

by which the Minister defended the advice to the Governor. It was this: The person who was fined represented that to take the money from him would deprive him of the means of doing that which it was necessary to do in order to cure his flock—that is to say, putting up expensive fencing, and handling a flock of forty thousand sheep, putting them through the dip, and so on, all of which would cost a large amount of money. If this fine were taken from him it would deprive him of the means of doing this. Upon that argument the Colonial Secretary decided that he would not take the money from him at once; but he would give him an opportunity of spending the money in the cleaning of his flock; and, if within a reasonable time, say, eighteen months—I do not think there was any time named in the bond, but at all events that was the understanding—that if he could produce a clean certificate at the end of that time the bond should be cancelled, and he would be let off the fine. On the other hand, if he did not work as it was intended he should do during that time, the bond would be put in suit, and the money recovered from him. That was the understanding.

2518. The Act itself does not recognize the taking of any bond?—No, it does not; but there is nothing in the Act to prevent it. There is nothing in the Act to say that the fine shall be paid within a particular time.

2519. Do you not think it will act as a precedent in other cases?—Yes; I think it would be brought up as a precedent in other cases, and I do not think very unfairly either.

2520. Do you think it a desirable one?—I think that the object of the Government ought not to be to hurry a man, and to take the money from him. The real object is to get the country clean of scab. If you take £500, £600, or £700 from a man, and impoverish him and bring him to the verge of ruin, you do not gain the object you have in view—to clear the land from scab. The money is not worth thinking of, so far as the Government is concerned, but it is a very serious matter for the poor man who has to pay it.

2521. When you consider what has taken place in the Marlborough District during the time that the Act was suspended, do you not think that concessions have very little effect?—Well, they have had very little effect hitherto; but I think it is a different thing where you hold in your hand a fine of £700, and hang it over a man's head. It is a very strong incentive to him to work.

2522. Do you think they will put that bond in force?—I think so; at all events, if I have an opportunity, I shall very strongly advise its being done, if he does not produce a certificate in time.

2523. Of course, there is this view of the matter: others have been fined and have been put to very heavy expense in cleaning their flocks. They have done so, and I think they feel this is exceptional treatment?—Well, I think the others should have been treated in the same way.

2524. They were not treated in the same way?—I should have treated them in the same way if I had had to do it.

2525. *Mr. Walker.*] Might I ask if fines in any other case have been remitted under the same circumstances?—No; I do not think so. I do not know of any case quite the same. But there was one case—the first time the Messrs. Ingles were fined—when the fine was reduced from £112 10s. to £5. This was an absolute remission of £107 10s., and no bond was taken.

2526. For instance, if a conviction against a licensed victualler was recorded, would a bond be taken instead of a fine?—No; I should think certainly not in that case. The cases are not parallel.

2527. *Mr. Dodson.*] The Governor has a general power to remit fines in a number of cases?—Of course the Governor has the power of remitting any fine, the same as he has of saving the life of a man sentenced to be hanged.

2528. *Mr. Buchanan.*] A general power not confined to any Act?—No; the power of remission of fines is part of the Royal prerogative.

2529. Which really means that the Government of the day has the power to override the principal provisions of any Act?—If you put it so strongly as that, I must admit that it is so; but it is a power which is very rarely used.

2530. *Hon. the Chairman.*] The object of the Committee is, I think, to ascertain how the Act has been carried out. Can you state to the Committee what the action of the Government has been? Of course you represent the Minister, as really the head of the department. As to the instructions that have been issued from time to time, do they all tend in the same way to enforce the Act impartially or otherwise?—Always to enforce the Act strictly and impartially. The great object the Government have in view is to get the country clear of scab, in order that we may be on an equal footing with other Australasian Colonies, who at present refuse to exchange stock with us.

2531. You are aware that at the present time there is a good market there?—I believe there is, if we were in a position to export. The great object of the Government is to be able to say to Australia, "We are clean." That is what they have been working for ever since this Act was in contemplation.

2532. Did the Government ever contemplate killing sheep in certain districts, and paying compensation for them?—The subject has been thought of, but I do not think it was ever seriously discussed.

2533. Was not that one of the reasons why scab was introduced into the Diseased Cattle Act as one of the diseases specified there?—I do not know, but I think probably it was.

2534. But it has never been acted upon?—No.

2535. The Committee were puzzled at the evidence we got regarding the District of Auckland: that, in a place where the flocks are small, and where they are all nominally within fences, scab should still remain and break out again afresh. You must have noticed that?—Yes; it is a most extraordinary thing. It is a thing that no one can understand.

2536. Can you give us any information regarding it?—No; I know that it is the case. I know that most astonishing disclosures take place. Scab has been found in a place where the flocks have been supposed clean, and have held a clean certificate for years, and it turns out, on subsequent inspection, that there has been scab for years.