain, beyond

the possibility of doubt, that distinctively religious and. Christian beliefs are cherished by multitudes of men with something like absolute assurance of their truth, but it does not by any means necessarily follow that these beliefs are justified by evidence at once sufficient and valid. In other words, certitude may be predicated of the state of mind of him whose belief is a mere superstition, whereas certainty can only be affirmed of well-grounded or verified convictions. The phrase "religious certainty" therefore implies, and is meant to imply, that it is possible to reach well-grounded conviction in matters religious. The main object of this course of Lectures is to vindicate the reasonableness of religious belief by reference to the laws and grounds of legitimate credence. That the object proposed is, in the last degree, important does not need to be proved to those who have heart enough, and insight enough, to feel and see that questions of supreme interest and importance for humanity are such as these :—What is our origin and destiny? and—How do we stand related to the person or thing which we must hold to be the ultimate reality?

In the earliest and pre-critical stage of human thoughts men did not trouble themselves with such subjects as the logic of religious or, indeed, of any other kind of belief. Yielding to the impulse so characteristic of the childhood of the individual and the race, they gave free scope to the faith instinct, and, with scarcely a suspicion of possible [unclear: erre] freely interpreted the universe in terms of *spirit*. Reason and history alike prove that in the development of human thought unquestioning belief is the precursor of critical doubt. Or to put the matter in a slightly different form—belief is primary, essential, and abiding, whereas doubts is *secondary* and *transitional*. I am not aware that any reportable thinker, or school of thinkers, even pretended [unclear: d] the fact that unquestioning *religious* belief of some sort is a marked feature of the earliest stage of human history. Whatever may be the significance of the fact, it is [unclear: a] certain that spontaneous thought interprets the Universe in terms of spirit or personality. The presumption, of course is that spontaneous thought implicitly regards personal as an essential attribute of the ultimate reality, or the first cause. Even Positivists, who plume themselves on their superiority to all manner of credulities, emphasise the [unclear: a] that the first stage of human history is the theological case.

In passing let me remark that this admitted [unclear: a] the fact, namely, that instinctive religious belief was the first creed of humanity—is pregnant with momentous [unclear: a] important inferences for those who firmly believe in [unclear: a] essential rationality of human thought and the essential intelligibility of the visible Universe, which it essays to interpret. But, as far as the civilised world is concerned the age of instinctive, or uncritical, faith has passed, [unclear: a] to return. It is worse than futile to mourn over a vanished past. He who believes in God must, at the same [unclear: a] believe that the evolutionary process of human history means progress as well as change. Indeed it is all too self-evident that the passage from the easy belief of the childhood of the race (associated as that belief was [unclear: ae] much over-belief) to the more sturdy intelligence of your manhood could hardly fail to create a critical temper, [unclear: a] to pass over into an arrogantly unreasonable [unclear: scepticism]. When old beliefs are discredited by growing knowledge and the testing of experience, it is both reasonable and inevitable that the desire should arise to test or verify all kinds of beliefs, and more especially those beliefs which we feel to be supremely important and interesting. As it seems to me, the civilised world is presently engaged in the difficult and dangerous task of sitting and testing its fundamental beliefs; the God-intended issue of this process being the elimination of error, and the elevation of our beliefs to a higher and more stable plane of intelligence. The peculiar difficulty attendant upon this delicate process arises from this : that, whereas pure instinct is (in a broad sense) unerring, the process of reasoning and philosophising is peculiarly apt to betray us into the most extravagant errors. The history of philosophy is throughout a standing proof of the astounding errors into which those are betrayed who propose to eliminate all faith elements from their creed, and elaborate a strictly-reasoned theory of the Universe. More particularly are those ambitious systems of philosophy—respectively named Pan-Egoism, Pantheism, and Pan-Materialism, an outrage on the most sacred, deep-seated inevitable convictions of humanity.

The danger incident to the critical stage arises from this, that all great mental reactions do, as a matter of fact, issue in extremeness. When the reign of instinctive credence with its associated over-belief comes to an end, extreme spirits set up some criterion, or test of belief or truth, which inevitably leads to the conclusion that certainty is utterly, and in all things, unattainable. This sceptical, temper though in itself unreasonable and hurtful in a high degree to those who cherish it, nevertheless serves an important end in furthering the progress of thought. Scepticism is the Nemesis of erroneous belief. Its function resembles that of the innumerable army of microbes which resolves all dead and dying organic matter into its inorganic constituents, and thereby prepares the way for fresh organic reconstructions. In the world of thought, primitive beliefs are subjected to the solvent of a keen, remorseless criticism which questions everything, and obliges well-grounded faiths to justify themselves by [unclear: a] appeal to evidence. It is only fair to allow that many erroneous beliefs have vanished under the action of the sceptical solvent. May we not also say that well-grounded beliefs of the instinctive order have also been constrained by this same sceptical spirit to place themselves on a [unclear: m] stable, because more obviously rational, basis.

It cannot be denied that, as compared with the [unclear: s] called ages of faith, our own age is in an eminent degree critical, and even sceptical in the ordinary sense of the word. The customary, which—as I may have occasion hereafter prove—is an important element in every stable civilisation—the customary is no longer regarded as an authority not to be questioned. On the contrary, the more rash [unclear: i] ignorant spirits of the new time are disposed to regard the customary as the antiquated and the effete. These Anarchists in the realm of thought do not, to be [unclear: a] represent the average critical spirit of our time; but these very extravagance serves to make palpable the general [unclear: a] of the prevailing mental tendency. Nowhere has the sceptical spirit made its power more seriously felt than in the religious, ethical, and philosophical spheres. The beliefs which lie at the root of our religious and ethical life are peculiarly apt to be shaken by the kind of arguments urged by the sceptical critic. Hence the necessity for a thorough vindication of our fundamental religious and ethical beliefs has in recent time made itself deeply felt. For a time men may [unclear: a] a keen delight in the negative work of destruction but human nature in due time asserts itself in an [unclear: irr] demand for reliable answers to these questions. On where human duty and destiny turn. As a rational and men being, man instinctively yearns for the light which general and justifies certainty. To delight in doubt, in the [unclear: a] of wishing to rest in it, is both *unnatural* and [unclear: ud]. Of course, there are those who delight in the darkness of sceptical doubt, because the light which works conviction imposes inconvenient restraints of one kind or another but this perverse spirit can only be the ruling element in society doomed to destruction. The critical and [unclear: sceptical] stage, in the nature of things, is only transitional and preparatory the last and reconstructive stage of human thought. The searching analysis, which has disintegrated and shaken so many venerable beliefs, simply prepares the way higher, truer, and more stable synthesis. The things that can be shaken must pass away that the moveable and eternal may be made manifest. As far as I can judge, symptoms are by no means wanting of the fact that the age of earnest reconstruction has dawned. Even avowed Agnostics are now ashamed of that old fanatical scepticism which could see no soul of truth and goodness in the old religious and ethical beliefs, but regarded one and all of them as the product of imposture, or imbecility, or a combination of both. Nor is this all. Some of the most notable recent products of thought—outside the sphere of theology proper—are avowed and most strenuous attempts to give a rational or reasoned vindication of these fundamental religious and ethical beliefs which constitute the very basis of religion and, morality. I shall only notice two such notable attempts to demonstrate the reasonableness of those faith elements which lie at the root of our religious life and thought.

The entire philosophy of Lotze has for one of its con-seious aims the rational vindication of the catholic religious and ethical beliefs of humanity. Fully to explain how or by what method he proposes to accomplish this end would involve an exposition of his system of philosophy. Suffice, it to say that his theory of knowledge assigns to *thought*, or the *logical understanding*; a much humbler function than is generally ascribed to it; whereas he attributes to what he calls feeling, or, as some would rather say, reason or intuition, a cognitive value utterly ignored by those who believe only in the purely intellectual methods of physical science. In passing I may notice that Lotze's estimate of the value and function of reasoning is strikingly accordant with that of Romanes, who thus expresses himself in his notable posthumous work "Thoughts on Religion": "But I now clearly perceive two well-nigh fatal oversights which I then committed. The first was science in merely syllogistic conclusions. . ." A few lines further on he confesses how mistaken he was in not "considering how opposed to reason itself is the unexpressed assumption of his earlier argument is to God Himself, as " His existence were a merely physical problem to be solved by man's reason alone, *without reference to his other and higher [unclear: fd]tits.*" In Germany the indirect theological influence of Lotze has been very marked. In a very real sense he is the philosopher of the Ritchlian school, which also made feeling—that is, such a sense or feeling of value. As evoked by the contemplation of moral worth—the basis certainty in matters religious. In our own country, [unclear: t] Lotze's influence is evidenced, not only by the translation of his more important works, but also by the fact the thinkers of repute, such as Professor Jones, have published elaborate critical expositions of his system.

The work of the Honourable Arthur Balfour, entitled, "The Foundations of Belief," is even more exclusively [unclear: a] anything which Lotze has written an attempt to justify the reasonableness of our fundamental religious and ethical beliefs, I do not know whether or not Balfour has been [unclear: a] consciously influenced by Lotze, but to me, at least, both the spirit and method of his book are strongly suggestive of Lotze. Naturally, Balfour's book, both by reason of marked ability, and because it reveals the thoughts of a responsible politician of high culture, has excited deep [unclear: intd] and provoked much criticism. Like Lotze, he has set [unclear: him] to prove that the accepted postulates and theories of physical science present difficulties and [unclear: incoka] of the very kind which sceptics urge as a reason for setting aside religious and ethical beliefs. He [unclear: a] indeed been accused of using an essentially sceptical philosophy for the purpose of inducing the kind of [unclear: di] which blindly seeks refuge from paralysing doubt in the unverified affirmations of some external authority [unclear: I] accusation I take to be very unjust, for it seems to me religious beliefs can only be

effectively vindicated by [*unclear: ing*], as Balfour has attempted to do, that the kind sceptical criticism, which, by some, is supposed to be to all religious and ethical belief is equally effective [*unclear: were*] impartially brought to bear on the most widely-accepted theories in physical science, Multitudes imagine that the basis of certainty in the physical sciences cannot be questioned by the most astute scepticism, and on the strength of this imaginary fact they contend that all religious beliefs ought to be set aside as unproved, because, forsooth, scepticism always has been and always will be possible in the religious sphere, But " it is a fact that absolute certainty of the kind which makes scepticism utterly impossible is unattainable in every sphere of knowledge concerned with fact, is it not in the highest degree desirable that this fact should be known and insisted on? If "these theoretical difficulties and inconceivabilities of the kind which make scepticism possible are discoverable to a greater or less extent in every sphere of knowledge, is it not unreasonable to make theoretical difficulties, and the possibility of doubt, a bar to belief in the religious and ethical sphere. The possibility of demonstrating any fact or first principle by a process which absolutely excludes all faith elements, *is a sheer fiction*, In truth, the only parts of human knowledge which practically compel universal acceptance are rational principles and the bare facts of self-consciousness. The legitimate inference from the established fact that our knowledge, in all spheres, is partial incoherent, and therefore exposed to sceptical eavil, is not that all things are doubtful, but *that it is absurd*, or at least *irrational* to demand in any sphere of knowledge in kind of evidence and logical consistency which excludes, the possibility of speculative doubt. A good deal of the argument urged against those beliefs which are distinctively religious simply amounts to the quite indisputable assertion that these beliefs are not, and cannot be proved by argument so absolutely demonstrative that doubt is simply impossible. Every competent thinker will, I presume, freely grant that the existence of God cannot, in the strict sense of the word, be demonstrated. But what of that? The existence of an external world, and, of course, the existence of our fellowmen, is just as incapable of rigid demonstration. Even the reality of knowledge cannot be demonstrated, and yet its possibility and reality must be assumed even by the sceptic who most irrationally denies its validity, Absolute certainty is exclusively the possession of the omniscient. " we men insist on doubt-defying demonstration as the condition of belief—we are bound in consistency to doubt the reality of everything with one solitary exception, and that the paltry fact of bare self-consciousness. In subsequent Lectures I hope to make good the above assertion by reference to accepted scientific theories.

It will, I think, prepare the way for the more positive treatment of our subject " I direct your attention to some of the more prominent causes of religious scepticism. It is clear that hindrances to belief can only be effectively dealt with when they are known. Of course, it is quite impossible within our limits to notice everything in the stream of thought-tendency which makes for the un-settling of religious belief. Only the more prominent and influential of these influences can be glanced at Some of these particularly concern the Christian Church, for it cannot be denied that those errors, practical and theoretical which in times past obtained a foothold in the Church, have helped to swell the tide of unbelief. Detected error and superstition, more particularly hi matters religious, strongly tend to generate unbelief. For intelligible reasons which I need not pause to explain, religious associations strongly tend to claim absolute infallibility for the creed which they profess. The Church of Rome frankly maintains not only that her official creed, known as the *Symbola Romano*, is infallible, but also that the *ex cathedra* deliverances of her Popes carry with them the same infallible authority. This is a most perilous claim doomed to produce in the future a gigantic intellection revolt. The detection of the slightest error in a creed which claims absolute infallibility utterly destroy is pretensions as an infallible authority, and tempts those who detect any such flaws to reject the entire creed, even though it may contain much precious truth. To take a small matter by way of illustration. In the decrees of the Council of Trent, it is set down that the said holy Synd " ordains and declares that the said old and Vulgate edition which, by the lengthened usage of so many ages, has been Approved of in the Church, be in "public lectures, disputations, sermons, and expositions, held as authentic; and that no one in to dare or presume to reject it under any pretext whatever." Now, apart from any question as to the test of the Vulgate, no candid scholar can believe that the Vulgate or any other version is an absolutely correct translation of the original. The Protestant Churches formally disclaim infallible authority for their creeds; but it is not to be denied that Protestant theologians have not un frequently defended every doctrine in the creed of their Church with an air of dogmatic assurance only to be justified on the assumption of its proved infallibility. In a world where, development, or, " you will, progress, is the law of every tiling finite, this infallibilist tone not only provokes scepticism, but in a sense justifies it. We who live in this critical and sceptical age are assuredly suffering from the sins of some of our fathers. What I venture to call the Gnostic pretensions of some of the theologians in the scholastic period of Protestantism is, I think, partly responsible for Agnosticism. It hardly needs to be proved that pretentious dogmatism calls forth sceptical protests, and modern Agnosticism rightly understood is just such a protest evoked by the excessive dogmatism both of theologians and philosophers. To claim an amount and kind of certainty in matters religious not justified by the available evidence, is a sin again at truth sure to be avenged by the Nemesis of Scepticism.

The moral scandals with which Churches and professing Christians are more or less chargeable is another source of religious doubt. Reasonable Christians cannot object to the application of the fruit test. No religious creed which, being honestly accepted, tends on the whole to produce results which are ethically bad can be held to be true. If "anything is certain, it" is certain that truth is the handmaid of goodness. Any belief, or body of beliefs, the proper tendency of which is to foster immorality must be false. Unfortunately, the history of the Church, and the lives of certain professing Christians, furnish the religious sceptic with too many plausible pretexts for denouncing religion as the parent of ever so many evils, such as obscurantism, bigotry, Jesuitism, intolerance, persecution, hypocrisy, and so forth. To be sure the religious sceptic applies the ethical test wrongly for he identifies the wheat with the tares—genuine religious with its perversions. The fact, however, that the religious sceptic makes so much of the moral scandals of religious life and history, points unmistakeably to the all-imperturbable truth that the ultimate ground of Christian belief is the vision of the Holy One, and our experience of His redemptive power.

A third and most potent cause of religious and moral scepticism is the widespread influence of the philosophy generally described as Materialism, and sometimes called Naturalism. According to this philosophy, the ultimate reality is matter and force. From this ultimate reality everything proceeds by necessary sequence. The ceaseless interactions of this primal entity, which, for the sake of brevity, we will henceforth call matter originate and carry forward the evolutionary process of which we hear so much. What we call mind is merely; [unclear: a] peculiar function or activity of matter, organised in [unclear: a] particular way. Such is thorough-going materialism. This it is the negation of all religious and ethical beliefs, worthy of the name, goes without saying. Nay, Materialism obliterates any intelligible distinction between truth and error, for surely it is absurd to predicate either truth or error of that which is the outcome of a necessary process. According to the theory before us, my brain is entitled to claim the sanction of inviolable physical necessity as well as the brain of the man who says there is to God.

It is sometimes said that religious scepticism is the direct and necessary result of the triumphal progress of that group of sciences described as physical. This is a very grave error. Could it be proved that the best established results of physical science necessitate the conclusion that matter is the ultimate reality, and the sufficient explanation of everything that comes to pass, then I presume that the vast majority of men would be forced to admit that all religious beliefs are illusions, or rather delusions. That Materialism is not a manifest inference from the accepted findings of natural science is abundantly proved by the fact that multitudes of theologians, and philosophers too who cherish religious beliefs, frankly accept the best established results of physical science as valid knowledge. Nay, more, they glory in the triumphs of physical science for this among other reasons, that those triumphs are a splendid and convincing exhibition of the essential rationality of the human mind, and the essential intelligibility or rationality of the world which mind progressively interprets. As they interpret this double and corresponding rationality of mind and nature, it is a powerful argument in favour of Theistic belief. Physical science is not antagonistic to religious belief; though, unquestionably that Materialistic philosophy which so many second and third-rate scientists have been led to adopt, is utterly destructive of all really religious and ethical belief. I have advisedly said that, speaking broadly, only second and third-rate scientists frankly adopt a Materialistic interpretation of the Universe. This is a fact which wants to be known, especially in the interests of that large class which is apt to be unduly impressed by numbers and clamour and rhetoric, rather than by real weight of scientific authority. Take, for example, the original thinkers and discoverers, past and present, among that most important class of scientists called physicists. Who well and Naville, both first-rate authorities in such a matter, call special attention to the fact that the great discoverers of the past were devout Theists. You must descend to the men of mere talent, to analytic as opposed to constructive thinkers, before you reach those who imagine that a rational interpretation of the Universe does not need to postulate the existence of a personal God.

Let us come now to the great physicists and mathematicians of the present generation. I take it that Lord Kelvin, better known as Sir William Thomson, stands head and shoulders above all living physicists, and yet he is a humble and convinced Theist, who is not ashamed to confess that, as he knows the order of the physical Universe, it can only be conceived as the outcome of purposive or designing intelligence. But this is precisely the kind of question in which his convictions ought to weigh vastly more than the opinions of a host of minor physicists, who cannot even pretend to follow him in his highest scientific and mathematical achievement. Then we have physicists belonging to the immediate past such as Faraday, Clerk Maxwell, Adams, Cayley, and Balfour Stewart. In the ranks of the living, we find such men as Tate and Stokes. Where are the peers of this galaxy among the other group of physicists which has adopted a materialistic creed? But some one may be disposed to ask, What of Tyndall? That he had a brilliant literary and expository gift is known to all readers and students. By his careful experiments and lucid expositions, he did much to popularise science; and especially he did much in the way of confirming and disseminating the splendid discoveries of Pasteur. Who, by the way, was also devoutly religious.

The mere fact that the greatest physicists in all ages have been convinced Theists, sufficiently evidences the fact that physical science, rightly understood, is neither Atheistic in itself, nor does it lead to an Atheistic philosophy. On the contrary, the foremost physicists, past and present affirm that the supremely intelligible order which obtain in the physical universe necessitates the conclusion that its ultimate cause is ordering intelligence. Nevertheless, it must be confessed that the magnificent progress of physical science has *incidentally* led many to adopt a creed practically, "not avowedly, Materialistic and Atheistic how this has come about is tolerably evident—The scientific method has led to important discoveries so assured, and a progress so continuous, that many physicists and naturalists have rashly leapt to the conclusion that the objects of sense perception constitute the only material of knowledge, and that scientific method is the only instrument of discovery. According to this mistaken view science can be nothing but exact knowledge of the law of "the re-distribution of matter and motion," Outside this sphere there can be no such thing as certainty—that is verified knowledge, The narrowness and arrogance of this school reflected in their manner of speech. In their vocabulary, science means the physical sciences. Theology is not a science, but at best only a vague sentiment, having reference to the unknowable. In other words, this class of physicist and naturalists so glorify the physical science that they deny the validity of all knowledge, or belief not provable by what they call scientific methods. It is further assumed by this very uncritical school of physicists that the *data*, and *established theories* of physical science, are scepticism-proof, inasmuch as they are free from all the difficulties which attach to religious and ethical beliefs, and are proved by a method which makes no use of faith elements. In a subsequent Lecture, I hope to prove that this assumption is ridiculously mistaken, Here, and in closing, I may remark that even the existence of an external world cannot be demonstrated. Balfour affirms that the argument for the existence of God is stronger than that for the existence of an external world, and it would be difficult, "not impossible, to prove that his statement is extravagant. It is not creditable culture of those physicists who are not aware of the fact that all physicists assume the truth of first principle and *data* of experience, not one of which can be proved in the technical sense of the word, and every one of which has been questioned. And yet in the face of this and such like facts, it is assumed that "the verified facts and doctrines of physical science rest on an evidential basis so strong that it cannot be challenged, whereas all other beliefs are intrinsically doubtful. The reasonableness of this assumption I shall test in my next Lecture.

## Lecture II.

### Religious and Scientific Beliefs.

ALL beliefs, truly religious, imply the existence of living personal God, Devoutly pious minds are apt to receive something like a sharp heart-shock when, for the first time they hear it affirmed that the existence of God cannot be *demonstrated*. Some of us, I suppose can remember the time when something like panic seized us when we were authoritatively assured that the great philosopher, [unclear: kd] had proved the logical invalidity and insufficiency of every one of the familiar arguments for the existence of [unclear: Gl] How awful! we said. Surely Kant must have been [unclear: I] only an Atheist, but a very fanatical and daring one. But in so feeling and thinking we were quite mistaken. One ignorance betrayed us into a quite useless expenditure of emotion. Kant was no Atheist. What he did say about the logical invalidity of the so-called Theistic [unclear: pa] amounts very much to saying and proving what all [unclear: competent] thinkers now frankly allow: to wit, that the [unclear: a] ence of God, cannot, in the strict sense of the word existence *demonstrated*. This concession on the first blush of it may seem very startling to the philosophical and theological novice, but in reality it is very innocent. It is also the case that not a few religious sceptics, who like wise belong to the class of philosophical novices, have gleefully [unclear: acc] the concession that the existence of God cannot, in the strictest sense of the word, be demonstrated, and they have done so on the utterly mistaken assumption that this concession necessitates the further conclusion that the existence of God is doubtful, and that all the arguments in proof of His existence are void of probative value, But the negative conclusion just stated does not follow, for the very obvious reason that the existence of no objective reality can be demonstrated. As little can the truth of any ultimate or fundamental truth be demonstrated. All proof rests ultimately on assumptions or postulates, which are felt to be self-evident. The existence, for example, of an objective world, which is a necessary *datum* of physical science cannot be demonstrated, for confessedly the subjective idealist, who maintains that because the knowledge of an external world can only exist in a mind or *ego*, therein fore the world itself exists only In Thought—this subjective idealist cannot be convicted of self-contradiction. Does it follow that sane beings are really perplexed with doubts as to the



existence of an external world? By no means. Though we cannot prove demonstratively that the world exists, whether we think about it or not, we are as certain about its objective reality as we can desire to be.

In point of fact, the existence of no concrete objective fact can be so demonstrated or proved is to make sceptical cavil logically impossible. The necessity which pertains to deductive or demonstrative reasoning belongs not to the *premises* from which the conclusion is deduced, but to the mental process by which the conclusion is evolved from this it follows that demonstrative reasoning can not prove that the conclusion reached is necessarily true. As a test it can only prove that the conclusion is as certain as the premises from which it is deduced. No believer in God need, therefore, be disturbed in the least degree when he is told that the existence of God can not be Demonstrated, for it is just as impossible to demonstrate the existence of the external world.

Let us glance at another of the prime realities with which human thought concerns itself. All of us habitually use the very familiar word "I." Philosophers for a reason freely use the Latin equivalent, *ego*. What, then, is this most familiar, but at the same time most mysterious thing, which we call the I—the *ego*, or self? Is it a unitary substance, or is it merely a "bundle of feelings," or "a succession of mental states, hound together by an utterly inexplicable thread of memory"? It is practically impossible to doubt our personal identity, or the unity of the *ego*, for all knowledge implies it, and yet we cannot demonstrate this vitally important truth As a matter of fact, thinkers of note, like Hume, John Stuart Mill, and Spencer, deny that the *ego* is a unitary entity or real substance! Here, too, the vast majority of human beings feel quite certain that the *ego* is a unity; nay more, that it is the one substance of which we have immediate knowledge. Yet they do so on grounds, or for a reason, which does not absolutely exclude the possibility of doubt, We may fairly describe our assured feeling of personal identity as an ultimate or fundamental belief, the validity of which is guaranteed by invincible faith in the essential rationality of our nature. Nay, more, our sense of personal identity is so essential that, apart from it, such all important mental functions as memory and reasoning would be absolutely impossible. If, therefore, our certainty as to the unity of the *ego* and the existence of an external world rests on an evidential basis which does not exclude the possibility of doubt, may we not safely conclude that the only possible knowledge or assurance which we can have as to the existence and nature of any substantive reality necessarily includes important *faith elements*. Is it not all but self-evident that all knowledge of substantive reality which falls short of omniscience must, in the nature of things, contain a large faith element?—that is, be exposed to the possibility of sceptical cavil. "this is so, how can it be reasonably maintained that religious beliefs are invalid, or essentially doubtful, simply because the evidence on which they rest does not *logically* preclude the possibility of doubt. Careful criticism of our knowledge of substantive reality (no matter what the sphere of that knowledge may be) reveals the incontestable fact that our conviction as to the reality of these objects, let that conviction be ever so strong, does not rest on a basis of strictly demonstrative proof. Those second and third-rate scientists who plead the indisputable certainty of current beliefs in physics and natural science, and the inherently doubtful nature of religious beliefs as a justification of their religious agnosticism, are therefore quite mistaken in supposing that there is any such distinction in the *kind*, and *degree* of certainty attainable—in the two spheres—as justifies their *and-sided* Agnosticism. It nothing but doubt-defying demonstration can be accepted as a rational ground of certainty, we are bound in reason to hold, not only that the existence of God is doubtful but also that the existence of an external world is questionable.

I have insisted on the fact that one of the fundamental postulates of physical science, to wit the existence of an external world, is quite as open to sceptical cavil as the evidential basis on which our belief in the existence of God rests; and I have done so, not for the purpose of questioning the reasonableness of any or of all of our scientific beliefs, but by way of showing how unreasonable it is to question the validity of religious beliefs simply on the ground that they cannot be established by a process of strictly demonstrative reasoning. It must be conceded that, as matter of fact, what may be described as the accredited doctrines of science are rarely questioned, or seriously subjected to the test of criticism of the skeptical or destructive order. In this respect scientific and religious beliefs present a quite noticeable contrast, which may I think, be accounted for, altogether apart from the untenable supposition that the evidence in the one case warrants the conviction of certainty, and in the other case fails to do so. It has been pointed out, and I think justly, that there is a peculiar *coerciveness*, or *inevitableness* in those beliefs which bear on our relations to the material world. The Evolutionist more than hints that the coerciveness of these beliefs simply arises from the fact that they are the integrations or summations of an enormously extended race-experience, reaching back to the first dawning of intelligence in our brute ancestry. I do not say that this is so, but "it is so, it follows that this coerciveness only proves that the beliefs in question are not distinctively human and do not mark the highest range of insight and knowledge. There is at least this much truth in this view. The religious and ethical represent the highest and most distinctively human side of our cognitive nature; or, to use the language of the evolutionist, these are the last and highest products of the evolutionary process. It can hardly be disputed that [*unclear: a*] variable element in our cognitive nature is not the [*unclear: p*] of sense perception, which furnishes the matter of which physical

science is the interpretation, *but our power* [unclear: a] *moral and religious discernment*. This sufficiently [unclear: ex] how few, "any, seriously doubt those scientific doctrine which admit of sense verification, whereas many [unclear: a] sceptical in a religious sense because their power of spiritual and ethical vision and feeling are undeveloped [unclear: a] worse still, atrophied. There is yet another reason [unclear: a] apart from any difference in the cogency of the evidence religious beliefs are much more frequently doubted [unclear: a] denied than the doctrines of physical science, As [unclear: a] history proves, religious beliefs, just because they have [unclear: a] an intimate bearing on all that is deepest and highest [unclear: b] human life, call forth feelings of a far more intense [unclear: or] than any which can be excited by rival theoris [unclear: se] physical science. It is not to be wondered at that religious beliefs should arouse the most intense antagonism. The circumstance sufficiently explains how it has come to pass that scepticism has put forth all its powers in the attempt to discredit all religious belief. I venture to affirm this moral hostility to religion, and not any inheret [unclear: as] comparative weakness in the evidential basis of [unclear: it] cardinal doctrines, is the reason why the most fundamentals religious, and I may add ethical beliefs are subjected remorseless criticism of the sceptical kind, whereas [unclear: phy] theories obtain easy credence though, in point of fact, the proof basis, at least in many cases, involves more [unclear: theo] difficulties, and is generally more open to criticism than the proof basis of Theism, Moreover, physical science, [unclear: of] the rational interpretation of Nature assumes that [unclear: na] is a coherent or intelligible whole, and this assumption [unclear: a] at bottom equivalent to the belief that the ultimate [unclear: a] is rational. Theism is therefore the postulate of [unclear: ta] science: that is, God is the pre-supposition of all have ledge, scientific or other. If, therefore, [unclear: theise] a doubtful creed, so are all the sciences which implicitly postulate its truth.

Believing, as I do, that exaggerated ideas of the kind and degree of certainty attained in the physical sciences, as compared with the kind and degree of certainty which may justly be claimed for our fundamental religious beliefs a fruitful source of unreasonable religious doubt, I need make no apology for attempting, by a criticism of some generally accepted physical theories, to prove that, despite their universal acceptance, the evidential basis on which they rest is quite as open to sceptical criticism as that which sustains and justifies our fundamental religious beliefs. Be it observed that it is no part of my aim, either to disprove or discredit any accepted physical theory. My one object is to prove that physical theories are accepted on evidential grounds which have not even the semblance of demonstrative force, and that too, in spite of theoretical ties difficulties and incongruities greater than any which can be urged, say against the idea of God, and the arguments which are generally employed in proof of His existence. As Spencer well puts it, the aim of physical science is to discover formulate "the laws of the re-distribution of and motion." Matter and motion are therefore the fundamentals realities with which physical science deals. Of motion I need only remark (1) That Du Bois-Reymond, a resolute Materialist, pronounces the impossibility of accounting for the origin of motion in the matter of which the Universe is composed." one of the three barriers which physical science must for ever fail to overleap. (2) That many of the foremost physicists are of opinion that the only possible explanation of the origin of motion is the will power of the absolute personality; or, in other words, the will power of God. Matter, too, which the unreflecting imagine that they know so well, presents ever so many thought difficulties to those who seriously attempt to answer the question, What is matter? And these difficulties are precisely of the kind which play a conspicuous part in the argumentation of religious sceptics.

Professor Tate, in his treatise on the "Properties of, Matter," gives thirty-four definitions of matter, all of which are confessedly either *unsatisfactory* or *doubtful* [unclear: The] difficulty which attaches to our conception of matter may put "thus: Is matter a something distinct from [unclear: as] qualities? or is it a mere roosting place and vehicle for those energies apart from which it could never be known to us? Remove from any material substance all its known properties, and what is left, as far as our thought is one concerned? We are forced to answer nothing. Is matter then a fictitious unity which we ascribe to a permanent group of energies? or, as John Stuart Mill puts it, Matter only—"the permanent possibility of sensation?" I confess that I have long felt disposed to regard matter, not [unclear: a] the mere seat and vehicle of energy, but as energy itself Substantive being, as I am disposed to regard it, is [unclear: ca] energy. This seems to be the conclusion towards [unclear: u] the best scientific thought is moving. Faraday took the view of matter. Lord Kelvin thus expresses himself in a article on the Kinetic theory of matter. "The now [unclear: w] known Kinetic theory of gases." says he, "is a step so important that it is scarcely possible to help anticipation in idea the arrival at a complete theory of matter in what all its properties will be seen to be merely attributes a motion." But then, is the possibility of *massless* motion that is, of motion in which nothing moves or is more conceivable? How, too, can we bring this theory of [unclear: ma] the into harmony with the fact that inertia is one of the essential properties of matter? If, then, every concept of matter heretofore formed involves insuperable those difficulties, ought we to regard the reality of matter [unclear: a] as more than doubtful? This certainly is what we [unclear: w] do did we follow the example of the religious sceptic, of contends that there is no God, because the conception God as personal, infinite, self-existent, and the creator the world, involves thought in difficulties of

the kind insisted on by such thinkers as Hamilton, Mansal, as Spencer, As far as matter is concerned, we are the seriously tempted to doubt its reality, merely because it do not possess that complete and logically coherent [unclear: hi] ledge of it which is only possible for omniscience. [unclear: wi] should we act on a different principle in any other [unclear: sphe] Is it reasonable to suppose that God, the ultimate reality, comprehensible than matter? " the though-difficulties inseparable from all knowledge which is finite and partial do not, in and by themselves, constitute a valid foe doubting the reality of matter, where is the reasonableness of holding that analagous difficulties justify a the essentially higher spheres of religion and ethics.

Let us now turn to some of the most important and accepted and widely theories in physics. Foremost among these theories is that known as "the conservation of energy." This theory is practically regarded as one of the axioms of science. Physicists unhesitatingly assume that no energy is or can be lost. It may, and does, disappear in one form, but its exact quantitative equivalent turns up in so some othershape. Molar is transformed into molecular motion, and *vice cersa*. Light, heat, electricity, chemical affinity, and magnetism are but forms that protean tiling called energy. The history of the physical universe is but a history of the orderly trans-formations of energy. But how can it be proved that energy is a fixed quantity—that is a indestructible? Actual tent, so far as it is available, does support this doctrine, but, in the very nature of things, experiment and sense-perception cannot reach the universal and necessary, The doctrine is universally, and with good reason, held to be proven, but the proof is by no means of the strictly demonstrative order. Reason, presuming on the order, unity, and essential rationality of nature, leaps to the concluston that energy, as far as the present order is concerned, is indestructible. The presence of a large faith element in this and such like physical theories does not disturb the physicist, though it is just possible that he may be reasonable enough to object to the evidence adduced in of some religious belief, because, forsooth, it falls short of demonstration, and contains assumptions of the very kind which are freely used in scientific investigations. Nor do we call in question the validity of the doctrine of the conservation of energy, because thought may find it difficult, if not impossible to show how it harmonises with other and equally well established scientific theories. [unclear: a] of these grave difficulties arises out of the fact that the conservation of energy doctrine pre-supposes an [unclear: infi] system, at least infinite space occupied throughout by the mysterious thing called other. But then in such infinite system the energy, say of our solar system, in due time be *practically* lost by dissipation in [unclear: int] space—just as confessedly the energy of the physics universe must, in course of time be reduced to a *practice* nullity, by issuing in a state of universal balance. The I believe, is a thought difficulty which has [unclear: hereto] proved insuperable, and yet physicists, rightly enough decline to reject this theory, the truth of which must be assumed in any rational doctrine of end It is unreasonable to suppose that man, whose knowledge is so very partial, can so unify all his beliefs that the shall obviously form a logically coherent whole. As [unclear: a] shall see in the sequel, the conservation of energy doctrine conflicts, or at least seems to conflict, with a widley accepted form of the atomic theory. And this is another indication of the truth of the principle that inability to reach the focal point, where apparently as flicting aspects of truth would be seen to meet as harmonise, does not warrant us in rejecting either of the seemingly antagonistic aspects of reality, provided each supported by adequate evidence.

Let us take another physical theory for the [unclear: pur] of showing how large and liberal our power of belief when not restricted by moral bias. We enter the region of the truly wonderful in modern physical science why we consider the properties of that mysterious and [unclear: in] ceivable something called æther. All, or almost of physicists believe in the existence of this universal square filling something called either, though it is utterly [unclear: fc] the range of sense perception; as much so as spirit [unclear: it] But the wonder does not end here. Properties most ascribed to this either, which are without parallel in [unclear: a] of the forms of matter of which we have sense experience Nor is the assumption of this rather gratuitous. It is rational inference *necessitated* by the wave theory of [unclear: lip] There must be some luminiferos medium which conveys the wave-motion of light through the inter-stellar spaces, with a velocity, say, of 188,000 miles per second, that is—speaking roughly—about one million times more swiftly than sound travels, This, according to the accepted theory of wave transmission, necessitates the conclusion that were the density of either equal to that of the atmosphere its elasticity, or power of resisting compression, must be a of million times greater than our atmosphere. This abundantly Young, Jevons, and others in describing æther as an " adamantine solid." To meet the requirements of the undulatory theory of light, it must be assumed that æther is many hundreds of times more incompressible than steel. Nor is this all. Sir John Herschel has calculated "that the pressure of æther per square inch must he about seventeen billions of pounds." a But as a matter of fact, this æther must be inconceivably less dense than our atmosphere, for it offers no recognizable-resistance to the motion of planets and those tenuous bodies called comets. Can it be believed, in ht of our sense experience, that this æther at once so unspeakably tenuous and so inconceivably elastic or incompressible. Some, like Lord Kelvin, are disposed to regard this æther as the prothyle or primitive something out of which his vortex ring atoms are supposed to be evolved, or rather created, and if so then æther is a perfect, that is, an incompressible or infinitely elastic and frictionless fluid. Nevertheless, the heavenly bodies move in, or rather through it, with as little resistance as

they were moving through a perfect vacuum. Physicists, for the most part, seriously believe in this astoundingly strange æther, and that simply because it is a rational inference, practically necessitated by the wave theory of light. Theologians as such have no quarrel with this theory. On the contrary they regard it as a striking and instructive example of how physicists accept the most startling conclusions on the ground of an inference purely rational, for, observe, it is utterly impossible to bring æther be range of sense perception. Not sense, but the speculative reason sees æther. Observe further the existence of this æther, like that of the atoms of chemical science, only admits of rational, as distinguished from sense verification. Just imagine what would happen were this tether theory an item of religious belief. How the critical sceptic would exult in the manifest absurdity believing of that an unperceivable something, with properties so contradictory, or at least seemingly so contradictory could possibly exist. Of course, " nothing can be supposed to exist which cannot be imaged in thought, and verified by sense perfection, then tether must be dismissed as one of the superstitions of a too speculative science.

The law of gravitation is confessedly one of the most important and best established of the generalisations of physical science. It may surprise some of you to hear that the theory of gravitation confessedly involves some quite inconceivable suppositions—(1) the force of gravity acts instantaneously between the most distant parts of the solar system. Even Laplace did not hesitate to say that " the action of gravity is propagated in time, its velocity must be at least fifty million times greater than that of light." Arago declares that its action is instantaneous, (2) "Gravity is a force which appears to act between bodies through a vacuous space;" but all authorities from Sir Isaac Newton to Du Bois-Reymond and Tate pronounce such action as inconceivable, absurd, and impossible, I have said enough to prove that gravity is in the last degree mysterious and inconceivable. C J early conceivability is not recognised as a test of truth in physical science. In the name of all that is reasonable why should it be used to test the legacy of our conception of God—the ultimate reality?

Among accepted physical theories none is more widely embraced or more highly valued as a working hypothesis than the Atomic theory. I may add that no part of physical science is more fascinating for first rate physicists, like Clerk Maxwell and Lord Kelvin, than the theory of atoms " you wish to get some idea of how fascinating their subject is for Lord Kelvin, you may consult his paper on "The Size of Atoms," in vol. i. of his " paper Lectures," &c. The result which he has reached as to the [unclear: si] of atoms is so interesting in itself, and so generally received, that I feel sure you will pardon me for giving it to you in his own words: "Imagine." saya he," a globe of water or glass, as large as a football, to be magnified up to the size of the earth, each constituent molecule being magnified in the same proportion. The magnified structure would be more coarse-grained than a heap of small shot, but probably less coarse-grained than a heap of footballs."

Only the chemical expert can have an adequate impression of the growingly important part which Atomic theory plays in chemical science. But what are atoms? Here the difficulties of scientific theory come into view. I shall not vex you with the speculations of first-rate chemists like Crookes, and philosophers like Spencer, who contend that the elements or atoms of laboratory theory are simply stable groupings of the primordial atom. Even physicists like Balfour, Stewart, and Tate describe the atom of laboratory-theory in these terms: "To our minds it bra no less false to pronounce eternal *that aggregation we call the atom.*" than it would be to pronounce eternal *that aggregation we call the sun.*" Let us assume that the atom is an indivisible entity, for such the primordial atom must be assumed to be. " this is so, then it seems to follow that atoms are infinitely rigid, and, as a matter of fact, first-rate physicists contend that this conclusion is, in itself The conclusion is, in itself, striking enough, but, unfortunately, it is not reconcilable with the accepted Kinetic theory of gases or the conservation of energy doctrine. Both of these theories demand infinite elasticity in the atoms, and elasticity seems to be inconsistent with rigidity implied by indivisibility. That the ultimate of mass or the primordial atoms must be regarded as infinitely elastic is recognised by all physicists who accept the "Kinetic theory of gases" and the conservation of energy doctrine. "We are forbidden (says Lord Kelvin) by the modern theory of the conservation of energy to assume inelasticity or anything short of perfect elasticity of the ultimate molecules." The famous vortex-ring theory of atoms propounded by Lord Kelvin avoids, and was intended to avoid, the difficulty presented by the theory of infinitely rigid and inelastic atoms, but then it is itself as Maxwell points out) be pet by the seemingly insuperable difficulty that vortex-ring atoms would lack *inertia*, and inertia is held to be one of the essential properties of matter. Are we, then, to reject the Atomic theory, say, on such grounds as these : 1st. Atoms are, and for us must ever remain invisible and intangible, 2nd. The logical understanding cannot bring Atomic theory into obvious harmony with other accepted physical theories, Ought we, for these and like reasons, to reject the Atomic theory? By no means. And why not? Because physicists, like wise men who accept the consequences of their partial and essentially finite knowledge, refuse to accept conceivability, manifest logical congruity with all accepted doctrine and verification by sense perception, as the atoms conditions of reasonable belief; or, to put it otherwise, as the tests of truth. Manifestly, modern science, by in daring rationalising of the data of sense experience, has gone far beyond the limits of the knowable as defined by consistent Positivists. Physical science, by a fearless application of the interpreting

principle of reason, has to a large extent become *meta physical* science—Where, then is the reasonableness of that class of physicist., mostly, as have said, belonging to the second and third rank who reject all religious beliefs on grounds, or for reasons which would lead to the utter rejection of all that is grandest in physical science? The wise theologian freely grants that his view of God and the world does not by any mean amount to absoluteity that is doubt-defying, knowledge. He confesses also that there are gaps and logical incoherence in his creed. Just because it is the creed of a fining intelligence, it is not a rounded, harmonious whole, but rather a cluster of isolated points of light which shine like solitary stars on the dark bosom of the Infinite.

Why is it that all scientists do not recognise that the creed of Science is marked by precisely the same evidence of mental limitation? In a very able book, "*The Concepts of Modern Physics*," by Stalio, you will find abundance of evidence to satisfy you that the creed of the physicist is very far from being a harmonious, logical unity. Let me again say that I do not in the least wish to depreciate physical science. My only desire is to make it trident that those physicists and naturalists who take up a negative attitude to religion, on the ground that physical theories are criticism proof and religious beliefs essentially doubtful, are utterly mistaken in their conception of the kind and degree of certainty attainable in both spheres. There is simply no absolute certainty *outside the abstractions of Mathematics and formal Logic*. In this view of the matter, and in the light of the manifest difficulties and logical incongruities of the creed of Science, 'it surely is highly unreasonable to deny the legitimacy of religious beliefs on the ground that their evidential basis does not make sceptical cavils impossible. If this canon of criticism is rational in its application to religious beliefs, is quite as rational as applied to all other spheres of knowledge; and if it be impartially applied as a test of the validity of all knowledge, then the result can only be *universal Agnosticism*. The arrogant and extremely un-critical Gnosticism of the scientific creed of certain physicists and naturalists largely if not fully explains their religious Agnosticism. The enormous credulity of the scientist, who thinks he can give a rational—that is, reasoned—account of the evolutionary process, and of the order of the universe by simply assuming that force is persistent, while at the same time he finds the Theistic doctrine beset by all kinds of difficulties and incredibilities, is surely an amazing instance of irrational inconsistency. If anything is certain, it is certain that those ambitious schemes of mechanical evolution which claim to account for the order and rationality of nature apart from the action of ordering intelligence are unproved in the ordinary sense of the word. Spencer's evolutionary philosophy is, as far as I know, accepted by no first-rate thinker. Even Fiske, who, next to Spencer, is perhaps the most distinguished exponent of the evolution philosophy, has declared himself in favour of a teleological or Theistic interpretation of the order of the Universe, and of course has most emphatically rejected naturalism. The much less ambitious speculation called Darwinism cannot even claim to be proved.

In Romanes' posthumous volume—" Darwin, and After Darwin "—you will find a lucid account, by one of the ablest of Darwinians, of how the disciples of Darwin have broken up into three conflicting schools. In the face of all this, what can be said of the certainty which is supposed to be the exclusive prerogative of scientific as distinguished from religious beliefs? The certainty of which some scientists of the religiously Agnostic class boast is surely *a moral product*, and not the result of a truly rational process. The hypothesis of spontaneous generation has no support in experience, and yet Huxley and Tyndal accepted it, because it is a necessary inference from the larger hypothesis of mechanical evolution. Is there any religious belief so manifestly open to the charge of setting aside the teaching of positive experience out of deference to an inference from a confessedly unproved speculation? Those physicists and naturalists are therefore, I contend vastly unreasonable who maintain that religious beliefs are essentially doubtful, because the evidential basis on which they rest does not warrant absolute certainty. There is not one single fact or theory in physical science of which absolute certainty can be predicated, nevertheless physicists are not afflicted with sceptical doubts; nor is there any ground in reason why those who cherish religious beliefs should be troubled simply because their creed, like the creed of science, is open to sceptical cavil.

## Lecture III.

### Argument from the World's Order.

It is often said, and with a measure of truth, that the physical sciences concern themselves with second causes. The quest for second causes is certainly the *primary* aim of the physical sciences, but human thought cannot stop short at any arbitrary point in its scrutiny of the causal process which has issued in the existing state of things. A cause which is itself caused—that is, a second cause—cannot be accepted by reason as an ultimate explanation which satisfies all its demands. In the nature of things, the only kind of cause which reason can

accept as ultimate, and in the fullest sense efficient, is that which is free, self-determining, and therefore personal. This affirmation does not need to be proved. The philosophical speculation associated with the sciences of Nature; or rather, philosophical speculations which inevitably grow out of them make it abundantly clear that these sciences cannot avoid facing the problem, What is the ultimate reality which explains that wondrous and orderly whole which we call the Cosmos ? I venture to affirm, that there is not modern physicist or naturalist, of large outlook, who has formed some opinion, more or less definite, what this ultimate reality is. Some physicists there doubtless are who have *most unreasonably* insisted on making matter and force the exclusive basis of inference as to the nature of this ultimate reality, thereby arbitrarily excluding from their basis of inference a vastly more important range of fact, to wit mind, with all [unclear: its] rational, ethical, and religious judgments, implications and needs. In other words, they have essayed to explain everything in terms of matter and force. These physicists are not, I think, to be blamed because they have ventured to attempt a solution of the problem implied in the question : What is the ultimate reality ? We object *in toto* to their solution, for reasons, some of which I shall indicate in the sequel, but it would be absurd to censure them for doing what all rational beings feel impelled to do. The physical sciences have reached such a very definite conception of the order and subtle adaptations of [unclear: inorganic]. Nature that the question is inevitably raised : How is this complicated, all-pervading order to be accounted for? Let us look at this problem just as it presents itself to the student of Nature. Ethical considerations do have, and ought to have, a preponderating influence in determining our general interpretation of the significance of Nature Meantime, let us leave out of view all ethical consideration and consider the problem of the world's order as a purely intellectual one. There are two, and only two, solutions which can pretend to anything like plausibility and [unclear: wide] acceptance—viz., the Theistic and Materialistic. Materialists, virtual and avowed, discover the ultimate reality is matter and force, and pronounce all the order and adaptation discernable in Nature to be the necessary product is the mechanical interactions of persistent forces. Given eternal matter and force, say they, and, by an absolute mechanical necessity, they must, in course of time evolve into just such a cosmos as is our world including, of course, all living organisms, the subtle mechanism of which makes our most [unclear: cunning] and complicated inventions appear as simplicity [unclear: itself] Romanes wrote his "Candid Examination of Theism" [unclear: the] prove, among other things, that, assuming the truth [unclear: is] Spencer's persistence of force doctrine, all the order [unclear: and] harmony of the physical world, and the wonderful mechanism of living things—yea, human reason itself—must ultimately be evolved. The more mature judgment of this acute thinker has led him to retract his [unclear: Athesi] creed, and pronounce the Materialistic theory incredible, and that on purely intellectual grounds. In the end he saw what the mathematical genius of Dr Chalmers saw and announced long ago—to wit, that physical forces can only evolve a Cosmos on condition that the quantity, quality and space relations of these forces are of a very definite kind. An orderly, progressive evolution implies not merely and only inter-acting forces or causes, but, as principal Macosh puts it, "organised causation." Dr M'Cosh, a well-known scientist, in his "Basis of Evolution," has vindicated precisely the same truth by proving, as against Herbert Spencer, that not mere force, but the *direction* or *determination* of force is the only possible explanation of the world's order. It is as certain as anything in physical science can well be that such a disposition of the entire matter and force of the Universe is possible as would render all life and motion physically impossible. Nay, more : Lord Kelvin, Helmholtz, and Take—the very highest authorities in physical science—on the ground of mathematical deduction from the verified laws of heat, unhesitatingly affirm that the order of Nature continuing as it now is, the ultimate issue for the physical Universe will be perfect balance of force; that is death in the most comprehensive sense of the word.

This is how Helmholtz puts the matter:—"If (says he) the universe be delivered over to the undisturbed action of its physical processes, all force will finally pass over into the form of heat, and all heat come into a state of equilibrium. Then all possibility of a further change would be at an end, and the complete cessation of all natural processes must set in."

This being so, it is self-evident that the possibility of motion or evolution depends on a specific state and collocation of the inter-acting forces, and not merely and only on the persistence of force, for force persists even when change becomes impossible.

Even mathematical thinkers of the stamp of Hartmaan Have proved by the theory of probabilities that it is preposterous to suppose that the many nice combinations or adjustments which go to make a healthy human eye can be the result of anything but purposive intelligence. If this is so, how unutterably preposterous is the supposition that the entire order of Nature, with its innumerable adjustments, is the product of the blind inter-actions of men force. Do I put it too strongly when I say that the Materialistic solution of the problem presented by the exquisite harmonies and adaptations of the Cosmos taken as a whole is outrageously irrational ? Those most competent to grapple in a purely intellectual fashion with the problem of the world's manifest and manifold order have not hesitated to pronounce Atheism irrational. Were it my object to present you with anything like an adequate criticism of Materialism, I would be under the necessity of proving to you that

Materialism contradicts our most sacred and deep-seated convictions, such as the absolute imperative of conscience, the reality of freedom, and the reality of moral, as distinguished from legal, responsibility. Of course, Materialism also necessitates the conclusion that personal immortality is the emptiest of dreams. Even the accepted distinction between truth and error vanishes in a Universe where all beliefs are equally necessary. Moreover, this view of the Universe shuts us up to the most unqualified Pessimism, for all that is evolved is doomed to be dissolved. Is not this a complete *reductio ad absurdum* of Materialism ?

The other solution of the problem of the world's order is Theism, or the belief that the order and rationality observable in the Cosmos are a manifestation of the ordering intelligence of a personal God. This manner of interpreting the Cosmos is illustrated in that interesting and, so far as it goes, convincing argument for the existence of God generally described as the argument from design, or the teleological argument. The real drift of this argument is to show that the order of Nature is of such a kind that it can only be construed as the product of ordering, designing or purposive intelligence. It was, till quite recently, the fashion with the sounding-boards of current opinion [unclear: to] pour contempt on Paley and his classical watch [unclear: from] on a heath, and of course on all those who [unclear: were] antiquated enough to believe that sure traces [unclear: of] purposive intelligence are clearly recognisable in the nice and highly complicated mechanism of Nature. So many biologists of the ultra-Darwinian type proclaimed from the housetop that the teleological interpretation of Nature was a thing of the past. Nature, they affirmed, was neither the outcome nor the instrument of purposive intelligence. This finding, to be sure, was not very creditable to Nature, for in the judgment both of reason and conscience what is absolutely void of purpose is worthless, or worse; nor did it simplify the problem as to how, man who is certainly a purposive intelligence, could be evolved by a thing absolutely void of purpose. Despite all such considerations, the anti-teleological clamour did tell even on professed Theists of the kind who are most anxious to be considered up to date—so much so that they made haste to give up the time-honoured design argument. If I am not much mistaken there is a recognisable turn in the tide. Lord Kelvin has, in the most public manner, [unclear: red] that he regards the principle of Paley's watch argument, or the argument from the order and adaptation manifest in Nature, valid on purely rational grounds. Romanes, in his last testimony, has said substantially the same thing. It will hardly do to sneer at the deliberate judgment of Lord Kelvin, who is manifestly so pre-eminently fit to solve just such problems as that presented by the order of Nature. A review of some of the more prominent objections which have been taken to the design argument will serve to bring out the nature of the evidential basis on which our most fundamental religious belief rests. I pass over sneers, such as that embodied in the phrase, "The carpenter theory of the universe," and objections which are really no objections, for they are irrelevant—as, for example, the undisputed assertion that the design argument is not absolutely demonstrative, or that it only proves that God is possessed of intelligence. As I have already said, absolute certainty as to concrete fact is beyond the reach of man. Further, the several Theistic arguments are but clear statements of the manner in which, from particular experiences we reach, or at least may reach, the knowledge of some particular Divine perfection or group of perfections. Evidence is not worthless because it does not prove everything. In the nature of things, the evidence on which our belief in God rests, is just as manifold as the manifold ways in which God [unclear: reveals] to us His perfections. Hence the Theistic argument in [unclear: its] totality is necessarily composite. Let us glance now [unclear: at] some of the sceptical cavils which have been urged [unclear: against] the validity of the Theistic solution of the problem presented by the world's order. And, first, it is urged that even if it be conceded that purposive intelligence is manifested in the subtle and complex harmonies of Nature the degree and kind of intelligence discernible in Nature does not logically necessitate the conclusion that God is [unclear: and] infinite intelligence. Say our sceptical critics: the conclusion is larger than the major premise, and therefore the conclusion does not necessarily follow ? Of course it does not necessarily follow; but what of that ? Is not the existence of physical science evidence enough that reasonable belief may be indefinitely larger than the inductive [unclear: basis] on which it rests, or from which it is an inference? [unclear: All] inductions worth calling such proceed from the [unclear: particulars] to the universal. The supposition that the existence of by [unclear: a] substantive object can be proved till it is established by process of reasoning strictly demonstrative is both a [unclear: rascal] and hurtful superstition. Or, to put the matter in another light: To object to the validity of the argument from the order of the Cosmos, on the ground that it infers an infinite cause from a finite effect, is to proceed on the [unclear: utterly] mistaken notion that anyone of the generally accepted Theistic arguments is held to be a demonstration of [unclear: the] existence of God. These arguments, whether taken [unclear: single] or as a totality, are not, in the strict sense of the [unclear: word] *demonstrations of the thesis that God is, but solutions of [unclear: the] problem set to us by the manifold facts of experience*. In [unclear: other] words the proofs of the existence of God, like all [unclear: scientist] inductions, are simply rational explanations of the facts [unclear: in] experience. Assuredly, they are something more and [unclear: better] than logical deductions from a general truth.

To say, therefore, that the teleological argument is [unclear: an] what it does not pretend to be, is certainly

not to [unclear: pro] it worthless. But this is precisely what sceptics and those carried away by their sophistries do when in effect they argue thus : The existence of God cannot be demonstrated, therefore it is doubtful. It is true that God's existence cannot be demonstrated, and therefore religious scepticism is morally possible; but it does not follow that the existence of God is doubtful. To put it mildly; The great mass of the reasonable beliefs of humanity rests on a basis of evidential proof very far from being demonstrative. To insist, therefore, on a species of proof—to wit, demonstration, which does not suffice to prove the existence of any substantial entity, is highly unreasonable. I have insisted much on this truth, because I firmly believe that the virtual denial of it is the cause of much sceptical bewilderment.

Again, it has been objected that the argument from existence of the observed harmonies and adaptations of the world does not justify the conclusion that God is the *Creator* of the world. At best and most it sets Him forth as a being who shapes and orders the material of the world, which for aught that the argument proves may be eternal, and to an indefinite extent refractory. As I have already said, this argument does not prove everything, and therefore cannot be reasonably objected to on this ground. But the objection just stated is almost palpably unjust to the teleological argument, for it is obvious that the teleology manifest in Nature is immanent or inner, and not impressed on it from without as is the case in machines contrived by human wit. The order and harmony of Nature is the outcome not only of the disposition or collocation of matter, but of the definite properties which are inseparable from its essence. Reason, pondering on the manner in which the teleology or order of Nature is realised cannot, I think, reasonably evade the conclusion that the design of which the Cosmic order is the outcome has been laid in the essential constitution of matter. But is there any conceivable or possible manner The existence the order of Nature can be laid, as a sure potency, is the essential properties of matter, except by creating it? The existence of matter is not separable from its essential properties. From this it follows that to give matter [unclear: is] essential properties is to give it its being. AS [unclear: Huxley] himself has pointed out, the evolutionary theory of Nature does not by any means disprove the teleological view. Those who, like Fiske and multitudes of others, interpret the evolutionary process in a teleological sense, [unclear: conten] that the evolved order of the world or Cosmos is simply the unfolding of the potential order involved by the [unclear: creative] power and wisdom of God. Further, the manner in which this order and beauty are evolved argues a, power and skill unspeakably more than human. The growth of an eye [unclear: as] a far high or evidence of inventive power than the construction of a telescope. What I have just said makes itself-evident that the manner in which the order of the world is progressively evolved, implies that the *order* and *existence* of the world are due to *the same cause*. In other words, the *Architect* of the Cosmos is also its *Creator*.

Another of the objections urged against the season ableness of the Theistic solution of the problem presented by the world's order is eminently characteristic of the polemical methods of the religious Agnostic. As put by Professor Knight, of St. Andrews, who accepts it as [unclear: valid] it runs thus : " Design is a plan to overcome hindrance [unclear: to] effect a contemplated end by conquering difficulty, and by adjusting phenomena, each to each. But it is *only a* being of limited resources that requires so to act or work. [unclear: The] omnipotent can have no hindrance to overcome, no difficulty to surmount." I have given the objection exactly [unclear: as] Professor Knight puts it. The objection has an air [unclear: of] cleverness about it, and looks plausible. It is indeed [unclear: and] argument quite wonderful in the largeness and confidence of its gratuitous assumptions. Among other things its assumes that God is not to be conceived as choosing to [unclear: act] in a manner which has reference to the needs of [unclear: His] rational creatures. If it be supposed that He adopts [unclear: mean] for the gradual realisation of His ends, that can only [unclear: be] because His limited power lays Him under the necessary [unclear: of] slowly and laboriously achieving results which could not be instantly produced by the fiat of omnipotence. This [unclear: is] course, is to assume that the Omnipotent, or the [unclear: Infinite] cannot act in time, or under time conditions. But where is is the proof that God can only be conceived as adopting the method of realising His ends by the instrumentality of means except on the assumption that His power is limited ? Let us look at the plain facts of experience, and I think we will find abundant reason for supposing that the method of realising ends by the use of means does not necessarily imply—does not even naturally suggest—limitation of power. It is does not need to be proved that man is essentially an inventive or purposive intelligence, Con-situated as man is, his powers, intellectual and moral, could not be developed apart from the exercise of his inventiveness, and the faithful use of means. Nature in all its realms is a perfect magazine of instrumentalities, which invite and reward the exercise of man's purposive intelligence. Science, theoretical and applied, is an ever-growing testimony to the quite amazing extent to which the powers of nature can be made subservient to the needs of man. It is as manifest as anything can well be that Nature could not be a fitting school for our training were it not both an object lesson as to the method by which ends can be secured by the use of means, and a storehouse of the adaptable agencies which human inventiveness turns to such good account both in a material, intellectual, and moral sense. In the face of this great, broad fact, what can we say of the contention of those who maintain that the teleologies!



interpretation of the world's order necessitates the conclusion that the author of this order is limited in power.

It is further urged that the Theistic solution of the world's order, which includes the purposive adjustments of means and ends, is open to the charge of gross anthropomorphism. The word anthropomorphism is to some ears suggestive of most heinous philosophic sin, and to other ears it may be suggestive of something well nigh incomprehensible. Let me try to give you some notion of the meaning of the word anthropomorphism. On all hands it is allowed that we can form no positive idea of God, except in so far as we conceive ourselves to be made in His image. All the attributes which we ascribe to God, such as wisdom, power, goodness, and so forth would have absolutely no meaning to us unless we conceived them according to the analogy or after the likeness of the corresponding qualities which we know in ourselves. Hence, Theism [*unclear: in*] common with the Bible, assumes as an indisputable postulate that man is made in the image of God. But says the religious Agnostic, it is illegitimate to conceive God after the likeness of ourselves. Because, for example we are essentially purposive intelligence, it does not follow that God, or the ultimate reality, is an intelligence who forms purposes and executes them. To think of Him as personal, or holy, or just, is (says the religious sceptic) to impose on him the forms of our mental and moral nature—is, in other words, to fall into the grievous error which he calls anthropomorphism. The Materialist too, objects to the Theistic conception of God as [*unclear: anthropomorph*], but for a different reason. He has a morphism of his own—that is, he has a very definite conception of [*unclear: that*] ultimate reality. Matter is the Supreme reality, and everything which is, so he affirms, is but a form of matter. The Theist takes his own spiritual nature to be the most perfect accessible image of God, whereas the Materialist takes matter to be the radical and elemental form of [*unclear: all*] that is. The believer in God assumes that he finds in, [*unclear: his*] own spiritual nature, a real, though imperfect likeness of the first cause. The Materialist conceives the ultimate reality after the likeness of the most elemental form [*unclear: of*] matter and force. It is idle, therefore, to object to [*unclear: any*] proposed solution of the world problem that it [*unclear: conceiv*] the ultimate reality after the pattern or form of something revealed in our experience. If we are to think of the Supreme and ultimate reality at all, we must think of Him or it after the analogy of some entity given in experience. At this stage I need only remark that the [*unclear: most*] obviously rational course is to suppose that the [*unclear: ultimate*] reality is best represented by that which is [*unclear: cofesse*] highest in the effect of which it is assumed to be the [*unclear: cause*]. That highest effect is of course man. But what I [*unclear: was*] specially to emphasise at this point is the manifest inconsistency of those religiously Agnostic scientists who object or rather imagine that they object, to all anthropomorphic elements in the scientific interpretation of the world and its order. Confessedly the most important of interpreting principles in the physical sciences is the causal judgment, which may be expressed in these terms : " Whatever begins to be must have had a cause." But what is cause? The most unsatisfactory answer which has been given to this question is that proposed by Hume, Mill, and Co. According to this school, cause and effect are nothing but invariable antecedence and consequence. One set of conditions is invariably followed by another set of conditions, and the two sets get so associated in our minds that the idea of the one inevitably suggests the other. This, so it is said, all that is meant by the causal nexus. An iron pot with water in it is put over a brisk fire, and the water begins to boil. There is no efficiency, says Mill, in the fire to produce the result. All that we know or can know is that the two things invariably go together. This representation is utterly antagonistic to the dynamism of modern science. I venture to say that there is not a sober physicist who does not regard cause as equivalent to potency, efficiency, or power. But what is power? Hume and Mill rightly enough contend that it is not an object of sense perception. Only through our consciousness of volitional effort in overcoming resistance have we an immediate knowledge of force or power. As far as I am aware it is universally allowed that the idea of power or efficiency, which is of the essence of our notion of cause, is a transference; by way of analogy, to physical nature of a conception derived exclusively from our consciousness of volitional effort. This being so, it is self-evident that the entire range of the dynamical sciences is due to the fact that we interpret the material world in the light of a purely mental experience—to wit, volitional effort. To this extent physical science, and in truth all science, is and must be *anthropomorphic*. The proof of this fact is superabundant. Even Herbert Spencer allows that we cannot help interpreting Nature in terms of spirit. Force, of which he makes so much, and which in so many places, he seems to identify with the ultimate reality, is a purely anthropomorphic conception. Whole philosophies for example, that of Schopenhauer—are built on the assumption that the fundamental reality is *Will*. Scientists, [*unclear: too*] of the first order have hazarded the conjecture that physical energy is but persistent will power. The [*unclear: candid*] thinker is therefore shut up to the conclusion that the idea of cause, which plays such an all-important part in modern science is anthropomorphic. It is therefore not without reason that the resolute religious sceptic sets himself [*unclear: not*] to evacuate the idea of cause of its true import; for, if it is legitimate to interpret Nature by the aid of the anthropomorphic principle or category of cause, it is [*unclear: rand*] inconsistency to say that it is absolutely illegitimate [*unclear: and*] to think of the ultimate reality—that is, God—after [*unclear: that*] analogy of that which we know to be highest and best [*unclear: in*] our own nature. As matter of fact, we interpret the world of physical energy in terms of will power

or effort.

Is it unreasonable, then, to interpret the [unclear: wonde] order and harmony of this same world in terms of ordinary contriving intelligence? It must, I think, [unclear: sada] tolerably evident that the Theistic solution of the problem of the world's order is simply and only a particular inference, based on the universally accepted maxim the every effect implies an *adequate* cause. We feel [unclear: sd] certain that no quantity of "printer's pie," though [unclear: fr] ever so often from a huge dice-box, would ever arranges [unclear: ite] in the form, say, of Milton's "Paradise Lost." And [unclear: ov] certainty is not based on the fact that we have never [unclear: se] such an extraordinary effect result from chance [unclear: com] tion, but rests on the much more rational and [unclear: pos] consideration that the improbability of such a [unclear: ch] combination is practically infinite, In other words, [unclear: sds] rightly judge that the chance combination of [unclear: deta] letters is an utterly inadequate explanation of the [unclear: exter] definite collocation of the letters and words [unclear: wh] go to make up Milton's elaborate poem. The [unclear: teleolog] or design argument, which concludes from the [unclear: ma] order and adjustments of Nature that no cause other than purposive intelligence can account for the facts is [unclear: th] fore, in principle, not one whit more anthropomorphic [unclear: ov] the verdict of the physicist who assures us that the heat requisite to raise one pound of water by one degree cannot produce more than a certain and very definite equivalent of work.

Enough, I think, has been said to justify the following conclusion : The sciences of Nature brings us face to face with order, harmony, and adjustment of such a kind that the question is inevitably raised: How are these things to be accounted for? Of the two most widely-accepted solutions, to wit, Theism and Materialism, Materialism must be set aside on purely rational grounds, though, of course, there are other and more urgent reasons why must hold it to be inadmissible. Persistent force cannot explain the orderly evolution which has issued in Cosmos. It is demonstrable that a conceivable dis-position or collocation of persistent forces is equivalent to stagnation or death. Theism is not open to the objection that it assigns an inadequate or imaginary cause for the world-order. Purposive intelligence, coupled with power, will certainly account for the order and supreme intelligibility of Nature. The only question which admits of reasonable debate may be put thus: Do the facts, as known us, rationally justify us in maintaining that they can only be satisfactorily accounted for by the free action of purposive intelligence? It can hardly be doubted that most competent to deal with problems of this order have, with rare exceptions, pronounced unhesitatingly in favour of the Theistic solution. Professor Bowne, one of the ablest of American philosophers, affirms in his a work on Metaphysics that the order of Nature affords better and stronger evidence for rationality of the first cause than the actions of human beings do of their intelligence. Most assuredly Nature, in a very intelligible sense, is unspeakably more rational than any human work. Various objections have been urged against the view of those who contend that the order and intelligibility of Nature is only explicable on the assumption that intelligence is one of the attributes of the alitimate reality, that is of God. Our review of the most important and plausible of these objections has, I trust, confirmed you in the conviction that they are unreasonable—so unreasonable that the principle of them could not be allowed in any sphere of thought other than the [unclear: sa] ligious. We would, for example, be quite ashamed to argue that the procedure of the teacher who slowly spells a succession of words before some youthful pupil can only be accounted for on the supposition that he cannot [unclear: res] fluently. And yet this is how grave thinkers do [unclear: arg] when they contend that the design argument necessitates the conclusion that God must be limited in power, for nothing but lack of power could conceivably induce Him to adopt this method of working. But it would seem that all kinds of [unclear: scep] cal objections, though manifestly futile in all the ordinary spheres of thought, are valid in the esteem of anti-religious bias. The proof which abundantly satisfies us in physical and natural science is nought to the religious Agnostic The objections of the religious sceptic would lose [unclear: mus] if not all, of their disturbing effect, were it only known that if consistently used as a criterion of the truth of all beliefs they would lead to *universal scepticism*.

## Lecture IV.

# Arguments from Intelligence and Conscience.

BOTH Theology and Philosophy concern themselves with the question, What is the ultimate reality? To answer that question satisfactorily, it is manifest that due weight must be given to all the facts or data of experience. Nor can it be doubted that, among these data, we human beings, with our instincts, feelings, thoughts, needs, and aspirations, occupy a moat prominent and important place. Absorption in physical studies has unquestionably led to religious doubt, because it has led a certain class of thinkers not only to lay an

altogether excessive stress on the methods of reasoning and investigation adopted with such good results in the physical sciences, but also practically to ignore large areas of fact. Man, to use the current language of scientific speech, being the last and highest product of the evolutionary process, must also be reckoned fullest and altogether the best revelation of the nature of the first cause or ultimate reality. Meantime, we exclude supernatural revelation from our view. It is an axiom of reason that no effect can, in any sense, exceed its producing cause. If there is intelligence in the effect, there must also be intelligence in the cause. Naturally, therefore, we look to that which is highest in the effect when we wish to discover the nature and potency of the cause. The best thought discovers in the physical universe a degree and kind of order which can only be regarded as the product of designing intelligence. But creatures capable of forming and executing purposes rank much higher in the scale of effects than the order and adaptation of the inorganic world. To healthy common senses that sense which sees all the more clearly because it loves [unclear: do] wrangling, it seems all but self-evident that man, being at once an effect, and essentially a purposive intelligence must owe his existence to a Being possessed of purposive intelligence. Surely, the rational cannot proceed from the non-rational. To suppose that such a thing could happen is assuredly to put reason itself to "permanent confusion." But great is the credulity of anti-religious bias. It cannot believe that "mind created the world, but it professes to believe that the world created mind."

To the sagacious mind of John Locke, it appeared that we men being intelligent, it is certain beyond the possibility of reasonable doubt that God, the ultimate reality and first cause, must possess intelligence in an unspeakably higher degree than we men do. Locke puts the matter thus " If it be said there was a time when no being had any knowledge, when that eternal being was void of all understanding. I reply, that then it was impossible that then should ever have been any knowledge; it being as impossible that things wholly void of knowledge and operating blindly and without perception, should produce a knowing being, as it is impossible a triangle should make itself three angles bigger than two right ones." The case for Theism, as put by John Locke, is so strong, that thought of religious sceptics like John Stuart Mill, have put forth their utmost strength in the attempt to meet it. The quite desperate shifts to which religious Agnosticism is driven cannot, I think, be better exhibited than in Mill's [unclear: fu] attempts to meet Locke's argument. Lest it should be supposed that I am caricaturing John Stuart Mill by way of imputing to him arguments crude and weak in the last degree, I shall give you his main objections to [unclear: Lock] argument in his own words. " If (says Mill) the [unclear: me] existence of mind is supposed to require, as a necessary antecedent, another mind greater and more powerful, the difficulty is not removed by going one step back; the creating mind stands as much in need of another mind to be the source of its existence, as the [unclear: cre] mind." It would be difficult to discover in universal literature a more concentrated bit of manifest irrationality. And yet we need not much wonder at the irrationality, for luminous truth always reduces those who gainsay it to the dire necessity of uttering unmitigated nonsense. Neither Locke nor any other reputable Theist ever has said anything so exquisitely absurd as that the mere existence of mind presupposes another mind as its originating cause, and so on *ad infinitum*. It is not mind as such, but mind *that has originated in time*, which demands a superior mind as its originating cause. In the sentence which follows the one I have quoted, Mill speaks with perfect assurance of eternal, that is, underived and uncaused, matter and force. Is not this gross self-contradiction? There is absolutely nothing in the nature of mind *as such* which compels the belief that It is not eternal. In point of fact, nothing but spirit or mind answers to the idea of underived and eternal being, for nothing but self-determining spirit can conceivably be a cause which is not at the same time an effect. It is only because we human beings have originated in time—that is, are derived intelligences—that we feel constrained to assign our origination to an intelligent cause.

Another of the insuperable difficulties which Atheists encounter in reckoning with the truth presented in Locke's argument may be put thus; Is it in the least degree credible that non-rational matter and force can, by their own inherent powers, evolve rational beings? Materialists cannot evade this question, and quite wonderful are the devices which they have been driven to adopt to disguise from themselves and other the irrationality of ascribing the origination of mind to the interactions of non-rational atoms. Hæckel, for example credits atoms with " desire and aversion," "sensation and will." Tyndall sympathetically quotes from Lange's History of Materialism" a passage, the aim of which is to prove that sensibility exists in a diffused form in flour, because mice grow and multiply in a meal [unclear: rub]. Of course, the sensibility exists also in the wheat, That about the kindness of grinding grain? Speaking generally, Materialists try to get over the difficulty partly by a process of levelling up, and partly by a process of levelling down. Matter is clothed with new attributes such as feeling and will; and man is denuded of such attributes as freedom, moral responsibility, and so forth. But to return to Mill and his attempt to turn the edge of the difficulty presented by the fact that it seems irrational to say that a rational being can be produced by non-rational matter and force. To avoid the suspicion of attempted caricature, I will present Mill's contention in his own words : " Apart from experience, and arguing on what is called reason, that is on supposed self-evidence, the notion seems to be that [unclear: no] causes can give rise to

products of a more precious [*unclear: or*] elevated kind than themselves. But this is at variance with the known analogies of nature. How vastly noble and more precious, for instance, are the vegetables and animals than the soil and manure out of which and by the properties of which they are raised up," This is [*unclear: Milli*] disproof of the maxim universally accepted in all scientific investigation, and a disproof more exquisitely curious it would be difficult to produce. The labour of verifying the truth of Mill's contention, say by causing a manure [*unclear: heap*] to produce or evolve a vegetable, would involve an amount of toil and patience not to be measured. The extraordinary weakness of these objections is surely a most impressive witness to the fact that mere intellect, having regard to the fact that man is a *derived*, or caused intelligence, is driven to the conclusion that the ultimate reality or first cause must be intelligent in a measure quite beyond anything that we can picture in thought. [*unclear: It*] matters not by what mechanism of second causes [*unclear: man's*] complete nature is brought into being, the conclusion stands firm that the *efficient* cause of his intelligence must be intelligent. Of course, it is always verbally possible for the sceptic to say that conscious intelligence in the [*unclear: effect*] does not necessarily imply conscious intelligence in the cause; but this, I conceive, only proves to what a [*unclear: startling*] extent human thought can be influenced by a [*unclear: capricious*] will.

Up to this point we have restricted ourselves to the consideration of the kind of inference which [*unclear: discover*] *reason*, or the logical understanding, may legitimately draw from the order of nature, and the existence of human intelligence, as to the nature of God or the ultimate reality. But the kind of facts which the physical sciences essay to interpret, and the kind of reasoning or argumentation which is the recognised instrument of investigation in the natural sciences, do not any means exhaust—either our powers of cognition, or the material on which our cognitive powers may legitimately operate. A certain class of physicists have been led to embrace defective, and in many cases perniciously false views as to the nature of the ultimate reality, because they have ignored these other and higher powers of knowledge. History proves beyond dispute that whenever and in whomsoever conscience and the religious instinct cease to be potent factors in determining belief or conviction and the logical understanding is elevated into the supreme organ and criterion of truth, religious scepticism a more or less extreme form makes its appearance. Deep thinkers have always recognised this historic fact, and more or less understood its meaning. Hence the strenuous attempts made by such a thinker as Lotze to prove that the power of reasoning which plays such a conspicuous part in mathematics, astronomy, and physics is very far from being the only, or even the most important, organ of sure knowledge. In point of fact, its function is an essentially limited one, including such ends as the unification of our knowledge, and the unfolding of the logical consequences of the facts given in intuition.

We give the name of rationalism to that mode of thought which lays undue, or exclusive, stress on that kind of evidence, and that species of reasoning, which appeal to our logical understanding, as distinguished from our powers of moral and spiritual intuition. Rationalism may of course be more or less thorough-going, but one of its most distinctive marks is over-valuation of those methods of proof which do not depend for their data or felt cogency on our powers of spiritual and moral intuition. This raises the question: Is it reasonable to hold every belief to be doubtful or illegitimate which does not rest on an evidential basis identical in kind with that which accredits the doctrines of natural science? This, at least, is most certain. Reasoning, and by this I mean deductive reasoning, has an ever-lessening range of application in the sciences which deal with the higher and more complicated phenomena of experience. Physical astronomy admits of mathematical treatment to an extent which makes it the exclusive domain of the mathematical expert. On the other hand, biology, which deals with the complicated phenomena of organic life, has not reached, and probably never will reach, the deductive stage. The same is true, even in a more marked degree, of such a science as psychology. You will search in vain, in treatises, say, [*unclear: or*] sociology and ethics, for elaborate demonstrations [*unclear: on*] deductions such as the physicist delights in. Were all of us allowed to play our part in the social sphere in which we happen to move only on condition that we were prepared to give what is called a scientific proof of the wisdom of our proposals, I presume that life, social and political, would become wondrously quiescent.

How or by what principle are we and our fellowmen [*unclear: best*] guided in determining what is just and unjust in our social relations. We may answer broadly that it is not so much the powerful intellect as the good conscience which judges wisely and well. Intellect of the highest order may be, and sometimes is, the utterly unscrupulous tool and advocate of the basest selfishness. Nothing but the pure heart can either see the highest forms of truth, or adequately feel their importance. Nor will any honest Lover of truth dispute the truth that the end of all development is moral and spiritual perfection. Even Evolutionists allow that the ideal climax of the evolutionary process is the evolution of the *ethical*. Pure intellect is not the crown of perfection, either in the individual or the race. It ought ever to stand to conscience in the subordinate relation of means to end. The final cause of our existence as rational beings is not that we should become perfect, logical machines, but that we may get to know and love and [*unclear: live*] the morally good. It is quite true that capacity for reaching sure conclusions in the sciences of nature is more widely and perfectly developed than our powers [*unclear: of*] moral and spiritual insight; but this by no means proves that our higher powers are of doubtful value as organs

of trustworthy knowledge. The very fact that conscience, as an organ of truth, is more apt to be impaired or perverted, than our logical reason, only proves that it is a higher power. The faculties which we share in common with the animal world are precisely those which are most certain in their operation, and least subject to perversion. Animals entirely governed by their ready-made instincts are not troubled with the dubieties which vex us men in the higher ranges of thought. The precision and coerciveness of the impulses which actuate mere animals, doubtless deliver them from the uncertainty which so often besets us men, but they at the same time prove that instinct-governed animals exist below the plane where moral education and probation are possible. It does not therefore follow that the verdicts, implications, and postulates of conscience are of doubtful worth or validity because conscience, as a power of intuition, is not so widely, or, for the most part, so fully developed as that side of our intelligence which is concerned with the knowledge and interpretation of the phenomena of the physical world. The reverse is the case. Conscience, which, in an eminent sense, is the religious faculty, may, without exaggeration be called the eye of the soul. If we scrutinise the roots of our intellectual life, we will discover that our entire intellectual life rests on an assumption of an essentially moral nature. Even the sceptic must assume that knowledge is possible. But how, it may be asked, can we feel assured that our thought, in any real sense, represents reality? May not our so-called powers of knowledge be illusion-generating powers? To these questions we can only answer somewhat in this wise. We feel assured that the Power to whom we owe our being—the Power which in conscience reveals to us the unconditional worth of the good is Himself good, and therefore cannot mock us with illusions. All our knowledge rests on intuitions, first principles or fundamental beliefs, which cannot be proved. Trust, or an act of faith therefore lies at the basis of our intellectual life, and trust implies goodness or trustworthiness in its object—that [unclear: is] Him to whom we owe our being. We need, therefore have no hesitation in affirming that conscience [unclear: ought] have the same potent influence in determining our [unclear: be] as to the nature of the ultimate reality which it [unclear: ought] have in shaping our conduct and moulding our [unclear: charact] In point of fact, the practical primacy of [unclear: conscience] necessarily implies its cognitive primacy. The [unclear: conten] of the sceptic who points to the fact that our fundamental ethical convictions are unproved—that is, are [unclear: tak] to be self-evident truths—neither has, nor [unclear: ought] have, any effect in shaking the belief of him who has experience in his own soul of that indescribable and [unclear: inco] municable assurance called forth by the emphatic [unclear: ver] of a good conscience. This peculiar [unclear: sentiment]. I think, somewhat felicitously described by [unclear: Lo] as a judgment or feeling of worth. Of [unclear: cour] where the ethical side of our nature is [unclear: undeveloped] or, it may be, is perverted, the grounds on [unclear: which] conscience bases its sublime certainties can [unclear: neither] known nor felt, and therefore it is quite [unclear: impossible] to make the morally blind and insensate understand [unclear: and] feel the force of the Theistic inferences which [unclear: consci] suggests and justifies. To those, however, who have [unclear: a] adequate sense of the sacredness and absoluteness of [unclear: a] obligation, it is self-evident that conscience furnishes [unclear: th] key which unlocks for us the secret of the created [unclear: univer] It need hardly be said that conscience includes that [unclear: feeling] of oughtness or absolute obligation which is evoked by [unclear: the] clear perception of moral goodness. The mere [unclear: sentiment] of utility, supposed to be created by manifold [unclear: personel] race experiences of utility, is in no sense equivalent to [unclear: the] absolute imperative of conscience—that is, to our [unclear: feeling] of absolute moral obligation, I cannot pause to [unclear: por] this, but assume its truth. I trust that the supreme [unclear: rip] of conscience, as our highest and most far-reaching [unclear: cop] of vision, to determine our convictions as to the [unclear: nature] God or the ultimate reality, has been sufficiently [unclear: vin] cated. The manifold ways in which conscience leads [unclear: up] belief in a God infinitely good and powerful, have [unclear: be] [unclear: very]variously set forth. That you may estimate for yourselves the kind and degree of certainty as to the existence and nature of God, to which we may attain through the testimony of conscience, I shall first of all put the case as [unclear: it] presents itself to my own mind. Conscience when taken seriously justifies the assertion that the one thing which [unclear: has] an unconditional right to exist, and which ought to [unclear: exist] is absolute goodness, This for conscience is equivalent to the conviction that this absolute goodness is *not* [unclear: to] *were ought to be*, but an *eternal reality*. To Suppose that absolute goodness is only an unrealised possibility, [unclear: is] to allow that evil is the dominant power in the [unclear: universe]. But pessimism, or belief in the dominance of evil is both on rational and moral grounds, an impossible creed. We conclude, therefore, that absolute goodness—that is, an absolutely good being—exists, for goodness as an objective reality can only exist in a personal being or good will. Conscience draws the further [unclear: inference] that God or the absolutely good being, must be [unclear: possessed] of infinite power as well as infinite wisdom, otherwise we would be forced into the intolerable conclusion infinitely good being, that is, God, lacks the power requisite to give effect to His infinitely holy will. To all this the morally suspicious sceptic is likely enough to reply in terms like these: Your inferences are in no [unclear: sense] logically necessary. In point of fact, they are [unclear: aring] assumptions. Of course, the inferences in question are not logically necessary, Conscience follows a path of its own when it

postulates the existence of an infinitely [unclear: good] God, and this path it knows to be reasonable in a much higher sense than the most exact logical deduction [unclear: can] claim to be. This miserable, carping, moral scepticism would trouble us less than it does did we give [unclear: due] weight to the undoubted fact that the major part of our working beliefs are practically assumptions. It cannot be proved in the strictest or narrowest sense of the word, that our cognitive nature is veracious, or that the course of Nature is uniform, or that testimony of any kind can be depended on. These things we assume, and underlying these, and such like assumptions, there lies the deeper assumption, *that truth and goodness are the [unclear: red] principles in all that is*, Religious scepticism, consciously or unconsciously, takes a pessimistic view of existence, and when clear-sighted and fearlessly consistent, confesses that there is nothing trustworthy. Does there seem to be anything particularly unreasonable or superstitious in daring to interpret the Universe in the light of our highest cognitive power : to wit, [unclear: conscience]. Is not the unreasonableness and superstition on the [unclear: side] of those who deny the sovereignty of goodness, in [unclear: denyin] the existence of God ? Such scepticism is suicidal, for [unclear: a] annihilates all reasonable grounds of trust and certainty.

There is yet another way in which conscience implicates the existence of God. Moral obligation [unclear: in] absolute, but absolute obligation, if reasonable, [unclear: demand] for its ground an authority that is absolute in the sense [unclear: of] being infinitely good. It is absurd to say that [unclear: the] coerciveness, or authoritativeness, of which we are conscience in the judgments of conscience is absolute, if it rests only on experiences of utility, or is created by social sanction. Hence, thinkers like Spencer and Bain deny the [unclear: absolutes] of moral obligation. According to this school, [unclear: more] disobedience means nothing more than reckless [unclear: conte] for social opinion, and the kind of utilities which most [unclear: more] pursue. It does not need to be proved that the [unclear: coercivence] which is felt in the sense of moral obligation points to [unclear: as] authority outside the individual, for no one now [unclear: dispute] the fact. Is not, then, the conclusion inevitable [unclear: that], moral obligation is absolute, the authority which [unclear: imposes] must be absolutely good and wise ? It is, I think [unclear: se] evident that the absolute obligatoriness revealed [unclear: it] conscience is irrational unless it be conceived as [unclear: the] expression of the will of an infinitely good being. [unclear: Neither] State law, nor the informal legislation of society, [unclear: cs] create an absolute moral obligation. Earth's noblest [unclear: cos] have not unfrequently been constrained to resist State [unclear: la] and the unwritten law of the great social world; and [unclear: when] they did so, it was under a sense of obligation to a [unclear: Powe] unspeakably greater and more holy than the State, [unclear: and] Society as a whole, God is therefore the [unclear: nessary] pre-supposition, or rational basis of absolute moral obligation. The only obvious way of escape from this inference is denial of the absoluteness of moral obligation. This door of escape is closed against those who have known and felt the awful sacredness and inviolability of moral law. For all such the basis of religious certainty as regards the existence and perfections of God, is as firm and nobly rational as can well be desired. In passing, I may remark that the Theistic implications of conscience are strongly confirmed by the fact that sincere belief in the absoluteness of moral obligation is, as far as I know, never associated with religious agnosticism.

We need only glance at the somewhat peculiar manner in which Kant connects belief in the existence of God with his moral creed. I take the liberty of presenting his views in my own words: *Man's chief good as a moral being is a something which ought to be realised, and is therefore realisable. This chief good consists of two elements—viz., personal perfection, and an environment corresponding to this morally perfect state. In other words, the chief good is perfect holiness plus heaven. But whatever may be thought of our ability to attain to a perfectly virtuous character, it is self-evident that is utterly beyond human power to create a heaven which shall make perfect happiness the sure possession of the perfectly holy. Only an omnipotent and good God can create such a heaven, that is bring about the union the perfect holiness and happiness. Therefore we must assume or postulate His existence. To the idolator of the methods of proof, which rightly enough obtain in the physical sciences, Kant's moral argument is simply worthless; but to those who believe that the moral is essentially higher than the physical sphere, and take conscience to be the supreme, or at least one of the supreme principles whose guidance we ought to accept in intepreting the facts of experience, Kant's argument will be accepted as a convincing explication of some of the manifold Theistic implications of the moral. Other most important beliefs of a religious kind are also certified by our faith in the moral. One of these is our belief in personal immortality. Those to whom [unclear: these] is no science but the physical sciences regard the doctrine of personal immortality as the most baseless of superstitions, and [unclear: in] point of fact their philosophy shuts them up to this view. H æckel simply gives vent to his levity when he assures us, in his " Monism," that he believes in immortality because, in his opinion, matter and force are eternal. Apart from supernatural revelation the doctrine of personal immortality has, as far as I can judge, no evidential basis worth speaking of save in the revelations of our moral nature. To those who have in any adequate sense felt the sacredness and unspeakable worth of moral goodness, the idea that a morally good being can perish is utterly revolting. The annihilation of a morally good being would make belief in God morally impossible. To a good*

conscience the conservation of the righteous is unspeakably more certain than the eternal conservation of matter and force. The two doctrines, to wit, belief in God and belief in personal immortality, stand or fall together, I take it that religious is a matter of no practical concern for creatures who exist only for a few years.

To those who feel and recognise the supreme importance of conscience, both in its practical and cognitive aspects, it will doubtless seem that its testimony to the existence of God is unequivocal and decisive, and yet I should leave on your minds a false impression did I deny, or rather seem to deny, that faith in God has no trials. It is neither honest nor wise to ignore the fact that our knowledge of God, however assured, is so partial and imperfect that we cannot shape our entire creed into a logically coherent whole. The intellectual arrogance which declines to accept some belief, no matter how accredited, because it cannot be logically harmonised with some other truth, is on the high road to scepticism. As a matter of fact there exist in the most meagre creed many truths whose focal point of unity lies beyond the limits of the known. We might compare our knowledge to scattered sunlit islets, whose united base is hid in the ocean depths. Even conscience presents us with problems which we cannot solve. One of these is the existence of moral and physical evil. Sensitive natures have, especially in recent times, been sorely perplexed by the existence of so much physical suffering. Life has presented itself to them as a ruthless struggle, always ending in death. Animal preys on animal. It was this aspect of life which led John Stuart Mill to suppose that belief in a God at once good and omnipotent is irreconcilable with the honest acceptance of fact. I feel assured that the difficulty in question was unreasonably aggravated for Mill by his ethical philosophy, which in effect makes pleasure, as distinguished from perfection, or moral worth, the chief good. To those who have felt the purifying influence of trial, and more especially to those who, in the school of Christ, have learned the meaning of cross-bearing the enigma of the world's groaning has ceased to be an insuperable difficulty in the way of faith, and has become, rather, an awe-inspiring mystery, which waits for its solution in the future. Difficulties, such as the one under notice, are only insuperable to those who arrogantly assume that, with the data at their disposal, they are competent to fathom the Divine purpose. Reasonable belief, more especially in the higher reaches of knowledge, demands a humble, practical acknowledgement of limitations, and perfect willingness to accept the kind of light which is available. Let me add that, for those who do not believe in God and a future life, a rational solution of the enigmas of sin and suffering is out of the question. What good or desirable end can be subserved by everlasting cycles of evolution and dissolution ?

## Lecture V.

# The Internal Witness of the Spirit.

It can hardly be disputed that one of the very highest functions of human intelligence is to discern between what is right and what is wrong in human conduct. The distinguishing characteristic of our perception of the moral is the feeling of approval or disapproval which accompanies it. Conscience affirms not only what is, but what *ought to be*. Hence we rightly describe its deliverances [*unclear: ar*] authoritative. Its absolute imperative implicitly claims for its revelations a dignity and importance which does not belong *per se* to the kind of knowledge attainable by [*unclear: sene*] perception, and the exercise of the understanding. [*unclear: This*] surely implies that, as an organ of knowledge, conscience puts us in possession of truth, at once higher and [*unclear: more*] important than that attainable by those lower powers of intelligence which, under one aspect, simply prepare that way for the advent and exercise of the higher power. Conscience, as a cognitive power, by the help of which we may interpret the universe, that is, discern the nature of God or the ultimate reality, has a value and range of vision which cannot be assigned to those subordinate intellectual powers which stand to it in the relation of means to end. Nor will it be doubted by those whose moral convictions are deep, that the supreme purpose of ail that [*unclear: in*] is the realisation of the aim, or aims, proper to a holy will. Whatever difficulties thought may encounter in the evolving process of history, such as pain, death, sin, cruel in justice, and so forth, conscience unhesitatingly affirm that the entire course of things subserves a worthy moral end, which, in the final result, will justify itself by its perfectly manifested wisdom and goodness. The only alternative view is the pessimistic one, to wit, that the world, from a moral point of view, is execrable. Most assuredly that which is neither itself morally good nor subservient to any morally good end, is beneath contempt, or rather is worthy of the most unmeasured condemnation. A morally purposeless universe is, in the esteem of conscience, an unutterable horror of the deepest darkness. We condemn ourselves in so far as our actions are not ruled by a worthy purpose, and for the same reason we cannot but condemn any and every system of blind forces, of which nothing more can be said than that it exists and operates in such and such a

way. If, therefore, the world has a moral right to exist, it must subserve some high and worthy moral end. As a matter of fact, we believe, consciously or unconsciously, in the moral rationality of the world, and, therefore, we, at the same time, believe that Nature is through and through the instrument of a moral purpose too comprehensive and deep to be thoroughly grasped by our existing powers and means of knowledge. It is almost, if not quite, self-evident that if we fearlessly interpret the world in the light of conscience, we cannot do other than regard all history, physical and ethical, as the means by which an infinitely holy God realises His purposes.

The only question which can be raised with some show of reason may be put thus; Are we justified by the facts of experience in interpreting the world in terms of conscience? As I pointed out in a previous Lecture, physical science is an attempt to interpret the mechanism of the physical world in terms of force or cause. But this is confessedly to interpret physical nature in terms of will. If it is legitimate to construe the mechanism of the physical world in terms of the idea of power revealed to us in volition, is it not more manifestly legitimate to interpret the entire world of phenomenal reality by the help of the essentially higher truth revealed in conscience? Even on purely rational principles we must hold that the lower is explained by the higher, and not *vice versa*. It seems, therefore, reason-able, in the last degree to assume that the true significance of the world is most correctly and fully revealed by the light which reaches us through our highest, cognitive power that is—through conscience. We would laugh to scorn the man who could seriously propose to discover the secret of the universe in the nascent or undeveloped thought of the infant. The most highly-developed intelligence is the most perfect organ of truth, and is not conscience in a very real sense the culminating point of our intelligence—the true search-light of the soul? Most assuredly, those who have truly conceived the idea of "the good," know fit certain that they have thought the highest of all possible thoughts—the thought which, in reason, must be accepted as the interpreting principle of all that is. The scientist assumes that the world is rational, but conscience demands that it shall subserve a worthy moral end. It is, if possible, still more evident that if conscience, with its verdicts and implications, be accepted as the key which unlock the true secret or meaning of the world, floods of light are thrown on the entire sphere of the knowable. As we have seen, the best thought feels constrained to solve the problem of the world's complex order and adaptations by the theory of designing intelligence. But conscience, guided by a higher and surer light, affirms that the entire universe is organised and ruled in the interest of a holy purpose. Conscience *demand*s a teleological interpretation of the world. Any other view of the world would bring conscience into a relation of utter moral antagonism to its material environment. Fiske gives expression to this profound moral faith in terms so *true*, and heartfelt that I cannot do better than quote them: "The teleological instinct in man cannot be suppressed or ignored. The human soul shrinks from the thought that it is without kith or kin in all this wide universe. Our reason demands that there should be a reasonableness in the constitution of things. This demand is a fact in our psychical nature as positive and irrepressible as our acceptance of geometrical axioms, and our rejection of whatever controverts such axioms. No ingenuity of argument can bring us to believe that the infinite Sus-tainer of the Universe will put us to permanent intellectual confusion. There is in every earnest thinker a craving after a final cause, and this craving can no more be extinguished than our belief in objective reality. Nothing can persuade us that the Universe is a farrago of nonsense. Our belief in what we call the evidence of our senses is less strong than our faith that in the orderly sequence of events there is a meaning which our minds could fathom were they only vast enough." This very decided pronouncement is in effect an affirmation of the supreme rationality of those irrepressible moral convictions which have their root and authority in the felt primacy of conscience; and the pronouncement all the more noteworthy because made by one of the ablest and best known of the philosophical expounders of Evolutionism.

But we have by no means exhausted the inferences, or moral assumptions, justified by conscience. Among these inferences is the belief that human nature is not essentially an organised falsity. This negatively-expressed faith does not imply that men cannot become the victims of any kind of error. What it does imply is, that the truly catholic beliefs of humanity have in them an essential core of truth; as, also, that the universally felt and expressed needs of humanity point to a corresponding satisfaction. The mere fact of progress, intellectual and other, implies that somehow truth has a firmer hold on humanity than error. We need not suppose that the steady triumph of truth is a purely natural evolution; but progress is a fact, and progress clearly implies that in humanity as a whole the power which makes for truth is more and mightier than the power which makes for error. In affirming the reasonableness of these assumptions, we but give expression to the conviction which underlies the narrower and less firmly pounded faith of the ordinary physicist, who assumes the rationality or intelligibility of Nature and the trust-worthiness of his own cognitive powers. In point of fact, all theories of the universe, other than the Theistic, are logically inconsistent with reasonable certainty. If this be so, then religious belief is the only basis a ground of rational certainty. Let us assume then [*unclear: th*] human intelligence, in itself, and in its universal manifestations, is rational. The fact that man is essentially a religious being is no longer questioned. As [*unclear: f*] back as history can conduct us, we find that human being regarded the world



and its forces as the instruments of a spiritual power, or of spiritual powers. Without [unclear: dou] religious belief has been associated with gross errors, [unclear: an] this fact has led superficial thinkers to suppose that [unclear: th] religious instinct is radically false and misleading. [unclear: Su] superficial thinkers appeal in confirmation of their [unclear: conte] tion to the erroneous belief, at one time universal, as the sun's motion round our earth. But it does not [unclear: ta] much wisdom to separate the core of truth in this [unclear: bel] from the erroneous interpretation with which [unclear: it] associated. It is a fact, as true for the philosopher as [unclear: f] savage, that the sun appears to move round our earth. [unclear: T] is also a fact that the appearance in question is due [unclear: t] motion. The error arose from a mistaken [unclear: interpret] of the appearance. In like manner the core of [unclear: persiste] credence which attaches to all religious belief, is the [unclear: c] viction which makes prayer a practical necessity-[unclear: th] conviction that nature is the instrument of will power. Religion is a fact too persistent, too universal, to be [unclear: s] aside as radically irrational and false, except on the [unclear: utter] sceptical assumption that human nature is [unclear: essentia] irrational. The religious history of humanity would [unclear: t] seem to point to the fact that there are in human [unclear: nat] certain needs and aspirations so deep-seated and [unclear: clam] that they must be held significant of some objective [unclear: real] in which they find their satisfaction. All religions, [unclear: and] more especially the great historical religions, imply [unclear: the] communion with God is a reality. In all the more [unclear: s] veloped non-Christian religions inspiration is also held to be a fact.

At this point we enter a sphere of thought where we [unclear: cas] not but feel that the evidence, such as it was, will be construed in accordance with the strength, or weakness [unclear: of] our own faith in God, and His goodness. All [unclear: expen] goes to prove that the higher the sphere of thought is, the more are our beliefs determined by moral and spiritual considerations which can only be adequately understood and felt by noble souls. The cry of those, therefore, who clamour, in matters religious, for the kind of coercive proof which makes certain beliefs as to the world of matter and force universal, is simply unreasonable. Or to put the matter otherwise,—the intellectual powers and the scientific method, which suffice in the physical sciences, are of, and by themselves, utterly inadequate in the essentially higher spheres of morality and religion. I have again and again insisted on this fact, because I feel deeply persuaded that fashion has of late laid a stress on pure intellectualism out of all proportion to its worth as an instrument of real progress in knowledge and life. What is called scientific progress is not everything, and where it is seriously and generally regarded as the all in all, moral catastrophe is not far off. The wise Christian defender of the faith, in place of pretending to prove the validity or reasonableness of his faith by arguments which will be felt by all and [unclear: ndry] to be convincing, rather insists on the fact that the certainty of faith presupposes a peculiar power of moral and spiritual intuition, not possessed by all. Certainly no arguments producible by the most skilled Christian advocacy will convince those who perversely insist on testing the arguments in question by a criterion which is only applicable in the lower spheres of knowledge. This, however, does not by any means imply that Christianity has nothing to say to the natural man. Though it cannot compel belief, it can say enough to create a certain presumption in its favour in the minds of those who are not blinded by some bias or spiritual defect; and this presumption is, or at least may be, a real preparation for genuine faith. To me at least, it is not credible that there is no point of contact between the rational and religious beliefs of the old man and the faith of the new man. Somehow there must be a connecting thread of mental continuity between the pre-Christian and the Christian stage of life and thought. On any other supposition, it would be difficult, if not impossible, to justify the reasonableness of addressing Christian arguments and appeals to the [unclear: na] man. We do not beseech men stone-blind to open [unclear: t] eyes and see. There is in all men a latent tendency [unclear: whi] it not repressed, will respond to the truth as it is in [unclear: Je] "The mind of man (as an old Christian Father [unclear: gran] says) is naturally Christian." Bare Theistic belief [unclear: de] not content the soul. Certainly, Theism is not a [unclear: post] of stable religious equilibrium. It has often been [unclear: reman] and I believe with substantial justice, that modern [unclear: U]-rianism, which is simply bare Theism, either [unclear: tends] move forward to distinctively Christian belief, or sink [unclear: b] into religious scepticism. It is hard to continue to [unclear: bel] with any degree of fervency, or even with [unclear: unsh] assurance, in the God of mere Theistic belief, [unclear: for] supposed manner of His self-revelation does not [unclear: corresp] to what our hearts expect in a God who is truly a [unclear: Lov] Father. Can we indeed call that Being a Father [unclear: who] we take it, does not speak to His children in a [unclear: fas] which accords with their needs and cravings? [unclear: Still] can we believe in an unknowable God; for [unclear: either] Unknowable cannot or will not reveal Himself. [unclear: The] supposition argues impotence. The second [unclear: supposit] implies lack of goodness; for it is of the essence of [unclear: good] to reveal itself in the way of self-communication.

The history of modern Unitarianism is [unclear: pathetically] firmatory of the truth that mere Theism, as a religions [unclear: fo] is comparatively powerless, and that, as a religions [unclear: cree] is for the most part only a transition stage of belief. [unclear: T] Unitarianism of Channing is practically extinct. [unclear: Even] the case of such a noble man and thinker as [unclear: J] Martineau, his religious creed has visibly become

*unclear: m*] attenuated. If the representations of Count de *[unclear: Av]* himself a Unitarian, be correct, the foremost *[unclear: Amer]* Unitarian preachers now hesitate to affirm the *[unclear: person]* of God. These are some of the more obvious *[unclear: consider]* which force on us the conviction that mere Theism, *[unclear: as]* religious creed, is not and cannot be a finality, for *[unclear: t]* supposed self-revelation of the God of Theism neither *[unclear: m]* the needs of the human heart nor corresponds *[unclear: to]* gracious fatherly nature which is ascribed to Him. *[unclear: In]* words, wholehearted belief in the infinite goodness of God practically necessitates the conclusion that He does reveal Himself to us men through other channels and by other means than those termed natural. Here the question meets us: Is supernatural revelation a reality of which we can feel assured? In attempting to answer this question we need only consider the claims of the Christian revelation. One thing must steadily be kept in view in estimating the worth or strength of the evidential grounds of Christian belief—viz., that Christianity is emphatically a *historical* religion. Christianity is in no sense made up exclusively of doctrines deduced or inferred from the data of ordinary experience. It presupposes the truth of many historical facts, unique in kind—facts, too, which enter into its very substance. According to Scripture representation, the very core as well as the culminating point of God's loving self-revelation is by no means verbal messages, or doctrinal expositions, say, of the facts and relations of which Natural Theology is an attempted interpretation; but loving deeds of the kind most characteristic of self-communicating love. Hence sceptical objections, supposed to be most formidable, such as the familiar one that no special historical revelation is credible if it conflicts with the intuitions and conclusions of reason, whereas, if it merely harmonises with these, it is superfluous, are simply futile, because they proceed on an utter misconception of the nature and essence of the Christian revelation. It is manifest, for example, that the historicity of our Gospels cannot be settled merely by abstract or a *priori* considerations of a rational kind. Historical facts cannot in the nature of things be deduced from the abstract or necessary principles of human thought. Scripture, as the record of revelation, embodies two clearly distinguishable elements. The first of those is a statement of the historic actions, or deeds, by and through which God actively manifests his redemptive love. The second is an authoritative interpretation of the moral and spiritual significance of these deeds. The trustworthiness of our Gospels is therefore, manifestly a question which cannot be decided merely and only by the application of speculative tests. The assumption, so often made, that *[unclear: Chris]* is simply an inspired and authoritative *[unclear: interpretation]* the data handled by natural theology, and *[unclear: philosophy]*, not creditable to the insight or candour of those who *[unclear: m]* it. Honesty, not apologetic strategy, demands *[unclear: adeq]* recognition of the truth that Christian belief *[unclear: involves]* acceptance of a vitally important body of historic *[unclear: fa]* This being so, the question proposes itself: How as *[unclear: ratio]* beings, can we feel assured of the reality of *[unclear: uncom]* events reported to have happened ever so many *[unclear: centra]* ago? All sorts of objections have been raised to the *[unclear: res]* of a historical revelation. Lessing urged the *[unclear: object]* "that accidental truths of history can never become *[unclear: t]* proof of necessary truths of reason." Of course, they *[unclear: c]* not. The best authenticated of historical events *[unclear: can]* coerce belief as a thought-necessity does. If no *[unclear: spec]* of certainty but that which asserts itself in *[unclear: connect]* with our cognition of necessary truth were legitimate, possible, human life would be brought to an *[unclear: absol]* standstill.

But the difficulties raised by modern *[unclear: hisori]* and Biblical criticism are much more formidable *[unclear: th]* Lessing's *doctrinaire* dictum. It has been proved *[unclear: bey]* reasonable doubt that much of the history, at one *[unclear: ti]* deemed reliable, is wholly, or in part, mythical. *[unclear: Speak]* generally, the farther back we penetrate in the *[unclear: history]* humanity, the more credulous and superstitious do we *[unclear: fin]* men to have been. We cannot evade or avoid *[unclear: fin]* questions and difficulties raised by criticism as *[unclear: a]* the reliability of the historical evidence on *[unclear: whi]* we base our belief in the reality of superma *[unclear: te]* revelation. Moreover, if we have faith in God, *[unclear: w]* must feel quite assured that these questions and *[unclear: di]* culties, which constitute one of the special problem of *[unclear: ta]* present, are meant to read a special lesson to our *[unclear: ap]* Part of that lesson is surely the wholesome one, that *[unclear: it is]* no part of the Divine purpose to furnish all human *[unclear: being]* with a species of evidence which would necessitate *[unclear: be]* altogether apart from spiritual and moral *[unclear: condi]* necessitated credence of this kind would have no *[unclear: mis]* spiritual significance, or morally educative value, than the belief of the mathematician who holds that the angles of a triangle are equal to two right angles. The loftier the sphere of thought in which we move is, credence becomes less a matter of mere intellectual compulsion, and more a matter of the kind of insight which is associated with purity and elevation of character. For myself I cannot see that the thing which we call faith is attainable by a method purely historical or intellectual. The conviction which I mean to express may perhaps be better put thus: The mere existence of historical testimony, apart from all considerations, such as the nature of the events testified to and the authority of those who are responsible for this testimony, cannot generate, or, at least, cannot justify the kind and degree of certainty which we designate by the word "faith." This does not imply that historical evidence is worthless,

and does not enter into the evidential basis of Christian belief. What I mean to affirm is, that our faith he Christians does not, and cannot, rest simply and only [unclear: the] kind of historical evidence which determines the beliefs of critical historians in disputed matters of fact, [unclear: ch] as the genuineness of the famous Casket letters. Belief in the historicity of our Gospels—at least such belief [unclear: s] is cherished by the convinced Christian—is not, and I [unclear: believe] cannot, be explained merely as the result of

Ordinary Christians, and indeed all but a very few ex-[unclear: eptionally] trained and gifted scholars, are quite incompetent [unclear: in] deal effectively with the literary and historical questions [unclear: which] have been raised as to the historicity and authorship of the several books which make up our Bible. If we [unclear: me] that the Bible is indeed the record of a revelation effectively real, then we must also assume that rational [unclear: belief] in it as a divine revelation has not been made [unclear: elly], or even mainly, dependent on conditions altogether impossible, except in the case of a few first-rate scholars. [unclear: s] is absurd to call that the divine record of a divine [unclear: lation] which cannot certify itself as a divine revelation [unclear: s] ordinary mortals. In so far as the belief of the great [unclear: ness] of Christians in the historicity of our Gospels is con- cerned, that belief has not been created, nor indeed [unclear: a] justified, by a first-hand knowledge of the purely [unclear: hist] facts and considerations which have led first-rate [unclear: hist] critics to the conclusion that our Gospels are [unclear: rel] histories. Must we, then, seek a rational basis [unclear: for] belief in the complete trustworthiness of the Bible [unclear: an] record of a Divine revelation, in the authority or [unclear: t] mony, say, of the Christian Church ? The word [unclear: authc] does not sound well in the ears of a class who [unclear: some] imagine that their beliefs are their own in the [unclear: some] resting on evidence which they have weighed. This [unclear: supp] independence of authority is, of course, a delusion. [unclear: S] knowledge as we possess is mainly traditional. The [unclear: n] gifted and learned thinker can only claim to have [unclear: reas] out, or verified a small fraction of his beliefs. What [unclear: a] call our knowledge, or the sum of our beliefs, is a [unclear: so] rather than an *individual*, product. One of the [unclear: ob] reasons why the human race is progressive, [unclear: whe] non-rational beings are stationary, is our [unclear: capa] as individual men to profit by the experience of [unclear: ance] and contemporaries. Apart from the trustful [unclear: acceptance] testimony, it is difficult to see how man could have [unclear: t] much above the level of the brute. In view of the [unclear: f] that belief, resting on authority, plays such an [unclear: ess] and, in the main, beneficent part in the history of [unclear: h] life and thought, it is simply absurd to maintain that [unclear: t] mony or authority ought to have no place among [unclear: u] grounds of legitimate belief. Trust is necessarily a [unclear: li] and potent element in the life of all finite [unclear: intellige] and it is still more obvious that it is an element in [unclear: the] of rational beings who by nature are not only [unclear: indivi] but members of a race. There are also moral [unclear: reasons] authority, or the right to be believed or trusted, [unclear: ongl] play a largo part in human life and thought. We [unclear: nu] we please, profess the most outrageously [unclear: individu] theory as to what is legitimate credence, but we [unclear: cannot] on it. In every sphere of thought our beliefs rest [unclear: m] if not exclusively, on authority. To take an example: astronomical creed of the vast majority even of [unclear: edu] men would be excessively meagre and, generally [unclear: sp] in a very bad way indeed were it only the product of elaborate mathematical demonstrations of the kind to be found in "Herschel's Physical Astronomy." We may, therefore, safely conclude that deference to authority, which is unquestionably inevitable, is a legitimate ground of belief. In truth, could we consistently act on the conviction that all beliefs resting, in whole or part, on testimony or authority are illegitimate, life would come to a standstill.

Christian faith most assuredly does presuppose the [unclear: statial] truth of the record of revelation; nor can ordinary Christian he justly accused of irrational procedure because he *provisionally* assumes the truth of the [unclear: orie] facts, which are in a way vouched for or verified the existence and history of the Christian Church. This, however, does not imply that tradition is, by [unclear: self], final, or that it is the sole ground of the certainty which deserves to be called faith. Insight, as well as trust in historical testimony, and deference to the [unclear: lions] of others is essential to the existence of that kind and degree of certainty which we term saving faith. A [unclear: thing] scrutiny of the evidences which go to prove, say the historicity of our Gospels—such scrutiny as is only possible for experts—will, I am persuaded, establish the historical reliability of our Gospels; hut credence resting [unclear: sively] these grounds only amounts to what our old theologians rightly termed historic, or *human* faith, as apposed to "*saving*" or "*divine*" faith. Those of you who may wish to enter move profoundly into the consideration of this extremely interesting and important subject will find much light and help in a very acute and able essay on "The Reason of Faith," by Halyburton. It is, I take it, all but self-evident that life-transforming faith—the faith which amounts to an assurance that defies all parils and terrors and sceptical questioning—implies an immediate knowledge and appreciation of the substance of [unclear: lation], such as no merely historical evidence can communicate. It is the possibility and reality of this immediate Knowledge, or, if you will, feeling, of self-evidencing power of revealed truth which makes faith a rational possibility for all classes of men, whether learned unlearned.

The following quotation from Halyburton will [unclear: a] once serve to convey the conviction I have been [unclear: atten] ing to express, and prove that it is no [unclear: heler] novelty:—"The formal reason, or ground, where [unclear: on] assent to or receive the whole Scriptures and every [unclear: p] ticular truth in them, and am obliged in duty so to do, the authority of God, speaking in them and speaking [unclear: eve] truth they contain, evidencing itself to my faith when [unclear: d] exercised about them by their Divine and distinguish[unclear: ing] light and power. Or, when it is required; Where[unclear: f] do ye believe, receive, assent to, and rest in the [unclear: Script] as indeed the Word of God and not of man ? I [unclear: answer] I do believe them because they carry in them to my [unclear: fai] an evidence of God, or do evidence themselves by [unclear: th] own light and power to my faith duly exercised about [unclear: them] that they are the word of God, and not of man." [unclear: T] this is the teaching of the Protestant Church in its [unclear: been] age, as to the ultimate ground of the belief or [unclear: cert] which is distinctively Christian, cannot be question Testimony of the kind which can be estimated by [unclear: p] intellect, has its place and value, but the [unclear: determin] cause of Christian faith or certainty is not a [unclear: pu] intellectual process, but the vision of a pure heart [unclear: wh] knows that it beholds in Christ the veritable Light of [unclear: t] world. Is there any other ground of certainty [unclear: avail] for all men ? That it is an actual ground of [unclear: certainty] testified to by all experience emphatically Christian, [unclear: an] that all belief of the highest order as regards [unclear: certai] must rest on some such intuition of truth, is simply a [unclear: fa] of universal experience.

## Lecture VI.

# Self-Evidencing Power of the Christ of the Gospels.

IN the previous Lecture we had reached the conclusion that [unclear: distinetively] Christian faith cannot be reached simply and only by a process of historical investigation. If we believe that Christianity is a Divine revelation, we cannot escape the conclusion that the evidential grounds warranting this belief must be accessible to all classes of men. Further, the kind and degree of certainty, implied in Christian faith, can neither be created nor justified, by purely historical evidence, of the kind by which the ordinary historian establishes the contingent facts of secular history. I am very far from wishing to belittle the value of the external or historical evidences of Christianity, as presented, say by Paley, Chalmers, and hosts of others. These, and such like books, have been the means of enabling not a few to overcome those sceptical doubts or perplexities, which, humanly speaking, stood between them and that vision of God in Christ which is eternal life. The story of the conversion of Bowen, the author of a well-known volume of daily Bible readings, ought for ever to silence those who sneer at Paley and his "Evidences." But all the same, evidence of the purely historical kind only prepares the way for that deeper, and more direct know-ledge the substance of revelation, which is the soul of faith. Coleridge, who had a clear perception of the inadequacy of the purely historical, as a ground of Christian faith, puts the case clearly and well in these terms : "The truth revealed through Christ has its evidence *in itself*, and the proof of its Divine authority in its fitness to our nature and needs; the clearness and cogency of this proof [unclear: be] proportionate to the degree of self-knowledge in each [unclear: in] virtual hearer. Christianity has likewise its [unclear: histori] evidences, and these as strong as is compatible [unclear: wi] the nature of history, and with the aims and [unclear: objec] of a religious dispensation."

The whole course of modern thought makes [unclear: i] very evident that no amount of the kind of [unclear: historical] evidence which can be adduced in proof of the [unclear: realisd] of events separated from the present by many [unclear: hundre] of years, will be widely accepted as a valid ground of credence, if such events are of the nature either of [unclear: isol] or *fantastic* miracles. As matter of fact the great [unclear: mak] of Protestants simply refuse to consider such testimony [unclear: a] can be produced in evidence of the reality of the [unclear: ridicul] miracles ascribed to mediæval and other saints. For a [unclear: li] reason we simply dismiss with a smile of incredulity [unclear: su] absurd stories of witches as are seriously told by such thinker as Dr Henry More. I believe, therefore, that it [unclear: is] a mistake to suppose that we can effectively prove [unclear: Jess] of Nazareth to be the Son of God and the Saviour of [unclear: Me] by establishing, in a purely historical fashion, the truth [unclear: of] the Gospel miracles, as miracles—that is, apart from [unclear: th] relation in which they stand to Christ's person. The [unclear: n] proof of the miraculous is the recognisably [unclear: miracul] Christ as He stands revealed in Gospel story. The [unclear: mirac] lous, if it is to become for us the ground of rejoiciug [unclear: faith] must continue with us as something recognisably [unclear: super]

natural either in itself or in its consequences. We [unclear: beli] in short in the Gospel miracles because of their [unclear: fa] congruity with the aims and nature of Him [unclear: whe] authenticates Himself to our own hearts or [unclear: co] experience as a Divine person. By some it has [unclear: bes] said that the miracles ascribed to Christ in our Gospel [unclear: and] a hindrance, rather than a help to faith. This is a [unclear: pe] found mistake. Is it credible that a Divine being [unclear: con] live among men, and never manifest his [unclear: superlhu] nature by acts evincing superhuman power and [unclear: goodnes] As a miracle-worker, Christs simply acts as befits [unclear: his] nature and mission. The miracles ascribed to Christ [unclear: has] therefore a most important evidential value, but this evidential value is only truly seen and felt when they are regarded, not as isolated events, but as the *natural radiations* of the love and power of the incarnate Son of God. It becomes more and more evident, both on theoretical and experiential grounds, that the real and effective source and ground of Christian faith is the self-evidencing power of Christ of history, as He stands revealed and depicted in our Gospels, and as He is accredited by the witness of history and personal experience to His redemptive power.

The problems, literary, and other, with which scholars concern themselves are by no means unimportant, but their theoretical solution is by no means essential to well-grounded faith. Only a very few, for example, are competent to deal with what is called the literary problem of the Gospels, and even these few can hardly pretend to [unclear: seh] anything like the certainty of faith by the method of purely historical and literary criticism. It cannot be denied that much ancient history is, to a large extent, anythical. It is equally undeniable that Jewish religious [unclear: literature], both before and after the times of Christ, was, to a considerable extent, pseudepigraphic. Apart, therefore, from the self-evidencing substance of our Gospels, the [unclear: picion] that they may have been distorted by myths and legends cannot be so effectively disposed of as to render doubt morally impossible. As a matter of fact, critics, like Strauss and Renan, contend on grounds more or less plausible, and at least satisfactory to themselves, that the Christ of our Gospels, and of the faith which we recognise as Christian, is, to a large extent, a mythical creation—that, in short, the miraculous element in our Gospels is [unclear: itious] and ought to be eliminated. How can this contention, be met, and set aside, in a way intelligible to all, and effective both in a rational and practical sense ? There is only, as far as I can see, one such effective method. The image of Jesus presented in our Gospels, if honestly considered by a mind fully open to the truth, and a heart capable of recognising what is highest and best, certifies itself veritable photograph. There never has been an age which, by an inexplicable process of popular elabora- tion, could invent a consistent, life-like biography of divine-human person who, by his teaching, and [unclear: m] especially, by that ineffable something which [unclear: breath] from his person and through his entire life, [unclear: mainfe] transcends all the ideals of goodness and greatness [unclear: whic] subsequent generations have been able to frame [unclear: eve] when helped by the light of which he is [unclear: th] source. Most assuredly the age of the Scribes [unclear: an] Pharisees was utterly incompetent to invent an ideal [unclear: be] in the least degree resembling or approaching the [unclear: divi] ness of Jesus of Nazareth. It need hardly he said that [unclear: t] circle of pious souls which gathered around Jesus [unclear: w] practically as incompetent to conceive anything so [unclear: tr] cendently great and beautiful and life-like and [unclear: unique] the Christ of our Gospels. The Apocryphal Gospels [unclear: ar] most precious and abiding witness to the utter [unclear: incom] ence of even professed Christians to produce anything [unclear: in] the way of a mythical history of the Christ which [unclear: com] rise above the level of a manifest and grotesquely [unclear: be] pulsive fiction.

We would be not a little surprised did some [unclear: o] hint the suspicion that the sun is an electro-[unclear: magn] phenomenon, got up by some scientist for our [unclear: dele] tion, and ask us to justify our belief in the [unclear: fiv] that human resource is not quite equal to the [unclear: product] of the luminous body called the sun. Is it essential more rational to affirm or hint that the Christ of [unclear: or] Gospels—the Christ whom so many of the best and [unclear: nobl] of men have felt to be the light of the world—is, to indefinite extent, the conscious, or unconscious, [unclear: invert] of an obscure group of unlettered religionists, who [unclear: lived] a comparatively dark age? It is possible to write fictitious human biography so life-like, so consistent [unclear: a] congruous with the facts of ordinary experience, [unclear: that] might be mistaken for the authentic life story of a [unclear: b] human being. Even this, however, is a literary [unclear: feat] no means easy of accomplishment, But is it in the [unclear: le] degree conceivable that the concentrated genius of [unclear: huma] could invent the Christ of the Gospels ? To the [unclear: theis] is most certain that our sun and the stars which stud [unclear: and] firmament are authentic Divine works, and not man-invented illusions. It seems to be as certain, on rational grounds, that the image of Jesus in our Gospels is a realistic, self-attesting likeness of a divine human person, and not a human invention or dream. Constructive or inventive imagination has its limits as certainly as arty other power, and if we allow ethical feeling to influence our judgment we will conclude that the power of imagination must have comparatively narrow limits when it escapes from the control of reason and conscience, and undertakes, consciously or unconsciously, to act the more than questionable part of myth-maker. A diseased or apart scrupulous imagination can hardly be credited with the

production of an ideal personality which stands alone and apart as the loftiest and most-inspiring as yet revealed to the human mind.

I have more than once called your attention to the fact that the historical proof of isolated and ordinary incidents, supposed to have happened in the distant past, is difficult, and at best does not warrant the kind and degree of certainty characteristic of genuine religious faith. The fact that the mere image of Christ, as it stands before us in the Gospels, cannot be a mythical creation, but must be held to be the veritable likeness of a Divine reality, enables us to understand how faith in the historical Christ has all the vividness and force of the *immediate* vision of reality. The image on which we gaze is itself Divine, in the sense of being in itself, and recognisably a self-attesting voucher of its Divine original. I am disposed to think and say that the substance or contents of our Gospels is of such a nature that a perfectly candid and highly cultured critic, guided merely by his knowledge of literary possibilities, would be forced to conclude that our Gospels, as biographies, are only explicable on the supposition that they are in substance faithful portraits of a *real* person. Such a [unclear: atterary] judgment does not, of course, rise to the level of the deep over-mastering conviction wrought in the heart of him who by the Holy Spirit is constrained to call Jesus Lord, nevertheless I feel assured that it may be so moving that it will, apart from moral and spiritual [unclear: hindranc] conduct to genuine faith. I speak from personal [unclear: exper]ience dating away back to student days, when I affirm [unclear: the] such a hook as Young's "Christ of History," which [unclear: wif] singular freshness and power unfolds this aspect of [unclear: Chri]tian truth, is convincing and eminently calculated [unclear: to] foster and strengthen faith in Christ. To the same [unclear: cla] of books belongs Ullmann's "Sinlessness of Jesus."

Incidentally, modern religious scepticism has led [unclear: t] one result eminently good. It has concentrated attention [unclear: o] the self-attesting power of the person and work of [unclear: Chri] as they are exhibited in our Gospels. Because of the [unclear: self] certifying power inherent in the contents of our [unclear: Gospels] the light which evokes and justifies faith, is accessible [unclear: to] all classes of men, and to this extent the universality [unclear: of] Christian revelation is vindicated, because by its very substance it is light to the learned and the unlearned. It [unclear: is] not, however, to be imagined that the evidence [unclear: deducible] from the Gospels themselves by a purely intellectual [unclear: pre]cess, such as I have indicated, can be compared in [unclear: stren] and persuasiveness with that discernible by the [unclear: spirit] man. To know the Holy one of God, in the nature [unclear: of] things, demands a power of perception and feeling [unclear: not] possessed by those of whom it is true, that "even [unclear: the] mind and conscience are defiled." This to some may [unclear: see] a hard, and even arrogant, saying, but both truth and [unclear: love] enforce its utterance. The religious doubter who [unclear: com] eludes that his wavering beliefs can only be accounted [unclear: for] by the essentially doubtful nature of the objective [unclear: eviden] most certainly deceives himself by assuming that [unclear: dimne] or even positive lack of vision on his part, can only be, [unclear: es] plained by defect of revealing light. It is most [unclear: unquestion]ably the case that multitudes have such a sight [unclear: and] experience of the Divine glory and transforming power [unclear: of] Christ, that so far as their own faith is concerned, all [unclear: histor]ical investigations bearing on the historicity of our [unclear: Gospe] are utterly superfluous. Why trouble ourselves, [unclear: such] may say, with historical inquiries, which, at most, [unclear: ca] only issue in opinions more or less probable, when [unclear: as] possess the certainty which comes by clear and [unclear: dir] vision? For myself, I believe that greatly too much stress is laid on historical criticism as an instrument which may help either to confirm Christian belief or to shake it. He who has seen Christ in the deep sense of the word cannot be seriously disturbed even if he should be convinced that our Gospels are not free from errors of detail. Mere specks of dust passing across our field of vision do not affect our belief in the reality of the sun, or alter our estimate of his illuminating or other powers.

The kind and degree of certainty possessed by those who enjoy what is called by our old theologians the internal witness of the Holy Spirit can no more be effectively described to those who possess it not than can the conception of colour be conveyed to one born blind. It is the peculiar and incommunicable treasure of him who experiences and enjoys it. A school of evangelical theologians, at the head of which stands Frank, makes personal experience of Christ's redemptive transforming power the ground of Christian certainty. Unquestionably the highest attainable degree of certainty implies assurance of salvation, but surely genuine faith may fall short of assurance, at least in its first stages. Those who bring the cognitive power of faith more fully into view, making the clear vision of God in Christ the very soul and ground of certainty, in my opinion, give the truer account of the first stages of Christian certainty. There is yet another impressive ground of Christian belief, less decisive to be sure than faith's direct vision of Christ, but for that very reason capable of being more or less fully appreciated by all who are not utterly devoid of moral and spiritual perception—viz., the witness borne to Christ by the visible fruits of His redemptive agency. We hear a good deal in these last times about verification, and sometimes we are told that no belief or theory can be legitimately entertained which is not capable of verification. Well, there are some necessary truths of reason which we do not need to be verified. There are other convictions, such as the belief in the unity of the thing which we designate by the

word" I," which cannot be verified by the approved methods of physical science. We suppose that a physical theory is verified when it yields deductions accordant with observed fact, though it is notorious that the capacity of a [unclear: the] to explain facts is no absolute test of its truth. [unclear: T] phrase, working or laboratory theory, is familiar [unclear: enco] and its import is that no claim of absolute truth [unclear: is] set up on its behalf. In a broad, general way, [unclear: w] affirm that a truth or belief is verified when it is [unclear: accord] with the facts of experience.

Understood in this broad sense, it is only [unclear: reas] able that in all beliefs and theories should [unclear: be] subjected to such verifying tests as the nature [unclear: of] the beliefs and theories to be tested admit of. [unclear: We] cannot, for example, believe in the efficiency of [unclear: any] instrument which, in point of fact, proves itself to [unclear: be] worthless or powerless. A tree is judged by its [unclear: fruits] This suggests the question has Christianity, which [unclear: has] been well defined as "the religion of redemption," [unclear: verifie] itself by the quantity and quality of the results [unclear: which] has produced ? Or to put the matter otherwise, do [unclear: th] undoubted achievements of Christ, both as regards [unclear: in] viduals and society, justify the faith of those who [unclear: tab] Him to be the incarnate Son of God and the Saviour [unclear: of] men ? If history is something better than a futile [unclear: ques] of the unknowable, surely it is possible to reach some [unclear: very] certain conclusion as to the practical influence of [unclear: Chris] tianity on the life and civilisation of the world. In [unclear: the] regions embraced within the bounds of what is [unclear: call] Christendom, Christianity has been for centuries, and [unclear: to] greater or less extent, the moulding influence of life individual and national. In attempting to answer [unclear: bo] historical question—What degree and kind of influence [unclear: has] Christianity exerted in the world ? regard must be [unclear: had] the fact that Christianity is by no means responsible [unclear: for] all that has nominally, or apparently, been associated [unclear: wi] it by the perverse action of men and Churches [unclear: an] nations. Attempts have been made in anti-[unclear: Christ] literature to make Christianity responsible for all [unclear: the] flagrant vices and crimes of individuals, Churches, [unclear: and] nations nominally Christian. In the esteem of the [unclear: war] historian, this is an injustice so monstrous, that it [unclear: cal] only prove the bigotry and controversial straits of those who perpetuate it. It reminds us of the saying of a clever Frenchman who, in substance, remarks that the difficulty which would-be Atheists experience in proving that there is no God, ought to prove to them that there is a God.

In seeking to estimate historically the influence of Christianity, two points present themselves for consideration : (1st.) The broad general influence which it has exerted on the civilisation or social life of those nations in which it has been most truly operative; and (2nd.) The kind of effects gets which it has wrought in those individuals who in a marked degree have submitted themselves to its influence. As regards the first point, the fact is simply incontestable that there does not exist a stable civilisation, which has in in the promise of steady, healthy progress, that does not owe its existence to the action of Christianity. To all intents and purposes Christendom and civilisation are co-extensive. I make this assertion deliberately, and in view of the fact that a few peculiar people will set up claims in favour of Chinese Thibet, for there the Mahatmas are supposed to dwell. When we examine the moral genealogy of those great political and social reforms which are the glory of our age, we discover that the force which called them into being was Christian in its nature and origin. The abolition of slavery throughout the British Empire, justly described as one of the purest acts of national virtue which adorn our nineteenth century, was the product of Christian conviction and sentiment. Nor ought it to be forgotten that those who led the movement against Negro slavery, both inside and outside the British Parliament, were conspicuous for their Christian zeal.

A marked characteristic of the most advanced civilisations of our time is the stress laid on education. It is difficult to conceive anything more certain in a historical sense than the fact that our educational system, both primary and secondary, is substantially the product of Christian effort. In Scotland, which I believe is still, a king all in all, the best educated part of the British Empire, the history of education was, till quite recently, a section of the history of the Christian Church. None but careful students of history can have anything likes adequate idea of the impulse given to education and [unclear: le] ing by the great religious revival best known as "[unclear: T] Reformation." But I do not by any means propose to [unclear: g] you even a bare statement of the desirable social [unclear: re] which have been produced by Christian influence. [unclear: I] will find a sufficiently detailed account of the [unclear: man] ways in which Christianity has for eighteen [unclear: cent] nursed and perfected all that is best in our [unclear: civilisation] such books as " The Social Results of Early [unclear: Christian] by Schmidt, and "Gesta Christi," by Loring Brace.

Up to the present time, no force, secular or [unclear: religi] has exerted on the world an influence so potently [unclear: be] cent. If there has been, and is now, a redemptive [unclear: pe] working in human history, that power is [unclear: Christ] Surely, He is the Saviour to whose saving power [unclear: hi] offers such impressive witness. But here, as in all [unclear: th] pertaining to religion and morality, cavil is possible. [unclear: T] practically hostile to Christianity find peculiar [unclear: pleas] holding up before us the crimes and

immoralities [unclear: wh] disgrace our social life, as a proof of the moral and [unclear: spir] impotence of the Christian religion. They present us [unclear: w] the largest and ugliest bundle of tares which they [unclear: o] collect. "Behold (say they) the fruitage which we [unclear: h] collected from the field in which the seed of [unclear: Chri] doctrine has been plentifully sown." But these [unclear: ca] critics have forgotten sundry essential matters. They [unclear: ha] nothing to say about the wheat. The unutterable [unclear: u] corruption of the Pagan civilisations of Greece and [unclear: B]—of which we have a classical description in [unclear: Tho] "Morality of Paganism," is also passed over in [unclear: sil] There is not the slightest allusion to the fact [unclear: that] France, the temporary ascendancy of Atheism has [unclear: in] ably resulted in a reign of terror. Are religious [unclear: sc] really of opinion that "Atheistic Democracy" is [unclear: eq] lent to the complete regeneration of society? It is [unclear: s] true that Christianity has not succeeded in banishing [unclear: o] from the world, though what it has done for the well-[unclear: he] of humanity is more than human thought can [unclear: esi] The assertion that were Christianity all that it [unclear: clai] be, long ere this the world would have become a paradise, rests on the assumption that God has not made us free beings, capable, in a very real sense, of resisting His will.

I believe that among men of real culture, it is all but universally allowed that up to the present time Christianity has been beyond all comparison the mightiest of all the powers which have wrought for the good of humanity. But this concession, even when frankly made, does not always imply that he who makes it is of opinion that Christianity is anything more or better than a beneficent illusion, destined to lose all its power for good when men get to know that it is merely a beneficent illusion—merely a stage in the history of progress. A subtle, and for that reason, very pernicious moral error, as it seems to me, is implied in the belief that illusion can possibly exert a potently beneficent influence on human history comparable to that which must be ascribed to Christianity. Could we suppose that mere illusion has wrought so much good in our world, then must we also suppose that therein no real connection between the good and the true. To those who sincerely believe in a God infinite in goodness and truth, it does not need to be proved that what is supremely good, in the sense of being above all powers the one which accomplishes most good, is at the same time, supremely true, What a strangely chaotic and bewildering world ours would be were we forced to conclude that it is ruled by a power which makes superstition, or illusion, the main-ring and instrument of all kinds of progress?

Let us now consider the further question: What is the [unclear: stem] out of which grow the fairest forms of human life? Among those men and women of whom we have had an intimate knowledge, who are they whom in our heart of hearts we reverence most? Surely those who are rightly described as saintly, that is those who are the most thoroughly Christian. If we have an eye for the elevated, the pure, the beautiful, in human character, we must have [unclear: et] those about whom we cannot either think or speak without deep emotion, and I venture to speak for you as well as myself, when I say that these radiant ones are [unclear: recisely] the most Christian men and women of our acquaintance. Of course, we have a nothing favourable say of Pharisees, and hypocrites, though [unclear: unfortunat] they are sometimes taken as specimen Christians, [unclear: H] you ever met this lustrous form of goodness among [unclear: th] who did not feel quite sure about the existence of God, [unclear: a] were, of course, tolerably certain that Christianity is in [unclear: t] main a superstition? If we cast our eyes back over the [unclear: hist] of the past eighteen centuries for the purpose of [unclear: discover] the men who stand highest in the world's reverence, [unclear: b] because of what they were and what they did, I think [unclear: w] will, without hesitation, assign the first place to those [unclear: wh] were great Christians as well as great men. The cloud [unclear: of] witness-bearers, who are most potent to kindle in [unclear: pot] tially noble souls holy enthusiasm and [unclear: unconqueral] hope, is made up of those who stand closest to the [unclear: Mast] and most fully reflect His light. These, next to [unclear: Chri] Himself, most impressively evidence the truth of [unclear: Chri] anity. Perhaps there is no mere man who has so [unclear: pro] foundly influenced the ages, and that for good, as [unclear: th] Apostle Paul. Protestants will not hesitate to allow [unclear: th] the real initiators of the new and better time, in which [unclear: w] rejoice, were great religious reformers, such as [unclear: Luth] Calvin, and Knox. It matters not where we look. [unclear: Every] where in Christendom, and in every period of its [unclear: history] we will discover that its true lights were those men [unclear: wh] by their Christ-like lives, made the redeeming, [unclear: uplifi] power of Christ a manifest and felt reality. Must we [unclear: the] believe that the fairest blossoms, and the best [unclear: fruitage] humanity, have grown on the stem of a rank [unclear: superstition] Such a belief is impossible for us till we have [unclear: extinguish] all the lights of reason and conscience, and when [unclear: these] extinguished, belief will have no meaning for us.

Here I must pause. It has been a main part of [unclear: t] aim in these Lectures to indicate what are the grounds [unclear: s] religious and Christian certainty, and as far as might [unclear: be] to vindicate the validity of these grounds by reference [unclear: t] the principles of a rational logic of credence. In [unclear: part] lar, I have made it my aim to prove that a large [unclear: fin] element underlies our convictions in every sphere of [unclear: know] ledge. It is a grand mistake, therefore, to suppose [unclear: that] the most firmly established



doctrines of physical science rest on a basis of proof so absolute that doubt is logically impossible. This being so, it is both inconsistent and unreasonable to insist on doubt-defying proof as a Condition of legitimate religious belief. All analogies of our cognitive experience point to the conclusion that the higher the sphere of knowledge is, the more is sound belief dependent on moral and spiritual conditions. Or, to put the matter otherwise : In these higher spheres mere processes of reasoning become less and less adequate as instruments of investigation; and what may be described as the power of moral and spiritual intuition becomes more and more the only available organ of knowledge. And this is as it ought to be. If conscience is our highest cognitive power, then the category of the good is the supreme principle in accordance with which we ought to interpret the universe. Absolute goodness, that is an infinitely good God, is the light of all lights, and the law of all laws, and if not, all is darkness and death.

THE END.

## Contents.

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An Address By John Church, Oamaru

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## The Bible in Schools.

decorative feature

The following is Mr Church's [unclear: ech] on Resolution No. 4, at the [unclear: ble] schools meeting :

That this meeting is strongly of opinion [unclear: At] in the event of Mr G. J. Smith's Bill [unclear: ing] thrown out this session, united action [unclear: ld] be at once taken throughout the [unclear: ny] for the purpose of influencing the [unclear: coming] general election in favor of [unclear: ble] reading in our public schools, and that [unclear: he] following gentlemen be appointed a [unclear: ttee] to take this matter in hand, and [unclear: set] with the ministers of the Presbytery [unclear: of] North Otago: Revs. Canon Gould and [unclear: ten,] and Messrs Greenwood, Scott, [unclear: rell] Church, Harkness, and Rose, with [unclear: ver,] to add to their number.

SIR—Were I to consult my own [unclear: onal] feelings I would content my-[unclear: df] with the reading of the resolution, [unclear: ing] assured that it clearly and [unclear: lly] voice the opinion of this meet-[unclear: lng] I seldom appear on a platform, [unclear: ed] rarely address public meetings [unclear: not] there are occasions and circum [unclear: nces] when a man should and must [unclear: take] a part in any effort to obtain a [unclear: at] and permanent good for the [unclear: nity] in which he dwells. This [unclear: sider] such a time, for the objects [unclear: the] are striving to obtain are of [unclear: ndent] importance, and, when [unclear: red] will be of supreme value to [unclear: to] present and future generations [unclear: new] Zealand. With God given [unclear: ions] on the subject of educa-[unclear: tion] would be a coward, unless, to [unclear: test] of my ability, I gave utter [unclear: lucky] such convictions. When the [unclear: Hud] and glory of the Sovereign [unclear: oye] of the Universe, and of the Great [unclear: mer] are involved, and when we [unclear: ise] our dependence on the Al [unclear: hty] for all true prosperity, and [unclear: now] that our sons and daughters would be instructed in the revelations of the grand Old Book, that can alone establish a well ordered society, it becomes us all to unite with one purpose to secure the introduction of Bible-reading into the public schools of the colony. Standing as I do, on the border land between earth and heaven; looking back through the vista of a long life with its varied experiences; summing up the results of different modes of education fully before me; and with the records of history, moreover, to guide me, I unhesitatingly affirm that education without the teaching of God's Book and God's law is lop sided, and is imperfect.

## It Educates the Physical

and mental faculties alone of our being, and leaves untouched, unmoved, and undeveloped the highest part of our nature—the moral and spiritual. I, therefore, claim to have the right-, and to have the duty imposed upon me of urging upon my fellow colonists, that it is not only desirable, but it is absolutely essential we should have

the Bible daily read in our national schools. While I try to do, this, you will kindly bear with me for a few minutes. Education is, like the poor, a question that will ever be with us, for generation succeeds generation and there always will be changes and modifications required to meet the wants of advancing humanity, but the Word of God shall abide for ever as the rock upon which education must be founded. I am not one of those who regard our present education system as a gift from heaven, perfect and infallible, and who bow down before it as a fetish, and would "at all hazards" maintain it in violate with all its anomalies, in equity and expense. But with : nothing of all that have we now to deal. We have one specific and definite object in view, and to obtain that, we must bend all our energies and unitedly use all our influence. What that object is all know who are present, and I would, at the outset, deprecate that apologetic strain with which all former efforts have been marred, and righteously demand from the State what the large majority of colonists desire for their children. There is a great blank—an ugly chasm in the system that has now been in force for nearly twenty years, and that blank must be filled up, and that chasm must be bridged over with such religious teaching as can be given under the existing circumstances of differing creeds and varied interpretations of Scripture. This can without difficulty be accomplished by the adoption of the " Scripture Text Book," which is asked for in the Bill of Mr Smith during this session. However, I am almost sure, that in a moribund Parliament, with a general election imminent the Bill would not pass If my opinion be found to be correct, it gives great force and importance to the first part of the resolution I have read and moved—namely, that we must then be determined to return representatives to the next Parliament, who shall be in favor of the whole Bible being read in our schools, and if need be, to have their pledge on this vital point.

## We are a Self Governed People

by our full representative system, and in this connection, it is well be remind our firm allies, the ladies, that they now have the right to the suffrage, and should religiously exercise it in a direction and for a cause that appeal to them, whether as the wives, mothers, daughters, or sisters of men. " Nations," says Smiles, " are but the outcomes of homes, and peoples of mothers."

## What has made Scotland!

A country poor and sterile by [unclear: Nat] not only materially wealthy, but [unclear: for] very nursery of men and [unclear: wo] eminent in every walk of life, [unclear: Ho] training in homely virtues, and [unclear: the] sound education of its [unclear: paro] schools, founded on the Bible by [unclear: the] direction of that " man amongst [unclear: man]—the fearless reformer, John [unclear: kect] As previous speakers have so [unclear: fal] and ably expressed the urgent [unclear: reason] for the change in our system, [unclear: and] combated the trifling objection [unclear: that] are raised, it is unnecessary for [unclear: a] to traverse the same ground, and content myself with endorsing [unclear: the] greater, if not the whole, of what [unclear: the] have advanced.

But there are one or two [unclear: pain] upon which I would desire to say [unclear: a] few words. One of my chief [unclear: reas] for demanding Bible-reading in [unclear: our] national schools is : That so long [unclear: and] the Word of God is excluded [unclear: fro] them, so long do we, as a nation [unclear: be] to our seal that no [unclear: recognit], required or needed from our [unclear: children] of the existence of a Supreme [unclear: being] and of the revelation of His [unclear: gra] purposes towards the world. [unclear: ua] therefore, we as the units of nation, rise up, protest and [unclear: dad] the excision of that part of the [unclear: ub] cation Act which virtual [unclear: are] practically prevents such a [unclear: recog] tion, we are morally responsible [unclear: ar] guilty of casting " away the [unclear: ia] the Lord of Hosts, and despising [unclear: te] Word of the Holy One of [unclear: Isra] We know from Scriptural and [unclear: ses] lar history alike the woes that [unclear: ha] come upon God's own chosen [unclear: pe] for thier persistent violation of commands that they should [unclear: diligj] learn and obey His statutes. Know that the Israelites are [unclear: so] where in the world being [unclear: "sif,] wheat among the nations,"! that the Jews are " scattered [unclear: be]peeled" in every country under [unclear: of]sun despised and persecuted, [unclear: a] word and a reproach amongst people. We, in New Zealands, in some measure a people [unclear: pew] favored In this land we have a goodly heritage. Its climate is bright and invigorating; its soil is fruitfull beyond comparison; it has gold and minerals in unknown quantities and freedom to govern ourselves as best we can; having, in short the corn, wine and oil, and cattle and sheep upon a thousand hills Let us then be true to ourselves, and recognise with thankful huminity the Great Giver of all good, and beware of tempting God to withdraw or blast all these material blessing by provoking " the eyes of his glory by lightly esteeming His word "Hear ye, and give ear; be not proud; for the Lord hath spoken give glory to the Lord your God, before he cause darkness, and while ye look for light, he turn it into the shadow of death; and make it gross darkness.

## Another Reason

why I want the Bible to be read daily by our children is that I regard it as the only sure foundation for all sound morality. At this period in the history of the world, it is an idle work to traverse this opinion, for all that a noble, pure, of good repute, and of unselfishness is the fruit of that great example set before us in the word of Grace. That Word which from beginning to end "teaches us. To deny ungodliness and worldly [unclear: sts] and to live soberly, righteously, and godly in this present world." morality perishes if it be diverted from religion. Righteousness without God fearing is a rootless flower [unclear: back] in the garden of a child," so [unclear: bys] Archdeacon Farrar, and again [unclear: another] great writer says, " Every-[unclear: ere] the tendency has been to separ religion from morality to set them [unclear: in] opposition even; but a religion [unclear: out] morality is a superstition and worse; and anything like an [unclear: uate] sense of morality without religion is impossible. The only salvation for man is in the union of the two as Christianity unites them." my third reason for my opinion is, that the State has assumed the duty of education, and provides the means. Having taken away the control over their children for a large part of their time, parents are justified in demanding that this compulsory education should be not only free as regards cost, but it should be full, and not partial and incomplete. Herein lies the righteousness of our claim—and the preservation of a national system—for depend upon it if the Bible continues to be excluded, we shall witness the resurrection of the denominational system with all its fruitlessness and all its other evil consequences. The universality of the national system is its one great redeeming feature, inasmuch as all children alike of rich and poor, can obtain the primary elements of education, and can, therefore, if they choose, rise as high as they may in the social scale, by industry, application and perseverance." The State is sovereign over all its own works; it has created the school for its own purposes, and it is for it to say simpliciter what those purposes are and how they are to be secured. If the State decides that its citizens must be trained in certain moral and spiritual principles, reverence for which is essential to its own well-being, and then decides that for lodging those principles in the human breast there is no instrument to compare for effectiveness with the Bible, it would appoint the Bible to be taught *compulsorily* without any conscience clause, in all its schools. For the school is a State institution, which the State has called into existence for its own ends, and in which the State alone must determine what is to be taught, whereas the Church was not created by the State, nor for the State, and to be faithful to its vocation, and especially to its catholicity, must decline legal relations with the State, the very conception of which implies that within certain limits the two can only move together. That is what is written by an authority in the British Weekly.

## The Last Reason

I shall give, and in it is involved the crucial point of the whole controversy. The introduction of Bible teaching will give taxpayers a better return for their money, and will increase the efficiency of the present system.

Secular teaching by itself is insufficient for the equipment of man even for the present life, and those young men and women who proceed from such schools are, as a rule, not nearly so well fitted for the duties of private, social and political life as are those who are well versed in the scriptures, and are regulated in their transactions with their fellow men by those vital principles of truth taught therein. "The entrance of the word giveth light, it giveth understanding to the simple." " A good understanding have all they who feat the Lord." Look at Joseph in Egypt, at Daniel in Babylon, and a thousand other illustrations of the fact that those who enjoy the favor of the Lord have also, as a rule, the favor of man, at all events, even when their interests clash, his respect and confidence. But I must hurry on and emphasise, with all the scathing indignation I can express, the anomalous and cruel fact that for nearly twenty years this secularism has held possession of our schools, because, forsooth! the Bible might offend the tender and ignorant consciences of a miserable minority of Atheists, Freethinkers, jews, Mussulmen, and Agnostics or know nothings; while the sentiments. Wishes and consciences of the great majority of our Christian colonists have been ignored, violated and trampled upon daily. It reminds me of that peculiar and off times morbid love that a mother has for an idiot child or maybe an errant and wild scapegrace of a son, which lavishes all its care and attention on the silliest and least worthy, while the others have only the crumbs of affection left them. The scapegrace of godless secularism is petted and nourished, while religion, the fountain and handmaid of every virtue, is ignored and starved, and put outside of our schools as [unclear: some] inherently wrong, Before the [unclear: cen] tury close in darkness and [unclear: troj] let us put away from us this [unclear: st] of infatuated silliness and [unclear: mis] toleration ! Do we want good [unclear: fre] from education ? Do we [unclear: ind] Let me give you then the [unclear: opini] one or two authorities on the [unclear: res] of secular teaching, for which [unclear: wa] taxpayers, and so liberally

*unclear: pa*] A writer in a pamphlet on the education system of Victoria says, [*unclear: rega*] the teachers and taught, " They [*unclear: ha*] been brought up under a [*unclear: sys*] which puts reading before religion writing before righteousness, [*unclear: gr*] mar before goodness, and verbs [*unclear: be*] virtue.' Bishop Bromley, of [*unclear: ho*] recently made the strong [*unclear: sta*] in the Victorian Review, which dicates a low moral tone in [*unclear: pupi*] teachers alike. He said :[*unclear: th*] State school-teachers are making [*unclear: the*] pupils as much the children of [*unclear: the*] as themselves." Bishop [*unclear: Moor*] now of Manchester, said in [*unclear: ref*] to the Victorian system that " continued in force his [*unclear: br*] ministers would soon find their [*unclear: ow*] pation gone. They would no [*unclear: to*] be pastors of Christian [*unclear: chur*] would have to become [*unclear: missiona*] the white heathen around then From America come such [*unclear: words*] these, "The system of secular [*unclear: educa*] tion in the public schools [*unclear: fai*] train young people for the duties [*unclear: of*] business of life. It rather [*unclear: mu*] them bumpitious and [*unclear: imperml*] The public school is one of [*unclear: the*] agencies of social vice, "where [*unclear: te*] influences are as rife as fungi [*unclear: in*] swamp." " When religion is[*unclear: dri*] out of the heart of man, [*unclear: supers*] rushes in to fill the vacuum, [*unclear: cl*] paring Massachusetts and her sister New England States[*unclear: when*] secular education prevails, and [*unclear: gina*] and her five sister States [*unclear: whih*] parents educate their own [*unclear: chi*] denominational schools, we [*unclear: fin*] the former produces in the [*unclear: ra*] the population four times [*unclear: as th*] criminals as the latter, twenty times as many paupers, for [*unclear: time*] many suicides, and twice as many luna tice." Secular education by itself, apart from the life giving principles of true religion is of Satan. He would have a cynical and malignant joy could this his masterpiece of destructive enmity to God and man, be established generally in the world.

## The Secularism

that would only give God a secondary or subordinates, place in the world, that He has created for Himself and for his representative man upon earth cometh from the pit of blackless and to that pit it must be [*unclear: erded*] if we would save society from becoming like Sodom or Gomorrah, [*unclear: eye*] like ancient Greece, with her high intellect and refined arts, which was yet the abode of similar [*unclear: nations*] and licentious conduct and, unmentionable crimes. Had I youth and ability, I would, like another peter the Hermit, raise a [*unclear: crased*] from Auckland to Stewart's Island to go up and wrest the possession of the very fountain head of society the demon of secularism and destroy and take away the elements, for they are not the lord's,"and erect in place the hundred of truth, righteousness and every taught in the everlasting Word of the Triune God. But I must not join you much longer, yet I have somewhat to say of the absurdity of missing our young children on the [*unclear: ks*] of secularism, and sending them out into the world with no [*unclear: art*] to guide them, and no habits or [*unclear: cter*] framed on any true prin [*unclear: le*]hence larrikinism etc. William [*unclear: this*]of London, the great educa-[*unclear: sist*] says: "To reform a character [*unclear: truly*] a more arduous task than to [*unclear: one*] and how can we look for success in the greater and more [*unclear: ult*] undertaking from those who [*unclear: are*] equal to the easier," and let me [*unclear: know*]his words, who are unwilling [*unclear: the*]in many cases hostile to the [*unclear: tion*] of good character in early [*unclear: th*]?

But we have been acting a principle the very antithesis of what [*unclear: a*] question involves. We let the largest portion of our children grow up in ignorance of the sound principles of morality and duty, and then, when the natural and inevitable fruits of our neglect of the primary task manifest themselves in overt acts of vice and crime, as in gambling, fraud, drunkenness impurity, and blasphemous language and every other evil thing, we set ourselves the impossible task of eradicating these by prohibitory and restraining enactments and laws of men's device. If the cancerous root of man's natural disinclination for good remain unchecked in its growth, or, if we omit to supply an effectual antidote by grafting in God s eternal law of good so long are we engaged, like Sisypheus, in a never-ending and a barren toil, and furnishing a spectacle of mad folly to God and men, and to angels, fallen and unfallen alike. "The idea out of which the future civilisation must grow is here, there and everywhere in the Book of Life. That idea is, the moral regeneration of the individual. In this one aim lies the rudiment of all that is practicable for the amelioration of the race. This is the germ of the whole tree. The wisdom of God is to begin at the beginning. The wise master builder starts at the foundation and builds up." We are in short, raising the structure of our

## National Life

upon the apex of a pyramid, its foundation the negation of God, and its head a hideous monster of innumerable laws, the oil-spring of minds steeped in arid secularism and gross materialism. Just one word on the value of the Bible in schools as a book of literature that cannot be surpassed in the world of letters. Professor Huxley (in words I have forgotten) gives emphatic testimony that it is impossible for a man to

consider himself as educated without an intimate knowledge of its histories, its poetry, its grand epic stories, and the national anthems of the psalms. Professor Moulton in his new book has these words, "The Bible has lyrics which Pindar cannot surpass, rhetorics as forcible as Demosthenes, and contemplative prose not inferior to Plato's." "What a book!" exclaimed the brilliant and sceptical Heine, after a day spent in the unwonted task of reading it. "Vast and wide as the world, rooted in the abyss of creation, and towering up beyond the blue vaults of heaven. Sunrise and sunset, promise and fulfilment, life and death, the whole drama of humanity are all in this book! Its light is like the body of the heavens in its clearness; its vastness like the bosom of the sea; its variety like the scenes of nature," Goethe says, "Let the world profess as it likes, let all the branches of human research develop to the very utmost, nothing will take the place of the Bible, that foundation of all culture and of all education." How, then, I ask, can young people brought up in ignorance of such a book become interested in general literature, when it is saturated through and through with allusions and reference to its contents? A taste for reading is one great preservative from vice and idleness, and we take no steps to encourage stimulate it. I am done when give expression to sentiments [unclear: fore] spoken in Oamaru. We are in new land, and are building up a [unclear: ew] nation. Do we desire to build greatness, and make New Zealand power for good in the world? [unclear: the] let us recognise that while [unclear: grete] finds its nourishment in [unclear: material] wealth; its inspiration is in magnificence of thought; its foundation and stability lie in [unclear: obediefl] God's law of righteousness. [unclear: let] then teach, let us educate, but [unclear: let] first and above all give our [unclear: childr] the knowledge of the only [unclear: livi] true God our Saviour. If generally throughout the world [unclear: ha] their actions directed by the [unclear: wis] from above," and if their lives [unclear: ay] pervaded by the love of God man, when our sons should be plants grown up in their youth our daughters were as corner polished after the similitude palace," we might begin to look [unclear: of] for the advent of that millennial when, in the words of Burns,

*"Man to man the world o'er  
Shall brothers be for a that"*

Extension of Technology in Education.

Inaugural Address Delivered at the Women's Institute, Wellington.

By Dr. Chapple.

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## The Extension of Technology in Education.

*The Inaugural Address delivered at the Women's Institute, Wellington.*

I FULLY appreciate the honour conferred upon me in being allotted the pleasing, if onerous, task of inaugurating the work and aims of so promising an organisation as the Women's Institute. And I am equally conscious of my inability to do justice to that distinction as well as to the ambitious subject I have set myself nevertheless, I must congratulate the Institute that in their choice of a lecturer they have kept clear of politics and politicians. To my mind no more short-sighted policy could be adopted by any such society, organised at this early stage of women's political emancipation, as to make it their first aim and endeavour to preach politics, and select and run politicians.

Music teachers are very careful to insist that their pupils shall serve an apprenticeship at the five-finger exercises before they are allowed to attempt the more finished and fascinating productions of musical art—an illustration of the law in educational development that a thorough acquaintance with the rudiments of an art is an essential preliminary to educational maturity.

Now, the five-finger exercises of politics are a deep and estimate knowledge of social conditions and social needs; and if the women of this and other similar bodies set themselves, heart and soul, to the study of the conditions and requirements of society, and of all social and educational institutions, they will best prepare themselves to ennoble with their influence, and adorn with their presence, the political life of the future.

I am glad, therefore, of the opportunity, and proud of the privilege vouchsafed to me, of contributing to this meeting my interpretation of some of the conditions and requirements of our educational system.

Let us cease for a season to boast of the greatness and the grandeur of our free, national, secular system of education. We all know it, we all believe it; but as there is a time to be merry and a time to be sad, there is surely a time to boast and a time to cease from boasting, and now is the time for the latter, lest [unclear: wi] remain satisfied with a changeless, unprogressive uniformity in educational system, while all else is in that state of ever restless change that makes for human progress; social conditions [unclear: inte] fied, educational needs extending, new demands from [unclear: th] quarters, for even the crumbs of knowledge that fall from the [unclear: riv] man's table, laden with the bounteous wealth of an ever advancing and beneficent science.

Two conditions have led to the new cry for a new education First, the advance of science, and second, the industrial [unclear: stnf] arising largely from the introduction of machinery. Let [unclear: we] examine for a little this advance in science. Agriculture was once a simple art only, whose sole basis was experiment, the farmer tickled the sides of the mountain with a plough, and [unclear: they] brought forth grain. But what is it now ? It is a science as well as an art. The successful farmer, or the successful nation of farmers, must understand the formation, classification, and distribution of soils, both local and transported, their [unclear: chemi] constituents, and the value of such as food for plants; he must know the influence of subsoils and of climate, as well as the causes of barrenness, fertility, and soil exhaustion. He must be familiar with plants in all their various forms, and their [unclear: uni] genous constituents in relation to the chemistry of the soil, [unclear: fra] which those constituents are derived by root; distribution. He must be thoroughly acquainted with the different system tillage operations, and of irrigation and of manuring. But besides this acquaintance with the more immediate scientific aspects of agriculture, he must be familiar with many of the allied sciences. A knowledge of botany is indispensable. He must understand the general conditions of plant-life, of indigenous grasses and weeds, and forage plants; he must be acquainted with the morphology and physiology of parasitic fungi, and with the recognised methods of prevention and cure. He must have studied the common insect pests of plants and farm live stock, and know something of the prevention and remedy for their attacks. Lie must be up in all that pertains to rotation of crops, breeding of stock, dairying, building, and fruit-growing, not to speak of book-keeping, surveying and levelling, veterinary surgery, and the hygiene of farm stock. All this is made necessary because of what science has revealed to investigators, and because other men and other nations are applying the teaching of science to agricultural pursuits, to the immeasurable advantage of the individual farmer and the State. We must do so, too, or lag behind in the march of progress Take an example. The farmer who has studied the science of agriculture knows the phenomena of that strange life history in many parasitic pests, with which his stock are liable to be afflicted, termed alternation of generations. In the alternation of generation, as you know, the parasite must pass through two stages of existence, one stage in one kind of animal, and the other stage in another. It may be an innocent and harmless parasite in the one animal or host, and a virulent and fatal one in the other. In the fatal and much dreaded disease of sheep called rot, as the scientific farmer well knows, the parasite is a liver-fluke, which gains access to the bile ducts from the grass the sheep has eaten. In the grass are little suails, in whose bodies this parasite must b undergo development, and without which it is impossible to [unclear: ain] the mature form in the liver of the sheep. This snail, then, [unclear: in] a primary factor in the cause of the disease, and its existence is [unclear: de] possible by dampness of ground, excessive growth of grass, and [unclear: uled] soil. The trained and skilful farmer knows this, and consequently knows the remedy:—He purifies his soil by rotation of crops; he limes the land and water, and by close feeding with other stock he destroys the harbour and protection which luxuriant growth affords to these little snails. The trained and scientific farmer must therefore be the successful farmer, and the nation of, trained and scientific farmers must be the successful nation, and lead the world in progress and prosperity.

In the mining industry, science has made the same rapid strides, and to-day the miner cannot afford to be ignorant of geology, assaying, mine surveying, mine ventilation and lighting, mechanical drawing, and the extraction of metals from ores by modern processes. Mining to-day is not simply the turning over of clay, and the crushing of stone, and the saving of gold by gravitation. It is a high art, to which all the resources of modern science in engineering and chemistry must be applied in order to make the industry a success, and keep our country abreast of the nations of the earth. The much discussed oyanide process for the extraction of gold is a good example of the application of science to an industrial pursuit, and forcibly illustrates the urgent need of scientific training in every department of the industrial life of the people. The cyanide process is the application of chemistry to mining for gold and silver, and was invented and patented by two doctors, Drs. Robert and William Forrest, and a Mr. J. S McArthur, an analytical and technical chemist. This successful and promising process, which has already enormously increased the output of gold in South Africa, as well as in the North Island of New Zealand and other parts is stimulating and revolutionizing, the mining industry everywhere.

Mechanical and electrical engineering is the prodigious off-spring of a few recent years, and more than anything else marks the triumph of brain over hand in production and distribution in the industrial world. With new machines there must, be new workers and manufacturers, as well as inventors; the machines must be constructed as well as driven and controlled, and the [unclear: can] and workmen must be educated to accomplish these new With the increasing complexity of new machinery, greater [unclear: in] skill, as compared with manual skill, is required on the part [unclear: facturers] and workmen.

The skill of the workman must be in appreciative touch with [unclear: oius] of the inventor, or his inventions can never be properly [unclear: nd] Scientific skill on the part of the worker is the counter of genius on the part of the inventor. But all this pre-[unclear: crib] scientific education—makes it an absolute necessity in [unclear: the] we are to keep our place in the onward march. A large [unclear: no.] of our youths must take their place in the engineering [unclear: oups] of the world. They must therefore be prepared to take [unclear:

Leap] that place by the study of physical science, inorganic [unclear: try], mechanical drawing and designing, applied mechanics, the mechanics of machinery, mathematics, naval architecture [unclear: rine] engineering, and the necessary laboratory and work-practice.

Now a word or two about the industrial stress that I have [unclear: the] mentioned as a contributing factor to the new cry for a [unclear: cation]. Where hundreds of workmen toiled once at the work of production, tens are now employed. Machinery [unclear: new] what human hands did then, and with infinitely greater and precision. *Then*, manual dexterity was almost the sole [unclear: am] in the workman, and although he had a larger range [unclear: k] there was not the call upon his judgment, ingenuity, and Skill that the manufacture and guidance of machinery [unclear: knd] of the skilled artisan. *Thent* apprenticeship was the [unclear: ing] the workman received, which was really a constant [unclear: un] of manual work, under meagre direction, until dexterity [unclear: red]; while amongst those thus under training, the few [unclear: fed] natural ingenuity, judgment and ability became the [unclear: emen], and perhaps manufacturers. *Now*, apprenticeship ceased; boys can do much of the simple work, too for machinery, and these may go through life with no higher nor more varied employment than the trimming and [unclear: pol] ing of one little iron nut, whose place and function in a great mighty machine it is not even necessary for him to know or about. A mind must cramp, and cannot possibly develops [unclear: un] such conditions, unless by some expert teacher he is systematic taught the science of that nut—its recovery from its native [unclear: on] manufacturing processes it has undergone before it came to hands, its place and function and importance in the engineering mechanism, with something of the allied sciences that bear on particular department, and thus give him an opportunity, only of developing his mind and his interest in his art, but rising in his department by study and application in the light scientific instruction.

There is, then, to be heard all over the civilized world [unclear: a] cry for a new education—an education that will bear an [unclear: infict] relation to the needs of every artisan in the struggle of life. [unclear: he] has this cry been met, and what, is the best way of meeting The cry so far has been responded to by the establishment! system of technical education through the agency of [unclear: Univer] of technical colleges, and of continuation classes.

Let us be careful about our logic, and start with definite Technical education or technology is a system of "instruction the principles of science and art applicable to industries: [unclear: to] the application of special branches of science and art to [unclear: the] industries and employments" (Technical Instruction Act, There is a good deal of misconception about the meaning, scope of technology. Some confuse it with manual training use the terms indiscriminately. It is *not* manual training may not even *include* manual training, though by many school is made to cover that ground. Some look upon technical institution as a substitute for apprenticeship, and as a means by boys are taught their trades. They are entirely wrong, and the true function and importance of this branch of education is not designed to be a substitute for apprenticeship, nor is intended to teach boys or men a trade. If this were its object, it would fail absolutely, and be nothing more nor less than a [unclear: dous] and useless excrescence upon our educational systems, for no State-aided manual training school can supersede or even equal the industrial workshop in practical experience and training.

Many technical schools or polytechnics, as they are called, have of recent years been established, and have produced excellent result the Continent of Europe, in England, and in the United states of America, in which workshop instruction is made an important class, but it is everywhere subordinated to the higher and more important instruction in the science of any particular branch of industry; while in Germany, that model country in everything educational, many of the polytechnics give no workshop instruction, and others give it a very secondary place, and have admitted it tardily. But we cannot take Old World systems as our guide, for many of these schools are either wholly or partially endowed, and the management is at some liberty at least to experiment, and to overlap other institutions. With us, whatever is done in the cause of technical education must be done entirely by the State, and we cannot afford to overlap.

Apart from the waste of overlapping in the matter of workshop instruction, there are grave objections to the establishment of anything like a system of manual training as such. In the first place it is superfluous, and wasteful of time and money. Even in those, schools in which it is adopted in Germany and elsewhere excepting, where the higher, the literary, the scientific aspect of technology is subordinated to trade teaching), the actual workshop practice can only be given to a limited number of boys for an hour a two each week—an amount of practice wholly inefficient to give anything like manual dexterity. More could be, and always is, [unclear: ned] in a factory workshop in the matter of manual training in few months than could be gained by years of school experience. Those who look upon technology as a means of teaching boys and young men a handicraft, and who value and advocate it accord- ingly, may cease their efforts and turn their attention to other reform. Technology has no such aim, and this opinion held by every competent authority on technological science.

"What *is* maintained by some experts is *this*, that [unclear: thro] the advantage gained in manual dexterity by pupils in a [unclear: tech] school *does not justify its existence*, the advantage as a [unclear: discip] and

training in order, form, size, and powers of observation [unclear: tha] Many experts on the other hand, especially in America, will [unclear: be] even admit this, and hold strongly that workshop instruction [unclear: and] manual training are no part of a technological course. Another objection to manual training schools is that boys are [unclear: invari] prone to consider that they are practical experts after [unclear: haii] handled tools for one or two school sessions, and this is one the first things they have to unlearn when they enter an [unclear: indus] workshop. The testimony of all foremen and manufacturer that youths trained in a technical school exhibit an interest [unclear: of] aptitude at their work quite unapproached by those not so trained while the manual experience brought from the school workshop of doubtful advantage.

The workshops of a technical class, and the laboratory of science a class, must not be confused. The laboratory of any [unclear: pract] scientific class is for the purpose of illustrating the lessons taught in the science lectures. In the laboratory, apparatus, model chemicals, and tools and machinery are needed to illustrate the lectures given, and to confirm the lessons taught. The testing experimenting may be done by some or all of the students; but only so far as is necessary or advisable in the interest of an [unclear: inti] and practical knowledge of the whole subject dealt with, should the laboratory be furnished and used. In some branches, of course, it will no doubt happen that there will be little. Difference between a laboratory and a workshop, but the principles under lying the work will differ, and the scientific aspect of the training will be uppermost and of the first and highest importance, the manual work in testing and experiment will *not* be an end in itself as in workshop practice, but a means to an end, that end being thorough scientific and practical knowledge.

Of course, if wealthy private individuals choose to endow manual training schools, let them do so—they are no doubt good institutions, but what I maintain is that with such numerous and [unclear: neatly] efficient industrial workshops in the private factory system around us, to which most boys have access, and are free to follow their own inclinations and choice, it would be an unarrantable waste of money for the State to establish duplicate and inefficient manual training schools.

Let the State supply the literary and scientific training necessary for a high degree of proficiency in the arts and trades And industries, and their pupils will be welcomed by factories and manufactures, where, with disciplined brains, well stored with all the technicalities of the profession they have made their choice, the manual dexterity necessary will soon be acquired.

The cry we have been listening to for 30 years and more is Not a *demand* for more dexterity, more physical aptitude, more [unclear: ight] of hand. Nothing can surpass the manipulative skill of the artisans of the past, nor the provision for attaining that skill.

The cry has been for more learning in the laws and principles of the arts and manufactures, more of the science of material nature, more instruction and teaching and knowledge. Sir Philip megnus says in his work on " Industrial Education: "—

*"Workshop instruction has only of late years been given in the technical schools of Germany, and the opinion is still very generally held throughout Germany that practice in the use of tools is best commenced in the Commercial works, and that the period devoted to school education would be wholly occupied in the teaching of principles."*

In any case, even if it be considered advisable to establish the manual training schools, such a scheme would certainly be [unclear: ture] until every provision was made for technical training [unclear: and] laboratory practice.

It must not be inferred that the demand for technical [unclear: ed] tion and instruction has actually come from the artisans—it has [unclear: no] They have to a large extent at least been unconscious of their need That need has been interpreted by educational and [unclear: soc] reformers and statesmen, who have already done so much satisfy it.

Once more, technology is the new infusion into our educational systems, whereby boys and girls, and men and women are taught the principles of science underlying all industries that they will enter upon the work of production and distribution in the industrial world with well trained brains and hands. It aims training students in the principles of science and art as applied agriculture, mining engineering, mechanical or civil engineering electrical engineering, marine engineering, and naval [unclear: archite] manufactures and commerce. For this purpose special [unclear: tech] colleges are established, and Germany, France and Switzeland have many handsomely endowed colleges of a high degree of proficiency, and upon a very extensive scale. Sir Philip [unclear: Magd]! tells us that:—

*"In Munich, side by side with the University, exists the well-known Polytechnic School for instruction in science in its application to industry This institution is co-ordinate with the University, and its teaching [unclear: ove] it in many respects. Without having seen one of these institutions almost impossible to realise their vast extent, the beauty of their instruction, the completeness of their arrangement, and the luxury with When they are fitted The building with its collections has cost [unclear: fl] less than £200,000, and the annual expenditure on maintenance is 20,000 The institution consists of six special schools—the general schools,*



*unclear: inten] principally for the training of teachers, the civil engineering school [unclear: from] chemical school, and the agricultural school The aim [unclear: of] German Technical (more elementary than the polytechnics and analogous secondary colleges) is to enable the students to obtain a practical education less theoretical in character than that given in the universities or at the polytechnic schools, which shall fit them to enter upon commercial industrial work, with a fair chance of immediate employment, and obtaining steady promotion in their careers. Those students who are admitted by exhibitions, pay an entrance fee of four shillings, and thirty six shillings per annum, or twenty-two shillings for the half year. The school course lasts two years. There are four divisions, according as the student is intended for engineering, chemical, building, or commercial work like all the educational institutions of Germany, the school is well provided with apparatus, specimens, and collections. It contains a room replete with mechanical models of nearly every description, including pumps, valves, steam-engines, and hydraulic apparatus, beautifully constructed and showing the working of the different parts. There is also an art studio well fitted with casts; and screens are carefully arranged between the windows so as to produce proper effects of light and shade. A point worthy of note the smaller casts are kept in cabinets with glass doors, until they are required for use, so as to prevent their being discoloured by dust, which often interferes with the student's perception of natural shade. In this college considerable attention is paid to the teaching of mathematics and of machine drawing; and in the chemical laboratory, besides quantitative and quantitative analysis, the students spend a large amount of time in synthetical chemistry; and the museum attached to the laboratory contains a number of substances prepared by the students."*

But besides these polytechnics and technical schools for those students who can give all their time to the study, there are continuation schools, which are really evening classes, for the instruction of those who are engaged at practical work during the day, while in many cases the polytechnic schools so arrange their evening classes as to suit the convenience of such. In Germany, attendance at these continuation classes is compulsory for those who have left the other schools before the age of sixteen years. In England many have been established, but some have not been well patronised.

A report on these classes shows that of 25,000 bricklayers in London, only 40 attend at classes; of 30,000 printers and litho-*[unclear: papers]*, 140 attend at classes; while of 10,000 in tanneries, only attend at any class for technical instruction in their art. This emphasises the fact I have already mentioned, that the demand for technical education has not come from artisans, but from educational reformers, who realise the national and individual gain that must accrue from an extension of the system.

The great success of technology, as well as all other educational stems in Germany, is largely due to the compulsory attendance of some teaching institution enforced by the State. All children up to the age of 16 must attend for instruction at some recognised school, while after that age a form of compulsion obtains, the rule very largely taken advantage of, that attendance at the higher schools exempts from corresponding periods of military training.

Special schools and continuation classes have thus been the media by which technology has spread to all classes of the people but especially to the industrial workers, on whose energy and skill so much of national prosperity depends, and no one who has marked the progress of what is now so frequently termed the "new education," will deny that a powerful impetus has been given to industrial pursuits.

But by far the most potent power in the rise, and progress and spread of technical education has been the University, by and through our Universities has that advance in science been made, which has made technology possible and necessary, the University has taught the agriculturalist the chemistry of the soil and all that pertains thereto; she has taught the nature and prevention of diseases in plants and farm stock—the nature of parasitism and its remedy; she has saved the vine industry from destruction, the silk-worm culture from annihilation, and vouchsafed her protection to cereals and bees. The sciences of agriculture, of mining, and of engineering, and of all that pertains to the arts and manufactures, have had their origin in the Universities, and depend for their further development and universal spread upon these noble and time-honoured institutions. No sooner were the once simple arts raised to the dignity of sciences by research and discovery than the University spontaneously taught her truths and lessons to the world, in the truest noblest, most beneficent, and democratic spirit. Her gates were open to all, the rich and poor alike; and all her treasures of knowledge were public property, it is not surprising, then, that when arts became sciences under her constant and *[unclear: assid]* labours, and she had lessons to each and blessings to confer upon industry and industrial workers, that, in that generous spirit that has always characterised her, she should spontaneously shower these blessings upon mankind, by initiating and spreading this "new education."

"In Germany," Sir Philip Magnus tells us, "technical instruction commenced with the highest, and not with the lowest, grade of education. Its influence has spread downward. The first persons technically educated were the masters, and not the men and the first efforts of the State were directed towards the establishment (as separate institutions, or in connection with the universities) of special schools for teaching the higher branches

of sciences, and the application of science to industry. The Germans believed that the best way of improving the technical knowledge and skill of the intelligent workman was to commence by educating those who had to guide and direct him. There is probably no country in the world in which national prosperity has been so clearly indebted to education as in Germany. Generally, education follows, and at a great distance, social changes; but the Germans owe it to the wisdom of their rulers that this was not the case in their own country. The great expansion of the empire, and the growth and development of native industries, are largely due to the excellent system of education which they have gradually established"

Besides supplying the knowledge of material nature and her laws the University supplies, and must continue to supply, the teachers, in all properly-equipped technical colleges. There is no profession in which high attainments in literature, science, and art, are so necessary as in teaching; and the introduction of technology in to our systems accentuates this necessity : for technological [unclear: ments] with practical experience must not be permitted to replace and represent, but only to supplement, the present high [unclear: ther] of literary ability in our teaching profession. A teacher can either be too highly educated nor too highly paid; and the best in a nation can produce should be attracted to this noble profession.

It cannot be too strongly urged that the so-called education is a highly *technical* education, a *scientific* education, education in the theory of *things* and the laws pertaining to thing and their application to art, and commerce, and industry; and only highly-educated men can do justice to the teaching of such subjects. If the exponents of technical education, in its highest and truest sense, are not men of the highest attainments, the best hopes of educational reformers will not be realised, and industries progress will not be furthered one iota. The teaching will degenerate into mere instruction in handy ways of doing knotty jobs, if *manual* training takes first place in the hands of [unclear: artin] teachers, who subordinate the scientific education to [unclear: mann] adroitness.

I repeat, the University is the mother of technical education and her offspring is to-day in the bloom of healthy youth, and promising a robust maturity, under her constant nourishment and care. In England, and even in Germany, the association of the Technical Colleges and Universities is not so noticeable, [unclear: par] because many of the former were started with endowment, established from private beneficence; and the same need has existed for the older Universities extending their scope, so as include the work of technical schools. It must be admitted however, that some of the University Colleges in England are the conservative, and too fond of what they are pleased to call their ancient traditions, to include in their curricula the preparation of youths for the trades and industries of the country. But in America and New Zealand, where less is heard of technology under its new name, the association of University and technical education is very intimate and well-marked, to the immeasurable advantage of the latter

Let us examine the New Zealand University system, and what it has done and is still doing in the advance of technology. The New Zealand University grants a Bachelor of Science degree in agriculture. It has under it a well-equipped Agriculture College, where every aspect of agricultural science and art is represented and taught. Every youth has access to the technical training which this school affords. It has a complete system of lectures in the general principle of agriculture, in botany, in physiography, in entomology, in agricultural mechanics, in practical agriculture, in agricultural chemistry, in book-keeping, in surveying and levelling, and in veterinary surgery and hygiene. The laboratory of an Agricultural College is, of course, the farm, and practical farm experience in illustration of the lectures is here provided for. So much for technical education in agriculture

The New Zealand University has also a School of Mines, and grants a Bachelor of Science degree in mining. It provides a laboratory with all necessary appliances, and a system of instruction, in mineralogy, geology, chemical analysis, metallurgy (including dressing and extraction of gold), practical mining (including boring, excavation, opening and exploiting), mineral deposits, transport, descent and ascent, support of mines, ventilation, lighting and drainage of mines, fires in mines, mine and land surveying and assaying.

So successful has this University technical school been, that its graduates have been able to diffuse the scientific aspects of mining throughout the country, by the establishment of local Schools of Mines, one of which is now flourishing at the Thames. Incalculable good has been done to the miners and the mining industry by this diffusion. Not only this, but New Zealand has been enabled to supply mining experts, straight from the University, to Australia and South Africa; and one graduate whom I knew received an appointment, at £400 a year, in Ballarat, immediately on finishing his course and receiving his degree from his University. Here again we have technical education in mining.

Under the New Zealand University, there is also a technical school of mechanical engineering, with a complete course in physical science, mechanical drawing, electricity, applied mechanics and mechanics of machinery, the steam engine, materials in construction, designing, theory of workshop practice, laboratory practice and experiments, naval architecture and marine engineering, locomotive and railway engineering, engineering applied to arts and manufactures, and electric engineering. A degree of Bachelor of Science in mechanical engineering is granted by the University.

