

Counsel for the importer made submissions at some length claiming that even if a ban on the books being allowed to go into general circulation was warranted, the particular individual who had sought to import them was to be regarded as being within a class to which such a restriction was not appropriate. He himself was called to give evidence as to his purpose in seeking to acquire the books and was permitted to address the tribunal and to express his view of the value of the books to a student of literature. He deposed to being a collector of all sorts of books, and to having a library of from 5,000 to 6,000 books. We accept that, as a student of literature, he is a keen collector of all sorts of books, but our function is to decide in respect of each book submitted to us whether it is indecent, or whether it is indecent unless circulation is restricted to specific persons or classes of persons.

As regards the two novels by Guillaume Apollinaire, the content of each is vile and revolting both as to the episodes related and the language used to describe them. But it was argued they should be judged by reference to the personality of the author. He was a French writer who was born in 1880 and died in 1918. He wrote a great deal including some poetry which it was claimed had merit and was not erotic in character. Counsel represented him as the "bright light" of literary Paris in his day, who had, it was said, rediscovered de Sade for his own era. He had, it would seem, a great admiration for de Sade and published a bibliography of de Sade. It may be that the foulness of the two novels was an attempt on his part to "out do" de Sade in his effort to suggest the extremes to which human beings might descend.

These two stories are undoubtedly obscene and in our opinion have no merit, literary or other. They could not properly be permitted to go into general circulation. But there is some force in the contention that the book should not be denied to persons bona fide engaged in the study of abnormal

psychology and though we condemn the book as indecent, we make a reservation—in terms of the statute—except in the hands of persons professionally engaged in the study of abnormal psychology. Whether any particular individual comes within that category is a question of fact which we are not called upon to decide. Accordingly, in terms of section 10 (b) of the Statute we classify the translation of the two novels written by Guillaume Apollinaire as indecent unless circulation is restricted to persons professionally engaged in the study of abnormal psychology, who desire to use them for that purpose. We so report.

De Sade's *Justine* is in quite another category. It is a well known work written about 1787 whilst the author was in the Bastille. He was born in 1740 and died in prison in 1814. It is said that *Justine's* narrative, which relates many sexual excesses and cruelties, is a representation of de Sade's own character as depicting his disgust at conditions prevailing. It must be conceded that it is a seriously written work, somewhat philosophic in character and though the episodes related are revolting the language used to describe them is not foul or offensive. Although as narrative, the book is indecent it is one which may reasonably be allowed to be available to psychologists or psychiatrists or to any adult bona fide student of literature or philosophy. It should too be available to any library controlled by a public or professional body on terms that it be issued only to such persons as have been enumerated above. We accordingly classify it as indecent unless its circulation is restricted to psychologists or psychiatrists or any adult bona fide student of literature or philosophy. We so report.

We make no order as to costs.

K. M. GRESSON, Chairman.

24 February 1965.

SUMMARY OF TRADING BANKS' MONTHLY RETURNS OF PRINCIPAL LIABILITIES AND ASSETS IN RESPECT OF NEW ZEALAND BUSINESS AS AT CLOSE OF BUSINESS ON 27 JANUARY 1965

In accordance with sub-section (4) of section 31 of the Reserve Bank of New Zealand Act 1964

(All amounts in New Zealand Currency)

LIABILITIES†						
(£N.Z. thousands)						
	Australia and New Zealand Bank Limited	Bank of New South Wales	Bank of New Zealand	The Commercial Bank of Australia Limited	The National Bank of New Zealand Limited	Totals
	£	£	£	£	£	£
1. Demand deposits in New Zealand.. .. .	68,689	42,655	128,669	24,427	59,679	324,119
2. Time deposits in New Zealand	16,081	12,065	15,635	3,995	8,611	*56,387
3. Liabilities elsewhere than in New Zealand incurred in respect of New Zealand business	916	233	1,265	209	5,028	7,651
4. Bills payable and all other liabilities in New Zealand, including balances due to other banks but excluding shareholders' funds	698	3,351	1,409	45	3,808	9,311
ASSETS‡						
(£N.Z. thousands)						
	Australia and New Zealand Bank Limited	Bank of New South Wales	Bank of New Zealand	The Commercial Bank of Australia Limited	The National Bank of New Zealand Limited	Totals
	£	£	£	£	£	£
1. Balances at Reserve Bank of New Zealand	19,950	13,327	29,944	7,981	16,231	87,433
2. Reserve Bank of New Zealand notes	3,144	1,305	11,079	606	2,973	19,107
3. New Zealand coin	424	252	752	157	365	1,950
4. Assets elsewhere than in New Zealand held in respect of New Zealand business	4,712	8,961	5,439	1,618	8,393	29,123
5. Advances in New Zealand and discounts of bills payable in New Zealand (excluding advances and discounts included under item 6)—						
(a) Advances	43,547	30,978	80,001	15,418	39,745	209,689
(b) Discounts	1,990	940	1,801	747	1,098	6,576
6. Term loans in New Zealand (including special export finance)	854	503	1,349	270	815	3,791
7. Investments held in New Zealand—						
(a) Government securities	4,351	501	11,695	945	4,418	21,910
(b) Other Investments	98	..	1,219	264	27	1,608
8. Cheques and bills drawn on other banks in New Zealand and balances with and due from other banks in New Zealand (excluding balances with Reserve Bank of New Zealand)	3,728	1,421	10,151	1,575	2,853	19,728
9. Book value of land, buildings, furniture, fittings, and equipment in New Zealand	1,815	1,086	6,571	1,010	2,403	12,885
10. All other assets in New Zealand	365	159	524

*Includes Wool Retention Accounts, £5,498.

†Aggregate Unexercised Overdraft Authorities, £184,685.

‡Excluding shareholders' funds, contingencies, inter-branch accounts within New Zealand, and certain transit items.

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