applied in the acquisition by purchase or lease by the Board of a site for a public school or schools and technical school, in substitution for the schools erected on the land described in the schedule hereto, and for offices for the use of the Board, and in the erection and equipment of such schools and offices:

"Provided that all such expenditure shall be previously approved by the Minister of Education.

"(2.) Subject to the foregoing provision, such moneys shall be used solely for the purchase or lease of sites for other public schools, or school residences, or technical schools in the Education District of Wanganui."

He submitted that answered the complaint of the Hon. Mr. Samuel that this was invading the principle—and he thought a very good principle—that these reserves should not be allowed to be sold, even by way of sale under mortgage. In fact, it had been found, he understood, that the present site was quite unsuitable. It had been found further that they could only raise the money required, by a mortgage of rents and profits, by paying 5½ per cent. interest. That was a pretty heavy burden for an educational institution to bear. Under the scheme here they could get the money from the Public Trustee at 4½ per cent., it being one of the conditions of the loan that a sinking fund of 1½ per cent. should be established, which would wipe out the debt in twenty-one years. He admitted frankly that the honourable gentleman had offered no factious opposition to the Bill. The honourable gentleman recognized that whatever the machinery by which the motive was to be carried, it was an excellent motive. They wanted to provide a better and more convenient school at Wanganui, and he thought, under the circumstances he had mentioned, the Bill should not encounter any opposition in the Council.

Bill read the second time.

MENTAL DEFECTIVES BILL.

The Hon. Sir J. FINDLAY (Attorney-General).—Sir, I desire to move the second reading of this important Bill. May I say at this early stage that I am in possession of very full notes upon each section, and I do not now propose to go through the very large number of clauses in the Bill itself with any detailed explanation. I propose to deal shortly with the advance which the present Bill makes upon existing legislation. You are aware that the Act of 1908, which this Bill repeals, is almost wholly a copy of earlier legislation—the Lunatics Act, 1882. You are also aware that England took a forward step in setting up a Royal Commission to inquire into the care and control of the feeble-minded, which sat for a very long time and heard expert and other witnesses, in number totalling something like 480. The report of that Commission has been made the basis of legislation in England, and we here in the present legislation are following, first, largely the footsteps of the English legislation, and, secondly, a little further in the footsteps of the recommendation of the Commission itself. Just to mark the main advance the present Bill presents, I should like to recall to your minds the fact that we, as a British people, have shown during the last fifty or sixty years two different but well-defined changes in our attitude towards the mentally afflicted. First, we have ceased to treat the insane as if they were criminals. We every one of us know that there was a time, and not so long ago, in the history of our nation when the unfortunate hapless lunatic was, so far as his treatment is concerned, practically placed in the position of a criminal. That has given way steadily, as you know, to scientific treatment. It has given way steadily as we have recognized that mental disease is not an offence, but an actual disease, often a bodily disease, to be treated not by strait-jackets and other penalties, but to be treated, as diseases generally are, by scientific and proper methods. That is the first thing I want to emphasize—namely, that our treatment of the insane has changed, and will continue to change as science shows us more and more what mental derangement is and what the proper remedies are. The second point I want to emphasize is even more important than that I have mentioned, because it touches deeply the actions of the Government towards personal liberty. There was a time in England when the law looked with a particularly vigilant eye for a man who was a lunatic in the ordinary sense, and who was a danger to those in whose midst he was placed; these were taken and incarcerated, and treated as I have described. But while the law vigilantly laid hold of these people, it looked with the utmost indifference on many men and women who were totally incapable of governing their own lives, leaving them a prey not only to their own weaknesses, but a prey to the unscrupulous—it left them helpless in the struggle of life. As I have said, the law looked with profound indifference at the helplessness of countless imbeciles throughout the whole of the United Kingdom. And, above all—and this is the most important—it left them to increase their kind, although it was absolutely certain that they must transmit through the generations their mental taint, that mental incapacity which made them