There is also a school of Civil Engineering, with a corresponding degree; and a school of metallurgical engineering.

And all this technical education is being imparted to New Zealand youths to-day, under our University system; and we can boast that this most democratic of all democratic institutions has silently and unostentatiously kept itself in touch with the advancing educational reforms of the day. We might almost fancy, in reviewing the subjects taught under our University, that we were surveying the syllabus of one of the most modern Polytechnics of Germany. Here is a list of the subjects of instruction in a modern German technical school, mentioned by Sir Philip Magnus as a typical and pattern polytechnic:—(1) General, (2) Engineering, (3) Architecture, (4) Mechanics, (5) Chemistry, (6) Agriculture, (7) Commerce. Only two of these divisions of technical training are unrepresented in the New Zealand University system,—Architecture and Commerce.

Those who cry out for technical education as if it were something new and as yet unheard of in New Zealand, and something antagonistic to University life and training, know very little of the true nature of technology, and less of the function and scope of our University system. A modern University is the most practical, up-to-date, uplevelling, democratic institution I know of, and should be jealously fostered and safe-guarded as the bright and radiant hope, the pride and glory of all true democracies.

Advanced technology is in its right and proper place within the four walls of an University. It has a right to be considered as [unclear: uch] of academic training: for we in New Zealand, at least, [unclear: not] enslaved by the old traditions that associate Universities [unclear: at] the culture and training of the gentry, and the manufacture [unclear: bers] the so-called learned professions.

In the close and intimate association between University and [unclear: Leal] education that should obtain, the dignity of labour and [unclear: ry] is enhanced; and if classical pride and tradition have to [unclear: Ld] a little, the levelling up in the general appreciation of the [unclear: ty] work that must result from the harmonious contact, [unclear: at] to make for human progress.

From an economic point of view, if the State supplies primary, [unclear: ary], and University education, with an organising and [unclear: rative] body governing each department, it has reached the [unclear: Im] of economic complexity; and, if the educational system must [unclear: ified] or extended, the change should be effected through the [unclear: ing] institutions. If the State in its wisdom is of [unclear: ion] that technology should be further extended, the most [unclear: tory] and efficient way of accomplishing that reform is to [unclear: raise] the scope of the existing departments—primary, secondary, university—with every precaution against overlapping. The [unclear: ftion] is complete, and the administration is able and [unclear: tent]—and there is no reason why the introduction of [unclear: ced] technology into our University should not be imitated by [unclear: ondary] schools; so that, as students are there prepared for advanced studies in classics, etc., of the University, those who it may be prepared by the more elementary technical training the advanced technology of the higher school.

I have said that we in New Zealand cannot be guided by the establishment of isolated technical schools in other parts of the [unclear: hd] because so many are founded by private endowment and the effort; and, as every school has its own governing body, must of necessity be much wasteful overlapping. But our conditions are different, and our democratic spirit more [unclear: peed]

In England, for instance, schools are established for classes, and they describe them: lower-middle-class school higher-middle-class schools, schools for workmen and artizans; and so on. We have established schools for one only : a class wide enough, and democratic enough to include We recognise no social distinction and no caste in our educational systems. May it never be otherwise.

It must be admitted, then, that it is sound economic [unclear: pre] to keep our advanced technology under the wing of our [unclear: Unive] and encourage its development and extension there; for, [unclear: bec] the obvious economy in having but one governing body, then the economy in the teaching staff—for the primary instruction all technology is the same as in the academic classes, mathematics physics, chemistry, etc.—and the same teachers and [unclear: pro] instruct all classes of students, no matter what their ultimate or profession is intended to be. This is, of course, greatly to advantage of the technological students; they have the [unclear: tut] of highly-trained and learned teachers, the educative [unclear: compan] of the youths who are destined to occupy the learned profession and that levelling-up of the mechanic and his industries, which have already hinted at, is the very desirable result.

In an able article in the *Atlantic Monthly*, on " The [unclear: rea] of Academic and Technical Instruction," Professor shaler [unclear: to] refers to the advantages of keeping technical education in natural habitat:—

*"Placed within a University of sufficient resources, a technical can afford its pupils all the technical advantages which any [unclear: sep] institution can hope to provide. It can command their time for the [unclear: ins] which they need especially to do. It can have its course of [unclear: instruction] arranged that the students shall to a great extent share the work of engaged in fitting themselves for other professions. Next after the [unclear: grn] which come to a youth by birthright, the most precious of his [unclear: reso] those of*

*educative companionship. This system of associate study [unclear: pers] such opportunities in an ample way. As yet, the manner in which element of profitable intellectual intercourse among students can be favoured has received too little consideration. . . . This seems for as I think it will to any who hold the first purpose of all education to be [unclear: iirgement] of men, the great advantage which this system has over any which is devised for more immediate ends. It starts the youth with a broad few of learning, and leaves the practical application of knowledge to a [unclear: plt] stage of his work. The incidental profit which the student of technical [unclear: Sgcoe] may win, from his residence at a University, consists partly in the chance which he there has of getting some idea of the modes of thought and expression of many masters, who are not among those whose instruction he is required to attend."*

There is another important advantage which should not be [unclear: ooked:] people have to be compelled, or encouraged, to educate [unclear: selves.] The State, for its own protection and progress, must [unclear: ce] primary education in the early years of life, when children is not know, and so many parents do not care, about its value. [unclear: Iter] in life, the need of some occupation, trade or profession, had the stress of competition, to some extent supply the [unclear: pulsion]; while the hope and chance of reward, in the form of [unclear: trial] or professional success, supply the encouragement. But [unclear: even] these are not sufficient to make education, technical or [unclear: erwise], general. Germany has found it so, and has enforced [unclear: dance] at some recognised continuation school, when a child must [unclear: crt] industrial work before the age of sixteen. Even under the [unclear: npulsory] system in Germany, the attendance at many of the Polytechnics has considerably fallen off, and it is now said that the acommodation for technical students is in excess of the demand but in the Universities, the prospect of a degree in technical [unclear: fence], which can be carried through life as a stamp of special [unclear: ning] and skill, is a powerful stimulus to perseverance in study there is little difficulty in getting youths to Universities, if the [unclear: ties] are reasonable; and as little difficulty in keeping them [unclear: ere] till the end of their course, which is, as a rule, the course of their own election.

I think it can fairly be claimed that, under State control at [unclear: kt], the proper place for advanced technical education is in the university, that highest, and truest, and most efficient of all technical schools. If this be so, then the proper place for [unclear: atry] technical education is in the secondary schools, while [unclear: nology], both elementary and advanced, should have its [unclear: ation] in kindergarten teaching in our primary schools.

Our New Zealand University system is up-to-date [unclear: of] funds and the state of our more elementary schools will and the needs of the Colony so far demand. But our schools have not kept pace with it, and there is abundant an infusion of the " new education" into our high school colleges. The same arguments used in favour of a [unclear: chool] union of academic and technical education under our [unclear: Ui] apply to a similar unity in our secondary schools: the [unclear: eco] management, the economy in teachers, the educative [unclear: comme] ship, the stimulus of choice or election in any course of while the powerful influence of a University degree could should be, represented in our Colleges, by diplomas grant those attending and passing examination in the special department of technology.

In our primary schools the foundation of technical [unclear: edu] should be laid by an extension of kindergarten method present this excellent system of brain, eye, and hand has found its way into the lower standards only in some [unclear: the] while in very many it is never heard of. But it should be the whole primary school course.

It must be noted that this system is not designed to [unclear: the] specially for the after-study of technology. It is [unclear: desi] taught (as all primary systems should be), to prepare for every course or line in life it is possible for a pupil to take.

The primary school education should not have reference particular trade, or course of after-study. It should be in the fullest sense, and the whole period of primary school will be fully enough occupied if the " whole boy " be [unclear: edu]

In a pamphlet on " Physical Education in our State [unclear: some] which I published in 1894, I emphasised this principle in words :—" These powers (mental, moral, and physical) [unclear: my] developed to the full, and every known method of trained faculties of the mind and body should be intelligently [unclear: and] order that a pupil who has finished his primary school [unclear: college] should be equipped with the fullest advantages, and prepared to follow *any* calling in life he may choose. He should be able to stand upon the threshold of a life of usefulness to the State, with every faculty so drawn out and developed by his school training that, whatever calling or study he may elect to follow, the powers or faculties to be exercised should be in a state of preparedness,"

It is not possible, nor advisable, to give children under the age of thirteen years the election of a trade, or profession, or calling in life; and therefore it is not possible, nor advisable, to drive a child along any particular line of preparatory study or practice. It is only an incidental fact that the kindergarten is the foundation of technology. For the matter of that, proficiency in the three R's is as much the foundation of technology; but

there is a special and intimate relationship between the hand and eye methods of these two practical systems of education which makes the one the natural outcome of the other.

Just one word in conclusion. Our city has a bitter grievance and a pressing need. While other towns and other nations are proudly boasting of the existence and expansion of their higher education, we sleep contentedly and lag behind. In this beautiful and prosperous city, which Nature has endowed with such a lavish hand, we should be unfaithful to our trust and privileges if we failed to supplement her blessings with the highest and noblest of elevating and civilising institutions. An University is one of these; and I appeal to the members of this new Institute, I appeal to the whole body of citizens whose sons and daughters are being deprived of their just rights to a higher education—and who, by all the laws of human progress, must be eclipsed by others with more favourable advantages and privileges; I appeal to all who have the honour, and prosperity, and development of this fair city at heart, to combine to wipe away this reproach from our midst, and support, with all their influence and enthusiasm, the establishment of a local University College.

## Sir Walter Buller's Objections to the Report of the Horowhenua Commission.

strongly that the evidence does not justify the Commissioners in finding that there was a trust in respect of Subdivision XIV; and—in as much as, if I prove that there was no trust, it follows that I could not have had notice of it—I proceed to traverse Finding 1, in order that Finding 9 may fall with it; and, conversely, the Committee will doubtless refuse to uphold Finding 9 if they disagree with Finding 1.

### THE ALLEGED TRUST.

Firstly, then, I proceed to deal with Finding 1—that there was a trust over Subdivision XIV in 1892. The following are undisputed facts and were treated as admitted before the Commission. Subdivision XIV is one of the parts into which the Horowhenua Block was divided by the partition of 1886—pursuant to which partition the land was, for the first time, granted in freehold tenure, and Land Transfer certificates issued for the several subdivisions. Previously to 1886 it was tribal land held under a Native Land Court certificate of title dated 1873. On the back of the certificate appeared the names of all the Muaupoko tribe, Kemp's amongst them, as the beneficiaries who would be entitled to have the land divided among them on partition. In the body of the certificate appeared the name of Kemp alone as what is called the "nominal owner," who, until partition, had certain statutory powers of leasing and management, in respect of which he was trustee for the tribe. At the partition of 1886, according to practice, the Native Land Court certificate was destroyed, in token of the extinguishment of the tribal title and of Kemp's powers and duties in respect thereof, and the Court ordered in what names and as to what subdivisions respectively the new Land Transfer certificates were to issue. The certificate for No. XIV was, in accordance with the order, issued to Kemp, and he is therefore legal owner of that subdivision; so much is undisputed.

I contend that Kemp acquired Subdivision XIV free from any trust and as his own absolute property, on the full understanding that this was part of his share on partition of the tribal estate, The Commissioners, however, are of opinion that Kemp was allowed to take Subdivision XIV on an understanding that he was to hand it over to the descendants of Te Whatanui, and that, on the latter declining it, he was bound to hand it back or account for it to the Muaupoko. The undisputed facts on this point are as follows: *Kemp* had some years previously taken upon himself as chief to promise Sir Donald McLean that when the subdivision of the block took place the Muaupoko would bestow upon the descendants of Te Whatanui a slice of twelve hundred acres in settlement of an ancient tribal feud. The Muaupoko ratified Kemp's promise; and at the partition of 1886, by their common consent, Subdivision IX was, by an order dated December 1st, allotted to Kemp, practically in trust for the descendants of Te Whatanui, who were satisfied with the gift. Previously to December 1st, Subdivision XIV had been offered by the Muaupoko to the descendants of Te Whatanui, but refused by them. So much is undisputed. I have also mentioned that No. XIV was allotted by the Court to Kemp as legal owner. But the Commissioners add—and this is entirely a question of dates—that on the day when the Court awarded No. XIV to Kemp the offer of it by the Muaupoko to the descendants of Te Whatanui was still open, and that Kemp accepted the nominal ownership on the understanding between him and the Muaupoko that he was to convey Subdivision XIV to the descendants of Te Whatanui; and that on the offer of that subdivision being subsequently refused, there was what is called a resulting trust to the Muaupoko tribe.

But, as a matter of fact, the order allotting No. XIV to Kemp was made on the 3rd December, two days

after No. IX had been allotted to him as the portion for the descendants of Te Whatanui, The dates on which the orders as to IX and XIV, respectively, were made are thus decisive on the question whether Subdivision XIV was given or merely entrusted to Kemp. No. XIV was allotted to Kemp after he had already been entrusted with No. IX for the descendants of Te whatanui. Fortunately we still have the Court records giving the dates of the two orders, and these are corroborated by the evidence of Mr Wilson, the judge who made the orders, a witness described in the report as "above suspicion."

The minute book (Vol. VII, p. 195) shows that Subdivision XIV was taken last, as its number implies, on December 3rd. No. IX is mentioned three pages earlier (p. 192), the minutes being continuous; and the date is December 1st. The reference to No. IX is made clear by the description of its boundaries and its position in relation to the Hokio stream; and the same minute has the following important note—it mentions that Subdivision IX had been awarded in the morning under the name of No. III; and on referring to the morning minutes (p. 188) we find under the head of No. III a block of identical acreage "to be ordered" to Kemp for the "purpose of fulfilling an agreement between himself and the Government." Thus, the fact that the after-noon minute refers to No. IX being made certain by the reference to the Hokio stream and so forth, the further fact that the same minute expressly mentions the block named III in the morning and identifies it with No. IX together prove that both minutes refer to that sub-division.

Judge Wilson is, by a fortunate coincidence, able to speak to the accuracy of the numbering in the minute-book (see p. 134). He states that, owing to a misunderstanding, into which it is unnecessary to enter, the clerk took upon himself to alter the numbers, and that, before drawing up the orders, he (Judge Wilson) "made a complaint, and the numbers were set right again." A striking confirmation of this testimony is afforded by the record in the Native Office, in which, in a column opposite to the improperly altered numbers, the true order,—No. IX coming third and No. XIV last,—is set out in Judge Wilson's own handwriting, initialed by him; and, besides the minute-book, Mr. Wilson, as stated in the Report, gave testimony to the effect that No. XIV was cut off last.

The Commissioners have seen how decisively the fact that IX was allotted before XIV negatives the assumption that Kemp received XIV in order to give it to the descendants of Te Whatanai. They suggest that the subdivision cut out on the morning of December 1st under the name of No. III was not No. IX, as the minutes show, but No. XIV. (I should mention that the acreage in the two subdivisions is the same.) It is necessary for them, therefore, (1) in the first place to aver that Judge Wilson and the minutes are inaccurate, and (2) in the second place to explain, on the assumption that Subdivision III mentioned in the minute of December 1st is really Subdivision XIV, by what error there came to be inserted in the afternoon minute as explanation that No. III was No. IX, and, further, how it is that we find, eight pages later in that continuous record, and under date of December 3rd, a minute of the making of an order in respect of Subdivision XIV.

Without attempting to account for these two entries—inexplicable on their hypothesis—the Commissioners are content with a general charge of inaccuracy against the record, supported by citations from the evidence.

But at this point I must emphatically complain that the witness quoted by the Commissioners to impugn the minute-book said the exact contrary of what the Report attributes to them. As, during my address, I shall have to complain of three or four more similar and not less important misquotations, I hasten to add that I desire to impute nothing more to the Commissioners than extreme carelessness, although these serious errors are none the less disastrous to me.

In the first place they quote Judge Wilson as (to use the commissioners' own words) "practically saying that the minutes are valueless"; on the contrary, in the passage referred to (p. 133), he says "There is no doubt about the accuracy of the notes. . . . I have every confidence in the minute book." Further, according to the Commissioners, he says that the clerk, in taking the minute (to quote the words of the Report) "omitted what he thought was immaterial." In the first place this is irrelevant, as what the Commissioners have to explain is not omissions but insertions; and, in the second place, it incorrectly gives the effect of Judge Wilson's evidence which expressly states that the clerk who took down the minute would be correct as to the dates and purport of the orders—the only matter in issue between the Commissioners and myself—and that the only omission mentioned by Judge Wilson was as to remarks made in Court, which of course are immaterial for our present purpose.

The most serious misquotation, however, of Judge Wilson is that, while stating that he complained as to the wrong alteration of the numbers of subdivisions by the clerk, which I have already mentioned, the Commissioners entirely omit to state that it was in consequence of this very complaint that the numbers were set right before the orders were issued.

A further serious misrepresentation of the evidence is where the Commissioners cite (to use the words of the Report) " Mr. McDonald and other witnesses " as stating that Subdivision XIV was cut off not last but third. This is directly contrary to the fact. Mr. McDonald (p. 75) distinctly affirms that No. XIV was (in his own language) "the last disposed of by the Court"; and, again, (p. 79) in answer to the question "If the minute-book

says that Allotment IX was dealt with before XIV you will accept that record ?" replies: "I am certain that it was." In other words Mr. McDonald affirms his independent recollection that No. XIV was dealt with last.

Himiona Kowhai, called by Mr Stevens, said (p. 169), in answer to a question suggesting the converse, that No. IX was cut off before No. XIV. And, speaking generally, after a careful perusal of the evidence, I cannot find that any witness has said what the Commissioners allege.

I have thus proved that the Commissioners, in seeking to upset the evidence of Judge Wilson and the minute-book, have, in the first place, not even attempted to account for the entry as to Subdivision XIV, or the reference in the minutes to No. IX identifying it with No. III, whilst in the second place, they are wrong in stating that Judge Wilson's recollection is contradicted by the witnesses.

The following passage from the examination of Judge Wilson (pp. 138-9) concisely sums up the matter :—

*By Sir Walter Buller :—*

*Q. The minute-book is defective and somewhat meagre; but is not this the right interpretation of the minutes as suggested by the Chairman of the Commission. . . . The Court had to adjourn to the 1st December. On that date the, application was made for Subdivision IX. When that took place Mr Lewis made a deposition in regard to it. Objectors were challenged; none appeared. In order was made in favour of Kemp for 1200 acres to be delineated on the plan IT on the tracing shown and numbered IX, and later on, on the same day, an application was made by Kemp for 1200 acres in his name, giving the boundaries. Did not these orders relate to the same block as having been set apart and given to Kemp to be conveyed to the descendants of Te Whatanui ?*

*A. Yes; and up to that time I had never heard of any other piece for them.*

*Q. I understand you are perfectly sure that when, later on in the sitting, No. XIV was awarded to Kemp, it was given to him for himself, to do what he liked with*

*A. Yes.*

I have now shown from the evidence that No. IX was awarded to Kemp specifically to be given to the descendants of Te Whatanui, and that No. XIV came on subsequently. This difficulty, therefore which the Commissioners themselves perceived and have failed to surmount, is fatal to the alleged trust.

But Judge Wilson, in his above quoted evidence, distinctly affirms that it was stated in open Court and understood by all that No. XIV was to be for Kemp himself. Realizing the importance of his evidence the Chairman addressed to him the following caution : " If your recollection is correct, as to No. XIV, that is Kemp's absolute property and he can make good the title to whom he leases or mortgages it. A very great deal may depend on your recollection of this matter. As you are aware, Sir Walter Buller has taken of mortgage and lease over this land, and it may be that the whole validity of this lease and mortgage may depend on your recollection being correct. I therefore ask you to charge your memory of thoroughly as you can, so that we may have it beyond all doubt. Before asking you I will read what Kemp said about this." After this warning, and after hearing Kemp's evidence read, Judge Wilson stated in the most positive and decisive manner that Subdivision XIV was awarded by him to Major Kemp, with the general consent of the tribe, not as trustee but as absolute owner.

It is true that the Commissioners (on page 3 of the Report) appear to doubt Judge Wilson's recollection of the facts on the ground that shortly before the Commission sat, on being questioned by the Under Secretary, he had sent to that officer a telegram with which his [*unclear: late*] evidence before the Commission was inconsistent, and that this telegram was sent " presumably after consulting his notes." But must protest against the use of this telegram, seeing that it was not in evidence before the Commission or submitted to the inspection of counsel, and that, without affording the witness an opportunity of explaining the apparent inconsistency, the Commissioners have chosen to attach more importance to this utterance than to his [*unclear: subsequent*] careful and emphatic testimony. I especially complain of the suggestion that the telegram was sent after consulting his [*unclear: note*] seeing that Judge Wilson expressly stated, both in the Supreme Court and before the Commission (p. 133), that on ceasing for a time to be judge he had destroyed all his notes.

I shall not further elaborate the question of whether the supposed trust was created in 1886, since the dates of the orders proves this [*unclear: is*] have been impossible. I desire, however, to point out an important misquotation on this point. The Report remarks (p. 14): "There is the evidence of five leading natives of Kemp's party who were [*unclear: called*] to prove the land to be his, each of whom proved conclusively, if [*unclear: their*] evidence is to be believed, that it was not so." But this is [*unclear: diametrically*] opposed to the facts: so far from these five witnesses supporting the alleged trust, their evidence so far as material, is as follows:—

## **(I.) WAATA TOHU : (p. 147)**

39. Kemp, then, is in these two blocks (No. XI and No. VI) as a trustee, you say: is that so ?—Yes.

40. Kemp is also in No. XIV—Waiwiri: is that his own land or is it a trust?—No; that land belongs to

Kemp.

41. His own absolute property to do what he likes with ?—Yes; his own absolute property.

42. *By the Chairman:*] How did Kemp become possessed of No. XIV?—Why is it his own ? I know it is his.

43. How do you know ?—That land has always belonged to Kemp from time immemorial.

44. Bid Kemp's ancestors own it, or did he live on it?—It came to him from his ancestral rights.

## **(II.) TE RANGIMAIBEHAU : (p. 89)**

206. Application was afterwards made to the Court to have Papaitonga (No. XIV) vested in Kemp ?—Yes; that was afterwards. But this was Kemp's; it was his land from his ancestors down to him.

208. Did you hear him ask for the certificate?—No; I did not hear him do that, but we thought the land was his all the time.

209. Do you know that the Court did afterwards award it to him !:—Yes; I know that.

210. For what was the award of Papaitonga (No. XIV) made, in your opinion ?—Was it for Kemp himself, or for him to give back to the Muaupoko tribe, if the descendants of Te Whatanui were satisfied ? I say it is very foolish to say he should return it to the tribe; it is for him to say who shall be put in. He spoke of some persons the other day to put in. [Kemp had said that there were four persons (relatives of his) "in his heart " to whom as absolute owner he intended to give a share of this land. See p. 33.]

## **(III) RANIERA TE WHATA : (p. 100)**

69. Is No. XIV Kemp's own, or is he a caretaker in that block?—That belongs solely to Kemp; that is his.

70. Could anyone have objected to his title there ?—No; there is no one to dissent from it.

71. Could anyone have dissented if they wished ?—There was only one who could have dissented from it, and that was I.

72. Did you dissent ?—No; I left it to Kemp, as to my elder brother.

73. That was at the time of the Native Land Court in 1886?—Yes.

74. You have heard that Kemp has leased this land to me, and has sold a part of it to me ?—Yes.

75. Have you ever objected in any way to me, or to Kemp, or to anyone ?—

76. Have you ever demanded any part of the £100, which, it is in evidence, I paid to Kemp for the piece he sold me ?—No; it rests with Kemp whether he gives me anything or not; if he does not, well and good.

77. You have heard that Kemp leased the timber on the portion on the other side of the railway, on the hills, to Mr. Bartholomew, and that he got over £300 in cash. Do you disapprove of this, or does any member of the tribe?—No.

78. Did you ever ask for any part of the £300?—No; it depends entirely on Kemp. If he had chosen to give me some, well and good; I had given him the land.

79. When the Court was sitting in Wanganui, did you hear that Kemp had mortgaged No. XIV to me for £500 ?—Yes.

80. Did you or any member of the tribe object to that?—No; that money was paid to Mr. Edwards.

81. Have any of you objected since ?—No.

## **(IV) MAKERE TE RANGIMAIREHAU : (p. 103)**

218. And when the Ngatiraukawa would not accept Waiwiri (No. XIV) what became of it ?—It went back to Kemp.

219. For himself, or as caretaker ?—I do not know who it was for—whether! was for Kemp alone.

220. Do you object to Kemp having it for himself ?—No.

*Cross-examined by Mr. Stevens:* (p. 104)

258. You said, in reply to Sir Walter Buller, with regard to the Waiwiri Block, that you did not know whether that block was given to Kemp alone?—Yes; but I said, after that, that it was given to him for himself.

259. Why was it given to him for himself ?—Because he was chief of that place.

## **(V) KEREHI TOMO : (p. 108)**

429. Then, when the descendants of Te Whatanui refused to accept the 1200 acres—Waiwiri—what was done with it ?—It was leased to you.

430. Before that, to whom was it given ?—To Kemp.

431. By the people—with their general consent?—Yes.



432. For himself, or to take care of ?—He would put what people he choose in it.

433. He was to do as he pleased about that ?—Yes.

This evidence was given on the 16th March. Six weeks later, the witness, Makere, came before the Commission and stated (p. 271) that she had changed her mind about No. XIV belonging to Kemp alone In reply to the question, "But it was only lately that you came to that conclusion 1" she said, "Yes; within the last few days. Now I say that we ought to be put in this block." The witness, Kerehi backed her up in this (p. 272). The reason for this change of front was known and freely discussed at the time.

This evidence, it will be observed, shows that the tribe consented to the award of Subdivision XIV to Kemp, because it had been his ancestral property—Noa's family (represented by Raniera) waiving any joint claims they might have by descent as a gift to the chief. The Commissioners (p. 14) have fallen into two obvious mistakes as to the effect of this evidence and as to the Native Land Court practice in making subdivisions. In the first place they say, "Kemp gives three different accounts of how No. XIV became his—by descent from his ancestors, by gift from another native (Noa), and that it was set aside by the tribe for him in 1886." But to those not ignorant of Native law, so far from these claims being incompatible, they are three parts of one connected claim, the third being consequent on the other two In the second place they state their conviction that the straight lines on which Subdivision XIV was meted out by the Court are irreconcilable with Kemp's claim by descent, whereas, needless to say, this rough and ready method of division by straight lines, on the give-and- take principle, is, in accordance with convenience and evident necessity, invariably pursued-by the Native Land Court as to land ancestral and other.

I have now sufficiently dealt with Finding 1, and I trust satisfied the Committee that there was no trust in respect of Subdivision XIV. If the Committee believe that there was not, Finding 9, which says that I had notice of it, will fall to the ground also; and I have argued the point partly for this reason and partly because I think that a great injustice will be done to Kemp if the Legislature should see fit to deprive him of this piece of land. Indeed, I venture to say that, in that case the Legislature would be doing what no Court of law or equity would do.

In my address to the Commission, a report of which I crave leave to put in (Exhibit "A") I illustrated, under ten heads of undisputed evidence, the fact that while there were disputes and caveats as to other subdivisions, Kemp held this subdivision undisputed and uncaveated for ten years, accentuated by the further fact that Kemp on at least two occasions asserted to members of the tribe in express terms his Absolute ownership; and lastly the fact, admitted by every Muaupoko witness questioned on the subject, that the tribe knew that Kemp was leasing and selling to me, and had received a large sum of money from Mr. Bartholomew for timber-cutting rights over Subdivision XIV, and that no one had ever objected or claimed a share of these payments. As a lawyer I venture to say that, if any Court in face of such evidence as this, should hold that there was a trust, it would most certainly hold also that the claim is too stale to be asserted now. But the moral Absurdity would be even greater, as I shall briefly show.

The certificate of title for Subdivision XI (15,000 acres) was made out to Kemp and Warena Hunia. The tribe understood them to take the land in trust as a tribal dwelling-place. But Warena Hunia took advantage of his legal title to claim absolute ownership for himself and Kemp; and, in spite of Kemp's assertion that they were only trustees, the Native Land Court, in 1890, refused to recognise the trust. Kemp Appealed, but the re-hearing Court again held that they were absolute owners. Not content with this, Kemp for a period of four years waged this disinterested fight on behalf of the tribe. It is notorious how persistently he has petitioned Parliament on the subject, and that he finally succeeded in obtaining a judgment in the Supreme court and Court of Appeal affirming the trust. The litigation in these courts alone has cost him nearly a thousand pounds—money spent, I need hardly remark, in direct damage to his own interests. Yet conduct the very opposite of that is ascribed to him by the Commissioners in connection with Subdivision XIV.

## **AS TO EXPRESS NOTICE.**

I now proceed to consider Finding 9—the finding, as I have already remarked, really personal to myself. The question is whether, supposing the alleged trust had been created in 1886, it is likely that in 1892 I should have known of it. But there is a preliminary point which it is convenient to notice here, as the Committee is party composed of laymen. I have mentioned that the Native Land Court certificate of 1873 showed Kemp to be a trustee for himself and the Muaupoko whose names appeared on the back of it. The Committee should understand that when, in 1886, by common consent of the tribe, the land was subdivided and allotted among the beneficiaries the old trust was wound up and Kemp's responsibility for the future ceased. As a matter of fact, the judge who makes the partition cancels the old certificate of title, and the statute which requires his to do so provides expressly that the effect of such cancellation shall be to destroy the old title completely, so that on this being done the land ceased to be vested in Kemp as trustee.

But apart from statute, common sense shows that if (to take a simple illustration) John Jones holds twelve sovereigns in trust for himself and eleven other persons—a sovereign each—on each person receiving his sovereign John Jones ceases to be trustee, and if the eleven persons choose to give back part of the twelve pounds to John Jones in trust for any purpose this is the creation of a fresh trust. Similarly, the partition of 1886 put an end to Kemp's old trusteeship over the Horowhenua Block. I should mention that certain subdivisions were allotted and the land transfer certificates thereto made out to Kemp on various trusts—for instance, as I have said subdivision XI was allotted to him and Warena Hunia in trust as dwelling place for the tribe; but this was the creation of new trust in respect of particular subdivisions—Kemp's trusteeship over the whole block was gone.

Proceeding now to consider whether I could have had notice of the trust which the Commissioners say was created in 1886 over subdivision XIV, I must state emphatically that the Commissioner do not even allege any circumstances whereby I received actual or express notice of the trust. I should mention that I was absent in England when the partition took place in 1886, and for five years afterwards and it is obvious therefore that I could not have been cognizant of the supposed understanding between Kemp and the tribe at that time. The Commissioners do not suggest that on my return to the colony Kemp (who, if he was selling or leasing in breach of an agreement would be guilty of deliberate fraud) would be likely to tell me of it. My other possible informants were the members of the tribe. I had the best possible proof that no question of a trust over Subdivision XIV was raised among them till long after my dealings. Mr. now Mr. Justice) Edwards was retained by the tribe in 1893 and acted for them up to the passing of the Horowhenua Block Act, 1895, and, speaking of so late a period as that, he was able, in October last, to write the following letter to the Chairman of the Native Affairs Committee (see Exhibit "AW ", p. 332) :—

*At the request of Sir Walter Buller, I have to inform you that I have never in the course of my connection with the affairs of this block heard any claim advanced by or on behalf of any of the natives interested that the subdivision numbered XIV is held subject to any trust, and that, so far as I am aware, no such claim has ever been advanced. The records of the Land Transfer Office show that no caveat has ever been entered by or on behalf of any native against any dealings with this subdivision upon any ground whatsoever.*

As a matter of fact, the caveat lodged against Subdivision XIV was lodged, not by the natives but by an officer of the Government, on the 2nd November, 1895, subsequent of course to my dispute with the Minister of Lands.

But the strongest piece of evidence is yet to come. Mr. H. D. Bell was retained for the tribe in 1890 and was acting for them at the time of my first dealing in May 1892. In the year following (March, 1893) Mr. Bell, acting for Mr. Peter Bartholomew, accepted a lease from Major Kemp of 100 acres of this very Subdivision XIV. Considering Mr. Bell's reputation and opportunities of knowledge, this appears to be proof certain that, even as late as 1893, a trust had not been mooted. But need I elaborate this, seeing that during the sittings of the Commission extending over two months not one member of the tribe (who attended at Levin in force) came forward to say that he had ever spoken to me or to Kemp on the subject of No. XIV being trust land? No one alleged even that a trust had been mooted among the tribe, with one rather ridiculous exception: Waata Muruahi said that at the Pipiriki meeting in 1891 he had heard a young man named Mohi Rakuraku speak about it, but Mohi himself gave evidence (p. 273) that the words were only spoken "in his heart"; whilst Mr. Hector McDonald, who attended the meeting and heard all the speeches, denied that the subject was mentioned at all (p. 274).

In a word, the Report contains no suggestion that anyone had informed me or that I became aware of the supposed trust over Subdivision XIV created in 1886. In view of this fact the Committee will read with surprise pages 18 and 19 of the Report, containing the finding of the Commissioners on the question of whether I had notice of a trust at the time of my dealings with Kemp in 1892—a finding supported by numerous citations from the evidence. No one reading these extracts, or the words of the finding, could doubt that not only was Subdivision XIV trust property in 1892 but that I stand self-convicted, out of my own mouth, of actual express knowledge of such trust.

I wish to point out the means by which the Commissioners have Achieved this surprising result. I have already mentioned that Kemp's trusteeship over the whole block, existent prior to 1886 but extinguished by the partition of that year, was apparent on the face of the old Native Land Court certificate. It was patent to the world, and the fact that I, in common with everyone else, knew of it was treated before the Commission as common ground. Needless to say since my dealings were in 1892, the statement that I was aware of the old trust can do me no harm if the fact that it was extinguished in 1886 be also mentioned. But this is precisely what the Report does not mention. On the contrary, the Commissioners, on the above mentioned pages, after referring to the old 1873 trust, and alleging with various proofs that I knew of it, and without the vestige of an allusion to its extinction in 1886, sum up their finding in the following words :—

*"The only conclusion we can come to is that Sir Walter Buller knew prior to his leaving in 1886 for*

*England, that the whole block was held by Kemp in trust for the tribe, and that on his return to New Zealand he, without making enquiry to ascertain that the trust was extinguished, purchased part and leased other portions of the trust property."*

The finding expressly refers to the old 1873 trust over the whole block, and actually blames me for not satisfying myself as to its extinction when, as a matter of fact, it was extinct. This misleading finding of course implies that the old trust continued to exist after 1886. On these same pages the Commissioners say they think that at the time of some if not all of my transactions I had express notice of the trust. In support of this they adduce (on page 19) the Deed of Release from the Muaupoko to Kemp prepared by me and expressly reciting Kemp's trusteeship. The Commissioners by no means exaggerate when they call this express recital in a deed drafted by me "a distinct admission of a trust"—but, as before mentioned, they entirely omit to state that such trust had been extinct six years at the date of my dealings. There is all the difference in the world between admitting knowledge of what has ceased to exist and admitting knowledge of what is still existent. I will give a short explanation as to the deed. While trustee from 1873 to 1886, Kemp had received and spent the income of the land on behalf of the tribe, but had no receipts to show for such expenditure; and generally, in managing the property in the rough and ready methods of a Maori chief and in ignorance of law, had doubtless committed many irregularities. In 1889 an action (the merits of which need not now be discussed) had been commenced by Warena Hunia to call Kemp to account for his former trusteeship. Being retained by Kemp in 1892, I obtained the execution of a retrospective deed of release and discharge from the Muaupoko to Kemp of his old 1873-to-1886 trusteeship which is recited in the deed. I said, at the outset, that the fact that Kemp was a trustee before 1886 was common ground before the Commission. I have never denied that trusteeship or my knowledge of it; those facts are purely irrelevant. But knowledge of a trust existent in 1892 is a very different thing. Anyone reading the reference to the deed on page 19 would imagine that the trust of 1873 (to which the deed expressly relates) continued to exist in 1892. And yet—will it be believed?—the recitals in the deed are express to the effect that the trust to which the deed relates was wound up in 1886. Even if their knowledge of the law did not tell them so, the Commissioners should have read the deed before using it against me. As an illustration of the misleading effect of this citation on a reader, I may mention that, in a recent conversation with me, the Premier (who had read the Report) referred to the admission of a trust in a deed prepared by me as the strongest point against me. Clearly he did not understand that the trust spoken of as "admitted" by me was an extinct one! The Commissioners' only authority for saying that I had express notice is this Deed of Release.

I have thus dwelt with the question whether I had actual information or, as the legal phrase runs, express notice that the supposed trust had been created in 1886, and I have shown that the Report fails even to allege that I received such information, whilst it contains misleading references to a trust which at the time of my dealings had been extinct six years.

## **AS TO CONSTRUCTIVE NOTICE.**

There remains to be considered the second alternative branch of finding 9—constructive notice. The question is (1) were there suspicious circumstances known to me and pointing to Kemp's being trustee and (2) did I neglect to institute in consequence proper enquiry? I shall answer the first part of this question by stating all the facts proved to have been known to me in 1892, and the Committee will judge whether these were suspicious, or whether, on the contrary, they justified the belief, shared by Mr. H. D. Bell, that Kemp was absolute owner.

I had known, of course, that the Horowhenua Block was held by Kemp, as already explained, in trust for the tribe, and I had also learnt that a partition putting an end to Kemp's trusteeship and subdividing the block had taken place during my absence. I should here mention that although, as I have said, part of the block on partition was allotted to Kemp (Nos. VI and IX), part to himself and Warena Hunia (No. XI), and part to Ihaia Tauaki (No. XII) in trust for the common purposes of the tribe, other subdivisions, comprising altogether some 13,000 acres, were allotted among the several tribesmen in their shares, unencumbered by any trust. My knowledge, therefore, up to this point was as consistent with Kemp being absolute owner as with his being a trustee. But the following were positive signs pointing to absolute ownership:—

I have already mentioned the prolonged dispute as to whether No. XI was trust property or not. This dispute had commenced prior to 1892. There never has been any dispute as to No. VI being vested in Kemp in trust. I found in 1892 that not only No. XI, but even the admittedly trust block, No. VI, had been caveated two-deep by members of the tribe. No. XIV, on the other hand, had remained uncaveated for six years. I need hardly tell the Committee that the freedom of Subdivision XIV from caveat was alone sufficient proof of an untrammelled title. (The Land Transfer Act expressly excludes beneficiaries so careless as to neglect to lodge caveats from any claim on the assurance fund.) But the contrast of the other subdivision made this decisive.

I had Kemp's declaration, in accordance with statutory requirements, that the land was not held in trust.

When I mention that Kemp in 1890 (through his solicitor, Mr. H. D. Bell) had lodged a caveat against Warena Hunia and himself, alleging that they were trustees of No. XI, the Committee will hardly blame me for a belief (which his subsequent conduct in relation to No. XI has certainly not shaken) that he was anxious to avow himself a trustee, rather than the contrary.

Such are all the facts alleged in the Report, or appearing in the evidence, as known to me in 1892. Summing up what I knew at that time, there were no circumstances at all pointing to Kemp being a trustee of No. XIV, whilst there were some pointing the other way I stated before the Commission on oath (p. 249) that I believed when dealing with Kemp that I was dealing with an absolute owner, and is for the Committee to say whether they would not, under similar circumstances, have come to the same conclusion. I must add, as a solicitor, that if, instead of acting for myself I had been acting in this matter for a client, and if, knowing neither more nor less than I did in 1892, I had considered Kemp's title doubtful and put my client to the expense of further enquiry, the legal profession would have laughed at me, and the costs of my doing so would have been disallowed on taxation.

On the point of constructive notice, therefore, I have endeavoured to vindicate myself, not by attacking the logic of the Report, but by a candid statement of what I knew in 1892. But the remarks of the Commissioners on the question of constructive notice call for such comment. These appear in the finding at the top of page 19 of the Report, and I cannot help saying that they savour of absurdity. They divide themselves under two heads: firstly, the Commission mention certain facts as suggesting a suspicion that Kemp was trustee and necessitating further enquiry; and secondly, they [*unclear*: indicate] what the further enquiry should have been. Firstly, then:—I have already pointed out that the fact that Subdivision XI and certain other subdivisions were allotted in trust, in view of the fact that certain other parts of the block were awarded to members of the tribe as absolute owners, did not suggest anything one way or the other as to whether Kemp took No. XIV in trust or not. Yet the Commissioners consider that I ought, to have had suspicions because I knew that certain blocks were trust blocks and—a still more irrelevant reference—because I had known of the old trust extinguished in 1886. Are the Commissioners ignorant that where the facts are equivocal the doctrine of constructive notice does not arise? Secondly:—I have pointed out that all the evidence we have goes to prove that the question of a trust was not raised among the tribe till 1895—long after the date of my dealings. (The Committee will remember that I cited the fact of Mr. Bell taking a lease from Kemp of part of No. XIV in 1893, Mr. Edwards's letter of October last, and the absence of caveats, in support of this.) In the face of all this, the Commissioners suggest that I should have made enquiry of the tribe, apparently failing to perceive that such enquiry would have led to no result!

The Commissioners, however, in the passage of their finding (at the top of page 19) support the foregoing rather weak arguments by two very serious distortions of the evidence which I cannot pass over.

In order that the Committee may understand the matter, I would remind them, in the first place, of what I have already stated, namely that Mr. Bell acted for the Muanpoko tribe (in succession to Mr. Southey Baker) from 1890 to 1892. I should also mention that my first lease of Subdivision XIV was taken in May 1892, and that in July of that year I received (in succession to Mr. Bell) a retainer to act for the tribe. This retainer, which is set out in the evidence (p. 322), authorises me to act for them in asserting the rights of the *cestui que* trusts to Subdivision XI—to which, as I have already explained, Kemp was laying claim against his co-trustee, Warena Hunia, on behalf of the tribe. The retainer, moreover, authorises me generally to act for them in relation to the Horowhenua block; and, accordingly, I asked the assembled tribesmen who had signed it to explain to me their grievances and disputes, and in reply learnt that there were disputes not only as to No. XI, but as to No. VI and certain other subdivisions, not including No. XIV. (I have already pointed out to the Committee that the absence of disputes as to No. XIV, in face of the disputes as to No. XI and other subdivisions, makes distinctly in my favour.)

I now proceed to consider the evidence cited by the Commissioners. They quote from part of my cross-examination by Mr. McDonald as to what enquiries I made in May 1892 when taking my lease. In answer to Mr. McDonald I state that I made no more enquiries than the Trust Commissioner, as I was perfectly satisfied that Kemp was absolute owner. Then follows a quotation from my evidence (p. 249) which anyone, reading the context in the Report and the comment thereon, would assume as a matter of course to refer to Subdivision XIV, and to prove, out of my own mouth, that at the time of my lease I had constructive if not actual notice of the trust. I appear there to admit that I knew a question of trust had been raised as to No. XIV. Mr. McDonald's question is "Notwithstanding that you were aware that a question of trust had been raised?"—to which my answer was "I presume I was aware." The Committee will be surprised to learn that the question and answer do not relate to subdivision XIV at all, but to Subdivision XI—a subdivision the disputes as to which, as I have already pointed out, coupled with the absent of disputes as to Subdivision XIV, was a strong argument in my favour. The Commissioners have no possible excuse for quoting this question and answer as if they referred to subdivision XIV. (See my evidence on p. 249.)

But there is another not less serious distortion of the evidence in the previous sentence of the Report. The Commissioners say as follows:—" Sir Walter Buller enquired of the tribe as to the positions of Subdivisions Nos. II, VI, XI, and XII, but says he made no enquiries as to Subdivision No. XIV." The Commissioners are here suggesting that in leasing part of Subdivision XIV from Major Kemp I was wrong to assume on his assurance alone and without enquiry from the tribe that he was absolute owner; and anyone reading the words of the Report would conclude that they had succeeded in adducing a practical admission by my very conduct that I considered that Kemp's assurance required some corroboration from the tribe indeed, the passage suggests that my omission to make the enquiry as to Subdivision XIV argues at least carelessness if not a sinister design on my part in view of my enquiries as to the other subdivisions. But when I mention that these enquiries were the ones I made when the tribe retained me in July, the Committee will at once see how misleading is the reference. For I did not make these enquiries as a lessee satisfying myself as to Kemp's title, and doubting his assurance that he was absolute owner; on the contrary, they were enquires made of the tribe at Kemp's special instance with a view to my acting for them as counsel (see my evidence on p. 254). To crown the absurdity, the Commissioners argue, from enquiries that I instituted in July in consequence of information then given me, what my suspicions were, or ought to have been, in May !

But the worst is to follow. In answer to Mr. Fraser, the agent for the Crown, I said (p. 254), that I had told "the tribe that I was taking a lease from Kemp and no one offered any objection."

"With a due sense of the gravity of what I am saying, I charge the Commissioners with having acted contrary to all judicial practice in making extracts from my evidence on this point and omitting the above statement.

## **OBSERVATIONS IN THE REPORT.**

I have now sufficiently traversed Findings 1 and 9. In addition to these, pages 15 and 16 of the Report contain an expression of opinion by the Commissioners that, even if Kemp had not been a trustee, a Court of Equity would probably upset my transactions with him on the ground that the leases were at an under value, that the mortgage was for unknown amounts, and that I was Kemp's adviser at the time. The Commissioners refrain from presenting any finding on this point. They appear to exercise a wise discretion. My dealings were of course passed by a Trust Commissioner whose duty it is to enquire into these very questions, and he certified accordingly. So far from it being true that a Court of Equity would upset my titles, when thus approved, the full Court of Appeal has in a recent case, *Annie Moore v. Ngarino Horima and others*, given unanimous judgment to the effect that (to use the language of Williams, J.), "if the Commissioner has given his certificate it is equivalent to the decision of a Court of competent jurisdiction that the transaction was a valid one," which implies of course that after the time of appeal from that officer has elapsed (as it has done in my case) the Supreme Court cannot even entertain the question. I do not wish the Committee to think that I am sheltering myself behind mere technicalities of law; on the contrary, as the Judges point out, the policy of the Legislature has been to provide, by means of the Native Lands Frauds Prevention act, a special protection for the Maori people, the effect of its provisions being (in the words of Mr. Justice Denniston) " to take the power of making an effective contract out of the natives and to place it in the hands of a public officer."

But I wish particularly to call the attention of the Committee to the contrast between the evidence and that expression of opinion. I complain especially of the way the Commissioners have dealt with my lease. The only witness who gave evidence before the Commission on the question of annual value was Mr. John McDonald, who is-referred to in the Report as " a practical farmer who knows the land intimately." He stated (p. 196) that he had had considerable experience of leasing native lands in that district, that he held a number of blocks from the Natives himself, and that he considered two shillings and sixpence an acre full value for the land I had leased, seeing that the tenant gives it up at the end of the term without compensation for improvements; and, further, that half-a-crown an acre was quite as much as he would have paid himself. The Commissioners have quoted Mr. McDonald's evidence but have entirely omitted any reference to this distinct statement. Although they had this definite evidence before them as to the annual value, they quote nothing but evidence relating to the capital value; and yet they conclude by saying (p. 16) that "the rental is greatly under the real annual value." It is also in evidence that Mr. Peter Bartholomew (through his solicitor, Mr Bell obtained about the same time from Kemp a lease of 100 acres of this same Subdivision XIV for a similar term of twenty-one years, and at the same rental of half-a-crown an acre. Moreover, even in quoting evidence on capital value, the Commissioners omit entirely to state that the valuation by the Government experts expressly includes "improvements." (It is notorious that since leasing Subdivision XIV: which was entirely bush-land, I have spent some thousands of pounds upon it.) I may add that my estimate of capital value, namely £4 an acre, is borne out by the land tax valuation, which, even now, is only £4 an acre without improvements. As a matter of fact, I could have called many witnesses to prove that at the time I leased the land, 2s 6d an acre was the ruling price in the district for

the best bush land; and I now tender these witnesses to the Committee. I am about to relate the circumstances which prevented my calling them before the Commission.

The Committee will have noticed that I complain in my petition that the Chairman of the Commission gave me to understand, from the Bench and otherwise, that as regards the implied charges personal to myself and prejudicial to my honour I had no case to meet. Those charges, as the Committee will have already gathered, were, (1) that I knew that Kemp was a trustee, and (2) the point I have just discussed in connection with my lease, namely, that I took advantage of my confidential position as a solicitor to drive hard bargains with my client.

As stated in my petition, Mr. Martin (the Chairman) made frequent statements during the progress of the enquiry, to myself and others, that there was nothing to implicate me in any wrongdoing in connection with Horowhenua. Whilst the enquiry was proceeding the discussed the matter freely with many whom I could name, and made no secret of his strong conviction that (to use his favourite expression there was "not a jot or tittle of evidence" against me.

I have set out in my petition the circumstances under which, on the 9th April—after sitting for a month—the Commission refused my application, in open Court, for a subpoena to compel the attendance of the Minister of Lands. In refusing that application the Chairman said that " in the absence of any suggestion of fraud in connection with Block XIV—to which Sir Walter Buller's dealings had been confined—on the evidence already before the Commission, and in the face of Mr. Fraser's assurance that the Crown did not intend to offer any evidence at all, he did not see that he could permit Mr. McKenzie to be cross-examined as to what he had said in Parliament. The only suggestion of fraud that could be raised was by a strained application of the equitable doctrine of fraud by notice in the sale of land by Warena Hunia] to the Crown." I then said : "My object, Sir, is to compel Mr. McKenzie to meet me, face to face, and to have his state- ment on oath. Do I understand that the Commission refuses to issue a subpoena for him?"—to which the Chairman replied, "Yes, that is so—for the present at any rate."

On April 13th there was a social meeting in the Commissioners' sitting-room, at Levin, to celebrate Mr. Martin's birthday. All the Commissioners were present, most of the agents employed in the case, including myself, and Colonel McDonnell the official Interpreter. After a small presentation had been made through Mr. Commissioner McKerrow, Mr. Martin made a speech, in the course of which he stated that I had completely refuted the charges brought against me by the Minister of Lands. This statement was quite gratuitous, there having been nothing in Mr. McKerrow's speech proposing the Chairman's health to evoke it, and Mr Martin evidently meant what he then said.

Some days later Mr. Martin repeated in one of the public rooms of the hotel, in the hearing of several persons, his conviction that there was not a " scintilla of evidence " against me. Among those present was my informant, Colonel McDonnell, who permits me to use his name and is willing, if required, to give evidence to that effect.

Later on again, near the termination of the case, after all the material evidence had been given and whilst the Commission was engaged in sifting the lists of names put in by the several parties—evidence which, I need hardly say, did not affect me one way or the other—the Chairman handed down to me, sitting at the counsel's table, a slip of paper (which I now produce) with the following words written in pencil by himself, " When are we to have some evidence of *fraud*?"—whereupon, looking up, I responded, " Echo answers, when?" I may here mention that before deciding to make this use of the slip of paper referred to, I consulted four of the leading members of the local Bar all of whom agreed with me that I had a perfect right to do so, inasmuch as there could not be, under the circumstances, any confidential communication between the Chairman of the Commission and myself—that in fact the note was an intimation to me from the Bench that I had nothing to meet or rebut.

Let me illustrate the effect of such a series of communications on my conduct of the case by what happened in regard to the question of whether my lease was at an under-value. The Committee should understand that at the opening of the Commission it was decided that no issues could be framed, owing to the wide wording of the reference to the Commission. In consequence of this, evidence was taken in any order and in a purely roving manner; and the parties interested as a rule learnt that something that fell from a witness was of importance in the minds of the Commissioners by the fact that the Chairman asked questions upon it. I have already said that Mr John McDonald stated distinctly that the annual rent I paid was, in his judgment, full value. Several witnesses were called who had personal knowledge of the leasing value of the Horowhenua lands, but the Chairman asked no question either of Mr. McDonald or of any of these as to annul value, with or without improvements. I wish the Committee to realise how completely this silence, coupled with the repeated intimations from the Chairman that there was nothing against me, would prevent my calling any further evidence.

After the speeches of counsel had been heard, the Commission adjourned from Levin to Wellington, and,

after a fortnight's interval further evidence was taken on certain points. On this occasion the Chairman put the following question to me (p. 279), "Now, with regard to the lease over No. XIV, how was the rent arrived at, and why was this sum fixed per acre—half-a-crown?"—to which my answer was, "Kemp himself fixed it. He stated that in his evidence I left it to him." This would have been an opportunity for the Commissioners to intimate to me that they desired further evidence as to annual value, but not a hint of the kind was given to me.

Mr. Martin has, I understand, sought to justify the difference between the finding of the Report and his previously expressed opinion by stating that my own evidence when carefully analysed convicts me: and, certainly, the findings on pages 18 and 19 of the Report contain nothing but quotations—misleading ones it is true—from my evidence, But this excuse appears to miss the real point, namely, that it is unfair to condemn anyone after telling him that he need not trouble to defend himself.

I have now dealt with the question of undervalue which is not the only one on which I have been misled in this way. I suffer a similar injustice from page 2 of the Report, where the Commissioners reproach me with having acted before the Commission for Kemp and, still more for myself, at the same time that I acted for the Muaupoko, seeing that our interests conflicted with those of the tribe. As a matter of fact, on the day that the Commission opened, I put in my retainer signed by sixty-nine persons. On its being stated that Mr. Alex. McDonald had been employed by the Minister of Lands to appear for the Muaupoko tribe, I at once, in open Court, read out the names of those who had signed my retainer, and invited any member of the tribe who would prefer to be represented by Mr. McDonald to withdraw his name. There was no response to this. Thus at the very beginning the tribe showed, in a very unmistakable manner, that they did not consider our interests conflicting. And Mr. Martin, so far from appearing to think so, seemed perfectly satisfied, and said he would treat Mr. McDonald as appearing for those of the tribe not otherwise represented (whom he termed the "submerged tenth") my retainer purporting to include all the known Muaupoko except the Ngatipariri. The Commissioners, however, remark that "throughout the enquiry" my position seemed to them to be "peculiar." Needless to say that at a hint on their part of any such feeling I should have withdraw from one of my retainers.

## CONCLUSION.

I cannot avoid the general observation that the methods of the Commissioners in conducting the enquiry would appear to have been less those of an English judge, whose object is to follow certain well recognized rules of evidence, and to see that no one is surprised or entrapped, than of the French examining magistrate, whose object is rather the contrary. The following is an illustration of my meaning:—

I have already mentioned to the Committee the Deed of Release from the Muaupoko tribe to Major Kemp, executed in October, 1892, by sixty persons (see p. 287.) That deed was prepared by me, and I, of course, accept the responsibility of its being fair to the natives. Its importance as, if valid, an absolute bar to all claims against Kemp by those who had signed it is obvious. Mr. McDonald, who, as I have Explained, was retained by the Crown for the tribe, said that, subject to formal proof of execution, he admitted the deed as binding on all who had signed it; and all the witnesses called by me to speak to it admitted on oath that they perfectly well understood its purport. But, not content with this, in view of the importance of the deed, the chairman adjourned the proceedings to the door of the Court, in order that the tribesmen who were lounging and smoking outside, as well as those who were inside, should hear it read. We all stood there while Colonel McDonnell, the Interpreter to the Commission, read over the deed in Maori and called out separately the name of each person who had signed it; and although—as stated in the Report (p. 2)—all persons had been warned at the opening of the enquiry that if they had any grievances in relation to the Horowhenua Block they must present their complaints before the Commission, as this might be their last chance, no one came forward to repudiate his signature. About six weeks later John Broughton, who had been daily in attendance from the beginning, tendered himself as a witness. He stated that when he, in common with the rest, signed the deed, after it had been read over to him by a licensed interpreter, in the presence of a magistrate—whose duty is to certify that the person signing appears perfectly to understand its purport—he did not know what he was signing, although the Report describes him (p. 17) as "an educated and intelligent half-caste." I invite the Committee to read his examination on page 258. The Commissioners express their opinion that no Court would recognize the deed as a protection to Kemp, and, out of the sixty signatories, fifty-nine of whom did not repudiate, cite Broughton as sufficient. But they rely on something even more extraordinary. The Commissioners say (p. 17): "After we adjourned a number of natives came to us to repudiate their alleged signatures to the deed." Colonel McDonnell is willing to give evidence that he was present when these natives (a party of women) interviewed the Commissioners out of Court, and that the most clamorous of them was a woman named Irihapeti Nireaha, whose name does not appear in the deed at all. Who the others were I cannot say; and the Commissioners, by their phrase "alleged signatures," confess that they did not consider it necessary to ascertain whether the persons who were repudiating the deed had signed it. But, beyond all this, it seem almost incredible that the

Commissioners should have listened to these persons out of Court, and actually ventured to quote them in their Report, without insisting on their coming forward and giving their evidence before the Commission and submitting to be cross-examined.

In conclusion, therefore, I ask the Committee to express their opinion that the charges in the Report personal to myself are not borne out by the evidence. And, although I cannot ask it of the Committee under my petition, I may be allowed to express the hope that before Kemp's title to Subdivision XIV is confiscated by Parliament, he may be heard in the Supreme Court, a tribunal about whose fairness there can be no manner of doubt.

Front Cover  
The Horowhenua. Commission.  
Address of  
Sir Walter Buller, K.C.M.G.,  
As Counsel for  
Major Kemp Te Rangihwinui  
And the  
Muaupoko Tribe.  
April, 1896.  
Printed by R. Coupland Harding Wellington, N.Z. Farish Street 1896

## Before the Horowhenua Commission: April 22ND, 1896.

MAY IT PLEASE YOU, Mr. Chairman and Members of the Royal Commission,—

In the case which has now occupied your patient attention for a period of forty days or more I have appeared in a two-fold capacity. I have had to defend the rights of Major Kemp and the Muaupoko tribe in the Horowhenua Block, whilst, at the same time, I have had to vindicate my own professional character. But inasmuch as throughout the entire business my interests were identical with those of the people I represent, I have not been embarrassed—nor, I trust, have you—by my having been compelled to act in a dual capacity.

As is perfectly well known, Sir, this Royal Commission is the practical outcome of a debate in the House of Representatives last session on the Horowhenua Block Bill, in the course of which very gross language was applied to me by the Minister of Lands, Mr. John McKenzie. Evidence of what Mr. McKenzie said on that occasion is before the Commission, and I shall therefore refer to it.

On the morning of 26th October I was startled by reading in the Government newspaper—the *New Zealand Times*—that the Minister of Lands had said in Committee of the whole House that "since he had been a Minister he had come across some disgraceful dealings, but none to equal those in connection with this block." Connecting my name with these "disgraceful dealings," the Minister went on to say that, instead of being knighted by Her Majesty for my services to the state, I ought to have been in goal !

On reading this, I could have cried out, with Shakespeare's Coriolanus,—

*Measureless liar, thou has made my heart  
Too great for what contains it!*

But I restrained for the moment my natural wrath, and what I did was this: I addressed a very temperate letter to the Minister of Lands, inviting him to repeat his slanderous statements in some way not covered by his Parliamentary privilege, in order that I might have an opportunity of meeting and refuting them. My character had been assailed, my professional honour impugned, and the worst motives inputed to me by a Minister of the Crown, under the shield of Parliamentary privilege ! I felt I had the right, in common with every other British subject, to be heard in my defence before being condemned, and that my proper appeal was to a Court of Justice and to a jury of my countrymen.

That letter was declared by the House of Representatives, after a lengthy debate, to be a breach of privilege, and I was summoned to appear at the Bar of the House. Arraigned accordingly, I was accorded, by the Speaker's ruling, the right to be heard in explanation Called upon at a moment's notice, and with little or no time for preparation, I there defended my honour as I would my life; for I felt that I was practically on my trial before the country. I met and refuted every charge, and tendered myself for cross-examination. I have reason to



believe that the explanation I then made was satisfactory to the House, and more than one member on the Government side called upon the Minister to apologize and withdraw; but, so far from doing that, he repeated his odious charges. I will read the official record of what took place from *Hansard*:—

Mr. McKenzie said :—

*I have no intention of expressing any regret, and I maintain that every word I said has been proved by Sir Walter Buller himself. ... I submit this: that I am justified in every word I said, and I do not intend to withdraw.*

During the debate on the Breach of Privilege question, Mr. McKenzie is reported in *Hansard* to have said :—

*I will make Sir Walter Buller an offer, and it is this: that he will agree that this House shall set up a Royal Commission to enquire into his transactions in connection with certain blocks of land. I will read the names of those blocks, and if this gentleman's friends here undertake on his behalf that these blocks shall be investigated by a Royal Commission, Sir Walter Buller will then have the opportunity of defending his character, and if he comes well out of these transactions—if the Royal Commission declares him to be the pure individual which he wishes to make people believe he is—I will make a humble apology to him—one of the humblest apologies ever made to any man in this world.*

In my speech at the Bar of the House I said, in reference to this:—

*In my letter to the Premier, which opens the correspondence that I now desire to put in, I gave a distinct and emphatic contradiction to all the general allegations of the Minister of Lands. What I demanded was that the charges should be formulated, in order that I might meet and refute them. I simply claimed the right of every British subject—to meet my accuser face to face before the highest Court of the land, and to be tried by a jury of my countrymen. Of course I am ready to go before any Royal Commission the Government may appoint. I am ready to meet the charges there, and to challenge the strictest investigation into every act of my public and private life, but I submit that I am placed at a very great disadvantage in being tried by a tribunal of the Minister's own creation instead of by the ordinary Courts of justice. This disadvantage I must, however accept.*

The whole burden of Mr. McKenzie's appeal to the House was that it would be unfair to compel him—a comparatively poor man—to meet in the Supreme Court one who was supposed to be wealthy, and he therefore implored the House to agree to a Royal Commission, before which he undertook to prove the truth of all he had alleged. And in this he was supported by the Premier, who is reported in *Hansard* to have said this:—

*I know it does not require me to tell honourable members what wealth can do in the employment of counsel. There are many men who cannot employ counsel at all, not merely in the higher Courts but in the lower Courts, and I say our system is defective in that respect. As my colleague here says, he would be taken at a disadvantage with an eminent barrister as plaintiff, and who has wealth as well. He is not in a position to go, in case he considers an injustice is done, to the highest Courts in existence.*

And by such specious arguments as these Parliament was prevailed upon to authorise the setting up of a Royal Commission, in the choice of which I could of course have no voice—a tribunal which (to use Mr. McKenzie's own words) my " money could not purchase."

Sir, the Commission refused to issue a subpoena, on my application, to compel the attendance here of Mr. McKenzie, in order that I might have an opportunity of cross-examining him upon the statements he made in the House, and I had of course to bow to that ruling. (See appendix "A.") But there was nothing to prevent Mr. McKenzie coming forward voluntarily—as I myself have done—to give evidence, and then tender himself for cross-examination. Surely I had a right to expect that, after all that he has said about my "disgraceful dealings" with Horowhenua ! When he refused to meet me, face to face, in the Supreme Court, on the ground of expense, he said in the House—I quote from *Hansard*, p. 769,—

*Sir, I shall be accused by the Tory press of being a slanderer, a liar, and a coward. The Post already puts me down as not having the pluck to face this matter.*

And now Mr. McKenzie has refused to meet me before the Royal commission—the tribunal of his own creation ! It is unnecessary for me to offer any comment on this. But, I am tempted to ask, what will the press say now ?

I desire, in the first place, to refer to subsection 9 in the Commission, which, although general, evidently relates to Block XIV. Now, as all the dealings with that particular block are known to have been either with me or through me, the suggestion of fraud involved therein, so far as this block is concerned, can only relate to myself. If the Commission, in the course of this enquiry, has discovered the smallest impropriety in any of my dealings, private or professional, in connection with these lands, I trust it will not spare me in making its report. But I submit, with the utmost confidence, that in the whole course of these lengthy proceedings not a single witness, pakeha Or Maori, has suggested in the slightest degree any wrong-doing or unfairness on my part—much less insulted me by any suggestion of fraud. This matter is of such vital importance to myself, and the attempt to put me in the wrong is so obvious, that I propose to go somewhat exhaustively into the evidence in regard to Block XIV. in its proper place.

## CREDIBILITY OF WITNESSES.

Before proceeding to review the evidence now before the Commission, there is just one matter I should like to refer to. It is the practice—which has, I understand, become prevalent in the Native Land Court during recent years, and which has been adopted by Mr. Fraser, the agent for the Crown, on this occasion—of digging out the evidence given in the Native Land Court at various times, and confronting witnesses with what they are alleged to have said on certain points perhaps ten years before. This is done with the view of showing inconsistencies in the story, and of thereby discrediting the witness. Now, I submit this is very unfair, and for these reasons) The evidence given in the Native Land Court passes through an interpreter—sometimes a very indifferent one—it is taken down by clerk who, as a rule, knows not a word of Maori—it is not read over to or signed by the witness—it is not revised by the presiding judge and there is no opportunity given to anyone of checking its correctness. It is therefore in no sense whatever an authentic record of what the witness did say. Ten years afterwards—as in the present case passages are read from that evidence, and a witness is asked, "did you not at that time say so-and-so?" It would take more than the ordinary amount of moral courage for a Maori to repudiate what he is told is written in the Court Book! He has then to cast about at once for some explanation of the apparent inconsistency, and he naturally says, "Oh! that was evidence in support of a particular case, and it was as strong as possible in that direction. We were governed by the questions put to us." I say, Sir, that it is most unfair to attempt to cast discredit on the evidence of a witness here on account of such apparent contradictions, seeing how utterly valueless the record is. All through this case I have carefully abstained from doing this although supplied with copies of all the old minute-books. Of course I am not referring now to such a witness as Paki Te Hunga (called by Mr. McDonald); because he boldly admitted that the whole of the evidence given by him in support of Warena Hunia in the partitions Court was concocted beforehand—that it was the result of a conspiracy to defeat the other side by means of false evidence. Such a man is obviously unworthy of the slightest credence now. It must be borne in mind, too, that there is always a tendency—among pakehas and Maoris alike—where witnesses have taken sides, to strain a point in favour of the side the witness happens to be on; but this is counterbalanced by the knowledge beforehand that the witness is not altogether a disinterested one. Under certain conditions all persons are prone to exaggerate—and often quite unconsciously. In illustration of this may mention an incident within my own experience. I was many years ago conducting a case in the Supreme Court before the late Mr. Justice Richmond, my client being the celebrated Hawke's Bay chief Renata Kawepo. Mr. Hamlin, the well-known Licensed Interpreter, was called as a witness. He was asked his opinion of Renata Kawepo, and he replied, "A real chief of the old school—a thorough Maori gentleman." In cross-examination by Mr. Sainsbury, he was asked, "But, Mr. Hamlin, does not Renata tell lies?" The witness at first declined to answer; but on being pressed, turned to the Judge and said apologetically, "Your Honour, all Maoris tell lies." "Whereupon Mr. Richmond, with characteristic good humour, said, "Yes, Mr. Hamlin; but what about the pakehas? Did not David say in his haste, 'All men are liars'?"

## CHIEFTAINSHIP.—KEMP AND HAKEKE.

As to the relative chieftainship, of which so much has been made, I have very little to say. Far be it from me to say one word in derogation of the rank, status, and personal character of the late Kawana Hunia Te Hakeke. He was a personal friend of mine for more than twenty years and I never knew a more able or energetic Maori Chief. I do not hesitate to say that the rehabilitation of the Ngatiapa as a tribe was due almost entirely to his great energy and diplomatic skill. To borrow the vigorous language of Bishop Hadfield, the Ngatiapa in 1840 were "mere hewers of wood and drawers of water for their conqueror, Te Rauparaha"—to-day they are as wealthy, as compact, and as powerful a little tribe as we have in New Zealand—a tribe whose boast now is that not one of their women has ever married a foreigner! But I entirely agree with Mr. McDonald in the evidence he gave that the "chieftainship" does not necessarily descend to the son. The Commission has had before it the two sons of Kawana Hunia and will be able to form its own conclusion from the evidence whether the full chieftainship has descended in the present instance! I submit that the reverse of that is true.

The Commission has heard a good deal about the relative rank, "mana" and so forth of Kawana Hunia and Major Kemp; but in the present case I think the whole matter is summed up in the words of Te Rangimairehau: "The *mana*, of Te Hakeke did not extend to Muaupoko: it remained at Rangitikei."

## MAJOR KEMP TE RANGIHIWINUI.

And now, before dealing with the evidence called by me, I should like to say a word or two about the unique position of my client, Major Kemp—I was very sorry to hear the gentleman who is representing the

Crown on this occasion refer to that chief in contemptuous terms, summing up his record thus—" First post-boy—then policeman—then fighting his own people." If Mr. Fraser used this language under instructions from the Government—which I can scarcely believe—then I say it is still more scandalous. Is there discredit to a Maori chief, any more than to an English gentleman, in having been Specially sworn in as a special constable to help to preserve the peace? Is it not matter of recent history that during the Strike of 1887, when London was almost under mob rule, hundreds of men of fortune—Knights and gentleman, members of Parliament and citizens—came forward voluntarily and were sworn in as special constables? Has Mr. Fraser never heard how these special constables held Trafalgar Square during the whole of a bitterly cold Sunday morning against the seething mob of rioters? I was there and know all about it is it then a matter of discredit to Major Kemp that as a young man, in the early days, he volunteered to carry the overland mail, at a time when perhaps any other messenger would have been stopped on the coast and relieved of his burden? Well might Te Rangimairehas exclaim in surprise, " That is the pakeha side. Who knows of anything wrong in it? He never lost caste with us because of that!" Well, Sir, what is Kemp's subsequent record? It is true that he has been fighting his own people—but in what cause and under whom? Fighting valiantly, Sir, on our side—holding the Queen's commission as Major—and proving, as Sir George Whitmore once said in public, of as much value in his own person as any two hundred ordinary men! He commanded the Native Contingent in several successful expeditions—he was thanked by the Colonial Government—was decorated by His; Excellency the Governor with the New Zealand Cross for personal valour in the presence of the enemy—and finally received from her Majesty the Queen a handsome presentation sword, the blade engraved with the flattering inscription, " Given by Queen Victoria to Te Keeps for his unfailing loyalty and valour." I doubt if there is any Maori chief in the land who has individually done more to maintain law and! order among the people. And, forsooth, because it suits the tactics of the other side, this is the man who is now referred to scoffingly by the agent for the Crown!

Now, let us enquire into Major Kemp's position in relation to the Muaupoko tribe and in regard to the Horowhenua Block. Much has been made of the fact that Kemp has not lived permanently in the district. But, as he told you himself, he is the chief of six tribes, and lives at Wanganui, which is about the centre of his great tribal domain. His father, Tanguru, lies buried at Horowhenua; and ever since he came to manhood Major Kemp has been the paramount chief of the Muaupoko tribe. The evidence shows that it was he who took the foremost part in the early days in resisting the claims of the Ngati rankawa and Ngatitōa—burning their houses on the Horowhenua Block and turning them out of the district. When the first investigation took place before the Native Land Court in 1873 it was Major Kemp who defined the boundaries and took the leading part in proving the Muaupoko title; and when the claims of this tribe had been established, it was in Major Kemp's name as Trustee (under the 17th Section of the Native Lands Act of 1867) that the certificate was issued, the names of 143 other owners being registered by endorsement on the back of that Certificate.

Then, what happened at the division Court of 1886? It is admitted on all hands that Major Kemp was the ruling power, and practically settled everything. This is what Judge Wilson said of him when giving evidence before this Commission:—

*I regarded Major Kemp as a most exemplary chief, doing his utmost throughout the sitting of the Court (in 1880) to protect the interests of his tribe. There was no disposition to grasp for himself. But he proposed a device to prevent the improvident natives from selling their land, and it appeared to me a very good expedient, provided the right persons were selected.*

So paramount was Kemp's influence that, when he appealed to the tribe to help him out of his difficulties with his former solicitors, Messrs. Sievwright and Stout, they, without any demur at all, agreed to his taking 800 acres of the block for the purpose of wiping out that debt. This is what the Chief Justice, Sir James Prendergast, says on that point:—

*I am induced to the belief that Major Kemp's co-owners in the land looked upon these pecuniary liabilities as liabilities that he had incurred in the interest of Maoris generally, and that they were desirous of assisting him to discharge these liabilities by allotting a portion of the land for the purpose without reference to what proportion of the Block he would upon ordinary enquiry in the Native Land Court be found entitled to.*

## **MR. ALEXANDER McDONALD; AND THE INTENDED TRUST.**

I shall now proceed to review very briefly the evidence of Mr. Alexander McDonald and the witnesses called by him. But before doing so there is one matter I should like to bring to the recollection of the Commission, because it shows so clearly the animus against me on the part of the Minister of Lands.

Under cross-examination Mr. McDonald admitted that, at Mr. J. G. Wilson's suggestion, he went to Wellington to show to Mr. McKenzie in manuscript, a letter which he had addressed to the Member for the District, under the heading of "The True History of the Horowhenua Block : being a Reply to Sir Walter Buller's Pamphlet." The pamphlet in question is little more than a reprint from Hansard of my defence at the

Bar of the House, before the passing of the Bill which set up this Commission.

Mr. McKenzie had gone South, and Mr. McDonald was referred to Mr. O'Hara Smith, who informed him that, under direction of the Government, he was himself preparing a pamphlet "in reply to Sir Walter Buller." He said he would like to embody portions of McDonald's letter, and for that purpose desired to see it published in some newspaper. Mr. McDonald left his letter with O'Hara Smith, who subsequently forwarded him a type-written copy of it for his signature. Mr. McDonald went back to Wellington and had four interviews with Mr. McKenzie. At one of these interviews the Minister offered to appoint McDonald as agent for the Muaupoko before this Commission—the tribe not having been consulted or communicated with on the subject—and to pay him out of Government funds. Mr. McDonald accepted the appointment. He came back to the district, and on the 27th February handed his letter to the *Manawatu Farmer* for publication, the Royal Commission having in the meantime been appointed. The day following (28th February) Mr. McDonald receives his appointment from the Government, The letter appears in the *Manawatu Farmer*, filling thirteen columns of that journal—to the exclusion of all other reading matter—on the 4th March, just two days before the opening of the Royal Commission of Levin. The letter is couched in very intemperate language, and betrays the partizan in every line. Sir, so flagrant a breach of the well recognized rule which prevents comment on a case *sub judice* calls for no condemnation from me. It speaks for itself. I will do Mr. McDonald the justice, however, to say that when I put the question to him straight in the witness box, he frankly admitted that he himself considered it a wrong thing to do. I have called attention to the surrounding circumstances, as admitted by Mr. McDonald on oath, and I leave the Commission to draw its own inferences from the facts. My own belief is that under Ministerial pressure McDonald did what his own sense of right and wrong condemned, and that he was perhaps "more sinned against than sinning."

Under cross-examination Mr. McDonald admitted that when he wrote telling me of his intention to contradict some of the statement in my pamphlet, I replied at once saying that everyone was anxious to get at the truth, and that he would soon have an opportunity of placing his version of the facts before the Royal Commission, he also admitted that the "facts" he challenged are not statements in my own pamphlet, but allegations in Major Kemp's petition to the House in 1894—drawn by myself upon instructions received, and set out in the pamphlet. He admitted having received from me, more than a year ago, a printed copy of that petition, and that he did not then think it necessary to notice the statements which have now so exercised his mind! But at that time I had not had what he has been pleased to call my "quarrel with the Minister of Lands." I submit that further comment is unnecessary.

Now I come to Mr. McDonald's evidence before the Commission In asking you to reject, Sir, as the Supreme Court did, Mr. McDonald account of what happened in the Court of 1886, where his evidence is in conflict with that of my witnesses, I do not wish for one moment to impugn that gentleman's veracity. I would remind the Commission of what Mr. McDonald said in the Supreme Court at Wanganui: I find great difficulty in disentangling in my mind what took place in 1886) from what has taken place since. I find great difficulty in doing so." That statement no doubt explains all the discrepancies.

As to the division Court of 1886, Major Kemp gave the Commission a very clear and circumstantial account of all that happened, both outside the Court, at the various meetings of the tribe, and inside the Court when the "voluntary arrangements" were given effect to, by the issue of orders for certificates of title. His account is borne out, in every material particular, by the other witnesses whom I have called, and by the minute-books of the Native Land Court, and is corroborated by Mr. J. A. Wilson, the Judge who presided on that occasion.

I submit that the evidence given by my Maori witnesses—Major Kemp, Te Rangimairehau, Raniera Te Whata, Kerehi Tomo, and Makere Te Rou—is consistent throughout and has not been shaken in one single particular. Their story is simple and straightforward—the same story that they told in the Supreme Court at Wanganui.

It was decided by the general body of Muaupoko to reserve No. XI, (containing about 15,000 acres) being the residential part of the Block—comprising the houses and the cultivations, the fishing grounds and the burial-places—as a permanent home for the tribe, and with this view it was agreed outside that this land should be put in Major Kemp's name as trustee or caretaker. Major Kemp and my other witnesses say that the consent was unanimous. Mr. McDonald says it was only a "large majority," but he nevertheless admits that he went into Court and asked for an order in Major Kemp's name alone, in pursuance of a "voluntary arrangement" come to out of doors; so he must have believed that the consent was practically unanimous, or he would have been deceiving the Court. As an expert he must have known that no other "voluntary arrangement" could have been assented to by the Court. At this stage of the proceedings the Judge called for objectors, and then Wiri-hana Hunia handed to Major Kemp, on a slip of paper, the name of Warena Hunia. Then came the adjournment to the side room—an adjournment at Major Kemp's suggestion for a few minutes some say five, others ten) for the purpose of arranging the matter. Then they returned to Court and Kemp, having assumed the responsibility of

putting in his *tamaiti* along with himself—in spite of the remonstrances of the people—handed in the two names. The people could not withstand Kemp in anything; but they manifested their dissatisfaction by leaving the Court in a body. But although dissatisfied, they still believed that Kemp and Warena were there as trustees only (*hei kai tiaki*). It was not till the partition Court of 1890 that they discovered that *de jure* they had become actual owners of the whole block in their own right.

Now, is it conceivable—on the hypothesis set up on the other side that this land was absolutely given to these two chiefs to do what they liked with—is it conceivable, I ask, that this should have been done by the Muaupoko tribe without a word being said on the subject at their outside meetings? I ask you, Sir, whether you can believe that, without a single word of discussion, the whole body of the Muaupoko people could have agreed to make an absolute gift of 15,000 acres to two of their chiefs—one of whom at any rate had already had very liberal concessions in land and money;—and that 15,000-[unclear: ac] block, too, containing all the tribe most valued—the land on which they had been born and where they had always lived—their houses, their cultivations, their fishing-grounds, their burial-places—the [unclear: Horowhen] Lake, which was a most valuable possession to them on account of [unclear: it] eels and *kakahi* shellfish—and the coast line which afforded them [unclear: im] plentiful supply of food all the year round? I ask the members of the Commission, as reasonable men, whether it is possible that this [unclear: cou] have happened without at any rate some sign of what was being [unclear: do]—some speeches setting out the generosity of the act—some [unclear: farewe] to the lands that were being given up—some appeal to the [unclear: chiefs] have regard for the people who were endowing them so handsomely [unclear: of] Major Kemp and the Mnaupoko witnesses all say that there was not [unclear: to] word of the kind, Mr. McDonald is quite silent on the point, [unclear: and] Wirihana (his brother Warena being absent at the time) does [unclear: not] pretend to say that the handing over of this great tribal estate [unclear: was] accompanied by a single word of sentiment or explanation. [unclear: kem] declares that everyone knew perfectly well that it was to be [unclear: reserve] for the resident section of the tribe—that he was to go into it [unclear: as] caretaker only—that he took his young relative, Warena Hunia, [unclear: is] with him on the same terms; but that as trustee he was to be [unclear: exercise] large discretionary powers, for he gave to the people publicly, and before the final act in Court which fixed the title, this warning: "[unclear: Any] of you who may be found alienating the portions allotted to you will be shut out from any future participation in this tribal reserve, No. [unclear: XII] I ask, is this theory of an absolute gift by the tribe to these [unclear: la] persons consistent with the admitted fact that, even at the [unclear: last] moment—in the little side-room of the Court, after Wirihana [unclear: be] proposed his brother's name—Major Kemp offered to put in [unclear: Ihai] Taueki's name instead of his own, and on Wirihana objecting, [unclear: Mak] exclaimed, "Why, what is your objection to the old man?" [unclear: (meaning] Ihaia, the *ariki* or hereditary chief of the tribe.) All the [unclear: circ] stances of that meeting in the side-room—the discussion there—[unclear: that] voluntary consent of Kemp to the admission of his " young relative [unclear: "—]the opposition of Muaupoko and their leaving the Court in a [unclear: temper-] are inconsistent with Warena's story that this land was to be [unclear: hence] the property of the two alone.

On this point the evidence given by Te Rangimairehau was [unclear: a] follows:—

*By Sir Walter Buller; —*

Q. Now, with regard to No. XI; the large block with your houses, [unclear: eft] tions and burial places. Is it not a fact that this block comprises all the [unclear: may] of subsistence the Muaupoko have—their fishing-grounds, cultivations, [unclear: gal] &c?

A. Yes; they are all there.

Q. That is the block where all your elders were born?

A. Yes.

Q. And in this block lies the Horowhenua Lake on which you have subsisted all your life?

A. Yes, on the eels and shell-fish.

Q. What did your tribe decide to do with this big block when they were making these subdivisions?

A. It was agreed that this block should be allotted or apportioned for the persons who had actual occupation of it—that it should be left alone, and that it should be for them to say whether it should be divided or left in one block—for the persons who had led the natives in ancient years and those who represent them.

Q. As distinguished from whom?

A. The persons who had got lands in different places and who had been provided for.

Q. Was it, so far as you know, distinctly understood by all your people that this block would be reserved for the residential section of the tribe?

A. That was what Kemp said.

Q. Did the whole tribe agree to this?

A. Yes; we all consented. Some expressed their content with the arrangement, and others remained silent but were satisfied. I did not hear one dissentient voice.

*Cross-examined by Mr. Stevens :—*

Q. Did Kemp after the division of the land offer his section of the people a Crown Grant or title for any portion of that half of No. XI. which was held by him?

A. Kemp said, " I am a *kaitiaki*; the land belongs to the tribe." Warena said: " No; the law has given us the land."

Q. Did Kemp after the division had been made, say; " There is my portion of the land for the people " ?

A. Yes; he said so, but we did not approve of that; we wanted the whole to be given back.

Q. Do you think that the whole tribe were satisfied with Kemp's action ?

A. Yes; Kemp always said : " The land belongs to the tribe." Warena said: " I have no tribe; the land belongs to myself."

Q. If the people knew that Warena wished to stand alone, why did they not object to his being put into the title ?

A. We did not discover till long afterwards that such were his intentions.

Q. Did not Warena offer 3,500 acres to the people ?

A. Yes, afterwards, when he found he was in the wrong, he proposed to give 3,500 acres on the sandhills.

Then again, on the question of an intended trust, Judge Wilson gave important evidence in the Supreme Court at Wanganui, which he has re-affirmed before the Commission. He said :—

*It was not ever intended to give the land to these two in fee simple. It appeared to us that the natives had devised an expedient to get over a difficulty constantly occurring, namely, to make a firm reserve that nothing could touch. . . . Major Kemp was the spokesman. He introduced the matter of the partition of Block No. XI with some remarks. He said he was going to ask the Court to put that Block into two names only. They were afraid if all their names were put into it that individuals would sell, and by putting the land in the names of two whom they could trust they intended to avoid that danger; and the names were handed to the Court. ... I have no doubt that the intention was to give the land to the two on behalf of the men whose names were on the back of the certificate. My impression was that the persons for whom the so-called trust was created were those out of them on the certificate who had rights in that portion of the whole 52,000; they were not disclosed to us. This was what was really brought before us. Kemp spoke of the people; they were not defined.*

Before passing on I would just say of Mr. J. A. Wilson that he is acknowledged to be one of the ablest and most experienced of the Judges on the Native Land Court bench. You, Sir, must have noted with what independence and decision he gave his evidence; and, considering that ten years had elapsed since the events of which he had to speak, his memory was remarkably clear. Practically repeating what he had deposed to in the Supreme Court, he spoke with no uncertain voice about the intended trust.

Mr. Wilson has explained that, after ceasing for an interval of some years to be a Judge of the Court, he destroyed such of his notes as did not possess historical interest, these being his private property; and it has been stated in evidence that the Assessor lost his notes through a fire in his house. Mr. Stevens has commented on what he calls the "extraordinary circumstance of the destruction of valuable documents." But I am quite sure the Commission will accept the explanation already given. Mr. Wilson said in effect that he never dreamt that any question of this kind could ever arise. No one could possibly have foreseen it. The suggestion of the wilful destruction of evidence is, I submit, quite unwarranted.

Now, the conclusion which I have come to, and the one which believe the Commission will come to also, is that there was great bungling at the Court of 1886. The Court itself could do nothing Its hands were tied by the provisions of the Act, which compelled the Judge to give effect to any voluntary arrangement come to out of Court. Mr. McDonald claims the credit of having superintended this " voluntary arrangement," and guided the tribe in what they were doing. I am sure Mr. McDonald's intentions were of the best; but it is perfectly clear from the evidence that his intervention at that time was a most calamitous thing for the Muaupoko tribe, for, as the result proves, it has landed them in endless litigation, much tribal heard burning, and heavy costs. There can be no doubt that it arose from Mr. McDonald's ignorance of both English law and Maori custom. To the present day, so far as I can understand him, he does not believe that there was any trust in respect of Blocks Nos. XI and XII. The fact is that Mr. McDonald has no clear idea of what legal or equitable trust is. He considered himself for years the absolute owner of a valuable block of land at Awahuri till, in the end the Supreme Court declared a trust, stripped him of the land, and practically ruined him—for which not one of his many friends was more sorry than myself. Indeed, when in practice I, over and once again, refused to take a brief against him in this matter, so satisfied was I of his *bonâ fides*. But what I wish to say is that the strongly expressed opinion of such a man, on such a point, should be received by the Commission with much caution. But as to Mr. McDonald's very positive belief that there is no trust, I would ask leave to read the following passage from the judgment of the Chief Justice, afterwards confirmed by the Court of Appeal :—

*Mr. McDonald says that he was present at the last meeting at which the matter was discussed, namely, a meeting held on the day when the Court was sitting to make the order, and to enable which meeting to be held*

*the Court granted a short adjournment. Mr. McDonald says that he did not hear any expressions used conveying the meaning that this Lot XI. was held upon trust, or that the persons whose names were to be put in the order and Certificates were trustees. He denies that the Maori word ' Kai-tiaki,' meaning ' Trustees,' was ever used at that meeting or at any of the earlier meetings about the sub-division of the block at which he was present. It appears to me, however, certain even upon Mr. McDonald's evidence, that nothing was said or done at this last meeting which justifies the conclusion that the persons interested in the land, the registered owners, intended to give up their beneficial interest in it to Major Kemp and the Defendant.*

But let us see what the evidence brought forward by Mr. McDonald, after being examined himself, amounted to. He called four witnesses. His leading witness was the young woman, Te Raraku Hunia. It turned out that she was little more than a child in arms—less than three years old—when the sitting of 1873, about which she was called to give evidence, took place. She frankly admitted that her mother—who was admittedly a woman of rank—never told her a word about it. The girl's evidence was so ridiculous that neither the Commissioners nor myself, nor any of the agents, thought it necessary to put a single question to her. The next he called was Hoani Te Puihi, but in less than half an hour he was treating him as a hostile witness, and got hopelessly involved with him. This witness was brought in to curse us, but ended by giving us his blessing. He admitted that his real ground of complaint against Major Kemp was that, when he negotiated the sale of the Levin township to the Government, he had failed to reserve Hoani's little home at Tiroiro, where, as he naively told us, he had lived so happily with his three wives—the three model Wives who never asked for any share of the rents and never gave him any trouble ! Hoani, in his examination in chief, could only remember receiving £10 from Major Kemp from 1873 to the present time; but, under cross-examination, this gradually swelled to about £1500, all of which he had carefully distributed among his *hapu*, the Ngatipariri. Mr. McDonald, by the way, had sworn that Hoani Puihi had "not a drop of Ngatipariri blood in his body." Hoani himself deposed that he was the head and front of that *hapu* and he traced his direct descent from Pariri by two separate and distinct lines. As to the payment of £2000 by the Government to Warena Hunia, he condemned it altogether, and demanded that the money should be paid over again.

Mr. McDonald's two other witnesses were unwilling ones, and he had to apply for subpoenas to compel their attendance. Of these, Waata Tohu gave evidence entirely in Major Kemp's favour on every point; and the other witness, who was hostile to Major Kemp, admitted that he had on a former occasion (the partition Court of 1891) committed wilful perjury. It is not necessary, therefore, to take any notice of what he said before the Commission.

## **WARENA HUNIA'S CASE.**

In the next place, I will notice Warena Hunia and his witnesses and I shall endeavour to be very brief.

In cross-examination by myself he was asked:—

Q. Are you aware that the Supreme Court has reversed the order in respect to these people and that they are put back ?

A. I hear you say so.

Q. Do you not know that the Supreme Court has put you and Kemp in the wrong and put the Muaupoko back on the land !

A. I do not know it at all.

Q. Will you swear you have never heard the result of the judgment at, Wanganui in the Supreme Court ?

A. I know that I was beaten in the Supreme Court at Wanganui and that I had to pay the costs.

Q. Have you paid those costs ?

A. No.

Q. Did you not hear that when the Court ordered you to pay the costs, the Court also struck out your name and Kemp's, and put back the whole of the original list on this land—No. XI ?

A. I know that, but I knew perfectly well the judge was on your side all through.

Q. That was the Chief Justice, was it not ?

A. Yes.

Q. Have you not heard that although the Chief Justice was on my side all through, the Judges of the Court of Appeal all confirmed afterwards what he had done?

A. Yes; because they all pull one way.

Q. But all the judges came over to my side?

A. Yes; but you are all sticking together.

Now, Sir, it is not difficult to guess whence Warena Hunia got his inspiration. Mr. McKenzie said in the House—when refusing to meet me in the Supreme Court—"What was wanted was a Royal Commission, which Sir Walter Buller could not get round, and which his money could not purchase."

I hope that when this Royal Commission has made its report and declared a trust, Warena Hunia will be able to add, with perfect truth "And the Royal Commissioners, also, they all came over to your side

This is Warena Hunia's view of the matter, as stated in his evidence:—

They (the people) had a right to it before 1886, but after 1886, when the land was given to myself and Kemp, they had ceased to have a right.

Q. Who told you that ? The lawyer ?

A. The law made in 1886; and the Court gave the order to myself and Kemp. The order never said that we were trustees.

Q. Who interpreted the law for you and said you were absolute owners ?

A. It was the decision of the Native Land Court that informed us we were owners, and it was the Native Land Court that divided the whole block, amounting to 52,000 acres.

Q. It was when you asked the Native Land Court to divide the 15,000 acres between yourself and Kemp that you discovered that instead of being there as a caretaker for Ngatipariri, it was yours ?

A. Yes, that is what I understood.

Q. Then if the Land Court had not told you that you were the absolute owner, you would have put all these people in as a matter of course ?

A. Yes, on my conviction. . . .

Q. But for the Court saying you were the two owners, you would have put in the names you say had a right to be there ?

A. Yes, according to my thoughts.

Q. Therefore, if a wrong was done to the Ngatipariri by being left out, it was not your wrong but the wrong of the law ?

A. Yes.

The next witness I shall refer to is Mr. Donald Fraser. He gave evidence generally in support of Warena Hunia's claims, he being Warena's attorney; but I have never heard a witness in any Court give his evidence in a more truthful or straightforward manner. It is very evident that Mr. Fraser has done his best to bring about an amicable settlement among the parties. He was paid well no doubt for his services, but that has nothing to do with the matter. He has given us a full account of the various proposals for a division of the land between the two chiefs and the Muaupoko people. And he brought out this fact very plainly—that Mr. A. McDonald, who now appears on behalf of certain of the Muaupoko, has on every former occasion—Native Land Court, Parliamentary Committees, and Supreme Court—given evidence against the existence of any trust ! But Mr. Donald Fraser admitted that, as attorney for Warena Hunia, he never made any demand on Kemp on account of rent. Why did he not do so? Before the Commission he said, "I never had the idea that the land (No. XI.) was Warena's own, and that he could drive the people off."

As for Wirihauna Hunia—whose evidence in the Supreme Court was apparently entirely disregarded by the Chief Justice—all I need say is that the evidence he has given before the Commission consists of extravagant assertion and harmless romance. The circumstantial account which he gave of Kawana Hunia's action at the Court of 1873 is absolutely and wholly contradicted by Major Kemp and by Te Rangimairehau; and the minute-book of the Court is entirely silent about it.

The only other witness on that side whom I think it necessary to notice is Himiona Kowhai. He confirmed what he had said in the supreme Court:—

Q. Did you understand you were giving up all this (Block XI) to Warena and Kemp ?

A. Yes, we got our division, and we understood this was for Warena and Kemp.

Q. You gave up your father's bones to Warena and Kemp ?

A. Yes, they could do what they liked.

In his evidence before this Commission he said :—

At the Court of 1890 Kemp said he was a trustee. Warena said that the land was his own. I never heard Warena make any proposal to give back some of the land till the Court of 1891.

## **PURCHASE BY THE CROWN.**

Now I have a word to say about the sale by Warena Hunia to the Government. The agent for the Crown, on the opening of these proceedings, deprecated my referring to this as a "technically fraudulent transaction." But what are the facts as disclosed by the evidence! I do earnestly hope that the Commission, however unpleasant it may be, will not hesitate to express its opinion of this official act by or on behalf of the Minister of Lands. The tribunal is of his own choosing and public justice requires that the report should be as far-reaching as the enquiry has been exhaustive.

It has been abundantly proved that the purchase was made and the £2000 paid to Warena Hunia after the



most distinct notice of the trust. A Committee of the House had more than once reported that Block XI. was held by the two chiefs in trust. Accordingly, to protect the trust, Mr. Ballance had in 1892 got a minute passed by his Cabinet authorising the issue of a proclamation under the Native Land Purchase Act, 1892. The Minister for Native Affairs (Mr. Seddon had stated in the House that he was satisfied of the existence of a trust; the Minister of Lands himself had given an assurance that no money would be paid until there had been a full enquiry. And yet the £2000 was paid to Warena Hunia—not publicly in the presence of the tribe—but privately through the post-office at Bull's, Mr. Donald Fraser being the only person who was in the secret. Nothing was known of this payment till it was elicited from Warena Hunia in the Supreme Court at Wanganui—long after the whole of the money had been spent. The document put in by Mr. Sheridan is, to my mind, the most incriminating thing in the whole of the evidence. The transfer on his showing, was executed on the 21st October, 1893—a deed acknowledging payment of £6000. The purchase-money was not paid because the District Land Registrar would not register the transfer owing to the existence of caveats, and then nearly a year afterwards (1st September, 1894) the £2000 was paid to Warena Hunia—and this, too, after an action had been commenced against Warena Hunia in the Supreme Court for the assertion of the trust, and had actually been set down for hearing at the September Sitting of the Court at Wanganui. The transaction, when it came to light, provoked a severe remark from the Chief Justice on the Bench, as well it might. That the Government knew well enough what they were about is sufficiently clear from the Memorandum of Mr. Haselden, of the Justice Department, which was referred to by the Chairman. If this does not constitute legal fraud, I should like to know what does!

When I put Mr. Sheridan, the Chief Land Purchase Officer, in the witness-box, I had to ask the Commission to let me treat him as a hostile witness, and I had good reason for doing so. Mr. Sheridan, early in his evidence, stated that I had "deceived" him as to what passed between Mr. Seddon and myself, and thereby induced him to draft a clause for "The Native Land Claims and Boundaries Adjustment and Titles Empowering Act" of 1894 to meet the Horowhenua case. But after I had read and put in my correspondence with Mr. Seddon, the witness was compelled to withdraw, unequivocally and unreservedly, his charge of my having deceived him. As I was acting at the time spoken of on Major Kemp's behalf, I should like to refer to the terms of the letter I addressed to Mr. Seddon on 20th June, 1894, and will therefore read it. (See Appendix "B.")

Mr. Sheridan admitted that he himself had, under instructions from the Minister, drafted clause 10 of "The Horowhenua Block Bill" as brought into the House in 1895, and that he had also drafted the Commission under which you are now sitting—his drafts being revised by the law officers of the Crown—and that his only reason for including Block XIV. was that "pressure was brought to bear by Hunia's side" to have this done. He admitted that, when he met me in front of the Premier's house, I told him at once that I objected to No. XIV. being included, as it was not a trust block. He declared on his oath that when he drafted clause 9 of the Commission he had no suspicion whatever that I had been concerned in any improper dealings with the land—that I was not in his mind at all—and that his only reason for including No. XIV. was that it was already in the draft clause (No. 10) in the Bill which had been dropped; but, curiously enough, as Mr. Sheridan has admitted, this very Bill had been drafted by himself! I may remind the Commission that Block XIV. was not in the Schedule drafted by Mr. Sheridan the year before (1894).

As to Mr. A. L. D. Fraser, the agent for the Crown, I have only a word to say. I recognize his amiable qualities, but I am really at a loss to know what brought him all the way from Hawke's Bay to appear in this case. During our dreary march through the wilderness of Horowhenua he has furnished, so to speak, the musical accompaniment. He has been to us as a "sounding brass or a tinkling cymbal." But looking to results, he seems to have come a long way to accomplish very little! Of nearly every Muaupoko witness on both sides he asked this question, "Did not Rangirurupuni's name appear twice over in the original list for No. III. Block, to the exclusion of Te Rangimairehau's?" And every witness answered in the affirmative. The amusing part of it, however, is that this was a clerical error which the Commission had rectified on the very first day of the sittings, and no one has been more unconcerned about it throughout than Te Rangimairehau himself, who, as I understand, has long since disposed of the 105 acres affected, or supposed to be, by the mistake.

But all through the proceedings it was understood that Mr. Fraser had something important in reserve for the last day. Well, Sir, "the mountains were in labour and there came forth"—not a live mouse but a still-born Gazette of an ancient date containing an obsolete proclamation of 1878—and this was actually the only piece of evidence offered on behalf of the Crown! That indeed appears to be the whole of the Government case—the proclamation under the long-since repealed Native Lands Act of 1877! But the contention that this proclamation is still in force is sheer nonsense. As everyone knows, it has long been obsolete and, as Mr. Sheridan admitted in his evidence, was only dug up the other day by Mr. Stafford when looking for material in the timber case against Mr. Bartholomew. If the proclamation was still in force, why was it necessary to pass an Act in 1891 with a suspensory clause, prohibiting all dealings with the Horowhenua Block No. XI till the end of the session following? If still in force, why was it necessary to issue a fresh proclamation under the provisions

of the Native Lands Purchase Act, 1892, further protecting Block XL against private dealings for a period of two years ? If, as I now understand the Government contention, the old proclamation has always remained in full force and effect, how is it that numerous dealings have been registered all over the Horowhenua Block outside of No. XL down to the passing of the Act of 1895 ? The whole thing is an afterthought, and it is now raised for the purpose of confusing the true issues. The whole history of the case, and the conduct of the Government all through, are inconsistent with the theory that there was all the time an operative proclamation barring any dealings except with the Crown.

Before passing on, I will refer to a suggestion made by Mr. McDonald in the course of his address—namely, that the whole cost of this Commission should be saddled upon Major Kemp, as the prime author of all the trouble. To this I would reply that Major Kemp was responsible for the Commission only to this extent: that he had, from the first, asserted a trust, and had insisted on both Warens Hunia and himself being divested of the title in favour of the Muaopoko tribe—that he had persistently fought this question before Committees of both Houses, in the Supreme Court, and finally before the Court of Appeal, and with a successful result on every occasion. The Royal Commission was no doubt the outcome of all this trouble and contention; but Major Kemp had not applied for or desired it. He was perfectly satisfied with the judgment of the Supreme Court, as affirmed by the Court of Appeal. I do not suppose that, in assessing costs, the Commission will proceed on any such principle as that advocated by Mr. McDonald; but, if they should, the person to be visited with that sort of punishment is Mr. McDonald himself, to whose bungling at the Court of 1886, as already explained, the whole of the subsequent trouble is traceable.

I should also like to put Mr. Stevens right on one point. He referred to the royalties received by Major Kemp for the sawing timber on Block No. VI. He is evidently under a misapprehension, for Major Kemp has never taken a shilling of these royalties. It was arranged with his consent that a trust account should be opened at the Bank for all such payments, in the joint names of Major Kemp himself as Trustee, Mr. Edwards as Solicitor for Mr. Peter Bartholomew, and Mr. Marshall as Solicitor for those claiming as beneficiaries. As a matter of fact, the royalties, amounting to some £400, have been paid into another trust account, with which Major Kemp had nothing whatever to do. I would refer to just one other point in Mr. Stevens' address. He has asked the Commission to award a block of 3500 acres to Warena Hunia in his own right, placing the other members of Hunia's family with the tribe. He has evidently forgotten that Warena Hunia himself, when in the witness-box, said that he was claiming this portion of the estate not for himself alone, but for the members of his family whose names he gave to the number of six. Of course I do not for a moment admit that "Warena Hunia's claims are anything like what his agent pretends; and I may remind the Commission that all the witnesses called on that side (except Himiona Kowhai) claimed equal rights with him.

## **AS TO SUBDIVISION XIV.**

Now I come to Block XIV, about which so much has been made on the other side, the three agents having brought all their heavy artillery to bear upon it.

The Commission, as I understand it, has two questions to decide:—

- As to the existence of a trust, express or implied; and if so,
- Whether there has been any fraudulent dealing; or, in other words, whether the land has been acquired by me with knowledge of such trust.

The evidence on both sides is, I submit, clear and conclusive.

It is perfectly clear, I think, that Block XIV. was originally marked off at Kemp's instance to fulfil his promise to Sir Donald McLean that he would provide for the descendants of Te Whatanui, and was afterwards rejected by them in favour of Block IX., which was accepted in lieu of it. It is equally clear that Block XIV. was subsequently awarded by the Court to Major Kemp in his own right, and, that he has remained in undisturbed possession of it ever since.

To begin with : Judge Wilson has given very positive evidence. On being asked by me whether he did not say in the Supreme Court at Wanganui, "As to Block XIV.—that was for Kemp himself," he replied, "Yes; I knew it was for himself. I am certain of it. It; was for himself as having administered the larger block—for himself as the chief. I am quite sure that this was given to him by the tribe—taken by him, and given to him. That was the arrangement."

On cross-examination by Mr. McDonald, Judge Wilson said, "He got this for himself—as his own land. It was very necessary that I should be particular in my enquiry where a chief was claiming for himself." And, under cross-examination by Mr. Fraser, Judge Wilson said, "It was stated emphatically in Court that No. XIV. was given to Kemp with the consent of the tribe, and an order was made accordingly. It was clearly stated and understood in Court. Examined by the Chairman, Judge Wilson added, "I am perfectly sure that No. XIV. was given to Kemp for his own individual use freed from all restrictions, to do what he liked with."

After hearing Major Kemp's evidence, which was read to witness by the Chairman, Judge Wilson said, " I still say that I am sure No. XIV. was to be given to Kemp alone. It was one of the last blocks dealt with. It came after No. X., and after No. IX. had been fixed for the descendants of Te Whatanui. The arrangements spoken of by Major Kemp must have taken place out of Court before the order was made. Nothing of the kind was said in Court. I am sure of that. My memory is quite clear about this."

Major Kemp, in re-examination (on 7th April) said, " The first cutting off of land for Te Whatanui's descendants was outside the Court. Judge Wilson would know nothing about it. It did not go before him."

On re-examination by myself, Judge Wilson re-affirmed that the 1200 acres which he understood to be the block now shown on the map as No. XIV., was given to Major Kemp by general consent of the owners, as his own individual share of the Horowhenua Block, to do what he liked with.

Although Judge Wilson was called by me, I had no conversation with him on the subject before he went into the witness-box—indeed he declined to see me till after he had given his evidence. And, as to remove any ground of suspicion that he was speaking in my interest he said, in reply to the Chairman, "I am quite disinterested. I knew nothing about any dealings with Sir Walter Buller in relation to this block till last Wednesday."

In his examination in chief Major Kemp made what appeared the time like an admission of an implied trust; but on re-examination by me afterwards he said this:—

Q. Now with regard to Block XIV: you said in answer to the Chairman as to whether you considered yourself a trustee or owner, that the land was yours- that you were the *rangatira* and you were in the Crown Grant. Can you point out those who are (as you said) "in your heart " ?

A. If one behaved badly I have the power to put him out.

Q. In this respect are you owner or trustee of this land ?

A. This land is mine, but I remember those that are left of my brethren and relatives.

The four persons mentioned by him as those for whom he would have consideration are Raniera Te Whata, Waata Tamatea, Arahia, and Ngahuia. Raniera and Waata have both come before the Commission in Major Kemp's absence and sworn that they have no rights whatever in No. XIV. As to the women—Arahia and Ngahuia—they are not in the Certificate of Title of 1873, and cannot therefore be owners of the land.

This is what Waata Tamatea said :—

*I know Block XIV. That is Kemp's block. If he chooses to put me in, it is well-if not, it is also well. I know it is Kemp's. That piece of land always belonged to Kemp. It came to him from his ancestors. Te Riunga was Kemp's female ancestor.*

And this is Raniera Te Whata's evidence on the same point:—

Q. Is No. XIV Kemp's own or is he a caretaker ?

A. That belongs wholly to Kemp. That is his.

Q. Could anyone have objected to his title there ?

A. No, there is no one to dissent from it.

Q. Could anyone have dissented if they had wished ?

A. There was only one who could have dissented from it, and that was myself.

Q. Did you dissent ?

A. No; I left it to Kemp—to my elder brother.

That Block XIV. was Major Kemp's own individual share in the estate, or part of it, is sworn to by Te Rangimairehau : " That piece of land never belonged to the tribe; it was simply Kemp's own." Major Kemp has sworn that he inherited this part of the Horowhenua estate from his ancestors, and he has told the Commission of the carved monument which is erected on the island of Papaitonga to the memory of his female ancestor, Te Riunga. I submit that, apart from the positive evidence on this point, it is sufficiently clear from the following facts, which have been thoroughly established in evidence:—

- Although it is about ten years since the land was allotted to Major Kemp, and seven-and-a-half years since the Certificate of Title under the Land Transfer Act was issued, with title antevested, not a single Muaupoko, of those to whom, as is now contended, the land should revert, has ever put forward any claim to it, direct or indirect.
- Although in regard to all the other blocks in respect of which trusts are alleged to exist caveats have been lodged (sometimes three deep) to prevent any dealing with the land, no one has ever proposed or attempted to lodge a caveat against this title.
- The Crown—professing to look after the interests of beneIcuries—lodged a caveat against Block No. VI. in January, 1895, but not against this block till 2nd November, 1895—long after the discussion had taken place in the House and the passing of the Horowhenua Block Act.
- Although it was a matter of notoriety that Major Kemp had leased the block to me some five years ago, and sold the timber on the eastern side to Mr. Peter Bartholomew, not a single member of the tribe (as

shown by the evidence) has ever applied either to Major Kemp, or to Mr. Bartholomew, or to myself, for a part of the rent or timber-money.

- Although it was generally known that shortly after the lease Major Kemp sold two detached portions of the block, comprising about eleven acres, to me for £110, no other member of the tribe received share of the purchase-money, or applied for it to Major Kemp or myself, or ever expected any share of it.
- Notwithstanding all the turmoil and contention over the Horowhenua Block ever since the partition Court of 1890, at none of the tribal meetings has this supposed trust in respect of No. XIV. ever been mentioned in any way.
- Even Mr. Donald Fraser (Warena Hunia's attorney) [*unclear: adnita*] that he never heard the block referred to in any way, except once in Wanganui, when Warena asked Kemp to give him the privilege of leasing it, and Kemp replied, "I cannot do so because I have promised that land to my sister Rora." Both the request and the reply are, I submit, clear evidence of Kemp's undoubted right to do what he liked with it: for, as Mr. Fraser added, "Warena said nothing more, either then or afterwards."
- In 1892 Major Kemp, finding that a right of way had been laid off round the Papaitonga Lake, within Block XIV., applied, in his own right, to the Government to have the map in the Survey Officer altered by the obliteration of the right of way, and surrendered the Certificate of Title for that purpose, supporting his application with statutory declaration by Judge Wilson that the right of way had not been ordered by the Court. The application was made by Major Kemp without consultation with the tribe, and was agreed to by the Government, the official plan being altered accordingly.
- When in September, 1894, Major Kemp, in order to give security for £500 advanced by me to Mr. Edwards to pay costs in the Supreme Court, agreed to mortgage No. XIV. to myself, and took the deed before Mr. Ward, the Trust Commissioner, in open Court, to have it certified to under the "Native Lands Frauds Prevention Act," a single member of the Muaupoko tribe made any objection to what was doing, either then or subsequently.
- All these acts of ownership on the part of Major Kemp have been open and public, and well known to every member of the tribe and no one has ever presumed to question his right.

These, then, are ten good and sufficient reasons for my contention that Block XIV. never was a trust estate, in any sense whatever, after the division Court of 1886.

As I have now pointed out, the evidence has entirely failed to establish anything in the nature of a trust in regard to No. XIV., as held by Major Kemp. But I may further point out that, even had such a trust been established, my position as lessee, as mortgagee, or as purchaser, would not have been in any way affected unless it had been shewn that the transactions, so far as I was concerned, were fraudulent, or unless notice, direct or constructive, had been given to me of the existence of such a trust at the time of or prior to those transactions.

Now, what is the evidence? Major Kemp himself swears that he never gave me a hint that he was anything but the absolute owner. I have sworn that I never received such notice from him or from anyone else. Both Mr. McDonald and Mr. Donald Fraser admitted in their evidence that, although they had been in friendly communication with me for many years, they never on one single occasion mentioned to me, or to Major Kemp, or to any member of the Muaupoko tribe, that in their opinion Major Kemp held this land in trust or was morally bound to return it to the people. It was only after the Supreme Court had decided, in pursuance of Major Kemp's prayer, in September 1894, that Block XI. was the property of the whole tribe and not of the two "nominal owners" that I heard a rumour that an attack would be made on Major Kemp's own title in Block XIV.; and the suggestion of a trust was, so far as I know, first formulated when the Minister of Lands and Mr. Carroll put certain questions to me at the Bar of the House in October last.

Major Kemp has narrated, on oath, the circumstances under which he granted me a lease of this land; and he has stated that it was he himself who fixed the rent at half-a-crown an acre. Mr. John McDonald, who has been leasing Native land all over the District, stated in evidence that he considered this a fair rental; and Mr. Peter Bartholomew, who has leased a portion of Block XIV., at the same rental, for twenty-one years, stated the same.

Te Rangimairehau says in his evidence:—"When the descendants of Te Whatanui would not accept the first allotment, Kemp said he would keep it for himself, because that was his own individual land—and right on to what is now the State Farm. I have not heard anyone say during the last ten years that this piece did not belong to Kemp individually. I have never heard a word of complaint among the Muaupoko. When we knew of the lease to you, there was no complaint. I never heard of a demand for rent by any member of the tribe, or of any demand for a share of the £100 for the portions sold to you, or of any objection to the mortgage."

And even Hoani Puihi, called by Mr. A. McDonald, admits that the "thought" about the 1200 acres being given back to the tribe only came into his mind after he had heard that the whole question of title was to come before a Royal Commission. He had never before, during all these ten years, mentioned the subject to Kemp or

to any member of the tribe; nor had Mr. McDonald, nor Donald Fraser, nor Warena Hunia, nor Wirihana Hunia, by their own showing. This is admitted by them all on oath before the Commission.

Warena Hunia's pamphlet was put in by Mr. Marshall for purposes of comment. Now this pamphlet professes to deal exhaustively with the Horowhenua question. But all Warena says about Block XIV, is this:—"Major Kemp has, however, retained it as his own." Not a word about any alleged breach of trust, of which so much is attempted to be made now ! To borrow Hoani Puihi's expression, the " thought" had not come into Warena Hunia's mind so far back as 1892 Further on (page 6,) he says that Major Kemp has " kept the 1200 acres first mentioned, and has, I believe, sold portions of it and leased the rest of it, to Sir Walter Buller, who is now acting as his adviser. *He has never transferred subdivision VI. to the persons for whom it was intended* [printed in italics], although he has had it for nearly six years." Not one word about his not having transferred No. XIV. to his own people, as Mr. McDonald now says he should have done! It is perfectly clear that the whole thing is an afterthought, suggested by those who are anxious to destroy Kemp's title to No. XIV., in the vain hope that it will affect me. Warena admits that he never said a word on the subject to myself, or to Major Kemp, or to the Muaupoko: so he was hardly likely to have mentioned it in his pamphlet.

But, whatever view the Commission may take, as to the existence or otherwise of a trust, as I have already pointed out, it cannot affect my position under my Land Transfer title, unless fraud be alleged or proved. As I have already shown, if a trust did exist, no notice thereof, direct or indirect, was ever given to me, either by Major Kemp, or by any of those now claiming as beneficiaries, or by anyone on their behalf.

I may also mention that after each of the transactions in which I have been concerned—the three leases, the transfer, and the mortgage—Major Kemp made the usual statutory declaration that the land affected by the deed was " not held in trust for the benefit of any Native community."

It is hardly necessary for me to remind the Commission of the evidence given before it by Judge Ward, at Wanganui, of whom the Minister of Lands had said (*Hansard*, p. 742), "By some means or another—it is not for me to say what—Sir Walter Buller has been able to persuade the Trust Commissioner under the Native Lands Frauds Prevention Acts to grant a certificate of his mortgage without the law being complied with," adding that the Bill would "give the Trust Commissioner a chance of defending himself." Mr. Ward was able to satisfy the Commission that he had acted strictly in accordance with the law; and he further stated that he was perfectly satisfied in October, 1894, that Block XIV. was Kemp's own land, and not a trust estate.

Of course Parliament may pass whatever legislation it may deem proper in pursuance of the report of the Commission, and it may even, if it thinks fit, repeal the provisions of the Land Transfer Act. But I think the mind of the present Parliament, in relation to such trusts as are now alleged to exist, is made sufficiently clear by "The Native Land Court Act, 1894." I refer particularly to Sections XIV. and LVIII.

## RENTS AND OTHER MONEYS.

I come now to the large sums of money received by Major Kemp during the last three and twenty years in the shape of rents, royalties on timber, and purchase-money. The Commission has had Major Kemp's account of how these moneys have been expended : large sums have been spent in costs and in the general administration of the estate, and, from time to time, considerable sums have been paid over to the tribe. There is no direct evidence that Major Kemp has spent any of this money on his own concerns, except a sum of £400 which was sent to him by the tribe to be expended on a house he was building at Wanganui. Mr. John McDonald has told the Commission of the large sums he has paid to lawyers by Major Kemp's direction. He has mentioned two payments to Mr. Southey Baker—one of £400, and another of £1300; and he has expressed his candid belief that the whole of the money has been spent by Major Kemp in the interests of the tribe. Hoani Puihi (called by Mr. McDonald) has given an account of the manner in which the first sum of £400 received from Mr. Hector McDonald (in 1876) was distributed. The chiefs of the tribe divided it, and they apportioned £100 to Major Kemp as his individual share. Acting like a Maori chief, before leaving the place, Kemp handed the £100 back to the tribe, and went home without a shilling in his pocket. When £500 had to be found for Mr. Edwards, Major Kemp raised the money by mortgaging his own land, Block XIV., and he has since paid £300 more on the same account. He had previously paid to the same solicitor, on his being retained by the tribe, during my absence in England, £100. So that Major Kemp has paid costs amounting to nearly £1000 in the recent case in the Supreme Court and Court of Appeal, where he succeeded in establishing the trust. In passing, I would here remind the Commission of Major Kemp's statement on oath, that of all these large sums paid to lawyers I have hitherto not taken a single shilling.

Everyone seems to have come to Kemp for money. When Warena Hunia was in difficulties, by his own shewing he came to Kemp and got £140; and, every now and then, Wirihana Hunia got £100 from the same source. Kemp never kept account books and seldom took a receipt for any of these moneys. He received the money like a chief, and paid it away like a chief, I submit that the readiness with which the members of the

tribe came forward and signed the deed of release and discharge when asked to do is proof that the people were perfectly well satisfied with Major Kemp's administration of the estate. The Ngatipariri did not sign the deed, and they were not asked to, because there was a feud over Warena's claim under the partition order of the Native Land Court. But for that, there can be no doubt they would all have signed just as readily. From 1873 to 1886 Major Kemp had been sole trustee, and so satisfactory had been his management that at the division Court of 1886 the tribe clamoured to have his name put in again alone for Block XI. Most unfortunately, Major Kemp yielded to Wirihana's demand that Warena's name should go in as well, and that was the commencement of all the trouble. The deed of release and discharge is, I submit, a complete answer to the demand now made for accounts to be filed. The Chief Justice, by his judgment in the case heard at Wanganui, required Major Kemp to account for all moneys received for Block No. XI, coupling his name with that of the defendant, Warena Hunia, but after argument before the full Court that portion of the decree, as against Major Kemp, was struck out, and all the rest of the judgment allowed to stand. The deed of release and confirmation was therefore held by the Court of Appeal to be sufficient to discharge Major Kemp from all liability to account for the moneys he had received, so far as those who had signed it were concerned. I ask this Commission to adopt the same view. The evidence of Mr. Hector McDonald and the other witnesses called by me, to say nothing of my own evidence, shows that its scope and effect were perfectly well understood by the Muaupoko people, who came forward and executed it without the slightest demur, one and all expressing themselves satisfied with Major Kemp's past management of the tribal estate. Kerehi Tomo, under cross-examination, said: "It was fully explained to us that the deed would release Major Kemp from all rents from 1873 to 1886, and from 1886 to the date of the deed. We were confirming what Kemp had done as trustee."

But I go further and say that, quite apart from the formal deed of release and discharge, there has been a general acquiescence on the part of the Muaupoko in all that Major Kemp has done during the last three and twenty years. If not, how is it that no step whatever has been taken by the tribe, or by some member of the tribe, to restrain Major Kemp from receiving and spending the moneys in the manner he had been doing? Lawyers without end seem to have been employed and yet not a single step has ever been taken to restrain him in this respect—there has never even been so much as a letter of protest. So far as the evidence goes, there has never been even a remonstrance from anyone to Major Kemp by word of mouth! When the Government failed—partly through my instrumentality—to carry their measure of 1894, authorizing the Minister of Lands to pay the balance of £4000 to Warena Hunia, and a rumour became current that they would pay the money notwithstanding, the Muaupoko immediately applied to the Supreme Court and got a prohibition against Warena Hunia receiving that money or any part of it. A copy of the prohibition was served on the Treasury, and another on the Auditor-General; and in this way the payment of the money was effectually barred. Nothing would have been easier than to obtain a prohibition against Major Kemp's receiving and paying away moneys; but during all these three and twenty years such a thing was apparently never dreamt of. There can be only one conclusion from this: the Muaupoko were perfectly well satisfied with what Kemp was doing. And, but for this unfortunate quarrel with Warena Hunia over the title, I venture to say that nothing would have been heard of it now. Even as late as 1889—three years after the division Court—we find Wirihana Hunia writing a long friendly letter to Major Kemp, condemning Warena for his assumed right to deal with the land and generally recognizing Kemp's right to do very much as he pleased. When in 1890 the lawyers had discovered, as they thought, that Warena was an absolute owner and not a trustee, Wirihana's attitude entirely changed, and since that time—according to his own account—he has spent £6000 in law costs!

The sale of the Township of Levin to the Crown took place nearly ten years ago—If the story now set up is true, how is it that no protest has ever been sent to the Government?—how is it that not a single step was taken to prevent the payment of those large sums to Major Kemp? I say, Sir, that the whole history of the matter implies the fullest and most absolute acquiescence on the part of the Muaupoko tribe in what Major Kemp was doing—the fullest approval of his action in regard to the purchase-money, the rents, and the timber royalties received by him, from time to time, with the full knowledge of the tribe; for there was no concealment about it. It was all above-board and a matter of notoriety in the district. If I am not right in this conclusion, then how was it that, after the Court of 1891, the malcontents (represented by Warena Hunia) offered to let Major Kemp have a slice of 3500 acres out of Block XL, for himself, without a word being said about the large sums he was known to have received and disbursed? It is perfectly clear from Mr. Donald Fraser's evidence that this was pressed upon Major Kemp, and that he refused to agree, because the proposed division would take the eyes out of the block, and leave nothing but swamp and sandhills for the tribe.

## **CONCLUSION.**

I have now reviewed the case at sufficient length, and have, I trust, shown conclusively that not only is my contention right—that Block XI. is the property of the Muaupoko tribe, and was never intended to be given to

Major Kemp and Warena Hunia, for their own exclusive use and benefit—that in fact they were intended to be made trustees and not absolute owners,—but also that the whole of my professional dealings with the matter have been in the interests of the tribe, with the view of eliciting the truth and recovering the tribal estate. If the result is my complete vindication—as I confidently submit it must be—then it only remains for the Minister of Lands to make the "humblest of all apologies," according to his promise to the House. For I boldly affirm that, so far as I am concerned, from first to last, there has not been one jot or tittle of evidence showing wrongdoing on my part, or anything in the nature of fraud, either actual or technical. I will do the three gentlemen who are opposed to me the justice of saying that, throughout these lengthy proceedings, they have never affronted me by the slightest suggestion of anything of the kind, and that, so far as I am concerned, nothing could be fairer than their manner of examining and cross-examining the witnesses.

It may of course be said that the report of this Commission relates only to my dealings with the Horowhenua Block. But I had nothing to do with framing the Commission or determining its scope. It will be remembered that in my address at the Bar of the House of Representatives (*Hansard*, p. 915) I said:—

*I am prepared to challenge the closest scrutiny into every transaction I have been concerned in during the fifteen or sixteen years I was in practice. I am not conscious of ever having wronged a Native or European in connection with Native lands. I know it is impossible for any man, nay, even for an archangel from heaven, to be mixed up in Native affairs for any length of time and to escape without being the subject of suspicion. But my conscience is perfectly clear on this point: I am not conscious of having done a single thing of which I, as a gentleman, should be ashamed, or for which as a professional man I should be censured. I invite the closest scrutiny.*

And again (p. 982):—

*I would conclude by saying that, although I have been actively engaged in Native affairs, officially and professionally, for a period of some thirty years or more, and have probably put through more Native titles than any other solicitor in New Zealand, I defy any man to put his finger down upon one single transaction of a questionable kind in which I have ever been concerned. My conscience is absolutely clear of ever having done anything in connection with Native affairs that this House could not agree with, and which I should not be able to justify.*

As I have already stated, my professional transactions with the Maoris, during the period I was in practice, were of a very extensive kind; so much so, that the late Mr. Justice Gillies on one occasion referred to me, from the Bench, as "the Solicitor-General for the Maori race."

I stated before the House that I challenged the strictest enquiry into the whole of my past record. When in the witness-box before the Commission, I wanted to give the names of the ten other blocks mentioned by the Minister of Lands—apparently to my disadvantage—and to tender myself for cross-examination thereon by the agent for the Crown, but you ruled, Sir, that this was outside the scope of your Commission and would not permit me to do it. I am willing, however, to be judged by my Horowhenua dealings as a sample of the whole. And, although appearing before a tribunal of the Minister's own creation, I am content to stand or fall by the evidence relating to myself which has been brought forward in the present case.

It only remains, Sir, for me to thank the Commissioners for the patience with which they have listened to a necessarily lengthy speech.

## Appendix "A."

### Horowhenua Commission.

Levin, April 9, 1896.

On the re-assembling of the Royal Commission at 2 p.m. the CHAIRMAN (Mr. Martin) said that there were one or two matters he wished to refer to before the evidence was proceeded with.

In the first place Mr. Robert Ward, the Trust Commissioner at Wanganui, had written to say that he was still confined to his room, and although most anxious to place his evidence before the Commission, he feared he would be unable to attend for several weeks, in support of which he had forwarded a medical certificate.

SIR WALTER BULLER said it was absolutely necessary that he should have the Trust Commissioner's evidence. The Minister of Lands, Mr McKenzie, had in his place in Parliament, virtually charged Mr Ward and himself with a conspiracy to defeat the law, for he had broadly alleged that he (Sir Walter Buller) had "by some means or another" induced the Trust Commissioner to grant a certificate to his mortgage without the law being complied with. If there was any truth in that charge, then neither Mr. Ward nor himself was fit to be on the Commission of the Peace, If the Royal Commission would be satisfied with Mr Ward's affidavit he (Sir Walter Buller) had no objection to offer.

[It was ultimately arranged that the Commission should adjourn to Wanganui for the purpose of taking Mr. Ward's evidence.]

THE CHAIRMAN: All the other witnesses whose names have been given in have now been dealt with except the Hon. John McKenzie. Will Sir Walter Buller Bate on what points he proposes to examine Mr McKenzie ?

SIR WALTER BULLER : Sir, during a debate in the House on the Horowhenua Block Bill, Mr. McKenzie stated that " since he had been a Minister he had come across some disgraceful dealings but none to equal those in connection with this mock." He added that enquiry was needed into these dealings and it "would be found that all he had said was borne out by facts." I will not go into further particulars, but I will remind you, Sir, that Mr. McKenzie, in his place as a minister, made very serious accusations against me, in connection with Horowhenua, assailing my character and impugning my personal honor. He implored the House to set up a Royal Commission to enquire into all these transactions. After I had been heard at the Bar of the House he repeated his charges, but said that if I was able to justify myself before the Royal Commission he would " make a humble apology—one of the humblest apologies ever made to a man in this world." I claimed the right to meet my accuser face to face. Mr McKenzie refused to meet me in the Supreme Court, saying that "what was wanted was a Royal Commission which Sir Walter Buller could not get round and which his money could not purchase." I had nothing to do with determining the scope of this Commission, but its avowed object is to get to the bottom of third and to learn the truth about the Horowhenua Block. Mr. McKenzie has stated publicly that he knows of "disgraceful dealings " in which I have been concerned Let us know what they are. Surely I have a right to compel his attendance and to make him either substantiate or withdraw his accusations ! Before the Commission closes I shall make my statement on oath and then tender myself for cross-examination all round. When I have Mr. McKenzie on his oath before the Commission, I shall claim the right to cross-examine him upon all the statements he made in the House affecting myself in connection with this block. If Mr. McKenzie will not respond to a subpoena, then I will adopt the other alternative.

THE CHAIRMAN said that the duties of the Royal Commission were clearly defined by the Commission itself. From first to last, during the whole of the proceedings there had not been the slightest suggestion of fraud or wrong doing on Sir Walter Buller's part and he did not see how the Commission could go in to any question as between the Minister of Lands and Sir Walter Buller, which was virtually a private matter.

SIR WALTER BULLER : No, Sir; a statement made by him publicly as Minister, and one seriously affecting my character.

THE CHAIRMAN replied that in the absence of any suggestion of fraud in a connection with Block XIV—to which Sir Walter Buller's dealings had been confined—on the evidence already before the Commission, and in the face of Mr. Fraser's assurance that he did not intend to offer any evidence at all, he did not see that he could permit Mr. McKenzie to be cross-examined as to what he had said in Parliament. The only suggestion of fraud that could be raised was by a strained application of the equitable doctrine of fraud by notice in the sale of land to the Crown.

But as to the Trust Commissioner's certificate, the case was differs because that might be required in support of Sir Walter Buller's title.

SIR WALTER BULLER : My object, Sir, is to compel Mr McKenzie to meet me face to face, and to have his statement on oath. Do I understand that the Commission refuses to issue a subpoena for him ?

THE CHAIRMAN : Yes, that is so—for the present at any rate.

SIR WALTER BULLER : Well, I wish to make it perfectly clear that I have exhausted every means in my power to bring the Minister before the Royal Commission—the tribunal of his own choosing—for the purpose of having his charges against me enquired into. The Commission having refused to issue a subpoena I can do nothing more.

NOTE.—The Minister of Lands having publicly questioned the accuracy of the above minute (written by myself), I may state that it was drafted immediately after the incident had occurred. When the Commission rose I submitted the report to the Chairman for perusal, informing him, at the same time, that it was my intention to publish it. On the following morning Mr. Martin handed it [*unclear: bac*] to me, and stated that he had carefully read it through. I had no right, under the circumstances, to ask for his official approval, nor did he give it; but he did not challenge its accuracy in any respect. Before furnishing the report to the press I submitted it to Lient.-Colonel McDonnell, the Interpreter to the commission, and to Mr. Alexr. McDonald, one of the agents employed by the Government, both of whom stated that it was, as nearly as possible, a [*unclear: verba*] account of what had occurred. Messrs Baldwin and Morison, the other solicitors who were present, after seeing the report in print, testified to its absolute correctness.

W.L.B.

## Appendix "B."



Wellington,

June 20th, 1894.

DEAR MR. SEDDON,—

As I am anxious that, as Native Minister, you should know exactly what we are doing in the Horowhenua matter, I send you herewith a printed copy of the petition which Major Kemp will lay before Parliament on its opening. You will see that, so far from being in any way hostile, he acknowledges the protection and care the tribe has already received at the hands of your Government. All the facts alleged in the petition have been more than once proved before the Native Affairs Committee, but the proof is ready again if wanted.

In writing to you the other day, I ought perhaps to have reminded you of the position taken up by the Government in the Session of 1892, when I conducted the case for Major Kemp before the Native Affairs Committee. Mr Cadman was at that time Native Minister, and I sent him the draft of a Bill, which, it seemed to me, would meet the case and could not possibly do any harm to anyone, the whole essence of it being for an enquiry into the merits. Even Warena Hunia, in his petition to the House, in 1891, deprecating hasty legislation, advocated " the appointment of a Commission to take evidence and ascertain the true facts."

If, in your opinion, it should be a Royal Commission, let it be so; but it seems to me that the Native Land Court (which is virtually a Commissioner's Court) possesses all the necessary machinery and conveniences for such an enquiry.

At the time that I sent the draft to Mr Cadman it was, I understood, agreed that clauses on the lines proposed should be incorporated in the short Native Land Court Bill which the Government was then preparing, to provide for the appointment of a Chief Judge during Mr. Seth-Smith's absence from the Colony. Notice of this Bill was given, I think, two days before the close of the Session; but its introduction was abandoned at the last moment owing to a threatened " stonewall" movement, promoted, it was said, by Mr. J. G. Wilson. When I heard you announce in the House that the Government would not proceed with the Bill, I immediately went up to Mr. Ballance's house, to confer with him as to the best course for the protection of the interests of the Muaupoko tribe. He at once suggested a proclamation under ' The Native Land Purchase Act 1892 ' and that course was, as you know, adopted with good effect.

Mr. J. G. Wilson, who then threatened to stonewall the measure, and openly advocated the cause of the other side, has since had an opportunity of looking into the matter for himself; and he has now expressed his willingness to present Major Kemp's petition and to support his prayer. I doubt, however, whether he will be down in time to do that.

I do not suppose it will be necessary to get the petition referred to the Native Affairs Committee; because twice over that Committee has had exhaustive evidence before it and has reported in favour of remedial legislation.

I am sending you the draft Bill, altered slightly to suit the changed circumstances; and if you can see your way, as Native Minister, to initiate such a measure, it will give great satisfaction to Major Kemp and to the Muaupoko tribe, and will put an end for ever to the Horowhenua difficulty, and that too in a perfectly legitimate way.

Believe me, very truly yours,

(Signed) W. L. BULLER.

Harding, Printer, Farish-street, Wellington.

In Ancient Maori Land.

"Kohjkohia Nga Maramara o Mataatua."

... Being ...

[*unclear*: ptes] collected from the descendapts of the Aboriginal People of the Rangitaiki Valley and the Ure-wera Coupry and from the Mataatua Tribes.

.... By .... Elsdon, Best.

[*UNCLEAR*: *NEN*] BY MEMBERS OF THE NGATI-MANAWA, NGATI-WHARE, TUHOE, NGATI-APA, NGATI-AWA, NGATI-HAMUA AND PATUHEUHEU TRIBES.

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## In Ancient Maori Land.

"Kohikohia nga maramara o Mataatua."

"collect (or gather) the chips (i.e. fragments) of Mataatua. Mataatua is the [unclear: me] of the canoe by which the ancestors [unclear: these] tribes came to New Zealand.

decorative feature

### Chapter I.

## [unclear: How] the Maori Preserved his Knowledge of the Past.

[unclear: To] those who have studied the [unclear: st] of the adoption of a written [unclear: lan] by a race on its march towards [unclear: hisition]—nothing is more [unclear: noticable] than the singular results of such [unclear: adoption] in connection with the [unclear: tive] powers of the memory. A [unclear: se] living in a state of letterless bar [unclear: sm] not yet relying on a written [unclear: chapter] to preserve the memory of st events and achievements, retains [unclear: d] transmits orally the most lengthy [unclear: ions], poems, and genealogies [unclear: lth] singular facility and precision. [unclear: reserved] in such a manner were the [unclear: ems] of Homer, the Indian Vedas, [unclear: he] kalevala of the Finnish race, that at epic poem of 22,000 verses.

The Maori of New Zealand, not having evolved or borrowed a graphic system, was nevertheless most careful and successful in conserving the ancient lore of his race, their songs, proverbs, folk-lore, legends, mythology and genealogies—having possibly derived this pride in their ancient know ledge and history from some offshoot of that wonderful race who for so many centuries preserved the sacred Vedas by means of oral teaching. Through all the dim traditions of a remote past retained by the Maori in his wanderings across the 'Great Ocean of KIWA,' in his singular rites and ceremonies, in his wonderful system of mythology, in his high class ancient chants, there can be noted the traces of a superior culture to that which has obtained among the various divisions of the far-spreading Polynesian race within historic times. It is an ethnological axiom that when a race becomes scattered and isolated in small communities, that race must necessarily become less cohesive in arts and general knowledge, or, in a word, deteriorates in culture. From whatever far-off land the ancient Maori came, whatever old-timed [unclear: dynas] claimed him subject, whether were he allied to the Turanian or Aryan, Acadian or Dravidian races, whether his far away ancestors marched westward with the great ludo-Germanic migration or eastward a Thousand years later into India, withstood Mongolian hordes on northern steppes, or cultivated the Valley of the Wonderful City—whatever source he may have sprung from—the fact shines clear to those who may look upon it, that the Mnori, Mahori or fair Polynesian of to-day, retains in his mythology, Karakia and traditions, plain evidence of having originally known a higher state of general culture, a culture that has gradually fallen from nim during many centuries of wandering over the vast Pacific, of isolation in snail groups, of privations in grainless lands, of sojournings in enervating climates, of countless wars and forced migrations.

Did the Maori ever have any knowledge of written characters? This is an extremely interesting question and one on which different opinions are held. Tylor, one of our leading English anthropologists, has held, with many others, that no race that has acquired a graphic system, whether pictographic, symbolic, or phonetic, ever loses the knowledge of that art, and the researches of paleographers go far to prove the fact.

The western origin of the Maori is now well established, and also that he travelled ever eastward in his wanderings, from the original Hawaiki of bygone ages to those isles which are stamped upon his memory as WAEROTI, WAEROTA, PARIMA, PAEA, WHITI, TONGA, TAWHITI-NUI, TAWUITI-ROA, TAWHITI-PAMAMAO and TE HONO-I-WAIRUA.

What graphic systems are [unclear: h] in the west and for what period [unclear: b] they been in use among the [unclear: nation] sessing them? The Tagalo, Bisays [unclear: a] Ilocano tribes of the Philippine [unclear: g] have long possessed a semi-[unclear: syi] alphabet, allied to the [unclear: Javacese] several of the Indian types, and which the prototype is the [unclear: alp] of the inscriptions of Asoka, [unclear: gra] of Chandragupta founder of the [unclear: g] Maury a dynasty, which [unclear: inscrip] were incised upon rocks in five [unclear: t] ferent parts of India about the [unclear: v] 250 B.C. The date of the [unclear: adoption] the Philippine tribes

of this [unclear: system] unfortunately not known, [unclear: inas] as the fanatic followers of [unclear: leg] destroyed with pious zeal these [unclear: n] interesting written records of the [unclear: c] post of the Malayan race.

Of all the sporadic alphabetic [unclear: c] tems of the Asiatic Archipelago [unclear: f] of the Bugis or Wugis of [unclear: Celebrate] the most eastern, and the [unclear: literate] this people does not date further [unclear: b] than 400 years from the present [unclear: t] Eastward of the Moluccas the [unclear: ep] sion of this great sign of a [unclear: hi] culture was stopped by the [unclear: im] trable wall of Papuan barbarism.

The semi-syllabic alphabetic system of Java and Bali and of the Be of Sumatra, which last people [unclear: eco] the unique position of being the [unclear: s] cannibal race in the world who [unclear: ar] use of a written tongue—are all [unclear: t] rived from an Indian source and [unclear: b] probably been in use, at least in [unclear: h] for at least nine centuries. The [unclear: an] Kawi of Java was closely [unclear: ali] the Deva nagari in which [unclear: cha] the Sanscrit li erature is [unclear: couse] and the use of the Kawi and [unclear: s] obsolete systems in Java is [unclear: los] the mists of antiquity.

These then are the nearest [unclear: sys]

Battak—The 'Padda' of [unclear: Herod] The final 'k' is mute in Malay, [unclear: b] replaced by a soft aspirate.

of that great art that has done more than any other to free the human mind mind from the shackles of barbarism and to promote the advancement of civilisation. With the single exception of the strange symbolic characters of the Be Easter Island tablets, no sign of a Written language is met with in the vast extent of the island system bing between Celebes, in the East [unclear: Indies,] and and America.

If the Maori passed through these [unclear: lettered] peoples on his eastward course, the either forced his way through as a [unclear: barbarian] scorning the advantages of writing, or he has lost the art during his adventurous migrations from isle to [unclear: to] isle on his way to AOTEAROA. But [unclear: the] probability is that he passed through the East Indies long before [unclear: the] art of writing was known in those [unclear: les] with the possible exception of java.

Various mnemonic aids to memory were used by the old by the old-time Maori, not ably the 'Rakau Whkaparanga' or genealogical staye; and the original singnatures to the Treaty of Waitangi, together with certain symbolic charac [unclear: hrs] inscribed on some stones recently found at Paten, seem to point to the [unclear: het] that they possessed some method of wording at least proper names by the use of certain symbols orideograms.

But for the question as to whether the Maori ever possessed or came in [unclear: confact] with a system of wrien language, the answer may be that stereotyped [unclear: one] of the Mexican peon,—'Quien [unclear: be?]

The preservation of tribal genealogies, traditions and Karakia was treated as a sacred matter by the Maori and many forme and ceremonies were displayed in teaching such things. Only the young men of high rank were initiated into the ancient lore and sacred chants, and the WHARE-KURA of the Maori was one of the most singular institutions that we have any record of as existing among an unlettered people. It is probably owing to the fact that the Maori took such great pride in the history and achieve' ments of his race, that instruction in such matters was allotted to the Tohunga and came to be looked upon as being sacred. To such an extent did this belief obtain that the mere repeating of a genealogy was reckoned a most potent spell.

Few subjects contain a greater element of interest to the anthropologist than those pertaining to the intellectual state of a barbarous people, a people living in the Stone Age and untouched by foreign culture. The Maori had lived such a life in New Zealand for at least four centuries prior to the arrival of the pakeha, and here, cut off by the broad ocean from the other divisions of his race, he lived and fought and strove, crude-minded, to solve the mysteries of Nature and of human life. Savage, cruel and cannibal as he was, endowed with a mind saturated with superstition, yet the ancient Maori composed some thousands of chants which for beauty of expression can scarcely be surpassed. He evolved or at least preserved a mythology and folk lore that for metaphysical reasoning, mental grasp and general interest can not he excelled by that of any Hellenic or Teutonic race.

The Maori of New Zealand, savage and uncultured as we deem him, had yet advanced many stages on the agelong road that leads to civilisation, and had strove with darkened mind and adverse surroundings for countless centuries to forge his link of that endless chain which we term Human Progress.

## Chapter II.

### HOW THE ANCESTORS OF THE MAORI REACHED NEW ZEALAND.

It is impossible to say for what length of time this land has been inhabited by the Polynesian race, but it is certain that the tribes known as 'tangata whenua' or aboriginal people had been in possession of Ao-tea roa for many centuries prior to the arrival of the present race—the Maori of the historic migration, which migration probably took place about the year 1400.

As to the whence of the pra-Maori people, conjecture is lost in the mists of antiquity, inasmuch as few of their traditions have been preserved by the conquering race. At some remote period, when our own forefathers were thought the wonder of the Western World for adventuring the German Sea, these savage, uncultured workers in wood and stone were sailing far and wide across the Great Ocean of Kiwa, and no land exists in the Great Pacific that has not been trod by the Maori. This rude neolithic savage was making voyages of 6,000 miles in his frail canoes long centuries before Columbus astonished an awakening world by his passage of the Western Oct an in com paratively large vessels.

The first Polynesian migrants who settled in the Great White World were either much inferior originally to the late coming Maori or their race deteriorated by long residence in an isolated isle. All Maori traditions affirm that the aboriginal people were ignorant of the art of agriculture, and lived en tirely upon the products of land and sea as tendered to them by Nature.

The first visitors to these islands were probably in search of new lands in which to dwell at peace and escape the wars and troubles of the motherland; indeed the traditions preserved by their descendants state as much.

For the rest I will cease conjecture and let the Maori tell his own tale in his own way. He shall now tell us how his ancestors came across the Dark Ocean in the days of yore and populated these isles and how the warlike Maori followed them in after years and fought the sons of the soil, and took from them their broad lands. The aged warriors of Ngati [unclear: Ma] wa and Ngati-Whare, the dark [unclear: visag] old tohungas from the [unclear: mountains] the [unclear: Urewea]. the descendants of [unclear: Tang] haruru and Whare-pakau. The [unclear: frn] disappearing remnant of the a [unclear: boringins] people—shall come before yon [unclear: and] tell you of their ancient history [unclear: and] mythology, their wars and songs [unclear: these] sacred chants and old-time folk-[unclear: k] The last surviving generation of [unclear: this] age-old tohungas of Hawaiki [unclear: ang] Mataora are before you—and [unclear: the] fragments of Mataatua are being [unclear: e] lected:

## AGES OF THE UNIVERSE AND THE ORIGIN OF MAN.

(Ko te take mai tenei o te tupuna.)

From the first Pu, (Ko te Pu [unclear: t] fahi.) to the tenth Pu, (Ko te [unclear: p] kotahi tekau.)

From the first Whe, (Ko te watuatahi,) to the tenth Whe, [unclear: (K) Whe kotahi tekau.)

From the first More. (Ko te [unclear: M] tuatahi,) to the tenth More, [unclear: (Ko) More kotahi tekau.)

From the first Weu, (Ko te [unclear: w] Hiatahi,) to the tenth Weu, [unclear: (ko) Weu kotahi tekau.)

From the first Kore, (Ko te [unclear: Ke] tuatahi,) to the tenth Kore, [unclear: (Ke) Kore kotahi tekau.)

From the first Aka. (Ko te [unclear: A] tuatahi,) to the tenth Aka, (Kote [unclear: A] kotahi tekau.)

From the first Papa, (Ko te [unclear: h] tuatahi,) to the tenth Papa, [unclear: (K) Papa kotahi tekau.)

From the first Po, Ko te [unclear: Po] tahi,) to the tenth Po, (Ko te Pe [unclear: h] tahi tekau.)

From the first Rangi, (Ko te [unclear: Ra] tuatahi,) to the tenth Rangi. [unclear: (k) Rangi kotahi tekau.)

Thus there were ninety [unclear: genera] or Periods from the Age of [unclear: Darh] to the time of Rangi and Paps; [unclear: n] Tane and his companions [unclear: dwels] darkness on the breast of Papa, [unclear: a] shadowed by great Rangi. Then the Light came.

Ko Te Rangi-puatea-te-rangi.

Ko Rangi.

Ko Te Po-tahuri-ke.

Ko Te Po-karapa-ke.

Ko Papa-tu-a-nuku.

These that follow are the begotten of Rangi and Papa-tu anuku:—1. [unclear: Rongo,] te tuakana, (theelder.) 2. [unclear: Tane.] [unclear: Tangaroa.] 4. Tu 5. Tawhirima-[unclear: t] Tangotasgo. 7. Haumia. 8. [unclear: ai] moko-roa. 9. Tik-i-tirohia. 10. [unclear: Tru.] 11. Ngana.

[unclear: Te] Rangi-puatea te-rangi and Te Po [unclear: huri]-ke begat Rangi.

Te Po-karapa-ke and Te Papa be-[unclear: t] papa-tu-a-nuku.

From this source came men, and [unclear: ah] and birds, and all things above [unclear: hed] below in the whole world. Rangi [unclear: and] Papa caused all these to be born [unclear: te] the world.

There is no end to the world accord [*unclear: re*] to the knowledge of the Maori. in-[*unclear: pmuch*] as, according to our ancestors, [*unclear: here*] are men living in the heavens [*unclear: ove,*] who were parted from earth on [*unclear: e*] separation of Rangi and Papa, [*unclear: The*] children of these who dwell above [*unclear: re*] Whaitiri, Poutini, Toutoru, Ma [*unclear: ki*] Tama rereti, Whanui, Kopu, [*unclear: tahi,*] Te Mangaroa, Te Whaka-

[*unclear: hau,*] Takeru, Tangotango and all [*unclear: be*] multitude of stars in the heavens, from Hhose who remained on the [*unclear: ast*] of Papa are sprung the men of his world. And the two who descended [*unclear: em*] heaven were Tawhaki and Tama-waho.

When the begotten of Tane quar-[*unclear: led*] and strife arose amongst them, [*unclear: en*] they separated and the descend [*unclear: e*] of Maui—Papa-tit-rau-maewa [*unclear: ed*] Tiwakawaka—came to this land. [*unclear: akawaka*] came here in the [*unclear: Ara-*] whaiti canoe—the great and sa-[*unclear: ed*] ed riu of his ancestor, Tane—and that time this land was without [*unclear: a,*] but he and the descendants of [*unclear: ne*] settled here in Aotearoa and spread over the land. It is not the case that Tiwakawaka came from Hawaiki. He came from Pani, from Mataora, which is quite a different place, that is, from the home of his ancestors—of Tane, and Tu, and Tangaroa, and Bougo, and Tawhiri matea, and of Tangotango. It is said that he came on account of a quarrel over the cultivation named Pohutukawa.

So it was that Tiwakawaka and his companions abode in this land and thus the name of Mataora was brought hither by those people. After a certain time Maku came from Hawaiki to Aotearoa (New Zealand) and found Tiwakawaka (or his descendants) dwelling here. This is the saying (whakatauki) of Maku in regard to Tiwakawaka :—"TIWAKAWAKA I TE PAE-TUARUA O AOTEAROA." And Maku, returning to the abode of Tiwakawaka, pulled aside the door and uttered this saying:—"MAKU HOKONGA TAHI."

Tiwakawaka remained in Aotearoa and his descendant was Toi-te-hua tahi (ara. Toi-kai-rakau.) After him was Awa-nui-a-raugi and after him came Tama-ki-hiku-rangi.

The name of the tribe of Tiwakawaka was Ngat-Ngai or Ngati-Ngainui.

These are the names of the ancestors who came from Hawaiki in those ancient times:—Maku, (Te Uaua), Poutini (Mawake-taupo), Tamarauapu (Whiro,) Kupe (Taunga.) Tama (uaihona,) Hue (Te Hekenga,) Hape (Whakapai,) Tane-atua (Tahinga-i-te-rangi,) Ira-kewa, Waitaha-ariki-kore, Ngahue, Uenuku-tu-whatu, Ruaeo, [*unclear: Taraa*] and Manaia.

These are very ancient aucestors who came from Hawaiki:—Maku, Rongo-a-tau, Pani-tinaku. To Panitinaku belonged the food of Hawaiki, that is to say the kumara. This is the reason that that land was called Hawaiki, because of the abundance of food there.

And these are the names of the ancestors who belonged to this land:—Toite-hua-tahi, Tauia-ki-hiku-rangi, Te Mnhai-o-te-rangi, Awa-nui-a-raugi Rauru, Te Heketanga-rangi, Te Hapuoneone. Te Tira-maaka, Pou-rangahua, Pafu-paiarehe, Te Koau-o-terangi, Te Rau-o-Piopio.

These are the ancestors to whom this land belonged and who occupied it after the dissensions between Tane and his companions.

("Friend! There was yet another ancestor of this land, an ancestor who stood upon one leg and held the other leg up. His bones are of great size and he lived upon wind. He was called the moa.")

In reference to this allusion to the moa as an ancestor:—It is but a few weeks ago that my learned friend, Rewi Rangiamio of the Ngati-Manawa, on my asking him as to his knowledge of the moa, said:—"When I went to Auckland I saw in the whare-matakitaki the skeleton of a moa. The body of the moa was complete and the leg bones, but the arm bones were lost, I think, for I did not see them." Here one of the young men observed, " But the moa was a bird! Birds do not possess arms!" "E tama!" cried Rewi, "Imahara au, he tangata!" (O son, I thought the moa was a man.)

The signs seen in this land at the present day of Toi i nd the tribes under him, are the great walled pas. These are seen on the mountains, on the hills and in the valleys, in great numbers. Here is the saying of Toi: "Kia huhua nga pa o Toi-te-hua-tahi." (Let there be many pas of Toi-te-bua-tahi.) Some tribes say that Toi-te-hua-tahi came from Hawaiki but it is not so. There was a men named Toi-te-atua-rere-tahi who lived in Hawaiki. But he never came to Aotearoa. He merely sent his atua called Hape-ki-tu-niatanga-o-te-rangi to this land by way of the sky. And the other name of Toi was Toi-Karrakau.

This is the genealogy from Tane, through Tiwakawaka, to Toi-te-hua' tahi:—Tane, Tace tuturi, Tane [*unclear: pep*] ke, Tane-ueha, Tane-uetika, [*unclear: Ta*] koto, Loio-whenua, Te Ao [*unclear: mat*] Tangaroa i te Rupe-tu, Maui-[*unclear: tih*] o-Taranga, Te Papa-titi-rau [*unclear: ma*] and Tiwakawaka who took to [*unclear: v*] Rotua, and had descendants-[*unclear: Tm*] nui, Tara-roa, Ngai-nui, Ngai-[*unclear: n*] Ngai-whare kiki, Nagi-whare [*unclear: k*] Ngai roki, Ngai roka, Ngai-[*unclear: pe*] Ngai taketake, Ngai-te-huru-[*unclear: m*] and Toi-te-huatahi who took to [*unclear: u*] Te kura-i-monoa and had three [*unclear: d*] dren named Rauru, Awa-nui-a-[*unclear: r*] and Te kura-whakaata.

From Rauru descended Ha Tahatiti, Ruatapu, Rakeiora, [*unclear: Tafl*] ki te-ra, Taima-ki-hiku-rangi,

*unclear*: M] Hine-te-ariki, Tapa, Ira-[*unclear*: tarke] Tapui, Te Matapihi-o-Rehua, Te [*unclear*: T] ru-o-te-rangi, Te Uru-waewae, [*unclear*: Ph] pakohu, Kai-whakapae, Te [*unclear*: Pori-s] rangi, Patu-pakeke, Tapu-ka-[*unclear*: m] Tumutara-Pio, H. Te Rere-[*unclear*: kino] nata Katu. (Ngatiawa tribe.)

Awanui-a-rangi had two [*unclear*: chil] Tanm-ki-tua (Tama-ki-[*unclear*: waho]) Awa-hei-nui. From the former [*unclear*: d] scended Tama-ki-te-ra, Tama-ki-[*unclear*: m] rangi, Rakeiora, Te Maru, Te [*unclear*: P] [*unclear*: lete,] Tera, Te Rangi-te-kehua, [*unclear*: w] kau-i-ao, Hinemihi, Te Puinga-[*unclear*: ta] Waka-toto-pipi, Weka, Te [*unclear*: R] Turoa, Pehi, Tupia Turoa, [*unclear*: K] Turoa, (Ngati-Hau.)

From Awa-hei-nui are [*unclear*: deec] Rangi-nui, Rangi-roa, Rangi-[*unclear*: tafl] akau, Titi. Tata, Rere, [*unclear*: Tahinga] ka, Rongokako, Tamatea. [*unclear*: (The M) ti-Kahungunu come from [*unclear*: Tamates].

[The line from Awa-nui-a-[*unclear*: n] through the Ngat-Hau [*unclear*: trib] Whanganui is too short and [*unclear*: is] reliable.

Some of the Mataatua [*unclear*: people] tain that Toi-kai-rakau was a [*unclear*: you] brother of Toi-te-hua-tahi [*unclear*: and] his whakapapa thus:—[*unclear*: Tawha] ried Te Para-uri who had [*unclear*: issue] rangi who married Heihei [*unclear*: who] issue Te Waero who married [*unclear*: Ng] [*unclear*: buru]-manu who had issue Toi-te-hua-tahi and Toi-kai-rakau.

Toi-te-hua-tahi had four children, [*unclear*: t] Kura-whakaata, daughter, and [*unclear*: Rauru] Awa-uui-a-rungi and Rua-rangi-mua, son.

From the daughter descended Ha [*unclear*: Ki-]te-rangi, To Rungi-tu, Moiti, [*unclear*: Ruatapu,] Rakeiora, Tama-ki-te-ra, [*unclear*: fama]-ki-hiku-rangi, Rakeiora, [*unclear*: Wha-] Te Puka, Tete, Tera, [*unclear*: Tama hi]-ora Ira-tu-moaua, Rangituhi, [*unclear*: la-poho], Te Rewa-o-te-rangi, [*unclear*: Ta-i]-te-iangi, Patu-pakeke, Tapuika-[*unclear*: A H.] T. Pio, H. T. Rere-kino, and [*unclear*: Ranata] Katu. (Ngatiawa tribe.)

There are many tribes who trace [*unclear*: hair] descent from Toi through Rauru [*unclear*: hat] very few genealogies through Te [*unclear*: Hura] whakaata, Awa-nui-a-rangi or [*unclear*: ragi]-i-mua are obtainable.

This is the descent of Te Kura-i-[*unclear*: snoa,] wife of Toi:—Rongo-ma-tane, [*unclear*: e] Ao-nui, Te Whetu-nui, Te Whetu-[*unclear*: n Te] Hika-nui, Kura ariki and Te [*unclear*: From]-i-monoa the wife of Toi-te-hua-thi.

From these descendad Rauru, Ha [*unclear*: ga], Tahatiti, Tato, Rere, Tahinga, [*unclear*: ka,] Rongokako, Tamatea, Whaene [*unclear*: r] Haurangi, Rongotangi-awa, [*unclear*: peke] and Awatope

From Awatope sprang Tamatea-[*unclear*: he] and Ira-warō.

From the former descended Tai-[*unclear*: paka]-ca, Te Kura-tapirUrangi, Ika-[*unclear*: ku] Te Rangi-tupu-ki-waho, Tai-[*unclear*: ka]-ea II, Nuku, Paeaka. Te Hema-[*unclear*: as] Te Puta rere, Te Hamai-waho, [*unclear*: ui] Hoani-te-ua and Te [*unclear*: Huri-] (Ngatiawa tribe.)

[*unclear*: From] Ira-warō sprang Hika-kino, [*unclear*: I] Rangi-houhiri, Ruaroa, Tamawera, [*unclear*: I] huru, Te Uataha, Wero-kanohi, [*unclear*: g] [*unclear*: Harawira,] Te Hapimana and [*unclear*: Rela] Katu.

From Ruaroa also came Tauwhitu, [*unclear*: leoga,] Te Hemahema, Te Umu-ok [*unclear*: kahu,] Rangitakinaahinu, [*unclear*: Ringa]-Harata Paraone, Wani-mate-wai [*unclear*: wa] tribe.)

Here is auother line from Toi-te hua-tahi through Rauru:—Toi-te-hua-tahi, Rauru, Maahu-nui, Maahu. piki, Maahu-kake, Maahu-puku, Te Rangi-taupiri, Tamaka, Wai-rere, Te Ao-hurunga-a'te-ra, Te Ao-huruuga-a-te-ao, Tute-ao, Rongo-mai-n-Rua, Tupare, Uawera, Kai-nuku, Te Huanui, Te Manawa, Te Piki-huia, Paeaka, H, T. Pio, Te Rere kino and Ronata Katu.

## Chapter III.

THE ABORIGINAL TRIBES OF THE BAY OF PLENTY DISTRICT AND VOYAGE OF THE ARATAWHAO TO HAWAIKI.

The lands whence the Maori came were known as Hawaiki (Ko te huhua o nga kai, koia Hawaiki.) The tribes of Toi dwelt iu Aotearoa. The name of the whole world was Mataora. And the descendants of Raugi separated and commenced their allotted tasks in the world, in the presence of Tu, and Tane, and Tangaroa, and

Tawhiri matea, and Rongo and of Cangotango. And Tane quarelled with Tangaroa. (the Polynesian Neptune,) and the weapon of Tane, (god of forests and birds,; wasa net—and the myriads of Tangaroa were destroyed. The weapon of Tangaroa against Tane was a snare—and the myriads of Tane were destroyed. And Tu strove against Tawhiri-matea—and this is the saying:—

*"To Ika-a-Tu*

*Te Ika-a-Rongo,"*

for those who fall on the field of battle.

And the nations of the whole world became scattered and no sound was heard save the wailing of the Children of Tane.

Such was the origin of all evil in this world—the strife that those beings began—and the evil descended to

the men of Hawaiki, and to the time of Uenuku, and of Hou, and of Ta ma-te-kapua, and of Manaia. And in the time of the great battles which men call Ihu-motomotokia, Tarai- whenua-kura, Te Tahuna a-Tara and Maikuku-tea, these evils descended upon Aotearoa. Thus evil came to this land for the first time, for the people of Aotearoa, the tribes of Toi, were not an evil people. They dwelt in peace on the earth and lived well towards each other.

Here are the tribes of the "tangata whenua" or aboriginal people of Aotearoa (New Zealand) together with the names of the ancestors from whom they sprang:—Ngatitu Tuoi sprang from Tara-roa; Tini-o-te-Makahua sprang from Ngai-nui; Tini-o-te-Marangaranga sprang from Ngai-roa; Rarau he turu kiruki sprang from Ngai whare-kiki; Rarauhe-maemae sprang from Ngai-whare-kaka; Tawa-rarau-ririki sprang from Ngai-roki; Tururu-mauku sprang from Ngai-roku; Tini-o-te-kokomuka

Sometimes called Te Tini-o-te-Kokomuka-tutara-whare.

sprang from Ngai roka; Tini-o-te-Kawerau sprang from Ngai-peba; Raupo-ngaueue sprang from Ngai-tafcetake; Tini-o-Toisprang from Ngai-te-huru manu; Tira Ma-aka, Hapu-oneone. Heketanga-rangi, N garara-whakawa, Kahui-k-uta, Ka-hui-ki-tai, Kahui-ki-waho, Kahui-ki-tua, Patu-paiarehe.

I will now give the descent of the Maori people from the ancient people of the land, that is from the tribes of Toi :—

Ko nga take tupuna mai tenei o nga tangata o tenei motu.

TUOI: Te Papaka-whiroe, To Nga-rara-whakawa, Te Rakau-nango, Te Kotore-nui-o-Tawa, Te Rakau-papa-ka, Te Huruhuru-o-Puketapu, Tini-kura, Koutu, Te Papa-tu-rarangi, Waitaha-ariki-kore, Hahuru and Tu-wharetoa-i-te-au-pouri. (Incomplete.)

TE RARAUHE-MAEMAE : Te Purotuo-te-rangi, Taitumu, Puhou-tahi, Te Kura-a-rangi, Tama-rakei-ora, Ira-tu-moana, Rangi-tuhi, Tama-poho, Te Rewa-o-te-rangi, Tahia-i-te-rangi, Patu-pakeke, and Tapu-ika. [*unclear*: ] plete, see ante. Three more [*unclear*: ges] tions to present time.

TE MAKAHUA : Tapui-rangi [*unclear*: J] Amo-o-te-rangi, Pou-atua. Tu mi Te Kawe-o-rangi, Mihi-tu, Te [*unclear*: le] rau-tangi, Te Pae-ki-ta whiti, [*unclear*: Re] mai-te-ngangana, Tu-tapiri-ao-*[unclear*: l] go-te-ahu, Tama-rangi, Te [*unclear*: Pub] Kangi-i-waho and Rangi-*[unclear*: tuhi] ante.)

[There are many tribes of this [*unclear*: j] descended from Te Tini-o-te [*unclear*: M] hua.

TE RARAUHE-TURUKIRUKI : [*unclear*: Te] ko-kura, Moe-tara, Ipu-rangi Ono-ono-mai-waho, Whaene, [*unclear*: T] kura-tawhiti, Haurangi, Rongo-*[unclear*: t] awa, Ira-peke, Awa-tope, In [*unclear*: J] Hika-kino, Te Rangi-houhiri, [*unclear*: P] te-auria, Tohu-kino, Te O, [*unclear*: Te M] Te Arumanga, Te Kai-*[unclear*: takin] Tapuika. (Ngatiawa tribe, [*unclear*: m] generations. See ante.)

Friend! Here is another line [*unclear*: a] Te Rarauhe-maemae:—

TE RARAUHE-MAEMAE: [*unclear*: Hin] Te Apa-apa, Pare-iti, Tihori, [*unclear*: p] puku, Hine-tara, Te Kohu-*[unclear*: tans] ko-tare, Hine-ana, Hine-*[unclear*: hau] rangi, Taruru, Kaha-o-te-*[unclear*: when] Rae-rino.

TE TAWA-RARAU-RIRIKI: [*unclear*: Peb] Hine-te-ariki, Hahuru, [*unclear*: Tuwhere] Rakei-marama, Te Kotiri, [*unclear*: Tub] Whiu, Te Awe, Te Ore, Te [*unclear*: A] Te Akau-rangi, Te [*unclear*: Whaka] Te Rere-kino, l. R. Katu, 2 [*unclear*: B] koroko. From the former [*unclear*: k] Ringo.

TE TURURU-MAUKU-: Te [*unclear*: K] Ipu-tere, Rau-kura, Mataka-*[unclear*: ara] ko-te-rangi, Noho-tu-te-*[unclear*: rang,] inu, Roma-i-tuki, Irawaro, [*unclear*: Hiks] Te Rerehu, Taraika, Te [*unclear*: M] Tama-hoe, Kanohi-kino, Te [*unclear*: B] mana Harawira and Renata [*unclear*: Kar].

TE KOKOMUKA-TUTARA-WHARE Maire-o-te-rangi, Te [*unclear*: Pupu] rangi, Te Rangi-whanake, [*unclear*: T] nui, Te Huaki-o-te-rangi, [*unclear*: M] [*unclear*: tara], Te Hiko-o-te-rangi, Paepae-toro, a [*unclear*: Teutuku.] Te Rangi atea, Roro ma-*[unclear*: ga,] Te Puhi-o-te-ariki, Nga-kohu-*[unclear*: te.] Te Ipu-whaka-tara, Tawake-a-*[unclear*: m]. Wainui, Rau-kura, Tamaka, [*unclear*: Hine]-mauku-rangi, Rangi taua, Pu-*[unclear*: Er] rata, Pakohu, Te Aka-kura, [*unclear*: Rangi]-taia, Patu-pakohu, Kai-whaka [*unclear*: e] Te Pori-o-te-rangi, Patu-pakeke, [*unclear*: uika] and H. T. Pio (Ngati-Awa [*unclear*: be.]

TE KAWERAU : Te Kakau-o-tatan. Me-roa-taki, Te Puni, Te Puni, Mahanga, Te [*unclear*: Whakarau], Kur-whata, Moe-toka-*[unclear*: ki], Tuara, Kaahu-nui, Kaahu-tara, [*unclear*: and] Hine-pona who married Manu-whare

From these two sprang Manawa, [*unclear*: Tanu]-maoko, Pukeko, Tawari, Te Ur-waea, Patu-pakohu. Kai-whaka-es [*unclear*: Te] Pori-O-te-rangi, Patu-pakeke, [*unclear*: Tapuika] and H. Tumutara Pio.

TE RAUPO-NGAUEUE : Te Uaua, [*unclear*: Kiri], Te Hekenga, Tipaki, Te [*unclear*: loahi], Mahanga-i-te-rangi, Ira-kare-*[unclear*: Ira]-tuata, Potiki-a-rebua, Tamaka, Waipuna, Karaka. Rua, Karaka-hua [*unclear*: m] Kni-whakapae and Te Pori-o-te [*unclear*: gi]. (See ante.)

Here is the genealogy from Toi-te [*unclear*: Ki]-tahi through the Ngati-Awa of this district:—

TOI-TE-HUA-TAHI: Rauru. Hatongo, [*unclear*: hahatiti], Rua-tapu, Tama-ki-te-ra, [*unclear*: ma]-ki-hiku-rangi, Rakei-ora, Wha [*unclear*: -Kiore,] Te Puka, Tete, Tera, Tama-*[unclear*: kei]-ora,

Ira-tu-moana, [*unclear*: Rangiotuhi] tama-poho. (See ante)

I will now cease these genealogies from ancient times. The people who [*unclear*: me] from Hawaiki became mixed [*unclear*: Blh] the original people of this land, and the issue was numerous. Awa-*[unclear: Kai]* Whakatane, and Toi-te-hua-*[unclear: Hahi]* were the principal ancestors, and [*unclear*: the] descendants of these extend as [*unclear*: hr] as Ngapuhi and away to the south. [*unclear*: But] the original man (of influence) [*unclear*: of] Aotearoa was Tiwakawaka. From [*unclear*: Hm] was descended Toi-te-hua-tahi, [*unclear*: id] from Toi came Ira-tu-moana, and from Ira come myself and the men of this day.

Now, listen! In those distant times of the past there were tribes of strange people who dwelt in this land, people who lived on the mountains and in the forests and were not often seen by the men of the World of Light. Such people were different in appearance to our ancestors and looked like spirits or gods.

From To Haketanga-rangi and Te Hapu-one-one are descended the Maori people from a human source.

Through Te Kahui-*[unclear: kiutu]*, Kahuiki-tai and Kahui-ki-tua the Maori is descended from the gods.

Through To Kahui-te-waho come the taniwhas of the ocean. Should a canoe be coming from distant parts it was helped forward on its way by these taniwhas.

I will now tell you of a canoe that left Aotearoa for Hawaiki in the days of old:—

In the days of old when the people of Toi dwelt in this land the life-saving food of Aotearoa was the aruhe (fern root). The aruhe was dug from the ground and the relish for that food was the produce of the ocean. This was the food of the ancient people of this land, together with the following:—

- Harore
- Hawai
- Tiki-tahora
- Mamaku
- Ti-tawhiti
- Ti-repo
- Nikau
- Karito
- Pikopiko
- Aka-raupo
- Para
- Paraharaha
- Tahuna
- Kekerewai
- Toke
- Pohue

Now there were two men, Hoaki and Taukata who came from Hawaiki and landed at Whakataue, where they were seen by Te Kura whakaata, the daughter of Toi who lived in Te Kapuo-te-rangi pa. Te Kura conducted the strangers to the pa and said to Toi:—"Here are strangers from Hawaiki, from Mataora." The men of Toi gazed with wonder upon the strangers and then prepared food for them. And so great a noise was made by the people pounding fern-root that the visitors enquired as to the cause of the sound. "It is Haumia-roa," replied the tangata-whenua. The strangers pondered over the hard fare of their hosts and they said, "Kua whiti mai te kura o Hawaiki," (the treasure of Hawaiki has arrived,) that is to say the kao kumara. And they mixed the kao in the calabash called Tiraha, and gave it to Te Kura-whakaata, daughter of Toi, whose brothers were Rauru, Awanui-a-rangi and Apa. Thus was the kao brought from far Hawaiki in the "tatau pupara" of Hoaki and Taukata. And Toi, on tasting of the sweet food said, "Koia te kura kei Hawaiki." Then again. Me aha ra e taea ai o Hawaiki?" (How can Hawaiki be reached?) They said, "By canoe." Then was the canoe called the Aratawhao made, with the axes Manokuha and Waiheke, in the Great Sacred Forest of Tane which covered the whole land.

The length of the Aratawhao. from kei to ihu, was eighteen fathoms, and the length of the haumi was fourteen fathoms. This was the only canoe of this land that went to Hawaiki to procure Kumara and there were 140 men went in her, chief of whom was Tamaki-hikurangi. And one of the strangers remained at Whakatane and the other sailed in the Aratawhao as a guide to Hawaiki.

These are the men of Toi who sailed in the Aratawhao:—

- Tama-ki-hikurangi
- Rakeiora
- Te Puka
- Te Whatu-pouri
- Te Whatu-potango
- Tata-puku



- Kauae-puku
- Nuku-taria
- Pouranga-hua
- Whatu-kiore
- Ira-te-wehenga
- Mawake
- Tikitiki-o-te-rangi
- Awa-hei-nui
- Ue-apa
- Awa-hei-roa
- Awa-morehurehu
- Awa-nui-a-rangi

All these men returned to the parent land, to Aotearoa. Though it [unclear: is] that Aratawhao did not return [unclear: but] abandoned in Hawaiki.

[Another informant tells [unclear: n] Whata-kiore and Ira-te-wehenga Whatu-pouri, and Ue, and [unclear: w] potango, and Tama ki-hiku rang turned from Hawaiki. They [unclear: s] bled and came on board the [unclear: J] canoe which is called Horouta pilot of that canoe was [unclear: Kahukn] te-rangi, who stood with [unclear: one] upon the ocean and the other [unclear: w] the land and when his face [unclear: app] like an arch in the heavens [unclear: f] Kahukura bending down and [unclear: be] him is his wife, Te Atua-wharor [unclear: J] te-rangi.

Te Uenuku-tawhana—The [unclear: s] for him is—

Tawhana mai te Atua-[unclear: whar] te-rangi

Kahukuma i runga Uenuku i [unclear: m]

Awhi kau Kahukura.

Kua riro Uenuku

To Atua-wharoro-mai te-[unclear: rangi]

Then came the canoes [unclear: Matan] Arawa, Tainui, Takitumu and [unclear: K] haupo. And with the [unclear: newo] from Hawaiki came evil [unclear: among] peaceful tribes of Aotearoa of [unclear: r] the whakatauki of Toi says:-whakawatea mai ai i te [unclear: pakangs] Tane, a Tu, a Rongo, a [unclear: Tangane] mahea te kapua o te rangi."

I will now give you the awa-[unclear: n] of the Aratawhao, that is of [unclear: Tans] hiku-rangi. This is the tata [unclear: of] Aratawhao:—

Patu hoki taku tata  
 Ki te riu tapu nui o Tane  
 Rei kura, rei ora  
 Rei ora te mahaki-e  
 Ka turuturua, ka poupoua  
 Ki tawhiti o te rangi  
 Manawa mai ao-e  
 Tu mai awa, tu mai awa  
 Ko koe kei takahia noatia e [unclear: sr]  
 Tope ou nuku, tope ou rangi  
 Whati ki runga, whati ki raro  
 Maura marara  
 Pera hoki ra  
 Taku manu nui na Tane  
 Na Toroe  
 Ko tatau atu ki roto nuku ngaere  
 Mai whiwhia, mai a rawea  
 Mai a whakatokaia  
 Ka taka to huki rawea  
 Koro i runga, koro i raro  
 Koro i Tawhirimatea  
 Ki kona hoki koe tu mai ai  
 Ka hura te tamatea nunui

Ka hura te tamatea roroa  
Te kauaka nuku, te kanaka rangi  
Te ai a nuku, te ai a Rangi  
Te kura mai hukihuki  
Te kaweau tetore ai  
Tu mata, kokiritia  
Hoatu a waka ki uta  
Ngaru hinga atu, ngaru hinga mai  
I runga te tama-wahine  
I raro te taima-tane  
Huki-nawenawe  
I Ineci te awa ka whakairi  
ko irirangi te waka  
Ko irirangi te tangata.

Here is another is another karakia of the Ara [*unclear: vhaio.*] Ko te ingoa o te karakia, [*unclear: ruki*] i tana waka.)

Rukutia,  
Rukutia i te ihu mata pupuni o Tane  
Rekutia i te mata tapu nui o Tane  
Rukutia i te kohao tapu nui o Tane  
Rukutia i te rauawa tapu nui o Tane  
Rei kura, rei ora  
Rei ora te mahaki-e  
Ka turatura  
Ka poupoua ki tawhito o te rangi  
Ka manga mai ao-e

we begin again:—

From Tane descended—Rongo-ma-*[unclear: ne]* Whetu-nui, Te kura-tupu, Pani *[unclear: Ku,]* Te Tama-tapu-nui, Taputapu *[unclear: ku]* Makere Makere-roa, Mata-and Mataroa and Mataroa

These are the men, Mata-roa and *[unclear: house]* *[unclear: fata-roa,]* and these were the kumera, *[unclear: fonou-uri,]* Nono-mea, Haki-nono. *[unclear: These]* kumara were not brought over *[unclear: s]* the canoes, they were left behind. Were intended for the Arawa.

Tama ki hiku-raugi:—This was the great man of influence (mana) of this land. His was the mana of the pouahu before the arrival of the Matantua and other canoes. His pouahu stood at Whakatane in the time of Toi and Awa-nui-a-rangi, before the Arata whao went to Hawaiki in search of the kumara. The name of the tuahu of Tama-ki-hiku-rangi was Ma-kaka. The manuka at Whakatane and the 'pouahu at Whakatane' were the 'hirihiri' of that tuahu. There in the marae of Whakatane stood the tohunga ruanuku, the tohunga taua, the tohunga pukenga, and the tohunga taurira. At the tuahu they stood and recited the haka :—

Ka timata ko te haka a te mangamanga-i-atua.  
Ka haka te haka ki uta  
Ka haka te haka ki tai  
E tu ra i te huirangi  
A ha ha  
Ka haka ki tai ki te pouahu  
Ka kai taku rakau ki uta  
Ka kai taku rakau ki tai  
Hikihiki tai a roa no Tu  
Tihore Tu  
Te inati o Tu.

This is a word of explanation in regard to these who went on board the Aratawhao. Tama-ki hiku-rangi returned to this land. He came as a guide for the Mataatua canoe which made the land at Whakatane. But the canoe that sailed from this land was the Aratawhao. She remained behind at Hawaiki.

The cave where Toi-te-huatahi and Tama-ki-hiku-rangi and and Rakei-ora were buried is at Opihi. That was the burial place of our ancestors, even unto the time of their descendants, that was ever there resting-plain.

Another informant tells me that Toi was buried in a swamp called Te Huki-o-te-tuna near Whakatane.

In later times Putauaki (Mount Edgecumbe) became the burial-place. Afterwards the dead were buried in many places, in rivers and lakes and valleys and hills. The name of Puketapu is from Whakatane. It was there that the tuahu of Ira-kewa stood. Then our ancestors took the tuahu up the Rangitaiki Valley. Tama ki-hiku-rangi had a tuahu at Tarawera and also at other places. Te Wai-whakaata o-Hine-te-eriki is at Te Pakira, Te Wai-tapu-o-Hine-te-ariki is at Eangitaiki. Hine-te-ariki belonged to Waitaha, her daughter was Hahuru, and her descendant was Tuwharetoa-i te au-pouri who married Te Atua-rere-tahi and lived at Kawerau in order to guard his lands.

## Chapter IV.

### SOME ADDITIONAL PARTICULARS CONCERNING THE ARATAWHAO CANOE GIVEN BY THE UREWERA.

Should you be asked by men of this land—swift be your answer—I am from Rangi which stands above us and Papa which lies beneath us. And Kangi took Papa and their offspring were five--Paia-te-rangi, Tanewhirinaki, Tane-te wai-ora, Te Potiwha and Rangi-nui.

Friend! Hence sprang Taukata and Hoake who came from Hawaiki to this land in ancient times. Bangi-nui was killed by Heta in the war of vengeance for Tu-whakararo. Then Uenuku sought to obtain satisfaction for the death of his child. Then came the wars of old, Tai'paripari and Moana-waipu. Te Tihi-o-Manono was burnt, Hoake and Taukata came to Aotearoa. They came on Kga-tai-akupe. Which was a canoe formed of pungopunga (pumice). When Taukata brought the kumara from Pari-nui-te-ra, he said to his, grandfather.

Maru-tai-rangaranga, "What shall I take with me to the other side (ki rawahi?" And Maru said, "Take the preserved kumara, that is, the kao kumara." Enough ! They came, and landed at Whakatane. And Te Kura whaka-ata, daughter of Toi-kai-rakau who occupied Te Kapu at Whakatane, on going down [unclear: t] beach and approaching Nga-[unclear: T] Kupe overheard Taukata [unclear: re] the following incantation to [unclear: cause] sun to shine forth:—

Upoko, upoko, whiti te ra  
Tenei to wahine te aitia nei  
E te ngarara  
Upoko whiti te ra.

(The meeting of Taukata and [unclear: H] with Toi as given by Tuhoe is the same as the Ngati-Awa [unclear: V] They say that Totara-keria [unclear: a] Aratawhao were one and [unclear: the] canoe. The totara log out [unclear: of] the canoe was made, was [unclear: covered] drift wood (tawhaowhao) as it [unclear: l] the river bed, and hence the [unclear: na] Aratawhao. Tuhoe also [unclear: give] awa-moana of Te Aratawha.)

So Te Aratawhao sailed [unclear: forth] the Sea of Toi and went to [unclear: H] to bring the kumara from [unclear: Pari] ra. And Taukata and [unclear: Hoake] ashore and were met by [unclear: Ma] rangaranga who chanted this [unclear: seq] them:—

Ehika! Ehika! ka uwea [unclear: Koe] nga te ata ura  
Ki runga te ata mea  
Maku e ki atu—pikitia e [unclear: koe] nga te ngaru nui  
I runga te ngaru roa  
Waerea e koe i tai  
Ka pupuke i runga o te [unclear: Mo] a-kiwa  
E takoto nei  
Hurihanga a ngaru ki [unclear: wah] moano

Turua mai e koe kia Tu-[unclear: hik] Tu-hapainga  
Awa mai Nuku, awa mai [unclear: Rap]  
Rukuhia e koe i te ruku i [unclear: fe]  
Koia te rangi e tu nei. [unclear: e]

When the song was [unclear: ended] people drew near that they [unclear: might] the story of these voyagers [unclear: w] come across the great ocean [unclear: f] distant Aotearoa. And Maru-[unclear: f] [unclear: nga] said to Taukata, "Whoso com-[unclear: any] is this?" Taukata said, "Those [unclear: re] the Children of Toi." Maru [unclear: asked] Why have they come across the Dark Ocean?" "They have eaten of [unclear: the] sweet food of Hawaiki, the kao [unclear: nara,] which we took to Aotearoa, [unclear: and] they have come to obtain the [unclear: mara.]" So the men of Toi, of Te [unclear: atawhao,] were kindly treated by [unclear: the] men of Hawaiki who gave [unclear: them] abundance of kumara. [unclear: Then] was that the kura was obtained. Maru said, "Take with you the kura, [unclear: be] kura of Tai-ni-nihi. Then Te Ara[unclear: whao] returned to Aotearoa. After [unclear: at] came Mataatua which brought [unclear: e] Kura and the kumara and the [unclear: raka] and the taro. The [unclear: kumara] [unclear: tivation] ground was Matire-rau. [unclear: the] karaka were Tnpu-te-nui and [unclear: apu]-te-kakea. Enough! This was [unclear: he] first appearance of the kumara and [unclear: the] kura in this land, in Aofearua. [unclear: d] each succeeding generation has [unclear: fully] cultivated the kumara, even [unclear: to] the present, day. In time of [unclear: go]-karae the following saying [unclear: me] into use :—

*"Tikina ki walio kite whanan pani [unclear: ei] mahi i to rua kia torn ai hono [unclear: o] rua."*

Such was the saying in regard to the abundance of the kumara. Here [unclear: ds] the story of Te Avatawhao or Totora-keria.

