

2372. Did you, while Inspector in Marlborough, proceed in all cases to enforce the law where there were breaches of the Act?—I think I did, in every case that I recollect.

2373. I suppose that in many instances you recovered fines?—Yes; I did.

2374. Were these fines paid in every case?—All the fines have been paid that I can recollect, with the exception of these Kaikoura cases. With regard to one that was lately inflicted in Marlborough I think the correspondence is before you.

2375. Which one do you refer to?—To the Upton Downs, of which Mr. Busby is manager.

2376. *Hon. Mr. Waterhouse.*] Is that Mr. Steward's?—It is Mr. Stafford's old run. I thin the case was adjourned to the 6th November.

2377. I have made a note of those that have been stated in evidence?—Gibson was fined twice: once, I think, the fine was reduced to £10; another time the fine was not enforced, but a bond was given.

2378. Can you state how that remission was made?—I do not know anything about it.

2379. You were in the district?—I cannot say where I was at the time.

2380. You were either Inspector of Marlborough, or you were holding the position which you hold now?—I have never seen it.

2381. Was it not referred to you to report on?—No.

2382. Mr. Reese was fined once, was he not?—Yes, that was for Waipapa; that was some time back, that would be in May or November.

2383. Were you consulted as to that fine?—I think I was on all except the first. I had better explain that: there were two cases against Mr. Reese; this was the last upon which Mr. Reese was proceeded against.

2384. My object in asking the question is to see whether, in this matter of the remission of fines, you were consulted?—In two of them I was: the papers are there.

2385. Are you aware of any fines having been remitted which were not submitted first to you?—I am aware that a certain bond was entered into; that was the only case in which I was not consulted.

2386. Mr. Ingles had a case in which it was remitted?—I should like to give the history of that: There is a misapprehension as to the two cases, which will bear explanation. The first time that Mr. Ingles was proceeded against there was also Gordon Gibson, of Waipapa, which is now Reese's. I was aware that some steps had been taken to make a distinction between those who were doing something and those who had done nothing, especially as the Court would sit in a few days, and could not sit again for three months. Furthermore, I wanted to bring the matter before the public during the session of Parliament. I proceeded against Ingles and Gordon Gibson, under the 23rd section, for not taking means which I considered sufficient to clean their run. When the cases were brought on, I regret to say, through want of evidence on the part of the Inspector, a clear case could not be made out, although there was not any doubt on the matter. The Inspector could not swear positively whether a certain thing had not been done. Owing to this circumstance, and through the recommendation of the Resident Magistrate who heard the case, besides being the first case brought forward, the Government were disposed to take a lenient view, and they fined him in the minimum penalty. Three months afterwards, proceedings were taken against Walter Gibson, and conviction obtained. He had put up fifteen miles of fencing: the Inspector reported that thirty thousand sheep were clean; something was being done in this case, and it was thought that the place would in time be clean. When proceedings came on six months after against Ingles, he had done nothing, and he tried in every way to resist the responsibility of ownership. He had chosen to resist the Government in every way. The last case was deemed one in which no leniency should be shown. He had taken every possible means of resistance. In the Waipapa case the run was mortgaged to one person and the flock to another; but it did not matter who were the owners. Nothing being done for twelve months, it was not deemed right to remit anything. The third fine was for the Clarence.

2387. You were not consulted?—I was not consulted.

2388. That is not in accordance with the Act?—It is not according to the Act.

2389. Would you have recommended it?—If he omits or fails to perform what he has undertaken, the bond can be levied at once. He has appealed against these cases, which are now waiting a decision.

2390. With regard to clause 62, subsection (3): "No compromise made shall effect the Inspector's power to prosecute and recover any fine or penalty." Do you consider that the Inspectors are called on to follow up the fine after it has been inflicted, and see that it is paid?—I do not think it can be so reasoned: once the Inspector has obtained the conviction, the whole matter belongs to the Minister of Justice; it then passes into the hands of the Minister of Justice.

2391. Does it rest with the Minister to remit the fine or otherwise?—No; the course pursued in these remissions, as far as I know, is this: a report is obtained from the Magistrate who heard the case; the report is made on petition by the defendant who had been fined. The whole matter is then brought before the Colonial Secretary, who makes the remission or acts otherwise as he thinks fit; he communicating again with the Minister of Justice.

2392. Then, this portion of the Act is practically a dead-letter?

*Hon. Captain Fraser:* Quite a dead-letter.

2393. *Hon. the Chairman.*] Do you not think that such fines should not be remitted except on the recommendation of the Chief Inspector?—It should not, I think, be in the hands of the department at all; it should be settled under some sort of responsibility. If a fine is remitted I think the question of remission should come up upon petition to the House.