a burden to themselves and a menace to others. England, however, has wakened up, and she is beginning to recognize, and not too early, that the State has a duty to these afflicted as well as a duty to itself. It is not in any way an invasion of private liberty that the State should say to those who are mentally incapable of controlling themselves that they should be placed under some kind of supervision—humane, of course, in every way—where they would not be a prey to their own weaknesses; and, secondly, and what is of more importance, they would be prevented from adding to that great stream of helpless dependants which in this decade figures so largely under our charitable-aid and poor-law systems. It seems incredible, but it is a fact, that in England to-day there are no fewer than 200,000 imbeciles, free to propagate their kind as they please; and the figures are astonishing. These people are strikingly prolific. I have culled the figures from Karl Pearson. He points out there are 200,000 persons in England incapable of looking after themselves, and who are steadily transmitting their hereditary taint—their mental defect—to their children. As I have said, there are 200,000 of them, and here are the figures with regard to the birth-rate. Pearson points out that they are the most prolific amongst all the classes of people in England. The average birth-rate among London mental defectives is seven per family. The families using the schools in London for the feeble-minded are found on the average to number 7·3. Yet, as is pointed out by Pearson, one-half of one generation produces the total of the following generation. These figures of 200,000 in England alone give us some idea how far the population of the Mother-land is being fed by people who, far from adding anything to her strength, are a source of contamination and weakness, through the transmission of idiocy and imbecility. It is surely clear that a civilized country has a right to stop this kind of thing, even in the interests of the afflicted themselves, in the interests of the individual, and certainly in the interests of the community as a whole. Now, this Bill is a step in that direction. It is in the right direction; it has not gone very far yet, but I will point out, as I go, what the extension is of the principle to which I have referred. I need not trouble you about figures in New Zealand. I have said more than once in this chamber, and I repeat now, that there is full call for some legislation which will prevent imbecile women particularly from throwing upon this country the burden of maintaining children—illegitimate, for the most part—that are imbecile. Now, the Royal Commission to which I have referred recommended that there should be recognized two broad divisions in dealing with the mentally afflicted: First, those who were born with brains undeveloped, and who were what we might call imbecile from birth; secondly, those who became lunatics after their birth, owing, perhaps, to some post-natal independent cause. Now, the present law was based in the main upon the old law, but I just want to show what I think is the advance we are making in connection with the definition of the mentally afflicted. Under the present Bill,—

"'Mentally defective person' means a person who, owing to his mental condition, requires oversight, care, or control for his own good or in the public interest, and who according to the nature of his mental defect and to the degree of oversight, care, or control deemed to be necessary is included in one of the following classes:—

"Class I—'Persons of unsound mind'—that is, persons, who, owing to disorder of the mind, are incapable of managing themselves or their affairs.

"Class II.—'Persons mentally infirm'—that is, persons who, through mental infirmity arising from age or the decay of their faculties, are incapable of managing themselves or their affairs."

That class is partly the present law, and partly an extension of it. If honourable members look at the Act of 1908 they will see how far this differs from the corresponding section of that Act. Class III, which is entirely the existing law, is as follows:—

"'Idiots'—that is, persons so deficient in mind from birth or from an early age that they are unable to guard themselves against common physical dangers, and therefore require the oversight, care, or control required to be exercised in the case of young children."

In Class IV it will be seen there is a considerable extension of the existing law:—

"'Imbeciles'—that is, persons who, though capable of guarding themselves against common physical dangers, are incapable, or if of school age will presumably when older be incapable, of earning their own living by reason of mental deficiency existing from birth or from an early age."

Class V is new. It reads,—

"'Feeble-minded'—that is, persons who may be capable of earning a living under favourable circumstances, but are incapable, from mental deficiency existing from birth or from an early age, of competing on equal terms with their normal fellows, or of managing themselves and their affairs with ordinary prudence."

And Class VI is as follows:—

"'Epileptics'—that is, persons suffering from epilepsy."

Later on I will deal in detail with the meaning of these definitions; but I want now to point this out: that the old law was in the main based upon the grounds, first, of incapacity to manage himself, and, secondly, incapacity to manage his affairs; but this incapacity must be due to mental defect. That summarized practically the whole of the old law, and it cuts off, as the Commission points out, many mentally defective persons who really do require the sheltering hand of the State. But the Commission went further—and I would call special attention to this fact—and said that the State should not only include the lunatic in the old sense, and the mentally defective in the sense of the definition I have read, but that they should include inebriates who, through drink, found themselves incapable of taking care of themselves, moral imbeciles—persons who had proved themselves incapable of rationally regulating their desires—and deaf, dumb, and blind. Now, these cases are not in the present Bill, although it is recommended by the Commission that some provision should be made for dealing with them under proper safeguards. But this measure is drawn so that it can be made applicable to these cases should the Legislature deem it prudent later on to make this law applicable to them. The whole matter can be done by an amendment of the definition which I have read; and then the Bill, framed as it is, would apply to these different classes I have mentioned—inebriates, moral imbeciles, deaf, dumb, and blind. I would remark, in passing, that the definition has been steadily widened in successive Acts. If you will refer to what are called the Macnaghten tests of insanity, they are such that no medical man would accept as sufficient at all. A man, according to that definition—which is still the legal definition—is not insane so long as he knows the moral quality of the act he is performing. A man may be going to murder me, and may say he knows he is going to murder me. So long as he knows he is murdering me, that will not give him protection on the plea of insanity. The medical experts have been telling us for years and years that this rigid rule is absurd, and we should vary it; but there is no place for that legal rule here. It is the protection, not the punishment, of men we are here concerned with. And as we have seen more fully and clearly the true basis of moral responsibility we have, in our Lunatics Acts, extended the definition of what amounts to insanity. The extension in this Bill would have had one, among many, effects: it would relieve to some extent the Charitable Aid Boards. At present, even in New Zealand, a number of people are obtaining support from our Charitable Aid Boards who are really imbeciles—poor, hopeless creatures, who ought to be in some kind of home and under the protection of some State institution. To that extent, therefore, the State will add to its burdens the sum spent in relief by the Charitable Aid Boards in these cases. Another important feature of the Bill — I am dealing with general principles only now—is the very effective provision that is made for discovering who and where are lunatics. We have thrown upon every person who is keeping lunatics for gain the duty of notifying the Inspector-General, within forty-eight hours, of any person who comes under the care of such person; and, further, if persons are not keeping lunatics for gain in a private house, if there is any one there insane, they have to notify within three months that the person they have in their house is, in their belief, *non compos mentis*. This will have the effect of enabling the authorities to know pretty accurately the number of people who are mentally defective, and where they are.