## Chapter V.

### THE ABORIGINAL PEOPLE OF THE RANGITAIKI VALLEY.

How Tangiharuru and "Wharo-pakau destroyed Te Tini-o-Te Marangaranga.

The traditions preserved by the descendants [unclear: endants] of the aboriginal people of the Bay of Plenty District prove that [unclear: be] district between Tauranga and [unclear: potiki] must have been densely populated [unclear: ted] for a long time before the pre-[unclear: nt] Haori race arrived from the [unclear: awaikian] father land. The number [unclear: tribes] which occupied this district is quite astonishing and it is a fact that their descendants, who now occupy the Valley of the Rangitaiki and other parts, are proud of their descent from the pre-Maori tangata whenua and never tire of extolling the virtues of the "Multitude of Toi." In regard to the genealogies from the aboriginal tribes given in a former chapter, it is probable that the migrants from Hawaiki intermarried with the aboriginal people at the time of the commencement, of the genealogy and that the first name given is that of a tribe and not of an individual.

See genealogies from Tuoi to Te Raupo-ngaucue given in Chapter III.

In like manner, it is by no means certain that the great ancestor [unclear: r]Toi [unclear: flourished] at the time of the coming of the Mataatua canoe from Hawaiki, but more than probable that he had departed to Te Ranga generations before that time and that the tribal name (Te Tini-o-Toi) is preserved by the Mataatua migrants as that of an individual. It is strange to note how some of the people of the Rangitiki District are divided in their loyalty between Toi and Toron, [unclear: Tangiharu] and Wairaka, aboriginal and migrant. Not that it should be inferred that the indigenous were not a Polynesian people for they were simply an early migration of that far reaching race.

Since I have been [unclear: brought] contact with the descendants of the [unclear: original] people of this District, I have come to the conclusion that the primary ancestors of the tangata orata [unclear: whena] of New Zealand came from a totally different part of the Pacific to that which sent forth the [unclear: fleet] of [unclear: cauces] known among [unclear: them] as the historic story of [unclear: migration.] Not only were they of a different grade of culture but many of their traditions assert that their tupunas did not come from Hawaiki but from Mataora, which is a different place, and that they were descended from Maui.

I will now give what, few notes I have collected in regard to the aboriginal people who formerly occupied the Valley of the Rangitaiki and Whirinaki. This people were known as Te Tini-o-Te-Marangaranga-the multitude of the Marangaranga-and were destroyed by an invading host from the Hauraki district, under the chiefs Tangiharuru and Wharo-pakau. The whence of this invading force has been a subject for discussion, but

native authorities mostly agree in declaring that their original home was at Wharepuhunga, and that they left the Waikato district and journeyed to Hauraki where they remained for a time, afterwards coming on to Tauranga Matata and Rangitaiki.

It will, however, be well to let my informant tell his own story in his own way and in his own peculiar idiom:—

Friend! this is my thought, that you and I shall remain here for a while and I will recite the doings of my ancestors and tell you of tin? brave days when they fought the multitude of Te Marangaranga in the valley that lies before you. Fur, Behold ! Yonder is the hill from which the forces of Tangiharuru and Wharepakau first saw the lands On the Whinaki and the numberless homesteads of the tangta whenua. There flows the Wai-irohia, whose waters were red with the Mood of the followers of Haeana, and away to the right is the Mangamate, and where you see that dark shadow on the cliff that is Te Ana-kaj tangata-a Wharepakau from whence that old wairior was wont to issue forth and attack the people of the land. Now. Listen!

This is the story of the coming of Wharepakau and his nephew Tangiharuru. Who destroyed the people of Aotearoa. The tribe they destroyed was Te Marangaranga, and the place they came from was Ahuahu. The reason they left Ahuahu was on account of the poor quality of the fish of that place, so they went to Whare-puhunga. They did not stay long at that place, but, leaving Manawa-uha behind, they came away and [unclear: arr] at Oruamatua where they [unclear: utter] stroyed the people of that place. [unclear: Th] remained for some time at [unclear: Oruam] for it was a good place and [unclear: resen] Ahuahu, but when the food [unclear: because] short they left and went to [unclear: Otaman] (Tena ingoa o Otamarakau he [unclear: whe] tutanga no a raua rakau). From [unclear: C] place they went to Awa-tarariki [unclear: where] the people said—"Ekore korua e [unclear: p] i te Tini-o-Te Marangaranga. [unclear: T] will never escape the multitude [unclear: of t] Marangaranga.) Then came [unclear: for] saying of Wharepakau—"Tene [unclear: b] kokoti moe roa a Tangiharuru." [unclear: A] they left that place they held [unclear: a] sulfation and spoke as warriors [unclear: s] in the days of brave men. [unclear: And] place where they uttered those [unclear: spee] was named Whakapau korero [unclear: T] they travelled or until they entered the Marnugnrange who [unclear: one] the whole land, and they [unclear: we] talked by thousands of those [unclear: pe] and many were slain. And the [unclear: n] of that battle was [unclear: Tarewaka] These warriors did not [unclear: remisin] but travelled onwards and were [unclear: a] attacked by the [unclear: Marangranga] again the people of the land fell [unclear: s] name of that battle was [unclear: Kabu] nea. Yet another battle they [unclear: fo] it was Kowhatu kanihinihi, many slain. Then our ancestors [unclear: re] at Tataraknu and the food of [unclear: s] place was fish-eels, and [unclear: resemb] food of Ahuahu. It was at [unclear: that] that Wharepakau said to his [unclear: r] [unclear: Tangihn] :—"Let us cease [unclear: t] ling on the sea coast, and [unclear: rather] pursue the odour of the rich [unclear: food] the interior. T here will a [unclear: p] for us to live when we have [unclear: con] these lands." His nephew [unclear: con] and again they rose, and when [unclear: I] ascended Ohui they looked [unclear: up] whiuau which was covered with [unclear: s] from the fires of those they [unclear: ca] destroy. And it was hero that [unclear: t] great chief of these people [unclear: d] [unclear: gain] these warriors fought and again [unclear: e] survivors of the Marangaranga [unclear: pd] to their chief Haeana. And [unclear: I] pepakau and his nephew remainod [unclear: I] Mangamate and their place of abode [unclear: e] was cave, Te Aua-kai-tantrata-[unclear: wharepakau]—that is it. It was a [unclear: red] house too, like a pakeha's house. [unclear: t] house is still there and if anyone [unclear: ld] desire to look upon it—let them there and see see it.

[unclear: Wharepakau] said to Tangiharuru, [unclear: G] you by way of the Raugitaiki [unclear: d] Kaingarua and I will march by [unclear: aki] to T Whaiti-nui-Toi." [unclear: pharuru] consented to this [unclear: are] [unclear: ment] these two warriors [unclear: hed] forth to conquer the Multi [unclear: d] of the Marangaranga. Tangi-[unclear: pu] won the battle called [unclear: Puharau-] and to Wharepakau fell the pa [unclear: kokorahi] which stood at the base of i [unclear: e] Pae-whakataratara and just, below [unclear: s] Pewa a-Te-Winirehe. And the [unclear: ivous] fled to their chief Haeana, [unclear: d said,] "This man who has come [unclear: inst] us cannot be conquered for he [unclear: ls] two and three men with a blow [unclear: J] his taiaha." Then [unclear: aama] forth the [unclear: ying] Haeana:—" Haore mai! [unclear: re] mai! Kia kite koe nga Kaka [unclear: ppepo] popo a Haeana." (Come! Come! you may see the wood-rod-[unclear: g] kaau of Hoeano.) And Whare-[unclear: ak] [unclear: kan] heard of this boastful speech of ana, and he spake these words:—[unclear: Tena] kokoti moo ron a Tangiha-[unclear: ru] te haere atu na!" (Behold! The [unclear: g-] slum bering weapon of Tangiha [unclear: ru] is approaching!) When march-[unclear: g] in parallel lines the two leaders [unclear: gnalled] to each other across country [unclear: y] means of tires. When Tangiha [unclear: ru] advanced against Haeana, and [unclear: the] atter beheld him standing forth [unclear: a] front his army, Haeana advanced [unclear: ad] two leaders engaged in deadly [unclear: om] bat. The tangata whenua chief [unclear: ck] at the invader with his hoeroa [unclear: t] Tangiharuru despatched him with [unclear: a] taiaha. The two hostile forces then closed in to fight, and the struggle was a long and bloody one, but finally ended in the defeat of the aboriginal Marangaranga. And Tangiharuru settled at Puke-hinau where he died.

Whare-pakau attacked the aborigines at Te Whaiti-nui-a Toi. Their chief was Te Rae-kahu and the remains of his fortress. Te Pa-o-Raekahu, may still be seen at that place. The Marangaranga under Rae kahu succeeded in repulsing the force of Wharepakau and they fled, but their chief stood his ground and called on his men to turn and reform, which they did, and then Wharepakau again attacked the men of the land and assisted by his two otua, Reko and Kaka (he ruru tetehi he ngarara tetehi

The one was an owl the other a lizard.

) he defeated them and killed the chief Raekahu whose body was prepared and eaten at a stream since known as Te Awa-kai-kinaki-tangata-a-Wharepakau, even as a spring at To Whaiti known as Te Paopae kinaki-taugataa-Wharepakau. and a tree standing at that place is called Te Puku-o-Whare-pakau.

Whare-pakau then lived at Koitane, where his son Te Mauako and his grandson, Taketake were born. While he lived there the chief Ihura kau came from the east with a warparty to attack him at Te Whaiti. The strength of the war-party was 340 men. At the time that this party came to Te Whaiti, Wharepakau was away bird-catching in the forest, catching the tihe, the tieke and other birds. The pa was attacked by Ihurakau, and Te Manuko, son of Wharepakau, was slain, but the pa was not taken. Wharepakau was discovered in the forest by a party of Ngati-Kahungunu who took him prisoner among his bird-snaring apparatus, and they said to themselves—"This is Wharepakau. Let us kill him." But the captive said, "I am not Wharepakau." But the sons of Kahunguru persisted that they would kill him. Then he said : " Do not kill me until I have guided you to the hill which stands before us and from whence I will point out to you the pa of Wharepakau " The reason that he made this remark was that his man-destroying hoeroa was concealed in that hill in a bunch of tumingi. His captors consented and were taken by Wharepakau to the hill where his weapon was hidden. On arriving there he called them to come together, which they did, enquiring:—"Where is the pa of Whare-pakau ?" Upon this he thrust his hand into the clump of tumingi and grasped his hoeroa. Turning upon his enemies he attacked them with such desperate valour that they fled in dismay from a single man; (at least so say the Ngati whare, the descendant of Wharopa-kau, and as he raised his weapon to attack the foe he cried : "Kaore pea koutou e mohio—ka tini. Ka mano ki roto i a Whare nei," which remains as a pepeha even unto this day. So he returned to his pa and found the faua still camped there and his son dead, and he asked : " Where is Ihurakau?" His tribe replied: "He is at Raro-ti," Te Whaiti). And Whare-pakau uttered this saying: Mine was the evening tide. For you shall be the morning tide; I shall be with you in the morning." The old warrior determined to attack his enemy, and he asked his people: "What is the token of Ihu-rakau ?" And they said : "Ihurakau can not be mistaken; he bears three plumes upon his head, his garment is a mahiti his weapon is a taialia." And Wharepakau went forth in search of his enemy whom he attacked and defeated. Ihurakau fled and was pursued by Wharepakau who lost sight of him, but Ihurakau turned and made a sudden attack on Wharepakau who caught him and destroyed his people. So the [unclear: wa] Wharepakau returned to his [unclear: p] triumph, having defeated his [unclear: ene] And in after years it [unclear: happened] as he lay asleep one day on [unclear: f] the cliff, a hawk flying [unclear: over] caused him to wake suddenly. [unclear: J] mistaking the cry of the kahu [unclear: for] voices of men he fled, and [unclear: f] over the cliff he was most [unclear: grie] hurt And even unto this day [unclear: is] cliff known as Te Rerenga o-[unclear: Wh] pakau.

And in after years [unclear: Taketaks] descendant of Wharepakau [unclear: dw] Te Whaiti-nui-a-Toi and the [unclear: na] his pa was Te Pa-o-[unclear: Taketate.] it happened that Ngai-[unclear: Tang] hapu of the Ngati-[unclear: Kahungunu] heard that the descendants of [unclear: Wh] nakan-kai-tangata were still [unclear: livid] Te Whaiti. So a great war-[unclear: p] Ngai-Tangaroa came and [unclear: found] take and his people dwelling [unclear: i] pa The war-party surrounded pa, and in the night [unclear: Taketake] forth end standing on the [unclear: mai] his pa sung the following [unclear: w] araara:—

*"Ka mor te mata hi tuna,  
Ka ara to mata hi taua"*

(The eyes of the fishermen are [unclear: el]but the eyes of the fighter [unclear: are] And in the morning Taketake [unclear: ad] himself, and as he did so he [unclear: he] people calling : "O Take! The [unclear: e] are advancing; they are on the [unclear: f] tahi of the pa." taketake [unclear: rsp] "Let them come closer" [unclear: w] enemy arrived at the [unclear: kiri-tangata] Taketake came forth and [unclear: stood] maioro of his pa. Behold! [unclear: Se] had he ornamented himself, [unclear: se] man did he look, that the [unclear: adv] enemy baited to admire him gave the men of the pa [unclear: time] outside and surround the [unclear: enemy] ha! Then was heard the [unclear: s] clashing weapons, and blows. [unclear: a] death cries of brave men. [unclear: Th] of Tangaroa were defeated [unclear: a] remnants of the taua fled to the great forest of Tane which extends far away to the Land of the Rising Sun.

I will now give you the genealogy of Wharepakau and his descendants the have held the lauds of To Whaiti for so many years :

Wharepakau, Te Manako, Take-[unclear: take,] Te Rangi tuahiwi, Hika-paratai, Te Ringaringa, Te Au, Turero-au, Rangiamio, Rewi Rangiamio, Haare, Te Haupa (about 14 years old in 1895.)

Tangiharnru married Kura-nui and [unclear: had] descendants—Mahanga, Te Aroa-[unclear: kapa.] To Ukuhanga, Te Kiri-kaiaga-[unclear: hau]. Te Rangihira-rawa, Whata, Te [unclear: Uru], Rangiamio (an old man in 1895. Also see preceding genealogy.)

Enough! This is all the [unclear: inuorm] I have for my pakeha friends.

In reference to the above legend of the destruction of tin Marangaranga, I may say that local authorities do not agree as to the annihilation of that [unclear: ld] time people. The Ngati-Apa say that their great ancestor Apa-koki and this son, Apa-tamaiti, were the do-[unclear: sroyers] of Te Marangaranga, that the latter were defeated in a heavy fight at Pekepeke and uharaunui, about light miles above Galatea, and also that a battle was fought at Wai-iro-[unclear: la,] just below the junction of the Rangitaiki and the Whirinaki rivers.

However that may be, it is certain that this district was populated by a numerous people at the time when the Maori arrived, when Mataatua and Te Arawa ended their long voyage on the shores of the Bay of Plenty. Most of the natives at present living in the district have a heavy strain of aboriginal blood in them, and although [unclear: any] of the younger men deny the [unclear: ristence] of the tangata whenua, yet the old men are well versed in the traditions of the remote past and speak [unclear: kith] pride of Toi and Awa, of Haeana [unclear: Kid] Tama-ki-hikurangi.

It would be interesting to know [unclear: that] peculiarities are derived from the ancient people of the land, peculiarities of speech, custom and appearance seen among the Tuhoe people. Whence comes the want of the pronounced nasal that obtains among these people and the many ancient words still preserved by them and not known in other parts of the land. From whence come the numerous urukehu, the fine-fea-tured red haired people seen among the hapus of the interior, the Tama-kai-moana of Maungapohatu and the Nga-Tawhaki of Ruatahuna. From whence is derived that old-world custom which obtained in the Land of the Urewera since the days of Taneatua, and for possible centuries before that time; the worship of which is as old as the oldest race and as far spreading as the great sun myths—the custom which was probably one of the earliest forms of religion—the cult of the phallic symbol.

Many such thoughts come to one when looking upon this singular tribe, and I hold it as a fact that no more interesting people exist south of the Line than the Tuhoe of the Urewera Country.

The state of isolation in which these people have lived for many centuries has preserved the peculiarities which They probably derive from the multitududo of Toi, and it is certain that a close study of their dialect, customs and legends would amply reward the [unclear: ethnologist]—if he does not come too late.

The descendants of Tuhoe potoki are the most conservative of Maoris and never tire of telling the wondrous tales of old, of the old warriors who made history on the battle-grounds of Ruatahuna and Te Wairoa, of Te Papuni and Te Whaiti-nui-a-Toi. They tell in serious tones of the formation of the Waikaremoana Lake, of Mahu and Haumapuhi; and of the huge Taniwha Ruamano at Te Papuni, of the enchanted dogs of Tane-atua, and the woman-demon, Hine-ruarangi, who appears to men in the form of a bird and whose appearance is a sign of death. Of the strange lakes Otara and Kongo-te-mauriuri far away on Maungapohatu where is found that singular bird, the wewei. And of Nga Whatu-a-Maru, the sacred cave, where the ancient dead are lying, and the huge bones of the moa are seen. And of many other strange things of olden times, such as are ever believed in by an uncultured people, and at which we can scarcely afford to laugh, for of a truth we are not yet emerged from the wood of gloomy superstition in which we have been wandering for so many ages.

## Chapter VI.

### ANCIENT WARS—THE MAORI HADES—TRADITIONS—THE PHALLIC SYMBOL.

#### The Commencement of War and Evil Deeds. (Ngati-Awa.)

We will now begin anew anent the traditions of old, the arranging in order of the wars which were waged in the time of the gods—wars begun in the time of Tane, and Tangaroa, and Tu, and Rongo, and which were fought over their estate or cultivation named Pohutukawa, not that it was a culti vation such as we know, it was simply an expression for the world. For they were the first beings of the world and so the world was considered as their estate. Tane is the great ancestor of man. Tu was also an ancestor, and his legacy to the human race are the wars waged on earth. Tangaroa was an ancestor—the fishes of the ocean are from him. Pongo was an ances tor and the parent or guardian of the foods cultivated by man. In the time of those gods war commenced in the world. Tane fought Tangaroa, a net was his weapon, and the multitudes of Tangaroa (fish) which were cast ashore were consumed by the progeny of Tane (birds). And the multitudes of Tane destroyed by Tangaroa were consumed by the murmuring thousands of insects. And Kongo besought that he might obtain the direction of

the Great [unclear: B] ginning, but Tu would not [unclear: com] Full long they strove, and this is [unclear: t] saving of Tu:—

'Koia moenga kura, koia moenga [unclear: t] Rongo alone of those beings did no [unclear: s] If Rongo had obtained the ruling [unclear: s] the world, all generations of [unclear: n] would have been peaceful tillers [unclear: s] soil, all nations would have lived [unclear: g] one man and the only labour [unclear: perfor] that of cultivation : War would [unclear: m] have existed in this world. [unclear: F] Rongo comes the peace which [unclear: s] nations possess. From Tane [unclear: e] Tangaroa and Tu come the wars [unclear: a] evils of the world.

After the time of Tane-nui-a-[unclear: ru] and [unclear: Bangaroa,] and Tu and [unclear: Re] and Tawhirimatea, there came wars of their progeny, of [unclear: Tangot] and Tini-whetu (the [unclear: mult] stars) and during those wars [unclear: r] that progeny scattered far and [unclear: w] as also the scales of Takero, [unclear: which] the shooting stars, and the [unclear: clus] myriads seen on Mangaroa (the [unclear: M] Way).

After this came the dissension Maui-[unclear: ukitiki]-o-Taranga and his [unclear: e] brothers—Maui-Mua, Maui-[unclear: t] Maur-pae and Maui-roto. Maui-[unclear: t] tiki-o-Taranga whose other nana [unclear: s] Maui-potiki. sprang from a [unclear: dr] blood (menses) dropped by his [unclear: m] Taranga who wrapped it in her [unclear: b] band and cast it into the waters. [unclear: d] from that small matter grew [unclear: M] potiki, whose father was [unclear: Tanga] te-rupetu. And as Taranga sat [unclear: by] door of her house she [unclear: counted] children—one, two, three, [unclear: four,] "The fifth is not mine," cried [unclear: Tar] but she had forgotten all a! out [unclear: the] ing the whakatake into the [unclear: wa]

This was the first time that [unclear: Mani] menced to deceive and cause [unclear: tr] He it was who deceived [unclear: Pani-t] and Mahuika, and Tuna, but [unclear: where] attempted to deceive Hine-nui-[unclear: te] then indeed he met his fate. After [unclear: that] time came the wars in which [unclear: Tuiuru] was killed by Makaue. Then the wars of Tinirau, Tutunui, [unclear: Ruatapu,] Uenuku, Hou, and many more. But let us cease these tales [unclear: r] for they are very long.

Wars of Our Ancestors (Ngati-Awa.)

One of the great labors of our ancestors the destruction of taniwha. Tu-te-maunga-roa was a huge dragon [unclear: st] lived on the trail to Taupo and [unclear: ties] of men travelling in that direc-[unclear: n] were destroyed by it. Then Te [unclear: ru]-waewae, an ancestor of mine, [unclear: ter] to that district and slew the [unclear: ter] that had destroyed so many of the descendants of Tuwharetoa, Mawake-hore gave his daughter [unclear: Maunga]-kohu as a wife for Te Uru-[unclear: wae]—and this is my descent from them:—

TE URU-WAEWAE—TE MAUNGA[UNCLEAR: RU:] Te Pik-tu-o-Rehua, Te Uru-a Patu-pakohu, Kai-[unclear: whakapae.] Pori-o-to rangi. Putu-pakeke, Ta-[unclear: ka] and Tumutara Pio. (Born [unclear: nt]1814).

Ruai-moko-roa was another tani-that was destroyed by the [unclear: sons] Tuwharctoa, and the cave [unclear: where] dread creature was killed may [unclear: will] be seen by man. This great [unclear: feat] accomplished as an act of bravado account of the evil words of [unclear: Rangi] and Tangaroa towards Taupo-nui-[unclear: This]. Their evil act was the cause [unclear: Ioo] being acquired by Tuwhare [unclear: ple] For Taupo belonged to another [unclear: ple] to Ngati-kurapoto and Ngati-[unclear: tu] a nomadic people they were, [unclear: d] not like the Marangaranga who a [unclear: re] a people long resident in the [unclear: ed] and the chiefs were Te [unclear: Ngarara-] and Te Rakau-pango. [unclear: se] ancient tribes covered the whole [unclear: d].

There was another tribe who were [unclear: ked] by the sons of Tuwharetoa, [unclear: ribe] which came to attack Tu-tewero but was defeated by the son of Maruka and the survivors fled. Then the sons of Tuwharetoa returned covered with glory. And Mawake here and the sons of Tuwharetoa at tacked the Ngati-Tuoi at their place, Te Ana-ruru, and defeated them Then cried the Ngati-Tuoi:—"A-ha-ha! Riri noa, patu noa. Why do these tribes from afar come hare to destroy us? Why do ye slay the Ngai-Tuoi?" And we still remember this saying of the Tuoi: "Riri noa, patu noa." That tribe, or the remnant thereof, became mixed with our ancestors, but their story has been preserved and disclosed in your pakeha Land Courts, as also that of Te Marangaranga. But I do not believe that the Marangaranga were a people given to war and fighting, still I have no great knowledge of the ancient people of the land—e kore au e aro ki tena. If it were a matter of tracing the history of our Hawaikian ancestors, then indeed would it be clear to me. There was no cause (take) For a war between Ngati-Tuoi and Te Marangaranga. If they fought, why do we not know the take of the war? It was not so. The abiding word of Ngati-Tuoi and Te Kawerau and To Rarauhe-maemae—a single expression was theirs—"A ha ha! riri noa, patu noa." There is no take for war in such words.

Friend ! There is one kind of pakeha dog that has the knowledge of sheep, but if a common or evil dog goes among those sheep, they do not resist him—even so was it with the Tuoi and the multitude of ancient people of this land.



## BURIAL.

Karakia were used when carrying the dead to the caves where they were laid. The entrances to these caves were closed with slabs of stone so that no man might find them. It is only the tohunga who recites the incantation as he goes along. This is the karakia

Prayer—Incantation.

:—

*"He kimihanga, he rangahautanga  
Ka kimi ki hea ? Ka kimi ki uta  
Ka kimi ki hea ? Ka kimi ki tai  
Ka kimi ki te po  
Ka waere ma Kere-ta, ka waere ma kere-ti  
Ka kitea mai te hau o te tipua  
Te hau o te tawhito mai te rangi tu  
Kei te kahui mate i te po  
Kei te kahui ora i te ao nei  
Tena ka kitea koe ki tua  
Ka kitea koe ki te wai ao  
Ki te ao niarama."*

## DEATH.—THE MAORI HADES.

This relates to death and the final abode of the spirit of man. The spirit of the dead travels far away to the north until it arrives at the 'Spirit's Leaping Place,' at the summit of the great cliff, and there the spirit halts and laments, wailing for the World of Light left behind and lacerating it self sorely, for on the summit of that dread cliff there lies a heap of mata

Flint or obsidian—used for cutting purposes.

for the use of passing souls. And having bewailed the Joss of this world the spirit descends the cliff by the vine that hangs down from the summit. And then the spirit moves onward and stands upon the rock which stands at the entrance to the Reinga, the Hades of the Maori people. And from the entrance to the lower world there comes a wailing sound. Then the waters are exhaled from below and recede, the great masses of seaweed are swirled aside, and the way is open, and the spirit, passing onwards, stands in the other world. And in that world a great light appears, and there is no darkness, it is even like unto the Ao-Marama.

The World of Light, i.e., of Life.

And the spirit, passing on comes to a certain wall and it spirit should pass over the w will return to this world, but s it enter beneath that wall, then [unclear: d] gone from this world fur [unclear: ever.] proceeding onwards, the [unclear: spirit] counters those who have [unclear: gone] him—the ancestors and parents [unclear: of] people of this world. A long [unclear: w] greeting is exchanged, and [unclear: s] food be offered to the newly [unclear: an] spirit and eaten by it, then is it [unclear: l] doomed to remain in the [unclear: Reinga] all time.

There are ten different [unclear: hearm] worlds iu the Reiuiga, from the world to the tenth world or [unclear: herd] the final resting place of [unclear: spirits]

## THE DEAD RETURN TO MOTHER [UNCLEAR: R]

This is the decree [unclear: referring] highborn descendants of [unclear: Tik] the death of the sons of Rangi heavens) and Papa (the [unclear: earth] said : Let our offspring re-[unclear: en] that is, let them be gods like [unclear: w] preme, having power over [unclear: that] ments But Papa said :No [unclear: the] is past for that; their [unclear: rehellio] us, their parents, has [unclear: alteted] nature; rather leave then [unclear: to] them return within me. As [unclear: l] bring them forth to the light [unclear: u] so shall they return within [unclear: m] there remain. My care shail company of the dead. They [unclear: s] ter my bosom and be as a host [unclear: a] dead in themselves. They are [unclear: a] but they are still my offspring [unclear: f] shall know death—not like [unclear: vo] () Rargi, live for ever.

## THE STORY OF TE KURA-I-[UNCLEAR: MOM] TAMA-I-WAHO.

An Old-time Legend of the [unclear: Al] People. (Ngati-Awa.)

The story of old, of [unclear: ancient] of our ancestors. It is [unclear: this] wife of Toi-he-tua-tabi was [unclear: f] i-monoa and their children [unclear: w] ru, Awa-nui-a-rangi and [unclear: Te] [unclear: kaata.] The wife of Toi was visited [unclear: an] a who descended from heaven [unclear: hose]name was kama-i-waho, [unclear: some]tribes call him Puhao. The sleeping-place of Toi was [unclear: e] door of the house and was [unclear: a] screen, as was the custom [unclear: iefs,] and his wife's place was [unclear: further] end of the house. In [unclear: lie] of the night Tama-i-waho and Te Kura-i-wnonoa mistook [unclear: r] her husband. This occurred [unclear: times] and one day Te Kura [unclear: Toi:] Is it you who comes into [unclear: ie] at night? And Toi said: I [unclear: t] entered your house. Then [unclear: a] "Kura-i-monoa: I am with [unclear: y]a man who comes in the [unclear: hen] I am overcome with sleep, [unclear: old]! a strange light is cast [unclear: y]bed, and a great fragrance [unclear: ed] from that strange person. [unclear: l] am with child, and I desire [unclear: y]crevice in my house shall [unclear: ully] closed, even the smallest [unclear: So]Toi closed up all the [unclear: ore-]the house of his wife and at [unclear: ht] he entered therein. And he the whole house illuminated [unclear: strange] glow, a singular [unclear: radi-]And he saw Tama-i-[unclear: waho]the house, and TeKtira-i-[unclear: was]startled so much that her [unclear: s] born, the child of Tama-i-[unclear: he]child whom men call Oho-[unclear: i].This child is one of the of the people of this land, [unclear: m] the, Western sca to the the Rising Sun.

## THE HUE MAORI.

The vegetable eaten by the Maori [unclear: elden] days was the hue (gourd), [unclear: hue] was not brought from [unclear: Hawaki] it belonged to this land, to Toi. [unclear: An] obtained it from hie ancestor, [unclear: as] Putehue. When the warmth of [unclear: mer] began to be felt, the labour [unclear: planting] the hue began. It was [unclear: ted] on the fifteenth and sixteenth [unclear: of] the moon (kia Turu, kia Ra-kau-nui). That was the way in which the hue was made to grow in the olden time and here is the karakia:—

Pute-hue, kia tuputupu nui koe  
Ka porotaka i nga ringaringa  
Karakia kia ahua hu nunui koe.

The name of this hue was Putehue, and of this kind was the oko of Toi-tehua-tahi into which the kao of Hoaki and Taukata was put, the name of which oko was Tirana. This hue was not from Hawaiki.

The whakatauki of Putehue is:-Kongakakano o rotoia au hei utu waimoakumokopuna. Kotetehi o ngakakano he tane, tena e koreiawhaiuri. (The seeds within me shall become vessels to contain water for my descendants. One of those seeds is a male, but that shall not bear fruit).

## HOW OIL AND OCHRE WERE OBTAINED.

This is how we obtained oil for foasts and the kokowaiwherowhero in former times.

We obtained our fish oil in this manner-wo hung a puku-mango up to a tree for a long time until the liver within it became decomposed. The puku was tied with flax in such a manner as allowed the oil to run into a calabash placed beneath it.

Another oil was obtained from the titoki berries and yet another from the kohia (a climbing plant). The titoki berries were bruised and placed in a wooden vessel carefully made and called a kopa whaka whiri titoki. They were then boiled by means of hot stones being placed in the water. The whole was then stirred and the oil allowed to run out of one end of the kopa. Some sweet-scented piri-piri or raukawa was then obtained and used to make the oil fragrant. If leaves of the heketara and kopuru and certain herbs were used for this purpose, they were bruised and their odour was then quite powerful and could be detected afar off.

Kokowai.—This was collected in certain streams and made into cakes or balls which were placed on a large fire and baked. Those that became well baked were termed whatu-maoa and those that did not turn out well were called tukuru. The poipoi kokowai were then collected in fine baskets and considered a great treasure by the Maori. Should a man desire a kete horu (basket of ochre) he would give a tiki pounamu (greenstone neck ornament) or a whakakai pounamu piko, or a paepaeroa, or a kahu waero for it—such were the possessions of chiefs in the days of old. At feasts and great meetings a little of the ochre would be taken in the hand and mixed with oil and then smeared on the body until no spot was left untouched. It was like unto the red paint of the white man. A basket of horu was indeed a treasure to the Maori of Aotearoa. But such things are no longer seen, for the old customs are forsaken for the new ones, the old traditions and history are cast aside, and I alone am left to speak of them.

## TE IHO O KATAKA.

A Relic of the Phallic Cult among the Urewera Tribe. (From Tuhoe.)

Ira-kewa came from afar, from Hawaiki, before the arrival of Mataatua. He crossed the Great Ocean of Kiwa on the back of a water demon and landed in Aotearoa. When Kataka the daughter of Tane-atua, was born. Ira-kewa took the 'iho' (umbilical cord) of the child when it was severed and hung it on a hinau tree which stood at Te Koturu, at Ruatahuna. Ira-kewa was an atua (god—deified ancestor) and held strange powers.

Tane-atua came from Hawaiki in the Mataatua and landed at Whakatane. He took Hine-ahu-one of Te Tini-o Toi, and had Kataka and Paewhiti and Kanihi and Ohora. He travelled up the Whakatane river and left his dog at TePurenga. [unclear: Th] remains there as a tupua ([unclear: demos] lives in a lake at that place. [unclear: An] dog-demon howls at night, [unclear: every] of the year, but should anyone [unclear: se] the demon hides itself in [unclear: the] Friend! Do not let us talk of things, lest evil befall as.

So Tane-atua arrived [unclear: at] where he left Pahou another [unclear: of] dogs. Then Tane turned to the [unclear: m] and reached Ohau-terangi [unclear: whe] remained. He ascended to Te [unclear: Ke] and saw there a fine hinau [unclear: tree]ing weary he sat him down [unclear: b] the tree, and stretched forth [unclear: hi] to pluck the fruit thereof, for [unclear: b] hungered. The strange [unclear: thing] happened in those ancient [unclear: timed] the fruit he was about to [unclear: ph] gently—"Kauaahau e [unclear: kaing] mea koteihoahau o [unclear: Katak] not eat me, for I am the iho taka.) So Tane-atua did [unclear: not] the fruit of that tree for it [unclear: was] 'iho' of his daughter [unclear: Katak] sacred. But he thrust the [unclear: ik] his other child into the base [unclear: of] hinau and uttered this [unclear: incau]

Ka whakairibia ahau

Ka whakato tamariki ahau.

That was how the sacred [unclear: his] Ruatahuna became [unclear: possessed] strange power of causing [unclear: cn]bo born into the world. And [unclear: h] ever been known to us and [unclear: on] fathers as To Iho-o-Kataka.

And from that time forth [unclear: these] of ail our children has been [unclear: ca] wrapped in raukawa or autepended on le Iho-o-Kata custom still continues.

And the that-tane (male si that hinau is that which [unclear: f] rising sun. And the [unclear: tahs] (female side) is that towards [unclear: t] ting sun.

And when a woman of [unclear: our] knows that she is a pukupa [unclear: (b)] she goes to the Ibo-o- [unclear: katak] embracing the hinau she may [unclear: have] with child, and that child may be of [unclear: eiber] sex, according to whether she [unclear: f] braces the taha-tane or taha-wahine.

## TE HUNAHUNA-A-PO.

Another Remnant of Phallic Worship. (From Ngati-Manawa.)

The Hunahuna-a-Po is a hinau tree [unclear: which] at the Horomanga creek, [unclear: ad] one side of that tree is green and [unclear: said] is dry. And if a barren [unclear: wo] should visit that tree in order [unclear: at] she may bear a child, she closes [unclear: er] while yet afar off, and is very [unclear: beautiful how] she approaches the sacred [unclear: a] (kiakaua e haeremaorinoaiho) [unclear: s] my informant puts it. So the wo- [unclear: an] gnesto embrace the tree. For a [unclear: g] time she clasps the trunk of the [unclear: e] and then turns from it with her [unclear: s] still closed and goes away, so that [unclear: e] may not see which side of the tree [unclear: s] has embraced. It is another per- [unclear: n] who notes the arrival of the wo- [unclear: an] at the tree. It is not unknown [unclear: the] the tohunga as to which side of the [unclear: is] embraced by the woman [unclear: Should] woman e.n brace the living [unclear: s] of the tree she will bear a child, but [unclear: he] clasps the dead side then no [unclear: d] come to gladden her. At [unclear: tea] there is a man named Te [unclear: Ai] te-hinau who was born through [unclear: influence] ence of that hinau. Te [unclear: Hun?] - [unclear: a] - a-Po And children and grand [unclear: child] have been born to him.

## TE HUNAHUNA-A-PO

(Ngati-Apa version.)

The hinau is divided at some dis- [unclear: ce] the ground and the branch [unclear: ards] the rising sun is the peka [unclear: ae] (male branch) and that to the [unclear: ing] sun is ihepeka-wahine, (fe- [unclear: ale] (finch). The husband goes [unclear: th] his wife to the tree and breaks [unclear: ing] or [unclear: piece] of bark from the peka [unclear: e] or peka-wahine, according to [unclear: hether] a son or daughter is desired. [unclear: u]

result of this, so says the Ngati-Apa, is always satisfactory.

The cult of the Phallic symbol has never, I think, been traced to New Zealand, but the foregoing items will serve to prove that most ancient form of worship to have been introduced here at some remote period, either by the ancestors of the present race of natives some twenty generations ago, or by their predecessors in the days of Tiwakawaka or Maki, or Toi. There is no doubt that phallic worship was one of the earliest forms of religion practised by primitive man and even now it retains a strong hold among more than one cultured nation of the East. The traces of it are even yet noted in Western Europe, and it has probably been carried from the Asiatic fatherland by the ancestors of the Maori, far and wide over the great ocean during many centuries of wandering, and finally expires a To Iho o Kataka of the Urewera and Te Hunr huna-a-Po of the descendants of Apa of old.

## Chapter VII.

### WARS OF THE MATAATUA AND ARAWA TRIBES.

Friend ! We will own go forth and look upon the lands of the ancient Marangaranga, and I will point out to you the battle-grounds where our forefathers defeated the multitudes of Hacaua and Raepohatu. But do not carry that bag of money with you, nor yet your pipe, nor yet any food. And do not tell your pakeha friends that I have shown to you the mauri of Rangitaiki, or they may come and interfere with it and destroy its virtues and then wo shall no longer catch any fish in that river. Then I will point out to you where we fought the Tuhoe at Oputara and we will look upon the defences of that ancient fort.

And in the spot whore the sun shines so brightly upon us, and in the sight of Putauaki and Tarawera and Tawhi- uau and Pekepeke and Kakarahunui—those great mountains that saw the deeds of our ancestors—I will tell you of the wars of old, and the customs of our forefathers. You shall see the abode of Ngarangihangu, that dread taniwha of old; and of Te Turi-o-Hine-nga-wari, the tupua of Wai-irohia; and of Hine-i-wharona at Te Puta-kotare who is the patron demon of eels; and those which bear her mark, which is a stripe or band, are sacred eels, and must not be cooked and eaten in an ordinary manner or evil will surely come upon the people.

Friend! Some men in this world possess wisdom and some do not. There are many, very many pakehas, who despise and laugh at our ancient knowledge, and truly is that knowledge a hidden thing from such men. But you who possess the kura-huna of Tainui and of Takitimu, and I who know the history of Mataatua—we will talk together of the days of old, and you shall hear of our arrival in this land twenty long generations ago. And of the people whom we found here—and of those things that are troubling you—the rua-kohn and umukaha and wbakaparu-wahine and many others. And you shall make a book, even a large book of these things. And that book shall remain for our descendants to gather knowledge from, even in the days to come.

Such were the words of an aged friend of mine on the occasion of his last visit to me, when he gave me many valuable genealogies and traditions of the men of Mataatua. It is to his keen interest in such things that I owe much of the matter herein given, but I regret to say that he has left the World of Light and has gone to join the men of old of whom he ioved to talk, May his lines [unclear: le] cast in pleasant places in the Concealed Land of TANE. And his last words to me were these :—

O Son ! Be strong to endure. Think not of the world of to-day for it [unclear: l] of evil. Rather let your [unclear: thought] to the rescue of our ancestors [unclear: d] oblivion, that all men may [unclear: ko] their great deeds, Listen! [unclear: It] who taught you the old [unclear: proverb] mate he tete kura, ka ora he [unclear: tern] E Tauia! Who indeed is there [unclear: b] my place ? No ! They have [unclear: ali] before, and now I too am [unclear: goin] noho! Remain hi this world, [unclear: O] Remain in peace.

So this old warrior passed [unclear: s] from the Great White Worid for Haerara E koro E! Mou te [unclear: d] moku te tai po!

### THE FIRST TAKING OF [UNCLEAR: OPUTAKE]

This [unclear: tells] of the old battle-[unclear: g] of Tuhoe and Ngati-Apain [unclear: the] of old. The cause of the [unclear: war] the killing of Tahaki-a-nina [unclear: of] by Ngatimanawa at [unclear: Ruatahuna] affceied Whakarotu, the wife of [unclear: T] and she sent for Te Arohana [unclear: and] tonga of Tuhoe to avenge [unclear: the] of her husband. They [unclear: agreed] then arose Tuhoe and came to [unclear: T] whakntaratarata by the old [unclear: war] from Ruatahuna to [unclear: Whirinaki] looking down from that great! [unclear: b] behold the broad valley of [unclear: Rang] and the smoke arising from the [unclear: f] the enemy, the descendants of [unclear: T] rakau and of Manawa-uha, of [unclear: W] pakau, and Apa koki. And of [unclear: T] haruru of old, who, with the [unclear: en] Apa slew the original people [unclear: of] land. Then Tuboe passed [unclear: s] down the narrow ridge that-[unclear: i] Tauaroa and Kokotahi, which [unclear: r] known to us as Te Pewa-a-Te-[unclear: W] he. For when the chief Te [unclear: W] saw the fierce war-party rushing [unclear: w] he uttered this saying:-Kia taku pewa, waiho tonu iho hei [unclear: i] mo taua wahi ko Te

[unclear: Pew] Winirehe,

Thus the taua descended and rived at Oputara, the pa of [unclear: N] Manawa and Ngati-Apa. [unclear: The] [unclear: ht] began, as Tuhoe assailed the men [unclear: Whirinaki,] entrenched in their [unclear: rong] fort, in Oputara. For two days [unclear: a] battle raged and then the pa fell, [unclear: boe] had gained the victory and the [unclear: ef] taken was Hape-horomarama of [unclear: rati] Manawa, from which ancestor [unclear: nes] the Ngati Hape-He was the [unclear: ef] of those people and he was killed [unclear: the] Tuhoe and his body thrown [unclear: over] [unclear: cliff,] that steep cliff yonder, [unclear: oppo-] Te Puta-Kotare. And Tuhoe [unclear: re-] [unclear: ed] to Ruatahuna.

Then the thought came to Ngati-[unclear: pa]. They would avenge [unclear: (ranaki)] death of Hape and call upon [unclear: ati]-Hine-uru to help them. Thus [unclear: y] went forth to give battle to the [unclear: n] of Tuhoe and they killed Tutonga [unclear: ed] his son Tamakero and cut off their [unclear: ads] which they placed in a [unclear: basket] carried off with them. And the [unclear: ivors] of Tuhoe fled to Karioi which [unclear: o] the largest pa at Ruatahuna. [unclear: l] the tribe to which that pa be-[unclear: ged] was known as Te Hokowhitu-[unclear: ira]-o-Komairira, which is a [unclear: divi-] of Tuhoe. And the survivors [unclear: d,] "Tutongra and Tamakere have [unclear: en] killed by Ngati-Apa." The [unclear: kowhitu]-pakira asked, "Where [unclear: e] they killed?" The survivors said, They were killed inland of Whaka [unclear: re.]" Then arose the Hokowhitu-[unclear: iara] and came near to the invaders. [unclear: old!] Those lifeless heads spake [unclear: m] to another saying, "A heahea"? To which the other replied, [unclear: ka] tata, ka tata." Then cried head [unclear: e] bore them, "These heads are speaking one with another." [unclear: e] chief of the party asked "Of [unclear: t] manner is their speech?" [unclear: The] says, "A heahea ano?" To which [unclear: h] ether replies, "Ka tata, ka tata." [unclear: Bring] the heads to me," said the [unclear: Her], "I wish them to be cast away." [unclear: l] the chief gave an order that [unclear: e] strange heads should be thrown [unclear: y.]" And even as they were cast [unclear: e] the Hokowhitu-pakira were upon them, and then came a great struggle between Tuhoe and Ngati-Apa, and the fight was long and fierce, and many fell. But the Children of Apa were defeated and lost the chiefs Hape-nui, Poutapu, Tautara, Te Karaka and others. Then war became constant against Ngati-Apa and Ngati-Manawa, even unto the second fall of Oputara on account of the death of Tapoa, and to Te Haumingi, and to Matuatahi, and to Okarea and to Ariki-rau. And some were battlegrounds and some were forts which fell. Such were the works of old, and if the Whakapono (the Gospel) had not interfered who may say what might have been.

Here follows the descent from Tutonga—Tumanawapohatu, Tauaiti, Te Whakakaha Rangmhua, Raropua, Tamaitaranui, Tarei, To Ua-a terangi, Te Hurinui. And from Tamakere—Te Paana, Tamakere ir, Toro-paenga, To Hon, Rangiaukume, Kume, Te Hou II.

## **EXPEDITION OF TUKOHEHU AGAINST TUHOE OF RUATAHUNA.—WARS OF TUHOE, WAIKATO, TE ARAWA AND NGATI-TU-WHARETOA.**

This is the story of the coming of Tukorehu and his tribe (Waikato) to Ruatahuna. On arriving at Taupo they were joined by some of the Ngati-Tuwharetoa and Te Arawa tribes. Then they came on to Te Whaiti-nui a Toi which place they found deserted. The reason of the absence of those people was the report of the advance of Tukorehu and his ope, for it was a man-ating expedition. Thus Tukorehu arrived at Te Whaiti. He enquired, "Where are the people of this place?" His men replied, "They have tied to the forest, for where indeed may they hide from Waikato taniwha-rau." the chief asked, "Where indeed is the valour of this people?" His tribe replied, "Where indeed? when the dread of Waikato is upon them." Thus ended the sayings of Waikato, in regard to the people of Te Whaiti, the meaning of which was a jeering at them for flying to the forest. Enough ! Tukorehn and his war-party went on to Ruatahuna, to Te Tahora, and to the pa called Taumata-o-te-riu. The men of Tuhoe did not have time to collect and enter the pa and when the war-party surrounded it most of the occupants were women. Then Waikato assaulted the pa which fell and the people thereof fled at night to collect their tribe. At daybreak four hundred twice told of the Tuhoe (Urewera) had collected. To Wharekotua was in favour of attacking the enemy at once. Koroki said, "Wait! Let the hundreds of Tuhoe be assembled (rukuruku) in one spot, that our women and children may see how we shall hold our lands." The Tuhoe chiefs assented to this and called their warriors together, for the numbeis [unclear: o] Waikato and Te Arawa and Ngati-Tuwharetoa were twice eight hundred fighting men. For two days did the Urewera marshal their forces and then they gave battle to Waikato. The fighting was fierce and ceaseless, for Tuhoe fought to retain their ancestral lands and the invaders to uphold their mana end to avoid annihilation. Te Tiroa, a Waikato chief, was killed and his [unclear: tnbt] gave way and fled, pursued by Tuhoe. Te Umuariki the leading war-chief of Tuhoe cried, "Whose army is this?" And Tai-hakoa of Npati-Tuwharetoa replied, "It is I. Tai-hakoa. Why do you ask ?" Te Umu-ariki said, "Go! When the morning light comes I will be with you." Then the Waikato retreated and the Tuhoe chiefs consulted among themselves. Te [unclear: Umuariki] said, "Let the footsteps of Tai-hakoa be

trodden upon (i.e. let us pursue him) as payment for his trampling upon our mana (authority, influence). The warriors of Tuhoe agreed to pursue the taua (war-party) and 170 men twice told set forth. Their [unclear: leades] Uhia, his atua (god or oracle) [unclear: w] Rehu-o-Tainui which was a [unclear: h] god. Uhia was a tohunga [unclear: M] (native priest) and he was the [unclear: me] of Te Eehu-o-Tainui. This [unclear: god] the oracle by which its medium [unclear: (w)] could foretell good or evil [unclear: fortune] his tribe. Sometimes Te [unclear: bel] Tainui concealed itself in a [unclear: h] (native oven) and it was not [unclear: a] injured by the heat thereof, [unclear: and] food around it did not become [unclear: e] but remained in an [unclear: uncooked] and quite cool. This was said [unclear: to] bad omen.

And sometimes it appeared [unclear: in] hand of its medium and [unclear: re] there, putting its tongue out [unclear: fr] to tide. This was said to be [unclear: a] omen.

But it was only the aria ([unclear: lik] of this atua that was seen by [unclear: or] men, the real body of the [unclear: atu] only feen by its waka or [unclear: medium] tohunga Te Uhia

So Tuhoe marched [unclear: forth] the war-path, even until they [unclear: re] the Sea of Taupo. On arriving [unclear: t] Uhia said to his people. [unclear: "List] Tuhoe! If the men of [unclear: Tuwb] should offer to fight this day, [unclear: do] content until I have found the [unclear: n] seek, then may you give [unclear: battle.] sign by which I shall know that [unclear: that] is the red cloak that he wears. [unclear: The] eneny attack, do not [unclear: move;] until I call to you, however [unclear: eag] may be." Thus ended the [unclear: we] Uhia.

Ngati Tuwharetoa advanced na,

Orona.—The battle ground [unclear: is] south of the Hine-maiaia [unclear: at] stream and close to Hatepe. the encampment of Tuhoe they had entrenched [unclear: themself.] two days the Ngai-Tuhoe [unclear: ref] fight. On the third day warrior priest cried, "Now at [unclear: les] you fight!" As Uhia [unclear: spake] [unclear: rds,] the man he sought was seen approaching in a canoe. Again Uhia [unclear: iled] to his tribe:—"There is my [unclear: an.] At last, O Tuhoe! may you [unclear: ht.]" As the canoe reached the [unclear: re] the Tuhoe rushed down and [unclear: w] the man. Then they attacked [unclear: e] main body of Ngati-Tuwharetoa [unclear: ad] defeated them on that field of [unclear: ttle] He, the name of which is hrona, [unclear: ad] the pa captured was Te Totar. [unclear: nen] the fighting ceasel and the [unclear: fs] of Tuhoe said one to another [unclear: ka] ea te kanohi kitea ? Tai-hakoa [unclear: roto] o Ruatahuna."

There was another tribe, the Wara-[unclear: e,] who were at war with Ngati-Tua. These Warahoe had been [unclear: eu] from Rangitaiki by Ngati Awa [unclear: ad] the survivors fled to Taupo. [unclear: se] were the people who fought [unclear: th] the Ngati-Tuwharetoa, but they [unclear: re] destroyed and the bodies of some them were packed in baskets. This [unclear: es] the reason of one of those people [unclear: ving] the name of Kohi-kete. Thus [unclear: ed] intentions of Tuhoe in re-[unclear: d] to Taupo.

Then they turned to the Arawa. They sought for an excuse to attack [unclear: fe] Arawa and foun lit. Te Rangi-[unclear: a-tukua] had assisted in the raid on [unclear: tahuaa] Enough ! Lest it be a [unclear: at] of his descendants that he had [unclear: red] the Tuhoe in their mountain [unclear: ue!] Then Tuhoe marched for the [unclear: d] of the Arawa. Uhia the tohunga not as a commander of the war [unclear: ty] for for all had seen the wisdom of [unclear: n] couusel or I or rather that of his atue, [unclear: Te] Rehu-o-Tainui. Hence the [unclear: ul] priest was chosen as leader and [unclear: en] the chiefs were silent in council. [unclear: The] Ngati-Tuhoe went forth to [unclear: r] They arrived at Puko-kai-kaa-[unclear: at] Lake Rere-whakaitu. On ar-[unclear: ing] there Uhia stood forth and [unclear: muned] with his god (atua), Te [unclear: hu]-o-Tainui. And the oracle spake [unclear: o] Uhia saying: Kia kaha ki to [unclear: kau!"] That was all said by the Maori atua, Te Rehu-o-Tainui. Then Uhia explained these words to his tribe and the chiefs of Tuhoe, saying, " Listen, O Tuhoe! The strife will be here. To-morrow at early dawn let five tens, twice told, go forth. Should they not be pursued, it will be well. Should they bo pursued that also is well.. But my thought is that we shali battle here, even on this spot. Behold! I thrust my sacred staff (turupou) deep into the soil and hang ou that staff my girdle." Then Uhia male clear to then the meaning of the suspended girdle as representing Te Arawa lying on the field of battle, but the warriors paid no great attention for they were eager for the fray. At break of day the fifty twice told of Tuhoe set forth to challenge the Arawa to fight. They found them at Te Ariki pa at Lake Tarawera. When the Arawa observed the party of Tuhoe they pursued them. Te Tokai of Tuhoe cried to Tionga of Ngati-Rangitihi, "Tionga E! Takamua, takainuri." And Tionga replied:—"Hoatu, hoatu, kia penei ake te upoko e mauria ana mat e ahau hei poito mo taku kupenga."

And the warriors of the Arawa rose to pursue Tuhoe, but the Tuhoe lured them on that they might give battle on the spot selected by Uhia and Te Waha-kai-kapua with the best fighting men of the Arawa pursued the hundred of Tuhoe even unto the place where the sacred staff, the emblem of Te Rehu-o-Tainui, the first atua of Te Urewera, had been erected. Then Tuhoe turned. The mataika (first slain) of that battle was Te Waha-kai-kapua of the Arawa, then fell Tionga and then Te Rangi katukua, and then Te Hurimui and also others. The Arawa were defeated and that battle-ground received the name of Puke-kai-kaahu. Then Tuhoe

returned to Ruatahuna, and the widows of the Arawa slain composed a most bitter kaioara against the man-slaying warriors of Te Urewera.

And then Hine-i-turama the widow of the slain Hurinui of Te Arawa was overcome with grief on account of the death of her husband whose head had been cut off and carried far away to Ruatahuna by the Ngati-Tuhoe. And a great desire came upon Hine to look upon the head of Hurinui and she disclosed this desire to the men of her tribe. And the Arawa consented to escort her to Ruatahuna that her desire might be gratified. On arriving at Ruatahuna the Tuhoe assembled to view their visitors. Now all the heads of the slain Arawa had been taken by Tuhoe to Ruatahuna. Hine-i-turama called unto Rangi-pa of Tuhoe. "Is the head of Hurinui with you?" And it was there. So Hine cried to them to bring to her the head of her husband that she might wail over it. And Rangi-pa took a cloak and wrapping the head in it he carried it over to the encampment of the Arawa. Hine said "Place it upon the turuturu." (a stake on which heads of the slain were placed). Rangi-pa did so and uncovered the head. Then the Arawa girded themselves and performed the haka of Hine i-turama. Eight hundred Arawa warriors took part in the haka, the very earth trembled. Tuhoe said "He whatitiri ki te rangi, ko te Arawa ki to whenua." (The noise of the Arawa on earth is like unto the thunder of heaven.) When the haka was over peace was restored between the tribes and the Arawa rose to depart to their homes. As they started Hape, the priest of the Arawa, kindled with his own hands a fire, as a ta wha-kataumata. As the fire burned, the smoke rolled down across the trail by which the Arawa were about to depart. The assembly of Tuhoe gazed in silence at this work of the oracle, and 800 fighting men of Te Arawa awaited the decision of the 'waka' of their god Makawe. Then the tohunga, Hape, arose and said "Ko te riri kei mua i a tatou:" Listen, O Tribe! War [unclear: lines] fore us, even on our path by [unclear: w] we go." And each man [unclear: speedily] pared himself and repeated [unclear: the] (invocation) over his weapon, [unclear: that] spear might serve him well in [unclear: the] which all knew was soon to [unclear: come] had not the gods so declared [unclear: it] the Arawa departed.

Soon after the departure of [unclear: Te] wa for their distant homes, the [unclear: Te] kai-moana hapu of [unclear: Maunga] arrived at Ruatahuna. And [unclear: the] of Tama-kai-moana were [unclear: ang] peace being made. But the [unclear: che] Ruatahuna said, "Do not [unclear: pun] Arawa for peace is made firm. [unclear: Se] you trample upon this peace-[unclear: mak] you will be delivered into the [unclear: b] of the Arawa." So said [unclear: the] Ruatahuna, the men of [unclear: Ngai] and of Romairira. Then [unclear: repl] chiefs of Maungapohatu "[unclear: W] not remain here, we will attack [unclear: th] wa." The Ruatahuna [unclear: chief] "Begone!" And the Tama-[unclear: kai] went. So they travelled on [unclear: and] took the Arawa at Te, [unclear: Wha] Mawake. Then the two [unclear: tribe] and the Tama-kai-moana [unclear: fell] battle-field. And the oracle of [unclear: t] the Arawa tohunga, given at [unclear: t] dling of the sacred fire, was [unclear: ful] "Ko te riri kei mua i a tatou" [unclear: T] The word of the priest was [unclear: ful] War lay across their path [unclear: and] kai-moana had fallen on the [unclear: fiel] battle.

Thus ended the wars [unclear: aga] Arawa, and the war-axe was [unclear: ba] at Ruke-kai-kaabu as it [unclear: had] buried at Opepe.

And Tionga had Mabora, [unclear: who] Moko, who had Te Kuru, [unclear: who] Arama Karaka, who had [unclear: Nga-] kaki, who had Heana.

And Te Hurinui had [unclear: Te] puawhi, who had Te Keepa [unclear: Te] nui, who had Maika.

And Te Rangi-pa had [unclear: Te] who had Tama-i-kowha, [unclear: who] [unclear: itahi], who had Miria.

[unclear: And] Uhia had Mereki, who had Te [unclear: -o-]Tiopera, who had Mahirata, [unclear: had] Uhia II.

[unclear: But] Te Whare-kotua had no issue, [unclear: high] other families have taken the [unclear: ne.]

## Chapter VIII.

### INTER-TRIBAL WARS.

#### THE ARRIVAL OF MATAATUA.

(As given by Ngati-Manawa.)

[unclear: The] Mataatua canoe landed at [unclear: nga]-paraoa. The men of dis-on board that vessel were [unclear: na], Puhi, Tane-atua, Taka and [unclear: re], with Muriwai the sister of [unclear: na]. On landing these people [unclear: rsted]—Puhi and Whare with [unclear: r] people went to the north. Taka [unclear: t] by way of Taupo and perished [unclear: e] base of Tongariro. The com-[unclear: y] who went with him numbered [unclear: hundred] and forty but they all [unclear: hed] in the snows of Tongariro, not [unclear: escaped]. The

on'y survivors were [unclear: dogs] which are still at that place. [unclear: Ioroa] and Muriwai and Tane-atua [unclear: to] Whakatane and there settled. [unclear: om] Toroa descended' Wairaka, [unclear: tea]-ki-te'hua-tahi, Tuhoe-potiki, [unclear: -ahua], Uruhaki-rangi, Uho-te-[unclear: Tu]-kahua, Tu-maihi, Tu-maka, [unclear: Whai], Te Ahiahio-Tau, Tu-ta-[unclear: ga]-ki-ao, Rangi-mamao. Tai'ara-[unclear: Te]-Whaka-a-Tana, Kaha, Tu-[unclear: au], Rangiamio, Rewi Rangiamio, [unclear: re,] Haare Haupa.

## THE SECOND FALL OF OPUTARA.

(From Ngatiapa.)

This the story of the fall of a cer-[unclear: pa] of former times the name of [unclear: was] Oputara. The trouble [unclear: nced] at Kakara-hunui when awka went to gather titoki and were attacked by Ngati-[unclear: ho] killed Pakau. While they [unclear: fig]hting Te Hui cried, "E Tu ! [unclear: te] patu," (Hit them with the open hand, i.e., strike lightly do not kill them.) And Tarera said, " Wha-whai raua tahi kia Tarera!" Pakau fell there. Afterwards Tapoa was slain at Matangi-a-here. The men in the house when Tapoa was killed were Tukuha, Rangitukia and Tapoa. When the attack took place, Tukuha climbed up to the whatitoka of the whare and Rangitukia placed himself by the puta auahi. When the war party collected in the house, the fugi-tives dropped down and escaped out-side but Tapoa was caught inside. Rangitukia and Tukuha were pursued and managed to escape by jumping over the cliff. They went to Pou-tu-kua where Tukuha advised Rangi-tukia to go and summon the Tuhoe tribe which Rangi did travelling quickly. They arranged a way for Tuhoe to advance on Oputara by way of the Pae-whakataratara Range and past Te Pewa-a-Te Wini-rehe. The taua of Tuhoe descended the range, crossed the valley past Kokotahi and approached Oputara pa from tho top of the hill above the Whirinaki river. From there they descended the steep spur on which Oputara pa was situated (where the heavy earthworks are still to be seen), and attacked the Ngai-Tawha in the pa. The defenders fought with the huata which they used as a bayonet is used, spearing the invaders as they clambered up the mai oro. They also used the tete, the head of which breaks off on entering a body, together with other weapons. But the Ngai-Tawha were eventually defeated by the fierce Tuhoe and fled down the spur to the plains of Kuha-waea.

It is said by our old men that long spears were lashed together, and bunches of dried fern tied on the end and lighted, and that fiery darts (pore) were cast into the pa by means of the bow (whana). Thus the whares were fired and the smoke and flames soon drove the defenders only of the pa.

Thus the Oputara fortress fell and thus were defeated the Ngai-Tawha. Now when Tukuha and Rangitukia escaped down the spur and fell or jumped over the cliff into the Whirinaki river that place was called Takatakanga.

And in after years it happened that Unuhia, a chief of Ngati-Mauawa, who was on a visit to Hauraki, stole a toki belonging to the Ngati-Maru. And the Ngati-Maru 170 topu strong marched under Taraia, Rauhihi and Te Tumuhuia to attack the Ngati-Manawa. They were joined by 400 topu (800 men) of Tuhoe under Paora, Kingi, Ruru, Te Hou, Te Puehu, Paerau, Te Whenua-nui and Te Ahoa ho. Meanwhile Ngati-Manawa had built a pa at Takatakanga and having heavily entrenched themselves awaited the coming war-party. The taua encamped on the Kuha-Waea plain around the pa. And then there commenced a long korero on the subject of the stolen toki, with many speeches and awful threats and wily arguments, such as the old-time aboriginal loved full dearly, and the end was that instead of attacking the pa the great taua consented to retire peacefully and the last seen of Ngati-Maru was a long procession of warriors marching down the historic valley of the Rangitaiki on their way to Te Awa o-te-atua.

As for Tapoa who was slain at Matangi-a-here there are seven genera tions of men from him down to myself.

There was a certain woman of Ngati-Apa living with the Tuhoe tribe, and whose name was Pare-uia. When her child was bom Tuhoe desired that the descendants of Apa-koki should seo their youthful kinsman. So mother ard son were despatched to their tribe but were murdered by the Ngati-Mahanga at Te Whaiti. The Tuhoe did not know who had killed them until, at the fall of Oputara, they found the garments of the murdered twain in that place. And they enquired of the survivors of the "From whom did you obtain [unclear: t] garments?" And the morehu [unclear: re] "From Ngat-Mahanga." There [unclear: a] it known that Pare-uia and her [unclear: e] had fallen by the hands of that [unclear: t] "Ngati-Mahanga whakarere kai, [unclear: w] karere waka." Then were the [unclear: S] of Tuhoe-potiki dark in their [unclear: h] and they arose and attacked the [unclear: N] Mahanga at Te Haumingi pa [unclear: ne] Whaiti—and Ngati-Mahanga [unclear: B] The survivors fled to Matua-[unclear: tahi] where they were again [unclear: attacked] defeated. Then the remnant [unclear: f] Whare-oneone and there lived [unclear: u] the mana of Ngati-Apa.

## WARS OF NGATIPUKEKO.

Then fighting began. [unclear: Tam] Ngatipukeko was killed by [unclear: Tu] Huromanga. Ngatiroanawa



*unclear*: he] it and went there and dug [*unclear*: up] body and ate it. When [*unclear*: Ngatip] heard of this they arose and [*unclear*: aw] the death of Tamahi. The [*unclear*: des] ants of Manawa were [*unclear*: defeats] Parakakariki and the [*unclear*: survives] to Te Whaiti where they [*unclear*: joined] Ngatiwhare. Then the men of [*unclear*: Ma] ko fought fiercely the men of [*unclear*: Man] end Wharepakau and drove [*unclear*: th] Runanga. Then the [*unclear*: Ngatip] turned on the Tuhoe but were [*unclear*: de] by them at Te Hika pa at [*unclear*: Ruts] Ngatipukeko fled to [*unclear*: Oromatab] the C kahu, which was one of [*unclear*: f] pas. There they were again [*unclear*: def] by Tuhoe, when they fell [*unclear*: bed] Umurakau pa, which is the [*unclear*: gri] you may see on yonder [*unclear*: hid] [*unclear*: just] the camp of the soldiers. [*unclear*: After] Ngati-pukeko fell back on [*unclear*: Par] kariki ami eventually [*unclear*: retre] Awa-tarariki. And in after [*unclear*: year] people of Manawa and [*unclear*: Wh] returned to Te Whaiti-nui-a-*unclear*: T] there dwelt in peace.

And from Te Rangi-ka-*unclear*: wh] Tuhoe who fought the [*unclear*: Pukeks] riors at Te Hika—there are [*unclear*: for] rations of men. TeRangi ka-wha-*unclear*: rui—] Te Porewhenua—Te Akui—Te Whenuanui—Taraipine.

## WARS BETWEEN THE NGATI-AWA AND TUHOE.

(From Tuhoe.)

We will now speak of the wars of our fathers and of the old days when [*unclear*: land] was Held by man, and not as it is in these days, by those who have [*unclear*: the] longest tongues in your pakeha [*unclear*: Land] Courts.

I have already told you many of [*unclear*: the] the ancient legends. How the men [*unclear*: of] Mataatua became scattered over the land and brought evil among the people of the soil. And of the migra-*unclear*: tion] of Mahanga, son of Tnne-atna, [*unclear*: to] the North; whence comes the saying Mahanga, whakarere kai whakarere kaka"—"deserter of food and canoe'. And how Tuhoe-potiki followed Ma-*unclear*: banga] and died far away at Kawhia, [*unclear*: and] Mura-kareke went to Ahuahu and there perished. How Turi came [*unclear*: s] the Nukutere canoe, which you call Aotea. And of the descent of our [*unclear*: tribes] from Toi and of the West Coast [*unclear*: Tribes] from Rauru, and Whatonga. Also how the Whakatohea held [*unclear*: ke] and Tawhaki son of Awatop [*unclear*: and] origin of the Ngai Tawhaki [*unclear*: tribe] of Ruatahuna, coming from Whakatane and defeating the ancient [*unclear*: tribes] Ngapotiki and Ngati-ha who [*unclear*: beld] these lands as far as Maungapo-*unclear*: atu] in the brave days of old. And [*unclear*: how] Tuhoe went against the tribes of [*unclear*: the] south and attacked the pa of [*unclear*: Purako] tangihia at Te Tutira which was held by the Whatuiapiti and [*unclear*: Ngati]-Kurumoki hapus under Tama [*unclear*: 4-runa] And how the Sons of Ka-*unclear*: mugunu] defeated the Ngai-Tuhoe [*unclear*: t] that place and slew their chiefs koroki and Te Raug-pumamao. And [*unclear*: new] the wife of Koroki found his [*unclear*: vered] head and preserved it by dry-*unclear*: g] over a hangi and brought it [*unclear*: ne] to Ruatahuna, placing it in the sacred cave where the heads of Maitaranui and many another old-time warrior are lying.

Kati! All these and many other things have I recited to you and yet you ask for more! O Son! My fear, lest it be said by you that the descendants of Toi know not the history of their land. Listen!

This explains the expedition of Tuhoe to Maungatautari. The cause of their going; it was this. The fame of the pakeha guns had reached Ruatahuna; that was why Tuhoe went. Each gun they obtained they paid a slave for. Thus they obtained 20 guns and 6 casks of powder. Having become possessed of guns Tuhoe re' turned to Ruatahuna.

Tikitu of Ngati-Awa came to Ruatahuna. He came to inform the Urewera that Ngati-Awa had risen in arms and were on their way to Ruatahuna. Here began this evil work of the men of Mataatua. There was no cause for it. The only reason was the desire of Ngati-Awa to make a name for themselves.

Ngati-Awa came, 150 twice told, they arrived at Maungapohatu. There they took possession of the old pa called I Tine-kai-tangi where they were seen by the Taraa-kai-moana hapu (clan, sub-tribe) of Tuhoe. These people Rent word to the Tuhoe villages that Ngati-Awa were at Maungapohatu. Ngai-Tuhoe assembled. Their chiefs were Te Puehu, Te Ika-poto, Tamarebe, Kai-hapuku. Ruru, Taurua and others. These chiefs marched 400 Tuhoe to Te Kauna and encamped there. They sent forth ten scouts to the pa of Ngati-Awa. On approaching the fort they heard loud cries before them. It was Te Hema of Ngati-Awa calling to Te Wao who was pursuing Te Rua a Kahukura of Tuhoe, and Te Hema cried, "Haehae a tutia, E Wao E!" But Te Rua-a Kahukura fled and escaped his pursuer. Then Ngati-Awa turned to the little band of scouts. And the chiefs of the men of Awa were six—Ngaurei, Titirahi, Te Wao, Te Taiki, Te Hema, Tauhei, with others of less note. When these chiefs saw the encampment of the scouts they uttered this saying:—"Ko te potiki a Tamatea.

"These are the Children of Tamatea"—that is, of Tamatea-ki-te-huatahi.

mahoki te nui a te nohoanga. Me tango mai nga toa ki mua." The Ngat-Awa then charged on the Tuhoe. Tuhoe were prepared, the guns resounded, and death came. The command of Ngat-Awa was heard "Napihi,

napihi, napihia!"

i.e. "Take hold! Hang on!"

Te Ika-poto of Tuhoe cried, "Hoatu ki roto, E! Hoatu ki roto."

i.e. "Dash in."

Again was heard the sound of the new weapons, the guns of the white man. The Ngati-Awa fell. The survivors fled to Rangitaiki and said to the people of that place, "Alas! This is all that remains. We fell upon the battle field of Te Kauna." And the widows of Awa wailed aloud in their grief and relieved their feelings by composing a most elaborate and blood thirsty kaioaraora.

And Hatua, a leading chief of Ngati-Awa, said, "We will make peace with Tuhoe," and the survivors of Awa agreed. And Hatua went to the home of Te Ika-poto beyond Ruatahuna and said, "Go you to Ngati-Awa at Rangitaiki." Te Ikapoto went to Rangitaiki, to the pa of Hatua, to Te Kupenga. He saw there the widows of the slain and the hearts of these were hot against Te Ika poto. And the "tatau pounamu" was raised at Ohui. It still stands, has never fallen, even unto this day. So ends this story of old.

And the tohunga of Tuhoe at that time was Paia, who had Riparata, who had Rere-kai, who had Hine-hou.

## WAR BETWEEN TUHOE AND [unclear: K] RUAPANI AT WAIKAREMOANA.

Kokotangi-ao of Tuhoe was by Ngati-Ruapani at [unclear: Waikare] They cut the body up and [unclear: jeered] it among their women, and [unclear: the!] of the man who was jeered [unclear: at] of this evil thing and they [unclear: aro] came to Ruatahuna. And [unclear: they] of that evil deed to the men of [unclear: T] potiki and the men of Tuhoe [unclear: p] over what might be done. [unclear: T] Arohana of Tuhoe arose [unclear: and] "Let us lift on high our [unclear: weapo] this is an evil thing, a [unclear: jeering] dead. We will give them a [unclear: line] to jeer at." And all the [unclear: chif] Tuhoe assented. Their [unclear: name] Tuirina, Taitua, Koroki, [unclear: Tiplu] Hiko-o-te-rangi, Mokonui-[unclear: a] Te Wharekotua and [unclear: others.] arose and came against [unclear: Ngati] pani (a hapu of Ngati-[unclear: Kahung] who lived at the Pukehuia pa [unclear: a] [unclear: soa] of Waikare. So [unclear: these] fought on the shores of that [unclear: sea] the pa fell and many [unclear: were] Nrati-Kahungunu heard of [unclear: this] tle.. They gathered and came [unclear: to] kare, to Whakaari, a pa of [unclear: N] Ruapani. They were seen by [unclear: T] who gave battle to them and [unclear: de] them. The survivors fled to [unclear: P] huia pa across the lake They [unclear: s] by land as they could not find [unclear: b] canoes. They then set to [unclear: work] hewed out two canoes. The [unclear: na] one canoe was Roimata nui, [unclear: an] the other, Ruha-nui. Then the [unclear: w] chiefs said—"Let us attack [unclear: f] people at night that none may [unclear: sur] This was agreed to. In the [unclear: dar] of night the canoes of [unclear: Tuhoe] launched upon the sea of [unclear: Walts] in the darkness of night they [unclear: pe] to Pukehuia, to the refuge [unclear: of] Ngati-Ruapani and of [unclear: Kahug] As they paddled over the dark [unclear: w] Te Hiko o-te-rangi said, [unclear: "Behold] birds whose song will awaken [unclear: year] break of day!" Te Rangi-[unclear: pu] [unclear: tered] this saying, "It is I, I who was begotten for the dawning light.' [unclear: Those] warriors then attacked the pa, [unclear: the] pa of Pukehuia it fell. The Ngati-Ruapani were again defeated. They fled in canoes to Te Ana-o-Tawa, cave in a high cliff and which can [unclear: aly] be approached by water Then Rangaika, the chief of the Ruapani, [unclear: ok] some water from the lake and [unclear: bank] of it. The meaning of that [unclear: was] a "miti aitua." They were again [unclear: ked] in the cave and fifty of Ngati-[unclear: Ruapani] were killed and their bodies [unclear: ung] into the lake. But Rangaika [unclear: aped.] Peace was then made and [unclear: hiting] ceased for a time.

Rangaika pondered over this mat-[unclear: er-] "How am I to avenge the death spy people?" V:d Mokoia uttered sreverb :—"Me ai ki te hua o te [unclear: garenga;] me whakapakari ki te [unclear: m] o te kawariki." The ohiefs of [unclear: oe] were jubilant and aggressive. [unclear: The] Ngati Ruapani sent a token to [unclear: ati] Kahungunu to invite them to [unclear: m] in an attack on Ngais Tuhoe. [unclear: y] came, and the combined forces [unclear: ched] on Ruatahuna where they [unclear: e] defeated and driven hack. Thus [unclear: re] these people slain; on the field [unclear: att] e and in their own pas were Ngati-Ruapani and Ngati-Kahn-[unclear: u] destroyed by the descendants [unclear: Toi] and Potiki, Paewhiti and Tu [unclear: e] And the thought came to Kahu-[unclear: u] that their tribe was lost. So [unclear: e] was made and Tuhoe and the [unclear: rviors] of Ngati-Ruapau dwelt in [unclear: Been] on the shores of the Sea of [unclear: kare.]

Then it occurred to Tuhoe that they [unclear: should] seek payment for the death of [unclear: angi] wai-tatao and Toroa who had [unclear: en] slain atNukutaurua by the hapus [unclear: own] as Rakaipaka and Ngati-[unclear: Tu.] Tuhoe went forth and attacked [unclear: a] kutaurua (near Te Mahia) and the [unclear: ree] pas of Raugiamoa, Pukenui and [unclear: kckaroro] fell to them. Two of the [unclear: hubunu] chiefs were killed, Te Ritoo-te-rangi and Tamaiti-i-pokia.

Though Tuhoe here take the credit of this victory, it is probable that Ngati-Maninapoto assisted them. Either that or the two expeditions were distinct from each other. From another source comes the following:—

*"A party of Nguti-Mauiapoto under the chief Tukorehu, a great fighter, came by way of Taupo to the land*

*of Rongo-whakaata (Poverty Ray.) The Rongo-whakuata and Ngati-Kahuhunu collected and met them inland of Turanga where they gave battle. The people of the soil were defeated and fled. The elder brothers of TeKani-a-Takirau were killed, Taia-ao and Tamaiti-i-pokia. Tanma-i-tohatoaianarrowly escaped. He did so by jumping into a canoe and going down the river to the pa."*

Then Hipara and Puhirua resolved to make peace. So they gave the thought to Ngati-kahuhunu, to all of them, and it was agreed to. And Hi para said he would give his daughter as a peace-binding, and Puhirua and the whole of Kahuhau consented. And Nga raugi-mata-eo said: "Me tatau pounamu, kia kore aie pakaru, ake ake." And Kuhu tarewa was set up as a wahine and Tuhi-o-kahu

Tuhi-o-Kahu is a high hill overlooking Lake Waikaremoana. It was elected as a tane or husband by Tuhoe, and Ngati-Kahungunu gave Kuha-tarewa, another mountain, as a wife. By [*unclear*: the] union of these two mountains peace was cemented.

as a tane, as an equivalent for the giving of Hine ki-runga, the daughter of Hipara, to Tuhoe as a peace-binding, and that war might end. And those wars did end, and peace has endured even unto these days, the days of the pakeha. Enough!

And here are the genealogies of the people whom we have mentioned:—Te Rangi-wai-tatao was a chief tailless of Tuhoe She had Tawh took Hiora and had Marututu, who had Marumoko—who had To Ruingaroro, who had Maru-kiri-where, who had Manuhiri, who had Pukahu, who had Paetini (or Paratene, about 50 years old in this year of the Whakapono, 1895.) And Te Hiko-o-te-rangi had Moko-nui-a-arrangi, who had Te Hiko, who had Ruihi, who had (her child.)

## Chapter IX.

Notes on the Ngati-Ira, Ngati-Apa, Ngati-Whare, Ngati-Manawa and Tuhoe Tribes, with a sketch of the ancient Maruiwi.

### NGATI-IRA, OF WAIKAREMOANA.

The Ngati-Ira who now live among the Ngati-Ruapani hapu of Ngati-Kahuhunu at Waikaremoana are a portion of the tribe of that name who originally occupied a large portion of the country now held by the Ngati-Porou and Aitanga-a-Hauiti tribes of the East Coast. The history of Ngati-Ira has been a most adventurous one and the survivors of the famous Pakaurangi pa have wandered far and wide in search of a resting place. Some fled inland to the great [*unclear*: Huia-iua] range and some to Waikato. A detachment to Napier and thence to southern Wader Rere-kinkio marched to irarapa, whence they spread as far as Pae-kakariki and held their own there for seven generations, being finally destroyed by Ngati-Awa and Ngati-Toa under Te Rauparaha and others about 1835. Yet another division of Ngati-Ira fled to Opotiki where their descendants may still be found. From these come the Ngati Jea of Waikare-moana having left the Opotiki branch four generations ago, when they went to Ruatahuna under Te Hautu; afterwards moving on to Lake Waikaremoana where they now live, Te Puke-o-Tu being the principal man among them.

These Ngati-Ira have become closely connected with the Mataatua people as the following genealogy will show :—Muniwai, Rangikurukuru, Irapuaia, Rongomatauriki. [*unclear*: Tamatis] Te Nanaio, Huakai, Tutapuis, [*unclear*: T] Rehu, Tutakahiao, Te Rehu II, [*unclear*: T] angipaongntai, Toma, Marnier, [*unclear*: M] Puke-o-Tu, Te Mapu.

### NGATI-APA.

This tribe is descended from [*unclear*: A] koki who slew many of the [*unclear*: orig] people of the land, at Pekepeke [*unclear*: a] elsewhere. Apa-koki [*unclear*: received] name from having been [*unclear*: cripp] by the kick of a moa at [*unclear*: Puta] (Mt. Edgecumbe.) The principal [*unclear*: h] are Ngati-Hineuru who are the [*unclear*: t] of Ngati Apa and live at [*unclear*: Tarawra] the Napier Taupo road. [*unclear*: Hin] married Tokowaru, hence the [*unclear*: k] [*unclear*: Tokowaru] of Galatea. Also the [*unclear*: Ng] Tu-reia and Ngai-Takapu [*unclear*: man] hapus.

In ancient times a division of [*unclear*: Np] Apa went to Taupo and lived [*unclear*: t] some time.. They fought the [*unclear*: Ng] Tu wharetoa of that place and [*unclear*: wh] defeated and driven away to [*unclear*: Ru] tikei, their leaders being Te [*unclear*: Where] kahu and Tumahoka. These [*unclear*: pe] were known as Te Apa-o-*[unclear: Rangap]* Their descendants still [*unclear*: reside] Rangitikei and claim descent [*unclear*: f] Apa-Hapai-taketake, though the [*unclear*: W] rinaki people say that he and [*unclear*: p] koki were one and the [*unclear*: same] pa-koki was descended from [*unclear*: M] of Te Arawa. Ngati-Apa [*unclear*: orig] came from Putauaki but have [*unclear*: long] sided in the Whirinaki and [*unclear*: Ra] taiki Vallies. They held [*unclear*: the] fighting pas Te Rourou, [*unclear*: Op] Para-kakariki and Tutu-tarata, [*unclear*: M] were a fighting tribe but not [*unclear*: very] merous and suffered some [*unclear*: seven] feats in the old wars with [*unclear*: Tube] other

tribes. The Whirinaki [*unclear: d*] now live among the Ngati-*[unclear: Ma]*

After the defeat at Taupo a *[unclear: po]* Ngati-Apa under Takapa-make Miromiro went to Runanga *[unclear: and]* settled.

## NGATI-MANAWA.

This tribe is descended from Mana. *[unclear: toa]* who flourished about 17 gener-*[unclear: os]* ago. They are connected with *[unclear: gati]*-Manawa of Waikato who come *[unclear: al]* Manawa-uha, and also with the *[unclear: gati]*-Tuara of Horohoro. The prin-*[unclear: al]* hapus are the Ngati-Hui, Ngati-*[unclear: wae]*, Ngati-Ngauru and Ngati-*[unclear: putanga]*.

They occupy the valleys of Rangi-*[unclear: ti]* and Whirinaki from Oputara *[unclear: Fort]*t Galatea. They appear to *[unclear: re]* migrated from the north under *[unclear: e]* leadership of tin well known an-*[unclear: tors]* Whare-pakau and Gangiha-*[unclear: ru]*. They are closely connected *[unclear: th]* Ngati-Whare, in fact these are *[unclear: ve]* one and the same people. They *[unclear: ve]* never been a numerous or *[unclear: erful]* tribe and have suffered *[unclear: h]* in former times at the hands of *[unclear: N]* gati-Pukeko and other tribes. *[unclear: ier]* lands have laid open to attack *[unclear: om]* every side and they seem to have *[unclear: ed]* as a buffer state for the Ure-*[unclear: rs]*. Their district is remarkably *[unclear: ile]* and but little cultivation was *[unclear: ried]* on in former times.

## NGATI-WHARE.

This tribe occupies the upper part *[unclear: the]* Whirinaki Valley, generally *[unclear: own]* as Te tiora-iti. The principal *[unclear: nga]* is Te Murumurutiga at Te *[unclear: aiti]*-nui-a-Toi. This district was *[unclear: led]* in very early times by the pre-*[unclear: ori]* aborigines who had several pas *[unclear: Te]* Whaitiand in the valley of the *[unclear: he]* a tributary of the Whirinaki, *[unclear: n]* attacked by Whare-pakau some generations ago. Ngati-wbare are *[unclear: nded]* from Whare-pakau and in the hapus of Ngati-Hamua, *[unclear: ai]*Te Karaha. Ngati-Mahanga, *[unclear: ati]* Kohiwi, Ngati-Warahoe, Ngati-*[unclear: pe]* and Ngati-Whare-ki-Ngai-te-ao. *[unclear: re]* are many old fortified places at *[unclear: Whati]* and Okahu, telling of many *[unclear: guinary]* struggle in past times.

## TUHOE OR TE UREWERA.

The Tuhoe tribe may be looked up" on as the Tlascalas or Spartans of New Zealand and are a brave, hardy, and independent people. Their so journ of centuries in the rugged country between To Whaiti and Ruakituri has rendered them a thoroughly iso-lated people and like most mountain-eers are imbued with a strong tribal pride. They have held their own in their mountain home and although war-parties have penetrated to Rua-tahuna in the hope of humbling the Urewera pride, those same tana were generally very glad to turn their backs on the land of the Ngai-Tuhoe. Their tribal proverbs betoken their love of war and adventure, as—

"He iti na Tuhoe, e kata te po." "Tuhoe moumou kai, moumou taonga, moumou tangata ki te Po."—"Tuhoe, wasters of food and proper-ty; destroyers of mankind."

The bulk of the Urewera (as the Tuhoe are generally termed) reside at Ruatahuna and its vicinity, which district contains many old pas and battle-grounds. In former times they made many forays against distant tribes and thought little of marching in mid-winter across the snow-covered mountains. To enable them to do this they wore sandals (turnata-kuru) formed of a netted fabric and stuffed with moss (rimurimu). To collect their warriors from scattered hamlets, when threatened by attack, they used the huge war trumpet (pu-tatara) and also made use of signal fires on the hilltops. A favourite proverb—"The eyes of the fisherman are closed, but the eye of the fighter nre open"—will tend to show that it was a difficult matter to catch the Urewera unaware, and an enemy trying to surprise them at night was pretty sure to be met by the booming of the war'drums (pahu). These gongs, which were formed of mataii, were suspended between two uprights upon the watch tower (pu-hara) situated within the earthworks (maioro) of the fort (pa). The watchman (kai-mataara) occupied the platform at night and struck the gong at intervals to let any prowling enemy know that the garrison were on the alert. He also beguiled the weary hours of the night by chanting some of the numberless watch songs (whaka-araara) known to the Maori.

The Tuhoe loved fighting and entered into it with his whole soul, even from the days when Tawhaki, son of Awatope, came from Whakatane to Ruatahuna and destroyed the Ngati-Ha and Ngapotiki tribes who formerly held the land as far as Maungapohatu. Here is another of their proverbial sayings:—"Do not make your bed too comfortable, lest you be overcome by sleep; rather sleep on rough ground that you may awaken easily and thus escape the war-party."

As the Tuhoe of old were inured to hardship, so were they accustomed to hard fare and the old men inform me that they thought little of living on one meal a-day. Possibly their most prized food was the so-called hinau

bread, a heavy, pasty mass made from the steeped berries of the hinau tree, hence the saying, "If you awaken me let it be for te whatu turei a Rua." Another and important article of food was the fern-root (aruhe), the meal of which was made into cakes (komeke). The saying for this is, "Te manawanui o Whete." "Whete was an ancestor who relied on the nruhe as a strength-giving food. Prior to going into a fight he would eat two large komeke of fern-root. They also had sweet potato (kumara), the hue (gourd), the pereira and the indigenous taewa—tapapa parareka, and pokerekahu.

The Tuhoe tribe are largely de-scended from the original people of the land and this combined with their long isolation in a mountainous country causes them to be a singularly interesting people and well worthy of study. To the old men of Ngai-Tawhaki [unclear: s] Tama-kai-moana am I indebted [unclear: f] many interesting items in [unclear: regard] these singular people, but the [unclear: rela] thereof must wait until such [unclear: time] we shall endeavour to [unclear: collect] more "fragments of M tuatua."

Having lately visited the [unclear: Tu] people in their secluded [unclear: kaingas] free to confess that the bapus of [unclear: R] tahuna, Te Umuroa and [unclear: Manage] pohatu contain some of the [unclear: most] foresting types to be found [unclear: in] country, and which may be [unclear: ethno] cally divided into—1. The [unclear: Paleness] 2. The Melanesian. 3. The [unclear: Me] lian. 4. The Urukehu

The Polynesian type we know [unclear: w] it can be studied in any [unclear: native ka] but there is a fair, large featured [unclear: t] which I have often noted [unclear: among] Ngati-Raukawa. There are [unclear: ma] these [unclear: mong] the Urewera. [unclear: I] seen them in hundreds on the [unclear: be] Apia in the [unclear: Samom] Group, [unclear: and] palm groves of Tutuila know [unclear: them] well.

The [unclear: Melanesian] or [unclear: Papuas] most pronounced among the [unclear: T] Some of these have the [unclear: western] tures and huge, [unclear: outstanding] hair so well known in Fiji [unclear: and] Western Islands. I had [unclear: prer] seen this type at Te Reinga in 1875 [unclear: y] some Tuhoe were on a vi-it [unclear: to] Kowhatu of that place. Some of [unclear: this] looked as if they had just [unclear: stepped] of the plates in "Belcher's! [unclear: V] It would be most interesting [unclear: to] if these types, 2, 3, and 4 are [unclear: d] from the aboriginal people (I [unclear: u] clined to think that they are) [unclear: as] so whence came the marked [unclear: dif] in the types. Was there a [unclear: pre] race of Melanesian extraction [unclear: p] ing this strange land in the [unclear: din] If so, whence the Mongolian [unclear: and] kehu.

The third or Mongolian [unclear: type] marked contrast to the other [unclear: h] the Mongolian with the neavy [unclear: fe] [unclear: and] sullen expression of a Klamath [unclear: Indian]. You may see them on auy [unclear: vation] from Cape Mendocino to [unclear: Alska]. The Haidas of Queen Char-[unclear: te] Islands, with their Polynesian [unclear: ving] and whakapakoko—there you [unclear: ve] the Mongolian type of the Ure-[unclear: er] people.

The Urukehu.—This is the most in-[unclear: resting] and singular type to be found [unclear: New] Zealand. People will tell you [unclear: ey] are albinos. It is not so. The [unclear: ino] I have met among Anglo-Saxon [unclear: nd] Castilian peoples and among the [unclear: groes] of the Mississippi biyous. [unclear: They] are a freak of Nature, a sickly [unclear: nd] weak-eyed caricature of humanity [unclear: nd] abhorred of the true ethnologist. [unclear: he] urukehu of the Urewera are a dis-[unclear: t] people, a white, fine featured—[unclear: a] word—an Aryan people. There [unclear: a] goodly number of these white [unclear: ountaineers] in Tuhoe-land, and [unclear: he] old men inform me that they have [unclear: ways] been there, always dwelt a [unclear: ong] the darker people, from remote [unclear: mes.] Some say they are descended [unclear: rom] the Turehu, a race of white peo-[unclear: le] who originally occupied this island times long past away. In later [unclear: nes] these Turehu appear to have ob-[unclear: ned] as a species of wood elves or [unclear: ires] who dwelt in forests and on [unclear: ountain] ranges, and were often he trd [unclear: king] and singing, and who wrought [unclear: ge] tricks upon the luckless in-[unclear: dual] who offended them, as wit-[unclear: ss] the sacred totara tree which [unclear: nds] near Te Ana-o-Tawa on the [unclear: res] of the Sea of Waikare—for [unclear: ould] any man dare to molest that [unclear: e] he was surely maltreated by the [unclear: ehu] and Patupaearehe of the Great [unclear: est] of Tane. Evidently a mythical [unclear: oe] the e Turehu, but who can tell [unclear: hat] sub-stratum of fact may under-[unclear: e] these wild legends.

[unclear: For] the urukehu is in evidence. He [unclear: me] to stay. He is a mystery to his [unclear: patriots] and a thing of joy to the [unclear: ropologist]. Probably the best specimen I saw was at Ruatahuna—a young woman of some twenty years of age. We were seated in the "marae" before Te Puhi-o-Matauna the great Council House of the Taboo tribe. The people gathered around us to view the pakehas, the pakeltas from Tara-pounamu, from Te Whaiti-nui-.a-Toi It was quite an event in their lonely mountain vally. Wo spoke of many things, of the days of old, of the Iho-o-Kataka, that blessing to childless homes. And of the brave days when Tane-atua and Ira-kewa and Tawhaki and the host of old time heroes of Mataatua were in the flesh and performed great deeds in the World of Light. And the faces around me lighted up with pleasure and the tribal pride of the mountaineer. A primitive people and a kindly, those Tuhoe of Ruatabuna. Who gave unto us their best whare and such food as they had, the fruits of their soil and fresh milk and the bread of the hinau. And j as

we talked of the brave days of old I looked at the faces around me, the faces I had seen long years since in the redwood forests of Humboldt Bay. On the beach at Honolulu, beneath the cocoa palms of Samoa. And the uru-kehu was as the remnant of a long-lost race and I could not place her in any of the old but well-remembered camps. For the mass of gold red hair took me far away to the land of Thor and in the small mouth, thin lips and straight nose I saw an Arya of the Aryans, the strong, slightly prognathous jaw located here among the ancient Celts, the Esthonians of the Bialtic. But her surroundings were Polynesian as her language. The Urukehu is a Sphinx.

## MARU-IWI.

*"Te Heke a Maru-iwi ki to Po."*

The Maruiwi were one of the aboriginal tribes of New Zealand and originally occupied the Valley of the Waimaua River where they had many fortified pas, the principal one being Mapouriki.

Another "pa" of Maru-iwi was Mohoaonui at Ruatoki. It was a large "pa" and the remains may still be seen at that place. Friend! So large was that "pa" that when a child was born at one end of the "pa," that child might grow to manhood and yet be quite unknown to the people living at the other end. Such were the works of old.

The whole land was occupied by the tribes of the "tangata whenua" whose ancestors held these lands long before the historical vessels came from the Hawaikian Fatherland which lies far away, across the great Ocean of Kiwa.

When the ancestors of the present Maori people became numerous in Aotearoa then wars arose between the two races and many battles took place, and the long peace of the Great White World was broken at last. Then was known the evil which comes with war and strife. The clash of arms was heard in the old time homes of Te Tini-o-Toi, the sound of the war trumpets echoed far and wide, the rivers and lands of the descendants of Maui were stained with the blood of Maruiwi and Te Marangaranga, of Te Po-kiki and Te Pokaka.

Maru-ka was a chief of Te Maruiwi. He and Koira of Ngati-Awa had a long argument concerning the "kumara" of Rehua and of Whanui. They came to high words and Maru-ka struck Koira on the face. Then was Koira dark in his heart, and he went forth and sought his "tu" puna" Rakei-ao. A man of great knowledge was Rakei-ao, versed in the sacred lore of his race and a "tohunga" of great fame. And Koira said to this "tohunga"—"I have been insulted by Maru-ka of Te Maruiwi, yea—even struck by that man. Sir! It is not well that this tribe should remain here. Rather let them be driven from these lands, driven away towards the setting sun." [unclear: A] Rakei-ao, the man of knowledge agreed to this. He said, "Let [unclear: the] place be swept and made quite [unclear: c] This was done and then the [unclear: pn] said, "Now you must dig a bole, [unclear: e] a deep hole, that I may perform [unclear: these] in the necessary ceremonies and [unclear: a] cantations to enable me to drive [unclear: aw] the Maru-iwi to other lands. But [unclear: y] must be careful and not laugh at [unclear: any] thing I do or my work and [unclear: pray] will be in vain." So ended the [unclear: w] of Rakei ao, the "tohunga." [unclear: T] this priest—with his sacred [unclear: girdle] round him—descended into the [unclear: bed] which had been prepared. [unclear: He] not defend in the ordinary [unclear: man] as other men do, but went down [unclear: b] first and performed the necessary ceremonies in that position, [unclear: T] meaning of all this was—"a [unclear: driving] away, or expelling, of Maru-iwi [unclear: (M)] whakateretere i a Maru-iwi.)

Even so were Koira and his people enabled to expel the Maru iwi [unclear: free] Waimana, their ancient home, [unclear: As] they fled, fled with a great fear [unclear: up] them, far away from their [unclear: well-k] homes of many generations, [unclear: av] to the region where the sun goes [unclear: do] So went forth the Maru-iwi, [unclear: pression] on wards through the ancient lands Te Rarauhe-maemae and Te [unclear: Marang] ranga, of Te Po-kiki and Te [unclear: Poka] They left their tribal lands, they the hills and valleys, they left [unclear: tin] rivers and forests. As they [unclear: looks] back at the well-known [unclear: mountain] which encircled their former house they paused and greeted each [unclear: l] peak and deserted valley, the [unclear: forse] wherein so many generations of [unclear: these] tribe had hunted and fought, [unclear: the] sacred places wherein lay the [unclear: bo] of their dead. Far away across [unclear: the] White World was borne the [unclear: wail] of Maru iwi as they chanted a [unclear: song] of fare well to the Land of the [unclear: Ancie] People. For the Maori had come, [unclear: t] Maori of Hawaiki, of the Dark [unclear: Oce] [unclear: Irained] to war and slaughter in the [unclear: crowded] Isles of Polynesia.

So fled the Maru-iwi with the battle [unclear: ery] of the Coming Race ringing in [unclear: thir] ears, with the fear of death upon [unclear: them]. By rugged mountains and lone-[unclear: ly] valleys, across swift rivers and [unclear: pathless] jungles, over wide plains and [unclear: amidst] the murmuring Children of [unclear: Tane]—the Maruiwi fled. They saw [unclear: in] each moving shrub an armed enemy, [unclear: they] heard the relentless foe in the [unclear: ghing] winds, in the my sterious [unclear: mies] of the Night. Strong men hur-ed forward to an unknown haven, [unclear: romen] carrying little children pressed [unclear: vearily] onward, the old and weak [unclear: led] by the way. Still the Maruiwi [unclear: ed]. They reached Titi-o-kura,

and [unclear: the] black fear was still on them. For [unclear: the] savage may be hard upon their [unclear: pai] Who might know! The dread-[unclear: ful] foe who killed for killing's [unclear: ske,] who slew old and young of both sexes alike, who roasted and ate the bodies of the dead—a truly terrible foe. Thus Maruiwi hurried hurried on, in the darkness of night they clambered up the rug-[unclear: ged] mountains, they traversed the [unclear: workig] woods of the unknown land. The foremost reached a deep chasm in the Range, a canon with perpen-[unclear: dicular] walls. Unknowing they step-[unclear: ped] into the abyss and met a fearful death—unknowing the others pressed [unclear: on] bad were in turn forced into the [unclear: gulch] by the pressure of those behind them. And therein that dirk and [unclear: ful] chasm lay strong men and fee-[unclear: ble] women, warriors and little child-[unclear: reu] crushed and lifeless. For the [unclear: eath] they dreaded from the rear had [unclear: met] them face to face in the mountains [unclear: M] the Ririo.

Hence came the expressions:—

*"Te H ke a Maruiwi kite Po*

*"The Descent of Maru-iwi to the [unclear: Shades]."*

"

*"Te Heke a Maruiwi ki te Waro."*

Those have come to be used as synonyms for death. And the few survivors of Maruiwi fled onwards to Wairarapa and to the Land of the Pounamu, and their name is lost to the World of Life and no man may know their descendants.

Only this remains:—"Te Heke a Maruiwi ki te Po!

And Maru-a-Hangaroa of Kahu-huna married Rakei-to-and had Puhi-awe, who married Awatope and had Ira-wharo and Koira. And Koira had Kokowai who had Tuahine-[unclear: ru,] who had Hika-puapua, who married Te Uruhina and had Te Rangi-patai and Hine-oho. And Hine-oho had Tuahiwi, who had Te Mokena, who had Hamiora,

Old Hamiora of Ngati-whare, who gave the above information.

who had Te Mate-kuare, who had Whare.

## Chapter X.

### FOLK LORE.—WHENCE OF THE MATA-ATUA CANOE.—CONCLUSION.

#### FOLK AND DEMON LORE OF THE MAORI.

(Ngati-Awa.)

The Story of Hau-kopeke and the Ririo.

The Urewera inform me that the Ririo is the leading atua (god-spirit) of the Taupo Tribes, as Te Renu-o-Tainui is that of Tuhoe and Makawe that of the Arawa Tribes.

Here begins the story of a certain [unclear: mm] of old who was carried off by the Ririo which is an atua. The name of that man was Hau-kopeke, he was an ancestor of ours. The Ririo lived on the Kai-manawa Ranges. Hau-kopeke lived at Ruatahuna, at the base of Kai-manawa. The cause of this man being carried off—it was this—he ate of the food of the sacred oven prepared for the priest. Thus he was carried off in the clutches of Ririo. But the multitude of the people did not see him being taken, they merely heard him being carried through the tree-tops, carried to Kai-manawa, the abode of the Ririo. Then the tohungas (priests) assembled at the tuahu (sacred place where religious ceremonies, divinations, &c, took place.) They donned the sacred girdle and extending their arms, prayed aloud. For seven nights was the man lost, for seven nights did the priests remain at the tuahu without partaking of food.

The Maori of old counted time by nights, not by days.

On the seventh day as the sun was declining, Hau-kopeke was returned and cast down from the tree-tops close to the village. And one side of that man was crippled. Behold how great was the power of the tohungas of old.

#### TE TAHI OF NGATI-AWA AND THE TANIWHA.

We begin again. Te Tahio-terangi was an ancestor of mine. He was taken to Whakaari White Island.

by Ngati-Awa. The kausa of ko Tahio being left on that Island was this—he had the power of causing rain to descend, and he had produced rain at a time when it was not wanted by the tribe and a quantity of their crops were carried away by a flood. ?? Tahio was blamed for this and so he was marooned on Whakaari and left without food. The canoes of Ngati-Awa sailed away and left him. Te Tahio gazed after the fleet until the canoes

were lost to sight. He then mounted a rock by the shore and called upon the host of the ocean demons to come to his assistance. They did so—a dreadful array of taniwha, marakibau and tupua. Te Tahī mounted upon a huge taniwha (watermonster) which conveyed him to the mainland. On approaching the canoes of Ngati-Awa the taniwha proposed to overturn them and destroy the people, but Te Tahī said, "Let us be forgiving, that we may gain a name for ourselves."

"Waiho hei korero i a tatou kia atawhai ki te iwi." Another version makes Te Tahī say—"Waiho ma te [unclear: whakes] pata." i.e., "Let them be, that [unclear: some] may skill them."

On arriving at the shore the taniwha cast Te Tahī ashore on [unclear: the] point of Kohi at [unclear: Whakataoe]. At [unclear: the] time the canoes were also making [unclear: the] land. Te Tahī proceeded [unclear: along] shore having clothed him-elf [unclear: in] finest garments. He wore a [unclear: pre] roa and over that a toi. He [unclear: took] patu-paraoa in his hand. As [unclear: he] proached the vill ge the [unclear: people] "Can this be Te Tahī who is [unclear: con] No! He was left on Wh ka ri" they saw it was really he. [unclear: Teff] resided near the coast and [unclear: whes] after years he died at Oporu, [unclear: he] buried at that place. But [unclear: the] wha who had carried him ashore [unclear: c] and took his body away to the [unclear: o] Aud he still resides in the [unclear: ocean] sea-demon. This [unclear: happened] generations ago.

## THE STORY OF HINE-RUAPANGL.

(Ngati-whare.)

This person, Hine-ruarangi, [unclear: w] woman of olden times. She [unclear: li] the vale of Whirinaki, above Te [unclear: M] murunga. One day she was [unclear: pe] her canoe up the river and [unclear: went] up the Whirinaki, until she [unclear: could] see the valley on account of [unclear: the] cliffs on either side of the [unclear: river.] the river is very narrow at that [unclear: p] Then Hine arrived at the deep [unclear: pe] the river where her canoe was [unclear: s] by the taniwha (water-demon) [unclear: of] place. And the goblin [unclear: upse] canoe and Hine-ruarangi was [unclear: orow] destroyed by the taniwha which [unclear: d] at the whititanga of Whirinak [unclear: a] the spirit of Hine became also [unclear: a] wha. Hine-ruar-angi of Ngati-[unclear: w] was transformed into a [unclear: tipua.] appearance to this world is [unclear: ro] form of a kawau (graculus [unclear: va] cormorant). There is but the kawau at that place, no more [unclear: an] seen there, at that deep pool [unclear: in] Whiriaki. And so Hine-ruarangi remains in the form of a kawau, and [unclear: a] token of death to our tribe, to [unclear: Ngati] whare. The sickness of no per-[unclear: is] unknown to that strange bird. [unclear: Three] days before death comes, (he [unclear: wau] is seen to fly over the village. [unclear: That] the sign of death. And then [unclear: all] people know that the person who [unclear: affected] by sickness will surely die. [unclear: e] kawnu still bears the name of [unclear: ne]-ruarangi, and may still be seen [unclear: that] place, and the-place of shelter [unclear: that] goblin is that clump of cab-[unclear: oge] trees by the cliff yonder, just [unclear: ave] the deep hole in the river, Heooi! [unclear: this] story ends.

## THE WHENCE OF THE MATAATUA CANOE

From Ngati-Awa.

"The Mataatua canoe came from [unclear: ti] The Arawa came from the [unclear: and] culled Pain. Tainui and Kuro-[unclear: po] came from Rurutu."

[unclear: Tua] was a chief of Tahiti when the [unclear: atna] left. He lived in that far-[unclear: land] with the tribes known as Te [unclear: o]-Te-Oropon or Nga Mann kuru-[unclear: Te]-oropoa and Te Whana-i-a-Hurej [unclear: Te]-Taumata-a-te-whsna-i-a-Ilurei. [unclear: Tua], wished to make a canoe, so [unclear: went] forth to the forest and selee-[unclear: a] tree and having felled it he ro-[unclear: ed] home. On re-visiting the place [unclear: t] day found the tree erect in its [unclear: mer] position Twice this strange [unclear: ing] occurred and so having fellow the [unclear: a] third time Tua remained to [unclear: ch] it in order to discover who it [unclear: that] was deceiving him. And as watched in that lone spot he was [unclear: ed] by the appearance of a "nga-[unclear: a] great monster of strange [unclear: u]. And Tua fled—fled through [unclear: u] great forest in fear. But it was [unclear: a] avail for he was pursued and [unclear: ed] by the ngarara (monster-[unclear: on]). Now this ngarara was a [unclear: le] of the species " taniwha " and [unclear: me] was Tuamatua. And Tua-[unclear: a] carried off Tua to her hornet far away across the great hills. There they lived together as man and wife—Tua and Tuamatua. And as they lay together at night Tua was affected by a violent cough (mare). So when their child was born it was called Po-mare. Then Tua returned to his dis-taut home. And the child Po maro grew up and when he had attained a certain aged he noticed that his appearance was very different to that of his mother. He enquired the reason of it. Tuamatua said, " It is because your father was not such as I, but a different being, who came from afar off." Then Po-mare said, " I wish to see my father." So Tuamatua took him to the summit of a great hill and pointed out the direction in which lay the home of Tua.



Then she returned to her home. But Po-mare went onwards until he came to the abode of Tua. And in the village he saw a gong suspended and taking a stick he struck it and caused it to give forth a great sound. The people came forth and seized him and some went and told their chief of the act of the daring stranger. For the gong was a sacred gong and was only sounded when a child was born to Tua. So the chief was exceedingly wroth and commanded his people to slay Po-mare. But the youth said, 'No! You must not kill me. If I am to die, then Tua himself must kill me.' This remark was conveyed to Tua, but that chief said, "No! You yourselves must kill him." But some of the children of Tua had seen how much Po-mare resembled their father. So they brought him into the presence of Tua who asked him who he was. Now Po-mare answered this question by relating the story of the encounter between his father and Tuamatua, the ogress. But when he arrived at the part describing the last uprising of the tree, then Tua checked him, saying, "Cease your tale, for now I know you are truly my son." Tua checked Po-mare thus because he was ashamed for it to be known that he had lived with a "ngarara."

And Tuamatua was pursued by TeKuri-i-horo-i-a-Anini and destroyed, and her body was cast up on the shore of Paia.

Irakewa was an influential man of Tahiti in those days. And as he slept his spirit left him and came from that far-off isle to Aotearoa to Whakatane and to the Head of the Fish of Maui. It then returned to Hawaiki. Irakewa said to the people:—"There is a land far away which is a good place for you to go to. There is a waterfall there and a cave on the hillside for Muriwai."

So a canoe was made of the timber called "tamanu," and it was named Tuamatua. And this canoe crossed the Great Ocean of Kiwa to New Zealand and many people came in her, This was the canoe we call Mataatua, but it was known in Tahiti as Tuamatua. Kati! We will now cease."

The foregoing notes have been written in a somewhat disjointed manner and will not, I fear, possess much interest for the general reader, but such as they are will help to further the work of collecting the fragments of Mataatua. I have not sufficient knowledge of the history and traditions of the tribes of this district to put together any connected account, but think it well to place on record these few notes for the benefit of others laboring in the field.

When noting the wonderful advancement of Human Culture within the past century, the rapid spreading of the Teutonic races in all quarters of the earth, the wholesale annihilation of Inferior Man—then is borne in on us the knowledge that the time is not far distant when this most ancient Earth shall see the last of her first born children give place to Teuton or to Slav, and Primitive Man shall be no more.

When that time shall come, [unclear: v] the legends, and history, and songs [unclear: u] vocabularies of uncultured man [unclear: d] no longer be obtainable save [unclear: in] varies, then also will it surely [unclear: con] pass that these matters will be [unclear: vi] ed in their right light as to the [unclear: le] that they contain. And men [unclear: s] say—Why is it that our [unclear: accounts] Primitive Man are so meagre—[unclear: W] did our fathers not labour more [unclear: fu]

And wherefore we do well to [unclear: p] on record all obtainable [unclear: matter!] regarding the origin and di-[unclear: tribal] of races, their languages, [unclear: tradi] and history.

Strictly local as many of these [unclear: J] traditions are, yet shall they [unclear: find] place in the History of the Maori, [unclear: and] serve to illustrate the customs of [unclear: the] singular race which for so many [unclear: e] turies has been wandering—

*"On from island unto island*

*At the gateways of the day,"*

As for those men of knowledge [unclear: w] have given me the traditionary [unclear: ms] contained in these articles—this [unclear: is] word to them from one who, [unclear: alth] ignorant of their ancient history [unclear: u] the truly wonderful teachings of [unclear: th] mythological system—[unclear: although] member of an intrusive and [unclear: ag] sive race, has yet been ever [unclear: tr] with kindness by these [unclear: kaum] even with a dignified courtesy [unclear: by] de-cendants of Toi and [unclear: Tiwaka] of Tangiharuru and Wharepakan. [unclear: p] long hours and many evenings [unclear: has] they instructed me in the ancient [unclear: b] of their race and the old-time [unclear: eh] of Maori-land. Over and again [unclear: h] they repeated long genealogies [unclear: f] the period when the gods lived [unclear: on] earth to the coming of the [unclear: pa] With endless corrections and [unclear: explan] tions have they drilled into the [unclear: d] tive memory of their hearer—a [unclear: n] ory rendered non-retentive by [unclear: ca] of racial dependence on written [unclear: h] guage—the legends of the [unclear: Cr] the Origin of Man, the Cause of the Ements, the avhence of the Maori ? the wars and loves of old.

Right well do I appreciate the care Wpatience bestowed upon my edu-Bon in these matters by those in Komi recognise the truly intellectual fend, which ever takes a keen pleasure in tracing the history of the past, and dwells with quickening interest upon the achievements of those stal-Krt ancestors, who, in their frail Ken boats, explored half a world Bcenturies before our progenitors fe pass from the sight of land.

The Genesis and Mythology of the Polynesian world form a truly strange and interesting example of the mental power of a Neolithic people and also of the longevity of their race. Little inferior is it in mental grasp and nobility of expression to that wonderful story that has come down to us through the changing ages from the far away Valley where dwelt the pre-Semitic Accadians, where Darius, and Alexander, and Cambyses, with other old-time heroes marched and fought; and hoary nations of antiquity lived out their long-drawn lives, in a land that was even then ancient beyond imputation.

To those who have studied the ancient lore of the Semitic, Turanian and Hellenic races, no word need here be said as to the strange resemblance that exists between the Polynesian folk-lore and Cosmogony, and those of the people who gave us the singular legends disclosed by the older [unclear: cuneiform] inscriptions of Chaldea. Far away in the dim past, away beyond the birth-time of the Vedas and the great Aryan separation—the ancestor of the Maori lived in the Cradle of the World—and knew not his destiny. Far and wide over the [unclear: surface] of the earth has he wandered and [unclear: many] lands have known him from Africa's eastern isle across the great [unclear: Ocean] of Kiwa to the shores of America—ever urged on by love of adventure and maritime daring, by want and war, to fulfil his allotted task in making history.

Let not the reader of these few rough notes and translations imagine that the fragments of Mataatua are yet collected. It is not so. The foregoing items, which have been hurriedly put together, are but as a single fragment of that sacred vessel—but as a few chips of the taumanu or tata. And the rauawa, and the lhu and the riu and the towering whakarei are yet unrepresented. For abler pens than mine remains the task of gathering in the scattered relics of the daring Polynesian Argonauts who adventured these rough seas and explored the Great White World while yet the Americas were unknown to our fathers.

But the collecting of these most interesting and instructive legends must be done quickly, for the few kaumatua who yet possess the kura-huna are fast passing from us—verily their feeble hands already grasp the sacred pohutukawa by which the spirit of the Maori descends to the World of Darkness. It must be done to-day, for, behold! The dawn of the coming day of their annihilation is already breaking across the eastern skies, and the old, old trail to TeReinga will soon be traversed by the Last of the Tohungas. And even before the grass grows over that sacred Trail, must those who possess the love of knowledge, the desire to rescue the sacred lore of this fast vanishing Neolithic race from oblivion—labour full well in the field. Yet a little while and it will be too late. Another generation will look in [unclear: vain] for these men of knowledge. It is we of to-day who must work. And then, when our old friends have gone on their lonely way, adown that narrowing Trail, and the "tamtam of Tura" has descended upon us—we may look back upon this labour and say—It was well done.

If those who can read the lesson which is writ for all, should fall into line and assist in this work—then it may come to pass that the long-lost remnants of Mataatua shall be recovered, that the rauawa shall be lashed on and the sacred figure-head attached, that the mast be erected and the sail spread, and with strangely formed paddles and carved balers, the men of old shall place themselves upon the taumanu, and then amid the death-like silence of the people and the weird karakia of the tohungas—MATA-ATUA shall again float upon the waters as of yore—and go forth upon the Great Ocean of Kiwa on yet another voyage of exploration in search of the Hidden Land of Tane.

And even as that Hidden Land is not seen of human eyes, so shall the new voyage of Mataatua be unknown to us. No chart shall mark her course, no voyager across the Dark Sea shall hail her or look upon that strange bark. In the days of old she [unclear: sailed] bravely forth from Hawaiki to [unclear: east] War and to find a new land [unclear: where] her people might dwell in peace. [unclear: Let] on her new Voyage shall she sail [unclear: through] the World of Light to a Land [unclear: that] not known to our geographers [unclear: a] which is not bounded by parallels [unclear: of] latitude. She will sail over the [unclear: dark] waters of Te Einga to escape [unclear: from] the great Law of Human [unclear: Progress] For her people know full well [unclear: that] Great White World is passing [unclear: from] them and will paddle silently [unclear: on] wearily onward in search of the "[unclear: Hidden] Waters of TANE."

And wherefore may all men [unclear: know] that herein lieth a Great [unclear: Lesson] we will but accept it.

And the only word that I [unclear: wish] me to add to the foregoing is—

TENA!

"KOHIKOHIA NGA MARAMA O [UNCLEAR: MAY] ATUA."

## Notes.

## AGRICULTURE PRACTISED BY THE ANCIENT PEOPLE OF NEW ZEALAND.

In Chapter II I made the statement that the aborigines of this land were ignorant of the art of agriculture. It is a fact, however, that the pre-Maori people cultivated the "hue" gourd which was utilised as an article of food and also for water vessels, &c.

## MAUI THE DISCOVERER OF AOTEAROA.

The Ngati-Awa tribe state that Maui was the first ancestor to visit Aotearoa (New Zealand) and that he at once returned to Hawaiki to take "moawe" of Aotearoa to that place. Now the word "maawe" has several meanings, one of which is as follows:—When a battle is won, a piece [unclear: of] clothing or hair of a dead [unclear: ene] taken to the priest of the [unclear: vic] tribe who proceeds to "Karakia [unclear: a] it, in order to render the [unclear: e] powerless—kia kore e toa article is called a "maawe."

## TE MARANGARAHGA.

The following is a genealogy [unclear: logy] this ancient people:—Toi [unclear: kai] married Mokotea and had Te [unclear: a] ngaranga and Taunga and [unclear: Ka] Panenehu. Marangaranga [unclear: ha] Uira-i-waho, who had Tu-[unclear: rere] had Mai-ki-te-kura, who [unclear: ba] Eupe-tu, who had Hatonga, had Mahu-nuku, who had [unclear: Maba] who had Mahu-tapoa-nui, who had [unclear: Te]Rangi-taupiri, who had Tamaka, [unclear: who] had TeAo-whakahaha, who had [unclear: rangi], who had Tihori, who married [unclear: id]Kopura-kai-whiti and had Pau [unclear: puku], who had [unclear: Hinertara,] who had [unclear: ma]-ka-ura, who had TeWherutu, [unclear: who] had Tu-whakarau, who had TeWhins, who had TeRangi-pakakina, [unclear: be] had Kurukuru. (Four more [unclear: ations] to present time.)

## TE ARATAWHAO.

(Another version.)

Taukata remained in this land but [unclear: ake] returned to Hawaiki on board [unclear: the]Aratawhao, as a guide to that far [unclear: d]These two were brothers, their [unclear: rs] were Tuturi-whatu and Kanioro. [unclear: The] latter married Pourangahua of Whangaparaoa. She was the 'ariki' [unclear: of] the 'pounamu.'

Tamakihiurangi did not sail on [unclear: the]Aratawhao. That was long before [unclear: this] time. Awa-nui-a-rangi, son of [unclear: s,] was commander of that ancient [unclear: sel]She and her people and Hoake [unclear: mained] at Hawaiki. Six generations [unclear: d] and died at Hawaiki. In the [unclear: e] of Toroa, sixth in descent from [unclear: wa]-nui a-rangi, the Mataatua [unclear: came] this land, bringing among others, [unclear: he] descendants of Toi of old. Back the home of their fathers they came [unclear: d] brought with them the 'kumara.' [unclear: That] was their treasure, the kumara, [unclear: ed] carefully were the precious [unclear: ed] tubers guarded during the long [unclear: yage]. And when the seed wore [unclear: nted] the skull of Tnukata was carried [unclear: ed] from its resting place in the cave and placed on the paenga [unclear: the] kumara plantation. And a seed [unclear: mara] was thrust into each of the [unclear: e] sockets of Taukata's skull. This [unclear: onyn] was to preserve the seed—whakahuahuite kumara," and prevent the 'mariri' of the [unclear: ara] from returning to Hawaiki the kumara crop was gathered [unclear: and] stored in the 'rua' then a descendant [unclear: ant] of Taukata was slain as a 'patunga tapu' or sacred offering. The blood of the victim was sprinkled on the doorposts of the storehouse in which the kumara were placed. This custom concerning the skull was continued until the adoption of Christianity.

Awanui-a-rangi had Awaroa, who had Awa-tuma-ki-te-rangi, who had Pari-nui-te-ra, who had Ira-kewa, who had Awa-morehurehu, who had Toroa. The first six all died in Hawaiki. Toroa was captain and priest of Mataatua. And from Awa-[unclear: nuba]rangi are descended the Ngati-Awa tribe of the Bay of Plenty.

## TUA OF TAHITI.

I have only met with this name once in the ancient songs. It occurs in the "Tua o Matatua," which 'karakia' was repeated while the Mataatua or Tuamatua canoe was being launched at Tahiti. It was also repeated over the Arawa at Matata by Toroa.

## TE TAU O MATAATUA.

"Kapuahokaiarunga o Tahiti nui a Toi  
Ka tatau ana ki runga o Kapu-to-Puke i Aotea \_\_\_\_\_ [rangi  
Ko Toi te tangata o te motu, &c."

## PAEA ON PAIA.

This name occurs in a Maori Lament published in the Journal of the Polynesian Society some time back. 'NauaihomeaitePaea-o-Tawhiti&c.'

In a communication received from Miss TeUira Henry of Honolulu, a lady who is thoroughly conversant with the ancient history and legendary lore of Tahiti, I have received confirmation of several proper names given me by the Ngati-Awa.

Te Oropoa.—This is the name of a largo department of Tahiti.

Ta Tana-i-Ahurai.—Is the adjoining district to To Oropoa.

Paea.—Is a district in Te Oropoa.

Tua.—Is the name of a very ancient high chieftain family of Tahiti.

FINIS.

## Errata.

On page 5. col. 1, line 31, for Toutoru read Tautoru.

On page 5, col. 1. line 33, for Mangaroa read Mangoroa.

On page 6, col. 2. line 29, for Tama-ki-kiku-rangi read-hiku-rangi.

On page 8, col. 2. line 18, for Haurangi read Hourangi.

On page 9, col. 2. line 15, for Kahui-ki-utu read-uta.

On page 9, col. 2. line 18, for Kahui-te-waho read-ki-waho.

On page 11, col. 1. line 36, for turaturua read turoturua.

On page 14, col. 2. line 15, for tone read tonei.

On page 17, col. 2. line 39, for Tuhoe-potoki read-potiki.

On page 18, col. 2. line 28, for Mangaroa read Mangoroa.

On page 18, col. 2. line 46, for whakatake read whakatahe.

On page 19, col. 1. line 3, for Makaue read Makawe.

On page 23, col. 2. line 30, for own read now.

On page 24, col. 2. line 15, for Haera read Haero.

On page 32, col. 1. line 7, for mahoki read inahoki.

On page 41, col. 1. line 22, for Paia read Paea.

On page 41, col. 1. line 28 and 29, for a-Hurei read Ahurai.

On page 45, col. 1. line 47, for Mariri read Mauri.

On page 45, col. 2. line 19, for Tua read Tau.

On page 45, col. 2. line 44, for Te Tana read Te Whana.

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## **A. R. Atkinson's Reasons**

# **For Opposing the Present Government**

To the Electors of the City of Wellington.

LADIES AND GENTLEMEN,—

Being unable to reach all of you by word of mouth, I take this means of putting a general summary of my views before you.

### **General.**

On general questions I prefer the title of "Radical" to that of "Liberal" or "Conservative." I have no belief in monopoly or privilege of any kind. I believe in equal opportunities for all, and, in the State, as far as possible, remedying the inequalities of nature; but I am utterly opposed to the so-called "Liberalism," which professes to regard wealth as an offence and seeks to set class against class by exciting the envy of the poor against the rich.

### **Good Measures Passed.**

The most valuable Legislative acts of the present Government, in my opinion, are the Electoral Act, which gave the franchise to women the Licensing Amendments (which have established the direct veto, and increased the popular control of the liquor traffic), and the Land for Settlement Acts, which give the State the power to resume land for the people's use.

### **Labour Legislation.**

Under this head the Government is entitled to credit for the Shop and Shop Assistants Act, Factories Act, Employers' Liability Act, Truck Act, and Industrial Arbitration and Conciliation Act. Of these the first four were introduced by the previous administration and opposed by members of the party now in power. Bold attempts were made by the present Government to deal with the evils of child labour, and the hours of labour, in the Master and Apprentices Bill and the Eight Hours Bill. It seems to me that both these measures and Apprentices Bill and the Eight Hours Bill. It seems to me that both these measures erred in applying too rigid and uniform a method to industries with varying requirements. Some tribunal with a more elastic procedure than an Act of Parliament—the Conciliation Board for instance—should be given the adjustment of the details in such delicate and complicated matters.

### **Old Age Pensions.**

That important question must be dealt with by the coming Parliament, but with little prospect of success until our finances are placed upon a sounder basis. About £250,000 per annum would have been required for the scheme proposed by Mr. Seddon, and three or four times as much, at least, under the modification

introduced by the House. The financial question, which is the essence of the matter, was entirely evaded by the Government, and never reached by the House. As to the general question, my opinion is—that if the scheme is to apply to everybody there should be some special tax for raising the money, or that otherwise there should be precise tests of personal fitness so as to prevent the measure from being an encouragement to unthrift.

## **Education.**

By the Education Act of 1877 our public system of education is free, compulsory and secular. Though an education which excludes religion is incomplete, I cannot see how religion is to be added to the public school course without wrecking the system altogether. The establishment of religious tests for teachers, and of a sort of local option in denominationalism through the school committees appear to me the inevitable outcome of making the State teachers teach religion. Both religion and secular education would suffer by the change. A University College for Wellington, and the extension of technical education are both urgently needed reforms.

## **Licensing.**

This burning question would have been almost settled, so far as Parliament is concerned, if the bills passed by the House in two consecutive sessions had not been wrecked by the Legislative Council. Those bills put club charters on the same footing as all other licences, and also provided for a Colonial Option vote. These provisions, with the addition of a clause giving a majority the control of every issue, are all that is needed to remove this disturbing element from general politics, and to leave it to the people to decide on its own merits at the ballot-box. This is not Prohibition but Democracy, and I would strongly oppose any prohibitory law that might be proposed in Parliament. It is a question that can only be settled by the people at the ballot-box.

## **Party Government.**

Two important constitutional reforms are needed to make our Government a Democracy in fact as well as in name. At present Parliament, which is supposed to represent the people, is forced by the Ministry into misrepresenting them through the threat of dissolution. When Ministers decide to treat any motion as a vote of no-confidence, they in effect say to their followers, "Unless you vote as we wish, we will dissolve Parliament, and you will lose your salary of £240 a year for three years." If this power were taken away, Parliament could regain its independence, and could consider questions on their merits without the question of the fate of the Ministers, and the loss of members' salaries, coming in to confuse the issue. The Elective Executive will be a valuable reform, more because it will tend to secure this independence than from the mere fact of the Executive being elected by the House.

## **Direct Democracy.**

Not only must Parliament be given the control of Ministers, but the people must be given the control of Parliament. This can be secured by referring measures to a direct vote of the people at the ballot-box. This reform, commonly called the Referendum, might be introduced in a tentative fashion; for instance, questions on which the two chambers differed might be at once referred to the people. Further extensions would follow in due course. With the people controlling Parliament, and Parliament ministers, we should substitute a true Democracy for the misrepresentative and autocratic rule of Ministers, and the evils of party would be largely alleviated.

## **Legislative Council.**

The Council is at once too weak and too irresponsible—too much out of touch with popular feeling, and too fearful of asserting its power when occasion demands it. The nominative system is bad in principle and has failed in practice. Some system of election with larger constituencies and a longer term than in the case of the House of Representatives, and with a fixed proportion of the members retiring by rotation at intervals, would give a stronger and more representative Council. The Referendum would obviate the risks of a legislative deadlock.

## **Unemployed and Charitable Aid.**

These important subjects have almost been entirely overlooked by Mr. Seddon's government, and no systematic attempt has been made to deal with either of them. The expenditure of £106,536 of public moneys



on Charitable Aid during the last financial year, being an increase of over 20 per cent, on the previous year, is enough to show that the recent Liberal legislation has done little for those lowest in the social scale, and that their misery is growing faster than the boasted prosperity of others. An entire remodelling of our Charitable Aid system, including the institution of Labour Settlements where work may be found for the deserving unemployed, and forced upon the undeserving, and the abolition of our pauperising system of outdoor relief, is a more urgent necessity than the levelling-down proposals which find more favour at present.

## Administration.

So far I have been considering the sphere of legislation, but an equal, if not a more important, part of Government remains to be considered, viz., administration. Without good administration, legislation itself is inoperative, and in every case more depends upon the spirit of the administration than upon the letter of the law. The administration of the present Government has been chiefly faulty in the reckless extravagance of its finance, and in impairing the purity and independence of the Judiciary and the Civil Service—the two institutions which it is of most importance for a democracy to guard with jealousy.

## Finance.

The Public Debt has increased 4,000,000 since 1891, and there is besides the contingent liability of 5,000,000 on account of the Bank of New Zealand. The expenditure is steadily increasing. The total trade per head when the Atkinson Government took office was £21 19s and when they went out of office it was £25 13s. In 1891 it was £25 10s. and under the present Government it has decreased to £21 11s. The latest result of Mr. Seddon's finance was the Loan Bill passed last session. The necessity for the loan was shown when it was stated that something like £460,000 had been practically pledged in advance by this non-borrowing, self-reliant Government. Now that Provincial Government has been abolished, we should institute some system of local Government that would regulate the expenditure of public moneys. We must also have the right of the Referendum before loans of this kind are embarked upon.

## Corruption.

The following are the chief of the Ministry's offences in this direction :—

- The appointment of Colonel Fraser as Sergeant-at-Arms in violation of the Disqualification Act, the confirmation of which dirty job was actually forced upon the House by its being made a Party question.
- Interference with the administration of justice shown in :—
  - ¶The notorious Lawliss case, where a policeman, who had been discharged from the Force for immorality, secured a publican's licence through a direct appeal from the Commissioner of Police to the Licensing Committee.
  - ¶The appointment of Justices of the Peace of the "right colour."
  - ¶The refusal to remove Justices of the Peace who had participated in breaches of the liquor laws in the Clutha District.
  - ¶The denunciation of Mr. Justice Williams as a "Tory" judge for delivering an honest judgment against a member of the Ministry.
- The systematic appointment to positions in the Civil Service of the friends of Ministers, and especially of the officers of Liberal Leagues and other hangers-on of the Premier; and the institution of a system of espionage and terrorism throughout the service.
- And in particular the evasion of the Civil Service Act by the appointment of a number of temporary clerks, who can be appointed without regard to the conditions of merit prescribed by the Act. Over one-third of the Government clerks in Wellington are temporary only.
- The corrupt use of patronage in the matter of Government advertisements for the reward of Party services. Thus the Nelson *Colonist* (Ministerial) gets £60 of Government advertising, the Nelson *Evening Star* (Ministerial) £51, but the Nelson *Evening* which has a larger circulation than the other two put together, but has the misfortune to be an Opposition paper, gets £17. In Wellington the *New Zealand Times*, which few read, gets £483 against £380 given to the *Evening Post*, which is read by everybody.
- The extension of the direct personal control of Ministers through all branches of the Service, including the charwomen at the General Assembly and the gardeners at Government House.
- The degradation of Parliament through
  - ¶The coercion of the Speaker.
  - ¶The coercion of the Ministerial following,
  - ¶The garbling of Hansard,

The refusal of information to Parliament, in violation of constitutional precedent and fair play, to suit the purposes of Ministers.

- The acceptance by Mr. Seddon of a seat on the Anglo-German Syndicate, so that he practically holds the simultaneous positions of trustee for the Government and trustee for a company seeking valuable concessions from that Government In view of Mr. Seddon's direct personal interest in the goldfields of the southern West Coast, and of the Auckland province, it is significant to note that, whereas during the last twelve-years £53,452 has been expended by Government on goldfields development or an average of £4,454 per annum: during the current year £200,000 will be so spent out of monies newly borrowed.

## Honesty First.

Observers of American politics will detect in the tampering of the Government with the Civil Service, and the allotment of offices as a reward for party services, an exact reproduction of the evils which lie at the root of American political corruption. A Government with such a dishonourable administrative record as this is not a government which I could support, whatever its legislative programme might be. For honesty and purity must, in my opinion, come first in public as in private life, and no triumphs of legislation could atone for the flagrant corruption and rottenness prevailing under the present Government, and the lowering of the whole standard of public life which results. To expect any improvement in this respect while Mr. Seddon remains in charge is to expect the leopard to change his spots.

## What to do.

Our aims should then be:—

- To substitute honest administrators and sound financiers for those now in power.
- To amend our constitutional machinery so that by a fuller measure of democracy the corrupting power of the party system and the party boss may be reduced to a minimum.
- To pursue, but cautiously and without arousing class antagonisms, a genuinely Liberal policy with the object of as far as possible equalizing conditions and opportunities, and of avoiding the extremes of wealth and poverty which constitute the chief perils of older lands.

These are the objects which I shall endeavour to promote if it is your pleasure that I shall serve you in Parliament.

I am, etc.

A. R. Atkinson.

30th November, 1896.

Edwards, Russell & Co., Ltd., Printers, 37 Featherston Street, Wellington.

Religious Education in Public Schools.

The Case for the Present System and Against the Irish Scripture Text Book.

By MR. A. R. Atkinson.

Printed at the Evening Star Job Printing Works Dunedin: Bond Street, Dunedin. MDCCCXCVI

## The Bible in Schools.

[A Paper read before the Citizens' Institute at Wellington on May 18, by Mr. A. R. Atkinson.]

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## The Duty of the State.

"Free, compulsory, and secular"—these are the three characteristics of our public school system to which its friends are wont to point with pride. I must confess that in the last of the three epithets I see no occasion for boasting. Secularity is a negative quality; it means the negation of religion; and so far as religion is a necessary element in a good life, or even a powerful aid to a good life, to the same extent an education which excludes it is incomplete. I notice that an able advocate of the present system, Mr Theo. Cooper, in a paper read before the Church Congress at Auckland on the 6th inst., maintains that "the State has no such duty to perform" as the teaching of religion. In this absolute form the proposition is more than I can accept, for I do not see how a Christian State can properly lower its ideal below that of the wisest of the heathens. "The State," says Aristotle,

"in its origin has life as its aim, but afterwards a good life." Everything, therefore, that conduces to a good life, ultimately and for all, falls ideally within the functions of the State; but there are two practical considerations to limit any proposed extension of the State's activity :—

- Is the State better fitted than other agencies to do the work suggested ?
- Will the assumption by the State of this particular work jeopardise the success of its work in fields of equal or greater importance ?

In either of these cases State interference is inadvisable, simply because it will not ultimately tend towards that good life which is the State's ultimate aim. Applying these two tests to the proposed undertaking of

## Religious Education by the State,

we have first to observe that those who raise the cry that the education given in our public schools is "godless" are the very persons and organisations most to blame for the defect. The same clause in the Education Act which says that "the teaching shall be entirely of a secular character" also provides that "the school buildings may be used on days and at hours other than those used for public school purposes upon such terms as the committee may from time to time prescribe." There is nothing to prevent the Christian churches from availing themselves of this provision; and in Napier, Masterton, Taranaki, Nelson, and no doubt in many other places Christian ministers and lay helpers have obtained the sanction of the school committees and used the school buildings on week days for instructing the children in religion. I can see nothing, except the

## Apathy of the Churches,

to prevent the general adoption of this practice. Two objections are, however, urged :

- That it is impossible to detain some of the children and keep their attention after school hours, when their companions are let loose to play. To which the answer is that it is not a law of nature nor even statute law that the attempt should be made *after* hours. In Nelson a morning hour has been allowed and made use of for years. It is surely a smaller thing to follow this example than to turn the whole educational system upside down in the effort to get other people to do your work.
- It is also said that not all ministers are qualified to teach children. No; nor are all schoolmasters qualified to teach religion—which is the alternative proposal. But if the clergy would really work as they should work for the children whom their Master loved, instead of looking round for excuses for putting their own special work on to other people, there are few of them who could not soon show themselves as efficient in teaching children as they now are in preaching to adults. Excluding the Roman Catholics, who stand aloof altogether, there are about 700 Christian ministers in the colony as against 1,330 public schools, so that 50 per cent. of the schools could each be provided with a clerical teacher of religion; and if in every case the minister was doing ill he could, his congregation would surely see that the work did not fail for lack of helpers. When we think of the baptism of fire and blood which the church underwent in the early days of the Gospel, is it not a melancholy and shameful spectacle to see it in these days deliberately rejecting the opportunities which are given it of taking charge of its own children, and appealing to a secular power to undertake the sacred work for that by that very appeal it confesses well unworthy ? Assuming however that, whether from apathy or whether from necessity, the church continues to neglect its trust, what is to be done ?

## The Bible in Itself no Panacea.

The remedy usually prescribed is that the Bible shall be read or taught in the schools by the ordinary staff as part of the regular work, and to this we are to look for the cure the hardness, irreverence, and other anamiable failings of colonial children. If the proper parts of the Bible could be properly taught I grant that great results might reasonably be expected, but to suppose that promiscuous teaching of the Bible unqualified teachers is going to do good and not harm seems to me a great delusion. The notion that the mere presence of the Book in our schools is going to drive away immorality and irreverence, is camphor drives moths from a wardrobe, arises from that fetish-worship of the Book which has done incalculable harm in the past, and has not yet run its course. To teach the Bible is not necessarily to teach religion. Carlyle has finely said that

the Mind grows not like a vegetable (by having its roots Uttered with etymological compost), but like a spirit, by mysterious contact of Spirit: Thought kindling itself at the fire of living thought.

If this be true of the ordinary instruction in letters, with how much more force must it apply to the deepest and most sacred learning! *Corruptio optimi pessima*; and in unfit hands the Bible may well become the most pernicious text book in a school course. It is interesting to find that two centuries ago Locke attributed to excess of Bible reading amongst the young some of the very defects which are now being ascribed to the lack of it. He

says, in his 'Thoughts Concerning Education,' section 158 :

*As for the Bible, which children are usually employed in to exercise and improve their talent in reading, I think the promiscuous reading of it, though by chapters as they lie in order, is so far from being of advantage to children, either for the perfecting their reading or principling their religion, that perhaps a worse could not be found. For what pleasure or encouragement can it be to a child to exercise himself in reading those parts of a book where he understands nothing ? . . . . . And what an odd jumble of thoughts must a child have in his head—if he have any at all, such as he should have—concerning religion, who in his tender age reads all the parts of the Bible indifferently, as the Word of God, without any other distinction ! I am apt to think that this, in some men, has been the reason why they never had clear and distinct thoughts of it all their lifetime.*

## **Who Shall Teach, and what be Taught?**

There are, then, two requisites for the success of this undertaking: first, that the teachers shall be well qualified, in creed and in spirit as well as in mind, for the work; and second, that only appropriate parts of the Book shall be taught. The first can only be attained by a system of religious tests, under which the teacher must come up to a prescribed standard, not of mere learning, but of faith and dogma. As we recognise this to be an impossibility I need not discuss it; but I must consider the alternative which is suggested—viz., that the ordinary teachers, appointed in the ordinary way, by the ordinary tests, shall do the teaching, but, subject to a double conscience clause—*i.e.*, that any teacher who objects to giving these lessons need not do so, and any parent who objects may withdraw his child. This concession in the first place seriously mars the completeness of the proposed scheme, and at the same time admits the *raison d'être* of our secular system—namely, that religion stands on a totally different footing from all other subjects of education, and must receive a different treatment. If the present system is "godless," how are our reformers to justify the individual option in godlessness on the part of parent and teacher which their scheme allows? They are really not so thoroughly on the side of the angels as we are asked to believe.

But the individual option on the part of the teacher to decline to teach is a very small part of the difficulty. The element of local option will constitute

## **The Real Crux.**

We will suppose that in a particular school district the householders are unanimously in favour of the Bible, or a particular part or view of the Bible being taught, but the master of the school declines to teach it. Do our clerical friends seriously suppose that the matter will rest there ? Why, if there is anything in this cry of theirs about the godlessness of our system—and I have conceded that there is a good deal—if the omission of religious teaching from a public school is the omission of the most vital part of education, then surely they will be entitled—nay, they will be bound—to do their best to turn "that man out; and his life, which is already sufficiently harassed by his school committee, will be made a burden till he goes. The fighting will be fairer and better worth watching where the householders are not unanimous. Suppose a school committee on which the religious and the irreligious, or the religious Tweedledums and the religious Tweedledees, are pretty evenly divided; and imagine their adjudicating upon some nice and subtle heresy with which a teacher stands charged by an indignant parent! Do you suppose the hypothesis fantastical ? It is absolutely inevitable if religious teaching is to be subject to the discretion of the teacher, and he is to be subject to the discretion of an elective committee. The State will impose no religious test, but the committees will, and would not be human if they did not. I put this question to anybody who dissents: If you had children attending a school where the master refused to teach the Bible or taught it improperly, and you could not remove your children elsewhere, would you not endeavour to remove the master? If not, why all this clamour about a "godless" education, to which it seems you would rather subject your children than exert yourself to remove the cause of it ?

It seems to me that our secular educational system and our sacred religion must both suffer grievously by the change—the educational system because conscientious teachers will often lose their places or be engaged in exhausting squabbles with their committees, and pliant teachers will enjoy a preference; religion, because it will be made the subject of constant controversy in utterly unqualified tribunals, which will afford a certain amount of pleasure to all who enjoy a good fight, but unmixed pleasure only to religion's worst enemies.

## **The State must not Interfere.**

Although, therefore, I cannot accept the general proposition that religious teaching is outside the province of the State, I am, nevertheless, of opinion that for the State to undertake the duty in the manner proposed would only injure the interests which it exists to promote.

# The Irish National Scripture Text Book.

The second branch of my subject—the consideration of the proper parts of Scripture to be taught in schools—may for the present be narrowed down to an examination of the one scheme which is now seriously put forward. We are asked to authorise a particular text book of extracts from the Scriptures. We are told that the feuds of Christendom (which have always been a greater obstacle to the spread of Christianity than the attacks of its enemies) have at last been composed so far as this particular matter is concerned; and that Anglicans, Presbyterians, Methodists, and others agree in recommending a selection known as the Irish National Scripture Text Book, which may be put into the hands of teachers without the fear of stirring the fires of controversy.

## History of the Text Book.

What is this book ? and how far does it justify these pretensions? Some precise information as to its origin and history might have been expected from the promoters of the present movement, but there is wisdom in their reticence. My only authority on the point is some meagre references in Archbishop Whately's life. Shortly after his appointment to the See of Dublin in 1831, and largely through his exertions, the book was compiled by an anonymous editor, and introduced into the Irish schools by the National Education Board, of which Whately was a member. Dr Murray, the then Roman Catholic Archbishop of Dublin, approved of the book, but his successor, Cardinal Cullen, withdrew his consent, with the result that the Board prohibited the book in 1853, and Whately resigned his seat. As to the amount of good or evil wrought by the book during those twenty years I can get no information, nor can I ascertain that it has ever been introduced again. I am told, however, that it has been established for some forty years in New South Wales. The critics who have ascribed the vices of young New Zealand to the absence of the Bible from our schools may legitimately find the triumph of the Irish Text Book in the superior "sweetness and light" of the Sydney larrikin.

## A Scrutiny of the Book Desirable.

The reticence observed as to the contents of the book is equally prudent, but far less excusable. I will undertake to say that not I per cent. of the petitioners for the book have the slightest knowledge on the subject. At the meeting in the Opera-house on February 27, which was addressed by two bishops and various ministers, this vital point was not even touched, and under these circumstances it is farcical to regard the resolution in its favour, against which only eight persons had the courage to vote, as of the slightest value or significance. Of the speakers one at least had never seen the book, and knew no more of what it contained than those to whom he was arguing on its behalf. The public will require more light than this blind leader of the blind before they accept his conclusions.

## Its Character and Contents.

The book professes to include those passages of Scripture "appearing to be most level to the understandings of children and youth at school, and also the best fitted to be read under the direction of teachers not necessarily qualified, and certainly not recognised, as teachers of religion. No passage has either been introduced or omitted under the influence of any peculiar view of Christianity, doctrinal or practical." The last sentence of this extract from the preface is enough to show the absurdity of the notion that the aim or result of the selection has been such as to exclude any occasion for sectarian controversy in the exposition of it.

The work makes no pretence to completeness; indeed, it is avowedly a fragment. It was published at intervals (no dates are given), in four parts. The first covers the Book of Genesis, with some illustrative passages from the Psalms and other parts of the Bible; the second deals with Exodus and Numbers and portions of Leviticus and Deuteronomy, illustrated in the same way. The other two are from the New Testament, one including most of Luke's Gospel, the other the greater part of the Acts. Each lesson is followed by a list of questions to be put and words to be explained to the pupils. A mere glance at the latter is enough to confirm the statement of the preface, that no exclusions have been made on doctrinal grounds. Here are some of the words best fitted to be expounded by one "not necessarily qualified, and certainly not recognised, as a teacher of religion" : Redeemed, remission, propitiation, justification, ministry, revelation, resurrection, conversion, elect. What is a lay and unqualified teacher to make of these? And, let him do as he may, what glorious opportunities of heresy-hunting he is bound to afford to a school committee with a taste for sport ! If it were possible to regard the matter seriously, one could only say that it seems a shocking insult to pupils and teachers, to the

Bible, and to common sense, that ignorant and, it may be, sceptical laymen should be asked to expound these sacred mysteries.

## Incomplete.

That the work is but a fragment I have already mentioned. The whole of the indisputably historical part of the Old Testament, which includes so much of the picturesquely beautiful incidents and characters best suited for the delight and instruction of childhood, and in the New Testament practically the whole of the Gospels, except that of Luke, are absolutely excluded. It was not from design that these exclusions were made; apparently the editor did not receive sufficient encouragement to proceed. But we are asked to make the accident which cut him short the determining element in our choice of Scriptural passages to teach our children sixty years afterwards.

## B.C. 4004.

Next, as to the nature of the selections made. I will take the opening parts of the Old Testament and New Testament respectively as samples of its two chief defects in point of matter. The book was put together at a time when Biblical criticism was hardly born, the 'Principles of Geology' was only partially written, and a quarter of a century had still to run before the publication of the 'Origin of Species'; and so it was only natural that the first lesson, which consists of Genesis i., should bear the heading 'The Creation : B.C. 4004.' What are we to say of the proposal to teach our children that the world was created in exactly six days, exactly 6,000 years ago? Not one in a thousand adult Christians believes it. Probably not a single speaker at the Opera-house meeting believed it, yet each of these was there to advocate that the falsehood should be imprinted on the tender minds of our children—for the good of their souls ! Something was said at the meeting about the reverence due to childhood and to the sacred writings, but I can imagine no greater outrage upon both, no surer method of inspiring a child with a contempt for the Bible and for truth than by incorporating in his first lesson in religion—his first introduction to what you ask him to believe to be the word of God—a falsehood which has not even the sorry justification of the "lie medicinal," and which is perhaps exposed by the first primer in natural science put into his hands. Theologians have been a puzzle to me all my life, and when I see men of undoubted earnestness, piety, and honour taking up such an attitude as this, I prefer to marvel at them as theologians; I despair of characterising them as men.

Of course, I am aware that the date B.C. 4004 forms no part of the text of the Bible; and I also know that sane and honest men have held that when the sacred writer says that on the fifth day—a day consisting of morning and evening—"God created great whales," he really meant that fishes are to be first met with in the upper strata of the Silurian period. To argue the point is beyond my present purpose, nor have I any quarrel with the Scripture itself; hut what I must point out is that the date B.C. 4004 is there as almost the first word in your Irish Text Book, and that the questions at the end of the first lesson pin an honest teacher down to a literal interpretation of the word day; thus :—

- Tell me the first tiling that God said.
- What did God first do on the third day ?
- What next ?
- What did God do on the fourth day ?
- For what purpose were these lights created ?
- What did God create on the fifth day?

After taking the language of Scripture and catechising it in this matter-of-fact fashion, it is surely impossible to hold that a figurative interpretation is still admissible for the word which the catechist himself speaks of as a "day." Rather than perplex and distort the mind of a child with such juggling sophistry I would have him taught in a straightforward manner, as part of his first religious lesson, that there is no difference between black and white.

If, however, any advocate of the text-book is hardy enough to maintain that it does not preclude a liberal interpretation of the word "day," will he kindly tell us what that interpretation is to be ? If he and his friends will be good enough to turn their attention to that question, they will be so busy fighting one another that our threatened educational system will enjoy a very long reprieve. And it is surely fairer and [fitter that the question should be settled outside the schools by a tribunal of experts than that it should be reserved for the rough-and-tumble conflicts of harassed school teachers and lynx-eyed school committees.

## Uncritical Standpoint of the Text-Book.

It would take too long to follow the editor through the rest of his selections from the Old Testament, and it

is unnecessary, as his attitude may readily be inferred from the initial sample. No parts of the Bible have been so modified by modern criticism as the Pentateuch, but of course no trace of it appears in a manual compiled sixty years ago. All the old impossible stories—the creation of Eve out of Adam's rib, the deluge and the ark, the tower of Babel, Jacob's wrestling with the angel, and the rest—all these appear without modification or comment; and with them are incorporated the crude, anthropomorphic ideas of God entertained by a primitive people. To the editor of the text-book these stories are as real as the facts of the Gospel history; and the Lord who is induced not to renew the curse upon the earth by the sweet savor of Noah's sacrifice is put before the children as the same object of worship with the God of the New Testament. Twelve solid pages are devoted to the plagues of Egypt, about 13 per cent, of the space given to the whole of the Gospel story—a fine example of critical and ethical perspective; and they are of course treated as unvarnished history, just as Genesis i. is unvarnished science. The story of Balaam's ass also figures as an essential part of the religious equipment of every child. I asked a school teacher the other day how many teachers in New Zealand believed that Balaam's ass spoke. He said "Not one in twenty." The nineteen, then, are either to teach as sacred truth what they regard as grotesque fable or else to refuse to teach what by sanctioning this text-book we shall have declared to be a necessary part of education. They must either lie or resign; some will do one, some the other; and those who lie will fare best, so far as this world's goods are concerned, and those who don't will speedily have their places filled by those who do. It is obvious what a highly desirable class of religious teachers this process of selection will ultimately provide us with.

## Unfit for the Young.

To the selections from the New Testament less exception can be taken. It was impossible to go far wrong here, and the general standpoint with regard to it has varied less from that of the editor than in the case of the earlier books. There is still much included to which I should strongly object, but without raising these deep matters of religious controversy—though all these questions will have to be faced and fought out, not at church synods or conferences, but in Parliament and on political platforms, before this scheme can possibly be enacted—without raising any such questions for the present, I have no hesitation in saying that the lesson with which the New Testament selections open—the first chapter of Luke—is for children the very worst introduction to the Gospel story, and, indeed, one of the worst chapters in the Bible that could possibly have been chosen. It deals with the miraculous annunciations of the births of John the Baptist and Jesus Christ; and various physiological facts in connection with their antenatal history are set out with more than the accustomed plainness and detail of Scripture (see especially verses 41 to 44). We English are often accused of cant in unduly blinking these mysteries, but, so far as the Bible is concerned, we fall into an opposite species of cant, our reverence for it leading us to suppose—or at least to act as if we supposed—that all its contents must be suitable for reading to a mixed assembly or for the study of the young. Anybody who has had the slightest experience of life in a large school must know that to numbers of boys the Bible affords their first taste—I will not say of impure literature, but at least of literature which fosters impure thoughts; and it seems to me beyond the possibility of a doubt that this and similar passages in the text-book are

## Enough to Damn it Utterly

as a manual for the young. Though the references in Luke i. are perhaps the worst of the kind, there must be a score of others in the extracts from Genesis alone. Not every grossness is mechanically repeated. Thus, the story of Noah's drunkenness and the curse upon Canaan is omitted altogether, but quite enough of that of Joseph and Potiphar's wife is given to do the mischief; and allusion after allusion of a kind which, if appearing in a book printed today, we should pronounce indecent, is reproduced without modification. Immeasurably more harm must be done by the thoughts which these passages will suggest to the young than the mechanical inculcation of the better parts of the book by unqualified teachers can possibly compensate for.

The notes supplied by the compiler are of a varied character. Sometimes they are perfectly safe and harmless, as when we are told that quails are "a kind of bird or fowl less than a pigeon"; sometimes they are utterly beyond the pupils' comprehension, and useless even for the teacher's exposition; often they endeavour to hold the balance between Protestant and Catholic interpretation, but on the infant mind can only have the effect of suggesting and emphasising differences of which it had better know nothing—*e.g.*, in Luke iii, 3, as to "repentance" versus "penance"; sometimes they are absolutely immoral, as when the account of how Jacob cheated Laban out of his sheep is suppressed, and a note substituted ascribing the fruits of this supreme act of knavery to "the favour of God upon Jacob." A note of considerable length on the word "concubine" cannot be called immoral in its essence, the aim being to gloze the matter over, but its effect can only be to advertise what a competent editor would have studiously suppressed altogether from a text book—for the young.

## Its Literary Vandalism.

From the literary point of view the book is execrable. It professes to be almost entirely "in the language of Scripture," being a translation "made by a comparison of the Authorised and Douay Versions with the originals. The language sometimes of the one and sometimes of the other has been adopted, and occasionally deviations have been made from both." Time after time, when my ear has been hurt by some cruel discord marring a familiar harmony, I have turned to the Douay Version, which as literature is confessedly far inferior to our own, to see whether it was out of deference to the Roman Catholics that a particular barbarity had been admitted, but almost invariably it has proved to be a case of "deviation from both." The opening verses of Genesis are improved as follows:—

*God, in the beginning, created the heavens and the earth. And the earth was unformed and empty, and darkness was upon the face of the deep, and the Spirit of God moved over the waters. And God said : Let light be, and there was light.*

No less than four wanton and bungling alterations in these three beautiful verses—not a single change, be it noted, being made in the sense. The order of the opening words is changed from that in the original in utter defiance of the most elementary canons of scholarship and taste; the familiar cadence of the last verse shamelessly shattered; and the poetry of "without form and void" degraded into the flat newspaper prose of "unformed and empty." Time will not permit me to pursue the investigation in detail. I will ask you to compare the whole of this 1st chapter or the text of the Ten Commandments in the two versions if you wish to realise the extent of the ravages which this sacrilegious vandal has wrought on one of the noblest monuments in the English language. Here are a few other samples: "Shall not the judge of all the earth do right!" becomes "He that judgeth all the earth will not pronounce this judgment." psalm xxxix., 6, in the Authorised Version reads "Surely man walketh in a vain show," which is both poetical and accurate; the Douay has "Surely man passeth as an image," which is poetical, but, I believe, not so accurate; the text-book has "Surely man walketh about in an image," which is both prosy and nonsensical, and to children must be grotesquely misleading. It is put in the margin of both Authorised Version and Revised Version because, though apparently the literal rendering of the Hebrew, it is not English. In Exodus xxxv., 26, "All the women whose heart stirred them up in wisdom spun goats' hair," the vulgar word "stirred" is refined into "animated." Both Abraham and Jacob are made to "expire," instead of "giving up the ghost"; but perhaps we should be thankful that they were not genteel enough to "decease" or "demise."

## Foal Sacrilege.

It would be easy to multiply instances, but those already given are surely enough to show the competency of the compiler to improve upon the Authorised Version. From what I have previously said it will be inferred that I am no believer in the literal and mechanical inspiration of either the original writers or the translators of the Scriptures, but I cannot help saying that, so far as the beauty of literary form goes, Tyndale and his successors who made for us our English Bible, seem to me to have had as great a measure of inspiration as is given to mortal man. The highest and most touching tribute ever paid to it, so far as I know, is that of Father Faber, who, after leaving the English Church, looked back, like

Some exile mindful how the past was glad,

from "the uncouthness of the Roman versions" upon the beauties of the one he had given up, and said of it:—"It lives on the ear like a music that can never be forgotten, like the sound of church bells which the convert scarcely knows how he can forego. Its felicities seem often to be almost things, rather than words." I call it nothing but foul sacrilege to mutilate a thing of beauty of which one who has learned to regard it as the stronghold of heresy is still forced to speak in terms of yearning regret and almost idolatrous admiration, and no respect for spiritual principalities and powers shall restrain me from denouncing all those reverend and right reverend gentlemen who are conspiring to foist this deformity upon us, as parties to the crime.

## The Confusion of Two Texts.

It was urged at the Opera-house meeting, with what at the time I thought some plausibility, that even though our school teachers were not qualified to teach religion they could at least impart such a verbal knowledge of the Bible on the week days as the church could spiritualise on Sundays. Luther's opinion was that "whoso layeth a good foundation and is a substantial Textman—that is, he that is well grounded in the Text, the same hath whereupon he surely may keep footing and runneth not lightly into error"; but the mockery here would be that the more faithfully the luckless pupil had learned this mutilated version, the greater the certainty of error in passage after passage. The verbal knowledge acquired during the week will be of a different text



from that in use on the Sunday, the child's mind will be distracted between the two; instead even of accurate learning by rote, slovenly and slipshod habits will be fostered, and he will inevitably be encouraged to regard the letter of the Scripture as a thing to be played fast and loose with—a result which I should have supposed the supporters of the present agitation would have been the last to desire.

To sum up : the proposal to introduce this text-book is

## An Anachronism and an Outrage

not to be entertained or tolerated for a moment. Compiled sixty years ago, before the dawn of the modern Biblical criticism, which a religious paper recently termed the greatest event in the history of the church since the Reformation; teeming with statements which that criticism and natural science between them have utterly exploded, and many of which the most competent champions in this agitation have no faith in themselves; avowedly incomplete and fragmentary; teeming with allusions which in contemporary literature we should stigmatise as indecencies, and which, above all things, should be kept from the imagination of childhood; teeming with indecencies of the editor's own manufacture in the shape of wanton and senseless outrages upon the beauty and majesty of our incomparable English Bible—this uncritical and unscholarly book, this antiquated deformity which dropped unfinished from the hands of a clumsy and profane botcher two generations ago—this is what we, a community with some pretensions to enlightenment, are asked, without adding or subtracting a line or a letter—as though we had received it from a second Sinai—to authorise and establish for the moulding of our children's education upon the deepest and most sacred of subjects.

What is the meaning of this preposterous request? It means

## A Confession of Despair

on the part of those who prefer it. It means that they recognise the impossibility of coming to a deliberate and reasoned agreement upon the parts of Scripture to be publicly taught and a mode of teaching them which should satisfy the requirements of the contending sects in harmony with modern scholarship and science. And so, blinking the whole difficulty and accepting in blind faith this odious little manual, they ask us to accept it in the same way, and without calculating the consequences to put it like a dynamic cartridge to the foundations of our educational system and trust to Providence to pick up the pieces. We are not quite so foolish, and I am satisfied that by the time we have enlightened the patrons of the textbook as to the true character of their *protege* they will have the good sense to admit that we are right. "Take any shape but that!"

decorative feature

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### The Spoiling of the Poor

An appeal to the moderate Drinker

Being

Address in Part Delivered to the Forward Movement, Wellington, on Sunday, 17TH November, 1895,

By A. R. Atkinson

Edwards, Russell & Co., LD., Printers. Wellington, New Zealand : 37 Featherston Street. 1896

## The Spoiling of the Poor.

*The spoil of the poor is in year houses. What mean ye that ye beat my people to pieces, and of the poor ? saith the Lord God of Hosts.—Isaiah iii, 14, 15.*

[unclear: THE] ravages strong drink are, in one sense, a Tery familiar subject; but another they are to most of us a sealed book. There are certain great [unclear: moi] of which Coleridge speaks as "lying bedridden in the dormitories of soul"—truths, that is, too obvious to be disputed, but grown powerless [unclear: an] neglect and want of exercise, and commanding on occasion a vague and [unclear: tract] recognition instead of a constant and practical homage. Upon the [unclear: ill] of the drink problem which even for the most thoughtless has almost [unclear: Ipel] of an axiomatic truth—I mean its magnitude and urgency—I shall very little to say to-night and nothing that is new, and what I shall will be entirely directed towards a more disregarded aspect of the action, namely, the responsibility of the individual Christian in the [unclear: i] of this gigantic evil, and especially in relation to those who are [unclear: a] ble to protect themselves than he is. My endeavour will be to [unclear: nize] activity this belief in the enormity of the evil which in some is but a bedridden truth, and to convert it into a vital power for the [unclear: ce] of conduct. I shall speak from the Christian standpoint, and as

the [unclear: ect] is important and I do not wish to be misunderstood, I shall speak as [unclear: ly] as possible.

## Crime, Pauperism, Death.

A very brief summary of the kind of evidence obtainable must suffice [unclear: I] reminder of the mischief's wrought by strong drink. In England, [unclear: and] Ireland, America and in these colonies, judges have agreed in [unclear: ing] it from the bench as the most prolific source of crime, their [unclear: tes] of the proportion to be ascribed to it varying from the 90 per cent. [unclear: vd] Coleridge, the late Chief Justice of England, and scores of others to [unclear: df] two-thirds which in our own Chief Justice's estimate for this Colony. [unclear: Ik] the prisons this testimony has been confirmed by jailers and [unclear: I] chaplains: "80 per cent, of the men who have passed through my [unclear: I] would not have come there but for the drink," was the opinion [unclear: tly] expressed by the keeper of the Wellington Gaol. A similar tale is [unclear: sd] by philanthropists and city missionaries of the wrecks and outcasts among whom they have worked, "Nine-tenths of our poverty [unclear: squ] vice and crime spring from this poisonous tap-root," says General [unclear: Bo] 99 per cent, was Dr, Guthrie's calculation of the proportion of [unclear: desti] children who owed their destitution to drink; and Or. Barnardo, [unclear: wh] first thought the statement a gross exaggeration, arrived at a [unclear: minim] 90 per cent., and became a total abstainer in consequence. In New Zealand a Benevolent Trustee of large experience in this City, and the head of Charitable Institution in Christchurch, have both debited liquor with 90 per cent, of the cases that have come before them. This proportion gives 1400 as the number of "neglected and criminal" children in our [unclear: indust] schools at the end of 1893 through the drinking habits of their parents, [unclear: d] 150 as the number added by that cause in 1894. To anyone with a [unclear: sen] the value of home life and the sacredness of childhood—in other words the worth of a human soul and its infinite aptitudes for good or for [unclear: i] which are involuntarily shaped by early impressions and association statistics of this class tell a more tragic tale than any form of [unclear: fl] suffering. As to the death-rate, the highest authority on inebriety England, Dr. Norman Kerr, who took up the matter some years ago with avowed object of upsetting the extravagant estimate which ascribed 60 [unclear: as] deaths in the United Kingdom annually to this cause, came to the conclusion that 120,000 about four times the entire population of Wellington [unclear: df] nearer the truth. Another high authority places the number as high [unclear: fd] 200,000. In our own little Colony the number has been estimated at [unclear: dd] The data are somewhat uncertain, and I have not been able to check [unclear: i] calculation, but it does not appear to me excessive, and is less than [unclear: ha] English rate.

"The estimate is a good deal more favorable to us than the [unclear: com] statistics of drunkenness would seem to justify. The average of the [unclear: arr] drunkenness in England and Wales for the years 1889-1893 was 178,845, or 6 per cent 100 of [unclear: dsd] population; in New Zealand for the same period the rate was over 7 per thousand, [unclear: b] be absurd to suppose that drunkenness is more rife here than in the Mother Country [unclear: d] causes could be suggested for the discrepancy in the figure; among which I should [unclear: co] not be inclined to place the greater vigilance of our police. The number of [unclear: the] drunkenness in New Zealand last year was 4594. in 1893 it was 5251—an average of [unclear: dd] week.

Consider it for a moment—1000 deaths from drink [unclear: df] year in this sparsely populated country, 20 every week; 20 have gone [unclear: s] our last Sunday service; 20 more will go before the church bells ring [unclear: as] or shall I say before the wine goes round again at the Christian's [unclear: Su] dinner ?

## Labour's Work Enemy.

On the economic side of the question a very few words must [unclear: s] We spend, after deducting what goes to revenue, about £1,500,000 and annual.

[unclear: df] drink; and probably another £1,000,000 to remedy the already described effects of this expenditure. For a country financially embarrassed such extravagance is doubly shocking. Putting moral considerations altogether aside, the traffic in strong drink in, economically speaking, the most waste-[unclear: lof] of all industries and the most damaging to the poorer classes. Of £1 [unclear: Lou] clothes, the workmen employed get 16s.; if it is spent on shoes, they [unclear: pt]; if spent on liquor, they get 6d. In addition to this the industry runs to waste grain that might otherwise have gone to fill the mouths of the angry; £130,000 worth of grain was wasted in New Zealand last year in this [unclear: my] on brewing alone—our whisky we fortunately do not manufacture. Father Mathew realised the truth in Ireland in famine time, and hence he said "The man or woman who drinks, drinks the food of the starving. Is not [unclear: at] man or woman a monster who drinks the food of the starving ?" professor Mayor, the distinguished Cambridge classic, realised it too, and [unclear: Led] teetotaler for no other reason.

"[unclear: Khauas], the great Chief of the Bamangwato, whom there is no objection to our calling a

*unclear: ge*] as long as it does not blind us to the fact that in all the Christian essentials of [*unclear: ship*] he is immeasurably above the great majority of the rulers and voter of [*unclear: sed*]christendom expresses the double waste involved very forcibly:—" You take the corn [*unclear: ff*] given us in answer to prayer and destroy it. You not only destroy it, but you [*unclear: staff*] with it that causes mischief among you"-See *Review of Reviews* November, 1895, [*unclear: 429*]

The traffic is thus a triple curse to [*unclear: it*] poor:—It puts temptations in their way which they are less able to persist than those in more comfortable surroundings; it absorbs capital which would otherwise give them twenty times as much in wages; it [*unclear: rbs*] material which would otherwise give them food.

## Some Expert Opinions.

To this bald summary let me add the statement of a distinguished [*unclear: cian*] (Sir William Gull) that "alcohol is the most destructive agent [*unclear: re*] are aware of in this country" (England); and that of a distinguished [*unclear: df*] Judge (Baron Dowse) that "the quantity of alcohol consumed in a district [*unclear: a*] the measure of its degradation"; and these three opinions of high [*unclear: ties*] as to the estimated or observed effects of its removal:—

- General Booth: "Many of our social evils, which overshadow the and like so many upas trees, would dwindle away and die if they were not [*unclear: stantly*] watered with strong drink."
- Mr. Joseph Chamberlain : "If I could destroy the desire for strong [*unclear: k*]in the people of England, what changes should we see ? We should [*unclear: eur*] taxes removed by millions sterling : We should see our goals and workhouse empty ! We should see more lives saved in twelve months than [*unclear: d*]consumed century of bitter and savage war !"
- And of a fairly successful attempt to exterminate the enemy, [*unclear: f*] Chief Justice of the State of Kansas says: "Prohibition drove out the [*unclear: r*] and despoil or of the poor . . . . The State will most certainly [*unclear: mai*] that law which, whatever it may be to the rich, is the salvation of [*unclear: fdf*] poor."

## Who is Responsible ?

Such then being the evil, the question arises—What is the cause? [*unclear: th*] answer is the strength of alcoholic temptation and the weakness of [*unclear: h*] nature; and the superficial observer is, therefore, apt to place the [*unclear: res*] bility on the drink-seller who holds out the temptation, and the [*unclear: dru*] who succumbs. But this is like blaming the flame and the fuel for the [*unclear: f*] What we want to know is, who set the fire alight ? and who keeps burning? In other words, who permits and encourages the drink seller perform the function of tempter? The State does this by giving the [*unclear: d*] seller leave to sell; but it does not do so for his sake. For [*unclear: w*] then ? Not for the drunkard's, for the State disapproves of drunkards; [*unclear: df*] for the teetotaler's, for the teetotaler disapproves of drink; but for the [*unclear: dfd*] of the moderate drinker, whose reasonable requirements the State desires satisfy. It is on account of the moderate drinker that the liquor traffic tolerated and licensed. And if there were no moderate drinkers? [*unclear: T*] there would be no liquor traffic. And if there were no liquor traffic? Then [*unclear: dfd*] terrible catalogue of evils which I have merely glanced at would be [*unclear: as*] away, that utopian prophecy of Mr. Chamberlain's would be realised, and [*unclear: fd*] would have been achieved for human happiness and virtue than by the [*unclear: ex*] bined labours of statesmen and philanthropists for the last 100 year.[*unclear: f*] then, we ask again—Who is ultimately responsible for the greatest [*unclear: scou*] modern civilisation, who is responsible for the ruthless waste of human-[*unclear: all*] and character, for the impoverishment and degradation of the poor, [*unclear: f*] sorrows of the fatherless and the widow, the shivering and the starving?-[*unclear: dfd*] answer can only be, unpleasant as it may be to utter :—Stand forth moderate drinker, for thou art the man !

## The Moderate Drinker's Pleas.

Beyond all question this is a terrible charge to bring against a class men and women in a Christian community who are, for the most part, [*unclear: q*] respectable and well-meaning; and it will be proper to examine [*unclear: dd*] position and their defence somewhat narrowly. What is their justified for an indulgence which is purchased at the price of such cruel suffering thousands of their fallows? Their pleas are mainly four :—

- That science requires the use of alcohol;
- That scripture justifies it;
- That they tike it;
- That if others acted as reasonably as the moderate drinker, there would be no trouble, and if they dont, the

fault is their own.

The first two, I fear, are merely pretexts to cover the shameless nakedness of the other two; and No. 3 really holds the key of the position. But let us examine each in turn.

That science, and even medical science, may require the aid of alcohol is no excuse for its habitual use, or for its promiscuous sale, as a beverage. There are many dangerous explosives and deadly poisons of the highest service to science, but their sale is hedged in with the strictest Precautions, lest the blessing should prove a curse by indiscriminate use. Let alcohol as "the most destructive agent of which we are aware" be guarded in the same way, and when required in medicine, administered on a medical prescription. Such an employment of it, so far from being interfered with, will be rendered more efficacious, by its discontinuance as a beverage.

## Timothy's Stomach.

Coming to the scriptural argument, we note that at the best the moderate drinker may find here a pretext for his indulgence; he cannot profess to find it enjoined as a duty. St. Paul's recommendation to Timothy is his great stand-by:—"Drink no longer water, but use a little wine for thy stomach's sake and thine often infirmities." It has been acutely pointed out that this can be no more binding upon us than St. Paul's direction to the same correspondent to fetch his cloak from Troas (2 Tim. iv. 13)—a task which I have not yet heard of the most conscientious drinker endeavoring to carry out. It is also worth observing that just three verses ahead of the words we are considering is one of those texts which less than forty years ago were being used to thwart the crusade for the freedom of the American slave. We recognise now that in so doing the worshippers of the letter were pressing the word of God into the service of the devil. The same class of worshippers should beware lest they are rendering the devil a similar service now. They admit that the apostolic precepts with regard to slavery do not justify the institution in the changed conditions of our time; they are satisfied that if they had lived in the Southern States a generation ago they would not have sided with the slave-holders, or been "partakers in the blood of the prophets"; but they forget that it is always easy to wax heroic over the abuses of the past, and that it is only in defence of the abuses of the present that it is ever worth while to wrest the word of God. Vested interests, greed for gain, want of imagination, subservience to custom, prejudice, laziness, selfishness indifference, and a deference to the letter of scripture, sometimes interested and hypocritical, sometimes sincere but narrow—these formed the alliance for the maintenance of American slavery. The crusaders in every land for the abolition of the deadlier tyranny of the liquor traffic find precisely the same forces arrayed against them.

If, dismissing these considerations, we come to close quarters with the text, we at once perceive that the quality and strength of the wine prescribed for Timothy and the precise nature of his infirmities are not on record. But his complaint seems to have a very wide vogue amongst conscientious students of the scriptures whose health would otherwise appear to be sufficiently robust. And too often they seek to carry out the prescription by the consumption of liquors of a strength undreamed of in St. Paul's day and with a disregard to the two elements in it which have an approach to definiteness—"a little wine for thy stomach's sake." The quantity is to be small, and sickness the occasion; "for thy stomach's sake" and not for thy palate's. If the prescription had been preserved for us, I should still have declined to accept St. Paul's authority in these days on a point of medical science; but the whole matter is fortunately left by him in so vague a position that the question of his medical inspiration does not arise,

To so vague a prescription the most orthodox must agree that Erasmus's criticism of the book of Revelation exactly applies:—"Moreover, even were it a blessed thing to believe [unclear: w] is contained in it no man knows what that is."

and we can only hand over the Timothys of our own age to the doctors to deal with. Much as we sympathise, we cannot treat their [unclear: se] infirmities as an excuse for a general indulgence, or for putting stumbling blocks before the people in violation of the whole spirit of St. Paul's teaching. And if our doctors, instead of pandering to their patients' tastes, will only take the trouble to make their alcoholic prescriptions as unpalatable as their other doses, I have little fear that the cult of Timothy will long maintain such proportions as to constitute a serious trouble to the [unclear: profess] or a serious danger to the State.

## The Cana Miracle.

But in the Cana miracle it is claimed that we have the direct authority of Christ for the indulgence in strong drink. It is right for me to say that I do not, make a fetish of the Bible, that the miracles are to me a wholly non-essential part of it, and that, as my reason compels me to reject them all, I have no especial difficulty here.

A friend in whose taste and judgment I place great confidence complains of the "arrogance" of this remark. It was certainly not made in any such spirit, nor with any [unclear: wa] desire to complicate the difficulties of my task by the introduction of irrelevant [unclear: contro] but simply because I did not think it

honest, when discussing the hearings of particular miracle, to conceal my view of miracles as a class. I hope, therefore, that those [unclear: w] differ may respect my motive and not take such offence at my abruptness as to decline to [unclear: ww] on its merits the argument that follows.

Upon the general question I will merely make this passing observation, that the insistence upon miracles by so many Christian teachers as being of the essence of the faith appears to me responsible for more of the scepticism of the day than all that the so-called "freethinkers" could by their own efforts have achieved.

"People imagine that the place which the Bible holds in the world, it owes to miracles. [unclear: ew] It simply to the fact that it came out of a profounder depth of thought than any other book."—EMERSON, quoted by REV. HEBER NEWTONS, *Right and wrong uses of the Bible*, p. 54.

But I wish reverently to consider the supposed moral of this story of the wedding-feast from the point of view of those who prize it, if that be possible, as highly as the Sermon on the Mount. Christ, we are told, turned water into wine; before we are justified in drinking wine to-day. The inference is absurd. If there be any orthodox believer who has maintained that the manufacture of consumption of alcohol, in any strength or in any quantity, at any place [unclear: s] any time, for any purpose or under any conditions, is in itself a wrong, to such a man this miracle is a conclusive answer. But so [unclear: culous] a creature I have never yet met or seen, nor ever heard of except [unclear: f] the vain imaginings of hostile critics. Neither of alcohol nor of anything whose could such a sweeping proposition be rationally maintained. It is all a matter of time, place, and circumstance. More particularly we may answer:—

- If there was a power present to convert water into wine, there was a power present to prevent consumption running to excess, even though renewed at the end of a feast. Even in those days we should raise objection to alcoholic temptations if there were an omnipotent power at hand to ward off their evil effects. For the faithful, with the Master at hand, [unclear: I] sea of Galilee was as safe a place to walk on as the streets of Capernaum, but it in these days and without that help we have to travel over lake or [unclear: an,] we prefer a steamer's deck. Yet Peter's example might as well be quoted to us in the one case as the precedent of Cana in the other.

The substance of this Argument I owe to Dr, Dawson Burns. Its weakness is that nothing [unclear: s] said or done at the feast to limit the application of the miracle in the manner suggested, and that in the absence of any such caution it would naturally be taken sanctioning the general use of wine.

- But the safe and solid answer is this:—Alcohol is admittedly the dead-[unclear: f] scourge of civilization to-day. Was it so in Christ's day? Then the Good shepherd made peace with the most ravenous enemy of his flock. Was it not so in Christ's day ? Then his attitude affords no argument for us. The former supposition is both blasphemous and historically false; the latter is the truth, and the inference satisfies both conscience and common sense, [unclear: it,] that we are not discharged from our warfare against the greatest destroyer of our race because its Saviour did not sound the war-note while the enemy still slept.

I have thought it best to place no reliance on the two wine theory. I must [unclear: le] Hebraists the discussion of the difference between [unclear: tiro] and *yayin*, but so far as thr [unclear: s] Testament is concerned the single Greek word *oinos* is used for all kinds of [unclear: d] whatever they may have been. If St. John recognised the vital distinction between [unclear: fres] and unfermented wine which is drawn by the modern teetotaller, is it possible he would [unclear: h] left us in doubt as to whether the miraculous wine was fermented or not? Since my address was delivered I find in the *Exposition* 4th Series Vol. 5, p. 356, the following able [unclear: state] Dean Chadwick of what I conceive to be the true position with regard to Christ example:-

"The anxious moralist would be much more successful if he were content to before as circumstances are now entirely altered; that the invention of distilled liquors has revolutionised both the nature of the evil and the stringency of the remedies demanded; that [unclear: je] never recorded to have needed to rebuke a drunkard; that in the Old Testament wine [unclear: d] mentioned sometimes kindly, sometimes bitterly, according to contemporary social usages; [unclear: a] that our Lord enjoined all that reasonable abstainers need for their justification when He [unclear: o] that what offended, even if were dear and useful as a member of the body, should be [unclear: ff] and cast away."

## The Spirit of the Gospel.

But what is this I say? Did Christ not sound the war-note? Let us turn from the anise and cummin of these doubtful disputations to the [unclear: weigher] matters of the scripture, and see what its teaching really is. The Gospel not a code; the New Testament is not a Koran; Jesus is not a Mohammed. The Gospel does not prescribe for us what we are to touch, taste and [unclear: han] nor what we are to leave alone; looking beyond the Letter of [unclear: for] observances, it prescribes the spirit in which all things are to be done:—" whether

therefore ye eat or drink, or whatsoever ye do, do all to the [unclear: glo] of God." Never did Christ assume a tone of more terrible severity [unclear: th] when denouncing the formalism and pedantry of the Pharisees with the rigid attention to the letter, and their neglect of the spirit: and it was replying to them that he laid down for all time the ideal of true religion:—"Thou shall love the Lord thy God with all thy heart, and with all [unclear: f] soul, and with all thy mind. This is the first and great commandment And the second is like unto it, Thou shall love thy neighbour as [unclear: thye] Well would it have been for the Christian Church and for the world of this simple creed had not been encumbered with a load of [unclear: extran] dogmas to be wrangled over too often with a sectarian bitterness and a [unclear: qui] ing refinement in which the Pharisees them selves were not seldom out-pharised.

So many gods so many creeds,  
So many paths that wind and wind,  
When just the art of being kind  
Is all the sad world needs:

Doctrine has boon denned us "the skin of truth set up and stuffed," but the definition is a good deal too complimentary for some of the [unclear: metas] phoses which Christ's teaching has undergone at the hands of Christian Churches. The skin has been first turned inside out, and then, lest this disguise should be insufficient, it has been further ornamented into an absolutely irrecognisable mosaic by the profuse addition of patches from the skins of all manner of unclean beasts. Fortunately the process is being reversed in our time, and the Churches are rapidly retracing their steps to the Christ of the Gospels.

