

are difficulties which I can see which seem to prevent New Zealand from joining at present, at any rate. One of those difficulties is a large question of public finance. Western Australia was admitted on special terms. It would be difficult, I think, for New Zealand to enter at present except on special terms, giving her time to readjust her finance. There are other questions to which I refer in the paper I have mentioned. They are remediable. For instance, there is one which is a matter of sentiment—and, I think, very proper sentiment—we cannot overlook, and that is that, according to the existing Act, in the computation of the population of the colony Natives are not included. There is nothing to prevent them being represented, or even to prevent the sending of Native members to the Federal Parliament, but they are not computed in the population. That would put New Zealand at a certain amount of disadvantage in representation, and it seems to me something more than that: it would cast a slur upon the Native race here, which would feel it. We have treated them here on an exact equality with the colonial population, and I do not think this colony could very well accept a scheme of that kind. That is remediable. The Commonwealth Parliament has power under certain conditions to amend the Constitution, and, if New Zealand were negotiating a union with Australia, that is a matter that could be remedied.

238. You have spoken of several objections: are there any others?—I cannot recall them at present.

239. I should like you to finish any voluntary remarks you may have to make?—I do not know that I can say anything more. I should prefer that the expressions which I, as it were, matured in the address I referred to should be taken as my views on the subject. It is some time since I wrote that. It is in print, and a copy can be furnished to the Commission.

240. You are aware that under the Act establishing the Commonwealth the representation of original States in the Senate was equal—that is, six members for each State?—Yes.

241. Of course, New Zealand would not now be an original State, supposing she joined?—No, she would not.

242. You are aware that under the 7th section of the statute the Parliament may make laws increasing or diminishing the number of Senators for each State?—Yes, that is so.

243. So that it would be within the power of the Federal Parliament to increase or decrease the number of representatives of the Senate for New Zealand, not being an original State?—That might be so; but I should hardly think that New Zealand would in any circumstances come in unless it were understood she came in on the same footing as the other States.

244. But after she came in the Parliament might still exercise that power and increase or diminish the number of representatives in the Senate, she not being an original State?—That appears so. I have not given particular attention to that, but that appears to be a defect. That is a matter that would have to be remedied if it came to be a question of negotiation upon what terms New Zealand came in. If the Constitution could be amended, that is one of the matters in respect to which it might be amended. There is power to amend the Constitution.

245. Yes; but what I want to know is this: Could there be any assurance there would be any finality of legislation in that respect?—It is hardly likely a body of people of British origin would deliberately legislate to the disadvantage of one member as compared with the others. It is improbable.

246. Are you aware that the representatives of the States of Victoria and New South Wales outnumber the whole of the representatives of the other States of the Commonwealth and New Zealand if she joined?—That is so in the Assembly, but not in the Senate. The counterpoise to that is supposed to be derived from the fact that if the small States grouped together they could outbalance the great States. It is the same as in the United States. The Senate is supposed to supply the balance for any inequality. One State with less than forty thousand inhabitants has the same representation as the great State of New York, with at least six million inhabitants.

247. Have you considered the provisions of the Act in reference to the alteration of the Constitution?—Yes; I see there is a power to alter the Constitution. I cannot at this moment recall the exact terms. There are checks upon it as in the United States.

248. Yes, there are checks on it; but the ultimate authority apparently is a referendum to the electors?—Yes.

249. Do you consider the provisions there are satisfactory, or such as New Zealand should consider it advisable to come under?—They seem to me as fair for one colony as for another. The same question has always been in evidence in the Constitution of the United States. In point of fact, it has been found so difficult to amend the Constitution of the United States that it has seldom been done. There the States are far more numerous, and the referendum a much more cumbrous matter than it would be under this Constitution.

250. As a lawyer, are you aware that there are differences in the commercial law of the Australian Colonies and New Zealand?—That is so.

251. Can you give the Commission any instances in which any inconvenience has arisen from those differences?—I cannot give examples. Occasionally inconvenience may arise, but I may say in a general way how singularly small are the inconveniences that arise from marked differences in the laws of different colonies or provinces. In New Zealand, where we had diversity of laws throughout the provinces, there was seldom any conflict or difficulty arising out of them, and that question, such as it is, will not be much altered under federation. Differences exist now. They lead occasionally to a little friction; but, on the whole, I think the matter is unimportant compared with the vast volumes of transactions that take place between the several colonies. That would not be much affected by federation, because those differences would go on. Very serious questions may crop up from differences in marriage laws. There are differences, and apparently growing difficulties, in the laws relating to marriage and divorce. Very serious questions occasionally crop up, but, though they are serious when they arise—serious to the parties—compared with