An Hon. MEMBER.—Is it compulsory that they give notice?

The Hon. Sir J. FINDLAY. — Yes; clause 122 provides for the penalty in the event of the occupier of a private house failing to send notice of any person being treated as mentally defective.

An Hon. MEMBER.—That is a new provision.

The Hon. Sir J. FINDLAY.—Yes. A great deal will be said with regard to contributions to the maintenance of these people. It will not really add any great additional burdens to the present burdens of the State. Full provision is made for near relatives contributing to the maintenance of these persons—I am now referring particularly to the new class of defectives which may be swept in under the new definition. If they are destitute persons under our destitute-persons law, and if they have near relatives, such near relatives will be bound to contribute to the support of these inmates, just as the relatives of a destitute lunatic now have to do. Provision is also made for making available for maintenance the property of any person who comes within the definition I have read to you. Again, this Bill extends a principle which is already on the statute-book. It is one of great interest, and, so far as I know, I believe it is novel throughout English-speaking countries. You are aware that as the statute law stands in New Zealand today you can keep any person who has been committed to an industrial school, and who has even reached the age of twenty-one years, for a further period of four years if a Magistrate is satisfied that the well-being of

the individual or the community demands that retention; and so on every further period of four years. The effect of that has been to reduce the illegitimacy on the part of imbecile women who leave these institutions. I mentioned before, and I repeat now, that we had a very marked case of two imbecile women who had been through these institutions, and to-day have fifteen illegitimate children who were dependent on the State. This Bill, then, is an extension of the principle I have mentioned. It is necessary that in such cases we should have the power to lay kindly hands on them and have them committed to one of these institutions, if need be, for the rest of their lives. I have now dealt with the preliminary matter. Part I deals with the procedure for the reception of patients. The detention must be legal, and you will see that it is detention on grounds which public opinion, apart from the law, must entirely approve. The whole position is adequately safeguarded. A reception order is made, and under that reception order the Magistrate commits the unfortunate to a proper institution. The procedure usually is this: an application is made in writing, stating the grounds on which it is sought to have a person sent to one of these institutions. The application is sent to the Magistrate or to the Clerk. Two doctors are then required to examine the defective, and if they report to the Magistrate that in their opinion the person in question is mentally deranged, the Magistrate may accept that as sufficient, or he may call further evidence. This discretion to call for further evidence is in order that the Magistrate may satisfy himself beyond all reasonable doubt that the person comes within the definition I have read to you; and if he is satisfied he makes a reception order, and the person is sent to a proper institution. There is, moreover, an important amendment in this Bill. Any lawyer knows that the present law for urgent cases is as clumsy as one can imagine. It is really more difficult to apply than where cases are not urgent. In fact it is entirely unfitted for urgent cases. Now, the new provision is this: where an applicant—some person responsible, it may be, for another mentally afflicted, in sore straits, and not able to control, as is very often the case, the unfortunate person—lives in a district where there is only one medical man, and there are many such districts in New Zealand, he makes an application to the Magistrate, supported by the certificate of one doctor. The doctor must certify to the urgency of the case. On that being done, an order may be made relegating the patient to an institution until the fuller examination required in ordinary cases by two doctors has been completed. Now, that is not only a reasonable protection to the unfortunate relatives, who very often find themselves with even a dangerous lunatic on their hands, but seems kindly treatment for the lunatic himself. Under the existing law the only thing to do is to have the man locked up as dangerous, and then he goes to the lockup. Under this new law he will be treated as if a patient, and will be taken to one of these institutions. There is another useful improvement in the present measure which, I think, will interest the Council. Under the existing law a reception order confines the patient until death or the discharge of the lunatic. It cannot be qualified by fixing any point of term. You will observe that that does expose the system in conceivable cases to the evils which we read of in some of our earlier novelists, where persons get into a lunatic asylum, and in the routine of even up-to-date modern asylums are left there longer than they ought to be. Under this proposal the order under which the lunatic is held lapses every year, and there is thrown upon the officer in charge of the institution the duty of certifying that the person detained is still in such a condition as not to be fit to be released. Unless that is done, the order in effect lapses, and he must be released. That may appear a little like useless routine, but it casts on the officer in charge of the institution the duty every year of directly examining, and, if not examining, of unequivocally saying that the man in his custody is not fit for liberty. It is intended as, and I think it will be, a further safeguard, because you will remember we are extending the definition to sweep in a much larger number of people into these institutions, and in doing that it is only right we should enlarge the safeguards against abuse.