If I were to cite to you all the passages in which, by word or deed, Christ has illustrated his religious ideal, I should have to read through half the Gospels. For our present purpose an all-sufficient commentary upon it is the parable of the Good Samaritan which follows it in St. Luke's narrative. By this parable the meaning of "neighbour" is extended to include all whom we are capable of influencing for good or ill. We are to deny ourselves and follow Christ in serving these. What clearer mandate could the Christian desire to determine his attitude to the great robber and destroyer of his race? Thousands, even in our small colony, are being robbed every year of property, happiness, character and life by this awful curse. Are we going to play the Levite and pass by on the other side? I fail to see how we can do so without denying Christ, or how we can think of making terms with the robber when Christ's warning words are ringing in our ears:—"Woe unto the world because of occasions of stumbling! for it must needs be that the occasions come; but woe to that man through whom the occasion Cometh;" I do not know to whom this woe is more directly applicable than to the moderate drinker, whose well-regulated appetite necessitates the opening of sources of temptation in which the weak and the vicious must inevitably be consumed like moths in a flame, and to all who assist or countenance him in the indulgence of that appetite at so terrible a cost.

The greatest of Christ's followers did not fall away from his Master's teaching, and in the epistles of Paul we have the great ideas of Christ—the love of God, the love of man, and the sacrifice of self in their service—set forth in exactly Christ's spirit. Turn to the 8th and 13th chapters of 1 Cor. or to Rom. xiv., and think how much of Christianity could have been constructed from them alone. Our responsibilities towards our neighbours are especially dealt with in those chapters—the oneness of man, the limits which our regard for others must put to the exercise of our own rights, the omnipotence of love. In two verses especially the particular subject we are blindest considering is touched with such preciseness that one wonders how the blindest can overlook it, or the most sophisticated explain it away:—

Rom. xiv. 21—"It is good neither to eat flesh nor to drink [unclear: wi] nor anything whereby thy brother stumbleth, or is offended, or is [unclear: m] weak."

1 Cor. viii. 13—"Wherefore if meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend."

## Profession and Practice.

There have, of course, been Christians for whom the Bible has had life or no authority. Luther tells a good story of the Roman Catholic [unclear: Archbis] of Mentz, who, getting hold of the book by accident, began to read it, and [unclear: we] on for four hours till one of his Council came in and was amazed to see [unclear: wh] the book was. "What doth your Highness with this book?" said he. [unclear: T] Archbishop replied, "I know not what this book is, but sure I am, all the is written therein is against us." And sceptics there have always been, like the Frenchman who remarked of St. Paul's 1st Epistle to the Corinthians: have read his book, but I do not agree with it." Both these positions I can understand, but what I cannot understand is how men who have

neither got beyond the Bible like the Archbishop nor fallen short of it like the Frenchman—how such men can reconcile their professions of belief in a Book and a Saviour whose teachings are of love and self-denial, with such as utter disregard of them in practice; how professing Christians, for whom the Sermon on the Mount and the 1st Corinthians continue to be "appointed to be read in churches," and who conscientiously study them for private edification, can cast love and duty to the winds and rudely assert their own right to enjoy themselves in a way that brings untold sufferings upon their fellow men. This is a constant puzzle to me, and I was glad to stumble the other day upon some lines translated from the Persian poet, Hafiz, which exactly express my difficulty:—

*"My heart is struck with amazement at those bold faced preachers who of what they say in the pulpit practise so little.*

*"I have a difficulty, and would ask the wise men of the assembly, ' Wherefore do these who enjoin penance perform no penance themselves ?'"*

Now of penance as penance the Christianity of Christ knows nothing but self-denial for the sake of others is its very breath and being. Where fore do those who enjoin self-donial for the sake of others, perform no [unclear: s] self-denial themselves? Yet even so the question states too much, for my perplexity is heightened by the fact that many true-hearted Christians exercise in other respects a self-denial worthy of their high calling, but decline to make this tiny sacrifice—a sacrifice which would cost them so little, and which would be such a boon, to the world. I should not attempt to pin any mas to the letter of the two last texts I have quoted if they contained anything hyberbolical, or Local, or isolated. St. Paul was a superb rhetorician, and his hyberboles are sometimes beyond me. And even with Christ himself the necessary allowance to be made for the more complicated conditions of modern life, or for the use of metaphor, or even for the misunderstandings of hearers and reporters, occasionally makes a literal application of his precepts impossible for us. But in these words of Paul I see nothing that is transitory, nothing that is impossible, nothing that is not of the very quiet-[unclear: ence] of Christianity and a simple application to a particular matter of christ's express teaching, which must otherwise of itself have led us to the same conclusion. A German commentator sums up that 8th chapter (1 Cor.) thus—"The strong sought the solution of the question from the stand-point of knowledge and its rights; the apostle finds it from the standpoint of love and its obligations." There surely you have the very spirit of Christ, and it is through that spirit, if I mistake not, that the only solution of this great liquor question is to be found.

Nor does the liquor question stand alone in this respect. All the other great problems of society are in precisely the same position. The Individualism which is only another name for selfishness, and which in defence of its own comforts misapplies to the spiritual world immoral catchwords about "the struggle for existence" and "the survival of the fittest" which have but a limited scope even, in the world of nature; the Socialism which has for its leading idea of sacrifice the sacrifice of really, and seeks from the mere mechanics of State action a social millennium which must mainly depend upon a change in the spirit of the individual—these contending falsehoods and their respective broods of subsidiary quackeries really rest, for all their seeming difference, upon the same fundamental [unclear: llacy] which it was the mission of Mazzini, the most prophet-like figure in modern politics, to expose. They all take for their basis the rights instead of the duties of man. And they must all be sent back to Christ to be made clean.

" In an address on "The Duties Of Man to the Brutes," reported in the *Daily Chronicle*, 23rd january, 1896, Mr. Frederic Harrison epitomizes the rights of man in a memorable [unclear: am]—"The only right of man is to do his duty."

## The Real Reason.

But leaving the scripture, from which, as we have seen, the moderate drinker may at best extract an excuse for his indulgence, but never a command, we come to the real motive of his action. He drinks because drinking is pleasant, and because he thinks that in moderation it does him no harm. And over and over again he tells us that we must prove alcohol to be an absolute evil before we can shake his position. You may see this argument advanced in the columns of the *Spectator* by so clear-headed and high-minded a writer as Mr. Richard Hutton.

The only reference I can give is to on article on "The Moral Basis of [unclear: Teetotales] *Spectator* of June 17th, 1898.

An [unclear: a] dialectician, though probably a less devout Christian, but still a [unclear: m] lofty character, and one who now and then addresses a Church [unclear: Cong] and publishes an occasional volume in which all the resources of [unclear: scept] are brought, amid ecclesiastical benedictions, to the defence of [unclear: dogmatics]. I mean Mr. Arthur Balfour—has argued in the same way. In a [unclear: ress] speech, At Manchester, on the 9th July, 1895.

after admitting that "undoubtedly much misery, much vice, [unclear: re] crime can be directly traced to

habits of intemperance, and if habits of [unclear: in] perance could be eradicated from the people, so far all these great [unclear: e] would be mitigated or destroyed"—he proceeded to repudiate [unclear: geo] teetotalism as the remedy in these words:—"It is not, as far as I am [unclear: sh] discover either by my own experience, by the experience of my friends by the testimony of doctors, the use of alcohol in moderation which does harm either to the individual or to society." This seems a somewhat [unclear: i] defence of a drug which he confesses to be "the undoubted source of [unclear: n] misery, much vice, much crime," but the caution is characteristic of Balfour, who is never dogmatic except when he is dealing with [unclear: l] politics.

Mr Balfour's distinguished adversary in Irish politics agrees with him here, [unclear: Re] Matthew Arnold, Mr John Morley writes :—"He was naked whether he drank wine; [unclear: the] further question whether he drank it for health or infirmities and he gave the [unclear: ev] "I drink it *because it is pleasant.*"-*Nineteenth century* Dec. 1895, p, 1053. Arnold [unclear: re] Hutton and Morley—four of the brightest representative of widely differing phases of [unclear: s] English thought—have all got no deeper in the ethics of the drink question than this!

Let us, therefore, concede to the moderate drinker [unclear: sou] beyond the alcoholic agnosticism of this wary philosopher. We are concede that alcohol is normally an essential to the enjoyment of [unclear: pe] health—medical science has got far beyond that; and those abnormal [unclear: o] which may require its use as a medicine we have already arranged to him over to the physician. But let us admit that to men like Mr. Balfour. Mr. Hutton alcohol in moderation does no harm, and further, that for the if there were no others to be considered, it would be a genuine addition the joys of life, a legitimate heightener of individual and social pleasant Is then our argument destroyed ?

## Pleasure the Christian's Only Motive ?

Destroyed! Why, the consideration which is supposed to does it forms the very basis of our appeal. How could we urge upon Christian, as Christian, the abandonment of what was to [unclear: him] poison? What Christian merit could there be in a self-denial [unclear: with] declined the painful only while cleaving to the pleasant ? "Do not even the publicans the same?" Instead of pleading the supposed harm-lessness of moderate indulgence as an excuse for its continuance, Mr. Hutton and Mr. Balfour ought rather to rejoice that, as followers of Christ, they have such an opportunity of imitating his love by sacrificing their own pleasure for his sake and for the sake of those objects of his love to the source of that pleasure is the source of "much misery, much much crime." Or have nineteen centuries of Christianity really brought us to this—that, as Carlyle said of the French Eevolution that "in the wreck of human dubitations this remains indubitable that Pleasure is pleasant," so now we must confess that amid all the certainties Christian's creed, amid all the hopes and aspirations that centre Rock of Ages, the pleasantness of pleasure remains the surest and potent certainty of all? When we sing in that beautiful hymn which Matthew Arnold considered to be the finest in our language :—

*Were the whole realm of nature mine,  
That were an offering far too small—*

[unclear: do] we mean anything of what we say ? Or do we merely mean that we are only prepared to sacrifice what we shall never miss ? In the name of con-sistency if not in the name of Christ, for decency's sake if from no higher motive are we not bound to banish such lying rhetoric altogether, or else to mend our ways? to revise our Bibles, or else to revise our practice? With Christ's own words I will not tamper, but let us amend a text of Paul to show where it is we stand:—"And now abideth faith, hope, charity, Appetite, these four; but the greatest of these is Appetite."

## "Behold, we Knew it not."

Indeed, if we had to suppose that the moderate drinker's choice was deliberately made with an accurate knowledge of the facts and their bearings, theme be reason to despair of our religion. But the best thing, that can be said for him is that he knows not what he does. For one kind of ignorance there is no excuse. The doings of alcohol are written for all the world to read blue-books and newspapers, in the records of our criminal trials and [unclear: roner] inquests, in horrors innumerable and often unmentionable, in every of wretchedness and vice; and yet a moment's consideration assures us that what obtrudes is but an insignificant fringe of the mass that is festering and poisoning and destroying beneath the surface. Whoever does not know these things is guilty of a blindness which is inexcusable. That passage in the Proverbs seems to have been written for him:—"If thou forbear to deliver them that are drawn unto death and those that are ready be slain if thou sayest, 'Behold, we knew it not'; doth not he that pondereth the heart consider it ? and he that keepeth thy soul, doth not know it? and shall not he render to every man according to his works." These words declare that to overlook a glaring evil does not relieve us of [unclear: s] responsibility for it; and, as I have said, the ignorance of the



ordinary Christian consists in ignoring the responsibility rather than the evil [unclear: it] He does not realize that they "that are drawn unto death and those that [unclear: as] ready to be slain" are daily calling upon him for help which it is in his power to give. He does not see that both the responsibility and the cure rest [unclear: v] him. He will perhaps admit in the abstract our contention that moderate drinkers as a class might do much, if not everything, as one controller of the source of supply. But what can one do alone? Would [unclear: v] the thing still go on? The answers are many.

## The Duty of the Individual.

The first might be based upon St. Paul's words already [unclear: qu] (1 Cor. viii. 21) which definitely map out the Christian's course without [unclear: ra] to the number of companions who may take the same path. And so Christ saying about the widow's mites exemplifies that not the size or result of [unclear: f] gift but the spirit of the giver makes it acceptable to God. This is [unclear: f] spiritual aspect of a principle which in its general form [unclear: ha] good of the dynamics of matter also, namely, that the true [unclear: ta] of force is tendency and direction and not visible effect, Thus [unclear: it] that, though one man stand alone among a million, right is still right [unclear: s] he must follow it. Take a concrete case:—A murder is about to be committed; an onlooker could prevent it by raising his hand; he [unclear: for] to do so. Whatever the law may say, he is morally us guilty of the [unclear: mud] as though he had himself struck the blow. Increase the onlookers twenty; the responsibility of the first is not reduced, though not [unclear: it] equalled by that of each of the others. Multiply again by a million; [unclear: f] responsibility of each still remains undiminished. More than that; [unclear: w] murderers a million, the single onlooker would be still responsible in [unclear: so] as he had not exerted himself to stop the crime. Fortunately there are such odds against us here; we can plead no physical fear, no overwhelming force, for our justification. The only heroism that the occasion calls for admits of is that, for the sake of our suffering fellows, we shall forever small physical indulgence.

## The Power of the Individual.

Again, what a single man can do is far from insignificant. [unclear: Ne] has there been a time when the force of example was [unclear: gr] than at the present day. The eulogists of our age agree with the [unclear: factors] in the diagnosis that an exceeding sensitiveness to public opinion terms a marked characteristic of both its virtues and its vices. "Public opinion rules," says Archbishop Ireland, "and they who form opinion for circles narrow or wide hold in their hands the destinies of fellow-beings." And Lord Beaconsfield goes even further in emphasizing the special power of private life:—"Public men are not the most powerful. A public man is responsible, and a responsible man is a slave. It is private life that governs the world." For good or for evil the average man has been installed [unclear: sovereign] over large and increasing parts of our modern life, and for good [unclear: for] the action of each one of us, even though he stand alone, makes that average better or worse. The position is as absolute as that of an autocrat; [unclear: it] implies a trust from which no abdication can relieve us. What use [unclear: we] going to make of it? "The destinies of our fellow-beings" in no [unclear: phorical] sense depend upon the answer.

As to the particular bearing of this inalienable trust upon our present [unclear: ect,] consider, on the one hand, that every penny spent on strong drink is [unclear: I] much bread taken out of the mouths of the hungry; every penny helps to [unclear: the] great wheels going that grind the faces of the poor and beat God's people [unclear: peces;] every penny makes its contribution to the paving of the way to hell for [unclear: ne] poor sinner whom you might have helped along the other path. On [unclear: positive] side, the influence of a single individual, however humble, may [unclear: cb] far and deep. Every example of unselfish abstinence makes the way [unclear: er] for others; tends to dispel the notion that abstainers are either [unclear: med] wrecks or pharisaical ascetics; tends to expose the absurdity of the misnomers "temperance" and "moderate," and to show that "charity" [unclear: ay] not be too high a substitute in the one case, nor "Laodicean" too [unclear: plimentary] in the other; tends to make drinking disreputable, to [unclear: ke] vice less tempting and virtue less difficult, and to turn the sunshine in what has home where long has been darkness and the shadow of death.

## A Pagan Plea.

In what has been already said I have inevitably anticipated to some [unclear: nt] the last of the moderate drinker's defences, the plea that "if a man [unclear: ses] to make a beast of himself, it is no affair of ours; it is his own [unclear: out,] and he must take the consequences. He deserves to suffer, and [unclear: must] bear his own sins." Such an attitude is, of course, sheer paganism, [unclear: paganism] of the lowest and most shameless type. It is the morality of [unclear: who] had carried his denial that he was his brother's keeper to its logical conclusion by becoming his murderer; it is an absolute rejection of the law Christian love and

membership taught in the New Testament. This [unclear: ect] the question I have already dealt with at sufficient length. But if on its moral side the argument completely ignores the [unclear: rudimentary] Christianity, it also implies an equal ignorance of the facts of drink problem. The assumption that the chief sufferer from [unclear: intemp] are those who deserve to suffer is absolutely fictitious. The [unclear: re] piteous feature of the whole awful business is that the burden [unclear: n] falls upon innocent victims. There is nothing which should [unclear: qui] the heart and conscience of the moderate drinker more than [unclear: I] fact that the dreadful sufferings which his indulgence entails upon community are the lot, for the most part, of those who are as free [unclear: f] reproach as himself. Some there are who by hereditary taint or [unclear: con] tional weakness are unable to drink in moderation, who cannot discover defect till they have crossed the line, and whom you may as well [unclear: atte] call back afterwards as counsel the leopard to change his spots. Relation this class is a small one, but its limits can never be ascertained in [unclear: adv] and it will always include many who would otherwise be among brightest ornaments of their kind. As some minds are too stupid to [unclear: go] so some souls are too coldly tempered to be set on fire by strong drink.

## The Cry of the Children.

But the real crux of the problem is that the drunkard too offers others dependent upon him, and so it is among the women and [unclear: ch] that we must look for the greatest number of innocent sufferers, for the [unclear: gre] mass of helpless, hopeless, unmerited misery. The infliction of pain [unclear: app] to be a necessity of both human and divine government: the whimpering passion which is sometimes worked up in a democracy for some [unclear: cons] criminal condemned to suffer seems to me a contemptible thing, and [unclear: ev] the carnage of the battle-field I can see redeeming features. But [unclear: any] more wantonly and excruciatingly cruel than the lot of the drunkards [unclear: far] find it difficult to conceive. In a beautiful prose-poem which the [unclear: Rev.] D. Hird puts into the mouth of "the angel that guards human [unclear: li] mourns human misery," this thought is very admirably expressed:—

*I mourn over Earth's cruelty—its slavery that tortures—its crime that [unclear: bla] suffering that agonises; yet that mournfulness in often the sadness of [unclear: aut] harvest. But I pour the tears of impotent pity, and I bow in the delirium of [unclear: f] over the drunkard's child.*

*See Pt. iv. Chap. 7 of The Temperance Reader, by Rev. J. Dennis Hird Cassell and [unclear: o] C.E.T.S: Is 6d)—a book with an unattractive title and written primarily for the [unclear: y] containing the best all-round view of the problem that I know of within the same [unclear: co] exhibiting i u places a literary power of a very high order.*

We are wont to speak of Moloch—

*Moloch, horrid king, besmear'd with blood*

*Of human sacrifice and parents' tears—*

as the ideal type of barbarous and purposeless cruelty; yet Moloch [unclear: hi] was a god of mercy compared with this god whom some Christians worship and a majority of thorn tolerate. In the worship of Moloch the young and innocent life was offered up as a sacrifice, and through the fire it passed by a quick death, back to its source, unspotted by the world—a senseless, fiendish [unclear: ighter] certainly, yet containing this element of good, that nothing but an everpowering sense of duty, however perverted, could have dictated such a violation of natural affection among a race so dominated by family love and pride as the ancient Jews. And an order to prevent those feelings from asserting themselves, the priests took care that the victims' cries should be drowned the noise of drums and timbrels loud." What is it that renders Christian community deaf to the far sadder cry of the drunkard's children [unclear: its] midst Partly the chink in the public coffers of the money which we [unclear: w] from the traffic as our share of the plunder—money which is as surely the price of blood as were those thirty pieces of silver with which the very [unclear: s] who struck and gloried in the ghastly bargain refused to pollute their treasury; partly the chink in private coffers of the profits of the same traffic; but mostly the Siren song of pleasure or the thick wax of selfish doth which closes the ears of professing followers of Christ to all joys and sorrows but their own. No sense of duty inspires the votaries of the modern Moloch; no swiftness redeems the cruelty of the victims, fate. Long [unclear: ngering] years of shame and horror make up a far sadder portion than the quick death which closes all "ere sin could blight or sorrow fade"; and a self-denying loyalty even to the bloodiest superstition stands far higher in the scale of motives than a nerveless bondage to apathy and appetite. Moloch-worship begins to look quite respectable when you place it side by side with the ritual of the Christian's drink-god.

## The Drunkards that are to be.

Yes, the children that grow up and not those who untimely die are most in need of our pity. Few things are

more appalling than to reflect that in the nurseries of to-day are playing the drunkards and criminals of the future. As certainly as the sun will rise to-morrow, will this traffic claim its victims. Slowly but surely for each the thread is being spun. Unstop your ears, and you may almost hear the beating of the wings of the Angel of Death; open your eyes, and you will see that for many the death which comes merciless only because it comes too late, and has too far prolonged the sorrow and shame of a life which admitte! bnt of one realease. Contemplating these helpless little lives, as yet unblemished, [unclear: s] destiny lies largely in your keeping, can you hesitate for a moment in your choice ? Is it to bless or to curse that you desire, to saves or to destroy ? Yon cannot do both, and there is no middle course. And [unclear: if] must bo that a paltry self-indulgence turn the scale for destruction [unclear: J] death, at least be frank about it, Abandon the monstrous falsehood; that only the guilty will suffer through your acting. Admit that comfort is your law-giver, and that the consequences to others are no concern of your Mumble no flimsy pretext about Cana of Galilee. Sparc us the sbocking pretence that the Master who said, "Suffer little children to come unto me and forbid them not," and "Inasmuch as ye did it not to one of the least of these, ye did it not to me," will find in the offering which you make upon [unclear: f] altar of your selfish gratification an acceptable and well-pleasing sacrifices Better surely cast out devils in the name of Beelzebub than use the [unclear: mo] sacred name to drive them in!

What an outrage our Christianity must appear to the worshippers of many [unclear: he] Beelzebub, when English churchmen have to make confessions as these:—" It was [unclear: la] said by the Archdeacon of Bombay that we had made 100 drunkards for every Christian. The Hindoos are temperate, the Mahomedans are abstainers, but the Christians, so called as undermining both. When a man is seen drunk the saying is, ' that *man has, left [unclear: ma] gone to Jeans !*, "Sermon of Archdeacon J. M. Wilson at Rochdale; *Alliance [unclear: New]* January. 1896. Though one spoke "with the tongues of men and of angles," he could [unclear: not] the horror of the words I have italicized.

## Inverting the Problem.

This concludes my examination of the moderate drinker's pleas, but [unclear: I] should like to apply one other test to his position. The mathematicians sometimes arrive at the solution of a problem by assuming [unclear: s] solved and then tracing back the consequences which the [unclear: assump] involves. In a somewhat analogous fashion the deadening influence chich our fatalistic acceptance of things as they are exercises upon [unclear: d] imagination and sense of responsibility may beto some extent escaped by assuming that universal abstinence has solved the liquor problem, andt that some sensual epicure, some enterprising Christian merchant, or even [unclear: s] pious Christian minister, proposes to re-open the question by sanctioning [unclear: c] more the general use of alcohol. We will suppose our reformer to be in England, and that it is pointed out to him what awful consequence, is reversal of Mr. Chamberlain's prophecy his proposal will entail—the increase of taxation by millions sterling, the filing of disused jails and workhouses, the sacrifice of more lives in a twelve-month than are [unclear: co] sumed in a century of bitter and savage war. Can we imagine anyone wicked enough still to persist with such a proposal ? Above all, can we imagine any Christian minister replying in the following strain?:—

## A Christian Discourse.

"My brethren in Christ, let us not despise the good gifts of God! All [unclear: gs] for our sakes (2 Cor, iv. 15). Corn and oil were appointed for [unclear: a] from of old, but also wine (Gen. xxvii. 28). That a gift may be abused no reason against its use, or for restricting those who can use it reasonably; ' use this world, as not abusing it," says the apostle (1 Cor. vii. Some men there are that have no understanding, yet not all are there-[unclear: to] be held in with bit and bridle. It is better, as a distinguished prelate [unclear: s] said, that England should be free than sober

I have put the late Bishop of Peterborough into rather bad company here. His epigram of [unclear: referred] to legislative action only, and was not meant to relieve the individual Christian responsibility "to them that are weak" in the exercise of his own liberty. The Master of [unclear: retort] "A man is not free when he is drunk," would seem to mea sufficient answer to epigram if added "nor are his wife and children." As Abraham Lincoln humanely [unclear: the] world is in want of a good definition Of the word ' liberty."

: is it not written ' ye *all* proclaim throughout *all* the land unto all the inhabitants thereof' [unclear: Lev] xxv. 10)? To some this path of general liberty will be a way of bondage; use will faint and sicken by the way. These it will be our glorious privilege Christian fellowship, by prayer and supplication—1 had almost said by being so it savour not of an extreme and morbid asceticism—to relieve and [unclear: ur] Many, no doubt—thousands, it may be, every year—will be beyond [unclear: o] powers of healing, and a life and death of guilt and misery will be their [unclear: The] prisons and poor-houses will be multiplied to receive them. Yes,

but [unclear: lives] those outside will be all the fuller and fairer. The godly that are [unclear: red] out of temptations 2 Peter ii. 9) will be refined by the fires that [unclear: me] the unrighteous. It is the result of the law of perfect liberty which [unclear: tial] to the building-up of character that some shall go up, some down; [unclear: to] honour, some to dishonour Rom. ix. 21). We can only trust that the member unfortunates may grow less and less with the progress of educated-and the spread of the blessed gospel light, and that even those who fall may [unclear: rve] some purpose in the scheme of Him who will at the last separate the sheep from the goats, and who has told us that no drunkard shall inherit His kingdom (I Cor. vi. 10). All that is humanly possible for the relief of [unclear: se] afflicted we will do; all sacrifices—all reasonable sacrifices—we will make; but the wine which from the time of Noah

There has been some highly profitable controversy as to whether Noah was really the first [unclear: as] well as the first drunkard. Several of the ancients were of opinion, says Cruden, s.v. "Wine that" if wine had been known before the flood . . . Noah would have been upon [unclear: guard], so as not to have drank of it to excess." Others maintained "that the first men were [unclear: of] of the use of wine, which is a liquor so generally useful and agreeable that it could [unclear: be] unknown even to Adam himself. And as to Noah, they say that though he knew the [unclear: ting] quality of wine, yet he might be deceived in the strength of it, and think that the [unclear: he] drink of it was not capable of causing the drunkenness in him that he afterwards [unclear: did] It is obvious that both lines of argument are capable of very striking results if [unclear: usly] worked out

has been placed among the good things of life, the wine which crowned the holy gaiety of the one wedding-feast and soothed the sick-bed of the blessed Timothy, [unclear: the] which maketh glad the heart of man (Ps. civ. 15), yea, and of [unclear: God] Judges ix. 13)—to deny ourselves this boon were to fly in the [unclear: f] Providence, to straiten human liberty, and to emasculate human chance In reliance upon the scriptures, let us then gladden our hearts like [unclear: the] of old, not riotously or wantonly, but in holiness and sobriety, making moderation to be known unto all men (Phil. iv. 5

It is satisfactory to know that this is the only passage in the Bible when much-abused word "moderation" occurs, and that in the Revised Version it [unclear: di] altogether, "forbearance" being substituted in the text and "gentleness" in the [unclear: ma] Greek word is the one which Matthew Arnold was fond of translating "sweet reasonable Burke (*Present Discontents, ad fin.*), speaks of the old "Whigs as not being "of that [unclear: in] paradoxical morality to imagine that a spirit of moderation was properly shown in [unclear: pe] bearing the suffering of your Itiunda." May this species of "moderation" disappear [unclear: the] the hearts of Christians along with the disappearance of the word from their Bibles!")."

Can it be denied that such an appeal would be illogical, [unclear: j] moral and blasphemous? Yet I say deliberately that in none of [unclear: J] respects does it seriously misrepresent the moderate drinker whose [unclear: bul] is the Scripture. In logic, it covers most of the ground, and it does include a single argument which I have not heard urged by [unclear: profe] Christians from platform or pulpit, in the press or in private [unclear: conva] In morality, it is certainly shocking enough, but unless the moderate [unclear: dr] can show that there is any moral distinction between perpetuating curse which you could remove and introducing one which you could [unclear: s] away, then here again he is not misrepresented. If the phraseology [unclear: of] arguments be deemed even more offensive than their substance, [unclear: the] again is that of the original, which I decided, not without hesitation imitate in order to expose the odious practice of piecing together from garbled fragments of the scripture a disguise for a gospel [unclear: of] selfishness. So far from healing the inherent indecency of the design, sanctimonious veneer appears to me to add to it the aggravation blasphemy, and I can well imagine the stern "Get thee behind [unclear: f] Satan !" with which all such pleas would have been swept aside by [unclear: c] Christ whose name they profane.

Tyndale in his quarto New Testament of 1525 has the following marginal note to [unclear: M] 12 :—"Where the worde of God is understocke there: hit multiplieth and makith the people [unclear: ff] where hit is not understode, theare hit decreasith and makith the people woorse [unclear: s] "pestilent gloss," as Henry VIII and his bishops termed it, exactly strikes the practice [unclear: of] speak. The people are made worse, religion is disgraced t and the devil is rejoiced by [unclear: sd] proslitution of Hol Writ.

## Fanaticism—or Logic ?

Much of what I have said will, of course, sound strange and [unclear: vio] the moderate drinker, but I would ask him in conclusion not to [unclear: lay] fattering unction" to his soul that not his trespass but my fanaticism speaks If it be fanatical to test by the plain rules of logic the bearings of Christ's teaching upon modern life, then we are all of us fanatics in so far we are consistent Christians, and we should glory in the charge. But as the term is really used to imply obedience to strong and blind emotion, unchecked by reason,

then I can confidently ask,—Where is the logical gap in my argument that emotion has been asked to bridge over? Though the outraged feelings of the moderate drinker may suggest the existence of such a flaw, I defy his reason to point it out. My error has rather been of an opposite kind. In remorselessly following the line of strict logic I have perhaps allowed too slight a seasoning of mercy to temper the justice of my argument. This concession to the moderate drinker I could the more easily make because he cannot take advantage of it without surrendering his whole position; yet I have repeatedly insisted that his cruelty springs from thoughtlessness and not from deliberate purpose. It is only his scriptural [unclear: that] rouses me to real intolerance.

## The Comfort of the Rich—the Outrage of the Poor.

There is a fine democratic stanza in Emerson's "Boston Hymn" :—

God said, I am tired of kings,  
I suffer them no more  
Up to my ear the morning brings  
The outrage of the poor.

The lines suit well the sentiment of an age which is inclined to endow the democracy with the divine rights formerly ascribed to kings, but they contain a lesson which the complacent democrat may well take to himself. For in a democracy ever man is a king,

According as the democracy or the democrat is regarded as the sovereign, Prov. xxxi. 4, 5 makes a magnificent text for national or individual abstinence:—"It is not for kings, O [unclear: uel,] it is not for kings to drink wine, nor for princes strong drink; lest they drink, and forget the law and pervert the judgment of any of the: afflicted." But the literalist will, of course, floor me by retorting that only those who wear crowns and sit on thrones come within the reach of these words.

and every man who in any way fosters the accursed parent of poverty, degradation and death, has as true a share in the outrage of the poor as any sceptred sovereign that ever robbed or slew. To the so-called upper classes the words have an especial reference. Even in a democracy these classes are still the natural leaders, and not the least ominous sign of our time is their increasing tendency to be false to their trust. In nothing is this more conspicuous than in the liquor question, nor do I know any modern instance that so strikingly illustrates those words of Christ about the difficulty for a rich man to enter the kingdom of heaven. A man need not be a millionaire to come within the scope of this hard saying. The callousness of consented comfort, which I take to be the disqualification referred to by Christ, may be attained without a fabulous income; and measured by this standard our rich [unclear: men] numerous enough. The price which others are paying for their comfort does not enter into their calculations; but neither their ignorant [unclear: indiffer] to the misery which they cause, nor their ignorant contempt for those [unclear: w] "scorn delights and live laborious days" in pursuit of a remedy, can [unclear: acq] these comfortable Christians of their responsibility for the tale of the outraged poor which rises, day by day and hour by hour, to heaven.

## Back to Our Text.

Sober Christian drinkers ! whose bright homes are made more bright by what is darkening, stripping and blighting so many others [unclear: th] were dark enough before, "the spoil of the poor is in your houses !"

Drink-selling Christian morphants ! whose industry first destroys the food of the poor and then piles up your princely fortunes by turning [unclear: s] into the means of a still fouler robbery—the robbery of character, happiness and life—those offerings which appear opposite your names in church and charity subscription lists are little more than the bandit's contribution to the funeral expensed of the victim he had robbed and murdered; heaven cannot be bought by such bribes, though heaven's earthly ambassadors may; the outrage of the poor is upon you, "the spoil of the poor is in your houses!"

Sleek Christian ministers ! whose Gospel, if it were indeed the Gospel of Christ, would look to the spirit which giveth life and not to the letter which killeth, to Calvary and not to Cana, to self-denial and not to self-indulgence, to the poor and not to the occupants of the chief seats in your synagogues, yet who dare not take a stand to save from the clutches of a devilish traffic your perishing brethren for whose Christ died, "the spoil of the poor is in your houses !"

Yes, and even you, smug teetotaler ! whom the same prudence or meanness which prescribes an abstinence from a habit likely to [unclear: inju] your person or your pocket, also deters from helping by voice or vote to bring others to the same path of safety, those licensed houses where the poor are robbed are yours though you

do not use them; they are yours in so far as you do not endeavour to preach or vote them out: "the spoil of the poor is in your houses !"

In a word, for all, whether nations or individuals, who do not strive to stay the ravages of the great scourge and robber of our race for all who by action or inaction give it any encouragement or countenance; for all who do not exert the full measure of their private and public powers to limit or destroy it—for all alike the warning voice of our text rings loud and clear:—

*"The spoil of the poor is in your houses. What mean ye that ye beat my people to pieces and grind the faces of the poor ? saith the Lord God of Hosts."*

Edwards, Russell & Co., Ltd., Printers, 37 Featherston Street, Wellington.

**A Compilation of the Shops and Shop-Assistants Acts.**

This is Not an Act of the General Assembly.

Compiled and Issued by the Department of Labour.

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# **A Compilation of the Shops and Shop-Assistants Acts.**

THE Short Titles of these Acts are, " The Shops and Shop-assistants Act, 1894," which came into operation on the 1st day of January, 1895, and " The Shops and Shop-assistants Act Amendment Act, 1895," which came into operation on the 1st day of November, 1895.

## **Interpretation.**

A. In these Acts, unless inconsistent with the context,—

- "Closed," with reference to shops, means closed against admission of the public for purposes of trade for the remainder of the day:
- "Inspector" means an Inspector of Factories and workrooms appointed under "The Factories Act, 1891," or any Act passed in substitution therefor:
- "Office" means any building or place used as a banking office, insurance office, or for any other commercial purpose:
- "Office employé" means any person employed in any office as defined in the preceding paragraph:
- "Shop" means any building, or portion of a building, or place in which goods are exposed or offered for sale by retail:
- "Shop-assistant" means any person or any member of the shopkeeper's family who works in a shop for hire or maintenance, and includes apprentices, improvers, messengers, persons employed to deliver goods for closed shops, and the clerical staff;
- "Shopkeeper" means the person, company, or association employing any person for hire in any shop, or occupying any shop, building, or place intended as or about to be used as a shop, and includes any agent, manager, foreman, or other person acting, or apparently acting in the general management or control of any such shop:
- "Special resolution" means a resolution passed at a special meeting of the City or Borough Council or Town Board respectively, and of which meeting public notice shall have been given by advertisement at least seven days prior to the date of meeting.

## **Shops to close on one working-day at one o'clock.**

B.(1.) All shops in a city, borough, or town district, except those wherein is carried on exclusively one or more of the businesses of a chemist, fishmonger, a fruiterer, a confectioner, a coffee-house keeper, an eating-house keeper, or the keeper of a bookstall on a railway-platform, shall be closed in each week on the afternoon of one working-day at the hour of one of the clock.

(2.) Whenever a public holiday or half-holiday occurs in any week, it shall be a sufficient compliance with these Acts if a shopkeeper closes his shop on such holiday or half-holiday instead of on the closing-day under these Acts.

## **Special provisions for Europeans who conduct shops either solely or assisted by certain members of family.**

C. (1.) With respect to any shop the business where of in *bonâ fide* owned and conducted by any person of New Zealand or European extraction, whether solely or with the assistance of members of such person's family below the age of eighteen years who reside on the premises, the following special provisions shall apply:—

- Such person shall be entitled to close his or her shop on another specified day in each week other than the day appointed for the closing of shops in the district on giving notice to the Inspector of the district of his or her desire so to do.
- Such notice shall be lodged with the Inspector during the month of January in each year, and shall be taken as proof of the facts therein stated : Provided that if such person commences business after January such notice shall be lodged as aforesaid at any time within one month after he or she first commences business in such shop.

(2.) It shall be the duty of the Inspector of each district to notify the small shopkeepers therein of the provisions of this section during the first fourteen days of the month of January in each year.

## **Particular exceptions.**

D. (1.) All shops in any city, borough, or town district may continue to be open in the afternoon of the working-day next preceding Christmas Day, New Year's Day, Good Friday, and the Sovereign's Birthday, and Easter Monday respectively, although such working-day may be the day appointed for the closing of shops at the hour of one of the clock in the afternoon in such city, borough, or town district.

(2.) Any person whose business it is to sell machinery for harvesting purposes, or fittings for such machinery, may, during the time of harvest and for the sole purpose of selling such machinery or fittings, keep his shop open on the day appointed for the closing of shops.

## **Penalties for keeping employés after hours.**

E. If any shop-assistant or office employé be employed in the ordinary course of his business in any shop or office later than half an hour after the prescribed time of closing, the employer shall be liable to a penalty not exceeding five pounds for each offence in respect of each shop-assistant or office employé so employed.

## **Penalty for not closing at prescribed hours.**

F. All shops in any city, borough, or town district, except as aforesaid, shall be closed in accordance with these Acts; and if any shopkeeper shall fail or neglect to so close his shop he shall be liable to a penalty not exceeding five pounds for each occasion upon which he so fails or neglects.

## **Supply of goods to ships after prescribed hours.**

G. It shall not be deemed an offence against the provisions of these Acts if a shopkeeper employ any person or keep open his shop at a port after the prescribed time of closing merely for the purpose of supplying goods to any ship, steamer, or boat arriving at such port.

## **Assistants in shops not included in foregoing to have weekly half-holiday.**

H. (1.) All shop-assistants in shops outside the limits of cities, boroughs, and town districts, and all assistants employed in hotel bars within or without such limits, shall have a half-holiday from the hour of one of the clock in the afternoon of some working-day in each week; and notwithstanding anything contained in section three, every shop-assistant in excepted shop shall have a half-holiday from the hour of one of the clock in the afternoon of some working-day in each week.

(2.) If any person shall offend against the provisions of this section by allowing any shop-assistant or other assistant as aforesaid to continue at work during such half-holiday, he shall for every such offence be liable to a penalty not exceeding five pounds.

## **Mode in which day for closing shops to be fixed.**

I. (1.) The day on which shops are to be closed in accordance with these Acts shall be appointed by the local authority by special resolution in the month of January in every year, and the day so appointed shall continue to be the day for closing until some other day shall have been appointed.

(2.) Any two or more boroughs or town districts, any part of any one of which is situate within a mile of any part of another, shall be deemed to constitute a district for the purposes of these Acts; and in all boroughs and town districts comprised in any such district the day appointed for the closing of shops shall be the same, and such day shall be appointed in manner following :—

- A conference of delegates appointed by all the local authorities comprised in any such district shall be held in the month of January in every year for the purpose of deciding on which day of the week shops shall be closed in such district, in accordance with the provisions of these Acts.
- Each local authority comprised in any such district (not being a city) shall appoint one delegate to each such conference, and any borough being a city in such district shall appoint a number being one more than the number of delegates appointed by all the other local authorities in such district.
- All delegates shall be members of the local authority, and in the case of a city the Mayor shall be *ex officio* one of the delegates for such city. The number of delegates which any such city is entitled to appoint shall constitute a quorum of the conference.
- Such conference shall decide which day of the week shall be the day on which all shops in the district shall be closed as provided by these Acts; and the Chairman shall forthwith notify in writing to the Minister of Labour which day has been so decided upon, and the Minister shall by notice in the *Gazette* appoint that day to be the day for closing accordingly; and the day so appointed shall continue to be the day for closing until the Minister shall have appointed some other day in accordance with the decision of another conference; and the production of the *Gazette* notice shall be conclusive proof of the day named therein being the day appointed for closing shops in the district.

## **Provisions for regulating proceedings of any conference.**

(3.) For regulating the proceedings of any conference, the following provisions shall apply, that is to say:—

- The conference shall be held at the Council Chamber or offices of the city or borough having the largest population, and at such times as shall be fixed by the Council of the said city or borough :
- The Mayor of such city or borough shall, by letter, notify the place and time appointed for the meeting of the conference to all the local authorities, requesting them each to appoint their delegate and to require him to attend at the said place and time:
- At each meeting of the conference the delegates present shall appoint one of their number to be Chairman.
- The rules for the conduct of business at meetings of the aforesaid City or Borough Council shall be the rules for the conduct of business at the conference and shall apply in the same manner as if the delegates were members of the aforesaid Council.

(4.) The proceedings of a conference of delegates shall not be affected by the fact that any local authority has neglected or omitted to appoint the prescribed number of delegates.

## **Local authority or conference may substitute another closing-day.**

J. (1.) Notwithstanding anything to the contrary contained in the foregoing sections, it is hereby declared that at any time within one month after the first day of November, one thousand eight hundred and ninety-five, and at any time before the thirty-first day of March in each year,—

- It shall be lawful for any local authority under section I hereof to appoint, by special resolution, another closing-day in substitution for the one which is for the time being in force;
- It shall be lawful for a conference of delegates, appointed in that behalf by all the local authorities constituting a district under these Acts, to decide on another closing-day in substitution for the one which is for the time being in force;

(2.) If the conference decides as aforesaid, and the Chairman forthwith notifies the Minister of Labour thereof, the Minister shall, by notice in the *Gazette*, appoint such day as the closing-day in substitution of the one theretofore in force.

(3.) The closing-day so substituted as aforesaid by the local authority or the Minister shall for all purposes be the closing day in the district of such local authority, or (as the case may be) in the district constituted under these Acts, until some other day is lawfully appointed.

(4.) The production of such *Gazette* notice shall be conclusive proof of the day named therein being the



closing-day in the district named therein.

## **Governor may appoint day in certain cases.**

*K* (1.) In the event of any local authority failing so to appoint a day, or of any conference failing to meet or to decide upon a day on which shops in the district are to be closed, then the Governor may by Order in Council appoint such day, and the day so appointed shall continue to be the day on which shops are to be closed in the borough, town district, or district respectively until some other day shall have been duly appointed, and such Order in Council shall be conclusive proof of all the facts stated therein.

## **Exceptions.**

*L*. In the event of any day other than Saturday being appointed under any of the provisions of these Acts as closing-day under these Acts, then any person shall be entitled to close his shop or office on Saturday in lieu thereof, on giving notice to the Inspector of his desire so to do. Such notice shall be lodged with the Inspector during the month of January in each year, and shall be taken as proof of the facts therein stated :

Provided that, in the case of a shopkeeper who commences business after January, such notice may be lodged as aforesaid at any time within one month after his shop is first opened for business:

Provided further that, in the event of Saturday being the day so appointed, any other day of the week may be appointed as the day on which butchers', hairdressers', and photographers' shops are to be closed in lieu of Saturday.

## **Special hours for closing on Saturday night.**

*M*. Upon a requisition, signed by a three-fifths majority of the shopkeepers in any city or borough, desiring that all shops in the city or borough shall be closed on the evening of Saturday in each week at the hour of nine or ten of the clock, as expressed by the requisition, the Minister shall, by notice in the *Gazette*, intimate that from and after a day therein mentioned all the shops in the city or borough shall be closed in accordance with such requisition : Provided that no requisition will be gazetted by the Governor in Council until it has been certified to by the City or Borough Council that the signatures to such requisition represent a three-fifths majority of shopkeepers trading within the city or borough limits.

## **Women and young persons not to be employed more than fifty-two hours in a week.**

*N*. (1.) A woman, or a person under eighteen years of age, shall not work for hire or maintenance in or about any shop, nor at any work in connection with the shop, for a longer period than fifty-two hours, excluding meal-times, in any one week, nor for a longer period than nine hours and a half, excluding meal times, in any one day, except on one day in each week, when eleven and a half hours' work may be done : Provided that the persons employed in a shop or workroom may, with the consent of the Inspector, be employed for a period not exceeding three hours in any one day beyond the ordinary working-hours on not more than forty days in any one year for the purposes of stocktaking.

## **Interval for refreshments.**

(2.) No woman, or person under eighteen years of age, shall be employed more than five consecutive hours without being granted an interval of not less than half an hour for refreshments.

## **Previous employment on same day.**

(3.) A woman, or a person under eighteen years of age, shall not, to the knowledge of the shopkeeper, be employed in any shop who has been previously on the same day employed in a factory or workroom for the number of hours permitted by law, or for a longer period than will complete such number of hours.

## **Notice of hours to be exhibited in shops.**

(4.) In every shop in which women, or persons under eighteen years of age, are employed, a notice shall be kept exhibited by the shopkeeper in a conspicuous place therein stating the number of hours in the week during which women and persons as aforesaid may lawfully be employed therein.

## **Penalty on breach.**

(5.) Where any woman, or person under the age of eighteen years, is employed in or about any shop contrary to the provisions of these Acts, the shopkeeper shall be liable to a penalty not exceeding two pounds for each person so employed.

## **Sitting accommodation for females employed in shops.**

*O.* Every shopkeeper is hereby required to provide proper sitting accommodation for females employed in his shop, and if any shopkeeper fails to comply with the requirements of this section he shall for every week during which he so fails be liable to a penalty not exceeding five pounds.

*P.* (1.) No shopkeeper shall—

- Directly or indirectly prohibit or prevent, or make any rule or regulation prohibiting, any female employed in his shop from being seated when not actually and immediately engaged in the course of her employment;
- Require any such female to be so continuously employed in an employment, the course of which requires her to remain standing, as that reasonable intervals are not allowed to her in each day during which she may use the sitting accommodation provided;
- Dismiss from his employment or reduce the wages of any female on the ground that she has made use of such sitting accommodation, unless it be proved that she has used it for an unreasonably long time or an unreasonable number of times on any day.

(2.) Any shopkeeper who shall offend against any provision of this section shall for every such offence be liable to a penalty not exceeding ten pounds.

## **Dinner-hour for shop-assistants.**

*Q.* Shop-assistants shall be entitled to one hour for dinner.

## **Shops to be kept clean.**

*R.* (1.) Every shop or business establishment shall be kept in a cleanly state, and free from effluvia arising from any drain, privy, or other nuisance, and shall be ventilated in a practical and efficient manner.

(2.) Where members of both sexes, not being members of the same family, are working in the same shop or business establishment there shall be sufficient watercloset or privy accommodation for each sex, separated in such manner as to insure privacy, to the satisfaction of the Inspector.

(3.) Where members of one sex only are employed in a shop or business establishment, sufficient watercloset or privy accommodation shall be provided to the satisfaction of the Inspector.

## **Closing-hour for offices.**

*S.* (1.) The closing-hour of all offices shall be not later than five o'clock in the afternoon of each week-day except Saturday, when the closing-hour shall be not later than one o'clock in the afternoon: Provided that cashiers, ledger-keepers, and cash-bookkeepers in any office may, before leaving their offices, balance the books in their charge of the day's transactions, and provided further that exception shall be made in respect of not exceeding six days in each calendar month, when employes may be required to continue at work or to return to work for not exceeding three hours in any one day: It is further provided that this section shall not apply to shipping, exporting, railway, tramway, and newspaper offices.

## **Exception with regard to offices.**

(2.) Offices shall be excepted from the operation of the last-preceding section during two periods of four weeks each in every year for the purposes of their half-yearly balances.

(3.) Where a shop and office are conjoined in one in the same building and under the one tenancy the two divisions shall not be compelled to close on two different days, but the entire closing of both on the day appointed for closing the shop shall free the office from the necessity of closing on Saturday, unless Saturday shall be the day appointed for the closing of shops, in which case both shall close on that day.

## **Agent liable to penalty in certain cases.**

T. Where an offence for which a shopkeeper is liable under these Acts to a penalty has, in fact, been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same penalty as if he were the shopkeeper.

## **Inspectors of Factories to see Act properly carried out.**

U. (1.) It shall be the duty of every Inspector to see that the provisions of these Acts are properly carried out, and to prosecute all persons guilty of any breach thereof.

(2.) For the purpose of carrying out the provisions of these Acts, every Inspector shall have the same right of entry into and of inspection and examination of a shop or office subject to the provisions of these Acts, as he would have in respect of a factory or workroom; and, in case any shopkeeper or office manager shall refuse to allow such entry or inspection and examination, he shall be liable to the like penalty as the occupier of a factory or workroom is liable to for refusing to allow or impeding any entry into or examination of such factory or workroom.

## **Provisions as to procedure in prosecutions.**

V. (1.) Where any person is charged with an offence against these Acts such charge shall be heard, and all penalties imposed by this Act shall be recovered, in a summary way before a Stipendiary Magistrate.

(2.) The following provisions shall have effect with reference to proceedings before the Court for offences and penalties under these Acts :—

- The information shall be laid within one month after the commission of the offence;
- It shall be sufficient to allege that a shop or office is a shop or office within the meaning of these Acts without more;
- It shall be sufficient to state the name of the ostensible shopkeeper or office manager, or the title of the firm, company, or association by which the shopkeeper or office manager is usually known;
- A conviction or order made in any matter arising under these Acts, either originally or on appeal, shall not be quashed for want of form; and
- The Inspector and every other person who may be dissatisfied with the judgment of the Court on any summary proceedings under these Acts may appeal to the Supreme Court or to a District Court in the manner provided by " The Justices of the Peace Act, 1882."

W. Every person who commits any breach of any provision of these Acts for which no specific penalty is provided is liable to a penalty not exceeding five pounds.

"The Shops and Shop-assistants Act, 1892," is hereby repealed.

SAMUEL COSTALL, Government Printer, Wellington.—1896

Report to the Shareholders. decorative feature

A Brief Account of the New Zealand Midland Railway,  
1885 to 1896.

April, 1896.

Printed By Charles Skipper & East London: 49, Great Tower Street, E.C. 1896

# **Report of the Directors to the Shareholders of the New Zealand Midland Railway Co"., Limited.**

THE Preamble of an important Act of the New Zealand Legislature, entitled "Railways Construction and Land "Act, 1881," explains clearly the policy of the New Zealand Parliament and people at that time. That policy, if cautiously, and at the same time vigorously, pushed, would have secured in the course of a few years the practical completion of the main lines of railway essential to the development of the country at little or no pecuniary cost. Constant employment would have been afforded to a very large number of artificers and workmen. Capital would have been freely introduced for undertakings, encouraged and stimulated and rendered possible by the existence of a complete railway system.

The Preamble of the Act ran thus :—

*"Whereas it would conduce to the more speedy settlement of the Colony if provision were made enabling Joint Stock Companies to enter into contracts for the construction of railways, or for the construction and*

*working thereof upon receiving aid, for all or any of such purposes, by grants of Crown Lands upon the terms and in the manner provided by this Act.*

*Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same as follows :—"*

Here follow the provisions of the Act, which need not be quoted here.

Shortly after the passing of the Act, a scheme was propounded for the building of a railway then called The Canterbury, Westland and Nelson Railway.

This scheme will be best explained by a quotation from a memorandum drawn up by its promoters and dated London, March, 1885.

*"In 1881 the Legislature of New Zealand decided to supplement the construction of railways by the Government by adopting the system of making grants of land to capitalist undertaking their construction, and an Act was passed on that basis under which contracts have been let for the Wellington and Manawatu Railway, and Taurunga Railway, and other lines. The financial success of the first named, which alone is sufficiently advanced to be judged of seems now assured.*

*The desirability of constructing the Canterbury, Westland, and Nelson Railway in this manner has, for some time, been strongly felt, but those moving in the matter considered that the concessions authorised by the Act of 1881 were not suitable to this line, and, in consequence, in October, 1884, a special Act was passed enabling the Government to contract for the construction of this railway, conceding to the contractor a bonus or grant of £1,250,000 in land calculated upon its estimated market value before the making of the contract, and without regard to the prospective value to be given to the land by the Undertaking, such market value to be ascertained by arbitration.*

*Under this Act, an influential and representative body of the inhabitants of Christchurch and Nelson and the surrounding districts have entered into a contract with the Government of New Zealand for the construction of the railway."*

These simple and clear paragraphs describe the commencement of the Undertaking, as it was, in fact, a purely New Zealand enterprise. The Memorandum was signed by H. Alan Scott and Arthur Dudley Dobson, of Canterbury, and Charles Yates Fell, of Nelson. Naturally, the next question was how to raise the necessary capital. For this purpose, after much negotiation, the contract was transferred to a company, formed in England under the Companies Acts, 1862 and 1882, the price paid being £6,000, claimed for surveys and preliminary expenses. The transfer to be made to the satisfaction of the Agent-General as representing the New Zealand Government. Very considerable expectations were held out to the English Company to induce them to embark in the undertaking. These are summed up in one paragraph of the Memorandum, which runs thus :—

*On the whole, having regard to the increase in value which will certainly take place as population spreads, minerals are worked and fresh townships judiciously laid out, it may be fairly assumed that the contractors will ultimately receive from the land grant alone more than the whole cost of the line, leaving the railway a valuable asset in their hands."*

And the concluding paragraph is very important.

*"The Contractors are acting purely in a public capacity as the representatives of those portions of the Colony of New Zealand concerned in the undertaking, and they have authorised their delegates to dispose of the contract on the refund of moderate preliminary expenses actually disbursed to such person as may satisfy the Agent-General of the Colony (as representing the Government) and the delegates, of his capacity to carry the undertaking to a successful termination."*

Thus the Company was brought into touch with the New Zealand Government, who, through the Agent-General, must have been satisfied of its stability and character before it was permitted to assume the contract.

The views of the Government at that time as to the importance of the Railway and its prospects may be gathered from the following extracts taken—

1. From the Public Works Statement of 1885 :—

*There now, however, seems some difficulty in obtaining the construction of the lines under the Act of last year, and it remains for the House to consider what should be done. The Government are of opinion that the lines are of immense importance. They will tend to increase the mining population, and to develop a large amount of mineral traffic, and commerce generally, There are also considerable tracts of land which will be profitably occupied by settlers, whilst the bringing of the produce of the eastern side of the Middle Island to the western at a cheap rate will tend to promote the welfare of the West Coast settlers, and open a new market for the agriculturists on the eastern side."*

2. From a speech of the Colonial Treasurer, Sir J. Vogel, delivered in October, 1885 :—

*"But lately, as I stated the other evening, I am beginning to think that the railway is so desirable that it may be better that the Colony should make and own it rather than procure its construction by even a small*

*guarantee, which would involve in the end a heavier cost if the Colony purchased the railway, because of its having given the lands in addition. What I am now considering is the treatment you were subjected to when it appeared that, by some extra concessions, the railway might be made. From one end of the districts concerned to the other, men of large properties came forward and were ready to see themselves burdened with a liability for part of the guarantee rather than that the arrangement should not be made.*

*"This railway virtually brings to useful purposes a new territory to the Colony, and a new population. I believe that it will ultimately prove one of the best-paying lines in the Colony."*

3. From a speech of Mr. Richardson, Minister for Public Works, delivered in February, 1886 :—

*"And in addition to that, the population is at the two ends of the line, and the traffic would nearly all be that which pays best of all to a railway, namely, with long carriage. And there is no need to anticipate having those continuous stoppages and large number of intermediate stations which make our railways so expensive to work, I estimated last session that the traffic would return a net profit, from the opening of the line, of at least 2 per cent., and I feel sure that I am within the mark."*

4. From a speech of the Colonial Treasurer, delivered in February, 1886 :—

*"Now the population which would be directly benefited by this railway amounts to one-third of the whole Colony. It will unite several great districts and enable them to exchange, on the one hand, agricultural productions for gold and coal, and enable the large plains of Canterbury to be supplied with that great agency of human manufacture—coal—which so abundantly exists upon the West Coast. I shall conclude by quoting a few observations made by the Hon. Mr. Bowen, in which he aptly epitomises the arguments in favour of this railway : ' Briefly, those who advocate the immediate prosecution of the East and West Coast and Nelson Railway do so because they are satisfied that it will pay better than any other railway now projected in New Zealand; because it is a part of the trunk line, connecting all parts of the Island together; because it will practically add a new territory to the Colony—a territory teeming with all sorts of minerals—with large, undeveloped wealth hitherto cut off.'"*

The result of negotiations based upon the above Memorandum was that the original contract was, by a Deed dated 30th April, 1886, transferred with the consent of the Governor of New Zealand from the original contractors to the New Zealand Midland Railway Company. The names of the original contractors were as follows: William Chrystall, John Tucker Ford, George Hart, John Thomas Matson, Thomas Shailer Weston, John Honeycombe Cock, Charles Yates Fell, Henry Douglas Jackson, Albert Pitt, and James Sclanders. This is now known as the Chrystall Contract.

The scheme was supported by strong representations in its favour by the Agent-General for New Zealand in London, Sir F. Dillon Bell, who stated that, speaking not only as an individual but also on behalf of his Government, the contract was most valuable, and that the Government were most anxious to, and would, help this scheme in every way then and for the future. The prospectus of the new Company was submitted to, and approved by, the Agent-General, and was issued in May, 1886. The first issue was for a share capital of £250,000, part of £500,000.

It was always obvious that such a capital was inadequate for the undertaking, but the reasons for fixing it at that figure were, first, that the position of the Company was distinctly explained to the Agent-General, and through him to the New Zealand Government, whose cordial assistance had been promised, so that it was open to them to raise any objections if they considered that the capital was too small for the commencement of the railway. No such objections were made, but, on the contrary, the Agent-General had pressed the Company to accept the transfer of the contract and to commence the works, and was a party to the deed of transfer.

Secondly, that various modifications in the contract had been agreed with the Government, rendering necessary the framing of a new contract, which would, of course, occupy some time, but meanwhile certain parts of the line could be usefully constructed with the money subscribed, and detailed surveys be made.

In the third place, it had to be remembered that the undertaking did not consist merely of the building of a railway, but also of the management and development of a large amount of land, which, as is clear from the above extracts, was represented to be of great value, not only as agricultural land but also for settlement, and as being rich in timber and in minerals.

It was reasonable, therefore, to expect that, having the Government as a firm ally, the Company could raise money from time to time as the work progressed, and so money was raised and contracts were let for the building of the railway.

Assurances were given to the Directors of the Company on substantial and sufficient legal authority that no penalty existed for the non-completion of the railway, except of course the loss of the unearned grants of lands. It was therefore reasonably anticipated that a stoppage of the works through bad times, accident, or any unforeseen circumstance would only lead to negotiation and some delay until the difficulty could be overcome. Without this verbal assurance the Directors would not have proceeded with the undertaking.

The Act confirming the contract under which the work was started was passed on 30th July, 1886; but the

negotiations as to the new contract were continued between the Company and Mr. Richardson, the Minister of Public Works, and Sir Julius Vogel, the Colonial Treasurer, until those Ministers went out of office, upon a change of Ministry, which took place in 1887, and caused consequent delay. The retiring Treasurer left a memorandum to his successor, which contained the following :—

To my Successor

*"The Board is composed of high-charactered influential men. The enterprise could not be in better hands, and there is no room to doubt that they wish to proceed with the railway, and will be content with any equitable arrangement that will enable them to obtain the necessary capital. Negotiations have been continuously proceeding during many months. The Agent-General has acted for the Government on the basis of endeavouring to manage within the four corners of the powers given by the Legislature The matter, therefore, must be left to our successors. In referring to it, I wish to express the opinion (and Mr. Richardson concurs) that there should be no difficulty now in putting the last proposals of the Company into a shape that will be satisfactory alike to the Colony and to the Company.*

"7th October, 1887."

"Julius Vogel.

The new Government came in shortly after that date, and in the ensuing Session referred the subject to a Select Committee, which reported in November of that year, and on 23rd December, 1887, the Midland Railway Contract Act was passed, which provided for the substitution of a new contract.

Meantime the difficulties in the path of the Company accumulated. Soon after the capital had been raised, rumours were persistently circulated, originating in New Zealand, chiefly on the authority of Ministers themselves, that the land grant was of no value, and the whole affair likely to prove a failure. These rumours of course created great difficulty in raising capital sufficient to complete the railway, for which object negotiations were in satisfactory progress; and early in 1887 two events occurred of interest as connected with these transactions.

Acting on the understanding that considerable modifications and extensions of the original contract of 1885 would be necessary, the New Zealand Government prepared a new contract, which met with the approval of Mr. Brodie Hoare, the Deputy-Chairman of the Company, and of Mr. Scott, the then Manager of the Company, who were both in New Zealand at that time. But this contract was found quite inadequate to remove the doubt—of which probably they were not aware—which had been created in financial circles in London as to the *bona fides* of the Government and the value of the land concession. Amendments were therefore made by the Company in order to satisfy the minds of financiers, and to remove any suspicion as to the *bona fides* of the Government. These alterations in effect simply gave assurance that the land to be granted as the Railway proceeded should at its completion be worth at least £1,250,000.

The other event was of far more importance. Mr. Larnach the Minister for Crown Lands, issued a proclamation on 20th January, 1887, reserving for mining purposes 750,000 acres of land on the West Coast. This would have effectually hindered the promotion of settlement and of trade along an important section of the railway. Mr. Scott protested, urging that the proclamation was not in accordance with the agreement with the Company, and it was accordingly withdrawn in June, 1887.

In July, 1887, the Company was able to send out to the New Zealand Government an offer of the whole of the money required for the building of the line, accompanied by a contract upon which the financiers were prepared to act. The main feature of this contract being a clause to confirm and ensure the minimum value of the land grant, was subsequently accepted. It was most unfortunate that, owing to long delays in New Zealand, this opportunity was lost to the Colony and to the Company. The financiers expected a prompt reply. They could not and would not wait beyond a moderate and reasonable time.

The contract sent out in July, 1887, was ultimately, after many alterations, agreed to and dated 3rd August, 1888, but it was not until 23rd September, 1888, that information that it had been finally sealed was sent to the Company. One of the conditions contained in it, and insisted upon by the Government, was that the Company should immediately spend £120,000 in construction £60,000 at the Christchurch, and £60,000 at the Nelson ends of the line. This demand was insisted on, and reluctantly conceded as the only means of obtaining what were believed to be valuable modifications of the contract.

The question of the limit of time within which the railway was to be completed was not forgotten in arranging this contract. The Company's solicitor, while settling it, objected to the term for the completion of the railway remaining as in the original contract, and altered the date to 1897. The Agent-General pointed out that

such an alteration would necessitate fresh legislation, as it was not possible under the Act of 1887, and consequently considerable further delay. He also pointed to the provision which appeared in the draft for extending the time, and added that the Company need have no apprehension on that point, because, as so much, time had then already elapsed, no reasonable extension would be refused, and that both the Government and Colony were anxious to assist the Company in every possible way.

This date, September, 1888, was a turning-point in the history of the Company, and it may be useful to give here a letter written by the Chairman of the Company to the Premier, The Honourable Sir H. A. Atkinson. Although the letter was private and unofficial, there can be no objection to its production at this time, as it may serve the purpose of making more clear a series of transactions that are somewhat difficult and intricate. The letter ran thus :—

16th August, 1888.

My Dear Sir,

I hope you will allow me to send you a few lines privately upon the conclusion of the contract with the New Zealand Midland Railway. I beg to express appreciation of the trouble and care with which you have dealt with this somewhat difficult matter, and to express a hope that in the end your expectations may be most fully realised with respect to the benefits to be derived by the country of New Zealand through the making of the railway. I very much wish that during these negotiations, and especially in the autumn of last year, when we were so singularly fortunate as to obtain for a time an offer of the whole of the money for the building of the railway, I could have had a personal interview with yourself and other ministers. I think that I could have smoothed many difficulties and removed many doubts. I have always taken an interest in colonial matters, and have been for some years possessed of a small property in Queensland. Some two years ago I lost my seat in Parliament, and was occupying my leisure in considering how some scheme of emigration could be devised which would be based upon the introduction of both men and capital into a country fit for development. Just at that moment the scheme of the New Zealand Midland Railway presented itself to me, and I took it up with some enthusiasm as a means by which apparently very great benefits could be bestowed both upon an old and upon a new country. If in the first instance I had entered upon the matter merely as a commercial undertaking, I probably should never have dealt with it in the way that I have done, or more probably still, I should never have touched it at all. I confess, too, that I never expected the excessive delay and the harrowing negotiations which have taken place and possibly are not even yet concluded.

Having, however, entered upon the scheme, possibly with too much of a philanthropic and enthusiastic spirit, I certainly intend to do my utmost to carry it through, and hope that in the end the undertaking will not only be a public benefit but also a commercial success.

I was very much disappointed when last autumn the offer of an expenditure of £2,500,000 was practically refused. The terms were fair, and what was of the greatest importance, they were intelligible to the London financial people, and drawn in language which they could understand, I had always been led to expect that upon a definite offer of the money any reasonable terms would be warmly welcomed by the New Zealand people. However, that is past, and having now by your capacity and firmness arrived at a settlement, we shall do our best to raise the money that is necessary to proceed vigorously with the work. Of course the original offer £2,500,000 made last autumn has passed away, as we at the time distinctly indicated would be the case. I hope you will pardon me for troubling you with this letter. I have been anxious for some time to express to you in confidence our true views and position, which have, I think, been a good deal mistaken, though not perhaps unnaturally so. I hope that you will allow me to communicate with you again as to our general scheme and progress as soon as the money necessary to make some advance with the line has been obtained. We are rather hindered by the fact that the long delay in completing the negotiations has driven us into the holiday time, so that some weeks, or even months, may elapse before we can get on a satisfactory footing. It will give me intense satisfaction to be able to report to you privately that everything is progressing well.

Politics in England are in a troubled condition, and like the rest of the world, those of us who are quiet business people hate party politics, and wish for calm and common sense.

With many apologies for troubling you,  
I remain,  
Yours faithfully,

(Signed) Thos. Salt.  
The Honourable Sir H. A. Atkinson, K.C.M.G.,

Wellington, New Zealand.

The reply of the Premier was as follows :— Premier's Office, Wellington, N.Z.,

15 October, 1888.

My Dear Sir,

Thank you very much for your interesting letter of August 16, *re* The Midland Railway. You will ere this have learned that the contract was signed by the Governor on the 23rd September, and that it was mutually agreed by your General Manager, Mr. Scott, and the Government that it should be understood as taking effect from that date. No doubt the matter was surrounded with great difficulties from past failures of unwise proposals and the suspicions engendered thereby, and also from the dislike of the scheme in any form by a large number of members. I am sure things would, as you say, have been greatly facilitated had we had an opportunity of personal interview. It is to be regretted that the negotiations could not have been settled sooner, but I trust that the delay will not really prejudice you in the money market, and that we shall soon hear that you have obtained the necessary capital on favourable terms.

I thank you very much for your kind expression of appreciation of my efforts to get the matter through the Parliament in a form fair alike to the Colony and the Company, and join with you in hoping that our expectations as to the benefits to be derived from the undertaking by the Colony and the Company may be realised. I shall be pleased if you will follow out your idea of communicating with me from time to time as to your progress. You may be sure that it will afford me equal satisfaction to hear that everything is going on well. Should you at any time decide to visit us—and I think you should if you can spare the time—I shall be delighted to do all I can to make your visit a pleasant one.

You are aware that we have passed through a time of anxiety and trouble, but I think that I may now safely say that the Colony has taken a turn for the better. From every side I hear more favourable accounts of our progress towards prosperity.

Yours sincerely,

H. A Atkinson.  
Thomas Salt, Esq.

These letters describe the position of affairs in the autumn of 1888. From the commencement of the business it was understood that considerable modifications would have to be made in the first contract. Within about fifteen months of the formation of the Company the whole of the money required to build the railway was offered, upon terms that were reasonable and were subsequently granted, but only when it was obviously too late. In fact, the offer was virtually rejected.

As was anticipated, owing to the long and vexatious delays and the adverse rumours respecting the value of the land grant, the greatest possible difficulty was experienced in raising the capital. At length, in April, 1889, the Company were able to issue £745,000 £5 per cent. debentures, but at a great cost. So the work of the railway could now proceed. Much time and much prestige had unfortunately been lost. The debenture prospectus and trust deed were submitted to and approved by the Agent-General, who agreed to become one of the trustees, but afterwards withdrew his name, under direction of the New Zealand Government. Contracts were let for construction of the railway to Reefton and also in the direction of Lake Brunner.

The line to Reefton was completed and opened on the 15th February, 1892, and the extension as far as Jackson's in the direction towards Canterbury was finished on the 2nd March, 1894, the pieces of line at the Nelson and Christchurch end having been completed some time before. During the progress of the works, unforeseen difficulties arose from delay and disputes or misunderstandings connected with the following matters :—

1. A deviation of the railway at Lake Brunner applied for in December, 1889, was approved by the inspector 15th April, 1890. An Act of Parliament was then passed, and not until ten months after the passing of the Act was the consent of the Governor given. Nineteen months of valuable time and much money was thus wasted. Yet clause 4 of the contract 1888 indicates the power of the Governor to consent to a deviation of the line of railway without any Act of Parliament.

2. A proposal for the substitution of an incline line instead of a tunnel at Arthur's Pass (which presented great engineering difficulties as well as a great cost in time and money), was applied for on August 19th, 1891. This arrangement was distinctly provided for by clause 4 of the contract (1888). Consent was not given until



October, 1892. More than a year was lost, for it was obviously impossible to raise further capital until this important point had been decided.

3. These delays, added to the various circumstance attending the undertaking from its commencement, justified an application for extension of the time for the completion of the contract. Indeed, it became obvious that without an extension of time no capitalist could possibly entertain a proposal for further supplies of money to push forward the work. Such an extension of time was contemplated by clause 2 of the contract, and had been promised by the Agent-General in 1888.

Accordingly, on 15th March, 1892, the Company applied to the Government under clause 42 of the contract, for an extension of time for completion. That clause provided that the Governor in Council might, if satisfied that the delay had not been caused by the wilful default or neglect of the Company, extend the time; and, as no extension had in the meantime been granted by the Governor, they presented a petition to the New Zealand Parliament on 9th August, 1892, asking, among other things, for an extension of time.

That petition was referred to a Committee, who on 8th October, 1892, reported "that the time allowed in the original contract for the completion of the work was sufficient; but that, owing to the delays consequent upon the negotiations for modifications of the contract, and also owing to the many other difficulties under which the Company has laboured, it is evident the work cannot now be completed within the contract time. The Committee, therefore, recommend that the Government should grant a reasonable extension of time for the completion of the contract."

However, the Governor, after a delay of three years, refused it, and so made further progress impossible.

4. The graduated land tax was imposed in 1891. This tax was imposed after the agreement upon which the Company relied that grants of land to the value of £1,250,000 should be given, and the effect has been to make it difficult, if not impossible, to hold lands to which they are or may become entitled. This has, of course, placed a serious obstacle in the way of raising fresh capital, besides depreciating the value of the land grant;

5. As to the land grant—a matter of a much more serious character, as affecting the position and prospects of the Company—the controversy about the Gold Mining Reserves was revived. Certain lands within the area reserved for selection by the Company were excepted by clause 16 of the contract (1888). Amongst these exceptions were lands "required for *bona fide* mining " purposes, and the several purposes connected there with or conducive there to, and which lands shall from time to time be set apart and defined by proclamation to be issued in that behalf."

The total amount to be taken was not to exceed 750,000 acres, and not more than 10,000 could be proclaimed in one block at one time. It is obvious that if 750,000 acres of real *bona fide* mining ground could be found and worked on the West Coast, the gain to the Railway Company would have been so great that many other considerations, and even just claims, might have been disregarded by them, but unfortunately the gold mining industry has been steadily declining. Nevertheless, by a series of proclamations, commencing on the 20th August, 1891, and issued at short intervals of time so as to comply with the letter of the above clause, in spite of repeated protests urged by the Manager of the Company in New Zealand, 680,000 acres were proclaimed and reserved. Thus the Company was deprived, justly or unjustly, of the power of creating settlements along the line of railway, and of developing the traffic, and the resources of the district upon which they had been led to rely for the profit of their enterprise.

6. Clause 18 of the contract (1888) gave the Company power to select timber on lands reserved under clause 16. Complaints were made by the Company that between the years 1890 and 1892, licenses were granted and timber cut for other purposes than mining purposes, and that the land grant was thereby injured and deteriorated.

7. Another clause, namely, clause 33 of the contract (1888), was inserted in order to give special facilities for the purchase of lands in the Nelson district. Under this clause the Queen was empowered to sell portions of land in the Nelson and Westland districts upon applications from intending purchasers being sent in by the Company; the money, when paid, to be retained by the Receiver-General on behalf of the Company, and to be handed over to them when claimed and due on account of railway construction. More than a thousand applications were sent in. They were delayed until the purchasers could wait no longer. Thus the distribution of land and settlement on a fertile district were hindered. It will readily be seen how enormous the difficulties were with which the Company had to deal. The land grant became discredited and uncertain, the prospects and inducements originally held out were vanishing away, and the time assigned for the completion of the work, namely, ten years from the year 1885, was rapidly drawing to a close. To reconcile or to settle speedily the disputes that had arisen under the heads mentioned above seemed hopeless, for the attitude of the Governor and of the Government towards the Company had completely changed. They had now to deal with a bitter enemy instead of, as originally promised, an ally and a friend. Accordingly, negotiations were entered into in the year 1892 for cutting the knot of existing troubles by throwing the agreement between the Governor and the Company into a new shape.

These negotiations continued during the greater part of the years 1892, 1893 and 1894. A Parliamentary Committee sat in each of these years. The reports of these Committees are to be found in the Parliamentary papers, together with a considerable amount of important and interesting evidence. Several discussions also took place in Parliament. Generally speaking, the object of the proposals made by the Company was : first, to remove as far as possible all causes and occasions of dispute between the Governor and the Company; secondly, to release the large area of land reserved for selection by the Company; thirdly, to enable the Company to complete the railway, and this in the first instance from Jackson's to Springfield, that is, the East and West Section. It was never the intention of the Directors to abandon the building of the North and South line from Reefton to the vicinity of Nelson, but they were compelled to postpone this portion of the undertaking until the many difficulties surrounding the construction of the railway, caused by the action of the Government, had been removed.

The proposals for carrying out these objects assumed various forms from time to time as the protracted negotiations proceeded, and a Bill embodying the result of them was introduced by the Government in the Session of 1894; but this Bill was rejected by a narrow majority, composed of many of the supporters of the Government. The Company at the close of that year were, therefore, compelled to refer the whole of the matters in dispute to arbitration under clause 47 of the contract (1888).

There are, as is apparent from the foregoing remarks, four periods in the history of the Company.

The first, from March, 1885, to the autumn of 1887. During this period the scheme was introduced to the Company with strong promises of success and of support, while, nevertheless, the offer of the whole sum required to build the railway was practically rejected.

The second, from the autumn of 1887 to the autumn of 1892, during which an amended contract was framed, capital was raised; the construction of the railway made progress and very serious complications arose between the Government and the Company.

The third, from the autumn of 1892 to the autumn of 1894, when earnest efforts were made by the Company to bring matters into harmony and to finish the railway.

NOTE.—The proposals in 1894, which took shape in the Bill above referred to, were : (1) that the land grant for the making of the railway from Jackson's to Springfield should be commuted for a sum of £618,000, this being the estimated value of the land before its improvement by the building of the railway; and (2) that the portion of line on the railway near Nelson should be given up to the New Zealand Government—the cost to the Company having been £60,000. This arrangement would have been very advantageous to New Zealand, as the railway would have been finished, the land re-bought at about 30 per cent. below the probable selling price, disputes avoided, and a portion of the line near Nelson acquired for nothing. The Directors of the Company never abandoned their intention of completing the railway from North to South, that is, between Reefton and Nelson, as soon as it was possible and desirable to do so; but the proposals of the Government embraced no provision for this section of the line.

This scheme, strongly urged by the Premier, was rejected by a majority of six votes in the House of Representatives.

The fourth period, commencing with the year 1895, is that of arbitration.

In the Spring of 1895, Sir Bruce Burnside, ex-Chief Justice of Ceylon, proceeded to New Zealand as arbitrator on behalf of the Company. After a long delay the New Zealand Government selected Sir Charles Lilley, ex-Chief Justice of Queensland. It was necessary to appoint an umpire, and the selection rested with the two arbitrators. They were unable to agree. Ultimately it was arranged to refer the matter to the Honble. Sir Robert Herbert, G.C.B., with the understanding that the Government arbitrator, Sir C. Lilley, should accept one of two umpires nominated by him. Sir Robert Herbert nominated two, of whom the Honble. E. Blake, Q.C., ALP, was selected by Sir C. Lilley, and Sir Bruce Burnside acquiesced. These transactions caused very great delay and expense, and an adjournment of the arbitration from the Spring to the Autumn of 1895. On or about 25th November the Arbitration Court was formed at Wellington, the umpire sitting with the two arbitrators. On November 29th, the umpire sat alone, in consequence of insuperable differences having arisen between the arbitrators. After constant and somewhat protracted sittings, the decision of the umpire was given. It was adverse to the Company on nearly all points. A copy of the award can be seen by any Shareholder who calls at the Office of the Company. 61, Gracechurch Street, London, E.C.

In May, 1895, the Railway was seized by the Governor, during the adjournment of the arbitration.

The opinion expressed by the Prime Minister, the Honourable Mr. Seddon, in 1894 is important.

During a debate in the Legislative Assembly upon the latest proposals of the Company, he spoke as follows :—

*"Under all the circumstances, I say to Members representing each and every part of New Zealand, if you carry these proposals you will find that they will be in the interests of the Colony, you will remove a serious difficulty, you will leave untarnished the honour of the Colony, and you will prevent litigation. Otherwise, you*

will have the position of matters brought before the world by our friends at home, who instead of being our friends and assisting us to maintain our credit in the future, will say that they cannot trust us, for when the opportunity was given us we failed to do what was right in the case of this Company. I say that if justice is done this Bill will be read a second time."

The "Auckland Herald" of January 22, 1896, says :

*"It is impossible .... to withhold sympathy for the unfortunate shareholders and debenture holders who, after expending nearly a million pounds on a railway intended to benefit the Colony, find that their money has gone and that their security has been seized by the Government of New Zealand. That the Government have done nothing that they were not entitled to do is not, of course, disputed in face of Mr. Blake's award, but there are equities which have a stronger moral force than even cast-iron legalities, and should the claims of the debenture holders be completely ignored on the plea of legal rights rigidly interpreted, it will, we venture to say, be generally regarded as a grievous wrong which would eventually in many ways prove hurtful to the Colony. We do not, however, believe that the Government seriously contemplate confiscating the security on which these British investors lent the Midland Railway Company their money. Such a proceeding would inflict an irreparable injury to New Zealand's credit on the London market, where it is essential to our progress and prosperity that it should stand high and untarnished. It is surely possible that some modus vivendi can be discovered by which a satisfactory arrangement may be come to between all parties concerned without farther and costly litigation."*

The "Grey River Argus," under date 2nd January, 1896, says:—\* \* \* \* \*

*"Whether the Company will accept the award as the last word in the unhappy dispute we are, of course, not in a position to speak at all; but we imagine that the award just given is more likely to prove a mere incident in the case than anything in the nature of a solution, and that the final phase has yet to be reached. In the meantime, the work itself will be hung up—perhaps for good—unless as a convenient field of operations for unemployed stragglers. It is very unlikely that the Company will do anything more to the line, and there is about an equal chance that the Colony, in the present distressful state of its finance, will push it on to completion as a great colonial work. That the matter, therefore, should have arrived at this position is more than a cause for deep regret—it is nothing short of a calamity, and from more than one point of view.*

*Despite the dictum of the umpire, we are as firmly convinced as ever that the Company has substantial grievances against the Colony, and that it has not received adequate justice, whatever it has received in respect to the technicalities of law. From the very first the Company never received that sympathy and support that the nature, magnitude, and conditions of the undertaking should have entitled them to get. There can be no question that the Company were led to expect that the construction of the line would be as profitable to them as it would undoubtedly prove beneficial to the Colony. In these circumstances the Administrators of the Colony were bound in honour to do all in their power to make good their assurances. Yet what did we see ? One of the foremost public men in the Colony throwing ridicule on the undertaking by proclaiming the worthlessness of the land in stating on a public occasion, and very shortly after the contract was entered into, that a thousand acres of it would not feed a sheep. If sentiment of that kind afforded any clue to the feeling in high places regarding the Company's undertaking, it was anything but creditable. To our mind the subsequent attitude of the Government towards the Company could not be construed into anything like a desire to show them that consideration to which we undoubtedly think they were entitled.*

*"We are free to admit that the Company has all along been weak in its finance. It might have been otherwise, but they were exceedingly unfortunate in the preliminary stage of the enterprise. Unfortunately for the success of the undertaking, unexpected differences arose on this side at the most inopportune time they could have happened, and led to the complete breakdown of financial arrangements that had almost arrived at the point of completion. In itself, this was and almost irreparable disaster. Its ill-effects were still further emphasised by the action of the Government in regard to the so-called auriferous reserves, and the alteration in the incidence of land taxation. By sweeping up all the available lands along the line between Greymouth and Reefton, under the plea that they might be wanted some day for mining purposes, the Company was deprived of its most valuable asset, and received a deadly wound. Had this not been done a great part of that land would have been settled upon. Also, in passing the graduated land tax, there was an utter want of consideration to the Company on account of the peculiar position in which it was placed. It could not have been treated worse if it had been the very embodiment of a ' social pest,' and, therefore, perfectly fair game for any sharp practice. In both these instances we must still maintain that the Company were not only harshly, but most unfairly treated."*

\* \* \* \* \*

With these separate opinions—one expressed by the present Premier of New Zealand before the arbitration, the others by leading journalists in New Zealand after the arbitration—the Company will of course concur, and deeply regret that they were not expressed and acted upon throughout the whole of the transactions between the Company and the Government.

The Company has always desired to act fairly, and to carry out the conditions of its contract to the utmost of its power. It is most difficult to understand why any persons in New Zealand, even acting only from a selfish desire for their own interest, should be hostile to a Company that has been willing to spend large sums of capital, and to develop a country possessing agricultural and mineral wealth.

The case stands thus—for it lies in a nutshell:

Certain persons, countenanced and introduced by the Government, induce a Company, by promises of profit and of support, to accept a contract for the building of a railway. The Government becomes, after a short time, hostile, and so deals with the Company that it is unable to carry out its contract. A reference to arbitration results in heavy loss, and forfeiture for non-fulfilment of the contract. This may be law; it is not equity.

With fair and friendly treatment the Company had a reasonable prospect of success, and such an end could never have been foreseen.

What is to be done now? The debenture holders have a receiver, who has gone to New Zealand. The shareholders are of course entitled to nothing until the debenture holders are satisfied. It is the interest of both to work together. The Company still exists, with its contract, its claim for the land grant, and its rights in the railway, which the Governor holds only as its Trustee.

The best solution, alike for the Colony and the Company, would be some equitable compromise. How far this is possible may unfortunately depend more upon political views and necessities than anything else. It is, therefore, essential that steps should at once be taken to ascertain whether the property of the Company can be saved by an appeal to the Privy Council or by any other course. For this purpose it is desirable that a few of the most influential persons interested in the Company should meet in consultation at an early date.

By order of the Board,

Thos. Salt, *Chairman*.

Æneas R. McDonell, *Secretary*.

Charles Skipper & East, Printers, 49, Great Tower Street, E.C.

The New Zealander decorative feature

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## The Sham Liberals of New Zealand.

decorative feature

FOR the last two hundred years and more there have been in British politics two famous parties, named Whig and Tory formerly, and Liberal and Conservative latterly. Though perpetually contending against each other for office, they are not really opposite or contradictory. Society requires the operation of distinct principles for its maintenance and growth. Liberalism supplies one class of these principles, and Conservatism another. So far from being antagonistic, the one is really the complement of the other. Their true relationship is illustrated by likening them to the two forces by which our planet is propelled and kept in its orbit around the sun—the centrifugal and the centripetal. If either of these forces were annihilated, our globe would pass off and perish in the cold wilds of infinite space, or it would be drawn with increasing rapidity into the consuming heat of the central sun. So civilised society would be ruined, if either the force we term Liberalism, or the force we term Conservatism, ceased to operate. Being thus complementary, the one as necessary as the other to the welfare and progress of society—the one supplying what is lacking in the other—there is no incompatibility or real hostility between them. Now-a-days the two are united in happy wedlock, Conservatism seeking to preserve all that is good in our civilization, and Liberalism seeking to reach higher and further good.

The great political battle of the time is not between Conservatism and Liberalism, but between Conservative Liberalism, and the Liberalism that is radical and revolutionary. A deep chasm separates these thoroughly antagonistic parties, one of whom seeks to conserve and improve our institutions on the lines of natural evolution, while the other seeks to upset and revolutionize society. In New Zealand we have numerous adherents to both parties who alike claim to be Liberals—the True Liberals and the new—Liberals of the old historic type, and the sham or counterfeit Liberals who form and support the Government now in office. One of the chief objects of THE NEW ZEALANDER is to expose our Government's travesty of Liberalism. The simplest way of doing this, and of exhibiting the difference between the genuine article and the brummagem imitation of it, seems to be to formulate the universally acknowledged principles of historic Liberalism. And, then, in the

bright light which those principles pour forth, to inquire whether the legislation and administration of Government be in accordance with, or in opposition to, those principles.

The Liberal platform, in American phraseology, consists of seven planks. In British phraseology, historic Liberalism has seven notes, or characteristics, or points. Most people have heard of the five points of the People's Charter, and of the famous six points of Calvinism; and, in harmony with this mode of expression, we would set forth the seven notes, characteristics, points of the true Liberalism, to enable us to distinguish it from the fraud that now holds office.

I. Liberalism is the embodiment of true and great principles in legislation.

II. It claims for every one the utmost liberty compatible with the equal liberty of all others.

III. Taking its stand on the institutions our fathers have transmitted to us, it declares for Individualism against Collectivism, on State action in the common affairs of life.

IV. It upholds the institution of private property, and every one's right to the fruit of his own, but not of his neighbour's labour.

V. It advocates the co-extensiveness of taxation and representation.

VI. It is the reformer of all kinds of abuses.

VII. It is essentially progressive.

We maintain that these seven points or characteristics are all found in true historic Liberalism, and are all wanting in the new sham Liberalism of the day.

## I.

The fundamental characteristic of Liberalism is that it seeks to embody certain great principles in legislation, or that it seeks to bring legislation into accordance with certain great principles. These principles are of two somewhat distinct kinds, and we may designate them the moral and the scientific. The moral principles are justice, benevolence, wisdom, and the like. The scientific are those facts and truths, political, and economic, and social, bearing on the welfare and improvement of society, which philosophers and scientists have made known. We refer to such scientific truths as the great truth now coming into universal acceptance, that society is an organism, an organised growth continually changing or evolving into something different, and capable of being indefinitely improved or deteriorated. Whatever we seek to enact into a law, or to build up into an institution, ought to be in agreement with the principles of moral and social science. Only those laws and institutions which embody and carry out such principles are permanently beneficial to mankind in the every day circumstances resulting from the growth or evolution of society. Our circumstances are continually changing, and our laws and institutions must be changed accordingly and made suitable. Thence, to base our laws and institutions on the principles we have been mentioning, and to maintain them in harmony with the best sentiments and aspirations of the age, expresses the duty, as it forms the ideal, of the truly Liberal statesman.

Let us now ask, in all seriousness, whether the Liberalism, whose fundamental characteristic we have described, be the kind of Liberalism which for years past has been ruling New Zealand. Is their voluminous legislation in accordance with justice, benevolence and wisdom, or does it embody and carry out the scientific knowledge of the age? Certainly not. We doubt if our present Ministers ever thought of, or could even understand, statesmanship so high and enlightened, and so alien to the spirit of their policy, as that just now spoken of.

## II.

The second characteristic of Liberalism is Liberty. Here we may parenthetically observe that the two words *Liberalism* and *Liberty* are etymologically identical, both being derived from the Latin word *Liber*, or free. A Liberal, therefore, means a free man and Liberty freedom. They are twin-children of the same parent age.

Liberalism claims for every one the utmost liberty compatible with the equal liberty of all others. It affirms that human beings have an indefeasible right to liberty. It denies that any person or class of persons is entitled to trespass on the liberty of any other person or class of persons. It denies that even the omnipotent majority, however great, are justified in taking away the liberty of the minority, however small. It proclaims liberty to the nation, so the different ranks and classes into which the nation is necessarily divided, and to the individual unit.

Consider what Liberals have done for the British nation. Great and glorious are the victories by sea and land which our national history records. There are other victories, though not on field or flood, equally great and glorious, which our historic Liberals have won. To them we are indebted for the overthrow of monarchical despotism in the seventeenth century, for the passing of the *Habeas Corpus* Act, for an independent judiciary, for trial by jury, for the Bill of Rights, and for many other victories over injustice and tyranny. As time would fail me to recount them all, I will give, as samples, a few of the victories Liberalism has won during my

lifetime. In 1825, there was the repeal of the tyrannical laws which forbade combinations of workmen—a glorious victory for the working classes. In 1827, there was the Catholic Emancipation. In 1832 there was the great Reform Act, extending the Parliamentary franchise to the £10-householders. In 1837, there was the abolition of slavery throughout the British dominions. In 1846, the victory of Free Trade was won by Cobden and Bright. In 1867, household suffrage was granted to dwellers in town, and in 1884, to dwellers in the country. In short, it is to the Liberals, who never forgot the Conservative constitution of the nation, that we owe the rights and liberties of the subject and the political institutions which are their guarantees and shrines.

Consider also what Liberalism has done for the different ranks and classes into which civilised communities are divided, and divided for their good. Modern civilisation is the heir and successor of feudal civilisation. Feudalism passed away, but it left behind it various relics of its laws and customs and institutions, such as monarchical and aristocratic despotism, special privileges of nobles and upper classes, and the serf-like subordination of the masses of the people. Liberalism has for ages been waging an enlightened war against autocracy and despotism, against sectional and class privileges. Equal freedom and equal justice is the faith it ever seeks to embody in works. It repudiates with scorn the old feudal idea that one man is born noble and another ignoble—that the upper thousands are meritorious and the lower millions base and dishonourable. True Liberalism has always held that, if there is much evil, there is also much good in man. It believes in the infinite value of human personality. It takes its stand on the worth and dignity of human nature, whether that nature belongs to the nobleman or to the manual labourer. Its essence found admirable expression in the words of Burns:

*"The rank is but the guinea's stamp,  
The man's the gowd for a' that."*

In feudal times, when our kings were all despotic, the noble Liberals of those times waited on King John, and compelled him to sign the Magna Charta. In later times, the nobles oppressed the masses beneath them; but Liberalism stepped forth and snatched from the oppressors their excessive powers and privileges, and defended the middle and lower classes. And in times still later, when the middle classes were preponderant and were thought to be abusing their preponderance, the Liberals secured the household franchise for the protection and independence of the humblest. While doing all this—while stripping kings of their despotism, and snatching from aristocracies their unjust privileges and prerogatives—the historic Liberals have ever contended that there must be a grading or gradation in such a diversified society as ours—that there must be a stratification of the population into higher and middle and lower and other classes or strata.

It must be obvious to every person possessed of even the commonest sense that there is no resemblance between the true historic Liberalism and the new Liberalism of our Government. The new Liberals have never been the defenders or advocates of liberty. On the contrary, they have been its opponents, stealing the name of Liberal, but degrading the reality. Ever since they came into office, they have been passing laws after laws, and all of a restrictive character. They have been curtailing the freedom of different trades and employments. They have been continually interfering, restrictively and oppressively, with almost all kinds of business followed in the colony—agricultural and mining and manufacturing and commercial.

### III.

The third characteristic of Liberalism is that, taking its stand, in conjunction with Conservatism, on the institutions our fathers have transmitted to us, it declares for Individualism against Collectivism, or State action, in the businesses of common life.

It is very difficult to state exactly what things should be done by the State and what should be left to private persons. We have heard much of late about delimiting the spheres of Russia and Britain in Central Asia, and about delimiting the spheres of rival European nations in Africa. It is more difficult, we suspect, and also more important, to delimit the respective spheres of the State and of the individual. Some things or businesses belong entirely to the individual, and others either to the State or to the individual, as circumstances determine. To the State undoubtedly belong the defence of the country by means of armies and navies, the preservation of peace and order inside, the protection of life and property. In the intermediate or debatable region between the State's sphere and the individual's, there are such matters as poor-relief, religion, education, post office, telegraph, railways, and the supplying of light, of water, of stimulants. In this debatable region, some enlightened Statesmen are in favour of State action, while others equally enlightened are against; and probably as good arguments are adducible for the one side as for the other. Leaving the borderland which separates Collectivism from Individualism, we hold that all the other innumerable and varied businesses of ordinary life belong exclusively to the sphere of the individual. And we affirm that there are many departments of business undertaken by the New Zealand Government which ought to have been forbidden to them, and where they assuredly are trespassers. Banking, for instance, is not a business which Government should undertake. Neither

is insurance, fire or life. Neither is money-lending, nor the buying and selling of private land, nor the taking over the coastal steamship traffic, etc., etc.

The ever-growing encroachment of our Government on the fields which should be left exclusively to Individualism, marks them off from the true Liberals. Their Collectivist policy cannot but result in deteriorating the character of the people, in undermining their highest and noblest qualities, and in making them the humble servants and lickspittles of a batch of successful politicians. The true Liberals consequently condemn Collectivism and all its works, and maintain the ancestral rights and liberties of the people. Their policy is to develop and improve the nature and character of the individual citizen, and to keep him from being degraded into a bondsman of the Ministry of the day. This noble policy rests on the irrefragable grounds:

That individual liberty, in opposition to Collectivism, is the best school in which mankind can be educated;

That it is the soil in which self-reliance and energy and enterprise and all the higher and more heroic qualities thrive best; and

That it is in the clear sunshine and open air of liberty that human nature receives its richest and noblest development.

## IV.

The fourth characteristic of true Liberalism is that it upholds the institution of private property, and every one's right to the fruit of his own labour, but not of his neighbour's. By private property we mean that which we are entitled by immemorial prescription to call our own, as that to which we have an exclusive right within the limits of reason. For instance, if a man buys land and pays for it and raises crops on it, that land and those crops are his. Or if he, in accordance with law and justice, inherits money, or digs silver and gold out of the mine, that money and those metals certainly are his. Or if he shears the wool off the backs of his sheep, and grows flax in his swamps, and manufactures them into woollen and linen cloth, or pays others for doing such things, assuredly the cloth is his, his own or private property. This is what is meant when we allege that everyone has the completest right to the work of his own hands, to the outcome or fruit of his own exertions, manual or mental.

Such political convictions as the foregoing are repudiated by our counterfeit namesakes. They hold that things universally, our very selves and our means, belong to the People, and that the State, as their officer and factotum, has a perfect right to take by taxation, not a small and reasonable share of our means, but just as much as may be required by their wastefulness and extravagance. They are incessantly telling us that under a democracy the will of the majority of the People is all in all, and that the chosen exponents of that will may dispose of us and ours at their good pleasure, and tax us to any extent they please. If such a tyrannical creed were acted on fully, there would be little or no difference between our senile condition and the condition of Negro chattel slaves. Their favourite candidates and some of their supporters are already advocating land nationalisation, which is the second step to Communism (the first was State agency or Collectivism). They claim that the land belongs to the People because the Almighty made it equally for all and that all have an equal right to it, and that this right can be realised by imposing a heavy land tax and making the agricultural population pay all the necessary taxation of the nation, and exempting all others.

On the same ground it will next be argued that the silver and gold, the metallic money of the world, belongs to the People equally; for the owners of silver and gold no more make their metals than the land-owners make the soil. In the same way they will next contend, and with cogency, that the People have a right to share equally all the broadcloth and fine linen on earth, because it was the common Father of us all, and not the flock-master and flax-grower, who clothed the sheep with the wool and made the meadows produce flax. Such is the process by which Collectivism and unlimited taxing power in the Government lead to land nationalisation, and from that to Socialism, and from that again to Communism, with free love and universal concubinage.

While marching along the downward path we have been describing, our sham Liberals at present seem more particularly bent on effecting through State-agency what they call a more equitable distribution of the good things of the world. It would be more correct to say that their object was a more equal, even a perfectly equal distribution. Were they able, by the continuation in office of such a Ministry as the present, to accomplish their object, and to divide all the existing wealth equally all round, what would be the final outcome? The equality produced would not last a year, perhaps not a month. There would be a brief period of holidaying and feasting—the saturnalia of extravagance and dissipation—a morning bright and brilliant, but brief, and ending in a dreary day of clouds and storm. A re-distribution of the world's wealth, in equal shares, would lead to idleness and waste and anarchy and, eventually, to universal destitution, and would carry us back to primeval barbarism and savagery. Instead of this equality being a benefit and a blessing, it would be a calamity and a curse. We even affirm unhesitatingly that it is the very inequalities, which the new or Socialistic Liberalism wishes to remove, that are the real operative causes to which we are indebted for the rise and maintenance and

progress of civilisation. It is the inequalities of the earth's surface which make it habitable and beautiful and grand, so it is the inequalities in the social conditions of men which make them useful in this life and train them for the next. Level the surface of our globe and make it as smooth as a bowling green, and immediately a shoreless ocean would roll around it from pole to pole, and would extinguish all terrestrial life, inclusive of the human race.

## V.

The next characteristic of historic Liberalism is the co-extensiveness of taxation and representation. This has been the sharpest and strongest arrow in the quiver of conquering Liberalism. In our Motherland formerly the parliamentary franchise was possessed only by a very small fraction of the people. This led to discontent and agitation, and the people at large claimed the franchise on the ground that they paid almost the whole of the taxation, and that taxation and representation were co-extensive. Their claim was logically irresistible, and was satisfied in part by the great Reform Act of 1832. After this reform the great majority of the nation found themselves still excluded from the franchise; and the agitation was resumed, and the cry was again raised—that taxation and representation should walk hand-in-hand; and household suffrage in town and country was the result.

The said principle of co-extension has been equally successful in New Zealand, where the two sexes, taxed or untaxed, have the vote—the outcome of Liberalism. Here, however, our Liberalism, like Macbeth's ambition, overleaped itself and fell on the other side. Our complete success as Liberals, strange to say, has resulted in the divorce of taxation and representation. The taxed are all represented now, but thousands on thousands are represented who are either untaxed or taxed so lightly as not to feel it. We have separated the power of imposing burdens from liability to hear them. We have given complete political preponderance to the class that is most ignorant and most unfit to exercise it; and at this moment the property and wealth of the Colony are under the control and at the mercy of the unpropertied numerical majority.

What, then, should the true Liberals do in the peculiar circumstances in which they find themselves in New Zealand? They should just do what their ancestral Liberals from time immemorial have done: that is, they should resist injustice and oppression. We have already remarked that when the tyranny of King John became intolerable, the Liberal barons of England interfered and compelled him to sign the great Charter. And, as we also have seen, when the aristocracy was supreme and leaned towards injustice and oppression, it was the Liberals, mainly of their own class, who put an end to their unfair privileges and prerogatives. And when the rich middle classes in Britain, and those who, in a small way, corresponded to them in New Zealand, were thought to be using the supreme power, when it was almost entirely in their hands, rather oppressively and for the promotion of their own class interests, the Liberals stepped forth to redress wrongs and reform abuses. In New Zealand we have gone much further than the British people; the supreme power of Government, and with it the whole property of the Colony, have passed over to the numerical majority. What, we ask again, is the duty of conscientious, genuine Liberals? It is, we repeat, to play the enlightened and manly part played by the former bearers of the Liberal name, by withstanding whatever tyranny may be attempted in the name of the numerical majority by the Opportunists, who are now striving to keep themselves in office by pandering to the meaner and more selfish passions of our human nature.

## VI.

The sixth characteristic of historic Liberalism is that it seeks so reform abuses. It is this trait that entitles the true Liberals to the significant name so generally given to them, Reformers. The other party, who have assumed their venerable name, and who are now masquerading and gasconading in their stolen clothes, have mainly distinguished themselves by creating instead of reforming abuses. This is so notorious that it is not worth our while to dwell further on it.

## VII.

The seventh and last characteristic of true Liberalism is that it is essentially progressive. Our space to-day, however, prevents us from going at length into the consideration of this noble characteristic. We need only remark that the pretenders to our historic name, like the ass in the lion's hide, make one of the silliest blunders possible in reference to progress. They mistake change for progress, and as they are incessantly changing one wrong set of political opinions for another wrong set, they fancy this is progress, and claim to be Progressists. In other words, they confound movement with improvement. They actually fancy they are moving onwards and upwards, while they are only moving backwards and downwards. The other day our Premier and his crew began to sound the big drum and to wave their false colours, proclaiming that they were going to imparadise



New Zealand, and that they were really marching to the promised land and the New Jerusalem. Poor, deluded creatures!—if I may be allowed a few hot words from Mr Carlyle—they are marching, not to the New Jerusalem, but to the old Ge-henna, and here I may leave them till next Saturday, and the next number of our NEW ZEALANDER.

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decorative feature

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# The Faults and Blunderings of the Seddon Government.

WE bring against the present Ministry the following grave indictment :—

- —We charge them with over-governing us.
- —We charge them with pursuing in all departments of government a retrograde policy, which must throw us back into the social darkness of the middle ages, and even further.
- —We charge them with having carried the separation of representation from taxation so far that the proletariat here can now dispose of the rights and property of the whole People.
- —We charge them with having so largely increased the public debt that the colony must eventually become bankrupt.
- —We charge them with bringing about such a distrust, such a want of confidence, in the colony and its future, as seriously obstructs the development of our agriculture and mining, and manufactures and commerce. And
- —We charge them with helping to produce in New Zealand a state of society not unlike negro or chattel slavery.

## I.

*The first fault with which we charge the Ministry is over-government.*

One of the great wants of the colony for the last six years has been rest—rest from excessive legislation and interfering administration. Our Ministers seem to think that the more laws they make, the more they deserve praise, forgetting that laws are simply necessary evils; and the fewer of them we require, the better for us all—laws being, like the clothes which cover our nakedness, only the symbols of our lost innocence. Instead of the rest we have so long needed, we have been afflicted year after year with a plethora of legislation, with volumes upon volumes of new laws so full of blunders and contradictions that learned judges declare them often unintelligible.

The cause of this over-legislation is easily explained. The most of our parochial politicians who get into Parliament are really well-meaning men, and so are many of the members who get into office; but their crass ignorance, especially when they are faddists and fanatics, renders them utterly unfit for the work they have to do. Well-meaning, they see some unquestionable evil in the community—such as intemperance or uncleanness—and they fancy a stringent law will suppress it; and, being legislators, they propose and pass such a law, but find that their law has not the good effect intended, or that it creates far more evils than it cures. For all human laws have two sets of effects, the effects intended and the effects not intended. The effects not intended, or never dreamed of, are often far more numerous and vastly more important than those intended. The well-meaning but ignorant legislator may secure by his law the good, or some portion of the good, he intended, but in the great majority of cases he produces tenfold more evil than any good he has done. A plethora of experimental legislation, which possibly may accomplish a certain amount of good in one direction, but ten times that amount of evil in other directions, is what we allege against the possibly well-meaning but certainly unwise and ignorant Ministry now in office.

There is also an analogant plethora of administration. A large number of the experimental laws passed require one or more persons to work them, who have to be paid, and paid at a high rate, by the Government. The officials thus appointed and paid are unprecedentedly numerous, and their number is still increasing. Every session more and more offices are being created, and more and more State employment and salaries provided for the leaders of the cliques and rings and unions which are thick-and-thin supporters of the sham-Liberals now in office.

Ancient history tells us of a wise people in Greece, the Locrians, who found themselves over-legislated, like ourselves. They put an end to the evil in a very simple way. They required every proposer of a new law, or of a change in an old law, to bring forward his proposal with a rope round his neck. If any member of their Legislature—and all the Locrian people were members—objected to the proposal, the rope was tightened and the proposer strangled or hanged. We do not recommend the adoption here of this old custom, and yet when we think of the excessive legislation and administration from which we suffer, we cannot help admiring the wisdom of the Locrians.

## II.

*We charge the Ministry with pursuing in all departments of government a retrograde policy, which must throw us back into the social darkness of the Middle Ages, and even further.*

Thousands of years before the dark Middle Ages, the land everywhere was common, or nationalised in the widest sense of the word. It belonged entirely to the people, but the people in those remote ages were all ignorant and brutal savages. The conversion of land from being common or nationalised into private or individual property was the first step out of savagery into civilization. Now, the pre-sent Land-Tax here, and the evident intention of the Government, if they be returned to office, to double, or more than double, the land-tax, indicate their strong leaning towards the Single-Tax, *alias* ground rent, *alias* land nationalisation. (Thieves always delight in *aliases*). And as such land-nationalisation was characteristic of the lowest savagery, we only speak the plain truth when we allege that our Sham-Liberal Government are going even much further back than the Dark Ages.

When modern civilization arose out of the ruins of the Roman Empire, all, or almost all, the new Legislatures that came into existence were unicameral. Modern Freedom was born—rather, got out of its long baby-clothes—when Legislatures were made bicameral. The late besotted ravings of our present Premier against the Legislative Council, and his predecessor's pitch-forking some dozen of labour representatives (I suppose, with their aprons off and their coats on) into our House of Lords, show the vulgar envy and desire to degrade that venerable institution, and to fling New Zealand back into the semi-barbarism of a one-chambered Legislature.

Full half a century ago, all civilized nations were protectionist, intensely protectionist. Every class and every trade wanted their businesses to be protected from competition at home and abroad. Only one great nation—Britain—had sufficient enlightenment to adopt the wiser policy of Free Trade. Instead of following the example of the Mother Country in this, our Colony and others have grown more and more protectionist, receding further and further towards the ignorant customs and laws of the Middle Ages. Our present Ministers have gone further and faster than their predecessors in this retrograde direction.

From time immemorial nation has disliked nation; the people of almost every country have striven to isolate themselves, and to keep the nasty foreigner outside their borders. This pitiable inhumanity for long ages especially characterised the Chinese and Japanese. The evil spirit of national exclusiveness which disgraced even Asiatics has taken possession of our New Zealand Ministers, who, in cowardly distrust of our ability to compete in the open market here with Asiatic labour and skill, passed some Anti-Asiatic Immigrant Bill, which aims at excluding from this corner of the British empire some two-thirds of the Queen's loyal subjects. When worse than this was ever done by the vilest Asiatic exclusiveness.

In the dark ages, there were everywhere sumptuary and class laws. There were laws which prescribed what the people should eat, what they should drink, and what should be the shape and colour of the clothes they wore. There were laws which prescribed the number of hours a day or a week people were to work, the wages they were to receive, the number of apprentices that tradesmen were allowed to train, the amount of produce they could buy or sell, the distance they could go from home, the length of time they could reside out of their parish, the hour when they had to shut their shops, and when to go to bed, etc., etc. Such was the legislation of mediæval times. No one can deny that our Government has long been drifting into this antiquated mediævalism, and falling further and further back into ideas and customs long exploded by our advancing civilisation and science. This is the real character of what is called their Labour legislation. We fully admit that this Labour legislation may have originated in a benevolent desire to benefit certain classes, and to render their life more comfortable. But this we affirm about it that for every benefit conferred, Labour legislation has

occasioned dozens of mischiefs. While lightening life to a few in certain respects, it has darkened life to hundreds in other respects. While pretending to be leading the people into a higher social stage, it is carrying them back into the darkness and discomforts of long-passed ages. For we should always bear in mind the fact already alluded to, that most laws have two very distinct sets of consequences : they may do the good the benevolent and sanguine law-maker expected, but, at the same time, they may do an incalculable amount of mischief never intended, never anticipated.

### III.

*We charge the Ministry with having carried the separation of representation from taxation so far that the proletariat here can now dispose as they please of the rights and property of the whole People.*

The extension of the representation to universal suffrage, without the necessary balances and checks, is the saddest misfortune that could befall a young and promising country like this. It has put an altogether disproportionate share of political power into the hands of those who have no stake in the colony, and on whom falls no taxation except that of the Customs. It has thus created a bitter sense of wrong in those on whom mainly lies the heavy burden of supporting the Government and paying the interest of the Public Debt. The outcome of universal suffrage, and of the one-man-one-vote injustice, is that those who are untaxed, or taxed so slightly that they scarcely feel it, are in a position now to tax and tyrannize over those who are the main-stay of the colony, the industrious and the thrifty. Three years ago we sprang into the saddle of universal suffrage with such force that, like a tipsy man, we tumbled over, and we now lie sprawling on the wrong side. The principle that taxation and representation should be co-extensive was the ladder by which the adult population of New Zealand reached full citizenship; and having reached that height, they have foolishly allowed the ladder by which the ascent was effected to be thrown down, and the props and buttresses of the constitution shaken. In other words, under the regime of universal suffrage, taxation and representation have got divorced—widely separated. In New Zealand our Sham-Liberal Government has brought matters to this pass: Taxes are imposed by the majority and paid by the minority; and the more you are taxed, the less you are represented; and the whole means and substance of the Colonists to-day lies completely at the mercy of the classes that are largely without means and substance. Now they who can impose taxes from which they are themselves nearly exempt—who are in a position to put their hands into other people's pockets for whatever money they may fancy the general welfare or their own class interests may require—will never scruple to run the Parliamentary machine under their control in order to accomplish their ends. Nor will their leaders ever scruple to use the Parliamentary taxing screw in order to squeeze their savings out of the pockets of the thrifty and industrious into the public chest, and to employ this plundered wealth mainly for the benefit of idlers, loafers, and political supporters.

Now, what we at present accuse Ministers of is that during the whole time they have been in office they have been worsening instead of bettering the state of things here. Surely it is time that all who have the welfare of the colony at heart should bestir themselves, and devise the necessary counteractives and correctives of the despotism of unlimited democracy. Let us strive to restore the union of taxation and representation—to join together again in holy matrimony what our incompetent Government has so mischievously helped to sunder. Let us do justice, by making the voting power in some degree proportionate to the taxes paid. Several ways of effecting this righteous reform are open to us. We may adopt the principle of the Joint-Stock Company; for what is a colony, a nation, but a large joint-stock company?—the principle of proportioning the number of votes to the number of shares we hold. Or we may make the Upper Chamber of the Legislature elective and representative—elected by the property and intelligence of the community, and more representative of that property and intelligence than it has been for the last few years. Or we might give additional votes to those who pay a certain amount of direct taxation, and employ some form, such as Sir John Lubbock's, of Proportional Representation.

### IV.

*We charge the Ministry with having so largely increased the Public Debt that the colony must eventually become bankrupt.*

The most effective way of proving this accusation will be to quote the last political Manifesto of the National Association of New Zealand. The authors of this Manifesto say :—

*"We charge the present Ministry with misgoverning the country, and pursuing a policy which has been, and is, disastrous to the welfare of the people."*

After this dreadful accusation, which neither Ministers nor their warmest supporters have dared to deny, the Manifesto continues:—

"1. *It (the Ministry) has increased the public debt from £38,075,257 in 1891, to £43,006,889 in 1896, an addition of £4,931,632 in five years.*

"2. *It has increased real and contingent liabilities amounting to several millions, and is still borrowing."* The real and contingent liabilities here spoken of must be close to £6,000,000, in addition to the foresaid increase of £4,931,632.

"3. *It has increased the taxation collected from £2,327,430 in 1891, to £2,554,797 in 1896, thus adding £227,343 per annum to the burdens of the people.*

"4. *It has increased the annual cost of administration since 1891 by the sum of £328,095 10s. 6d.*

"5. *It has pursued a system of secret borrowing, resulting in an impairment of National Liberty."*

In reference to our financial condition at present, there is no doubt that the total indebtedness of the colony amounts to upwards of £43,000,000. Though the utmost ingenuity has long been displayed by successive Governments in manœuvring the income and expenditure of the colony, and in confusing and concealing the true state of our finances, yet there seems to be solid grounds for believing that some £25,000,000 of our borrowed money have been lost through the blundering and plundering of the men to whom we entrusted the government. From our annual Budgets and other Governmental statements we are positively driven to the inference that our Railways and other Public Works cannot exceed £18,000,000, so that the debt for which we have nothing to show amounts to about £25,000,000. From these facts it follows irresistibly that our Government have been expending annually, ever since the commencement of the Public Works Policy, a million sterling for which we have no equivalent, no assets. And of all the Governments that have come and gone since 1870, the present has been the most extravagant and the most inexcusable, for it was lifted into office pledged to retrenchment and to the complete stoppage of all borrowing.

A short comparison of New Zealand and British finance will illustrate the shameful depth of indebtedness into which we have sunk since 1870. Bearing in mind that our population is less than three-quarters of a million souls, and that the population of the British Islands is at least fifty times as numerous, the extravagance of our Colonial Government is equal to what the extravagance of the British Government would have been if the British had spent annually £50,000,000 more than their income. At this rate, since 1870, when our extravagance began, the British Government would have been burdened with a debt of £1,200,000,000 (twelve hundred millions sterling), that is, nearly double the present British National Debt. Besides, the huge debt, which our Representatives have succeeded in hanging around the neck of the colony, is terribly crippling its industries and maiming its resources. Unfortunate New Zealand ! It requires no unusual degree of prophetic inspiration to forecast what this indebtedness, increasing annually by a million sterling, without any proportionate increase of population to share the burden, must end in. What else can the end be but colonial bankruptcy and disgrace ?

## V.

*We charge the Ministry with bringing about such a distrust, such a want of confidence in the colony and its future, as seriously obstructs the development of our agriculture and mining and manufactures and commerce.*

One of the most noticeable features of our age is its tendency towards greater and greater equality, in the socialistic sense of the word. This tendency is clearly observable in different parts of the world, and especially in the Australasian colonies. No one, nowadays, denies that, in respect of abstract natural rights, all human beings are equal—that they have equal rights to life, to justice, to the fruits of their own labour, and to live their lives according to their own ideals. But this is not all that is wanted. Vast numbers want more: they want what they consider a fairer partition of things. They want more levelling up on the low side, and more levelling down on the high. They want equality of social condition equality of pecuniary circumstances, and equal share of the existing money and property. And, at present, in New Zealand they want to transfer the burden of our enormous public debt to the shoulders of the land-owner and richer class. And the more advanced of them want Parliament, gradually and insidiously, to use the taxing screw, in order to take their wealth from, the industrious and frugal who saved it, to the majority who are more addicted to spending than saving.

This is the origin of the fierce conflict that is now being carried on between labour and capital, between what are styled the masses and the classes. Instead of seeking, like wise and patriotic men, to do justice to all, to harmonise labour and capital, to reconcile the masses and the classes, the Ministry have openly and avowedly sided with the more numerous party. It has been proclaimed far and wide that they take the part of the labouring masses against the capitalistic classes. As a general election is close at hand, promises are being scattered in all directions—promises to build workmen's cottages, to grant pensions to the aged, etc.; and all this at the expense

of the industrious and thrifty and well-behaved of the population.

Naturally such socialistic legislation and partizanship on the part of the Government have created distrust both in the colony and outside. There is the amplest abundance of money in the mother country and out here—money eager for investment in our extractive industries of agriculture and mining, in manufactures, and in commerce—investments that would pour forth comfort and plenty upon our agriculturalists, and miners, and factory hands, and merchants. But the British capitalist has learned what our Socialistic Ministers have done, and what they are threatening to do further, by their graduated taxation, their endless borrowing, and so forth; and he buttons up his pocket. The well-to-do colonist, who, by his self-denial, and diligence, and enterprise, has accumulated a few thousands of pounds, and has hereditary longings for a country life, wants a freehold farm to which he might retire from business and still be most useful—our well-to-do colonist observes that our Government has a big and ever-growing land-tax in contemplation, and has shown strong leanings towards thievish Henry-Georgianism, and he ponders the matter over, and concludes that it is unsafe to put his money into New Zealand land; and then he buttons up his pocket. Again, there are some recent immigrants—first class artisans or thorough business men, possessed of means and skill—who have been attracted to New Zealand by the fame of its rich soil, and grand scenery, and delightful climate. They soon learn that all these natural advantages have been counteracted by the Socialistic Ministry; and they lose confidence in the colony and its future, and meditate whether they should seek some better ruled country or return to the mother land. Indeed, any person of average common sense has only to recall the faults of the Ministry—their over-government, their drifting back to the darkness of the Middle Ages, their establishing the tyranny of the numerical majority, their burdening us with debt to the point of bankruptcy—indeed, any person of ordinary intelligence has only to recall their mis-government and general blundering to be convinced that the laws which they have enacted, and the still worse laws they have menaced us with, if they are returned to office, cannot fail to render capital unsafe and confidence impossible, to the detriment of all our chief industries.

## VI.

*We charge the Ministry with helping to produce in New Zealand a state of society in many respects not unlike chattel slavery.*

The Collectivist policy of the sham Liberals has dragged our colony a considerable length in this direction. The numerical majority are now unquestionably supreme, and may do whatever they please, without any constitutional checks, except our connection with Great Britain. The foolish are now the masters of the wise; and those who have little or nothing can, at their pleasure, dispose of the whole property of the colony, and vote it over to themselves. Yes, the numerical majority, possessed of absolute or despotic power, may *lawfully* rob us of our means and substance, and make slaves of the minority. To this extent have we approached towards the form of slavery which prevailed in Peru under the Incas, and in Paraguay under the Jesuits.

Under sham Liberal Collectivists, the enslavement of New Zealand has long been insidiously and gradually going on. To the superficial and thoughtless this allegation will appear untrue, even ridiculously untrue. We, therefore, will now state plainly the reasons or grounds on which we rest the allegation that Ministers are pursuing a policy which is making slaves of us.

A slave has three conspicuous marks or characteristics,

First. He is owned by others, not by himself.

Second. He is prescribed and dictated to, directed and ordered about, in respect of his food his drink, his employments, the means by which he earns his living, etc.

Third. He has his remuneration or wages regulated for him, the amount of money required to keep him alive and propagate his kind, and the amount or surplus of his labour which goes to his owners.

To what extent are these marks to be found in us ?

1. Are we truly owners of ourselves, or are we not? The Seddon Government is avowedly Collectivist and Socialistic, and, as such, claims to own us as the Tsar owned his serfs. The true Liberal doctrine is that the State was made for man (individually), and not man for the State. Socialistic Collectivism means the opposite: it claims that Governments are a kind of small gods, and possess divine rights over the persons and properties of their subjects. We deny that Governments have any such divine rights, or are in any sense gods. Men individually may all be made in the image and likeness of God; but Representative Governments are all necessarily made in the image and likeness of the numerical majority or multitude, who (according to Carlyle, from whose opinion we dissent) are mostly fools. If we continue to suffer ourselves to be vassals and bondsmen of a Collectivist and Socialistic Government, we are far gone in the direction of slavery.

2. Another mark of a slave is that the whole work of his life is dictated and measured out, and ordered for him by others, and not by himself. And is it not true that the leading feature of the policy of the Government is to measure out and control the daily actions of all classes ? Is it not true that the wage or recompense people

should receive in connection with whatever they do is to be fixed, not by the People themselves, but by others, by Government, by the cliques and combinations which so often *boss* Government ? Is it not true that the days and hours during which we are to work and during which we are to play and amuse ourselves, are to be defined and settled by Government, just as if we were all children and incapables? If such be our condition, it is high time to consider whether we are really independent and free, or merely hinds and bondagers of the State.

3. The last characteristic of a slave is that the fruit or outcome of his exertions belongs, not to himself, but to others. Through our borrowing and blundering, the property of our Colonists is so heavily mortgaged to outside creditors, and so oppressively taxed and rated, that the ablest financiers allege that little more than the half of its value belongs to the owners. Of every pound that our labour creates, some seven shillings, it is said, go to Government and creditors, who are thus our masters and owners in the precise sense in which slaves were mastered and owned in America. The Editor of this Magazine had a personal knowledge of slavery in the Southern States. In [unclear: the] towns there it was the usual custom of slave-owners to hire out [unclear: if] slaves by the week at (say) five dollars. On an average, about [unclear: the] dollars of this wage went to the slave himself for shelter and [unclear: con]sistence, and two dollars went to his master and owner. It is [unclear: means] the same with us in New Zealand. About three-fifths of the [unclear: pro]ceeds or produce of our labours go to ourselves, while two-fifths [unclear: and] into the pockets of others, our Government, and the outside [unclear: ghtuer] tors to whom our property is so heavily mortgaged, who are, in [unclear: the] respect, our real owners and masters.

If, then, the three things which constitute a slave be—[unclear: what] is owned and mastered by others, that almost all the action [unclear: and] life are commanded and ordered by others, and that a large pr[unclear: o]tion of the fruit of his exertions passes from him over to others follows that we are scarcely entitled to consider ourselves, in the sense of the words, Independent and Free.

James Wallis.

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## Women's Vote and their Entrance into Parliament.

ONE of the grandest events in the history of New Zealand is the extension of the Parliamentary vote to women. This extension, strange to say, was finally effected by those who had long and furiously opposed it, but who turned right-face-about when the carrying of it promised them continuance in office and emoluments. The turn-coats have now taken a step further, and propose to admit women as members into the Upper House, our Legislative Council. We consider this one of the wildest and worst proposals ever made by hard-up politicians.

While heartily approving of the recent extension of the Parliamentary franchise, we contend that the admission of women into Parliament is altogether unreasonable and would produce much mischief. This conclusion is based on the following grounds and reasons:—

- There is not sufficient experience of the results of female voting to justify us in going further than we have already gone.
- The proposal imperils the great cause of women's citizenship in other countries.
- Men and women, though equally entitled to justice and [unclear: it] have their rights and interests protected, have distinct sphere in life.
- Society, in relation to its preservation and defence, rest on physical force, which is represented by men, and not by women.
- The proposal is an insult to Parliament and to Women hood.

## I.

*There is not sufficient experience of the results of female voting to justify us in going further at present than we have already gone.*

The extension of the vote to women is, as yet, unapproved by almost the whole of the civilised world. This fact is an implicit condemnation of what we have done. Only in Wyoming, South Australia, and a few other out-lying places has the vote been granted. The prospect of our example being followed by the great nations, such as Britain, France, or Germany, has of late diminished rather than increased. When a revolutionary reform like that has only just been started in a few small communities at the very ends of the earth, we should have patience and wait till the little tree we have planted has grown to maturity and brought forth fruit by which we can judge it. A great reform of this kind ought to be acquiesced in and adopted by some of the great civilised nations, and tried for a generation or two, and its practical working thoroughly tested before we venture to advance further in the same direction. Only three years have elapsed since we in New Zealand, amid the surprise and laughter of nearly the whole outside world, gave to all adult women the Parliamentary vote, and now, with little or no experience of the working or effects of such legislation, and with no certainty, as yet, as to whether the female vote is to do us good or to do us evil, our foolish Ministers are rashly preparing to rush into the wild scheme of putting a few old wives or elderly spinsters into the Legislative Council.

We must admit that, so far as our experience here goes, it is somewhat, if not very much, against the female vote. The moribund Parliament, which women so largely helped to elect, has certainly not been a model Parliament. In ability or in moral worth, the members were not better than, or even equal to, their predecessors. There are many who declare that the House of Representatives about to be dissolved was the most ignorant, the most foolish, and the most mischievous, we have ever been cursed with. Our women, whose influence was to be all in favour of purity, intelligence, and moral worth, had their full share in returning it. Assuredly, female voters are no more blameable for this than male voters. Indeed, it was to be expected that women, new to the situation, and cajoled and circumvented by electioneering canvassers, would blunder at their first election and at many a subsequent one. Common sense would have expected nothing else. Education, special education, is as necessary in the business of politics as in other businesses. How absurd, then, is it to imagine that one election (that of 1893) would furnish the experience required to enable us to judge whether the experiment of extending the franchise to women would or would not be beneficial to the Colony. And how wildly rash in the Ministry, with no more experience than this, to be already bringing in a Bill to open one of the two doors of Parliament to female politicians who have worked hard for the party.

## II.

*The admission of women personally into Parliament would imperil, and probably for a time ruin, the Woman Cause all over the world.*

We are far from admitting that the giving of the vote to women has in any sense been a failure. In our heart's core we are convinced that their emancipation into citizenship is the dawn of a new day, the beginning of a new era for female humanity. At the same time, we are bound in all conscience to declare loudly that the carrying of this movement further at the present time, or during the present generation, and before the leading nations of the world have taken the first step in it, in the still further advanced proposal to admit women personally into Parliament as members, is extremely inconsiderate, and is sure to greatly imperil the movement initiated in Wyoming and New Zealand. This most inopportune proposal of our Sham Liberal Government, in order to bribe and catch votes at the coming election, if it should be accepted by the people of New Zealand, is certain, we repeat, to damage the Woman's Cause throughout the world.

In past times, during the agitation that was long carried on in favour of the rights of women, the chief objection in New Zealand on the movement, was that it would logically result in men and women sitting promiscuously in the two Houses of Parliament. To-day, in other countries, this objection is the strongest and sharpest weapon in the hands of our opponents. In Britain, America, and wherever our noble cause has obtained a footing, this objection is what mainly hinders our success. The idea of petticoats and pantaloons, broad-cloth and Indian shawls, bell-topper hats and bonnets of the latest fashion from Paris, oak cudgels and exquisite fans and parasols, mingling together in fierce and fiery debate on the floor of the House, excite laughter and contempt which no arguments can extinguish. And now, after one general election, which was held on the same day throughout the Colony—that is, after one day's trial of women's voting and political capacity—the truth of the objection has been confirmed, and the Ministry here propose to carry out the anticipations of our enemies, and to fling men and women helter skelter into the Legislative Council.

This proposal at first seems to be the carrying out of a principle and favourable to our cause; but, in truth

and fact, it is the kiss by which the traitor betrays the cause into the hands of the enemy. We must be on our guard against such insidious treachery. We must nurse and cherish our young reform, as a mother does her infant. We must check whatever is evil, and foster whatever is good in it. In particular, we must allow sufficient time for the acquisition of political experience by women, and for enabling male mankind to get rid of their errors and prejudices.

It should be remembered that all wide and permanent reforms of a political and social nature require, not a year or two, but generations, and often centuries, for their full development. Civilisation does not advance by leaps and bounds, but only gradually, slowly, almost imperceptibly—here a little and there a little—It has taken countless years and ages to bring women into the position they now hold. There have been at least three distinct and far-parted stages in their progressive history—first, polyandry; second, polygamy; and third, the monogamy of Christendom. These successive stages may, perhaps, be better described thus:—For thousands of years women were the complete slaves of men; for other thousands of years they occupied, and over the greater part of the world they still occupy, a position analogous to what we might term concubinage; and for the last two thousand years, or nearly so, but only in Christendom, they have been recognised as the equals, in certain respects, and as the helpmates of men. Hitherto, however, even in Christendom, they have been equals only theoretically; practically, they have been subjects, servants, kept down and fettered by man-made laws in numerous ways. The first great blow at their unjust subordination was dealt when the franchise was extended to them in Wyoming, New Zealand, and South Australia, so that their interests could be represented and their wrongs redressed in a Parliament which they assisted to elect. If they, however, are dissatisfied with the big step forward which has already been taken, and are determined to get into Parliament themselves in person, and to stand shoulder to shoulder with men in all spheres of life and activity, their object will certainly be baffled, and the great reform which many of us have so long been striving to accomplish will be indefinitely procrastinated in other countries, if not utterly ruined.

### III.

*Nature assigns different and distinct spheres to men and women.*

There is much similarity between the sexes and there is also much dissimilarity. In certain respects men and women are equal, and in others they are unequal. The sphere which Nature assigns to men, and that which she assigns to women, meet and mingle largely, and have much in common; but there is much that belongs exclusively to the one sex and much that belongs exclusively to the other. Men and women are quite equal in respect of their natural rights as human beings; but they are far from being alike: just as England and Scotch and Irish here are perfectly equal, while they are very far from being alike. And it is on this unlikeness between men and women, not on any inequality between them, that we rest what we take to be a very strong argument against the admission of women into Parliament.

If we were asked to point out the distinctive characteristics of the two spheres which Nature assigns to the sexes, and to indicate clearly what pursuits and employments were appropriate to men and what to women, we confess we could do so only vaguely. Trying, however, to differentiate the spheres, we would say that generally the sphere for men to live and labour in was outside, and that for women inside—to the one belonged the more public life abroad, to the other the more private life at home. Men have to earn the income, and women to administer it in connection with the home. Men have to do the roughest and hardest work : women have also not a little arduous work to do, but we expect what they do to be associated with tact, taste, and refinement. At our stage of civilisation about half or more of the different kinds of work to be done in the world might be done with equal propriety either by men or by women, being about equally suitable to both. But there are certain kinds of work or employments for which men seem to be specially fitted. Women seem to be specially fitted to be nurses, cooks, dressmakers, comforters, and diffusers of moral and refining influences, and men are specially fitted to be agriculturists, miners, soldiers, sailors, policemen, butchers, members of the prizering and members of Parliament.

The foregoing answer to the question asked above may be supplemented by a few other considerations.

Women's lot on earth, their main business, is connected with marriage, the home, and the rearing of children. This is the destiny of nineteen out of twenty of all adult women. In connection with their homes and the up-bringing of children, they receive their best and most complete culture. There they fulfil their true destiny, and there, no doubt, they find their chief earthly happiness. At the same time, there are vast numbers of unmarried women and childless widows, whose life is necessarily more isolated and solitary. To them our advancing civilisation is opening numerous doors of employment till lately monopolised by men. But, much as we may sympathise with these, we cannot, for their sakes, alter the current of our civilization or attempt to turn it backwards. The family is the primary, the fundamental, the most important institution of our civilisation. It must be upheld at all costs while we do our best for those who are partly outside of it. In the family or home lies



woman's chief business on earth; while the outside, the public world, is the chief sphere of man's life and labour. Since civilisation began, there has always been, and there will always continue to be, this distinction between the respective spheres of men and women in life. It is impossible to retain our civilisation if we abolish all distinction in their pursuits and avocations—if we are to have males and females side by side tilling the fields, working the mines, fighting battles, manning ships, apprehending criminals, legislating in Parliament, executing criminals, doing the same kind of work everywhere.

At the present time, two very diverse courses are open to communities : either to hold on firmly and wisely in the course along which the civilised world has been advancing for thousands of years, or to remove and level all distinctions in the spheres allotted by law and custom and common sense to men and women respectively. taking the former course, we are on the line of progress; taking the better, we are simply retrograding in the direction of savagery. And when we have reached the savage state (for out of savagery we came and back to it we may return), we shall find that one ineffaceable distinction still remains, the distinction of greater and less physical strength, which must end in men being masters and tyrants, and women being their abject slaves. Make women professional politicians and legislators, and we are indeed on the down grade.

## IV.

*Society, in relation to its preservation and defence, rests on physical force, which is represented by men, and not by women, and this fact bars the doors of the Legislature against women.*

Society is based on physical force. The significance of this will be understood when we remember that our Colony and Empire have to be defended against foreign enemies; that order and peace must be preserved, and life and property protected, within our borders; and that the duties and whole business of legislation are entirely alien to the nature and education of the existing race of women. Living here in peace and plenty, under the shield and protection of the Imperial Government, we are apt to forget that our foremost duty as citizens and as subjects of the Empire is to defend our country when assailed by the foreigner, and to maintain its independence and freedom. The long peace which has so fortunately been enjoyed here and in many other parts of the Empire, ought not to be allowed to hide from us this primary and supreme duty. Look around observantly and watch the shaky volcanic state of all the nations. Europe is little more than a huge camp where millions of armed men are ready at the order of some despot, or through some accident, to kill, to burn, to destroy. On all frontiers, rows of fortresses stand frowning against each other and threatening to belch forth fire and destruction all round. Iron-clad navies, with their fires a-lit, swarm in all the great harbours, and their smoke darkens oceans and seas. Some ambitious statesman, some boy-autocrat, has only to lift his little finger, and war may burst forth in circumstances of greater horror than has ever before been known in the history of mankind, and may envelope the four quarters of the globe.

Besides, while standing on this smouldering volcano, we all know that the wealth, the prosperity, the glory of Britain, has excited a vast amount of envy, jealousy, and predatory greed; [unclear: great] but poorer nations are gathering around us, like Russian wolves [unclear: in] winter around some out-lying village. In these circumstances, [unclear: our] national wealth may soon pass to others, and our glory vanish away if we are not prepared to meet all dangers, and to risk and sacrifice our lives for the defence, the independence, the welfare of our country. Now, it is on the men, and not on the women of our country, that this foremost patriotic duty falls. It is the men, as distinguished from the women, who must fight, even to the death if necessary, for the protection and safety of our women, of our sweet hearts, and our wives and our children. And this is a duty which brave and gallant men naturally take the greatest delight in; for,

How can a man die better  
Than facing fearful odds,  
For the ashes of his fathers  
And the temples of his gods,  
And for the tender mother  
Who dandled him to rest,  
And for the wife who nurses  
His baby at her breast,  
And for the holy maidens  
Who feed the eternal flame?

From the circumstances in which we find ourselves placed we draw the natural and unavoidable conclusion, that it is men and not women who must manage all this kind of bloody business, and who ought to

wield supreme, unshared power in Parliament. While we are still in the fighting stage of civilisation, supreme Parliamentary power must rest undivided in the hands of the men of the nation, We are not, as yet, even within sight of the Millennium of peace.

There is another duty of a homelier nature, but of no less importance than military patriotism. We refer to the duty of preserving peace and order within the community and of giving effect to the decrees and decisions of magistrates and judges. Here also society rests on physical force, on the bodily strength of combative males. We need not only soldiers and sailors, but also policemen, without whom peace and order could not be preserved internally, and without whom the administration of justice and the carrying out of the Acts of the Legislature would be impossible. For the performance of such duties women are unfitted by nature. They cannot regulate the traffic in our streets and harbours—cannot run in [unclear: the] drunkard and the prostitute—cannot hunt down criminals—cannot keep watch over life and property by day and by night—cannot do one of the hundreds of things that have to be done by our civil soldiers, the police. If the preservation of peace and the maintenance of order in our midst, and the carrying out of the law [unclear: be] thus the special duty of men as distinguished from women, it [unclear: follows] logically and irresistibly that legislation and government should be in the hands of men and of men only.

We venture to say further that the work of legislation and government is at variance with the nature and upbringing of the women of the present age. We know not what woman's ideal of true womanhood may be, but we do know that if they were thoroughly acquainted with political life in the Colonies, they would [unclear: feel] that it was inconsistent with ordinary truthfulness and honesty. Men's ideal is that the noblest women are pure and loving, true and [unclear: upright] and consistent, sympathetic and unselfish and self-sacrificing. A political career requires and develops character rather the reverse of all this. Purity and love are hindrances and not helps in a Parliamentary career. Truth, Integrity, Consistency ! Members of Parliament are mostly trimmers, and sit on rails, and roll logs, and set their sails, as the poet says, to 'A' the air's the win' can blow,' Unselfish and self-sacrificing! The last thing that the mass of politicians ever think of being. This is a dark picture of political life; but those who have been longest and most intimately acquainted with it, paint it still blacker.

A true realistic description of political life in the Colonies would shock the public conscience.

It is as impossible to get into the Parliament of New Zealand in a contested election without breaking the law as it is to get into heaven without repentance.

If you read 'Hansard' and believe what members often say of one another, they must be continually misrepresenting and slandering one another.

It is as impossible to be long in Parliament without violating the principles of Truth, Integrity, and Consistency, as it is to touch [unclear: tar] without being defiled.

It is notorious that it is usually the most intriguing and worthless who succeed best in politics. Hence a political career has been apply likened to a donkey-race in which the hindmost wins.

If there be any truth in the preceding remarks, it certainly follows that there are very serious hindrances which bar, and ought to bar, a woman's entrance into Parliament; for she can no more [unclear: and] man's work there than he can do hers in the home and family.

## V.

*The proposal to introduce women into the Legislative Council is an insult to Parliament and to womanhood.*

We are sure we are only giving expression to the thought of [unclear: all] intelligent people in the Colony when we say that the proposal [unclear: to] lift women into the Legislative Council, when it was first suggested, was taken to be a joke, a poor, silly joke, which half-disguised what was meant to be an insult to that branch of the Legislature. If the early supporters of this proposal had simply contended that Parliament should be opened equally to men and to women, the rest of us in time might have accustomed ourselves to its wildness and [unclear: ludi]crousness, and have come to treat it with some degree of seriousness and respect. But when it comes to us in its present shape, that women should be raised into the elevated condition of being members of the Upper House, the proposal is instinctively and instantaneously felt to be an insult both to the Upper House and to Womanhood. It is a mean insult to the Members of the Upper House, for it proclaims them to be old wives and the fitting associates of old wives. It is a coarse insult to women in general, for it is an emphatic declaration that, though they might do for our House of Lords, they are too low, too vulgar, too ignorant to keep company with Messrs Seddon and Reeves and Ward, and the representative items who follow them like sheep.

Those who have any full and correct knowledge of the doing of our Parliament know what a big debt of gratitude we owe to the Legislative Council. Were it not for our Honourable Councillors the stupid and contradictory bills passed by the Lower House would long ere now have made New Zealand the laughing-stock of the world. Our elected representatives, in wooing the sweet voices of the constituencies, often make

promises and pledges, which, as they afterwards find, would ruin their reputation as politicians and seriously damage the Colony. These representatives, falsely true, keep their promises and vote accordingly, knowing the mischievousness of their vote, but knowing at the same time that the Councillors, better and braver men than themselves, will save the Colony from damage by rejecting these measures, and thereby incurring considerable popular odium. The chosen of the People who can thus [*unclear: dirk*] their duty and equivocate with their consciences, and maintain [*unclear: their*] contemptible popularity by throwing responsibility and blame [*unclear: are*] those who are infinitely worthier than themselves—if these representatives of the people were photographed by X Ray process, there would he found the six capital letters Coward written upon their white livers.

By faithfully discharging their duties to the country, by rectifying the mistakes and blunders committed by the elect of universal [*unclear: suffrage*], by protecting liberty and property, by modifying and remedying the infatuation and fads of the passing hour, Upper Chambers are everywhere unpopular. What a howling there was a year or two ago in the United Kingdom against the House of Lords for preserving the union and the integrity of the Empire! And in France the other day there was an amount of *sacre-bleu-ing* against the Upper Chamber there sufficient to sink the biggest warship in the navy. When a class or an institution is unpopular, how easy and natural is it for a certain kind of people to give it a kick in the by-going. The Premier and his adhesive items are continually adminiserting kicks of this character to the Council. And we have only to recall to mind certain recent communications which passed between the Premier and His Excellency the Governor about new Labour Members being hoisted up into the Council, and the wisdom and courage lately displayed by Council in modifying or rejecting some very objectionable Bills—we have only to recall such matters to be convinced that the threat to introduce women into the Higher Chamber can scarcely be regarded in any other light than an insult, a proclamation that the Councillors are old wives, and fit only to associate with old wives.

The proposal is equally insulting to women. The proposal, we repeat, amounts to this, that women are fit and proper persons to be members of the Upper House, but not to be members of the Lower House. Why should there be drawn such a line of demarcation as this? Why shut against women the door of the House of Representatives, while you open wide to them the door of the Legislative Council? The only possible reason for making such a distinction must be that women are qualified for the one place, and not for the other; that they are fit to keep company with such antiquated fogeys as our Councillors, but not with the People's Own Elect Representatives. Hitherto it has been generally believed that the duties of an Upper House were as important, and as onerous, and as honourable as those which devolved upon the Lower. Our Councillors, as has already been said, have to revise the legislation of the People's representatives, to rectify their mistakes and blunders, to guard [*unclear: or*] liberties against collectivist assailants, to protect property, [*unclear: landed*] and other, against legalised confiscation and Henry-*[unclear: Georgeanished]* and to help in guiding Master Demos safely through the [*unclear: infatuational*] and fevers, and lunacies, to which he is occasionally liable. [*unclear: Function*] of this high kind are exceedingly difficult to discharge, and [*unclear: required*] not cleverer people, but cooler heads and sounder judgments [*unclear: that*] are usually found in the Lower House. If women are really [*unclear: fitted*] to occupy seats in the Council on account of their high intellectual and moral qualities, and their cooler heads and sounder judgments how much better must they be fitted to hold seats in the Lower House, where these great qualities are not found in over-abundance. And yet women are declared by our Ministerial Solons or Solans—we forget the correct spelling of this word—not to be qualified to sit side by side, and shoulder to shoulder, with the members of the present Cabinet and their docile supporters.

In conclusion, we have only to add that we can scarcely believe that the proposal to admit women into Parliament, or into one of its two chambers, can be seriously meant. It seems incredible that people of average intelligence can be in sober earnest in promising or threatening—we know not which of the words is the more appropriate—to legislate in this wild style. Surely they must be intellectually or morally blind if they do not see that the suggested elevation of women is in reality a downright degradation and affront. After all, the proposal may only be a coarse electioneering dodge, by which Ministers fancy they can gull the gullible, and wheedle them out of their votes next month.

James Wallis.

Note. All communications In connection with "The New Zealander" to be addressed to Dr. Wallis, care of the "Observer " Office, Wyndham-street, Auckland.

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N.Z. Alliance Voters' Guide.

Wellington Edition.

(Triennial Local Option Poll on General Election Day, 1896.)

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(See Basis of this Estimate on Page 11.)

Read Pages 4 and 5.

(Containing the Voting Paper, &c.)

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## Almanac For 1897.

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## I.—Information Respecting the Local Option

# Poll.

## What you Need to Know Before you Vote.

On General Election Day, when the members of the now Parliament will be elected, the Electors will vote also about the granting of licenses to sell intoxicating liquor. But Licensing Committees will not be elected on that day.

When you are in the polling booth, two papers will be given to you. One of them, called the "Ballot Paper," will contain the names of the candidate for Parliament. The other, called the "Voting Paper," will be about the granting of licenses. The two papers will be of different colours, and there will be different boxes to put them into when you have used them.

From the ballot paper you will strike out the name of any candidate or candidates you wish not to be elected to Parliament; and from the voting paper you will strike out anything about licenses which you wish not to be carried.

No one can tell afterwards how you have voted, whatever any may pretend; so you need not be at all afraid to vote just as your own good sense tells you to. If anyone tells you afterwards that he has found out, it will be only a guess to try to make you tell. Neither Prince, Priest, nor Peasant Returning Officer, Poll Clerk, nor Scrutineer can find out so you need not fear anyone. (See the explanation of this in the article on the Secrecy of the Ballot, page 27.)

If the responsible person inside the polling booth fails to give you both papers, or misleads you in any way, he will be liable to a penalty of £20.

The day will be a Public Half-Holiday, from noon, and no liquor may be sold from noon to seven o'clock.

The voting paper about licenses will be much simpler than last time. The voter may strike out any one or two of the three lines upon it; but our advice is to strike out only the Top Line. You will find good reason for this advice in the following articles.

Take no notice of the papers which people will give you outside the polling booth. The right papers will be given to you by the proper officers inside the polling booth.

This is what the "Voting Paper" will be like:—

### Voting Paper.

I vote that the number of licenses existing in the district continue.

I vote that the number of licenses existing in the district be reduced.

I vote that no licenses be granted in the district.

*General Directions.*

The voter may strike out all the proposals except one, or all except two, but no more.

The voter must strike out all the Proposals which he does not wish to be carried.

If the voter strikes out all or fails to strike out at least one of the proposals, the voting paper will be void.

The voting paper so marked is to be dropped by the voter into the [unclear: sepra] ballot box prepared for it, and *not* into the same box as that in which he drops his electoral ballot paper.

The voter is not allowed to take his voting paper out of the polling booth.

In striking out the top line only you do not put either of the two issues on thus vote for to any disadvantage. They do not conflict with or militate [unclear: pinst] each other in any way in the counting of the votes, so that you need hesitate to strike out the top line only.

When you have struck out the top line with a pencil, you will fold the [unclear: r] up so that no one can see how you voted, show the stamp on the back of to the poll clerk who gave it to you, that he may see it is the same paper, and [unclear: e] yourself put it into the proper ballot box. This is how it will look when you have struck out the top line :—

### Voting Paper.

I vote that the number of licenses existing in the district be reduced.

I vote that no licenses be granted in the district.

*General Directions.*

The voter may strike out all the proposals except one, or all except two, [unclear: t] no more.

The voter must strike out all the proposals which he does not wish to be carried.

If the voter strikes out all or fails to strike out at least one of the proposals, [unclear: e] voting paper will be void.

The voting paper so marked is to be dropped by the voter into the separate [unclear: llot] box prepared for it, and *not* into the same box as that in which he drops [unclear: s] electoral ballot paper.

The voter is not allowed to take his voting paper out of the polling booth.

Further, if you would not like to see Prohibition carried in your district [unclear: ept] by a very large majority, you need not hesitate to strike out the top line only, because it cannot be carried unless three-fifths of those who poll vote for it, and as the voting is taken on General Election day, when the largest numbers go to the poll, it cannot possibly be carried except as the result of a very large and overwhelming expression of the public mind in its favour.

If you wish for further information and explanations read the article on "The effect of striking out the top line," page 26.

## Why Vote Against the Liquor Traffic?

1. It is the occasion of an enormous amount of immorality.
2. It destroys the happiness of many homes.
3. It subjects numberless wives to untold suffering, and reduces many women and children to beggary.
4. It occasions most of the pauperism, crimes of violence, and insanity.
5. It occasions enormous expenditure to prevent and punish crime, relieve its paupers, and counteract its immoral influence, and so burdens the community with heavy taxes, and makes Urge demands on private charity.
6. Drunkards want the temptation removed.
7. It is not a necessity, and the interests of the rising generation imperatively require its suppression.

*"Once to every man and nation comes the moment to decide,  
In the strife of Truth with Falsehood, for the good or evil side,  
Some great cause, God's new Messiah, offering each the bloom or blight,  
Parts the goats upon the left hand, and the sheep upon the right,  
And the choice goes by for ever twist that darkness and that light."*

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## II—Appeals to Voters.

*"Don't wait for public sentiment to kill the Liquor Fiend. If your sentiment is ripe strike now."*

*"Christian man with pitying thought,  
Use that ballot in your hand;  
Here's the battle to be fought—  
Church of Christ arise and stand !*

*Shield the million bibles sleeping,  
Succor all the poor wives weeping;  
Break the chains that bind our brothers,  
Dry the tears of pale-faced mothers;  
Rise and crush this demon fell—  
Shut up all these gates of hell !"*

## **A Word to Strictly Moderate Drinkers.**

Everybody admits that the Liquor Traffic is the source of an enormous amount of mischief, which no law for its proper regulation has ever been able to prevent. For whose sake then to it licensed? Not for the sake of the drunkards, nor for the sake of abstainers, but solely for the convenience of moderate users. If you, as a moderate user, recognise that it is for your convenience alone that the traffic is licensed, and if it cannot be licensed for your convenience without entailing the enormous amount of misery and crime which have always resulted from it, we wish to ask you whether you are prepared still for your own convenience to vote for it, or whether you will not rather deny yourself for the sake of others, and resolve that your mere convenience shall not be made any longer responsible for all this crime and misery? Thousands of drunkards will vote against the Liquor Traffic, who would gladly break its power over themselves, and *the* abstainers will vote against it, so that with your vote as a moderate user will rest the honour or the responsibility of stopping or of continuing it. We have asked our friend Rev. L. M. Isitt to say a word or two to voters through the medium of these pages. He reminds you that there are estimated to be 17,500 drunkards in this Colony, victims of the traffic licensed for your convenience. If on an average each of them has but five friends—wife, mother, sister, father, brother, son, daughter, or other relatives—and for their sakes you go to the polling booth and simply strike out the top line or the voting paper, there are over 87,000 of them who would gladly give you a warm grip of the hand, and say, "Thank you for that vote!"

## **Rev. L. M. Isitts Open Letter to you.**

Men and Women of New Zealand,—We are not a wealthy folk, but shilling by shilling several hundreds of pounds have been cheerfully contributed in order to send you this guide. Bead It, we beseech you thoughtfully, earnestly, prayerfully. Remember we have no personal interests to serve—the publicans and brewers fight for gold—we plead for humanity, and are prompted only by the desire to save the drunkard and his wives from drink-induced misery hundreds of suffering women and children. For their sakes we entreat you Strike out the top line and vote no license.

To-day there are over seventeen hundred licensed liquor bars in this country. "Week in, week out," they do their work with deadly sameness. One of our opponents has admitted that there are seventeen thousand five hundred drunken men and women in New Zealand, and day after day your newspapers chronicle crimes, suicides, deaths, and accidents, as the fruits of the traffic.

This morning the liquor bars were the first shops opened, and before you were up, miserable men, impelled by an awful thirst—men with palsied hand and broken nerve and aching head—crept into these places to call eagerly for the drink that is destroying them body and soul.

This evening these liquor bars will be the last shops to close, and will then bolt out into the night scores of drunken men and women; and in many a drink-cursed home the wife and mother will lie down, not to sleep, but to weep and pray and think—think, over and over again through the long hours—My God I my God ! what shall I do ! He is drunk again I What will become of us! And children little children, will be roughly awakened to conscious hunger and fright, and perchance kicks and blows. I say it is horrible; that it maddens any compassionate heart to realise faintly the suffering drink occasions, and yet it has gone on for so long. Is it to go on for ever? God forbid. To-day it rests with you whether, in your electorate, it shall go on any longer. Yet you may decide the question—may license the bars for another three years to wreck homes, ensnare your sons, ruin women, and work wrong and wretchedness to helpless children, or close these centres of temptation, and stop their ruinous influence, to the heart-felt gratitude of many a poor drunkard's wife. Which shall it be! In this struggle we are crying to God to give us the victory. Thousands are praying that he will hear the wail of the children, and mark the tears and agony of those who suffer, and move the hearts of the people to put greed and selfishness under foot, and vote as righteousness and pity prompt. Can you ask God to guide you, and then vote license I In a few hours, voting paper and pencil in hand, will you vote to promote good or strengthen evil? By

one stroke of the pencil you can license these liquor bars to make more drunkards—break more hearts—or you can do your best to restore many a drink-victim, and bring peace and happiness to many a wretched home. I would to God I know how to influence you to vote aright. Whether you are a teetotaler or not, you cannot be blind to the hurt the liquor traffic [*unclear: does*]. Remember, no one knows how you [*unclear: vote*]. Never mind how you have spoken, be true to your own higher and better self now. If you have never struck a blow for righteousness and the people before, do it now. In the name of God and humanity I plead with you—Strike out the top line and vote no license.—Your sincerely.

LEONARD M. ISITER

WHITE TO US FOR A SET of PATTERNS OF THE NEW SEASON'S MATERIALS. We are now Showing the Fittest Selection in the Colony of Fashionable Spring Dress Fabrics and Prints New Spring Tweeds and Shirtings New Lustres and Mohairs New Shot & Figured Alpacas New Sicilians & Silk Mixtures New Block Stripe Prints New Striped Piquette Prints New Silver Silk Prints New Shirting Prints, Zephyrs New Crepons and Delaines New Grass Lawns & Muslins. PATTERNS Will be sent (POST FREE) to any address in the Colony, on application, and orders from Patterns will be sent (Carriage PAID) if the order is accompanied by Cash for the amount. JAMES SMITH & CO., TE ARO HOUSE, WELLINGTON.

## **More Reasons why Everyone Should Vote Against the Liquor Traffic by Simply Striking out the Top Line on the Voting Paper.**

1. Alter making fullest allowance for exceptions, there are no persons who do so much sly grog-selling as publicans. Every one knows that they sell out of licensed hours and on Sundays, and to drunken persons continually, and that their trade has always been the most lawless in existence. By means of their licenses they defy the police and the law, and their law-breaking goes unpunished. But when they attempt to do the same without their license, as some of them have been trying to do in the Clutha, they are convicted and punished over and over again, until they get tired of it, as they soon will do after this under the new law, under which they will not merely be fined but will be sent to jail when convicted a second time. It is right that the man who gets his living by taking money for liquor which he knows deprives the drunkard's wife and family of their living should be compelled to get his living in some other way. Continued licenses means continued competition in adulterating, lambing down, Sunday drinking, and other law-breaking; continued local poverty and unhappy homes; continued bad debts and inability to purchase stores; continued corruption of individual social, commercial, municipal, and political life.

2. If you vote for the Liquor Traffic, or fail to vote against it, you cannot complain if some day your wife, husband, son, or daughter becomes a victim of it. Already every person has some friend or acquaintance who has been injured, ruined, or destroyed by it. As long as the Liquor Traffic is tolerated it will produce a crop of drunkards out of every generation, and if you do not vote it out someone dear to you may be its victim.

3. The Liquor Traffic, by impoverishing the people, reduces the demand for the produce of the settler and the manufacturer, and therefore its value also, and correspondingly it reduces the demand for labour, and so also reduces wages; but also by being the source of diminished cash trade, and of the bulk of the bad debts in retail trade—losses which have to be covered by raising prices—it makes the cost of living greater to everyone who honestly pays his way. You cannot spread your breakfast table nor put on a suit of clothes without paying more for them because of the Liquor Traffic.

4. Our taxes will be greatly reduced when we get rid of the Liquor Traffic. To get local revenue from licenses you have to impoverish the district by the amount of money squandered to keep the liquor bars going, and the bulk of this goes out of the district to distant brewers and spirit merchants, and to distillers and brewers in other countries. The poverty and crime caused by the drink piles up more taxes for charitable aid, police, and other expenses involved, than all the revenue, local or colonial, derived from it. The annual drink bill of the Colony merely on the basis of Customs and Excise returns is at the rate of at least-three pounds per head of the whole population; so if you know the population of your own town or district, you can easily reckon your own local drink bill, if yours is a fair, average place, neither better nor worse than others, and thus see how much it reduces local prosperity.

6. Refusing Liquor Licenses does not mean closing needed hotels for boarding and victualling purposes, as is abundantly proved in the Prohibition districts of this Colony and elsewhere. It only makes unlawful the Drink-selling in them.

If licenses are refused, and the boarding business has to be more depended on, the boarding and travelling public will be generally better attended to; more people will have the means to travel and pay for proper board; and only the mere grog-belling public-houses will have to close.



Anyone who would not like to have a liquor License next to his own house should not vote to maintain one next to someone else's house. Therefore, when we get out voting papers let us just strike out the top line, and so vote for purer morals, greater agricultural and industrial prosperity, cleaner politics, and a better respect for everything which makes for righteousness, and will help to make us a great and a free people.

## Fair Warning.

Wilberforce of English annals,  
Waited patiently for years,  
Fighting on though often vanquished  
Yielding not to doubts and fears,  
Till at length he was rewarded  
By the shout of victory;  
Through his persevering efforts  
Slaves were granted liberty.

Be forewarned, ye politicians,  
Eyes are watching far and near;  
Your supporters hold the balance—  
They will *weigh* you, never fear.  
Be advised; your friends are anxious  
You should worthy prove and true,  
If you act as you have spoken,  
They will firmly stand by you.

But if not, prepare for changes,  
For the traffic they will rout;  
If you trifle at this crisis  
They will vote you down and out,  
And elect those who *are* worthy,  
Men whose courage ne'er abates,  
Who will face the ranks opposing.  
Press the battle to the gates.

Oh, ye temperance men, be faithful,  
On your watchtowers firmly stand—  
See, the foes of Prohibition  
Muster forces through the land.  
Buckle on afresh your armour,  
And for right still onward press,  
God your captain in the conflict,  
He will pilot to success.

Mrs. P. L. GRANT.

"Little drops of Allsops',  
Little drops of Bass',  
Steal away the senses,

And make a man an ase."

SEND US LETTERS Asking for particulars of any of the DELIGHTFUL SPRING NOVELTIES Which we are now showing in such Variety. We will be happy to forward any information required. We are displaying a beautiful selection of Seasonable Goods in all departments, including New Shapes in Blouses New Skirt and Jacket Costumes New Parisian Trimmed Millinery New Season's Sailor Hats New Collarottes and Cuffs New Style Collars and Cuffs New Summer Hosiery and Gloves New Sunshades and Umbrellas New and Effective Belts and Buckles New Sequin Trimmings & Ornaments. THE SAME PRICE Is charged to Country Customers for any of these goods than is quoted over the counter at Wellington. In addition Carriage will be Paid on all Parcels, the order for which has been accompanied by cash for the amounts. JAMES SMITH & CO., THE ARO HOUSE. WELLINGTON.

## **Australian Mutual Provident Society.**

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Head Office, Customhouse Quay, Wellington.

Local Board of Directors:

The Hon. Morgan S. Grace, M.D., C.M.G., M.L.C. (Chairman).

The Hon. Charles J. Johnston, M.L.C. (Deputy Chairman).

Alfred de Bathe Brandon, Esq.

The Hon. Edward Richardson, C.M.G., M.L.C.

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The Oldest, Wealthiest, and Most Prosperous Australian Life Office, and the Largest in the British Empire.

THE ONLY COLONIAL LIFE OFFICE WHICH DECLARES A BONDS EVERY YEAR, The Method of Valuation adopted by this Society is of the most Stringent Character, and ensures a Considerably Larger Reserve to meet Liabilities than that held by any other office in the Australasian Colonies. ACCUMULATED FUND EXCEEDS £13,500,000 (THIRTEEN MILLIONS) STERLING

## ***III.—The Magnitude of the Evil we Assail.***

### **Costs and Fatalities of War and Drink.**

German and French statisticians [unclear: estimat] that the combined cost of the ware of [unclear: the] thirty years preceding this decade was [unclear: i] money, £3,000,000,000, and in human [unclear: life] £2,500,000 men killed. In the same [unclear: thirt] years the United Kingdom [unclear: spe] £3,000,000,000 on liquor, with [unclear: fatali] from drink estimated at 3,600,000. [unclear: W] would be the frightful mortality [unclear: from] drink if the figures, like those for the [unclear: was] were made to include all nations [unclear: and] countries, though estimated on the [unclear: me] moderate scale! The evils of [unclear: Dria] Gladstone correctly said, are greater [unclear: tha] those of war, pestilence, and famine combined.

The following are the New [unclear: Zeal] annual expenditure drink for the [unclear: year] ending March, 1886, to March, 1896, Inclusive:—

The total consumption during [unclear: the] years preceding 1888 reached [unclear: £46,214] or more by £12,000,000 than the amount colonial debt incurred during the [unclear: t] time. The figures are arrived at by [unclear: mo] of the oustoms and excise returns. [unclear: T] real annual expenditure for, and on [unclear: acc] of Drink, is enormously greater, as [unclear: we] appear if due allowance were [unclear: made] dilution, adulteration, short measure [unclear: t] distillation, excise frauds, and [unclear: e] manufacture from essences. On our [unclear: t] page we have put it at double, [unclear: whi] a moderate estimate—extremely so [unclear: if] indirect expenditure for crime, [unclear: panu] & c., from Drink were also included.

From printed balance sheats of [unclear: wo] Men's Clubs we give the following statements of their receipts, which show [unclear: t] the money goes :—

[unclear: It] must loot to our laurels, or we [unclear: not] keep a place in the van of social [unclear: an] example for good to the world. [unclear: th] Australian Legislature proposes [unclear: e] its people power to rid themselves [unclear: e] Liquor Traffic by a majority vote. [unclear: s] has just returned a parliament

*unclear: e*] to take a vote of the people on [*unclear: l*] for the whole dominion. [*unclear: lon*]. Wilfred Laurier, leader of the [*unclear: l*] party—the party returned to [*unclear: e*] recognised the great Temperance [*unclear: and*] stated that after he had sub-*unclear: d*] the question to the people, which [*unclear: re*] but one result—his government [*unclear: l*] carry out the people's mandate for a [*unclear: ery*] liquor law. Which country [*unclear: have*] the great historic honour of [*unclear: rst*] in its movement which is spread-*unclear: ed*] destined to world-wide success?

[*unclear: I*] have been told that Prohibition in [*unclear: s*] has been a failure. The people [*unclear: there*] ought to know better, and they [*unclear: think*] so. In the year 1894 & [*unclear: ite*] taken in some of the largest [*unclear: es*] on this matter. The question [*unclear: s*] "immediate prohibition by law of [*unclear: manufacture*], importation, and sale of [*unclear: ting*] liquors as a beverage," and the [*unclear: es*] as follows:—

[*unclear: To*] vote of nearly two to one is the most [*unclear: e*] answer to the assertion that the [*unclear: es*] "have gone back on Prohibition-*unclear: t*]. This majority of over 132,000 for [*unclear: tion*] is placed in contrast with the [*unclear: e*] the Federal Government held [*unclear: by*] a majority of only 17,000. As [*unclear: n*] the attitude of the churches to the [*unclear: n*] the Canadian Methodist Church [*unclear: st*] conference adopted the following [*unclear: ions*];—"That the Liquor Traffic [*unclear: be*] legalised without sin." "That [*unclear: e*] duty of civil governments to prohibit [*unclear: e*] trade intoxicating drinks; that [*unclear: date*] of no party who refuses to [*unclear: e*] commit himself to the destruction [*unclear: e*] Liquor Traffic, at the earliest [*unclear: e*] moment, should have the support [*unclear: an*] electors.

ANNUAL INCOME EXCEEDS £3,000,000 (TWO MILLIONS) STERLING. Policies in Force 124,908  
Sum Assured £40,084,933 Cash Bonuses Divided £6,843,362

BONUSES! CASH BONUS for ONE YEAR, 1895, £432,523, yielding Reversionary Bonuses amounting to £860,000, after making SPECIAL RESERVES. CASH BONUSES declared for last FIVE years, OVER TWO MILLIONS, yielding Reversionary Bonuses exceeding FOUR MILLIONS.

ASSURE YOUR LIFE IN THE A.M.P. SOCIETY AND SECURE A BONUS EVERY YEAR  
EXPENSES OF MANAGEMENT. 3¼ PER CENT. ON THE TOTAL INCOME. EDWARD W. LOWE,  
Resident Secretary. BRANCH OFFICE : CUSTOM HOUSE QUAY WELLINGTON.

LLOBENTE'S PILLS are not claimed to be a Cure for everything, but they are a certain sure for Constipation, Headache, Dizziness, Sluggish Liver and Bilious Disorders generally Procurable from any Chemist. PIANOS & ORGANS F. J. PINNY, WELLINGTON. NURSE WOODWARD'S HEALTH SYRUP is an unfailing remedy for Head Giddiness, General Lassitude and Dyspepsia. Ask your Chemist for it. Price at Wholesale from Sharland & Co. Limited. Wellington.

## IV.—Some Economic Aspects of Prohibition.

### Labour Leaders.

Powderly, Burn, Tillet, and other great [*unclear: our*] leaders in America and England, [*unclear: ort*] wage-camera to give the Liquor Traffic [*unclear: Traffic*] no quarter. A Labour candidate for [*unclear: ment*], who is not a Prohibitionist, is [*unclear: out*] as fit to look after the interests of [*unclear: labour*] as a wolf to shepherd lambs. Every-*unclear: -dy*] knows that the Liquor Traffic means [*unclear: uced*] industrial opportunities, reduced [*unclear: es*] of wages, and the disintegration of labour Union. The Labour candidate who [*unclear: es*] not know it should be taught by the [*unclear: kers*] that he is not wanted.

"The Liquor Traffic is responsible for [*unclear: ingtenths*] of the misery among the working classes, and the abolition of that traffic [*unclear: would*] be the greatest blessing that could [*unclear: ne*] to them."  
—T. V. Powderly.

### The Trade" no Friend to the Farmer.

In 1892 the Victorian parliament imposed [*unclear: differentiating*] duty of 2d. per gallon on [*unclear: er*] made from malt and hops only, and on beer made from sugar and other in-*unclear: tients*], so as to encourage the growth of [*unclear: It*] and hops, and to ensure "a purer [*unclear: r*]" being supplied to the public. In 1894 [*unclear: e*] excise beer duty brought in £154,210, [*unclear: d*] of that total £149,648 was paid on beer [*unclear: de*] from sugar. Evidently the public [*unclear: e*] not get "a purer beer," and the brewers [*unclear: e*] real friends of the farmers, but the [*unclear: overishers*] of all their other customers.

### The "Wine Industry."

!"The fact of the matter is that if Victoria is to compete successfully with Italy in the wine trade, Victorian workers must be dragged down to the Italian level. Even the penny-an-hour rate is higher than the Italian, so that further reductions may be necessary. The wine industry is a [unclear: monstrous] Pandora's Box in the potentialities for mischief which it possesses, but the workers should sternly oppose its extension for this reason alone—that it can [unclear: ally] thrive by reducing its employes to the most impoverished of the [unclear: the] world peasantry."

Mr. John Vale, of Melbourne, forwarding the above quotation, wrote :—" The evils of the wine industry are great. The industry has attained its fullest development in the Rutherglen district. At a large meeting in Rutherglen I mentioned Mr. Bragato's theory, that wine drinking promotes sobriety, with the intention of refuting it, but the audience laughed so heartily at the idea that I saw it was unnecessary to refute the statement in a place where the theory is put to the test of practice. As a matter of fact, there is no other part of the Colony where drunkenness abounds to the same extent, and the drunkenness is generally of the most [unclear: hestly] kind. Stealing generally, our wine shops, both in city and country, are the lowest kind of drink shops we have, . . . I pray that your Colony may be saved from the establishment of this evil.

*"With best wishes, I remain, yours very truly,—JOHN VALE."*

An official report made by the Adelaide Commissioner of Police said :—" I cannot in an official return divide the separate cases of drunkenness into those that have occurred in wine shops and those that have taken place in public-houses, but I have no doubt that the sale of colonial wine has increased drunkenness to a great extent especially in the country districts. Colonial wine has to compete with colonial beer, and to do so it must be made cheap, and to be cheap it must be sold so new that it cannot have matured sufficiently to be wholesome; in this state, when drunk in large quantities, as it frequently is drunk, it produces a type of drunkenness which assumes a very dangerous character, and which often produces madness."

## Does Prohibition Pay?

Compare the two licensed States of Illinois and Ohio with the Prohibition State of Maine, respecting which the Liquor Party are always telling us that Prohibition does not prohibit.

- Illinois has a population of 3,826,351, and roundly, £4,699,501 in her savings banks.
- Ohio has a population of 3,672,316, and roundly, £6,921,242 in her savings banks.
- Maine has a population of only 661,086, and has roundly, £10,679,518 in her savings banks.

In Illinois the savings banks money, divided among the whole population, would give £1 4s 6d to every man, woman, and child; in Ohio, £1 11s 11d each; and in Maine, £16 3s 1d each; or in the following proportions :—

In Illinois In Ohio In Maine

This shows how the people are impoverished in any country which keeps the Liquor Traffic in existence, and how they are enriched in any country which prohibits it, and should alone be sufficient reason to strike out the top line only on your voting paper.

*(See also pages 30 and 32.)*

In a recent issue *The Scottish Reformer* asks: "If America can, by Prohibitory education and organisation, put 558,131 square miles, and 14,622,000 of a population under Prohibition and Local Option, what is to hinder Scotland from putting her small territory and our four millions of a population under local Veto !" We ask what is to prevent New Zealand with under three-quarters of a million of a population She can do it by striking out the top line of her voting paper of [unclear: lling] day.

"Here's a laddie bright and fair,  
And his heart is free from care.  
Will he ever, do you think,  
Learn to smoke, and chew, and drink?  
Make a furnace of his throat,  
And a chimney of his nose?  
In his pocket not a groat,  
Elbows out, and ragged toes?"  
That may depend on how you vote.

drawing of a boy

I shall ask sis' and mother and dad and of my cousins and aunts and uncles to think of me when they are voting.

# Save the Boys!

"License is a fraud immense,  
Men of sober common sense  
Save the boys !  
Think no pleas of "revenue"  
Will excuse your guilt if you  
Give your voice and ballots to  
Curse the boys !  
Talk's a good thing "In its place,"  
Use it as a means of grace—  
Save the boys !  
But, oh, voters ! one and all,  
Crush the demon Alcohol;  
From his cruel bitter thrall,  
Save the boys !  
Banish strong drink from the land,  
By the power of laws' command,  
Save the boys!  
Vote for those men who you know  
Will not favour this vile foe,  
But prohibit it, and so  
Save the boys;  
You can do it if you will;  
Ballots are the things that tell?  
Save the boys!  
For our homes we intercede!  
For our country's life indeed;  
In the name of God we plead,  
Save the boys !"

ESTABLISHED 1877 Wellington... Monumental Works, W. H. imports direct from the Italian and Aberdeen Quarries, and keeps a large Stock of Marble and Granite. SCULPTOR FOR THE BALLANCE MEMORIALS, Ac. Cast and Wrought-Iron Fences in Stock, Inscriptions Engraved in any Language, DESIGNS SENT. MONUMENTS ERECTED IN ANY PART OF THE COLONY. HEADSTONES, MONUMENTS, And TOMES. WAITER J. HELYER, SCULPTOR, Manners Street, Wellington.

THE CITIZENS' LIFE ASSURANCE COMPANY, LIMITED Is the ONLY OFFICE with a TEMPER. ANCK Section which declares A BONUS EVERY YEAR. Call or send for Table of Rates. Head Office for New Zealand; CUSTOMHOUSE QUAY, WELLINGTON

THE CITIZENS LIFE ASSURANCE COMPANY, LIMITED. Carries on active operations in every part of Australasia, and has a Greater NUMBER of POLICIES in force than any Colonial Assurance Company, without exception. It is the LARGEST, STRONGEST, AND MOST PROGRESSIVE Industrial Office through out Australasia. Head Office for New Zealand; CUSTOMHOUSE QUAY, WELLINGTON.

THE SYSTEM OF ASSURANCE As carried on by the CITIZENS' Life ASSURANCE CO., LTD. enables person who find it difficult or irksome to pay a large premium yearly, half-hearly, or quarterly, to pay their premiums by weekly or fortnightly instalments, and collected from the assured at their business or place of residence. Head Office for New Zealand; CUSTOMHOUSE QUAY, WELLINGTON.

THE CITIZENS' LIFE PLAN OF ASSURANCE Embraces all the Members of a family, male and female, between the ages of 1 and 70 Premiums from one penny a week upward. Claims are paid immediately at d. Benefits range from £1 to £2000. Head Office for New Zealand: CUSTOMHOUSE QUAY, WELLINGTON;

NURSE WOOD WARD'S HEALTH SYRUP is, in the true sense of the term, of radical cure for Indigestion and malz caused thereby, such as Flatulence, L Complaints, Piles, Sick Headaches, and Pyrosis. Can be obtained everywhere.

# V.—The Gothenberg System.

## The Gothenberg System.

Mr. T. P. Whitaker, M.P., speaking at a great public meeting at Manchester Free Trade Hall, said; —" I have one thing to say to some of those people who are giving us so much advice, especially to those who ask us to establish this Gothenberg system. Let us see to it that we maintain a clear hold upon this principle, that what good has been done in Sweden and Nor-way has been by cutting down facilities for obtaining liquor, The good that has been accomplished there has been by closing public-houses, find shortening the hours of sale, and thus diminishing the facilities for obtaining drink. We have no proof what-ever that any good has resulted in either Sweden or Norway from the management of this trade by public companies or the management of public-houses by special men. We find that results equal to anything that has been secured in the towns where the trade is under company management—equal, nay superior-have been secured in the country districts where the company management did not exist at all. When you recognise this fact, that in Bergen they have only thirteen shops in a population of 33,009—or one to every 4,000 people-when you recognise that these places are only opened at 8 in the morning, and closed again at noon; that they are not opened till, half-past 1, and close again at half-past 7 in winter and 8 in summer; that they are closed practically all day on Sun-day, and at 5 o'clock on Saturday night and before public holidays, and on public Holidays altogether, you will see that you have got an instalment of restriction and prohibition which would work wonders in this country, and which will account for what is going on there. Don't get led away with the idea that the putting of the Liquor into other hands will do any good. If you were to put a Bishop into a cathedral find allowed him to sell drink there, that drink would produce the same results those who took it."

The Gothenburg System has been worked on the most improved lines in Norway. And yet, under the Direct Veto-Bill which recently passed in Norway, six towns, in which liquor companies' live years' privileges to sell intoxicants expired at the end of last year, voted for absolute Prohibition, when a poll was taken under the new Act. Every man and woman 25 years of age had a right to vote.

*"A little farm well tilled,  
A little wife well willed;  
Their good effects can all be killed  
By a little corn distilled."*

Hon. Neal Dow, so long Governor of the State of Maine, says that the Prohibition law now annually saves to the people of that State £5,000,000. After thirty years of Prohibition in Maine, in 1884, when Blaine had 13,000 majority, the people unheld Prohibition by a majority of 47,000.

## Don't you Know!

*"There are patient little women here below  
Whose eons and husbands to the dram-shops go,  
Who would like to gently drop  
A ballot that would stop  
The wrecking of their loved ones by this foe.*

*Don't you know, don't you know  
Where all mothers ought to go,  
When they have their little families  
Depending on them so ?  
They should cast a righteous vote  
And their loyalty devote*

*To God and home and babies, don't you know."*

It is intensely sad to know that before one generation of drunkards has died out an equal number of boys and girls have grown into such, and that we grant a permit or license to the traffic which is responsible for this result.

*"The Temperance folk are waking up,  
Throughout this favoured nation,  
To put the Liquor Traffic down,  
And drive it from its station.  
The bars and drinking dens are doomed  
To lawful demolition;  
For all good men are going in  
For voting Prohibition."*

## **Webs and Flies.**

To the friends of Prohibition in New Zealand,  
Whisky spiders great and greedy  
Weave their webs from sea to sea,  
They grow fat and men grow needy;  
Shall our robbers rulers be?

"Sweep the webs away !" the nation.  
In its wrath and wisdom cries;  
Say the fools with hesitation :  
No—but educate the flies."

We do both—twin wings who sunders !  
Let the schools fill out their sphere !  
Let the church sound seven thunders,  
But the webs must disappear.

Up ! the webs are full of slaughter;  
Sweep away the spider's lair;  
Up ! Wife, husband, son, and daughter  
Make the vexed earth clean and fair.

Where now red-fanged murder burrows,  
Let glad harvests wave sublime,  
Sink the webs benesth new furrows  
In the boundless fields of time.

Dr. Joseph Cook,  
of Boston, U.S.A.

## How do you Vote?

*"We ask not your party or creed,  
We ask not your race of complexion,  
Or how you have voted before—  
But, how will you, vote next election?"*

*You say you're a Temperance man,  
That drink never tickles your palate;  
We're glad, but we measure, you know,  
Our friends by their acts at the ballot."*

## VI.—How Prohibition Works in Clutha and Elsewhere

### Prohibition in the Clutha.

A year ago the Clutha Presbytery Office-bearers' Association made extensive enquiry, and published a report on the working of Prohibition within their bounds, The points made good by the evidence were :—

- The removing of public facilities had made drink more difficult to obtain.
- Drinking had been reduced between a half and a fourth, and the process of diminution was still going on.
- There was an absence of the disgraceful scenes which used to be witnessed on the streets and high-ways.
- "Shouting" and social drinking had been largely abolished.
- Many who formerly drank had ceased to do so, the temptation having been removed.
- Storekeepers got their accounts paid with greater regularity and less trouble.

Not bad for a beginning, as Prohibition always tends to improve with time.

The Police records in the Clutha District give the following arrests for drunkenness during the last two years of license and the first two years of Prohibition :—

A parliamentary return supplied by Colonel Hume, Chief Commissioner of Police, was laid upon the table of the House of Representatives just before the last session closed giving the following particulars of police offences in the Clutha since prohibition was curried, and for the corresponding period prior thereto :—

A minister's wife in the Clutha [unclear: said] us: " Sir, you can tell the people [unclear: where] yon go that those of us who were [unclear: d] before the licenses were refused [unclear: ren] can testify that the moral condition [unclear: of] whole community has been raised [unclear: by] The people attend the services [unclear: of] different churehes in larger numbers [unclear: a] there has been a remarkable [unclear: incr] readiness to receive the Gospel. [unclear: S] families that never had the means to [unclear: co] out decently clad are now happy to [unclear: ta] their places among the rest at the [unclear: seri] and the various social gatherings." [unclear: Th] is surely reason enough why Church [unclear: ma] bers should vote No License. [unclear: as] indicates the awful responsibility [unclear: t] such as are too indifferent to do so.

Mr. A. S. Adams, a well-known [unclear: Dun] solicitor, wrote to Dr. Do Lantour, [unclear: o] Tapanui, in the Ctutha electorate, [unclear: f] information as to the working of [unclear: Prohi] tion in the Ciutha. The following is [unclear: t] doctor's reply, necessarily somewhat [unclear: abl] viated:—' Tapanui,



October 3, 1898

MY DEAR MR. ADAMS—. . . [unclear: First] there, " Prohibition has ruined the [unclear: Clu] financially." To this I give a most [unclear: es] phatic denial. During tho nine and [unclear: a-ha] years that I have been resident in [unclear: Tap] I have never known trade to be so break [unclear: a] it is now and has been for the past [unclear: twe] months, and this is the universal [unclear: cons] of opinion. The carpenters and [unclear: bulid] have never during my residence here [unclear: been] anything like so busy as they [unclear: can] Painters, too, have more than they [unclear: can] attend to. . . . I don't say that this [unclear: is] in consequence of Prohibition, but it is [unclear: at] least a coincidence, and disproves [unclear: the] "financial ruin" statement. And [unclear: there] are more coincidences. During my [unclear: res] dence hero I have never known of [unclear: so] many improvements being made in [unclear: the] borough in the way of road-making, [unclear: metal] ling, &c., as have been complete [unclear: with is] the past two years, and, moreover, I [unclear: don't] know of a single storekeeper who [unclear: compa] of the state of-trade. In my own [unclear: expect] ence I have no hesitation in saying [unclear: that] receive more cash and find leas difficult is getting in accounts than ever I experienced before.

Item 2. That there is more drink [unclear: sold] than ever. This is lie writ large. [unclear: The] fruit of drink-selling is drunken[unclear: e] Where is this fruit to be found; I [unclear: am] about the town and district as many as [unclear: any] man, and I don't think I have seen [unclear: s] drunken men within the past two [unclear: years] It is true that now and then [unclear: special] occasions—such, for instance, as "[unclear: smoke] concerts given to send off some old [unclear: resi-] dent" liquor is purchased wholesale, [unclear: and] drunkenness results, but this, being [unclear: e] tirely owing to the existence of [unclear: wholesala] licenses, hardly comes within what [unclear: Me] Seddon calls the " order of references."

The day after cur last agricultural show I inquired of a traveller for a firm of agricultural implement makers what was his experience of our Prohibition show. He said it was the best show for business he had ever known in Tapanui.

I was recently vaccinating a number of infants, who chiefly hailed from Kelso and Heriot. In the course of conversation I said, "How is Prohibition getting on in Kelso!" One of the ladies, acting as spokeswoman said, "Fine You know, Doctor, I never suffered from the drink (which was strictly true), but I'll tell you something.—At the sports at Kelso on New Year's Day I met. Two lady friends with their children. I could not help saying to (them, "Well, now. I'm glad to see yon here today. Why, it's years since I saw you at a gathering like this;" and one of the the ladies said, "Yes, it is fourteen years since I have been at a meeting of this kind; we have never at this time of the year had decent clothes to put on our backs or on our children." No, at the happy New Year time the cheques were all running down the liquor sink !