The Hon. Mr. JENKINSON.—There is the danger, on the other hand, to society if they get out.

The Hon. Sir J. FINDLAY.—Of course, if the doctor certifies that a person who is still really a lunatic should be released, he accepts the responsibility for it. In point of fact, he really has to do that now, but he does it at irregular intervals; and this new provision is necessary when we think that even now sometimes men may be kept in our mental hospitals longer than they should be.

The Hon. Mr. JONES.—It is a yearly report.

The Hon. Sir J. FINDLAY.—It is, in effect, but it is not merely a yearly report. It is a yearly report pre-essential to a patient being detained, and if the report is not made the patient must be released. Now, Sir, Part II deals with another branch of this subject. You are aware that some mentally

afflicted are kept in institutions, and some in private houses. In case it is found desirable that the patient should not be removed to an institution, but should be treated in a private house, the fullest provision is made for proper treatment there.

The Hon. Mr. JENKINSON.—Have you any idea of the number in private houses now?

The Hon. Sir J. FINDLAY.—I have the information somewhere, and I will give it later. Part II deals with single patients—that is, persons in private houses. The Magistrate must first be satisfied that the place is fit for that purpose—that its environment is fit for that purpose—and, generally, that the person may be fitly and properly committed there; and when the committal has been made, the house becomes "an institution for the purposes of the Act." All the powers of the Act are given to us to see that the house is properly conducted, and that it is in every respect suitable.

The Hon. Mr. SAMUEL.—An annual certificate is necessary.

The Hon. Sir J. FINDLAY.—Yes, that is so. Part III deals with minors—those mentally defective. You will find that this is really drawn along the lines of the English Idiocy Act, which was passed a few years ago, and is recognized as up-to-date and effective legislation. No doubt objections may be raised to parents getting rid of the obligation resting on them in the matter of looking after their mentally defective children. The Bill, however, provides for such children being kept in a proper institution, and I do not think fault will be found with this. The Bill provides that they make declarations complying with the law and as to their circumstances. A medical certificate must be sent in accompanying the declarations. This is done for the purpose of safeguarding the children against any abuse of the system. I apprehend that people might say that parents should not be allowed to place their children in the institution at all, but be compelled to look after them themselves. Now, I think that is short-sighted. There are many cases where the parents have neither the time nor the facilities to do what is needful for defective children; there are other cases in which it is not only the right thing for the child, but eminently fair to the parents, that the State should provide some means under which the child should be properly and scientifically treated. I do not apprehend that we will allow parents to lightly get rid of their responsibilities; it will be our duty to see that the Act is used for the useful purposes for which it is devised. Of course, parents have got to contribute if they are able to do so, but if they are not able nothing will be asked. Part IV deals with the criminal lunatics, and it is a little complicated. Some of the inmates of our mental asylums became insane after they were sentenced to gaol for some offence, and in consequence of this a curious result had arisen. A percentage of old men who are brought up on charges of vagrancy are on the borderland of insanity, and if during a short term of imprisonment of even three months they become insane they are transferred to an asylum, where they remain until they are discharged. They are treated as having come in as criminals, and, whatever their estate may be, nothing can be recovered, and there is no power to claim on their relatives, even if insanity continued during the whole period of life. A person transferred from a gaol remains, in the eyes of the law, in the direction to which I am now referring, a criminal until he is discharged from the asylum. Under our existing law you would have this state of things: that a rich man sent up for some offence for three months might, by becoming a lunatic after sentence, be a burden to the State for the rest of his life, and you could not fall upon his property. It is just an oversight, which we have here put right; and this alteration will be useful to the State. Now, with regard to the Crimes Act, we have not altered the cardinal rules for determining insanity. We believe any attempt to evolve a list of rigid rules—any attempt, in fact, to apply the medical definition of insanity—would be in the highest degree disastrous to the administration of justice. There are some fine-spun definitions the medical profession have produced, which, while probably scientifically and theoretically accurate, would afford protection to a very large class of serious offenders, and expose society to dangers which it certainly should not submit to. My point is this: that if you get into the jungle of the tests of moral responsibility, and invoke the rules which many of the medical profession have laid down as determining moral responsibility, and you allow the lawyer to raise one or more of these tests, two-thirds of your criminals would escape. Society cannot afford to go that far; so that we find in practice, where there is a mental condition which should not expose a man to be convicted, the jury will sometimes reduce the rigidity of the law and find insanity; and I do not think any one who has watched the administration of the Criminal Courts in cases such as these will complain that the rule with regard to insanity has been too rigidly applied. In fact, I think sometimes it has been too laxly applied. Part V provides that persons may voluntarily place themselves in institutions for treatment, and this, too, is

recognized as a useful extension of the existing law. There are proper safeguards, as honourable members will see; but it is felt that, with proper safeguards, the man who has recognized, as many unfortunate people do, that he is incapable of self-control should have some suitable institution in which he may have his will built up, and, if possible, his self-control restored to him. Already, as you know, in connection with our inebriates' homes, a man can apply to be sent to Rotorua for treatment there, and I think it is wise that that principle should be extended. As long as you lay down sound safeguards so that a man cannot stupidly have himself committed to these institutions, you should give to the unfortunate who recognizes that, owing to abuses or other causes, he has lost control of himself the opportunity of placing himself under the restraint which is necessary to restore him physically and mentally.

An Hon. MEMBER.—The Magistrate need not commit, of course.

The Hon. Sir J. FINDLAY.—No; unless he is satisfied it is a proper case for committal. Part VI provides for the licensing of institutions, but as this is the old law I need not go into it fully. Part VII provides for the care and treatment of the mental defective. It is the old law improved in some respects and made more workable. Part VIII is a distinct advantage on the score of economy. Every lawyer knows there is very considerable waste in connection with legal and other expenses in the administration of the estates of the mentally afflicted. You have committees, and a number of expensive legal steps to take which should, if possible, be avoided. The proposed system is exceedingly simple. The Public Trustee has special functions given to him. He becomes the committee pretty well automatically in proper cases, and the expense of administration will be, I am certainly entitled to say, reduced by 75 per cent., if not more. The old complexity as regards committees and inquisitions has been done away with, and all the other fruitful sources of legal fees have been ruthlessly excluded by this Bill.

The Hon. Mr. SAMUEL.—I presume provision is made in this Bill, which is not made now, for revesting in a person found sane the estate of which he had been previously divested.

The Hon. Sir J. FINDLAY.—Quite so. It is some defect in the existing law regarding the revesting in that case. There is power to revest and restore to a person who is sane again the rights of property and liberty he had before.

The Hon. Mr. JENKINSON.—Clause 80 deals with absence on leave. To give leave to a mental defective seems peculiar.

The Hon. Sir J. FINDLAY.—Of course, you are dealing with a pretty wide clause, and with a class of people who may be temporarily deranged, and who may be tentatively trusted with freedom. It is the same kind of provision we have put in our prison-reform legislation, in the direction of giving the man a chance of showing whether he can stand on his own feet or not; and if he cannot, instead of the cumbersome system of having another inquiry—which is perfectly valueless—before he can be returned, he is brought back, being treated practically as on probation, if he fails to fulfil the conditions attaching to his release. There are many points which I am passing, because it will take too long to go into each of the details of the measure. I find, however, that I have omitted one interesting condition, which I will refer to now. The Crimes Act remains practically unaltered, but this alteration is made in the Bill: if a man at the present time is tried for an offence, and he is really insane, and enters the plea of "Guilty," he is convicted and punished on the offence for which he is charged. In other words, if a man who is insane is charged with theft of goods, and the proper penalty is three months' imprisonment, and he pleads "Guilty," he gets three months. Subsequently, if he is discovered to be insane by the authorities he is then removed from prison to the asylum as an insane criminal.

An Hon. MEMBER.—That often happens.

The Hon. Sir J. FINDLAY.—Not very often; the man finds he is liable to be committed to an asylum, and instead of pleading insanity he pleads "Guilty," expecting to get a shorter term and escape the longer detention.

An Hon. MEMBER.—That is not a very insane act.

The Hon. Sir J. FINDLAY.—It is astonishing how astute these people sometimes are, and the last thing they want, as a rule, to do is to be detained indefinitely in a mental hospital. We have provided that where the Court, notwithstanding a plea of "Guilty," is satisfied that the plea should be "Not guilty," on the ground that the defendant is really insane, it may order the plea of "Not guilty" to be so entered; and then, the question of mental condition being raised, instead of treating a man as if he was a sane being and discovering his insanity afterwards, he is dealt with as if the plea of insanity had been entered originally. It saves a lot of trouble and delay, and, I think, is a proper amendment of the law. There is the further provision which perhaps is not so important, with regard to the finding of the jury. The rule is that where a man is charged, say, with

murder, and the plea of insanity is raised, the jury finds that he is "Not guilty," and at times it is somewhat perplexing that the jury's finding should be "Not guilty" when it is amply proved that the man committed the offence.

An Hon. MEMBER.—That was the case with Lionel Terry.