I said, "There is no fear of you ladies going back on Prohibition?" Quite a chorus chimed in, " No fear; we know what it is in our homes I" And that is where the benefit is being found—in the homes of the people. I see it in many a home—more com fort, more clothes, and, I believe, more food. . . .

Now, finally, in reference to private drinking. I believe that liquor is kept in houses where it never was kept in quantities before. I believe it to be true to a limited extent But it is kept only by drinking men—men who, whenever they got opportunity, made free use of the public-house; men who probably always had a bottle in the house, but who are now compelled to obtain at least two gallons; men who don't want to risk hanging about the public-house—and I submit that this is one of the strongest proofs that such Prohibition as we have does so far prohibit.

It is quite common to hear men say that there is as much drink sold as ever. Many have said so to me after this style: " You Prohibitionists have done no good; there is as much drink sold as ever—well, not .so such as ever, but you know it is sold." Oh, yes, it is sold; but only to trusted customers—and since the prosecutions these are becoming fewer and fewer—and never to quantities which the seller judges would be sufficient to intoxicate.

To conclude, I believe there are few who do not admit that a large measure of success has attended Prohibition in the Clutha, I am afraid I have written at great length and somewhat discursively, but I have endeavoured to give you my version the question, and to under rather than overrate the amount of success which [unclear: so-license] has achieved.

BERTRAND C. DE LAUTOUR.

We said to a storekeeper in Clutha, "How does Prohibition affect you?" "Well," said he, " before we had Prohibition I was not a Prohibitionist; but I am now. There are men about here that before I could not trust with a shilling, whom I can safely trust with pounds [unclear: now]."

## What Prohibition does for a City.

The *Alliance and Temperance News S.A.*, for October 1st., 1896, says:—"Where entire Prohibition is the law it may be expected that distinct financial results will follow. Partisans of the trade declare that ruin will be the result, but facts prove the contrary. The city of Atlanta, Georgia, U.S.A., may be quoted as a case in point. According to the assessor's books property in the municipality has increased two million dollars under prohibitory law. The loss of forty thousand dollars saloon revenue has been no obstacle to the city's commercial and industrial prosperity. Fifteen new house-furnishing stores have been started since Prohibition went into effect, and more furniture has been sold to mechanics and labouring men in the last year than in any twelve months of the city's history; the number of city banks has increased; the coming of four new railroads has been settled; the manufacturing interests have received new life, and all real estate companies have seen their stock double in value since the advent of Prohibition, two former 'liquor streets,' where once it was not considered safe for a woman to walk without an escort, are now as orderly as any other, and property on them has advanced from 10 to 25 per cent. The authority for these statements further testifies as to the diminution of crime as the result of Prohibition. 'Two weeks,' it says, 'were formerly necessary to get through with the criminal docket; during the present year it was closed in two days. The chain gang is left with almost nothing but chains and balls; it would not be large enough to work the public roads were it not augmented by supplies from other counties.' And one secret of this Prohibition success is told in the words—"The city government is in the hands of our best citizens.

## Vote for Me.

"Say, papa, how are you going to vote?"  
'Twas a child's bright word, and he could not note  
How the red blood mantled his father's face,  
As he clasped the wee one in close embrace;  
But he prattled on in his childish glee,  
"Say, papa, why won't you vote for me?"

Out of the door strode the father fast,  
And never a glance behind him cast,  
As on to his place at the polls he went;  
But the words the boy spoke were surely meant  
By God above to follow him there,  
For they haunted his steps like a mother's prayer.  
"Vote for me, papa," the bells rang out;"  
Vote for me," sounded the schoolboy's shout;  
"Vote for me," came from the rum-seller's door  
In the oaths he had never thus heard before;  
At last with a smile he whispered low,  
"If I vote for my boy I can vote only No"

—KATHERINE L. STEVENSON

## VII—Prohibition and the Revenue.

### No Profit in Revenue from Liquor.

Rev E. Walker, speaking some time since at Oamaru about local revenue in the event of Prohibition being carried said, the Drink Bill of the Colony was at the rate of £3 per head of the population, and, taking Oamaru as a fair average place, that [unclear: ant] £18,000 a year for its population of 6,000 so that to get £450 in license fees, the locality impoverished itself to the [unclear: tent] of £18,000, much of which went out of the

district to distant, spirit merchants, brewers, &c, It would pay better to stop the waste of £18,000 and let that amount go into the useful trades and industries of the district, and then pay the £450 out of the increased local prosperity. It was dear financing to throw away £18,000 because someone offered you £450 to do it. Then as to national revenue if national Prohibition were carried, a high political authority had told him that he estimated that the increased demand for other dutiable goods would at once make up a half of the loss, leaving at the outset only £220,000 to be made up. A ½d. a pound on sugar last year realised over £128,000. so that Id on sugar alone would yield £36,000 in excess of the amount required to make up the loss, and the increased prosperity that would follow upon saving £2,000,000 from Drink would put into everybody's pocket a good deal more than the extra penny to pay it with, and sugar would still be cheap. Of course he did not say it should be put on sugar, but that it should not; it could easily be spread thinly over a number of mere luxuries; this was only an Illustration to allow that the loss of revenue created no real practical difficulty. Again, it was bad financing to waste two millions of money because somebody offered you something less than a quarter of a million to do it. Under an Income tax from which salaries of £200 were exempt he supposed most of them would rather have a salary of £210 and pay 30s. Income Tax than have only £200 and pay no tax. The Drink waste saved would boom their local trade and Industries and improve wages by increasing the demand for labour

—*Oamaru Mail*,

## Liquor Revenue a Loss.

It is generally admitted that the indirect Cost of Drink to a country, in crimes, loss of time, efficiency, health, competence, commerce, and life, is at least equal to the direct cost-It is an under estimate that eighty millions have been spent in New Zealand upon Drink, and probably some-thing approaching twenty millions of revenue (Colonial and local) have been derived from it.

The direct expenditure, unlike that upon food, furniture, wholesome recreation, or a dwelling house, is wholly a loss to the purchaser. The indirect coat to the State cornea ultimately to be borne by the individuals of the State; so that to get twenty millions of revenue the State as a whole has been involved in an indirect loss of eighty millions, and the Liquor Consumers in a direct loss of eighty millions more, the whole one hundred and sixty millions being absolutely unproductive, except of untold demoralisation and misery, and the creation of a wealthy and powerful Liquor oligarchy to corrupt commerce, the public press, the Legislature, and the public administration, in favour of the interests of their devastating trade. Evidently one hundred and sixty millions of money, not merely wasted, but made to produce not alone demoralisation, but greater poverty than if it had been thrown into the sea, is a very dear exchange by the people for twenty millions of revenue.

And this leaves out of account, and therefore out of the cost involved, the enormous wealth that a reasonable and reproductive use of this one hundred and sixty millions of money would have produced. Even the labour it has employed of maltsters, draymen, barmen, policemen, judges, gaolers, and a host beside, has involved the State in the loss of the enormous wealth that would have resulted from a reproductive employment of all this brain and sinew; while the enormous quantity of grain destroyed to make the Drink has both increased the cost of bread to the people, and through the Drink expenditure diminished their capacity to purchase it.

The supposition that the Public Treasury (Colonial or local) would suffer by the suppression of the Liquor Traffic is well enough known to be a fallacy assiduously propagated to defend the interests, not of the people, but of the Liquor Vendors.

A man in this Colony who kept both a public house and a store, finding a customer owed £14 for stores, said to the storeman :—"What can I say to this fellow, for he spends all his money at the bar? " It paid to cancel the store debt, and take the enormous profits from [*unclear: the*] man's continual drinking But if one man keeps the bar, and another keeps the store, how does this arrangement suit the storekeeper ? It means that he must increased his prices to cover the loss from this source—in other words, that all his customers must be indirectly taxed to cover it. Thus the revenue derived by any district from license fees has to be vastly more than paid by the people of the district in the necessarily increased cost to them of every description of goods.

When a locality or a country adopts Prohibition its pauperism disappears, and those who wore formerly indigent [*unclear: become*] possessed of the means of contributing of public demands; thus at the same time diminishing taxation and increasing the number of those who share in the payment of it.

Who can estimate the material loss and other ills for which an expenditure of [*unclear: over*] eighty millions upon Drink in the New Zealand has been responsible ?—the loss to themselves, their families. And the community, from the moral mental and [*unclear: ytical*] deterioration, and incapacity [*unclear: proved*] in the victims of the Drink—some [*unclear: them*] persons of the highest capacity [*unclear: promise*]before "being victimised ?—the [*unclear: debts*] and crippled commerce, the loss [*unclear: time*] by workers, of employment

for [*unclear*: men], and of wealth to the community, [*unclear*: which] would have resulted from the amount [*unclear*: reproductive] labour which the Drink has [*unclear*: ted]?—the loss of properties, the [*unclear*: cies], the grinding poverty, the [*unclear*: Efy] dissensions, misery and desertions, [*unclear*: Sacrifice] of personal honour by women [*unclear*: gir], the debauchery of youths and the crime and imprisonments, the [*unclear*: Cjrr] and suicides, and deaths by ex-*[unclear: ty]* disease, accident, and violence ?

Is it at this cost we are to maintain [*unclear*: a] ever blighting and withering traffic in [*unclear*: ak] for the sake of either local or [*unclear*: tal] revenue, or both, which, whether, recognise it or not, always costs us, [*unclear*: ly] or indirectly, even in hard cash, at many times what itself amounts to ?

## A Curtain Lecture.

My wife and I had just gone to bed,  
When a curtain lectur to me she read:  
If I was a man," sez my wife to me,  
I think I should be a man," sez she.  
why, wot is the matter, Jane ?" sez I;  
Matter enough," was her reply.  
I wouldn't go preachin' temperance  
*[unclear: La']* votin' for license, both ter wunce !  
I wouldn't stan' up in church an' pray  
*[unclear: For]* the curse of drink to be took away;  
Fer the Lord in marcy to look an' bless  
The needy widder an fatherless;  
An' then march up to the polls nex' day  
An' vote just eggsackly the other way  
I think I should hev at my command  
At least jest a leetle grain of sand;  
An' whenever a pollytishun showed  
His rum-blossom nose 'round my abode,  
An' commenced his blarney to get my vote,  
A-singin the song he'd learnt by rote,  
I'd spunk up to him an' tell him wot  
I thought of him; an' ez like ez not  
I'd jest perlitely show him the door,  
An' invite him to never call no more !  
I think I'd know enough," sez Jane.  
"When a rum-seller works with might an' main  
To gain a point in the town elexshun,  
To see that it wasn't jest my complexshun !  
An' what he wanted so awful bad  
Was the very tiling he ortn't to have;  
An' I'd work ag'in it, tooth an nail,  
My motto, ' No sech word as fail !'  
An' wouldn't care one cent in cash  
Ef I the publicrat party went to smash !  
I'd hev my conshens clear an' sound,  
An' know I was treadin' on solid ground,  
Ef I was a man," sez Jane once more;  
But I had already begun to snore.  
I wasn't asleep' but then I meant  
She'd think I was; for her argyment,  
I own, I couldn't quite answer it,  
For it struck right home to me every bit  
But Jane, she groaned when I didn't cheep.  
And then turned over and went to sleep.

## VIII—Objections to Prohibition Considered.

### What Some Folk Say.

Under this heading we propose to offer [unclear: the] solutions to those who have difficulties but Prohibition. We may premise, whatever that the objections taken up [unclear: utly] by the general public are, in the instance, mainly put into circulation [unclear: in] the Trade," not in the interests of the [unclear: ble] of the publicans, and must be [unclear: nted] accordingly.

1. They say Prohibition *interferes with* [unclear: cluded] liberty That may be a good [unclear: ng] It is a good thing to have our [unclear: tional] liberty to use fire arms in the [unclear: roughferes] interfered with. And it is not nearly so many deaths and injuries [unclear: would] annually result from this exercise of [unclear: bety] as do from the liquor Traffic. But [unclear: at]they mean is that Prohibition compels can to be a teetotaler against his will [unclear: hat] is false. At the present time a man [unclear: by] make his own home-made beer and [unclear: and] use them; and so he could under [unclear: exobition], but not for sale. Prohibition aimed exclusively at the traffic in [unclear: ere] for personal abstinence temperance [unclear: rmer] rely exclusively upon moral [unclear: sion] There would be no Prohibition [unclear: ment] if the traffic in liquor were not [unclear: ssary] lawless, and a source of un-[unclear: dated] mischief. There has been [unclear: sed] a Liberty League, which is [unclear: ented] by the Trade, and simply means [unclear: License] League; and many unsuspect-[unclear: person] have been draw into it to [unclear: rt]liberty to inflict injury Upon the public by means of the Liquor Traffic. This is not liberty, but license. Prohibition makes ample provision for access to liquor for medicinal and necessary uses, and with a Government guarantee of its purity! which is lacking under License.

*"Law does not put the least restraint  
Upon our freedom, but maintains it;  
Or if it does, ' this for our good,  
To give us freer latitude;  
For wholesome laws preserve us free  
By stinting of our liberty."*

Said one, "What is the fundamental pricipale of liberty? I reply, We can sum the matter up in a few words—A man has a right to do as he pleases, so long as he pleases to do what is right. The question will be asked, Who is to say what is right? I reply, The public conscience is the only tribunal to which you can appeal for a decision upon questions affecting the social well-being of the community. There can be no other tribunal; and if the democracy will find safety anywhere, it will be in the decision of a sober and educated majority"

2. They say that if we had Prohibition we should have a worse condition of things through sly grog-selling. Experience proves that this is false. Sly grog-selling is selling liquor unlawfully and therefore slyly. This is what every publican does who sells liquor after closing times, and on Sundays, and to drunken persons. The leading newspapers have acknowledged again and again, what everybody knows, that the Trade is always doing these things.

What makes it appear as if things were sometimes worse under Prohibition? Simply this, that under Prohibition you can get convictions, and the bad business is brought to light; but under License yon cannot. Under License the law-breaking goes on unpunished; but under Prohibition it gets punished, as it ought to be, and everybody hears about it. That is what has happened in the Clutha. The same men went unpunished when they broke the law under License; but they cannot escape under Prohibition Prohibition, therefore, is a greater success than License.

Do you ask the reason why you cannot get convictions under License as easily as "Under Prohibition? This is it When you grant a license the property licensed at once jumps up to two or three or more times its real value, and the brewer and the spirit merchant each gets a new opening for his trade. By pushing the sale of liquor in all unlawful times and ways the licensee can the more quickly make a fortune, the brewer and spirit merchant will have to supply him with all the more liquor, and the house will also have a greater rental value by reason of its reputation as a good money-making place.

But if the licensee were convicted, and his license endorsed, and this were repeated a few times, the license

might be cancelled, and all these interests suddenly disappear—That means that however great a lawbreaker the licensee may be the owner of the property and the mortgagee, and perhaps some interested bank or other financial institution, and the brewer and the spirit merchant, must all use their influence to prevent his being convicted. Put all these persons together who are interested in licenses throughout the whole Colony, and you will see that they constitute a numerous, wealthy, and influential body of men, sufficient to unnerve the administration of the law from the top to the bottom.

That means, of course, that the police dare not do their duty. But Prohibition wipes out all these corrupting interests, and then you can get convictions and carry out the law. Then the licensees blandly say, "See how the law is broken under Prohibition!" and the guileless are caught in the trap. The truth would require them to say, "See how the law-breakers are detected and punished under Prohibition, and how much greater a success Prohibition is than License!" The common reckless statement that both more liquor and worse is sold under Prohibition than under License is simply and always absolutely false. The whole administration will be more effective when by popular vote we get rid of the powerful corrupting interests above described. It is the interest of the Liquor King to get the law broken in Prohibition districts like the King Country and the Clutha, and then to spread it in the newspapers and exaggerate it, on purpose to discredit Prohibition. This should make the public more determined not to be beaten by them, but to sweep them out of the way. If they could sell more liquor under Prohibition, they would not fight against it so fiercely, but welcome it.

3. They say that if we shut up the hotels there will not be necessary public accommodation, We do not propose, [unclear: of] shut up the hotels; we only propose to stop the drink-selling in them.

If there are houses which do nothing [unclear: but] sell drink, these will not be missed—except for the better. As a matter of [unclear: fact] in this Colony, as elsewhere, where there are now no licensed houses, [unclear: experience] proves that you can get as good, and [unclear: often] better, accommodation than when there were licensed houses in these places. The writer is one who has travelled over the whole Colony continuously for years, and knows whereof he writes, In many places the accommodation is improved, because, in addition to its being the same in other respects, it is without the nuisance of drunken and foul mouthed loafers, which formerly made the places unfit for the accommodation of families.

The ordinary temperance boarding-house has no chance beside the Licensed house; but when houses cease to be licensed for the sale of liquor the same competent public caterers, who occupying some of them, will still be available as well as their premises. A Bill before Parliament last session provided that the occupiers of these houses, when dis-[unclear: licensed] might make their houses *bona fide* public-houses again by registering them as "registered hotels—hotels under public regulation—as open to everybody as the licensed houses, but without the sale of liquor. The additional business [unclear: lack] registration would bring them would be a sufficient inducement to register. Ask your Candidate for Parliament to support this Bill when it is brought on again next session—the "Registered Hotels" Bill.

## A Dutchman's Song About his Baby.

"True as I live, 'most every day  
I laugh me vild to see de vay  
Dot shmall young baby try to play,  
Dot funny leetul baby,

Ven I look at dem leetul toes,  
Und see dot funny leetul nose,  
Und hear de vay dot rooster crows,  
I shmile like 1 vos crazy.

Sometimes there comes a leetul squall,  
Dot's ven de vindy vind vill crawl  
Right and his leetul stomach shmall,  
Now dot's too bad for baby,

Dot make him sing at night so sweet,  
Und gory-borric he must eat,  
Und I must jump shpry on my feet  
To help dot leetul baby.

He pulls my nose and kicks my hair  
Und crawls me over everywhere,  
Und slobbers me—but vot I care !  
Dot vos my shmall young baby.

Around my neck dot leetul arm  
Vos squosing me—so nice and warm !  
Oh, may there never come some harm  
To dot shmall leetul baby."

Und 'cus I has to go and vote,  
Und 'cus 1 on dot baby dote,  
De top line to strike out I note,  
For [*unclear*: the] shmall leetul baby

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## How the Question Came Home.

In the dusk of a summer evening  
I rooked my child to rest;  
Then sat and mused, with my darling  
Still folded to my breast.

His ringlets swept my shoulder,  
His breath was on my cheek,  
And I kissed his dimpled finger  
With a love I could not speak.

A form came through the gateway,  
And up the garden walk—  
And my neighbour sat down as often  
To have an evening talk.

She saw me caress my baby  
With almost reverent touch,  
And she shook her grey head gravely;  
"You love the boy too much!"

"That cannot be," I answered,  
"While I love our Father more;  
He smiles on a mother's rapture  
O'er the baby that she bore."

For a while we both sat silent,  
In the twilight's deeper grey;  
Then she said, "I believe that baby  
Grows lovelier every day."

"And I suppose that the reason  
I feel so drawn to him,  
Is because he reminds me strongly  
Of my own little baby, Jim."

My heart stood still a moment  
With a horror I dared not show,  
While the trembling voice beside me  
Went on, in accents low;

"Just the same high, white forehead,  
And rings of shining hair,  
And a smile of artless mischief  
I have seen this Jamie wear.



*"And I've sometimes thought—well, Mary,  
The feeling no doubt you guess—  
That my trouble would now be lighter  
Had I loved my baby less."*

My neighbour rose abruptly,  
And left me in the gloom.  
But the sob of a broken spirit  
Was echoing in the room.

And when the lamp was lighted,  
I knelt by Jamie's bed;  
And wept o'er the noble forehead  
And the ringlet crowned head.

For I thought of the bloated visage,  
And the matted hair of him  
Whom all the village children  
Knew only as "Drunken Jim."

And my heart cried out, "O Father,  
Spare me that bitter cup !  
And destroy the liquor-traffic  
Before my boy grows up."

—*Temperance Cause.*

## **A New Version.**

"Sing a song of sixpence, you fellow full of rye,  
With not a cent to bury you to-morrow, should you die;  
The keepers in the bar-room, counting out his money,  
His wife is in the parlour, with well-dressed sis' and sonuy;  
Your wife has gone out working, and wash peoples' clothes,  
To pay for old rye whisky to colour your red nose.

# **IX.—Verdict of the Churches on the Liquor Traffic.**

## **The Churches and the Liquor Traffic.**

It is well enough known that the Christian churches outside the Church of England and the Church of Rome

are practically unanimous that the Liquor traffic should be suppressed.

And what of great leaders in the Church of England and the Church of Rome?

## The Church of England.

HER MAJESTY The Queen addressing some Bechuana chiefs at Windsor, recently said: I am glad to see the chiefs, and to know that they love my rule. I confirm the settlement of their case which my Minister has made. I approve of the provision excluding strong Drink from their country. I feel strongly in this matter, and am glad to see that the chiefs have determined to keep so great a curse from the people."

Rev. Canon Hicks says: "The practice of abstinence is spreading among the clergy rapidly, and the number of Prohibitionists among church folk is increasing steadily, If the Church of England as a whole is not in the van of the movement, yet it has given that movement some of its ablest leaders—such as Archdeacon Sandford and Prebendary Grier in the past, and to-day the Bishop of London, the Deans of Canterbury, Winchester, and Hereford, and Canons Barker and Wilberforce."

In this Colony the Church of England is not without valiant leaders in the good Cause. For example :—

On September 28, 1895, the clergy and representative laymen of the Anglican Diocese of Waianu, N.Z., in Synod assembled, after very exhaustive discussion passed, unanimously, the following resolution, proposed by the Rev. C. Jordan, and seconded by the Rev. T. J. Wills :—"That whereas all regulative efforts for the diminishing of intemperance have proved ineffectual, and the Liquor Traffic. Has always and everywhere proved itself defiant of all restrictive laws, therefore it is the opinion of this Synod that the sale of intoxicating beverages ought to be abolished by the vote of the people." And on September 22 of this year the same synod resolved as follows :—

- "That this Synod re-affirms its belief that the liquor traffic ought to be abolished by the votes of the people."
- "That this Synod invites the Synods of, our Church in N.Z. to unite with us in condemning the widespread and needless temptations placed in the way of the weak by the legalisation of trade in intoxicating beverages."
- "That a copy of this resolution be lent to each Synod in New Zealand."

## The Church of Rome.

The late Cardinal Manning's successor England Cardinal Vaughan, is as staunch an opponent of the crime of crimes, the Liquor Traffic, as was Cardinal Manning himself.

Father Matthew, a Prohibitionist.—Father Matthew was one of the early member of the United Kingdom Alliance for the legislative prohibition of the Liquor Traffic, and when joining it wrote as follows; "With rapture I hail the formation of the United Kingdom Alliance. I laboured for the suppression of intemperance until I sacrificed my health and little property in the glorious cause. The effort of individuals, however zealous, were not equal to the mighty task. The United Kingdom Alliance strikes at the very root of the evil. I trust in God that the associated efforts of many good and benevolent men will effectually crush a monster gorged with human gore."

In America the Church of Rome is very much to the front in the conflict against the Liquor Traffic.

The American Catholic Times said :—"If Intemperance had not been the pre-vailing vice in America during the past 40 years, the membership of the Catholic Church would be larger by several millions; while her receipts for charitable and educational purposes would be more than doubled."

At its session held on June 3, the Catholic Abstinence Society of the Arch-diocese of Boston adopted the following resolutions:—

Resolved—" That we give our hearty indorsement to no-license as a wise and prudent policy, and the members of our societies are exhorted to labour in their respective cities and towns for the complete and final stamping out of the saloon."

Archbishop Ireland, who received & letter from the Pope dated March 27, 1887 extolling his zeal in the cause of Temperance, said before the Minnesota Catholic Total Abstinence Union, June 5, 1889:—"We thought we meant business years ago in this warfare, but I hope God will forgive us for our weakness, for we went into the battlefield without sufficient resolution, We laboured under the fatal mistake that we could argue out the question with the Rumsellers. We imagined that there was some power in moral suasion, that when we would show them the evil of their ways they would abandon the traffic. We have seen that there is no hope of improving in any shape or form the Liquor Traffic There is nothing now to be done but to wipe it out completely," [unclear: CathoK] Follow Citizens, here are cogent reasons for striking out the top line only or you voting paper.

Every great mission which seeks to [unclear: rescue] the submerged and improve the condition of the

worker is a [unclear: ertinst] the [unclear: litpioi] Traffic, as witness the Salvation Army and the [unclear: Itarrtp.rdo] Mission General Booth said of himself in the Wellington Opera House. "I am a Prohibitionist" and gave force ful reasons why.

## Christian Endeavourers and Prohibition.

The third convention of the Wellington Christian Endeavour Union, attended by delegates from all parts of the Colony, terminated in Wellington on October 8, with a thanksgiving service. Before the delegates dispersed, the following resolution was passed by the Convention :—"that this Convention expresses its disappointment at the unwillingness of the legislative Council and a section of the newspaper press to trust the moral sense of the community in the matter of National option declares that it is no wrong [unclear: raint] of liberty to prohibit by popular [unclear: ists] a traffic which is responsible for most of the immorality and destitution in [unclear: fled] society, appeals to Christian [unclear: urers] everywhere to vote no [unclear: ses]' at the coming polls, and to support candidates for Parliament who will increase the power of the people by National Option to deliver this Colony from its greatest wrong—the Liquor Traffic; and that a copy of this resolution be sent to the Premier."

Dr. Thomson, Archbishop of York, said: "We who use port wine in the Lord's supper may be right; they who use the unfermented juice of the grape cannot be wrong.

Canon Wilberforce, in Ms excellent book "The Trinity of Evil," speaking of the [unclear: lical] meaning of the precious stones of the twelve foundations of the City of God, the Holy City, the Heavenly Jeru-[unclear: selem] to be founded on earth, writes thus upon the words "The [unclear: twe] an ame-[unclear: yst] (Rev. xxi 20) "'An amethyst,'and why an amethyst? Put aside for the moment the unbroken chain of legend which has clustered round the amethyst, and which corroborates the application I would make, treat if from the matter-of-fact scholarly point of view, put imagination on one side, and translate the word amethyat literally; it can bear but one interpretation—a combination of two [unclear: lior]" Greek words—a not, and [unclear: tos] a user of Strong Drink. Its [unclear: Literal] common sense translation is Abstinence from Strong Drink, The twelfth an amethyst'—the twelfth re-[unclear: geaing] principle upon which., as upon a foundation stone, the New Jerusalem alone can stand, Abstinence from Strong Drink How manifest to the meanest comprehension that one of its foundation strong must be the victory over that everwaiting destruction which, accompanied by the sigh of helplessness and the groan of pain, is [unclear: brutatisJng], raining, pauperising, and maddening thousands for whom Christ [unclear: airland] for whom Christ's followers are in a large measure responsible,"

Christian New Zealanders, up and strike out the top line on the voting paper and let the beautiful translucent purple amethyst become New Zealand's symbolic national jewel—symbol of the foundation [unclear: kid] for a holy citizenship in this sunny [unclear: tian] of the south!

## "What Can we do ?"

"Oh, what can we do my brothers,  
To speed the cause along ?  
We can speak a word to others;  
We can cheer them with a song;  
We can give them hearty greeting;  
We can take them by the hand;  
We can bring them to the ballot;  
We can help them firmly stand.

Oh, what can we do, my brothers,  
To haste the longed for day  
When the weeping babes, and mothers  
Shall wipe their tears away ?  
We can sow the seed and reap it;  
We can help the sad bearts sing;  
We can vote for Prohibition

In the strength of Christ our king."

## Will it Pay?

Out from the hearth come the children,  
Fair as the sunshine, pure as the snow;  
A licensed throng on the crowded street  
Waits the coming of guileless feet,  
Child of the rich and child of the poor  
Pass to their wreck through the dram-shop door.  
Oh, say, will they ever come back as they go—  
Fair as the sunshine, pure as the snow.

Out from the hearthstone the children  
Pass from the breath of a mother's prayer;  
Shall a father's vote on the crowded street  
Consent to the snare for the thoughtless feet?  
Ah, fathers 2 your finest gold grows dim,  
Black with the rust of such shameless sin.  
You may pave your street with your children slain,  
And light your ways with the price of shame;  
But, say, will your dearest come back as they go—  
Fair as the sunshine, pure as the snow ?

MARY T. LANTHROP.

## The Old Story.

He was one of the fellows  
That could drink or leave it alone,  
With a fine high scorn for common men  
Who were born with no backbone.  
"And why," said he, "should a man of strength  
Deny to himself the use  
Of the pleasant gift of the warm red wine  
Because of its weak abuse ?"

He could quote at a banquet,  
With a manner half divine,  
Full fifty things the poets say  
About the rosy wine;  
And he could sing a spirited song  
About the lips of a lass.  
And drink a toast to her lair worth  
In a sparkling,.generous glass.

And since this lordly fellow  
Could drink or leave it alone,  
He chose to drink at his own wild will  
Till his will was overthrown.  
And the lips of the lass are cold with grief,  
And her children shiver and shrink,  
For the man who once could leave it alone  
Is a pitiful slave to drink.

—*British Temperance Advocate*

*"We have been selling our boys to pay the revenue"*

## X.—The Voice of Medical Science on [*unclear*: Alcoh]

### Dr. Alfred Carpenter on Moderate Drinking.

Moderate drinking is doing an enormous amount of harm to the health of the country, and statistics will undoubtedly prove a few years hence that men who are abstainers live healthier lives, have sounder constitutions, and enjoy a more comfortable existence than those who continue to use these drinks in moderation, and have, perhaps, never been drunk in their lives. It is to the moderate drinking they owe, without being aware of it, those headaches, those palpitations of the heart, the shortness of breath, that inability to mount upstairs, and all those troubles that they refer to certain diseases of their constitution, "but of which in reality they have laid the foundation in their daily doses of alcohol I may say that this view of the question, as far as the doctors are concerned, is a very losing one, for the doctors who take up that line are certain to suffer for it, and very materially. Fortunately, as far as I am personally concerned, it does not matter much, but I have no hesitation in saying that the views I hold have been thousands out of my pocket. A young man commencing practice could not take the course I am taking in the present day—of denouncing alcohol. It is not reasonable to expect him to do it. There are medical men who do not hesitate to say alcohol is useful, and a certain class of patients will flock to those medical men, because they will have salve to their conscience in being able to say, "The doctor ordered it"; and the result will undoubtedly be, as I have seen in so many cases—men of eminence and position, and great ability, will cut short their days by taking wine under the delusive idea that it was a benefit to them. I have not the least doubt in my own mind that alcohol is a most determined and decided poison, and if I see a patient suffering from the effects of alcohol, undoubtedly it is my duty to say "Leave it off instantly, if these symptoms of poisoning have not been developed, I should still advise that they must let it alone" leaving it to their judgment how soon or how late they are to do it. It is said that wine is beneficial; and strychnine is beneficial no doubt; but I say without hesitation that if a man in good health takes quinine *every day* of his life, or small doses of arsenic, that man is certain within a few months to have disease established in his constitution by the poison he has been taking—and precisely the same arises with reference to alcohol. If he takes it day by day, it is a poison, and it is certain sooner or later to do just what quinine or arsenic would do, establish a disease in that particular man's constitution. We have argument on our side, science on our side, and practice on our side, with regard to abstinence and against moderate drinking.

Every house should keep a filter constantly supplied with water which has been first boiled, then the most wholesome drink, pure water, would be always available.

### Dr. W. A. Chapple, of Wellington, on the use and [*unclear*: Abu] of Alcohol as a Medicine

*No Need to Keep a Bottle of [*unclear*: bran] the House—Note the closing [*unclear*: para] of this Valuable and [*unclear*: ins] Article.*

Alcohol may be a beverage to [*unclear*: anyo] it is only a [*unclear*: medicine] to the total [*unclear*: abst] Whoever uses alcohol regularly in [*unclear*: hea] forfeits all claim upon its medicinal [*unclear*: virt] in disease. To the drinker, alcohol [*unclear*: fld] loses its virtues as a stimulant [*unclear*: bef] develops its vices as a

poison. If one [unclear: wo] get the good of alcohol in diseases. [unclear: it] must abstain from its use in health. well prescribe exercise to a postman fresh air to a shepherd, as an alcohol stimulant to a wine drinker. Further if [unclear: on] would have the good of alcohol as a [unclear: ma] cinal stimulant in old age, he must [unclear: bst] abstained from its use through life, [unclear: fl] the constant drinker alcohol offer [unclear: noti] but—first, a " fool's paradise second [unclear: th] irresistible craving; and third, an [unclear: ear] death. To the total abstainer it offers medicine in time of disease, and in [unclear: sen] decay.

As alcohol possesses the power of [unclear: pre] ducing evanescent sensations of [unclear: ple] and exhilaration followed by [unclear: depre] and also possesses the power of [unclear: indi] ultimately an irresistible craving for [unclear: itse] and further, as its use in many [unclear: dise] conditions is distinctly injurious, its [unclear: pre] scription should be strictly [unclear: con] medical men.-Alcohol is a [unclear: diff] stimulo sedative, useful as a medicine [unclear: is] certain diseased conditions; but as [unclear: itr] prescription should be restricted to [unclear: ton] qualified to diagnose the condition where stimulant, a sedative, or a stomachic [unclear: tos] is indicated, some less potent and [unclear: da] gerous substitute should be used in [unclear: thos] simple eases where medical advice is [unclear: net] sought. The administration of spirits [unclear: an] wine to boys and young people for [unclear: everti] little trifle and for absurd excuses is [unclear: tg] perilous practice, and to often the origin [unclear: of] a fatal habit. If alcohol must be given [unclear: the] acute illness it should be disguised as [unclear: scj] in liquid foods, to avoid the [unclear: incep] dangerous associations.

The common ailments in which [unclear: alco] is appropriately prescribed but in [unclear: whi] other equally effective remedies may be used, are:-(1) Fainting (not due to loss of blood; (2) loss of appetite; (3) pain; (4) debility. These are frequent abnormal conditions in which a stimulant may be appropriately prescribed and [unclear: fren] used, but with a crave-begetting drug like alcohol, which has the power to [unclear: clouser] degrade, ruin, and destroy human [unclear: victiaj] to the third and fourth generation, It is the bounden duty of everyone to [unclear: seek] remedy free from these dangers, if it can be found,—and who will say it can not ?

In fainting, a small cup of strong [unclear: hi] coffee, to which from half to one [unclear: teas] ful of sal volatile has been added, is a valuable stimulant and restorative; or the does of sal volatile in hot or cold water be used These possess all the stimu-[unclear: lu] and restorative properties of alcohol [unclear: this] of its forms, and may be used when [unclear: drug] is indicated. As a stomachic in [unclear: appetic] dyspepsia, colie, and [unclear: ilatu] no amount of ale could equal [unclear: enjoy] such valuable remedies as the of oraganic and quinine, or Easton'S Or the compound tincture of [unclear: ts] or maltine made by the M. [unclear: suc] any all of which can be secured [unclear: say] chemist as cheaply as alcohol, [unclear: tin] the doses written on the labels. [unclear: edu] pain the admirable preparation [unclear: nown] as chlorodyne in every way [unclear: does] alcohol as a remedy, and anti-[unclear: siiant] five grain tablets is to be had from [unclear: cmist] and for the relief of pain is [unclear: sample] and effectual beyond the [unclear: full] of alcohol In debility and low [unclear: rate] alcohol is mostly a defusion and a [unclear: and] cannot for a moment be com-with fellow's syrup, cod liver oil, extract of malt and oil, maltine, [unclear: which] and iron in doses of one grain [unclear: since to ten] drops of tincture of steel.

[unclear: there] are many conditions in which [unclear: it] is given indiscriminately and with [unclear: harm] and danger to the sufferers. In [unclear: going] it is always wrong and fatal to [unclear: parties] Alcohol increases the circula-[unclear: there by] promotes hemorrhage.

[unclear: It] is a grave offence against good [unclear: habit] to give spirits in child-bed, because [unclear: it is] danger, and it should never be [unclear: under] any circumstances by nurse or [unclear: doctor] without a doctor's specific order as [unclear: always] and quantity.

[unclear: It] is a grave mistake to give spirits [unclear: pletly] in case of accident There [unclear: is a red] vessel concealed by the [unclear: stage] or an internal rupture, from [unclear: where] the bleeding may be greatly ac-[unclear: ording] by the administration of alcohol [unclear: stimulant].

[unclear: ting] or collapse due to loss of blood [unclear: it] not be treated by any stimulant [unclear: of th]source of the blood has been [unclear: treat] stopped. Fits and sudden attacks [unclear: ness] should not be attacked [unclear: prties] It is much better not to do [unclear: doing] at all than to fly to the brandy [unclear: sis]

[unclear: hol] lowers the temperature by dimin. [unclear: nisitration] and by dilating the surface [unclear: of an] there by allowing a radiation of [unclear: any heat]. It is wrong, therefore, to [unclear: parties] at times of great cold. The [unclear: what] should be maintained by wraps, [unclear: it is] hot bottles, exercise, and hot [unclear: hot] soups, and hot food. Spirits [unclear: feeding] of [unclear: warmth] by increasing [unclear: practice]and the cutaneous circulation, [unclear: reture] is depressed and the [unclear: certified] by this action.

[unclear: you make] people take alcohol at night for [unclear: process] of inducing sleep. Alcohol is [unclear: writable] for such a purpose, [unclear: creation] the crave-begetting danger. [unclear: and] congestion and stimulation of [unclear: jcedea] the soporific effect of [unclear: the] which further disturbs the

normal [unclear: amount] of one brain centre to another. [unclear: condition] are antagonistic to normal [unclear: amount] under medical advice, alcohol [unclear: can be used] to induce sleep. A warm bath at bedtime or Immersion of the feet and legs in hot water, or a large, hot abdominal compress, are simple, safe, and often effective soporifics. No drug should be used except under medical directions.

That alcohol acts as a disinfectant and protects from infectious disease is claimed by some as an excuse for its use. Spirit drinkers can claim no such immunity; on the contrary, constant drinking diminishes tissue vitality and tissue resistance to infection. The drinker not only becomes more prone to infectious disease, but has less power to overcome it when once attacked. If one knowingly has come, or must come, in contact with infection, fresh air and sunlight and moderate exercise, after a bowl of strong soup or beef tea or a hearty meal of easily assimilable food, by building up the tissue vitality and tissue resistance, can claim a potent influence in overcoming infection; alcohol can claim none.

With a two-ounce bottle of sal volatile, a half-ounce bottle of chlorodyne, and a small bottle of five-grain tablets of anti-pyrin, alcohol may be safely and profitably dispensed with in most common ailments suggesting its use and cases of emergency requiring "first aid."

Dr. Wallace Mackenzie, of Wellington, oculist and aurist, says:—"Alcohol is undoubtedly an active nerve poison, and when taken in quantities far short of what is ordinarily called intoxication may cause, not only paralysis of the limbs, but even blindness and degenerative changes in the brain itself."

**A NUTRITIOUS NON-ALCOHOLIC MALT DRINK.**—One teacupful of crushed malt (as commonly sold in grocery stores) to three pints of cold water and a small pinch of hops; let it boil up, and then simmer gently for five minutes, and strain over a tablespoonful of sugar.

The recent investigations of M. Girard, Chief of the Paris Municipal Laboratory, undertaken with the object of making it safe to drink water of questionable quality, have again shown that acids give the *coup de grace* to microbes. "Citric acid," he finds, "is the most powerful of all. One gramme added to a quart of water will destroy all the microbes that are in it." Now, as the juice of half an average-sized lemon contains a gramme of citric acid, and as few people dilute that quantity with so much as a quart of water, it follows that natural lemonade prepared in the usual way by thoroughly mixing lemon juice with water must be fatal to microbes.—*The Alliance News*, July 17, 1896.

Dr. Chapple, of Wellington, at the recent Medical Congress held in Dunedin, summed up the evils of alcohol as follows;—"Alcohol is a poison; it disturbs the circulation; tends to produce cirrhotic disease; and an irresistible craving for it-self; predisposes to all infectious and many organic diseases; increases the sick rate and shortens life; predisposes to consumption; increases lunacy and crime promotes haemorrhage, and does not check it; adds no muscular strength; and is in no way necessary to health."

**Hot Milk as a Stimulant.**—Mrs. Hayes always declared that a perfectly adequate substitute for liquor, whom needs a stimulant, could be found in hot milk; and after any cold or wetting she gave this in place of wine or whisky, which others would have considered necessary. This was a custom of Mrs. Cleveland's also, who discovered after the fatigues and many long and wearisome receptions which she was obliged to pass through, standing for hours and shaking hands with hundreds of people, that nothing would restore her so quickly as a cupful of milk, which she drank in little sips, as hot as it could be taken. The aged also will find this vastly better for them than their toddy at night.

If your system is out of order, don't fly to alcohol. A little solid extract of cascara sagrada, about the size of half a split pea, in a tea cup of hot water, at night, is a mild aperient, which will probably do you more good than anything else, if you must have medicine. Your chemist will send you half an ounce by post for two shillings, and it will last you an age. It becomes brittle in cold weather, and soft in warm. It is one of the most harmless, useful, and convenient of medicines.

**CURE FOR DRUNKENNESS.**—Leave off drinking, not by degrees, but instantly. Hard drinkers when sent to goal have to, and improve in health at once by it.

## Unfermented Wine.

### MRS. LEE'S RECIPE.

Prees the grapes until all the juice extracted. Strain through jelly [unclear: ba] Fill bottles with the liquid to within [unclear: of] inch of the top. Put the bottles into [unclear: boil] of cold water, and heat to boiling [unclear: po] Prepare new corks by boiling in [unclear: gra] juice. Have sealing wax ready [unclear: melted] a pot. Force the cork into the [unclear: liquid] each bottle. Seal and put away in [unclear: con] dry place.

### Some Important Dont's.

Don't use metal vessels.  
Don't use over-ripe grapes.  
Don't use old corks.  
Don't let any air remain when corking.

Sound grapes, clean bottles, new [unclear: one] and quick making will ensure a [unclear: heven] that will keep for any length of time.

There are corking machines to be which pierce the cork with a needle as [unclear: it] being forced in so as to allow the air surplus liquor to escape, the [unclear: presence] the cork subsequently' closing the [unclear: mine] hole. These, however, are expensive same end may be achieved by taking piece of wire, making a loop at one [unclear: even] go round the finger, holding the wire neck of the bottle, and quickly drawing out as the cork is forced home.

If no acid be used the wine mixes [unclear: or] milk, and makes a splendid beverage that way. "Wine and milk" are [unclear: of] [unclear: pro]ciated in the Bible as a type of blessing.

## XI.—The Present Law as it affects Local Option and the Secrecy of the Ballot.

### Effect of Striking Out the Top Line Only.

The effect of striking out only the top line on the voting paper will be as follows:—You will be counted to have voted for the two thing in the two lines which you have left untouched, so that if there are not enough votes for the better thing of the two (" that no licenses be granted in the district") there may still be a chance that there will be votes enough for the other thing ("that the number of licenses in the district be reduced"), either of which will be better than the continuance of the existing number of licenses in the district.

If three-fifths of those who poll vote that no licenses be granted in the district, that will be carried and come into force, even though there may be a larger number of votes for the continuance or the reduction of the licenses existing in the district. But if less than three-fifths of the votes are for no license in the district, then, if there is a bare majority of votes for a reduction of the number of licenses in the district that will be carried.

If there is only one candidate for parliament, and, therefore, no parliamentary contest, there will still be a poll taken about licenses, but it will go for nothing unless half on the roll vote.

If it be carried that no licenses be granted in the district, that will take effect on the first day of July, 1897, when the existing licenses expire, thus giving the local [unclear: for] sellers over six months' notice to [unclear: casesing]. If it is only a reduction of licenses the district which is carried, them number of the several kinds of licenses have to be reduced by any number [unclear: for] twentieth to a quarter of them, at the [unclear: tre] cretion of a licensing committee of persons to be elected in the following [unclear: date] of March, with the Stipendary [unclear: Mage] as chairman. So that the amount of deduction will depend on the sort of [unclear: co]mmittee which you then elect. But in case if the licenses in the district [unclear: of] exceed ten the committee will be [unclear: being] reduce them by at least one; if they [unclear: are] exceed thirty, by at least two; and [unclear: it] do exceed thirty, by at least three.

If it is carried that no licenses be [unclear: gree] in the district, then no licenses [unclear: of] description will be lawful there in [unclear: eryrf] licensing committee is to be [unclear: of] Club charters will still be lawful [unclear: for] these are granted by the Colonial [unclear: see] If in any district where it is [unclear: carring] licenses are to be granted the people [unclear: for] the following March to elect a to [unclear: com] then a Stipendary Magistrate will [unclear: tru]stead of a committee. Where it is [unclear: acc] that no licensee he granted in the [unclear: new] entirely new and greatly improved visions for enforcing the law will [unclear: end] operation which will very quickly [unclear: of] braving of the law such as ex-[unclear: licences] others have been attempting in the [unclear: last] district; so that what has been [unclear: know] in the past is no indication at all of how things will be in the future under a law which will necessarily make the enforcement of Prohibition much more effective.

The new provisions referred to for enforcing the law in districts which carry Prohibition are in section 33 and are as follows:—

- It shall not be lawful for any person whosoever—



¶ To solicit or receive any order for any liquor within such district; nor  
¶ To sell, or expose or keep for sale, any liquor within such district; nor  
¶ To send (either from without or within such district) or deliver to any person residing therein, or at any place situate therein, any liquor which the person sending or delivering the same has reasonable ground to suspect is intended to be sold, or exposed or kept for sale therein; nor  
¶ To send or deliver to any person residing therein, or to any place situate therein, any package containing liquor, unless such package bears distinctly written or printed on the outside thereof a statement that it contains liquor. Any inspector appointed under the Licensing Act may detain, and in the presence of at least two witnesses examine, the contents of any package in respect whereof a violation of this provision is reasonably suspected by him.

- Every person who commits any breach of any of the provisions of this section is liable for a first offence to a penalty not exceeding fifty pounds, and for a second or any subsequent offence to imprisonment for any term not exceeding three months.
- In any prosecution for the sale of liquor for breach of this section it shall not be necessary, in proving the sale, to show that any money or money's worth passed, or that any other consideration for the sale existed, if the court is satisfied that a transaction in the nature of a sale actually took place.
- In any prosecution for exposing or keeping liquor for sale in breach of this section it shall lie on the accused to show that the liquor proved to be exposed or kept was not so exposed or kept for sale.
- In any prosecution for sending or delivering liquor in breach of this section it shall lie on the accused to show that he had no reasonable ground to suspect that such liquor was intended to be sold, or exposed or kept for sale, within such district.
- This section shall not apply to sales by brewers of liquor, being their own manufacture, to persons not residing or carrying on business within such district, and to be delivered beyond the limits of such district."

It is further enacted as follows :—"The provisions of section 33 shall not apply to clubs."

"Be truly wise not to live but to be healthy is life." Try a bottle of Nurse Woodward'S Health Syrup, and you will understand the full meaning of this [*unclear: you*] quotation. Wholesale from SHARLAND & CO., LTD.

## **No one can Know how you Vote.**

When it is locally supposed to be known how an individual has voted, it is either because the individual has himself told it, or it is pure guesswork, and often quite contrary to fact. Designing persons may try to frighten dependent electors from recording their votes, or seek to compel them to vote in a certain way, by asserting that it will be found out how they have voted; but all this is sheer falsehood and bounce.

On the electoral roll every registered elector has his name and a number to it. When the elector enters the polling booth he finds there the returning officer and his poll-clerk and the scrutineers appointed by the several contending candidates to watch proceedings on their behalf. The clerk asks him his name, finds it on the roll, marks it that he may know if more than one person comes to vote in that elector's name, takes a voting paper, and writes the number, which is opposite the elector's name on the roll, in one corner upon the back of the voting paper, and folds and gums down the corner that the number may no more be seen; he then loosely folds up the voting paper, stamps it on the outside, and hands it to the elector. The elector then goes alone to the private recess, crosses out the names of the candidates he wishes not to be elected, or the proposal he wishes not to be carried, folds up the paper again, shows the outside of it to the clerk that he may see the stamp and know that it is the same paper, and then deposits it in the slit in the top of the ballot-box, which is kept locked until the voting is over.

If another person comes and claims to be the real elector of that name, and receives a voting paper, the fact is noted by the poll-clerk by his having two marks to that name upon his roll. If in the same electorate there are several polling booths, and an elector votes more than once by voting at more than one of them, this is found out by it being seen at the close of the voting that the same name has been marked on the roll at more than one polling place.

When the polling is over the box is unlocked by the returning officer in the presence of the poll-clerk and the candidates' scrutineers. The returning officer then takes out and unfolds the voting papers one by one and reads out the votes, and lays the papers one on another face upwards to the last. The votes as they are read out are taken down by the poll-clerk, but neither he nor anyone else sees the gummed-down numbers at the back to tell whose votes they are, nor can have any idea whose votes are being read.

If the marked rolls reveal that more persons than one have voted as the same even the user or users of these papers voted. Spoiled voting papers are also [*unclear: laid*] aside by themselves as Informal elector, the voting papers are turned over, backs upward, and the corners cut open without the opposite side being seen, till the

number required is come to and if more than one voting paper bears that same number these papers are disallowed and placed by themselves with their faces still downward, so that It is not known how even the user or users of these papers voted. Spoiled voting papers are also laid aside by themselves as informal.

The genuine, the fraudulent, and the spoiled voting papers are now placed by the returning officer, each lot in a separate brown paper wrapper supplied by the Government, tied up with rod tape, and sealed, still in the presence of the clerk and the opposing candidates' scrutineers. He then writes across each parcel what it contains, and signs his name. The same is done with the poll-clerk's marked roll. The candidates' scrutineers may also, if they like, write across, sign, and seal each parcel. All this is done with the utmost despatch while the public are awaiting the result of the poll.

The returning officer then sends these sealed parcels to the clerk of writs at Wellington, who keeps them in their sealed condition for six months, and then, still unopened, destroys them by fire. In the case of the licensing polls, the parcels are at once sent to the clerk of the nearest Resident Magistrates' Court, in a similar way, also for destruction after six months' custody. If during the six months they are required for a judicial inquiry, only the papers wanted are dealt with, and that in a judicial court under conditions of strictest secrecy. No honest voter, therefore, need ever fear that if he votes at the election or the licensing poll anybody but himself will ever know how he has voted unless he himself chooses to tell it. Heavy penalties are provided for any attempt to violate any of the foregoing provisions.

You may vote at any polling booth in your own electorate, and, as the time draws near, may need to inquire where the most convenient one for you is located.

## These Young Men of Lee.

There were three young men of Lee,  
They were drunk as drunk could be,  
For they had bumpers three times three,  
And they were jolly as jolly could be,  
These three young men of Lee.  
All three young bums would proudly say,  
"We take our liquor straight each day.  
The prohibition cranks shan't touch  
Our liberty we prize so much;  
What care we for our daddies' fears?  
What care we for our mothers' tears?  
Older men drink, and why not we?  
We'll have all we want," said the bums of Lee.

There are two old sots at Lee,  
They are as poor as poor can be,  
And one is lame and one cannot see:  
They are out at elbow and out at knee,  
These two old sots at Lee.  
The one that is lame had a heavy fall  
On the alehouse floor in a drunken brawl  
The blind one lost his sight, they say,  
By staggering near a blast one day;  
The third was killed in a crowded street,  
By a loaded waggon he chanced to meet;  
And they that survive might as well be dead,  
For often their children cry for bread,  
There are two old sots at Lee,  
They are poor as poor can be,  
And there they are and there they'll be,  
Till death puts an end to their misery,

These two old sots at Lee.

EDWARD HOWARD.

## XII—The Legislation Still Required.

### National Option.

The national option clauses, which have been now twice passed by the Lower House exactly in the form in which they were introduced by the Government, and were of an extremely effective and satisfactory character (except that an absolute majority of those who vote should determine the issue), provided as follows :—There was to have been a fourth line on the voting paper—namely, " I vote that no licenses be granted in the Colony, " and the voter could vote for any one, two or three of the four proposals, so that ho would need still only to strike out the top line to record the most effective temperance vote. If three-fifths of the people who went to the poll throughout the Colony voted that no licenses be granted in the Colony, this was to be deemed a determination by national option in favour of the prohibition of the importation, manufacture for sale, and sale of liquor for beverage uses throughout New Zealand, and was to come into force when the licenses expired, which would be granted in the June following. This would practically have given about twenty months notice of the complete extinction of the trade, from the general election day on which the national vote in favour of prohibition was cast.

From the date of such final extinction of the traffic it was to be unlawful for any but the Government to import, manufacture for sale, or sell liquor, and the Government was to do so only for medicinal use, and use in the arts and manufactures.

Liquor for these purposes was to be made up in various sized bottles, or other ceptacles, enclosed under Government [*unclear: seal*] and bearing labels declaring the kind, [*unclear: quan*]tity, quality, and price of the [*unclear: content*]. Chemists were to be appointed as [*unclear: customer*] officers or Government agents for their [*unclear: sales*] under the following conditions :—These [*unclear: com*]toms officers to receive no profit or [*unclear: commi*]-sion upon their sales, but a fixed rem[*unclear: aning*]tion for their services. Liquor for medi[*unclear: cial*] uses to be sold by them only upon the presentation to them of a duly qualification medical practitioner's certificate autho[*unclear: rising*] the application. The liquor to be sold with unbroken seal (and therefore pure and [*unclear: us*] touched as it came from the Government depot) for cash only, and for the [*unclear: purfing*] stated on the label; the medical certificate being registered and retained by the chemist acting as customs officer. The [*unclear: solod*] customs officer had to satisfy himself of the *bona fides* of any application for liquor for use in the arts and manufactures and duly register every purchase for [*unclear: the*] purposes, discretion resting with the officer to refuse any doubtful applications. He was also to report periodically [*unclear: wa*] the disposal of all liquor received by him [*unclear: for*] sale from the Government depot. [*unclear: Srept*] as above it was to be unlawful to [*unclear: be*] say alcohol or alcoholic mixture which [*unclear: would*] be used as a beverage, the Governor [*unclear: being*] empowered by notice in the Gazette [*unclear: for*] declare any alcoholic compounds or pro[*unclear: duction*] of alcohol in any alcoholic comm[*unclear: ands*] which should be unlawful—chemists [*unclear: and*] others being held responsible for a [*unclear: prea*]able interpretation of the law in [*unclear: event*] of alcoholic compounds, or com[*unclear: stions*], which had not been thus [*unclear: proceted*].

Any liquor imported, manufactured, or [*unclear: sold*] contrary to any of the foregoing pro[*unclear: cisions*] to be forfeited and destroyed, [*unclear: and*] any person concerned directly or indirectly, in unlawful importation or manu-[*unclear: facture*] for sale was to be liable to a penalty if not less than £100, nor more than £500, [*unclear: imp*]overable with full costs of suit, by any person informing in respect thereof; or in [*unclear: default*] to be imprisoned for not less than [*unclear: free*] not more than twelve months. Ships [*unclear: during*] within New Zealand waters were [*unclear: in*] keep under seal, while within such others, all liquor not imported by the envernment. Persons wishing to make their own fermented liquors for domestic [*unclear: coverage*] or other uses were, on application, [*unclear: of*] receive from the Commissioner of [*unclear: customs*], for a nominal fee of one shilling, [*unclear: in*] annual permit for the domestic making [*unclear: of*] the same, such persons not to sell any [*unclear: such*] liquor or to make it for removal elsewhere, and to be required to report to the Commissioner the quantity and kind of [*unclear: liquor*] made from time to time. Special [*unclear: others*] of Customs were to be appointed [*unclear: for*] the purpose of preventing or detecting [*unclear:*

ions of any of the foregoing provisions [unclear: wi]thout diminishing the responsibility of [unclear: dice] [unclear: othic]ers in the same respect. National [unclear: prohi]bition was to continue in force until [unclear: over]sed at a subsequent poll by the same [unclear: ma]jority as that required for carrying it. [unclear: The] national option clauses constituted the [unclear: must] important and valuable portion of the Government Bill, and on both occasions [unclear: for] Upper House was solely responsible for [unclear: their] rejection.

When the national option provisions were rejected by the Upper House in [unclear: other], the Lower House adopted the [unclear: follow]ing statement of reasons for objecting to the action of the Upper House in the respect. The reasons were drawn up [unclear: by] the Hons. Messrs Seddon and Mitchel[unclear: es] and Messrs M'Nab and Meredith, who [unclear: were] appointed a committee for this pur[unclear: suote] by the House of Representatives. The question of national prohibition has been exercising the public mind, and [unclear: being] a question largely affecting the social [unclear: work] being of the peoplo, it is necessary [unclear: for] every facility should be given to the [unclear: customer] to express freely and unfettered [unclear: their] opinions thereon. It is contended by [unclear: very] large section of the community that [unclear: national] prohibition is the only effective [unclear: method] of dealing with the liquor quest[unclear: ion]. Under these circumstances, to deny [unclear: of] appportunity being riven for an expres[unclear: tion] of the opinion of the people of the [unclear: anyway] at the ballot-box is an undue inter[unclear: xection] with the liberties of the people. It [unclear: has] been conceded that the voice of the [unclear: state] should be taken, on local option, and it therefore follows as a natural consequence that the same course should be followed in respect to national option. Further, the principle of national option was affirmed by the Bill last session; and this session it has been further coufirmed and unanimously approved by the House of Representatives."

Reasons such as these, so endorsed, were abundantly sufficient to justify the demand that the national option provisions should be brought on again as they were last session. And since they have been again rejected by the Upper House there is abundant reason why it should be demanded of all candidates at the forth coming general election that a renewed effort shall be made to place them early upon the Statute Book.

## Policy of the Party.

A special meeting of the Executive Committee of the Prohibition Colonial Council was held on October 9, to review the situation consequent upon the rejection of the Liquor Bill by the Legislative Council. The questions to be put to Parliamentary candidates were reconsidered, and it was resolved to stand by the principles already approved by the whole Temperance Party of the Colony and mainly expressed in the Bill introduced in Parliament for the Party by Mr M'Nab, M.H.R., in 1895—via., (1) The enactment of the national option provisions of the Government Bill, which have now been twice passed by the House of Representatives, except that the issue shall be determined by the majority of those who vote; (2) the majority to determine the issue in local option also; (3) club charters to be subject to the local option vote; (4) every form of license other than publican's and wholesale to at once cease to be lawful; (5) a wholesale license to authorise sale from one place only, and within specified hours only; (6) all license fees to go to the Public Account, and all expenses of administering the licensing laws be paid therefrom; (7) the strict enforcement of all laws relating to the liquor traffic; (8) the enforcement provisions of section 33 of the Act of 1895 to be made to apply to the King Country and all prohibited areas; (9) liquor selling in the Houses of Parliament to cease; and (10) the legislation necessary to secure these ends to be sought early in the first session of the new Parliament. The following resolution was also adopted :—" That this Executive Committee of the Prohibition Colonial Council protesta against the attitude of the Legislative Council in relation to moral and social reform generally, and the Liquor Bill in particular, and maintains that some reform of that Chamber is urgently needed."

## Note on the Majority Vote.

If a three-fifths vote is required to carry prohibition in a district, obviously equity demands that a three-fifths vote shall be required to restore licenses. But if a large majority short of three-fifths voted for restoration and did not get It the position would be declared to be intolerable. There can therefore be no finality short of letting the majority settle the question either way. As to national option, there are about 300,000 electors in the Colony. If all voted, three-fifths would mean a majority of 60,000, equal to all the electors in the four largest cities of the Colony put together. What would the feeling of the country be if licenses could still be maintained against an opposing majority say of 50,000 ? Or if prohibition were carried by the majority of 60,000, and then a majority of 50,000 could not reverse it ?

*"Nay, my comrades, do not urge me;  
Not again these hands of mine  
Will ever touch the sparkling goblet,  
Ever touch the flowing wine.  
Yea, I'll vote for Prohibition !  
Prohibition is for me !  
Only that will stop the traffic;  
That alone will set us free,"*

*The Reformer* says: " Only a small fraction of the people are allowed to sell Drink. Why is the larger fraction prohibited? In the interests of the whole Well, why not, if so it seems good, prohibit that small fraction which remains, just as we prohibit the larger fraction, and for the same reason—the interest of the whole."

A dispassionate verdict: "The general results of Prohibition are beneficial, decidedly so when the Prohibition is genuine and actual; in exceptional and local instances the results are unsatisfactory when measured with the fruits of real Prohibition, but far from unencouraging when compared with the effects of all systems of license."

Speaking in the House of Commons in 1890 Mr Gladstone said : " I am one of those who see the utmost incurable radical and profound mischief from what is called the publican's monopoly, and not through any fault of the publican, or indeed anyone. My firm belief is that as long as a monopoly connected with private interests belongs to the trade we shall never have full and true police supervision exercised over the publichouses, and without that they must continue to hold the disparaged and unsatisfactory position which they hold now and have held for so many generations."

CHILI BEER—Two quarts of water, two and a-half pounds of sugar, and thirty chillies; boil twenty minutes; add two ounces cream of tartar; boil five minutes more; strain; add ten quarts boiling water; when cold put in two teaspoon ruls of essence of lemon, and bottle.

The late Dr. Guthrie, of Edinburgh, said: " I have had four good reasons for being an abstainer—My head is clearer, my health is hotter, my heart is lighter, and my purse is heavier."

Names like those of the Bishop of [unclear: pon]don and Canons Famar and Wilbercarce, among many others, are a tower of strength to the movement in England.

## The Farmer's Barley

We are asked, If the Liquor [unclear: Trust] suppressed where would the farmer market for the produce now [unclear: conscane] manufacturing alcoholic drinks !. [unclear: The] following facts will show how [unclear: impressed] the farmer would profit by the support of this traffic :—

In the year 1880 (and probably [unclear: they] have not greatly improved since) [unclear: three] a half millions of people in the [unclear: United] Kingdom applied for parish relief, [unclear: and] was estimated that about seven [unclear: days] more were on the verge of [unclear: destited]. This destitution is mainly, may, [unclear: also] wholly, due to the fact that in the [unclear: United] Kingdom over 300 millions of [unclear: capities] invested in the Liquor Traffic, [unclear: with] otherwise invested, would employ as [unclear: the] mously increased amount of labour that upwards of 140 millions of [unclear: that] is annually squandered, and largely [unclear: for] most wretched of the people, upon [unclear: during].

If the Drink Traffic were abolished would therefore be not merely the [unclear: way] but millions of people (now d[unclear: esfitute]) position to properly supply [unclear: there] with food and clothing, thus consuming increased amount of the farmer's [unclear: people] even more vast than the enormous [unclear: should] of good food stuffs now destroyed to [unclear: the] alcoholic liquors for a starving people [unclear: pro]ing not to be drenched but to be Similarly in New Zealand the bulk [unclear: of] destitution and diminished [unclear: purches] power ia due to our squandering [unclear: over] millions annually on drink. So [unclear: also] other countries where our markets [unclear: are]

## Labour Employed by "the Trade"

Then we are asked, What would be of the labour employed in the manuf[unclear: act] etc, of liquors, if the traffic stroyed ? The answer is that no[unclear: been] makes so large a return to capital [unclear: any] small a return to labour as does the Traffic.

Mr W. S. Came, M.P., was shows a brewery in which a million of was invested, which employed [unclear:

out] men. Mr Caine was himself [unclear: interned] iron ore works in which only a [unclear: quarter] million of capital was invested, which employed 1,200 men; so that if the invested in the brewery had been in the iron ore works it would be employed, not 660 men, but 4,800. [unclear: Show] the manufacture of the iron into [unclear: the] for use, and the sale of the articles, [unclear: for] vastly more people than the [unclear: distribute] the liquor, for a given amount of invested.

If the Liquor Traffic were [unclear: supported] capital invested in it would [unclear: be] other channels of investment, and [unclear: this] to engage an enormously increased [unclear: of] labour.

## XIII.—Prohibition Literature—The N.Z. Alliance and This Voters' Guide.

### Prohibition Literature.

Prohibition is the coming reform of the age. If you want to know all about it we advise you to get any or all of the following:—The Temperance Standard, 6d. monthly, or 6s. 6d. a year by post. Send [unclear: cash] with order for it to D. C. Cameron, Duedin. The Prohibitionist, 2d. fortnightly, or 4s. 6d a year by post. Send cash with order for it to T. E. Taylor, for 12, P.O., Christchurch. Start these with the New Year. The Encyclopedia of Prohibition, 12s. 6d., Funk and Wagnalls; The People *versus* the Liquor traffic, by J. B. Finch, 1s. 2d. by post; Prohibition : Principle v. Policy, by E. J. Wheeler, 2s. 3d. by post; The Economics of Prohibition, by J. C. Fernald. as by post—way all be bad front Mr T. E. Tayber, Prohibitionist Office, or Box 15, P.O., Christchurch. The Church and the Liquor Traffic, by Rev. J. Wills, vicar of Ormondville, Hawke's Bay, N.Z., may be had from him by post for 2s. 6d.; Strong Reasons Against Strong Drink, by H. Harbour; Harrold and Sons; of any bookseller, by post 1s. .6d.

### A Word About the N. Z. Alliance, which Issues this Voters' Guide.

In the early part of the year 1886, a few leading temperance people from various parts of the Colony met in the City of Wellington to found the New Zealand Alliance for the Suppression of the Liquor Traffick. A conviction had grown upon workers all over the Colony that the time had come for the institution of a Colonial Organisation, with the one plank in its planform of Prohibition by the votes of the people. On this simple issue an opportunity was afforded to all sympathisers to unite irrespective of political party, religious belief, or other differences.

The work of the Alliance has been, and is, twofold—viz., to obtain for the people suitable legislative enactment, and to educate them in the use of the power obtained. Its legislative work, co-operated in by many outside its own membership, has been so far successful that a large instalment of the legislation sought has been obtained; whilst its direct and indirect educational efforts, in conjunction with those of other [unclear: argamisations] (some of which are the fruit of Alliance labours), have gone far toward costing and developing the widespread, healthy public opinion now existing.

Reviewing its ten years' operations, the Alliance has spent no less a sum than [unclear: 986] 14s. 3d. on the agitation, being an [unclear: arrange] annual expenditure of £726 16s 5d. Above two thousand meetings have been held—covering nearly every part of the Colony—voicing from all sorts of platforms the one message: Prohibition by the Will of the People. More than a million lenticts of different kinds have been distributed among all sections of society. In replying to questions from friends at a distance, in supplying information, in advising in difficult cases, and, generally, in promoting the agitation, its correspondence has been considerable. In the House of Parliament two objects have always been kept in view—viz. to secure the passage of good legislation, and to prevent that of bad. In the country it has been the aim of the Alliance to promote the education of the people in Prohibition principles by the use of Press, platform, pulpit, conference, and every legitimate influence. Nearly six thousand members have been enrolled, including, with few exceptions, every leader of the movement.

Its income is chiefly derived from the voluntary contributions of members and friends, and the Alliance executive takes this opportunity of appealing for an increase in the number of contributors. If you have not yet helped in this work we ask for your favourable consideration of the foregoing facts, and this present appeal for practical sympathy. Contributions of any amount may be paid or posted to the Secretary, MR. H. FIELD, New Zealand Alliance Office, Grey Street, Wellington.

## This Voters' Guide.

The issuing and posting of this Voters Guide to over 160,000 of the electors of the colony (covering all the electorates in the North Island and in the Marlborough, Nelson, and Westland Provinces, and some others in Canterbury and Otago) has cost the Alliance more than has actually been received for the purpose. A few advertisements have contributed a part only of the actual cost of collecting what funds have been received. We therefore rely on the fulfilment of any promise given of help towards the Voters' Guide fund, and shall value voluntary contributions from any who appreciate the work and purpose which the Guide represents. In most instances the new principal electoral rolls, which were made up to July 1, for the former electoral boundaries, have had to be used, or it would have been impossible to get so many addresses ready for post in time, but the whole of the areas above described have been completely covered. The Guide has been issued to electors free, but additional copies may be had, post free, from the Secretary, N.Z. Alliance Office, Grey street, Wellington, at three halfpence in stamps per copy. Bend stamps, name, and full address.

EDWARD WALKER,  
Organising and Parliamentary Agent.

## Plain Facts and Figures.

£2,081,470 was spent on intoxicating liquors in New Zealand in 1894—more than the interest on all our loans; more than four times as much as we spent on public education.

£30,000 at least of that amount was spent in each electorate outside the four large cities—enough to give 200 men employment at 10s', a day all the year through and about £150,000 in each of the cities of Auckland, Wellington, Christchurch and Dunedin.

30 Per cent. of our crime is ascribed by the keeper of the Wellington Gaol to strong drink.

90 Per cent. of Wellington pauperism is attributed by two of the Benevolent Trustees of that city to the same cause.

1,555 "neglected and criminal" children were in our Industrial Schools on December 31st, 1894. On the 90 per cent. basis just given, about 1,400 of these little outcasts must owe their "neglected and criminal" condition to the drinking habits of their parents.

£130,000 worth of food stuff was destroyed in the same year by our 102 breweries.

£300,508 was paid to the brewers for the beer manufactured, and they employed 476 men. The same expenditure on other leading industries would have given employment to from 800 to 1,600 men at the same rate of wages (see N.Z. Official Year Book, 1895, p. 209).

4,594 arrests for drunkenness were made in 1894—an average of 12 per day [Sundays included].

1,719 is the number of public houses given in the N.Z. Official Year Book, 1895, p. 249.

1,000 is the estimated number of deaths from drink in the Colony every year—more than equivalent to one Brunnerton disaster (67 deaths) every four weeks.

We ask you, as you disapprove of murder, to set your face against a murderous traffic; as you pity the poor, to save them from the clutches of their robber and destroyer; as you love your children, to protect every little one from a fate that is sadder than death—the fate of the drunkard's child; as you pray for mercy and to be delivered from temptation, to extend to others the mercy of delivering them from a temptation which may be no peril to you, but is a blight upon the happiness and a curse upon the souls of thousands.

There are two ways in which you can help—

- By abstaining altogether from the use of intoxicating liquors, and encouraging others to take the same course.
- By joining with us in sweeping the whole mischievous traffic away by striking out the Top Line on your voting paper.

## Labour and the Liquor Traffic.

The House of Representatives has by resolution declared that the two millions spent annually on Drink "contributes largely to the existing depression, adds materially to crime and poverty, and reduces the capital available for reproductive industries."

The Liquor Trade reduces the demand for labour, and, in proportion, reduces the rate of wages.

The workman who squanders his money on Drink becomes destitute, and then is obliged to sell his labour for anything he can get, and so brings down wages.

The Drink money saved would soon make many workmen employers of labour, and so increase the

demand for labour.

All the labour employed by the money invested in the Liquor Trade is but a small fraction of the labour that the same money will have to employ in some other way if the people vote the Liquor Trade out of existence.

The work of those who are employed by the Liquor Trade—brewers, maltsters, barmen, barmaids, extra police, gaolers, magistrates, judges, clerks, carriers, and others—does nothing to produce either good morals, healthy pleasures, enlarged intelligence, or materials for profitable consumption, and is therefore a national waste and loss.

While the Liquor Trade is unproductive of anything that either improves or enriches the People, it is the greatest producer of demoralisation, disease, pauperism, and crime.

These bad and costly products of the Liquor Trade increase the burden of the People's taxes, and everybody is under obligation to vote to suppress a trade which injured everybody.

*Alliance Leaflets, Second Series, No. 7.]*

## Notable Indictment.

decorative feature

[unclear: State] Cardinal Archbishop Manning, who was a devoted member of the [unclear: d] Kingdom Alliance, and warmly advocated the popular direct veto, vividly [unclear: ated] the fruits of the Drink Traffic everywhere when he wrote in an article [unclear: in] *fortnightly Review* of September, 1886, the following indictment against [unclear: ing] in the United Kingdom, and accused the licensed Liquor Traffic of being [unclear: uce] of the evil. His Eminence said :—

Is there then any one dominant vice of our nation ? To answer this let us [unclear: an].

- Is there any vice in the United Kingdom that slays at least 60,000, or, as [unclear: un] believe and affirm, 120,000 every year ?
- Or that lays the seed of a whole harvest of diseases of the most fatal [unclear: and] renders all other lighter diseases more acute, and perhaps even fatal in [unclear: all]?
- Or that causes at the least one-third of all the madness confined in our [unclear: ers]?
- Or that prompts, directly or indirectly, seventy-five per cent. of all crime?
- Or that produces an unseen and secret world of all kinds of moral evil, [unclear: and] personal degradation, which no Police Court ever knows and no human eye [unclear: hear] reach?
- Or that, in the midst of our immense and multiplying wealth, produces [unclear: poverty], which is honourable, but pauperism, which is a degradation to a [unclear: and] people ?
- Or that ruins men of every class and condition of life, from the highest to [unclear: swest], men of every degree of culture and education, of every honourable [unclear: vison], public officials, military and naval officers and men, railway and house-[unclear: servants], and, what is worse than all, that ruins women of every class, from [unclear: act] rude to the most refined ?
- Or that above all other evils is the most potent cause of destruction to the [unclear: practice] life of all classes ?
- Or that has already wrecked, and is continually wrecking, the homes of [unclear: aprri] cultural and factory workmen ?
- Or that has already been found to paralyse the productiveness of our [unclear: arise] in comparison with other countries, especially the United States.
- Or, as we are officially informed, renders our commercial seamen less [unclear: monthly] on board ship ?
- Or that spreads these accumulating evils throughout the British Empire, [unclear: in] blighting our fairest colonies ?
- Or that has destroyed, and is destroying, the indigenous races where so the British Empire is in contact with them, so that from the hem of its [unclear: point] there goes out not the virtue of civilisation and of Christianity, but [unclear: edation] and death ? "

He further wrote—"The safety of the commercial world is being sacrificed to [unclear: all] the profits of the drink trade. But the safety of the commonwealth is above [unclear: the] and ought to interpose its mandate."  
*supplied for Free Distribution at 4d. per 100, 1s. 6d. per 500, 2s. 6d. per 1,000.]*

## [unclear: Is] Liquor Revenue pay ?

[unclear: Alliance] Leaflets, Second Series. No. 5.]

[unclear: uation] of London brewers once waited upon Mr. Gladstone, to urge that certain [unclear:



Elation], restrictive of the Liquor Traffic, would seriously affect the revenue, Mr. [unclear: comptly] replied: "Gentlemen, I cannot permit a question of mere revenue to be [unclear: beingside] a Question of morals; but give me a sober population, not wasting their [unclear: strong] drink, and I shall know where to get my revenue." The late Hon. John [unclear: redited] with having used similar language. Justice Grier, of the United States [unclear: act,] said: " If a loss of revenue should accrue to the United States from a [unclear: asumption] of ardent spirits, she will be the gainer a thousandfold in the health, [unclear: happiness] of the people."

[unclear: Generally] admitted that the indirect cost of drink to a country, in crimes, loss of time, [unclear: ith], competence, commerce, and life, is at least equivalent to the direct cost. It is [unclear: timate] that eighty millions have been spent in New Zealand upon drink, and [unclear: Letting] approaching twenty millions of revenue (Colonial and local) have been [unclear: of] it. The direct expenditure, unlike that upon food, furniture, wholesome [unclear: jack] a dwelling house, is wholly a loss to the purchaser. The indirect cost to the State [unclear: capably] to be borne by the individuals of the State; so that to get twenty millions of [unclear: on] State as a whole has been involved in an indirect loss of eighty millions, and the [unclear: commerce] in a direct loss of eighty millions more, the whole one hundred and sixty [unclear: during] absolutely unproductive, except of untold demoralisation and misery, and the [unclear: as] wealthy and powerful liquor oligarchy to corrupt commerce, the public Press, the [unclear: and] the public administration, in favour of the interests of their devastating trade. [unclear: are] hundred and sixty millions of money, not merely wasted, but made to produce not [unclear: jfeation], but greater poverty than if it had been thrown into the sea, is a very dear [unclear: the] people for twenty millions of revenue.

[unclear: This] leaves out of account, and therefore out of the cost involved, the enormous wealth [unclear: available] and reproductive use of this one hundred and sixty millions of money would [unclear: need.] Even the labour it has employed of maltsters, draymen, barmen, policemen, [unclear: soliders] and a host beside, has involved the State in the loss of the enormous wealth that [unclear: resulted] from a reproductive employment of all this brain and sinew; while the [unclear: usetity] of grain destroyed to make the drink has both increased the cost of bread to [unclear: and] through the drink expenditure diminished their capacity to purchase it.

[unclear: C.] Fernald, in an admirable book on the *Economics of Prohibition*, published in 1890 [unclear: at] Wagnalis, rightly says:—" If any community could ascertain just what its saloon-[unclear: making], it could better afford to lay a direct tax upon the people of that whole [unclear: time] pay it year after year to the saloon-keepers, without getting anything in return, [unclear: he] afford to spend the same money at their bars, and drink their liquor. For then [unclear: time] would save the whole indirect cost."

[unclear: Further] says: "The latest statistics carry the direct cost of intoxicants to one thousand [unclear: ji] annually for the United States. As the indirect cost has at least equalled the [unclear: time] past, it is probable that it does now, though we have no statistics on crime, [unclear: side], later than 1880. This is certainly a bad showing. . . . Take, now, the [unclear: hetty]-eight million dollars which the general Government collects from the Liquor [unclear: Me] is very nearly one dollar in ten dollars of the people's outlay. There is evidently [unclear: what]. For it is 'we, the people,' who are the Government, and we, the people, [unclear: ending] the money. It is 'we' who expend the one thousand million dollars, and it is [unclear: 'we'] who get back the ninety-eight million dollars. That cannot pay. The whole [unclear: no] more afford to do business at an outlay of ten dollars for one dollar received, than any [unclear: may] afford to do business at the same rate. It is no answer to say that we are rich enough, [unclear: enough] in other ways to bear the loss for a good while to come. If Wanamaker were to [unclear: them] of the departments of his great store was costing him ten dollars for every one [unclear: id], that department would be promptly closed out. It would not satisfy him that [unclear: partments] were bringing in enough to save him from immediate bankruptcy. Such a [unclear: time] be stopped by any business man of sense. Why should it not be stopped by the [unclear: is] if they have sense? It is not good financiering to get ninety-eight million dollars [unclear: expenditure] of one thousand million dollars, and the indirect loss of another one [unclear: milion] dollars."

[unclear: Supplied] for Free Distribution at 4d. per 100, 1s. 6d. per 500, 2s. 6d. per 1,000.]

## Effects of Alcohol.

*N. Z. Alliance Leaflets, Second Series. No. 2.]*

decorative feature

THE following extracts are taken from H. Harbour's admirable little book, "Strong Reasona Against Strong Drink":—

*"The [British] Registrar-General's returns show that a high death-rate-accompanies a ready access to alcoholic liquors. In his Forty-fifth Annual Report he showed that from 25 to 65 years of age, where 967 men in all occupations die, 1,521 publicans die, and 2,205 publicans' servants. When the statistics of [unclear: mor]*

*tality of those engaged in various occupations were first published by the Registrar-General the grocers were among the healthiest men in the kingdom, but afterwards their vitality began to show a decline, and Dr. Farr pointed out that the downward tendency commenced from the day when grocers began to sell strong drink."*

"Diseases arising from drinking spirituous or fermented liquors are liable to become hereditary."—Dr. Erasmus Darwin.

"I have been brought to the conviction, from the very large experience of [unclear: the] father and grand father, which has extended over a century, that no cause has [unclear: and] to so much suffering and inherited ill-health as the consumption of alcohol."—[unclear: Sarles] Darwin.

"I hardly know any more potent cause of disease than alcohol."—Sir W. [unclear: ill], F.R.S., Physician to the Queen.

"If there were no alcoholic drinking, very many of the congestions and [unclear: dam] inations of modern days would be unknown."—Dr. Rutherford.

"As I looked at the hospital wards to-day, and saw that seven out of ten [unclear: red] their disease to alcohol, I could but lament that the teaching about the [unclear: prestion] was not more direct, more decisive, more home-thrusting, than even it [unclear: had] been."—Sir A. Clarke, M.D., F.R.C.P., Physician in Ordinary to the Queen.

"I never suffer ardent spirits in my house, thinking them evil spirits."—Sir [unclear: stley] Cooper.

"Ardent spirits dispose to every form of acute disease."—Dr. Benj. Rush.

"The effect of drinking spirits is to convert the blood in the arteries into the [unclear: used] of the veins; in other words, it is to change the bright-looking, vermilion-[unclear: boured], nutritious blood into blood which is black in its colour, without the [unclear: never] to nourish, and poisonous in its effects."—Dr. Benj. Brodie.

"Alcohol is a poison, and health cannot be benefited by it to any degree-[unclear: an] bear it sometimes, but it is benefited by it never. It is injured by the [unclear: all] lest dose."—Sir Andrew Clark, M.D., F.R.C.P.

"I have no hesitation in attributing a very large proportion of some of the [unclear: but] painful maladies which come under my notice, as well as those which every [unclear: medical] man has to treat, to the ordinary and daily use of fermented drink, taken [unclear: in] the quantity which is conveniently deemed moderate."—Sir H. Thompson, [unclear: F. R. S.]

"Alcoholic drinks are injurious if habitually taken for daily use."—Alfred [unclear: repenter], M.D.

"Every organ in the body is supplied with deficient nourishment, every tissue [unclear: let er] iorated by the constant and regular use of alcohol, even in quantities far [unclear: at] of drunkenness."—Norman S. Kerr, M.D., F.L.S.

"It is perfectly certain that there are multitudes at this moment who are [unclear: during] their constitutions, and shortening their lives, by taking alcohol daily, in [unclear: amount] which they consider strictly moderate."—J. J. Ridge, M.D.

*Supplied for Free Distribution at 4d. per 100, 1s. 6d. per 500, 2s. 6d. per 1,000.*

## Effect of the Liquor Traffic on the Material Welfare of the People.

*Alliance Leaflets, Second Series. No. 3.*

[unclear: In fact] is dawning upon the people that nothing else robs every other labour [unclear: made] interest like the Liquor Traffic.

Vastly more than is perhaps commonly supposed, the Drink Traffic seriously affects work and wages, local settlement, storekeeping and the price [unclear: mores], the value of property and municipal revenue. But, while the whole [unclear: community] suffers directly or indirectly by the Liquor Traffic, no class of the [unclear: community] would be more benefited by its complete prohibition than the Liquor [unclear: backers] themselves, for reasons perfectly obvious to everyone except [unclear: selves].

Besides this, a powerful liquor interest corrupts municipal and parliamentary [unclear: this], and both general and local police administration.

The expenditure on drink accounts for the bulk of the local bad debts, the [unclear: finshed] cash trade, diminished demand for labour and corresponding fall in [unclear: these] and diminished demand for properties of all kinds; and explains the [unclear: ere] why hundreds of men, who in the past have earned good wages, were never [unclear: pressed] of the means to become permanent settlers, establish homes, require [unclear: press] built and furnished, and families supplied with needful goods, improving [unclear: bears] for everybody; but, if not already dead, are still wandering about as [unclear: all] less swaggers, and destined to augment taxation by a pauperised old age. The bad debts and reduced cash trade through drink necessitate the

*unclear: members*] covering this loss by charging more for their goods, and thus living is [*unclear: of*] dear for everybody, and everybody is taxed in the price of his stores because [*unclear: be*] Drink Traffic.

The license fees are a dead loss, for if the Drink were swept away a few [*unclear: st*] oepers could easily pay the whole over and over out of their extra profit, or [*unclear: of*] people out of the reduced cost of living. But, as a matter of fact, taxation [*unclear: sold*] fall lighter on everyone by reason of the general increase of prosperity [*unclear: in*] settlement which would result from the saving of the money at present [*unclear: fly*] squandered upon drink. But now storekeepers pay a good deal more in [*unclear: the*] of trade, and every consumer is heavily taxed beside.

The short-sighted licensing public and the all-powerful licensed victualler [*unclear: at*] the lines:—

A smiling young lady of Niger  
Went out for a ride on a tiger:  
They returned from their ride  
With the lady inside—  
And the smile on the face of the tiger!

No one can tell the moral, social, and material wreckage and ruin accounted by the ghastly fact that over eighty millions have been spent on drink in [*unclear: the*] Zealand, and that over two millions a year are still squandered on it.

## [*unclear: Effect*] Veto Resolution Adopted by the House of Representatives in 1889.

WHEREAS the enormous direct expenditure on intoxicating liquors in this Colony [*unclear: amounting*] annually to more than two millions sterling—contributes largely to [*unclear: existing*] depression, adds materially to crime and poverty, and reduces the [*unclear: the*] available for reproductive industries; and whereas the people under the [*unclear: having*] law are powerless to remove the principal cause of these evils, it is, in the [*unclear: pasion*] of this House, imperative that the Government should, without delay, [*unclear: produce*] a Bill giving power to the people, by Direct Vote at the Ballot Box, [*unclear: redically*] taken, to prohibit the sale of such liquors within the district in which [*unclear: beside*]."

*Supplied for Free Distribution at 4d. per 100, 1s. 6d. per 500, 2s. 6d. per 1,000.]*

## What is the Independent Order of Good Templars ?

*The Question Answered by a Lady.*

New Zealand Good Templar Tracts, no. 1.

decorative feature

Name.—The Order of Good Templars is a great international brotherhood, based on the practice of Total Abstinence from intoxicating drinks. We derive the name of Templars from our mission in the great crusade against intemperance. The *Knights Templars* of old banded themselves together by sacred vows, taken amidst solemn ceremonies, to fight for the liberation of the Holy Land from the Pagans, and to protect the Christian Pilgrims on their way to Jerusalem. For centuries they led the crusades in Palestine, and valiantly devoted their lives to the work to which they had consecrated themselves. The *Good Templars* striving to catch the enthusiastic devotion of those bold warriors, go forth to fight a modern crusade against one of the deadliest curses of our land, the giant evil, intemperance. Though not interfering with other Temperance Societies, one of our great aims is to unite the various sections of society in an unceasing warfare to liberate the world from the foe which is annually destroying so many of our precious fellow-beings. The objects of the Order may be briefly enumerated as follow:—

- To reclaim the intemperate.
- To sustain them when reclaimed.
- To save the young from becoming intemperate.
- To spread in society at large more enlightened opinions as to the fearful nature of the evils of

intemperance, and as to the best means for their removal.

- To get the temptation removed by legislative Prohibition of the manufacture, importation, and sale of intoxicating liquors As a Beverage.

Origin.—It originated in the United States in 1851, since which time it has spread to every clime. Its membership is at the present time about 600,000.

Management.—A Subordinate Lodge is a completely and carefully organised Society, with twelve officers, each having a distinct work. The Lodges are grouped into Districts, and over the whole is the controlling power—the Grand Lodges, having jurisdiction over the countries and states into which the Order has spread, and these find their supreme international head in an International Supreme Lodge, which meets annually in different parts of the world.

Membership.—None can enter the Order unless they profess their belief in Almighty God. The age at which persons are admitted is usually sixteen. Both sexes are on an equality and alike entrusted with the unwritten work of the Order. Thus all are bound together throughout the world in one great brotherhood, where social distinctions are forgotten, all being animated by one object, the benefit of mankind, and none being more cared for than he who is liable to fall away in an unguarded moment if left to himself outside our family circle.

Recreation.—In the Lodge-room lectures, essays, musical entertainments, and social converse, form a powerful inducement to regular attendance.

Regalia.—The Regalia is necessary to distinguish what degree or office the wearer holds; it is of great use in the Lodge; gives a more uniform appearance to the members, and contributes in a high degree to the good order maintained in our Lodges.

Characteristics.—Though the movement is unsectarian, it is thoroughly religious—each Lodge having its Chaplain, who opens and closes the meetings with Prayer, or with a reading from the Holy Bible, which always remains open during a Lodge session.

Claims for Support.—It is called Independent because we do not receive any subscriptions or donations from anyone who is not a member of the Order; but we *earnestly* appeal to all Christian and Philanthropic men and women to join our ranks and aid as in our noble mission. The character of the movement is founded on the purest aims; its sympathies are world-wide, and its spirit elevating. Its past triumphs and its present position of stability and popularity render it a peculiarly attractive field to those who would not be behind the age in one of its most truly religious and patriotic institutions.

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## The Order: Its Organisation.

By Rev. H. P. Hughes, B.A. (Abridged).

New Zealand Good Templar Tracts, no. 2.

decorative feature

Many of the most zealous and estimable teetotallers in the country regard the elaborate organisation of Good Templarism with considerable repugnance. They are greatly exercised by the ritual, and the regalia they cannot away with. This is what thoughtful men anticipated, because individualism has assumed its extremest and wildest development. Countless voices are continually dinning into our ears that the highest social and political condition is that in which "every man does what is right in his own eyes." The one sacred thing is the "liberty of the subject." Now, it is very natural that, in a country where extravagant theories of individual liberty are rampant, men should rebel against the almost military discipline of our Order. "Why can't I serve the cause of Temperance without going down week after week to a Lodge, and observing all this form and ceremony?" My friend, all this form and ceremony is the very secret of our strength. Throw that regalia into the fire, a colish that ritual—and in six months we should have degenerated into little noisy, disorderly coteries; in twelve months we should have melted away in space. Our strength is union. Our power is organisation. Our virtue is co-operation. And if we mean to destroy the enormous power of the Liquor Traffic, and of the drinking customs of society, we must develop our utmost strength by organisation, we must weld our scattered forces into mighty solidarity by discipline.

Two hundred years ago, when the Commons of England rose in arms against a tyrannical and faithless King, they were very inferior in cavalry. The dashing cavaliers of the fiery Rupert swept the Roundhead horse before them like chaff. At this dangerous crisis, a quiet country gentleman named Oliver Cromwell determined to raise a regiment of calvary of "such men as had the fear of God before them; as made some conscience of what they did." He knew that his only chance against Rupert was better organisation, firmer discipline—such organisation as none would submit to, except for the sake of God and conscience. Soon his regiment became

famous for its severe training and admirable proficiency. The hour has come for that power to be felt in the Temperance War. The Good Templars are the Ironsides of the abstainers' army. For the sake of God and conscience we submit to elaborate organisation and rigid discipline. We are being drilled into a mighty regiment. Again and again the numerous and dashing cavalry of Beer and Bacchus has discomfited the soldiers of Temperance. The Liquor Traffic has tyrannised in Parliament. The drinking customs have tyrannised in social life. But wait a bit. We are preparing an army of Ironsides, such as you have never seen before. Cromwell is nearly ready to meet Rupert.

Day by day our ranks are filling, our regiments are multiplying, our munitions of war are increasing, our organisation is growing, our discipline is improving. The war is about to enter a new phase. Our enemies know this. The *Licensed [unclear: Vicuallers]' Guardian* announced that a National Licensed Victuallers' Defence League was on the eve of formation. Listen to the reasons for this important step. "Good Templars, Alliances, and Teetotallers all over the kingdom are marshalling their forces, and by an elaborate organisation are increasing their power every day. It is not by numerical force that they prevail, for the Teetotallers are not a tithe of the population of the country; yet, by their perfect organisation and by one settled plan of action, they prepared the country for the Act which has just become law." The battle will now be more dangerous and more desperate. In every town and village, with plenty of money and beer, the Liquor Traffickers will wage a fierce war, but the Good Templar Ironsides will, by God's blessing, match their organisation, and surpass their zeal. With an open Bible in every Lodgeroom, and a prayer to God in every heart, organised, disciplined, armed, we are ready to stand forward to the fight.

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## The Great Work, and Those Who Can Do It.

By the Rev. Professor Kirk, Edinburgh.

ADAPTED.

New Zealand Good Templar Tracts, No. 3.

THE thoughtful Temperance Reformer, when he looks on the one hand to the comparative smallness of the Temperance forces, and on the other to the vast power on the side of the liquor traffic, naturally asks how that small force is ever to conquer that mighty interest. His question may be satisfactorily answered. But it is not possible to give such answer without pointing out a very great increase of work that must yet be done. . . . One, I think, must be deeply impressed with the truth that an immense amount of actual personal labour is required in order to ensure the final triumph of our cause. In order to reach this object at all, it is absolutely necessary to point out that gap in our efforts which cannot be filled by anything but the personal work of the Good Templars. The gap is to be filled by workers whom no money can buy, and workers to be found nowhere else than in Good Templar Lodges. We feel most deeply that among the Good Templars the hands are to be found by which by far the most valuable work needed in this great struggle is to be done. Sober thought on the subject cannot fail to direct the minds of all our true men and women in the direction of this Order.

The personal labour to which we are directing attention should be brought into play. It is this which makes us earnestly desire to see those who have place and power in the great movement directing their force, not vaguely toward the general mass of men, but specially to those by whose personal work in the long run the cause must be victorious. If a man can get twenty or thirty of his fellows to work at his suggestion, or by means of his influence constantly brought to bear on them, it is surely better than if he should do ever so much himself personally. He may thus speak through thirty voices instead of one, or work by sixty hands instead of having only two. Then, if a cause can enlist four or five thousand agents, and bring them all to act in concert, it is surely better than if it secured only one or two at most. Let us suppose that an agent speaks to an average of 500 persons each week—the majority of these are persons already informed on our great subject—say he reaches 100 to whom the question is new. That is putting the case very strongly. A hundred agents, at this rate, would have 10,000 under instruction in a week; they would reach something like 500,000 in a year. Let us assume that our Order numbers 5000 members; that each person of the 5000 shall reach one a week; that is 52 a year, and we have not less than 260,000 brought under instruction by such an agency. This is something like what is demanded of us, and the Good Templar Order is every way adapted to the work. If the leaders of the Temperance movement see it well to throw their hearts into this organisation, so as to take advantage of it to the uttermost, the agency fitted to give them a force of teaching which they have never yet employed is ready to their hand. Where the guidance of the work is in the hands of such as are inexperienced, or too volatile to value the right sort of labour, nothing could be more easy than for the older hands to come and take the helm. But even without this, the power of these Lodges for good is incalculable. There is no lack of willingness for that

right kind of effort which is most needed—that is, house to house visitation, with suitable tracts for the information of the mass of the people. In a number of Lodges, in the country especially, this has been undertaken, so that not a person escapes such attention as cannot fail in the end to make those who are indifferent now both earnest and intelligent ere long. It is a great thing to find that we can carry an election because of Temperance sentiment prevailing in an Electoral District, and so add one more to our list at a division in Parliament; but so long as the expenditure of money on the publican aide can carry almost any number of ignorant voters to the poll—men who do not know, even at the booth, what to say till they are prompted by those who take them there—our success is ever precarious. We must have such a general enlightenment of the mass as will make them proof against all such treatment, and we may have this by a sufficient system of personal dealing, such as the Good Templar Order is ready to supply.

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## Why Good Templars are Prohibitivists.

New Zealand Good Templar Tracts, No. 4.

decorative feature

1. Because they are personal abstainers. They have, from a conviction of its evil nature, given up, or avoided the use of intoxicating liquor as beverage. Experience and experiment have taught them that they are in every sense better without it.

2. Because they are satisfied that the public traffic in alcoholic drinks is essentially an evil. (1). Morally, it is always lowering and debasing in its tendencies. Wherever the traffic exists the community is the worse for it. Youths and maidens are corrupted by it, and men and women fall before it. This is a rule that has no exception. (2). It is commercially corrupting. Many who deal in it conduct the business in a manner which they would be ashamed of and despise in any other trade. (3). It is politically vicious. It undermines the principles of political economy. Its manufacture is a destruction of useful produce, a waste of labour, and a dissipation of wealth. There is absolutely no reproductive return for the value put into it. While on the other hand, it produces evils of countless kinds. The only fruit which the traffic produces for the labour and capital sunk in its manufacture is found in disappointment, wretchedness, and crime. We therefore pronounce it radically bad.

3. Because we believe it criminal to license any traffic which we find to be only pernicious in its influence. It is impossible for an honest elector, who realises the responsibility of his vote to stultify his convictions, by granting to any man authority to do that which he knows will produce evil to some other man, and probably to many men. To vote merely for a reduction of the number of licenses to sell liquor is simply confining the power to continue the evil traffic to a monopoly. Does it become any less wrong to license ten evil agents, than to license twenty? The wrong lies less in the quantity of the agencies than in the quality of the agents. By simply reducing the number we perpetuate our authority for the commission of acts which we know are certain to do much harm and no good. Being convinced of the destructive character of the liquor traffic, Good Templars, as honest voters, are compelled to repudiate any responsibility with it, and to vote in accordance with the evidence and with conscience.

4. Because the right to vote is the power to give practical expression to a personal conviction of that which is good. The Good Templar argues: My conviction being that the liquor traffic is bad, and that to authorise its continuance would be to endorse, or become an accessory to, what my conviction pronounces wicked and criminal: I am, perforce of my sense of right and wrong, bound to use my vote to give practical expression to my view of what is right and good. Others may not share my convictions; it is for them to answer the promptings of their own consciences, as I have to answer mine. In self-defence, as a neighbour and a patriot I am bound to carry out my true sense of right in opposition to wrong. As a rational being, I have no justification for making a compromise between right and wrong; Reformation has never sprung from compromises. When we have settled a principle, all the force of reason demands obedience to its directions.

5. Because private conduct and public action should be consistent. I am a unit in the State, but I am a teetotal unit. My private character is that of a teetotaler; so should my public character be. So far as I am concerned, my position is "Total Abstinence from all intoxicating liquors for this unit" in my relation to society, and as I am in society, so I am in the State. I am in harmony with myself. In whatever place I am, my "watchword" is "Total Abstinence." I no more need the liquor traffic as a member of society. Therefore, to be consistent, I must be a Prohibitionist.

6. Because we are banded together to hasten the time when the means of intoxication shall be driven from our land. We are the declared enemy of the traffic. As it is the foe of human welfare so are we its antagonists. From the first our flag has been unfolded to summon to the war those who seek the overthrow of the tyrant

alcohol. Prohibition is the goal of our work, but from the time we take our obligation we are recognised as the avowed opponents of the trade in liquors, and as men who have hoisted the device, "No Peace with school."

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## The Great Destroyer; A Terrible Charge.

New Zealand Good Templar Tracts, No. 5.

"Prisoner at the bar, have you anything to say why sentence of death shall not be passed upon you?"

"I have, your Honour. I stand here before this bar, convicted of the wilful murder of my wife. Truthful witnesses have testified to the fact that I was a [unclear: loader], a drunkard, and a wretch; that I returned from one of my long debauches, and fired the fatal shot that killed the wife I had sworn to love, cherish, and protect. While I have no remembrance of committing the fearful, cowardly, and inhuman deed, I have no right to complain or condemn the verdict.

"But, may it please the court, I wish to show that I am not alone responsible for the murder of my wife!"

"I repeat, your Honour, that I am not the only one guilty of the murder of my wife, The Judge on this bench, the jury in the box, the lawyers within this bar, and most of the witnesses, including the pastor of the old church, are also guilty before Almighty God, and will have to appear with me before His Judgment Throne, where we all shall be righteously judged.

"I have been made a drunkard by law. If it had not been for the legalised [unclear: saloons] of my town, I never would have become a drunkard; my wife would not have been murdered; I would not be here now, ready to be hurled into eternity. Had it not been for the human traps set out with the consent of the Government, I would have been a sober man, an industrious workman, a tender father, and a husband. But to-day my home is destroyed, my wife murdered, my little children—God bless and care for them—cast on the mercy of a cold and cruel world, while I am to be murdered by the strong arm of the State.

"God knows, I tried to reform, but as long as the open saloon was in my pathway, my weak, diseased will-power was no match against the fearful, consuming, agonising appetite for liquor. At last I sought the protection, care, and sympathy of the Church of Jesus Christ, but at the communion table I received from the hand of the pastor who sits there, and who has testified against me in this case, the cup that contained the very same alcoholic serpent that is found in every bar-room in the land. It proved too much for my weak humanity, and out of that holy place I rushed to the last debauch that ended with the murder of my wife.

"For one year our town was without a saloon. For one year I was a sober man. For one year my wife and children were supremely happy, and our little home a perfect paradise.

"I was one of those who signed a remonstrance against re-opening the saloons in our town. The names of one-half of this jury can be found to-day on the petition certifying to the good moral character (?) of the rum-sellers, and falsely saying that the sale of liquor was 'necessary' in our town. The prosecuting attorney on this case was the one that so eloquently pleaded with this court for the licenses, and the Judge who sits on this bench, and who asked me if I had anything to say before sentence of death was passed on me, granted the license."

"I began my downward career at a saloon bar—legalised and protected by the voters of the commonwealth, which has received annually a part of the blood-money from the poor, deluded victims—After the State has made me a drunkard and a murderer, I am taken before another bar—the bar of Justice (?), by the same power of law that legalised the first bar, and now the law-power will conduct me to the place of execution, and hasten my soul into eternity. I shall appear before another bar—the judgment bar of God and there you, who have legalised the traffic, will have to appear with me. Think you that the Great Judge will hold me—the poor, weak, helpless victim of your traffic—alone responsible for the unorder of my wife? Nay, I, in my drunken, frenzied, irresponsible condition, have murdered one, but you have deliberately and wilfully murdered your thousands, and the murder-mills are in full operation to-day with your consent.

"All of you know in your hearts that these words of mine are not the savings of an unsound mind, but God Almighty's truth. The liquor traffic of this nation is responsible for nearly all the murders, bloodshed, riots, poverty, misery, wretchedness, and woe. It breaks up thousands of happy homes every year, sends the husband and father to prison or to the gallows, and drives countless mothers and little children into the world to suffer and to die. It furnishes nearly all the criminal business of this and every Court, and blasts every community it touches.

"You legalised the saloons that made me a drunkard and a murderer, and you are guilty with me before God and man for the murder of my wife.

"Your Honour, I am done. I am now ready to receive my sentence, and be [unclear: and] forth to the place

of execution, and murdered according to the laws of this state. You will close by asking the Lord to have mercy on my soul. I will close by solemnly asking God to open your blind eyes to the truth, to your individual responsibility, so that you will cease to give your support to this hell-born traffic."

—TALLS, MORGAN in *Domestic Journal*.

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## The Christian Voter.

New Zealand Grand Lodge Tracts, no 6.

The Christian voters of this Colony have the power to promote or prevent any legislation according to their will. Let the whole community of Christian people resolve on a certain course of action and they can compel the whole Colony to obey. Voting is an individual affair. Each voter must settle in his own conscience how he is to act. This proposition should be earnestly considered. The liquor Traffic is either good or bad. If good, I will support it; if bad, I am bound to oppose it. That would be any honest man's position. There are, however, large numbers so inconsiderate as to make the following lines true of them;—

I'm a Christian man; I'll do what I can;  
I will earnestly talk and pray;  
I will labour with might for the cause of the right;  
But I cannot vote that way.

If the Christian voters of this Colony will for a moment inquire into the attitude of the Church courts of the land they will find that, almost unanimously, they have voted the liquor traffic not only bad, but a dire curse to the community. Presbyterian Synods, Wesleyan Conferences, Church of England Synods, Congregational Conferences, Baptist Unions, Primitive Methodist Annual Meetings, Bible Christians, &c. have all passed resolutions condemning the trade in alcoholic liquors; some of them going so far as to resolve to use all possible efforts for its suppression.

The weakness lies in the Christian voter. The Churches have given a true decision and have published a solemn warning to all interested in the welfare of the people. Church courts can do little more. But individual voters can Social reform stands pleading for aid from Christian people. How long will it plead in vain? Men of the world see the horrible devastation which the traffic is causing, and are to-day, out of a purer disinterested philanthropy, devoting themselves to stem the tide of evil and misery. While Christian men and women draw their robes about them, and pass by on the other side." If our Christian voters will only consider the responsibility of their votes; if they will only realise their votes must count before their God, for the support or suppression of a traffic which is a monstrous curse, the mother of nine-tenths of our country's wretchedness, crime, and distress, they would surely at once resolve to raise the power they possess to strike a blow at the head of the monster, from which it would not recover. The *Temperance Witness* for September, 1895, puts the case very plainly: The Christian voter is the weakness of social reform to-day; a number take no action whatever in elections, and leave the government of nation and city to the worst elements of society, while a large number of others work and vote, side by side, with the liquor seller and the gambler. Thus the Temperance question becomes the despair of true politicians, who, seeing the growing evils of the liquor traffic, wish to adopt some remedy either for its curtailment or entire overthrow.

This picture is too real. When will our Christian voters rise to the emergency, and remove this stigma? It will be done in this case when, "rising above class, [unclear: metarian], or party considerations, all good citizens combine to procure an enactment, prohibiting the sale of intoxicating beverages, as affording most efficient [unclear: hold] in removing the appalling evil of intemperance."

We pray: "Thy Kingdom come, Thy will be done," when we vote the continuation of a system of evil, which fetters every movement for good. We contribute to the support of missions to the heathen, while we give our sanction, if not our approval to the most degrading power of evil around our own homes. We pray God to bring the nations existing in heathen darkness, under the power of the Divine light; while we in this land of light and liberty, spread a darkness worse than heathen over our neighbours and friends and families, by not removing this [unclear: withrailing] evil from our midst. We pray: "Deliver us from evil," but vote for the continuance of the most destructive evil which has ever invaded the land.

Our prayers are right, and the sentiment which prompts them is good. Cannot our actions correspond with them? If you are in any doubt as to how [unclear: were] vote should be given, pray for Divine guidance. It is a



matter of national importance, a matter of life and death to some, of right and wrong to yourself. [unclear: The] no longer weak and wavering, but strong and resolute. Make up your mind by the light of God's Word, and then " be strong, and quit you like men."

"My tongue shall delight to talk of right,  
I will speak its praise each day;  
I will urge it strong, on the listening throng;  
I will work and vote that way !"

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## [unclear: Origin] of the Licensed Drink Traffic.

New Zealand Good Templar Tracts, No. 7.

decorative feature

[UNCLEAR: TO] WERE its *origin* as a National Institution thoroughly known, its purpose, aims, and historical [unclear: being], the patriots and Christians who now tolerate it would do so no longer. It was of [unclear: price] birth, and the same cruel instincts and selfish interests of which it was engendered [unclear: to] operate to keep it in existence, though, of course, not so frankly avowed.

The "Domestic MSS." of Elizabeth's reign, vol. i., A.D., 1558, which can be seen in the [unclear: real] Record Office, reveals the terrible story. A nobleman (how frightful the perversion !) [unclear: being] to Cecil, Secretary of State, complains of the independence of the common people, [unclear: paints], farmers, and artisans, thus :—" The *wealth* of the meaner sort is the very summit [unclear: million], the occasion of their insolence, of the contempt of the nobility. *It must be cured.*" much for the motive, now for the *means* ! " It must be cured . . . by *providing*, as it

[unclear: Some] of Some Sewers or Channels to Draw or Suck from them their Money by Subtle and [unclear: ect] Means, to be handled insensibly."

And to this day this demonic machinery " sucks" from the " meaner sort" alone [unclear: 10],000 yearly (£440,000 in New Zealand) to sustain Law, Police, Army, Navy, and [unclear: itary] Pensioners!—which sum, of course, would otherwise have to come out of [unclear: petty]," or be rendered needless by economy and reform. The nobility and squirearchy power to *licence* their servants to sell ale and wine through the country; these licenses [unclear: lavishly] dispensed, yielding an income to the licensers, and so the people became corrupted [unclear: their] morals and paralysed in their industry. Froude tells the frightful story, and Com[unclear: eer] Tyldsley reports to Cecil (vol. i., p. 462) "that the alehouses—the very stock and false thieves and vagabonds—*were supported by the gentlemen for the worst of motives.*" [unclear: says]: " I have spoken to sharpen you against the DEVIL and all his Wicked Instruments" [unclear: pt] 3, 1561),

This "wicked instrument"—the Licensed Traffic—has now developed into so huge a power [unclear: of] master Governments, overawe Magistrates, silence the Church, cow Political Parties, and [unclear: of] the Country; *so* strong, indeed, that no class whatever can cope with it, save the Whole [unclear: plane], and that *only* by their virtue and organised intelligence. In James' reign Government [unclear: and] to take the License Fees, and hence corruption and indifference followed. The genius [unclear: in] reigned supreme in London; as now the Brewers flourish on the poverty of the people.—[unclear: F.]R. LESS.

## Old Drinking Laws.

decorative feature

The offence of drunkenness seems to have been a source of great perplexity to the ancients [unclear: was] tried any number of ways of dealing with it. If none of them succeeded, it was in all [unclear: ability] because they failed to suppress the means by which this insidious disease is [unclear: ed] and propagated. Severe treatment was often attempted without any satisfactory result. The Romans prohibited the drinking of wine upon the part of men under 30 years of age—[unclear: ale] which applied to women of all ages. If a wife were declared guilty of consuming fermented [unclear: about] her husband might legally scourge her to death.

The Carthaginians prohibited governors, magistrates, soldiers, and servants from drinking [unclear: hing] stronger than water, and the Athenians made it a capital offence for a magistrate to [unclear: drunk].

The Suevi seem to have realised the necessity of drastic measures, as they went so far as [unclear: government] the importation of wine into their country.

The Locrians, under Zalenous (660 D.C), made it a capital offence to drink wine unless [unclear: uge] mixed with water; even an invalid was not exempt from punishment unless his [unclear: ancian] had ordered him to drink undiluted wine. History does not relate whether physicians [unclear: ls] in the habit of giving such instructions.

Pittacus of Mytilene (651-569 B.C.), made a law that he who, when drunk, committed any [unclear: they] should receive double the sentence which he would have received had he been sober. [unclear: able] and Plato considered this law the height of wisdom. The Roman censors were [unclear: ered] to expel a senator for drunkenness, and were at liberty to confiscate his horse.

Mohammed ordered drunkards to be bastinadoed with 80 blows.

Lycurgns of Thrace (about 900 B.C.) was a thorough Prohibitionist; he ordered the vines [unclear: his] out down.

The Spartans tried to turn the vice (as it was then regarded) of drunkenness into contempt [unclear: parcatically] making their slaves drunk once a year, in order to show their children how [unclear: possible] men looked when in an inebriated condition.

Drunkenness was considered much more vicious in some classes of persons than in others. [unclear: rient] Indians, for example, held it lawful to kill a king should he become drunk. Charlemagne ([unclear: 169]742-814) enacted a law that judges and pleaders should do their business fasting.

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## Why Working Men Should Vote out the Liquor Traffic.

New Zealand Good Templar Tracts, No. 8.

decorative feature

Workmen should support good labour-employing and wage paying-industries. The following facts and figures show the manufacture of alcoholic liquors employs few labourers, and pays small amounts in wages.

A Blue Book, No. C 6535—1891, entitled "Wages and Production," shows the percentage for wages to receipts. Sir M. H. Beach was President of the Board of Trade at the time. For every £100 spent, the following is the

PERCENTAGE IN WAGES.MATHEMATICAL WAGE PROPORITION. 55.0 Mining. 37.0 Shipbuilding. 34.7 Docks and Harbours. 31.4 Tramways. 30.0 Railways. 29.0 Agriculture. 29.0 Canals 29.2 Cotton. 25.7 Waterworks. 23.3 Iron and Steel. 22.6 Textile. 20.0 Gas. 16.7 7.5 Shipping.

Now to show that the same facts apply to this country let us refer to another table of figures which by a reference to various industries in this Colony will show not only the amount of wages [unclear: said] in comparison with the outputs, but that the money paid to workers in breweries is at the [unclear: case] of a much lower percentage than is paid by the other industries specified. The following particulars are taken from the New Zealand Year-Book :—

No.oF INDUSTRIESNo. OF HANDS.VALUE OF OUTPUT.WAGES PAID.MATHEMATICAL WAGE PROPORITION.3,266 3,204 2,569 1,971 261 494 476 1,655 1,943 1.290£ 832,959 234,266 354,559 278,803 91,691 56,830 300,508 279,777 403,736 166,679 £ 271,814 116,168 214,185 183,582 17,021 25,190 54,825 173,538 124,990 52.750343 Saw Mills. 177 Flax Mills. 142 Printing.155 Gold Mining.112 rated Water.106 Brick and Tile. 102 Brewing. 95 Collieries.47 Boots and Shoes. 19 Clothing.

Thus we find the liquor trade stands far below any other in its reward of the labourer. Let [unclear: the] regard it in another aspect:—In 1894 the beer output was, £961,486, which paid in wages £192,297. Had the same amount of money represented the output of sawn timber, wages would have received £320 492; from the same amount in flax-dressing, wages share would have been £480,743; from clothing factories, £320,472; but beer only returns £192,297, being £128,297 [unclear: was] than the lowest of the other industries enumerated. This proportion holds good universally. The traffic is therefore no friend of the wage earner. It is a destroyer of valuable grain food, [unclear: to] producer of crime, cause of enormous expenditure, a promoter of commercial, political, and [unclear: social] corruption, and the foe of every kind of improvement and prosperity.

Mr Samuel Joshua the leading distiller of Victoria, made the following statement when [unclear: giving] evidence before the Tariff Commissioners of that Colony recently :—"I am ready to [unclear: submit] that

distilling is not a thing that is employing a large amount of labour. With 1000 men [*unclear: I*] would very likely drown the world in spirits."

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## The Colony's Drink Bill.

New Zealand Good Templar Tracts, No. 9.

decorative feature

THE cost of the alcoholic liquors consumed in this Colony in 1894 was £2,099,552, equal to £3 1s 1d for each European man, woman, and child. That sum of money brought no return to us for its expenditure. It was absolutely thrown away, but in such a manner as to create many serious evils. From the following table and diagram a good comparative idea of the amount may be obtained :—

liquor £2,099,552 Clothing 1,559,966 Machinery 836,985 Tea & Sugar 597,057 Books, &c. 294,380 All Other 2,344,063 Imports ALCOHOLIC LIQUORS. Clothing. Machinery. Tea and Sugar. Books, &c. All Other Imports.

From this it appears that we spend almost as much on alcoholic liquor as we do on all kinds of clothing and tea and sugar combined, and all this we spend on a commodity which does no good to any, but much harm to all. While we have been prodigally spending this wealth on an unnecessary luxury, we have been striving to satisfy the needs of the unemployed of this fruitful country. Had this money been put into reproductive channels of industry, what would have been the difference ?

Our drink account was a sum large enough to pay the labour of 20,000 workmen at 7s per day the year through. That means food, clothing, and comfort for 60,000 women and children. Thus it was enough to make 80,000 persons comfortable had it been diverted from the ocean of waste into the fields of industry.

The £2,099,552 of the drink bill, if diverted to wages, would represent a weekly sum of £43,740 of liberated wealth. Such a sum would give employment to every unemployed man and woman in the colony. Every family would receive the necessaries of life; their demands for comforts would at once begin to increase. Workmen would require, and be able to pay for, new suits of clothes; their wives would require new garments, and their children new and comfortable clothing. Their food demands, firing, household furniture, would all increase; and by this means all the industries of the country would be revived, until, instead of mills, factories, workshops, stores, &c, being only able to find part time for employes, not one would have an hour idle or a bench or desk unused.

To confine the illustration, take the proportion of the drink bill for the city of Dunedin and suburbs alone, the population being set down at 52,000—that is £156,000 a year, or almost £500 a day, equal to 7s a day for 1428 men for every working day in the year, wet and dry. In such a state of things, where would our "unemployed" question be ?

It is evident that with such a drain upon our resources it is impossible to get rid of financial troubles and labour difficulties. Therefore, to vote for the liquor traffic continuing, is simply to vote for the continuance of our hard times.

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## The Effect of Alcohol on the Human System.

New Zealand Good Templar Tracts, No. 10.

decorative feature

Fifty years of careful study by medical men on this subject has enabled science to speak with the voice of assurance. Some of the most common delusions are—"that alcohol is a food," that it "aids digestion," that it "makes the body strong," that it "helps to endure fatigues," that it "warms," that it "helps to stand cold and exposure." Without hesitation science turns upon these false fancies, declaring them to be the remains of a ruder age.

1. *To be a Food* anything consumed by us must be capable of building up the bodily tissues, but alcohol has no properties of that nature. It cannot build up muscle, bone, or nerve. "Take," says Dr Hargreaves, "a pint of ale, weighing 18 ounces, and put it into a retort, and apply to it gentle heat, when about an ounce, or less, of alcohol will be driven off, which can be preserved. By increasing the heat the remaining water, about 15 ounces, can be evaporated, leaving at the bottom of the retort about an ounce of black gummy extract of barley

and hops that no one would take as food; yet this is all the nutriment contained in a pint of ale or beer."

2. *It Aids Digestion.*—Dr Hargreaves again says, "Alcohol in this case, as in others, will prove a deceiver and a mocker. Alcohol, instead of aiding digestion, retards and prevents it, by destroying the most important ingredient in the gastric juice—pepsin." Drs Todd and Bowman, quoted by Dr Hargreaves, say, "The use of alcoholic stimulants retards digestion by coagulating the pepsin." Dr Dundas Thomson writes, "It is a remarkable fact that when alcohol is added to the digestive fluid it produces a white precipitate, so that the fluid is no longer capable of digesting animal or vegetable food."

3. *It Makes the Body Strong.*—If alcohol is itself not a food, and when taken into the stomach with other foods prevents their digestion, how can it impart strength to the body? It only seems to, as the spur seems to add strength to a horse. The body can only get strength through food. Stirring a fire makes it give out more heat at the expense of burning away more quickly. Alcohol acts on the body as the poker does on the fire.

4. *It Helps to Endure Fatigue.*—Power to endure fatigue means extra strength. Ask those who have had experience of endurance in cold and heat. In the Arctic expeditions those who endure most are those who drink no alcohol. In Equatorial expeditions the most successful have been conducted without alcoholic beverages. Those who have to perform the severest toil dare not partake of intoxicating liquors.

5. *It Warms.*—This is proved an error by every form of experiment. A glass of alcoholic liquors will lower the temperature of the body, as may be ascertained by the clinical thermometer. "But, doctor, I must have some kind of a stimulant," cried the invalid earnestly. "I am cold, and it warms me." "Precisely," came the doctor's crusty answer. "See here; this stick is cold," taking up a stick of wood from the box beside the hearth, and tossing it into the fire. "Now it is warm, but is the stick benefitted?" The sick man watched the wood first send out little puffs of smoke and then burst into flame, and replied, "Of course not; it is burning itself." "And so are you when you warm yourself with alcohol; you are literally burning up the delicate tissues of your stomach and brain." Oh, yes, alcohol will warm you up, but who finds the fuel? When you take food, that is fuel, and as it burns out you keep warm. But when you take alcohol to warm you, you are like a man who sets his house on fire, and warms his fingers by it as it burns.—*Temperance Cause.*

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## Prohibition a Common Principle.

New Zealand Good Templar Tracts No. 11.

decorative feature

The principle of Prohibition is much more common than the moat of us suppose. Statute law is nearly all prohibitory.

The Adulteration of Foods Act is a *prohibitory* law, and a very wise provision it is; those who condemn it are only those whose actions are interfered with by it.

The Quarantine law is *prohibitory*. Every person who is not subject to its [unclear: operation] is favourable to it. The ship laden with precious merchandise for which [unclear: is] market is passing away, may not be permitted to open her hatches while there is a single patient on board suffering from an infectious disease, no matter if merchants be ruined by the detention.

Sanitary laws are *prohibitory*. Men may build in our cities, but they may not [unclear: build] contrary to the regulations affecting sanitary conditions. A few persons die [unclear: annually] from diseases preventable by sanitation, and we prohibit wilful neglect of the health laws.

We have a *prohibition* law against the importation or publication of obscene [unclear: literature]. It has been ascertained that indecent pictures and vile publications are detrimental to public morals, and the good of the community demands their *prohibition*.

The marriage laws are *prohibitory*. Men and women are prohibited from carrying a second wife or husband while the first is still living.

The Criminal Code is *prohibitory*. Were criminals at liberty to continue their [unclear: crimes], society would be upset. So we punish crime by prohibiting certain of the privileges of life.

The Ten Commandments is a list of ten *prohibition* enactments.

The first law promulgated for the guidance of man was a prohibition principle, as well as a permissive provision—"Thou shalt not eat of it."

In fact, turn which way we may we find ourselves hedged about by *prohibition*. The Patent Act is prohibition; the Land Act is prohibition; the Dog Tax is prohibition; the Education Act, the Stamp Act, the Shops Act, and even the Licensing Act is a prohibition measure—for every one who has not a license is prohibited from trading in alcoholic liquors.

Our social fabric is built upon a system of Prohibition; and must be so until men are advanced so far as to "Love their neighbours as themselves." When we reach that stage, prohibition Acts will be no longer necessary.

The only thing we seem to stand in awe of prohibiting is the greatest enemy of social progress and of human happiness—the greatest producer of misery, degradation, and crime known to our country. No other prohibited custom has [unclear: done], or is capable of doing, half the mischief the liquor trade is doing, yet we hesitate to interfere in this *one* case where interference is most called for.

Does it not seem unaccountably strange that we should habitually prohibit so many small evils, while we grant permission to certain persons for a sum of money to continue this greatest of all evil customs? There is not another instance of an admittedly immoral and demoralising traffic being legalised by popular vote and Government authority for the sake of revenue. There is not another instance in which the voters of the country have the power to prevent a [unclear: hurtful] and corrupting business, and yet vote for its continuance.

This dreadful traffic has secured a gigantic monopoly, and has presumed to [unclear: dictate] terms to all other interests, until people seem to have become its willing slaves, or trembling victims. We prohibit the lesser, but sell our liberty to the giant of all oppressive evils.

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New Zealand Good Templar Tracts, No. 12.

## Health Aspect of Alcohol.

# Summary of a Paper Read at the Medical Congress HELD IN DUNEDIN, 4TH FEBRUARY, 1896.

BY DR CHAPPLE (WELLINGTON).

It was no part of the duty of medical men, or medical societies as such, to [unclear: seal] with the various ways suggested by social reformers and politicians of [unclear: selling] with the liquor traffic. It was no more the duty of medical men to [unclear: advocate] or oppose such systems as Prohibition, High License, Gothenburg [unclear: system], and so on, than it is to advocate or oppose different systems of [unclear: drainage] for the control of typhoid.

A medical man as a member of society might take upon himself whatever till duties and responsibilities he felt competent or desirous of performing; but medical men as such and medical bodies owed no duty to society beyond affording instruction and guidance in the nature, causes, and prevention of preventable [unclear: diseases], without reference to any means the State might in its wisdom see fit to [unclear: adopt], based upon the lessons which medical science had taught.

For the sake of their honour as a profession, and for the sake of their [unclear: low]-men, accursed, diseased, and dying under the influence of alcohol, they [unclear: would] not afford to have done with the subject, however well-worn it might be. [unclear: The] sake of their honour as a profession, for nearly every popular belief in the [unclear: efficacy] and virtue of alcohol was false, and their high authority was claimed in support of it—that it increased the body heat, that it added strength and [unclear: pro]durance to the muscles, that it was necessary to health, that it controlled [unclear: hemorrhage], that it was a disinfectant, and protected from infection—all [unclear: sol]utely false, and the profession knew it; and it was their duty to themselves and to the public to correct these beliefs, or at least to say that they had not their authority; for the sake of their fellow-men, for it was as much their duty to save them from the ravages of alcohol as from the ravages of cholera or any other preventable disease.

Dr CHAPPLE proceeded to consider the effect of alcohol in the body, both in [unclear: the] special or specific action on the brain and its more remote action on the other [unclear: seera], producing well-defined and distinct diseases, such as cirrhosis of the liver, peripheral neuritis, chronic gastritis, &c, and thus summarised his conclusions on alcohol taken as a beverage in health, in varying quantities from physiopeal moderation to excess :—

- Alcohol is a poisonous drug whose special action in the body is a brain cell paralyzant, destroying these cells in the inverse order of their development.
- Alcohol disturbs the circulation, leading to a loss of body temperature and an accumulation of waste products in the blood, accompanied by great depression and muscular weakness.
- Alcohol tends to produce in all, proportionate to the quantity taken, cirrhotic diseases of all the tissues

and organs of the body.

- Alcohol tends to produce an irresistible craving for itself.
- Alcohol predisposes to all infectious and many organic diseases.
- Alcohol diminishes the chances of recovery in those attacked with any disease other than those resulting from its use.
- Alcohol increases the sick rate and shortens life.
- Alcohol predisposes to consumption and all tubercular diseases.
- Alcohol increases lunacy and crime.
- Alcohol is absolutely unnecessary to health.
- Alcohol promotes haemorrhage, and does not check it.
- Alcohol adds no muscular strength to the body—at most it encourages the expenditure of its force in the shortest possible time.

If these were the true facts about alcohol taken as a beverage in health they [unclear: are] as medical men, individually and collectively, in duty and in honour bound make them known to the public over whose health they pretended to preside.—*Otago Daily Times*, February 5th, 1896.

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## General Combination of Forces.

New Zealand Good Templar Tracts, No. 13.

decorative feature

[unclear: The] Unity is strength." Strength as well as skill is wanted to win a Temperance victory at the coming elections. Not only should every single individual be

to vote for Temperance Members of Parliament, and Prohibition for the [unclear: ling] Districts, but every Society in any sense in sympathy with our reform, to be invited to make it a common cause to destroy the liquor traffic.

In the first place it will be incumbent on all Temperance Societies, of what to sink all differences, and rise to a vigorous effort on common lines. Ever there are two or more Temperance Societies, co-operation in this work to be their first care. In a struggle like ours combination and organisation be soul of success.

It is not enough that each society should be vigorous and independent—by means alone there will be misdirection of effort, waste of energy, and possi[unclear: crossing] of purposes. Guerilla warfare is no longer suitable to the conditions or community. To hazard the attack while our ranks are disorganised will be to invite failure.

Our forces should be like a well-organised army, where all are prepared to into one general scheme, and pursue it with zeal, under responsible officers, [unclear: led] for the purpose of managing the attack.

The Temperance Societies, such as Good Templars, Sons and Daughters of Temperance, Rechabites, Bands of Hope, Prohibition Leagues, N. Z. Alliance, Favour Societies, and W.C.T. Unions, might be expected to combine from a [unclear: bon] sense of the fitness of things, and the influence they would thus and. They are natural allies.

Beyond Temperance Societies, we may now reckon on many of the Churches in with us in this moral reform work. The Courts of every Church in the [unclear: try], at one place or another, have already declared in our favour, and many of most zealous ministers in the Colony are our best friends. Each Church should before receive an invitation to join our combination, and organise for the work. Re women of the Colony are now voters. They have a deep interest in this [unclear: fion]. Women have suffered in greater proportion than men from the evils of traffic. In many places, the women have organised themselves for political [unclear: needs]. If invited to join our combination to return good, honest, Prohibition [unclear: bers] to the House, and to work against the continuation of the drink traffic, influence would be a mighty power in our favour.

All over the Colony, there are organisations of Working Men's Societies, among in this question has become one of serious discussion, and, in some, of settled simple. Among these will be found bands of true and devoted men, ready to in with our efforts to remove from the country the worst foe of work and as that now operates against their interests.

If in every Electoral District, all these forces were organised into one body. [unclear: In] the view of opposing the tactics of the supporters of the liquor interest, there The little doubt about the result. Steps should be at once taken, in every [unclear: abo]rate, to bring about a meeting of representatives from all such Societies, so [unclear: i] have abundance of time to organise the whole into one powerful body.

Each District Deputy should see to this being done. Get some Lodge to [unclear: be] the delegates, offer

the use of its Lodge-Room for a first meeting, send out [unclear: slars] to each Society, and thus bring together good men who will unite in such [unclear: able] scheme. Care must be taken to work such combinations on cardinal [unclear: simples]. Vexatious details, if insisted on, would ruin the whole effort. Make one plank of Prohibition, and the return of truly honest men who are [unclear: agreed] to give the voting power to the people on this great question, the [unclear: ment]ral point of common effort, and there is no reason to fear defeat.

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## Why Publicans Oppose Prohibition.

New Zealand Good Templar Tracts, No. 14.

WE are constantly being told that our movement will gain nothing, but will likely lose much, we succeed in obtaining a Prohibitory Law. Then why do publicans oppose us with so much [unclear: braination] ? The following copy of a letter, issued by the New Zealand Licensed Victuallers' [unclear: patiariion], addressed to the trade of the Colony, will answer the question better than any state-[unclear: as] made by an abstainer:—

"Wellington,

16th May, 1894.

"Dear Sir,—A general meeting was held here on Monday last with the object of taking history measures for the formation of an organisation to

*Actively Oppose the Tactics of the Prohibition Party.*

The meeting was most successful, being largely attended, and considerable enthusiasm was [unclear: maintested] in practical form; as, in response to a resolution, signatures were obtained for con[unclear: serious] aggregating £250 for the first year, which, it is anticipated, will be largely increased [unclear: in] the week. Three resolutions were submitted and unanimously adopted. A committee [unclear: as] appointed to develop the details of the scheme, and watch legislation at the forthcoming [unclear: passion] of Parliament; and it was further resolved to arrange for the presentation to Parliament a petition from all parts of the Colony against any alteration of the present Act until it had a fair trial.

"It is the intention of the committee, after the formation of the trade organisation is communicate, to promote associations of the moderate party outside the trade, and it is sincerely hoped [unclear: of] the measure now being taken will result in the establishment of branches of the association [unclear: gurs] and every licensing electorate, from the North Cape to the Bluff. It is assumed that [unclear: branches] of the outside associations will have to derive their financial support indirectly [unclear: in] the trade, or in any case receive substantial assistance. They will also require to be kept [unclear: re] by means of periodical lectures or addresses, the publication of literature controverting the [unclear: Dements] and figures of doubtful character and origin, so freely circulated by the Prohibition [unclear: tion], and by such other means as may be desired. The committee recognise the hard work expenditure of money this will involve; doubtless frequent rebuffs will be met; and much may elapse before anything approaching successful organisation is accomplished. But no [unclear: ber] how arduous the work, or how difficult the task, the end to be obtained will fully justify [unclear: means] adopted, and will *subsequently offer ample compensation for the expenditure involved.* [unclear: It] committee would urge the necessity of immediate action in your district, so that the work [unclear: ftrated] in Wellington may go on simultaneously in all parts of the Colony. The committee [unclear: he] ask you to indicate the name of a gentleman in your district with whom correspondence be exchanged, and who will reply to this circular before the 31st May instant, informing me steps, if any, have been taken in the direction of seconding the efforts of the Wellington [unclear: relation].

"I am, Sir, faithfully yours,  
"H. J. WILLIAMS, Secretary."

From this it is clearly the opinion of members of the New Zealand Licensed Victuallers' [unclear: trisition] that it will pay "the trade" to, "actively oppose the Prohibition party," even by a "expenditure of money," as well as of "hard work." If, however, they believed, as some [unclear: their] political friends pretend to do, that we are only making a move which will prove our [unclear: again] to be so unpopular as to retard our work for several years, by a great revulsion of [unclear: ment] in their favour, where is the reason for this "active

opposition" which is to result simple compensation for the expenditure ?"

The plain fact is, they see as clearly as many others, that Prohibition means the end of their life monopoly, and that their only hope of preserving their position and the gains of their [unclear: lies] in doing all that they can to prevent a general expression of the public mind at the They know their time will be up, when the people are allowed to give an independent on the question of "License or No License," hence their agitation.

What does that mean to as? Simply that our opponents know we are the stronger, and have secure our rights their trade must perish. It means that they are convinced our claims *wist*, and our position just.

In view of this state of mind on the part of the Licensed Victuallers, what should be [unclear: part] of the political cry of warning which some are never tired of uttering in hope of in[unclear: bring] timorous supporters of our movement?

It is not our movement which is threatened. It is the craft of Diana that is in danger. [unclear: There] otherwise, there would be no terror, no anxiety, no nervous calls upon "the trade" to every power to oppose us. Their advice would simply be, "Let the fanatics go on, they [unclear: try] rushing to certain destruction," or "Give the Prohibitionists rope enough, and they [unclear: asking] themselves; we need not trouble ourselves."

[unclear: But] they are certain that if we win, they will lose, and we are sure to win if the people their will by means of the ballot. The warning is nothing but the trick of a " forlorn It is merely a ruse to divert our attention from the issue, so as to weaken our defence point of attack.

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## The Economic Waste of the Liquor Traffic.

New Zealand Good Templar Tracts, No. 15.

decorative feature

In addition to the money spent in intoxicating liquor, there are enormous losses, which indirectly result from our habits of drinking; these cannot be measured, but the following which are the more important heads upon which the losses arise, may be mentioned :—

- Loss of workmen's time and labour.
- Loss through deterioration in capacity and skill.
- Loss through deterioration in physical power and damage to health.
- Loss through premature deaths.
- Loss owing to destruction of property both by sea and land.
- Taxes and burdens resulting from pauperism, crime, lunacy, &c.
- Loss of productive labour of paupers, criminals, &c.
- Loss arising from the unproductive employment of judges, magistrates, lawyers, jurors, gaolers, policemen, &c.
- Losses arising from the general demoralisation brought upon the country by drinking, which makes progress more difficult and largely increases the cost of all political, religious, social, and educational reform and progress.

Viewing these indirect losses from a purely economic standpoint, they cannot be much less than the money directly spent, so that the actual financial cost and loss to the country, caused by our habits of drinking, will be about double the direct expenditure, and taking last year's expenditure of £2,099,552, this gives a total of £4,199,104. Against this, however, may be set the income which goes from drink to the revenue, and such good as the country may receive from the medicinal or other use of intoxicated liquors, the latter being a very doubtful quantity, whilst the saving in charitable aid and the increase of wealth which would lead to an augmentation of the assessed and other taxes, would largely make up for the falling off in revenue from drink; but, if from the £4,199,104 we deduct one-fifth of the sum, it will more than cover all, and still leave a balance of loss, direct and indirect, to the Colony of £3,359,284 yearly.

In this Colony the direct and indirect cost of drink consumed by the people is considerably in excess of the cost of sustaining all the Civil departments of Government, omitting the railways. This is an outlay for which we receive no return except in the shape of increased poverty, misery, wretchedness, and crime. Still we continue paying it as if it were the most important and remunerative of all our outlay.

Dr. W. Hargreaves, author of " Our Wasted Reserves," makes the following startling remarks :—" If in every eleventh year a fire should be kindled in the United States on the first of January, and continue burning to the last moment in December, and if every particle of our agricultural and manufactured products, as fast as they are produced, should be cast into the flames, and burned up till only the ashes remain, it would not inflict as much injury upon our people as is produced every eleven years by the use and sale of intoxicating drinks . . .



. If the products to the value of the money spent for drinks only were destroyed by fire or flood, it would not deprive our industrious classes of the mental and physical power to replace, as do the things for which their hard-earned millions are expended. What nation or people, however favoured, can long exist and prosper, who expend or waste the value of so much labour for poisonous drinks. Can we wonder that we have money-panics, hard times, and stagnation of trade ?"

J. C. Fernald, in " Economics of Prohibition," illustrates the question of loss of time in these words:—"Behind every idle drinker awaits a procession of men, every one of whom has to stop because the man's work is not done. The drunken shipmaster does not make the port in time. The drunken drayman does not haul up the goods promptly. The drunken porter is not on hand in time to get them in, and every clerk in the establishment is hindered accordingly. The mill starts late because the engineer was on the spree last night. The slaters cannot go upon the roof because the drunken carpenter did not get the woodwork done. All over the land there are sober workmen waiting with idle hands on drunken tradesmen to bring up their work ahead of them. All these, it must be remembered, are shortened in their wages in proportion to the loss of time.

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Constitution of the National Council of Women decorative feature  
Of New Zealand and Minutes of the First Meeting

Held in the

Provincial Council Chambers, Christchurch

April, 1896

SMITH, ANTHONY, SELLARS AND CO., LIMITED. Christchurch MDCCCXCVI

# Constitution of the National Council of Women of New Zealand.

**The Council shall be called the National Council of Women of New Zealand.**

## Objects.

I. To unite all organised Societies of Women for mutual counsel and co-operation, and in the attainment of justice and freedom for women, and for all that makes for the good of humanity.

II. To encourage the formation of Societies of Women engaged in trades, professions, and in social and political work in connection with which no organised union at present exists.

## National Policy.

This Council is organised in the interest of no one propaganda, and has no power over the organisations which constitute it, beyond that of suggestion and sympathy; therefore, no Society voting to enter this Council shall render itself liable to be interfered with in respect to its complete organic unity, independence, or methods of work, or be committed to any principle or method of any other society, or to any act or utterance of the Council itself, beyond compliance with the terms of the constitution.

## Honorary Officers.

The Honorary Officers shall be a President, four Vice-Presidents, an Honorary Secretary, and Treasurer, who shall be *ex officio* members of all committees, and who shall be elected annually.

## Members.

All organised Societies of Women in sympathy with the National Policy, and which shall be invited by the Executive Committee to send representatives.

## Honorary Members.

Ladies and gentlemen shall be admitted as honorary members on payment of an annual subscription of 10/6. They shall be allowed to speak at meetings, but no voting power shall be given them.

## **National Council.**

The National Council shall consist of the President, four Vice-Presidents, the Honorary Secretary, and Treasurer, and the delegates representing the various societies.

## **Delegates.**

Delegates shall be appointed by the various societies throughout New Zealand, to attend the meetings of the Council.

## **Basis of Representation.**

Each society represented upon the Council shall be entitled to send one delegate for every one hundred, or fraction of one hundred members; two delegates for every three hundred members; three delegates being the maximum number to be sent from any society however large its membership may be.

## **Delegates by Proxy.**

When a society is unable to send a delegate to the Council meeting! it may appoint a proxy delegate from the tow where the Council meeting is being held. No delegate may re present more than one society.

If an officer acts as proxy delegate, she shall retain her own vote as well as her delegation vote.

## **Meetings.**

The National Council shall meet annually in one of the four centres—viz: Auckland, Wellington, Christchurch, and Dunedin.

## **Finance.**

The affiliation fee for each society shall be £1 annually, Each society shall pay £1 for every delegate whom it appoints to the National Council.

All moneys payable to the Council shall be paid to the Treasurer, and shall be acknowledged by such form of receipt as the Treasurer shall direct. All accounts shall be authorised by the President and Secretary.

## **Bye-Laws.**

## **Executive Committee.**

I. The Executive Committee shall draw up Regulations for its own guidance in the conduct of its business.

II. The Executive Committee shall have the entire management of the business of the Council, and of the income and property thereof, for the uses, purposes, and benefit of the Council. The Executive Committee shall and may meet together when and as often as they shall think fit, at such times and places as shall be precribed by their Regulations. Special meetings may be summoned by the Honorary Officers as occasion may require. The Executive Committee may appoint such sub-committees, and delegate to them such duties, as from time to time shall seem expedient.

III. The Executive Committee shall once in every year pre-prepare a general report of their proceedings for the year preceding, and shall attach thereto a duly certified statement of accounts, and of the finances of the Council.

IV. The Accounts of the Council shall be audited annually by an auditor, or auditors, who shall be qualified accountants, and shall be appointed by the Executive Committee.

## **General.**

V. No new bye-law shall be made, nor shall any standing bye-law be altered, or annulled, except by a majority of those present at a General Meeting of the Council, nor unless notice of such proposed addition, alteration, or amendment, shall have been placed upon the notice and agenda paper convening the said General

Meeting.

VI. Six weeks' notice at the least shall be given of every General Meeting of the Council.

VII. At any meeting of the Council, or of any Committee, or sub-Committee, the person for the time being occupying the chair shall, in case the members voting upon any question are equal on either side, be entitled to give the casting vote.

VIII. The travelling expenses of Honorary Officers shall be paid from the National Fund. Postage, stationery, &c., for correspondence connected with Council work shall also be a charge on the National Fund.

decorative feature  
Prior to Convention the following circular was distributed throughout the Colony :—

TO MEMBERS OF THE CANTERBURY WOMEN'S INSTITUTE, AND THE PUBLIC.

The Programme of a Convention to be held in Christchurch, New Zealand, during, the week beginning April 13th, is herewith submitted to your consideration. Each address will be followed by debate.

We, the Executive, cordially invite your attendance:—president : Miss Sherriff Bain. Vice-Presidents : Mrs Sheppard, Mrs Blake, Mrs J. T. Smith, Hon, Secretary : Mrs Ada Wells. Hon. Assist. Secretary : Mrs Ross. Hon. Treasurer : Miss A. E. Hookham. Committee : Misses Atkinson and Garstin, Mesdames Darling, H. Smith, Wallis, Black, and Henderson.

## Condensed Minutes of the Women's Convention

Held in the Provincial Council Chambers, Christchurch, New Zealand.

April 13, 1896.

The Women's Convention met on the morning of April 13th, at 10a.m., in the Provincial Council Chambers, Christchurch. Miss Sherriff Bain, President of the convening society, the Canterbury Women's Institute in the chair.

The following societies were represented :—Canterbury Women's Institute, by Mrs K W. Sheppard; Malvern Women's Institute, by Mrs Alley and Mrs Isherwood; Wellington Women's Institute, by Mrs Fleming; Southern Cross Society, Wellington, by Lady Stout; Women's Christian Temperance Union of N.Z., by Mesdames Schnackenberg and Widdowson; Auckland Women's Political League, by Mrs Daldy; Wanganui Women's Political League by Mrs Williamson; Gisborne Women's Political League by Sievwright; Christchurch Women's Political League, by Mesdames Izett and Cooper; Dunedin Women's Franchise League, by Mrs Hatton; Womens Social and Democratic Union, Wellington, by Mr Tasker. The two delegates the Malvern Women's Institute were allowed to record their votes alternately; the same consideration was extended to the two representatives of the Christchurch Women's Political League.

The Presidential address, setting forth the [unclear: occuer] of business for the week ending April 18th, and deciding the times of meeting, was delivered by Miss Sherriff Bain.

Apologies were tendered for the absence of Mrs Wolstenholme, Sydney, and Mrs Hendre, of Auckland.

Mrs Sheppard then placed before the meeting the desirability of resolving the Convention into a National Council of the Women of New Zealand; and of future affiliation with the International Council of Women.

Miss Jessie Mackay, on the invitation of the President, read the poem composed by her for the occasion, "The Women's Battle March."

A deputation from the Progressive Liberal Association, Christchurch, was received. It congratulated the Convention on its programme, and emphasised the claims of our more unfortunate sisters.

On the adjournment of the Convention, the ladies, by invitation of Mr Van Der Velden, visited that gentleman's studio.

### Monday Afternoon.

The Convention met in the Provincial Council Chambers for the afternoon session, at 2.30 p.m. Miss Sherriff Bain in the chair. The roll was called, and the following delegates answered to their names: Mrs Sheppard, Mrs Schnackenberg, Lady Stout, Mrs Isherwood, Mrs Daldy, Mrs Williamson, Mrs Izett, Mrs Widdowson, Mrs Alley, Mrs Tasker, Mrs Sievwright, and Mrs Fleming. The minutes of the preceding meeting were read by the Secretary, Mrs Wells, and confirmed.

Arrangements were modified to render Mr Tregear's paper on " Federation of Women " first item on the programme. Lady Stout followed with her paper on "The National Council of Women." Lady Stout's paper eventuated in the following resolution, proposed by Mrs Williamson, and seconded by Mrs Tasker: " That this

Convention resolve itself into the National Council of the Women of New Zealand." The motion was carried unanimously.

The appointment of officers was then proceeded with, and the following ladies were appointed:—President, Mrs K. W. Sheppard; Vice-President, lady Stout, Mesdames Schnackenberg, Sievwright, and Hatton; Honorary Secretary, Mrs Wells; Honorary Treasurer, Miss Sherriff Bain Mrs Fleming then moved, and Mrs Alley seconded: " That a Sub-Committee be appointed to consider the Constitution and Bye-laws of the National Council, to be presented at a later stage of the proceedings." The resolution was carried. Mrs Sheppard proposed, and Mrs Schnackenberg seconded, the names of lady Stout, Mrs Fleming, Mrs Wells, and the mover, as Sub-Committee. The motion was carried.

The following resolution, moved by Mrs Izett, and seconded by Mrs Wells, concluded the afternoon's session: " That the National Council of Women desires to thank Mr van Der Velden for his courtesy in showing his pictures, and for his valuable explanatory remarks. At the same time it wishes to express its opinion that the magnificent picture, 'The Sorrowful Future,' should become public property, both on account of its artistic worth, and for the ethical purpose so powerfully portrayed." Mrs Daldy spoke in dissent of this solution, pointing out that such property should be acquired by private individuals for public benefit. The motion was carried.

## Evening Session.

The National Council met in the Provincial Council Chambers for the evening session at 8 p.m. The following ladies were present: Lady Stout, Mrs Isherwood, Mrs Daldy, Mrs Williamson, Mrs Alley, Mrs Tasker, Mrs Sievwright, Miss Sherriff Bain, and Mrs Wells.

Professor Bickerton addressed the meeting on "Unitary Homes." The address evoked considerable discussion, in which both Council and the public took part.

## April 14.

The National Council met at the Provincial Council Chambers at 10 a.m. Mrs Williamson was voted to the chair. The roll was called, and the following ladies answered to their names: Mrs Sheppard, Lady Stout, Mrs Fleming, Mrs sievwright, Mrs Tasker, Mrs Widdowson, Mrs Izett, Mrs Daldy, Mrs Alley, Mrs Isherwood, Mrs Hatton, Mrs Schnackenberg, Miss Sherriff Bain, and Mrs wells.

Miss Sherriff Bain-moved the following resolution: "That this Council is of opinion that sweating in various forms does exist in this country; and considers that a Masters' and Apprentices' Bill should be passed, also an Eight Hours' Bill, and that a minimum wage should be established by law," and supported it by a long and illustrative address. Mrs Tasker seconded the motion. The resolution was carried.

Mrs Williamson then requested Mr Tregear to read the paper on a State Bank by Mr Sievwright, and the following resolution eventuated: "That Mr Sievwright's paper on a State Bank be received and acknowledged, with the cordial thanks of the National Council; " proposed by Mrs Izett, seconded by Mrs Sheppard, and carried unanimously.

The following notices of motion were tabled: Lady Stout gave notice to move "That in the opinion of this Council a return of the wages paid, the ages of employes, and the length of time they Have been employed, should be furnished by employers, and published in the newspapers once a month." Mrs Schnackenberg gave notice to more "That this National Council of New Zealand women heartily thanks Mrs Sheppard for her earnest work towards the political enfranchisement of women."

## Afternoon Session.

The National Council met at the Provincial Council Chambers in the afternoon, at 2.30 p.m., and the following delegates answered to their names Mrs Sheppard, Lady Stout, Mrs Fleming, Mrs Sievwright, Mrs Tasker, Mrs Wells, Mrs Widdowson, Mrs Izett, Mrs Daldy, Mrs Alley, Mrs Isherwood, Mrs Hatton, and Mrs Schnackenberg.

The resolution, re a return of wages paid, the ages of employes, etc, already tabled by Lady Stout, was seconded by Mrs Schnackenberg. After a short discussion it was lost on a show of hands.

Mrs Schnackenberg's motion, also tabled in the morning was seconded by Lady Stout. The resolution: "That this National Council of New Zealand women heartily thanks Mrs Sheppard for her earnest work towards the political enfranchisement of women," was carried unanimously.

The President then called on Mrs T. E. Taylor to read her paper on " Marriage and Divorce." The following resolutions eventuated: (1). Proposed by Mrs Alley, seconded by Mrs Widdowson, "That this Council is of opinion that the marriage Laws of New Zealand should be rendered remedial, not merely palliative, of

disabilities at present grievously affecting married women, and that to this end the whole law relating to marriage founded on the exploded doctrine of 'possession' or 'coverture' should be repealed." Carried. (2). Proposed by Mrs Sievwright, seconded by Mrs Tasker, "That in all cases where a woman elects to superintend her own household, and to be the mother of children, there shall be a law attaching a certain just share of her husband's earnings or income for her separate use, payable, if she so desire it, into her separate account." Carried. (3). Proposed by Mrs Schnackenberg, seconded by Mrs Izett, "That in the opinion of this Council, no guardian may be appointed by either parent to act after the death of one parent with surviving parent, unless the Court shall be satisfied that the survivor is incapable of acting alone." Carried. (4). Proposed by Mrs Isherwood, seconded by Mrs Sheppard, "That in the opinion of this Council the conditions of divorce for man and women be made equal." Unanimously carried.

## Tuesday Evening.

The National Council met at the Provincial Council Chambers at 8 p.m. The following ladies answered to their names : Mesdames Sierwright, Tasker, Cooper, Daldy, Isherwood, Hatton, Wells, Lady Stout, and Miss Sherriff Bain.

The President called on the Hon. W. M. Bolt to address the meeting on the Bill introduced by him into the Upper House. In a most able address, which lasted an hour and a half, Mr Bolt advocated the advantages of the Co-operative Settlement Scheme. The following resolution, proposed by Mrs Tasker, and seconded by Mrs Hatton, was passed, "That this Council being of opinion that the establishment of co-operative industrial settlements, formed with a farm as a basis, and gradually embracing all kinds of industries, would do much to solve the unemployed difficulty—more, indeed, than any remedy that has yet been applied. We therefore urge upon all labour organisations in the colony the wisdom of bringing pressure to bear upon the Government, with the view of getting such settlements established as speedily as possible."

## Wednesday Morning.

The National Council met at the Provincial Council Chambers at 10 a.m. Mrs Tasker was voted to the chair. The following ladies were present: Miss Sherriff Bain, Mesdames Sheppard, Fleming, Tasker, Sievwright, Alley, Wells, Izett, Williamson, Daldy, Isherwood, Hatton, Schnackenberg, and Lady Stout. The minutes of the preceding meeting were read and confirmed.

Mrs Blake read a paper on "Pauperisation," and the following resolution was passed. Proposed by Mrs Blake, seconded by Mrs Williamson, and carried unanimously: "That this Council expresses its dissatisfaction with the present system of charitable aid, on the grounds that its tendency is to encourage, rather than lessen, pauperism, and the Council is strongly of the opinion that women should take their seats on all local bodies having to do with the distribution of charitable aid funds."

Apologies were made for Mr O'Regan.

In place of Dr. Strong's paper on "Land Nationalisation," which had not come to hand, Mr O'Bryen Hoare addressed the meeting on this subject. The following resolution, proposed by Miss Sherriff Bain, seconded by Mrs Sievwright, was then passed: "That in the opinion of this Council the land of any country belongs to the people." The motion was carried.

On the motion of Mrs Wells, it was resolved that the time limit should be extended to consider this most important subject.

Mrs Tasker moved, Lady Stout seconded: "That in the opinion of this Council, the private ownership of large tracts of land, and these kept locked up by absentees, is a wrong inflicted on the people, and is detrimental to progress." carried unanimously.

In the afternoon, a garden party was held at the residence of Prof. Bickerton..

## Wednesday Evening.

The National Council of Women met in the Provincial Council Chambers at 8 p.m. The following ladies answered to the roll : Lady Stout, Miss Sherriff Bain, Mesdames Schnackenberg, Hatton, Isherwood, Dalby, Williamson, Izett, Alley, Sievwright, Fleming, and Wells. The minutes of the morning session were read and confirmed.

Mrs Schnackenberg notified the following motion for subsequent consideration: "That this National Council of Women affirms its strong conviction that every political question should be decided by the majority of voters that go to the poll. That any deviation from this rule, as in the present Licensing Act, is subversive of a great political principle, and a recognition of a supposed right of government by a minority."

Miss A. E. Hookham then read a paper on "Constructive Socialism." At the conclusion of the paper, Mrs

Sievwright gave an address on "The New Woman" illustrated by lantern pictures of famous women of our times. Mrs Sievwright was accorded a hearty vote of thanks, which was carried by acclamation.

## Thursday Morning.

The National Council met at 10 a.m. in the Provincial Council Chambers. Mrs Daldy was voted to the chair. The following were present: Mrs Sheppard, Lady Stout, Mesdames Fleming, Sievwright, Tasker, Alley, Izett, Williamson, Hatton, Schnackenberg, Daldy, Miss Sherriff Bain, and the Secretary. The minutes of the previous session were read and confirmed.

Mrs Sheppard proposed, and Mrs Schnackenberg seconded: "That this council go into Committee on National Council work at 11.30 a.m." Carried.

Mrs Schnackenberg's motion, seconded by Mrs Sheppard, resulted in the following emendation being accepted: the resolution to stand with the omission of the words "as in the present Licensing Act." The resolution then passed read as follows: "That in the opinion of this Council every political question should be decided by the majority of voters that go to the poll. That any deviation from this role is subversive of a great political principle, and a recognition of a supposed right of government by a minority." Mrs Williamson and Mrs Izett recorded their votes against it.

The following notice of motion was tabled by Mrs Alley: "That the transactions of the National Council be printed in their entirety for distribution to their respective societies, and for sale to the public."

Mr G. J. Smith then addressed the meeting on "Party Government, Elective Executive, Referendu, and Reform of the Upper House."

Mrs Sievwright tabled the following notices of motion: (1). That this Council is of opinion that the system of Party Government in New Zealand has many evils connected with it, and is not suited to the circumstances of the Colony. (2). That this Council approves of the proposal for an Elective Executive as a remedy. (3). It is also of opinion that some reform is necessary in the constitution of the Legislative Council. (4). It heartily supports the principle of the Referendum, and trusts that these reforms will be carried at an early date.

The delegates then went into Committee.

The Constitution of the National Council was considered and adopted, as set forth in former pages.

## Thursday Afternoon.

The National Council met in the Provincial Council Chambers at 2:30 p.m. Mrs Schnackenberg in the chair. The following ladies answered to their names: Lady Stout, Mesdames Sheppard, Fleming, Sievwright, Tasker, Alley Izett, Hatton, Isherwood, Williams on, Schnackenberg, Miss Sherriff Bain, and the Secretary. The minutes of the previous meeting were read and confirmed.

The resolutions tabled in the morning by Mrs Sievwright, were seconded by Mrs Alley, and carried.

Mr O'Bryen Hoare then addressed the meeting on "The Criminal." The discussion eventuated in the following resolution: (1). Proposed by Mrs Hatton, seconded by Miss Sherriff Bain, "That in the opinion of this Council there is abundant evidence to show that our present treatment of criminals is not satisfactory, either as regards the criminal or society." Carried. (2). Proposed by Lady Stout, seconded by Mrs Tasker, and carried unanimously: "That no system can be satisfactory which does not distinguish and classify the different kinds of criminal, and aim at individual reform." (3). Proposed by Mrs Williamson, and seconded by Mrs Sievwright: "That in the opinion of this Council all sentences for serious offences should be indeterminate—i.e., decided as to duration by the reform of the criminal."—Carried by a majority of three. (4). Proposed by Mrs Isherwood, and seconded by Mrs Fleming, and carried unaniriously: "That in the opinion of this Council capital punishment should be abolished."

## Thursday Evening.

The National Council met in the Provincial Council Chambers at 8 p.m. The following ladies were present: Mrs Izett, Mrs Isherwood, Mrs Sievwright, Miss Sherriff Bain, Mrs Williamson, Lady Stout, Mrs Tasker, Mrs Schnackenberg, Mrs Hatton, Mrs Alley, Mrs Daldy, and the Secretary. The minutes of the previous meeting were read and confirmed.

An apology was received for enforced absence from Mr W. A. Evans, of the Forward Movement, Wellington, A telegram of congratulation from Mrs Dr. Ryder was received.

Mrs Tasker tabled a notice of motion: "That in the opinion of this Council the treatment of prisoners on remand be modified; that they be allowed to see their relatives in the presence of a warder, and seated. The present system of standing on one side of an iron grating is objectionable. That a copy of the above be sent to the Minister of Justice."

The following notice of motion was tabled by Lady Stout: "That in the opinion of this Council a larger measure of Technical Education in connection with our primary and secondary schools is much to be desired."

Mrs Tasker tabled a notice of motion: "That this Council is in favour of the present system of free, compulsory, and secular education."

Lady Stout tabled notice of motion: "That in the opinion of this Council it is desirable that women should be eligible to serve on juries where women are being tried, and in all cases where men are being tried for offences against women and girls."

Mr Elliott then addressed the meeting on "Technical Education."

## Friday Morning.

The National Council met in the Provincial Council Chambers at 10 a.m. Mrs Hatton was voted to the chair. The roll was called, and the following ladies answered to their names: Miss Sherriff Bain, Lady Stout, Mesdames Sievwright, Sheppard, Williamson, Widdowson, Tasker, Alley, Isherwood, Izett, Schnackenberg, Daldy, Hatton, and the Secretary. Mrs Tasker's motion, *re* prisoner on remand, was seconded by Mrs Schnackenberg, and carried unanimously.

The resolution tabled by Mrs Alley: "That the transactions of of the National Council be printed in their entirety for distribution to their respective societies, and for sale to the public," seconded by Mrs Sievwright, was withdrawn in favour of the following amendment; proposed by Mrs Wells, seconded by Lady Stout: "That the Executive be empowered to print a record of the proceedings of the Council, including the papers read by the delegates and others, or such portions of the papers that may be considered suitable, provided the cost of printing does not exceed the means of the Council," Carried.

Proposed by Lady Stout, seconded by Mrs Tasker, and carried unanimously "That in the opinion of this Council a larger measure of technical education in connection with our primary and secondary schools is much to be desired."

Proposed by Mrs Tasker, seconded by Misa Sherriff Bain, and carried; Mrs Schnackenberg did not vote. "That this Council is in favour of the pre-sent system of free, compulsory, and secular education."

Proposed by Lady Stout, seconded by Mrs Tasker: "That in the opinion of this Council it is desirable that women should be eligible to serve on juries in all cases where women are being tried, and in all cases where men are being Tried for offences against women and girls." The resolution was withdrawn in favour of the following amendment: " That women be eligible to serve on all juries, but that in cases where women are being tried for infanticide, and men are being tried for offences against women and girls, only married women are eligible," proposed by Mrs Sievwright, seconded by Miss Sherriff Bain, was carried unanimously.

Professor Bickerton was then invited to read his paper on the " Problem of Purity." He was voted, on the motion of Mrs Sheppard, and Mrs Schnackenberg seconded, an extension of time, in order that the paper might be completed. At the conclusion, a hearty vote of thanks was accorded the Professor.

Mrs Schnackenberg tabled the following notices of motion: (1.) That in the opinion of this Council the age of consent should be raised to twenty-one years (2.) That the Act known as the C.D. Act should be at once removed from the Statute Books of New Zealand, (3.) That the time during which charges of criminality may be made should be extended to three months. (4) That it be made illegal, and severely punishable, for any youth or maiden under twenty-one years to be found in a house of ill-fame.

## Afternoon Session.

The National Council of Women met at 2.30 p.m. in the Provincial council Chambers. The following were present: Mesdames Daldy, Sheppard, Williamson, Schnackenberg, Alley Sievwright, Widdowson, Hattotn, Izett, Tasker, Lady Stout, Miss Bain, and the Secretary. The minutes of the previous meeting were read and confirmed.

Correspondence was received from Dr. Symes and Mr Alexand Bicksrton.

Mrs Tasker read a paper on " The Undesirable Immigrants' Bill." At the conclusion of her paper, she moved the following resolutions: (1.) "That in the opinion of this Council, and that in the interests of New Zealand, the Public Healths' Bill should be passed"; Mrs Izett seconded. Mrs Sheppard proposed "That the discussion be postponed for further consideration."—Carried. (2.) Mrs Tasker moved: " That in the opinion of this Council, Members of Parliament be urged to support the Undesirable Immigrants' Bill." Mrs Izett seconded the motion. The motion was lost-For, 4; against, 5. Several refrained from voting. (3.) Mrs Tasker moved, Mrs Izett seconded " That in the opinion of this Council, the nation of New Zealand, through its representatives, should reject the Japanese Treaty." The motion was withdrawn.

Mrs Williamson then read a paper on "Woman in the Service of the State."

Lady Stout tabled notice of motion re probate law.

## Friday Afternoon.

A Committee meeting of the National Council was held on Friday after-noon, at 5 p.m. The Bye Laws of the National Council were considered, and adopted as above.

## Friday Evening.

The National Council of Women met at 8 p.m., in the Provincial Council Chambers. The roll was called, and the following ladies answered to their names: Mesdames Hatton, Alley, Sheppard, Isherwood, Tasker, William son, Daldy, Miss Sherriff Bain, and the Secretary.

Mrs Tasker tabled a motion *re* "Undesirable Immigrants;" Mrs Alley tabled a motion on "Police Reform;" Mrs Wells on "Literature."

Mr T. E. Taylor then addressed the meeting on " Old Age Pensions."

The following resolution, proposed by Mrs Isherwood, seconded by Mrs Sievwright, was carried: " That in the opinion of this Council, that with a view of securing for the people an assurance against poverty in old age, it is desirable that a system of Old Age Pensions, or Annuities, should be establish in this Colony, subject to the following conditions being observed : (1) The cost to be a charge upon the consolidated revenue, (2.) The qualifications of the recipients to foe twenty years' residence in this Colony, and a certified age of sixty-five years.

## Saturday Morning.

The National Council met at 10 a.m. in the Provincial Council Chambers Mrs Sheppard occupied the chair. The following ladies were present: Lady Stout, Mrs Sheppard, Miss Sherriff Bain, Mesdames Sievwright, Tasker, Alley, Widdowson, Izett, Williamson, Daldy, Isherwood, Hatton, Schnackenberg, and the Secretary. The minutes were read and confirmed.

The following resolution, previously tabled by Mrs Williamson, seconded by Mrs Daldy, was carried unanimously: "That at the present and future sit-tings of this Council, any reference to party politics should be immediately suppressed."

Mrs Alley moved, and Mrs Isherwood seconded, the following resolution already tabled: "That in the opinion of this Council there is great need for police reform in various ays." Mrs Sievwright proposed as an amendment seconded by Mrs Williamson: "That this Council considers that the Police Force is very far from being in a desirably efficient condition, and suggests that means may be taken to render it more efficient." The amendment was carried. Mrs Tasker recorded her vote against it.

Mrs Tasker's notice of motion: " That as five was not a majority of the delegates to the Council, when the vote on the influx of Undesirable Immigrants was taken, it was not legally carried," was voted out of order by the chair, Mrs Tasker submitting to the ruling.

Mrs Wells proposed the following resolution, already tabled: "That this Council recommends the various Associations sending delegates to the council to establish educational funds in their several districts, with the view of procuring and distributing suitable literature on social and political questions." Mrs Sievwright seconded the motion. The resolution was carried.

Lady Stout's motion, already tabled: " That, in the opinion of this Council, the law relating to the devolution of property should be altered so that every man owning property, and having a wife, or wife and children, should be compelled to make provision for them out of his property, to the extent of not less than one-third of such property for his wife, and one-third part for his children or child, and in the case of a man not having a father or mother, brother or sister, one half of his property should be left to his wife, and the other half to his children, provided that in the latter case it should be lawful for the owner, before making such provision, to leave not exceeding 5 per cent. of his property to charitable purposes "was seconded by Miss Bain and carried.

Dr, System then read a paper by the Revd, Jesse Kirby, of Port Adelaide, S. Australia, on the C.D. Acts. The following resolution, proposed by Mrs schnackenberg, seconded by Mrs Daldy, was carried unanimously : "That the Act known as the C.D. Act should be at once removed from the Statute Books of the Colony."

As the time of session had elapsed, an extension was voted.

Mrs Cunnington then spoke on some necessary emendations in the Criminal Code Bill.

## Saturday Afternoon.



The Council met at 2.30 p.m. in the Provincial Council Chambers. Mrs Williamson was voted to the chair. The following ladies were present: Lady Stout, Miss Sherriff Bain, Mrs Schnackenberg, Mrs Hatton, Mrs Isherwood, Mrs Daldy, Mrs Williamson, Mrs Izett, Mrs Widdowson, Mrs Alley, Mrs Sievwright, and the Secretary.

On the motion of Mrs Sievwright, seconded by Miss Sherriff Bain, it was unanimously agreed : " That this Council sends sisterly greetings to Mrs Wolstenholme, and thanks her for her efforts in the cause of women."

Mrs Schnackenberg moved: " That in the opinion of this Council the age of consent should be twenty-one years." Mrs Hatton seconded the motion, which was carried unanimously.

Mrs Schnackenberg moved : "That the time during which charges of criminality may be made should be extended to three months." Mrs Sievwright seconded the motion, which was carried unanimously.

Mrs Schnackenberg then moved: "That, in the opinion of this Council, it should be declared illegal, and severely punishable, to permit any girl or young man under twenty-one years of age to be found in a house of ill-fame." Mrs Hatton seconded the motion, which was carried *nem. con.*

Mr G W. Russell, M.H.R, then gave an address on "The Political Disabilities of Women."

At the conclusion of the paper, Mrs Daldy moved: "That all disabilities be removed which at present hinder women from sitting as members in either House of the Legislature, or from being elected or appointed to any public office or position in the Colony which men may hold, and with regard to all powers, rights, duties, and privileges to citizens; to declare absolute equality to be the law of the land for both men and women," Mrs Sievwright seconded the motion, which was carried unanimously.

Votes of thanks were passed to the Government for having granted the use of the Provincial Council Chambers; to the Press of Christchurch and Dunedin; to Mrs Wells, for her services as secretary; to the Canterbury Women's Institute; to Mr Bussell for his paper; and to all the ladies and gentle men who had assisted in any way during the meetings.

At a Committee meeting held subsequently to the afternoon session, it was decided to hold the meeting of the Council next year at Wellington, when the Wellington Societies would act as hostesses. It was also decided that Easter or thereabouts, be a suitable time for meeting. The exact date of meeting was left to the decision of the Executive.

The Secretary was instructed to have the printing of the Proceeding of the National Council executed as early as possible, and to forward the report to the various organisations represented in the Council. Also to the various M.H.R.'s and to Societies throughout New Zealand.

A meeting of the Executive was held in Chancery Lane Hall on April 20th. All members present except Mrs Hatton.

It was decided that the writers of papers read before the Council be asked to endeavour to get their addresses printed in local papers, copies of which to be forwarded to the Secretary at the earliest convenient time.

SMITH, ANTHONAY, SELLERS AND CO., LTD.

## Manual Training in Primary Schools.

Education Department, Wellington,

20th July, 1896.

BY direction of the Hon. the Minister of Education, the following papers are here reprinted for the use of Education Boards, School Committees, and teachers.

WM. JAS. HABENS.

### **A—Report by J. Struthers, Esq., One of her Majesty's Inspectors of Schools in Scotland, on Sloyd and Kindergarten Occupations in the Elementary School.**

SIR,—

March, 1895.

At your request, I submit, for the consideration of their Lord-ships, the following observations on a department of school work which has now received a considerable development in the schools of the Edinburgh district. I do not propose to enter into a description of the various occupations, but shall aim only at giving such an account of the purpose, method, and results of this kind of teaching as shall enable a judgment to be formed as to whether its farther extension in these schools and its induction into others is desirable.

First, a word as to the term *sloyd* and its connection with kinder-garten occupations. *Sloyd* is the pronunciation naturally given by English-speaking people to the Swedish word *slöjd*, which means "skill or dexterity of hand."

1 Adj. *slög* = skilful or dexterous; of. Eng. Word "sleight" in "sleight of hand."

In its general sense the word may be applied to my system of instruction which aims at giving increased dexterity of hand u children, whatever the ulterior object may be. But in Sweden the word has also acquired a special sense. It is applied to certain systems of working in wood, iron, or other material, carefully thought out and widely practised in the schools of that country, which aim not so much at developing dexterity of hand, though that result is not in itself unimportant, is at making manual instruction *contribute towards the general education of the pupil*. Well-arranged and properly-conducted work of this kind—the qualifications are most important—is regarded as a very valuable, in some respects, the most valuable, means available to the teacher of developing in the pupil such qualities as intelligence, practical judgment, aptness, perseverance, taste, power of initiative, individuality.

Of these systems the typical one, of which the others are mainly modifications or developments, is the system of woodwork taught in the *Sloyd-Seminarium* at *Näås*, near Gothenburg. That school, presided over by Herr Otto Salomon, one of the most remarkable men in the educational world of to-day, has existed since 1872, and the system of woodwork taught there has been gradually elaborated and constantly revised in the light of the experience of the numerous teachers engaged in teaching it in elementary schools. To the institution at *Näås* teachers from all parts of Sweden are sent to be trained in this part of their work, There they have an opportunity of acquiring the requisite technical skill, and they are at the same time instructed in the principles which underlie the system by means of lectures and discussions full of rich suggestiveness as to the whole field of education. Teachers from other countries also are admitted to certain of the courses, and receive instruction free of charge. They come from every country in Europe, from both the Old and the New World—even from Japan. Among them have been not a few teachers from both England and Scotland.

Into the distinctive features of the system—the use of the knife as an introductory tool, the making of completed models combining several exercises as against the practice of exercises separately, the use of curved and moulded forms not belonging to pure carpentry—I do not propose to enter. What is important to notice here is its main principle—viz., that work of the kind in question is not to be taught as an end in itself, but rather as a means of securing certain valuable results, to wit, those enumerated above. It is, in the director's phrase, "*Sloyd* in the service of the school," and is to be taught in due relation and subordination to other school studies.

The difference between manual training of this kind and manual training which aims simply at producing in the pupils a certain dexterity of hand which may be useful to them in the industrial occupations of afterlife is fundamental, and cannot be too strongly insisted on. The difference of aim naturally leads to an entire difference of method. For example, if technical skill only is aimed at, probably the most effective means of securing it will be the frequent repetition of the same operation till a certain mechanical knack is acquired, whereas in the other case the pupil will at each stage have, as it were, a new problem set him, the solution of which exercises the intelligence and requires forethought and concentration of mind. I do not at all mean to contrast these two methods of manual training as good and bad respectively. It is conceivable, for instance, that in trade-schools, if such were established, designed as a substitute or partial substitute for an apprenticeship, the former method might be the proper one, but it is entirely out of place in an elementary school. To distinguish these two kinds of manual training it may be convenient to use the term "*sloyd*," which has no previous connotation in English, to denote that form of manual training in which the educational rather than the technical aim is predominant. In this sense: the term *sloyd* will be simply a convenient shorthand expression for *educational manual training*, and I propose so to use it.

We may thus apply the term not only to that system of working in wood which is distinctively known as "*sloyd*," but to any system of exercises in any material (wood, iron, cardboard, or clay) which can be clearly shown to be educational in its objects and methods. As to the various ordered collections of models and exercises commonly called "systems" or "series," I would deprecate the blindfold adoption or transplanting of

any one of them. The circumstances of the school are to be considered. Moreover, as one of the great functions of sloyd is to develop individuality in the pupils, there must be a corresponding individuality on the part of the teacher. He will accomplish better results with a system which he has worked out for himself, and which he thoroughly believes in, than if he were blindly to adopt the best of all possible systems. On the other hand, of course, it would be mere foolishness to refuse to profit where possible by the experience of others.

Let us turn now to the exercises commonly practised in schools under the name of kindergarten occupations. An ardent Froebelian would perhaps say that there is very little of the kindergarten about them, and would doubtless contend for the system, and nothing but the system. But the elementary school must take its goods where it finds them, and experience clearly shows that these exercises can be so arranged and conducted in ordinary schools as not merely to afford a welcome relief from other school studies, but to be in themselves a valuable means of education. The general public, I am afraid, and occasionally teachers as well, are apt to regard these occupations as mere amusements, which may be conducted anyhow, and which serve their purpose if they keep the children out of mischief. As a matter of fact, they are, if properly made use of, identical in purpose and effect with the sloyd occupations already referred to, and may be included under the wider designation. They differ only in the greater simplicity of the exercises, in employing a less obstinate material, and in being less susceptible of accuracy and finish. But the educational reasons which justify the introduction of either into schools are precisely the same, and the educational advantages to be reaped from them are the same in kind. Sloyd, as Heir Salomon has expressly recognised, is the application of certain kindergarten principles to the work of the juvenile school, and it would be interesting, were this the place, to trace back step by step the present form of sloyd instruction in Sweden to its origin in the work of Froebel.

It may perhaps serve to give greater concreteness to what I have to say if I now proceed to enumerate a few of the various occupations which I have in view, stating at the same time the stage of school-life to which they seem to be appropriate,

I. There are, first of all, the various kindergarten occupations suitable in various degrees for infant departments or for children under eight. They comprise such operations as the use of the sifts stick-laying, pea-work, paper-folding and cutting, mat-weaving, basket work, kindergarten drawing, colouring, and brush work. It is obvious that some of these are more difficult than others, and are in consequence suitable for different ages; that some of them in themselves admit of a certain amount of gradation; and that there is such a variety of them as to make it unnecessary to repeat the same exercise in successive years, or, indeed, to continue it for a moment after the interest of the children begins to flag. Of these various exercises each infant-school will naturally make its own selection, but in each the exercises selected should be so arranged that there is something like orderly progress from the simpler to the more difficult, while at the same time care is taken to secure due relief and variety.

II. Clay-modelling. This occupation affords exercises of a very wide range. It may be used in rude fashion in comparatively young classes in the infant-school, particularly as a sequel to object-lessons, and it is at the same time capable of delicate and refined manipulations such as will make sufficient demand on the capacities of even the most advanced scholars. In the schools of Paris, for example, it is an exercise for the highest classes. On the whole, it is probably in Standards I., II., and occasionally III., that this occupation can be best turned to account.

III. Cardboard-work, which is capable of, or, rather, demands the almost exactness, and yet is within the capacity of the average child in III., IV., and V. This exercise has a special interest for children on account of the usefulness of many of the articles made, and is also most helpful in the teaching of drawing.

IV. Woodwork. This, as admitting of the greatest variety of form and manipulation, and also of the utmost exactness, is probably to the sloyd occupation *par excellence*. It is best calculated to secure the immediate result—viz., development of *general* dexterity of hand—and at the same time affords ample field for the exercise of the special sloyd discipline. It is specially suitable for the highest classes.

V. Ironwork with or without the forge might be an alternative for the oldest pupils, and I have no doubt that other suitable sloyd occupations exist, or may be invented.

All these, if suitably graduated and properly taught, may be regarded as sloyd occupations, employing the word in the wider sense which I have endeavoured to give it.

In the above list I have made no mention of a very important subject viz., drawing—which is essentially a sloyd occupation—It develops dexterity of hand in a certain direction and may at the same time be made a valuable means of mental disciplin . Its connection with other sloyd occupations cannot be too strongly insisted on. A certain power of drawing is a necessary preliminary in the more advanced occupations, and there can be no doubt, on the other hand, that the practice of these occupations reacts beneficially on the teaching of drawing. The opportunity they give for the immediate practical application of drawing is in itself a gain of great importance. Again, several of the occupations—*e.g.*, cardboard-work—enable the pupil to obtain an insight into the meaning of such terms as plan, elevation, and section, such as they could probably obtain in no other way. It

may not be unimportant to remark that in the natural order of the development of the faculties power to make a model comes before the power of drawing. The child first endeavours to represent the thing as a whole of three dimensions, however vaguely and crudely, and only afterwards proceeds to abstract some one aspect of it. Accordingly, in the earlier stages the model must be used to interpret the drawing, and not *vice versa*. It is only at a comparatively advanced stage that the pupil can be expected to work from drawings alone. In view of the intimate connection of drawing with the various manual occupations, it is somewhat unfortunate that these two branches of what is educationally the same subject should in the earlier stages fall to be organized and supervised by two different departments, or that drawing should in such a marked way be separated off from the rest of the work of the school.

Having detailed the various occupations embraced under the head of sloyd, I come now to consider what advantages maybe expected to result from making these occupations an integral part of the work of the elementary school.

In the first place, then, we shall thereby make the education of the child more complete, all round, and well balanced. Education aims, or ought to aim, at the harmonious development of the faculties which children possess, especially such of them as are likely to be of value in the work of life. Now, there is a faculty of the hand as well as of the brain—on the intimate connection of these two I shall have a word to say later—and a reasonably complete education will not neglect the development of the former. This view might perhaps be maintained, even were these faculties to some extent antagonistic, but it is greatly strengthened it as I shall try to show, there are grounds, both in theory and experience, for believing that manual training of a certain kind and amount promotes rather than retards advancement in the ordinary subjects. In that case, there is all the more reason for regarding an education which does not include some training of the faculty of the hand as lacking in balance and completeness.

Were this balance and completeness merely a question of doctrinaire symmetry, it would not be worth while insisting upon it, but there is, I think, some justification for the opinion that the predominantly mental or bookish character of much of our common school education has certain practical consequences which are not desirable. That opinion is doubtless often expressed in exaggerated terms, based upon an imperfect acquaintance with the actual work of the schools, but it receives weighty confirmation in the following excerpt from the report of a committee of the London School Board on the subjects and modes of instruction in their schools:—

*"The boys who leave school thus early are mainly employed in posts such as that of errand-or shop-boy f in which they learn no skill nor anything to qualify them to follow a trade. Their earnings help their families for a time, but they drift into that mass of unorganized and unskilled labour, amongst which, whether employed or unemployed, much misery exists, and which constitutes a dangerous waste of national force."*

Of the remedies which this state of things seems to call for, one, the compulsory lengthening of school-life, is a measure of general politics which I cannot here discuss. I may remark, however, in passing, that the operation of the freedom of classification now accorded to schools will in large measure secure the same result. As I have shown elsewhere, it is extremely probable that in a few years about half of the children preyed in Standard V, will be over thirteen years of age. With the more leisurely progress thus made, we may reasonably hope to secure a broader treatment of the work of V., and such enhanced efficiency as will make it virtually equivalent to the work of VI. It remains to be seen, however, whether this silent lengthening of the actual period of school-life will be acquiesced in by those most concerned.

The other remedy is a strictly educational one. It is such a broadening and simplification of the school curriculum as shall remove the pre-disposition which at present exists towards certain kinds of employment. Most emphatically it is not desirable that trades should be taught in schools, but we may at least secure such a well-balanced development of the faculties of the pupils as shall place them in a position of substantially greater freedom in the choice of their life-work when they leave school. Now that the system of free compulsory education has to a very large extent taken it out of the power of parents to determine for themselves what the training of the children shall be, it becomes a matter of the almost importance to see that that education is free from all bias.

On the direct results of manual training I shall not dwell. Important as they may be, I do not wish to lay any special stress upon them in the present paper, whose object will be mainly to point out some indirect result of greater educational importance.

But manual dexterity, if general in its nature, and not the knack of any one trade, is in itself an acquisition not to be despised. It has a value for all men, but specially, of course, for those of the industrial classes.

If the doctrine, to which I shall have occasion to refer directly, of the development of the motor-centres in the brain be correct, there is reason to believe that the traditional skill which distinguishes certain sections of our manufacturing population—*e.g.*, those engaged in the textile manufactures—can only be fully acquired during what is properly speaking school age. It is so acquired at present, because the children in these district

leave school early, or attend only as half-timers, and if school attendance is to be prolonged, as is desirable, some provision must be made in the school itself for the development of power of hand. To certain other classes also, to the dweller in remote country districts, and to the emigrant, this kind of training has an economic value.