The Hon. Sir J. FINDLAY.—Exactly. He admitted that he committed the offence, but because the jury considered him of unsound mind they brought in a verdict of "Not guilty." If the jury on a trial decide that a man is insane, they find that he is so, and that is the basis of subsequent treatment. This is merely formal, but it is bringing the system into closer consistency with reason. Another provision which I think is desirable is this: A man is charged with murder. Under the present system he is committed by a Magistrate, who cannot decide the question of insanity for trial in the usual way. Between the time of commitment and trial the man is in gaol, although what you really want to find is whether the man is sane or not. He should be sent to some institution between the time of commitment and trial, so that under scientific observation his sanity or otherwise may be discovered. The rational way, therefore, is to provide that persons awaiting trial shall be removed to an institution for observation until such time as they are brought up for trial. Where, therefore, the question of insanity is raised, the person will be committed for trial in the usual way, but instead of his being kept in prison he will be sent to an institution for observation purposes. He is still in the custody of a gaoler, but he is under skilled observation. I think I need not detain the Council longer. Part IX of the Bill is the last which I will refer to. It provides that every person who takes charge of a mentally defective person must give notice of the fact, so that the authorities may know who the defective is and where he is being taken care of. Except in public institutions, it is an offence to have in one house two or more defectives at one time. I think, on the whole, it will be admitted that the Bill is a very desirable advance on the existing law. It removes a great many clumsy clauses and much clumsy machinery, and in its place it provides simple and effective machinery; and it wisely extends the class of persons who may be taken care of by the State for their own sake and for the sake of society, and it further removes some of the absurdities in regard to the trials in our criminal Courts to which I have shortly referred. I feel sure that the Council will give the Bill the reception it deserves, and will help me, if necessary, to improve it where it requires to be improved. In the meantime, I think we can, in passing, recognize this is part of the good work done by my late colleague Mr. Fowlds, who is mainly responsible for its appearance here to-day.

The Hon. Colonel BAILLIE.—I think I must say we have all listened with very considerable attention and interest to the exposition which the Hon. the Attorney-General has given of the Bill. I might say I have had several experiences with lunatics, and especially on one occasion I sat in a Court, as it were, with medical men to decide whether a man was a lunatic or not, and after considerable attention and listening to the man he seemed as rational as myself; but at last, by some extraordinary incident, the keynote of his trouble was touched, and then he showed his mental weakness without a shadow of doubt. In India, I travelled for over three months with a gallant major of the Bengal Horse Artillery. He served with me in three battles, and when returning Home was put in charge of the senior officer, the doctor, and myself, and together we travelled a thousand miles down the Jumna and Ganges Rivers to Calcutta. During that time he lunched and dined with me every day. He was a most highly educated man, and could talk on any subject you put to him; and to this day I do not believe that man was a lunatic, although he had been certified to by two or three doctors as of unsound mind. I do not know what ultimately became of him. There is, no doubt, often great difficulty in deciding who is insane and who is not. When dealing with lunatics I have always treated them as rational men until I found them to be otherwise, and that I believe is the best rule to go by.

The Hon. Mr. RIGG.—Sir, I quite recognize the object the Government have in view in putting forward this measure, and I also fully appreciate the extent of its scope as explained by the Attorney-General, because it does go very far beyond what is law in this Dominion, and, I think, in any of the British Dominions. We have to be very careful, I think, in dealing with a question of this kind, that deals with the personal liberty of the people, to see that we do not go too far, and to see that we are going on sound lines. The question of mental diseases is one that I do not think is anything like fully understood at the present time by the English-speaking people. On the Continent of Europe for years past the medical faculty have devoted a great deal more attention to mental derangements than have the British medical faculties, and they have found that a large amount of crime is directly due to mental disease; also that some of the fancied

complaints on the part of the people which were hitherto laughed at are a real form of mental disease. One specialist in mental diseases has said that when people believe themselves to be ill, and when the doctor says they are not ill, that they are suffering from the very worst form of disease, because it is the brain that is affected, and not the body. It has also been found that a person may have met with an accident when young which in later life he or she may have no recollection of whatever, and yet the result of this accident has affected them in such a way—they have been affected in a subconscious manner—that it has had the effect in later years of making criminals of them. It is very possible, therefore, that as time goes on and as psychology is better understood the number of people who will be classified as mentally deficient will be very much greater than that contemplated by the scope of this Bill. The inference is that in future, instead of treating crime only by punishment, in many cases the mentality of the offender will be first considered, and, if possible, the disease will be discovered and cured—that is, there will be mental treatment instead of punishment in many instances. In extending the scope of mental treatment the Bill is going on right lines; but there is one feature about the Bill that I wholly disapprove of, and it is because I disapprove of that part that I am speaking early in the debate, in order that honourable members will have an opportunity of criticizing what I say. The part of the Bill that I object to is that part which refers to licensed institutions. The effect of this provision will be to set up what might be called private mental hospitals.

An Hon. MEMBER.—It is an old provision.

The Hon. Mr. RIGG.—I will have something to say in regard to that presently, because there is a very great difference in what is proposed now and what has existed in the past. The Hon. the Attorney-General in the course of his remarks referred to the sheltering hand of the State, and it is just because there will be the sheltering hand of the State protecting these unfortunate people that causes me to make the remarks I have made in approval of an extension of the law. But when it is proposed to set up private institutions and grant licenses to them—where the keepers of these institutions need not belong to the medical faculty at all, where the keeping of the institution will be a very profitable business and will be conducted for the profit—then I think that the sheltering hand of the State is not present in the way that I would wish to see it present. I think that the care of all people mentally afflicted should be entirely controlled and managed by the State. I go on the broad principle that the health of the people—whether it is the mental health or the general health of the people—should be the first consideration of the State, and should be undertaken by the State. In the proposal we have now before us we have this danger facing us that the person who is affected most by the legislation is a person who can have no voice at all in the disposal of his person. He will be disposed of as other persons may approve. It will be done on the application of some person, who may be a policeman, or a relative, and, according to the decision of the Magistrate, he will be committed to an institution. If he is a man possessing property or rich friends, he will probably go to a private institution; if he is a pauper, he will go to the Government institution. Now, I emphasize this point: that this man will have no say at all as to how he is to be disposed of, and it may be that he will become an inmate of a private institution which is conducted for profit; and that does not, I may say, meet with my approval. In the case of persons whose general health is affected, they have the opportunity of choosing as to whether they will go into a private hospital or whether they will go into the general hospital, and every one will decide for himself which course will be best for him. In that respect he differs from the person who is mentally affected. Well, the result of people going into private hospitals has been, to a large extent, to cast a kind of slur on others who have taken advantage of the public institutions. My own view is that the attention and the benefits derived from the public hospitals are immeasurably superior to those to be obtained at the private hospitals. I believe it will be necessary sooner or later to make closer inquiry into the conduct of private hospitals in New Zealand. My own opinion is that there are far too many deaths occurring in those institutions, and that the people are not aware of the number that are dying in those institutions, because the fact that they die there is kept a secret. Every care is taken to see that the person, after death, is removed from the private hospital, so that the funeral shall not leave there, and thus awake distrust in the minds of the general public. I myself believe most of the private institutions are well conducted; still, I do not think the conditions that exist there are comparable to those at the public hospitals, so far as cleanliness, freedom from infection, and careful and devoted nursing are concerned. Now, to come back to the mentally afflicted, I believe that we will have a somewhat similar state of things in private mental institutions as we have at the present time in private hospitals, and I would urge that every possible precaution should be taken that these unfortunates

should have the efficient care and attention that they would derive from a State institution. I ask myself the reason of this great change, for it is a great one—that the mentally afflicted should be committed by Magistrates to private institutions—and I ask myself, is it intended to shift the burden of the cost of the additional number of patients upon the community, instead of it being borne by the State?

An Hon. MEMBER.—We have private institutions in the Dominion now.

The Hon. Mr. RIGG.—I was coming to that point presently, but perhaps I may as well deal with it now. My point is this: that so far the State has given no recognition to private institutions, and therefore they have not been taken very great advantage of. Under the provisions of this Bill, however, we will have large private institutions springing up all over the Dominion, and therefore we have to consider the question very seriously. Now, I ask, is it intended to shift a financial burden on to the community that ought to be borne by the State? Is it intended to extend the policy of the experiment we made in regard to the Pakatoa institution, where the care of inebriates, previously undertaken by the State, was handed over to a religious denomination. Well, if that is the object—and I should be sorry to think that it is—it is one I do not approve of. I question very much whether the saving will be quite as great as might be expected, because it will be seen that the inspection and the increased number of officials that will be required under the Bill will mean a serious increase on the present cost.

An Hon. MEMBER.—How can the expense be thrown on the community of keeping the patients in a private hospital?

The Hon. Mr. RIGG.—The answer is this: It is not made clear in the Bill the amount that is to be paid to the keeper of a private institution for each patient. There is a provision in the Bill that a charge can be made against the near relations up to the sum of one guinea per week for the maintenance of the patient, and therefore I assume that at least a sum of one guinea per week in the case of an adult will be the amount that the keeper of the private institution will receive for each patient. Now, this sum may be regarded as being practically State-guaranteed, because, take notice, according to the measure we are considering the State recovers this amount from those who are liable to pay it. And now as to the profits to be made by the keeper of a private institution. Let us assume that a private institution has a hundred patients: The keeper of that institution would be in receipt of a hundred guineas a week for the maintenance of those patients. He will have to maintain a medical officer, to establish and equip suitable buildings, and to maintain a staff of attendants out of his hundred guineas a week; but even then he will have a great profit. Although the fees may not be so very large from some of the patients, in the case of some of the more wealthy patients they will be considerable, and therefore it must be an enormously profitable business.

The Hon. Mr. SAMUEL.—The keeper would get three times one guinea a week prom private patients.

An Hon. MEMBER.—A large salary would have to be paid to the medical officer.

The Hon. Mr. RIGG.—A medical officer in a public asylum does not get a very large salary; then, why should he in the case of a private one? When you can find well-qualified men, possessing special experience in the treatment of the insane, who are willing to take employment in our own mental hospitals for £300 or £400 a year, surely there would be no difficulty for the keeper of any private institution to get similarly qualified medical officers at a reasonable salary.