Again, it does not seem unreasonable to hope that properly-conducted manual training may do something toward diffusing an appreciation and fostering an ideal of sound workmanship even in the commonest: article It is of the essence of this kind of work that quality rather than amount should be insisted upon. There is no necessity from the scholastic point of view that the work should be done at all Hence in what is done the very highest standard of accuracy and finish should be set. It is also important that the reasons for passing or rejecting any piece of work should be made clear to and acquiesced in by the pupil.

At this point, more suitably than elsewhere, I may mention one reason of great weight for the introduction of manual training into schools, If ever any large use is to be made of the Technical Schools Act of 1887, the special work of these schools must to some extent be led up to in the elementary schools of the district concerned, and in no other way could preparation better be made than by a systematic and well-considered course of manual training in conjunction with drawing. The opinion might even be hazarded that a demand for these special schools is likely to arise most naturally and most properly when the kind of instruction referred to has already been carried in the elementary school to the point at which it requires special organization and subdivision, together with a different grouping of subjects.

But, so far as the elementary school is concerned, manual training is to be valued not so much for its direct results, important though these may be, as for its disciplinary effects—that is to say, for the contribution it makes towards the development of character and intelligence.

I have already alluded to the intimate interdependence of hand and brain. That interdependence has long been more or less vaguely recognised, but the recent researches of Ferrier and others have given a new meaning to the phrase. It has been shown that there are in the brain distinct motor-centres, of which those of the hand are specially important; that these motor-centres have a distinct but limited period of growth, extending over, roughly, the period from the fourth to the fifteenth years; that their development depends on adequate exercise of the corresponding muscles *during this period*; that these motor-centres are so intimately connected with other parts of the brain that if they are imperfectly developed there is apt to be a corresponding loss of mental power.

These statements are based upon a pamphlet on "Handcraft," by Sir James Crichton-Browne, from which I now proceed to quote two passages as summing up the whole matter: "It is plain," he says, "that the highest functional activity of these—the motor—centres is a thing to be aimed at, with a view to *general mental power*, as well as with a view to muscular expertness; and as the hand-centres hold a prominent place amongst the motor-centres, and are in relation with an organ which in prehension, in touch, and in a thousand different combinations of movement adds enormously to our intellectual resources, besides enabling us to give almost unlimited expression to our thoughts and sentiments, it is plain that the highest possible functional activity of these hand-centres is of paramount consequence not less to mental grasp than to industrial success."

Again, "Depend upon it that much of the confusion of thought, awkwardness, bashfulness, stutteterings, stupidity, and irresolution which we encounter in the world, and even in highly-educated men and women, is dependent on defective or misdirected muscular training, and that the thoughtful and diligent cultivation of this is conducive to breadth of mind as well as to breadth of shoulders."

We have, then, scientific authority in favour of the assumption that development of hand-faculty must in itself have an appreciable effect on the development of the higher mental powers. But even if we lay no stress on the physiological connection, it still remains true that the process of manual training by which hand-faculty is developed affords a particularly favourable field for the exercise and development of what are generally regarded as purely mental faculties. On this point we may appeal to experience. One cannot watch a group of children engaged in one of the more advanced kindergarten occupations requiring individual work without being convinced that the higher faculties of discrimination, selection, practical judgment, and calculation or foresight are being exercised to an unusual degree. Probably there is no single faculty brought into play in the teaching of the ordinary school subjects which is not exercised in an approximately equal degree in manual work.

And when we come to the cardboard-work and the woodwork of the higher standards, the case for the intellectual value of manual training is strengthened. In the first place, these exercises admit of a great degree of exactness, and hence their disciplinary value is enhanced. In the second place, the making of each object or model, as it is called, involves a considerable number of operations, a mistake in any one of which is likely from the nature of the material to be fatal. It is not like a drawing or a sum on a slate, where careless work may be effaced by a sponge, and a correction at once made. The pupil *must* look ahead, the nature of the material must be studied, and the effect of each single operation must be calculated, A single false cut, a small deviation

from the dimensions given, and the whole work has to be done over again. It is obvious that work of this kind may easily be made the means of developing in the pupil the power of close observation, power of concentrating attention, judgment, foresight, and the habit of painstaking accuracy. These qualities are not named haphazard, but are precisely those which the nature of the work is calculated to develop. It is, again, a valuable peculiarity of this kind of work that the pupil is to a large extent his own judge. A piece of work is wrong not because the teacher says so, but because he himself sees that the thing he is making is not the thing he wants to make. It is difficult to overstate the value of the moral discipline involved in this perception.

Let me add, however, that in order to make manual work of any kind a really efficient mode of intellectual training there must be no mechanical repetition. The pupil must at each stage have a fresh problem presented to him, which shall sustain his interest and call for the exercise of all his faculties. To cause him to repeat the same operation over and over again till he has acquired a certain mechanical knack of doing it is really to do something toward teaching him a trade, but it is not sloyd. The process has little educative value. One cannot get a better idea of what is meant by sloyd than by laying firm hold of this distinction.

But it may be said: Admitting that manual training may be made, a valuable means of intellectual education, it is only one among many such means. Do not the subjects at present taught in schools, which we *must* continue to teach, amply suffice for that purpose? Is there any special virtue inherent in manual training that it also should find a place in the school? The answer to this question brings us to what I must consider the central position of the sloyd acetrine. It is that there *is* a special virtue inherent in manual training, and that in two ways—In the first place, it has a unique power of securing and sustaining the interest of the average child; and, secondly, it substitutes for the receptive and passive attitude on the part of the child the active and productive one; The two reasons are intimately connected, and on both points we may appeal to experience.

It is a matter of common observation in those infant-schools where fair trial has been made of kindergarten occupations that in this kind of work the children show an absorption of interest and a concentration of attention such as they do in no other. No ordinary occurrence, such as strangers entering or leaving the room, has power to distract their attention. I have found that when questions are addressed to them individually they usually answer without looking up, and, indeed, almost seem to resent the interruption. This is hut the natural consequent of a fact of common observation—viz., that children delight, above all things, in doing something, and specially in making, something. They will make mud-pies, or dolls, or ships, or draw impossible men and horses on the wall or on their slate. It is a necessity of their nature; and, if I may be allowed a conjecture, it probably connects itself with the fact already alluded to, that this is the period of the development of the motor-centres in the brain. Now, if, as I have tried to show, this productive activity of children can be turned to account educationally, it is clear that we have here a great source of motive-power in education which is at present largely running to waste in our schools. The restlessness of a healthy child is simply an indication that the reservoir of energy is full and brimming over, and we only need to lead it off by proper channels to secure the most valuable educational results. Every good teacher prefers to rely upon interest rather than upon compulsion as a motive-force in education, and, though it is perhaps too much to expect that every necessary subject of study be made interesting at all times, we cannot afford to exclude from the school programme a subject which has an inherent attraction for children if it has in itself any educational value whatever.

The attractiveness of this subject for children has one important result, of which I must make special mention. Regular attendance at school is an indispensable condition of progress, and if the effect of the inclusion of manual training in the school curriculum is to improve attendance, we may expect better progress to be made in other subjects as well. That it has this effect is not only probable on theoretical grounds, but is found to be the case in practice. "The keen interest of the boys in the class is clearly shown by the rare absence of a boy from school on the day set apart for his lesson." This report of an Edinburgh headmaster to the Board is typical of a pretty general experience.

The other special feature of manual training as a means of general education is that it substitutes the productive for the receptive attitude on the part of the pupil, and so tends to foster individuality. It is a pregnant saying of Froebel's, that "man only understands thoroughly that which he is able to produce," His knowledge must have been elaborated in his own brain, and must bear the stamp of his own personality. It can never be merely transferred from one person to another, Hence the educational maxim, that what the teacher does for a pupil is of no importance compared with what the pupil does for himself, Now, manual work as compared with other school subjects offers a unique field for carrying on this procese of self-education. ID other subjects results are, and probably must be, all important, We must make sure that the children before leaving school have attained to a certain measure of proficiency in the three Bs, and the methods by which this result is arrived at are, comparatively speaking, of secondary importance. There is consequently a strong temptation to impart knowledge, or the appearance of knowledge, by the shortest methods. In reading, the teacher very commonly gives a model or correct reading before the pupil has made any attempt to master the difficulties of the passage for himself. I believe that in certain text-hooks it is even laid down that this is the correct method of procedure.

In arithmetic, the pupil is at once furnished with a rule for working certain types of sums before he has made any attempt to construct a rule for himself, and so on. Imitation and memory are relied upon to the detriment of more important faculties. Probably these shore methods are not in the long run most effectual in securing their object, but so long as the result, apart from the method, is regarded as the all-important point, there is the strongest temptation to use them.

Furthermore, in teaching class-subjects to large classes such as are too common in our town schools, the most skilful teacher cannot insure that each individual pupil is really performing the mental operation necessary to make the instruction given part and parcel of his mental fibre. With apparently perfect attention the mind may be completely passive. Even genuine attention is not enough. The pupil, if he is to permanently benefit, must actively take hold of the facts presented. Restate them in his own way, and correlate them with other facts of his experience. Under the usual conditions of class-teaching this cannot be done, I do not hesitate to say that the continued teaching of children in large classes, where no opportunity can be given for the frequent individual reproduction—I do not mean repetition from memory—of what has been learned, has a deadening and paralysing effect upon their faculties. Much of the apparent result is delusive, and the time spent upon it is to a great extent wasted.

Let us turn now to manual work. There the result—the object made or the manual dexterity acquired—though in itself valuable, is of no importance compared with the educative process which the pupil passes through in attaining the result. The public do not demand a certain amount of manual dexterity in the pupil who leaves school, in the same way as they demand a presumption of proficiency in the three Es. Nor is it likely that they ever will. There is no necessity to obtain a certain result anyhow, and we are consequently at liberty to arrange our work, and to conduct it in such a manner as to obtain the best educational effects from the process. In public-school education, as regards its main subjects, there must always, I suppose, be more or less of a compromise between educational principle and considerations of immediate utility. But here is a department of school work into which these considerations need not enter, and accordingly, strange as it may seem, it is precisely in this subject of manual training, of all others, that we may hope to see educational principle most fully exemplified.

To accomplish this certain conditions must be fulfilled, of which I shall mention only the most important:—

- It will be necessary that the pupil be as far as possible his own teacher, and the work he does in every sense his own. The teacher must to a great extent efface himself, and while giving general direction to the work, and information and advice where needed, he must be careful to avoid premature help. On no account must he do any part of the work of the actual model on which the pupil is engaged.
- It will be further necessary that the work be of such a nature as to secure the interest of the pupil, but I have already given reasons for believing that this will be an easy task.
- The nature of the work must correspond to the age and strength of the children.
- It should be so graduated that at each stage the pupil will have fresh difficulties to encounter, for which, however, his previous experience should have in some degree prepared him. It is very largely on this point of graduation that the merit of one system as compared with another depends.
- At each stage, according to the capacity of the children, a higher and higher standard of accuracy must be set, otherwise the work will lose much of its disciplinary effect.
- There must be no attempt at class-teaching in the ordinary sense. Each pupil must be allowed to advance at his own natural rate of progress. The slow must not be unduly impressed, nor the smart kept marking time.
- Lastly, I would urge very strongly that teaching of this kind should never be regarded as an end in itself, but should always be considered in its effects direct or indirect on other school studies. The place it occupies in the school curriculum, and the manner of teaching it, may very well be taken into account in forming a general estimate of the work of a school, but it is not desirable that it should be made the subject of a *special* grant. For with the special grant emphasis would naturally be laid upon the visible and tangible result, the amount of work done, rather than on the disciplinary effect, or its due relation to other school studies.

If the conditions I have enumerated are fulfilled, we might expect manual training—or, as it would be in that case, sloyd—to develop in the pupils an individuality, an independence, and a self-reliance which would be most valuable correctives of the evil effects of class-teaching, while it would at the same time exercise their mental faculties in a degree little inferior to other school studies, and in a more concrete and practical way.

Let me now put in summary form the advantages which might be expected to result from making sloyd—or manual training conducted in the way and under the conditions just mentioned—an integral part of the curriculum of the elementary school.

We should secure a direct result valuable in itself—viz., increased dexterity of hand in children, in greater

or less measure, according to the time spent upon it. But we should secure an indirect result of still greater importance, inasmuch as we should turn to educational account a great natural force, the interest which children have in making things, and cause it to contribute toward their *intellectual* education, and specially toward the development of certain qualities of mind and character which should go some way to counteract the evil effects of class-teaching. And in securing these results we should at the same time be acting in the interests of a complete and well-balanced education.

I turn now to the practical question of its introduction into schools. First, let me state explicitly, what I hope has been sufficiently implied in the preceding remarks that the measure of the introduction of manual work into schools must be the measure in which it conduces to increased efficiency in the general work of the school, and specially in the standard subjects. It is, I think, well understood in the schools of this district that no amount of extra work of this kind can compensate for deficiencies in the fundamental subjects. Having regard to this general condition, can we say that there is room for the additional subject in the school timetable? That is a question which experience alone can answer. But in the schools of this district, and particularly in the schools under the Edinburgh Board, there has been gradually accumulated a fund of experience which enables a pretty decisive answer to be given as regards certain stages of the school, at all events. It will be convenient to consider the case of the infant-school and of the juvenile school separately.

I. Infant departments (including Standard L): As regards these., the difficulty of the time-table has been amply, I may say, brilliantly solved. During the last four or five years the serious treatment of kindergarten occupations has spread from a very few schools to practically every school of any size in the district. The time devoted to work of this kind has gradually increased. In some schools, and these not the worst, it engrosses, together with object-lessons, singing, and drill, practically the whole of the afternoon time-table for the younger children. Now, all this has been done not only without loss of efficiency in the ordinary subjects, but with positive gain. Comparing the work done now in such a subject as arithmetic, for example, with the work done in the same subject in the same schools four or five years ago, I have no hesitation in saying that it greatly more intelligent and more effective. This is also, I believe, Dr. Kerr's opinion, and similar opinions might be gleaned from blue-books wherever there has been opportunity for making the comparison. As a rule, too, it is precisely in those schools where this kind of work has been most developed that the work in ordinary subjects is found to be most efficient. But perhaps the most remarkable thing is that even as regards the bare *amount* of work done there has been no falling off. I have paid particular attention to this point, because mistresses, in proposing an alteration in the time-table which would reduce somewhat the amount of time given to ordinary subjects, have expressed a fear that they would not be able to show the same advancement as formerly. I should not have been astonished—nor dissatisfied—had the profession of work at inspection been at that stage less, but, in point of fact, I have remarked no falling off.

The reason is really obvious. If, as I have said elsewhere, school work gives adequate exercise for the faculties of the pupils, there is an enhanced pleasure in school life, and a resulting energy which carry the children triumphantly through what are possibly less agreeable occupations. Besides, there is something less analogous to the law of "diminishing return" in education. Progress in a given subject beyond a certain point is not commensurate with the amount of time per diem given to it. As much progress may be made in much less time, provided that the children enter upon the lesson with zest, that the freshness of interest be maintained, and that routine methods and vain repetitions be avoided. Children of five to seven years of age cannot really profit by instruction for four hours a day in the three. Its only—Supposing that no other suitable occupations could be provided for them in school, it would be better that they should spend a considerable portion of that time in the playground.

In the infant-schools, then, in this district at all events, it is no longer a question of the introduction of manual training, but rather of making provision for its proper regulation and development. As yet we are only at the experimental stage, and it is not desirable that any hard and fast line of procedure should be laid down. Rather, variety of work should be encouraged, together with the most careful observation and scrutiny of the effect of this kind of work in general, and of the relative values of the various exercises in particular. Theoretical considerations, such as I have stated, seem to me to be of sufficient weight<sup>4</sup> to justify our making trial of manual training as a part of school work, and, so far, the results in infant-schools have been very favourable. But the final decision as to the value of this kind of work must be given at the bar of experience, and there is need, meanwhile, for close, careful, and impartial observation. Indeed, I cannot but think that all departments of school work would greatly benefit if this spirit of inquiry as to the effects of different subjects and methods of instruction were fostered, and routine methods, with all due caution, varied by methods which may be as yet tentative and experimental. I am bound to say that the very visible progress made in recent years in the infant-schools, much greater relatively than in the juvenile schools, may be largely traced to reflection on their work on the part of the mistresses, and to the scope which the freer conditions of the infant-school give to the spirit of inquiry and experiment thereby evoked.' It may be laid down, however, as regards manual work in



infant-schools that the teacher should have a clear understanding of what the object of this kind of work is; that she should somehow or other acquire the necessary skill which some of the more advanced exercises demand; and that in any one school there should be a definite organization of the work such as would prevent the repetition of the same exercise in successive years, or the placing of a more difficult exercise before a simpler one.

II. In the juvenile school the introduction of manual training, Though not so general as in the infant-schools, has made considerable progress. In about half of the Edinburgh (board) schools it is to be found in some form or other throughout the junior standards (I., II., and III.), and in seven of these schools the boys of the highest standards receive instruction in woodwork. From the favourable opinions expressed by the headmasters in their reports to the Board (see report of school-work committee), a further rapid extension may be expected. I quote such expressions of opinion as the following: "The improvement effected in Standard II. since kindergarten exercises were introduced has encouraged us to continue them in more advanced forms in Standard III," "The experience of the year has all been in favour of the inclusion of science, and hand and eye training in the curriculum of the school," "I am thoroughly convinced of the great educational value of the manual instruction, and the keen interest of the boys in the class is clearly shown by the rare absence of a boy from school on the day set apart for his lesson," " One pleasing feature of the manual-instruction classes is that the boys greatly enjoy their weekly turn in the workshop."

What I have seen of this kind of work, and its effects, in the junior standards is in agreement with the favourable opinion expressed in these reports, The woodwork of the higher standards falls within the sphere of the science and art department, and it is perhaps out of my province to speak of it. But in the reports by that department it has been described as excellent, and in no school have I seen any reason to suppose that the time given to this subject has resulted in loss of efficiency in the other school subjects.

The circumstances of the higher and lower standards are somewhat different, and must to some extent be considered separately.

In the junior standards (I., II., and III.), the case for the introduction of manual training is almost precisely what it is in the infant departments. We have no reason to suppose that child nature undergoes a radical change about the age of eight, and we may fairly expect that a broadening of the curriculum such as would engage all the interests of the children would in these standards also tend to promote rather than to retard advancement in the ordinary subjects. The opportunity for the introduction of manual training into these standards is indeed particularly favourable. Much of the time at present given to teaching the beginnings of class-subjects in I. and II. is wasted, or worse than wasted, inasmuch as it serves only to fritter away the interest of the children in the particular subject. All that the children at this stage do learn, or can profitably learn, of such subjects as grammar, history and geography would be more efficiently taught in a preliminary course of a week or a fortnight in Standard-III There is no gain, but positive lose. In devoting a certain fixed amount of time per week for a whole year to pointing out nouns in the lesson—or nouns and verbs. Either the children feel and apprehend the function of these classes of words in a much shorter time or they have not yet reached that stage of their intellectual development at which they are capable of understanding it at all. In either case nothing is gained by dint of repetition. So in history a weekly or bi-weekly period is devoted to rehearsing over and over again the facts or legends, of the life of Wallace, or of the lives of Wallace and Bruce. The results are that; much valuable time is wasted, that to eke out the programme details of very doubtful historical or moral value are introduced, and that the children acquire a distaste for the subject. The course is not much improved by the addition of some information about Columba or Black Agues. I might, were it worth while, justify these criticisms in detail by excerpts from blue-books or from my own experience. The usual treatment of geography at this stage is open to similar criticism.

The truth is that at this stage of the school we have not yet arrived at the point where the separate subjects of oral instruction may be usefully differentiated from each other and separately treated. They might all be replaced by *one single course* of oral instruction, which would be in the main a continuation of the object-lessons of the infant-school, but which might include a certain proportion of lessons on historical or geographical subjects, to be treated after the manner of object-lessons. For these special lessons some natural features of the district, or some scenes of historical interest in the neighbourhood, might be selected as points of departure. A few introductory lessons in grammar might be included, but language-teaching at this stage would probably be better promoted by utilising the object or historical lessons already referred to as material for the practice of oral and occasionally of-written composition. The time thus gained, to say nothing of the freedom from distraction, would leave ample room for such amount of manual training as might be found desirable and also for physical drill, and would probably allow of further progress being made in standard work. At present the difference in the requirements in standard subjects in Standards I. and II. scarcely represents a year's work.

In the higher standards the case is not so simple, These standards, especially Standard V., have their own share in the distribution of elementary work over the different standards, and it is on them that the brunt of the

real teaching of class-subjects must fall. Not much relief is to be had by attempting to anticipate this part of the work in the lower standards, because so much of what has to be taught makes demand upon the intelligence which cannot reasonably be made at an earlier age. Then, too, in the schools which attempt to do some secondary work some beginning of specific subjects must be made even as early, perhaps, as the Fourth Standard. Clearly the utmost caution must be exercised in introducing an additional subject.

But there are some considerations on the other side. First and most important is the fact, to which I have already alluded, of the rise in age at which Standard V. is being taken. Twelve is rapidly becoming the regular age for presentation in this standard, and there is good reason to believe that in a few years about half the children presented in V. will be over thirteen years of age. If, then, children of twelve and thirteen profess the work in standard subjects which in former years was professed by the majority of children at eleven, there is room not only for greater thoroughness of attainment, but also for a wider range of work in the school curriculum. Then, again, the addition of some form of manual training to the school curriculum may be regarded rather as a relief from than as an addition to the mental work caused by other school studies. On the measure of success which has attended the introduction of manual training so far I cannot in the meantime lay stress, because possibly the experiment has not been sufficiently general or long continued. But it is a fact that in many schools, under present condition, the girls take all the work that the boys take, and give besides a considerable amount of time to sewing and to cookery. The addition of manual work for the boys would in these cases only counterbalance the extra work of the girls. The only question is whether equality should not rather be brought about by reducing the amount of work for the girls. It is much to be wished that this question of the amount and proper distribution of class-subject instruction were more generally looked at from some other point of view than that of ascertaining the best paying combination. Certainly three class-subjects, besides extras, are often run abreast for the sake of extra grants, when every consideration of educational policy would have suggested that two only should be taken.

The amount of class-subject instruction in the higher standards, and the particular subjects taken up, must in any case depend to some extent on the circumstances of the school and the tastes of the teacher, but I may perhaps venture to suggest the following arrangement as a desirable one in ordinary circumstances:—

That two class-subjects only—viz., English and geography—should be formally professed, and of these two English should receive even a greater proportion of time than at present. That one of the reading-books in use in the class should be a thoroughly readable history *not* arranged with a view to preparing for examinations. The first requisite is that it should engage the interest of the children. To systematize and confirm their knowledge of the facts the children should be asked from time to time to make *for themselves* a summary or digest of certain portions of the book, to be corrected or improved by the help of the teacher. In no case should they be provided with a ready-made analysis to be committed to memory. That manual work—cardboard or woodwork—should be taught to the boys in connection with drawing largely in the time that the girls give to needlework. This combined subject might be made the means incidentally of some elementary instruction in geometry, and in the application of the pupils' knowledge of arithmetic to simple problems of mensuration. If drawing is taught to girls it should be partly in the time at present given to needlework. That as a subsidiary subject, to be taken up more or less fully according to the time available, a series of lessons should be given on facts of observation and experiment. These lessons should not be directed, purposely at all events, towards increasing the pupils' store of examinable knowledge, but should be in the very strictest sense a training in accurate observation, accurate expression, and correct reasoning.

Under this scheme history would require little extra time beyond that allotted to the reading-lesson, and history and object-lessons together would probably not require nearly the whole of the time at present given to a third class subject. The educational result would, I think, be at least as satisfactory, and there would be time for any reasonable development of manual training.

The difficulty in the way of manual training on the score of expense of equipment I need hardly discuss. The expense, except in the case of woodwork, is trifling; and even in the case of woodwork it is not likely to prove a serious difficulty if once the desirableness of the instruction is recognized.

But I come now to a difficulty of the gravest and most real character—viz., the question of staff. The very general introduction of manual training into the schools of the district is, as I have remarked elsewhere, the outcome of a spontaneous movement on the part of the teachers, especially in the infant departments, and is in no way due to pressure on the part of the inspecting staff, whose attitude has been mainly one of observation. But however disposed we might be to urge the claims of the subject on their attention, we are of necessity dumb when we find teachers—women—in charge of classes of over eighty children, without any help, or in charge of a hundred to a hundred and thirty with the aid of a pupil-teacher. However we may think that in the long run it may help to relieve and brighten their labours, we cannot possibly ask them to undertake any additional work. It is greatly to their credit that work of this kind should have been so generally attempted and so well done, and the ingenuities of organization elaborated for the purpose are worthy of all praise. These large classes occur

even under the Edinburgh Board, which has long and deservedly had the reputation of being most liberal in staffing its schools. I am glad to say, however, that the Board has presently under consideration a scheme by which the staff of each school will be still further strengthened. I shall regard it as not the least of the merits of manual instruction if its necessities shall lead to the formation of more correct ideas as to the number of children who can in ordinary circumstances be effectively taught at one time by one teacher. It is of the essence of manual training to be individual. It is in this respect the very antipodes of class-teaching, and consequently the number whom a teacher can effectively supervise is strictly limited. In the case of any of the more advanced forms of manual work that is now an accepted principle, and twenty to twenty-five at most are taken at a time. Even this number is considered by some excessive. It does not follow, of course, that there must be a teacher for every twenty-five children, but that for this subject the children must be taken in sections not exceeding that number. But this arrangement is barely possible with the present average staff of a school, and if manual training is to be effectively carried out that staff must be proportionately strengthened.

But probably some increase of staff is equally to be demanded in the interests of effective instruction in other class-subjects as well. The need for individual instruction is generally regarded as a peculiarity—the merit or demerit—of manual training, but it may be questioned whether it is not a characteristic of all really effective teaching in any subject whatever. The one subject; which can be caught by the class method pure and simple is drill. It is useful also in an object or demonstration lesson, where some simple and easily-under stood fact can be shown to a large number at once. Even here a very little experience will convince the amateur in school methods that the possibilities of misconception among children are endless. But when we come to such a subject as grammar, for instance, the attempt to carry on the work simply by means of class-teaching breaks down hopelessly. Even the most lively and skilful presentations of the subject in the class lesson will fail of its effect unless it is followed up by patient individual dealing. For one collective lesson, if the subjects is to be effectively taught, there must be half a dozen where the pupils are taken sectionally for individual teaching. Scattering questions promiscuously over a class of eighty or a hundred children is not enough. With the average teacher in ordinary circumstances there is no certainty that all the children, or even a large proportion of them, are making any active intellectual effort. They are either inert, trusting to escape the question, or, if forced to respond, content themselves with some stereotyped answer of which they have learned the trick. The individual teaching which is a necessity of manual training is only in a small degree, if at all, less necessary in such a subject as grammar, and in the ordinary school additional staff is greatly needed in the interests of the one as well as of the other.

It goes without saying that, if manual instruction is to be successfully given, the teachers of the subject must possess the requisite technical skill. Ideally, of course, that skill would be most appropriately acquired in the training colleges. But no one who has regard to the amount and the distracting variety of work at present undertaken in these institutions could venture to propose any addition to the curriculum. Whether some reform of that curriculum is on other grounds desirable I cannot here discuss. But I believe that a very adequate preparation for this kind of work might be secured in the case of the majority of future teachers if provision were made in the schools of the large towns where manual training has been to some extent developed for some systematic instruction of the pupil-teachers both in the theory and practice of the subject.

Other teachers who wish to introduce the subject must, I fear, make some sacrifice of their leisure time, as many have already ungrudgingly done, and qualify themselves as best they may by attendance at special classes. The amount of technical skill needed varies greatly with the different exercises. The Sloyd Association of Scotland aims at providing courses under competent teachers in such subjects as clay-modelling, cardboard-work, and woodwork wherever there is a demand for them. Similar courses have been held in connection with the Aberdeen branch of the Educational Institute. A sloyd class is held in the holiday season in connection with the Edinburgh summer gathering. Classes for the instruction of teachers in woodwork have been conducted under the auspices of the Edinburgh Board by the chief woodwork instructor, and doubtless many of the evening classes held in technical and science colleges will afford opportunity for acquiring the necessary skill.

A considerable number of teachers from Scotland have attended holiday courses at the great training-schools of Naas and Leipzig, and the value of the wider experience of matters educational to be gained at these institutions can hardly be exaggerated. At Nääs, through the generosity of the founder of the institution, Herr Abrahamson, no payment of any kind is required for instruction or use of tools and materials, and in the summer and autumn conrees the lectores and instruction are given in English. Last year the committee on technical education of the Dumfriesshire County Council—as many County Councils in England have also done—undertook to pay the expenses of some public-school teachers from the county at Nääs or Leipzig, in order to qualify them for giving similar instruction at home. They now propose to employ one of these gentlemen, who had a distinguished record at Nääs, to give instruction to other teachers from selected schools in the county. Possibly other County Councils in Scotland may be disposed to follow this example.

But however the necessary skill may be acquired, it is of the last importance that teachers who undertake work of this kind should have a clear and abiding idea of what the object of it is. Hence it is desirable that some theoretical instruction—and discussion—should accompany the practical course. In the case of those who are teachers by profession there should be no great necessity, for insisting on the educational aspect of the work. It is the requisite technical skill in which they are more likely to be lacking. Especially is this the case with woodwork (or ironwork), where the acquirement of the necessary skill in one previously destitute of it is a matter of months rather than of days or weeks. Yet it is simply indispensable that a teacher should himself be able to do reasonably well what he attempts to teach others, At first sight, the obvious thing to do would seem to be to employ a skilled artisan. But this in ordinary circumstances is an expedient of at least doubtful policy. Certainly there are artisans who are by nature teachers, or who quickly apprehend and adapt themselves to the educational aims of woodwork instruction in schools. To take a parallel case, I know of teachers of cookery not trained teachers, whose grasp of educational objects and methods is as firm as that of those who are teachers by training and profession. But to employ any one to conduct a course of manual training simply on the ground of his skill as an artisan is a most hazardous proceeding. Such an one from his whole bent and training is apt to lose sight of the educational end, and to aim at one thing only—viz., the making of the boys, so far as opportunity allows as expert workmen as himself, and that by the shortest, readiest, and most mechanical methods. Now, it is no part of the business of the elementary school to turn out expert workmen. That aim may be allowable—I do not affirm that it is—in teaching lads in evening continuation schools or in technical schools, but it is out of place in the elementary school. The function of the elementary school, if it goes beyond its primary business of giving effective instruction in the three Rs—and even in these—is to develop intelligence and build up character, and there is no place in its curriculum for manual work of any kind, except in so far as it can be made to conduce to these two great ends. In the elementary school the manual training given, of whatever kind, must be sloyd, using the word not as denoting any particular system, but in the wider sense I have endeavoured to give it, and sloyd in the service of the school; and the person who teaches it, whether he has all the skill of an artisan or not, must, at all events, have the instinct and aims, if not the training, of a teacher.

I have, &c.,

J. STRUTHERS.

The Secretary, Scotch Education Department.

## **B.—Circulars Issued by the Education Department, at Whitehall.**

### **1.—Instruction of Infants.**

(Circular 322.)

26th February, 1893.

SIR,—

You will have observed that in the Education Code of 1892 teachers holding either the elementary or advanced certificate of the National Froebel Union are allowed to rank as assistant teachers in infant-school under inspection. And you will doubtless have rightly inferred from this concession that the department are desirous of giving further encouragement to the employment of kindergarten methods.

The circumstances of infant-schools have altered considerably in the last few years; the numbers in the lower classes having increased (especially in schools which have accepted the fee-grant, and have consequently either abolished or largely reduced their school fees), a full four years' attendance at the infant-school will be the rule and not the exception. The improvement also shown in passing the standards at an earlier age than formerly gives to infant-schools greater liberty and leisure in developing natural methods of education.

As regards the elementary subjects, the conditions of the Code are fully satisfied if the scholars over seven can pass, as a rule, in the First Standard; nothing more should be attempted in these subjects in the infant-schools, except in the few cases in which scholars are allowed to be retained for the work of the Second Standard. The scholars in the lower classes of infant-schools may therefore be relieved from any premature preparation for those subjects on methods ill-suited to their tender age.

Two leading principles should be regarded as a sound basis for the education of early childhood:—

- The recognition of the child's spontaneous activity, and the stimulation of this activity in certain well-defined directions by the teachers.
- The harmonious and complete development of the whole of a child's faculties. The teacher should pay especial regard to the love of movement, which can alone secure healthy physical conditions; to the observant use of the organs of sense, especially those of sight and touch; and to that eager desire of questioning which intelligent children exhibit. All these should be encouraged under due limitations, and should be developed simultaneously. So that each stage of development may be complete in itself.

It has been strongly urged that sufficient attention has not been paid in the past to these principles; indeed, it is often found that the Kinder-garten occupations are treated as mere toys, or amusing pastimes, because they are attractive for children, and the intellectual character of the " Gifts of Froebel" is disregarded, whereas the main object of these lessons is to stimulate intelligent individual effort.

You should direct the attention of teachers to the chief consideration which underlies true methods of infant-teaching—namely, the association of one lesson with another through some one leading idea or ideas. The reading-lessons, occupations, and object-lessons may all be usefully combined—*e.g.*, if the teacher wishes to impress on her class some knowledge of a domestic animal, she may usefully combine the object-lesson for general study of its structure; the reading-lesson for a knowledge of its habits and character; some occupation, such as pricking the outline. To impress an exact knowledge of its form; a song or simple story bearing on its association with human life; so that familiarity with animals, especially with domestic animals, and a kind treatment of them, may be fostered.

On the other hand you should caution teachers against the mere repetition of the same exercises and lessons; the progressive character of the whole scheme of instruction should be constantly kept in view; and each exercise should lead up to something beyond itself.

Pictures and flowers have been wisely introduced of late in greater abundance into infant schools, and have added much to their cheerfulness and attractiveness. They should be frequently taken down into the class, and made the subject of conversation, It is not enough that the children should be taught to observe these things and to answer questions upon them. They should be encouraged in every way to give expression in their own words to what they know, what they want to know, and what they think.

It will be found that the elementary subjects when taught on right methods can be treated with greater variety; reading becomes a kindergarten lesson through pictures and word-building; writing becomes a variety of kindergarten drawing; elementary exercises in number are associated with many of the kindergarten occupations.

It is the experience of many good teachers that by the adoption of such methods it is found to be unnecessary before the sixth year is passed to employ books for reading, except occasionally for a change of occupation, or perform any exercise in writing except the elements of letters, or to do my formal arithmetic work on slates.

It may reasonably be hoped that the observance of these suggestions will materially improve the work of the younger children in infant-schools and classes, by relieving the teacher from that useless subdivision in the elementary subjects, which has been hitherto generally employed, and by rendering the instruction less formal, but more varied and attractive.

A list of varied occupations is appended to this circular.

I have, &c.,

G. W. KEKEWICH.

The following list of varied occupations may serve as a guide to teachers, especially in infant schools or classes, which may be divided into sections for those lessons:—

- What children between the ages of five and seven can do: Games with music. Games without music (guessing games, &c.; taking message). Picture-lessons. Object-lessons. Story-lessons—*e.g.*, stories from history; Grimm's Household Tales. Hesitations. Paper-folding. Mosaic with coloured paper; use of gum, Drawing; brush-drawing. Plaiting paper. Ruling simple geometrical forms. Measuring length; estimating length. Weighing; estimating weight. Setting a table (carrying a glass of water without spilling it; moving cups without breaking them), Modeling in clay. Basket work. Cutting out patterns and shapes with seissors. Word-building. Number pictures, with cubes, beads, &c.
- What children between three and five years of age can do: Games with music. Games without music (guessing games, &c.). Recitations, nursery rhymes, &c. Picture-lessons (learning to answer in complete sentences as to what they can see in a picture). Paper-folding. Mosaic with coloured tablets. Drawing, Matching colours (picking out the same shades of wool from a heap of remnants). Plaiting paper. Working patterns with needle and worsted. Threading beads in twos, threes, &c. Arranging shells in twos,

threes, &c. Arranging "pictures of number" with cubes. Word-building.

## 2.—Instruction of Lower Standards in Schools For Older Scholars.

(Circular 332.)

6th January, 1894.

SIR.—

A general opinion was expressed by the Chief Inspectors at their last conference that the condition of the lower part of many of the school for older scholars is at present the weakest point of the instruction in public elementary schools.

In the best infant-schools children are taught by natural methods, and are trained to use their powers of observation and reasoning; in schools for older scholars they are too often taught by arbitrary and conventional methods and there is little in the general course of instruction to lead them to observe or to reason. Object-lessons are in many cases discontinued, the reading-lessons are encumbered with the teaching of spelling even in the First Standard, and hand and eye occupations are very rarely found, Arithmetic also often becomes a mere abstract or mechanical exercise, and is not made to rest upon simple questions of common life within the knowledge and observation of the scholars, nor is it always sufficiently an exercise in reasoning.

When the general character of the lesson presents so little opportunity for the cultivation of intelligence, it cannot be expected that the habit of a spontaneous desire to question which ought to be fostered in young scholars will arise; and it is to be feared that, when examined, they often reproduce knowledge which has been conveyed by methods which are not truly educational.

It should be borne in mind that object-lessons cannot be dispensed with if habits of observation are to be duly fostered, and they should be treated as a means for mental exercise and not merely as opportunities for imparting miscellaneous information. Objects should always be present, and in sufficient numbers; and the chief aim should be to call into activity observation and the construction of clear mental pictures, so that the intelligence of the pupils may be exercised and developed. Geography, where it is a class-subject, should be treated in a similar way and should be taught by visible illustrations and by actual modelling in sand and clay, for the production of miniature rivers, mountains, &c. Tales from history also, if graphically told and well illustrated by striking pictures of sufficient size, will be very helpful in the same direction. Elementary science (the schemes for which as given in Schedule II. of the Code prescribed object-lessons solely for the First and Second Standards) is obviously an excellent class-subject from this point of view.

But, whatever may be the method followed, some system of lessons should be arranged in every school by which an intelligent habit of observation and simple reasoning may be fostered, while it cannot be too clearly pointed out that all the subjects simultaneously dealt with in a curriculum should be kept as closely interconnected and made as mutually helpful as possible, and not be unduly isolated and specialised.

So also as regards hand and eye training, it is much to be regretted that the ingenious and progressive kindergarten exercises for training scholars in deftness of hand and correctness of eye should be almost entirely discontinued after children leave the infant-school; and the more so when it is remembered that the mind itself is most effectively trained by such exercises, whenever they are the expression of the children's own thought.

Drawing with coloured chalks, modelling in clay, embroidery of outlines, formation of geometrical patterns and models, and building with cubes, &c., have been tried with excellent results and at very small cost, as convenient methods of continuing the instruction given in the infant-school.

You will be careful to explain to managers how very interesting, inexpensive, and educational all these methods are.

As regards the elementary subjects, spelling, unless founded upon methodical and well-graduated lessons on classes of words, should be absolutely discouraged in the lower classes; and in arithmetic, no sums should be set either in the First or Second Standard which the scholars themselves cannot either put down when set in a concrete form or translate into concrete qualities when set in abstract numbers.

The use of the reading-book for spelling-lessons should also be discouraged. Otherwise the interest in the subject is lessened, and the time which should be devoted to intelligent conversation between the teacher and the class on the matter of the lesson is curtailed.

In connection with object-lessons or other similar instruction, the practice of answering by complete sentences, which largely prevails in infant-schools, should, whenever possible, take the place of elliptical or simultaneous answering.

Attention might be also usefully drawn to the desirability of employing, in these lower parts of schools for older scholars, women teachers who have had experience in infant-teaching, and especially those who have been trained for kindergarten work.

It should never be forgotten that, unless the lessons themselves are made attractive to these young children by their simplicity of treatment, by the suitability and variety of the illustrations, and by association with their everyday life, the most carefully drawn curriculum, and the most thoughtful arrangement of time-tables will fail to attract the children of those parents who set little value on the education of their children.

Their Lordships believe that there is nothing in the Code, or in the present system of examination, that need in the least degree prevent such simple and natural methods of teaching as have been described, and they would be glad to hear of anything that would remove any impediment should such appear to exist. They desire also to point out that the general intelligence which these methods of instruction tend to foster is of the highest advantage in improving the teaching of other subjects of instruction which form part of the curriculum.

I have, &c.,  
G. W. KEKEWICH.

### **3—Object-Teaching.**

(Circular 369.)

25th June, 1895.

SIR,—

It has been observed that in schools in which object-teaching has been introduced with most success the teachers have carefully distinguished between two kinds of instruction which in other schools are not seldom confused. These two kinds of instruction are: (1) Observation of the object itself, and (2) giving information about the object. This distinction is of importance, because the scope and method of the lesson differ according to its nature. Object-teaching leads the scholar to acquire knowledge by observation and experiment; and no instruction is properly so called unless an object is presented to the learner, so that the addition to his knowledge may be made through the senses.

Junior teachers have not unfrequently given lessons before Her Majesty's Inspectors which were wrongly described as object-lessons, because in dealing with the topic selected no suitable appeal was made to the eye of the scholar. A lesson, for example, on the elephant to children in village schools, who have no opportunity of visiting either museums or zoological gardens, may convey information and store the memory with interesting facts, but it does not cultivate the habit of obtaining knowledge directly and at first hand, or develop the faculty of observation. However well the lesson may be illustrated by diagrams, pictures, models or lantern-slides, if the children have no opportunity of handling or watching the actual object which is being dealt with, the teacher will be giving an information-lesson rather than an object-lesson. It should be always remembered that in object-lessons the imparting of information is secondary to the cultivation of the faculty of observation.

Object-teaching should be further distinguished from instruction in natural science. It is elementary science only in so far as it aids the child to observe some of the facts of Nature upon which natural science is founded; but as it deals with such topics without formal arrangement, it differs widely from the systematic study of a particular science. The principles of scientific classification, the continuous study of one group of natural phenomena, the generalisation from facts and the search for natural laws, belong to a later stage of mental discipline, which will be much more effectual if it is being based upon the preliminary training of the senses through sound object-teaching. It is most important, therefore, that if, for example, object-lessons are given on plant life, no attempt should be made to treat them as a continuous introduction to the study of botany, or, if the lessons relate to animal life, to the study of zoology. In object-teaching the chief interest in the lesson should centre in the object itself.

The following suggestions, which have been made by practical teachers, will be found useful:—

- The teacher should select only so many of the objects set forth in the appended or other similar lists as can be dealt with in the year without overburdening the scholars. Habits of observation are better cultivated by the thorough examination of a few objects than by the superficial treatment of many.
- No object should be chosen which the teacher cannot thoroughly illustrate either by the object itself or by some adequate representation of the object, or by both. All that is purely technical, whether in the mode of study or the language and terminology, should be carefully avoided.
- The children should be encouraged to bring with them to the lesson illustrative specimens which they

- have collected or borrowed from friends.
- The children should be encouraged to make simple drawings, illustrative of their observations, wherever possible, and in certain cases to make simple records on square-ruled paper. Clay-modelling and other manual occupations may be employed to test the accuracy of the impressions which the children form, and to fix them in their minds. Teachers also should frequently illustrate details of the lesson by black-board drawings. Children who are jaded in five minutes by a lecture will be open-eyed and receptive for half an hour while the teacher draw as well as talks.
- Visits to museums and other institutions of educational value are now recognised by the Code, and may advantageously be undertaken where possible in connection with the object-teaching. Occasional class excursions out of school-hours (or, if the instruction be in accordance with Art. 12 (f.) of the Code, in school-hours), under proper guidance, will enable teachers both to provide suitable objects and to confirm previous impressions. It should be borne in mind that objects, when they are brought into the class-room, cannot be there studied under their ordinary conditions; and therefore it is important by a proper use of such expeditions to let the children see what part the object plays in its usual surroundings.
- If the scholars are to learn intelligently from their object-lessons, the first requisite is trained attention. The right method of securing this is to direct, in a conversational way, the attention of the children to the different parts of the object in an orderly manner, and explain the relation of each part of the whole. After the analysis or study of separate detail, the object should be again treated as a whole. It should not be left in fragments, but the division into parts should be followed when possible by the reconstruction of them into their original unity. Through such teaching the vague and indefinite impressions which children receive from objects when they are first presented to them are gradually converted into clear mental pictures.
- The attempt to teach children to be accurate in observation cannot be separated from the need of making them accurate in description. After the children have been trained to observe a fact, they should be practised in making a correct statement of it in a sentence of their own. This oral answering in complete sentences will lead to correct use of the English language, both in talking and writing, and will store the mind with a useful vocabulary. In the higher standards the children will be able to write brief weekly compositions, in which they may express in a written form the ideas which they have acquired through oral instruction.

To sum up the main value of object-teaching, there are three principal uses. The first and most important is to teach the children to observe, compare, and contrast; the second is to impart information; and the third is to reinforce the other two by making the results of them the basis for instruction in language, drawing, number, modelling, and other handwork.

There are, however, other important uses of good object-teaching. It makes the lives of the children more happy and interesting by opening up an easily accessible and attractive field for the exercise of brain, hand, and eye. It gives the children an opportunity of learning the simplest natural facts, and directs their attention to external objects, making their education less bookish. It further develops a love of nature and an interest in living things, and corrects the tendency which exists in many children to destructiveness and thoughtless unkindness to animals, and shows the ignorance and cruelty of such conduct. The value of the services which many animals render to man should be dwelt upon, and the importance of kindly treating them and preserving them should be pointed out. By these means, and in other ways, good object-teaching may lay the foundation for the right direction of the activity and intelligence of the children throughout the whole school.

I have, &c.,  
G. W. KEKEWICH.

## 4.—Object Lessons.

The following lessons deal with the ordinary phenomena of common life and with objects familiar to the children. The teacher's choice is not confined to these lists; other objects will be accepted subject to the approval of the Inspector. Any of the objects may be dealt with at the discretion of the teacher in more than one lesson, and although they have been grouped for convenience of reference, it is not intended to prescribe any specified number of them for a yearly course. With different treatment the same object may be adapted to more than one standard. Some teachers may prefer to deal with the same object in successive years, or to recur to it after a year's interval, expanding the study to suit the growing powers of the scholars. To meet the varying requirements of teachers, it will be noticed that in some cases the names of the objects have been merely enumerated, while in other cases a few suggestions have been added as to the mode of treatment.



## **(1.) PLANT LIFE.**

### **(a.) *The Study of Plants as Growing Things.***

Grow an onion in a bottle of water, and note appearance of root and stem. Make a model in clay of the various stages of growth at short intervals.

Grow mustard-seed on damp flannel, and note stages of growth.

Notice a few curious roots.

The carrot: Cut off the top of one and grow it in a saucer of water, Contrast the root of a daisy (fibrous).

Boots which walk: Strawberry or strawberry.

Violet-root.

Contrast root of Iris and Solomon's Seal in their modes of extension.

Stem; Count the rings in a trunk that has been felled; ring?, how produced; estimate age of tree; the record of wet or dry seasons.

Climbing stems: Ivy.

Train bindweed up a stick and note that it turns to the right. If you unwind it and force it the other way (to the left), note how it resumes its old direction again, holding the stick with one of its leaf-stalks to get a purchase for the change.

Simple experiments to show effect of light on (1) leaves and (2) roots. Celery: blanching.

Leaves of deciduous trees contrasted with leaves of evergreens. Contrast leaves of holly, ivy, and box with leaves of oak, elm, and beech.

Note autumn tints. Collect and press leaves of various colours in autumn.

Buds: Leaf-buds and flower-buds.

Parts of a flower.

Fruits: Different kinds.

### **(b.) *Blossoms, Fruits, Seeds, and Leaves.***

Parts of a flower.

Flowers of curious shape.

Pea-blossom.

Insects and flowers.

Colours of flowers and insects.

Fruits. How seeds are scattered.

Shooting seeds.

Flying seeds.

Curious flowers, *e.g.*, primrose, compound flower (daisy), water lily.

Leaves: Shape, veining, arrangement.

Flowers as supplying (1) weather-glass, (2) dock, (3) calendar.

Examine celery plant. Got leaf stalks into thin sections to see how a plant is built up.

### **(c.) *Row Plants are adapted to their Surrounding.***

A bunch of spring flowers (according to time of year).

A bunch of summer flowers (according to time of year).

A bunch of autumn flowers (according to time of year).

Flowers and the soil Bog plants.

Riverside plants.

Plants that grow in running water.

Plants that grow in still water.

Meadow plants.

Plants of the heath and moor.

Plants of the hills. Plants of the wood. Plants of the sea-coast and salt marshes.

Sundew and flesh-eating plants.

Ferns.

The spores of ferns.

Grow some spores in a pan under glass and watch growth and development of a fern. Contrast with growth

of mustard from seed.

Mosses.

Lichens.

Funguses.

Simple experiments in manuring plants.

How plants help to hinder each other's growth.

Parasites: Mistletoe.

Plants which help or injure man.

## **(2.) ANIMAL LIFE.**

### **(a.)**

The Cat (compare with Dog).—Eyes; rough, dry tongue; soft pads and sharp claws, teeth, method of holding prey, drinking, covering of fur, whiskers, tail.

The Cow (compare with Sheep and Goat).—How she takes her food, teeth, chewing, milk (cheese and butter), tail, hoofs, covering, ears, horns, nose.

The Horse (compare with Donkey).—Covering, teeth, hoofs, tail, mane.

The Rabbit (compare with Hare).—Teeth, legs, feet, claws, covering, tail, whiskers, ears, eyes.

The Mouse (compare with Eat and Water-rat).—Teeth, paws, tail, whiskers, eyes, ears.

A Fish.—How fitted to live in water, weight, shape, covering, temperature, movements

A Plaice (compare with Herring).—Mat, eyes on one side of head, gills, movements.

Animals which sleep in winter.—Examples: Squirrel, dormouse, common snake, frog, toad, snail, slug. Preparation made for sleep.

### **(b.)**

Mole.—Shape, snout, teeth, paws, claws, eyes, ears, fur, food.

Hedgehog.—Covering of spines, how it rolls itself into a ball and why, head, teeth, food.

Common Snake (compare with Viper).—Shape, covering, teeth, how it moves, how it swallows its prey.

Frog (compare with Toad and Newt).—Movement, capture of prey, breathing, winter-quarters.

Garden-snail (compare with Slug).—Shell, mantle, head, horns, eyes, food, preparation for winter sleep.

Earth-worm.—Shape, rings, locomotion, food, usefulness.

Spider (contrast with Bee).—Shape, segments, legs, eyes, jaws, spinnerets, web, breathing organs.

### **(c.)**

Paws and Claws and their uses.—Cat, dog, rabbit, mouse, mole, frog.

Tails and their uses.—Horse, cow, donkey, dog, cat, monkeys, harvest-mouse.

Tongues and their uses.—Cat, dog, cow, woodpecker, frog.

Teeth and their uses.—Man, cat, cow, horse, rabbit, snake, fangs of poisonous snakes.

Hair, Fur, Wool, and their uses.—Cat, mole, dog, sheep, fox.

Beaks of Birds and their uses.—Duck, fowl, parrot, sparrow, goatsucker, heron.

Feet of Birds and their uses.—Duck, fowl, swift, owl, &c.

Insects.—Examples: Bee, beetle, butterfly, cockroach, silkworm. Insect development—legs, wings, segments, mouth, breathing apparatus, ovipositors.

## **3. THE SKY, THE AIR, THE SURFACE OF THE LAND, AND WATER.**

### **(a.) The Sky.**

Sunrise, noon, and sunset. (Note the object over which the sun is seen to rise from month to month. Note sun's position at noon, and its varying height above horizon.)

Shadow. (Note by aid of a spike erect on a flat disc the varying length of the shadow at noon. Study the shadows of objects. Variation in sharpness and depth.)

Moon. (Note the changes. Draw the shape from week to week.)

A few of the brightest constellations. (Make diagrams on square ruled paper from a study of the sky itself.)

Great Bear and Pole Star; Lyre and Vega; Cassiopeia.)

Planets. (Note any planet visible when the lesson is given, Mark its position on square ruled paper for a few weeks.)

Varying length of day and night.

## **(b.) The Air.**

Wind. Varying direction, (Note and keep record of the direction of the wind from day to day.)

Warmer and colder winds; rainy and dry winds.

Moisture in the air shown by seaweed; string (changing tension).

Wet cloth dries in the wind (water turns to vapour).

Vapour turns to water, (Breathing on slate. Clouds on hills. Evening mists.)

Clouds in the sky. Three chief kinds: "Heaps," "beds," "feathers,"

Rain. (Note size of drops. Raindrops on dust form little balls. Note effect of heavy rain in tearing up roads. Note the channels so made, and the arrangement of the sand and pebbles washed to a distance.)

Rainbow. (Note the succession of colours. Note position of sun behind observer and of the bow where the shower of rain is falling. Note that height of arch changes. When is it higher and when lower?)

Rainbow colours on shells, film of tar, Ac. Feathers of birds.

Dew, (Note when formed. Cloudless weather. On what does it lie thickest?)

Hoar frost.

Snow. (Note the size of flakes. Movement of flakes in the air as they fall. Snowdrift. Snow squeezed into ice.)

Hail. (Note when it falls. Examine hailstones. Is the hail accompanied by thunder?)

Thunder and lightning.

## **(c.) The Surface of the Land.**

Level or sloping Simple way of measuring slope. Height of school and neighbouring hill-tops above sea-level.

Flow of water over the land. Neighbouring stream or streams. Water-partings.

The river basin in which the school is situated.

Construct a model fountain and make simple observations on the pressure of water. Mill-dam. A "head" of water. Notion of falling water as a motor.

Soils. Clay, sand, slate, granite, chalk, quarries near school, gravel-pits, clay-pits, brick-works. (Note how the rocks lie, in layers or in masses without structure.)

Stones in the brook, water-worn; pebbles on beach, rounded; pebbles in gravel-pit often with sharp edges, perhaps ice-borne.

Difference between sand and mud. Crumbling rocks. Effect of frost on damp rocks.

Caves by the sea formed by the waves; caves inland formed by rain dissolving limestone; stalactites. (A lesson for schools in limestone regions or near rocky coasts.)

Building stone, marble, slate, Bath stone, sandstone, &c.

In marble, note shells, &c. Note plants in coal.

Volcanic rocks. Lava, brimstone, pumice-stone, basalt or whinstone (according to the nature of the district).

Rock salt; crystals of salt. Salt in sea water. Mineral in solution.

Hard and soft water. Bain water compared with streams from chalk or limestone; leavings after evaporation. Fur in kettles. Softening hard water.

(In certain districts) other minerals in solution, sulphur wells, iron springs, medicinal waters.

Mortar and cement. (Slake lime and make mortar; note the heat, &c.)

Surface soils. Crumbled rocks. Water-borne sand and mud. Vegetable mould and earth-worms.

Vegetation and cultivation. Forest, moor, and heath. Heathers.

Hedgerow trees, elms, ashes.

Trees of the forest, oak, beech, birch.

Evergreen trees, pines and firs.

Evergreen plants and shrubs, holly, ivy, box. Contrast evergreen and deciduous leaves. (Note change at fall of leaf. Autumn tints. Press specimens.)

Riverside trees, willows, poplars, aspens.

Hill pastures and meadows. Turf on the downs and hay in the valleys.

Gardens and their contents. Garden fruits and wild fruits. Garden flowers and wild flowers.

## **(d.) Water.**

Standing water; ponds; pond life.

Springs and running water—dear water looks shallower than it is. Simple experiments in illustration.

Study of flow of a stream. Where the flow is quicker (*a*) in the middle; (*b*) on one side, outer and inner bend. Where the bank is eaten away, and where sand is spread out. Varying bottom; deep pools, shallows, sand banks. Confluence of tributary. Delta. Measure the speed at which the water flows.

Study of sea-shore, Rocky and sandy coasts. Soundings. The rise and fall of the tide. Currents. Drifting sand. Effect of frost on cliffs. Breakwaters. Layers of soil and rock exposed down the side of a cliff.

Measure with thermometer the temperature of (*a*) a spring; (*b*) a stream; (*c*) a pond; (*d*) the sea.

Ice: Study hardness, mode of fracture; splitting blocks with a needle. Does it sink or swim in water? Easy to make two surfaces of ice freeze together. Simple experiments with ice.

Watch and record behaviour of thermometer plunged in melting ice.

Melt some ice carefully to find out whether it takes up more or less room than the water into which it changes/ (Force a mass of ice into & lump of clay and let it melt there.)

Freeze some water in a bottle and note bursting of bottle. Bursting of pipes.

Notes on expansion and contraction of substances illustrated by behaviour of water at different temperatures. Preliminary notion of thermometer.

Watch cold spring-water being heated to boiling-point in transparent glass vessel. Note bubbles of air given off, and as the water is heated bubbles of steam rising from below. Observe force of compressed steam.

Preliminary notion of steam-engine.

Dribble powdered alum into clear water. Hang thread in the solution and note the formation of crystal. Alum and other crystals.

Expose to the air crystals of (1) salt, (2) soda. Note change. What difference. What difference according to weather. Expose to the air crystals of saltpetre, and note result.

Dribble salt into clear water, and note that it dissolves, quicker at first, then slower, at last no more is dissolved. Place a fresh egg in saturated solution, and afterwards transfer it to clear water.

One liquid is denser than other. Compare water and mercury. Thing which float in mercury and sink in water.

Upward pressure of water on bodies dropped into it—Why bodies sink or float. Why steel ships float. Why cork floats.

Simple experiments in displacement of water.

Simple experiments in pressure of water and pressure of air. Siphon. Squirt. Pump, Diving-bell

Distillation of water. Filtration.

Water—a combination of two gases, oxygen and hydrogen simple experiments.

## **4. OBJECT.-LESSONS FOR TOWN SCHOOLS.**

### **(a.)**

The water we drink—how obtained.

Some of the simpler properties of water.

River (or canal)—according to circumstances.

Boats, barges, or ships, with which children are familiar—according to circumstances.

Other ships, *e.g.*, Atlantic liners.

Bricks—their size, shape, and manufacture; their size, &c., to be ascertained by children's measurements.

Bricklayer's work—arrangement of bricks in 14in. wall and in 9in. wall, shown with real bricks, or with small wooden ones; mortar, &c.

Coal—its simpler properties.

Coal—how obtained.

Coal—how transported and how used.

Coal-gas; it may be made in presence of the children.

Gas-works and gas-pipes,

Petroleum—how obtained; its simpler properties and uses.

Lamps and their dangers.

Common stones used in building and road-making.

Road-making and paving.

Quarries and quarrymen.  
Railways—general sketch.  
Engines and carriages.  
The work of railway men.  
The park or public garden—general sketch.  
The park or public garden—one or two of its more conspicuous trees.  
The park or public garden—one or two of its more conspicuous plants.  
Comparison between calico and flannel.  
Cotton and its manufacture.  
Lancashire and the cotton district; mills.  
Sheep-clipping and rearing.  
The West Riding of Yorkshire; factories, &c,

**(b).**

Cart-horse, Donkey. Sparrow. Eat or mouse. Cat.  
Plants grown in schoolroom (acorn in glass of water).  
Plants grown in schoolroom (mustard and cress).  
Plants grown in schoolroom (hyacinth in water or pot).  
Plants grown in schoolroom (a fern.)  
Costermonger and what he sells.  
Some common fruits sold in streets or shops, *e.g.*, pears and apples.  
Some common fruits sold in streets or shops, *e.g.*, strawberries.  
Some common fruits sold in streets or shops, *e.g.*, oranges.  
Some common fruits sold in streets or shops, *e.g.*, cocoanuts.  
Things seen in grocer's window, *e.g.*, tea.  
Things seen in grocer's window, *e.g.*, sugar.  
Things seen in grocer's window, *e.g.*, coffee.  
Things seen in grocer's window, *e.g.*, currants and raisins.  
The baker and his work.  
The milkman.  
The addressing and posting of a letter.  
The postman and post-office.  
The sweep and his work.  
Dangers from fire and how they may be avoided.  
The fireman and fire-engines.  
'Bus-or tram-drives.  
The policeman.

## **5. OBJECT-LESSONS FOR COUNTRY SCHOOLS.**

**(a.)**

The farmyard. Its buildings and their contents—Animals kept on a farm and their uses. Necessity of cleanliness, kindness, and suitable food.

The dairy and its contents. Butter-and cheese-making.

Bees. Bee-keeping.

Spring, Spring flowers. Work in the fields in spring. The cuckoo and swallow. Record date of arrival.

Summer, Different kinds of leaves and fruit. Work in the fields in summer.

Autumn. Work in the fields.

A mill and the work of a miller.

Winter. Frost, Ice. Snow.

Birds. Singing-birds, as the thrush and nightingale. Birds of prey, as the hawk. Swimming-and wading-birds, as the duck and heron.

Wild animals. The fox, hare, and rabbit.

Minerals, A mine. Three useful minerals.

The lessons on the seasons should correspond with the actual seasons of the year, and the different operations explained should be taken while each is in progress.

Leaves of trees may be dried by simply placing them between sheets of paper and pressing them. Their shapes may be used for the chitaren to draw round on paper, which can afterwards be pricked and then sewn round.

## **(b.)**

Spring-time. The waking of Nature.

Spring-time. The lengthening daylight in the morning and evening, the coming warm weather; birds singing, building their nests, laying their eggs; the trees and hedges changing, buds and leaves, the bloom on fruit-trees.

The local wild flowers of spring. The daisy, primrose, bluebell.

Summer-time.

The local wild flowers of summer.

Autumn.

The local wild flowers of autumn.

Winter, The repose of Nature.

The land. Woodland, meadowland, ploughland, moorland.

The sky.

A bird—covering, wings, beak, feet; motion; nests, eggs, food.

Local birds Thrush or blackbird.

Local birds Lark.

Local birds Robin.

Local birds Rooks.

Birds which come for the summer.

Birds which come for the winter.

Local wild animals Rabbit.

Local wild animals Hare.

Local wild animals Fox.

Local wild animals Hedgehog.

Animals on a farm.

Our village.

The carrier's cart.

The cottage garden.

The stream or river, its banks, the birds and animals that live near it.

A fish.

A plant.

## **(c.)**

The garden in spring.

The farm in spring.

The garden in summer.

The farm in summer.

The garden in autumn.

The farm in autumn.

The garden in winter.

The farm in winter.

The weather and wind.

The soil—sunshine, air, rain, frost, manure.

The farmer's tools—the plough, drill, reaping-machine.

The crops—grass, corn, root-crops.

Wheat.

The potato.

The oak-tree.

The elm-tree.

The apple-tree.

Evergreen trees.

An Insect.

The spider and his web.  
The butterfly—colours, beauty, history.  
Bees.  
The farmer's pests.  
The farmer's friends.  
A pond.  
A frog.  
A ramble in a wood, and what may be seen there.  
The railway.  
Market-day in the neighbouring town.  
A newspaper.

## 6. OBJECT-LESSONS IN THE SCIENCE OF COMMON THINGS.

### (a.)

Water.—How carried; jugs, bottles, barrels, spouts, funnels. Wells. Things that float; things that sink.  
Solids.—Hard and soft, in the room and in clothing. Piles. Hammer and nails. Buttons.  
Powders.—Flour.  
Pastes.—Paste, clay, putty.  
Things porous.—Bread, sponge.  
Things that melt.—Butter, tallow, sealing-wax; ice, snow,  
Water.—Drying clothes, breathing on slates, from on the pane. The boiling of the kettle. The pot boiling over.  
Things that dissolve.—Sugar, salt.  
Air.—Bubbles, pouring water through funnel into empty bottle. A taming candle. Pans blowing feathers.  
Paper windmills.  
Forms of Strength.—The floor, joists, and boards. Wooden bridges. Steps and stairs.  
Things that stretch.—Elastic bands.  
Things that bend.—Bows and arrows. Cord ropes.  
Machines.—Tops. Roller for pastry, for garden. Perambulator.  
Movements.—Walking, running, leaping, creeping, crawling.  
Musical Toys.—Harmonicon. Bell.

### (b.)

Water,—Pipes, taps, the fountain. Canals. Rafts, boats, anchors.  
Solids.—Teeth, nails and claws. Sand-paper. Pins, needles, awl, gimlet. Hook and eye.  
Powders.—Chalk, pencil.  
Pastes.—Mud in streets, brick-making.  
Things porous,—Brick, chalk, springs of water.  
Things that melt.—Candle-making. Icicles.  
Water,—Manufacture of salt from brine. Rain-drops, hail, spray, water-dust, the cloud.  
Things that dissolve,—The manufacture of sugar.  
Air,—The chimney, draughts. Waves and breakers. Winged seeds, Shuttlecock, arrow and kite.  
Forms of Strength,—The ceiling. The arch. Ladders.  
Things that stretch,—A football.  
Things that bend.—Cart-springs. Paper-clips. Spider's web.  
Machines.—Hoop, fly-wheel of sewing-machine. Mangle. Wagon. Bicycle.  
Movements.—Swimming.  
Musical Toys.—Musical-box. Drum.

### (c.)

Water.—Siphon, pump. Oil, cream.  
Solids.—Hinges, tires and axles. The grindstone. Screws and screw drivers.  
Powders.—Black-lead.  
Pastes.—Pottery.

Things porous.—Blotting-paper, towels, wicks, earth.  
Things that melt.—Lead, iron.  
Water.—Salt lakes. Distillation of water. Clouds and rain.  
Things that dissolve,—Crystals, hard water, varnishes.  
Air.—The popgun, the fire-engine. Winds. A sailing-ship.  
Forms of Strength.—The roof. Railway bridges. Cranes.  
Things that bend.—Clock-spring, Chains.  
Machines.—The loom. Threshing-machine, boiling iron rails. Coining.  
Movements.—Flying.  
Musical Toys.—Tin whistle. Sounds from stretched cord.

## 7.—MEASURING, WEIGHING, AND TESTING.

A two-foot rule.  
Measurements of length—first by eye, then with rule. Measurements in inches only.  
Easy measurements of a square—first by eye, then with rule. Measurements in inches only.  
Easy measurements of rectangles.  
The wire-gauge.  
Callipers.  
Scales and weights.  
Weighing of common objects—first by hand, then with scales. Weight in ounces only.  
Weighing letters. Plumb-line.  
Spirit-level.  
Steam—observations on boiling water; condensation of steam, &c.  
Mercury—weight of; *of*. drop of mercury and drop of water; effect of heat on mercury.  
Alcohol—effect of heat on it; its evaporation.  
Thermometer, its manufacture.  
Thermometer—uses; readings in ice, In boiling water, under the tongue, in schoolroom.  
A candle—its composition. The wick.  
Candle under bell-jar over water; candle in narrow-necked bottle.  
Chalk—where found; its origin.  
Chalk—its treatment with acid.  
Chalk—its reduction to quicklime with blow-pipe; lime-water.  
Sugar heated in test-tube; wood heated in test-tube.  
Sulphur heated in test-tube; lead heated in test-tube.  
Magnet and iron filings.  
The compass.

## 5.—Suitable Occupations.

(Circular 374, to H.M. Inspectors.) Education Department, Whitehall, London, S.W.,

17th March, 1896.

SIR,—

1. Kindergarten occupations have for some time been used in our Infant schools, and manual instruction has also been given to the elder boys in many schools for older children, while the elder girls have similarly been taught cookery and laundry-work; but the scholars in the First, second, and Third Standards have, as a rule, had hitherto no manual training, except in so far as it has been supplied in the forms of needlework and drawing. Manual instruction is a valuable part of school training, and my Lords desire to encourage managers of public elementary schools to introduce, where circumstances permit, a suitable course of manual occupations for the three lowest standards.

Kindergarten occupations as used in the infant-school are not suitable for the children in schools for older scholars. The mat-weaving, sticks tow, embroidery, tablet-laying, and building with bricks or cubes, which serve to give young children ideas of form and number, as well as to train hand and eye, seem trivial to the ordinary child of nine or ten years of age. On the other hand, few of the common workman's tools can with safety be put into the hands of children under the age of eleven.



2. An occupation ought to satisfy several conditions:—

- It must be educative, and should especially stimulate independent effort and inventiveness. Any work that provides a real training for hand and eye is in a true sense educative; but the most valuable work of all is that which imparts a knowledge of form, colour, and the properties of materials, at the same time that it fosters manual dexterity.
- It should admit of being dealt with in a progressive course.
- It must be attractive to the children, and afford a welcome relief to other studies.
- It must not involve the use of needlessly expensive materials.
- It must be capable of being practised in an ordinary schoolroom, without risk of harm to children or damage to furniture.
- It must, in cases where the classes are as large as the Code permits, be so simple that it does not require an undue amount of individual attention. Large classes should, where possible, be subdivided for these occupations.
- It should avoid a long series of preparatory exercises apart from finished results, and the finished article should be one that is attractive to a child. At the same time, the construction of articles for sale is undesirable.

3. The manual occupations satisfying these conditions, which has been most commonly adopted as specially suitable for the First, Second, and Third Standards are: (a.) Modelling in clay, (b.) Modelling in cartridge or cardboard paper. (c.) Cutting out in paper or other material, (d.) Drawing and colouring designs (some original). (e.) Brush-drawing from the object and from recent impressions. Other equally useful occupations may no doubt be devised, and any occupation that is proposed, if it likely to prove satisfactory, will be readily accepted by the department.

4. It appears that the various manual occupations which have [*unclear*: hither-] to been introduced for the lower standards because of their suitability resolve themselves into exercises in the studies of (i) form, (ii) colour, (iii) measurement, which should be, where possible, connected with other subjects of instruction.

- For acquiring a knowledge of form, the most effective occupation is clay-modelling. It demands accurate observation of the of the which is chosen as a model, and the accuracy of the observation will largely depend upon previous instruction as to the build or growth of the object in its natural state. Sometimes lesson on modelling has followed one on natural history or science; sometimes the children, after an object-lesson upon the formation of a fruit or the germination of a seed, have modelled the object, thus at once testing the correctness of their impression and driving it home. Clay-modelling has been used to illustrate the geography lessons; for example, the children construct a model of the river basin in which they live; and again, illustration has been found for the history lesson in constructing a model of some neighbouring encampment, where square or circular, Roman or British. As a knowledge of form depends upon a close observation of light and shade, a lesson in modelling greatly furthers instruction in drawing. Clay modelling, however, lacks the charm of colour.
- Colour may be studied in the following ways. When care is taken to provide a variety of tasteful shades of coloured paper, it is possible to combine the drawing, cutting out, and mounting of a number of good designs, many of which may be in respect both to pattern and arrangement of colour the original work of the children themselves. The drawing may be done partly by aid of rulers and templates and partly freehand. The use of templates makes it possible to stamp on the mind certain beautiful curves at an earlier age than children can draw them freehand. This kind of exercise has been very fully developed by some of the officers under the London School Board. The advantages of it are that it promotes accuracy and good taste in colour and design, and also a sense of harmony and proportion. The defect of it is that the manipulation is somewhat monotonous, and that it does not lead to much increase of knowledge of varied objects.
- Brushwork demands a clear perception of form and some knowledge of natural objects, and cultivates delicacy of touch; but it does not train the student to great accuracy or cultivate the sense of colour. Children, however, can express their impression of a flower, as, for instance, a bluebell and its leaves, much more easily by the brush only than by the pencil, and, if their observation has been very inexact, the error becomes obvious when they try to draw their impression.
- As an exercise in accurate measurement, cartridge paper or cardboard modelling leaves little to be desired. This work is an excellent training in exact measurement and in cutting true to measure, and it furnishes an elementary notion of construction. The manipulation, however, in this exercise also is somewhat monotonous. This kind of work lends itself readily to the illustration of instruction in simple geometry. The beginner may learn to cut out in cardboard, or, more readily still, in stout drawing-paper, simple plane geometrical figures, and, after a time, he may proceed to simple geometrical solids. The cube, the cone, the cylinder, the wedge, the prism, and the pyramid can all be drawn, cut out, and put

together without much difficulty. The manufacture of various useful articles, such as blotting-books, frames, trays, and the like, can be combined with the formation of geometrical figures.

- As no one of the branches of manual occupation is complete when taken by itself, the most satisfactory results will follow where it is found possible to make them supplement each other.

5. Lastly, very great care is necessary in leading the pupils to acquire correct method in handling brushes, tools, and all the implements required. Another point which demands attention is that of the general posture of the children during their lessons. Where much stooping is necessary the work should be occasionally interrupted and a short extension drill given. Unhealthy and cramped postures should be avoided. Whilst fairly accurate work should be aimed at, you must beware of expecting very fine work requiring minute finish, or any work which is likely to strain the eyesight of young children.

6. My Lords have noticed with satisfaction that many of the larger School Boards have appointed superintendents or instructors of manual training, and have issued by their help excellent schemes of manual occupations for the lower standards. Some of these courses have already been published, and, while it is contrary to the practice of my Lords to draw up any lists of educational works, you may remind managers that particulars of such schemes can easily be obtained through the usual channels of trade.

I have, &c.,

G. W. KEKEWICH.

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Front Cover

Frozen-Meat Industry.

New Zealand Department of Agriculture.

*John D. Bitchie*, Secretary.

Report and Proceedings of Conference

To Consider Position of the

*Published by Direction of the Hon. JOHN MCKENZIE, Minister of Agriculture.*

By Authority: Samuel Costall, Government Printer. Wellington: 1896

## The Frozen-Meat Industry.

Report of Proceedings at a Conference of Delegates Representing the Shipowners and Freezing Companies of New Zealand, Held at the Colonial Museum, Wellington, on the 5TH And 6TH September, 1895.

### NAMES OF DELEGATES AND BODIES REPRESENTED.

W. H. Beetham, Esq., Wairarapa and East Coast Agricultural and Pastoral Association.

C. Pharazyn, Esq., Wairarapa and East Coast Agricultural and Pastoral Association.

J. Dalrymple, Esq., Manawatu and West Coast Agricultural and Pastoral Association.

E. J. Riddiford, Esq., Wellington Agricultural and Pastoral Association.

A. C. Begg, Esq., New Zealand Refrigerating Company, Dunedin.

Hon. T. Fergus, Otago Agricultural and Pastoral Association.

John Cotter, Esq., Woodville Farmers' Club.

T. Mackenzie, Esq., M.H.R., Otago Agricultural and Pastoral Association.

J. Smith, Esq., Otago Agricultural and Pastoral Association.

D. D. Macfarlane, Esq., Amuri Sheep Farmers' Association.

D. J. Cameron, Esq., Wairarapa and East Coast Agricultural and Pastoral Association.

M. C. Orbell, Esq., Geraldine Farmers' Association.

Watson Shennan, Esq., Tapanui Farmers' Club.

E. Elworthy, Esq., Timaru Agricultural and Pastoral Association.

W. S. Maslin, Esq., M.H.B., Geraldine Farmers' Club.

M. M. Kirkbride, Esq., Auckland Agricultural and Pastoral Association.

N. J. Hunt, Esq., Waikato Agricultural and Pastoral Association.

J. Fisher, Esq., Waikato Farmers' Club.

J. Martin, Esq., United Farmers' Alliance and East Coast Pastoral Association.

Coleman Phillips, Esq. (specially invited).

F. Bradey, Esq., Wellington Agricultural and Pastoral Association.

A. Mathews, Esq., Wairarapa and East Coast Agricultural and Pastoral Association.  
 J. C. Chaytor, Esq., Marlborough Agricultural and Pastoral Association.  
 J. Mackintosh, Esq., M.H.R., Western District Farmers' Association.  
 A. J. Litchfield, Esq., Marlborough Farmers' Co-operative Association.  
 D. Buddo, Esq., M.H.R., New Zealand Farmers. Co-operative Association, Christchurch.  
 W. H. Montgomery, Esq., M.H.R., Akaroa County Farmers' Association.  
 Thomas Crosse, Esq., Woodville Farmers' Club.  
 G. Finn, Esq., National Dairy Association.  
 Alexander Anderson, Esq., Eketahuna Farmers' Club.  
 J. B. Murray, Esq., Wangauui Agricultural and Pastoral Association.  
 W. Nelson (Nelson Brothers), Tomoana.  
 W. Booth, Esq., Wellington Moat Export Company.  
 W. G. Forster, Esq., Auckland Freezing Company.  
 J. Gear, Esq., Gear Meat Refrigerating and Export Company.  
 W. H. Millward, Esq., Manager, Gear Meat Export Company.  
 David J. Nathan, Esq. (Joseph Nathan and Co.), Wellington.  
 D. Sladden, Esq., Wellington Meat Export Company.  
 Honourable Captain Bus sell, M.H.R., Hawke'e Bay Agricultural and Pastoral Association.  
 T. J. Gale, Esq. (Johnston and Co.), Wellington.  
 J. Allen, Esq., M.H.R., Otago Agricultural and Pastoral Association.  
 Honourable Sir John Hall, K.C.M.G., Canterbury Agricultural and Pastoral Association.  
 H. Overton, Esq., Canterbury Agricultural and Pastoral Association.  
 E. A. Campbell, Esq., Wauganui Freezing Company.  
 G. S. Robertson, Esq., Waugauui Freezing Company.  
 W. E. Bidwill, Esq., Wellington Agricultural and Pastoral Association.  
 F. Majendie, Esq., Wellington Agricultural and Pastoral Association.  
 R. F. Cuthbertson, Jisq., Southland Agricultural and Pastoral Association.  
 J. D. Ritchie, Esq., Secretary for Agriculture.

## First Day.—THURSDAY, SEPTEMBER 5TH.

*Mr. J. D. Ritchie*, Secretary of the Department of Agriculture, opened the proceedings by stating that the Conference had been called by the Government at the request of a large number of Agricultural and Pastoral Societies, to consider certain schemes formulated by Mr. D. J. Nathan and Mr. M. C. Orbell, having for their object the improvement and development of the Frozen-meat Industry, A provisional committee had been set up, consisting of Messrs. D. J. Nathan, M. C. Orbell, "W. C. Buchanan, M.H.R., D. Buddo, M.H.R., J. Stevens, M.H.R., and himself, which had drawn up a series of resolutions based on the schemes proposed, and which were submitted to the Conference for discussion. He presumed that Messrs. Nathan and Orbell would give the Conference their views, to pave the way for discussion, after the appointment of a Chairman.

On the motion of *Mr. D. J. Nathan*, Mr. C. Pharazyn was elected Chairman.

*The Chairman* said the Conference knew the objects for which they had met, and he only hoped that their proceedings would be distinguished by the same good feeling and the results be as beneficial as in the case of the meeting of agricultural societies last year. At that meeting every one was ready to receive, with courtesy, the opinions of others, and all were animated with the sole desire of arriving at the truth in order to come to beneficial conclusions. That was what the Conference had met for, and if the delegates discussed the questions coming before it in a similar spirit it would probably do much good. He had lately returned from England, and had found that the state of the trade there was such as had never been experienced before. The trade was undoubtedly a good one, and only needed care and attention to place it on a more satisfactory footing. They must have no wild scheme to do that, but must proceed on sound business lines. So long as those concerned in the meat industry sent a good article they would find a good market. A provisional committee had prepared a series of resolutions based on the schemes of Messrs. Nathan and Orbell, and he would call upon the former gentleman to move those resolutions, which were as follows:—

- *That, the present methods of conducting the frozen-meat trade being unsatisfactory and unprofitable to the sheep farmer, it is desirable that a controlling company representing the various interests concerned be formed for the purposes set forth below:—*
  - ¶ *To arrange for the amalgamation, buying-out, or federation of existing freezing companies.*
  - ¶ *To negotiate with shipping companies as to freights and kindred matters.*
  - ¶ *To inspect, report, and act as to the suitability and class of ships employed in the trade, and in regard to*

*the insulation, &c.*

*To attend to grading, insurance, watch the unloading in London, arrange for storage accommodation near port of discharge, and thus enable supply to be regulated, also save many handlings and cost of barges and delays caused thereby.*

*To arrange for the concentration of the trade in Great Britain and elsewhere, and to open up new distributing centres.*

*To issue debentures for the purchase of existing works, new plant, or establishing other works, and for raising the necessary capital.*

*To provide a sinking fund for the repayment of debentures.*

- *That, in order to achieve the objects set forth in the foregoing resolution, this Conference desires the Government to introduce a Bill empowering such company to levy a tax upon all sheep in the colony, the maximum levy in any one year to be per head. Shares to be allocated to each stockholder in proportion to the total amount of his paid-up sheep-tax.*
- *That a committee, consisting of members, be appointed to carry out the above resolutions; such committee to have power to appoint a sub-committee for each Island. The names of the committee to be."*

Mr. D. J. Nathan said if he had at any time entertained any doubt as to his justification for endeavouring to excite public interest in the development of the frozen-meat industry, that Conference of representatives from all parts of the colony would have dispelled it. It was exceedingly gratifying to him, and he had no doubt it also was to Mr. Orbell, to find that their efforts on behalf of what might truly be termed a national industry were so widely appreciated as to lead to the calling together of such an influential body of representatives. Speaking for himself, as many present were no doubt aware, his pamphlets on this subject were written more for the consideration of the general public, and to arouse attention on this subject, than to provide a remedy on hard-and-fast lines. After the wide publicity given to the question by the Press of the colony, which on this occasion deserved praise for the manner in which it had dealt with the subject, it would only be necessary for him to touch lightly on some of the more prominent points to be considered by the Conference. He thought they were nearly all agreed that the frozen-meat trade had passed through vicissitudes during the last few years which were anything but encouraging to those most concerned in its welfare and development—namely, the sheepfarmer; and that the outlook, now that they had other competitors, was not by any means reassuring. All knew that when a business was in a fairly prosperous condition there was a general disposition to leave well enough alone, and that it was only when an unsatisfactory balance-sheet was presented that people shook themselves up, so to speak, and looked more closely into the management of their affairs, As with other branches of commerce, so it should be with the frozen-meat trade. Competition and falling prices had quickened our perceptions, and inquiry had shown us where many defects in our methods of conducting the business exist. It was with a view to remedy these defects, and to place the trade on a sounder and more remunerative and permanent footing that he had moved in the matter, and now hoped to receive the co-operation and assistance of his fellow-colonists, who, like himself, he took it, were not prepared to sit still and see what had all the elements of a flourishing industry languish for want of a little energy and foresight. They would, indeed, be blind to the colony's interests if they failed to recognise that the complete or even partial collapse of the frozen-meat trade would entail immense loss on all classes of the community, that commerce generally would suffer, that land-values would further contract, that our public revenues would shrink, and that our taxation would become heavier than we could stand. The fate of the flax industry and its subsequent effects should stand for many years an object-lesson in this respect. When they realised the fact that a difference of 1d. per pound in the price of frozen meat represented £500,000 a year to New Zealand, they were brought face to face with the importance of the industry—an industry natural to the soil, and one which it must be evident could no longer be conducted on existing lines if the producer was to get a fair share of the returns. Despite what had been said to the contrary, he asserted that its development so far had been of a haphazard character, as was amply proved by the fact that even after years of experience complaints were heard of inefficient grading, high rates of freights and insurance, faulty handling, inadequate storage, gluts and scarcities, unsatisfactory distribution, and lately ruinous account-sales. This might be deemed to be a somewhat serious indictment against the existing freezing companies, but he did not intend it as such. These companies had no doubt been worked on lines considered to be most conducive to the interests of the shareholders. The defects he had enumerated were due to the want of a concerted plan of action on the part of those engaged in the shipment and sale of the meat, by which its regulation as to quality, time of delivery and quantity had been rendered impossible. Notwithstanding the time that had elapsed since the trade was initiated, they found that New Zealand mutton was practically unknown north of London under its own name, although spasmodic attempt. Had been made to introduce it as New Zealand meat to the notice of one or two of the large towns of England. The fact that for many years millions of carcasses annually had been shipped to London was sufficient proof that there were many other large markets in Great Britain which would have taken the meat direct had

there been sufficient capital or energy to push the trade. This contention was further borne out by the recent action of businessmen in Manchester, Hull, and Cardiff, who themselves were endeavouring to open up trade with Australia. What applied to Manchester would also apply in greater or less degree to every city in Great Britain. Now, what they had met to-day for was to endeavour to find a remedy for the present unsatisfactory state of things. This, in his opinion, could only be found in combination here and concentration at the other end, for experience taught that where there were divided interests there was necessarily great waste. Our freezing companies being isolated bodies they had been unable to gain the advantages which combination gave. Modern commerce was now conducted on so large a scale, and the ramifications of powerful companies were so extensive that small concerns could not hope to obtain the concessions in freight, insurance, brokerage, &c., demanded by and conceded to their larger rivals. The best results could only be obtained where large organizations treat with each other. A powerful combination, working on co-operative lines in the interests of the growers, would be strong enough to make better terms with shipping companies, insurance companies, dock companies, and every other interest with which it came into contact. It could regulate the quality, quantity, handling, and time of delivery; it could make better arrangements at or near the docks for storage, and possibly find cheaper ports for discharge and storage on other parts of the English coast. Again, it could arrange for Government inspection, and regulate the shipments on this side, thus preventing the loss entailed on shipping companies by having to send costly steamers all over the colony to pick up a few carcasses here and there, save cost of demurrage, avoid gluts, and consequent ruinous prices; and would also be in a position to voice its wishes in respect of suitable steamers, machinery, and insulation. He thought he had said sufficient at the present time to serve as an indication of what a well-equipped company could effect given the necessary support. There were many other points of importance which others no doubt would touch on at a later period. Mr. Ritchie would no doubt lay before the Conference a few particulars as to what Queensland had done for its producers. There was nothing very original in his (Mr. Nathan's) proposal, except the tax; and, if State assistance were invoked in any way, they had innumerable precedents to guide them. The action taken by the Victorian and other Governments alone was sufficient to arouse them from the commercial lethargy into which they had fallen. Putting aside for the moment the possible expansion of the trade, there was every reason to believe that we could get our meat carried under certain conditions, and a subsidy, for a ½d. per pound, and that economies in the management and handling and sale would represent another ½d. per pound; combined, this would mean an immediate saving to the growers of £500,000 per annum, without reckoning the increased value of stock and land.

Assuming, then, that they agreed (1) that the frozen-meat trade was of great importance to the prosperity of New Zealand, (2) that the trade as at present conducted was unsatisfactory to the grower, and (3) that it was capable of great improvement and expansion, it behoved them to consider the best means for giving effect to their desire to see it placed on a sounder and a more remunerative footing. It was not for the Conference to raise difficulties, but to set itself to the task of overcoming them. It would be within their knowledge that from the very first he had not claimed that the scheme set forth in his pamphlets was perfect. On the contrary, he had invited advice and suggestion, and he took it that they were met there that day to ascertain if the representatives of those engaged in this great industry could not devise methods for improving the trade. If they separated from the Conference without doing anything they would be admitting that they were helpless to combat the influences which were hampering what promised to be almost from its initiation the most important and legitimate industry of the colony; they must prepare to see the farming interests languish as they had done in the Mother-country, and they must make up their minds for a great fall in the values of real estate. The responsibility resting upon them was therefore very great, and must impel them to give due weight and consideration to proposals, from whatever source they came, having the necessary element of success within them. Let them remember that it was always easier to destroy than to build up, and that a mere difference of opinion as to details did not necessarily involve the rejection of principles. The great difficulty in any scheme of financial magnitude was the raising of capital, but in this matter of the frozen-meat industry the difficulty was further enhanced by the fact that to insure success the capital must be raised by and be employed in the interests of the sheepgrower. The company must be worked on advanced and co-operative lines, the speculative element being eliminated. To benefit the grower by expansion of the trade and economical management must be the primary concern. To insure this he had to submit a scheme which might commend itself to the judgment of the Conference, but which, of course, was subject to whatever modifications might be considered desirable. He had the best reason to believe that his scheme was capable of accomplishment given the advice and assistance of a few experienced men. They would observe that a sheep-tax was the essential feature. His reasons for making it so was that it was manifestly unfair that the more energetic settlers, who in the past had done so much, should witness the fruits of their enterprise reaped by men who were selfish enough to stand by and wait for their ripening; and the sheep-rate was the only effective way of reaching these people. The rise in the price of freezers affected the value of all sheep in the colony. Any reduction in expenses such as freight, insurance,

storage, Ac, increased the net result to the grower, and consequently improved the price of sheep. He contended, therefore, that all sheep should be taxed, as all would be enhanced in value, and the cost of any endeavours to secure such improvement in prices should not continue to fall entirely on the shoulders of the enterprising man. It had been urged that there should be some differentiation in the tax with regard to the classes of sheep, especially merinos, but that was a detail which might merit attention later on, as also a proposal which had been made to include cattle in the tax, in favour of which a great deal could be said, as cattle must share in any benefit. Conferred by better shipping terms and storage and distribution arrangements. At the present time their chief concern was the adoption of a principle, the details of which might be reserved for future consideration. For the purpose of bringing about the combination in New Zealand which he considered essential, it might be found necessary to buy out all or a certain number of the present freezing companies, and perhaps to erect other works. To find the capital he suggested that the sheepfarmers should agree to the passing of an Act similar to that in force in Queensland, empowering a controlling Board of representative farmers to levy a sheep-rate; the maximum sum per head to be fixed by statute, and the term of its enforcement. With this tax as a basis, if not fixed at too low a rate per sheep, finance would be easy: 3d. per head would give £250,000 per annum, 1½d. per head would give £125,000 per annum. A Board with power to levy even to the latter amount would be in a position financially strong enough to complete the purchase of any of the present freezing companies thought necessary or desirable. Debentures could be issued on the security of a tax, and money borrowed even without the Government guarantee, and cash payments could be made here where necessary for any works purchased. As the sheepfarmer paid the tax (to be levied at the discretion of his own representative, both as to amount and time) he should receive shares fully or partly paid up, for the amount of his payment. If only a purely advanced business were done, there could not be a loss on trading account: the only deduction from the tax could be for the cost of expanding the trade. If the company decided that the whole of the sheep in the colony should bear the whole or portion of the expense incurred in finding new markets, a portion of the tax might be placed to the credit of the trading account, so that the freezers would not bear the whole of the expense. As the tax was paid shares could be issued to the sheepfarmer, so that in course of time the owners of the sheep would be the owners of the freezing companies in proportion to the number of sheep owned by each. The debentures would eventually be repaid, and the debt or liability would be turned into shares or assets. When this was achieved the tax could (at the discretion of the farmers) cease, except for any sum decided upon as necessary for employment in expanding the market or guaranteeing a dividend. The shares, or a proportion, might (if thought advisable) be made preference shares as to dividend, or carry a guaranteed minimum dividend, so that these shares would always have a ready market if a sheepfarmer desired to sell or to use them for financial purposes. At the same time, he considered it essential that power by statute should be given to the directors to limit the number of shares to be held by non-sheepfarmers during the continuance of the sheep-rate, say, to 30 per cent. This was suggested to avoid the risk of the company being made a speculative or commercial business. If the shares and control passed out of the hands of the farmer, then, in his opinion, the tax should cease, so far as the shares were concerned. By guaranteeing a certain interest on a proportion of the shares the burden of the tax would fall much lighter on the farmer, as he could sell readily or finance in other ways with his shares. It could hardly be doubted that a company, such as he proposed, would at once save in freights the sum of £135,000, equal to 1½d. per head on every sheep in the colony; so that (ha sheep-rate, from a colonial point of view, would be paid by the saving in freights and not by the farmers. In discussing this question this point had always to be kept in sight. Other savings would be possible both in the colony and at Home, but as these were uncertain they need not reckon them, but with freights it was different. This saving could be made. This was but a bare outline of his scheme, and he did not feel competent single-handed to enter into greater detail. At any rate, until the farmers had accepted the principle of a sheep-rate the outline he had given was sufficient. He had to thank them for the patient hearing they had given to him, and would move the adoption of the resolutions of the provisional committee.

*Mr. Orbell* seconded the resolutions *pro formâ*, as there were several portions of Mr. Nathan's scheme that he did not agree with. He thought that they would all admit that the discussion upon which they were entering was of very great importance to every settler in New Zealand. Next to the wool trade, the frozen-meat trade ranked first in importance, and if the Conference could propound any scheme by which they could improve (that trade they would fully justify the Government in convening the Conference. Some few months ago he had read a paper on the frozen-meat industry, which had not been very widely distributed, and therefore many of the delegates, perhaps, had not seen it; but the views expressed in that paper were written rather with the anticipation that some good might come out of them than that they would be carried into effect. He was not wedded to those views, and would be happy to support any scheme propounded to put the frozen-meat industry on a better basis. He hoped that before separating they would have some such resolutions passed for effecting that object. One of the chief reasons for the fluctuation in prices at Home was want of system. At present they had no system, and, if they could establish a system to regulate the market, both as to quantity and quality, and

adopt a better method for reaching the consumer by establishing a regular supply, they would establish a regular demand. Then they would have something tangible to work upon. Up to the present time nothing had been attempted in this direction. They had simply to freeze the meat and send it Home. They must take steps to place the industry on a basis that would not admit of any abuse. They had heard of abuses in the London market, to which he was not going to refer except for a minute or two. Some of these abuses were well founded, but some people had such a simplicity of mind that they would not admit that there were any abuses. However, he contended that if they went to work in a straightforward manner they could accomplish their object of putting the industry on the basis they desired. He thought they required to retain control of the meat, and to do that it was necessary to place it in the hands of a controlling company. They wanted to regulate supplies, and, if they did that, they would accomplish their object, and not otherwise, As illustrating some of the difficulties to be overcome, he would read one or two extracts, Mr. Lowe, in a speech delivered at the pastoralists' conversazione held in Sydney recently, said; "Now I wish to say a few words in reference to the irregular arrival of ships. Sometimes we could make large contracts of meat, to be delivered regularly right through the year, with certain institutions or other large buyers, if we could only guarantee its arrival. This, however, we cannot do We do not know when it is going to arrive, and we cannot, therefore, place a contract. The moment you can insure the regularity of arrival you will open up another branch of business which will be very beneficial to you. You will know for a long time forward that you can dispose of your produce without any bother or trouble at all, because contracts will be entered into for a long period. There is another matter in reference to which I would like to say a word or two, I have noted it down as Concentration of Shipments.' . . . 'At the present time in London by splitting consignments up you are unduly depreciating the price of meat, and the public are getting the benefit of the reduction... The London correspondent of the *Australasian Pastoralists' Review* asked Mr. Edward Nelson, the resident partner of Messrs, James Nelson and Sons, " if the Plate trade had difficulties as to storing, irregularity of shipments, &c, as with the colonial business." It appears not. His firm have five steamers, and their own cold stores in Liverpool and London. There are only four Plate houses in the trade, and they have all the processes in their own hands, both abroad and in London. Owing to well-ordered business, the meat as it comes is sold, and there does not seem to be any pressure on the stores. Then, again, we have Mr. Weddell, who says, "Useful work might at present be found for a frozen-meat importers' association which had the support of the entire trade; but, in the absence of any controlling organization, there seems no other course open than for this competition to run its course until stocks are brought within more manageable compass." Messrs. Fitter, referring to the same subject, say, " It is simply ruinous to shippers, and supplies will have to be better regulated in future," He thought the extracts he had made would show fairly well the difficulties they were contending with. There was a rise in the market during the last English autumn, but that was simply the result of an understanding between the salesmen, and lasted for a short time only, because the smaller consignees could not hold the meat, and forced prices down to an outrageous value. There had been another rise as the result of understanding between the salesmen at Home, but immediately an extra quantity of mutton reached the market the prices would again collapse. They had what was called unrestricted competition, also unrestricted rivalry, amongst the sellers, for the consignees could not arrange as to the amount of meat to be put upon the market at one time. In dealing with this question they could not hope to satisfy all people. Conflicting interests were continually being discovered, to the injury of the producer. These difficulties would not be overcome except by action on the part of the exporters themselves. If the present freezing companies would federate they could deal effectively with the question, and it would be the best thing they could do for themselves. If they could agree to work the trade on a system it would not only be profitable to themselves but also to the whole colony-It was the main question before the Conference, and he would much prefer some arrangement being come to by the freezing companies than that the trade should continue to be worked as at present. He knew there was some conflict of interests in connection with the freezing companies but he hoped they would see some possibility of arriving at an arrangement. He earnestly hoped the Conference would not separate without being able to say they had been able to do some good for the trade-If the freezing companies could not enter into any arrangement amongst themselves, then it would be necessary to fall back on some such scheme as that proposed, by which one organization could be formed to regulate and manage the whole trade but he would much prefer the freezing companies doing it, and contended that they could. They had about two million sheep annually exported from the colony, and these should be confined to one agency at Home, and kept distinct from any other agency representing Australia or any other place. New Zealand had the best mutton, and could establish, without doubt, the highest rate ruling. Of course it would be better to send their meat to other ports than to dump it all down in London, but hitherto conflicting interests had prevented this being done, except to a very limited extent. One thing necessary was a system of uniform grading. We all knew that a great deal of meat had been sent Home which was not fit for dogs meat, and a system of uniform grading was one easy of accomplishment, and one the necessity for which must be patent to every mind. The Gear Company had had a brand for years, and it was well known. It was the same with the Belfast Company. He proposed that all the

companies should grade their meat, and then if any company did not grade it properly that meat would be boycotted: mother words, it would meet with a poor sale. They had no guarantee that if the meat continued to go into its present channels of distribution there would be any prospect of a rise in the market unless as the result of an unfortunate drought in Australia, A gentleman had asked him the previous day, "Why not leave the meat question alone? It will be all night presently. We are going to have a drought in Australia, and the North Island works are going to shut down." Of course, he was a South-Islander. If we were going to take that view how were we going to extend the trade? He knew they could not send meat Home from the North Island under present arrangements; why not then establish (orne system under which all would benefit? Another objection he had to the present method was the employment as agents of a trading company. Recent cable messages had reported that a co-operative produce-distributing company had been formed, and he was assured for a fact that that particular company was trading and competing with our sheep.

*The Chairman:* No.

*Mr. Orbell* said the Chairman said "No," but he had had it on high authority that there had been considerable purchases made. If so, that company could not expect to receive the support of the sheepfarmers generally. At the annual meeting of the Chamber of Commerce at Dunedin a remark was made by the president, Mr. A. G. Begg, in relation to this company. He said, "I look with considerable apprehension on the attempts being made by a large firm already in the trade to secure practical monopoly of the frozen-meat business. I am of opinion that if these attempts are successful, a fatal blow will be struck, not only at the interests of our sheep-growers, but at the general prosperity of the colony." This was an extract from the *Otago Daily Times*. Whether that company was trading or not he was not prepared to say, further than that he was told on excellent authority that they had been buying largely in the South Island. He did not know whether they had been in the North Island. If that was so, that was not the company the colony wanted to support, because they came directly into conflict with our own interests; that must be patent to all. There was one difficulty in regard to the resolutions, and that was that they had to look forward to the chilling process. That was a very important point. He was of opinion that before very long they would be sending their mutton Home chilled. Chilling works would require some alteration in their present machinery, and supposing any attempt were made to purchase freezing works it would need care in valuation, because some of the works had obsolete machinery, which, instead of two or three tons, consumed from ten to twelve tons of coal per day. One thing was very clear to his mind—namely, that if the chilling system was coming into force there ought to be some attempt to meet that trade at Home, or else it would go into the same channels as the frozen meat. They would also have to regulate the shipments, because, as was perfectly well known, chilled meat would not keep in the same state as frozen meat, and therefore it would be a matter of necessity to regulate the quality of the sheep and the number they sent away. Again, he did not think the freezing companies paid the attention to the loading of vessels they ought to do. He had seen, himself, a quantity of legs of mutton thrown out of a truck on to the deck of a steamer, a sail being spread to receive them; fifty were counted when the sail was drawn together by the four corners, pulled up and lowered on to the first deck below, where it was unhooked, and two men took a corner and dragged it over the hatchway, and the legs were shot down no one knew how many feet—certainly a great many—like sacks of coal, and they made as much noise as coal would do. Could any one argue for a moment that that was the proper way to load meat? The calico must have been torn off and the shanks destroyed. He had seen the meat handled that way himself, and he presumed that that was the way a great deal of it was handled, both in the colony and at Home, The barge system at Home he had been told was a most unsatisfactory way of unloading the mutton in the Thames. The mutton was put into these barges, which were entirely dependent on the tides; the meat was often exposed to the sun for hours, and consequently they often heard that it arrived in bad condition! They ought to have the cool storage as close to the ports as possible. The freight question was a burning one. They had hoard recently that the freezing companies had negotiated for a reduction to  $\frac{3}{4}$ d. in the winter, the freight to remain at 1d. during the summer. Be thought if they had arranged for a three-farthing freight all round it would have been more satisfactory, and he believed it could have been done. He looked forward to the time—not very far distant—when they would have a lower freight than  $\frac{3}{4}$ d. We had vessels now engaged which were entirely dependent on the meat trade to keep them afloat in these waters, and some of them were totally unfit to take our meat. They were too expensive, and too luxuriantly fitted up. We wanted what were called cargo vessels. They had vessels employed in the Australasian frozen-meat trade with a carrying capacity of six and a half million sheep per annum, and all they took last year was 3,833,000, so that they Lad space to carry 70 per cent, more sheep than they did carry. Who had to pay for all this waste space? The frozen meat had to pay for it. There were too many vessels at present employed in the trade, and of too high a value too. We could do very well with a cheaper class of vessels and with a very much cheaper freight, The freezing companies bad taken credit for reducing freights by farthing, but in Victoria the Government took the matter up and called for tenders for freight. In two days they had a local tender, and within two more days the Agent General at Home had other two tenders at reduced rates; so that it would be seen that this question of freights



was only a question of negotiation. We had so long been accustomed to the Shaw-Savill and the New Zealand Shipping Companies that few thought of going beyond them. He would be the last in that room to deal unfairly with those companies, for they had been of very great service to the colony. The number of high-class passenger-boats had outgrown our requirements; but if they would not treat us fairly upon this question it was our interest to endeavour to get the meat carried as cheaply as possible. We had only to go to Hull, Liverpool, and other shipping ports, and hold up a finger, when we should have half a dozen companies offering to do this trade, provided the meat export was under the control of one organization, or if the freezing companies would federate, as suggested, and negotiate in the interests of the producer. These cargo vessels could take Home from 80,000 to 100,000 carcasses at 601b. per carcass, making £20,000 a trip, and, estimating that they made two trips and a half a year, that was equal to £50,000 a year. As the value of these boats was only some £70,000 or £80,000 each, it would be seen that they could well afford to come out in coal-ballast to take our meat Home. They had been told that if this scheme was carried out there would be any amount of leakage. There was leakage in all businesses. What was the leakage now in this trade? Had not the bottom fallen out of it? It had been a ghastly failure so far, and unless we adopted some other method of carrying *on* the trade we should be unable to send our meat away. He did not look upon the present rise in values as permanent at all. The supply was no doubt short on account of the state of the Australian market. He sincerely hoped that something would result from this Conference. He was glad to hear the Chairman remark that he hoped we should all treat each other's remarks in a courteous way. He (Mr. Orbell) had heard a mild insinuation made that he had a base motive for moving in this matter. He scorned to give an answer to such an insinuation. His motives had been of the purest character. He simply wanted to keep up the price of sheep, not only for his own benefit, but for the benefit of the colony. That was his sole object. They were going to reduce the freight by ¼d. He thought they should reduce it by ½d., and that would mean a saving of £250,000 per annum; and, until it was reduced by ½d., he would not be satisfied. The freezing companies had great power and could effect many of the necessary reforms in the trade, and if the resolutions were rejected he hoped they would seriously take up the question; failing which, sheepowners would be compelled to take further action themselves. They could not afford to continue throwing away half a million a year, as they were now doing.

*Mr. Mackintosh, M.H.R.*, said he had given great consideration to the question under discussion, and thought both of the previous speakers had failed to find out the disease. There was nothing wrong in the conduct of the trade in the colony, and the freezing companies were doing very well. The difficulty was in Loudon, where the middlemen made all the profit. It would need intelligence and plenty of means to effect the reforms required, and if anything was done it should include all the produce in the colony. The measures taken must be on a different basis to that proposed, and must include all the produce and every producer in the colony. The proposed tax was out of the question. They did not require to purchase the freezing works, because there was nothing wrong with them nor with the vessels employed. He had been informed that Nelson Brothers were trying to get at the millions, and, if they could do it, why should not a more powerful association be formed in the colony? The Conference should endeavour to establish that association, otherwise their meeting together would be of no earthly use. They should take a wider view of the question. Every producer should be called upon to take a share in the association. If a sheepfarmer had 500 sheep he should be called upon to take one share; if he had 1,000 sheep he should take two shares, and so on. Unquestionably, if they wanted to get a good price for their produce they must form a powerful association in the colony, not only to get a market in the Mother-country, but to endeavour to get one on the Continent of Europe. Without leaving Great Britain they had a market for ten times the quantity they could produce; but in order to get that the consumer must be reached over the heads of the middlemen, and the produce sold at a moderate price. If that were done, our difficulty then would be to send sufficient produce to meet the demand. The working-men at Home did not use our meat because it was too dear. It had been sold sufficiently cheap to reach the millions, but the middlemen took good care that the working-men did not get it at a low price. He was glad the Conference had met, and trusted the matter would be discussed with a view to adopting the best means of arriving at a satisfactory conclusion. He did not want any Government endorsement whatever. If the producers would not spend enough to put the trade on a proper footing they deserved to suffer, but he believed a powerful association could be formed in the colony to do what was required. It would not be necessary to call up the whole capital of such an association. They could make the shares £5 each; £1 to be called up at once, and the remainder at the rate of £1 per annum. They should not limit their operations to frozen meat, but should include every kind of colonial produce. It was in this respect that he thought Nelson Brothers had made a mistake. He maintained that shops should be opened at Home for the sale of everything produced at a market price. He thoroughly believed that if the Conference investigated the matter, and followed it up by establishing the association on the lines he proposed, great benefit would spring from their meeting. A great deal of credit was due to Mr. Nathan for the manner in which he had brought the matter before the public, and mainly because it had resulted in the meeting of the Conference that day.

*The Hon. T. Fergus* said he opined that what they had met for was to consider the resolutions brought down by the sub-committee, and to express concurrence or otherwise with them. Before touching on the resolutions, perhaps he might be allowed to compliment Mr. Nathan for the great labour he had undertaken, and for the clear way in which he had put his views before the Conference and the country; and he might also include Mr. Orbell. It was due to these gentlemen he thought, that this Conference of representatives of those engaged in stock-raising had been called. While saying that, however, he entirely disagreed with the resolutions which had been placed before the Conference. He disagreed with them from the fundamental point of the increased tax which they proposed to put on the stock-raiser throughout the colony. He was voicing the wishes of the Otago Agricultural and Pastoral Association when he said they did not want any further tax put on sheep, and he thought he was voicing also the opinions of all the small runholders and sheepfarmers in the colony. Three pence per head on sheep, especially merino sheep, would mean absolute ruin to the flockowners. Mr. Nathan had been good enough to lay his views before the farmers in Dunedin, but (Mr. Fergus) had afterwards seen those farmers, and had not heard one single word of commendation of the scheme from them; but, on the contrary, every one he had spoken to had condemned it, and especially the proposal to put the trade under Government control and to promote a Bill for a guarantee. It meant more Government interference; and they said that the less Government interfered in these matters the better it would be for the people. They did not want another Government department set up; and if they objected to these things the scheme fell to the ground. There was, no doubt, a great deal of truth in what had been said about the grave difficulties and disabilities which had in the past been attendant on the frozen-meat trade. The handling and distribution required to be looked into, and it was the duty of the freezing companies and the Stock Department to see that these difficulties were remedied; but it was quite another thing to say that this was to be done by Government interference. He thought the stockowners in the country and those interested in the freezing companies were more able to overcome these difficulties than the State was, and for these reasons he would be prepared by-and-by to support an amendment to the effect that, in the opinion of the Conference, it was undesirable that any tax should be levied on the stockowners and for the amalgamation of these companies. He had to enter his protest against the scheme which had been brought forward.

*Mr. A. C. Begg* said he had the honour of representing the New Zealand Refrigerating Company at Dunedin, and had come to the Conference to oppose the scheme. Without wasting any time he would move that all the words after the first word "That," in the resolutions be struck out, with the view of inserting the following:—

- *In the opinion of this Conference any attempt to establish a monopoly of the frozen-meat industry of the colony would be both undesirable and impracticable.*
- *That in order to give confidence to buyers and to secure as far as possible uniformity in the quality of the meat exported, it is desirable that the freezing companies in the colonies should agree to a uniform system of grading.*
- *That in order to regulate the supplies to the Home-market, and to prevent the glut which has been occasioned by excessive shipments during the first-half of each year, it would be very advantageous if provision was made for storage-accommodation in the colony. So that the supplies sent forward might be regulated, and any glut prevented."*

He thought, with the Hon. Mr. Fergus, that both Mr. Nathan and Mr. Orbell were to be commended for taking so much interest in the frozen-meat business. There was no doubt that it had proved to be one of the most important matters in connection with the trade and industries of the colony, and it was desirable that the question should be discussed as fully as it possibly could be, so that the conclusions arrived at might be for the benefit of the whole community. They all wanted to get a higher price for their sheep, and the question before them was how could that object be attained with the lowest possible risk and the lowest possible expenditure. Although Mr. Nathan and Mr. Orbell had taken a great deal of trouble to put their views before the Conference, he held that some of the statements made were of too alarmist a character. The frozen-meat trade was not in a state of collapse: in fact, it was in a thriving condition. The sheepowners in Otago could sell their sheep at as high a figure as from 15s. to 16s. a head. He was taking the present position of the frozen-meat trade, which was represented to be in a state-of collapse. They had had thirteen years' experience of this industry, during which period there had been ups and downs, but on the whole he thought the prices had been satisfactory. The Messrs. Weddell had shown that the average price for six years was 4d. per pound, and if the colony could get an average of 4d. per pound it would do very well, without risking what was proposed in the resolutions. The freezing companies had succeeded in getting the shipping companies to reduce the freight to ¾d. per pound in the winter months, and he believed that that had been done mainly by Mr. Martin, of Turnbull, Martin, and Co. When we were selling the meat on a 2d. freight, Messrs. Turnbull, Martin, and Co. came in and built steamers, which reduced the price to 1½d. per pound, and that company had now large vessels employed, which were able to carry the meat at the lowest rates possible. He believed they were largely indebted to Mr. Martin for the

present reduction in freight. If we could get 4d. a pound, and our charges were no more than 1½d. a pound, that would leave a margin of 2½d. per pound in the colony. The first cargo of frozen meat which was sold in the colony was taken away by the "Sorrento," for which the owners got 2d. per pound; but the net return under present prices at Home were very much better than that, and as time went on there would no doubt be reduced charges. But we could not get them *per saltum*; the charges must be gradually reduced by evolution in the trade, and we were now getting them reduced in a very satisfactory way. The statement had been made that New Zealand frozen meat was practically unknown north of London. There was plenty of New Zealand frozen meat sold in Birmingham and other places under its own name, and it did not leave a large profit to the retailers. That was also the case in London. No doubt there were special districts where the retailers had made inordinate profit, but that had only been in comparatively few instances. Any one who had been lately in London would have seen in Bishopsgate Street, Leadenhall Street, and other places, New Zealand frozen mutton ticketed up, the hind legs being sold at 6d. per pound, and that price only left a very small profit to the retailer for the other portions of the carcass. There was an article in the August number of the *Australasian Pastoralists' Review*, under the head of "Inquiry into the Retail Mutton Trade," in London, which was written by the London correspondent in June, wherein he asked this question, "What happens to the Australian mutton after it has reached the portals of Smithfield—who buys it? What does he give for it? Where and when does he sell it? What does he get for it? And the final link in the chain, the man upon whom we all depend, the consumer, who is he, and under what conditions does he become the proud possessor of a frozen leg of colonial mutton? These are vital queries indeed to the seeker after truth, and no man who aspires to go rather deeply into the business of frozen meats can afford to leave them alone." The writer was an Australian, and he showed that the retailers were not making inordinate profits by any means. He went to several places in the East End of London, where a large trade was done. He said, "The shop of Mr. Austen, Bermondsey, New Road, was all ablaze with lights; a myrmidon was standing in front hooking down legs of mutton from the facade, festooned with these and other joints. After being weighed they were thrown aside, where a young woman calculated the price, took the money, and packed the joint with inconceivable rapidity. About two hundred sheep (frozen) per week are cut up at this shop with frozen beef and chilled; legs of mutton—the standard to go by—were marked at 3d. per pound and 3½d." Then he went on to say: The butcher gives 8s. 6d. in Smithfield for 481lb. of mutton at 21/8d., and the outturn is as follows:—

Then he went to another shop, and the results were these:—

showing 1s. 6d. as the profit of the carcass. Mr. Mackintosh had told them that the working-man in England did not get cheap meat, but he (Mr. Begg) thought he had proved that he did get cheap meat, and it was an enormous boon to the working-classes of England to get the frozen meat from these colonies. With regard to the proposal to start a large company which would take up the whole meat trade of the colony and in England, he quite agreed with what the Hon. Mr. Fergus had said. He did not believe that Canterbury and Otago would consent for one moment to be taxed in the way proposed by this scheme, and, as Mr. Nathan had said that the tax was the *crux* of the whole scheme, if they could not get the sheepfarmers to consent to be taxed the whole scheme would break down. They all knew in New Zealand what these large companies meant. They had had the Loan and Mercantile Company, which went into business of all kinds, with its ramifications all over the country, and they knew what the result had been. And if they were to get such a large company and go into England they would be alienating a large body of men whose co-operation was wanted. It was to the sheepfarmers interest to help these people make a reasonable profit, and they must not grudge them that profit. If they were making a large profit they would not be allowed to retain it very long on account of the competition at Home. If this frozen-meat business was such a profitable thing at Home, as some people of the colony endeavoured to make out, the profits would soon be cut down, and the wholesale price would rise. He held, and the people in Dunedin held, that the object the sheepfarmers should have in view was to induce buyers to come to the colony and buy direct from the producers. They had that now, and had had it in the past, with slight breaks. The farmer did not want to go into all these commercial speculations and risks; he wanted a fair price for his sheep, and the purchasers would look after their own interests. The consignor was the man they must look to to send his meat to the proper agents. There was no doubt that a great deal of mischief had been done by the sending of sheep to men who could not hold them, and who thus brought down the whole of the prices. Means should be devised to remedy this. With regard to grading, his company had graded all their meat, which, consequently, had the preference; they could sell their mutton when other companies could not. The Belfast Company had also gone in for grading, and if this Conference passed resolutions directing that the freezing companies should be invited to agree upon a uniform system of grading a great deal of good might be done. When he was in London he took a day to inspect the Smithfield market, and there saw a number of lambs which were only fit for dogs' meat and nothing more. And the result was this: that these lambs not only suffered in price, but they brought down the price of the other lambs in the market, and the price came down to 3d. a pound. If they had a system of grading it would do a great deal to steady the price, and would prevent one

company damaging the whole trade. It was known that last year, for the six months ending June, 1895, there were 1,300,000 carcasses sent Home; while for the same period of the previous year there were only 860,000, which showed an increase of over 50 per cent, in the one year. That increase, of course, glutted the market, and naturally brought down the prices. Since then the prices had begun to work up again, and at the present time they were getting a very fair price indeed. It would be a mistake to adopt the suggestion in the resolutions before the Conference, to the effect that the storage accommodation should be increased in England. England was not the place to increase the storage accommodation; New Zealand was the place. If they had had storage accommodation here the price would never have gone down, because the market would have been properly fed. There was no necessity to send such a large quantity on to the Loudon market at one time. They could regulate the shipments by having larger storage accommodation in the colony, and he maintained it would pay other freezing companies in the colony to retain a sufficient quantity of mutton to spread the consignments over the year instead of concentrating them within five or six months. If this were done prices would not be at the mercy of those who had the sheep to dispose of at short notice, and would keep the market very much steadier than it had been in the past.

*Mr. T. Mackenzie, M.H.R.*, seconded the amendment.

*Mr. Buddo, M.H.R.*, said, as representatives of the various associations to which they belonged, they ought to feel grateful to the gentlemen who had brought the proposals so prominently before the public as to cause the farming community to induce the Government to call this Conference. That there were difficulties in distributing the meat he thought they were all agreed, but he also thought that all could take very considerable exception to the proposals laid before them. The resolutions formulated by the provisional Committee, of which he had the honour of being a member, pretty fairly put forth the views held by Mr. Nathan and Mr. Orbell. These gentlemen had brought a considerable amount of information before the Committee, and had fairly borne out what had been before the public and the Press of the colony. But, personally, he had to take exception to almost the whole of the proposals! His instructions by those who had sent him to the Conference were to object as strongly as possible to the proposals. They wished the Government to have nothing to do with bringing forward a Bill, and considered that the proposals would act detrimentally to the interests of the producer. They were also strongly of opinion that it was not a case calling for Government interference: that was the purport of the resolutions passed by his directors in Christchurch. There were difficulties in the way of forming any scheme for amalgamating the freezing companies in the colony, and the great stumbling-block was the financial footing which the various freezing companies were on. Some were flourishing and paying excellent dividends, while others were so over-weighted by inefficient machinery and liabilities that loss would become inevitable to (he public, and more especially to those companies which were in a strong position. He thought that was the strong point against the proposals. He did not want to look at the matter from a parish point of view, or he might call attention to the price at which Canterbury meat was quoted in the market in order to show that the position of the companies was different. It was a fact that the prime of our meat was undoubtedly sold by the middleman as of English production; and there was not the slightest doubt that our best lambs when they got large in size were sold as Welsh, and therefore brought a high price and came into competition with the highest-priced meat in the English market. That was to be looked at as affecting the large distributing-centres, and provided a strong objection to a general tax on every head of sheep in the colony, which would be a most unfair proposal. How to differentiate between those who would benefit by a tax of this sort and those who would not he was unable to say. Again, there were individual sheepowners who had no personal interest in the progressive distribution of our meat on the English market. Their business was wool-growing and that alone. Then, there were other farmers who grew a few lambs in the spring, and put them on the New Zealand market, and had nothing. Whatever to do with the English market, and yet these would have to pay the tax; and how they were going to differentiate between them he did not know. The frozen-meat trade was progressing, and they had reports from time to time which went to show that it was progressing to a very considerable degree. It had been asserted that if the meat were put more prominently before the public they would buy more; but it was almost impossible to get people to buy meat if they had not the money to pay for it; and, moreover, a demand almost invariably created a supply. Some Speakers had ignored the fact that New Zealand was a comparatively small contributor to the English meat market. The amount of meat received in England from other parts of the world was something enormous; and we ought to get away from this little parish view that we were almost the sole contributors, which was fallacious. It had to be expected that from time to time the market would be glutted by excessive arrivals from other colonies, from the Argentine, and other parts of South America. It was the latter place we had to fear. The Argentine frozen meat and live-stock had developed in the ratio of more than three to one during the past three years. We should, therefore, have glutted markets at times irrespective of whether we sent our meat in larger quantities at one time than at another. Mr. Orbell had made a point of the necessity for grading our meat before it left New Zealand, and it was creditable to him, seeing that he came from a part of the colony which produced a high grade of meat. It was very easy to understand that individual

interests would be sunk if we got into a system of grading the meat as New Zealand, for we should lose sight of the fact that Canterbury meat was worth ½d. a pound more than that of the other provinces of the colony. He would mention a few points referred to in Mr. Jameson's letter to the New Zealand Farmers' Association, Christchurch. This gentleman was appointed to represent the New Zealand Farmers' Association, Christchurch, the South Canterbury Farmers' Association, and the Hawke's Bay Farmers' Association, in London, to push the sale of our products generally, and especially to pay attention to the distribution of our frozen meat in England. Mr. Jameson made a visit to Leeds on the 28th June, and, among others, called on a Mr. Ambler, who told him that he had sold American chilled beef and New Zealand mutton in small quantities for some time, but was honest enough to admit that he had not marked it as such nor told his customers, the reason being that he feared that if he did so they would decline to have any more of it. There was at present in Leeds an icehouse capable of storing 3,000 sheep, but on visiting it Mr. Jameson found it was principally used for the supply of ice. He found later on that the Corporation were considering the question of erecting expensive cool-stores, near the market, capable of holding 100,000 sheep. On the 1st of July Mr. Jameson left Leeds for Manchester, and was there introduced to the firm of McKerrow and Pease colonial produce brokers, 17, Corn Exchange Buildings. Mr. Jameson writes: "This firm has in the past been selling principally cheap South American and second-class New Zealand mutton, but I gathered that the trade had not altogether proved satisfactory. In company with Mr. McKerrow I visited the cool-storey situated a mile from the centre of the town. The building is a most substantial one, built on the most approved plan with every modern convenience for handling meat, and kept in perfect order and cleanliness. It is capable of holding 100,000 carcasses, but has never been anything like full since it was erected." So that the Conference would see that in Manchester at least more storage was available than was required, hi speaking of the Smith field market, London, Mr. Jameson said that meat showed a first-class demand. "The carcasses shipped should show plenty of solid flesh, with fairly firm bone, not too fat. They will sell well up to 701b., although, perhaps, 601b. to 651b. sheep may be considered the moat saleable. Butchers do not want the weight made up with fat, but do not object to moderately heavy sheep if made up of the right quality. It is frequently stated in Smithfield market that during the past two years South American sheep have much improved, while the New Zealand sheep have deteriorated in the same proportion. This may be a slight exaggeration, but nevertheless there is sufficient truth in the statement to act as a warning to all stockowners in New Zealand not to allow their flocks to run down, and also to freezing companies to exercise more care in the classing of sheep sent into their works." In conclusion, Mr. Jameson, speaking generally, says, " The meat is fairly distributed around London, and is finding its way to Leeds, Manchester, Liverpool, and other large centres. At the same time, there is much still to be done in bringing the article more directly before consumers. A very small proportion of them know that there is such a thing as New Zealand frozen mutton and lamb. The trade is not without hopeful signs. The butchers are more favourably inclined to the meat than they were. Now customers are, I learn, applying to the wholesale salesmen each week, and those that a short time ago took small quantities are increasing their orders. This is in itself a hopeful sign, and must continue, as the demand increases, to improve and steady prices, and, at the same time, make the demand more regular." These were the principal points in Mr. Jameson's letter, which arrived during the previous week. One other point he (Mr. Buddo) wished to mention was one spoken of by Mr. Begg, who said the stores were not required in London, but were very much required here, as our farmers could not keep their sheep fat. This was a step in the wrong direction, for it would keep the price of sheep very much down. Very few sheep indeed were sent away during the winter months. The principal output was during the summer months, and if the stores were filled by the North bland sheep it would compel the Canterbury and Otago producers to resort to artificial feeding, which cost a great deal more money, without adequate return. A large supply was required in London, and if the stores were kept here we should not be able to keep up a regular supply it the proper time. Therefore it would act very unfairly, and put those who had to produce this article in the winter months at a very considerable disadvantage. The amendment proposed by Mr. Begg was very much to the purpose, and was comprehensive enough to meet anything, Be had drawn out an amendment which he hoped might be added to Mr. Begg's amendment, setting out that, in the opinion of the Conference, the freezing companies should continue to provide storage in London. He did not know whether it would be accepted, but ho thought it was a step in the right direction.

*Mr. Begg* said he was afraid he could not add that to his amendment, as his impression was very strong that it would be suicidal on the part of the freezing companies to provide storage in London. What we had to do was to see that the supplies did not glut the market. If we had had storage accommodation in the colony to store 200,000 or 300,000 of those sheep during May and June he did not think we should have had the prices down to within a 1d. a pound of what they actually were. We should have sufficient storage in the colony during the first six months of the year, as there was no fear of inordinate supplies going Home after the month of June.

*Mr. T. Mackenzie* said when figures were quoted about the increased production in the Argentine, or any other place, they might just as well be correct. He found the total increase in the supply at Home was 27,600cwt., and the total increase from New Zealand alone was 20,040cwt., almost equal to the total; while the

total increase of Argentina, instead of being three or four times as much, was 62,000cwt, on a quantity representing 359,000cwt.

*Mr. Buddo* said he had referred to dead meat and live-stock.

*The Chairman* said Mr. Buddo might, if he so desired, bring up his amendment at the end of the discussion on Mr. Begg's amendment.

*Mr. W. Nelson* said that other speakers had expressed so exactly what he himself would have said that the Conference would be spared a great deal of what he otherwise would have said. Mr. Begg had particularly expressed the views he would have given utterance to had he been speaking in front of him. The proposal for a large scheme, involving a threepenny tax on sheep and a complete upheaval of the existing institutions, would have such an effect that it was quite unnecessary for him to say much about that scheme. It was a scheme that he unhesitatingly said was unworkable, and the only point of any importance he would refer to was the winding-up remark of Mr. Nathan that he was not competent to enter into the details. He thought it was too preposterous that they should attempt to pass resolutions of such an enormous magnitude without the most minute details. He was called "a detail man," and his opinion was that arty scheme was first-rate and had nothing at all the matter with it until you came to the details, and then all the rosy things in connection with it disappeared under that test. It was assumed that if these alterations were made the scheme must necessarily succeed that there could not be a weak point in it anywhere; but he could not conceive any conditions such as had been suggested being seriously considered There had been good men all over the colony, a great number of-whom were interested in the frozen-meat trade, and were pretty well known, and there were good men in London, who had been taking the keenest interest in the trade for the last thirteen years, and they had produced a trade which, to his mind, was something marvellous. When they were but that nothing had been done, and they looked around to see, they could not but agree that it was very unfair to make such an assertion. People had spoken of this matter without an atom of information, and some were bold enough to give opinions who had never been in England—their mothers had probably, but they did not even know that. Did it not seem preposterous that these gentlemen should condemn everything after so much time and not a little money had been spent in developing the trade, and should sit down and propound a scheme which must of necessity is its first jump upset everything that had already been done ? He felt pretty strongly on that point, and it appeared to him to speak for itself. They would be as mad as hatters to do anything of the sort proposed. Of course, some people might say, "Oh! Nelsons did not want this scheme; because they have made a pot of money out of the business," If Nelsons had made all the money they had been credited with they would have been millionaires; but he was sorry to say they had not, Mr. Orbell had said there was a want of system, and if there was a system such as he suggested they would be able to control the demand. Now, that was one of the expressions he wanted to touch upon. How was this scheme going to control the demand? If Mr. Orbell had said supply there would have been something in it; but how these new methods were going straight away to interfere with the demand was a thing he could not follow.

*Mr. Orbell* said in explanation, that if they regulated the supply they would regulate the demand.

*Mr. Nelson* said that that at once answered his difficulty, and he would withdraw his last remarks. Mr. Orbell afterwards went on to say that supplies must be regulated. Mr. Lowe had said they could not do business because they could not regulate the arrivals, and could not enter into contracts in consequence. Mr. Fitter also said that supplies must be regulated, and he (Mr. Nelson) said that undoubtedly supplies must be regulated, for that was the sole difficulty under which they were all labouring. Some speakers had thought that the difficulty lay in London and none of the difficulty lay at this end, Mr. Mackintosh had said that the difficulty lay in London, and it was due to that bugbear the middleman. This middleman was a man they had been looking for many times, and they did not know where to find him, for the simple reason that he did not exist. It had been their interest to find him if anybody could, but they could not get at him. He would give them a sketch of the real reason for all of the trouble since the early part of 1894. It had beat perfectly dear to Messrs. Nelson Brothers during that period that it was distinctly explainable. In the early part of 1894, during January, February, and March, there had been a very great scarcity of meat, In their (Nelsons.) own stores they got down to a single carcase at the end of March. The effect of a scarcity in meat in their experience was inri the same to them as the effect of a glut. The most disastrous thing that could happen to them was to have a shortage, for the effect of that was that their customers could not be supplied and had to seek other sources. After that the meat came in double force, and the trade having gone into other hands there were no purchasers to the extent of the arrivals, and it took nearly to the end of 1894 to put the trade into its original position. What followed was due to the wily sheepfarmers on this side. He used that term advisedly because the sheepfarmers knew a great deal. He had discovered that January, February, and March were the best months daring which to send his mutton Home, and he clamoured for more steamers. Which, of course, he got, and the result was that the amount of meat sent Home during the early part of 1895 was more than ever sent before. The sheepfarmers did not take the trouble to discover that in January, 1895, the stores were all full of the previous year's meat, whereas in

January, 1894, the stores were empty. It was just that difficulty that upset all their calculations. The figures were spoken of in hundred weights, but he (Mr. Nelson) would speak of them as carcasses. Baring the first six months of 1895 there was equivalent to 1,300,000 sheep, while in 1894 there was equivalent to 800,000, so that there was a difference of 500,000 sheep in six months. In addition to this, in 1894 they were put on an empty market, whereas the 1,800,000 were put on a full market. They would therefore see that there was imple reason for the depression in London, The best men, or the best organization, in the colony could not deal with sheep under such conditions. One speaker had said that the present rise was due to the people in London, to a combination of salesmen. If such a combination could be found he thought it would be all the better for the trade; but his opinion was that it was absolutely due to the fact that the meat at Home was being held. Although there was plenty of meat in London the supply was going to fall, and the prices would go up, Unless the frozen-meat companies, however, could be induced to give a hand, the same rush to get the meat into this big market would take place, and the price would go down again, for the farmers would forget that a big rush of meat meant cheaper meat. It did not require a particle of argument to show that most of this trouble was due to want of combination on this side amongst the frozen-meat companies to see that there shipments were properly regulated. If that were done the bulk of the difficulty would be overcome, Mr. Buddo liad said it was a step backwards to have increased storage here. He did not think that Mr. Buddo could have well considered that point, because one of the ramificacations of this business, which he would ask everybody to look at, was the question of the steamers. He would start on the assumption that what-ever steamers we had running the sheepfarmer eventually had to pay for, and it was our business, therefore, to make the steamers pay. He had been told that he was interested in the steamers. Perhaps that fact gave him a little more knowledge than his friend, but he did not think it should make one iota of difficulty. This question of the steamers had to receive Jae consideration from the farming community, because the shipping company must be enabled to make money, and if the steamers were not loaded regularly the farmers had to pay for the empty ships going Home. He noticed that point now, because on that the question of storage hung. Storage was wanted to enable the ships to get a second cargo from those ports where winter sheep were not procurable. In his own district the country was such that they could not possibly grow winter sheep, and, as the protectors of that district, they had put up the necessary storage, with the result that they did not ship more in the summer than they did in the winter, and all their ships went away loaded winter and summer. He suggested that other companies should do the same. The impression formed by some speakers was that no one had done anything, and it wanted this scheme to do something. Ho had been spending the last six months in thinking upon the very point touched upon by Mr. Nathan and Mr. Orbell The reduction in freights, Mr. Begg said, had been made by Mr. Martin, but he (Mr. Nelson) thought the Tysers had a hand in it, and he knew the Nelsons had. He was not going to say that Nelsons did it altogether, but he simply mentioned the fact to show that some of them were doing something, and every freezing company in the colony was doing something; and he did not like the assumption that they were all sitting still, and wanted to be stirred up by some invisible pole and to have a little brains put into their heads, It had been the fashion to make a number of assertions, which had been handed down from father to son as facts, but an assertion did not make a fact. They had been distributing for the last twelve years to the utmost of their ability, and he had never known any gentleman from the colony to come back from London and say that Nelsons had done nothing in the matter. He thought he might say that they generally or always said that everything that could be done had been done. It was important for the Conference to realise that what he was saying was not a lot of empty brag, because it was absolute fact. If he could only induce them to believe this they would dissolve their meeting at a pretty early stage. One gentleman had said that he had heard it stated that a new company had recently been formed—a Colonial Consignment Distribution Company—and that he had heard it from good authority they were buying large numbers of sheep. He knew that that gentleman was not intentionally saying what was incorrect, but the assertion was an absolute fabrication, and it was one of a great number that had been reported to him. He (Mr. Nelson) looked upon the circulation of such statements as a very great disaster to the colony, because every one had admitted for a long time past that a company in London representing the interests of a8 sections of the community was the very thing required. He had been at work for the last five years to get such a company formed, and they had now got a company which had taken all the trouble and obtained the money, and would start off with a rattling good business. And now they found it was to the interests of some people to invent a yarn like that, absolutely to discredit that company He considered that every sheep-farmer in the country who would decline to look upon that company as a beneficial institution, and would not support it, was doing something in the direction of cutting his own throat. He would ask the Conference to bear in mind that this company at Home was not a buying company. Nelsons' was a buying company. The difference was that Nelsons' undertook to consign to this company, as consignors, just the same as if any person present consigned to the company, and were absolutely distinct from it Mr. Orbell had suggested that the freezing companies should federate, He (Mr. Nelson) understood that meant that the freezing companies should have a general understanding as to what they were doing. That seemed to him to be the very

tiling they all had to aim at. If all the freezing companies would agree to do what was required to be done he was perfectly certain they would be able to fight their battle successfully. He was satisfied that such a body as that would be much more capable of doing what was required than any company which could be formed in any portion of the globe. He had had a talk during the last few hours with the representatives of freezing companies in the North Island, and he had no doubt an agreement would be come to in the North Island right away to Auckland, but he did not know so much about the South Island companies, and thought there might be elements of difficulty to control. But even if they would not all agree, there was no reason why they should not make an attempt to do all they could, and if they did that, they would meet with a great deal of success. He did not think the frozen-meat trade was going to collapse at all, and had never had any uneasiness about it. His firm had lost an unconscionable amount of money last year, but hoped they were going to get it back. There were precious few farmers in the colony who had felt anything the matter with them, and he had heard of wethers selling in the Otago Province at 15s. One gentleman had interjected, "What was the price in general?" but he did not care what would be the price in general, for he knew that the average price would be a good one if they took this sensible step and controlled the output. The quality of the sheep was a point they could not talk too much about. The great trouble was that every sheepfarmer would insist that his sheep were better than any one else's, and made you feel it when you went to buy his sheep. It was not to be supposed that the sheepfarmer could possibly know so much about the freezing business as those engaged in it. The freezing companies were the custodians of the trade, and the sheepfarmers had to listen to what they had to say. The freezing companies had to lay down the lines for the sheepfarmers to go on, and to stick to them; and he had to say that he would not buy a bad sheep, and if any one sent him bad sheep of any kind he would not freeze them for him. He would ask every company to do the same thing. He had been told that if a company refused to freeze sheep, the client fell out with it. Well, it was their business to teach people what they did not know, and to force them to know it. There was something to be said for the sheepfarmer. Some years ago we were told we were sending sheep Home too fat. In the "North Island that complaint was remedied, and now the sheep farmer had drifted off a little to the other extreme. He believed that many of the buyers had fallen into the same error through being told that very fat sheep were not good for freezing, and had consequently bought inferior sheep which they should not have bought. But the trade had now become such a science that every one had to go into every detail with the greatest possible care. He had heard it said, when he had declined to freeze inferior sheep, that that was one of his monopolizing tricks. The farmer had not sufficient smartness to see that while it did not matter to him what he (Mr. Nelson) froze, it mattered a great deal to the farmer.

*Mr. Nathan* said he rose to explain that Mr. Nelson had forgotten the last clause in the remarks he had made. He (Mr. Nathan) had stated that he did not feel it necessary to go into details in connection with this scheme until the principle of a sheep-tax was accepted. His experience of meetings of this character was that it would not be troubled with detail to any extent, and therefore, until the question of the tax was decided, it was needless for him to go into detail.

*The Chairman* said he had been very much interested in the trade, and having an opportunity while in England he had made it his business to get at the facts, even though they might prove to be disagreeable. The broad fact he had got at was that a very large amount of inferior meat had been sent Home, There could be no question about that, and they would be certain that that was so when he said that he had actually seen it himself with Messrs. James Bull, John Duthie, Arthur Rhodes, and several others, all of whom unanimously said they were ashamed of a large number of the sheep they had seen. He did not condemn the whole; but there was a considerable number of inferior sheep. There was one lamb in particular, which might, of course, have been exceptional He remembered a joke being made about this lamb. A man in Smithfield had said that he did not know what it was until he had got a light and put it inside, and then he saw it was a lantern. He (the Chairman) went to one of the salesmen and asked if that was the class of lamb that had been sent, and the salesman said it was, and that they were very bad Nothing could be worse for the trade than the sending Home of bad lambs. Good lamb at the time was selling at 5d. per pound, while on: lamb was selling at 3d. and 3½d. When one ventured to say that these things happened, he was either laughed at or abused. He had taken a good deal of pains to get at facts, and had always thought it his duty to state them. Having got the facts, he determined to write to the newspapers in the colony and state them just as they were. He wrote a careful letter, which he submitted to Mr. Nelson He also showed the letter to Mr. George Beet ham, and asked him if he approved of it, to put his name to it, and Mr. Beetham said he would do so with a great deal of pleasure. That letter was sent out to the *New Zealand Times*, which never published it. They were absolute facts, and he thought they ought to have been published, because they would have done a great deal of good. Mr. Nelson was of the same opinion that these facts ought to be published. He (the Chairman) had sent a considerable number of his own sheep, and had been ashamed of some of them. If 10 per cent, of the article sent was bad, the whole shipment " damaged. The tendency was to blame the London people; but before we blamed them we had to be quite certain we had sent good stuff Home Mr. Nelson had said, very properly, that every owner thought his sheep better than any



one else's. In the old days, before we had shows, that opinion was very prevalent; but when the owner saw his sheep alongside others at the shows he was able to see whether he was right or wrong. It was the same in Smithfield, where the difference was seen between the sheep, and one could not help seeing that some of the sheep should not have been sent Home. He quite agreed with the speakers who contended that no increase in London storage was wanted, and believed that storage in the colony was much more desirable. But, again, if they were going to store sheep in the colony, they must be good. If an inferior sheep was stored, it looked very bad after it was taken out. He was rather amused by the statement of one speaker who had said there was no distribution of our sheep north of London. Why, one found meat almost all over England—at Hull, Manchester, Liverpool, Glasgow, and everywhere one went to as to the sheep being sold as English, it was all nonsense. It was not true to any great extent, and, if true, what could they wish more than that it should be sold as the best meat in the market? Obviously if a man sold it as English and got a good price for it, he would come again and buy it. He could quite understand the English farmer complaining about this practice but not the New Zealand sheepfarmer. With reference to what had been said about things being wrong in London, he had had the pleasure of meeting Mr. Jameson, who had gone there for the purpose of making special inquiry, and had not found any of those abuses which had been spoken of. Mr. Jameson represented several companies and had looked at things in a sensible business-like way, and had found none of the dreadful things being done. He (the Chairman) thought there was very great value to be attached to what Mr. Jameson had said. Mr. Nelson had remarked that the steamers must be made to pay. He (the Chairman) was a shareholder in two of the largest companies, and had an interest in looking at the question from their point of view; but he was also intimately acquainted with the men running these steamship companies, Sir Edwyn Dawes and others had shown him the facts with regard to the running of these boats, and it had been quite clear to him that if the owners did not get reasonable freights they would be driven off the line. We could not expect the work to be done unless the ships were made to pay. He had said to the shipping men, "Do not keep on building these ships; we have ships enough. If you had fewer ships going Home crowding the meat into London at one season we could not have the glut." It would have been a very great advantage to us if we had not had so many ships, as we should then have been compelled to store meat in the colony, and so equalise shipments. Mr. Nelson said that everything that could be done had been done, but he (the Chairman) did not think that could be said of anything in the world. He thought we could improve on everything. Perhaps Mr. Nelson did not quite mean what he said. Sufficiently reaching the retail salesman had not been done, and there was a tremendous amount of work yet to be accomplished. A man in the butter trade had said to him, "We force our stuff on our customers: we do not wait for them to come to us, we go to them and make them take it." It was an old saying that any fool could sell what people want, but what we wanted to do was to make them buy what they did not want. Of one thing he was certain, wherever he had eaten the meat sent in good condition, he had found it better than English, and if it was better than English it must in the long run be eaten generally. Some practical good would come out of this Conference if some mode of insuring regular shipments could be adopted which would obviate such enormous blocks as had occurred at Home. When the Conference had got rid of a good deal of what was impracticable in the crude proposals before it, it would no doubt turn its attention to something which would be of lasting benefit to the trade.

*Mr. Nelson* said he would explain, in reference to his statement that everything that could be done had been done, that he was talking of the last twelve years. Perhaps he ought to have said that he was referring to the previous twelve years, and not to the present moment. In the future a great deal had to be done, and what they asked for was time to do it in. The trade could expand, for there was ample room for expansion if they did not attempt to expand it too fast.

*Mr. Booth* said he would like to express his acknowledgment of his obligation to Mr. Nathan and to Mr. Orbe 11 for what they had done, because if their efforts had only resulted in the assembling of that Conference he thought that was a good deal to have done. He hoped the results of the Conference would amply justify the course they had taken. He would like also to say that he and, he believed, most of the gentlemen present were very sensible of the advantage the colony had derived from the operations of Nelson Brothers now and for a good many years past. He was glad to think that, as far as he could judge, the Conference would be fairly unanimous in rejecting the proposal to impose a sheep-tax and invite Government interference in connection with the trade. What required to be done in order to secure a much more complete success than I had attained in the past was quite within the power of the freezing companies. With regard to the quality of the sheep, the Government should take care to see that only good sheep were sent away. He believed we should have to copy to a considerable extent the Canterbury sheep. In the North Island we bred sheep for the wool, but he thought they should be the best of their class, and when we were able to get a higher quality of North Island sheep we should find a ready and more profitable market for all we could send to London. It was true we allowed the long-wool sheep to run to four-tooth, which were too heavy, but we would in time be able to get them in proper condition as two-tooths, and then they would be found to be a very high class mutton indeed, and would bring a

good price in London. It could not be impressed too much on the farmers that it must rest with the freezing companies to secure this. If one company refused to take unfinished sheep another company afterwards agreed to take them, but if the freezing companies agreed to take only properly finished sheep there would be no difficulty and the farmers, finding that the companies refused to take their sheep, would have to keep them themselves. Assuming that we could get some combination by which we could secure a higher average quality, to a very large extent a great part of our difficulty would be surmounted, and loss would be prevented if we could regulate the shipments. But for the latter we must have larger storage space. To obtain that, we must have the necessary money, and if the Conference could find out how the money was to be got he would be very glad. Then there was another difficulty; how were they going to deal with farmers who had 40,000, 50,000, or 60,000 sheep to sell; how were they going to provide the money to buy these in order to store them? The farmer did not like to take the risk of sending his sheep to London; he desired to be paid for them in the colony. The question was, who was to pay him for his sheep? He (Mr. Booth) did not see any solution of the difficulty, and was quite sure he should hesitate to take part in a risk of so serious a nature. If they could control the meat in London so as to make sure of a minimum price, there might not be so much difficulty, but New Zealand was not the only source of supply to the London market, and we might find a time when we had taken over 50,000 or 60,000 sheep that we were face to face with a glut caused by Australia or some other place, and would make a loss of £20,000 or £25,000. There was certainly no freezing company in the colony at present which could face such a loss as that. The Conference seemed to be agreed that something should be done in the way of storage accommodation, but how to find the money was a question of no less importance. It was really necessary that it should be done in order that the cargo boats should be filled on every voyage they took, but the preliminary wanted was the capital necessary for increasing the storage accommodation and buying the sheep with a view to putting them on the London market and regulating the supply there. If these means could be evolved it would be a very great step. He thought the freezing companies should take only first-class sheep of the several kinds proposed to be sent.

*Sir John Rail* said he was sent by the Canterbury Agricultural and Pastoral Association distinctly to oppose Mr. Nathan's scheme, but he had gathered since coming into the room that that was a work of supererogation. To enumerate why this scheme should not be adopted would be like an attempt to kill the slain; therefore he simply wished to put on record that the society which he represented was distinctly opposed to the scheme proposed by Mr. Nathan. They were not satisfied with things as they were, and thought that a great deal could be done to improve the existing arrangements for disposing of frozen meat; but perhaps that could be better discussed when the Conference had disposed of Mr. Nathan's scheme.

*Mr. Litchfield* said he was sent by his association (Marlborough), which was composed very largely of small sheepfarmers, to do all he could to prevent Mr. Nathan's scheme from passing into effect; and, like those who had preceded him, he did not propose to waste time by killing what had already been slain. There was one thing that perhaps was hardly within the range of practical politics. He alluded to the live-meat trade. It was true that that was a small factor of the business at present, but, viewing the comparative ease with which the live-meat trade was being pushed, they might fairly say that it would have a considerable effect in the future. That, to his mind, was an argument why this Conference should not take any steps to place the meat-freezing companies in a position hereafter to take advantage of the public of New Zealand. He did not think the Conference should do anything which would guarantee the freezing companies recouping to themselves any possible loss to which they might be subjected on account of the live-meat trade. It was true that that trade was not a large factor at present, but if we looked forward to the years coming, we could not but see that the time was not far distant when the steamer route through Central America would be opened, and New Zealand would be brought within twenty-two days of England, with a fair passage all the way, rendering it possible to send our meat to England as live cattle were now sent from the Argentine Republic and the Northern States of America. For that reason he would vote against Mr. Nathan's scheme.

*Mr. Anderson* said he was not bound to any scheme. He had been sent by people who were highly delighted with Mr. Nathan's scheme, which had come before the public some months ago, but he was not bound to support any scheme. There was a matter he wished to bring before the Conference which was important to every one. Great complaints had been made in his district as to the treatment of the meat before it was sold. After sheep had been sent down on farmers' own account the freezing companies had kept them for a week, and sometimes a fortnight, in Wellington in a state of semi-starvation. Farmers in his district objected to that, because if sheep were once got up into a good condition for the purpose of sending them Home, and afterwards kept in a half-starved state, they would be found to be very unfit to send Home as freezers. Sheep had been sent away from his neighbourhood and kept for a fortnight until they were ruined, so that instead of being fit to send to London they were only fit for stores. He hoped the freezing companies would endeavour to remedy that evil. They were not interested in the freezing companies in the neighbourhood he came from. They also thought that the cost of sending them Home and freezing them here was a very expensive process, and that the cost might be

very much reduced, indeed, they calculated it might be reduced fully 50 per cent. He was at the Conference that day for the purpose of advocating these views, and hoped the Conference would support him in the matter. Further, a few farmers had sent sheep down to the free zing-works at Wellington to send Home, and he could give cases where the results were very disappointing to the owners when the returns came to hand. He was speaking of the weight. On more than one occasion there was very good proof that the sheep sent down to the free zing-works were not returned as of correct weights. That was very disappointing to any one, but especially to a small settler. He did not think he could support the gentleman who represented Dunedin in regard to cool storage on this side, because if there was to be any storage at all it must be on the London side. If we had very much meat on this side there would be a constant tendency not to have the article at Home, whereas, if they had the sheep on the London side they could always sell them. It was necessary to have some competent person to look after the disposal of the meat at Home. It was found that after the sheep were sent away and arrived at Home there was no proper distribution of it and no care displayed. One agent seemed to sell for another agent one day and *vice versa* the next day. He had a very strong opinion indeed that the middleman did exist, and that he was more of a benefactor than the wholesale purchaser.

*Mr. Dalrymple* said that like the last speaker, he was sent not to support Mr. Nathan's scheme or any scheme, but to see what could best be done for the benefit of New Zealand as a whole. There were supporters of Mr. Nathan's scheme in Palmerston North, but a large majority of the stockowners did not favour it, and did not approve of any rate being imposed for the purpose. With other speakers, he thought Mr. Nathan deserved a hearty vote of thanks for bringing the matter forward, together with Mr. Orbell, and enabling the Conference to be called. He had been Home during the last twelve months, and had taken the trouble to follow the meat from the colony to London and throughout the Old Country to see where it went to. He had seen the meat taken by the "Gothic." It had been well slaughtered, and every care was taken in putting it into the steamer. He afterwards saw it when it was taken out of the "Gothic" in London, and thought the manner in which it was handled was simply disgraceful. It was handled like bags of coal. It was sent into long shoots and shot down into barges, which were kept sometimes twenty-four hours and in the sun before the tide would allow the barges to go up to the stores. He also saw the meat taken out which was consigned to Nelson Brothers, and he might say that more careful handling could not be desired.

*Mr. Nelson:* Did the meat come out hard?

*Mr. Dalrymple* said it was softened a little. After the meat left the store he saw it at Smithfield. Some of it was well handled and some was not. Some of it had been rejected, and the meat was simply lying down on the counter exposed to view. Leaving Smithfield, he followed it to several places in London. He saw mutton in Leadenhall Market which he spotted as New Zealand frozen meat. The salesman denied that it was New Zealand mutton, but he (*Mr. Dalrymple*) said he was certain of it because some of it was his own meat, and the salesman after admitted that it was New Zealand mutton. That was bringing from 9d. to 10d. per pound. He (*Mr. Dalrymple*) went to Birmingham, Manchester, Bristol, Hull, Edinburgh, Glasgow, and other large towns here and there) but could not find any New Zealand mutton sold, but found any number of shops which were selling colonial mutton." This colonial mutton was very dark in appearance, and all the butchers admitted that it was not New Zealand mutton but River Plate mutton. The only reason they had for calling it colonial mutton was that there were a few carcasses of lamb being sold there. He went down to Liverpool, Birkenhead, and Chester, and there saw good mutton being sold as New Zealand mutton. He then went back to London and saw there Mr. Montague Nelson, and asked him why he did not send New Zealand mutton down to Leeds, Hull, and other places, and Mr. Montague Nelson said New Zealand mutton was too big for them. Therefore, his (*Mr. Dalrymple's*) opinion was that New Zealand mutton was not fairly distributed at Home. The conclusion he came to was that if we could get our mutton sent not only to London, but to Liverpool, Leeds, Hull, and many other places, and the facilities for unloading were improved—if we could get the meat put into railway-trucks instead of into barges—the trade would be more satisfactory to all, but until that was done no improvement could be expected. He had heard our method of slaughtering criticized very much. While in Birkenhead he went to see sheep and cattle slaughtered, and saw the whole process from beginning to end, and he said distinctly that New Zealand beef and mutton were slaughtered much better. The dirt and filth, he saw about the place at Birkenhead would not be allowed in New Zealand. He agreed with Mr. Begg that we ought to have storage accommodation here to enable the mutton to be shipped Home as it was required.

*Mr. J. C. Chaytor* said he certainly thought that when the Conference met it would find some scheme before it on the details of which the Conference would have worked, and which would have justified the stockowners consenting to the imposition of a sheep-rate, Unfortunately there was nothing of the sort. As Mr. Nelson had said, everything depended on details; and as there were none in this case, he (*Mr. Chaytor*) could not support the scheme. He could also support Mr. Nelson in what he said about the sheep. In Marlborough they would not take bad sheep. He had sent Home seven lambs, and last week had received a letter from one of his cousins in the North of England stating that the meat was very good. Another cousin had given him some

hints as to the distribution of our mutton at Home. When Nelson Brothers first started freezing in the Marlborough District a few years ago he had sent some of his lambs Home as presents, and the reports on them were uniformly good; but the account-sales had generally been very unsatisfactory. He hoped the result of the Conference would be that better arrangements would be made for distribution at Home, and thought the freezing companies out here should combine and refuse to take second-rate meat. Buying up or amalgamating the freezing companies would be a very great mistake.

*Mr. Kirkbride* said he was sent to oppose that part of Mr. Nathan's scheme which would lead to further taxation—that was, to the levying of a sheep-tax, or to the Government guaranteeing portion of the capital required. He had come rather as a listener to the Conference, and had been very much gratified with what he had heard, for he had gained a great deal of information since the Conference had opened that morning. He had looked for more details from Mr. Nathan, The gigantic scheme, as it was sent to them at Auckland, seemed to deal with generalities—in fact it almost took their breath away—and he had thought Mr. Nathan would enter into details and give the Conference information as to how his scheme could be carried out. In Auckland they were of opinion that they were fairly well served by the freezing companies here, but that there was room for improvement at Home in the matter of distribution. He agreed with those who thought there should be more cool storage in England, but did not think any more was required in London. One month's storage supply in London would be sufficient, but if they had sufficient storage accommodation in New Zealand they would be able to send the sheep Home regularly all the year round. He was very glad to get the information he had received that day.

*Mr. Bidwill* said there was no doubt of this, that had it not been for Mr. Nathan and Mr. Orbell the Conference would not have been called, and for that reason they ought to be very thankful to those gentlemen. At the same time, the feeling in this part of the colony was that the scheme was not practicable at the present time. The price of frozen meat was such that if we attempted to strike a rate throughout the colony on sheep further than that we had it would be howled down from one end of the colony to the other; and we would not have the money to buy up all the freezing companies and start on our own account. There was a great deal to be said in favour of Mr. Nathan's scheme many years hence, but at the present time it was not practicable. He came to the Conference in the hope of hearing some scheme propounded by which the trade could be put in a more satisfactory condition than it was now in. Those who had shipped their sheep Home to London recently had lost the carcase, and had only the skin and offal left to them, and it would have been far better if their sheep had been thrown into the harbour; and these were first-class sheep, too.

*Mr. Sladden* said one gentleman had stated that sheep sent down to Wellington had been kept for a fortnight in a half-starved condition, He (Mr. Sladden) had consulted with Mr. Millward, and could say that no sheep sent to Wellington to either of the companies, and most certainly to the company he represented, had been kept more than four days.

*Mr. Anderson* said he had got the information from a private person.

*Mr. Millward* said he had little to say about the scheme, because it had been dealt with so ably by other speakers; but there did seem to him to be a little discrepancy in the matter of the facts mentioned that day. On the one hand it had been stated that the meat was badly handled, was soft, and did not look pleasant; on the other hand it was said that the meat was sold as English mutton. If it was sold as English, it appeared to him that justice had been done to it all round. There might of course be exceptional circumstances. When stockowners sent their sheep to be frozen on their own account the companies were put into an awkward position. Buyers went round, and if the sheep were not considered of sufficiently high quality to be frozen, would not purchase them, and then the farmer would perhaps elect to send the sheep Home on his own account. As a matter of fact, of the large quantity dealt with by the Gear Company, 40 per cent, were not frozen, but were dealt with in other ways. He took it that that showed, as far as the company's own property was concerned, that a large amount of discrimination was exhibited in the quality of the meat sent Home, A large number of their sheep were boiled down and disposed of by other means. In reply to Mr. Anderson he might say that no sheep had been kept in Wellington a longer time than was necessary to give them a spell He thought that it was probable some mistake had been made in regard to that matter. With reference to increased storage, no doubt this end was the proper place for it. The storage in London was large enough at present His company had opened considerable storage, and he thought the two companies together had storage accommodation equivalent to 40 per cent of the year's output—as much as could possibly be required under any circumstances. The glut last year had contributed to the low prices produced, but at the same time there were other circumstances which helped it, in the form of disturbed trade and strikes, and matters of that sort; and as our meat was sold to the classes directly affected by such disturbances, prices naturally fell. If the wages fund at Home was decreased, the demand for meat was affected also. He had nothing to say about Mr. Nathan's scheme, because it had been referred to so ably by people who had absolute knowledge on the subject at both ends.

*Mr. Bradey* said that the association which he represented, while considering that all due thanks were due

to Mr. Nathan for bringing his scheme forward, did not see their way clear to support it.

*Mr. Nathan* said it seemed to him, from the tone of the meeting, that the wiser course for him to adopt would be to ask leave to withdraw the resolutions entirely. Before doing so, he would like to make a few remarks in reply to some of the speakers. It seemed to him that Mr. Booth had put the *crux* of the matter before the Conference very plainly. All seemed to be pretty well agreed that improvements were necessary and possible in the conduct of this trade, not only at this end, but at the other end of the world—To achieve that object money was required, and the question they had to consider was where that money was to come from. Our freezing companies, as Mr. Booth put it, were not going to find it. How were they going to finance in order to hold the large stocks required to regulate the shipments throughout the year? He failed to see how they were going to do that without money, and the only way to raise that money was by some such method as a sheep-rate. It was never suggested that it would be necessary to levy a tax of 3d., nor probably 1½.; but something between ½d. and 1½d. would be necessary; while, to make a company absolutely financially strong, power would probably be wanted to rate up to 3d. He had never suggested Government control—All he suggested was what had been brought forward and ably supported by leading newspapers in the colony in relation to local bodies, and that was that the various loans of the County Councils, Harbour Boards, Municipal and other bodies should be federated and guaranteed by the State; and it was looked upon as right and proper that the Government should step in and pass a measure of this kind in order to save the ratepayers money in interest. Why, then, if that were right, should it be wrong for the Government to do the same for the ratepayer when he was called a sheepfarmer? He had never advocated Government control, but simply wanted legal power for a controlling Board. It was the usual thing for everybody to desire to get advantages, but to decline to pay for them. Everybody wanted to spill the last drop of his brother's blood. But, even in federating, they need not go so far as buying out the various freezing companies, and if arrangements were only made by which the steamers could be saved from travelling all over the colony by sufficient storage accommodation being obtained, the sheepfarmers could, he had been assured on the highest authority, secure a reduction of ¼d. per pound, and not only in the winter. But that point would not affect the North as it would the South Island. With the further improvements in shipbuilding, it would not be many years before they would have their meat carried for ½d. a pound. When the question was discussed at the Society of Arts, attention was drawn to the fact that, with the improvements in the steamers and less consumption of coal, it was quite possible that the freight would be reduced by one-half. Ordinary commercial competition was now such that isolated interests or small companies could not get such terms as could be obtained by a combination. When one portion of a trade was worked under combination another portion was driven into the same thing, because with two strong bodies fighting against each other one must lose, and they soon realised that a common ground must be found. The dairy-produce business was at present suffering in the same way as the meat trade. The assistance given by the Government in Victoria had resulted in a reduction of freight. He took it that after all, the amendment moved by Mr. Begg had really the same object in view as his (Mr. Nathan's) resolutions had. It was only that some other means should be taken to achieve it. Although Mr. Begg and others had accused him of not going into details, Mr. Be" "himself had not found a way to finance what he proposed. Mr. Begg had quoted the present price of sheep down South, Well he (Mr. Nathan) had in his hand papers which went to show that there were farmers who had not realised more than 1s. 3d. per head for their sheep. As had been stated by Mr. Bid will, the cheaper course would have been to cut their throats and keep their skins here. What was wanted was an arrangement by which a steady market might be secured, and he understood that that could be done, so as to avoid these gluts, A Mr. Cameron, when in Manchester, issued a challenge to the butchers that they had ever sold New Zealand meat as New Zealand meat, and Mr. Bruce said in his report that very little mutton sold as New Zealand meat was found sixty miles north of London—that in London and the south it was more thoroughly put before the public, but not in the north. Everyone knew that the meat went north, and he himself knew it was sold in Glasgow; but, still, shrewd men had gone Home and not been able to obtain it there as New Zealand mutton. One gentleman had gone into a London shop and accused the butcher of selling New Zealand meat as English, He was assured that the meat was Canterbury (Kent) mutton, but after he had been bounced a little the butcher admitted it was New Zealand meat. If the Conference wanted to know anything about this matter he could refer them to Lord Onslow's report. It seemed to him to be unfair to expect a broker at Home to take upon himself the cost of combining with other to find new markets. That cost should be borne, not by the broker, but by those whose meat he was selling, for new markets were worth paying for. The Conference might come to conclusions with regard to improving the storage of the meat and so forth, but unless they found the money he could not see how their resolutions could be given effect to. He had received a letter from Japan that morning, which showed how the Japanese pushed their trade. That letter stated that if he wanted his order for certain goods repeated six months' notice would have to be given, as they were too busy and must have time ahead. Could that be said of any branch of business in New Zealand to-day? By the newspapers it was found that France, Germany, and Italy were spending enormous sums of money in the interests of commerce. It was wise and just to do that, and

one of the foremost statesmen in the world to-day (Mr. J. Chamberlain) was advocating State aid for the advancement of commerce. Speaking of Africa and the enormous stake England had in that country, and of the bad times and plethora of capital at Home, he said it was time the Government took a practical interest in the trade of the country, for how could they expect a country to be developed when it took from £200 to £300 a ton to bring their goods to market? None of these improvements could be effected without the expenditure of capital, England had been going on for years subsidising the mail-steamers; what for? To expand her trade. That all came out of the taxpayers' pockets. What had Canada done for her cheese and butter industry? They had only to look at the position of Canada to-day to see what the result had been. We were making cheese which cost us 16s. a hundredweight to place on the English market as against Canada's 7s. to 8s. Victoria had built up a butter trade of nearly a million per annum, while ours had been languishing. The Danes had gone further than even the Victorian Government, and kept up a supervision of the trade in England that cost £30,000 per annum. They took care that the butter was sold as Danish butter, and if they found anybody selling any other butter under the name of "Danish" butter they prosecuted at once. He need hardly refer to the Queensland sugar industry, and the South Australian wine industry, and the care that was displayed by those Governments to foster those industries. But the greatest instance of foresight of all was to be found in the growth of the Indian and Ceylon tea trade. Would that tea have replaced the Chinese teas had the growers not put their hands into their pockets? And now the tea-growers of India and Ceylon could not keep up with the increased consumption which modern methods had enabled them to secure. In California they had yet another instance of what could be done. The wine trade had proved so successful under the combination which had been effected that the Fresno people had combined to push their dry-fruit trade, and had a wider market than they had ever had before, and they were now engaged in pushing the fresh-fruit trade. However, as Mr. Nelson had put it, the new company starting at Home had altered the whole position, and he (Mr. Nathan) quite realised it; but the Conference had been called, and a decision come to to get the representatives of this industry to consult on the matter. In the past the loss had not fallen upon the sheepfarmers entirely, but on the speculators, and the lesson the latter had learned would teach them to take great care in looking after themselves better in the future, with the result probably that the farmer would not do so well. He hoped Mr. Nelson thoroughly understood that he was not throwing any blame on the freezing companies; but he could not see how the freezing companies in New Zealand, working on a different basis and with different objects, could secure that unanimity and success which were necessary for combination at this end and concentration at the other. There was no question about this, and the Conference would probably understand it; that we had not yet reached that point when we could over-stock the English market. The consumption of meat had increased something like 30 per cent, during the last decade. There were French representatives in the Australian Colonies searching the sources of supply for their own markets; and it was possible that France might be compelled to open her markets and cease harassing the meat industry there. It was quite immaterial to him whether his scheme was carried or not. As a colonist, he was simply desirous of getting the produce trade run on modern commercial lines. He did not pretend to be an authority on the frozen-meat trade, but had been round the world and gained experience, and felt quite convinced that the time would arrive sooner or later when the trade would have to be forced and worked, either by a federated body, or by a combination such as he had suggested. It was bound to be conducted either by the farmers or by large companies; it could not be carried on on the same lines as in the past. If it was, it was the only trade in the world that could be worked in that way. It was for the farmers to decide, for it was they who would have to put their hands into their pockets, He had to thank the Conference very much for the patient hearing given to him.

By permission of the Conference, the resolutions submitted by the provisional committee were withdrawn, and Mr. Begg's amendments made the substantive motion.

*Mr. Beetham* moved a vote of thanks to Mr. Nathan for the information he had given to the Conference, and for having brought forward his scheme.

*Mr. Chaytor* seconded the motion. Mr. Nathan had taken a great deal of trouble in going round the country to explain his proposal. Whatever resulted from the Conference, its meeting could only result in benefit to the sheepowners of the colony. He thought Mr. Orbell's name should be added to the motion, for both gentlemen had been struck with the same idea at the same time.

The motion, with the name of Mr. Orbell added, was put and carried.

*Mr. Orbell* said he would like to thank the Conference for the vote just passed, for he considered it a great compliment. He was not at all disappointed with the result of their discussion, and was quite prepared to support any measure which would be for the good of the industry. He hoped that Mr. Begg would see his way to carry his proposals a little further, and make them a little more practicable.

*Mr. Bidwill* said he wanted to know how they were going to regulate the meat market against the Argentine and other countries under Mr. Begg's scheme of storage.

*Mr. Begg* said if the colony regulated its output it would increase the price obtained for its meat. If other

countries increased their output it could not be helped, and New Zealand would have to take its chance, We had heard for the last twenty years that the Argentine was going to swamp us with regard to wool and other things, but it had not done so, and if there was an increase from that country at all it would not be of inordinate magnitude, but would be, as in the past, & gradual growth.

It having been agreed to take the clauses of Mr. Begg's motion seriatim.

Question proposed, "That, in the opinion of this Conference, any attempt to establish a monopoly of the frozen-meat industry of the colony would be both undesirable and impracticable."

Motion agreed to.

Question proposed, "That, in order to give confidence to buyers, and to secure, as far as possible, uniformity in quality of the meat exported, it is desirable that the freezing companies in the colony should agree to a uniform system of grading."

*Mr. Beetham* said he would attach far more weight to the quality of the sheep. We had two classes of meat in New Zealand—what were called Canterbury and Wellington. We sent equally good sheep away as Canterbury did, but we might send a good many more bad ones. The difficulty was this: in Canterbury they had local markets which had been a means of educating the farmers as to the quality of sheep for many years past, while the fanners in the Wellington district had never sold their sheep at markets, Farmers who were expert in judging sheep would be invaluable in the North Island, for there were lamentably few who could pick a sheep. In the South buyers went about to the different stations and picked the sheep. They were clever experts, and they had only to put their hands on the back of a sheep to be able to pick it. The farmers in the Wellington district, for the most part, did not understand a good Lamb or sheep when they saw it. An attempt had been made to establish a market at Featherston. But after the second market was held, the promoters were laughed at by the buyers, and the company which was formed had to go into liquidation soon after. There were small markets at Carterton and Masterton, but these were principally used for local business. Until the farmers had education to know when a sheep or lamb was fit enough to send to the London market they would be under a disadvantage. It was quite different in Canterbury, and it was due to their knowledge in this respect that Canterbury mutton had obtained its name.

*Mr. Sladden* said he did not assume that, because a sheep weighed 55lb. or 60lb., it would be of first-rate grade. One of the causes for the great strides made in the trade had been the selling of sheep on c.i.f. terms. People wanted quality, but also different grades. His opinion was that under c.i.f. terms the buyers had succeeded in getting the weights they wanted, and would not take any other.

*Mr. Coleman Phillips* said he would like to point out that the English Government had requested the Agents-General to ascertain if the sheep would be inspected in the colony before being sent Home, and he understood that the Agents-General had replied collectively that the meat would be inspected. Difficulty might arise through a farmer wishing to send away meat not of first-class quality. He could not see how any of the freezing companies could prevent a farmer from freezing what he used. As *Mr. Sladden* had pointed out, if the farmers insisted upon freezing their sheep the freezing companies would be placed in an awkward position, and if the colony was going to give an assurance to England that the colony's meat would be inspected he (*Mr. Phillips*) did not see how they could avoid having a Government officer appointed, A great deal had been said about the North Island of New Zealand not being able to produce mutton equal to that of Canterbury on account of the Canterbury sheep being far and away superior to those of the North Island, the argument being that we could not get up our Lincoln and Romney sheep to equal the Canterbury Downs and Leicester sheep;. Would the Conference be surprised to hear that some of the best Canterbury sheep sent into the English market—and admitted to be so by English buyers—were Lin coins? If farmers in the North Island liked to do so they could breed a quality of Lincoln that would pass the standard, and it was in that" direction he thought the system of grading should come in. His opinion was that they should give the English people an assurance that our meat would be inspected, and then we should take care only to send the very best quality Home of whatever breed we sent.

*Mr. Begg* said the manager of a freezing company was an expert in the quality of sheep whose word should be law. It was so with his company, If his manager said any sheep were not fit they had to go away. There was no necessity for a Government Inspector. If a manager was given power to reject sheep he thought not sufficiently good that should settle the matter.

*Mr. Overton* thought they should recommend the whole of the freezing companies in New Zealand to agree on an improvement in the grading of sheep. He was in London some four years ago and felt thoroughly ashamed of a great deal of the New Zealand frozen meat he saw; there was so much that was bad. The English people did not look so much at the weight of the sheep; it was the quality they liked. In the South Island they had a drier climate than that in the North, and were able to produce long-wool sheep at an earlier age, A great deal of difficulty would be got over if they sent nothing but what they were proud of Weight and quality were two different things; and the latter, with a fair weight, was very desirable.

*Mr. Kirkbride* said he imagined that all sheep slaughtered now passed the Stock Inspector. They had seen that the Government of New South Wales had advised their representatives in London to assure the English Government that their frozen meat underwent a double inspection before being shipped, He understood that, if this resolution passed, it was a recommendation to all the freezing companies that they should agree to some uniform system of grading and weight, He thought the matter of inspection related to disease, and not so much to the quality of the sheep.

*Mr. Nelson* said the only part of *Mr. Begg's* motion that he felt exercised about was his proposition for uniformity of grading in the colony. In practice that would be found very difficult to make applicable, *Mr. Beetham* had stated his views very clearly, but on one point he (*Mr. Nelson*) wished to go a little further. The mutton grown in the North Island, speaking generally, he took to be the worst quality of mutton in the world. He dared say that would be taken with considerable doubt, but it was so. He never heard anybody arguing otherwise than that Lincoln sheep were the worst class of mutton for eating purposes he could grow. But the North Island farmer was not going to abandon Lincolns straight off, and he could not expect to get credit for having the best mutton while he kept this breed of sheep. He (*Mr. Nelson*) thought it would be a long time before Lincolns were eliminated from the North Island, and while that was so, we could not expect to get uniform grading. While he said we should not freeze a bad sheep, he did not go so far as to say we should not freeze a Lincoln sheep; therefore the term "uniform system of grading" must be amended in some way. In, his daily practice in the freezing-works they must class for weight. While they found that 551b. and 601b. sheep had a special value, simultaneously with these first-class weights they must have some of the others.

The Conference, at five minutes past five p.m., adjourned until ten a.m. the next day.

## **Second Day.—FRIDAY, 6TH SEPTEMBER 1895.**

Debate resumed on *Mr. Begg's* motion, "That, in order to give confidence to buyers, and to secure as far as possible uniformity in the quality of the meat exported, it is desirable that the freezing companies in the colony should agree to a uniform system of grading."

*Mr. Begg* said he was quite agreeable that the word "uniform" should be struck out of his motion, provided it met with the views of others.

*Mr. Buddo* asked if the grading was to take place from one end of the colony to the other.

*Mr. Begg* said the grading should take place at the freezing-works. It would be desirable if they could get one uniform system for the South Island, and another uniform system for the North Island, so that in buying sheep the buyers would be able to get A and B grades. Probably, the best plan would be for the North and South Island companies to agree upon the subject themselves. He was quite willing to allow his motion to be amended.

*Mr. Bidwill* said he would like to take exception to a sweeping remark made the previous day by *Mr. Nelson*, to the effect that North Island mutton was the worst in the world. To a certain extent, the Chairman had backed *Mr. Nelson* up in his remark.

*The Chairman:* No.

*Mr. Bidwill* said to a certain extent the Chairman had done so. He had not said it was the worst in the world, but that the North Island, as compared with that of the South, was inferior to a great extent. A remark of that sort coming from *Mr. Nelson*, who was looked upon as knowing as much about the freezing business as anyone in the colony, would result in the sheepfarmers of the North Island getting very few orders c.i.f., and would carry very great weight outside the colony. The Gear Meat Company had paid a dividend of 10 per cent., and carried forward a large amount every year since it started, mainly from its freezing business, and that company had traded entirely in North Island sheep. A little while ago *Mr. Nelson* had been asked at Woodville what made the difference in price between Wellington and Canterbury mutton, and had replied that it was simply a trade term, and that he had plenty of Canterbury mutton bred in Hawke's Bay, If *Mr. Nelson* had such an objection to North Island mutton, why had he put up so many works—at Porangahou, Woodville, and other places? He (*Mr. Bidwill*) said the opinion he held before the Conference met, and which was intensified now, was that we must, in the North Island, breed for wool, and ignore mutton. The cost of rearing young sheep was very great in the North Island, the mortality being very heavy; and, when they were bred up to a good weight, nothing was practically got for them in London, the difference in price when sold in New Zealand being 4s. to 5s. less than was obtained for sheep in the South Island. A general feeling was growing in the North Island that the sheepowners must grow more for wool, and not for mutton; and if that feeling gained ground it would be a disastrous thing for the North Island. The system of grading they were now working under resulted in two terms being known to the world—the Wellington grade and the Canterbury grade, Wellington mutton being the second class and Canterbury first class.

*Mr. Nelson* said he looked upon the present discussion as the most valuable that could be introduced. Some



of those present might have thought that his remark about the North Island mutton being the worst in the world was a hasty one; but he made the assertion carefully and intentionally, and thoughtfully. He would reply to Mr. Bidwill's remarks in the order they were given. First of all, that gentleman had referred to the effect his (Mr. Nelson's) assertion would have on the world, and especially London. Unfortunately, it was the belief in this colony that the whole world had got its eyes on New Zealand, and that he and every other man in the colony was the most important man on the earth's surface. The great bulk of our troubles arose from this infernal conceit we had for ourselves. As a matter of fact, he did not think there were half a dozen people at Home, outside of his own firm, who knew that there was such a man as W. Nelson. His assertion, even if it did reach people in the trade, would not affect the London market at all. The Home buyers, if they saw a good sheep, would pay a good price for it, and if they saw a bad sheep they would not.

*Mr. Bidwell:* The point is "c.i.f."

*Mr. Nelson* said that would not make any difference. The next point was with regard to the success of the Gear Company, trading with North Island sheep. The success of that company was due to the good management, not to buying cheap sheep, for he had bought sheep for less money than was paid for them by the Wellington companies, and had lost money. The question put to him at the Woodville Farmers' Club dinner was, whether the cable messages constantly arriving from London in reference to quotations were accurate or not. His reply had been that the cable agent had adopted those terms to signify the quality of all mutton sent from the colony, Canterbury meaning first class and Wellington second class. That explanation of what he had said was very different to that which had been attributed to him, and for which he was not responsible. Steps had been taken to have these terms altered, and they had been altered. As to Mr. Bidwill's astonishment that a man with his (Mr. Nelson's) knowledge should open works in the North Island, when he believed the worst sheep for mutton were grown there; he had to reply that, twelve years ago he was supremely ignorant of the fact that the North Island had the worst sheep in the world. He had been learning since that time, and had he known as much about freezing then as he knew to-day he would not have had the pleasure of meeting the Conference, because he would not have been there. He did not think Mr. Bidwill should take exception to what had been said because it was unpalatable; and if he (Mr. Nelson) could induce the North Island sheep-farmers to send Home the best mutton in the world by improving their breed of sheep he would have done good service to the community. He had never known any one in England or elsewhere say that Lincoln sheep were the best for mutton. It was a good wool sheep, and farmers in the North Island had admittedly gone in for the wool; but if they went for the wool they must expect to grow bad mutton. Although South Island mutton was the best in the colony, it had a lot of very bad mutton. There was a general impression that all Canterbury mutton was good; but he knew from absolute experience that it was not so good as South Island people would like others to believe. It was only the sheep that had been properly bred there that was so good. He did not want any one to feel hurt about his remarks as to bad mutton. He wanted the Conference to believe that there was something in what he had said, for his remarks were too true rather than inaccurate.

*Mr. Martin* said this question was of vital importance to the North Island. The theory that as good mutton could not be grown in the North Island as in the South was quite fallacious, and not to be believed for a moment. The true reason was want of open markets. If the freezing companies adopted a proper system of grading, this would be rectified. He hoped Mr. Begg would not make the amendment proposed. The North Island would then grow for No. 1 class mutton, and would get the benefit.

*Mr. Buddo* said he dissented from the motion. A better plan was wanted, in order to let the buyer know that he was getting what he paid for. The Conference was called to see if they could not get a better market for their produce. He was not prepared to go into a discussion as to whether there was any difference between the two classes of sheep grown in the North and in the South. The motion meant that the grading was to take place at the various freezing-works. He was strongly opposed to that. It would be found to work unsatisfactorily, considering the necessities of the freezing companies. The grading should be done in London, and steps should be taken to remedy the unloading into barges at the ship's side, where these barges had to be until they had loaded up with one particular brand. That was where the trouble lay. If they had the storage at the docks the ships would get rid of the sheep at once, and the sheep would not lay soaking in the sun until the whole of a particular brand was taken out of a vessel. If the grading was done at the other end, people there could take into consideration the quality and everything else. The Conference should get away from a parish feeling in the matter, and decide that the grading should be done irrespective of where the sheep were grown.

*Mr. Cuthbertson* said he thoroughly coincided with Mr. Begg's proposal. It was absolutely essential, in his opinion—and he spoke from a close experience of the trade in the South Island—that some improved system of grading should be adopted. The reason for this had been made apparent by the assertions of several speakers at the Conference, and by practical experience, that New Zealand mutton had deteriorated in quality from what it was some years ago. It was not because the colony could not breed a good quality of meat, because it was perfectly well known that large numbers of suitable sheep were still sent to the London market. It was

unfortunately due to the large number of freezing companies, which had permitted a relaxation in the standard to grow up. He thought any interference on the part of the Government was to be deprecated, but ventured to think that it might have come to that in the long run if some agreement were not arrived at amongst those specially interested. The difficulty arose in districts where the capacity of the freezing works was somewhat greater than the supply of sheep, and it would continue to exist so long as there was no responsible body to prevent inferior grades of sheep being accepted. One speaker had said this object might be readily attained by the appointment of managers of freezing companies as Government inspectors; but that would scarcely work. The manager in almost every case would, by reason of his qualifications, be most suitable for the office, but he was the servant of the directors. It sometimes happened that sheep that were not up to the standard were passed by the manager because they were the property of particular persons, and he had known himself a case where a manager had received direct instructions from his superior officer to pass certain sheep. Therefore, if the system was not unproved it might be found necessary, as in the case of the dairying industry, to insist upon having Government inspection. He approved most heartily of Mr. Begg's proposal, and thought that unless the Conference put in a concrete form the views he had enunciated it would fail in the object for which it had met. Mr. Begg's motion might be supplemented by the creation of a Federal Council, as providing the surest way of obtaining what was wanted. We should have two Councils—one for each Island, composed of delegates from the freezing companies and an equal number of delegates from the Agricultural and Pastoral Associations, to carry out the suggestions which have been made.

*Mr. Coleman Phillips* said he agreed with a great deal of what the previous speaker had said, but thought it would be detrimental to the industry to have two Councils. New Zealand mutton had become known in England as New Zealand mutton. The people in both Islands did not want to grade their stock as North Island or South Island mutton. There should be one Executive Council for both Islands, with a committee for each. He hoped Mr. Nelson would withdraw his remark that the sheep in the North Island were the worst in the world. No doubt the remark was intended to induce the North Island sheepfarmers to improve their sheep, or he must have forgotten that the Argentine and Cape sheep were not equal to North Island sheep. In discussing this question of grading, they had overlooked the fact that the Government must appoint the inspectors to comply with the request of the English Government. The grading could hardly be done in England, because a lot of the sheep were going to Manchester and other places as well as to London, and their endeavour was to distribute the sheep as much as possible.