The Hon. Mr. JENKINSON.—Where does it make the State responsible?

The Hon. Mr. RIGG.—The State recovers the amount from the relatives, or from the man's property. But I shall be very pleased if any honourable gentleman can show me where the Bill we are discussing makes the point clear as to the amount that the State is to pay to the keeper of a private institution after it has recovered payment from the relatives. If it is clear, of course I shall be one of the first to admit that the statement I have just made, that the keeper of a private institution having a hundred patients will have from those patients a hundred guineas a week, is incorrect.

The Hon. Mr. SAMUEL.—He will have more, because he will not take them unless he gets the fees beforehand.

The Hon. Mr. RIGG.—I shall be very glad if honourable members will look that point up, because we shall have further discussion with regard to it when in Committee. Our one desire, of course, is to understand the measure thoroughly, and not attempt to mislead either ourselves or others for the sake of scoring a point. It does not matter much to my argument whether he receives a hundred guineas a week for a hundred patients, or ten guineas a week, or a thousand guineas from one patient. The point is this: that most of the patients who go into mental hospitals are capable of doing good and effective work, and that the employment of these people in the hands of the

keeper of a private institution may be made a source of very great profit to him. Women may be employed in laundry-work, and men may be employed in farm-work and various other employments that can be well carried out in such institutions; and the profits arising from this work will all go to the institution, and consequently to the keeper of that institution. When that happens we will have an outcry probably on the part of the majority of the people of this country if the product of these patients' labour comes into competition with free labour. It is very probable that that might happen, because I assume that the keeper of a private institution is influenced by only one motive—that is, to make a profit out of the institution under his care. Naturally, being a conscientious man, he will do his duty as required by the law; but he is not carrying on the institution for philanthropic motives.

The Hon. Mr. JONES.—Who carries on any institution for philanthropic motives?

The Hon. Mr. RIGG.—The State; and that is why I say these institutions should not be left in the hands of private individuals, but should be conducted by the State, and by the State alone. I have alluded, in passing, to one aspect of the question, and I want to emphasize it, and that is that once these private institutions spring up they will draw off the best class of people from the asylums that are managed by the State; and therefore we may have, on the one hand, private institutions which are conducted for profit, to which persons who are well off will be sent, and, on the other hand, the State establishments, to which the poor will be sent. Thus the State establishment will bear on the face of it the stigma of pauperism.

Debate adjourned.

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

HOUSE OF REPRESENTATIVES.

Wednesday, 6th September, 1911.

First Readings—Immigration: Ministerial Statement—Reports and Recommendations on Native Petitions—Old Soldiers' Claims—Questions—Adjournment: Questions—Elective Executive Bill—Sunday Labour Bill.

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

PRAYERS.

FIRST READINGS.

Auckland Electric-power Station Site Bill; Awatere County Bill; Foxton Harbour Board Loan Bill.

IMMIGRATION: MINISTERIAL STATEMENT.

The Right Hon. Sir J. G. WARD (Prime Minister).—I desire to make a statement to the House. Yesterday, after seeing the extraordinary statement that appeared in the *Dominion*, I sent this cablegram to the High Commissioner in London:—

"Kindly look up *Westminster Gazette* of 22nd July, which is said to contain statement issued by you, in which, amongst other things, it is stated that we required labour to produce and help to pay the interest of our inflated debt which is mounting rapidly, and that we need another million people in the cities and two millions on the land. The statement also says that they are badly needed, and if the millions mentioned were here to-morrow there would be ample work for all. Please let me have a full report by cable on the whole statement appearing in the *Westminster Gazette* on the date named."

To this I received this morning the following reply from Sir William Hall-Jones:

"London, 5th September, 1911.

"Re *Westminster Gazette*, 22nd July: Had not seen this till receipt of your telegram of 5th September. Statement was not made by me. It was an extract from *Otago Witness*, 10th May, issued by our advertising agents, who select paragraphs from New Zealand papers for circulation, first submitting them for approval. This was not done in present case.

"Premier, Wellington."

I have taken the trouble to look up the *Otago Witness* of the date referred to, and I find there, under the heading "Farm and Station: Notes on Rural Topics," word for word what was published by the *Westminster Gazette*. The article says,—

"There is a great scarcity of efficient farm labour in this Dominion, and domestic servants are as difficult to procure as nuggets of gold. It is a standing complaint among farmers that whenever any busy time comes efficient labour cannot be obtained for it. A first-class ploughman, an efficient stacker, or a man trained in all the technique of the farm are exceedingly difficult to procure, and are sent Home for. We require to import apprentices: they are not to be had. With that object in view, we require to import ploughmen and capable farm hands anxious to become settlers, so that production may not be handicapped; and we require to import servant girls, to save their mistresses and farmers' wives from the effects of overwork, and give the dairy industry a chance. We want population to eat up some of the beef and mutton and lamb that at present has to be sent to