*Mr. Overtoil* said he would like to support the motion proposed by Mr. Begg. Grading was adopted in some of the works at present, and if it were adopted in all it would have a good effect—Although he came from the South Island he could not help thinking Mr. Nelson's remark unfair. If it did not affect the South Island directly it must do so indirectly. Instead of condemning the North Island sheep as he had done——

*The Chairman* said what he understood Mr. Nelson to say was that the North Island sheepfarmers were breeding sheep that were the worst in the world for mutton.

*Voices:* No, no.

*Mr. Nelson* said that was what he intended to convey.

*Sir John Hall* said he had taken the words down. They were that the North Island mutton was the worst in the world.

*Mr. Overton* said if Mr. Nelson induced the North Island breeders to pay more attention to their sheep it would be better. If the same attention was paid to the sheep in the North as was paid in the South they would find that the long-woolled sheep produced prime mutton. While in England he had visited Smithfield market, and had told a salesman that he wanted to take some Lincoln sheep out, and was advised not to touch them. Later they saw some pure-bred Lincoln hoggets in the stall, and pointed them out to his friend, but the salesman said they were no such thing—they were Downs. He (Mr. Overton) recognised the sheep as his own, and said they were his Lincoln hoggets, but the man persisted. The Be averaged 74lb+i and were sixteen months old. The man admitted they were the best lot in the market, and they made the highest price that day. Mr. Nelson had said that individuals from New Zealand were not known in the London market, but he had been quite astonished to find how well they were known, and to hear remarks that So-and-so always sent good meat. He believed Mr. Nelson's remark would have a bad effect if not withdrawn. He (Mr. Overton) was a great believer in wool, and thought the people of New Zealand should be induced to grow for wool as wool as for mutton, as it was easy to produce both on the same sheep.

*Mr. Nelson* said he did not agree with Mr. Buddo that the only object the Conference should have was to work on certain lines. As to the conduct of the trade, quite as good a purpose would be served by discussing questions of this kind as any other. A great deal of trouble had been caused by people having imperfect knowledge. If they could remove the evil by so simple a method they should do so. Mr. Overton Over too had expressed a hope that he (Mr. Nelson) would withdraw his remark about the North Island sheep. It was rather a hard thing to ask a man to write himself down a fool when he was under the comfortable knowledge, for the

moment at any rate, that he was not One was quite sufficiently often a fool, and had to admit it, and, therefore, did not like to admit "it when he was right. Mr. Overton had unwittingly all the time been giving proof why the North Island mutton was the worst in the world. He had said that if the North Island grew their Lincolns as they did in the South then their mutton would be as good. If their mutton was as good as the South Island mutton now, why should they be induced to improve it to make it as good? In the South they fed their sheep in the winter, and improved on different lines. He (Mr. Nelson) had never heard any one suggest that Lincoln sheep were the best mutton in the world. Mr. Overton had said that if the North Island sheep were fed in the same way as in the South, then the mutton would be as good as that in the South; so that they were either notas good already, or there would be no necessity to improve them. He had said he founded his belief on his hoggets weighing 741b. at sixteen months old. He (Mr. Nelson) was quite prepared to admit that if every sheep in the North Island could be brought up to 741b, in sixteen months we should have nothing to complain of; but that was not done, Such a thing had been seen, and probably some man might be produced to say he had done it; bat that would prove nothing. He had said what he had to induce the North Island growers to make their sheep the best mutton in the world. It rested with the sheepowners to say whether they would send Home bad sheep or good sheep, and if they sent away young sheep weighing 741b., neither he nor any one else would have anything to complain of. Providence had so made the North Island that the sheepowners could worry through the year without artificial feeding, which meant that at some time or other the sheep suffered from want of feed and went back. That happened to 90 per cent, of the flock. There were farmera who did their work as well as it could possibly be done, but the average run of them did not. We had Lincolns weighing 451b. tong-woolled four-tooth animals, and could any one say that they made the best mutton in the world, or even good mutton ? He fondly hoped that Mr. Bidwill was not correct in his belief that people were going to breed for wool alone, but hoped they would see the necessity for improving their sheep. It was being now realised to the fullest extent, and the disaster of last year had brought it before everybody prominently. He wanted all to believe that the trouble was not due to London, but to the colony. Canterbury had obtained good prices because people could tell good mutton from bad. The North Island had had bad prices because the mutton was bad. Lincoins were the worst for mutton on account of the class of treatment given them, but that they would make good mutton if treated properly went without saying. But Lincoln mutton never would be the best. Br. Overton had said that some gentleman had taken his Lincoln hoggets for Downs. Well, the man who could not tell a Lincoln from a Down was a fool.

*Mr. Overton* said it was one of Fitter's men.

*Mr. Nelson* said he could not help that. The difficulty was to get a man who did know something about the subject. The freezing companies found more difficulty in getting men for the purpose of inspection than for any other.

Question as amended proposed—" That, in order to give confidence k, buyers and to secure as far as possible good quality of the meat exported, it is desirable that the freezing companies in the colony should agree to a uniform system of grading, as far as consistent with due regard to local conditions."

Agreed to.

Question proposed, " That, in order to regulate the supplies to the Home-market, and to prevent the glut which has been occasioned by excessive shipments during the first half of each year, it would be very advantageous if provision were made for storage accommodation in the colony, so that supplies sent forward may be regulated and any glut prevented."

Agreed to.

*Mr. Orbell* moved,—

- *That a standing executive committee, consisting of the following members, be appointed to represent this Conference at its next meeting—Viz.,—*
- *That it be an instruction to the committee—(a.) To endeavour to arrange with the Agricultural Department for the appointment of a suitable person on the staff of each of the freezing companies as a general inspector of meat. (b.) To urge upon the Colonial Treasurer the necessity for aiding the various freezing companies in the endeavour to regulate sihpments by such financial assistance as may be necessary and practicabale for the erection of stores, and in other directions, (c.) Generally to do all things as necessity arises to advance the interests of the trade, and to carry out the objects of this Conference. (d.) To call another meeting of the Conference when necessary, and to prepare a programme of work to lay before it."*

*Mr. Kirkbride* seconded the motion *pro formâ*. He did not altogether agree with that part of the resolution asking the Government to appoint to official on the staff of each of the freezing companies as the grader. The manager of these works was, perhaps, the most competent person to undertake the work; but he did not think that it would be sufficient protection to the sheepfarmers, at any rate to many of them. He would he to see the motion amended in some way. Those who knew him beet knew that he was one of the last in the world to

favour the appointment of a Government official in such matters; but the manager of a freezing-works, he thought, would not be a free agent.

*The Chairman* said the clauses of the motion would be taken seriatim.

*Sir John Hall* said he would gladly support the appointment of an Executive Committee—He suggested whether it might not be expedient and desirable that something in the nature of an association representing wool-growers and mutton-exporters should be formed, after the plan of the National Dairy Association—a permanent body. Perhaps that might eventually come out of this proposal; for the present he would be quite prepared to support the proposition for an Executive Committee to give effect to the resolutions of this Conference. He believed they would eventually come to a permanent association.

Question proposed, "That a Standing Executive Committee, consisting of the following members, be appointed to represent this Conference till its next meeting—namely: North Island—Mr. W. & Buchanan, Mr. C. Fharazyn, Mr. W. Nelson, Mr. W. E. Bidwill, Mr. W. H. Millward. South Island—Sir J. Hall, Hon. T. Fergus, Mr. A. C. Begg, Mr. Macfarlane. Mr. J. C. Chaytor; with power to add to their number."

Agreed to.

Question proposed, "That it be an instruction to the committee to endeavour to arrange with the Agricultural Department for the appointment of a suitable person on the staff of each of the freezing companies as a Government Inspector of meat."

*Mr. Begg* said it would be most objectionable for the Government to appoint aman of their own to go and interfere with these freezing companies, The managers of these works would be the most capable to look after the health and wholesomeness of the meat, as well as the grading. Nothing better could be devised than to give these men a certain official standing with regard to looking after the health of the sheep.

*Mr. Nelson* said the point to be aimed at was that our mutton should go to England with the Government brand on it, as a guarantee that it was free from disease.

*Mr. Orbell* said that over in Australia there had been a scare, audit had been reported that we had anthrax in New Zealand. It was therefore important that we should have such a man appointed.

*Mr. Nelson* said his firm had to pay a pretty heavy license to a man to inspect their meat.

*Mr. Sladden* said, in order to get their meat into Continental markets, it was very necessary that the stamp of Government approval should be on it. It would be a very great expense to appoint inspectors to do all the work in the colony. As to suitable men, he did not know any men more suitable than those who were employed by the freezing companies, He did not see why the Government should not license men for the purpose and if there were any unfavourable reports about their inspection, either from England or elsewhere, the renewal of their license might be refused. The Government licensed pilots and other skilled persons, and something of the same character might be done in this direction which would get over the difficulty in every way.

Motion agreed to.

Question proposed, "That it be an instruction to the committee to urge. Upon the Colonial Treasurer the necessity for aiding the various freezing companies in the endeavour to regulate shipments by such financial assistance as may be necessary and practicable for the erection of stores, and in other directions."

*Mr. Coleman Phillips* said the proposal was too indefinite. He was opposed to going to the Government for assistance. Whatever cool-storage was wanted those interested should erect themselves.

*Sir John Hall* said that was all very well for the produce sent out by the freezing companies, hut there were some other people involved—those mutton-growers who sent Home their own sheep. These might And considerable difficulty in getting the freezing companies to store their sheep. Despite what had been said about the existing provision made for storage in the colony, it was at present insufficient, and the question was whether additional storage should not be provided. It seemed to him it would be a great advantage to have additional storage at the port of shipment, It would probably be a paying thing for the Harbour Boards to erect stores .t which either the freezing companies or private people could store sheep until it was thought desirable to ship them. He believed the Lyttelton Harbour Board had done that for dairy produce, and might do it for meat also. With regard to the general question of Government assistance, he thought that meat-growers haul as good a claim upon the Government as any other class of people in the colony. The Government had given assistance to miners and dairy associations, and he could not but relieve, if it were shown it was necessary to provide proper storage for frozen mutton, that they would give it. He did not think the assistance should be confined to the freezing companies; it should be made more general.

*Mr. Macfarlane* said he thought most of those present would agree that the Government should not interfere with the shipment of frozen mutton. It would be more to the purpose if the Conference amended the motion in the direction of empowering the committee to approach the freezing companies with the object of getting them to form a Council among them. A great many recommendations had been made, but it rested with the companies whether they would agree to the resolutions or not. Anything the Conference might suggest might carry a certain amount of weight, but it would not bind the companies in any way. If the Conference

appointed a Council to consider all business matters, then it would have met for some good purpose. There was no doubt, however, that the glut in the London market had been caused by the shipments being sent to London alone, and one of the matters for the freezing companies to consider in future would be the sending of shipments to different parts of England. Cool-storage had been erected at Manchester, Glasgow, and at other places, and one of their objects would be to arrange shipments for those places. That should be left to the freezing companies, which would be able to deal with such business matters as those. No doubt the sheepfarmers were interested, but they were not interested in the same way as were the freezing companies, and such arrangements should be left to the companies. The Government should not in any way interfere with the shipments.

*Mr. Begg* said it was not desirable that Government should be asked to give assistance in this matter, because wherever they had Government assistance they had Government interference. With regard to what Sir John Hall had said in reference to stores at the port of shipment, each store would involve an engineering staff and large expense, whereas, if additional storage were put up at the freezing-works, the same staff would be able to look after it, and so save expense. It would be very much better to have larger accommodation at each of the freezing works, for then the various staffs would be able to manage the whole business. Otherwise it would involve the shifting of the meat from the freezing-works to the stores at the different ports, which would mean, probably,  $\frac{1}{4}$ d. or  $\frac{1}{2}$ d. ft pound extra burden upon the trade. He did not approve of approaching the Government at all, but thought the freezing companies ought to arrange for any extra storage they wanted. If any company chose to approach the Government for an advance it was a different matter. They knew that Government had been advancing money to settlers en property, and there was no objection to a company applying for assistance, but the Conference should not ask for any Government interference with this trade in any shape or form.

*Mr. Bidwill* said it had been resolved that extra accommodation should be given at this end, and the only thing to consider now was the financing of it. The only people who could do that were the freezing companies. They had been told that, if they put up extra accommodation, they would get their freight reduced by  $\frac{1}{2}$ d. a pound. Such extra accommodation would benefit the shipping companies, as they would get full cargoes all the year round, and he thought they ought to get something from those companies. If they could not, then they ought to approach the Government. The object was to get a reduction of freight, and the only way to get that was to have the necessary storage, so that they could equalise the shipments throughout the year.

*Mr. Orbell* said there were some gentlemen to whom a proposal to approach the Government was like a red flag. The Government had given aid to the dairy producer by erecting stores in various parts, and why would they not be justified in doing the same for the frozen-meat trade? The Government could hardly be expected to spend money on private property, as would be the case if they erected stores at the freezing works.

*The Hon. T. Fergus* said he agreed with Mr. Begg that it would be better to have the storage at the various freezing-works. The Government had aided private enterprise in every direction, and he did not see why they should not aid the freezing companies on some *pro rata* basis. He understood that Mr. Nelson had said he had accommodation at Hawks's Bay for sufficient sheep all the year, and it had been stated that in Wellington they had storage for 40 per cent, of the total output. It therefore only remained for the companies in the South Island to do likewise.

*Mr. Nelson* said he was glad to hear the Hon. Mr. Fergus say that, as it went to the root of the matter, the North Island was practically provided for in that respect, and it only remained for the South Island to do likewise. His feeling was very strong that the Government should not have anything to do with the freezing companies at all. Only a very small sum of money was involved to build the stores, and it was not worth while invoking Government aid on such a small point.

*Mr. Sladden* said Mr. Orbell had stated that, as Government had built stores for butter at the ports, he thought Sir John Hall's suggestion was a good one. As a matter of fact, the Government had not built stores; they had simply made arrangements with people who already had them, and he asserted positively that they could not have erected stores profitably for the small amount that had been charged. The Lyttelton Harbour Board had an electrical staff for their lighting-works which could also look after a cool-store, and being able to combine the two was a very great economy. Being able thus to provide cool-storage cheaply, they offered it to the Government cheaply. He was certain the Government could not put up stores for dairy purposes and do it for the figure it had been done for. He agreed with Mr. Begg that one single handling of the meat would be quite enough to absorb another  $\frac{1}{2}$ d. "That was a very large item on the sheep, and was independent of interest and depreciation of works and cost of running. If the storage were put on the site of the freezing-works, only the roof would be wanted, for they had got the staff and power to store. If were put up anywhere else, the machinery and boilers would have to be erected, and a complete engineer's staff of three shifts provided. From the point of view of construction and working, and in point of economy, he did not think anything could compare with the proposal to have the storage at the present freezing-works.

*Mr. Begg* said he thought each freezing company should be left to its own devices, and should be in a position to ask the Government for assistance. There could be no objection to that. If any freezing company could get assistance from the Government on reasonable terms there was no reason why it should not obtain it.  
Motion negatived.

Question proposed, "That it be an instruction to the committee generally to do all things as necessity arises to advance the interests of the trade and to carry out the objects of this Conference."

Agreed to.

Question proposed, "That it be an instruction to the committee to call another meeting of the Conference when necessary, and to prepare a programme of work to lay before it."

Agreed to.

*Mr. Bradcy* proposed, "That, in the opinion of this Conference, it is desirable that each freezing company in the colony should appoint a competent grader or examiner of frozen meat, and that such grader or examiner must obtain a certificate of authority from the Government." He thought the persons appointed by the various freezing companies should receive a certificate from the Government to give them an official standing.

Motion negatived.

*Mr. Orbell* moved, "That, with a view to the concentration of the trade in Great Britain, it is desirable that the distribution of our meat should be placed in the hands of as few agents as possible, and this Conference strongly recommends the freezing companies and others interested to give effect to this resolution as far as practicable." The object was to have as few consignees as possible in London. They knew that a great deal of meat had fallen into the hands of small men who had not been able to hold it. He knew there were a great many men who sold in the colony, and of course the consignments did not go direct into the market, and could not be controlled. The proposal could not be carried out strictly, but still a recommendation from the Conference to the companies to confine their consignments to as few men as possible would have some effect.

*Mr. Begg* said he supposed the object was to prevent the mischief that had happened through a few consignees being forced to put their meat on the market at unsuitable times, which had had the effect of bringing the prices down. Those in the colony who dealt with the companies could protect their own interests, but those who consigned were not in the same position, and if they injudiciously consigned their meat to a larger number of consignees they did a great deal of harm to the whole trade. A farmer who had fifteen hundred or one thousand sheep was perhaps advised by a friend who did not know much about it to consign them to an unsuitable person, and this motion would prevent the possibility of a low market being interfered with and affected.

*Mr. Nelson* thought *Mr. Orbell's* expression of opinion on this subject might be of great value to the colony at large, and might be very acceptable to those people who were in difficulty as to what they should do with their sheep.

*Mr. Coleman Phillips* said the butter people in Denmark handled their butter through one agent in London, and he understood the Argentinian meat was concentrated into four hands. It was absurd that there should be so many consignees for New Zealand meat, and he should support *Mr. Orbell's* motion.

*Mr. Sladdan* said the motion referred to sheep that were frozen on farmers' account. It should be an instruction to the farmers instead of to the freezing companies.

Motion agreed to, and referred to the standing committee.

It was also agreed to refer *Mr. Begg's* motion to the standing committee.

*Mr. Martin* moved, "That the Government be approached on the subject of altering the date for making sheep returns in the colony, and that the month of January be substituted for the present date."

*Mr. Allen, M.H.R.*, seconded the motion, which was agreed to, and ordered to be referred to the standing committee.

*Mr. J. C. Chaytor* moved, "That the question of opening up trade with the South Sea Islands and with Japan be referred to the standing committee.

*Mr. Majendie* seconded the motion, which was agreed to.

*Mr. Allen, M. H. R.*, moved, "That, in the opinion of this Conference, the agricultural statistics should be made public not later than the end of March in each year."

*Mr. Booth* seconded the motion, which was ordered to be referred to the standing committee.

*Mr. J. C. Chaytor* moved, "That *Mr. Coleman Phillips's* paper on 'New Markets for New Zealand Produce' be taken as read, and referred to the standing committee."

*Mr. Majendie* seconded the motion, which was agreed to.

*Mr. Millward* moved a vote of thanks to the Government for calling the Conference. He said that, whatever might have been the various views expressed by members, there could be no doubt that some good would come out of the Conference, and the Government should be heartily thanked for calling it.

Motion agreed to.

*Mr. Begg* moved a vote of thanks to the Chairman for the satisfactory way in which he had presided over the Conference. Those who had attended had received a great deal of information which they had not when they came there, and the business had been conducted and dispatched in an expeditious and creditable way.

Motion agreed to.

*The Chairman* said he was glad to have been of some little use. It would be admitted that his position had been very difficult, owing to the absence of a programme. It had been difficult to adhere to any definite lines. He was quite satisfied that the Conference, like all Conferences, had done good. Many had attended thinking they had got hold of certain facts in connection with the frozen-meat trade, and would go away with different opinions. In his experience he had found that the man who took the trouble to get at the bottom of facts was the man who met with success, while the man who did not generally failed.

*The Hon. T. Fergus* said the Conference ought to record its appreciation of the services of Mr. Ritchie, the Secretary of the Agricultural Department, for the kindness and courtesy he had shown to all. He moved, That a vote of thanks be accorded to that gentleman.

Motion agreed to.

*Mr. J. D. Ritchie* said he was glad to hear from the Hon. T. Fergus that his services were appreciated. Anything he could do in the way of influencing the welfare of the country he was sure he would always be pleased to do.

The proceedings then terminated.

Samuel Costall, Government Printer, Wellington.

## **Table Showing Fluctuations in Value of Frozen Meats, &c, During the Past Six Years (1889 to 1894).**

Fire Insurance by the State or by the Municipalities.

Published by

The Insurers' Union of N.Z.

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# **Fire Insurance by the State or by the Municipalities.**

*The following interesting paper, read by Mr Joan Kingsland before the Municipal Council and the Municipal Fire Insurance League of Invercargill; is published for the information of the members of the various Fire insurance Protection associations throughout New Zealand, by*

## **The Insurers' Union of New Zealand.**

HENRY WRIGHT, Secretary. Wellington,

23rd March, 1896.

(Reprinted from the Southland Times, Invercargill, April, 1896.)

It is hardly necessary that I should apologise for offering you this paper on Fire Insurance. It is due to the Municipal Council, and the Municipal Fire Insurance League, who appointee me to represent them at the conference of the insurance protection associations of the principal towns in N.Z., held in Wellington, on 14th Feb., that I should report on what has been done, and what it is proposed to do, to obtain relief from the excessive premiums we have had to pay in the past to the insurance companies, and from their recent com hi nation to make those rates still higher. I take this manner of reporting in order that it may be done more fully and deliberately, and that any information I have to give may be equally available to both bodies, and through them to the public they represent.

At a meeting held in this ball the following resolution was carried, viz.:—"That in view of the excessive rates now levied by insurance companies for this town, the large general increase of rates in New Zealand, and the excessive proportion of the premiums received that is expended by the companies in other ways than in paying losses, it is desirable that some other mode of fire insurance be adopted."

This fairly states our position with regard to insurance companies. We are prepared to pay each others losses by fire, and a reasonable cost of working the insurance machinery; but we are not satisfied that so large a proportion of the premiums we pay should be spent in administrative cost, and in payments to shareholders, as dividends, on the inflated value of their contributed capital. There has been no necessity through ordinary or extraordinary losses for the increase of rates forced on us by the companies. The London correspondent of the Otago Daily Times, under date Jan. 10, 1896, says: "A good impression has been produced in the city by the cable message restive to the excellent results shown by the New Zealand Insurance Company and by the handsome dividend declared." Still, in the face of this and similar results with the other companies, there has been such an increase of rates all round, that one commercial firm we know of controlling a considerable number and variety of risks, has experienced an advance in rates of 90 per cent, and probably this will represent to a large extent the average increase. This statement of our case was recognised by the conference and after discussing the proposal made at a public meeting in Dunedin, to promote insurance through two or three companies only, it was clearly seen that this would only play into the companies' hands and give us no relief. Any two companies would take all the risks they could get, but would immediately reinsure with the other companies, securing a 10 per cent profit to themselves on the transaction. The formation of another company on a mutual basis was also discussed, but was rejected, as it was plainly shown that though a respectable capital to begin with would be subscribed at once, there was no certainty of success, as we should have to fight for business on the same expensive lines as the companies are working upon, and in the end fall into the ring, as other companies have done who first started on a colonial basis and with colonial sympathies. Another proposal was considered—viz., to make overtures and give a guarantee of business to a company not already doing business in New Zealand. The same difficulty presented itself here—heavy administrative costs, and big dividends to be paid out of our premiums, would make insurance no cheaper to us. Again, it was suggested to treat with the underwriters' association with a view to procuring lower rates; and the conference communicated with the associations then sitting in Wellington, offering to consider any communication they might make; but a "stand off" reply was the only result. This might have been expected, as with the provision the companies have to make for cost of administration (about 30 per cent on the total premiums received), and the further provision for dividends on the inflated value of their shares, and for carrying large amounts to reserve, they must continue to increase the premiums, so that they may pay dividends on the constantly increasing value of their shares, rather than give the insured relief by lower premiums.

The present position of some of the companies with reference to dividends paid on the increased value of their shares, and on the increased value of the shares themselves, is shown in the following tables, and the list could lie very much extended. They are from a circular, as will be seen, issued to induce the public to subscribe to a new insurance company.

## Issued with the Prospectus of the Machinery Insurance Company. LTD.

The following particulars, compiled from official sources, will, in the opinion of the directors, fully justify the statement in the Prospectus that "The History of Insurance Companies as a Means of Investment maybe considered unique, and that they occupy an unrivalled position not only for the high rates of Dividends which they pay but for the exceptionally high market prices commanded by their Shares

NAME OF COMPANY.	Called up	per Dividends	Present Premiums	Share Market Price	Per Cent	£ a. d. h.
Accident Insurance Co., Limited	11	up. c.2	& 105	Alliance Insurance Co. .	2	416 p, a10480
Alliance Marine and General, Limited	264	lhj	G130	Atlas Life Insurance Co	6	£1 2s23385
Boiler Insurance and Steam Power Co, Ltd	221	p.	a9350	British and Foreign Mari Tie Insurance Co	420	p.c.2 10500
Caledonian Insurance Co	5	£1 4s30500	City of Glasgow Insurance Co	..2	10	flp.a o p.c. £11 p.c p.c of a11 103r
Clerical, Medical and General Insurance Co.,	2	10 17	10	itEagle Insurance Co	C m hi	Edinburgh Life Assurance 20£1 18s49
Employers Liability Insurance Corporation	10	p350	Engine, Boiler, and Employer's Liability Insurance Co. Ltd.	300320	p.c.9300	English, Scottish and Law Life Insurance Association3 10s11 10220
Gresham Life Office	1	Guardian Fire and Life Assurance Co	56	Imperial Insurance Co., Ltd	Indemnity Mutual Marine Insurance Co.'	27 104f10
3VISIO180	Imperial Life Assurance Co	1027250	Lancashire Insurance Co	212	p.c.6 15ISOLaw Life Assurance Society2£4 5s on J£inpan]241100	LAW Union and Crown Fire and Life Assurance Society125/6 o Is.6
51000	Legal and General Life Assurance Society	314s13	10170	Life Association of Scotland	S 1515	p.n, o 6s40
101900	Liverpool and London and Globe Insurance Society	..fully paid	75	p.c.	472400	

I present herewith the minutes of the conference, by which it "will be seen that although the proposals for municipal insurance formulated by the Invercargill League were not accepted under the name we gave it, its basis and some of the details have been favourably considered. It is not a matter of vital importance to the insured whether insurance is done through the State solely or more or less under municipal control, both must



certainly have an intimate connection with it. The State must control the safety of the funds, Municipalities; most control the safety of property. Any legislation on this matter must recognise these principles. But it is a matter of vital importance to the insured that the cost of conducting the business shall be kept within such limits that the premiums paid shall be mainly applied to meeting losses, and not to the exploiting of our necessities. That there is this objection to the present form of insurance will be seen by the following from the balance sheet of one company that last year received in premiums £958,898 and paid in losses only £485,440; or losses 50.57 per cent on premiums received, independent of income from investments which would be & considerable amount, as their general reserve is £1,125,000, Their cost of management was 32 per cent, and all this was done on a paid-up capital of £120,000.

Our conference, as will be seen by the following resolution, recognised the main points we proposed—MUTUAL and COMPULSORY, so far as buildings are concerned, but optional for stock and effects. Resolution:

*"STATE INSURANCE.—Resolved: That at a meeting of delegates representing the Fire Insurance Protection Associations of Auckland, Wellington, New Plymouth, Wanganui, Christchurch, Invercargill, Gisborne and Napier, it was resolved: That fire insurance for the protection of buildings, stock and effects is a necessity of private and commercial life; that the business of fire insurance in the past has been profitable to the companies trading in New Zealand; that insurance, from the powerful combination of the insurance companies, has become a monopoly, and that the insured are expected to accept whatever tariff the combined companies choose to impose; that life insurance by the State has been a success, and the delegates present representing large interests, are unanimously of opinion that the time has arrived for the establishment of a State Fire Insurance Department; that it should be on the mutual principle, and should be compulsory so far as all buildings are concerned, and optional for stock and effects; that the Government be requested to at once give its earnest consideration to the promotion of such a scheme."*

But the conference considered it could be done better entirely under State control. In the course of an interview by the conference with the Premier, the Hon. R. J. Seddon, he said, "Seeing that the local bodies were by law given the control of water supply and the regulation of building construction within their bounds, the local authorities should not be altogether ignored with respect to this matter of fire insurance."

Municipalities and public bodies must be connected with insurance, as with them lies the carrying out of bylaws defining the areas to which risky buildings must be confined, and where specially risky occupations must be carried on, as well as the supervision of plans for proposed new buildings, controlling their construction so as to prevent the spread of fire, as well as—the most important factor in dealing with fire—the provision of an adequate water supply.

These provisions could not be made by the State, but the efficiency of them would be recognised by the State in classification of the towns, and classification of the risks in towns when the schedules of premiums to be paid by the insured were under consideration. It is of little consequence whether the name be "State Insurance" or "Municipal Insurance" if the necessary connection with municipalities for its safety and success is maintained. Municipalities must have control of the appliances and cost of preventing and extinguishing fires, and the corporation valuation of properties for general rating purposes must have a relation to valuation for insurance purposes. The property they generally protect should be considered in the classification of risks, and the surplus of premiums over losses should be returned to each municipality or local body in proportion to the success they have achieved in preventing losses by the completeness of their building regulations and fire service.

The Conference supported the mutual principle, in preference to the surplus profits on premiums being retained by the State or local bodies. Municipal revenue is mainly derived from rateable property. Goods, stock, and furniture are not rateable property, and it would not be equitable that the surplus profits of premiums paid in insuring these should be retained either by the State; or by public bodies, but it should be returned, *pro rata* to those who had contributed it, The mutual principle has been successful in life insurance, when the premiums charged have been in accordance with accurately ascertained mortality tables, and the surplus, when the average mortality has not been reached, returned in cash bonuses, or a larger amount than the cash bonus added to the policy. Of course every life policy must sooner or later become a claim, but every fire policy does not necessarily become a claim. Every year the profit and loss in that year is ascertained, so that in fire insurance less intricate calculations are required than in life insurance. A sum comparatively small as compared with the premiums would be sufficient as a reserve to provide for any extraordinary loss, and should that sum by any improbable contingency be absorbed, still, by virtue of the mutual principle, the whole of the insurable value of the country stands at the back of the improbable contingency as security to the insured. The Conference also supported the principle of compulsory insurance, so far as buildings are concerned. On the adoption of this principle hangs the success of State Insurance. This means that in every Borough, County, and Land District a valuation is made of the insurable value of all buildings, and a compulsory rate is made up to a certain

proportion of the value of each insurable building, Then, in accordance with the schedule of risks—with certain provisions for appeal against over or under insurance, and the right of the owner to declare to insure for half the insurable value only, with the rate chargeable on the property the same as under the Municipal Act—the State will have secured something like half the insurable value of the country.

Compulsory insurance is no hardship or injustice, but is perfectly equitable, as all should insure, because out of premiums provision should be made for the protection of all, and those who pay premiums should not contribute to protect those who do not. If provision is made for the voluntary insurance of goods, stock, and furniture through the State, and the insured find that, even under the old rates—leaving out of consideration the extra imposition lately made by the insurance ring—they can get a return of 25 per cent, of their premiums as paid through the compulsory rate on their buildings, they will not be slow to see that the State is the most advantageous medium of insurance for all risks outside the compulsory rate We know that the very sound of the word "compulsion" with many, is very irritating, but all the laws of God and man are compulsory—you must and you must not—and the mild foam of compulsion we purpose would certainly be as beneficial as many other compulsory laws, No prudent man having Capital in house, ship or goods, on land or at sea, should neglect to protect them from wave and flame. No prudent man who has taken on himself the responsibilities of wife and family should chance the scant mercies of the world to them should death over take him. Life insurance is his plain duty. No prudent wage-earner who depends for his daily bread on his strong right arm should neglect health insurance; one of the many Benefit Societies is his safety. By each of these means a man can claim as a right—mutual help from others—which, if he neglects the means, will only be doled out to him by the cold hand of charity. Compulsion saves the man from the stigma of improvidence and neglect. The success and advantages of Mutual and compulsory fire insurance secured and demonstrated the same principles might be well applied to health and life. The late Sir Harry Atkinson held some very pronounced opinions on this last question, and ha4 he lived it is very probable he would have promoted legislation in that direction. Municipalities must be closely connected with s ate insurance, for on them must fall the responsibility of fire prevention and extinction. There must be no repetition of the cry we have heard, "Let it burn, the insurance companies will pay," This must not be transposed to, "Let it burn the Government will pay." Premium-payers and ratepayers must learn that a fire is a public calamity and a public loss, and that they will have to pay for it in increased rates and less bonuses, and that every individual hag a direct interest in preventing and extinguishing fire. The object of municipalities should be to make fires impossible, or at any rate to reduce the number to a minimum."

A great deal has been done by the United Fire Brigades Association of New Zealand towards efficiently and expeditiously fighting their enemy, and in distributing valuable information on their work. In 1894 there were 80 fire brigades in New Zealand, with a strength of 1473 officers and men; 61 of these were connected with the Association. With a more liberal recognition under State insurance than they have hitherto had—with no one in particular to own them, sometimes only tolerated by municipalities, and with less consideration still shown them by insurance companies—their efficiency and usefulness would be materially increased. There has hitherto been a game of tennis played between fire brigades and municipal council and insurance companies, each to some extent ignoring liability. It is not equitable now that corporations should pay the whole cost of fire protection, inasmuch as corporation revenue is derived from the rateable value of land and buildings only, and not from the value of goods, stocks, and furniture; yet the latter is equally protected by the corporation's expenditure on fire appliances. Now corporations are contributing to the protection of value in stock, &c., that contributes nothing, on its part, to corporation revenue, There is a serious difficulty And probably an injustice here, as curporations are protecting, without being paid for it, something like one-half the insurable value within their limits. Still, the work of maintaining an efficient fire brigade must fall on municipalities, as it is impossible to give insurance companies the immediate control of this organisations, and equally impracticable to allocate the charges for their maintenance in equitable proportion amongst all the companies; and even if this were possible it would not be desirable, as the companies, with this increased cost of their administrative expenses, would meet the case with increased premiums, and following their present policy, would collect two pounds from the premium-payer for every pound they spent in protection and prevention.

It is not the business or policy of insurance companies, as such, to put out or prevent fires. They make profits because there are fires. The more money they spend in reducing the risk of fire the fewer customers they would get. Their business is to calculate the risk and charge accordingly. The tables herewith show that they have succeeded in doing this very fairly. Our complaints do not refer to New Zealand alone, but are universal.

The following is an extract from a paper read before the Business Men's Association of Newport, R. I., by Charles Acton Ives:—

Mr Ives says : "The important figures in the above table uve in the sixth column. These show that more than five-sixths of the enormous difference between income and losses goes, not to the stockholders, but to the numerous expenses of running the business. This, to borrow a word from the scientists, is friction, and therefore

dead loss It reminds one of the annual salary of 10,000 dollars said to be paid the president of a prominent life insurance company, and for which it is difficult to believe that officer returns an equivalent in value of services rendered. The figures of the above column six show exactly how the statement sometimes made that fire insurance is not profitable is to be taken. It is not more profitable than it is, not on account of the fire losses incurred and paid, but because of the way the business is managed. It is also clear that the waste of the amount represented by column six is unnecessary, and may be almost wholly saved to the people, as shown by the following figures taken from the insurance commissioner's report. The total amount of risks taken at Rhode Island by the companies doing business on the mutual plan in 1803 was 380,354,770 dols.

State fire Insurance is already in successful operation in one of the Swiss Cantons, with a population of only 73,000 people. The insurance is compulsory, and the buildings insured by the State are not allowed to carry any additional insurance. Some buildings of an extra hazardous nature are not insurable, and the owners have to carry their own risk. Government commissioners value the buildings, and the value is determined by the amount which, at the time of valuation, the buildings in their then existing constructions would cost for material and labour, with deductions for age, use, poor state of repair, etc. There is also provision for appeal against valuation, and the owner is entitled to revaluation on improvements, and reclassification under varying conditions of the risk.

The town council of Toronto also saw reason to complain of the high premiums charged by insurance companies and the tyranny of an insurance "ring"; all the companies in the city having combined to increase the premiums. The owners of property considered the premiums were 25 per cent too high., as the insurance companies doing business in the city were earning dividends ranging from 10 to 75 per cent, besides paying exorbitant costs for administration. It was shown that the average losses during eight years was 227,334dols., and that after meeting these losses the insurance companies had a profit of 717,309 dols. Toronto has promoted a Bill to deal with these grievances, but the bill is in some respects different to the lines we think would be successful, and that have been indicated in this paper, inasmuch as though the compulsory principle has been accepted, the mutual appears to have been left out. I give below a few extracts from reports presented by Mr J. Lamb, Chairman of Committees of the Municipal Bureau, City of Toronto.

"A conference was held with the fire underwriters, twenty-five gentlemen being present, representing forty insurance companies doing business in the City of Toronto. It was explained to the underwriters that by public expression of opinion the rates of insurance were far in excess of what they should be, considering the advantages they (the City) had of coping with a fire, with a supply of high pressure water, &c. Under these circumstances the premium rates charged were fully 25 per cent, too high, and the profits made "by the Insurance Companies of the City risks were used to pay off losses in other parts of the country, which was not fair to the City of Toronto."

"The Executive Committee then communicated with the chief of the fire brigade (Mr Ardagh) for information regarding the losses by fire, &c. He reported as follows—

Losses by fire, buildings and contents included:—

The separate losses on buildings and contents for 1891, 1892, and 1893 were:—

"It will be seen that the amount of insurance in the City of Toronto, after deducting losses, are as follows :—

"There has unquestionably been paid, since the incorporation of the City an amount in premiums in excess of fire losses which, with interest, would more than pay the whole of the present debenture debt, general and local improvement.

Robert Donald, in the Contemporary Review, Dec., 1895, has grasped the weakness of the proposal, when he says, "The Bill violates the fundamental basis upon which the fire insurance business is conducted. Fire insurance is a question of averages, of distribution of risks, not alone in variety but in area. The large fire insurance companies are world-wide in their operations. A mutual scheme, confining insurance to one city, flies in the face of recognised experience and scientific principles. It concentrates instead of distributes the risk. In the case of a big fire now the loss is distributed over a number of companies, and the effect is not severely felt. A great fire in a town where there was only one company would involve a very heavy strain."

This is a correct view of the position—it is a question of number, area, and variety of risks, and our contention is that New Zealand supplies those conditions favourable to the adoption of State Fire Insurance. From the same authority we learn that at a recent meeting of the Birmingham and Midland Counties Printers' Association, the following resolution was passed—"That in view of the large increase in the rates of fire insurance, and of the fact that fire insurance has now virtually become a private monopoly, this meeting of master printers considers it desirable for municipalities to undertake fire insurance. To punish town councils and other public authorities for moving in the direction of securing lower rates the companies have in many cases doubled the premiums. Every quotation received from a company in the "ring" has been the same. There is no question of losses from fire or increase of risk; it is simply the case of a monopoly using its power against

the public interest. The same author quotes actual cases in support of this position. This unreasonable action on the part of the companies is ruining New Zealand as well as the older corporations in England, Canada, and Australia. The article from which the above information is obtained concludes: "It is the unwarrantable action of the insurance companies, acting in concert, which is leading municipalities to consider the possibilities of Municipal Insurance, at least as far as their own property is concerned. The Manchester Corporation is just now making an investigation to ascertain how it stands with the insurance companies. The tariff office sprang an advance of 100 per cent on the corporation without warning, which that powerful body resented. It is now finding out how much it has paid the insurance companies in premiums during the last twenty years, and the amounts received from the companies for damage by fire in the same period. The object is being enquired into by other municipalities, including the Glasgow Corporation, which owns a large amount of property in dwelling houses, shops, and warehouses. This leads to another phase of municipalities Insurance. If municipalities are yet capable of undertaking a general insurance business, they are equal to act as their own insurance authority. In every reasonably sized town public property presents a sufficient variety, mainly of a nonhazardous kind, to make it a safe risk. We have a good example in the London School Board, It insures all its own schools itself, except one or two situated near dangerous building. It began this policy partially in 1878 by taking part of the risk. Since 1888 it has effected the whole of the insurance itself, Instead of paying premiums to an insurance company it pays them into an insurance fund. That fund now amounts to £30,000 and earns £1000 a year interest. This is the amount which the Board has saved in about eleven years by being its own insurance authority. The total amount drawn from the fund to repair damage caused by fire is less than £2,000. Board schools are not safer than other classes of public property. Other authorities owning a large amount of property could insure themselves with equal success, and after the recent arbitrary action of the insurance companies we may expect before long to see some of our leading municipalities following the example of the London School Board."

An experiment in insurance by which each local body insured buildings, goods, stock and furniture in its own district, classified risks, regulated amounts to take on risks, placed the proceeds to credit of general account, and attempted to control, by ordinary resolution, the somewhat intricate business of fire insurance, would certainly in many cases end in failure. Councillor C. C. Shoppee, of the Municipal Council, Bailarat, has taken up vigorously the question of Municipal Insurance, and in a paper read before the council has contributed some valuable information. His present idea appears to be, (1) that the profits derived from insurance should be applied to municipal purposes; (2) that fire insurance should be a self-contained organisation confined to the borough working it. Whether the second proposition could be successfully worked has been previously discussed. With reference to the allocation of the profits it may be said that the revenue raised for municipal purposes should be derived from property rateable by the municipality, and which would be benefited by the expenditure of the rate derived from the property so rated. As goods, stock, and furniture are not rated, and would not be benefited by the profits derived from insurance, the question arises—should not the profits on insurance go back to the insured, rather than to municipal improvements? The profits derived from water, gas, tramways, electric lighting, etc., when the management of these is in the hands of municipalities, legitimately belongs to the municipalities, as they contribute to the increase of the value of municipal property. Councillor C. C. Shoppee, in searching for a better plan of insurance, while closely connecting it with municipalities, will possibly review his proposal to make municipalities the recipients of the profits of all kinds of fire insurance. The following appears in the paper he read:—

"What would a Municipal Fire Bureau do for "The London Metropolitan District"? I have a sheet, issued by one Company, giving the names of 38 offices, with the amounts insured on property in the above mentioned district for the year 1893, The figures are as follow:—

The latter is a about the price charged in London.

If the results can be obtained enumerated in the earlier part of this paper, what is to prevent Councils from initiating other undertakings which are known to result in large profits, and which would be a benefit to the ratepayers to secure to the Corporation, by which the general rates could be lowered, and greater improvements made in cities and towns?"

Shareholders in Tinned tin have had something to say recently about one manager of one insurance company receiving £1500 a year for his services. They have perhaps a right to complain of the largeness of this amount from a shareholders' point of view, but from the premium payers' point of view we have the most cause to complain, as we have to provide the money. It is certainly an anomaly that the managers of the insurance business in New Zealand *as a whole*, should receive more pay than the *whole* of the Cabinet Ministers who manage the business of the *whole country*, when the Cabinet Ministers themselves, under a good State system, would find one good commissioner who could conduct the business of insurance more to the satisfaction of those chiefly interested—the insured—at something less than: the Premier's salary, which would be a fair amount—if the pay of each were compared with the work and responsibility of each.

We are constantly reminded of the intricate character of fire insurance, and the talent required to conduct it; but it appears to us that the principle talent of the companies is employed in fighting customers for premiums and in finding profitable investments for the surplus when they have paid losses.

After the classification of towns, with relation to water supply, building regulations, and fire brigades, and the classification of risks in town and country with reference to the probability of the risk becoming a claim, and fixing the premium to be paid, when all buildings in town and country have been valued at their insurable value, and rated accordingly, and when the insurable value of all goods, stock, and furniture offered for insurance have been satisfactorily ascertained the remainder of the work could be done by a sixth standard boy.

Fire insurance by the State should be done at 10 per cent, on the premiums received, and subsidies made to public bodies in pro-proportion to population and premiums received, paid out of that amount. The life insurance business of the A.M.P. Society is done at 8 per cent., and the N.Z. Government's at 15 per cent. The Government could probably connect the machinery of fire insurance, without much cost, to the life insurance business. There is no necessity for the costly machinery of the 20 or 30 offices now doing business in every considerable town in New Zealand—A very little addition to the cost of one office would do all the business in any town. The cost of fire insurance by the State would be less in contrast with life, as the cost of procuring business that is incurred in connection with life insurance would be avoided, as would the 10 to 20 per cent, commission at present paid to agents for collecting premiums. The business would come to the office instead of the office running after the business.

Under a State system the losses would probably be considerably reduced. Those who profess to know fix the responsibility of large percentage of fires on the insurance companies. Instances of over insurances are constantly coming to light, and have probably in the past led to many realising fires. If there has been the superior talent amongst the insurance people claimed by them, demanding the high rate of premium they have received, it certainly has not been visible to the naked eye, but it has been plainly seen that all sorts of risks have been taken unseen and unvalued, even insurance being effected on buildings that have had no existence, with results that are pretty well known.

We are reminded frequently of the large capital required to carry on insurance business; that corporations would break down under the losses, and that the State would become bankrupt. If the State received the aggregate premiums as the 40 companies now doing business in New Zealand they could pay the aggregate losses the companies now pay.

The losses are now paid out of premiums, and the balances not required for losses have accumulated in the hands of the companies, it is said, to the sum of £42,000,000. That the Urge capital is not required is shown by one company claiming that during their existence they have taken risks to the amount of £750,000,000 and paid £7,000,000 in losses, on a capital of £150,000.

The following will show the position of some of the companies with relation to capital stock and invested assets:—

We are told that much of the pro lita of the companies is derived from investments. Just so; and these investments are but the accumulated premiums received in excess of losses paid, and which, under a mutual system, would go back to those who contributed it instead of into the pockets of shareholders. The proportion between the invested capital derived from paid-up shares and capital derived from excess of premiums over losses paid may be judged from the fact that one company has a paid-up capital of £64,000, and its accumulated premiums added make a reserve fund of £146,000. Another company has a paid-up capital of £375,000, and a reserve fund on fire account of £3,000,000, and an annual revenue on fire account of £2,000,000 on the above comparatively limited paid-up capital of Another company with £50,000 subscribed shares of £50 each, £5 per share paid up, has a reserve fund of £339,000, and a revenue from premiums of £1,127,000. This list could be considerably extended, and show similar results. The large capital of these companies is derived from the insured, and is not contributed by the shareholders.

An exceedingly useful volume, entitled "Municipalities at work," has recently been published by Mr Dolmain, and some of the information he gives bears directly on the question now under discussion. He says:—

"It is not a startling proposal that municipalities and public bodies, or the State in connection with these bodies, should undertake fire insurance. What has already been accomplished in the municipalization of several enterprises that were formerly in the hands of private individuals is a matter of history, in 1874 the Corporation of Birmingham bought out the interest of two gas companies which had previously supplied that city with gas. In the first year they made a profit of £34,000. In 1889, or 14 years after the purchase, the surplus on the year's working amounted to £70,337. In the 17 years since the purchase the average profit per year has been £42,000; and whilst this profit has been made, the public lighting has been improved and increased, the cost of gas to the consumer has been lowered, lowered the hours of labour to the workmen have been decreased without any diminution of pay, In the same city in 1874 the supply of water was in the hands of a private company; these rights were acquired by the city at a cost equal to £1,350,000. Since the date of the above purchase the

waterworks committee have formed a reserve fund of £50,000; made an annual contribution to the rates of £2000; the water rents have been reduced by £33,000 per annum, and there has been a capital expenditure of £572,000. The supply has also been increased from 830 million gallons daily to 1674 millions gallons. The supply has doubled and the income has increased from £93,527 in 1876 to £144,541 in 1893. Dolman says "Such a bold and statesmanlike plan could hardly have been conceived and carried out if the water supply had remained in private hands." The Manchester Corporation also purchased from a private company the rights they held to supply the city with water, Since 1847 they have increased the supply from 3½ millions gallons daily to a capacity to supply 50,000,000 for 150 days without a fall of rain. The supply of gas is also in the hands of the Corporation, and yields an annual profit of £60,000. The tramways are the property of the Corporation, which has received in rents and interest from the Tramway Companies about £275,000, and out of this amount it has been about to transfer about £60,000 in relief of rates. Of loans to the amount of about £160,000 contracted in respect of tramways, there has been a repayment of nearly £35,000, and a sinking fund of over £42,000 has been accumulated. As will be seen below other cities have all achieved good results in the same direction by undertaking to manage municipal necessities that were formerly in the hands of private companies:—

"In reference to this table, it is to be remembered that in all cases profits are reckoned only after provision has been made for payment of interest on loans and *re-payment of the principal*."

The Conference adopted a constitution and a name—"The Insurers Union of New Zealand," and are now in a better position than disconnected associations—could be to give and receive information, and can voice the wishes of the principal towns in the country. It only remains now for those centres that have not taken any action to enter into communication with the central "Union" in Wellington, and give weight to the action already taken. Fire insurance by the State, in close connection with self-governing local bodies, must become an accomplished fact in the near future if the commencement is made on sound lines. We shall watch with considerable interest the proposals of the Government in this direction. Failure will only be due to a misconception of the principles and details necessary to success, and if the success that inherently belongs to the proposals is achieved the new departure will assist to place New Zealand in the front rank of advanced legislation.

1896

Southland Times Company, Limited, Printers, Invercargill.

## The New Zealand \* FABIAN SOCIETY.

January, 1896.

### I.

That this Society be called "THE NEW ZEALAND FABIAN SOCIETY," and be affiliated to the English Society—so willed—and also regarded as in communion with every Socialistic Society in Australasia.

### II.

That it shall consist of Socialists—that is, of those who aim at the re-organisation of Society by the emancipation of land, all means of production, and industrial capital from individual and class ownership, and the vesting of them in the *Community* for the general benefit of the whole people.

### III.

That the Society shall work for the transfer to the Community of the administration of such industrial capital as can be managed socially.

### IV.

That, for the attainment of these ends, the Society will use all legitimate means. It will help to promote them especially by the general spread of knowledge as to the relations of the individual to Society—in its economic, ethical, and political aspects.

### V.

That the members shall use every opportunity of forming Local Branch Societies.

## VI.

That, whilst all members are expected to subscribe to the Funds of the Society, the amount of subscription shall be voluntary, and only known to the Executive Committee.

## VII.

That the following shall be the work of the Society in detail:—

- Meetings for the discussion of questions connected with Socialism.
- The further investigation of economic and ethical problems, and the collection of facts contributing to their elucidation.
- The issue of publications containing information on Social questions.
- The promotion of Socialist Lectures and Debates.
- The representation of the Society at Public Conferences and Debates; Social questions.
- The organization of Socialists with a view to political action.

O'Bryen Hoake,  
*Hon. Sec.*

55, SALISBURY ST. E.,  
CHRISTCHURCH

# The Truth about Socialism.

What is Socialism? What do the Socialists want?

Socialism is simply a *higher state of civilisation*. It is system and peace in industry, commerce, and trade, instead of chaos, anarchy, and continuous industrial and commercial war as exists at present. The Socialists want to nationalise the land and all the instruments of production, distribution, and exchange.

What does that mean?

Why, it means that the land and all the mills, farms, shops, factories, canals, mines, and electric-lighting works shall belong; to the people of New Zealand. It means that just as our railways, post-office, educational institutions, telegraph and telephone systems belong to the people and are worked by the State for the benefit of the whole community, *so the industry of the people shall be organised and applied for the benefit of the people*. There is nothing very dreadful in this. It simply means that New Zealanders will decide to work and produce wealth *for themselves*, and not for irresponsible sets of individuals living at the other end of the world. This will come about without bloodshed, robbery, confiscation, or any other immoral means.

We shall rob no one. We shall only change the organic form of society, so that economic power will not be vested in the hands of any one class to enable them to *legally appropriate what the rest produce*. Everyone will have to live by work, and there will be work and comfort for all. There will be no shelter for the loafer. "Unless a man work neither shall he eat."

If you want to know more about it, read "Merrie England," "The Boot of the Matter," the "Clarion" newspaper, and other Socialistic works. It lies with the people of New Zealand to say whether they will have a newer, brighter, happier, and pleasanter state of society, or go on suffering under our present rotten old system. But they must read, think, and act.

Letters Received by the Premier from England Relative to the Repeal of the Contagious Diseases Act and the Raising of the Age of Consent. coat of arms By Authority : John Mackay, Government Printer. Wellington, N.Z. 1896

# Letters Received by the Premier from England Relative to the Repeal of the Contagious Diseases Act and the Raising of the Age of

# Consent.

Grasmere, Bristol Road, Edgbaston,

7th January, 1896.

MRS. F. H. Fox, on behalf of the Birmingham Branch of the Ladies' National Association for the Abolition of the State Regulation Office, desires to convey their strong and deep sense of the importance of this subject to the Hon. R. Seddon, Premier, and to express, also, their thankfulness for his clear and unequivocal statement, to the effect that the raising of the age of consent would be insisted on in the coming session, and also "a shameful and objectionable statute' removed. The honorary secretary therefore, on behalf of the ladies united with her in this branch of the Ladies' National Association, desires to offer her Christian congratulations to the Hon. R. Seddon on the noble stand he is thus taking on the side of purity and righteousness, and to encourage him as far as she may be permitted to do so to withstand unswervingly any attempts on the part of those less high principled and less enlightened to press measures of an opposite character, assured that the Divine blessing can only rest upon the faithful carrying out of just and pure statutes, founded upon Christian ethics and upon the equality of the sexes in all that relates to their moral and spiritual well-being. The action of some ladies in New Zealand during the past year, evidently arising from ignorance of the subject, grieved the members of the Ladies' National Association in England, but they are glad to know that they have been convinced of their grave mistake. Mrs. Fox desires to add best wishes for Divine guidance and help to the Premier in his responsible position.

Free Church Manse, Kemway, Aberdeenshire,

22nd April, 1896.

DEAR SIR,—

Yesterday, at a meeting in Edinburgh of the Free Church of Scotland's Committee on State Regulation of Vice, I had the pleasure of making known that a few months ago you had said that next session the raising of the age of consent would be insisted on, and also the removal of a "shameful and objectionable statute." We understand you to refer to the CD. Act, and I was instructed to express to you the great gratification of the Committee at your utterance. This I am most happy now to do. What you said is inserted in the Committee's Annual Report to the General Assembly at its forthcoming meeting in May, and it will be listened to with lively satisfaction by the Church generally. We rejoice that you are at one with us on this important matter, and that you have such a purpose and hope in connection with it. Some months ago, in the Committee's name, I sent a letter to all Presbyterian ministers in New Zealand (as also in the Cape Colony and in Victoria) earnestly urging them to action in the matter. Perhaps you have seen it. I should like to have enclosed a copy, but unhappily I have only one left, and it is needed. We are thankful to see that the Dunedin Presbytery have been moved to pass a very decided resolution.

I will (D.V.) send you a copy of my report when it is in print.

Yours, &c.,

(Rev.) John Dymock.

Halifax, Yorkshire,

27th April, 1896.

SIR,—

We, the undersigned, on behalf of ourselves and others who formerly composed the Halifax Ladies' Committee for the Repeal of the (English) Contagious Diseases Acts, desire to express to you our extreme gratification at your announcement that in the next session of the Legislative Council of New Zealand your Ministry will insist on the "raising of the age of consent" and "the removal of a shameful and objectionable statute."



As regards the latter, we sincerely hope that your colonial Contagious Diseases Act (to which your words doubtless referred) may be totally repealed, and that no measure may be enacted conferring powers for the apparent purpose of suppressing social vice, but capable of being used for its regulation and supervision. We would remind you of the fact that over the Continent of Europe the debasing system of the sanitary regulation of prostitution is carried on by officials entitled "The Police of Morals," in whose hands measures ostensibly directed against open vice are the principal means of enforcing their shameful sanitary rules.

That you and your colleagues may have the Divine guidance and blessing in your efforts to abolish unrighteous, and to enact righteous, laws, is the earnest prayer of

Yours, &c.,

JANE ELEANOR CROSSLEY, President.  
ELLEN E. WAITE, Hon. Sec.  
The Hon. R. Seddon, Prime Minister of New Zealand.

Cherry Hill House, York,

27th April, 1896.

SIR,—

It is with much satisfaction that we hear that in a recent speech you expressed the opinion that a certain objectionable statute now existing in your country will in all probability be removed; and also that it is your hope that your Legislative Council will not again refuse to raise the age of consent for young girls.

In England we know by past sorrowful experience the moral harm done by the CD. Acts, and the hard and protracted struggle to obtain their repeal; and we shall indeed rejoice when we hear that your Government has freed itself from any part in the odious system of State regulation of vice.

Trusting that your anticipations regarding these matters may be speedily realised, we beg to subscribe ourselves, with much respect.

Yours, &c.,

THE COMMITTEE OF THE YORK BRANCH OF THE LADIES' NATIONAL ASSOCIATION FOR THE ABOLITION OF STATE REGULATION OF VICE.

Signed in and by direction of a meeting of the Committee, held in York this day, the 27th of April, 1896.

MARIA (Mrs.) RICHARDSON, Hon. Sec.

The Hon. R. J. Seddon, Wellington, New Zealand.

Glasgow,

29th April, 1896.

SIR,—

The Glasgow Ladies' Committee of the British Continental and General Federation for the Abolition of the State Regulation of Vice beg to express to you their gratification in hearing that you have publicly stated that, in the coming session of your Legislative Assembly, the removal from the statute-book of the CD. Act will be insisted on, as also the raising of the age of consent. We, who have passed through a conflict with the powers of evil similar to that in which you are engaged, can testify that victory is accompanied by an enlightenment of the public conscience and a demand for a higher standard of morality in all classes of society. We cannot be satisfied till all the colonies of our race purge themselves from the stain of State-regulated vice. We therefore earnestly desire that your efforts be crowned with success, and

We are, &c.,

JESSIE T. GREIG,

18, Lynedoch Crest., Convener.

W. A. C. GREENLEES,

Langdale, Glasgow, Treasurer.

ELIZA MACLAREN,  
Secretary.  
The Hon. R. Seddon.

Ladies' National Association for the Abolition of the State Regulation of Vice, London Branch, 1, King Street,  
Westminster,

30th April, 1896.

DEAR SIR,—

The Council of the London Branch of the Ladies' National Association have noticed with extreme satisfaction the statement which occurred in your speech delivered at Christchurch on the 6th February, to the effect that the Government would insist next session upon "the removal of an objectionable and shameful statute"—the Contagious Diseases Act; and it was unanimously resolved at the last meeting of the Council, held 28th April, that the hearty thanks of the members be conveyed to you. Having been compelled, in the course of the long struggle for the repeal of the English Contagious Diseases Acts, to investigate this painful question in its varied aspects, we are profoundly convinced that the regulation of prostitution, with its central and most revolting feature, the personal medical examination, is an intolerable injustice to women, a powerful incentive to vice in men, a grave hygienic mistake, and a great moral wrong.

We await with keenest interest the time, now we trust so near at hand, when your vigorous and progressive country shall blot for ever from its statute-book a law which you so truly characterize as "shameful and objectionable."

We are, &c.,  
SARAH M. AMOS, Chairwoman.  
CATHARINE M. WHITEHEAD, Hon. Sec.  
The Hon. R. Seddon, Premier of New Zealand.

1, King Street, Westminster, London,

30th April, 1896.

DEAR SIR,—

On behalf of the Federation for the Abolition of the State Regulation of Vice we beg to tender to you an expression of our gratitude and admiration for the fearless and outspoken declaration which you, as Prime Minister of New Zealand, made at Christchurch on the 7th of February, that the Government would insist next session on "the removal of an objectionable and shameful statute"—the Contagious Diseases Act. We congratulate the Government and our fellow-citizens in New Zealand upon this declaration. During the many years that it has been our painful duty to study the effects of similar Acts and regulations we have become more and more convinced that they are an absolute failure from a sanitary point of view, and are actually an incentive to vice, and therefore ultimately lead to an increase of disease. In addition, they violate the highest constitutional principles, and are an outrage on the moral law.

It is therefore with no small satisfaction that we learn that, under your enlightened leadership, New Zealand will emancipate herself from the shame of such legislation, and will take her stand beside Great Britain on this great subject.

We rejoice, also, to know that your Government will insist on raising the age of consent, as we are well aware that by such an amendment of the law many young girls may be saved from ruin.

Our Federation represents a large number of societies and individuals all working for the same object, and in their name we again offer you our cordial congratulations and our good wishes for the success of your noble work. We have, &c.,

We have, &c.,  
WALTER S. B. MCLAREN, Chairman.  
JAMES STANSFELD.  
The Hon. R. Seddon, Prime Minister of New Zealand.

Moral Reform Union, 44, Porchester Road, Paddington, W.,

1st May, 1896.

THE Moral Reform Union, a society of men and women—founded, 1881, in the interests of pure family life—has been much encouraged in its efforts to promote moral reform throughout the world by the welcome declaration of the Premier of New Zealand, in his address given in the Opera House, at Christchurch, on the 4th February, as to prospective legislation affecting women in the colony, especially as regards the removal of "an objectionable and shameful statute," and the raising of age of consent.

By order.  
F. E. ALBERT, Secretary.

The Brackens, 11, Bolingbroke Grove, Wandsworth Common, S.W.,

6th May, 1896.

SIR,—

I have the honour to enclose you a copy of resolutions passed by the Bond of Union amongst Workers for the Common Good, among whom are some veteran fellow-workers of the Right Hon. Sir James Stansfeld, to whom England owes her freedom from the evil legislation to which you also are opposed, as we rejoice to hear.

I am, &c.,

FRANCES LORD, Hon. Sec, Gen.  
The Hon. R. Seddon, Premier of New Zealand.

The Bond of Union amongst Workers for the Common Good passed the following resolutions on 1st May, 1896. Meeting at the Pioneer Club, 22, Bruton Street, Bond Street, W. (London) :—

*"That the Bond of Union amongst Workers for the Common Good hails with satisfaction the statement of the Premier of New Zealand, in his address at Christchurch on 6th February last, that the raising of the age of consent, and ' the removal of an objectionable and shameful statute ' (which had been carried by the House of Representatives, but rejected by the Legislative Council), would be insisted upon next session."*

*"That the Bond begs to assure the Hon. Mr. Seddon of its hearty appreciation of his determined attitude on the side of morality, and trusts that the session will not close without both these vital reforms being carried."*

*"That a copy of these be sent to the Premier and to the President of the Women's Christian Temperance Union, Auckland, New Zealand."*

FRANCES LORD, Hon. Sec, Gen.

6th May, 1896.

Social Purity Alliance (founded 1873), 1, King Street, Westminster, S.W.,

7th May, 1896.

SIR,—

The Executive Committee of the Social Purity Alliance, meeting on the 6th May, 1896, desire to convey to you their keen appreciation of your intention of doing your utmost not only to raise the age of consent, but to remove a statute which is correctly described as "shameful and objectionable." They earnestly trust that this intention, for which they are most grateful, will be realised in the coming session.

A. GOFF, Chairman.  
ERIC HAMMOND, Secretary.  
The Hon. R. Seddon, Premier of New Zealand.

Heath Avenue, Halifax, Yorkshire,

9th May, 1896.

DEAR SIR,—

Prompted by your speech at Christchurch on 7th February, in reference to " the removal of an objectionable and shameful statute," I take the liberty of sending you (per book-post) a pamphlet which I have been recently impelled to compile, from which you may, perhaps, glean something useful in your advocacy of the repeal of immoral regulations.

Your speech has given immense satisfaction to repealers in this country, who will not cease to pray that your hands may be strengthened in this good work that the next session may sweep away this blot on the legislative escutcheon of your country.

I cannot forget that your Act for the regulation of prostitution was, in the first instance, the outcome of pressure from the Home Government, and that responsibility therefore rests primarily upon this country. I am therefore the more anxious that we on this side should do whatever lies in our power to assist in undoing the evil, for originating which we are compelled to confess ourselves guilty.

I am, &c.,

Jos. EDMONDSON.

National Vigilance Association and Central Vigilance Society, 267, Strand, W.C. (near the Law-Courts),

12th May, 1896.

DEAR SIR,—

The attention of the Committee of this association has been called to a speech which you recently delivered, in which you are reported to have said, "The Legislative Council had last year refused to raise the age of consent, but next session this would be insisted on, as would, also, the removal of a shameful and objectionable statute."

Feeling the importance and value of such legislation in the interest of the well-being of all nations and of our common humanity, they have instructed me to write and express their gratitude for the principle of true righteousness which characterized your remarks, and they venture to express a hope that your determination to raise the age of consent, and to remove "a shameful and objectionable statute," may be crowned with abundant success.

On behalf of the Executive Committee.

We are, &c.,

PERCY WILLIAM BUNTING, Chairman.

WILLIAM ALEXANDER COOTE, Secretary.

The Hon. E. Seddon, Wellington, New Zealand.

Women's Liberal Federation, 23, Queen Anne's Gate, Westminster, S.W.,

13th May, 1896.

SIR,—

I have been desired by the Executive Committee of the Women's Liberal Federation of England to inform you that, having heard with great pleasure that you have declared that the removal of the Contagious Diseases Act from the statute-book will be insisted upon during the next session of the Legislative Council of New Zealand, the Committee resolved to convey to you their great appreciation of your zeal in this just cause, and the assurance of their earnest desire that your proposals may be crowned with success.

I am, &c.,

MARGARET BENMER, Secretary.

The Hon. K. Seddon, Premier of New Zealand.

Attercliffe (Sheffield) Women's Liberal Association,

15th May, 1896.

SIR,—

The above association, of which I am president, desires me to express to you the satisfaction with which they have heard that you have said that "the Legislative Council of New Zealand had last year refused to raise the age of consent" (at which a girl may agree to her own ruin), "but that next session this would be insisted on, as would, also, the removal of a shameful and objectionable statute."

Some of us are old workers in seeking to promote the universal abolition of the State regulation of vice, and we are all profoundly convinced that what is morally wrong can never be physically right, a conviction which is only confirmed by the experience of all those who have inquired into this matter with unprejudiced minds. We trust that the coming session of the Legislature will witness the repeal of the Act and the passing of the other measure designed for the protection of young girls. On behalf of my committee,

I am, &c.,

S. R. WILSON, President.  
The Hon. R. Seddon, Wellington, New Zealand.

Tamar Vale, 75, Gordon Road, Ealing, London, W.,

May, 1896.

SIR,—

The Social Purity Committee of the English Wesleyan Methodist Conference have heard with great satisfaction that you have declared your desire that the law for the regulation of sexual vice shall be removed from the statute-book of New Zealand. We are deeply anxious for the abolition of these obnoxious laws wherever they exist. You will doubtless be aware of the tremendous struggle which preceded the removal of the Contagious Diseases Acts in this country. We fear that there are those in Great Britain who would like to see these shameful Acts revived. A victory for the cause of repeal in New Zealand would strengthen the hands of the friends of abolition throughout the world. We desire to express our gratitude to you for the stand you have taken and our earnest hope that your desire will be accomplished.

On behalf of the above-named Committee,

We are, &c,  
D. J. WALKER, D.D.,  
President of the Conference.  
G. ARMSTRONG BENNETTS, B.A.,  
Secretary of the Committee.  
The Hon. R. J. Seddon, Premier of New Zealand.

18, Rawlinson Road, Oxford,

5th June, 1896.

DEAR SIR,—

I am desired by the executive of the Mid-Oxon Women's Liberal Association to express to you our grateful appreciation of your statement, at a recent by-election, that the raising of the age of consent would be insisted on during the next session of the Legislative Council of New Zealand, as would, also, the removal of a "shameful and objectionable statute."

It is most encouraging to hear of such words spoken by the Prime Minister of a great colony; and our earnest hope is that these two measures of justice may be carried in your Legislative Council by a large majority.

I have, &c,

CATHERINE B. DRUMMOND,

Hon. Sec. Mid-Oxon W.L.A.  
The Hon. B. Seddon.

*A Greeting from Old Ireland.* Dublin Association for the Repeal of the Contagious Diseases Acts, 91,  
Rathmines Road, Dublin,

10th June, 1896.

DEAR SIR,—

We are much rejoiced to learn, through Mrs. Butler, that you intend at your next session of Parliament to propose that the age of consent be raised, and, also, that the CD. Acts in your colony be repealed. If there were anything in our power that we could do to strengthen your hands, you have our very best desires and deep sympathy. Our Committee here has long ago been dissolved, but I continue to act as a member of dear Mrs. Butler's Committee, and now, being an old woman (one of the original workers and secretaries in 1870), can do but little. I have always helped at women's questions, am still honorary secretary of the Women's Suffrage and Poor-Law Guardian Association. The latter we are vigorously working up now, having got the Act enabling women to be Guardians passed this year. Any appeal as regards combating the CD. Acts has my warmest sympathy, and I earnestly trust that your hands may be strengthened to fight the battle before you vigorously; and that a blessing may rest on your efforts and those of the good men and women who may assist you is the heartfelt desire of your sympathizing friend in the good cause of morality, purity, &c.

ANNA (Mrs.) M. HASLAM,  
An old Hon. Sec.

The Hon. B. Seddon, Wellington.

P.S.—I send you one of the old pamphlets I had compiled here long ago.—A.M.H.

JOHN MACKAY, Government Printer, Wellington, 1896.

Front Cover

## The Homestead, Ardgowan.

The Ardgowan Estate, Otago.  
Particulars, Terms, and Conditions  
Of Disposal and Occupation of  
4,234 Acres

Open

*On Tuesday, 12th May, 1896.*

With Map, from Survey made by Mr. District Surveyor Langmuir; and Illustrations, from Photographs by Mr. A. J. Morrison.

decorative feature

Issued under the Instructions of the Minister of Lands.

By Authority : Samuel Costall, Government Printer. Wellington 1896

## Aedgowan Estate, Oamaru, Otago.

THE Ardgowan Estate was acquired by the Government under "The Land for Settlements Act, 1894." The Land Purchase Board having recommended that the estate should be purchased, and the owners having refused to sell at the price offered, the Compensation Court, consisting of a Judge of the Supreme Court and two Assessors, one named by the owners and the other by the Government, fixed the price to be paid at £34,600, with certain costs.

The land has been held by the New Zealand and Australian Land Company since it was purchased from the Provincial Government of Otago in 1861.

It has now been resurveyed into suitable sections, the fences erected by the company being made use of as new boundaries so far as the subdivisions will permit.

The detailed description of each section on pages 12 to 22 shows the quality of the land, but generally the property may be described as good agricultural, and the whole of it may be ploughed, the north-eastern hills

being, however, steep, but at present well covered with good natural and artificial grasses.

The estate contains three qualities of land:—

- 1,400 acres about the homestead, very good.
- 1,500 acres in the centre, not quite so good.
- 1,300 acres on the ridges, rougher, and farther away from market.

The total area which has been ploughed amounts to 3,610 acres, and that not yet ploughed to 630 acres.

The unploughed land consists mostly of stream margins, where the tortuousness of the waterway renders cultivation troublesome; there are also some steep faces which, although capable of being cultivated, have not yet been ploughed. These river-flats and faces are, however, of material help when grass on the ridges and downs is scarce, and they probably yield more food than the land would do if laid down in the usual way.

Most of the old lagoons have been tile-drained and cultivated. The total area laid down in grass is about 2,904 acres, of which 1,219 acres have been sown three years, 732 acres have been sown five years, 369 acres have been sown one year, 310 have been sown two years, 269 acres have been sown eight years, and 5 acres have been sown ten years.

The estate was divided into twenty-seven paddocks, and was used for breeding Border Leicester sheep, the average number grazed being about 8,000.

It is famous for retaining grass in the driest of seasons when other properties in the district are bare, and yields better crops in dry seasons than any of the surrounding land.

The Oamaru District has been long known as containing some of the finest agricultural land in New Zealand. The rocks are siliceous limestone, the surface soil being a rich black loam, and the subsoil porous.

*Crops.*—Last year there were 375 acres in oats, 209 in wheat, 15 in turnips, 75 acres of McMaster's paddock in cultivation, and 31 acres are plantations. There were good returns of wheat, and also of grassseed from paddocks which, although well stocked, could not be eaten down. The estate is well watered by ever-flowing streams, and is admirably adapted for dairy-farming.

*Roads.*—It is intended to form about eight miles and a quarter of the new roads laid out—namely, Tutu Hill Road, Parson's Creek Road, Homestead Road, Devil's Bridge Road, Baxter's Road, and the Quarry Road; and to gravel a portion of the Parson's Creek, Homestead, and Devil's Bridge Roads. A part of the

## Shearers' Quarters, &c., &c., Ardgowan.

road near Weston will probably be cleared of trees to its full width. Many of the streams are bridged for crossing cattle and sheep—about a hundred crossings being on the estate.

*Advantages of Situation.*—The situation of Ardgowan is within a mile and a half of Oamaru, and it is adjacent to two railways: one passing through Weston at the south-western corner of the estate, and the main line passing through Oamaru.

At the Oamaru Wharf large vessels load wool and grain, and discharge Home cargoes, thus bringing the markets of the world within an hour's cartage, for the disposal of produce.

There is a dairy-factory at Waiareka within half-a-mile of the western boundary of the property, and another at Pukeuri Point; and there are freezing-works and a wool-mill in the immediate vicinity. The stone quarries at Weston affords material for the erection of buildings in a substantial manner at low prices.

*Fences.*—The fences are mostly of gorse, trimmed in 1894, and have gates in complete order. They form boundaries of sections or paddocks for immediate occupation. Very little gorse has spread, and the grass is generally clean and free from weeds.

*Buildings.*—The Homestead buildings consist of dwelling-house, stone stable, woolshed, chaff-house, men's kitchen and sleeping-rooms, woodshed, daily store, sheep-yards, dip, cow-shed, stone piggery. They will be let with the land on which they stand, and, in addition to the rent, the tenant will have to insure in the Queen's name to the value of £500.

On McMaster's paddock, at present occupied by Mr. Hewson, there is a cottage of three rooms which goes with the section.

In Jones's Paddock, on Section 113, there is a shepherd's house which will be let with the land.

*Plantations.*—The blue-gum plantation of 6 acres is withheld from lease in the meantime, but all the other plantations go with the land, excepting where roads have to be taken through them. The tenant is not authorised to cut down the plantations on his lease-hold, except for thinning and for his own use, without the consent of the Commissioner of Crown Lands for Otago, and it is a condition of the lease that trees equal in number to those cut shall be planted the following season.

*Reserves.*—A section has been withheld from lease in perpetuity, and will be available for a site for a dairy-factory at a small rent.

Two sites for schools have also been surveyed, and will be vested in the Education Board when required.

The Education Reserve of 40 acres (No. 134), having been taken over from the Company in purchasing the estate, will be offered for lease in accordance with the School Commissioners' lease conditions for fourteen years.

*Residence Exemptions.*—Townspople who live on small allotments of 1 acre or under, within one mile of any section applied for, will not be required to reside on their leasehold so long as they continue to reside on their town land, but the requisite improvements must be made.

Successful applicants for sections on this estate can take possession on 1st June, 1896.

## **Sowing Grain, Devil's Bridge Paddock, Ardgowan.**

### **Directions to Applicants.**

APPLICATIONS for leases will be received up to 4 p.m. on and after TUESDAY, the 12th May, 1896, at the Crown Lands Office, Dunedin, and at the office of Mr. Henry Macintosh, Tyne Street, Oamaru, where also any unselected sections may be applied for up to the 14th. Forms and maps may be obtained at the Land Office, Dunedin, at Mr. Macintosh's office, and at the Land Offices throughout the colony.

An officer will be in attendance at the survey camp on Section No. 112 in the forenoon, and at the homestead every afternoon from 1 p.m., to show persons over the estate, and to point out the boundaries of the sections to intending applicants.

The ballot for sections for which there are more than one applicant on the first day will be held on THURSDAY, the 14th May, at 11 a.m., at Weir Street Hall, Oamaru. Other ballots, if required, will be held at the Crown Land Office, Dunedin.

A fourteen years' lease of Education Reserve (Section 134) will be offered for sale by auction on the 14th May, 1896, immediately after the ballot is concluded. (See page 23.)

The reserves (Sections 77, 84, 114, 135, and 137) will be let from year to year, at the rentals specified on page 23, until required, and for grazing only. The Quarry (Section 135) may be worked at any time without payment on any account whatever. Possession of the Education Reserve (Section 84) will have to be given up on one month's notice, if required for a school.

No deposits are required with applications, but every successful applicant must be prepared to pay a half-year's rent and £1 ls. lease-fee immediately on his application being approved at the ballot. This will be taken as the rent due on the 1st July, 1896, for selections made before that date.

Selectors who may not find it convenient to appear personally at the ballot should appoint an agent to select for them, or they may send with their application a draft or post-office order in favour of the Receiver of Land Revenue for the first half-year's rent, which will be returned, less exchange, in case of non-success.

Should any applicant not pay the half-year's rent on being declared successful and his application approved, then another ballot between the other applicants will be drawn *forthwith*.

Applications will be received for any number of sections which together comprise not more than 640 acres, or 320 acres for married women, but only one section can be selected. Married women who forward their applications through the post are requested to give the full name and address of their husbands opposite the word "Occupation" on the application form.

Selectors who apply for more than they wish to occupy should indicate on each application the order of their choice, or inform their agent of it.

The Land Board will dispense with residence on any section of this estate which is situated within one mile from any land not exceeding one acre the property of the selector, and on which he is resident, so long as he continues to so reside.

## **Agricultural Lands Open for Selection on Lease in Perpetuity**

**ON AND AFTER TUESDAY, 12TH MAY, 1896.**

**Oamaru Survey District.—Waitaki County.**

**(For description of each section see pages 12 to 22.)**

Lease in Perpetuity: Kent, 5 per Cent. Section. Block. Area. Rent per Acre. Half-yearly Rent.



FIRST-CLASS AGRICULTURAL LAND.A. R. P.s. d.£ s. d.73I. 81 3 148 016 7 474217 0 06 333 18 275364 2  
145 650 2 868 II. 67 1 299 0 15 3 66972 1 268 915 16 107076 2 399 317 15 07120 2 2411 05 13 77216 0 2711  
04 8 117325 2 111 07 0 474 II 26 1 1411 07 4 107514 3 611 94 6 117618 2 2312 65 16 67819 0 1511 95 12  
27915 1 3511 94 10 1180 II 15 0 3611 9 4 9 681 II 25 2 1514 0 8 19 28225 2 2114 08 19 58311 1 415 64 7  
58511 2 3616 04 13 108612 0 015 64 13 08719 2 3415 07 7 1088124 1 308 024 17 989108 3 169 024 9  
1090155 1 28 633 0 09152 3 310 013 3 109285 1 2210 6 22 8 49319 0 2910 0 4 15 1194 109 95298 2 3811 987  
15 119 2 2314 67 2 59618 1 1514 6 6 13 097315 2 227 0 55 4 998122 1 96 6 19 17 69966 3 37 612 10 5100107  
3 2711 029 13 610180 2 267 615 2 610225 2 328 65 9 310338 0 29 69 0 710424 1 2510 36 5 110517 0 2610 34  
8 010685 1 1211 925 1 410717 1 27 11 65 0 2108310 0 07 054 5 011030 3 2511 68 17 9

## Looking South from Woolshed Paddock, Ardgowan.

Lease in Perpetuity: Rent, 5 per cent. Section. Block. Acre. Rent per Acre. Half-yearly Rent.

FIRST-CLASS AGRICULTURAL LAND.A.R. P.s.d.£s.d. 111 II. 2031 1881½4162112 II 1761 25833678113  
II 240 151166186115 II 140 36120454116 II 452 31001177117 II 440 251201350118 II 90 271232162119 II  
111 81263108120 II 350 311291144121 II 371 512611130123 II 143 21304160124 II 140 161304118125 II 161  
151405145126 II 172 311406310127 II 181 13140684128 II 180 341305185129 II 393 51261288130 II 400  
2513613111131 II 330 61361130132 II 370 211301214133 II 280 321107151138 II 51 301161113

## Terms and Conditions of Lease in Perpetuity.

### First Class Agricultural Land.

The lands included in Ardgowan Estate are divided into sections, which are open for selection on lease in perpetuity, under the provisions of "The Land Act, 1892 " (herein referred to as "the said Act"), and "The Land for Settlements Act, 1894."

1. The lease shall be for a term of 999 years, to be reckoned from the next 1st day of January or July following the date thereof, and shall in addition include the period between the date of lease and such day.

2. The half-yearly rentals stated in the Schedules on pages 8 and 9 shall be the price at which the land shall be open for selection, and shall be payable in advance, on the 1st day of January and 1st day of July in each year, to the Receiver of Land Revenue, Dunedin.

3. Applications for leases shall be made in manner as provided in Part I. of the said Act; and all such applications shall be addressed to the Commissioner of Crown Lands, Dunedin, or to any District Land Officer in the Otago Land District; and leases will be issued in accordance with the provisions of Part I. aforesaid.

4. The day on which the lands shall be first open for selection shall be TUESDAY, the 12th day of May, one thousand eight hundred and ninety-six.

5. Every applicant shall make the declaration prescribed, and shall immediately after the application has been approved deposit a sum equal to one half-year's rent of the land applied for. Such payment shall be in discharge of the half-year's rent due on the 1st day of January or July following the date of application. He shall also pay the sum of £1 1s. for the preparation of the lease and the registration thereof.

6. No person shall be allowed to acquire or to hold more than one section; and no person who is the owner or occupier of land under the said Act which with the land applied for would exceed in area 640 acres shall be capable of applying for or holding any section.

7. A married woman may become the owner of any section not exceeding 320 acres of land, notwithstanding any land that her husband may be entitled to acquire or may hold, and a married woman may also become a lessee under a will or by virtue of an intestacy.

8. When more applications than one are made on the same day for the same land, or part of the same land, the right to occupy the land shall be decided by ballot.

9. The lessee must reside on the land selected within one year from the date of selection, and thereafter such residence shall be continuous for a period of ten years. The Land Board may dispense with residence if the lessee reside and continue to reside on lands contiguous to the lands held under lease.

10. The lessee shall put on the land comprised in his lease sub-substantial improvements as under:—

- Within one year from the date of his lease to a value equal to 2½ per cent, of the price of the land;
- Within two years from the date of his lease to a value equal to another 2½ per cent, of the price of the land;
- And within six years from the date of his lease to a value equal to another 2½ per cent, of the price of the land; and in addition thereto shall, within six years from the date of his lease, put substantial improvements of a permanent character to the value of £1 for every acre of first-class land.

Improvements existing on the land at the time of lease shall be deemed to be improvements made under this clause.

Substantial improvements of a permanent character mean and include reclamation from swamps, clearing of gorse, broom, sweet-briar, or scrub, cultivation, planting, gardens, fencing, draining, making roads, sinking wells or water-tanks, constructing water-races, sheep-dips, making embankments or protective works of any kind, or in any way improving the character or fertility of the soil, and include the erection of any non-movable building.

11. The lessee must fence the land with a ring-fence within the second year of the term, and such fence must be sufficient to comply in all respects with "The Fencing Act, 1895," or any other law to

### **Looking East, showing Lagoon in No. 3 Paddock, Ardgowan.**

regulate the fencing of land which shall for the time being be in force; and shall at least every second year properly cut and trim all live fences now on the land or which may be planted upon the land during the term, and stub all gorse not growing as fences, and also stub all broom, sweetbriar, and other noxious plants. Existing boundary-fences shall be considered as sufficient.

12. The lessee must not take more than three crops, one of which must be a root-crop, from the same land in succession; and either with or immediately after a third crop of any kind the land must be sown down with good permanent cultivated grasses and clovers, and be allowed to remain as pasture for at least three years from the harvesting of last crop before being again cropped.

13. The lessee must not cut the cultivated grass or clover for hay or seed the first year of the course.

14. At all times during the lease, the land—if the area of the whole exceed 10 acres—must be so farmed that not less than one-third of the farm shall be maintained in permanent pasture.

15. The lessee must not burn any straw grown upon the land.

16. The lessee must once a year properly clean, clear from weeds, and keep open all creeks, drains, ditches, and watercourses which now are or may be upon the land, and the Land Board shall have the power at any time to enter upon and make any drain through the land that it may deem necessary.

17. The plantations of shrubs or timber-trees now growing on the land, or which may hereafter be planted by any lessee, shall be protected by fences until they can be no longer injured by cattle or other animals. The lessee shall have no right to cut down any tree or shrub unless for the purpose of thinning without the consent of the Commissioner of Crown Lands; but he shall have a right to trim, lop, and dress according to the best methods of silviculture. For every tree cut down the lessee shall, in the proper season, plant another either in or near the plantation so cut down, or in some other new plantation, as may be agreed on.

18. In the event of the lessee failing to comply with any of the covenants hereinbefore mentioned relating to plantations, to the trimming of live fences, and stubbing gorse, broom, and sweetbriar, and to the cleaning, clearing from weeds, and keeping open all creeks, drains, ditches, and watercourses, it shall be lawful for the Commissioner of Crown Lands to have such work done, and to recover the cost of the same from the lessee.

19. All buildings erected upon the land shall be kept in good order and repair, and insured in the name of the Queen.

20. The lessee shall be liable for all rates, taxes, and assessments during the term.

21. Subject as aforesaid, the provisions of " The Land Act, 1892," and regulations made thereunder, with respect to applications for and the grant of leases in perpetuity, shall apply, so far as applicable, to all applications for leases under " The Land for Settlements Act, 1894."

22. A right to search for and take gravel or stone for making or maintaining roads from any of the lands disposed of is reserved, Payment to be made for surface damage only.

### ***Declaration on applying for a Lease.***

I, A.B.,\_\_\_\_do solemnly and sincerely declare—

- That I am of the age of seventeen years and upwards.
- That I am the person who, subject to the provisions of " The Land Act, 1892," "The Land for Settlements Act, 1894," and the regulations made thereunder, am applying for a lease of Section\_\_\_\_, Block\_\_\_\_,\_\_\_\_District.
- That I am acquiring such lease solely for my own use and benefit, and not directly or indirectly for the use or benefit of any other person or persons whomsoever.
- That, including the lands now applied for, I am not the owner, tenant, or occupier, directly or indirectly, either by myself or jointly with any other person or persons, of any lands acquired under "The Land for Settlements Act, 1894," or of any lands anywhere in the colony exceeding in the whole 640

320 acres in case of a married woman.

acres of first-class land.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand, intituled "The Justices of the Peace Act, 1882."

A.B.

Declared at\_\_\_\_, this\_\_\_\_day of\_\_\_\_, 189\_\_\_\_, before me,\_\_\_\_CD.,

A Justice of the Peace in and for the Colony of New Zealand.

## Detailed Descriptions.

THE following detailed descriptions of the soil and character of each section to be offered for lease on 12th May, 1896, is furnished for the general information of intending purchasers, who are recommended, nevertheless, to visit the land and inspect for themselves, the Crown not being in any way responsible for the absolute accuracy of every description.

## Open for Selection on Lease in Perpetuity on and After 12TH May, 1896.

### First-Class Agricultural Land.

#### Ardgowan Estate.

*Section 73, Block I., Oamaru District, 81 acres 3 roods 14 perches.*

Rising to broken land, chiefly agricultural; soil good. Greater part of this section is in grass; watered. Four miles and a half to Town of Oamaru. Fencing, 117½ chains of post-and-wire, with gorse hedge on the boundaries. This section has been in tenant occupation for twelve years, and a house stands upon it.

#### The Ford, Oamaru Creek.

*Section 74, Block I., Oamaru District, 217 acres.*

Undulating to rougher land; with the exception of about 25 acres, has all been broken up and in grass eight years. Permanently watered on small areas to the west of water-race, to which areas access is assured by crossings to be maintained by the Oamaru Borough Council. Four miles and a half to the Town of Oamaru and Railway-station. Fencing, 90 chains mixed fences on boundaries.

*Section 75, Block I., Oamaru District, 364 acres 2 roods 14 perches.*

Broken land; about 193 acres of this section has been ploughed and in grass three years; remainder good pasture land; watered. Altitude, about 130ft. to 400ft. Accessible by road, three miles and three-quarters to Town of Oamaru. Fencing, 205 chains mixed fencing on the boundaries.

*Section 68, Block II., Oamaru District; 67 acres 1 rood 29 perches.*

Open land, level to slightly undulating; agricultural; soil good. Permanently watered. In grass four years. One mile and three-quarters to Weston Park Railway-station, or five miles to Town of Oamaru. Waiareka Dairy-factory lies about two miles and a half from the section. There are 73 chains of gorse hedges on the north, east, and west boundaries of this section.

*Section 69, Block II., Oamaru District; 72 acres 1 rood 26 perches.*

Level to slightly undulating land, almost all agricultural; soil good, and well watered. In grass four years. One mile and a half to Weston Park Railway-station, or four miles and three-quarters to Oarnaru Railway-station; two miles and a quarter to the Waiareka Dairy-factory. There are 37½ chains of gorse hedges on the east and west boundaries.

*Section 70, Block II., Oamaru District; 76 acres 2 roods 39 perches.*

This section is level and undulating agricultural land, with the exception of stream bottoms. It is well watered. The soil is good, and has been in grass four years. Situated one mile and a quarter from Weston Park Railway-station, or four miles and a half from the Town of Oarnaru; two miles to the Waiareka Dairy-factory. Fencing, 78½ chains gorse hedges on east and west boundaries.

*Section 71, Block II., Oamaru District; 20 acres 2 roods 24 perches.*

Fairly level agricultural land; soil good, and watered; in grass six years. Distant one mile and a quarter from Weston Park Railway-station, or four miles and a half from Town of Oamaru. There are 28½ chains of gorse hedges on the north and west boundaries of this section.

*Section 72, Block II., Oamaru District; 16 acres 27 perches.*

This section comprises level agricultural land; six years in grass. The soil is good. Water is not permanent on the section, but can be obtained by sinking. Situated one mile and a quarter from Weston Park Railway-station, or four miles from Town of Oamaru.

*Section 73, Block II., Oamaru District; 25 acres 2 roods 1 perch.*

Level to gently undulating land; soil good; almost wholly agricultural. Six years in grass. Distant; from Weston Park Railway-station one mile and a half, two miles and a half to the Waiareka Dairy-factory, and four miles to Town of Oamaru. Fencing consists of 10 chains of gorse hedge on north boundary.

*Section 74, Block II., Oamaru District; 26 acres 1 rood 14 perches.*

Level and undulating land. In grass six years. Soil good; with the exception of stream bottom all agricultural. Two miles and a half to the Waiareka Dairy-factory, and four miles to Town of Oamaru. Fencing, 37 chains of gorse hedge on the north boundary.

*Section 75, Block II., Oamaru District; 14 acres 3 roods 6 perches.*

Undulating agricultural land, with good soil, and watered. This section has been in grass six years. Distant one mile from Weston Park Railway-station, and four miles from the Town of Oamaru. There are 16½ chains gorse hedge on west boundary.

*Section 76, Block II., Oamaru District; 18 acres 2 roods 23 perches.*

Level to undulating agricultural land; watered; soil good. In grass six years. Distance: Four miles to Town of Oamaru; and three-quarters of a mile to Weston Park Railway-station. Fencing, 29½ chains of gorse hedge on south and west boundaries of section.

*Section 78, Block II., Oamaru District; 19 acres 15 perches.*

Agricultural land, level and undulating, with good soil and permanently watered. In grass six years. Two miles and a half from Waiareka Dairy-factory; and four miles from Town of Oamaru. Fencing consists of 10 chains of gorse hedge on the south boundary.

*Section 79, Block II., Oamaru District; 15 acres 1 rood 35 perches.*

Gently undulating and level land; soil good; permanent water. In grass for six years. Distance: Two miles and a half from the Waiareka Dairy-factory; and four miles from the Town of Oamaru. Fencing on this section, 8½ chains gorse hedge on south boundary.

*Section 80, Block II., Oamaru District; 15 acres 36 perches.*

Good agricultural land, level and easy undulating; soil good. Water can be obtained by sinking. Six years in grass. Two miles and three-quarters to Waiareka Dairy-factory, and three miles and three-quarters to Oamaru. Fencing, 23 chains gorse hedges on south and east boundaries.

## **Looking South-west from the White Ridges, Ardgowan.**

*Section 81, Block II., Oamaru District; 25 acres 2 roods 15 perches.*

Permanently watered, agricultural, level and easy undulating land; soil good. In grass six years. Three-quarters of a mile from Weston Park Railway-station; four miles from Town of Oamaru; and one mile and a half from Waiareka Dairy-factory. Fencing, 36 chains gorse hedge on north and west boundaries.

*Section 82, Block II., Oamaru District; 25 acres 2 roods 21 perches.*

Level to undulating land; agricultural; soil good; permanently watered. In grass six years. Three-quarters of a mile to Weston Park Railway-station, four miles to Town of Oamaru, and one mile and a half to Waiareka Dairy-factory, Fencing, 8½ chains gorse hedge on west boundary.

*Section 83, Block II., Oamaru District, 11 acres 1 rood 4 perches.*

Agricultural land, level, with good soil. There is no permanent water, but it can be obtained by sinking. In grass six years. Half a mile to Weston Park Railway-station, or three miles and three-quarters to Town of Oamaru. Fencing on this section comprises 7½ chains gorse hedge on west boundary.

*Section 85, Block II., Oamaru District, 11 acres 2 roods 36 perches.*

Nearly all level agricultural land, of good soil. There is no water on the surface, but it can be obtained by sinking. In grass six years. Distant 30 chains from Weston Park Railway-station, or three miles and a quarter from Town of Oamaru. 10 chains of corse hedge fencing on south boundary of section.

*Section 86, Block II., Oamaru District, 12 acres.*

Level and slightly undulating land, agricultural, and six years in grass; soil good. Water can be obtained by sinking. Distant 35 chains from Weston Park Railway-station, or three miles and a quarter from Town of Oamaru. Fencing consists of 6 chains of gorse hedge on the south boundary.

*Section 87, Block II., Oamaru District, 19 acres 2 roods 34 perches.*

Slightly undulating agricultural land, of good soil, and permanently watered. In grass six years. Distant 40 chains from Weston Park Railway-station, or three miles and a quarter from Oamaru. Fencing, 7 chains of gorse hedge on south boundary.

*Section 88, Block II., Oamaru District, 124 acres 1 rood 30 perches.*

Undulating agricultural land; soil good; permanently watered; out of oats. Distant four miles and a half from Town of Oamaru, and three miles and three-quarters from Waiareka Dairy-factory. Fencing consists of 56 chains wire-fence on north boundary, and 76 chains gorse hedges on south and west boundaries.

*Section 89, Block II., Oamaru District; 108 acres 3 roods 16 perches.*

Level to gently undulating land; soil good; in grass four years; permanent water. This section is four miles and a quarter from the Town of Oamaru, and three miles and a half from the Waiareka Dairy-factory. Fencing consists of 71½ chains gorse hedge on the north and west boundaries.

*Section 90, Block II., Oamaru District; 155 acres 1 rood 2 perches.*

Level to gently undulating land; soil good; permanently watered. In grass four years. Distant four miles from Town of Oamaru, and three miles and a half from the Waiareka Dairy-factory. There are 101½ chains of gorse hedge fencing on the north, south, and east boundaries.

*Section 91, Block II., Oamaru District; 52 acres 3 roods 3 perches.*

Undulating land; in grass four years; soil good; watered; with the exception of stream bottoms all agricultural land. Distant three miles and a half from the Town of Oamaru, and two miles and a half from the Waiareka Dairy-factory. Fencing on this section: 46 chains of gorse hedge on the north and west boundaries; 16½ chains interior gorse hedge. Seven acres at the south end of section out of wheat from ten-years'-old grass.

*Section 92, Block II., Oamaru District; 85 acres 1 rood 22 perches.*

Undulating land; soil good; watered; with the exception of stream-bottoms all agricultural. North end of section about 53 acres in grass, south end 32 acres out of wheat out of ten-years, old grass. Distant three miles and a quarter from the Town of Oamaru, and two miles and a quarter from Waiareka Dairy-factory. Fencing, 37 chains of gorse hedge on the north and part of east boundaries; also 23 chains of interior subdivisional gorse hedge.

*Section 93, Block II., Oamaru District; 19 acres and 29 perches.*

Gently undulating agricultural land; soil good. There is no permanent water on section, but it can be obtained by sinking. Out of wheat, out of ten-years'-old grass. This section is distant three miles from Town of Oamaru, and two miles from the Waiareka Dairy-factory. There is a gorse hedge on the east boundary.

*Sections 94 and 109, Block II., Oamaru District; 298 acres 2 roods 38 perches.*

These are the homestead sections. Level to undulating land; soil good; permanently watered; with the exception of stream bottoms all agricultural. About 10 acres are under plantations of *Pinus insignis* and blue-gum. Partly fenced on the west, south, and east boundaries, and besides the plantations and gardens, which are mostly fenced, there are three small subdivisional paddocks known as Weston Park, House, and Little Paddocks, of 25 acres, 23½ acres, and 4 acres respectively. Weston Park Paddock has been six

## **General View of Shearers' Quarters, &c., Ardgowan.**

years in grass, House Paddock six years, and Little Paddock eleven years in grass. The homestead and dwelling-house—a two-story wooden building—is on Section 94, also a substantially-built range of stone buildings, comprising nine-stall stone stables, granary, woolshed, dairy, store, and shearers' hut, with loft above all; wool-shed of wood, stock-yard, sheep-yards, sheep-dip, &c. Distant three miles from the Town of Oamaru, one mile and a half from Waiareka Dairy-factory, and half a-mile from Weston Park Railway-station. Altitude ranges from 150ft. to 270ft. Fencing consists of 103 chains boundary fences, and 156 chains interior fences.

*Section 95, Block II., Oamaru District; 19 acres 2 roods 23 perches.*

Level land; soil good; all agricultural. No surface water, but can be obtained by sinking. Just out of oats, out of drilled turnip. Two miles and three-quarters to the Town of Oamaru, and half a mile to Weston Park Railway-station. Three acres of *Pinus insignis* plantation. Fencing, 53 chains post-and-wire, and gorse hedge on the boundaries.

*Section 96, Block II., Oamaru District; 18 acres 1 rood 15 perches.*

Land level; soil good; agricultural; well watered; in grass three years. Two miles and three quarters to the Town of Oamaru, and three-quarters of a mile to Weston Park Railway-station. Two acres and three-quarters of *Pinus insignis* plantation. Fencing, 47 chains of gorse hedge on the boundaries.

*Section 97, Block II., Oamaru District; 315 acres 2 roods 22 perches.*

Level to rising and undulating land; nine-tenths agricultural; soil fair. In grass two years. Four miles and a quarter to the Town of Oamaru. Well watered. Fencing consists of 143 chains of wire fence and gorse hedges on boundaries.

*Section 98, Block II., Oamaru District; 122 acres 1 rood 9 perches.*

Level to rising and undulating land; soil good; greater part of section agricultural. In grass two years. Three miles and three-quarters from-Town of Oamaru.

*Section 99, Block II., Oamaru District; 66 acres, 3 roods 3 perches.*

Open, undulating land; agricultural; soil good; well watered. Three miles and a quarter to Town of Oamaru,

and lying about two miles distant from Waiareka Dairy-factory. Fencing on the section: 21 chains of gorse hedge and wire fence on boundaries, and 21½ chains of gorse hedge, and wire fence subdividing section.

*Section 100, Block II., Oamaru District; 107 acres 3 roods 27 perches.*

Level and gently undulating land; soil good; agricultural; well watered, and well grassed with four-year-old grass. Three miles and a quarter to Town of Oamaru, and two miles to Waiareka Dairy-factory. Fencing consists of 101 chains of gorse hedges and wire fence on the boundaries.

*Section 101, Block II., Oamaru District; 80 acres 2 roods 26 perches.*

Level to undulating land; agricultural; soil fair; well watered. In grass four years. Three miles and a half to Town of Oamaru, and two miles distant from Waiareka Dairy-factory. Fencing, 71 chains of gorse hedge on north, east, and west boundaries.

*Section 102, Block II., Oamaru District; 25 acres 2 roods 32 perches.*

Mostly level land, somewhat broken up by lagoons, &c.; soil fair. Indifferently watered, but water to be obtained by sinking. Three miles to Town of Oamaru, and one mile and a half to Waiareka Dairy-factory. Fencing, 25 chains of gorse hedge on west boundary.

*Section 103, Block II., Oamaru District; 38 acres 2 perches.*

Undulating land; agricultural; soil good; watered. Three miles to Town of Oamaru, and one mile and three-quarters to the Waiareka Dairy-factory. In grass four years. 150ft. to 200ft. above sea-level.

*Section 104, Block II., Oamaru District; 24 acres 1 rood 25 perches.*

Easy undulating land; soil good; agricultural; no permanent water. Two miles and three-quarters from Town of Oamaru. In grass four years.

*Section 105, Block II., Oamaru District; 17 acres 26 perches.*

Undulating land; soil good; well watered. Three miles and a quarter to the Town of Oamaru. In grass four years.

*Section 106, Block II., Oamaru District; 85 acres 1 rood 12 perches.*

Level to undulating land, with about nine acres of east end rough, but in good pasture; strong good soil; in grass four years. Three miles and a quarter to Oamaru Railway-station" and one mile and three-quarters to Waiareka Dairy-factory. Well watered. Fencing, 44½ chains of gorse hedge on south boundary and 16½ chains interior subdivisional gorse hedge.

*Section 107, Block II., Oamaru District; 17 acres 1 rood 27 perches.*

Easy rising land; soil good; agricultural; in grass four years. No water on section. Two miles and three-quarters to Oamaru. Altitude, about 270ft.

## **Looking North from Oamaru Creek Paddock, Ardgowan.**

*Section 108, Block II., Oamaru District; 310 acres.*

Undulating to more broken land; mixed agricultural and pastoral. About two-thirds of the north-western portion have been ploughed and just out of oats, remainder good pasture. The portion of this section east of the water-race has been nine years in grass. Four miles to Oamaru Town and Railway-station. Altitude from about 250ft. to 450ft. About 204 chains of mixed fences on the boundaries.

*Section 110, Block II., Oamaru District; 30 acres 3 roods 25 perches.*

Level to gently sloping land; strong good soil; greater part in grass six years, 3 to 4 acres in grass three years. Not watered. Two miles and a half to Town of Oamaru. Altitude, 300ft. The fencing consists of 17½ chains of boundary gorse hedge and 13 chains interior.

*Section 111, Block II., Oamaru District; 203 acres 1 rood 18 perches.*

Undulating land; agricultural; soil good, partly on clay subsoil on old alluvial formation, and partly on limestone. With the exception of about 15 acres this section has been all broken up. In grass about eight years between Oamaru Water-race and Eden Street Road, and six years west of the water-race. Permanently watered. Connection between two portions assured by bridge over water-race to be permanently maintained by the Oamaru Borough Council. Altitude 150ft. to 300ft. Four miles to Oamaru Town and Railway-station. Fencing, 94 chains of mixed wire and gorse-hedge fences on the boundaries, and 53 chains interior subdivisional fences.

*Section 112, Block II., Oamaru District; 176 acres 1 rood 25 perches.*

Undulating land; soil good, on clay subsoil. Agricultural, and has all been broken up with the exception of about 15 acres. Portion west of water-race in grass six years, remainder eight years in grass. Connection between the two parts assured by bridge over water-race, to be permanently maintained by the Oamaru Borough Council. Altitude, 150ft. to 250ft. Three miles to Oamaru Town and Railway-station. Fencing, 92 chains of fences on the boundaries and 9 chains of interior wire fences.

*Section 113, Block II., Oamaru District; 24 acres and 15 perches.*

Level to undulating land; soil good, partly on limestone formation; agricultural; in grass three years. Permanently watered. About three miles to Oamaru Town and Railway-station. Fencing, 36 chains of gorse

hedges on boundaries. A two-roomed house stands on this section.

*Section 115, Block II, Oamaru District; 14 acres and 36 perches.*

Fairly level; good soil; agricultural. Three years in grass; not watered. Two miles and three-quarters to Oamaru Railway-station.

*Section 116, Block II., Oamaru District; 45 acres 2 roods 3 perches.*

Undulating land, subdivided into two portions; western portion a little broken, but good soil, on limestone and volcanic formations; well grassed. East half, good strong land, partly on limestone and volcanic formations; in grass three years; watered. Three miles from Oamaru Railway-station. Altitude about 260ft. Fencing, 22 chains of interior subdivisional gorse hedge.

*Section 117, Block II., Oamaru District; 44 acres and 25 perches.*

Undulating to somewhat steeper and broken land at the west end. About 8 acres pastoral, remainder agricultural, and in grass three years. Good strong soil, partly on volcanic formations. Well watered. Altitude about 270ft. Nearly three miles to Oamaru Railway-station. Fencing, 7½ chains of gorse hedges on boundaries.

*Section 118, Block II., Oamaru District; 9 acres 27 perches.*

Level land; agricultural; soil good. In grass three years. No surface-water. Two miles and three-quarters to Oamaru Town and Railway-station. Fencing, 6½ chains gorse hedges on boundaries.

*Section 119, Block II., Oamaru District; 11 acres 1 rood 8 perches.*

Level land; agricultural; soil good. In grass three years. No surface-water. Two miles and three-quarters to Oamaru Town and Railway-station. Fencing on section, 7 chains of gorse hedge on boundary.

*Section 120, Block II., Oamaru District; 35 acres 31 perches.*

Level and undulating to steeper and somewhat broken land at the western end. About 5 acres in good pasture, remainder agricultural; in grass three years; watered. Two miles and a half to Oamaru Railway-station. Fencing, 26 chains of gorse hedges on the boundaries.

*Section 121, Block II., Oamaru District; 37 acres 1 rood 5 perches.*

Level to undulating land, steeper at west end; nearly all agricultural; good strong soil; watered. In grass three years. Two miles and a quarter to Oamaru Railway-station. Fencing, 46 chains of gorse hedges on boundaries.

*Section 123, Block II., Oamaru District; 14 acres 3 roods 2 perches.*

Level to undulating land; agricultural; good strong soil; watered. In grass three years. Two miles and three-quarters to Oamaru Railway-station. Fencing, 29 chains of gorse hedges on boundaries.

## **General View of Woolshed, Cattle-yards, &c., Ardgowan.**

*Section 124, Block II., Oamaru District; 14 acres 16 perches.*

Nearly all level land; agricultural; good strong soil. In grass three years. Altitude about 180ft. Two miles and a half to Oamaru Town and Railway-station. Fencing comprises 10 chains of gorse hedge on boundaries.

*Section 125, Block II., Oamaru District; 16 acres 1 rood 15 perches.*

Level and gently-sloping agricultural land; good strong soil. In grass three years. Altitude about 180ft. Two miles and a half to Oamaru Railway-station. Fencing, 1½ chains of gorse hedge on boundaries. Not watered, but permanent water within 15 chains, to which there is access.

*Section 126, Block II., Oamaru District; 17 acres 2 roods 31 perches.*

Gently sloping agricultural land; soil good. In grass three years. Not watered, but water adjacent, to which there is access. Fencing, 10 chains of gorse hedge on east boundary.

*Section 127, Block II., Oamaru District; 18 acres 1 rood 13 perches.*

Gently-sloping land; agricultural; soil good. In grass three years. Not watered, but water adjacent, to which there is access. Fencing, 10 chains of gorse hedge on east boundary. Two miles to Oamaru Railway-station.

*Section 128, Block II., Oamaru District; 18 acres 34 perches.*

Sloping land; agricultural; soil good; watered. In grass six years. One mile and three-quarters to Oamaru Railway-station. Fencing, 30 chains of gorse hedge, &c., on boundaries.

*Section 129, Block II., Oamaru District; 39 acres 3 roods 5 perches.*

Undulating land; agricultural; soil good; watered. In grass six years. Altitude 140ft. to 250ft. Two miles and a half to Oamaru Railway-station, and one mile and a half to the Waiareka Dairy-factory. Fencing, 31 chains of gorse hedge on boundaries.

*Section 130, Block II., Oamaru District; 40 acres 25 perches.*

Undulating land; agricultural; good strong soil; watered. In grass six years. Altitude 150ft. to 250ft. Two miles to Oamaru Railway-station, and two miles to Waiareka Dairy-factory. Fencing, 11½ chains of gorse hedge on east boundary.

*Section 131, Block II., Oamaru District, 33 acres 6 perches.*

Undulating land; agricultural; soil good; watered. In grass six years. Altitude, 120ft. to 240ft. One mile and

three-quarters to Oamaru Railway-station, and two miles and a quarter to Waiareka Dairy-factory. Fencing, 49 chains of gorse hedges on boundaries.

*Section 132, Block II, Oamaru District, 37 acres 21 perches.*

Undulating land; agricultural; good soil; out of oats, fed off; watered. Two miles and three-quarters to Oamaru Railway-station, and one mile and a quarter to the Waiareka Dairy-factory. Fencing, 42 chains of gorse hedge on boundaries.

*Section 133, Block II., Oamaru District, 28 acres 32 perches.*

Undulating land; agricultural; soil good; out of oats, fed off; watered. Distant three miles and a quarter from Oamaru Railway-station, and one mile and a quarter from the Waiareka Dairy-factory.

*Section 138, Block II., Oamaru District; 5 acres 1 rood 30 perches.*

Agricultural land, undulating, with good soil. Three years in grass. Situated about three miles from Oamaru Town and Railway-station. Water is permanent.

## **A Siesta.**

### **Description of Section.**

Gently sloping agricultural land, five years in grass. Running stream with hard bottom intersects this section. Distant two miles and a half from Oamaru Railway-station.

### **Term of Lease.**

Fourteen years from 1st June, 1896.

The lease of the above-mentioned section will be offered for sale, by public auction on THURSDAY, the 14th May, 1896, at the Weir Street Hall, Oamaru, immediately after the ballot has been concluded.

Possession will be given on the 1st June, 1896.

Purchaser must pay the sum of the first half-year's rent, with lease-fee, £1 1s., on the fall of the hammer.

The lease will be under the usual conditions of the Otago School Commissioners' leases, and the conditions and restrictions of the Land Act and Land for Settlements Acts do not apply.

### **Term of Lease.**

One year; renewable from year to year, under section 219 of "The Land Act, 1892.

Applications will be received up to 4 p.m. on and after TUESDAY, the 12th May, 1896, at the office of Mr. Henry Macintosh, Tyne Street, Oamaru, and at the Crown Lands Office, Dunedin. If there be more than one applicant on the first day for a section, a ballot will be taken on THURSDAY, the 14th May, at 11 a.m., at the Weir Street Hall, Oamaru.

No deposit is required with the applications, but the successful applicant must be prepared to pay a half-year's rent and license-fee immediately on his application being approved at the ballot. This will be taken as the rent due on the 1st July, 1896. The next payment will become due on the 1st January, 1897.

The conditions and restrictions of the Land Act and Land for Settlements Acts do not apply.

Possession will be given on the 1st June, 1896.

By Authority : SAMUEL COSTALL, Government Printer, Wellington.—1896.

## **View of Weston.**

### **Map of Ardgowan Estate**

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## **Contents:**

NOTICE OF REMOVAL. EDWARDS, RUSSELL & Co., Ltd., Printers & Publishers, Have Removed to New Premises at 37 FEATHERSTON STREET, Next door to Messrs. Brandon & Hislop, and opposite to the Mutual Life Association of Australasia. ALL KINDS OF PRINTING EXECUTED IN FIRST-CLASS STYLE,



## The Citizen

# Recollections of a Voyage with Robert Louis Stevenson.

VOL. I. January, 1896. No. 5.

ONE of those gorgeous tropical sunsets was exciting the admiration of the passengers of the steamship "Mariposa" as she slowly passed out of the harbour of Honolulu into a truly pacific ocean. I was standing on deck sharing the glory of the scene and pitying the hapless "Miowera" as we passed her stranded on the coral reef which here forms the protection of the port, when my attention was attracted by a new-comer who had joined us, and who was sitting in earnest conversation with Mr. Ide, the recently appointed Chief Justice of Samoa, now on his way to his new home. These two men formed a curious contrast. The Chief Justice was a big, well-fed, and fastidiously dressed man, whose sense of the dignity of his new office exhibited itself chiefly in his indifference to everything and everybody, while the new-comer was a phenomenally thin, narrow-chested, round-shouldered individual with a pale beardless face and long jet-black hair. He wore a sadly faded velvet jacket, and the general carelessness of his attire made but the more prominent the reproachless apparel of his companion. These two men sat talking until the daylight had gone, and when I retired to my cabin for the night they were still in earnest discussion. The thin stranger was Robert Louis Stevenson, the novelist, and those who know his keen interest in Samoan affairs and the history of his struggle with Chief Justice Ide's predecessor, will readily understand how much he would have to say of importance to this new Governor of the Island. My hope was that he would talk out the main matters of interest in this long conversation so that I might have a chance of a chat with the great novelist next day. With that prospect I got to bed. Early the following morning I was able to gratify my wish. I was sitting reading before breakfast, and he took a seat beside me. I forget what our introductory remarks were, but I remember that very early in first conversation I seemed to tread upon a favourite corn. We were discussing the homes of some English men of letters, and I said: "Most people consider you a voluntary exile." "Do you not," I asked, "find living in Samoa provoke some sense of being shut off from your fellows." "Certainly not," he replied emphatically, "I find the Samoan native quite as interesting as the ordinary British tourist." This was apparently a tender subject, and I did not pursue it. I discreetly subdued any sense of resentment for this personality by the reflection that the possession of such shocking taste was in itself sufficient punishment. After breakfast he asked me if I played chess. I modestly admitted that I knew the game, and we got the materials. I very soon found that Stevenson knew no more about chess than I did. He explained that he had been a good player, but he was quite out of practice. I assured him that that was precisely my case. After a long series of moves which did not seem to proceed on any apparent plan, he got my men shut up in rather an awkward position, and he began to hint vaguely at a checkmate just by way of breaking the news to me gently. I saw that something desperate must be done, and I began to exchange pieces. This I continued to do until my opponent's chance of giving checkmate was gone and my position the stronger. Stevenson had during this process frequently reminded me that we were not playing draughts, and when ultimately I won the game he declared my play the most inartistic he had ever seen. During the remainder of my week with him we played one game every day. He said it was unwise to play more, and that he had made a rule never to do so. When, however, the last day of the voyage came and I was a game to the good, he thought that circumstances justified an exception to this rule, and we played two games, but he lost both.

I found him a very good-tempered player. The game absorbed him entirely, but as he played he struck off, quite unconsciously, quotations apropos of this or that move, and these were often so apt that I enjoyed them as much as I did the game itself. I had made a considerable collection of books during my travels—I was now returning from a trip round the world—and he used to come into my cabin and look through my little library. To my surprise, the first day he did this he selected a work on Roman Law and began to talk about emphyteusis, the possidetis and Utrubi. He saw that I thought he had merely picked up these names somewhere, and he said with some dignity, "Don't you know I am a Scottish advocate." I pleaded forgetfulness, and he proceeded to demonstrate his further knowledge of Roman law. I don't think he knew much about either the Roman or any other system of jurisprudence, but he certainly displayed more pride over the possession of these legal chips than he did when discussing his best books. Great men are often proudest of their least

achievements. Books naturally formed the chief topic of our talks, and it was not difficult to discuss his own. "The theatre," he said, "an author addresses is occupied by three classes—the wise, the mediocrites, and the foolish. The last class is the one it pays best to cater for, and all books I have written for it have given me a good return. The profits derived from works provided for the mediocrites have been fairly satisfactory, but those written for the wise have been financial failures." Having named these classes I tried to get him to say to which class particular books of his I named belonged, but he declined to give himself away in that fashion and declared that the classification must be left to myself. He admitted, however, that "Memories and Portraits" and "Virginibus Puerisque" were his favourites, and that they were written for that select circle of the wise I wanted to know what he thought of "Prince Otto," which in my opinion is about the poorest of his books, and his reply was:—"Don't mention it. I am not a bit fond of my paternity of that weakling. It was," he added, "a translation, in the main, and the work of a holiday excursion." Regarding "The Strange Case of Dr. Jekyll and Mr. Hyde," he complained that as a rule the novel was not properly understood. "I intended it," he said, "to illustrate, perhaps somewhat grotesquely, the fact that each of us have at least two characters, and assume the one that serves us best for the time being. It is usually read as a gruesome supernatural story, without as much as a suspicion in the readers' minds of the moral the work was intended to point."

I told him that I liked his work best when he was recounting his own experiences or expressing his own opinions, and that it was the personal element in "Across the Plains," "Travels with a Donkey," "Memories and Portraits," &c., that made them so charming to my taste. "I suppose that carries with it a suggestion of egotism against me," he said, good naturedly, "and I have no doubt I am guilty. Very likely my own estimate of "Memories and Portraits" is due to the fact that so much of it is about myself."

I asked him what his method of working was, and he told me that he rose very early and was at his desk by five or six o'clock in the morning. He wrote on for some hours, had a light breakfast, and then continued writing until one or two o'clock in the afternoon, when he had finished for the day. That was as much as he could stand, he said, and if he worked longer into the afternoon, or in the evening, his lack of energy the following day compelled him to reduce his average task time. The wonder to me was that a frame so apparently weak could stand such a strain. Perhaps there is something in Bossuet's fine saying that "A great soul is always master of the body it animates." Stevenson's sudden death at his desk seems to show that he drove the machine to the very end.

He very often, during the few days of our voyage, came to see what I was reading. He never cared to do any classics with me, and I remember one morning when I was reading some Horace, and he enquired what it was, I told him it was the ode from which he had borrowed the title of one of his best books. He didn't understand me, and I quoted the lines beginning—"Odi profanum vulgus et arceo," and ending "*Virginibus puerisque canto*." He showed me that he did not wish to join in any talk about the ode, and told me that he now rarely read any Horace. He was, however, a great lover of Herrick, and on any occasions upon which I had a volume of his poems in my hand he would come and pour out choice lines from the "Hesperides."

The tone of all he said about life and living was brave and optimistic. That was perhaps the most surprising thing about him. Mrs. Stevenson had told my wife that the doctor at Honolulu proclaimed him a walking reflection upon medical science, since by all its recognised tests he ought to have been dead some years before then. Stevenson, of course, knew the views experts held of his health, and of his chances of much longer life, but this knowledge seemed in no way to affect his spirits or his industry. His attitude towards death seemed to be exactly that expressed in his essay "*Aes Triplex*" where he says:—"There is a great deal of vile nonsense talked upon both sides of the matter; tearing divines reducing life to the dimensions of a mere funeral procession, so short as to be barely decent; and melancholy unbelievers yearning for the tomb as if it were a world too far away. Both sides must feel a little ashamed of their performances now and again when they draw in their chairs to dinner. Indeed, a good meal and a bottle of wine is an answer to most standard works upon the question. Death may be knocking at the door like the commander's statue. We have something else in hand, thank God, and let him knock. Passing bells are ringing all the world over. All the world over, and every hour someone is parting company with all his aches and ecstasies. For us all the trap is laid. But we are so fond of life that we have no leisure to entertain the terror of death. It is a honeymoon with us all through, and none of the longest. ... So soon as prudence has begun to grow up in the brain like a dismal fungus, it finds its expression in a paralysis of generous acts. The victim begins to shrink spiritually; he develops a faucy for parlours with a regulated temperature, and takes his morality on the principle of tin shoes and tepid milk. The care of one important body becomes so engrossing that all the noises of the outer world begin to come thin and faint into the parlour with the regulated temperature. Now the man who has his heart on his sleeve and a good whistling weather-cock of a brain, who reckons his life as a thing to be dashingly used and cheerfully hazarded, makes a very different acquaintance of the world, keeps all his pulses going true and fast, and gathers impetus as he runs, until, if he be running towards anything better than wild-fire, he may shoot up and become a constellation in the end. . . . Death is on all sides of him with pointed batteries; unfortunate surprises gird him

round; mim-mouthed friends and relations hold up their hands in quite a little elegiacal synod about his path. And what cares he for all this ? Being a true lover of living, a fellow with something pushing and spontaneous in his inside, he must, like any other soldier, in any other striving deadly warfare, push on at his best pace until he reaches the goal. Who would find heart enough to begin to live if he dallied with the consideration of death ? And after all what sorrowful and pitiful quibbling all this is. To forgo all the issues of living in a parlour with a regulated temperature, as if that were not to die a hundred times over and for ten years at a stretch; as if it were not to die a hundred times over at a stretch; as if it were not to die all one's own life time, and without even the sad ministerios of death; as if it were not to die and yet be the patient spectators of our own pitiable change. It is better to lose health like a spendthrift than to waste it like a miser. It is better to live and be done with it than to die daily in the sickroom. By all means begin your folio even if the doctor does not give you a year; even if he hesitates about a month, make one brave push and see what can be accomplished in a week. All who have meant good work with their whole hearts have done good work, although they may die before they have the time to sign it. And even if death catch people like an open pitfall, and in mid career, laying out vast projects, flushed with hope and their mouths full of boastful language, they should at once be nipped up and silenced, is there not something brave and spirited in such a termination ? And does not life go down with better grace falling in full body over a precipice than miserably straggling to an end in sandy deltas ?"

I have given this long extract because it summarises faith-fully the talks we had about life and man's proper attitude towards death, and because a man's opinions upon these subjects are perhaps the best general guide we can have to his temperament and character. How closely, too, did Stevenson practice what he preached. He was never wilfully reckless about his health, but he certainly never let its consideration interfere with what he did. Sometimes after dinner he would walk forward to the bows of the vessel, and, finding a seat there, sit talking with myself and others till long after nightfall. He would, on these occasions, have nothing on but the light clothes he had worn during the day, and yet he seemed to feel no concern for the effect the change of temperature might have upon him. His wife displayed much more solicitude for her husband's health, and oftentimes when she saw him standing in an exposed place or in a draft, she would come and say, "Louis, don't stand here," or take him away upon some errand, doubtless improvised for the purpose.

Stevenson was a genial talker, but not a brilliant one. His conversation answered his description of natural talk, which he says, like ploughing, should turn up a large surface of life rather than dig mines into geological strata. Masses of experience, anecdote, incident, cross lights, quotations, historical instances, the whole flotsam and jetsam of two minds forced in and in upon the matter we have in hand from every point of the compass, and from every degree of mental elevation and abasement—these are the material with which talk is fortified, the food on which the talkers thrive." All these features characterised his conversation, but there were few or none of those bright flashes of wit or felicities of phrase which abound in most of his written work. He talked easily, quietly, simply, while he made and smoked innumerable cigarettes.

He seemed to be readily set upon the track of a possible romance. We had as one of our passengers a little man whose looks would certainly not be dangerous to any daughter of Eve. He said he was a doctor of medicine, and we will call him "Esculapios." He came with us from San Francisco, and fastened himself pretty well exclusively to a French Count who was travelling with us. Stevenson, when he joined us at Honolulu, soon came to know and like the Count, and to know and hate "Esculapios." He didn't believe he was a doctor, and was ready to credit anything about him as long as it was bad. "Esculapios" was voluble upon almost any subject except himself, and upon that topic he was practically a sealed book. Only the vaguest answers could be got to any questions regarding his future plans or his past history. Stevenson soon began to scent a mystery, and mentioned his suspicions to an Irish barrister we had on board. This gentleman undertook to solve all doubt, and at once threw himself in the way of our mysterious friend, whose secrets he first endeavoured to win from him by means of a kodak. He photographed him about a dozen times a day, whenever he could get a snap shot at him, but the camera told him nothing. A day or two passed, and one day the Irishman came to Stevenson with the alarming news that he had plucked out the heart of the mystery and discovered that this unattractive and apparently harmless "Esculapios" was none other than a genuine Russian spy—a spy who was under commission from the Czar, and whose duty it was to examine colonial harbours with a view to a Russian descent upon our shores. This was right into Stevenson's hands. The very thing he wanted. Here was the basis of a novel developing before his very eyes, while the discovery amply justified the suspicions he had already expressed, and the dislike he had so often displayed. Our Irish friend, however, could give no grounds for his conclusion, except his assurance that he was certain his suspicion was correct. We pressed him for reasons, but evidently, like Falstaff, he would give no reasons upon compulsion, although he indicated that he had them as plenty as blackberries. Stevenson at last got tired of these vague replies, and one evening while he and I were sitting smoking at the ship's bow he confessed that he was not satisfied with the story of the Russian spy, and urged me to see what I could make of the mystery. He impressed upon me, however, that he was certain there was a mystery, and what he wanted was my services to discover what kind of one it was. I agreed to see what I

could do, and next day I began my detective business. It required no skill to get at the root of the matter. Our mysterious friend was a medical doctor and a lecturer in one of the Scottish Universities. He was on his way to Australia to see if he could get an opening in his profession there. If he couldn't he was going to return to Scotland. About this project he was inclined to be reticent, and any suspicions he had aroused were merely the result of his desire to conceal what his mission really was, and from this desire arose the peculiar manner he at once assumed if you touched upon his future. Another circumstance, which no doubt influenced our Irish friend's mind, was the fact that "Esculapios" spoke with a slightly German accent although he claimed to be a Scotchman. It was this claim perhaps which first led Stevenson to suspect that he was on the track of a mystery. The novelist did not seem satisfied with the fruit of my enquiries—was disposed to think that I had been deceived—and begged me to make further investigation after I left Samoa, and report to him by letter. I never got any further information and there the mystery ended.

Stevenson had met Sir Robert Stout when the latter spent ten days in Samoa, and Sir Robert's name was mentioned in some of our conversations. "He's a thorough-going Radical," said Stevenson, "and I am a dry bone of a Tory. We had arguments when he visited me about the social and political reforms he advocated. Just fancy how admirably we must have agreed. On nearly all important political questions our views are fundamentally different. He was for manhood suffrage, I was and am dead against it. He argued well enough, but I think in one or two of our discussions I completely bested him, especially on this question of manhood suffrage. I got him to concede that exceptions to the general rule must be made. He gave me drunkards, convicts, wife-beaters, vagrants, and so many other undesirable classes that at last I jumped up and asked him where his rule was. He had given it away in exceptions," chuckled Stevenson, "and I was left easily victor." I have spoken to Sir Robert Stout regarding these discussions of his with Stevenson, and although he remembers them, he strangely enough cannot recall the victories the novelist claimed to have won.

When we reached Samoa a number of people came off to the steamer to welcome Mr. and Mrs. Stevenson, and I was struck with the warmth of the greetings. Lloyd Osborne was among these friends, and the two writers kissed each other affectionately, while some of the ladies decorated Stevenson with a necklace of flowers according to the Samoan custom. He said good-bye to us all and left the ship towards evening, and here ends my recollections of my voyage with Robert Louis Stevenson.

J. G. FINDLAY.

## On the Labour Question.

*A paper read before the Progressive Liberal Association, Christchurch, New Zealand, on December 12th, 1895.*

I SHOULD not presume to stand here before a company of workers, and, doubtless, also of thinkers, were I not myself a worker, and, besides, a thinker, or, if that sounds too grand, one who thinks. I take a general interest in politics, of course; I take a special interest in the unemployed, or surplus labour question, and in that fearful subject, pauperism. Now, before I begin on the subject proper, I must preface a little. We all know very well that idea is the first thing. Somebody once said: "The ideas of one generation are the laws of the next." This is a thought that, however familiar to us, we must always be re-realising. In this way it is a wonder, it is a true miracle, when we bring it home to our minds, what you and I are thinking, saying, feeling this evening may affect the well-being of our country in the next generation. Men must excuse us women if we make a point of what they have known and realised for so long, especially if we make much of this, the importance of thought, idea. To a large extent, thought has lain dormant in woman, and the very fact of their gaining the franchise has quickened thought to life, especially amongst the workers. I often think about that wonderful thing, my vote; I would that every woman thought about her vote as though it were a priceless treasure.

Now, I will tell you what I believe to be an idea of the very first importance; it is this, that New Zealand should take the lead when the labour problem is being discussed, and not follow the lead of older countries. In this lies one of our dangers: the allowing our young, and fair, and beautiful New Zealand to be disfigured by the wearing of the cast-clothing of the old countries of the world. By cast-clothing, I mean old, worn, or worn-out ideas. New Zealand may accept from old countries the jewels of good laws and precedents; these are acceptable and will shine with all the more lustre when worn by the youthful beauty; but let her garments, her ideas, be new. Let us cast away patching and patchers. Patching is a good thing if it is the only thing we can do to fill up a gap, and all honour to the patchers of the past—the politicians, the philanthropists,—even the crazy patch-workers have done wonderful work. We see behind us miles of lovely patchwork, embroidered with charitable relief and the amelioration of the condition of the working-class. We are bewildered with rich embroidery that covers the patches, and we say, "Could anything be more beautiful than charitable relief?" But stay, the human eye, with its perfect circle and its exquisite, but simply curving lid, turns with relief to form

well defined something that speaks for itself, and before which we stand speechless, for there is meaning in that homely common expression, struck dumb by her beauty, or its beauty.

Now, if I speak of the amelioration of the condition of the people, and of charitable relief, as patchwork and embroidery, what do I mean by the simple form that it so gratifies us to look at? Well, I say, that it is the working man or woman, in full work, on full pay, who lives in a comfortable home, has good sound clothes, and, moreover, has time to indulge in his or her hobby, be it reading, music, art in any form, gardening or so forth. This is the point we want to arrive at—people standing on their own feet, everybody. Now, what is the general and prevailing idea amongst large classes of people? Why, that because in old countries there are large masses of workers so poor that they can hardly keep body and soul together, as a necessary consequence it follows that we must expect a repetition of this state of things out here. The most difficult thing in the world is to get anyone to listen to you whilst you say, "No! Not for New Zealand is it necessary." People then say, "The poor (meaning the pauper) ye have always with you." That is the one stock argument. Now, if we must have an argument from texts, and we know that much harm is done by arguing from isolated texts, I have begun to say to people, He who was so great and spoke those words, also said, speaking of his own doings, "And greater things than these shall ye do." I see in this an evolutionary doctrine, thus, one day it will be greater to stand a man on his feet and make (I say deliberately, make) him work, than spoon-feed him with that for which he has not laboured. It is this want of faith that makes the question so difficult. Was it not once written, "They can, because they think they can." I do not mean by this that I think things will ever be made level; rather, in the future, the valleys and the mountains both will be beautiful, habitable, secure. The whole picture of social life, not without shadows, yet, may we not hope, without that utter blackness that rules and terrifies us now in some corners. We must begin by believing that in New Zealand the labour question can and ought to be conquered. There is but one solution of the labour problem, which is so affected by the unemployed and pauper problems; it is work, of course. I know those fellows hear the question "Who is to provide the work?" Well, I say, that as an initiatory proceeding, and not after the manner of becoming a permanent providence, the Government. Private charity and charitable aid have been amply proved to be utterly useless in the matter. We have only to glance at the old countries, instead of quoting their methods; the very thought of the state of things in them ought to sting us into action, to make us say, "We will stamp out this fell disease, which saps the life-blood of the community." It is a very strange thing, we English people are very proud and independent, and yet we are, taking us all round, very, so-called, charitable. A long course of bad training has actually warped our judgment to such an extent that we are perfectly befogged. I once read a little story of a poor Englishwoman; her father was compelled to end his days in the poor-house; his daughter could not prevent this; she worked in service many years, and at last one day she brought the savings of her life's work and gave it to the guardians in payment for her father's keep for all the time he lived there. They did not want to take it, but she would give it. Now, was not that a touching incident? It seems almost foolish at first sight, but if you look into it deeply you will find, as I have found, food for reflection. All the poor unfortunate people who are out of work, are fed and clothed somehow; I daresay everyone subscribes incidentally, or gives away a portion of his income, and, of course, we all pay our share of taxes, which go towards the charitable aid funds. Now, what is to prevent us, the workers of New Zealand, suggesting to the Government, through our representatives, that we want the unemployed question settled once for all, and the word "pauper" expunged from our vocabulary. Let us tell them that we wish to utterly discard all old-world ideas on this subject, and start brand new ideas, quite our own. Let us ask that all the surplus labour be classified; let everyone be ready to give an account of himself as to the way in which he gets, or wishes to get his living. Compulsory work we ought to have. Supposing people won't work, then there are methods. I do not myself believe there are twenty men in Christchurch who would deliberately say, even in their inmost hearts, "I do not mean to work, if I can get out of it."

Now arises a terrible and inevitable question—the question of money. I doubt if we want any extra money in the way of taxes; I believe that all we want is conversion. You will say that this is a very old doctrine for one who professes to want everything on a new principle. Well, I hasten to say that I mean conversion in our brilliant Treasurer's sense, selling out and reinvesting on better terms. I mean this: All the money that is now spent on charitable relief and all other charitable funds, where it is possible to do so, should be turned into one large industrial fund, and the whole thing taken systematically in hand. Should not our Mayors, Councillors and local governing bodies make themselves useful by each over-hauling their own city. Just as a woman, when she has a spring cleaning, turns out everything and puts all in order, at anyrate, for a time; she knows her work is not final; she still has her daily routine of work to go through, but she likes to feel that everything has been done very thoroughly now and again. By the way, I think women are wanted very badly on all Boards, and to take part in proceedings; we may be a little new-broomy, but never mind, I think it is very pleasant sweeping up with a new broom; it goes into the corners in such fine style. But supposing that for a time, say for three or four years, we had to bear some small extra tax to meet the demand for compulsory work, would we say nay? That is the question for all of us to consider. Would the ultimate advantage, the extinction of surplus labour, and the

extinction of pauperism, be of sufficient inducement to make us willing to give a little extra ? I say, very emphatically, for a short time, because we know very well that if everyone was in work a great revival in trade must take place. In olden times men shed their blood without stint for love of country, in defence of home; are we so degenerate that we will not shed some trifle, even though it be hard-earned, to help towards the settlement of this vexed question in New Zealand ? Besides, can our Government refuse us ? Surely we can bring matters home to them somewhat on these lines: You have freely spent the country's millions in settling Bank affairs, those which certainly concern us all, but very certainly the wealthiest classes most; we do not reproach you; you have doubtless done all for the best, according to the light, or want of light, that is in you. There has been a wonderful concentration on banking affairs, a promptitude and despatch which carries us along breathless, and we hope will land us safely somewhere some day. Now, let us imagine our selves saying to our Premier, "Turn your attention to something we all want very much; we want you to give the labour problem your consideration with a view to settlement; settlement observe, and if an odd million, say, is wanted, well, we all believe enough in the Treasurer to think we shall get it." I was speaking to a hard-working man one day, and asking him what he thought about going on the land, he said : "Everybody is not suited for going on the land; we want industries as well." And this brings me to a point that I know is being considered; it is, that not only should every child be prepared for the battle of life by receiving: a good education, but after that foundation has been laid, he should go on to receive a technical education. I had the advantage of hearing Mr. Elliott's fine lecture on technical education; it was one of the best I ever heard; he showed us what is to be gained by fine and thorough workmanship in all departments, and also how a country's progress is spurred on by giving an impetus to design and invention by encouragement; he brought out so well the fact that it is not possible that young New Zealanders have no original gifts. We have all heard how the young New Zealand men take by storm the top places in examinations; surely it would be a pity if every talented youth was lost to New Zealand because there is no opening for him. There is another anxious point, I know, to be taken into account. Workers will say, if all are in work, work will run short. I think this will be met by the fact of co-operative work, a more equal distribution of the profits of labour, shorter hours of work without any reduction of pay; that is how I would translate the word "machinery." After all, what do short hours mean ? They mean life, living, instead of a living death; for, although I am the warmest advocate of work, I am the most sincere foe to over-work. Life is not life, if, over and above our daily task, we have neither brain nor bodily power to enjoy our hobby. Truly, in this hobby you have the elegant and suitable embroidery for the severe robe of life. The strength and the ability to delight in something; although many of us can find interest in our work, we are aware that in purely mechanical work this is not so, and common sense tells us that short hours is the remedy. A man or woman, then, would have time to counteract the dulling effects of monotonous toil. 'Tis a sad sight to see people too poor, too hard-worked to care about anything. Those of us who live, even in a very small and humble way, the intellectual life, grieve to think of the toiler, who is only a toiler, or who, for pleasure and recreation, is only capable of enjoying that which degrades him. I often think that the solution of the labour problem would tend to the solution of so many other problems. In a community where all were happy workers, no paupers, and not even the ghost of a millionaire, we should expend less on prisons and lunatic asylums. We know this very well, for it is misery that drives the poor to drink, just as it is *ennui* that drives the rich. What we want is a Labour Minister who has the cause at heart. We want one who will stir and worry, and let no one have any rest until the labour question is settled. We want men who will stand by it at all risks for solution; not for patching, that has been proved a dead failure; not for amelioration. We want to get rid of these old ideas and expressions. England has acknowledged, by the failure of a great effort in the way of a commission of enquiry into the labour problem, her inability to cope with the question; on this point we ought to part company with England. Whilst New Zealand is comparatively thinly peopled is the time for settling the question on a deliberate principle. What we want at the next general election is to get two or three or more strong men who will take up the cause of the settlement of the labour question; men who have the martyr spirit; who will be ready to forego being popular in the House; who will be prepared to fight against those who say to poor met, "Go, make your bricks and gather straw, and yet the tale of bricks shall not be diminished that ye shall deliver." Questions do arise out of this labour question, fearful questions, for we know full well that the extreme of poverty, as well as the extreme of riches, is a very great temptation, Happy workers will be sober men; happy workers will learn to take care of their children. Do not, I beg of you, think that I am a utopian dreamer. I am only suggesting that we gather ourselves together on a principle.

Industrial fund to take the place of charitable aid.

The institution of a system of compulsory work.

Realisation of the power of the vote.

The importance of securing men to carry our points.

'Tis difficult this question ! Yes! But I once heard it remarked: "When a thing is said to be impossible, that is the time to set about doing it."

LOUISA BLAKE.

Christchurch,

December 12th, 1895.

## Two Roundels.

I needs must weep, for I have loved thee well,  
And am as one awaked from happy sleep,  
To hear the tolling of the passing bell;  
I needs must weep !  
*Thou art not worthy !* How the sad words creep  
Heavy with meaning ! At that potent spell  
Hope flies, and Faith; and Love, who used to leap  
Heart-high with gladness, walks this stony dell  
Mourning his fellows, and his sighs are deep.  
Is he alone for ever ? Who can tell ?  
I needs must weep!

I sing for joy; although we part to-day,  
Yet nothing can my happiness destroy,  
No force can take my steadfast peace away;  
I sing for joy!  
For thou art true and holy; no alloy  
Of baseness may my settled trust betray.  
I know the ends that all thy powers employ;  
Thy hopes are mine, thy faith my constant stay.  
Can foolish fears have place, or cares annoy?  
Ah no! above the tumult and the fray  
I sing for joy!

M. E. R.

## The Church and Citizenship.

THE question of the true relation of the Church to citizenship is one that is occupying the attention of the best and wisest of the time. To discover what that relation is, is the purport of this paper. For clearness of discussion I have to start with the question, What is the Church ? What ideas does it represent ? What principles does it embody ? To answer that question we must raise another, What truths or principles or ideals does Christ represent to us? For we shall agree that Christ is the measure of the Church. He is the standard by which the Church should be estimated. It is recognised that the Church is the body of Christ—possessed of His mind, governed and controlled by His will. But it is recognised too that the Christ varies with the growth and development of the mind and character of the Church that represents Him. So the answer to the question, What think ye of Christ ? will be at the same time a true definition of the Church. Now, let us seek to get face to face with the Christ of the Gospels. What to us is the basis on which He built His life and His work ? How did He conceive this universe ? What to Him was the fundamental principle that bound the infinite number of elements that constitute the world in one whole ? These questions are necessary, because we want our world to be as simple as possible, while at the same time we cannot afford one fact to escape us. We want to combine the two ideas of simplicity of conception with the fullness of reality. I find that Jesus Christ established the whole of

His life and teaching upon certain facts of man's consciousness, certain primal realities which have ever been active in the life and history of our race. Man has ever distinguished himself from the great world in which he lives, and the history of his growth and development may be conceived as the history of his effort to harmonise himself with all the facts of his world. In other words—to discover the unity which binds him as subject to the world as object. In the days of Christ, as to a very great extent in our own times, that unity was lost. This accounts for the fact that the reality of the world and man had become so misty as to render the condition of society hopeless. The Jews, by a process of analysis, which they termed "hedging in the law," had buried the spiritual in the legal—religion and morality in a system of ceremonies that failed to touch the deepest springs of life. The Stoic by the same process had created for himself a kingdom of humanity with an abstraction for its king, and so had lost at every step what he thought he had found. Now, Jesus Christ reversed the process. Instead of analysis he employed synthesis. Instead of emptying the world of its meaning by the process of excluding all differences, he grasped in one conception all these differences and brought them under one supreme principle. Instead of turning away from the living, throbbing life of the present, with its suffering and agony, with its flippancy and cynicism, with its effort and aspiration, and such good in the golden age of the past idealised by the imagination into a golden age of the future, He peered beneath the surface of the present and found good in its very agony and despair. Hence His sane optimism, hence, too, the sunniness of His world. This old world grew, under his eyes, radiant as if clothed in the light of eternity, glorious and wonderful as the very garment of God. The fowls of the air, the lilies of the field revealed a providence that implied the blended unity of wisdom and love. Even the life history of a grain of corn contained the key to the philosophy of the universe. And yet, mark you, there were but dim anticipations of the glory, the perfection, that burst into reality in self-consciousness. In the reason that thinks, in the heart that loves, in the will that chooses and rejects, the very essence of Godhead stands revealed. Nature is but the vestibule leading to the temple and innermost shrine of the Eternal. Jesus Christ therefore removed the last link that bound God to a people or a place, and proclaimed Him the Living God and the God of the Living. Here is a thought that grips the generations of the past and holds them together as moments of His own life. Here is a principle that comprehends the multitudinous lives of the present and binds them together into one organic whole. His home henceforth, then, is not the temple on Mount Gerizim or the more august temple on Mount Zion. Not the Pantheon at Rome, or the many shrines that lined the sacred rivers of Asia, but the living heart of man made pure by lofty ideals, the living mind made reverent and receptive by the contemplation and embodiment of eternal verities, the living will made strong and heroic by strenuous effort to achieve righteousness and realise virtue. Now so to think and conceive the Father is to lift man out of his littleness and finitude and make him an object of infinite value. For, mark you, this is not a speculation as to the rationality of the world; it is not primarily a philosophic system; it is the discovery of Jesus Christ as he lived and moved in this world with his eyes fully open to the evils of his generation. It is not the effusion of a great poetic genius in his moments of clearest vision, it is the inevitable conclusion drawn from the stern realities of life, and conclusion stands verified in the experience of the highest and holiest of all eyes since His day. It is a conclusion that was first verified in life, and can be verified only as men abandon themselves to its power and inspiration. This is the basis and inspiration of the personal life of Christ; this therefore is the cardinal truth of the Kingdom of God. Now, the Church is the Kingdom rendered visible and operative in the world. It is the eternal life of God through Christ unfolding its meaning and purpose in human society. God through man achieving righteousness, man through God realising liberty and manhood. In other words, the Church is constituted of individuals in whom the consciousness of fatherhood has blossomed into brotherhood. This fact needs to be emphasised. Every individual unit in the Church is a member of an organism; he has life and therefore meaning only as a member. Separate him from the Church and he ceases to exist as a member; he becomes barren and dead. Organic relation to God in Christ is the fundamental fact of Church membership. But organic relation to God implies organic relation to man. I say to man in the fullness of his nature, in all the comprehensiveness of his interests. Through man we realise God. Through man God blesses and inspires men. The Church, then, is the light of the world, the salt of the earth. As the body of Christ, the representative of His grace and truth, it stands as the conscience of the world, condemning its evil, guiding it to the good. Such, then, in idea is the Church. What then is the State? The ancient city, the germ of the modern state, was the organised relation of freemen, wherein the conditions necessary to conceive and realise manhood were secured to its citizens. What it emphasised was not the visible and tangible, but the spiritual and ideal. Its constitution and laws were but visible expressions and manifestations of a common life, a common spirit and a common purpose. The State, then, may be conceived as the corporate unity of individuals bound together by the conception of a common good. Here we are plunged at once into the thick of moral and spiritual relations, since all human relations, in so far as they are raised into the sphere of reason, are infused with the nature and character of reason. We cannot affirm this too strongly. Man is a unit. Everything therefore that concerns him must be brought within the circle of his personal life, and transformed by that very act from being just raw material into a constituent element of his own life. As every nerve and fibre runs up to his brain



and is there related to every other nerve and fibre in the one sensorium, so every thought, every feeling, every motive, every volition becomes co-ordinated with every other thought and motive in the consciousness of one self. Therefore every relation in which man may stand to his fellows and to the world is infused with the element of morality. This reference to a moral element in political relations finds expression and embodiment in the idea of right. But these rights would ever have remained a bare possibility, had they not been evoked and infused with life through the mutual relations of men in the State. Our modern conception of the State was first emphasised by Hegel. From the purely imaginary basis of contract, he established on the basis of self-consciousness and reason. True, Rousseau drew attention to the sovereignty of the people when he laid down the principle that all ultimate authority is resident in the common reason which is, or can be, realised in each individual as a thinking being, in the common will, which man can execute and which he is bound to execute apart from any social constraint, or organised social relations. The problem he sought to solve, and which he handed down to posterity, was "to find a form of association which shall protect with the whole common force the person and property of each associate, and in virtue of which every individual, while uniting himself to all, shall only obey himself and be as free as he was before." Hegel discovered that form in the State conceived as an organism. He maintained that man is essentially social; that social relation is essential to the individual in such a way that apart from it he has no meaning, he has no personality in the sense in which personality is the basis of right. Society is the organ of the *general will*, to which the individual in his particular will is subordinated, and it is only through society that the individual has a general will developed in him. The obedience of the lower to the higher nature of man is at the same time necessarily his submission to a social law in which that higher nature is in the first instance embodied. This marks the transition from the individualism of the past to the socialism of the present; from the reign of external necessity to that of a common life—a change which has revolutionised our whole outlook, and is still big with results, the magnitude of which is beyond our comprehension. We view the world with eyes other than our fathers had. We can see now more clearly than ever the meaning of the struggle and endeavour through which they achieved liberty of thought, of speech and expression; we can understand the significance of the ideal which animated their minds, inspired their hearts, gave strength to their will to dare and achieve victory. They were endeavouring to free themselves from the dominion of external forms and symbols of authority, but in the act of doing so they were discovering the true principles of human life, unity, mutual dependence, community of life and of purpose. Through the fires of common suffering they were fusing the bonds of nationality and preparing the conditions necessary to the formation of a universal brotherhood. In all their acts there was a higher and fuller purpose being realised. They were held in the hands of a mightier force, urged on by the power of a sublimer end than was present to their minds. Tennyson has well said that

*"Life is not an idle ore,  
But iron dug from central gloom,  
And heated hot with burning fears,  
And dipt in baths of hissing tears,  
And battered with the shocks of doom  
To shape and use."*

Through the institutions thus fashioned, which are after all but the embodiment and articulation of ideals, the power not ourselves was moulding men with a view to their ultimate perfection as members of one society. Morality and political subjection have thus a common basis. Both find their meaning and justification in the nature of man as possessing reason and will; both have one and the same purpose, the perfection of man. This moral destiny of the State is a truth which has not received the attention it deserves at our hands, and the reason for this is not far to seek. We have been accustomed to view it from its outer side. We have thought of it as a pure machine for the purpose of preserving a kind of rough standard of justice to regulate the conduct of its individual members. Then we take into consideration the personal history and character of the men through which its powers are expressed, its laws framed and administered. Men with whom we could not think of associating as friends and companions, and so we say if such be the State, then the further I can remove myself from its control the better. I recognise its external sanction not as the expression of a beneficent force that makes for righteousness, but a necessary evil which must be endured. But notwithstanding the imperfection and corruption and selfishness of the agents of State life, we still assert the ethical basis and character of the State. We still affirm its ideal end and moral function. No modern State has realised the ideal, no modern State fulfils the functions which it ought to fulfil. In the same way it may be said that no individual, however high and pure and unselfish his character, has achieved his ideal, has realised his ultimate good; but that is no argument against the existence and operation of a moral principle within him. Nay, his very imperfection and the feelings

of failure which it occasions, indicate the presence of a force which he cannot and would not expel. So the consciousness of the imperfection of the State as a means to the development of the moral life proves that there is an ideal state operative in the mind, constituting the standard by which the actual is measured and judged. It is by cultivating this ideal, by seeking a high conception of the nature and destiny of the State, that loyal subjects are created and moulded. As they think of it in its moral character will they grow to love and revere it, and thus devote to its service the ripest powers of their minds, the holiest ardour of their hearts. It has been reserved for the democracy to scale those heights of devotion and patriotism; for the realisation of the true idea of the State is impossible save to those who have a direct voice in the framing of the laws by which they are governed. To such only can the "without" and the "within" be harmonised; can legislation express and articulate the law of conscience and reason. We have not achieved true Democracy as yet. We are a democracy only in name. Democracy is not triennial Parliaments, universal suffrage, and what not. All this is but machinery necessary to the exercise of the powers, the application of the principles which constitute its essence and life. What Mazzini so passionately said of one's country is profoundly true and will remain true to all time: "The true country is a community of free men and equals, bound together in fraternal concord to labour towards a common aim. Where the activity of a portion of the powers and faculties of the individual is either cancelled or dormant, where there is not a common principle recognised, accepted and developed by all, there is no true nation, no people; but only a fortuitous agglomeration of men whom circumstances have called together, and whom circumstances may again divide. Be your country your temple, God at the summit, a people of equals at the base. Accept no other formula, no other moral law, if you would not dishonour alike your country and yourselves. Let all secondary laws be but the gradual regulation of your existence by the progressive application of this supreme law. And in order that they may be such, it is necessary that *all* of you should aid in framing them. Laws framed only by a single fraction can never, in the very nature of things, be other than the mere expression of the thought, desires and aspirations of that fraction; the representation not of the country, but of a clan or zone of the country. The laws should be expressions of the universal aspiration and promote the universal good. They should be the pulsation of the heart of the nation. The entire nation should either directly or indirectly legislate. The true country is the idea to which it gives birth. It is the thought of love, the sense of communion which invites in one all the sons of that country."

The State then is the organised social relations of men with a view of realising the moral ideal. Put these two side by side. The Church the embodiment and articulation of religion as unfolded and realised in the person of Christ. The State the sphere wherein the conditions necessary to the realisation of morality are secured to all.

The true ideal relation of the Church to the State is the relation that exists between religion and morality. In the one the cardinal idea is God, in the other it is law. In the one life is moulded and directed by love, in the other by external restraints. The one is the sphere of freedom, the other is the sphere of authority. The function of the Church is to transform the lower by means of its loyalty to God through man into the higher, to make the law of the State the expression and articulation of the spirit and principle of religion.

W. A. EVANS.

Say not the struggle nought availeth,  
The labour and the wounds are vain,  
The enemy faints not, nor faileth,  
And as things have been they remain.

If hopes were dupes, fears may be liars;  
It may be, in you smoke concealed,  
Your comrades chase e'en now the fliers,  
And, but for you, possess the field.

For while the tired waves, vainly breaking,  
Seem here no painful inch to gain,  
Far back, through creeks and inlets making,  
Comes silent, flooding in the main.

And not by eastern windows only,  
When daylight comes, comes in the light;  
In front, the sun climbs slow, how slowly!  
But westward, look, the land is bright.

ARTHUR HUGH CLOUGH.

Labour is the life of life. Ease is the way to disease. The highest life of an organ lies in the fullest discharge of its functions.

—SIR ANDREW CLARK.

## Christianity and the Liquor Traffic.

*(An Address delivered to the Forward Movement, Wellington, on Sunday, November 7th, 1895).*

*The spoil of the poor is in your houses. What mean ye that ye beat my people to pieces, and grind the faces of the poor? saith the Lord God of Hosts.—Isaiah iii., 14, 15.*

THE ravages of strong drink are, in one sense, a very familiar subject; but in another they are to most of us a sealed book. There are certain great truths of which Coleridge speaks as "lying bedridden in the dormitories of the soul"—truths, that is, too obvious to be disputed, but grown powerless from neglect and want of exercise, and commanding on occasion a vague and abstract recognition instead of a constant and practical homage. Upon the aspect of the drink problem which even for the most thoughtless has almost the air of an axiomatic truth—I mean its magnitude and urgency—I shall have very little to say to-night and nothing that is new, and what I shall say will be entirely directed towards a more disregarded aspect of the question, namely, the responsibility of the individual Christian in the matter of this gigantic evil, and especially in relation to those who are less able to protect themselves than he is. My endeavour will be to galvanize into activity this belief in the enormity of the evil which in some souls is but a bedridden truth, and to convert it into a vital power for the guidance of conduct. I shall speak from the Christian standpoint, and as the subject is important and I do not wish to be misunderstood, I shall speak as plainly as possible.

## Crime, Pauperism, Death.

A very brief summary of the kind of evidence obtainable must suffice for a reminder of the mischiefs wrought by strong drink. In England, Scotland, Ireland, America and in these colonies, judges have agreed in branding it from the bench as the most prolific source of crime, their estimates of the proportion to be ascribed to it varying from the 90 per cent. of Lord Coleridge, the late Chief Justice of England, and scores of others, to the two-thirds which is our own Chief Justice's estimate for this Colony. Inside the prisons this testimony has been confirmed by jailers and prison chaplains: "80 per cent. of the men who have passed through my hands would not have come there but for the drink," was the opinion recently expressed by the keeper of the Wellington Gaol. A similar tale is told by philanthropists and city missionaries of the wrecks and outcasts among whom they have worked. "Nine-tenths of our poverty, squalor, vice and crime spring from this poisonous tap-root," says General Booth. 99 per cent. was Dr. Guthrie's calculation of the proportion of destitute children who owed their destitution to drink; and Dr. Barnardo, who at first thought the statement a gross exaggeration, arrived at a minimum of 90 per cent., and became a total abstainer in consequence. In New Zealand a Benevolent Trustee of large experience in this City, and the head of a Charitable Institution in Christchurch, have both debited liquor with 90 per cent. of the cases that have come before them. This proportion gives us 1400 as the number of "neglected and criminal" children in our industrial schools at the end of 1893 through the drinking habits of their parents, and 150 as the number added by that cause in 1894. To anyone with a sense for the value of home life and the sacredness of childhood—in other words, for the worth of a human soul and its infinite aptitudes for good or for evil which are involuntarily shaped by early impressions and associations—statistics of this class tell a more tragic tale than any form of adult suffering. As to the death rate, the highest authority on inebriety in England, Dr. Norman Kerr, who took up the matter some years ago with the avowed object of upsetting the extravagant estimate which ascribed 60,000 deaths in the United Kingdom annually to this cause, came to the conclusion that 120,000—about four times the entire population of Wellington—was nearer the truth. Another high authority places the number as high as 200,000. In our own little Colony the number has been estimated at 1000. The data are somewhat uncertain, and I have not been able to check the calculation, but it does not appear to me excessive, and is less than half the English

rate.

The estimate is a good deal more favourable to us than the comparative statistics of drunkenness would seem to justify. The average of the arrests for drunkenness in England and Wales for the years 1889-1898 was 178,846, or 6 per 1000 of the population; in New Zealand for the same period the rate was over 7 per thousand; but it would be absurd to suppose that drunkenness is more rife here than in the Mother Country. Many causes could be suggested for the discrepancy in the figures; among which I should certainly not be inclined to place the greater vigilance of our police. The number of arrests for drunkenness in New Zealand last year was 4594, in 1898 it was 5251—an average of about 94 per week.

Consider it for a moment—1000 deaths from drink every year in this sparsely populated country, 20 every week; 20 have gone since our last Sunday service; 20 more will go before the church bells ring again, or shall I say before the wine goes round again at the Christian's Sunday dinner ?

## Labour's Worst Enemy.

On the economic aspect of the question a very few words must suffice. We spend, after deducting what goes to revenue, about £1,500,000 annually on drink; and probably another £1,000,000 to remedy the effects of this expenditure already described. For a country financially embarrassed the expenditure is doubly shocking. Putting moral considerations altogether aside, the traffic in strong drink is, economically speaking, the most wasteful of all industries, and the most damaging to the poorer classes. Of £1 spent on clothes, the workmen employed get 16s.; if spent on shoes, they get 14s.; if spent on liquor, they get 6d. In addition to this the industry turns to waste grain that might otherwise have gone to fill the mouths of the hungry; £130,000 worth of grain was wasted in New Zealand last year in this way on brewing alone—our whisky we fortunately do not manufacture. Father Mathew realised the truth in Ireland in famine time, and hence he said: "The man or woman who drinks, drinks the food of the starving. Is not that man or woman a monster who drinks the food of the starving?" Professor Mayor, the distinguished Cambridge classic, realised it too, and turned teetotaler for no other reason.

Kharaa, the great Chief of the Bamangwato, whom there is no objection to our calling a "savage" as long as it does not blind us to the fact that in all the Christian essentials of statesmanship he is immeasurably above the great majority of the rulers and voters of civilised Christendom, expresses the double waste involved very forcibly:—"You take the corn that God has given us in answer to prayer and destroy it. Yen not .only destroy it, but you make stuff with it that causes mischief among you."—See *Review of Reviews*, November, 1895, p. 499.

The traffic is thus a triple curse to the poor:—It puts temptations in their way which they are less able to resist than those in more comfortable surroundings; it absorbs capital which would otherwise give them twenty times as much in wages; it absorbs material which would otherwise give them food.

## Some Expert Opinions.

To this bald summary let me add the statement of a distinguished physician (Sir William Gull) that "alcohol is the most destructive agent that we are aware of in this country" (*i.e.* England); and that of a distinguished Irish Judge (Baron Dowse) that " the quantity of alcohol consumed in a district is the measure of its degradation;" and these three opinions of high authorities as to the estimated or observed effects of its removal:—

- General Booth : "Many of our social evils, which overshadow the land like so many upas trees, would dwindle away and die if they were not constantly watered with strong drink."
- Mr. Joseph Chamberlain: "If I could destroy the desire for strong drink in the people of England, what changes should we see ? We should see our taxes removed by millions sterling ! We should see our gaols and workhouses empty! We should see more lives saved in twelve months than are consumed in a century of bitter and savage war."
- And of a fairly successful attempt to exterminate the enemy, the Chief Justice of Kansas says: "Prohibition drove out the robber and despoiler of the poor. . . . The State will most certainly maintain that law which, whatever it may be to the rich, is the salvation of the poor."

## Who is Responsible ?

Such then being the evil, the question arises—What is the cause ? The answer is the strength of alcoholic temptation and the weakness of human nature; and the superficial observer is, therefore, apt to place the responsibility on the drink-seller who holds out the temptation, and the drunkard who succumbs. But this is like blaming the flame and the fuel for the fire. What we want to know is, who set the fire alight ? and who keeps it burning ? In other words, who permits and encourages the drink-seller to perform the function of tempter ? The

State does this by giving the drinkseller leave to sell; but it does not do this for his own sake. For whose, then ? Not for the drunkard's, for the State disapproves of drunkards; not for the teetotaller's, for the teetotaller disapproves of drink; but for the sake of the moderate drinker, whose reasonable requirements the State desires to satisfy. It is on account of the moderate drinker that the liquor traffic is tolerated and licensed. And if there were no moderate drinkers? Then there would be no liquor traffic. And if there were no liquor traffic? Then that terrible catalogue of evils which I have merely glanced at would be swept away, that utopian prophecy of Mr. Cham berlain's would be realised, and more would have been achieved for human happiness and virtue than by the combined labours of statesmen and philanthropists for the last 100 years. If, then, we ask again—Who is ultimately responsible for the greatest scourge of modern civilization, who is responsible for the ruthless waste of human life and character, for the impoverishment and degradation of the poor, for the sorrows of the fatherless and the widow, the shivering and the starving ? Our answer can only be (unpleasant as it may be to say it):—Stand forth, O moderate drinker, for thou art the man !

## The Moderate Drinker's Pleas.

Beyond all question this is a terrible charge to bring against a class of men and women in a Christian community who are, for the most part, quiet, respectable and well-meaning; and it will be proper to examine their position and their defence somewhat narrowly. What is their justification for an indulgence which is purchased at the price of such cruel suffering to thousands of their fellows? Their pleas are mainly four:—1st, That science requires the use of alcohol; 2nd, That scripture justifies it; 3rd, That they like it; 4th, That if others acted as reasonably as the moderate drinker there would be no trouble, and if they don't, the fault is their own. The first two, I fear, are merely pretexts to cover the shameless nakedness of the other two; and No. 3 is really the key of the position. But let us examine each in turn.

That science, and even medical science, may require the aid of alcohol is no excuse for its habitual use, or for its promiscuous sale as a beverage. There are many dangerous explosives and deadly poisons of the highest service to science, but their sale is hedged in with the strictest precautions, lest the blessing should prove a curse by indiscriminate use. Let alcohol as "the most destructive agent of which we are aware "be guarded in the same way, and, when required in medicine, administered on a medical prescription. Such an employment of it, so far from being interfered with, will be rendered more efficacious, by its discontinuance as a beverage.

## Timothy's Stomach.

Coming to the scriptural argument, we note that at the best the moderate drinker may find here a pretext for his indulgence; he cannot profess to find it enjoined as a duty. St. Paul's recommendation to Timothy is his great stand-by :—"Drink no longer water, but use a little wine for thy stomach's sake and thine often infirmities." It has been acutely pointed out that this can be no more binding upon us than St. Paul's direction to the same correspondent to fetch his cloak from Troas (2 Tim. IV., 13)—a task which I have not yet heard of the most conscientious drinker endeavouring to carry out. It is also worth observing that just three verses ahead of the words we are considering is one of those texts which less than forty years ago were being used to thwart the crusade for the freedom of the American slave. We recognise now that in so doing the worshippers of the letter were pressing the word of God into the service of the devil. Let the same class of worshippers beware lest they are rendering the devil a similar service now. They admit that the apostolic precepts with regard to slavery do not justify the institution in the changed conditions of our time; they are satisfied that if they had lived in the Southern States a generation ago they would not have sided with the slave-holders, or been "partakers in the blood of the prophets;" but they forget that it is always easy to wax heroic over the abuses of the past, and that it is only in defence of the abuses of the present that it is ever worth while to wrest the word of God. Vested interests, greed for gain, want of imagination, subservience to custom, prejudice, laziness, selfishness, indifference, and a deference to the letter of scripture, some times interested and hypocritical, sometimes sincere but narrow—these formed the alliance for the maintenance of American slavery. The crusaders in every land for the abolition of the more poisonous tyranny of the liquor traffic find precisely the same forces arrayed against them.

If, dismissing these considerations, we come to close quarters with the text, we at once perceive that the quality and strength of the wine prescribed for Timothy and the precise nature of his infirmities are not on record. But his complaint seems to have a very wide vogue among conscientious students of the scriptures whose health would otherwise appear to be sufficiently robust. And too often they seek to carry out the prescription by the consumption of liquors of a strength undreamed of in St. Paul's day, and with a disregard to the two elements in it which have an approach to definiteness—"a *little* wine for thy *stomach's* sake." The quantity is to be small, and sickness the occasion; "for thy stomach's sake" and not for thy palate's. If the

prescription had been preserved for us. I should still have declined to accept St. Paul's authority in these days on a point of medical science; but the whole matter is fortunately left by him in so vague a position that the question of his medical inspiration does not arise,

To so vague a prescription the most orthodox must agree that Erasmus's criticism of the book of Revelation exactly applies:—"Moreover, even were it a blessed thing to believe what is contained in it, no man knows what that is."

and we can only hand over the Timothys of our own age to the doctors to deal with. Much as we sympathise, we cannot treat their sad infirmities as an excuse for a general indulgence, or for putting stumbling-blocks before the people in violation of the whole spirit of St. Paul's teaching. And if our doctors, instead of pandering to their patients' tastes, will only take the trouble to make their alcoholic prescriptions as unpalatable as their other doses, I have little fear that the cult of Timothy will long maintain such proportions as to constitute a serious trouble to the profession or a serious danger to the State.

## The Cana Miracle.

But in the Cana miracle it is claimed that we have the direct authority of Christ for the indulgence in strong drink. It is right for me to say that I do not make a fetish of the Bible, that the miracles are to me a wholly non-essential part of it, and that, as my reason compels me to reject them all, I have no especial difficulty here. Upon the general question I will merely make this passing observation, that the insistence upon miracles\* by so many Christian teachers as being of the essence of the faith appears to me responsible for more of the scepticism of the day than all that the so-called "freethinkers" could by their own efforts have achieved. But I wish reverently to consider the supposed moral of this story of the wedding-feast from the point of view of those who prize it, if that be possible, as highly as the Sermon on the Mount. Christ, we are told, turned water into wine; therefore, we are justified in drinking wine to day. The inference is absurd. If there be any orthodox believer who has maintained that the manufacture or consumption of alcohol, in any strength or in any quantity, at any place or at any time, for any purpose or under any conditions, is in itself a wrong, to such a man this miracle is a conclusive answer. But so ridiculous a creature I have never yet met or seen, nor ever heard of except in the vain imaginings of hostile critics. Neither of alcohol nor of anything else could such a sweeping proposition be rationally maintained.

"People imagine that the place which the Bible holds in the world, it owes to miracles. It owes it simply to the fact that it came out of a profounder depth of thought than any other book."—EMERSON, quoted by REV. HEBER NEWTON, *Right and Wrong Uses of the Bible*, p. 54.

It is all a matter of time, place, and circumstance. More particularly we may answer:—(1) If there was a power present to convert water into wine, there was also a power present to prevent consumption running to excess, even though renewed at the end of a feast. Even in these days we should raise no objection to alcoholic temptations if there were an omnipotent power at hand to ward off their evil effects. For the faithful, with the Master at hand, the sea of Galilee was as safe a place to walk on as the streets of Capernaum, but if in these days and without that help we have to travel over lake or ocean, we prefer a steamer's deck. Yet Peter's example might as well be quoted to us in the one case as the precedent of Cana in the other.

The substance of this argument I owe to Dr. Dawson Burns. Its weakness is that nothing was said or done at the feast to limit the application of the miracle in the manner suggested, and that in the absence of any such caution it would naturally be taken as sanctioning the general use of wine.

(2) But the safe and solid answer is this:—Alcohol is admittedly the deadliest scourge of civilization to-day. Was it so in Christ's day? Then the Good Shepherd made peace with the most ravenous enemy of his flock. Was it not so in Christ's day? Then his attitude affords no argument for us. The former supposition is both blasphemous and historically false; the latter is the truth, and the inference satisfies both conscience and common sense, viz., that we are not discharged from our warfare against the greatest destroyer of our race because its Saviour did not sound the war-note while the enemy still slept.

I have thought it best to place no reliance on the two-wine theory. I must leave to Hebraists the discussion of the difference between *tirosh* and *yayin*, but so far as the New Testament is concerned there is only the single Greek word *oinos* used for all kinds of wine, whatever they may have been. If St. John recognised the vital distinction between fermented and unfermented wine which is drawn by the modern teetotaller, is it possible he would have left us in doubt as to whether the miraculous wine was fermented or not? Since my address was delivered I find in the *Expositor*, 4th Series, Vol. 5, p. 356, the following able statement by Dean Chadwick of what I conceive to be the true position with regard to Christ's example:—"The anxious moralist would be much more successful if he were content to observe that circumstances are now entirely altered; that the invention of distilled liquors has revolutionised both the nature of the evil and the stringency of the remedies demanded; that Jesus is never recorded to have needed to rebuke a drunkard; that in the Old Testament wine is mentioned

sometimes kindly, sometimes bitterly, according to contemporary social usages; and that our Lord enjoined all that reasonable abstainers need for their justification when He ordered that what offended, even if it were dear and useful as a member of the body, should be cut off and cast away."

## The Spirit of the Gospel.

But what is this I say? Did Christ not sound the war-note? Let us turn from the anise and cummin of these doubtful disputations to the weightier matters of the scripture, and see what its teaching really is. The Gospel is not a code; the New Testament is not a Koran; Jesus is not a Mohammed. The Gospel does not prescribe for us what we are to touch, taste and handle, nor what we are to leave alone; looking beyond the letter of formal observances, it prescribes the spirit in which all things are to be done—"whether therefore ye eat or drink, or whatsoever ye do, do all to the glory of God." Never did Christ assume a tone of more terrible severity than when denouncing the formalism and pedantry of the Pharisees with their rigid attention to the letter, and their neglect of the spirit; and it was in replying to them that he laid down for all time the ideal of true religion :—"Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself." Well would it have been for the Christian Church and for the world if this simple creed had not been encumbered with a load of extraneous dogmas to be wrangled over too often with a sectarian bitterness and a quibbling refinement in which the Pharisees themselves were not seldom out-phariseed.

So many gods, so many creeds,  
So many paths that wind and wind,  
When just the art of being kind  
Is all the sad world needs.

Doctrine has been defined as "the skin of truth set up and stuffed," but the definition is a good deal too complimentary for some of the metamorphoses which Christ's teaching has undergone at the hands of Christian Churches. The skin has been first turned inside out, and then, lest this disguise should be insufficient, it has been further ornamented into an absolutely irrecongnisable mosaic by the profuse addition of patches from the skins of all manner of unclean beasts. Fortunately the process is being reversed in our time, and the Churches are rapidly retracing their steps to the Christ of the Gospels.

If I were to cite to you all the passages in which, by word or deed, Christ has illustrated his religious ideal, I should have to read through half the Gospels. For our present purpose an all-sufficient commentary upon it is the parable of the Good Samaritan which follows it in St. Luke's Gospel. By this parable the meaning of neighbour is extended to include all whom we are capable of influencing for good or ill. We are to deny ourselves and follow Christ in serving these. What clearer mandate could the Christian desire to determine his attitude to the great robber and destroyer of his race? Thousands, even in our small colony, are being robbed every year of property, happiness, character and life by this awful curse. Are we going to play the Levite and pass by on the other side? Whether wittingly or not, I fail to see how we can do so without denying Christ, nor how we can make terms with the robber when these words of his are ringing in our ears :—"Woe unto the world because of occasions of stumbling! For it must needs be that the occasions come; but woe to that man through whom the occasion cometh!" I do not know to whom this woe is more directly applicable than to the moderate drinker, whose well-regulated appetite necessitates the opening of sources of temptation in which the weak and the vicious must inevitably be consumed like moths in a flame, and to all who assist or countenance him in the indulgence of that appetite at so terrible a cost.

The greatest of Christ's followers did not fall away from his Master's teaching, and in the epistles of Paul we have the great ideas of Christ—the love of God, the love of man, and the sacrifice of self in their service—set forth in exactly Christ's spirit. Turn to the 8th and 13th chapters of 1 Cor., or to Rom. xiv., and consider how much of Christianity could have been constructed from them alone. Our responsibilities towards our neighbours are especially dealt with in those chapters—the oneness of man, the limits which our regard for others must put to the exercise of our own rights, the omnipotence of love. In two verses especially the particular subject we are now considering is touched with such preciseness that one wonders how the blindest can overlook it, or the most sophistical explain it away:—

Rom. xiv., 21—"It is good neither to eat flesh, nor to drink wine, nor anything whereby thy brother stumbleth, or is offended, or is made weak."

1 Cor. viii., 13—"Wherefore, if meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend."

## Profession and Practice.

There have, of course, been Christians for whom the Bible has had little or no authority. Luther tells a good story of the Roman Catholic Archbishop of Mainz, who, getting hold of the book by accident, began to read it, and went on for four hours till one of his Council came in and was amazed to see what the book was. "What doth your Highness with this book?" said he. The Archbishop replied, "I know not what this book is, but sure I am, all that is written therein is against us." And sceptics there have always been, like the Frenchman who remarked of St. Paul's 1st Epistle to the Corinthians: "I have read his book, but I do not agree with it." Both these positions I can understand, but what I cannot understand is how men, who have neither got beyond the Bible like the Archbishop, nor fallen short of it like the Frenchman—how such men can reconcile their professions of belief in a Book and a Saviour whose teachings are of love and self-denial, with such an utter disregard of them in practice; how professing Christians, for whom the Sermon on the Mount and the 1st Corinthians continue to be "appointed to be read in churches," and who conscientiously study them for their own edification, can cast love and duty to the winds and rudely assert their own right to enjoy themselves in a way that brings untold sufferings upon their fellow men. This is a constant puzzle to me, and I was glad to stumble the other day upon some lines translated from the Persian poet, Hafiz, which exactly express my difficulty:—

*"My heart is struck with amazement at those bold-faced preachers who of what they say in the pulpit practise so little.*

*"I have a difficulty, and would ask the wise men of the assembly, 'Wherefore do those who enjoin penance perform no penance themselves?'"*

Now of penance as penance the Christianity of Christ knows nothing, but self-denial for the sake of others is its very breath and being. Wherefore do those who enjoin self-denial for the sake of others, perform no such self-denial themselves? Yet even so the question states too much, for my perplexity is heightened by the fact that many true-hearted Christians exercise in other respects a self-denial worthy of their high calling, but decline to make this tiny sacrifice—a sacrifice which would cost them so little, and which would be such a boon to the world. I should not attempt to pin any man to the letter of the two last texts I have quoted if they contained anything hyperbolic, or local, or isolated. St. Paul was a superb rhetorician, and his hyperboles are sometimes beyond me. And even with Christ himself the necessary allowance to be made for the more complicated conditions of modern life, or for the use of metaphor, or even for the misunderstandings of hearers and reporters, occasionally makes a literal application of his precepts impossible for us. But in these words of Paul I see nothing that is transitory, nothing that is impossible, nothing that is not of the very quintessence of Christianity and a simple application to a particular matter of Christ's express teaching, which must otherwise of itself have led us to the same conclusion. A German commentator sums up that 8th chapter (1 Cor.) thus:—"The strong sought the solution of the question from the standpoint of knowledge and its rights; the apostle finds it from the standpoint of love and its obligations." There surely you have the true spirit of Christ, and it is through that spirit, if I mistake not, that the only solution of this great liquor question is to be found.

Nor does the liquor question stand alone in this respect. All the other great problems of society are in precisely the same position. The Individualism which is only another name for selfishness, and which in defence of its own comforts misapplies to the spiritual world immoral catchwords about "the struggle for existence" and "the survival of the fittest" which have but a limited scope even in the world of nature; the Socialism which has for its leading idea of sacrifice the sacrifice of others, and seeks from the mere mechanics of State action a social millennium which must mainly depend upon a change in the spirit of the individual—these contending falsehoods and their respective broods of subsidiary quackeries really rest, for all their seeming difference, upon the same fundamental fallacy, which it was the mission of Mazzini, the most prophet-like figure in modern politics, to expose. They all take for their basis the rights instead of the duties of man. And they must all be sent back to Christ to be made clean.

A. E. ATKINSON.

*(To be continued.)*

## The Growth of the Constitution.

### Part III.—Constitution of the Early English



# Kingdom.

IN treating of the constitution of a kingdom we may divide it into two main branches—the National Government and the Local Institutions. If called upon to describe the Constitution of England to-day we should probably begin by discussing the National Government, the Queen, Parliament, Ministers, Judges, and finish by telling about the local institutions, counties, municipal boroughs, and so forth. But in discussing the Constitution of England while it was yet young, it is better to do the reverse; for in many cases the local institutions that we have to deal with were older than the kingdom itself, and also were more important than any other institutions. Those old Germans that settled in England were fond of self-government, and every freeman took his part in public affairs. But he cared more for the affairs of his own district than for the affairs of the whole English people, and the matters that concerned his daily life he settled in his *local* assembly with the help of his neighbours, and usually left the national business to the King and his counsellors. It took a good many years to develop an English national spirit.

We may consider the local institutions of Early England under the three heads of the *Township*, the *Hundred*, and the *Shire*.

The smallest self-governing division was the *township* or *tun*. Townships exist to the present day, sometimes under the old name, but oftener as parishes. These townships had been formed gradually; sometimes a number of kinsfolk occupied a tract of land on their own account, or had it allotted to them by the chief whom they followed. Sometimes a noble who owned such a tract of land formed his dependents into a township. In each township part of the land was common pasture, and another part was cultivated in common under bye-laws made by the township. Each township had its general assembly held once a month. This assembly was called the *tun-gemôt*, and in it the townsmen made their bye-laws and elected their head man, the *tun-gerefa* or town reeve, and their beadle, and also four men to represent them in the assemblies of the hundred and the shire. In the *tun-gemôt* also were settled petty disputes, and various orders of higher authorities, relating to such matters as taxation or the pursuit of criminals, were carried out. The townships were grouped together into *hundreds*, and an aggregation of hundreds constituted the *shire*. The union of shires made up the kingdom.

Though the name *hundred* still survives, as in the Chiltern Hundreds in Buckinghamshire, and in the Hundred of Isleworth in Middlesex, yet the division of the hundred is no longer used. In Early England, however, the hundreds had a large share of self-government. As to how they were first formed there is a good deal of dispute, but probably they had their origin in the primitive settlements of each hundred warriors of the invading tribes. The hundreds were very unequal in size, varying according to the fertility of the land and the density of the settlements.

The hundred had its general assembly, held once a month and called the *hundred-gemôt*, or *hundred-mote*. This assembly was attended by the principal landowners or their stewards, and by representatives from every township in the hundred, namely, the priest, the town-reeve, and four best men elected for this purpose. This assembly was presided over by a *hundred-man* or *hundred-ealdr*, who was at first elective; but when personal influence began to give way before territorial, he came to be very often nominated by the principal landowner of the hundred. The

hundred-mote took cognisance of all matters, criminal and civil, arising within the hundred. All persons who were entitled to attend were qualified to act as judges; but, as they would have been too many, they usually elected twelve or more of their number to form a court.

The division into shires is very ancient, but the period at which it arose is the subject of some discussion. So far as we can tell, the shires were formed at different times and in different ways. Some were originally small kingdoms that eventually lost their independence. Others were sub-divisions of larger kingdoms. In Wessex the division into shires existed very early, before the end of the 7th century, and as Wessex gradually annexed the other kingdoms, these naturally fell into the rank of shires, or, if large, were split up into several shires on the lines of old tribal divisions.

The shire, like the town or the hundred, had its general assembly; but this assembly, called the *shire-mote*, met only twice in the year. It was attended by all the great landowners, public officers and representatives from every township in the shire, and had power to try both criminal and civil cases. As in the hundred-mote this business seems to have been entrusted to some twelve or more principal men on behalf of the whole assembly. The head of the shire was the *ealdorman*, who was elected not in the general assembly of the shire, but of the nation. His office, however, tended to become hereditary, and he was often the descendent of its old royal family in the days when it had been an independent kingdom. The ealdorman and the bishop both sat in the shire-mote; the ealdorman declared the law of the land, the bishop the law of the Church. The real president of the shire-mote was the *shire-reeve* or *sheriff*, an officer appointed by the King to enforce the law, and to take

charge of the Crown lands. The office of sheriff never became hereditary, and was a great power in the hands of the central government. In time of war the fighting men of the shire were mustered and commanded by the ealdorman.

We now come to the National or Central Government. The head of the nation was its *elected* chief and representative, the King. We have seen how the German tribes, when they first came over to England, had no kings, but how circumstances called forth the royal office. Now, though the members of a noble family were always preferred, yet the kingship was elective. The people were the source of power, and the King was not their master but their *minister*. He was usually chosen out of one family, but was the member of the family whose age and other qualities marked him out as fittest to rule. Alfred the Great was chosen in preference to his nephews, the sons of the dead king. While the nation was very small the King was elected by the whole body of freemen, but when the nation became large he was elected by the wise men (*witan*) of the nation in the presence of such freemen as were able and willing to attend the election.

It is easily understood how, the larger the kingdom became, the more difficult it was to keep up government by a general assembly of the nation. And so the larger the kingdom the more exalted became the King. He was the leader of the people in time of war, and in time of peace was supreme judge and law-giver. His revenue was derived partly from land and partly from fines and fees levied in the courts of justice, the produce of mines and salt works, wrecks and treasure-trove. He had a retinue of free-born companions, his *gesiths* or *thegns*, whom he provided for out of the Folkland. Yet, comparatively speaking, his revenue was small; he had no standing army; no large body of officials and administration to help him; and his power was checked by the custom that required him to take counsel in all important business with the *witenagemote*, or assembly of wise men.

In every assembly of freemen it was but natural that all discussions would be carried on by the chief men; and when a tribe or nation grew large it was only the chief men who could come to the general assembly of the nation. So in process of time this assembly of the chief men gradually took the place of the assembly of the nation.

This assembly of chief or wise men was always a small body. It was presided over by the King, and was made up of the King's personal friends, his officers, his thegns, the ealdormen and bishops of the different shires, and such others as could attend. This, it is easily seen, was no representative body in the true sense of the word, yet it did to a very large extent act as a representative of the nation. In the Norman times it became the *Great Council* of the Norman Kings, and this in turn grew into the House of Lords.

The powers of the witenagemote were large. It had a share in all public business transacted by the King. Without its consent the King could make no laws, give no grants of land, administer no justice, nor decide any matters of general policy, such as questions of peace and war. In the general assembly of the nation the witenagemote elected, and even at times deposed, the King.

Thus I have tried shortly, and I am afraid somewhat imperfectly, to sketch the Old English Constitution. As has been well said, its defect was the weakness of its national government, a weakness that made it a prey to the Danes, and finally led to its conquest by both the Danes and Normans. Yet the merits of its local institutions were great, and these were full of vigour. They survived Danish invasions and Norman Conquest, and kept alive the love of liberty, till process of time saw the foundation of the English Parliament.

CHAS. A. TISDALL.

Darkness before, all joy behind!  
Yet keep thy courage, do not mind;  
He soonest reads the lesson right  
Who reads with back against the light!

GEORGE HOUGHTON.

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## Civic Notes.

EITHER the teachings of John Ruskin cannot be applied to the ethics of modern building and construction, or the interpretation of them in the terms of the builders' morality is surprisingly incongruous. At all events it is near enough the truth to say that the nation for whom those teachings were specially intended have seemingly profited by them least of all. If not, why is it that we so calmly pursue the even tenor of our way, and persist in covering the areas of our towns and cities with the most grotesque and hideous structures that are to be found within the limits of civilisation, or conceivable in the heart of man? And if we are to believe that our attitude in this respect is to be measured by the principle "that certain right states of temper and moral feeling are the magic powers by which all good architecture, without exception, have been produced," we shall have to hide our heads in sackcloth and cry aloud for absolution, for we have sinned greatly.

If good architecture is "essentially religious," we must be fatally and hopelessly deficient in those higher qualities which find their base in the spiritual nature of men, and without which reform and progress cannot be made. If we want an example of this it is easily furnished by a glance at the lines of buildings flanking the great streets of any English city in the world. There is generally little, if any, clearly defined pretension to artistic beauty to be found. Buildings are jumbled together in variegated confusion everywhere. Short and long, high and low, huge and indescribably ugly they are; not of seven but seventy-and-seven orders of all architectures and no architecture, wens and excrescences frowning down upon thoroughfares which are generally as bad as bad can be, and as ill-dressed and ill-kept as Dr. Johnson's famous leg of mutton.

The reason of this deficiency in artistic sense is probably due to the inherent practicability of the Anglo-Saxon temperament, whose radius of vision is exactly circumscribed by a line which usually finds definition somewhere in the locality of the extreme point of the nose. Consequently we have few ideals of beauty, and in all our building we worship in fear and trembling at a shrine of expediency, in which cost and convenience are the presiding deities. What wonder, then, that the streets of our great cities—and by that I mean colonial cities—are utterly devoid of that striking regularity, and present so few of those magnificent prospects which are to be found in, for instance, Paris or Washington!

It will, of course, be said that idyllic building is possible only when the State undertakes the work, and were it not so France and America would fall as low in the scale as any other country. I reply that when we learn to educate the artistic sense of our citizens as we now endeavour to train and strengthen the mental and physical faculties in order to fight the battle of life successfully, it will be as possible for every municipality to have beautiful and well-kept streets, and magnificent and costly structures to adorn them, as it is now possible to adorn our gardens with rare and beautiful flowers. Ruskin would have us believe that all building without exception is the true expression of domestic virtue and national faith, and has always essentially been the work of the commonalty. "Gothic was formed in the baron's castle, and the burgher's street. It was formed by the thoughts, and hands, and powers of labouring citizens and warrior kings." The baron's castle and the warrior kings have gone, the burgher's street and the labouring citizens remain with their lesson still unlearned, or perhaps rather forgotten, that the power to build nobly and well "is the manly language of a people inspired by resolute and common purpose, and rendering resolute and common fidelity to the legible laws of an undoubted God."

This simple truth has just been emphatically enforced in a delightful lecture delivered by Mrs. Ormiston Chant before the working men of London. "Every city," she contended, "is the result of the characters of the men who build it. When you go into the wretched little slum tenement" (and I would parenthetically add: Into the vast majority of the great business structures of all cities) "with its narrow rooms and absence of bath-room and larder, and no water supply, and damp, dirty cellar, will you tell me that the man who made that place was a

man of lofty character and noble aspirations, that he dreamed dreams and loved his fellow-men ? He did not, he loved his money-bags."

"If," continued Mrs. Chant, "we could get a London full of men and women who did not care about appearing what they are not, a large part of London would be levelled to the ground in a few years' time. There would be such a run on the builders that the women would have to turn out and learn the trade. I have often dreamed what London shall be like, but we must get the right men before we can get those days, and what is more, we must get the right sort of man in every coat, and the right woman under every bonnet." All this may, of course, be the lively expression of an imagination that dwells in the fairy realms where visions are seen, but, as she finely remarked, it is also "the echo of some far-off living fact."

Be it so; but it points to the probable development of a higher ideal in one of the main concerns of civic life, and when a more refined and artistic conception of beautiful surroundings shall express itself in the external as well as the internal life of the people. No one can doubt that at present the last thing to admire in our colonial cities are the edifices which should be their first and noblest characteristic. Although we have numerous examples of grand and imposing structures, they serve rather to make the vast remainder conspicuous only by their insignificance. We are beginning to understand somewhat that life, to be lived in the best sense and in the best way, is inseparable from some high conception of art that shall be striven after in ideal, and lead to some harmonious result. When we are able to find expression to this principle in what we build, we shall have advanced something towards that true human state which, as Ruskin tells us, is as good for all men as for ourselves.

CIVIS.

## **The Citizen Calendar for January.**

### **3rd-Attempted arrest of time five members, 1642.**

It is difficult to find in the whole of England such an instance of tyranny, perfidy and folly. The Commons refused to surrender their members, and a contest began, in which violence and weakness were on one side, law and resolution on the other. The five members had time to withdraw before the arrival of Charles. He knocked, entered, darted a look towards the place which Pynn usually occupied, and, seeing it empty, walked up to the table. He looked round the House, but the five members were nowhere to be seen. As he passed along the benches to retire, several resolute voices called out audibly, "Privilege!" A violent and sudden revulsion of feeling was the effect of the proceeding of the King, London was in arms, and the citizens were inflamed to fury by the insult offered to the House of Commons. They resolved to bring back the champions of liberty before the windows of Whitehall, and the populace hooted and shouted all day before the royal residence. The tyrant could not bear to see the triumph of those he had destined to the gallows and the quartering-block. On the day which was fixed for the return of Hampden and his friends Charles fled from the palace, which he was never to see again till he he was led through it to the scaffold.

—MACAULAY.

### **10th-Penny Postage commenced, 1840.**

When Mr. (afterwards Sir) Rowland Hill suggested his plan of reform in 1837, it evoked strong opposition both from within the Post Office and the public without, but it was eventually adopted by the House of Commons and launched on the above date. The rates for a single ordinary letter began at 4d. for any distance under 20 miles, and rose by equal amounts of a penny for comparative distances up to 300 miles, for which one shilling was charged. At the present time letters are charged by weight, and a penny stamp is the usual rate for all inland deliveries. In 1839, the year before the new system was introduced, the number of letters passing through the English Post Office was 82,500,000; in 1840 the number was more than doubled. In 1890 the grand total of letters, post cards, etc., received in England alone reached the almost incomprehensible number of 2,500,000,000, the gross revenue from which exceeded twelve million pounds sterling. Probably before another decade has passed international penny postage will be adopted by all English-speaking communities, irrespective of distance.

### **12th-Edmund Burke born, 1729.**

Who, born for the universe, narrowed his mind,  
And to party gave up what was meant for mankind.  
Though fraught with all learning, yet straining his throat,  
To persuade Tommy Townshend to lend him a vote.  
Who, too deep for his hearers, still went on refining,  
And thought of convincing, while they thought of dining;  
Though equal to all things, for all things unfit,  
Too nice for a statesman, too proud for a wit;  
For a patriot too cool; for a drudge disobedient;  
And too fond of the *right* to pursue the *expedient*,  
In short, 'twas his fate, unemployed, or in place, sir,  
To eat mutton cold, and cut blocks with a razor.

GOLDSMITH'S *Retaliation*.

## 16th Edward Gibbon died, 1794.

In most of the essential qualifications of a historian Gibbon was equal to either Hume or Robertson. In some he was superior. He had greater depth and variety of learning, and a more perfect command of his intellectual treasures. It was not merely with the main stream of Roman history that he was familiar. All its accessories and tributaries—the art of war, philosophy, theology, jurisprudence, geography, every shade of manners, opinions and public character he had studied. These solid and bright acquirements of the historian were not without their drawbacks. Deficient in depth of moral feeling. Gibbon seldom touches the heart or inspires true enthusiasm. The reader feels that, as in the state of Imperial Rome itself, the seeds are developed amidst flattering appearance. "The florid bloom but ill conceals the fatal malady that preys upon the vitals." CHAMBERS' *Cyclopedia of Literature*.

## 20th-Garriok died, 1779.

Here lies David Garrick, describe him who can,  
An abridgement of all that was pleasant in man;  
As an actor, confest without rival to shine :  
As a wit, if not first, in the very first line.  
On the stage he was natural, simple, affecting;  
'Twas only that when he was off he was acting.  
With no reason on earth to go out of his way,  
He turned and he varied full ten times a day;  
He cast off his friends, as a huntsman his pack,  
For he knew when he pleased he could whistle them back.  
Of praise a mere glutton, he swallowed what came,  
And the puff of a dunce he mistook it for fame.  
But peace to his spirit, wherever it flies,  
To act as an angel and mix with the skies:  
Those poets who owe their best fame to his skill  
Shall still be his flatterers, go where he will.  
Old Shakespeare receive him with praise and with love,  
And Beaumonts and Bens he his Kellys above.

GOLDSMITH.

## 25th-Robert Burns born, 1759.

He was born in a poor Ayrshire hut. The largest soul of all the British lands came among us in the shape of a hard-handed Scottish peasant. Here was a piece of the right Saxon stuff. A wild impetuous whirlwind in passion and faculty slumbered quiet there; such heavenly *melody* dwelling in the heart of it. From the

gracefullest utterances of courtesy to the highest fire of passionate speech; loud floods of mirth, soft wailings of affection, clear piercing insight; all was in him. Wit, wild laughter, energy, directness, sincerity—so in his poetry, so in his life. The song he sings is not of fantasticalities; the prime merit of this is truth.

CARLYLE'S *Hero Worship*.

## 30th-Charles time First executed, 1649.

Charles appeared before Bradshaw's Court only to deny its competence and refused to plead, and it was not until the fifth day of the trial that he was condemned to death as a tyrant, traitor, murderer, and enemy of the country. As the trial went on, all save the loud outcries of the soldiers was hushed as Charles passed to receive his doom. Whatever had been the faults and follies of his life, "he nothing common did or mean upon that memorable scene." Two masked executioners awaited the King as he mounted the scaffold. His head fell at the first blow, and as the executioner lifted it to the sight of all a groan of pity and horror burst from the silent crowd.

—GREEN'S *History*.

Edwards, Russell & Co., Ltd., Printers, 37 Featherston Street, Wellington.

The Colonial Bank Liquidation. Motion to Sanction Sale of Assets.

The J. G. Ward Farmers' Association.

(*Extracted from the Otago Daily Times*.)

The Otago Daily Times and Witness Newspapers Company, Limited. Dunedin MDCCCXCVI

## The Colonial Bank Liquidation.

## Motion to Sanction Sale of Assets.

The J. G. Ward Farmers' Association.

(*From the Otago Daily Times*.)

His Honor Mr Justice Williams held a sitting of the Supreme Court on June 5 for the purpose of hearing an application to sanction an important sale of certain of the assets of the Colonial Bank. The application is as follows:—

*In the Matter of "the Companies Act 1882" and its Amendments, and in the Matter of the Colonial Bank of New Zealand.*

Application by the official liquidators that an agreement, dated the 1st June, and made between the said liquidators on the one part and Alfred Lee Smith and James Bennie Reid of the other part, for the sale and purchase of certain debts due to the bank, and the securities for the same as in the agreement mentioned, be sanctioned; upon the grounds (a) that it will be beneficial to the bank that the agreement be sanctioned, and the sale and purchase thereby provisionally agreed to, confirmed, and given effect to; and (b) the further grounds disclosed in the affidavits sworn and filed therein; and that the costs of and incidental to the application may be costs in the winding up.

Mr Haggitt appeared for the official liquidators, Mr W. C. MacGregor for the shareholders' committee, Mr T. Young for Mr C. Fraser (of Wellington), and Mr Woodhouse for the persons named as purchasers (Messrs A. Lee Smith and J. B. Reid).

Mr Young thought that the purchasers had no *locus standi*.

His Honor said that had occurred to him, but there seemed to be no reason why Mr Woodhouse should not sit and watch the proceedings.

Mr Young mentioned that he had certain affidavits which he had been unable to file until that morning.

His Honor said he understood that they could not have been filed earlier.

## Mr Haggitt's Opening.

Mr Haggitt, opening in support of the summons, said that though the agreement was dated the 1st June the terms of the agreement were actually arrived at on the 19th March.

His Honor: There was no binding agreement till the 1st June.

Mr Haggitt said that there was no formal agreement until that date, but it was founded on negotiations which commenced on the 19th March. That was the starting point, the date of the balance sheet which was prepared. The terms of the agreement were as follows:—

Whereas the J. G. Ward Farmers' Association of New Zealand, Limited (hereinafter referred to as the "said association") were customers of the Colonial Bank of New Zealand (hereinafter called the "said bank"), and kept an account current with the said bank at its Invercargill branch and also at its Gore branch, and the said account was one of the accounts appearing in the "C" list referred to in clause 18 of the agreement dated the 18th October 1895, made and entered into between the said bank and the Bank of New Zealand, and approved by the Parliament of New Zealand, as mentioned and contained in "The Bank of New Zealand and Banking Act Amendment Act 1895." And whereas the Bank of New Zealand has refused to take over the said account of the said association, and the said liquidators have, pursuant to said clause 18 of the said agreement, required the Bank of New Zealand to realise or liquidate the said account, and whereas the said liquidators lately employed Mr William Richard Cook, of the firm of Cook and Gray, Dunedin, accountants, &c., to investigate the affairs of the association, and Mr W. R. Cook has investigated the said affairs accordingly, and has prepared and submitted a statement showing the result of his investigations and the state of the liabilities and assets of the association as at March 20, 1896. (Copy of statement annexed.) And whereas the Colonial Bank guaranteed the Bank of New Zealand payment of the debentures amounting to £20,000, firstly mentioned in the statement of liabilities and assets, which bear interest at the rate of 6 per cent., and the association on March 20, 1896. were indebted to the bank (inclusive of the £20,000) in the sum of £92,170 9s 2d, which also includes the liability of the association in respect to bills under discount with the bank. And whereas the Colonial Bank, having paid the £20,000 to the Bank of New Zealand, holds as security for the said indebtedness debentures amounting to £20,000 (so guaranteed as aforesaid), discharged from the said guarantee further debentures of the association amounting to £30,000, and the guarantee of the Hon. J. G. Ward for payment of the account of the association in the Colonial Bank to the extent of £20,000. And whereas the Colonial Bank holds the promissory note of the Hon. J. G. Ward, payable on demand, for £55,150, being the amount written off the account of the association in terms of clause 18 of the agreement of October 18, 1895, And whereas the Hon. J G Ward is also indebted to the Colonial Bank in the sum of £16,000, or thereabouts, in respect to a draft on London for that amount, which was *in transitu* on the date of the agreement of October 1895, and is guaranteed to the Bank of New Zealand under clause 25 of the said agreement, and the Colonial Bank holds as against this draft and as security for the same 1600 shares in Nelson Bros, and Company (Limited). And whereas the Hokonui Railway and Coal Company (Limited) are indebted to the Colonial Bank in the sum of £4900 or thereabouts on the foot of the account current of said company with the Colonial Bank, and the Colonial Bank holds as security for such indebtedness the joint and several guarantees of the Hon. J. G. Ward, Frederick William Thompson (of Christchurch, dentist), the late Arthur Sedgley Hanan (of Invercargill, surgeon, deceased), and John Hayes (of Hokonui, mine manager). And whereas Alfred Lee Smith and James Bennie Reid have proposed to the liquidators the purchase of the debt of the association to the Colonial Bank as on March 20, 1896, and all securities for same, or any part thereof, held by or on behalf of the said bank, and also the promissory note of the Hon J. G. Ward and the said debt or sum of £16,000, or thereabouts, due by the Hon. J. G. Ward to the bank, and all securities for the same respectively, or any part thereof, held by or on behalf of the Colonial Bank, and also the debt of the Hokonui Railway and Coal Company, and all securities for the same, or any part thereof, held by or on behalf of the bank at the sum of £62,750. And whereas the liquidators, having investigated the affairs of the association, and being satisfied that it will be beneficial to the bank that the offer of A. L. Smith and J. B. Reid should be accepted, have, in pursuance of all powers and authorities vested in them as official liquidators, agreed to accept the same, subject to the sanction of the judge of the Supreme Court at Dunedin, and to the conditions and agreements hereinafter contained. Now it is hereby agreed by and between the parties hereto as follows:—

- The said liquidators shall, so soon as practicable, but in any event before June 30, 1896, apply to the judge in Chambers to sanction this agreement.
- Subject to such sanction being obtained, the liquidators shall sell to A. L. Smith and J. B. Reid, and the latter shall purchase from the liquidators for £62,750 (1) the debt due by the association to the Colonial Bank on March 20, 1896, and all securities and guarantees for the same, or any part thereof, held by the bank, or the liquidators, or by any corporation or person whomsoever on behalf of the bank. (2) The promissory note of the Hon. J. G. Ward for £55,150, payable on demand, and also the debt of £16,000 due by him to the bank, and all securities for the same respectively, or for any part thereof, held by the bank or the liquidators, or by any corporation or person whomsoever on behalf of the bank. (3) The debt due by the Hokonui Railways and Coal Company (Limited) to the bank, and all securities and guarantees for the same, or any part thereof, held by the bank or the liquidators, or by any corporation or person whomsoever on behalf of the bank. (4) All claims of the bank against the association, the Hon. J. G. Ward, and the Hokonui Railway and Coal Company.
- Upon this agreement being sanctioned by the judge, the said A. L. Smith and J. B. Reid shall within fourteen days after such sanction pay to the liquidators the sum of £62,750 in cash.

- In the meantime, as from March 20 last, the business of the association has been, and until payment is made of the purchase money, in case this agreement shall be sanctioned by the judge, and shall be carried on under the joint supervision of W. R. Cook on behalf of the liquidators, and of A. L. Smith and J. B. Reid or some person appointed by them in that behalf in their interests. And any moneys which the liquidators may have advanced, or authorised the Bank of New Zealand to advance, for the purpose of the business after March 20, 1896, or may here-after advance, or authorise the Bank of New Zealand to advance, for the same purposes until this agreement shall be sanctioned by the judge, shall, if the said sanction be obtained, but not otherwise, be refunded by A. L. Smith and J. B. Reid at the time of the payment of the purchase money, and any reduction made in the amount the account of the association after the date aforesaid shall be deducted from the amount of the purchase money
- On payment of the purchase money the liquidators shall do and execute and cause to be done and executed at the cost and charges in all things of A. L. Smith and J. B. Reid (including the costs of and incident to perusal and obtaining execution by the liquidators and all other parties all such acts and deeds as may be necessary for transferring to and vesting in A. L. Smith and J. B. Reid, or as they shall direct, the debts, securities, and premises herein before mentioned and agreed to be sold.
- In case this agreement shall not be sanctioned by the judge it shall cease and determine.
- The said A. L. Smith and J. B. Reid shall, on or before the day of the date of this agreement deposit with the liquidators £500, which, in the event of the sanction of the judge to this agreement being refused, shall be repaid to them, but in the event of the completion of the purchase shall be accepted as part payment of the purchase money.
- In case this agreement shall be sanctioned by the judge, and the said A. L. Smith and J. B. Reid shall fail to pay the £62,750 in cash within the time limited for that purpose, or within such further time not exceeding 24 days after such sanction as the parties here to may agree upon, this agreement shall cease and determine, and the £500 shall be absolutely forfeited to the liquidators as and for liquidated damages, and shall be accepted by them in full satisfaction of and as compensation for all damages in respect such determination.
- The liquidators shall in their own or in the name of the bank, as the case may require, endorse to A. L. Smith and J. B. Reid the promissory note of the Hon. J. G. Ward for £55,150, and any other promissory notes or negotiable instruments which the bank may now or at the time payment of the purchase money hold in respect to or as representing the said debts hereby agreed to be sold, or any of them or any part or parts thereof respectively; but every such endorsement shall be without recourse to or against the bank or the liquidators.
- If this agreement be sanctioned by the judge, the liquidators shall be bound to pay off the amount due by them to the Bank of New Zealand in respect to the debt of the association, so as to put themselves in a position to assign the same to A. L. Smith and J. B. Reid, but they shall not be required in such assignment or otherwise to enter into any covenant for title with A. L. Smith and J. B. Reid, nor shall the bank be so required.
- At the time of the completion of the purchase A. L. Smith and J. B. Reid, their executors, administrators, or assigns will procure from the association and hand to the liquidators a deed of covenant by the association for themselves, successors, and assigns with the liquidators that the association, their successors, or assigns shall and will, at all reasonable times, until the liquidation of the Colonial Bank shall be closed, upon the request of the liquidators, and also shall and will, in the course of any proceeding against any director, manager, official, or other officer, or any member or shareholder of the Colonial Bank, under section 226 or 228 of "The Companies Act 1882," produce and cause to be produced to the liquidators or to such person or persons as they shall direct and at such places as they shall direct, all the books, papers, and documents of the association containing any entry, memorandum, or minute relating to or concerning the dealings and transactions between the association and the Colonial Bank, and between the association and the Hon. J. G. Ward from the time of the opening of the account current kept by the association with the bank down to the date of this agreement, and shall allow the liquidators or such person or persons as they shall direct, at all reasonable times, to inspect and make copies of or extracts from all or any of the books, papers, and documents.
- In case this agreement shall be sanctioned by the judge, the said A. L. Smith and J. B. Reid shall take upon themselves all the liability (if any) of the Colonial Bank to John Connell and Co. (Limited), and to Messrs Robert Brooks and Co. in respect to and arising out of all and every or any of the transactions and business affairs between the association and John Connell and Co. (Limited) and between the association and Robert Brooks and Co., in which the Colonial Bank has been concerned or implicated, and will indemnify and save harmless the bank and the liquidators therefrom, and of and from all actions, suits, damages, claims, and demands whatsoever arising therefrom or thereout, but so that any moneys which



the bank or the liquidators may have to pay under any guarantee or other arrangement made between the Colonial Bank and the Bank of New Zealand arising out of a certain transaction in oats on account of Robert Brooks and Co. shall be repaid without interest to the bank or the liquidators within 18 months from the date on which this agreement shall be sanctioned by the judge.

- Nothing in this agreement is to prejudice the right of the liquidators to dispute, as between the Colonial Bank and the Bank of New Zealand, the liability of the last-mentioned bank to the liquidators in respect to a sum of £5052 ls 4d debited by the Bank of New Zealand to the account of the association on December 31, 1895, without the authority or consent of the liquidators, and if this sum of £5052 ls 4d shall be found to have been improperly charged to the account of the association, so far as the Colonial Bank and the liquidators are concerned, the liquidators shall not be bound to assign that portion of the debt of the association to A. L. Smith and J. B. Reid until the question between the said banks has been settled and determined. And notwithstanding anything in this agreement contained, the liquidators shall be at liberty to deduct this £5032 ls 4d or so much thereof as shall be found not to be properly chargeable to the Colonial Bank as between that bank and the Bank of New Zealand, from the claim of the Bank of New Zealand and against the Colonial Bank in any settlement of accounts between the said banks. And if the amount of the debt due by the association to the Colonial Bank, agreed to be hereby assigned, shall be reduced by reason of this clause, the liquidators shall pay to A. L. Smith and J. B. Reid a sum equal to 11s in the pound on the amount by which the said debt shall be so reduced.

Mr Haggitt next quoted clause 18 of the agreement between the two banks, which is as follows :—

With respect to the accounts appearing in the said "C" list, the selling bank shall indemnify and protect the purchasing bank against any loss or deficiency on the realisation of such accounts respectively, provided that the purchasing bank shall, immediately on this contract taking effect, write off the amounts standing in the right-hand column of the " C " list, and credit the respective accounts in such list with the amounts so written off. The purchasing bank shall have the option, within three months from the date of this contract taking effect, to take over all or any of the said accounts in the said " C " list, and in the event of the purchasing bank deciding to take over any such account the selling bank shall stand released from its agreement to indemnify and protect as aforesaid. The selling bank may at any time require the purchasing bank to elect whether such bank will take over all or any of the accounts in the "C" list or reject the same, and in the event of the purchasing bank refusing to take over all or any of such accounts the selling bank shall be entitled to take over the accounts so rejected, with all securities in respect thereof, on payment of the amount owing on such accounts or account respectively, or require the purchasing bank to realise or liquidate the account or accounts which the purchasing bank refuses to take over, and any deficiency arising on such liquidation shall be made good by the selling bank.

Under that clause the Colonial Bank had the whole risk of the J. G. Ward Farmers' Association, it being one of the accounts in the " C " list. In order to obtain possession of the account and be in a position to transfer it to the purchasers, they would require to pay to the Bank of New Zealand the whole amount of the account, some £92,000 odd.

His Honor : Yes, but they have not to absolutely pay it over, because the Bank of New Zealand retains.

Mr Haggitt said it was just the same thing, because the difference between the amount of the account which was taken over and the amount received from the purchasers had to be made up.

His Honor asked what was the point in the first part of writing off the amount standing in the right-hand column of the "C" list? Why was not the whole liability put in the right-hand column ?

Mr Haggitt said that was one of the mysteries of liquidation which would be explained when he read the affidavit.

Mr Young said the amount of indebtedness in the left-hand column was considered good, that in the right-hand column bad.

His Honor : That is the case with the " B " list certainly. I wondered if the whole amount in the " C " list was considered bad.

Mr Haggitt said no. The £55,000 was written off altogether as a condition to the Colonial Bank guaranteeing. The only explanation that was offered was in Mr Ward's affidavit. There was an amount written off, and there was a promissory note given, and that was all they knew of the matter. The rest of the account was guaranteed by the Colonial Bank, so that the Colonial Bank was liable for the whole. Then the Bank of New Zealand had the option during three months of taking over the account. If it did not, the Colonial Bank had the right to require the Bank of New Zealand to elect whether they would take it over or not, and if it refused, the Colonial Bank was entitled to take over the account itself or call upon the Bank of New Zealand to liquidate it. The recitals of the agreement showed that the Bank of New Zealand had positively declined to take over the account, and that the liquidators had called upon the Bank of New Zealand to liquidate the account when these negotiations commenced.

His Honor : The Colonial Bank is now liable to pay to the Bank of New Zealand the difference between the amount which is treated as good and the total amount of the indebtedness.

Mr Haggitt: Yes, £92,000 odd; and there is a sum of £5000 besides in connection with the Hokonui Railway and Coal Company.

Mr MacGregor : That makes up £98,000.

Mr Haggitt next drew his Honor's attention to the affidavit made by the liquidators, which was as follows

:—

*"We, William Brown Vigers, of Dunedin, in the provincial district of Otago, in the colony of New Zealand, bank inspector, Keith Ramsay, of Dunedin aforesaid, chipping agent, and William Lawrence Simpson, of Dunedin aforesaid, accountant, the official liquidators of the above-named bank, severally make oath and say as follows :—*

- The J. G. Ward Farmers' Association of New Zealand (Limited) was a customer of the Colonial Bank of New Zealand, and kept an account current with the said bank at its Invercargill branch, and also at its Gore branch, and the said account was one of the accounts appearing in the 'C' list, referred to in clause 18 of the agreement, dated October 18, 1895, made and entered into between the said bank and the Bank of New Zealand, and approved by the Parliament of New Zealand, as mentioned and contained in 'The Bank of New Zealand and Banking Act Amendment Act 1895.'*
- Immediately on the said agreement taking effect the Bank of New Zealand wrote of the amount standing in the right-hand column of the said 'C' list against the account of the said association, and credited the account of the said association with the sum of £55,150 being the amount so written off.*
- The Colonial Bank of New Zealand is bound by the terms of the said agreement to indemnify and protect the Bank of New Zealand against any loss or deficiency in the realisation of the account of the said association.*
- The Bank of New Zealand did not within three months from the date of the said contract taking effect take over the account of the said association.*
- We, as such official liquidators as afore-said, after the expiration of the said three months from the date of the said contract taking effect, required the said Bank of New Zealand to take over the said account of the said association or to reject the same, and the Bank of New Zealand refused to take over the said account, and we thereupon requested the Bank of New Zealand to realise or liquidate the said account.*
- Afterwards and on or about the 6th day of March last past we employed Messieurs Cook and Gray, of Dunedin, accountants, trade assignees and financial agents, to investigate the affairs of the said association on our behalf and Mr William Richard Cook, one of the said firm, made such investigation, and reported to us that the accounts of the said association, as valued by him at the 20th day of March last past, showed a deficiency of assets to meet liabilities amounting to £48,456 16s 4d. A copy of the statement of the assets and liabilities of the said association, as prepared and submitted to us by the said William Richard Cook, is hereto annexed and marked with the letter 'A.'*
- We have ourselves investigated the affairs of the said association, and we believe that the result arrived at by the said William Richard Cook as to the amount of the liabilities and the value of the assets of the said association, including his estimate of the value of the uncalled capital of the said association, is virtually correct, although we are of opinion that his estimate of the value of the book debts would not be realised if the said association were to be put into liquidation.*
- The Colonial Bank of New Zealand guaranteed to the Bank of New Zealand payment of the sum of £20,000 advanced by the Bank of New Zealand to the said associate upon its debentures, and also the interest thereon, which amounts to £600 every half year. The currency of the said debentures is 10 years. The liability of the said association to the Colonial Bank of New Zealand, including the amount of these debentures, was on the 20th day of March last past £92,179 9s 2d.*
- The securities held by the Colonial Bank of New Zealand for the said indebtedness are the said debentures to the amount of £20,000 presently held by the Bank of New Zealand, further debentures to the amount of £30,000 held by the Colonial Bank of New Zealand, and the guarantee of the Honourable Joseph George Ward for payment of the overdraft of the said association up to the amount of £20,000.*
- The Colonial Bank of New Zealand also holds the promissory note of the Honourable Joseph George Ward, dated 19th October 1895, for the sum of £55,150, payable on demand. This promissory note represents the amount written off the account of the said association, and credited to it as stated in paragraph 2 of this our affidavit.*
- The Honourable Joseph George Ward is indebted to the Colonial Bank of New Zealand in the sum of £16,000 or thereabouts in respect of a draft on London for that amount, which was in transitu on the day of the date of the said agreement of the 18th day of October 1895.*
- The payment of this draft is guaranteed by the Colonial Bank of New Zealand to the Bank of New Zealand*

*under clause 25 of the said agreement, and the only security held as against the said draft is 1600 shares in the company called Nelson Bros. (Limited). These shares were paid-up to the amount £10 each, and were, we are informed and believe, estimated to be of the value of £9 each at the time of the negotiation of the said draft, but at the time of the arrival of the said draft in London their value was considerably less, and the said shares at the present time are practically unsaleable.*

- The Hokonui Railway and Coal Company (Limited) is one of the clients or customers of the said association, and is largely indebted to the said association; the said company is also indebted to the Colonial Bank of New Zealand in the sum of £4900 or thereabouts on its account current with the said bank. The only security the said bank has for the said indebtedness is a guarantee of the said Joseph George Ward, Frederick William Thompson (of Christchurch, dentist), the late Dr Hanan (of Invercargill, surgeon, deceased), and John Hayes (of Hokonui, mine manager). We understand that the executors of the late Dr Hanan dispute any liability under the said guarantee on the ground that the account of the said company was continued to be carried on after the death of the said Dr Hanan, and that the amount owing at the time of the death of the said Dr Hanan has been discharged by payments since made to the credit of the account, and the present liability has all arisen since the death of the said Dr Hanan. We have ascertained that such is the fact, and we are advised by our solicitors that, although the other guarantors are still liable on their guarantee, it is very doubtful whether the executors of the late Dr Hanan can be held liable under the circumstances. As the result of our inquiries and investigations into this account we verily believe that, even if we have a good legal claim against the guarantors other than Dr Hanan, and were to proceed to exhaust them, we should not be able to obtain from the estates of the whole of them the sum of £1000; whilst if we were to take steps to wind up the said company we should not get even 1s in the pound from its available assets.*
- It is of the utmost importance to the successful liquidation of the Colonial Bank of New Zealand to be rid of the account of the said association and the liability to the Bank of New Zealand, arising out of the liquidation thereof under clause 18 of the said agreement of the 18th day of October 1895.*
- We are satisfied that the said Joseph George Ward is not in a position to pay any appreciable sum in respect of the amount of his liabilities to the Colonial Bank of New Zealand, and that in point of fact his promissory note and his guarantee are both valueless to the said bank as securities. We have procured from the said Joseph George Ward an affidavit as to his means, and a statement setting forth his financial position*
- We are satisfied that the sum of £62,750 in cash, with their guarantee of £5000 in respect of a parcel of oats which should have been shipped to Messrs R. Brooks and Co., made to us by Messieurs Alfred Lee Smith and James Bennie Reid, for the purchase of the debt due by The J. G. Ward Farmers' Association of New Zealand (Limited) to the said bank, and the securities for the same and the other debts and securities mentioned in the agreement bearing date the first day of June 1896, made and entered into by us with the said Alfred Lee Smith and James Bennie Reid, which agreement is now produced and shown to us and marked with the letter 'B,' is more than we can by any other means realise for the same, and we believe that it will be beneficial to the said bank that the offer of the said Alfred Lee Smith and James Bennie Reid be accepted, and the said agreement given effect to and carried out.*

"A"

STATEMENT OF LIABILITIES AND ASSETS OF THE J. G. WARD FARMERS' ASSOCIATION OF NEW ZEALAND (LIMITED), Invercargill, as at 20th March 1896:—

WM. R. COOK.

His Honor said that one of the recitals of the agreement spoke of the association as owing £20,000 to the Bank of New Zealand on debentures and £30,000 to the Colonial Bank. Why did not they include the £50,000 in the liabilities? The statement of assets and liabilities showed only £40,000.

Mr Haggitt said that £10,000 did not appear, because the bank held them and had a lien upon them in respect to the account.

His Honor: That does not account for the other £10,000.

Mr Haggitt said the indebtedness appeared in respect of them in the Colonial Bank's account. They had never been issued, except the £20,000 which the Bank of New Zealand got—the £20,000 which the Colonial Bank guaranteed under this agreement. Then they got another £20,000, which they bought, and there were the £10,000 held against the general indebtedness.

His Honor: The general indebtedness does not appear in the balance sheet.

Mr Woodhouse: The general indebtedness was shown at £72,000.

Mr MacGregor said that nobody reading the balance sheet would imagine the £50,000 worth of debentures had been issued. Then they had the affidavit of William Richard Cook, which was as follows:—

*"I, William Richard Cook, of Dunedin, in the provincial district of Otago, in the colony of New Zealand,*

accountant, make oath and say :

- *I and William Gray, of Wellington, in the colony of New Zealand, accountant, carry on business in co-partnership at Dunedin aforesaid, and also at Wellington aforesaid, and also at Auckland and Christchurch, in the colony of New Zealand, as accountants, trade assignees, and financial agents, under the style and firm of ' Cook and Gray.'*
- *I was employed by the official liquidators of the Colonial Bank of New Zealand to investigate the affairs of the J. G. Ward Farmers' Association of New Zealand (Limited), and to make a full and searching inquiry as to the assets and liabilities of the said company, and the value of the same, and also into the value of certain securities held by the Colonial Bank of New Zealand as against the account current kept by the said company with the said bank.*
- *I investigated the affairs of the said company accordingly, and made up a statement of the assets and liabilities of the said company as at the 20th day of March 1896, and the paper writing hereunto annexed marked ' A ' is a true copy of the statement so prepared by me, and contains to the best of my knowledge, information, and belief a full and correct account of all the property and effects (real and personal) of which the said company was possessed or in which the said company had any share or interest in possession, reversion, or expectancy on the said 20th day of March 1896.*
- *The greater part of the deficiency, amounting to £48,456 16s 4d, shown in and by the said statement is caused through losses made in book debts, which amount in all to £85,070 16s 6d, of which amount, after making searching inquiries, I deem necessary to write off £37,374 3s 8d as absolutely bad and worthless, leaving a balance of £47,696 12s 10d estimated as good. I found that indiscriminate credit had been given and little or no security taken, and I felt positive that in writing off the amount above stated I have written off no more than I should have done in order to arrive at a true and just value of the book debts of the company as on that date.*
- *In a memorandum at foot of the said statement, I have estimated the value of the uncalled capital of the company at £8457. I arrived at this estimate after making searching inquiries as to the position of the present holders of the shares in the company, and I feel certain that my estimate of the value of the uncalled capital is as nearly correct as possible.*
- *In valuing the stocks at £12,680, I have taken the oats, seeds, and guanos at their then market prices, and the rest of the stock at cost, with the exception of binder twine, oils, and separators, on which, as the result of inquiries made by me, I have put a just and fair value. I have written off £666 for old and depreciated goods, and have valued the stocks as a whole at what I verily believed to be their true and correct value.*
- *The plant and office furniture stand in the books at £2302, but the same are not fairly worth more than one-half of that amount, and I have taken them in accordingly at £1151 ls 3d, which I verily believe to be their true and correct value.*
- *I ascertained that the last year's operations of the Hokonui Railway and Coal Company (Limited) resulted in a loss of £1100, The bank overdraft amounts to £4900 or thereabouts, for which the bank holds the guarantee of the Honourable Joseph George Ward, the late Dr Hanan, Mr Frederick William Thompson (of Christchurch, dentist), and one John Hayes (of Hokonui, mine manager), the liability under which is, as I am informed, disputed on legal grounds. Beyond what (if anything) may be recoverable on their guarantee the debt is of little value.*
- *I am aware of the offer made by Messieurs Alfred Lee Smith and James Bennie Reid to the official liquidators of the Colonial Bank of New Zealand for the purchase of the debts of the J. G. Ward Farmers' Association of New Zealand (Limited) and the securities for the same on the 20th day of March last past, and I have read the agreement for sale and purchase, dated the 1st day of June 1896, entered into and made between the said liquidators and the said Alfred Lee Smith and James Bennie Reid, and I am certain, as the result of my investigations on behalf of the said official liquidators, that amount offered by the said Alfred Lee Smith and James Bennie Reid for the several debts and securities mentioned in the said agreement, as on the said 20th day of March last, is more than could have been realised for the same had the said company been then forced into liquidation."*

Then there was the affidavit of Robert A. Anderson, manager of the J. G. Ward Farmers' Association, which was as follows :—

*"I, Robert Albert Anderson, of Invercargill, in the provincial district of Otago, in the colony of New Zealand, manager of the J. G Ward Farmers' Association of New Zealand (Limited), at Invercargill aforesaid, make oath and say:—*

- *I was in the month of February 1896 appointed manager of the J. G. Ward Farmers' Association of New Zealand (Limited) in the place of John Fisher, the former manager of the said company, who had held that office from the time the said company was incorporated and commenced business up to shortly*

before the time of my appointment.

- *I have read the statement of the assets and liabilities of the J. G. Ward Farmers' Association of New Zealand (Limited) as at the 20th day of March 1896 prepared by Mr William Richard Cook, of the firm of Cook and Gray, and also the copy of the said statement annexed to the affidavit of the said William Richard Cook sworn herein on the second day of June 1896.*
- *The said statement contains a full and true account of all the liabilities of the said company as on the said 20th day of March 1896, and also a full and true account as on that day of all the property and effects, real and personal, of which the said company was possessed, or in which the said company had any share or interest in possession, reversion, or expectancy.*
- *I know of no property whatsoever, real or personal, of any description belonging to the said company, or in which the said company has any interest whatsoever, which is not included in the said statement.*
- *The said company has not to my knowledge made away with, encumbered, or charged or in any manner parted with any part of its property or effects, real or personal, since the month of December 1895, when the said above-mentioned bank went into liquidation, save in the ordinary way of business and in the course of carrying on its business in the usual manner in which businesses of a like character or description are carried on."*

Then there were the affidavits of Messrs Thompson and Hayes. Mr Thompson's affidavit was as follows

:—

*"I, Frederick William Thompson, of Christchurch, in the provincial district of Canterbury and colony of New Zealand, dentist, make oath and say :*

- *In connection with Dr Hanan (of Invercargill, surgeon, now deceased), the Honourable Joseph George Ward (of Invercargill, aforesaid), and John Hayes (of Hokonui, mine manager), I signed a guarantee to the Colonial Bank of New Zealand guaranteeing the account of the Hokonui Railway and Coal Company (Limited) with the said bank to the extent of £5000.*
- *The said Dr Hanan died on or about the 17th day of April 1894, and the said account so guaranteed as aforesaid was, I am informed and believe, carried on by the said bank after his death, and I have been informed that by reason thereof, or by some other means, the said guarantee is no longer enforceable against the representatives of the said Dr Hanan or against the remaining guarantors.*
- *The total value of the property possessed by me, after deducting the encumbrances thereon, does not exceed the sum of £250, and the debts and liabilities owing by me, exclusive of any liability in respect of the said guarantee, amount to the sum of £250.*
- *If I am liable on the said guarantee to pay the sum of £4900 I am utterly unable to pay that amount, or any part thereof, in excess of the sum of £250.*

The affidavit of John Hayes, the other guarantor of the account of the Hokonui Railway and Coal Company, was as follows :—

*"I, John Hayes, of Hokonui, in the provincial district of Otago, in the colony of New Zealand, mine manager, make oath and say :*

- *In conjunction with Dr Hanan (of Invercargill, surgeon, now deceased), the Honourable Joseph George Ward (of Invercargill, aforesaid), and Frederick William Thompson (of Christchurch, dentist), I signed a guarantee to the Colonial Bank of New Zealand guaranteeing the account of the Hokonui Railway and Coal Company (Limited) with the said bank to the extent of £5000.*
- *The said Dr Hanan died on or about the 17th day of April 1894, and the said account so guaranteed as aforesaid was, I am informed and believe, carried on by the said bank after his death, and I have been informed that by reason thereof, or by some other means, the said guarantee is no longer enforceable against the representatives of the said Dr Hanan or against the remaining guarantors.*
- *The total value of the property of all kinds possessed by me does not exceed the sum of £200, and the debts and liabilities owing by me exclusive, of any liability in respect of the said guarantee amount to the sum of £230.*
- *If I am liable on the said guarantee to pay the sum of £4900 I am utterly unable to pay that amount or any part thereof."*

Mr Hayes, continued Mr Haggitt, was one of the directors of the Ward Farmers' Association.

His Honor : Who are the directors of the Ward Farmers' Association ?

Mr Haggitt said he could not tell.

One of the gentlemen at the table handed his Honor a circular containing the names.

Mr Haggitt: I have heard incidentally that the only man of any means among them at all is Mr Thomas Green, of Gore

Mr Haggitt said they next came to the affidavit of the Hon. J. G. Ward, which was as follows:—

*I, the Honourable Joseph George Ward, of Invercargill, in the provincial district of Otago, in the colony of*

New Zealand, managing director of the J. G. Ward Farmers' Association of New Zealand (Limited), make oath and say:

- *The Colonial Bank of New Zealand holds my promissory note for the sum of £55,150, which amount was credited to the account of the J. G. Ward Farmers' Association of New Zealand (Limited) in the books of the said bank.*
- *I was personally debited in the books of the said association with certain losses incurred in carrying on the business of the said association and of the Ocean Beach Freezing Works, and the said promissory note represents the amount standing to my debit in the books of the said association at the time I signed the said promissory note; and I signed the said promissory note at the request of the general manager of the said bank, and the amount of the said promissory note has been credited to me in the books of the said association.*
- *Previously to giving the said promissory note I had signed a guarantee to the Colonial Bank of New Zealand guaranteeing the account of the said association with the said bank to the extent of £20,000.*
- *In conjunction with Dr Hanan, of Invercargill, and others I signed a guarantee to the said bank guaranteeing the account of the Hokonui Railway and Coal Company (Limited) to the extent of £5000 The said Dr Hanan died in the month of April 1894, and the said bank continued to carry on the said account of the said company after his death, and I have been informed that the guarantee given by the said Dr Hanan and myself and others has in consequence thereof, or for some other reason, become legally unenforceable, and that no one is any longer legally liable in respect thereof.*
- *I am indebted to the Colonial Bank of New Zealand in the sum of £16,000 or thereabouts, in respect of a draft on London for that amount which was in transit at the time when the agreement for sale and purchase, dated 18th October 1895, between the Colonial Bank of New Zealand and the Bank of New Zealand, was made and entered into. At the time when the Colonial Bank of New Zealand negotiated the said draft for me they had as security 1600 shares of Nelson Brothers (Limited), which were then of the value of £10 each. The said shares are still held by the said bank, but have now fallen in value to £2 10s per share, and, so far as I can see, without any prospect of rising again, and I am informed that the said share are now unsaleable.*
- *Since the formation of the J. G. Ward Farmers' Association of New Zealand (Limited) all the moneys which I have received from all sources have been paid into the said association.*
- *The paper writing now shown to me, and marked with the letter ' A ' contains a full and true account of all the property and effects, real and personal, which I possessed, or in which I had any share or interest in possession, reversion, or expectancy, at the time the Colonial Bank of New Zealand went into liquidation in the month of December 1895, and as nearly as I can ascertain the full and true value thereof and the encumbrances thereon. And the said paper writing also contains a correct statement of my liabilities at the date of the said liquidation and at the present time.*
- *I have no property whatsoever real or personal of any description, nor am I entitled either in possession or reversion to any share or interest in any property whatsoever which is not included in the said statement, and I have not parted with or agreed to sell any part of my property or effects real or personal since the Colonial Bank of New Zealand went into liquidation as aforesaid.*
- *I have used my best efforts and all my influence with my friends to bring about the offer made by Messieurs Alfred Lee Smith and James Bennie Reid to the official liquidators of the Colonial Bank of New Zealand for the purchase of the debt and securities for the same of the J. G Ward Farmers' Association of New Zealand (Limited), and the several other debts and securities mentioned in the agreement entered into between the said Alfred Lee Smith and James Bennie Reid and the said liquidators."*

Mr Haggitt said the statement of property of the Hon. Mr Ward, referred to in his affidavit, showed that the value of all his properties, after deducting the direct encumbrance upon them, was £4250 The statement of liabilities showed direct liabilities £87,490 and contingent liabilities amounting to £38,513 more, or £126,000 altogether. Attached to this was a statement of various properties showing a total value of £18,000 subject to encumbrances amounting to £14 150, leaving a surplus of £3850 odd, and all these properties were subject to the further encumbrance contained in a letter given by Mr Ward to the general manager of the Colonial Bank, dated the 19th October 1895, by which Mr Ward agreed to give the bank security over all his properties for the amount owing by him or by the Ward Farmers' Association to the bank. He (Mr Haggitt) did not know that it would serve the slightest purpose to go into the details of that statement. All that his Honor would want would be the totals, but the details were all set out; each property being valued separately. That was the position of matters. The official liquidators, who were officers of the court, had investigated this matter personally, and had employed a person whom they believed to be the most competent person they could get to investigate the affairs of this association on their behalf, with the view of enabling them to make such arrangements as they ought to make in the interests of the bank. They had come to the conclusion that they ought to accept the

proposal as it was better than they were likely to do for themselves if they forced the company into liquidation. Therefore they recommended the count in the affidavits, which he thought were pretty strong, to sanction them carrying out the agreement which they produced. There was one thing he would like to mention, and that was that this matter was not one to be judged simply by the statement of the accounts of the association. There were people connected with those accounts who were also debtors to the bank, and if the association were to go into liquidation it would bring down a lot of people who otherwise, if the association continued to exist, would be able to carry on, and the liquidators would by that means be paid in full certain debts on which they feared considerable losses would be sustained if through the Ward farmers' Association going into liquidation, the persons indebted to them were brought into difficulties. The matter should be considered not only in its aspect as between the association and the Colonial Bank, but also as to what the result would be to other persons if the association was brought to a stop.

His Honor: Yes; the indirect result to the Colonial Bank. You say that persons who are shareholders in this company are debtors of the Colonial Bank, and that if pressed at once to pay up on their shares they will not be able to meet their liabilities to the Colonial Bank ?

Mr Haggitt said : It will cause a universal smash. One failure would lead to another, and it is not only those persons who are directly indebted to the bank who would be affected, but others who are creditors of those persons who are connected with the association. It would also affect the prices of produce to a considerable extent.

His Honor: One has only to look at the matter in the interests of the liquidation.

Mr Haggitt: It would affect those interests very much. Every man who fails generally brings down or cripples half a dozen others as well, and the result of this association coming to grief would be to cripple half Southland. Besides, it would affect the prices of produce all over Otago. The liquidators personally were quite indifferent as to what the result of this application might be. They were quite satisfied that no other mode of dealing with this question would produce anything like such good results as the acceptance of this offer. It would at once relieve them of one of their greatest difficulties, inasmuch as the whole question of the liability under clause 18 would be put a stop to. They would know exactly what that liability was—there would be no further liability; nothing to be provided for beyond that. The dividend already paid would be absolutely safe, and the "D" list and the surplus of the "B" list accounts would be distributed amongst the shareholders. That would be the result of getting rid of this debt of the Ward Farmers' Association. They had the liquidators present, and Mr Cook and the Hon. J. G. Ward in attendance, ready to be cross-examined if the other side desired. He had had an intimation from Mr Young that he did desire that. As to Mr Young's affidavits filed that morning, they could not be read, as they were wrongly entitled, and perjury could not be assigned on them, and as they apparently contained some it was just as well to take the objection.

His Honor : If there is any objection they can be amended and resworn.

Mr Young : It is not our fault.

His Honor: There is no blame to anybody. They had to be sworn in a hurry.

Mr Haggitt said that he did not impute blame at all, but he maintained that they were wrongly entitled. How Mr Braund could state that in his opinion the interests of the shareholders of the bank would be served by forcing the Hokonui Company into liquidation, and that the liquidators should exhaust their remedy against Mr Ward—how Mr Braund could swear that on the information at his disposal passed his (Mr Haggitt's) comprehension. By looking at the results of the work performed by Mr Cook and the liquidators, Mr Braund had come to a diametrically opposite conclusion to that which they had come to, and without having the means of forming a correct opinion as to what the ultimate consequence of putting these various companies into liquidation would mean.

His Honor: The real point of Mr Braund's affidavit seems to be this, apart from his expressions of opinion : that the Ward Farmers' Association in 1895 issued a balance sheet which showed them to be not only in a solvent, but in a prosperous, position, and they declared a dividend; and then that a few months after the result is as stated in the affidavit. That is a matter which possibly may require an explanation, and that explanation would be sought naturally in the course of the examination of the persons who made the affidavits.

Mr Haggitt was very much disposed to believe with Mr Braund that these balance sheets were not correct, and the liquidators, he understood, held the same opinion.

Mr MacGregor : They are signed by Mr Ward and Mr Anderson, who have sworn affidavits.

Mr Haggitt: That does not affect the present case.

His Honor : No; but the point now is that the assets of the association are worth next to nothing.

Mr Haggitt: Not quite that.

His Honor; Where does that appear in the statement of liabilities ?

Mr Young : I want to account for the fact that £26,000 was owing to the bank in 1893, £26,000 in 1894, and only £1100 in 1895.

His Honor: That is in addition to the £40,000 of debentures; and in October, 1895, there was £32,000 odd owing to the bank in addition to the debentures.

Mr Young : There is a sudden drop of about £25,000, and an increase again of slightly more than £25,000 ?

His Honor: Yes, £30,000.

Mr Young: That is what I am hammering at, and I cannot quite understand the explanation. Do you know whether it was a discount of a draft, Mr Ward ?

Witness: Well, my impression is that no draft went forward at all. What is it that you are trying to get out, Mr Young? You are trying to ascertain why there was a difference between the indebtedness of the association after the balance sheet as against the date of the balance sheet. As a matter of fact, sometime after the balance sheet was issued I was advised for the first time by the manager that heavy losses had been made—I was in Wellington at the time,—and he estimated the losses at £25,000. I immediately advised the bank, and requested them to have an investigation made. This was done, and their estimate of the loss was £55,150.

That was after your return ?—I was not here when the balance sheet was made up.

You would have information as to how it was made up ? You had to sign it. Would you not have information as to the draft ?—No. In a general way the liability would pass away from the association.

His Honor: In the balance sheet, though the bank account is reduced, a liability should surely appear to the holder of the credit.

Witness : All I can say, speaking for myself, is that I did not authorise anything of the kind to be done, and I did not know that such a thing would be done.

Mr Young; The balance sheet was prepared when you were away in England ?—It was prepared when I was in England, and submitted to me for signature on my return.

I suppose you had vouchers before you ?—That is a matter for the auditor. If I were to go into the details of the accounts it would take six months.

Did not the big falling-off in the indebtedness strike you ?—I do not exactly know. I considered that the matter was all right or I would not have signed.

Did it not strike you as peculiar fact that there had been such a large reduction ?—There had been a change in the system, for one thing. In the balance sheet to which his Honor has referred there is an apparent reduction of liabilities. The system of dealing with bills under discount and bills receivable is changed. As I understand it, in the usual way bills under discount are looked on as bills sold, and are deducted from bills receivable. That is the ordinary thing to do, and it ought to have been done from the start.

Mr Young: I do not quite follow you yet.

Witness: It is quite usual for bills discounted to be regarded as sold, and instead of the total amount appearing the difference between bills discounted and bills receivable is shown.

His Honor : If you discount a bill you do not consider there is a further liability on it. That is what it comes to, Mr Ward. If joint stock companies do not put bills discounted among their liabilities they are in effect treating them as if they are no liability. You say it is the usual way of doing it ?—I understand it is the usual way. You credit the man from whom you get the bill, and you debit bills receivable.

Mr Young : You endorse the bill to the bank ?—It depends upon whether it is a good bill or not. The natural thing for the bank is to ask for an endorsement.

How do you account again for the increase in the liability to the bank ? On June 29, 1895 there were negotiations for the Bank of New Zealand to take over the Colonial Bank, but after the balance sheet was prepared the direct liability to the bank increased to £32,856.—should like to say here that I have not been in communication either with the liquidators or the directors of either bank or Mr Cook, have never gone near any of them and I have not been at any of the investigations.

Mr Young: What I want to ascertain from the balance sheet is the amount of the over-draft at the time it was prepared.

His Honor: The liquidators will be able to tell you that. The Colonial Bank books will show. This statement represents the statement of accounts practically as it was in October.

Mr Young : Yes, but there is a vast difference between the balance sheet of June 1895 and the balance sheet of October 1895, as found by the liquidators.

Witness : I cannot give details of it because I had nothing to do with the details.

You are responsible, as having signed the balance sheet.—Still, you ask me for details and I cannot give them to you.

Another peculiar thing is that the 1893 and 1894 balance sheets show items of bills under discount and drafts against shipments. In June 1893 these were £32,000 and £12,000, and in 1894 they were £51,000 and £33,000. Those seem to have entirely disappeared from the balance sheet of 1895 ?—Again I can only speak in a general way. If there were £54,000 worth of goods afloat against which bills were issued in 1894, and these ran off, then when the next balance sheet was made, and there were no goods afloat, there would be no drafts



against shipments.

Do you know as a matter of fact whether there was more business or less during June 1895 than before ?—I should say there was more, but I cannot speak positively, That does not affect the question of what was afloat.

His Honor: It looks to me, on Comparing the two balance sheets, as if this was done: In the balance sheet for the year ending June 30, 1894, the association has "Drafts against shipments £51,000" among the liabilities, and among the assets there is " Advances against produce afloat, £74,000," leaving a difference of £23,000. In the balance sheet for the year ending the 29th of June 1895 there are no drafts against shipments among the liabilities, but among the assets are advances against produce afloat to the amount of £34,430. It looks rather as if, before compiling the balance, they had set off drafts against shipments against the advances and put the balance in the assets.

Mr Young: That is what we suggest.

His Honor: Just the same as Mr Ward has suggested in the case of the bills under discount, In 1894 the bills under discount were £33,000 and the bills receivable were £37,400, leaving a balance of about £4000. In the 1895 balance sheet there are no bills under discount, but the bills receivable are £6870. That looks as if the difference was arrived at in the same way.

Mr Young: We say it is arrived at by a process of reduction.

His Honor: A process of subtraction before the balance sheet is compiled.

Mr Young: Do you know, Mr Ward, whether that is so—whether the items were deducted from one another ?—Witness : I understand that was done so far as the bills under discount and bills receivable are concerned.

Would you consider that was informing the shareholders of the exact position ?—I was not here at the time the balance sheet was made out.

And you are not responsible ?—I was not here at the time. As a matter of fact, I am told it is quite a usual thing to do.

The same thing is said of the drafts against shipments ?—I cannot speak of my own knowledge. So far as I understand it, the direct liability of the association against a special account disappeared altogether, but I was not here.

Did it not strike you as a peculiar thing when you were signing the balance sheet that the items did not appear ?—No. I could not know the whole of the details.

There is a marked difference, too, between the total assets of the company. In 1893 they were shown at £87,000 odd, in 1894 they were shown at £166,000 odd, and in 1895 they were shown at £87,000. That is an extraordinary discrepancy. Have you any explanation of that?—I cannot give details. Speaking in quite a general way, in one of those years there probably were considerable advances against stock purchased for the freezing work. Next year they may have disappeared. As a matter of fact a payment of £25,000 was made, which went to the association.

Would that reduce the assets ?—If you make a sale, surely you reduce the assets.

The goodwill account does not seem to have been written down much. Is it not usual to write it down ?—It depends on circumstances.

As a general rule, the goodwill is shown originally and written down in a few years ? In showing the assets of a company, is it not usual year by year to write it down ? In this case it was written down by paid-up shares ?—You cannot write it down by paid-up shares.

Mr Young: The value to the company should be written down ?

His Honor: That is a question of discretion. You cannot lay down any cast-iron rule.

Mr Young : It is a question of prudence.

Witness : I should like to say that I recognise the examination I am being subjected to, and if the opportunity is given to me I should like to make a statement bearing on the matter.

His Honor : Certainly you may do that.

Mr Young : Would you mind stating what is your private indebtedness to the Colonial Bank ?—Witness : £16,000.

What is the guarantee ?—It was an advance against 1600 of Nelson Brothers' shares.

Anything else ?—So far as I am concerned there is £6750 which the Colonial Bank has transferred to the Bank of New Zealand but which I have not.

That is an advance since the agreement was entered into ?—No, it is not. There has been no transaction since then. There was the advance of £16,000, independent of interest, against Nelson Bros.' shares, and there was an advance of £6750 standing against the whole of my ordinary securities in the Colonial Bank. That £6750 has, I understand, been transferred to the Bank of New Zealand.

His Honor : I understand it is in the " A "list.

Mr Woodhouse : It is well secured.

Mr Young : The bank look on it as perfectly good ?—Witness : I cannot tell you. I have nat been advised

either by the Bank of New Zealand or by the Colonial Bank if that is the case.

Are your outside creditors accepting a compromise ?—I have not got any, except those on the list.

That shows none but contingent liabilities ?—That is so.

Have you offered any compromise to them ?—The contingent creditors are not in the position of asking me for anything at the moment. There are shares referred to in different matters. To answer the question, I have had no communication of any kind, and no overtures of any kind outside the proposal between the liquidators of the bank and Messrs Reid and Smith.

Are Messrs Reid and Smith agents for you in any respect in this purchase ?—Not further than the fact that they are endeavouring to help me out of a difficult position. They volunteered to come forward.

Do you mean that they are agents to some extent ?—They are not agents in the sense of being paid.

Is there any arrangement by which you are to take over the assets ?—There is no arrangement of the sort.

Is there no understanding?—There is no understanding; on the contrary, I believe that Messrs Reid and Smith are to control the business themselves. At any rate, to be perfectly plain, I have given up everything I have, and I have done everything I could to get out of it.

Debentures were issued previous to June 1895 of £40,000 ?—Yes.

Why were these debentures issued ?—To ensure fixity of the finance.

In what way was it done by debentures ?—In the usual way. Inscribed shares are not often an acceptable investment.

You mean to say that debentures were more convenient to get off than inscribed shares ?—Yes.

I notice in one of your reports you suggest that the capital of the company should be self-contained. Is it better for a company to have its capital self-contained ?—In my experience I should say it was.

Then the capital of your company in 1895 appears to have been £4200 ? If the balance sheet says so it is so. £8000 was paid off. That left £4230. Your paid-up shares represent the goodwill. Did you pay £1 a share ?—I did

In cash ?—Yes.

Do you know when they were allotted ?—I cannot tell you now.

The overdraft of the association has been latterly £163,000 ?—It never had an overdraft of £163,000. It never had an overdraft of £100,000.

What would be the liabilities of the bank ?—I cannot tell you upon memory.

You say it was never over £100,000.—You are asking a question which would have to be answered by reference to the books of the association.

Can you say whether the liability to the bank was ever over £100,000?—The direct liabilities to the bank? I cannot tell, but I don't think it was.

Do you remember when the £55,000 was written off ?—I could not tell you that without reference to the documents.

Can you say by reference to any documents what was the association's liability to the bank ? The whole of the detailed information has been got by the liquidators.

You recommended your debentures as a first-class investment to the shareholders ?—So they were. . .

You borrowed from the association apparently ?—I did not in the ordinary sense borrow. I paid everything I had into the association. I paid altogether £27,000 into the association during the time it was in existence.

There was a current account ?—There was a current account in my name.

What was the total debit in the current account?—The total debit in the current account in my name in November I think was £55,000. Included in that were the whole of the investments and losses that had been made in various shipments that had been debited to me.

You were apparently carrying on business outside of the company ?—No; I was not. I have said the shipments were debited to me and the losses were debited to me.

His Honor : I cannot see how that was done for the shipments were made on behalf of the company.

Mr Ward: They were not made on the association's behalf.

Then they were made on your behalf?—It practically was so. . . .

Mr Young: The losses were not ascertained ?—The losses were not ascertained till November. They were said to have run into £20,000 or £30,000 In November last there were said to be £50,000.

What position do you take up with regard that account and with regard to shipments? I took over the losses. I was advised to do it, and I agreed to take over the losses.

Voluntarily ?—I took them over when I was advised it was the case.

Mr Young asked if it was because the dealings were in Mr Ward's name ?

Mr Ward replied in the negative, and state that it was because he was desirous of seeing the association made a success, and he thought that the greater portion of the losses would he been repaid. He did not anticipate then that there would be a loss of £14,000 on Nelson Bros.' shares.

You had a special advance against Nelson Bros.' shares apparently ?—That is so.

You received an advance on account of your paid-up shares ?—I paid everything I got the association, except what was sufficient my own use.

What income did you get as manager ?—I income was about £1000 from all sources. . .

Your income was £500 as managing director—I had £16,000 worth of shares in Nelson Bros', which previous to my having them I paid 10 per cent., but which paid me one year 4 per cent. Then I had my ordinary emendments from my official position, amounting £800 and £200.

His Honor : At what time ?

Mr Ward : At the time Mr Young is refering to. He proceeded to say that, rough speaking, his income was close on £5000 a year. What was left after paying his private expense went into the association.

What you say is that the association everything. The moneys you received you paid to the credit account in reduction of your liabilities to the association. Your income, then, would appear in the books of the association ?—Yes.

Mr Young: Did you have a banking association of your own ?

Mr Ward : I had the private account refer to.

Did you pay your income into that No; I did not pay my income into that the system of ingoings and outgoings was done through the association.

You took out what you wanted to live upon? That is so.

Did the association hold any security from you for your indebtedness to them for this £55,000 ?—The whole of the scrip that I had in the association remained with them. In fact, the indebtedness, so far as I was aware, was £55,000.

Did that £55,000 represent any losses taken over by the association from you ?—Previous to when ?

When the association took over your business. No; I don't think so.

Mr Young asked what an item of £20,000 represented.

Mr Ward replied it was a guarantee given to secure a joint account of the association.

On what date was that given ?—I cannot give the date.

On what occasion was it given ? Was there any particular stock for it ?—It was given for the purpose of an additional security of the account; and, speaking from memory, I think it was given two years ago It was an increased guarantee. I am under the impression that I give a guarantee of £5000. and I afterwards increased that. I think that is the position.

Was the guarantee against any particular business ?—No; it was for the purpose of securing the association.

Do you remember getting a letter from Mr Murray shortly before the bill passed the House?—I had a great many letters from Mr Murray.

There was a letter guaranteeing that the Bank of New Zealand would see you through ?—I should give that a most absolute and positive contradiction. If I had chosen to conceal my postion and to have covered up my private affairs then I could have done it. But I would not do that; and if I had done as is suggested by some people I could have prevented my affairs from being before the judge or anybody. Anything of that kind is absolutely unfounded.

I am speaking from instructions; and I am informed that that was so, and want to know whether there was such a letter or not ?—There was no such letter as that at anyrate.

No letter at any time?—No such letter to that effect.

Or a similar effect ?—Nor a similar effect so far as I know. Without trusting to my memory I can be sure of it, because I have the whole of my letters here.

Mr Young said he would ask his Honor to ask Mr Ward the question at another time.

His Honor: Mr Ward might be asked the question at another time when he has gone through the correspondence. Unless you have information from Mr Murray I don't see how any person can say what are in the letters.

Mr Young: I am not at liberty to say what is the source of my information, of course.

His Honor: I don't see how anybody but Mr Murray could tell what was in Mr Murray's letters.

Mr Young (to Mr Ward); Did the association hold any security for that £55,000 ?

Mr Ward : Only what I have told you.

His Honor: The shares ?

Mr Ward : The paid-up shares.

Mr Young: I suppose the members of the association are pretty substantial as a whole, are they not ?—Some of them are, of course.

It is a company of very respectable farmers, as a rule, who could pay 20 in the pound ?—I can only give you my impression.

Sundry creditors, £18,970; are a lot of them shareholders in the company ?—That is my impression.

Mr MacGregor : Can you tell us, Mr Ward, what is the amount you are personally indebted to the Colonial Bank for ?

Mr Ward : The statement is here.

Is it correct that you are liable in the first instance for a £55,000 bill?—Yes, I am liable for £55,000.

Then for the £20,000 guarantee ?—Yes.

And the £5000 guaranteed to the Hokonui Railway and Coal Company ?—I am liable with others for that.

And for the £16,000 draft dishonoured ? That makes altogether £96,150 ?—Yes; but the draft was not dishonoured. I don't know where you got that bit of information from. It was a draft in course of transit, and when the amalgamation took place the bank became responsible for it.

But you are personally responsible to the bank for the £96,000 on paper ?—Yes, that is so.

And against that you have property worth, in round numbers, £4000 ?—That is the value of the property.

So that at present you are hopelessly insolvent ?—That is so according to my books.

When did you become aware of your position ?—I first became aware of the responsibilities I had on my shoulders when I became aware of the loss of the Farmers' Association. I think it was in August.

When did you come back from England ?—In July.

When you saw the Colonial Bank, what person do you mean ?—The general manager.

Who was that at that time ?—There is only one general manager.

Mr Mackenzie ?—Yes. As soon as I found that the loss was £25,000 I asked that an investigation might be made. It was after my arrival from England.

Was this a communication to Mr Mackenzie ?—It was a verbal communication made in Wellington.

An investigation of your affairs was then made on behalf of the bank ?—Yes; and a loss disclosed of £55,150—that is so far as the association is concerned.

Now as regards the sale, I suppose you were fully aware of the terms of the sale—the projected sale to Messrs Lee Smith and Reid ?—Yes.

We are told that the purchase was written down to £67,000.—Yes; £62,000 and £5000.

The total amount of debts that they are to take over, if I make it out rightly, is £168,000. Can you tell me whether that is correct?—I should like to see the statement.

£92,000 is the association's indebtedness ?—Yes.

In addition to that there is the sum of £55,000 written off ?

His Honor : In addition to that ?—No.

Mr MacGregor : I take it to be so. It was obviously written off the association account. Is that correct ?

Mr Ward : Yes.

His Honor: You say that £55,000 is to be added to the £92,000.

Mr Woodhouse: It was a debt of Mr Ward's.

Mr MacGregor : The total amount Mr Ward got from the bank was £92,000 plus £55,000. Is that not so ?

Mr Ward : That is so.

Then there is £16,000 on this draft ?—Yes.

And £5000 on account of the Hokonui Railway Company ?—Yes.

That gives £168,000 altogether ?—Yes.

So that the Colonial Bank or the liquidators stand to lose £101,000 ?—That is so.

Mr MacGregor asked if Mr Ward had seen the statement of assets and liabilities of the J. G. Ward Association ?—Mr Ward replied in the affirmative.

Do you agree with that as being a correct statement of the association's finance ?—I have not been through it. I have never been with Mr Cook or anybody else and gone through the association's finance.

Do you say it gives the correct position of the affairs of the association ?—I accept their assurance that it is so.

It shows a debit balance in round figures of £50,000. Nine months previously you thought the company to be in a flourishing condition, solvent, and giving bonuses to shareholders and salaried officers ?—Yes.

Can you account for the enormous discrepancy?—I admit the discrepancy is enormous, that is the only word to use. He proceeded to say within a very short period—within three years—the whole of the losses of the association had been made.

The association had been only in existence three years and seven months ?—The earning power of the association was, beyond question, very good. My own business was a very valuable business in 1889, my net profit being £9000.

Mr MacGregor asked how these enormous losses came about.

Mr Ward replied that the manager attributed them to losses upon shipments, to losses in connection with freezing operations, and to depreciation in value.

What do you attribute it to ? Do you leave it to this gentleman alone ?—I attribute it to the same causes, but

I did not know it at the time.

Now that the loss has been ascertained, can you give us any explanation for it?—Not any other explanation than I have given. If I had known the position or anything like what it was, of course I should not have gone on at all.

You signed the balance sheet and appear as managing director and chairman. Do you act as chairman while you are in the Government?—I did not give the business any large personal control, and could not, as a matter of fact, if I had been upon the spot and attending to the business. But matters were put before me, and I really depended on others who were responsible for me.

Mr Fisher, you say, has left you. Where is he?—He is in Invercargill.

Mr Anderson, is he still in Invercargill?—Yes.

Is he a reliable man?—He is a very good man.

He says he has gone through the balance sheet, and he finds Mr Cook's balance sheet is correct. Can you account for that?—I can scarcely be expected to explain Mr Cook's action.

There are two separate accounts—Brook and Connell. Are those the two you refer to?—Yes.

What are the positions of those accounts at the time of the liquidation?—In what respect?

Were they on the debit or credit?—There would be on debit.

To what extent?—The figures would be—the one £7000 and the other £16,000.

That is one of the liabilities that Reid and Smith proposed to take over?—Yes, I assume that they take them over.

You say with reference to these private accounts that they are taking them over with your consent simply in terms of the statutory agreement?—Yes.

Have you had any further advances since then?—I have not drawn upon the account at all.

Have you drawn upon any account?—I have not drawn upon any account. The liability upon £16,000 has increased by £364, from interest.

Have you another bank account?—I have another bank account.

Where?—At the Bank of New South Wales.

You have filed an affidavit setting forth your position. You are quite sure you have included everything?—Yes.

Is your life insured?—Yes, and I told Mr Woodhouse to have an amended statement made with the surrender value of my life insurance policy included. That was worth £400.

So you have got life insurance policies amounting to £11,000?—That is so.

How long have these been taken up?—On about 10 years or more; the other about three years.

How many payments have you made?—I should think about five or six half-yearly payments.

Those are all the policies you hold?—Yes, have an accident policy.

What about the bank account at the Bank New South Wales? Is it in credit?—It cannot be more than £40 or £50.

Have you had any property during the last three years in the name of any person beside yourself?—I have had an interest in a property during the last three years. That is included there.

In any others?—No, no others. I have put in everything I know of, and in addition to that I have offered to give everything I have.

We have heard a great deal about a draft put through to reduce your overdraft. There was some suggestion of that sort; do you know anything about that?

Mr Ward replied that the association held credits outside of the bank for considerable sums, and, as he understood it, transfers were made against the special account. No draft went forward at all.

What became of the draft?—The transfer was made, and the draft did not go forward. After my arrival in the colony, when I knew that that transaction had taken place, I declined to let the draft go forward.

You say that this took place while you were in England?—Yes; I was not here.

That was about the time of the balance in June 1895?—The last balance.

About this purchase. Do you know what is intended to be done with this business assuming it is purchased?—Mr Ward replied that so far as he knew it was to be reconstructed.

And the firm put into a new liability company?—So far as I know. It certainly could not be carried on as it was.

Was money going from the Bank of New England?—There is no arrangement with the bank so far as I know.

Are you not to be retained in the new company?

Mr Ward replied that he had to recognise the fact that he was worth nothing.

Mr MacGregor: Don't you think the new proprietors will take advantage of your experience in connection with running this new company?

Mr Ward : One of the conditions is that Mr Smith and Mr Reid are to control the business themselves. If you mean is it any collateral advantage to me, it is not.

Mr Woodhouse: You know Messrs Lee Smith and Reid pretty well, Mr Ward ?—I do.

You know their capabilities ?—Yes.

Mr Lee Smith, for instance, is a man who has had a great deal to do with organising companies ?—That is so.

And successfully ?—Yes, very successfully.

In fact, you may say it is a gift he has ?—I should say it is.

Mr Reid is a man of large business experience, and he has had to do with companies of a similar nature to this one ?—Yes.

They are men who if they conduct things personally will practically do better than anyone else ?—Yes.

You have nothing to do with any new arrangement they make, and get no benefit from it?—None whatever.

And you give up everything ?—Quite so.

With regard to the affairs of this association, do you know anything of the accounts—of the number of accounts, for instance; are there many of them ?—I understand there are 1750 different accounts owing to the association.

And I suppose you may say a large number of small accounts like that are not easily collected?—It would be difficult to collect them.

Have you formed any idea what the liquidation of a company of this sort would cost supposing it went into liquidation ?—Well, that would depend very much upon very many matters. I should say it would cost from £5000 to £10,000, but it is difficult to estimate.

His Honor : It must be apparent to everybody that liquidation would be a costly and troublesome matter.

Mr Woodhouse : The object of the agreement is to avoid that. As to this £55,000 which has been referred to as the amount written off between the two banks, I want to know if you had anything to do with that arrangement ?—I had not. I did not know of it until after the agreement was laid upon the table of the House. As the matter has been referred to I should like to state briefly the position so far as I am personally concerned. In connection with the banking legislation I did not in any way, so far as my personal affairs are concerned, ask for consideration either from the Colonial Bank or the Bank of New Zealand; neither did I ask that any account in which I was interested should be provided for or taken over. In addition to that I asked for no concession whatever from either the Colonial Bank or the Bank of New Zealand. I might be permitted, as this is a matter of importance to me, to read these three letters that I have; one signed by three directors of the Bank of New Zealand, one by the president of the Bank of New Zealand, and the other by the general manager of the Colonial Bank, now the general manager of the Bank of New Zealand. It has been insinuated that I was coniving with the men upon both sides to look after my private interests in connection with this bank amalgamation. My troubles have been great enough, and I should like at once to say that the insinuation is absolutely unfounded. I have the letters here.

Mr Young: Of course it is competent for Mr Ward to make any explanation, but any correspondence of other people with him, I think, can scarcely be evidence in this matter.

His Honor : It is not strictly evidence, no doubt, but I think under the circumstances what Mr Ward is bringing forward now could hardly affect my decision upon the particular point in question one way or the other, could it ? But Mr Ward's character has been impeached to a certain extent, and though the matter is not strictly evidence I do not see why it should not be put forward in this matter.

Mr Young: The only thing is that we are unable to cross-examine the people who have written the letters on the value of the statements made by them, or by what means they were induced to make them. If your Honor thinks the letters should go in as evidence, I do not object.

His Honor: I do not think they should go in as evidence, but Mr Ward can read them as part of his statement. He rather wants them to go forth to the world than to influence my opinion.

Mr Young: We say that these letters are from the persons who were aware of the facts, and who are probably mixed up with any advances or irregularities in connection with the association.

Mr Ward: Mr Braund refers to this matter in his affidavit.

His Honor : I think it is fair that Mr Ward should be allowed to read them, though they are not strictly evidence.

Mr Ward : I wrote this letter on the 23rd of May 1896 to Mr Watson :—

Dear Sir,—In view of the fact that Messrs Stout and Duthie have made statements reflecting upon me in connection with the Bank of New Zealand's purchase of the Colonial Bank, I shall be glad if you would kindly give me replies to the following queries on the subject:—

- Whether, at the time of the bank legislation, I was in any way consulted as to the terms of the proposed agreement between the two banks?

- Whether I made any representations to have any account to which I was interested placed in any particular list ?
- Whether I was advised as to where or how it was intended to deal with any account in which I was interested ?
- Whether I or any member of the Government were cognisant of the position in which any account was placed when taken over ?

You will, no doubt, fully appreciate the importance it is to me, and, I presume, to yourself also, that I should be in a position to fully and authoritatively answer what has been said; and therefore your replies as to these matters of fact will enable me to deal with the subject.—I am, &c.,

J. G. WARD.

That is addressed to the president of the Bank of New Zealand, and the same questions were put to the manager of the Bank of New Zealand and the directors. In reply I received the following reply :—

Wellington,

25th May.

The Hon. J. G. Ward.

Dear Sir,—I have received your letter of the 23rd inst., and now reply *seriatim* to your queries as follows:—

- So far as I know you were not at the time of the banking legislation consulted as to the terms of the agreement which afterwards took place between the two banks, nor were you consulted on that particular matter at any subsequent time.
- I am not aware that you made any representations to have any account in which you were interested placed in any particular list.
- You were not advised by me, or, so far as I know, by anyone else, as to where or how it was intended to deal with any account whatsoever.
- I am not aware that you, or any other member of the Government, were cognisant of the position in which any account was placed when taken over.

—I am, &c.,

W. Watson, President.

The reply from the directors of the Bank of New Zealand was as follows:—" We have perused your letter of 23rd inst. to Mr Watson, and his reply, with which we concur, as representing our views as well as his."

Mr H. Mackenzie replied : " You were certainly not consulted by me at the time of the banking legislation in regard to the proposed agreement between the two banks, and I have no knowledge of your having been consulted by anyone else. You made no representation to me, nor to my knowledge to anyone else, to have any account in which you were interested placed in any particular list. You were not, to the best of my knowledge, advised as to where or how it was intended to deal with any account. So far as I am aware, neither you nor any member of the Government was cognisant of the position in which any account was placed when taken over." I desire to mention this because I notice Mr Braund affidavit this morning refers to it, the suggestion being that I had, for the purpose of arranging my own private affairs, used my position in connection with the banking legislation.

Mr Young : The inference intended was that you were aware of the circumstance.

Mr Ward : I was not aware.

Mr Young: It was supposed, being in charge of the bill, that you were.

Mr Ward : The insinuation has been made that I was aware of it, but, as a matter of fact I was not. When first advised that the loss of the Farmers' Association were from £20,000 to £25,000 I had no idea, however, that they were going to run it to £65,000, and when they were ascertained to be £55,000 I took the responsibility upon my shoulders, believing the time that I should be able to provide for them. As a matter of fact, investigation showed that it was impossible to provide for them, but I was not aware of that at the time of the proposed agreement between the two banks. I was not consulted, and took no part whatever in it. I think it only fair to myself I should like to say, further, as it is a matter of importance to me, that I should think most people on very slight knowledge of the circumstances would at once see that if I had been consulted, and if I had been anxious to use my position or to bring pressure to bear in relation to my private affairs, it is highly improbable would have consented to one of the most difficult accounts being put on to the list to be repaid within three months, while almost every other account had three years to be repaid in Instead of having specially favourable

treatment, I think my treatment the very reverse, and much worse than that extended to most the people whose affairs were dealt with.

Examined by Mr Haggitt, Mr Ward said: know the shareholders of the association pretty well, and my opinion is that the effect upon them and upon people not immediately connected with the association would be very serious if the association were put in liquidation I believe it would adversely and very material affect a number of people. It would also influence the produce market, because it would force on to the market the products of those connected with the association if pressure were brought to bear upon them.

Mr Haggitt: The effect of putting the company into liquidation, then, would extend pretty generally, I suppose, throughout the South Island ?

Mr Ward: In my opinion it would.

Tell us what your personal opinion is as to the offer made by Mr Smith and Mr Reid. Is it one which should be accepted?—As against liquidation my opinion is that it is—as against liquidation. It would take a long time to liquidate the Farmers' Association. Anyone who knows anything about country life and considers that 1750 settlers with their all are practically involved, will understand that liquidation would extend over a very considerable period, and I should say that it is impossible for anyone to tell what the losses might be.

Do you think that many people who would be ruined by the company going into liquidation will be able to pull through if the association were carried on in another way ?—There are many settlers who otherwise would be ruined who unquestionably would be able to pull through by arrangement with the association under reconstruction

Mr MacGregor : You tell us you have nothing to gain from the purchase ?—No.

Why is it you say " I have used my best efforts and all my influence with my friends to bring about the offer made by Messrs Alfred Lee Smith and J. B. Reid to the official liquidators of the colonial Bank" ?—I would answer that by asking you another question. Why is it I have paid everything I have got, and which I was not called upon to pay, in support of the association for the last year or two ? It was with a view of preventing disaster to many settlers, and I think I was morally bound to use both my own influence and that of my friends to keep the association going in the interests of the people.

But why should you use your influence to get your friends to make an offer you say you have no interest in ?—Because I did not want the association to go down.

It has nothing to do with the balance sheets put forward by the J. G. Ward Association ?—Nothing whatever. I want as far as I possibly can to see that a number of people whose future to a large extent is involved are not ruined. I want to stand by them if I can, and I cannot do anything myself in the way of money guarantees. I think they would be helped by that offer, and if the offer is not accepted the association will go into liquidation.

And you would go through the court ?—I should say the J. G. Ward Association would have to go into liquidation, and I should have to accept the inevitable myself.

Why should Mr Ward's friends give assistance if not to assist Mr Ward—that is what I want to know ?—You may as well ask me why a great many people should be prevented from insolvency. I believe such a disastrous one would effect the colony as a whole.

Mr Young : Do you think that in every case it is better people should be bolstered up than that they should go bankrupt ?—I did not say so; but I think that if compelling people to go bankrupt means the ruin of other people it is desirable to prevent that if possible.

## Mr Cook's Evidence.

William Richard Cook, who was frequently quite inaudible, examined by Mr Young, said : I inspected the Ward Association assets for the liquidators. I had no instructions at any time from the Bank of New Zealand in respect to them, or from any official of the Bank of New Zealand. I have seen the balance sheet of June 1895. I cannot tell if that is a true account of the position given at the time. I have not gone through the balance sheets. I did not see the balance sheet until I was through my work, and had prepared my statement. Mine is not a balance sheet, but a statement. The capital of the company is gone. I had no asset of capital to show. In my opinion, and I think in the general opinion, the balance sheet should not have been prepared in the manner in which it was. I inspected the share list, and dealt with it in the same way that I did with the book debts. The whole of the shareholders, with the exception of Mr Ward and five or six more, are customers and debtors to the association. In valuing the book debts I made four columns, and showed new and current bills, bills under discount, and past due bills. Having ascertained the indebtedness, I made what inquiries I could as to the value of the accounts, and valued them according to the result of my inquiries into the assets of each individual. After I had done with the book debts I had the share list and went through with the same names. I wrote to everybody who was owing over £50 to come in and see me, and took their signed statement as to what they were worth,



and my estimate was formed upon that. Regarding the Hokonui Company, I got a statement of its position and of its past working. I did not have a list of its shareholders or make any detailed valuation of its assets.

Mr Young : Wherein do you suggest that it is more beneficial to accept the proposed sale than to realise on the assets ?—My memo, respecting it was made on the 30th of March, and I valued the assets as highly as I could on a liquidation basis. From past experience I think if you can get nearly the amount of cash it is far better, to take that than to go into liquidation, because you have contingent expenses of all kinds creeping up.

You mean nearly the amount that would be realised on liquidation ?—Yes. I was asked by the liquidators whether I would consider that offer a fair one, and I said undoubtedly I would.

You suggest that by liquidation you would probably get a greater amount than that offered ?—I do not know about that. I put down what I considered a fair valuation on a liquidation basis, bringing the knowledge I had to bear upon the inquiries. I think that valuation was as fair and true as one could possibly get.

Do you think there had been reckless trading ?—That is the only word for it.

To a very large extent ?—Yes. That is, advances were made that prudent men would have taken security over the crops for, and no security was taken.

Can you say from the books over what period that reckless trading was going on ?—No; I would not like to say. When I got there I had the books balanced to the 19th March, and worked from that date. I think you can say that probably nearly for two years I found no securities after 1894.

Your investigation was in November ?—No, in March, and I finished my work on the 2nd April.

Would it surprise you to learn that they had made provision for bad and doubtful debts ? Yes. I do not think a sufficient sum was written off for bad and doubtful debts.

Mr MacGregor : You say you were aware of the offer made by Messrs Smith and Reid ?—I knew an offer was made, but not the terms of it until Monday.

When did you first know of negotiations, before or after you went down to value ?—After my statement was in. It was during the Easter holidays I knew an offer was going to be made.

When you were instructed to value, were you told for what purpose the valuation was required ?—No. I was merely told to go down and ascertain the true position.

And nothing further?—Nothing further. I knew Messrs Reid and Smith were down there. They were there before I got there.

In what capacity ?—I understand they were there on behalf of Mr Ward. The first I saw was a statement in the papers that they were going down.

Are you aware whether they were authorised to go down by the Bank of New Zealand ?—I knew of a correspondence between the Bank of New Zealand and the Colonial Bank, and of a suggestion made that the position should be arrived at by Messrs Smith and Reid.

On behalf of the Bank of New Zealand ?—I do not know, but I presume it would be for the Bank of New Zealand, because the liquidators said they would agree to that provided I was associated with them. Everything I did they were checking.

You did not understand they were present as probable purchasers ?—No, not till afterwards. However, if I had I do not think it would have made the slightest difference.

Was Mr Ward about at this time?—No, I did not see Mr Ward in the place at all.

You have told us that you were aware of the offer, and you considered it reasonable to accept it ?—I think so.

Mr Haggitt: Do you understand the details of the proposed contract ?—Yes.

Do you know whether Messrs Reid and Smith are buying the assets of the company, or are they merely taking the bank's place as creditors with the others ?—I understand they are buying the bank's debt.

Prior to making up the statement, you did not examine the previous balance sheet ?—No; I did not have the opportunity of seeing the balance sheet until a little time afterwards. I would rather not see the balance sheet, for I like to make my statement without it.

To Mr Woodhouse: As far as the bank is concerned, they are getting £4600 more, as probably saving the cost of liquidation ?—advised the liquidators to accept because believed my figures to be as nearly correct as possible, and at the same time expenses may come up—law costs, and so on—which it is wiser to avoid.

## Mr Viger's Evidence.

William Brown Vigers was called and sworn.

Mr Young : Can you tell me as to whether the liquidators are all agreed as to the advisability of this ?

Witness : Yes; they say so in their affidavit

I understand there has been some difference—some disagreement, between them ?—Not that I am aware of.

You have seen the balance sheet of the Ward Farmers' Association for June 1895 ?—Yes.

Did you assist in its concoction ?—No.

What advantage do you say there is in this over an ordinary liquidation ?—Well, we do not run any risk of assets disappearing, we save a lot of interest, and we get an addition guarantee on the amount we have to pay. We have to pay £5000, and we are getting that guaranteed.

You mean the Brooks account? Are there no assets against that ?—No; we have got pay it.

Do you know the financial position of Messrs Smith and Reid ?—No.

Are you quite sure that they are able to pay £62,000 ?

The witness, who spoke indistinctly through out his evidence, was understood to say that they would be able to pay within a fortnight.

Do you happen to know by whom the money is being paid ?—I do not.

Do you know if the Bank of New Zealand assisting them ?—I cannot say.

I take it that a limited company can never pay more than it has got, and therefore Smith and Reid take it over they cannot more out of it than you can ?—No, but they can take a longer time. Liquidation means sacrifice.

You suggest they can keep the company going ?—I do not suggest; I think it probable they will.

The fact of its going at the rate at which has been going means a loss ?—They were probably change the way of doing business.

You think it probable that they can liquidate to better advantage than you can?—I take that they are not going to liquidate, but that they are going to carry on as a going concern.

You would realise what securities you have got? You have securities?—We have guarantee by Mr Ward.

Have you no other securities ?—No, we have no other security.

His Honor : That is so. It is stated in the affidavit that there is absolutely no security. That is not the fault of the liquidators. It is a point that may come up hereafter.

Mr Young: Yes, it probably will.

His Honor : It is possible—I suppose it is not the case?—that these debentures are a first charge on all the assets of the company.

Witness: I believe it is so, on all the uncalled capital and assets.

His Honor : They came in in priority to the sundry creditors ?

Mr Woodhouse : That is so.

Witness: The debentures are, I understand, secured by the uncalled capital and assets.

Mr Young: The Colonial Bank practically hold a mortgage over the uncalled capital to secure the debentures?—Witness was understood to reply in the affirmative.

Mr Haggitt: There is a provision that the debentures became due if the company goes into liquidation.

Mr Young (to witness) : What was your capacity in June 1895—at the time when the balance sheet of the Ward Association was prepared?—I was inspector of the Colonial Bank.

Were you aware of the bogus draft for £30,000 ?—What do you call a bogus draft ?

A draft which never went on.—I was aware of a draft that never went on. I do not know that it was bogus.

Is it not the same thing ?—I do not think so.

Why did it not go on ? If you have no objection, I shall be glad if you will explain what the transaction was.—I have no objection. The draft was drawn on a credit for £30,000, supported by warrants for oats that went to the credit of the association.

A draft on whom ? Do you remember ?—A draft on John Connell and Co. (Limited).

His Honor : That amount was placed to the credit of the Ward Farmers' Association with the Colonial Bank ?—Yes

Mr Young : It was practically a discount ?—Practically a discount.

What was the date ?—About the 29th or 30th June. I cannot be certain.

On the balance day, apparently ?—It was one of those two days.

His Honor: It was not the bank balance day. That had the effect of reducing the overdraft to £1185 4s 1d ? The draft did not appear as a liability ?—It became a discounted bill. They did not put discounts in at all.

His Honor: But, then, against that they had the warrants for the oats.

Mr Young: Would it not appear on the other side of the balance sheet as a draft against shipments ?—I had nothing to do with making up the Ward Farmers' Association balance sheet. You cannot ask me about that.

I am asking you, as an expert, under ordinary circumstances.—If it was not shown on one side it would not be shown on the other.

What became of the draft?—It was afterwards recharged to the Ward Farmers' Association.

Was it cancelled ?—Yes.

The transaction was written back ?—Yes.

Can you say how soon after the 29th June it was written back ?—I should say about the 19th October. It

was some considerable time. It was the 13th October.

Should it not have gone on to London in June ?—It did not go.

It was kept in the bank safe, I suppose ?—Yes.

Do you know why it did not go on ?—Yes. It was not quite clear as to the terms of credit. It was done under cable.

Do you know what was the value of the oats?—No. They were supposed to be worth £30,000.

What became of the warrants for the oats ?—They were handed back, I understand.

Mr MacGregor: Do you tell us that the draft and documents were held by the bank from the 29th June to the 13th October ?—Yes. That is from memory, of course.

You have no personal knowledge of the value of the oats?—No. I suppose it would be the fair market value.

That had the effect of making the Ward Association's balance sheet considerably more favourable than it otherwise would have been ?—Yes. It did not show the contingent liability.

Do you know at whose suggestion the transaction was carried out ?—The bank's.

Which individual officer of the bank ?—Myself.

And you are one of the liquidators ?—Yes. I acted under instructions.

From whom ?—The general manager, Mr Mackenzie, who had the cable.

Were the directors aware of this transaction ?—I do not know, I am sure.

Whom did you advise to do this ?—The manager, in conversation at Invercargill.

You were in communication with the head office by wire ?—No; I went down.

How did it happen that this transaction occurred on the balance day of the Ward Association ?—Because the cable came that morning.

Was the cable in reply to another cable ?—I do not know.

Is it not a fact that what you went to Invercargill for was to insist that the account should be reduced as nearly as possible to credit?—Very possibly we wanted the account in credit.

And this providential cable arrived on the day on which you went down ?—On the morning before, I think. I understood that arrangements were made in London to have those credits established.

Arrangements with Mr Ward ?—Probably.

There is an extraordinary coincidence as to the date. Do you know whom the cable was from ?—I could not say.

How was it that this draft remained hung up for so many months without the transaction being settled?—I suppose because it was not convenient to find the oats.

The oats were not forthcoming. Where were the oats which were represented in the warrants ?—They were supposed to be in the stores.

Were they ?—I do not know.

Have you any reason to believe that they were ?—Afterwards I had reason to believe that they were not.

So that this £30,000 bill was lying in the bank safe with a parcel of worthless bonds attached to it ?—We did not know that.

His Honor : Were the bonds worthless when you got them ?—They were not so to our knowledge.

Were they as a matter of fact ?—I believe so.

Mr MacGregor : Do you mean that the oats were never there at all to represent the warrants ?—I think not, from what I subsequently learnt.

What did you subsequently learn ?—That there was considerable difficulty in getting the oats.

Was it Mr Ward's bond they were supposed to be stored in ?—They were supposed to be in different places.

Did they duplicate the warrants ?—I think the man gave warrants when the oats were not there.

The bondkeeper ?—They do not have bondkeepers at these places.

His Honor : They would be free stores.

Mr MacGregor : Who signed the warrants ?—Witness : The manager of the company.

The manager of the Ward Company ?—Yes.

And you took his word that the oats were there ?—Yes.

And the Ward Company had the use of this £30,000 from June until October on the strength of this draft ?—It simply wiped off the overdraft.

It saved interest, I suppose ?—The interest would be charged back.

His Honor : If the oats had been there the account would have been £30,000 to the good.

Mr MacGregor: Were oats rising at the time ?—Witness : I think they were.

At the time of this transaction Mr Mackenzie was in Dunedin, and he instructed you to proceed to Invercargill to arrange this ?—Yes.

Do you remember when Mr Ward came back from England ?—I remember about the time.

At the time he came back were you aware of the financial position of the company ?—No.

When did you first become aware of their position ?—As far as I recollect, about the beginning of September.

Was this one of the accounts you had to inspect?—I inspected it once thoroughly, and once the figures on the books of the bank.

When was the thorough inspection ?—In November.

Until September did you consider that the company was in a solvent condition ?—Yes.

When did your suspicions become aroused about the oats ?—I was told about it. I heard in a general way.

When ?—Some time after September.

You have heard Mr Ward tell us that in the month of August he reported to the bank the damaging report that his manager had sent, Is that correct?—My own impression is that it was somewhere about the 2nd or 3rd September.

You would get to know that a few days after Mr Ward making it ?—Yes. It was made to Mr Mackenzie in Wellington.

While Mr Mackenzie was away were you acting as general manager ?—I was looking after the office. I was not acting as general manager.

There was no one in command except yourself ?—No; but there was a man in command in New Zealand—in Wellington. I attended to the routine work.

He had other work ?—I presume so. He stayed there for a considerable time.

That was the time of the proposed amalgamation ?—Yes.

You say that you made a thorough inspection of the affairs of the company in November?—thorough inspection so far as I could.

Did you take out a balance sheet or a statement of affairs ?—Yes.

Can you tell us roughly how it compared with Mr Cook's?—I made it pretty bad, but not quite so bad. I did not go so thoroughly into it as Mr Cook did.

Were you surprised to find it so bad as you did?—Yes.

Had you anyone assisting you ?—I had some assistance from the men in our own office, and from the men in Mr Ward's office.

There was nobody assisting you from the Bank of New Zealand ?—No.

Had not your own office ceased to exist then ?—No; it was prior to the 18th November.

I notice that you, along with the liquidators concur with Mr Cook in saying that this is the best offer you can get. Have you taken any steps to find whether you can get any other offer ?—No.

You have not called for tenders, for example ?—No; we have not called for tenders.

And this is the only offer you have had ?—Yes.

Or asked for ?—This is the result of our starting to put the company into liquidation. We called on the Bank of New Zealand to take it over. They declined, and we asked them to take steps to liquidate. Then we got this offer. We then stopped the liquidation proceedings in the meantime to consider this, till we thoroughly understood this and saw what was the best that could be done.

The Bank of New Zealand had actually commenced to liquidate the company ?—They had not actually commenced. They had received instructions.

Was it through the Bank of New Zealand that you received the first word of this offer?—No.

You received the notice through the Bank of New Zealand ?—No.

And you do not know that the Bank of New Zealand are finding the £62,000 ?—I do not bow that they are finding one shilling.

You have no ideas on the subject ?—I have no ideas.

Mr Woodhouse: Do you think it would be a wise thing to call for tenders ?—No; I think it would be very unwise.

You think it would have a prejudicial effect?—Decidedly.

Mr Young observed that he did not wish to ask anything of the other liquidators.

Mr MacGregor said he would like to ask Mr Simpson a few questions.

## Mr Simpson's Evidence.

William Lawrence Simpson, one of the official liquidators, was sworn.

Mr MacGregor You have joined with the other liquidators in this affidavit ?—Witness: I have.

In making the statement in the affidavit, did you rely on your own inquiries and investigation or on Mr Cook's ?—As regards what ?

As regards the value of the estate ?—I took investigation by Mr Cook as a basis. We made an inquiry ourselves.

What do you mean ?—We went down ourselves.

Did the three of you go down ?—No; two of us—Mr Ramsay and myself—and we went through the books with Mr Cook.

Mr Vigers did not go down ?—No. It was more convenient to keep one here.

Mr Vigers must have been down since he was appointed liquidator ?—Yes, but not on this occasion.

And I presume we may take it that you are satisfied that this is the best offer that you can get?—It is the best offer on the basis of Mr Cook's statement which was made on March 20. I do not know now, when oats have risen 6d, that I would say it is the best.

Oats have risen 6d since then ?—They jumped up last month.

Did the company hold large stocks of oats ?—No; but, dealing with farmers, they must be paid in oats, I think.

That has improved the position of the debtors ?—It has improved the position of many of them.

That would affect both the book debts and the capital account ?—Certainly, so far as the stock is composed of oats.

You say that if this was a fair offer when it was made it should now be increased considerably ?—To-day, if we had not closed as it were, I would think twice before we closed; but we have closed, and we let the court take the responsibility of withdrawing out of it. Between man and man, it would be a binding contract, and it would be dishonourable to withdraw.

Can you give any idea in pounds of the pro-[unclear: able] difference ?—I would say, roughly, that a good many of the doubtful debts ought to have become good.

To what extent ?—What would require perhaps 600 bushels to pay an account would take about 500 bushels.

That is 20 per cent, better ?—I dare say it is all that, but there are a number of other considerations which must be taken into account.

Take the book debts.—There is not the slightest doubt that the rise in oats has improved their value.

Surely if you got a better offer than this you would be bound to take it ?—Not if we have committed ourselves to one offer already.

Is there any other reason that you can suggest why you can get a better offer ?—None.

Assuming that this was a fair price at the time, you think that Messrs Smith and Reid should make a handsome profit ?—Their position has been improved by the rise in oats.

By 20 per cent. ?—Oats may go down again before they are able to sell.

Yes; but they may sell to-morrow ?—If they realise at once there would be the danger, through their being such large holders, of their knocking the market down.

Mr MacGregor : They could ship to London, not in the manner which has been described, but *bona fide*.

His Honor : I understand the company have a very small stock of oats, but you say the rise in the price of oats affects the payment of the debts and the uncalled capital to some extent ?—Witness: Yes. Mr Cook, who has been handling the thing, will be able to give a better idea.

Mr MacGregor: The contract was only signed on the 1st June ?—But the proposals were dated the 20th April.

Mr Woodhouse: The rise in oats would only affect the bad and doubtful debts ?—It would only affect the bad and doubtful debts.

The extent to which it would affect them depends upon the quantity of oats the farmers have ?—Yes.

You do not know what they have ?—No.

His Honor: Is not this the case: that if a man is hard up he sells his oats as soon as he can ?—The accounts remaining unpaid are coming in now. When they come in the man who is a debtor demands that the market price be credited to him, and that price last month has gone up 6d.

Would not the weaker men have disposed of their oats as soon after harvest as possible, and would there not be stocks in hand in respect of these ?—They would sell as soon after threshing as they could, but it was nearly the end of April before the threshing was done, so that they were bringing in just after the rise

Mr Woodhouse : And it is also possible that the selling of large quantities will bring the market down ?—Yes; I do not say what the exact effect will be, but it would make me doubtful to-day about selling.

Mr Haggitt: But there is just as much chance of oats falling as there is of their continuing to rise ?—Not for a few months.

If the Ward Farmers' Association were put into liquidation, all the oats would come in at once ?—If they were judiciously handled.

Is it not a fact that your co-liquidators do not agree with you on this point ?—They are not of the same

opinion as I am.

Mr Woodhouse : Do you know if anything has gone down since the offer was made—manures, for example?—There is a very large quantity of guano. We do not consider that to be of such value as it was.

You do not know any other persons who would make an offer ?—No.

His Honor: You cannot hawk the thing round the country.

Witness : I do not see how you could advertise or let it be known it was open for offer.

Mr MacGregor: There is some goodwill ?—But you forget we have not a business to sell. We have only a small control or interest in it. So much was that so that we had some difficulty in getting into the premises at all.

## Mr Cook Recalled.

W. R. Cook, recalled, was understood to say that if he valued the accounts to-day he would certainly value them higher than he had done. In the case of doubtful accounts, where a man had 300 acres of oats and 30 bushels to the acre, instead of taking them at 1s 3d he would take them at 1s 7d or 1s 8d per bushel, and so the doubtful debts would be considerably improved; but then they must take into consideration that if they forced the market they would probably cause a fall. It was a very difficult point, but he must say that if he made a valuation to-day he would have to take the market rates to-day as he did then.

Mr MacGregor: Can you give an estimate, approximately, of the difference it would make in your statements ?

Witness: About £5000 difference. This is only partly guesswork. I do not want to be definite in this. That would be in the statement. Whether in realisation you would get this is a different thing, because in forcing the market you would probably cause a fall. Guanos have been mentioned. They would be affected the other way. They have gone down, but the proportion is not so great.

Mr Young : Approximately in the same way what would the difference be—£500 ?

Witness : I should think so.

## Mr Ramsay's Evidence.

Keith Ramsay was then called, and stated in reply to Mr Haggitt that the question of the rise in the price of oats since the agreement was entered into with Mr Reid and Mr Smith had been threshed out on several occasions by the liquidators. He was satisfied that notwithstanding the rise in the price of oats that they were getting a good bargain. He would not wish to withdraw from the bargain. If oats had fallen, he would not think it honourable if the purchasers had backed out of their agreement. He thought that the cost of liquidation would be £10,000. The interest item alone would be 6 per cent.

Mr Young asked how Mr Ramsay estimated the expenses of the liquidation to be £10,000?

Witness replied that he based his estimate on 10 per cent, on the amount liquidated.

Mr Young: On the assets ?

Witness : Yes, on the assets.

You could get in a lot of these debts in the shape of oats within a week or two ?—Yes; we could get in a considerable sum in a few weeks.

In reply to further questions, Witness said that most of the stock had been in hand for years. He thought it could be realised in six months. Then there were some properties to realise, and he fancied that it would take over two years to complete the liquidation.

Mr Young : Why will it take so long?

Witness: The indebtedness has been running on for four or five or six seasons, and if farmers are hurried up they would be forced into liquidation themselves.

Mr Vigors said, in reply to Mr Haggitt, that the liquidators had considered the question of the rise in the price of oats, and he considered it was a good thing to sell.

Mr Ward gave it as his opinion that the rise in oats was entirely attributable to the fact that there were no large speculators this year, and farmers were holding themselves. It was an inevitable result, if they had to sell, that oats would come down.

Mr Young then put in the following affidavit by Mr Braund.

"I, Victor Maurice Braund, of the City of Wellington, accountant, make oath and say:

"1. That the J. G. Ward Farmers' Association of New Zealand was formed in November 1892 for the purpose of acquiring the goodwill of certain businesses carried on by the Hon. J. G. Ward.

"2. That in consideration of the sale of the said businesses the said Hon. J. G. Ward was allotted 3000 fully paid-up shares of £5 each in the said association.

"3. That I have carefully analysed and compared the balance sheets of the J. G. Ward Farmers' Association issued by them for the periods ending 30th June 1893, 30th June 1894 and 30th June 1895, and have taken extracts therefrom.

"4. That the extracts annexed hereto and marked 'A,' 'B,' 'C,' 'D,' 'E,' and 'F,' are correct extracts from such balance sheets and reports.

"5. The nominal capital of the association was originally £100,000, divided into 20,000 shares of £5 each. Of these 3000 were fully paid up. During the period ending 30th June 1893, 5000 of the balance of such share was subscribed for, upon which £1 per share was called up. The paid-up capital for that period, exclusive of the £15,000 paid for goodwill, was £5276. At the close of the next year (30th June 1894) 18,665 shares had been subscribed, and the paid-up capital, exclusive of the £15,000, was £12,189. At the close of the next year (29th June 1895) 12,230 shares had been subscribed, and the paid-up capital, exclusive of the £15,000, was £12,450, leaving 4939 shares unsubscribed. During the last-mentioned year the nominal capital was increased to £250,000 by the creation of 30,000 new shares, also £5 each, although the increase in the subscribed capital was only £846, still leaving 4719 shares of the original issue unsubscribed, and in that year the association issued debentures to the amount of £40,000, which I am informed and verily believe were underwritten and are now held by the Bank of New Zealand.

"6. That exhibits 'A' and 'B' show a comparison of the details of the liabilities and assets of the association, taken from the said balance sheets. Exhibits 'C' and 'D' show the details of the profit and loss accounts taken from the same.

"7. Exhibit 'E' shows the apportionment of the alleged profits for those years, and exhibit 'E' is a statement showing a percentage of the gross profits and percentage of the working expenses in relation to the total assets in the said balance sheets.

"8 That exhibit 'A' shows that in the balance sheet of the 29th June 1895 there are no items corresponding with the items 'Drafts against shipments' and 'Bills under discount,' appearing in the two previous balance sheets and in the last one at £51,645 9s 11d and £35,917 1s 10d respectively. That it is highly improbable that such items did not exist, and if they did exist it follows as a principle of accountancy that the amounts must have been deducted from items of the assets. That such a course would be misleading and most irregular and improper, and would amount to a falsification of the balance sheet, inasmuch as the omission to show such items amongst the liabilities on the debit side of the balance sheet would signify a concealment of a contingent liability of the association.

"9. That this inference is supported by a comparison of the total assets shown in the balance sheets ending 30th June 1894 and 29th June 1895 at £166,846 16s 4d and £87,255 19s 6d respectively, indicating an apparent falling off of nearly 50 per cent, in volume of business for the year 1895; whilst reference to exhibit 'B' will show that the gross profits were £14,067 and £12,372, equal to 8½ and 14 per cent. of the total assets respectively. This increased profit is inconsistent with the reports of the directors annexed to the balance sheets of 1894 (which stated : 'A steady increase in the value of business has taken place'), the report of 1895 (which stated : 'The year just closed has been one of general depression. The depression has been felt by the association'), and is also consistent with the reduction of the dividend and bonuses paid to shareholders and others or such year.

"10. Exhibit 'A' shows that the direct indebtedness of the said association to the Colonial Bank of New Zealand in 1893 was £26,278 0s 7d, in 1894 was £26,584 8s 10d, and on the 29th June 1895 was only £1185 4s 1d.

"11. That I am informed and believe that the figures £1185 4s 1d did not represent the true direct indebtedness on that date, but that the said indebtedness was £26,185 4s 1d, and that a draft for £25,000 was negotiated on or about the 30th day of June 1895 by the Colonial Bank and placed to the credit of the currency account of the said association, and also that the said draft was never remitted, but was cancelled and the transaction written back after the balance was struck; and this information is supported by the figures of the balance sheets, which show a reduction in the direct indebtedness of about £25,000 at the close of the year 1895 as compared with both the previous years.

"12. That exhibit 'B' shows that dividends and bonuses have been paid at high rates for the said three periods, but the item representing goodwill (£15,000) has only been reduced by £2000 written off in the last year. That it is usual and proper to write off goodwill altogether out of profits within about five years, or sooner if profits will admit.

"13. That during the three years the dividends receivable by the said J. G. Ward at the rates declared would amount in 1893 to £1500, in 1894 to £1500, and in 1895 to £1050, besides which the said J G. Ward was employed as managing director.

"14. That in the report of the 29th June 1895 the directors allege that due provision has been made for bad debts; that profits were good, admitting of allocations to goodwill account and payment of substantial dividends

and bonuses, and the directors recommended the unissued portion of the debentures of the association 'to their shareholders and clients as offering a first-class investment.'

"15. That the balance sheet of the 29th of June 1895 shows the association to be in a flourishing condition and their auditors' certificate vouches that it is 'fully and fairly drawn up and properly exhibits a true and correct statement of the affairs of the association.'

"16. That I am aware that at the time that this balance sheet was prepared negotiations were pending for the purchase by the Bank of New Zealand of the business of the Colonial Bank of New Zealand, and I am further informed and believe that Mr W. B. Vigers, one of the liquidators of the said bank, and late inspector of the said bank, assisted in the preparation of the said balance sheet and was cognisant of the whole surroundings.

"17. That the said Hon. J. G. Ward, as Colonial Treasurer, was in charge of the bill which passed both Houses of Parliament authorising the purchase of the business of the Colonial Bank of New Zealand by the Bank of New Zealand.

"18. That a term of the purchase was that £55,000 should be written off a list known as the 'C' list.

"19. That it has been publicly stated without denial that the 'C' list contained the accounts of the said association, and the said sum was written off such accounts, whereby its liabilities to the said bank has already been reduced by £55,000.

"20. That I am an equitable shareholder in the said bank, and I am of opinion that there are many matters in connection with the conduct of the business and the balance sheets of the said association which require a searching investigation, and that no advantage can possibly be gained by the shareholders of the Colonial Bank by a compromise which obviates the winding-up of the said association in a regular manner."

Dividend Refund Bonus on Bonus on eg on of Purchase Salaries & Puid-up Charges of Merchandise and Capital. on Sales. Wages. 18P3 10% 20% 21% 5% 1894 10% 25% 21% 5% 1895 7% 10% 3 % 3% 1 Year. Total Profits. Gross Profits. Percentage Per Annum. Percentage of Working Expenses to Assets. 1893 £ 67,220 £ 8,156 (7 months) 16% 7½% 1894 166,846 14,067 8½% 5 % 1895 87,255 12,372 14% 9½% 1893 1894 1895 Margin of profit percentage over expenses percentage Margin of profit. say 9% 3½% say 5%

The following are the details referred to in the affidavit:—

Advances against produc\* Hills receivable ... Current accounts ... Book debts..... Stocks of goods ... Plant, Ac..... Goodwill account ... Goodwill paid (United Farm Agency) ... Shares in S. yard ... Cash in hand 1893. £74,929 17 4 £49,502 17 2 13,002 3 7 5,348 6 2 17,08R 5 7 1,678 10 1 37,477 5 11 10,372 5 0 25,665 4 2 2,042 3 9 15,000 0 0 1,278 2 6 46 12 6 35 4 11 1893. 1894. 1895. Capital (nominal) ... £00,000 0 0 £100,000 0 0 £250,000 0 0 Subscribed 40,450 0 0 75,305 0 76,150 0 0 Paid-up (excluding £15,000) 5,276 10 0 12,189 0 0 18,450 10 0 Vendors' fully paid shares... 15,000 0 0 15,000 0 0 15,000 0 0 Drafts against shhipment\* Bills under discount 34296 0 1 51.643 9 11 Nil. 12,859 16 0 33,917 1 10 JW. Debentures 40,000 0 0 Curreut accounts ... 4.251 12 7 9,094 17 5 10,103 8 2 Sundry creditors 1,562 8 3 Deposits Colonial Bank of N.Z. 300 0 0 26,278 6 7 Bank account 26,584 8 10 1,185 4 1 Drafts accepted 9,636 2 2 Reserve fuod 1,000 0 0 2,000 0 0 Unclaimed dividends 3 16 6 Profit and loss 4,414 19 1 7,777 19 8 6,516 17 3 1894. 1895. 34,450 9 9 6,830 7 5 10,456 17 0 17,840 2 8 2,638 5 2 15,000 0 0 47 17 6

Mr Young addressed the court, citing numerous authorities to show the principles laid down as applicable to the determination of such matters as that before the court. He should, he said, rely upon these authorities in contending that there were circumstances surrounding this matter, which he would go into when the court again sat, which would justify his Honor in withholding his sanction to the scheme proposed, which there could be no was then an attempt at compromise.

The following affidavit by Mr Braund was then read by Mr Young:—

*"I, Victor Maurice Braund, of the City of Wellington, accountant, make oath and say :*

- *That I have perused a copy of the affidavit of William Richard Cook, sworn and filed herein, and the balance sheet thereto attached.*
- *That I have made a hurried analysis thereof, and the same is attached hereto and marked 'A.'*
- *That I believe that such analysis contains a true account of the position of affairs as shown in the said balance sheet.*
- *That as a result of such analysis it appears that in consideration of Messrs Reid and Smith's promise to pay £62,750 the agreement proposes to release the association from the indeficiency of £48,456 16s 4d, in addition to the sum of £55,000 now admitted to have already been written off, and the debtor (the Hon. J. G. Ward) from his liability, upon guarantees and otherwise, of £87,490, and also to release the Hokonui Railway and Coal Company and Messrs Thompson and Hayes and Dr Hanan's estate from their respective liabilities of £4900.*
- *That in view of the position disclosed by the said balance sheet, I see no pecuniary advantage, apart from all other considerations, in the proposed sale, but I am of opinion that, upon the facts disclosed alone, the interests of the shareholders of the said bank would be better served if the said association, the said*



*Hokonui Railway and Coal Company were liquidated in the usual manner, and the liquidators were to exhaust their remedy against the said J. G. Ward and other debtors or guarantors."*

At 5.15 p.m. the court was adjourned until 11 o'clock this (Saturday) morning.

The case was continued on Saturday morning.

## Mr Vigers Re-Examined.

His Honor said at the outset that he desired to ask Mr Vigers one or two questions. (To Mr Vigers) : You went down to Invercargill, I understand, at the end of June to get the association's overdraft reduced, among other things ?

Witness : Yes, your Honor.

And it was then that a cablegram came to Mr Fisher, who was then managing the association, as to the credit which had been opened ?—I think the cable came to the bank, but I am not quite clear about it. It was to the bank, your Honor.

And then Mr Fisher drew on Connell and Co. for the £30,000 and gave warrants for oats purporting to be of that value ?—Yes, representing that value.

The draft was not forwarded to Connell ?—It was to be held over for a few days till Mr Ward's return, and until we had further advice as to the cable. We did not read the cable advice quite clearly as to——.

And that was why it was not forwarded ?—That was why.

When Mr Ward returned, why was it not forwarded then ?—I could not say that.

When did the bank find out that the oats were not there ?—About September.

Not before ?—I believe not. I did not know anything about it till September. I may say that there was no new money given against this bill.

I quite understand. It came off the account ?—From the bank's point of view it was a good transaction. Instead of an unsecured account we got oats as cover.

No doubt it would have been a very good transaction if the oats had been there, but they were not there. That is one point I wanted to ask you about. Then I want to ask, can you give any explanation of the reason why this bill was taken by the Colonial Bank from Mr Ward on the 19th of October ?—I cannot give any explanation at all. It did not come within my province.

No, it would not come within your province. But I ask you as a banking expert whether you can offer any explanation?—I do not think it comes within the range of ordinary banking.

You are one of the liquidators as well as being a banker. Have you any notion of what paragraph 18 of the agreement means ? What is the point of it ? What is the point of writing off the amount of this particular bill, for the bill was not given on that day?—My own impression is that that was the amount the account was supposed to be short. All the rest was supposed to be good.

That is what puzzles me This account on the 18th was supposed to be bad, hopelessly bad. It looks like that ?—Yes

The next day a promissory note is taken by the bank for that amount. Ordinarily, if a promissory note is given by a man of business, it is supposed that he believes at the time he will be in a position to meet it. Also, when [*unclear*: a] promissory note is taken by a man of business, as, of course, the representative of the Colonial Bank was, it may be presumed he looks at it as a valuable security. As the circumstances were, which were probably known to both parties, this promissory note was simply a worthless piece of paper, the giving and taking of which seems to have been a farce perpetrated between Mr Ward and Mr Mackenzie for no understandable object. Can you as a banker suggest any explanation of it?—Not as a banker. I can give you my impression I think it was taken by Mr Mackenzie just with a view to retain a hold upon Mr Ward for the amount.

But Mr Ward was not liable to the bank before that ?—No, but he was to the company. That was written off to the company, and the company were credited.

His Honor: I want to get as much light as I can.

Witness : I think it was to retain a hold of Mr Ward.

Mr Young : The draft for £30,000,—was it a promissory note for three months or a draft ?—So far as I remember it was a draft on demand. I am not perfectly certain.

Would it not probably be a draft due in October ?—I do not think so.

Do you know ?—I say I don't think so. I think it was on demand.

Was it returned to the association ?—Probably it was.

Do you know whether it was returned ?—I presume it was. It was debited to them and if they asked for it it would be returned.

Do you know if the draft was included in the item "past due bills " ?—This draft was out of existence. It

was debited to the company. That is all I know of it.

If it was returned it would be a past due bill?—If it was paid it would be a worthless piece of paper.

But it was not paid?—So far as we are concerned it was paid.

Can you tell me if it was included in the item "past due bills"?—It was certainly not.

What account was it debited to?—The J. G. Ward Association's current account.

What puzzles us is that the direct indebtedness to the bank is stated at £9605 in Mr Cook's statement.

Should it not include the item of £30,000?—No; certainly not.

How is the indebtedness of the association to the bank so small, except in respect to the past due bills?—The indebtedness in round figures is £72,000. I do not call that small.

It may be included in the item of past due bills?—I have told you it is not included in that item. There is one point yesterday in which I made a mistake in the matter of a date. I said it was on the 13th October, but I find it was on the 13th November when the £30,000 was debited.

What would be the total indebtedness of the association to the bank at the time the £30,000 draft was passed through?—You mean the overdraft?

Yes; how was it reduced to £9605? I told you that £55,150 was credited to the account.

The association is still a debtor for £9000 odd. If the indebtedness was £30,000, the crediting with £55,000 would put the association in credit. Instead of that the association is in debit £9605. How is that state of affairs accounted for? Have there been further advances?—There have been further advances from time to time.

To the extent of £35,000? Is it anything like that, do you know?—I should not think it would be so much as that.

The £55,150 represented the indebtedness of the association to the bank on the 30th November?—No.

Mr Haggitt: It represented Mr Ward's indebtedness to the Ward's Farmers' Association.

Mr Young: You cannot say what the indebtedness of the association to the bank was—Witness: My memory will not carry me back to any particular date.

What advances have been made, roughly speaking, since that was written off? Have there been £30,000?—I do not know of any particular advance—advances to carry on the business.

You see they are still debited with £9605 on the grain and rail account?—That has been standing for some time.

I want to know what the dealings on the account have been since the £55,000 was credited?—Everything since that has been the ordinary working of the account.

The crediting of that £55,000 put the association in credit?—It was this way so far as my memory serves me: There was an overdraft, and the £55,000 put the account in credit. Various items seem to have run the account up to £14,000 or £15,000.

Suppose it was £15,000. If you take £55,000 off that, it leaves them in credit £40,000. You redebit £30,000, and that leaves them in credit £10,000. That has been reduced, you say, by subsequent dealings until there is a further overdraft of £9000?—No. The £9000 has been swung for some time.

Then that £10,000 does not appear anywhere, what has become of it?—Only speaking from memory, there was about £14,000 overdrawn.

His Honor: Is not this the case, Mr Vigers: The bank took Mr Ward's promissory note for cash so far as the Farmers' Association was concerned. The Farmers' Association now only owe the bank £92,000, whereas before they owed the £55,000?

Witness: They took the promissory note and reduced the indebtedness of the company by that amount.

The bank transferred the indebtedness of the company to Mr Ward?—That is so.

His Honor: I confess that until yesterday I did not understand that, for one was informed that on the left-hand side of the "B" list was £78,000, and that on the right hand side there was £55,000. Now it seems there is £90,000 odd in addition to the £55,000.

Witness: In all those lists there is no notice taken of British bills.

His Honor: The misapprehension was natural until the explanation came out yesterday.

Mr Young: The fact is that Mr Ward's promissory note was taken as good as cash?—Witness: I have not said so.

Is not that the result of the operation on the amount?—I do not think so.

His Honor: This agreement is made on this basis, certainly, that the sum of £92,000 is owed by the association, and £55,000 is owing by Mr Ward.

Mr Young: Can you suggest any reason why the bank should prefer the liability of Mr Ward to that of the company?—Witness: That matter was entirely done by the general manager. I know nothing about it.

Mr MacGregor: You say that when this transaction took place at Invercargill about the £30,000 you were acting as inspector?—Yes.

Who was the previous inspector?—Mr Watson.

Now the president of the Bank of New Zealand ?—Yes.

When did he leave the service of the Colonial Bank?—Some time in 1894—between August and October.

Can you give the exact date ?—Not from memory.

Was he on intimate terms with Mr Ward?

What do you mean by "intimate terms" ?

Was he a friend of Mr Ward's ?—I don't know. He knew him as one business man knows another.

Were you inspector from the time when Mr Watson left until the bank was purchased ?—Yes.

Can you tell us who it was that suggested that this £30,000 draft should be obtained?—Yes; Mr Mackenzie, in consequence of a cable he got in reference to the credit

Have you got the cable?—No; I do not know where it is.

Would it be among the bank's correspondence ?—I suppose so.

And could it be produced if required ?—I think so.

Had you any idea when you went down to Invercargill that this transaction was in any sense a bogus one ?—Not the slightest.

Have you had reason to alter your opinion since ?—How do mean a bogus one ?

That it was not a business transaction; that it was simply a method of bringing the account down to a smaller amount ?—I think it was very good business so far as the bank was concerned.

What was this mysterious difficulty as to the terms of the credit which resulted in the draft not being forwarded ?—The difficulty was that the cable was misread, I think, by the general manager.

Mr Mackenzie?—Yes.

Was it in cipher ?—Yes.

The bank's cipher ?—Yes.

The bank's private cipher?—Yes.

And it was misread by Mr Mackenzie ?—Yes. I do not mean that he misread it, but that the purport was not understood.

It came from the Colonial Bank in London ?—Yes.

Not from the people ?—We should not have acted on it if it had been.

Do you know if Mr Ward was in London at the time ?—He was not.

Do you know who arranged this matter at the other end, in London ?—I do not know.

You tell us the result proved that there was no oats to represent the warrants, and that they were signed by Mr Fisher, the then manager of the association ?—Yes.

Have any proceedings been taken against Mr Fisher in respect to this transaction ?—Not that I know of.

Any steps whatever ?—Not that I know of.

How long was Mr Fisher retained in the service of the association after this transaction was exposed ? When did he leave ?—I do not know the date.

He was kept there for some months after, was he not ?—I do not think so. I do not think so long as that.

You do not know accurately ?—No.

Now, I notice that in the report of the directors of the Colonial Bank submitted to the half-yearly meeting of proprietors on the 25th September 1895 they show a net profit available for distribution of £19,980 2s 10d. Do you know whether the balance sheet from which these figures are taken included the Ward Association account as represented by the balance sheet of the 29th June ?—Our balance sheet would include the association's debt as shown in our books.

Then it would get the benefit of this £30,000 transaction ? It would appear as good in your balance sheets to that extent ?—Yes; it was supposed to be good at that date.

Was it supposed to be good on the 25th September ?—Our balance sheet was dated the 31st August.

I know that, but I ask you was it supposed to be good on the 25th September when the balance sheet was submitted to the proprietors ? I should say not.

As a matter of fact, did not the directors and the manager know on the date when they presented the report to the shareholders that, so far as the Ward account was concerned, it was at any rate in a much worse position than it was represented in the balance sheet ?—I think so.

To an extent sufficient to wipe out the whole apparent profit for the half year—viz., £19,000 ?—I should not like to say they knew that.

Then I understand that this meeting for the approval of the report was adjourned till some date in November ?—Yes; I think so.

Mr Haggitt: It was adjourned until after the approval of the agreement.

Mr MacGregor: The report was confirmed after the approval of the agreement?—Witness : I do not think I was at that meeting.

Still you knew as a matter of fact it was done ?—I believe so.

So that at the time of the final presentation of the account the directors and the general manager must have known that this Ward account was £55,000 in round numbers worse off than it was represented in the balance sheet ?—At what date ?

The 18th November ?—I presume so.

And no intimation of anything of that sort was given to the shareholders in any form whatever ?—No.

Mr Haggitt: Did the directors know at that time that Mr Ward's promissory note was valueless ?

Witness: I should not think so.

Now about these figures, there is no occasion for any mystery. Before this £55,150 was written off, the account stood at £98,000, or thereabouts, did it not ?—That is how it appears in the "C" list.

Then you wrote off £55,000, which reduced it to £43,000 ?—Yes, in round figures.

The reason of that reduction was that the Bank of New Zealand would take it over at these figures, the £55,000 being written off ?—I think so.

Then you say that in November the £30,000 was debited, bringing the account up to £73,000 ?—Yes.

Then the £20,000 worth of debentures guaranteed to the Colonial Bank would bring it up to £93,000, at which it now stands ?—Yes; £92,850.

## Mr Cook Recalled.

William Robert Cook was, at the request of Mr Young, recalled.

Mr Young : In your statement of the position of the Ward Farmers' Association there is an item of past due bills, £32,000 odd ?—Witness : Yes.

Does that item include a draft on Connell and Co. for £30,000?—No. Those are past due bills by debtors.

Does it include any large amount in London?—No.

## Mr Ward Recalled.

Joseph George Ward was recalled.

Mr Young: I would like to know if Mr Ward has been able to find the letter 1 referred to yesterday (a letter from Mr John Murray) ?—Witness: I have no such letter.

May I ask if you had such a letter ?—If I had such a letter I would have said so.

His Honor: I understand, Mr Ward, that this sum of £55,150 represented the balance due by you to the association on your current account with the association after deducting, of course, all sums which you had paid into your credit ?—Witness: That is so, sir.

And this balance against you was made up partly, I understand, of losses made in various shipments made by you ?—That is so.

Those shipments were made on your account not on the company's account ?—The shipment of grain to London were made in my name They were debited to me in the association account, so that the association practically were not making them on their own account.

If there had been profits they would have gone to your private account ?—No; they would not.

Do you mean to say that you were to bear the losses (if any) but not take the profits ?—The position was this : the shipments made to London, as far as grain was concerned, were made in my name, except in cases where they were made for and on behalf of farmers. The debits went to my account. I may further say that I did not know until after I was advised of the position in Wellington that these debits had been made at all.

Ought they do have gone to you ? Why should they have gone to you if the association in your absence used your name ? Why should they have been debited to you ?—My own wish was very well known that the association should not speculate on its own account. A great deal of commission business was carried on among its clients. I was anxious to avoid a speculative business so far as the association was concerned.

Supposing you bought a lot of oats and were debited with the price of them, and these were sold in London at a profit, surely that profit would be credited to you and not to the association ?—If the operation had been carried on for the purposes of my own private account that would have been so, but as a matter of fact that was not so.

I understand these operations were carried on on this basis : If there was a loss you were to bear it, and if there was any profit the company were to get it. That is the result, is it not?—That is as it has worked out. I may state that the whole of the sheep purchases made by the Ocean Beach Freezing Works were carried to that account.

These would be really on your own account?—Yes, on my own account. Very heavy losses were incurred, and they were debited to me.

And if there had been any profits you would have got them ?—That is so.

Would that not have been the case all round ? The difference is this : I gave to the association, which I regarded as a trading concern, the whole of the commission business attached to the freezing works, amounting to about £2000 a year, and in consideration of their getting that, in which there was no risk, they carried on all the sheep purchases for the freezing works in my name. Either profits or losses in that account would have gone to or against me, but that was not the arrangement so far as grain was concerned.

The association then did not speculate in grain?—No, it practically did not. If there had been profits in grain the association would have got the credit, but unfortunately there were losses.

And you bore them ?—I bore them.

The bank seem to have relieved the association from these ?—I should like again to state with reference to the bank agreement which has been referred to, that I was not told by anyone that it was proposed to put that £55,000 in any particular list. I did not know that lists were to be prepared, and I had no knowledge of the intended operation between the banks. All I knew was that losses had been made, and when the investigation took place, showing that £55,000 was the amount, and I was advised of that. I believed that I would be able to reduce the amount to a very great extent myself. When I was asked to give a promissory note myself, I gave it.

The effect so far as I can see of putting the amount in the left hand column is to release the association from the amount but put the burden on yourself personally ?—That is so. I gave the promissory note *bona fide* under the belief that I would be able to meet a great portion of it. At that time I held £23,000 worth of shares in the association, which I cooked upon as being worth their face value, and £16,000 worth of shares in Nelson Bros, with a reserve of £9 upon each share.

But these were pledged ?—They come in now as part of my losses. The depreciation in properties that has taken place as the result of the troubles of the association has very materially reduced the earning power I had at that date, and the whole of my liabilities in the present position are very different to what they were then.

These transactions took place in October, and your affidavit states your position as at the time the bank went into liquidation in December. You say that in that time there was this depreciation ?—There has been a direct depreciation in the value of the shares alone since then of £37,000. My own opinion, at any rate, if my private affairs is that they were closely mixed up with the association, and a large business, such as that is, having become practically disorganised and written about and talked about, with the usual results, it has depreciated to such an extent that it has affected everything I have. My business, as a matter of fact, is entirely different to what I contemplated it would be at the time the promissory note was given. As an instance of depreciation in property, it is well known that the company had active opposition from another freezing works, in which about £40,000 has been lost in a very short time.

## Addresses by Counsel.

Mr Young submitted, on the authorities cited by him, that there were two matters which his Honor would consider—first, the question as to whether the compromise was advisable from a pecuniary point of view; secondly, whether there were any circumstances surrounding the trading of the company and the issuing of its balance sheets, and the trading of Mr Ward himself, which would justify the court in refusing to sanction the proposed compromise. That it was a compromise he did not think his Honor could have any doubt. As to the first question, the only suggestion which the liquidators could make, in order to show that the compromise would be more beneficial than any ordinary winding-up process, and the only reason they gave for proposing it was delay and cost, wherefore they considered that the offer of Messrs Smith and Reid was the best offer. As to delay, it was quite evident that there need not be any great delay. The bulk of the assets of the association could be realised in a short time, and so the liquidators could reduce the amount of the debentures on which they were now paying interest.

Mr Woodhouse : They have to pay interest on everything.

Mr Young pointed out that the court had been told by Mr Cook that his valuation was slightly lower than what liquidation proceedings would be likely to realise.

Mr Cook interposed that he stated distinctly that his valuation was made as nearly as possible on a liquidation basis.

Mr Young: It does not mean allowing for cost of liquidation ?

Mr Cook : No. The cost might come in. That is a matter of opinion.

Mr Young said it was evident Mr Cook did not consider that the cost of liquidation was a serious item. The liquidators had never tried to get a better offer; they had simply accepted the first one that came along. The probabilities were that they would have got a better one if the thing had been left open.

Mr Haggitt: What! after these exposures.

Mr Young said with regard to the question of delay it was quite evident now that a lot of the farmers, in consequence of the rise in the price of oats, could pay up the amounts owing by them almost immediately. But

the peculiar part of the whole thing was this : that Messrs Smith and Reid were buying the debts of the Hon. J. G. Ward and of the association—they were not only buying the securities but the whole of the debts as well. If the whole of the assets that were to be sold were worth nothing, the debts of Mr Ward might be worth something. If the company was to be put into liquidation the directors might be compelled to refund the dividends to the creditors. That was a matter that the liquidators had not taken into consideration. And if Mr Ward became bankrupt it was most probable that the court would suspend his discharge until he paid a certain amount in the pound. The items had been taken out of Mr Ward's statement of assets and liabilities, and they showed that his estate would pay 8d in the pound, taking into consideration "contingent liabilities," or 1s in the pound if the contingent liabilities amounted to nothing. These were two matters which had not been taken into consideration in considering whether a compromise should be accepted. And as the result of further examination there might be other matters come out which the court was not at present aware of. As it was, his Honor had already found out, in examination, that there were some life insurance policies and a small credit in the Bank of New South Wales.

Mr Haggitt: He puts no value on them whatever.

Mr Woodhouse: The next payment will exhaust the surrender value.

Mr Young said as to the pecuniary advantages of the compromise, he submitted that no great advantage to the shareholders from a pecuniary point of view had been shown in favour of accepting the compromise as against the realisation of the securities and exhausting every remedy against the company and Mr Ward himself. Then there was another matter come into consideration—that was the conduct of Mr Ward and the company. As for Mr Ward, he was managing director of the company. By some extraordinary means or other he became indebted to the company for £55,000, but as it turned out it was really the bank's money. It was evident he gave his name to the bank in a most promiscuous way, and he did not take any means to ascertain what his position really was; and now he practically offered to the creditors 8d in the pound. For these reasons he (Mr Young) hoped the court would not sanction the compromise so far as Mr Ward was concerned. Then, as to the conduct of the company, Mr Cook (who had investigated their affairs) told the court that that position had been brought about by reckless trading—during the last two years at any-rate. He could not speak as to before that. The balance sheet that was produced was an extraordinary one, and was absolutely "cooked"—no other term could be used—with the assistance of the bogus draft for £30,000, which was supposed to be secured by warrants for some imaginary oats. Either an advance was made against those oats or it was not. If it was made then the officials of the Colonial Bank had not satisfied themselves that the oats were in existence.

His Honor: They took somebody's word for it.

Mr Young : They made an advance.

His Honor: Well, not an advance. The money was owing already. It was not a fresh advance.

Mr Young : They practically took his security upon a customer's word that the securities really existed.

His Honor: They are not in any worse position than they were before supposing the security did not exist.

Mr Young: It enabled the association to show a reduction in their liability to the bank of £30 000.

His Honor: No doubt it did that.

Mr Young proceeded to say that the company was represented to be in a most flourishing condition, and paid dividends and bonuses every year. They recommended their debentures to their shareholders; and they were party to this arrangement by which £55,000 was transferred by them to Mr Ward.] Vigers's explanation of that transfer now was that they wanted to keep hold of Mr Ward. For what reason did not appear.

Mr Haggitt: He does not say so. He only supposes that.

Mr Woodhouse: He suggests that as a possible reason.

Mr Young said the real fact appeared to be that the liquidators were most anxious to effect this compromise. They sought to sell these debts to Messrs Reid and Smith, who were Mr. Ward's friends, and might be his nominee. He (Mr Young) therefore, submitted that the court should not be a party to a transaction by which a company was enabled to avoid the ordinary course of liquidation, with its inconvenient inquiries, or by which Mr Ward would be enabled to elude the Bankruptcy Court, with its inconvenient inquiries and possibly further proceedings.

Mr MacGregor said he did not propose to trouble the court with any lengthy address after the extraordinary and discreditable disclosures which had come out during the examination on the previous day. He would, therefore, leave the matter entirely in the hands of his Honor to say whether it was a case on which the court should set the seal of its sanction. After quoting "Buckley" to show that these matters were left entirely to the discretion of the judge, he said that he, on behalf of a number of the shareholders for whom he appeared, was prepared to leave it in that position. If the court was prepared to grant its sanction to this compromise he thought that either Mr Ward or the proposed purchasers ought to bear the heavy costs of these proceeding. Why should the shareholders of the Colonial Bank, who were already losing a great deal, have to pay the costs rendered necessary on account of the proposed sale ? This was a compromise of the debts owing by Mr Ward

and the association. It was an effort on the part of the friends of Mr Ward to get him and his company out of the clutches of the law. It had come out in evidence that the purchase had stood to make a very handsome profit by reason of the rise in the price of oats. He (Mr MacGregor), therefore, did not see why they should not be compelled to pay out of this amount the expenses of the present proceedings, which were really for the benefit only of Mr Ward and the philanthropic gentlemen who had come forward to help him, and he did not propose to discuss the matter from the commercial morality point of view. It was perfectly plain that the transactions of the company with the bank and of Mr Ward with the bank had been carried on with almost unprecedented looseness. Such transactions were altogether inexplicable, except on the assumption that the parties were preparing for the smash that must inevitably come, and were trying to set their house in order accordingly. He would now point out one very significant thing as showing that the court had not sufficient material before it to sanction the sale. Mr Ramsay had estimated the cost of liquidation at £10,000; but Mr Cook had said that he had not been able to estimate the matter close enough to say whether he included the cost of the liquidation in his estimate. The business might be worth £74,000 or it might be worth £50,000. That was the closest estimate they could get. He did not like to take upon himself the responsibility of saying that the court should refuse the sanction to the sale. But it was perfectly plain from the exposures that had taken place that a desire for secrecy had been evinced all through these proceedings; and the action of the shareholders had been vindicated. Another significant fact was that in the proceedings for the appointment of permanent liquidators Mr Haggitt, who, no doubt, acted according to his instructions, made this statement to the court:—

Mr Haggitt said he had been requested to state that as to the difference between the £272,000 and the £327,000—the £55,000 which had been written of the "C" list—security had been taken for the amount before the Colonial Bank consented to write it off.

Mr MacGregor : From whom ?

Mr Haggitt said from the persons liable.

It now appeared that the security was worth no more than the paper it was written on, and that the bank and Mr Ward knew that fact, although his learned friend evidently was not informed of it. The security was like one of Mr Micawber's, and the probability was that it was of as much value then as it was now. It was for the court to say whether such statements should be allowed to be cloaked up; but if the court were satisfied from the evidence that this was the best offer that could be obtained, he thought that the purchasers might reasonably be ordered to pay the costs of these proceedings.

Mr Woodhouse said the position of the purchasers was this: They derived no benefit whatever by the transaction. What had been said by Mr Ward was perfectly true. What they were doing was a matter of friendship to Mr Ward, in the hope of being able to put the association on its feet again.

His Honor: Do you mean to say these gentlemen are going to pay £62,000 without any hope of getting anything for it ?

Mr Woodhouse: They hope to get £62,000 again, but they do not expect to get any profit.

His Honor: To pay £62,000 out of friendship without any hope of profit—astonishing ! If it is so, it is the oddest thing I ever heard of; but I suppose it is a business transaction, and that they hope to make something out of it.

Mr Woodhouse : I repeat that they do not hope to make any profit for themselves.

Mr Young: Then for whom do they make it ?

Mr Woodhouse : For the Ward Association.

Mr Young; They are the nominees of the Ward Association.

Mr Woodhouse : Mr Ward has nothing to do with it. It is simply to avoid loss and disaster to the association. They have been prompted by friendship for Mr Ward, and would like to see the transaction carried through as proposed. There can be no question that this is the best thing that the liquidators can do.

His Honor: The business of your clients is to get a good bargain, and as good a bargain as they can.

Mr Woodhouse said Mr Reid and Mr Smith were persons who were able to deal with this business. Their experience, knowledge, and resources enable them to deal with it much more satisfactorily than most persons could do, and they could give the highest price for it. There could be no question that the liquidators had found the very best market that they could find for selling this concern. The only alternative that was to be thought of was the alternative of liquidation; and it had been abundantly shown that that alternative would be very disastrous indeed to the persons interested—to the shareholders of the Colonial Bank. The analysis of Mr Cook's statement, which was made by Mr Braund, was of itself sufficient to induce the committee to sanction the sale. According to that analysis, Messrs Reid and Smith offered to pay £4600 more than the value that was placed on the assets, Then as regards the position of the Colonial Bank, there was the further fact to be considered : what the cost of liquidation would be. That cost would no doubt be very heavy indeed. A much better value would, therefore, be realised by the sale than was likely to be realised by any other means. With regard to the other aspect of the matter, the commercial morality aspect of it, he submitted that the authorities

cited and the considerations mentioned did not apply. In the first place, the cases relied upon by Mr Young were all cases in bankruptcy, and in these cases the compromises were not for the benefit of the estate but for the benefit of the bankrupt. That was the case in every instance. It was not needful to go through the cases at any length. The reason which actuated the court in refusing to give its sanction was that the bankrupt was going to get some advantage out of it, which for certain reasons he ought not to have; or because it could mean the hushing up of some transactions in the way of fraudulent preference or something of that sort, which if gone into and exposed would result in a larger dividend. These considerations did not apply here. The debtor company was a corporate body, and supposing there was anything wrong in the balance sheet referred to or in the advance on draft it was a wrong the association had nothing to do with; it was done by the management, and not by the association, and if anyone was in fault it was not the shareholders. Then whatever remedies the shareholders had would still remain. If they had a grievance it would afford no remedy to them to force the association into liquidation. The considerations which applied in the case of a compromise with an individual did not apply in the case of an association. There was no example to be held up so far as an association as a corporate body was concerned. It was not suggested here, and could not be suggested that there were any further assets which could be brought to light by liquidation or by any other proceedings. A most exhaustive investigation had been made into all the affairs of the company, and it was much more easy to investigate the affairs of a company than of an individual. The books disclosed what the assets were. As to the balance sheets they certainly were very rosy; but that simply arose from this: the figures were right enough, but the values ought to have been written down.

His Honor said that as a matter of fact the figures were not right enough. It was not a question of writing down.

Mr MacGregor said it was a question of cooking.

Mr Woodhouse said, however that might be, it did not affect his argument very much. With regard to the £30,000, the draft which was first drawn and afterwards redebited, that did not affect the Colonial Bank, there was no advance made respecting it, nothing was lost. The amount simply went to the credit of an overdrawn account, and was afterwards charged to the same account. As far as Mr Ward was concerned he had been put in the same position so far as his affairs were concerned as if he had been bankrupt. He had given up everything, even his wife's property—all his wife's property,—and bankruptcy could have no greater effect upon him financially than these proceedings had. It could not be suggested that he had anything else. He had made a complete disclosure of his property, and there was no doubt everything would go from him. There was no suggestion of any impropriety at all on Mr Ward's part beyond the fact that he had been rather speculative and extremely unfortunate in the result. The learned counsel submitted therefore that if the court was satisfied—and the court must, from what had been placed before it, be satisfied—that it was the most beneficial thing for the shareholders of the Colonial Bank that this sale should be sanctioned, then the court would sanction it, for there had been no reason shown why it should not be sanctioned.

Mr Haggitt, in addressing the court, said that he could, he thought, show by the most convincing things and, at the same time, the most fallacious things—figures—that this transaction was the best possible thing that could be done in the interests of the Colonial Bank on the valuations before the liquidators and the court. The whole matter was now before the court. His learned friends could not suggest that there had been any secrecy in these proceedings—that there had been any attempt on the part of the liquidators or, for that matter, on the part of Mr Ward, who was most interested in this respect,—to keep anything back from the court. Nothing had been glossed over, everything had been exposed in the barest possible manner. The court had before it, from the liquidators and from those employed by them, the whole of the facts in their nakedness. The result was that it appeared that for a debt of £92,179 the Colonial Bank held as security some shares in Nelson Bros. (Limited), which were worth nothing; Mr Ward's guarantee for £20,000, which was worth nothing, or nearly so; and Mr Ward promissory note for £55,150, which was worth as much as his guarantee. They held his equity in certain freehold, which was valued by Mr Ward at £3850, but which, if realised, he ventured to say, would not yield more than 10s in the pound of that amount—say £2000. There was no provision for the cost of realisation, so that not more than that sum would be realised. The Hokonui Railway Company's guarantee was worth *nil*, so that the whole of the securities did not amount to more than £2000.

Mr Young : The uncalled capital.

Mr Haggitt said he would deal with that presently. According to Mr Cook's figures the actual assets of this company amounted to £112,797, less £48,756, which left a balance of £64,040, to which was to be added the uncalled capital, which would yield £8457. Adding these sums together they got £72,497. From that they would have to deduct the cost of realisation, which, according to the estimates, would be from £5000 to £10,000. That was not by any means an over-estimate, and he took it between the two at £7500. That left the sum of £65,297 only. The cost of realisation had been dealt with by the English judges, who had a great deal of experience and knew what such costs were.



His Honor: We know a little about it here, respecting some companies that have been wound up.

Mr Haggitt cited from cases showing the opinions of English judges (*ex parte* "The Merchants' Banking Company of London in *re* Durham, 16 Ch D., 639 and 643, and others.") These went to show that the costs of liquidation were recognised as being exceedingly heavy. Mr Ramsay's estimate was clearly not extraordinary or excessive. To go on with the figures, there were some contingent liabilities put down at £5498, which were not taken into account as liabilities at all. He proposed to allow something in respect of these, and had allowed £1500 only; that was one-fourth. This reduced the value of the assets to £63,497. The learned counsel here went into calculations, the result of which showed that the total assets by liquidation would net £56,500. If the estate went into liquidation the very most they could expect to get out of it would be about £61,000, whereas the offer made was £62,750 and relief from a guarantee the Colonial Bank was subject to of £5000 more, so that there was an actual gain of £1750 exclusive of the guarantee, or £6750 including it.

Mr MacGregor asked respecting the liability for £5000 whether that had been definitely ascertained.

Mr Haggitt said it was definitely ascertained and fixed before the agreement of 18th October. If they looked in the "C" list they would find other things besides actual accounts.

Mr MacGregor said it was not stated that £5000 liability had been definitely ascertained. It was stated as a probable liability; not as definitely ascertained.

Mr Haggitt said it was not ascertained to a shilling or to £500. but it was clearly ascertained to the extent of £5000 and upwards—what the upwards amounted to he could not tell. There was another distinct advantage in favour of accepting the offer of Messrs Lee Smith and Reid as against liquidation. If the association was brought to grief that would injuriously affect a large number of accounts in the "B" list, and would affect the liquidation of the bank generally. That the liquidators were positive of.

Mr MacGregor said he did not think that appeared on the affidavits.

Mr Haggitt said it appeared in the evidence, and it was shown inferentially in the affidavits.

His Honor: The particular point to which you refer now is that if the Ward Association is forced into liquidation it will have a bad effect upon the accounts in the "B" list.

Mr Haggitt said that was so, and common sense, he thought, would lead anyone to that conclusion. Of course if there were any Southland accounts in the "B" list it must necessarily be so. They knew very well that a large bankruptcy had a similar effect to that produced by throwing a stone into a pool of water—the disturbance by the waves in the rings nearest the place where the stone fell was the greatest, but it spread further and further, getting smaller as it reached the outer edges of the pool. So it would be if the association was forced into liquidation. That was a very important consideration outside altogether the price which the liquidators were getting for what they were selling—a very important consideration. As against all this what had they had advanced? First, his learned friend Mr Young asked his Honor to consider whether the compromise was desirable from a pecuniary point of view. That he had answered. Then his Honor was asked to consider whether there were not reasons surrounding the transition which ought to render it inadvisable that the sanction of the court should be given to it. Those reasons, so far as he understood his learned friend, were that certain balance sheets of the Ward Association were not what they ought to be, and that arising out of these balance sheets there might be possible grounds for prosecuting someone—he supposed the late general manager of that company.

Mr MacGregor: There might be a return of dividends.

Mr Haggitt said that asset must come in under the value of the shareholders' liability, and, if the whole value of the shareholders was only £8057, they could not get more out of them because they called for a refund of dividends.

Mr MacGregor: Get it out of the directors.

Mr Haggitt replied that a list of the directors had been put in, and there was only one worth anything and, as he was a shareholder, he must be valued in the estimate of £8057. That was clear enough. What was there besides; what had the liquidators to look to? They had to look to getting the most money they could for the shareholders of the bank they were liquidating. What benefit would it be to them—what pecuniary benefit would it bring to the liquidation of the estate of the Colonial Bank if a prosecution would lie against the late manager of the association, or against any of their directors. It might be from a strictly moral point of view that an offence being committed, it was someone's duty to prosecute the offender, but he submitted that was not the liquidators' duty. The duty of the liquidators was to get as much as they could for the assets of the bank, and to realise them to the best advantage. It would not prevent anybody who had been injured by the action of the manager or directors of the Ward Farmers' Association—if the bank got rid of this liability it could not prevent anybody else prosecuting them, nor could he see how it could prevent the Colonial Bank prosecuting them. They sold the debt, it was true. If a prosecution would lie on account of anything that had been done previously, the sale of the assets, it seemed to him, would not affect that; so that there was nothing really in that argument at all. Then it was said that this kind of thing must not be done because it amounted to a compromise, and to

effect that compromise would be to screen somebody who ought not to be screened—Mr Ward, his learned friend pointed at, no doubt. But how was he screened, he (Mr Haggitt) would like to know? What greater injury could be done to him than to subject him to such an examination as he had been subjected to during the last two days? The only thing that could possibly have been secured to him of any value would have been secrecy and silence with regard to the transactions of the Ward Farmers' Association. Why, they had been ripped up from top to bottom in the proceedings taken during the last two days, so that even that advantage, if it was an advantage, had been absolutely lost. The repetition of these scandalous doings, for scandalous they were, would become staler and staler every time they were repeated, and less and less interest would be taken in them. The proceedings so far no doubt had been, or would be, telegraphed all over the colony, and appear in every paper in the colony; and would prove intensely interesting to Mr Ward's political opponents, but the next time anything occurred regarding the matter there would be but a brief notice of it. Looking at this matter, he asked who was being screened? What was being screened? What possible motive could be attributed to the liquidators but to do the best in the interests of the liquidation? That was, he submitted, the consideration for his Honor, and the suggestions as to screening had not only not been proved, but had been absolutely disproved by the publicity which had been given to the proceedings. It had been said that there were other assets not mentioned, that there were certain life insurance policies. Those policies had been referred to, and, regarding them, it had been shown that the very next payment which had to be made would cover their surrender value. The liquidators were certainly not going to keep up these policies at a cost of some £400 a year or thereabouts out of the funds of the bank even if the liquidation of the bank was likely to last for the period of Mr Ward's life, during which these payments would have to be made. Moreover the policies were pledged to secure Mr Ward's private indebtedness, and not to secure the Ward Farmers' Association, and these policies were in possession of the Bank of New Zealand at the present time, and all the liquidators would have a right to would be the right, after paying off the debt due to the Bank of New Zealand, to come in—in fact they would obtain these with the other equities if they paid off that account. What was there in that? The bank did not consider them of any value, and the proposed purchasers did not consider them of any value; they were not included in the sale. There was now only one thing to mention, and that was the rise in the price of oats. That was a matter that had been fully considered by the liquidators before this agreement was actually signed. Of course the rise in oats had been since the agreement was really entered into. The liquidators had bound themselves as far as they could before the rise had taken place, and it would have been, as Mr Simpson had put it, exceedingly dishonourable for a private individual to try to back out of a bargain simply because the price of the article he had sold had risen after the sale had taken place. If such considerations were to influence the court at arriving at a conclusion, no provisional contract could ever be entered into; every contract would have to be entered into with reference to the price of produce, as on the day when the contract came before the court to be sanctioned. The matter, however, only incidentally entered into the consideration of this subject, for the association had no oats or very little—what they had there were more than sufficient outstanding store warrants to cover,—and the price of oats did not enter much into the contemplation of the parties at the time of the contract, and it now only arose incidentally in this way: that some of the debtors of the association was small farmers who had small quantities of oats, and, therefore, with the rise in price, their position was bettered, if they took advantage of the present market; but, if they did note it was just as likely as not when they attempted to realise they would get no more for them than the price they were at when the contract was originally entered into. He believed oats had risen 5d per bushel, but if in place of rising they had fallen 5d and Messrs Smith and Reid had tried to get out of their contract in consequence of the fall, would not indignation of the deepest kind have been expressed against these gentlemen for having tried to get out of a deliberate bargain, because there had subsequently been a fall in prices?

Mr MacGregor: They would just have forfeited the £500 deposited.

Mr Haggitt said it might have been that the whole of the purchase money had been paid and what would have been said if they had come to the court and asked for the rescission of the contract because oats had fallen in price?

His Honor said the valuations were on the 20th March, and there were negotiations and agreements by letter or partly by letter, and partly verbal, based on the valuation of the 20th March, but they were not absolutely completed. One or two terms were left open, but these negotiations were working up to final settlement of terms, and the terms were closed and the agreement entered into on the 1st June.

Mr Haggitt replied in the affirmative, and said that the rise in price never entered into the contemplation of the parties until after the agreement had been made. The price was fixed on the statement, and oats did not rise till afterwards. The terms of the contract were agreed to and the deposit paid long before there was any rise at all in oats. That was the position of matters, and his opinion accorded with Mr Simpson's—that even if the liquidators had power to alter the contract or to back out of it in consequence of the rise in the price of oats, it would be a most dishonourable and disreputable thing to do.

His Honor: I understand that after the original contract there were letters from the liquidators insisting on something more, and that they finally got it.

Mr Haggitt said that was so, that however, was not the cause of the whole delay. He did not suggest that. The liquidators required balance sheets and affidavits from certain people before anything was finally concluded. It was a condition from the first, a condition of entering into this contract, that the affidavits should be obtained, and they were obtained only on the day before the contract was actually signed.

Mr Woodhouse: The £5000 between the two banks is a new term.

Mr Haggitt said the purchasers had conceded that, as they agreed that it would be unfair that they should only pay 11s in the pound in respect to an item in which 20s in the pound might be paid by the liquidators. He did not know that there was anything more for him to say in connection with the matter. It seemed to him to be so absolutely obvious that this transaction was in the best interests of the bank that it was absolutely unreasonable to dispute it. Certainly the only person who did dispute it was Mr Braund, who had professed to analyse Mr Cook's figures, and had come to the conclusion that the purchasers would make a profit of about £440, but had made no provision for the expenses of liquidation, and had not taken any account of what Mr Ramsay in his calculations had pointed out—namely, that there would be a considerable loss in interest to the bank, which it would have to pay while the liquidation was going on, so that the position would be altered for the worse by at least £8000 if the company went into liquidation instead of this offer being accepted. Beyond that the only argument urged against the acceptance of the offer which had been made to the liquidators was what he had already dealt with—the balance sheets of the Ward Farmers' Association. That they had nothing to do with. As to the consequences of dealing with the Ward Farmers' Association, in respect to any future action against the directors and officers of the Colonial Bank, the liquidator had provided for that as far as they could, and had got a clause inserted in the agreement, without exception being taken by the purchasers, providing for the production, if necessary, of books and papers disclosing the transactions between the association and the bank and between the association and Mr Ward. As he had already suggested, the liquidators had nothing to do with possible proceedings which might be taken against the directors or manager of the Ward Farmers' Association. That was a matter which, it seemed to him, was left open even although this sale was carried out.

Mr MacGregor, referring to the correspondence preceding the agreement to purchase, which had been handed to him by Mr Haggitt, observed that Messrs Reid and Lee Smith had submitted their offer for the assets on behalf of Mr Ward and his friends. That was what he had tried to get Mr Ward to admit on the previous day.

Mr Simpson: They changed their ground since.

Mr MacGregor said it was also stated that the offer was based on the balance sheet of the 19th March.

Mr Haggitt: That was admitted all through. His learned friend had said that the costs in this matter should be paid by the purchasers. He submitted that if such a condition was attached it let the purchasers clean out. The court had no power to bind the purchasers to a new term of contract. The subject of the payment of Mr Cook's charges had been distasteful, and the liquidators had had to give way.

Mr Woodhouse said that there was no reason why the purchasers should pay the costs. The matter was as much to the benefit of the Colonial Bank as it was to theirs.

Mr Haggitt said Mr Simpson had asked him to mention a thing which he had mentioned before, that liquidation or the acceptance of this offer were the only two things that were open to the liquidators, and proceedings had actually been taken to put the company into liquidation when this offer was made.

Mr Young remarked that he did not base any argument upon the price of oats, because it would be clearly unjust to back out of the agreement on that account, but he would point out that the liquidators were in no worse position. As to the costs of liquidation the Bank of New Zealand were bound to liquidate for the Colonial Bank, under clause 26 of the bank agreement, free of expense except in regard to disbursements.

His Honor said he would give his judgment in a day or two.

The court rose at 1.45 p.m.

## **Judge's Decision.**

### **Proposed Sale not Sanctioned.**

In the Supreme Court on June 16 Mr Justice Williams delivered his judgment on the application by the official liquidators of the Colonial Bank of New Zealand for the sanction of the court to an agreement made between them of the one part and Alfred Lee Smith and James Bennie Reid of the other part, for the sale and purchase of certain debts due to the bank and the securities for the same as mentioned in the agreement.

Mr Haggitt appeared at the hearing for the official liquidators, Mr W. C. MacGregor for the shareholders' committee, Mr T. Young (of Wellington) for Mr C. Fraser (a shareholder), and Mr Woodhouse for the persons

named as purchasers (Messrs A. Lee Smith and J. B. Reid).

His Honor's judgment was in the following terms :—

"I agree with the liquidators, that upon the figures brought forward by Mr Cook the suggested purchase is a fair one, and that it would probably be more beneficial pecuniarily to the liquidation that the agreement should be carried out than that the Ward Farmers' Association should be compelled to liquidate. Mr Cook has based his figures on what he considers would be realised if the association actually went into liquidation, and has taken his valuation as on the 20th of March last. Mr Cook does not, however, seem clear as to whether his values do or not allow for the cost of realisation. Mr Braund has made an analysis purporting to show the result of the agreement, based on Mr Cook's figures; but that analysis is incorrect, the true figures being several thousand pounds more in favour of Mr Braund's view. Mr Braund was evidently unaware of the fact that the bank held £50,000 of the association's debentures, which, in the event of liquidation, are a first charge on its assets. Taking Mr Cook's figures, we find the whole of the assets, including the uncalled capital, to be £72,797. Deduct from that—say, £5000, the cost of liquidation, and (as suggested by Mr Haggitt) £1500 in respect of contingent liabilities, and a balance is left of £66,297. Of this £50,000 goes to satisfy the debentures, and the balance (£16,297) is apportionable between the bank and the other unsecured creditors. The total amount of unsecured debts is £62,797. Of this amount £42,179 is owing to the bank. It will be found that the bank's proportionate share of the £16,297 is £10,946, which, added to £50,000, makes £60,946. Add to this the value of the properties in Mr Ward's estate, set down as £4250. but realising, say £3000, and we have £63,946. As against this we have the purchase money of £62,750 and a guarantee to the extent of £5000 in respect of certain oats, the whole of which is stated to be now due. On the above calculation the bank would receive £67,750 if the purchase were carried out, as against £63,946 if the association went into liquidation. This, however, is merely my own rough estimate. Anyone with the figures before him can make an estimate for himself. Mr Cook, however, valued as on the 20th of March. He states that oats have risen, and that in consequence, if he were now to value the book debts and uncalled capital of the association, he would value them at nearly £5000 more. Under the circumstances it would be unfair to refuse to sanction the agreement merely on account of this rise, but if the agreement is not sanctioned on other grounds the liquidation will get the benefit of it. The advantages of a present cash payment are obvious; interest is stopped, the claim of the Bank of New Zealand is settled, and the liquidators are relieved from uncertainty.

It was suggested that there were incidental objections to forcing the Farmers' Association into liquidation, one of them being that to adopt such a course would affect accounts upon the "B" list. This suggestion, though made by counsel, was hardly adopted by the liquidators. The hardship such a course would inflict on the shareholders or clients of the association cannot fairly be considered. If the management of the association has been such as to bring it to a condition of hopeless insolvency the shareholders have themselves to thank. I do not think it has been shown that the result of the association going into liquidation would indirectly affect the liquidation of the Colonial Bank. On the whole, however, I think that if the only alternative is either to carry out the proposed agreement or for the association to go into liquidation, the former would be more beneficial pecuniarily to the Colonial Bank. It was contended, however, that even if this were so there are other aspects of the case which the court is bound to consider. It was suggested that the evidence has disclosed such a state of things that an arrangement which would in substance compromise the debts both of the association and of Mr Ward, and which was intended to have, and would have, the effects of avoiding liquidation and bankruptcy, and so preventing their business transactions being investigated, ought not to be sanctioned. What, then, are the circumstances disclosed in evidence with respect, first, to the trading of the Ward Farmers' Association, of which Mr Ward was managing director, and, secondly, to the conduct of Mr Ward in relation to his separate transactions ?

"The attention of the court was first directed to the balance sheet of the association for the year ended the 29th of June 1895. That balance sheet is framed somewhat curiously. Among the assets there is one item of £6830, bills receivable. There is no entry of bills under discount among the liabilities. This latter entry had, however, appeared in former balance sheets. Mr Ward explains this by saying that the system of dealing with bills under discount and bills receivable was changed. He says: 'As I understand it, in the usual way bills under discount are looked upon as bills sold, and are deducted from bills receivable. That is the ordinary thing to do, and ought to have been done from the start.' He goes on to say: 'It is quite usual for bills discounted to be regarded as sold, and instead of the total amount appearing the difference between bills discounted and bills receivable to be shown.' The sum of £6830 appearing among the assets of the association was therefore arrived at by deducting from an undisclosed amount of bills receivable an undisclosed amount of bills under discount. Any person with an elementary knowledge of accounts must see that this process is an illegitimate one. Bills under discount represent contingent liabilities. If they do not appear in the balance sheet as an item of liability the effect is to suppress the fact that contingent liabilities exist, and the amount of such liabilities. That is in itself a falsification of the balance sheet. If it were the case that when a man puts his name on the back of a bill

and gets the money for it he had no more to do with the bill the above system would be justifiable; but of course, such is not true either in law or in fact, as every trader knows by sad experience. That some traders may habitually make out balance sheets in this way is possible, just as some traders may, unfortunately, be guilty of other dishonest practices: but, notwithstanding that, the practice is obviously a dishonest one. Furthermore, it is almost certain that this process of previously deducting liabilities from assets and placing the difference only in the assets column has been followed with respect to another item. In the balance sheet of 1894 there appears the item among the liabilities 'association's drafts against shipments, £51,643," and among the assets the 'advances against produce afloat and in store, £74,929." In the balance sheet for 1895 the former item does not appear, and the amount of £34,430 only appears in respect of the latter item in the assets column. The balance sheet also shows a total liability to the Colonial Bank of £1185 only. Mr Vigers has told us how the Colonial Bank, immediately before the association's balancing day, was induced by a fraud to reduce the account by £30,000. Mr Vigers went down to Invercargill to get the account reduced, and discounted a draft on a London house for £30,000, and in support of the draft received warrants purporting to represent oats of that value, which oats ultimately turned out to be non-existent. This fraud was not discovered by the bank till some months later. In the meantime the association obtained forbearance from pressure by the bank, and their account was reduced by the above amount.

The balance sheet was made up to the 29th of June, but of course it was compiled after that date and it was not certified as correct by the auditor until the 13th of August, nor was it laid before the shareholders until 7th of September. If the account was, as Mr Vigers states, reduced by the fraud of some officer of the association by the sum of £30,000 at the end of June, it is exceedingly strange that the directors of the association should not by the 7th of September have discovered that there was something wrong, and that the association had got credit for £30,000 which it had no business to get. The balance sheet further represented the sum of £6516 to the credit of profit and loss for the year after deducting bad debts, and the report of the directors recommends the payment of a dividend and bonuses. This report was to be presented at the meeting on the 7th September. This, therefore, implies an assertion not only that the balance sheet was correct up to the 29th June, but that the circumstances of the association on the 7th of September were such as to justify the distribution of the amount to credit of profit and loss in dividends and bonuses. In the balance sheet of June 1895, the liabilities, apart from paid-up capital, amount to £53,289, and the assets, apart from goodwill, to £72,555. In Mr Cook's statement of assets and liabilities, as on the 20th March last, the liabilities amount to £112,797. To that, however, must be added the sum of £55,150, which, up to the 19th of October, when Mr Ward gave his promissory note for it, was a liability of the association. The total, therefore, of liabilities was £167,947. The total assets as valued by Mr Cook as on the 20th March amounted to £64,341. The discrepancy between the balance sheet of the 29th June and Mr Cook's valuation on the 20th March, even apart from the fraudulent credit of £30,000, is enormous. It certainly cannot be in any way accounted for by losses incurred between the two dates. Furthermore, the loss of £55,150 was known to everybody on the 19th of October, when Mr Ward gave his promissory note for it.

"it is impossible to suppose that the framers of this balance sheet of the 29th of June, when they put it forward on the 7th of September, were not aware that it was an utterly false one—something going far beyond the mere rosy statements which too sanguine directors occasionally put forward. It competent business men put forward a balance sheet of this kind the only interence is that they do it for a sinister purpose. What, then, is Mr Ward's connection with this balance sheet? On the 29th June, the date to which it was made up to, he was on his way out to New Zealand. He was, therefore, absent from the colony at the time the fraud in respect of the oats was perpetrated He returned to New Zealand, however, in July. Mr Ward says he was absent from the colony when the balance sheet was prepared. The balance sheet, however, was not signed by The auditor till the 13th August, and was alter wards published with a report annexed to be presented at the the annual meeting of share holders on the 7th of September. This report is signed by Mr Ward as chairman of directors, and it recommends the appropriation of the balance to credit of pront and loss in the payment of dividends and bonuses. Mr ward says that the balance sheet was submitted to him for signature on his return from England, and that he considered the matter all right, or he would not have signed. He says he cannot give any details, as he had nothing to do which them. He says he did not and could not give the business any large personal control, that matters were pat before him, and he really depended on others who were responsible for him. Mr Ward, however, was managing director of the company at a salary of £500 a year. Out of £27,450, the total paid-up capital of the company, he held £23,000—viz, 3000 shares of the par value of £15,000 which had been allotted to him as fully paid up, and 8000 shares on which £1 a share had been paid. On these 8000 shares £4 a share was not called up, so that he was subject to a contingent liability of £32.000 in respect of them. Further than this, Mr Ward's private account with the association was largely in debit. Considering the position Mr Ward held as managing director of the association and the large stake he held in it, he seems, according to his own statement, to have known uncommonly little about its affairs. If a company becomes insolvent, and if it appears that credit has been obtained by fraud, and that a false balance sheet has been put forward, it is fair to conclude

that the losses which led to insolvency were not the result of legitimate trading that they were not the result of such trading in the present case appears further from the evidence of Mr Cook, who investigated the affairs of the association. He says in his examination that advances were made that prudent men would have taken security for over the crops, and that no security was taken; that this reckless trading was going on over a period of about two years, and that he found no securities after 1894. In his affidavit Mr. Cook states that out of case appears further from the evidence of Mr Cook, who investigated the affairs of the association. He says in his examination that advance were made that prudent men would have taken security for over the crops, and that no security was taken; that this reckless trading was going on over a period of about two years, and that he found no securities after 1894. In his affidavit Mr Cook states that out of £85,070 of book debts he considered it necessary to write off £37,374 as absolutely bad and worthless. He stated that he found indiscriminate credit had been given and little or no security taken. Nor can it be suggested that this state of things was caused by the opposition of other freezing works. The freezing business and the losses consequent on it were not the business or losses of the association, but of Mr Ward, and were carried to the debit of Mr Ward's private account, as the profits would have been carried to his credit. The association, also, after losing all its paid up capital, is £48,456 to the bad, according to Mr Cook's estimate, in addition to the £55,150 which was at Mr Ward's debit in its books. This result has been arrived at in the short period of three years during which the association has been in existence.

"It is difficult to dissever Mr Ward's private transactions from the transactions of the association. Mr Ward's direct indebtedness to the bank consists of £20,000 on a guarantee for the association given by him, £16,340 on a draft secured by shares of Nelson Bros. (Limited), which at the time the draft was given are stated to have been a sufficient security for it, but have since depreciated in value. In addition to this there is the promissory note for £55,150 given on the 19th October. The contingent liabilities of Mr Ward amount to £38,513, the principal ones being £32,000, the £4 per share uncalled on 8000 shares held by him in the association, and £4900 guarantee on account of the Hokonui Coal Company. As against these liabilities, the assets consist of the equity of redemption of certain properties estimated to be worth £3850, of shares in companies of the value of £100. of household furniture of the value of £300, and of other shares worth nothing. Mr Ward's estate would thus realise under a shilling in the pound. Nearly the whole, therefore, of Mr Ward's liabilities have been incurred in connection with the association, and the largest of them—the promissory note for £55,150—represented the balance to his debit in the books of the association. So far as I can make out this large indebtedness arose partly from losses incurred in his own private business of freezing sheep and partly from speculations in grain. These latter, Mr Ward states, turned out unfortunately, and that if there had been any profits they would have gone to the association, but that as he did not wish the association to speculate he took the losses on himself. This liability of £55,150 of Mr Ward to the association originally formed part of the liability of the association of the bank, but on the 19th of October Mr Ward, at the request of the general manager of the Colonial Bank, gave his promissory note for that amount, and the bank accepted his liability, on the promissory note in lieu of the liability of the association. Why this was done I do not quite understand, as the promissory note could be of little or no value to the bank. There is nothing to show that Mr Ward had been any property which is not included in the present list of assets. He states that he considered his shares in the association, however, was then, to Mr Ward's knowledge, in difficulties, and these shares carried a contingent liability of £32,000. I can hardly, therefore, accept Mr Ward's statement as correct. Mr Ward's shares in Nelson Bros. were then pledged for their full value to secure another amount. Mr Ward's liabilities therefore, with trifling exceptions, all incurred in connection with the association of which he was managing director. Here, then, is a company, or association, with a capital actually paid up in cash of £12,450. When it has been only three years in existence that capital has been lost and the association has become hopelessly insolvent, showing a deficiency of £100,000. It has been shown that the association obtained credit for a large amount by fraud; that it put forward an utterly false balance sheet; and that its affairs were managed with a reckless disregard of ordinary business principles. Of this association Mr Ward was managing director. Of the £12,450 of paid-up capital he held £8000, which carried with it a contingent liability of £32,000. He also held 3000 shares of the par value of £15000, which had been allotted to him as fully paid-up. His private account with the association was in debit £55,150. showing that he freely used the credit of the association for his own private ventures. In such circumstances it is hardly too much to say that in substance Mr Ward and the association must for most business purposes have been identical. Mr Ward is now hopelessly insolvent. A few pence in the pound is the utmost that his estate can be expected to realise. What, under ordinary circumstances, would happen would be that the association would go into liquidation and that Mr Ward would become bankrupt. That the career of the association should be brought to an end and its proceedings investigated, and that those who were responsible for its management should no longer be permitted to roam at large through the business world, is a result so obviously desirable in the interest to commercial morality that it ought if possible to be attained.

"Now, it is with the avowed intention of preventing this result that the purchasers under the present

agreement have come forward. Mr Woodhouse states that it is not like an ordinary business transaction, where the purchasers expect to make a profit, but that they were buying out of friendship for Mr Ward, in the hope of being able to put the association upon its feet again—that is to say, that a veil will be deliberately drawn, so as to hide the past as far as possible; that Mr Ward's bankruptcy will be purposely prevented; and that things generally will be made pleasant. That the transfer of the liability of the association to the banks into the hands of persons admittedly friendly to the former management will tend to stifle any inquiries into the proceedings of the association is manifest. If anyone had purchased the debt of the association as a business speculation, and for his own business purposes wished to keep the association going, that would be a different matter. In that case there would be no need for him to have purchased the debts of Mr Ward. By the present agreement every debt of Mr Ward's on every account is purchased and is lumped in one purchase with the debt of the association, though Mr Ward's debt will yield but an infinitesimal dividend. 'We only buy the association's debt on condition that you throw in all Mr Ward's debts' is evidently the attitude of the purchasers. The whole action of the purchasers was thus taken, as Mr Woodhouse, candidly admitted, out of friendship for Mr Ward, and, of course, in order to avert the necessity for his bankruptcy. It is thus an offer to buy off from bankruptcy and its consequences a man who ought not to escape them. This is in effect an offer of hush money, although I quite understand that the purchasers were themselves actuated only by the honest motive of friendship for Mr Ward.

"I am satisfied that the court, in considering whether it shall sanction an agreement of this kind, is bound to a certain extent to look at the moral aspect of the case, and if it sees that the real object is to prevent investigation into discreditable transactions the sanction should be refused, even if the agreement is the most beneficial for the pecuniary interests of the liquidation. This principle is perfectly well recognised by the courts in similar and analogous cases. (*Thring's Joint Stock Companies*, p. 383; *re Strawbridge* 25, Ch. D 266; *re Burr ex parte Board of Trade*. 1892, 2 Q B 467; *ex parte Reed re Reed*, 17 Q.B.D., 251.) That the proposed arrangement though in form a purchase of assets is in effect a compromise is plain. It comes to the same thing whether a debtor to the bank offers to compromise a debt for so much in the pound or gets a friend to come forward and buy it for the same amount, and the like considerations should apply in each case. I have no hesitation whatever, therefore, in refusing to sanction the agreement. In so refusing I do not for a moment mean to say that the liquidators were wrong in entering into it and bringing it before the court, or that they are entitled to anything but credit for doing so. I base my decision upon what was disclosed at the hearing. Reference was made in one of the affidavits to Mr Ward's political conduct, and some similar reference was made at the hearing. With Mr Ward in his political capacity I have nothing to do. I look upon the case from its commercial aspect, and upon Mr Ward in his business relations. That Mr Ward is a member of Parliament and holds a political office is, from the point of view I have considered the case, an irrelevant accident. The summons will therefore be dismissed."

Mr W. C. MacGregor then stated that there was on the list for the day a summons in the same matter issued by him on behalf of Mr William Brown. After his Honor's judgment, just delivered, it might prove unnecessary to proceed with that summons.

His Honor: Why ?

Mr W. C. MacGregor said that, in terms of the agreement, the J. G. Ward Farmers' Association would now have to be wound up by the Bank of New Zealand. He would ask that Mr Brown's summons stand over for the present.

His Honor said that he had no objection to the summons standing over as suggested.

Mr W. C. MacGregor asked his Honor whether he proposed to deal now with the question of the costs of the summons.

His Honor replied that the Hon. J. MacGregor (for Mr Young) wished that the question of costs should stand over in the meantime.

Mr W. C. MacGregor replied that he was quite agreeable to that course being adopted.

Mr Haggitt said that he presumed the liquidators would take their costs out of the assets.

The following is the report and balance sheet referred to in his Honor's judgment, issued to the shareholders in the J. G. Ward Farmers' Association of New Zealand (Limited), and submitted at the general meeting held in Invercargill on Saturday, 7th September 1895:—

The directors are pleased to place before the shareholders the annual balance sheet.

The year just closed has been one of general depression in almost all classes of commerce, and more especially in all produce trades.

Growers generally throughout the colony have had a hard and anxious time and very low prices for their productions. The prospects however, are very much more encouraging and the increased value of stock, wool, and grain will materially assist in restoring prosperity.

The depression has been felt by the association, in sympathy with kindred institutions; but notwithstanding

this, the directors are pleased to report a balance of profit for distribution of £b51 17s 3d, which it is recommended to be divided as follows :—To payment of dividend of 7 per cent, on paid-up capital. To payment of bonus of 3 percent. to shareholders on goods purchased. To refund of 10 per cent, on commission paid by shareholders on sales (this is in addition to rebate of 25 per cent, already made on wool commission). To payment of bonus of 3 per cent, on salaries.

The directors further recommend that the £2000 presently standing at reserve fund account, together with £2000 to be allotted from profit and loss account be utilised in reduction of goodwill account, which will then stand at £11,000 instead of £15,000.

During the year the directors issued £50,000 of 0 per cent, debentures, with a currency of 14 years, of which £40,000 has been sold, and the balance of £10,000 is open for purchase. These debentures are recommended to shareholders and clients as offering a first-class investment.

Early in the year it was found necessary to obtain further storage accommodation, and arrangements were made with the Hon, Mr Ward to erect a new wool store at Invercargill, which is capable of holding all the wool likely to be handled by the association at its annual sales for some years ahead; and owing to the pressure upon our Gore stores the capacity there was more than doubled as well.

The total storage room of the association has been utilised to the full during the past grain season, and a large number of our shareholders have found the benefit of this, as upon our recommendation they stored their grain to await a rise, which fortunately came and has been maintained, representing an advance of fully 50 per cent., which has been very acceptable.

Our stores, which are the most capacious in the colony, have all the modern facilities, and inquiries are being made with a view to fitting them with hydraulic power.

Mr Thomas Green retires from office as director by rotation, and being eligible offers himself for re-election.

It will also be necessary to elect an auditor.

Nominations for directors other than the above must be lodged at the office of the association in writing in Invercargill seven clear days before the annual general meeting on Saturday, September 7, 1895.

Shareholders unable to attend the meeting can record their vote by proxy, forms of which are enclosed.

Proxy forms must be lodged at the office of the association in Invercargill 48 hours before the time of the meeting.

J. G. WARD, Chairman.

Balance sheet of the J. G. Ward Farmers' Association of New Zealand (Limited), for 12 months ended June 29, 1895:—

J. G. WARD, Manager Director.

JOHN FISHER, Manager.

R. A. ANDERSON, Secretary.

I have examined the books and vouchers of J. G Ward Farmers' Association of New Zealand (Limited), and certify that this balance sheet is fully and fairly drawn up, and properly exhibits a true and correct statement of the affairs of the association. J. F. HANNAH, Audits Invercargill,

August 13, 1895.

The names of the directors given in the report are: The Hon. J. G. Ward, M.H.R. (chairman), Messrs Thomas Green, J.P. A. Baldey, J. Hayes, M.E., F.S. Sc., and A. Piper.